

Rural Municipality of Macdonald

Sanford

Manitoba

MINUTES OF THE MEETING OF COUNCIL OF MAY 11, 2010

A regular meeting of the Council of The Rural Municipality of Macdonald was held in the Council Chambers at Sanford, Manitoba on Tuesday, May 11, 2010, commencing at 9:00 a.m. In attendance were: Reeve R. Burns and Councillors D. Dobrowolski, G. Lavallee, R. Kirouac, R. Morse, C. Bisson, B. Erb and W. T. Raine, CAO.

173/10 Agenda

D. Dobrowolski: G. Lavallee: BE IT RESOLVED: THAT the meeting agenda for May 11, 2010 prepared by the Reeve and Chief Administrative Officer be hereby approved subject to the following additions:

1. Manitoba Hydro BiPole III Route
2. By-Law No. 8/09 – Administration Staff
3. Subdivision Application – R. & K Hewett, N ½ NW 9-9-2E
4. Map 3 Oak Bluff – MRPD Development Plan
5. Draft Development Agreement – D. Caplette
6. Field Drain
7. Recruitment of Sanford Fire Fighters
8. Grass Clippings in La Salle River – La Salle

Carried.

174/10 Minutes

R. Morse: D. Dobrowolski: WHEREAS a copy of the minutes has been provided to each member of Council;

THEREFORE, BE IT RESOLVED: THAT the Council of The Rural Municipality of Macdonald waive the reading of the minutes of the regular meeting of April 27, 2010;

AND THAT the minutes be adopted.

Carried.

175/10 Accounts

B. Erb: R. Kirouac: BE IT RESOLVED: THAT accounts numbered 20100801 to 20100895 dated May 11, 2010 totalling \$251,030.47 be approved and paid.

Carried.

176/10 Special Services

C. Bisson: R. Kirouac: BE IT RESOLVED: THAT travel allowances and other services and expenses allowed under By-Law No. 24/09 be paid to members of council as shown in affidavit of members.

Carried.

177/10 Financial Statement

B. Erb: C. Bisson: BE IT RESOLVED: THAT the financial statement for the month ended April 30, 2010 be received.

Carried.

178/10 Machine Rentals

G. Lavallee: R. Morse: BE IT RESOLVED: THAT the Road Machine Rentals for the period March 28 – April 24, 2010 be charged to the accounts and other users at the established rate:

<u>Description</u>	<u>Total Hours</u>
Road Maintenance	664.0
Drainage	246.5
Disposal Sites	3.0
Water Distribution	8.0
Parks & Playgrounds	17.5
TOTAL	939.0

Carried.

179/10 No Truck Route Restrictions

G. Lavallee: D. Dobrowolski: WHEREAS By-Law No. 3/10 designates certain municipal roads as No Truck Routes during the period commencing on March 25th and ending on May 25th each year;

THEREFORE; BE IT RESOLVED: THAT the No Truck Route restrictions be lifted for 2010 on May 11, 2010.

Carried.

180/10 Grant of Easement, pt SE¼ 17-8-2EPM

D. Dobrowolski: R. Morse: BE IT RESOLVED: THAT the signing officers on behalf of the Rural Municipality of Macdonald be authorized to sign the Manitoba Hydro Electric & MTS Communications Inc. Grant of Easement File No. 2009-915-1 & 2 CPS File No. 4146-09-5204, for easement across a portion of Water Control Plan 16424 WLTO as shown on a Plan of Easement for Utilities across part of SE¼ 17-8-2EPM as prepared by Stoffel Surveys, Hydro Project #2009-915.

Carried.

Conflict of Interest - Dobrowolski

Under the requirements of Section 5(1) of "The Municipal Council Conflict of Interest Act", Councillor D. Dobrowolski disclosed that he had a direct pecuniary interest in the matter to be considered by Council. Councillor Dobrowolski withdrew from the Council Chambers without further participation in the matter under consideration.

181/10 By-Law No. 13/10 – Development Agreement

– D. Dobrowolski & O. Dobrowolski, NE 27-7-1E

C. Bisson: R. Kirouac: BE IT RESOLVED: THAT By-Law No. 13/10 authorizing the entering into of a Development Agreement with Douglas Dobrowolski and Olga Dobrowolski respecting the development of land in part of the NE¼ 27-7-1E;

BE READ THE FIRST TIME.

Carried.

Councillor Dobrowolski

D. Dobrowolski returned to the meeting.

Global Homes – Sanford

Bernhard Goertzen and Perry McDonald with Global Homes attended the meeting requesting that the municipality allow them to phase their 38 lot subdivision in Sanford into two phases consisting of 19 lots in the first phase and 19 lots in the second phase. They proposed that all the underground services would be installed for the entire 38 lots and the streets and LDS would be installed on Lone Oak Close as part of the first phase. It was suggested that they were prepared to enter into an agreement with the

municipality to prevent the sale of lots in phase 2 prior to the completion of the streets, LDS and lot connections.

182/10 Conditional Use 16/10 – Saint Mark Coptic Orthodox Church Inc., Sec 2-10-2E

B. Erb: R. Kirouac: WHEREAS the “ML” Industrial Light Zone of the Rural Municipality of Macdonald Zoning By-Law, as amended, provides that Religious Assembly may be considered as a conditional use;

THEREFORE, BE IT RESOLVED: THAT Conditional Use Order No. 16/10 of Saint Mark Coptic Orthodox Church Inc. affecting

Lots 8, 9, and 10, Plan 47966 as the same is shown on a Plan of Subdivision of part of Section 2, Township 10, Range 2 EPM

BE DENIED.

Carried.

183/10 Conditional Use No. 10/10 – Soul Sanctuary Inc., McGillivray Blvd.

B. Erb: C. Bisson: WHEREAS the “ML” Industrial Light Zone of the Rural Municipality of Macdonald Zoning By-Law, as amended, provides that a Religious Assembly may be considered as a conditional use;

THEREFORE, BE IT RESOLVED: THAT Conditional Use Order No. 10/10 of Soul Sanctuary Inc. (James Braun Const. Co. Ltd., B. Braun and G. & C. Duffy – property owner affecting

Lots 1 to 4 inclusive, Plan 7744 (3850, 4000, 4040 and 4080 McGillivray Blvd)

BE DENIED.

Carried.

184/10 Manitoba Hydro – BiPole III Route

R. Kirouac: c. Bisson: WHEREAS the Province of Manitoba has proposed the construction of a third BiPole hydro line along the west side of Lake Winnipeg;

AND WHEREAS the cost including additional line losses would be approximately \$2.477 billion to construct on the west side of the lake and approximately \$1.837 billion to construct on the east side of the lake;

AND WHEREAS the length traversing private land would be 27 to 39 percent on the west side of the lake and minimal on the east side of the lake;

AND WHEREAS the total length of the BiPole III route is expected to be 1,290 to 1,485 km on the west side of the lake and 885 km on the east side of the lake;

AND WHEREAS the total number of towers required will be 2,405 to 2,760 on the west side of the lake and 1,650 on the east side of the lake;

AND WHEREAS the number of health concerns are high due to the large population along the proposed BiPole III route;

THEREFORE, BE IT RESOLVED: THAT the Rural Municipality of Macdonald is hereby opposed to any construction routes of BiPole III along the west side of Lake Winnipeg.

Carried.

**185/10 By-Law No. 8/09
– Amending Designation & Payment of the Administration Staff**

R. Morse: G. Lavallee: BE IT RESOLVED: THAT By-Law No. 8/09 to amend By-Law No. 29/08 for the Designation and Payment of the Administration Staff;

BE READ THE THIRD TIME and finally passed and that the Reeve and Chief Administrative Officer be hereby authorized to sign the by-law on behalf of the Council of the Rural Municipality of Macdonald.

Under the requirements of Section 137 of the Municipal Act a record of the voting on the third reading of a by-law must be shown in the minutes.

Vote: 7 — FOR R. Burns, D. Dobrowolski, G. Lavallee,
R. Kirouac, R. Morse, C. Bisson, B. Erb
0 — AGAINST

Carried.

186/10 Subdivision Application – R. & K. Hewett, N½ NW 9-9-2E

B. Erb: R. Kirouac: WHEREAS Richard & Kathee Hewett have made application to Community Planning Services for a consolidation on NW 9-9-2 EPM;

AND WHEREAS the requirements of the “AG” Agricultural General Zone of the Rural Municipality of Macdonald Zoning By-Law as amended provides for a minimum site area of 80 acres;

THEREFORE, BE IT RESOLVED: THAT Subdivision Application No. 4146-10-5276 affecting

N½ NW¼ 9-9-2 EPM

BE APPROVED subject to the following conditions:

1. Approval of a variation order for the residual parcel;
2. Consolidation of the proposed 38.9 acre parcel with the adjacent 78.03 acre parcel held under Certificate of Title No. 125984;
3. The applicant will be responsible for all municipal survey costs associated with the Survey Monument Restoration Program; and
4. Payment of the Capital Levy under By-Law No. 3/04 be waived.

Carried.

187/10 Meeting Recess

B. Erb: C. Bisson: BE IT RESOLVED: THAT the meeting of Council be hereby recessed for the purpose of holding a Public Hearing in the matter of:

11:00 a.m. – Conditional Use 19/10 – Samborski Garden Supplies Ltd.,
W½ NE 23-9-2E

11:00 a.m. – Conditional Use 20/10 – Reginald Wiens, SE 6-8-3E

AND to reconvene at the conclusion of the Public Hearing.

Carried.

Manager of Public Works

Grant Baker, Manager of Public Works, attended the meeting to discuss the drainage program; gravel and dust control program; rout and crack repairs to village streets; maintenance schedule for the sewer lift stations; and water plant staff.

188/10 Reports

C. Bisson: B. Erb: BE IT RESOLVED: THAT the following reports be received as information:

- a) Report of the Public Works Manager, May 11/10
- b) Report of the Oak Bluff & Area Subdivision committee meeting, May 3/10
- c) Report of the meeting with Manitoba Infrastructure & Transportation on closed bridge over the La Salle River on P.R. No. 334 N9-8-1E, May 7/10

Carried.

189/10 Correspondence

G. Lavallee: D. Dobrowolski: BE IT RESOLVED: THAT the following correspondence be received as information:

- a) D. J. Unruh, Executive Consultant, Partnership of the Manitoba Capital Region, Apr. 1/10 – Annual membership fees (1320-0085)

- b) Copy of letter to R. Gray, CPS Portage from G. Parker, P.Eng., Project Planning Engineer, Manitoba Infrastructure & Transportation, Apr. 1/10 – Proposed Subdivision NE 3-10-2E, Brockie-Donovan Ltd.
- c) Acting Registrar General & COO, The Property Registry, Apr. 6/10 – New Fees for Land Titles & Personal Property Registry (1215-0065)
- d) R. G. Miller, C.E.T., Partner, Thomas Design Builders Ltd., Apr. 19/10 – Development Agreement Esso C-Store
- e) L. O'Brien, Chief Customer Officer & P. Melanson, Senior Vice-President, Sales, Canada Post, Apr. 19/10 – Postal Transformation updates (7124-0140)
- f) P. Guyader, Director Of Operations, Manitoba Infrastructure & Transportation, Apr. 20/10 – JEPP Application #459 (2510-0010)
- g) Copy of letter to J. Last, from A. Rivers, Chairperson, The Highway Traffic Board, Apr. 22/10 – Highway Traffic Board permit, SW 30-9-2E (3000-0020)
- h) Copy of letter to P. & K. Thiessen, from R. Gibbons, Secretary, The Manitoba Municipal Board, Apr. 22/10 - Public Hearing, May 21: Building Restriction Caveat (6100-0100)
- i) W. Taillieu, Taillieu Construction, Apr. 22/10 – Invitation to 50th Anniversary Open House, Jun 10/10 (1100-0010)
- j) C. L. Jones, Fire Commissioner of Manitoba, Apr. 22/10 – Implementation of an Effective Wildfire Prevention Strategy (2400-0020)
- k) R. Gibbons, Secretary The Manitoba Municipal Board, Apr. 22/10 – Public Hearing, May 31, La Salle: RM of Macdonald By-Law No. 2/10
- l) Association of Manitoba Municipalities, Apr. 23/10 – News Bulletin (1320-0060)
- m) M. Shyiak, Secretary Maskrey Estates Tenant's Association, Apr. 24/10 – Dust Problem on Halland Drive (3231-0010)
- n) Copy of letter to Prairie By-Law Enforcement Service from D. Tripp, Executive Director, Summary Convictions Courts, Manitoba Justice, Apr. 26/10 – Common Offence Notices (3231-0070)
- o) R. Gallant, Apr. 26/10 – Oak Bluff “confusion corner” Pedestrian Cross Walk (3290-0070)
- p) M. Letemplier, GIS Technician, Water Control Works & Drainage Licensing, Manitoba Water Stewardship, Apr. 26/10 – Acknowledgement of receipt for Licence to Construct Drainage Works (7124-0010)
- q) C. Martin, Prairie By-Law Enforcement Ltd., Apr. 27/10 – No Truck Route Report, Apr. 13-24/10 (3231-0070)
- r) Association of Manitoba Municipalities, Apr. 29/10 – Member Advisory: Sewage Ejector Q & A (1320-0060)
- s) P. Backstrom, Driver Services Representative, Bulk Operations, Kleysen Group LP, Apr. 29/10 – Complaint re: Samborski (4330-0010)
- t) D. Fortier, CEO, CD Coordinator, Community Futures Triple R Corporation, Apr. 28/10 – Farm Credit Canada: The FCC AgriSpirit Fund (1320-0030)
- u) Association of Manitoba Municipalities, Apr. 30/10 – Member Advisory: Waste Reduction & Recycling support Program Information Update (4330-0055)
- v) Association of Manitoba Municipalities – Education 2010: Strategic Thinking at the Speed of Change (1320-0060)
- w) J. Radke, Financial/Administrative Assistant, Red River Basin Commission, Apr. 29/10 – Board Meeting Agenda, May 6/10 (7200-0020)
- x) Prairie By-Law Enforcement Ltd. – Animal Control Report for April 2010 (2640-0020)
- y) Federation of Canadian Municipalities, May 4/10 – Municipal Marketplace (1320-0075)
- z) W. T. Raine Secretary-Treasurer Macdonald-Ritchot Planning District & F. May, CAO, R. M. of Ritchot – Notice of Public Hearing, June 1 & 2: By-Law No. 2/10 Revised Macdonald-Ritchot Development Plan (6100-0010)
- aa) Manitoba Centre for Health Policy, Apr/10 (5160-0060)
- bb) M. Bestland, Manager Brunkild Ag Retail and K. Klimpke, Regional Manager Manitoba, Viterra Inc. – Information regarding change of ownership (7123-0010)
- cc) J. Creighton, May 3/10 – Road Conditions (3231-0010)

- dd) A. Warkentin, Water Services Department, May 5/10 – Effect of Recent Rainfall on Water Conditions in southern Manitoba (2520-0020)
- ee) Association of Manitoba Municipalities – 2010 June District Meeting, June 15/10, La Riviere (1320-0060)
- ff) J. Champagne, EM. Mgt., Com., Dev., CD, Manitoba EMO, SE Regional Manager, May 6/10 – Emergency management for Community Officials (2510-0010)
- gg) Candice Hoepfner, MP Portage-Lisgar, May 6/10 – Media Release (2100-0010)
- hh) Federation of Canadian Municipalities, May 7/10 – Marketplace: Letter to Prime Minister S. Harper from B. McMullan, Mayor, City of St. Catharines, Nov. 24/10 re: Royal Canadian Legion exemption for poppies (1320-0075)
- ii) B. McIvor, Malach, May 6/10 – removal of top soil (7124-0125)
- jj) L. Baker, Manager, Client Service, Western Financial Group, May 5/10 – Oak Bluff Arena Insurance Premium Increases (1330-0010)
- kk) R. Gibbons, Secretary, The Manitoba Municipal Board, Apr. 30/10 – Subdivision Appeal , NW 22-9-12W
- ll) P. Belanger, Executive Director, Manitoba Culture, Heritage, Tourism & Sport, May/10 – Guidelines & applications available on website (8111-0125)
- mm) S. Topping, P.Eng., Executive Director, Regulatory & Operational Services, Manitoba Water Stewardship, Apr. 26/10 – Water Resources Administration Act & Manitoba Regulation 59/2002 (2520-0060)
- nn) M. Podaima, Sec. Treas, Starview Manor Society Inc. – Sidewalk concerns on River Ave, Starbuck (3233-0010)
- oo) Copy of letter to G. Gluska from C. Friesen, Executive Assistant to Candice Hoepfner, MP, Apr. 29/10 – Funding for La Salle Community Centre, La Salle (7124-0180)
- pp) W. & P. Fizell, Apr. 30/10 – School bus parking concern, La Salle (9110-0010)
- qq) W. Weaver, Environmental Review Officer, Manitoba Water Stewardship, May 7/10 – Subdivision Application No. 4146-07-4959 (Petty)
- rr) D. Booker, Business Development, ATGIS Geomatics Inc., Apr. 21/10 – Orthophoto dataset May 2009
- ss) M. Matview, C.E.T., Project Manager, Genivar, May 10/10 – Engineer comments on Mears Capital/Pfrimmer servicing plans
- tt) D. Unruh, Partnership of the Manitoba Capital Region, May 10/10 – Capital Region-Wide Plan for the accommodation of Residential Housing Needs (1320-0085)

Carried.

190/10 Conditional Use No. 20/10 – R. & E. Wiens, pt SE 6-8-3E

D. Dobrowolski: G. Lavallee: WHEREAS the “AG” Agricultural General Zone of the Rural Municipality of Macdonald Zoning By-Law, as amended, provides that a Livestock Production Operation of 10 Animal Units or larger may be considered as a conditional use;

THEREFORE, BE IT RESOLVED: THAT Conditional Use Order No. 20/10 of Reginald & Edward Wiens affecting

SE 6-8-3E ex. Nly 115’ perp of Ely 675’ perp ex. WCW 11279 and ex.
WCW 12692 located at 2 310 Andrechuk Road

BE APPROVED to allow the expansion of an existing 44 cow dairy operation to a maximum of a 70 cow dairy operation equivalent to 140 animal units subject to the application for a development permit for the construction of the proposed 207.5’ x 64’ addition to the existing barn.

Carried.

191/10 Variation No. 21/10 – R. & E. Wiens, pt SE 6-8-3E

D. Dobrowolski: R. Morse: WHEREAS the “AG” Agricultural General Zone of the Rural Municipality of Macdonald Zoning By-Law, as amended, provides that the minimum

separation between a livestock production operation in the range of 101 – 200 animal units (LPO) and a residential dwelling is 2,000 feet;

THEREFORE, BE IT RESOLVED: THAT Variation No. 21/10 of Reginald & Edward Wiens affecting

SE ¼ 6-8-3E ex Nly 115' perp of Ely 675' perp ex WCW 11279, ex WCW 12692 located at 2310 Andrechuk Road

BE APPROVED to allow the expansion of the existing LPO located 1,640 feet, 840 feet and 720 feet respectively from single family dwellings in NE 6-8-3E and River Lot 627 to 639, Parish of Ste. Agathe not owned by the operator of the LPO.

Carried.

192/10 Adjourn

R. Morse: D. Dobrowolski: BE IT RESOLVED: THAT this meeting adjourn. Time: 4:30 p.m.

Carried.

THE RURAL MUNICIPALITY OF MACDONALD

Original Signed by

"R. Burns"

Reeve

"W. T. Raine"

Chief Administrative Officer

--- APPENDIX 1 ---

RURAL MUNICIPALITY OF MACDONALD
PUBLIC HEARING
May 11, 2010

Minutes of proceedings of Public Hearings held in the Council Chambers of the Rural Municipality of Macdonald at Sanford, Manitoba on Tuesday, May 11, 2010 in regards to:

- 11:00 a.m. – Conditional Use 19/10 – Samborski Garden Supplies Ltd.,
– W½ NE 23-9-2E
- 11:00 a.m. – Conditional Use 20/10 & Variation No. 21/10
– Reginald Wiens, SE 6-8-3E

Attendance

Reeve R. Burns and Councillors D. Dobrowolski, G. Lavallee, R. Kirouac, R. Morse, C. Bisson, B. Erb and W. Tom Raine, Chief Administrative Officer.

Notice of hearing was given in accordance with the requirements of the Planning Act for all matters under consideration at this hearing.

Conditional Use No. 20/10 & Variation No. 21/10 – Reginald Wiens, SE 6-8-3E

Reginald Wiens attended in support of his application to expand an existing dairy operation from 44 cows to 70 cows equivalent to 140 animal units.

Conditional Use No. 19/10 – Samborski Garden Supplies Ltd., NE 23-9-2E

John and Len Samborski attended in support of their application to locate their landscape contractor and composting business presently on McGillivray Blvd in the municipality to a location at the north east corner of the intersection of PTH #100 and Brady Road on NE 23-9-2E. Information in regards to how the composting activities would be conducted on the site was provided.

Brent Hansen with Brent Hansen Environmental attended to provide details on the activities associated with a composting facility based on his experience of operating a similar operation just outside of Brandon. An Environmental Act Proposal is required to be submitted to Manitoba Environment and a license is issued that details the type of products that can be recycled at an approved facility.

Ian Corbett, Associate Broker with Shindico attended in support of the application.

Ken Maes attended requesting information on how the composting activities at the proposed new location would reduce odours.