

Rural Municipality of Macdonald

Sanford

Manitoba

MINUTES OF THE MEETING OF COUNCIL OF MAY 25, 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 25, 2010, commencing at 3:00 p.m. In attendance were: Reeve R. Burns and Councillors D. Dobrowolski, B. Rex, R. Kirouac, C. Bisson, B. Erb and W. T. Raine, CAO.

193/10 Agenda

B. Rex: D. Dobrowolski: BE IT RESOLVED: THAT the meeting agenda for May 25, 2010 prepared by the Reeve and Chief Administrative Officer be hereby approved subject to the following additions:

1. Association of Manitoba Municipalities – June District Meeting
2. Performance Deposit – 5515239 Manitoba Ltd.
3. Community Signs – Brunkild & Domain
4. Federal Gas Tax Funding Agreement
5. Sanford LDS
6. La Salle School Driveway
7. La Salle Road

Carried.

194/10 Minutes

D. Dobrowolski: B. Rex: 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 May 11, 2010;

AND THAT the minutes be adopted.

Carried.

195/10 Accounts

B. Erb: C. Bisson: BE IT RESOLVED: THAT accounts numbered 20100896 to 20100987 dated May 25, 2010 totalling \$418,200.66 be approved and paid.

Carried.

196/10 By-Law No. 14/10 – Amending Designation & Payment of the Public Works Employees

B. Erb: R. Kirouac: BE IT RESOLVED: THAT By-Law No. 14/10 to amend By-Law No. 28/08 for the Designation and Payment of the Public Works Employees;

BE READ THE FIRST TIME.

Carried.

197/10 Election Officials Remuneration

C. Bisson: R. Kirouac: BE IT RESOLVED: THAT the Council of the Rural Municipality of Macdonald authorize the remuneration for Election Officials for the 2010 Municipal Election as follows:

- | | |
|--------------------------|---|
| Deputy Returning Officer | – \$180.00 per Election Day |
| Poll Clerk | – \$150.00 per for Election Day |
| Training | – \$12.00 per Hour (All Election Officials) |
| Mileage | – \$ 0.40 per Km. (All Election Officials) |

Polling Station Rental Rate – \$150.00

Carried.

198/10 Equipment Warranty Reserve

D. Dobrowolski: B. Rex: WHEREAS Section 169(7) of the Municipal Act provides that no public notice or public hearing is required for an expenditure funded by a transfer from a specific purpose reserve unless the expenditure is for a purpose other than that for which the reserve fund was established;

THEREFORE, BE IT RESOLVED: THAT the withdrawal of \$6,801.32 from the Equipment Warranty Reserve BE APPROVED for repairs on the motor graders.

Carried.

199/10 Gravelling Unimproved Road Allowance

B. Erb: R. Kirouac: WHEREAS Transportation Services, Section 2(e) of the Rural Municipality of Macdonald Policy Manual requires the approval of Council for the gravelling of an unimproved road allowance;

THEREFORE, BE IT RESOLVED: THAT the gravelling of an unimproved portion of Road 51NW north of Section 13-9-1E BE APPROVED subject to the application for a building permit and payment in full for the cost of gravelling.

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.

200/10 By-Law No. 13/10 – Development Agreement

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

C. Bisson: B. Erb: 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 SECOND TIME.

Carried.

201/10

B. Erb: R. Kirouac: BE IT RESOLVED: THAT By-Law No. 13/10 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: 5 — FOR R. Burns, B. Rex, R. Kirouac, C. Bisson, B. Erb
0 — AGAINST

Carried.

202/10 MTS Plan Approval – pt 20-8-1E

B. Rex: D. Dobrowolski: BE IT RESOLVED: THAT MTS Communications Inc. File No. 9073973–AMM dated May 18, 2010 for the proposed push across Municipal Road 1E, to place one new ped 9m north of Municipal Road 45NE and also to place two new peds on Municipal Road 45NE BE APPROVED subject to the following conditions:

1. Minimum 48 hours notice prior to construction;
2. Locating of municipal services prior to construction including repair of any damages and payment of related compensation;
3. The tunneling of all services across municipal road allowances;

- 4. All cable shall be a minimum of one metre below the ditch;
- 5. The restoration of all roads and drainage ditches including topsoil and reseeded to the satisfaction of the municipality;
- 6. Commencing from a date five years from the date of this approval and subject to the provision of a minimum of six months notice, the municipality will not be financially responsible for relocating any facilities of MTS Communications Inc. if this becomes necessary for municipal planning or other reasons;
- 7. Subject to cable locates provided by MTS Communications Inc. the municipality is not liable for any damages, economic loss, legal costs or physical restoration; and
- 8. Payment of a \$150.00 administration fee.

AND THAT the Chief Administrative Officer be authorized to sign the plan of the proposed installation on behalf of the Rural Municipality of Macdonald.

Carried.

203/10 Manitoba Liquor Commission – Beer Gardens

B. Rex: D. Dobrowolski: BE IT RESOLVED: THAT the Council of the Rural Municipality of Macdonald approves the application for Beer Gardens in conjunction with the community activities planned for:

June 19, 2010 Starbuck Recreation Association Annual Picnic & Slo-pitch Tournament

Carried.

204/10 Association of Manitoba Municipalities – 2010 June District Meeting

B. Rex: D. Dobrowolski: BE IT RESOLVED: THAT all members of Council and W. T. Raine, CAO be authorized to attend the Association of Manitoba Municipalities 2010 June District Meeting, June 15, 2010 in La Riviere;

AND THAT expenses be paid.

Carried.

205/10 5515239 Manitoba Ltd. – Performance Deposit

B. Erb: R. Kirouac: WHEREAS Article 4.03 of the development agreement between 5515239 Manitoba Ltd. and the municipality required the developer to provide a performance deposit for the purpose of insuring due compliance with the provisions of the agreement;

AND WHEREAS the performance deposit can be refunded upon satisfactory completion of the provisions of the development agreement and the approval of the municipality;

THEREFORE, BE IT RESOLVED: THAT the Chief Administrative Officer be authorized to release \$5,000.000 of the Performance Deposit to 5515239 Manitoba Ltd.

Carried.

206/10 Community Signs – Domain & Brunkild

C. Bisson: D. Dobrowolski: BE IT RESOLVED: THAT the purchase of two 8' x 16' dibond signs for the community of Brunkild and Domain from John Henry Creations Inc. at a cost of \$1,675.00 each plus taxes BE APPROVED.

Carried.

207/10 Federal Gas Tax Funding Extension Agreement

D. Dobrowolski: B. Rex: WHEREAS the Province of Manitoba and the Government of Canada have signed an amendment to the Canada-Manitoba Gas Tax Agreement to extend the transfer of Federal gas taxes to Manitoba Municipalities for four years – 2010/11 to 2013/14;

AND WHEREAS the municipality is required to sign an Extension Agreement with the Province of Manitoba in order to continue receiving gas tax funding during the four years - 2010/11 to 2013/14;

THEREFORE: BE IT RESOLVED: THAT signing officers on behalf of the Council of the Rural Municipality of Macdonald be authorized to sign the Federal Gas Tax Funding Extension Agreement with the Province of Manitoba.

Carried.

Comeau – 61 First Ave., La Salle

Fernand Comeau attended the meeting concerned with the events leading to the application of dust control on PR No. 247 in La Salle adjacent to his parent’s home at 61 First Ave.

Councillor Lavallee

G. Lavallee attended the meeting at 5:10 p.m.

208/10 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:

- 5:30 p.m. – By-Law No. 9/10 – Macdonald Zoning By-Law Amendment
– Map 2, Sanford
Variation 5/10 – R. Carriere & G. Johnson, Lot 9-9756, Sanford

- 5:30 p.m. – Conditional Use 23/10 – Precision Stone, pt SW 11-10-2E

AND to reconvene at the conclusion of the Public Hearing.

Carried.

**209/10 By-Law No. 9/10 – Macdonald Zoning By-Law Amendment
– Map 2, Sanford**

B. Rex: G. Lavallee: BE IT RESOLVED: THAT By-Law No. 9/10 authorizing the amendment of Zoning By-Law No. 15/95, District Map 2, Sanford, as amended, as follows:

1. To re-zone an area described as
Lot 9, Plan 9756 in SE¼ 30-8-1 EPM as the same is shown shaded
on the attached Schedule “A”
be hereby reclassified from "RG" Residential General Zone to "RG-1" Residential
General-1 Zone.

BE READ THE SECOND TIME.

Carried.

210/10

D. Dobrowolski: B. Rex: BE IT RESOLVED: THAT By-Law No. 9/10 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, B. Rex
R. Kirouac, C. Bisson, B. Erb

0 — AGAINST

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; proposed sidewalk repairs; and the condition of the bridge E25-8-1W

211/10 Variation No. 5/10 – Carriere/Johnson, Lot 9-9756, Sanford

B. Rex: D. Dobrowolski: WHEREAS Subdivision Application No. 4146-08-5124 of Ronald Carriere and Gordon Johnson was approved by the Council of the Rural Municipality of Macdonald at its meeting of March 23, 2010;

AND WHEREAS the “RG-1” Residential General Zone of the Rural Municipality of Macdonald Zoning By-Law, as amended, provides for a minimum site width of 70 feet;

THEREFORE, BE IT RESOLVED: THAT Variation No. 5/10 affecting

Part of Lot 9-9756 (26 Railway Avenue) Sanford

BE APPROVED to allow a site width of 69 feet on proposed Lot 4 of a proposed subdivision of Lot 9-9756.

Carried.

212/10 Reports

G. Lavallee: B. Rex: BE IT RESOLVED: THAT the following reports be received as information:

- a) Report of the Public Works Manager, May 20/10
- b) Minutes of the Macdonald-Ritchot Planning District meeting, May 17/10
- c) Minutes of the Association of Rural Municipalities Capital Region meeting, May 6/10
- d) Report of La Salle Subdivision Committee meeting, May 18/10

Carried.

213/10 Correspondence

R. Kirouac: B. Erb: BE IT RESOLVED: THAT the following correspondence be received as information:

- a) Prairie By-Law Enforcement Ltd. – No Truck Route Report, April 26-May 8/10 (3231-0070)
- b) B. Draft, Regional Sales Manager – Central Canada, Atlantic Industries Limited, Apr. 26/10 – New Technical Sales Representative (9110-0240)
- c) A. Gorda, Secretary, Inglis & Area Heritage Committee, Apr. 30/10 – Invitation to support historical site (8111-0125)
- d) C. Mitchell, Right-of-Way Coordinator, Imperial Oil, May 1/10 – Pipeline Safety & Awareness – About our Winnipeg Pipeline Operation (7124-0365)
- e) R. Lemieux, Minister of Local Government, May 6/10 – Federal Gas Tax Funding Extension Agreement – 2010/11 to 2013/14 (7124-0175)
- f) C.K. Redmann, May 7/10 – Drainage in ditches River Heights, La Salle
- g) D. Brooks, General Manager/Owner, Days Inn, May 7/10 – Letter of appreciation of business (1100-0010)
- h) Association of Manitoba Municipalities, May 10/10 – News Bulletin (1320-0060)
- i) C. Bossuyt, Oak Bluff, May 10/10 – gravel situation in front of driveway (3235-0010)
- j) T. Van Deynze, Executive Director, Manitoba Good Roads Association, May 10/10 – 2010 Annual Competition (1320-0060)
- k) Federation of Canadian Municipalities, May 10/10 – Members Advisory: FCM Rights-of-Way Outreach Campaign Website Invitation to Staff (1320-0075)
- l) J. Enns, The La Salle Fellowship Community Church, May 11/10 – Taxation & Bond
- m) J. Kohler, May 11/10 – Haying of Brunkild Dyke in 2010 (2520-0030)
- n) E. Rempel, Administrative Assistant, Association of Manitoba Municipalities, May 11/10 – Support for an Ecological Goods and Services Program in Canada (1320-0060)
- o) A. Darby, Service Canada, May 11/10 – Canada Summer Jobs application (7124-0190)
- p) B. C. Effler, A/Registrar-General & COO, The Property Registry, May 12/10 – Consumer Alert: Tax Sale and Mortgage Sale Scams (1215-0065)
- q) G. Vielfaure, District Supervisor, Portage Assessment Office, May 12/10 – Board of Revision for 2011 Assessment Roll

- r) Federation of Canadian Municipalities – News week of May 10 (1320-0075)
- s) R. Gray, Planning Assistant, Manitoba Intergovernmental Affairs, Community Planning Services, May 12/10 – Proposed Subdivision application, R. Morse, S½ NE 29-9-1W
- t) R. Ransby, President & R. Lee, Secretary, Towers Realty Group Ltd., May 13/10 – Subdivision & related Conditional Use Application, Lot 1 & 2-1-17491 (7124-0010)
- u) C. Leach, Regional Manager, Manitoba Intergovernmental Affairs, Community Planning Services, May 14/10 – Proposed Subdivision Report, Brockie-Donovan Ltd., Lots 1 & 2, Blk 2, Plan 17491 (NE 3-10-2E)
- v) D. Gladden, Manager, Prairie Fuel Advisors (2008) Ltd., May 13/10 – RFP Results (3222-0010)
- w) P. Samborski, Samborski Garden Supplies Ltd., May 13/10 – Invite to come to composting facility
- x) Federation of Canadian Municipalities, May 13/10 – Member Advisory: Wastewater Treatment Regulation (1320-0075)
- y) Manitoba Intercity Bus Project Team, Manitoba Infrastructure & Transportation, May 17/10 – Manitoba's bus service (6100-0100)
- z) R. Gray, Planning Assistant, Manitoba Intergovernmental Affairs, Community Planning Services, May 17/10 – Proposed Subdivision application, 5210780 Manitoba Ltd., NE 29-8-1E
- aa) R. Gray, Planning Assistant, Manitoba Intergovernmental Affairs, Community Planning Services, May 17/10 – Proposed Subdivision application, L. Brick, NE 35-8-2E
- bb) May 18/10 – Dog Complaints, Starbuck (2640-0020)
- cc) W. Cooke, The Canadian Cancer Society MB Division – Invitation to Industry Exchange Session “A Community of Cancer Fighters”, May 29, Toronto (1320-0075)
- dd) K. Gibson, Secretary-Treasurer, Grey-St. Claude Planning District – Notice of Public Hearing, June 1/10, St. Claude (6100-0100)
- ee) Manitoba Pork Council, Spring 2010 – Horizons (6100-0170)
- ff) Copy of letter to D. Morran, Manitoba Hydro-Property Dept., from E. Botterill, Land Administrator, Crown Lands & Property Agency, May 5/10 – Easement for Fibre Optic Cable on Drain Plan 1370 (7124-0330)
- gg) Meyers Norris Penny Limited – Trustee, May 14/10 – Notice of Bankruptcy (1216-0010)
- hh) S. Scribner, P.Eng., Contract Administrator, SNC Lavalin, May 17/10 – West Dyke Dust Control (2520-0050)
- ii) Federation of Canadian Municipalities, May 18/10 – Member Advisory: Annual Conference, Toronto (1320-0075)
- jj) Federation of Canadian Municipalities, May 19/10 – Week of May 19 (1320-0075)
- kk) Federation of Canadian Municipalities, May 19/10 – FCM Board of Directors – Manitoba Director, Elect M. Plett, City of Winkler (1320-0075)
- ll) R. Gray, Planning Assistant, Manitoba Intergovernmental Affairs, Community Planning Services, May 20/10 – Proposed Subdivision Report, D. Lewko, Lot 1-45246 (N½ 10-8-1EPM)
- mm) S. Murray, CAO, RM of Dufferin – Notice of Public Hearing, June 8/10 (6100-0100)
- nn) Manitoba Association for Resource Recovery Corp – 2009 Annual Report (4330-0055)
- oo) T. Comack, B.B.A., Land Development Manager, Ventura Land Company, May 20/10 – Residential Development, Oak Bluff, 25-9-1E

Carried.

214/10 Conditional Use No. 23/10 – Precision Stone, pt SW 11-10-2E

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

THEREFORE, BE IT RESOLVED: THAT Conditional Use Order No. 23/10 of Precision Stone – Brock Coutts (Hreit Holdings 70 Corporation - property owner) affecting

All that portion of fractional SW 11-10-2E lying north of PTH No. 3 known as 2595 McGillivray Blvd. in the R.M. of Macdonald

BE APPROVED to allow the location of a manufacturing use in the existing building to produce a resin-based synthetic marble product and to cut and polish granite slabs for kitchen and bathroom countertops that will include the outside storage of full and partial slabs of granite on A-frames in a fenced area of approximately 6,000 square feet lying west of the building subject to the completion of a development agreement to be registered by caveat under the provisions of Section 151 of the Planning Act.

Carried.

215/10 Adjourn

D. Dobrowolski: G. Lavallee: BE IT RESOLVED: THAT this meeting adjourn. Time: 8:45 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 25, 2010**

Minutes of proceedings of Public Hearings held in the Council Chambers of the Rural Municipality of Macdonald at Sanford, Manitoba on Tuesday, May 25, 2010 in regards to:

- 5:30 p.m. – By-Law No. 9/10, Zoning By-Law Amendment – Map 2, Sanford
- 5:30 p.m. – Variation No. 5/10 – R. Carriere & G. Johnson, Lot 9-9756, Sanford
- 5:30 p.m. – Conditional Use No. 23/10 – Precision Stone, Pt. SW 11-10-2E

Attendance

Reeve R. Burns and Councillors D. Dobrowolski, G. Lavalley, B. Rex, R. Kirouac, 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. 23/10 – Precision Stone, Pt. SW 11-10-2E

Brock Coutts and Murray Rempel attended in support of their application to locate a manufacturing use in an existing building at 2595 McGillivray Blvd. The activities would include the manufacturing of resin-based synthetic marble slabs and the cutting and polishing of both granite and marble countertops. The outside storage of granite slabs on A-frames within a fenced outdoor compound is also proposed.

By-Law No. 9/10 – Zoning By-Law Amendment, Lot 9-9756, Sanford

No persons attended in regards to By-Law No. 9/10 to rezone Lot 9-9756 in Sanford from “RG” Residential General Zone to “RG-1” Residential General-1 Zone.

Variation No. 5/10 – R. Carriere & G. Johnson, Lot 9-9756

No persons attended in regards to Variation No. 5/10 to vary the minimum site width of 70 feet in the “RG-1” Residential General-1 Zone to a site width of 69 feet.