

Rural Municipality of Macdonald

Sanford

Manitoba

MINUTES OF THE MEETING OF COUNCIL OF JUNE 22, 2010

A regular meeting of the Council of The Rural Municipality of Macdonald was held in the Council Chambers at Sanford, Manitoba on Tuesday, June 22, 2010, commencing at 3:00 p.m. In attendance were: Reeve R. Burns and Councillors D. Dobrowolski, G. Lavallee, B. Rex, R. Kirouac, C. Bisson, B. Erb and W. T. Raine, CAO.

241/10 Agenda

G. Lavallee: B. Rex: BE IT RESOLVED: THAT the meeting agenda for June 22, 2010 prepared by the Reeve and Chief Administrative Officer be hereby approved subject to the following additions:

1. Codner Drain Project
2. Gravel

Carried.

242/10 Minutes

B. Rex: G. Lavallee: 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 June 8, 2010;

AND THAT the minutes be adopted.

Carried.

243/10 Accounts

B. Erb: R. Kirouac: BE IT RESOLVED: THAT accounts numbered 20101084 to 20101184 dated June 22, 2010 totalling \$501,953.13 be approved and paid.

Carried.

244/10 By-Law No. 8/10 – General Borrowing

B. Erb: R. Kirouac: WHEREAS Sections 172(e), 174(1) and 174(3) of The Municipal Act provide for the contracting of debts by borrowing money, and for issuing debentures;

AND WHEREAS the R. M. of Macdonald is considering the construction of a sewer lagoon, a sewer lift station, sewer collection lines and water distribution lines for the benefit of the municipality;

AND WHEREAS in order to complete such undertaking it will be necessary to expend the sum of \$6,820,000.00 and to issue borrowing in the amount of \$6,820,000.00 of debt;

NOW THEREFORE, BE IT RESOLVED: THAT By-Law No. 8/10 be enacted as follows:

1. THAT the Municipality may expend the sum of \$6,820,000.00 for the purpose aforesaid;
2. THAT for the aforesaid project, the Municipality may borrow the sum of \$6,820,000.00 and issue borrowing dated the 31st day of October 2010;
3. THAT the said debentures shall bear interest at a rate estimated at 7% per annum, subject to the authorization of The Municipal Board with the maturity set out in Schedule "A" hereto on the 31st day of October in each of the years 2011 to 2030 both inclusive;

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.

245/10 By-Law No. 15/10 – Rescind By-Law No. 3/98

D. Dobrowolski: G. Lavallee: WHEREAS Section 147(1) & (2) of the Municipal Act states that the power to pass a by-law under this or any other Act includes the power to amend or repeal the by-law;

AND WHEREAS The Local Authorities Election Act, RSM 1987, C. L180 was repealed and replaced with The Municipal Councils and School Boards Elections Act, c. M257;

THEREFORE, BE IT RESOLVED: THAT By-Law No. 3/98 for the appointing of an Enumerator, Revising Officer and Returning Officer be rescinded;

BE READ THE SECOND TIME.

Carried.

246/10

G. Lavallee: D. Dobrowolski: BE IT RESOLVED: THAT By-Law No. 15/10 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.

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

0 — AGAINST

Carried.

247/10 Access Crossings

R. Kirouac: C. Bisson: WHEREAS By-Law Nos. 13/04 & 26/04 of The Rural Municipality of Macdonald established requirements for installation of access crossings onto municipal roadways;

THEREFORE, BE IT RESOLVED: THAT effective June 22, 2010 the fee to accompany a completed access crossing application within Local Improvement District No. 1 (Starbuck), No. 2 (Sanford), No. 3 (La Salle), No. 4 (Brunkild), No.5 (Oak Bluff), Kingswood Golf & Country Clubs Developments Corporation Subdivision, River Ridge Properties Ltd. Subdivision and the Oak Bluff Estates Ltd. Subdivision be set at the actual cost plus 10% administration fee.

Carried.

248/10 By-Law No. 12/10 – Naming Road

R. Kirouac: C. Bisson: WHEREAS Section 232(1) of The Municipal Act provides for giving names to municipal roads within the municipality;

THEREFORE, BE IT RESOLVED: THAT By-Law No. 12/10 be enacted as follows:

1. That the Public Road shown on Plan 27166 and 31664 in part of E½ 30-8-2 EPM, be known as KINGSWAY CRESCENT;
2. That the Public Road shown on Plan 2658 and 5984 in part of NW¼ 19-8-1WPM, be known as MURNER WAY;
3. All that portion of the westerly service road of PTH 100 lying north of the northerly limit of Plan 1430 (PTH No. 3) and lying south of the southerly limit of Special Survey Plan No. 6645 (Central Manitoba Railway Co.) in part 30-9-2EPM and part 25 & 36-9-1EPM; be known as _____;

BE READ THE FIRST TIME.

Carried.

249/10 Bridge Repair – E 35-8-1W

B. Rex: D. Dobrowolski: BE IT RESOLVED: THAT the quotation of ARMCON Limited to repair the bridge at E 35-8-1W at a cost of \$49,740.00 BE APPROVED.

Carried.

250/10 Temporary Dwelling – H. Schulz, SE 15-8-1E

D. Dobrowolski: G. Lavallee: WHEREAS a staff dwelling was approved by the Council of the Rural Municipality of Macdonald at its meeting of June 11, 2007 to expire on June 11, 2010;

THEREFORE, BE IT RESOLVED: THAT the application of Henry Schulz to maintain a granny suite residence on part of SE 15-8-1E BE APPROVED to expire on June 11, 2013 subject to the condition that occupancy of the home is limited to immediate members of the family.

Carried.

Conditional Use No. 31/10 – W. Nikkel (J. Bestland), Sanford

Winston Nikkel attended the meeting to provide details of his application to renovate and develop a restaurant in an existing building on Parcel A-12094 & Parcel A-19496 located on PTH No. 3 at Sanford.

251/10

B. Rex: D. Dobrowolski: WHEREAS the “CH” Commercial Highway Zone of the Rural Municipality of Macdonald Zoning By-Law, as amended, provides that a Restaurant may be considered as a conditional use;

THEREFORE, BE IT RESOLVED: THAT Conditional Use Order No. 31/10 of Winston Nikkel (Johnny Bestland – property owners) affecting

Parcel A, Plan 12094 and Parcel A, Plan 19496 in part of SW¼ Section 29-8-1EPM, located on PTH No. 3 at Sanford

BE APPROVED to allow the development of the existing building into a family café that will include a 40 seat dining room and take-out window open from 8:00 a.m. to 8:00 p.m., Monday to Sunday.

Carried.

252/10 Subdivision Application – Brockie-Donovan Ltd., Lots 1 & 2-1-17491, NE 3-10-2EPM

B. Erb: R. Kirouac: WHEREAS Brockie-Donovan Ltd. has made application to Community Planning Services for a subdivision on Lots 1 & 2, Block 1 Plan 17491, pt NE 3-10-2E;

AND WHEREAS the requirements of the “ML” Industrial Light Zone of the Rural Municipality of Macdonald Zoning By-Law as amended provides for a minimum site area of 10,000 square feet and a minimum site width of 80 feet;

THEREFORE, BE IT RESOLVED: THAT Subdivision Application No. 4146-10-5277 affecting

Lots 1 & 2, Block 1, Plan 17491 (NE 3-10-2EPM)

BE APPROVED subject to the following conditions:

1. The applicant will be responsible for all municipal survey costs associated with the Survey Monument Restoration Program;
2. Preparation and approval of a development agreement under the authority of Section 135 of the Planning Act;
3. Confirmation from Manitoba Conservation that the sewage disposal system meets the requirements of Manitoba Regulation 82/2003 *Onsite Wastewater Management Systems*;
4. Approval of the Highway Traffic Board; and
5. Payment of the Capital Levy under By-Law No. 3/04.

Carried.

253/10 Fire Department – Rescue Vehicle

C. Bisson: G. Lavallee: BE IT RESOLVED: THAT the purchase of a 1998 Spartan Rescue-One Walk Around from Red Truck Sales International, Inc. at a cost of \$198,000 Canadian Dollars BE APPROVED.

Carried.

254/10 Utility Infrastructure Projects

B. Erb: C. Bisson: BE IT RESOLVED: THAT the quotation of Taillieu Construction Ltd. dated April 21, 2010 for the installation of sewer and water forcemains along McGillivray Blvd and the construction of a lagoon in West Half Section 17-9-2 East BE APPROVED.

Carried.

255/10 Drainage Requests – Sections 3, 10, 11, 13 & 14-7-2 West

C. Bisson: R. Kirouac: BE IT RESOLVED: THAT Manitoba Infrastructure & Transportation be requested to undertake survey and cleanout of the following:

1. drainage works along the south side of PTH No. 3 from the Glen Baleja's residence in Section 3 to the Norquay Channel in 13-7-2W inclusive; and
2. drainage works on the north side of PTH No. 3 from Richard International Ltd. in Section 11-7-2W to the Norquay Channel in 13-7-2W.

Carried.

256/10 Manitoba Infrastructure & Transportation Approval for Drainage - Starbuck

B. Rex: G. Lavallee: BE IT RESOLVED: THAT Manitoba Infrastructure & Transportation be requested to approve the installation by the R.M. of Macdonald of a culvert across PR 332 north of the intersection of Fifth Avenue and PR 332 in Starbuck.

Carried.

257/10 Request for Information – Public Hearing Submissions

B. Rex: D. Dobrowolski: WHEREAS Section 263(2) of the Municipal Act provides that Council may authorize access to other records not provided for in Section 263(1) of the Act;

AND WHEREAS a request for certain information in regards to Rezoning By-Law No. 10/10 has been received;

THEREFORE, BE IT RESOLVED: THAT the Chief Administrative Officer be authorized to provide a copy of the submissions made at the public hearing.

Carried.

258/10 La Salle Street Repairs

G. Lavallee: D. Dobrowolski: BE IT RESOLVED: THAT the summary of La Salle Road Repair works dated June 22, 2010 and staging of La Salle Road works dated June 16, 2010 prepared by Stantec Consulting Ltd. on behalf of Ventura Land Company Inc. BE APPROVED.

Carried.

259/10 By-Law No. 16/10 – Development Agreement: Hreit Holdings 70 Corporation and Precision Granite Works Ltd./T.H.E. Marble Factory Ltd., 11-10-2E

B. Erb: C. Bisson: BE IT RESOLVED: THAT By-Law No. 16/10 authorizing the entering into of a Development Agreement with Hreit Holdings 70 Corporation and Precision Granite Works Ltd. / T.H.E. Marble Factory Ltd. respecting the development of land in part of the section 11-10-2E;

BE READ THE SECOND TIME.

Carried.

260/10

B. Erb: R. Kirouac: BE IT RESOLVED: THAT By-Law No. 16/10 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.

261/10 Meeting Recess

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

5:00 p.m. – Variation 33/10 – Lee Morann – Lots 13/14-3-1528, Sanford

5:00 p.m. – Conditional Use 34/10 – BayView Construction – Lots 2 to 4-7744

AND to reconvene at the conclusion of the Public Hearing.

Carried.

262/10 Variation No. 33/10 – L. & A. Morann, 13/14-3-1528, Sanford

B. Rex: G. Lavallee: WHEREAS the “RG” Residential General Zone of the Rural Municipality of Macdonald Zoning By-Law, as amended, provides that the minimum rear yard setback is 25 feet;

THEREFORE, BE IT RESOLVED: THAT Variation No. 33/10 of Lee & Andrea Morann affecting

Lots 13/14-3-1528 (18 Wheatland Street) Sanford

BE APPROVED to allow a rear yard setback of 10 feet to allow the construction of an attached 16’ x 16’ deck and hot tub.

Carried.

263/10 Conditional Use No. 34/10 – Bayview Construction (B. Braun) 2, 3 & 4-7744

WHEREAS the “ML” Industrial Light Zone of the Rural Municipality of Macdonald Zoning By-Law, as amended, provides that a Contractor’s yard or establishment may be considered as a conditional use;

THEREFORE, BE IT RESOLVED: THAT Conditional Use Order No. 34/10 of Bayview Construction (James Braun Const. Co. Ltd. & B. Braun – property owner) affecting

Lots 2 to 4 inclusive, Plan 7744 (3850, 4000 & 4040 McGillivray Blvd.)

BE APPROVED to allow the establishment of an equipment storage yard including the construction of a perimeter fence to expand their current operations located on the adjacent property subject to the following conditions:

1. Approval from Highway Traffic Board;
2. Completion of a development agreement to be registered by caveat under the provisions of Section 151 of the Planning Act.

Carried.

Manager of Public Works

Grant Baker, Manager of Public Works, attended the meeting to discuss the drainage program; the completion of the gravel program; the sign and utility valve maintenance program; repairs to village streets; cleanup from the heavy rains; sidewalk and land drainage works and proposed street lighting along the entrance to Kingswood West;

264/10 Correspondence

B. Rex: D. Dobrowolski: BE IT RESOLVED: THAT the following correspondence be received as information:

- a) K. Page, Parliamentary Budget Officer, May 2010 – Infrastructure Stimulus Fund Program Study
- b) R. Frenette, P.Eng., President, TBT Engineering Ltd., May 17/10 – Newsletter & company information
- c) Copy of letter to G. Gareau, Director, AgriProducts Operations, Viterra Inc. from T. Braun, M.Sc. Director, Environment Act, Manitoba Conservation, May 27/10 – Request for Minor Alteration (Name Change – formerly Best-Land Agro)
- d) K. Fingler, CIP CRM, Director, Risk Management, Group Insurance Solutions, Western Financial Group (Network) Inc., June 2/10 – Risk Management at a Glance Booklet
- e) H. Henley, Summer Intern, Canadian Taxpayers Federation, June 2/10 – FIPPA request – Council Remuneration
- f) Fort Garry Fire Trucks, June 2/10 – Spring Service campaign
- g) T. E. & F. K. White, June 2/10 – Planting Trees
- h) M. J. Comeau, Vice President, Sales, Service & Marketing, GM Canada Limited, June 3/10 – Company information
- i) D. Belbin, Events Coordinator, Association of Manitoba Municipalities, June 4/10 – Central District visit, Aug. 3/10
- j) Federation of Canadian Municipalities, June 9/10 – Top Stories week of June 7/10
- k) Notice of Public Consultation: Manitoba Household Hazardous Waste Stewardship Programs, June 21/10
- l) R. Gray, Planning Assistant, Manitoba Intergovernmental Affairs, Community Planning Services, June 9/10 – Proposed Subdivision application, Manness et al, Sec. 28-8-2W
- m) Copy of letter to M. Brown, Smith, Neufeld Jodoin LLP from R. Gray, Planning Assistant, Manitoba Intergovernmental Affairs, Community Planning Services, June 9/10 – Subdivision application, Roebuck Ltd. Pcl. Al Plan 15279, Starbuck
- n) Association of Manitoba Municipalities, June 9/10 – News Bulletin
- o) T. Friesen, Constituency Assistant, Candice Hoepfner, MP, Portage-Lisgar, June 10/10 – Governments of Canada & Manitoba Invest in Pulp & Paper Innovation, Jun 11/10 Announcement
- p) G. Caillier & W. Henderson, Water Resource Officers, Water Control Works & Drainage Licencing, Manitoba Water Stewardship – Invite to Informational Survey School, June 28 & 29, Morden
- q) D. J. Unruh, Executive Consultant, Partnership of the Manitoba Capital Region, June 11/10 – Next Partnership meeting, June 22/10
- r) Federation of Canadian Municipalities, June 16/10 – Top Stories week of June 14/10
- s) R. Sankar, June 15/10 – La Salle 330 Bridge
- t) W. Weaver, M.Sc., Environmental Review Officer, Manitoba Water Stewardship, June 16/10 – RM of Macdonald Zoning By-Law No. 10/10 – filing of Second Objection
- u) L. Grenier, Regional Health Authority – Central Manitoba Inc., June 16/10 – Information Bulletin
- v) C. Dudar, Policy Analyst, CDC/Environmental Health, Manitoba Health, June 16/10 – 2010 West Nile Virus Larviciding Program effective June 20/10
- w) B. Charlebois, Ruud Lighting Canada, June 3/10 – LED Lighting Solutions
- x) L. Kuhn, Correspondence Assistant, Minister of Infrastructure & Transportation, June 9/10 – Acknowledgement of letter to S. Ashton, Minister of Infrastructure & Transportation, May 31/10
- y) T. M. Gilbertson, Petroleum Storage Program Coordinator, Manitoba Conservation, June 10/10 – Upgrade Schedule 3 – Above ground Single & Double Wall Storage Tank Systems
- z) Copy of letter to G. Desrosiers, President, Brunkild Bar & Grill from K. Shields, Associate Secretary, The Manitoba Public Utilities Board, June 10/10 – Water bill
- aa) T. Van Deynze, Executive Director, Manitoba Good Roads Association, June 11/10 – 2010 Judging Competition
- bb) Federation of Canadian Municipalities, June 14/10 – Municipal Marketplace
- cc) R. Sproat, Land Agent, Pioneer Land and Environmental, June 16/10 – TransCanada Pipelines Limited: 2010 Corrosion Remedial Program

- dd) S. Murray, CAO, RM of Dufferin – Notice of Public Hearing: July 13 & 20/10; Development Plan and Zoning By-Law amendments
- ee) Assistant Commissioner Randy Parks, Director General, Strategic Policy & Planning Directorate, RCMP, June 17/10 – RCMP Police Contracts Survey
- ff) J. & V. Klassen, June 5/10 – Tree in Oak Bluff
- gg) R. Jones, Vice-President, Keystone Pipeline, TransCanada, May 28/10 – *Keystone Connection (Canada)*
- hh) D. Garcia, Certification Coordinator, Water & Wastewater Facility, Manitoba Conservation, June 7/10 – Operator Certification Examination – Water Treatment Class I & Water Distribution Class II
- ii) M. & B. Shirliff, June 10/10 – All weather road
- jj) Copy of letter to Bella Vista Stables from D. Beachman, P.Eng., Codes & Standards, Office of the Fire Commissioner, June 14/10 – Proposed Stable/Riding Arena
- kk) The Red River Valley School Division & The Seine River School Division, June 7/10 – Transfer of property
- ll) D. McInnis, June 15/10 – Composting Facility
- mm) S. Topping, P. Eng, Executive Director, Regulator & Operational Services, Manitoba Water Stewardship, June 14/10 – Red River Floodway – Review of Operating Rules
- nn) Manitoba Water Council – Seeking Manitobans Perspectives on Wetlands

Carried.

265/10 Reports

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

- a) Report of the Public Works Manager, June 22/10

Carried.

266/10 Adjourn

B. Erb: R. Kirouac: 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
June 22, 2010

Minutes of proceedings of Public Hearings held in the Council Chambers of the Rural Municipality of Macdonald at Sanford, Manitoba on Tuesday, June 8, 2010 in regards to:

- 5:00 p.m. – Variation No. 33/10 - Lee & Andrea Morann, 13/14-3-1528
(18 Wheatland St.) Sanford
- 5:00 p.m. – Conditional Use No. 34/10 – Bayview Construction, Lots 2-4-7744

Attendance

Reeve R. Burns and Councillors D. Dobrowolski, G. Lavallee, 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.

Variation No. 33/10 – L. & A. Morann, 13/14-3-1528, Sanford

Lee Morann attended in support of their application to vary the minimum rear yard requirement of 25 feet to 10 feet to allow the construction of a 16' x 16' deck and hot tub at the rear of their existing house.

Conditional Use No. 34/10 – Bayview Construction, Lots 2/4-7744

John Motkaluk with Bayview Construction attended in support of their application to expand their contractor's yard to Lots 2 to 4 of Plan 7744 along McGillivray Blvd. as an area to store equipment which would be entirely within a fenced area.

Beverley Braun also attended in support of the application.