

Rural Municipality of Macdonald

Sanford

Manitoba

MINUTES OF THE MEETING OF COUNCIL OF OCTOBER 25, 2011

A regular meeting of the Council of The Rural Municipality of Macdonald was held in the Council Chambers at Sanford, Manitoba on Tuesday, October 25, 2011, commencing at 3:00 p.m. In attendance were: Reeve R. Burns and Councillors R. Turski, B. Feller, P. Pfrimmer, R. Morse, C. Bisson, B. Erb and W. T. Raine, CAO.

449/11 Agenda

R. Morse: R. Turski: BE IT RESOLVED: THAT the meeting agenda for October 25, 2011 prepared by the Reeve and Chief Administrative Officer be hereby approved subject to the following additions:

1. Infrastructure Assessment
2. McGillivray Blvd. Industrial Development
3. R.M. of Morris – Letter

Carried.

450/11 Minutes

B. Feller: R. Morse: 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 October 11, 2011; AND THAT the minutes be adopted.

Carried.

Variation No. 65/11 – M. McKay, Lot 29-12322, Sanford

Michael McKay attended the meeting to provide information in regards to their application to locate an accessory shed in the front yard of their lot at 21 Ashland Drive in Sanford.

451/11 Accounts

B. Erb: C. Bisson: BE IT RESOLVED: THAT accounts numbered 20111979 to 20112061 dated October 25, 2011 totalling \$416,780.98 be approved and paid.

Carried.

Councillor Dobrowolski

Douglas Dobrowolski attended the meeting at 3:45 p.m.

452/11 Financial Statement

B. Erb: P. Pfrimmer: BE IT RESOLVED: THAT the financial statement for the month ended September 30, 2011 be received.

Carried.

453/11 Amend – By-Law No. 18/11: Municipal Fee Schedule

P. Pfrimmer: C. Bisson: WHEREAS By-Law No. 18/11 was passed to establish the fees for tax certificates, development plan amendments, zoning by-law amendments, conditional uses, variation orders, building permits and related matters;

THEREFORE, BE IT RESOLVED: THAT Section 1 – Zoning be amended by adding the following:

- 1.08 Where a building has been located prior to a variation order application the fee will be \$300.00

Carried.

454/11 FCM's 75th Annual Conference & Municipal Expo™

R. Turski: B. Feller: BE IT RESOLVED: THAT Reeve R. Burns be authorized to attend the Federation of Canadian Municipalities 75th Annual Conference and Municipal Expo™, June 1 – 4, 2012 in Saskatoon, SK;

AND THAT expenses be paid.

Carried.

455/11 Hydro Service, Oak Bluff Lift Station – SE 25-9-1E

B. Erb: P. Pfrimmer: BE IT RESOLVED: THAT Manitoba Hydro be requested to provide a cost estimate to provide hydro service to the new lift station at Oak Bluff in section SE 25-9-1E.

Carried.

456/11 Manitoba Hydro Plan – Highway 3 - Crossing 1 Clearance Upgrade

C. Bisson: B. Erb: WHEREAS Manitoba Hydro Plan Number WBS #P18336 dated August 19, 2011, was approved by the Council of the R. M. of Macdonald at its meeting on September 13, 2011;

THEREFORE: BE IT RESOLVED: THAT amended Manitoba Hydro Plan Number WBS #P18336 dated September 22, 2011 – Crossing 1 Network #248226 for overhead conductor clearance 5.9m minimum vertical conductor clearance to grade applied at maximum loaded sag at SE 4-10-2E McGillivray Blvd 3.6km west of Brady Road 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 reseeding to the satisfaction of the municipality;
6. The municipality will not be financially responsible for relocating any facilities of Manitoba Hydro if this becomes necessary for municipal planning or other reasons; and
7. The municipality is not liable for any damages, economic loss, legal costs or physical restoration.

AND THAT the Chief Administrative Officer be authorized to sign the said Plan on behalf of the Rural Municipality of Macdonald.

Carried.

457/11 Manitoba Hydro Plan – Highway 3 - Crossing 2 Clearance Upgrade

B. Erb: P. Pfrimmer: BE IT RESOLVED: THAT Manitoba Hydro Plan Number WBS #P18336 – Crossing 2 Network #248226 for overhead conductor clearance 5.9m minimum vertical conductor clearance to grade applied at maximum loaded sag at 3501 McGillivray Blvd (Hwy 3) – 1.5km from Brady Road 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. The municipality will not be financially responsible for relocating any facilities of Manitoba Hydro if this becomes necessary for municipal planning or other reasons; and
7. The municipality is not liable for any damages, economic loss, legal costs or physical restoration.

AND THAT the Chief Administrative Officer be authorized to sign the said Plan on behalf of the Rural Municipality of Macdonald.

Carried.

458/11 Manitoba Hydro Plan – Highway 3 Crossing 3 & 4 Clearance Upgrade

B. Feller: R. Morse: BE IT RESOLVED: THAT Manitoba Hydro Plan Number WBS #P18336 – Crossing 3 and 4 Network #248226 for overhead conductor clearance 5.9m minimum vertical conductor clearance to grade applied at maximum loaded sag at NE 30-9-2E Hwy 3 - 6.8km west of Brady Road 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. The municipality will not be financially responsible for relocating any facilities of Manitoba Hydro if this becomes necessary for municipal planning or other reasons; and
7. The municipality is not liable for any damages, economic loss, legal costs or physical restoration.

AND THAT the Chief Administrative Officer be authorized to sign the said Plan on behalf of the Rural Municipality of Macdonald.

Carried.

459/11 Manitoba Hydro Plan – Highway 3 Crossing 5 & 12 Clearance Upgrade

B. Erb: C. Bisson: BE IT RESOLVED: THAT Manitoba Hydro Plan Number WBS #P18336 – Crossing 5 and 12 Network #248226 for overhead conductor clearance 5.9m minimum vertical conductor clearance to grade applied at maximum loaded sag at 3165 McGillivray Blvd - 0.8km west of Brady Road 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. The municipality will not be financially responsible for relocating any facilities of Manitoba Hydro if this becomes necessary for municipal planning or other reasons; and
7. The municipality is not liable for any damages, economic loss, legal costs or physical restoration.

AND THAT the Chief Administrative Officer be authorized to sign the said Plan on behalf of the Rural Municipality of Macdonald.

Carried.

460/11 Manitoba Hydro Plan – Highway 3 Crossing 7 Clearance Upgrade

R. Morse: B. Feller: BE IT RESOLVED: THAT Manitoba Hydro Plan Number WBS #P18336 – Crossing 7 Network #248226 for overhead conductor clearance 5.9m minimum vertical conductor clearance to grade applied at maximum loaded sag at NE 33-8-1E Hwy 3 - 9.4km from PTH 100 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 reseeding to the satisfaction of the municipality;
6. The municipality will not be financially responsible for relocating any facilities of Manitoba Hydro if this becomes necessary for municipal planning or other reasons; and
7. The municipality is not liable for any damages, economic loss, legal costs or physical restoration.

AND THAT the Chief Administrative Officer be authorized to sign the said Plan on behalf of the Rural Municipality of Macdonald.

Carried.

461/11 Manitoba Hydro Plan – Highway 3 Crossing 8 & 9 Clearance Upgrade

B. Erb: P. Pfrimmer: WHEREAS Manitoba Hydro Plan Number WBS #P18336 dated September 1, 2011, was approved by the Council of the R. M. of Macdonald at its meeting on September 13, 2011;

THEREFORE: BE IT RESOLVED: THAT amended Manitoba Hydro Plan Number WBS #P18336 dated September 1, 2011 – Crossing 8 and 9 Network #248226 for overhead conductor clearance 5.9m minimum vertical conductor clearance to grade applied at maximum loaded sag at SW 11-10-2E, 2585, 2587 and 2560 McGillivray Blvd 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 reseeding to the satisfaction of the municipality;
6. The municipality will not be financially responsible for relocating any facilities of Manitoba Hydro if this becomes necessary for municipal planning or other reasons; and
7. The municipality is not liable for any damages, economic loss, legal costs or physical restoration.

AND THAT the Chief Administrative Officer be authorized to sign the said Plan on behalf of the Rural Municipality of Macdonald.

Carried.

462/11 TransCanada Pipelines Limited Crossing – Macdonald Road 6E, 24-9-1E

B. Erb: C. Bisson: BE IT RESOLVED: THAT the signing officers, on behalf of the Rural Municipality of Macdonald, be authorized to sign the TransCanada Facility Crossing Agreement for Installation of a sewer forcemain along Macdonald Road 6E east of Section 24-9-1E within the TransCanada Pipelines Limited easement in the R. M. of Macdonald.

Carried.

463/11 Videon Cablesystems Inc. - Easement Agreements, NW¼ 2-10-2EPM
 P. Pfrimmer: B. Erb: BE IT RESOLVED: THAT the signing officers, on behalf of the Rural Municipality of Macdonald, be authorized to sign the Videon Cablesystems Inc. Easement Agreement for easement across a portion of Public Reserve Plan 47966 WLTO in NW¼ 2-10-2EPM.

Carried.

464/11 Caveat Discharge – Lot 1, Plan ___ and Lot 2-45893 in Sec 11-8-2E
 D. Dobrowolski: R. Turski: WHEREAS Caveat No. 3561431 in favour of the Rural Municipality of Macdonald is registered against Lot 1, Plan _____ WLTO (Deposit 1775/2110) in NE¼ 11-8-2EPM and Lot 2 Plan 45893 WLTO in E½ 11-8-2EPM in the name of Bernhard Philip Rempel and Tamara Lynn Rempel;
 AND WHEREAS Caveat No. 3561431 must be partially discharged to allow the sale of these lots as part of a plan of subdivision;
 THEREFORE, BE IT RESOLVED: THAT the signing officers of the Rural Municipality of Macdonald be authorized to sign a partial Discharge of Caveat No. 3561431 affecting Lot 1 Plan _____ WLTO (Deposit 1775/2110) in NE¼ 11-8-2EPM and Lot 2 Plan 45893 WLTO in E½ 11-8-2EPM, Certificate of Title No. 2209773 and 2253158.

Carried.

Samborski Garden Supplies Ltd.

John and Lenn Samborski with Samborski Garden Supplies Ltd., attended to discuss options for the relocation of their existing landscaping operation to include an organic composting use.

Karlowsky Crossing – Brunkild

Ernie Karlowsky attended the meeting to discuss his concerns with the recent installation of a crossing to his land in Brunkild and requesting a refund for expenses related to activities that he had undertaken to complete the installation.

465/11 Meeting Recess

B. Erb: P. Pfrimmer: 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. – Variation Nos. 67/11 & 71/11 – Donald Macgillivray, Lot 1-19043 (SE 20-8-1E)

5:30 p.m. – Variation No. 69/11 – Arno Stoffel, B-49269 (NE 13-9-1E)

5:30 p.m. – Variation No. 70/11 – Ron & Lori Neustaedter, D-34304 (W½ 34-8-2E)

AND to reconvene at the conclusion of the Public Hearing.

Carried.

466/11 Variation No. 71/11 – D. Macgillivray, S½ of Lot 1-19043 in SE 20-8-1E

B. Feller: D. Dobrowolski: WHEREAS Subdivision Application No. 4146-09-5234 of Donald Macgillivray was approved by the Council of the Rural Municipality of Macdonald at its meeting of February 23, 2010;

AND WHEREAS the “AR” Agricultural Restricted Zone of the Rural Municipality of Macdonald Zoning By-Law, as amended, provides for a minimum site area requirement of 80 acres and a site width requirement of 660 feet;

THEREFORE, BE IT RESOLVED: THAT Variation No. 71/11 of Donald Macgillivray affecting

The southerly 225 feet of Lot 1, Plan 19043 WLTO in part of SE 20-8-1E

BE APPROVED to allow a site of 2.44 acres with a site width of 225 feet to allow for the subdivision of an existing 4.88 acre parcel.

Carried.

467/11 Variation No. 67/11 – D. Macgillivray, N½ of Lot 1-19043 in SE 20-8-1E

B. Feller: D. Dobrowolski: WHEREAS Subdivision Application No. 4146-09-5234 of Donald Macgillivray was approved by the Council of the Rural Municipality of Macdonald at its meeting of February 23, 2010;

AND WHEREAS the “AR” Agricultural Restricted Zone of the Rural Municipality of Macdonald Zoning By-Law, as amended, provides for a minimum site area requirement of 80 acres and a site width requirement of 660 feet;

THEREFORE, BE IT RESOLVED: THAT Variation No. 67/11 of Donald Macgillivray affecting

The northerly 225 feet of Lot 1, Plan 19043 WLTO in part of SE 20-8-1E

BE APPROVED to allow a site of 2.44 acres with a site width of 225 feet to allow for the subdivision of an existing 4.88 acre parcel.

Carried.

468/11 Variation No. 69/11 – A. Stoffel, B-49269 in NE 13-9-1E

B. Erb: C. Bisson: WHEREAS the “AG” Agricultural General Zone of the Rural Municipality of Macdonald Zoning By-Law, as amended, provides in Part 5(2) a maximum of 1,000 square feet of an accessory building may be used for a home occupation and Part 3 General Provisions Section (22) Home Occupations (b) employs not more than one person who is not a member of the family residing at the dwelling unit or mobile home:

THEREFORE, BE IT RESOLVED: THAT Variation No. 69/10 of Arno Stoffel (Stoffel Management Services Ltd.) affecting

Parcel B, Plan 49269 WLTO in pt. NE 13-9-1E

BE APPROVED to allow a maximum square footage of 1,400 square feet within two accessory buildings located on the property and to employ not more than three persons in order to allow a home occupation for a survey and geomatics business.

Carried.

469/11 Variation No. 70/11 – R. & L. Neustaedter, D-34304 in W½ 34-8-2E

R. Turski: R. Morse: WHEREAS Subdivision Application No. 4146-10-5345 of Rod & Lori Neustaedter was approved by the Council of the Rural Municipality of Macdonald at its meeting of February 8, 2011

AND WHEREAS the “AR” Agricultural Restricted Zone of the Rural Municipality of Macdonald Zoning By-Law, as amended, provides for a minimum width requirement of 660 feet and a minimum site area of 80 acres;

THEREFORE, BE IT RESOLVED: THAT Variation No. 70/11 of Rod & Lori Neustaedter affecting

Part of Parcel D, Plan 34304 WLTO in W½ 34-8-2E as the same is shown on a Plan of Subdivision prepared by Stoffel Surveys, Land Surveying & Goematics

BE APPROVED to allow a site of 5 acres with a site width of 361.3 feet to allow for the subdivision of a yardsite from an existing 105.03 acre parcel.

Carried.

470/11 Variation No. 65/11 – M. & A. McKay, 29-12322, Sanford

B. Feller: R. Morse: WHEREAS the “RG” Residential General Zone of the Rural Municipality of Macdonald Zoning By-Law, as amended, provides that the minimum front yard setback requirement is 30 feet;

THEREFORE, BE IT RESOLVED: THAT Variation No. 65/11 of Michael & Amanda Ogilvie McKay affecting

Lot 29 Plan 12322 (21 Ashland Drive) Sanford

BE DENIED.

Carried.

Manager of Public Works

Grant Baker, Manager of Public Works, attended the meeting to report on drainage works and leveling of spoil piles to date; repairs to fire hydrants; mowing of drains and roadsides; and various traffic counts completed.

471/11 Reports

R. Turski: D. Dobrowolski: BE IT RESOLVED: THAT the following reports be received as information:

- a) Report of the Manager of Public Works, Oct. 21/11
- b) Minutes of the Macdonald-Ritchot Planning District meeting, Oct. 17/11
- c) Minutes of the Association of Rural Municipalities Capital Region meeting, Oct. 6/11 and next meeting

Carried.

472/11 Correspondence

B. Feller: R. Turski: BE IT RESOLVED: THAT the following correspondence be received as information:

- a) L. Rivais, Director, Western Region & Northern Territories, Statistics Canada, Aug. 24/11 – Thank you for helping promote the 2011 Census and the National Household Survey
- b) B. Vrbanovic, President, Federation of Canadian Municipalities, Sept. 28/11 – Annual Membership
- c) M. Slotin, Assistant Secretary, The Highway Traffic Board, Manitoba Infrastructure & Transportation, Oct. 6/11 – Highway Traffic Board Hearing, Nov. 1/11
- d) B. Forsyth, Director of Business Development, CAPSC Safety Services Manitoba, Oct. 6/11 – Special Offer on Customized Safety Management System for AMM members
- e) S. Mangin, Administrator, La Salle Redboine Conservation District, Oct. 7/11 – Sub District meetings, Oct. 24th – Nov. 3rd
- f) R. Mattix, Assistant Deputy Minister, Manitoba Local Government, Oct. 6/11 – Provincial Planning Regulation 81/2011
- g) P. Havixbeck, City Councillor, City of Winnipeg, Oct. 7/11 – Proposed extension of road servicing along McCreary Road and Four Mile Road
- h) J. Platt, Regional Manager, Manitoba Local Government, Oct. 7/11 – Proposed Subdivision Report, NE 19 & E½ 30-8-2E, Ventura Land Company
- i) D. Chartier, President, 5433771 Manitoba Ltd. Oct. 11/11 – Potential Development within McGillivray Enterprise Area
- j) Copy of letter to L. & C. Hrushowy from R. Gibbons, Secretary, The Manitoba Municipal Board, Oct. 12/11 – Board Order No. D-11-003 to vary a building restriction, Oak Bluff
- k) L. Goldsborough, Oct. 12/11 – Ferndale School marker
- l) S. Sochasky, B. Comm. (Hons.), Claims Analyst, MTS Allstream Inc., Oct. 13/11 – Damage to MTS Allstream Inc. property
- m) R.L. Spencer, Director of Recovery, Manitoba Infrastructure & Transportation, Oct. 13/11 – Sewer Back-up Subsidy Program – 2012 & 2013
- n) Association of Manitoba Municipalities, Oct. 13/11 – News Bulletin
- o) R. Mattix, Assistant Deputy Minister, Manitoba Local Government – Development and Lot Charge Questionnaire
- p) Manitoba Building Officials Association – Annual Fall Seminar & Trade Show, Oct. 26 & 27/11
- q) Manitoba Pork, Summer 2011 – Horizons
- r) Public Invitation – Open House: Winnipeg Transportation Master Plan
- s) Pre-Con Builders – Proposed Development: McCreary Road
- t) Community Places Program – Grant applications deadline Dec. 15/11
- u) J. Platt, Regional Manager, Manitoba Local Government, Oct. 19/11 – Proposed Subdivision Application, SW 21-8-2W, L. Strobbe

- v) Community & Regional Planning, Manitoba Department of Local Government, Oct. 20/11 – Circulation of By-law No. 24/11 & 29/11 to amend the R.M. of Macdonald Zoning By-Law
- w) M. Armstrong, CET, Project Engineer, Qualico Communities, Oct. 19/11 – Oak Bluff Permits
- x) J. Masi, Executive Director, Association of Manitoba Municipalities, Sept. 23/11 – Term of Office for President & Vice-President of Association of Manitoba Municipalities
- y) L. McFadyen, Deputy Minister of Local Government, Oct. 19/11 – Request form for meeting with Cabinet Ministers at the AMM Convention
- z) L. Bereza, Communications Coordinator, Association of Manitoba Municipalities, Oct. 21/11- RCMP ‘D’ Division Newsletter: *Making a Difference in Manitoba*
- aa) J. Green, Administrative Assistant, Association of Manitoba Municipalities, Oct. 21/11 – Balancing Multiple Hats in Life & Work Education Seminar
- bb) T. Skomro, Public Consultation & Research Officer, Water & Waste Department – City of Winnipeg, Oct. 21/11 – Public Hearing on the future of Brady Road Landfill, Oct. 27/11
- cc) R. De Meyer, Oct. 18/11 – Drainage problem

Carried.

473/11 Brady Road Landfill Public Meeting

B. Erb: C. Bisson: BE IT RESOLVED: THAT Councillors R. Turski, P. Pfrimmer and Public Works Manager, G. Baker be authorized to attend the public meeting on the future of Brady Road Landfill on October 27, 2011 at the St. Norbert Community Centre; AND THAT expenses be paid.

Carried.

474/11 Adjourn

D. Dobrowolski: R. Turski: BE IT RESOLVED: THAT this meeting do now adjourn. Time: 8:20 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
October 25, 2011**

Minutes of proceedings of Public Hearings held in the Council Chambers of the Rural Municipality of Macdonald at Sanford, Manitoba on Tuesday, October 25, 2011 in regards to:

- 5:30 p.m. - Variation No. 67/11 & 71/11 – D. Macgillivray, SE 20-8-1E
- 5:30 p.m. - Variation No. 69/11 – Arno Stoffel, B-49269, NE 13-9-1E
- 5:30 p.m. - Variation No. 70/11 – R. & L. Neustaedter, W½ 34-8-2E

Attendance:

Reeve R. Burns and Councillors D. Dobrowolski, R. Turski, B. Feller, P. Pfrimmer, 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.

Variation No. 67/11 & 71/11 – D. Macgillivray, Lot 1-19043, SE 20-8-1E

Donald Macgillivray attended in support of his application to vary the minimum site area and site width in the “AG” Agricultural General Zone to allow the subdivision of an existing 4.88 acre parcel into two parcels of 2.44 acres each.

Variation No. 69/11 – Arno Stoffel, Pcl B-49269, NE 13-9-1E

No persons attended in regards to the application of Arno Stoffel to vary the maximum square footage and maximum number of employees allowed for a home occupation.

Variation No. 70/11 – Rod & Lori Neustaedter, Pcl. D-34304, W½ 34-8-2E

Rod Neustaedter attended in support of their application to vary the minimum site area and site width in the “AR” Agricultural Restricted Zone to allow the subdivision of an existing 5 acre yardsite from a parcel of 105.03 acres.