

Rural Municipality of Macdonald

Sanford

Manitoba

MINUTES OF THE MEETING OF COUNCIL OF JUNE 8, 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 8, 2010, commencing at 9:00 a.m. In attendance were: Reeve R. Burns and Councillors D. Dobrowolski, B. Rex, R. Kirouac, R. Morse, C. Bisson, B. Erb and W. T. Raine, CAO.

216/10 Agenda

B. Rex: D. Dobrowolski: BE IT RESOLVED: THAT the meeting agenda for June 8, 2010 prepared by the Reeve and Chief Administrative Officer be hereby approved subject to the following additions:

1. Volunteer Fire Department Recruitment
2. Material Staging on Town Streets
3. Heavy Rain Event – Pt 9-7-1W

Carried.

217/10 Minutes

R. Morse: 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 25, 2010;

AND THAT the minutes be adopted.

Carried.

218/10 Accounts

B. Erb: R. Kirouac: BE IT RESOLVED: THAT accounts numbered 20100988 to 20101083 dated June 8, 2010 totalling \$499,021.21 be approved and paid.

Carried.

219/10 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.

220/10 Financial Statement

B. Erb: C. Bisson: BE IT RESOLVED: THAT the financial statement for the month ended May 31, 2010 be received.

Carried.

221/103 By-Law No. 15/10 to Repeal By-Law 3/98 for Appointment of Election Officials

D. Dobrowolski: B. Rex: 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AND WHEREAS The Local Authorities Election Act, RSM 1987, C. L180 was repealed and replaced with The Municipal Councils and School Boards Elections Act, c. M257;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. 15/10 to repeal By-Law No. 3/98 for the appointing of an Enumerator, Revising Officer and Returning Officer ;

BE READ THE FIRST TIME.

Carried.

222/10 Manitoba Stampede & Exhibition

C. Bisson: B. Erb: BE IT RESOLVED: THAT Reeve R. Burns be authorized to attend the Manitoba Stampede & Exhibition on July 24, 2010 in Morris;
AND THAT expenses be paid.

Carried.

223/10 Disaster Financial Assistance – 2010 Heavy Rain

D. Dobrowolski: R. Morse: WHEREAS the Province of Manitoba Disaster Financial Assistance policy defines a disaster as a calamity, however caused, which has resulted in or may result in wide-spread damage to property;

AND WHEREAS the program is to assist local authorities financially when the eligible costs incurred resulting from a disaster exceed the amount which any one local authority may reasonably be expected to bear on its own;

AND WHEREAS overland flooding has resulted in additional costs and damage to both public and private property throughout the municipality;

THEREFORE, BE IT RESOLVED: THAT Emergency Measures Organization be requested to provide Disaster Financial Assistance for private and/or public damages resulting from the heavy rainfall event of May 2010.

Carried.

Mears Capital Corporation/Paul Pfrimmer Subdivision

Paul Pfrimmer attended the meeting to discuss with Council the servicing requirements for their proposed multi-lot subdivision in La Salle and in particular the details of the Vouriot Road extension and turn-a-round.

224/10 MPI Compensation for Emergency Response to False Alarms

C. Bisson: B. Rex: WHEREAS there are increased volumes of motor vehicle incidents / accidents being reported by the travelling public by the usage of cell phones;

AND WHEREAS the travelling public does not stop to confirm if there is an occupant of the motor vehicle or if the occupant requires assistance, and the call to E-911 results in a false alarm;

AND WHEREAS E-911 upon receipt of a call will always dispatch the Fire Department, which will respond with the required equipment and fire fighters for a motor vehicle accident;

AND WHEREAS in the Manitoba Capital Region there are several Provincial Highways that surround the City of Winnipeg and connect to rural Manitoba;

AND WHEREAS the Municipalities in the Manitoba Capital Region are incurring significant costs for the operation of equipment and reimbursement of Volunteer Fire-fighters time;

AND WHEREAS Manitoba Public Insurance only contributes to costs of actual emergencies and not to false alarms;

NOW THEREFORE, BE IT RESOLVED: THAT the Association of Manitoba Municipalities lobby Manitoba Public Insurance to establish a rate to compensate Municipalities for the costs incurred when responding to motor vehicle false alarms.

Carried.

225/10 Machine Rentals

C. Bisson: R. Kirouac: BE IT RESOLVED: THAT the Road Machine Rentals for the period April 25 – May 25, 2010 be charged to the accounts and other users at the established rate:

<u>Description</u>	<u>Total Hours</u>
Road Maintenance	540.0

Drainage	510.5
Disposal Sites	19.0
Water Plant	5.0
Fire Department	1.0
Roadside Mowing	4.0
Parks & Playgrounds	65.0
TOTAL	1144.5

Carried.

226/10 Conditional Use No. 28/09 – T. Robbins, 6-7996

B. Erb: R. Kirouac: WHEREAS Conditional Use No. 28/09 for the construction of a 36' x 60' addition to the existing 26' x 32' Cat Boarding Kennel and increase the maximum number of cats that can be boarded in the business from 24 to 72 cats was approved by the Council of the Rural Municipality of Macdonald at its meeting of June 23, 2009;

AND WHEREAS Section 110 (1) of the Planning Act provides that the approval of a conditional use will expire and cease to have any effect if it is not acted upon within 12 months of the date of the decision;

AND WHEREAS Section 110 (2) of the Planning Act provides that a board, council or planning commission may extend the deadline under subsection (1) for an additional period not longer than 12 months if an application is received before the initial deadline;

THEREFORE, BE IT RESOLVED: THAT Condition Use No. 28/09 of Tony & Wendy Robbins be extended to expire on June 23, 2011.

Carried.

Red River Valley School Division

Marnie Erb, Chairperson, Kelly Barkman, Superintendent & CEO and Brad Curtis, Principal at the Sanford Collegiate attended the meeting representing the Red River School Division to discuss with Council options to address concerns that have been expressed to both the school division and the municipality in regards to student parking on residential streets in the vicinity of the high school in Sanford.

227/10 Meeting Recess

B. Rex: 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:

11:00 a.m. – By-Law No. 10/10 Rezoning – T. Petty, pt NE 30-8-2E

11:00 a.m. – Conditional Use 28/10 – Jared Cormier, pt SW 34-8-2E

11:00 a.m. – Variation No. 29/10 & Conditional Use 30/10
– Seine River School Division, pt NW 28-8-2E

11:30 a.m. – Conditional Use 31/10 – Winston Nikkel (J. Bestland), pt SW 29-8-1E

AND to reconvene at the conclusion of the Public Hearing.

Carried.

Councillor Rex

Brian Rex retired from the meeting at 12:00 p.m.

228/10 Mennonite Brethren Church of Manitoba, La Salle Community Church, Performance Deposit

R. Kirouac: B. Erb: WHEREAS Article 4.03 of the development agreement between The Mennonite Brethren Church of Manitoba, La Salle Community Church 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 \$5,000.00 of the Performance Deposit to The Mennonite Brethren Church of Manitoba, La Salle Community Church.

Carried.

229/10 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 FIRST TIME.

Carried.

230/10 Subdivision Application – D. Lewko, 1-45246, N½ 10-8-1E

D. Dobrowolski: B. Erb: WHEREAS Dennis Lewko has made application to Community Planning Services for a subdivision on Lot 1 Plan 45246 in N½ 10-8-1EPM;

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 and a minimum site width of 660 feet;

THEREFORE, BE IT RESOLVED: THAT Subdivision Application No. 4146-10-5280 affecting

Lot 1 Plan 45246 in N½ 10-8-1EPM

BE APPROVED subject to the following conditions:

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

Carried.

231/10 By-Law No. 11/10 – Development Agreement – Mears Capital Corporation and Paul Pfrimmer

R. Kirouac: C. Bisson: BE IT RESOLVED: THAT By-Law No. 11/10 authorizing the entering into of a Development Agreement with Mears Capital Corporation and Paul Pfrimmer respecting the development of land in part of the SE¼ 33-8-2E in La Salle;

BE READ THE SECOND TIME.

Carried.

232/10

R. Kirouac: B. Erb: BE IT RESOLVED: THAT By-Law No. 11/10 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: 6 — FOR R. Burns, D. Dobrowolski, R. Kirouac,
R. Morse, C. Bisson, B. Erb

0 — AGAINST

Carried.

233/10 Manitoba Hydro – Gas Line Work, Lone Oak Close & Junkin Way, Sanford

D. Dobrowolski: R. Morse: BE IT RESOLVED: THAT Manitoba Hydro Drawing CD-16354 for the proposed 4-party utility installation along Lone Oak Close and Junkin Way in Sanford 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 gas lines 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.

234/10 By-Law No. 10/10 – Macdonald Zoning By-Law Amendment – Map 3, La Salle

R. Kirouac: C. Bisson: BE IT RESOLVED: THAT By-Law No. 10/10 authorizing the amendment of Zoning By-Law No. 15/95, District Map 3, La Salle, as amended, as follows:

1. To re-zone an area described as

All that portion of the E½ of NE¼ 30-8-2 EPM which lies to the East of the River La Salle Exc Plan 33172 WLTO as the same is shown shaded on the attached Schedule "A"

be hereby reclassified from "AR" Agricultural Restricted Zone to "RS" Residential Suburban Zone.

BE READ THE SECOND TIME.

Carried.

Manager of Public Works

Grant Baker, Manager of Public Works, attended the meeting to discuss the drainage program; the amount of gravel spread to date and impacts of the heavy rain event of May 29 – 30/10.

235/10 Reports

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

- a) Report of Committee of Council meeting, May 25/10
- b) Report of the Public Works Manager, June 4/10
- c) Report of Oak Bluff & Area Subdivision Committee meeting, June 2/10
- d) Minutes of the Macdonald-Ritchot Planning District meetings, June 1 & 2/10
- e) Building Permit Comparative Data Report, May 31/10

Carried.

236/10 Correspondence

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

- a) Manitoba Ombudsman – 2009 Annual Report (1215-0060)
- b) M. Matview, C.E.T., Genivar, May 19/10 – Minutes of Oakview Estates Subdivision Pre-Construction Meeting

- c) K. Meelker, Senior Policy Analyst, Culture, Heritage & Tourism, May 19/10 – The Freedom of Information and Protection of Privacy Act: An Introduction seminars, June 9 or Oct. 5/10 (1320-0100)
- d) D. Martens, Efate Coordinator, Ag-Quest Inc., May 24/10 – Organics dumped in La Salle River (7200-0060)
- e) G. Desrosiers, President, Brunkild Bar and Grill, May 25/10 – Utility billings
- f) B. Spencer, BizPaL Project Manager, Manitoba BizPaL Office, May 25/10 – “Bring BizPaL to Your Community” (1320-0030)
- g) R. Gray, Planning Assistant, Manitoba Local Government, May 25/10 – Proposed Subdivision Application, Kirouac & MacDonald, NE 11-8-2E
- h) Association of Manitoba Municipalities, May 27/10 – News Bulletin (1320-0060)
- i) S. Moore, B.R.S., Recreation Director, Macdonald-Headingley Recreation District, May 28/10 – Recreation Master Plan (8111-0050)
- j) Manitoba Hydro, May/10 – Insights (7124-0330)
- k) A. Warkentin, Manitoba Water Stewardship, June 2/10 – Flood Report for Southern Manitoba – June 2/10 (2520-0020)
- l) A. Fontaine-Barry, Administrative Assistant, Manitoba Health, Public Health & Primary Health Care Division, May 31/10 – 2010 Cost Shared Funding for WNV Larviciding (7121-0010)
- m) L. Adam, Executive Director, Public Health Programs & Strategies, Manitoba Health, May 4/10 – 2010 West Nile Virus Planning/Cost-Shared Funding for Larviciding (7121-0010)
- n) D. McNeil, P.Eng., Deputy Minister, Manitoba Infrastructure & Transportation, May 12/10 – Greyhound (3290-0070)
- o) S. Briese, MLA Ste. Rose, Progressive Conservative Critic for Local Government, May 19/10 – Bill 230 – The Municipal Amendment & the City of Winnipeg Charter Amendment Act (*Defamation Protection*) (1100-0010)
- p) L. Samborski, Samborski Environmental Ltd., June 1/10 – June 8th meeting
- q) J. Veitch, Planner, Planner, City of Winnipeg, May 25/10 – Conditional Use No. 19/10
- r) C. Hewitt, May 28/10 – Sanford Collegiate students parking on residential street, Sanford (9110-0010)
- s) J. Platt, Community Planner, Community Planning Services, Intergovernmental Affairs, May 25/10 – Zoning By-Law Amendment (6100-0180)
- t) V. Maguet, June 1/10 – Meadowbrook Flood Damage (7124-0010)
- u) L. Barber, June 1/10 – Dog pound (2640-0020)
- v) Federation of Canadian Municipalities, June 2/10 – FCM News – Week of May 31 (1320-0075)
- w) F. May, CAO, R.M. of Ritchot, June 3/10 – Building Inspector (6100-0280)
- x) University of Manitoba – Extended Education: Certificate in Manitoba Municipal Administration (1212-0010)
- y) M. Watson, Events Guide Coordinator, Travel Manitoba – 2010 Events Guide, Sept – Dec Issue (7124-0290)
- z) Community Futures Triple R Corporation – Annual General meeting, July 12/10 St. Malo Golf Club (1320-0030)
- aa) D. Prud'Homme, Prairie By-Law Enforcement Ltd. – Month of May 2010 (2640-0020)
- bb) K. Enns, Red River GO Team, Manitoba Agriculture, Food & Rural Initiatives, June 4/10 – Apprenticeship Manitoba – Setting up shop in Southern Manitoba, for Employers, Employees and Potential apprentices (1320-0030)
- cc) D. Unruh, Executive Consultant, Partnership of the Manitoba Capital Region, June 4/10 – Bob Grodzik's Retirement Event (1320-0085)
- dd) R. Whalley, June 4/10 – Parking of RV's, trailers and other vehicles in the Kingswood Subdivision area (6100-0100)
- ee) T. Edwards, 59 Macdonald St., Starbuck, June 7/10 – Concerns with drainage along Macdonald Street (7124-0010)

Carried.

Councillor Dobrowolski

Douglas Dobrowolski retired from the meeting at 3:00 p.m.

237/10 Conditional Use No. 28/10 – J. & M. Cormier, 34-8-2E

R. Kirouac: B. Erb: WHEREAS the “AR” Agricultural Restricted Zone of the Rural Municipality of Macdonald Zoning By-Law, as amended, provides that Camping and Tenting Grounds may be considered as a conditional use and Variation Order 73/07 was approved to allow the storage of RVs, boats, campers and other recreation vehicles as a conditional use;

THEREFORE, BE IT RESOLVED: THAT Conditional Use Order No. 28/10 of Jared & Marni Cormier affecting

All That portion of East ½ of Legal Subdivision 3 of Section 34-8-2EPM which lies to the south of La Salle River (9 065 PR 247E)

BE APPROVED to allow the intensification of the existing RV Vehicle Storage activity approved under Conditional Use No. 74/07 by expanding the existing storage area to a storage area of 200’ x 500’ limited to a maximum capacity of 80 containers subject to the completion of a development agreement to be registered by caveat under the provisions of Section 151 of the Planning Act.

Carried.

238/10 Conditional Use No. 30/10 – Seine River School Division, NW¼ 28-8-2E

R. Kirouac: B. Erb: WHEREAS the “RG” Residential General Zone of the Rural Municipality of Macdonald Zoning By-Law, as amended, provides that Schools may be considered as a conditional use;

THEREFORE, BE IT RESOLVED: THAT Conditional Use Order No. 30/10 of Stantec (Seine River School Division #14 – property owners) affecting

Part of NW¼ Section 28-8-2EPM

BE APPROVED to allow the existing school to intensify its use with the placement of two (2) modular classrooms on the school property subject to the completion of improvements to the existing drainage within the bus loop.

Carried.

239/10 Variation No. 29/10 – Seine River School Division, NW¼ 28-8-2E

R. Kirouac: C. Bisson: WHEREAS the “RG” Residential General Zone of the Rural Municipality of Macdonald Zoning By-Law, as amended, provides that for a school the minimum front yard setback is 100 feet, minimum side yard setback is 25 feet and the General Provisions of the zoning by-law provide that the maximum projection of an open stairway into a front yard is 30 inches;

THEREFORE, BE IT RESOLVED: THAT Variation No. 29/10 of Stantec (Seine River School Division #14 - property owner) affecting

Part of NW¼ Section 28-8-2EPM

BE APPROVED to allow a front yard of 20 feet, side yard of 12.5 feet and a projection into the front yard of 6 feet for an open stairway ramp in order to allow for the placement of two modular classrooms on the existing school property.

Carried.

240/10 Adjourn

C. Bisson: B. Erb: BE IT RESOLVED: THAT this meeting adjourn. Time: 4:20 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
June 8, 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:

- 11:00 a.m. – By-Law No. 10/10, Zoning By-Law Amendment, Map 3, La Salle
- 11:00 a.m. – Variation No. 24, 25, 26 & 27/10 – T. Petty, Pt. NE 30-8-2E
- 11:00 a.m. – Conditional Use No. 28/10 – Jared Cormier, Pt. SW 34-8-2E
- 11:00 a.m. – Conditional Use No. 30/10 & Variation No. 29/10,
Seine River School Division, Pt. NW 28-8-2E, La Salle
- 11:30 a.m. – Conditional Use No. 31/10, Winston Nikkel, Pt. SW 29-8-1E

Attendance

Reeve R. Burns and Councillors D. Dobrowolski, B. Rex, 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.

By-Law No. 10/10 – Zoning By-Law Amendment, Pt. NE 30-8-2E, Map 3, La Salle and Variation Nos. 24, 25, 26 & 27/10 – Terrance Petty, Pt. NE 30-8-2E

Terrance Petty attended in support of the by-law to rezone his land from “AR” Agricultural Restricted Zone to “RS” Residential Suburban Zone.

Tim Comack, Land Development Manager, Ventura Land Company Inc. attended in support and reminded Council that a contribution is necessary from developers connecting to some of the existing utility infrastructure.

A letter opposed to the rezoning of the property was received from:

- a) Len and Alex Yablonski from 28 Kingswood Crescent, La Salle
- b) William Weaver, M. Sc., Environment Review Officer, Manitoba Water Stewardship

Letters with no concerns to the proposed rezoning were received from Heinz Lausmann, P. Eng., Senior Highway Planning Engineer, Manitoba Infrastructure and Transportation; Michelle Erb, P. Ag., Land Use Specialist, Manitoba Agriculture, Food and Rural Initiatives; Gary Dueck, Access Network Provisioning Specialist, MTS/Allstream Inc. and Florence May, Chief Administrative Officer, Rural Municipality of Ritchot.

A petition signed by 39 neighbours in the immediate neighbourhood opposed to the variation to reduce the minimum site width of 150 feet in the “RS” Residential Suburban Zone to 120 feet was included in the letter from Len and Alex Yablonski.

Conditional Use No. 28/10 – J. & M. Cormier, Pt. 34-8-2E

Jared Cormier attended in support of their application to enlarge their existing storage facility located east of La Salle north of PR No. 247.

Conditional Use No. 30/10 & Variation No. 29/10 – Seine River S.D., Pt. NW 28-8-2E

Andrew Edge, Designer, Technician with Stantec Architecture Ltd. attended on behalf of the Seine River School Division to provide details on their proposal to locate two modular classrooms to increase the school capacity. To accommodate the proposed location of the buildings they are also applying for a variation to the minimum front and side yard

requirements of 100 feet and 25 feet respectively and to allow a projection of 6 feet into the front yard for an open stairway ramp.

Conditional Use No. 31/10, Winston Nikkel, Pt. SW 29-8-1E

No persons attended in regards to Conditional Use No. 31/10 to locate a restaurant in an existing building owned by Johnny Bestland located along PTH No. 3 at Sanford.