

**RURAL MUNICIPALITY OF BROKENHEAD
OCTOBER 27, 2020 - REGULAR MEETING 7:00 PM
MINUTES**

Members Present:	Reeve	Brad Saluk
	Councillor	Sean Michaels Bruce Modrzejewski Luke Ingeberg
	Via Teleconference	Jack Kowalchuk
	CAO	Sue Sutherland, CMMA
	Executive Asst.	Kerry Bialek, CMMA

1. Calling the meeting to Order

1.1 Resolution to call the meeting to order

330-20 KOWALCHUK-INGEBERG

BE IT RESOLVED THAT this meeting of Council is called to order, the time being 7:00 p.m.

Carried

2. Adopt Agenda/Adopt and Confirm Minutes

2.1 Resolution to adopt the agenda

331-20 MICHAELS-MODRZEJEWSKI

BE IT RESOLVED THAT the agenda is adopted as circulated.

Carried

2.2 Resolution to adopt the minutes of October 13th, 2020 Regular Meeting

332-20 INGBERG-KOWALCHUK

WHEREAS copies of the minutes of the Regular meeting of October 13th, 2020 have been circulated to each member of Council, and;

THEREFORE BE IT RESOLVED THAT Council waive the reading of these minutes and said minutes be adopted, as circulated.

Carried

2.3 Resolution to adopt the minutes of October 13th, 2020 Committee of the Whole Meeting

333-20 MICHAELS-INGEBERG

WHEREAS copies of the minutes of the Committee of the Whole meeting of October 13th, 2020 have been circulated to each member of Council, and;

THEREFORE BE IT RESOLVED THAT Council waive the reading of these minutes and said minutes be adopted, as circulated.

Carried

2.4 Resolution to adopt the minutes of October 21st, 2020 Board of Revision Meeting

334-20 MODRZEJEWSKI-MICHAELS

WHEREAS copies of the minutes of the Board of Revision meeting of October 21st, 2020 have been circulated to each member of Council, and;

THEREFORE BE IT RESOLVED THAT Council waive the reading of these minutes and said minutes be adopted, as circulated.

Carried

3. Delegations and Public Hearings

3.1 Public Hearing – Rezoning of Parcel B, Plan 25340 WLTO in SE ¼ Section 10-13-6EPM

335-20 KOWALCHUK-MODRZEJEWSKI

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead opens this Public Hearing, the time being 7:05 p.m., to receive representations, ask questions or register an objection from any person(s) who wish to make them in respect to rezoning of Parcel B, Plan 25340 in SE ¼ Section 10-13-6EPM from “AL” Limited Agricultural Zone to “CH” Commercial Highway Zone and to add Food Wholesaler as a permitted use to Table IX – “CH” Highway Commercial Use and Bulk Table.

Carried

Chief Administrative Officer Sue Sutherland summarized the application for rezoning and the addition of “Food Wholesaler” as a permitted use. Lawrence Porhownik and Joel Cote were in attendance to speak in favour of the rezoning. No objections were received.

336-20 INGEBERG-MODRZEJEWSKI

WHEREAS the Council of the Rural Municipality of Brokenhead has heard all those in attendance that wished to make representation in regards to By-Law 2218-20 to rezone Parcel B, Plan 25340 in SE ¼ Section 10-13-6EPM from “AL” Limited Agricultural Zone to “CH” Commercial Highway Zone and to add Food Wholesaler as a permitted use to Table IX – “CH” Highway Commercial Use and Bulk Table;

AND WHEREAS there were 0 persons in attendance who registered objections;

THEREFORE BE IT RESOLVED THAT Council of the Rural Municipality of Brokenhead closes this Public Hearing, the time being 7:17 p.m.

Carried

3.2 Conditional Use C-76-20 – Parcel A, Plan 35615 in SW ¼ Section 12-13-6EPM

337-20 MICHAELS-KOWALCHUK

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead opens this Conditional Use Hearing, the time being 7:20 p.m., to hear Conditional Use File No. C-76-20, submitted by applicants Martin and Melissa Botincan.

Carried

Chief Administrative Officer Sue Sutherland reviewed the application for Conditional Use. Martin and Melissa Botincan were in attendance to speak in favour of the application. The business will be operated by the owner/applicant during the summer season, and then up to two extra people would be called in during the winter for snow clearing. The existing signage is out of date and will be removed. Owner does not want to have retail sales on the property. Winter would have only transient traffic as equipment is moved in/out of property to operate off-site.

338-20 INGERBERG-MICHAELS

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead do hereby close this Conditional Use Hearing and return to regular meeting of Council, the time being 7:50 p.m.

Carried

339-20 MODRZEJEWSKI-MICHAELS

WHEREAS Council sat as a Conditional Use Board October 27th, 2020 to hear representation(s) in regards to an application submitted by Martin and Melissa Botincan to permit the operation of a small business serving the surrounding area, consisting of excavating and bobcat services in the summer months and snow clearing services in the winter months to be family operated and owned on the property located at Parcel A, Plan 35615 in SW ¼ Section 12-13-6EPM –File No. C-76-20, and;

WHEREAS 0 representations were received in objection to the application;

THEREFORE BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead approves this Conditional Use Application with the following conditions:

1. The applicant/owner obtains all required permits from Brokenhead River Planning District.
2. That all costs associated with the enforcement of this conditional use order to be found in non-compliance shall be borne solely by the property owner.
3. That all costs associated with this conditional use incurred by the Municipality shall be the sole responsibility of the property owner.
4. That the applicant/owner is limited to what is noted in the application and any intensification of operations will require a new conditional use application.
5. That the hours of operation are limited to respect the peace and harmony of surrounding residential inhabitants with summer hours of 7:00 a.m. to 7:00 p.m. and winter operations taking place off-site.
6. That there is to be no exterior signage advertising this business.
7. That no retail sales are to take place on the property.
8. That there shall only be a limited storage of materials on site.

Carried

4. Financial Reports/Payment of Accounts

4.1 Approval of Accounts to October 27th, 2020

340-20 INGERBERG-KOWALCHUK

WHEREAS the Finance Committee has reviewed and approved payment of accounts listed in the invoice registers to October 27th, 2020, and;

THEREFORE BE IT RESOLVED THAT the following be approved for payment:

<u>Payroll</u>	Cheques #20201366-20201390	\$ 35,752.19
	Cheques #20201403-20201406	\$ 1,124.10
<u>Accounts for Payment</u>		
Recreation	Cheque #20201408	\$ 250.00
Fire	Cheques #20201409-20201410	\$ 200.56
General	Cheques #20201391-20201402	\$ 77,960.54
General	Cheque #20201407	\$ 5,500.00
General	Cheques #20201411-20201451	<u>\$ 179,882.72</u>
		<u>\$ 300,670.11</u>

Carried

4.2 Cancelled Cheques

341-20 MICHAELS-MODRZEJEWSKI

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead cancels the following cheques:

<u>Cheque #</u>	<u>Amount</u>	<u>Reason</u>
20200040	\$225.00	Lost Cheque

20200101	\$225.00	Lost Cheque
20200112	\$500.00	Event Cancelled due to COVID-19
20200346	\$ 60.60	Lost Cheque

Carried

5. By-Laws

5.1 By-Law No. 2218-20 – Rezoning of Parcel B Plan 25340 WLTO in SE ¼ 10-13-6 EPM – 2nd & 3rd Reading

342-20 MODRZEJEWSKI-MICHAELS

BE IT RESOLVED THAT Council gives second reading to By-Law No. 2218-20, being a By-Law of the Rural Municipality of Brokenhead to rezone Parcel B Plan 25340 WLTO from ‘AL’ Limited Agriculture Zone to ‘CH’ Commercial Highway Zone and to add Food Wholesaler as a permitted use to Table IX – “CH” Highway Commercial Use and Bulk Table.

Carried

343-20 INGEBERG-KOWALCHUK

BE IT RESOLVED THAT Council gives third reading to By-Law No. 2218-20, being a By-Law of the Rural Municipality of Brokenhead to rezone Parcel B Plan 25340 WLTO from ‘AL’ Limited Agriculture Zone to ‘CH’ Commercial Highway Zone and to add Food Wholesaler as a permitted use to Table IX – “CH” Highway Commercial Use and Bulk Table.

Councillor	Yes	No	Abstain	Reason
Modrzejewski, Bruce	X			
Michaels, Sean	X			
Ingeberg, Luke	X			
Kowalchuk, Jack	X			
Saluk, Brad	X			

Carried

5.2 By-Law No. 2219-20 – Council Code of Conduct – 2nd & 3rd Reading

344-20 MICHAELS-INGEBERG

BE IT RESOLVED THAT the Council gives second reading to By-Law 2219-20, being a by-law of the Rural Municipality of Brokenhead, to establish and regulate a Code of Conduct for members of council.

Carried

345-20 INGEBERG-MODRZEJEWSKI

BE IT RESOLVED THAT the Council gives third reading to By-Law 2219-20, being a by-law of the Rural Municipality of Brokenhead, to establish and regulate a Code of Conduct for members of council.

Councillor	Yes	No	Abstain	Reason
Modrzejewski, Bruce	X			
Michaels, Sean	X			
Ingeberg, Luke	X			
Kowalchuk, Jack	X			
Saluk, Brad	X			

Carried

6. Unfinished Business

Nil

7. New Business

7.1 Fire Protection Grant – Purchase of Appliances

346-20

INGEBERG-KOWALCHUK

WHEREAS the Fire Protection Grant has recently been announced which provides for one-time funding support to enhance fire protection and emergency response services within local communities, and;

WHEREAS the Beausejour Brokenhead Fire Department does not have proper extractor to clean turnout gear, and;

THEREFORE BE IT RESOLVED THAT the Rural Municipality of Brokenhead supports the submission to purchase extractors for turnout gear under the Fire Protection Grant.

Carried

7.2 Bill 48: *The Planning Amendment & City of Winnipeg Charter Amendment Act*

347-20

MODRZEJEWSKI-MICHAELS

WHEREAS Bill 48 amends *The Planning Act* and *The City of Winnipeg Charter Act* making local land-use decisions subject to appeal to the Municipal Board and introduces strict timelines for critical land use planning processes, and;

WHEREAS this bill makes significant changes to the land-use processes all municipalities and planning districts use to govern the development of their communities, and;

WHEREAS this bill allows applicants to challenge the decision and conditions of approvals that duly elected municipal councils make in the interest of their communities, and;

WHEREAS the Municipal Board can overturn local decisions and impose new conditions and fees on municipalities, and;

WHEREAS the process for challenging these decisions turns the final decision over to the Municipal Board who is not accountable to the citizens of the impacted community, and;

WHEREAS municipalities cannot appeal the decisions of the Municipal Board, and;

WHEREAS these new processes and the involvement of the Municipal Board in local decision making introduces a new layer of red tape, removes the autonomy of local communities to shape their own social and economic development, and adds significant new costs to municipalities, and;

WHEREAS having uniform timelines that apply to Winnipeg and the smallest of rural and northern municipalities does not recognize the inherent operational differences and capacities of smaller municipalities, and;

WHEREAS municipal governments want to have efficient, transparent, timely, affordable, and citizen-focused land-use and economic development services that help to strengthen their communities by balancing the needs of a growing Manitoba economy with the interests and needs of their own residents, and;

THEREFORE BE IT RESOLVED THAT the Association of Manitoba Municipalities lobbies the Province of Manitoba to remove the appeals processes proposed in Bill 48 and replace them with measures that enhance accountability for land-use decisions, but ensures that local councils and planning districts retain the authority to shape and guide community development and land-use within their communities, and;

FURTHER BE IT RESOLVED THAT the Province of Manitoba amends Bill 48 to remove the uniform setting of timelines for land-use planning processes and replace them with clauses that empower municipalities to set timelines for these same processes that align with the capacity of the municipality to affordably provide these services.

Carried

7.3 Annexation of Land to Local Urban District of Tyndall-Garson

Councillor Bruce Modrzejewski gave notice that at the next regular meeting of Council, he intends to introduce a motion to rescind Resolution No. 258-20 which was passed at the August 25th, 2020 council meeting.

348-20 INGEBERG-MICHAELS

WHEREAS Resolutions No. 094-15 and 200-15 were passed by Council in 2015, and;

WHEREAS both resolutions outlined the annexation of certain properties into the Local Urban District of Tyndall/Garson, and;

THEREFORE BE IT RESOLVED THAT the following properties be annexed:

- 1) Parcel A of Plan 35615 – Certificate of Title 2201060

- 2) Property of The Archangel Bell Tower – owned by HMQ
- 3) SW ¼ 13-13-6E, S 150 feet perp of W 172.09 feet perp – Certificate of Title 2846245
- 4) SW ¼ 11-13-6E, all that portion lying north and east of northerly and easterly limits of Drain Plan 2440 – Certificate of Title 2745689
- 5) Plan of public road 64301

FURTHER BE IT RESOLVED that Council actions the Chief Administrative Officer to commence proceedings for the annexation.

Carried

8. Correspondence/Reports

- 8.1 Brokenhead River Recreation Commission – Minutes of September 9th, 2020 Meeting
- 8.2 Brokenhead Municipal Heritage Advisory Committee – Minutes of August 6th, 2020 Meeting
- 8.3 Local Urban District of Tyndall-Garson Committee – Minutes of September 14th, 2020 Meeting
- 8.4 Interlake-Eastern Regional Health Authority – First Responders Palliative Care at Home Project
- 8.5 Sandy-Saulteaux Spiritual Centre – Canada’s Truth and Reconciliation
- 8.6 Chief Administrative Officer’s Report – September 2020
- 8.7 Manitoba Municipal Relations – Manitoba Restart Program

349-20 MICHAELS-KOWALCHUK

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead accepts all Minutes, Miscellaneous Correspondence and Reports as presented.

Carried

9. In Camera

Nil

10. Adjournment

10.1 Resolution to adjourn the meeting and schedule the next meeting

350-20 KOWALCHUK-MODRZEJEWSKI

BE IT RESOLVED THAT this regular meeting of Council does now adjourn the time being 8:06 p.m., to meet again on November 10th, 2020 at 7:00 p.m.

Carried

Brad Saluk

Reeve

Sue Sutherland

Chief Administrative Officer