

**RURAL MUNICIPALITY OF BROKENHEAD  
JUNE 22, 2021 - REGULAR MEETING 7:00 PM  
MINUTES**

Members Present:	Deputy Reeve	Sean Michaels
	Councillor	Bruce Modrzejewski
		Luke Ingeberg
		Jack Kowalchuk
	Youth Member	Aaron Linke
	CAO	Sue Sutherland, CMMA
	Executive Asst.	Kerry Bialek, CMMA

1. Calling the meeting to Order

1.1 Resolution to call the meeting to order

196-21 INGERBERG-KOWALCHUK

**BE IT RESOLVED THAT** this meeting of Council is called to order, the time being 7:04 p.m.

*Carried*

2. Adopt Agenda/Adopt and Confirm Minutes

2.1 Resolution to adopt the agenda

197-21 MODRZEJEWSKI-INGERBERG

**BE IT RESOLVED THAT** the agenda is adopted as circulated, with the following changes:

**Addition:**

3.3 Kurtis Gafka – Brokenhead River Park  
9.0 In Camera

**Deletion:**

3.1 Dallas & Gale Oleschuk – Brokenhead River Park  
Condominium

*Carried*

2.2 Resolution to adopt the minutes of June 8<sup>th</sup>, 2021 Regular Meeting

198-21 KOWALCHUK-MODRZEJEWSKI

**WHEREAS** copies of the minutes of the Regular meeting of June 8<sup>th</sup>, 2021 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 June 8<sup>th</sup>, 2021 Committee of the Whole Meeting

199-21 INGBERG-KOWALCHUK

**WHEREAS** copies of the minutes of the Committee of the Whole meeting of June 8<sup>th</sup>, 2021 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

3.3 Kurtis Gafka – Brokenhead River Park

Mr. Gafka attended Council to discuss harassment by a member of council. Incidents of harassment have occurred multiple times this year with respect to burning yard waste and issues with the direction of flow of the Brokenhead River. The materials being burned are clean burnables such as leaves, branches and grass clippings, and are burned in accordance with Fire Ban By-Law No. 2223-21. Licenses for building a dam on the Brokenhead River have been obtained from the Province of Manitoba and are inspect annually. Mr. Gafka is requesting that the member of council end the harassment while looking the other way when other residents are in contravention of the rules.

4. Financial Reports/Payment of Accounts

4.1 Approval of Accounts to June 22<sup>nd</sup>, 2021

200-21 KOWALCHUK-INGEBERG

**WHEREAS** the Finance Committee has reviewed and approved payment of accounts listed in the invoice registers to June 22<sup>nd</sup>, 2021, and;

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

<u>Payroll</u>		Cheques #20210762-20210785	\$ 36,520.47
		Cheques #20210788-20210791	\$ 1,163.01
<u>Accounts for Payment</u>			
General		Cheques #20210786-20210787	\$ 20,616.16
General		Cheques #20210792-20210837	\$ 95,506.07
		Visa	\$ 14,156.99
			<u>\$ 167,962.70</u>

*Carried*

4.2 Financial Statement for Period Ending May 31<sup>st</sup>, 2021

## 201-21 INGERBERG-KOWALCHUK

**WHEREAS** the Financial Statement for the period ending May 31<sup>st</sup>, 2021 has been prepared and presented to all members of Council, and;

**THEREFORE BE IT RESOLVED THAT** Council is in agreement to accept the Financial Statement for the period ending May 31<sup>st</sup>, 2021.

*Carried*

## 5. By-Laws

5.1 By-Law No. 2227-21 – Rezoning of Lot 2 Block 8 Plan 2248 and Lot 7 Plan 18898 in Section 2-13-6EPM – 1<sup>st</sup> Reading

## 202-21 MODRZEJEWSKI-KOWALCHUK

**BE IT RESOLVED THAT** Council gives first reading to By-Law No. 2227-21, being a By-Law of the Rural Municipality of Brokenhead to rezone Lot 2 Block 8 Plan 2248 and Lot 7 Plan 18898 from ‘AL’ Limited Agriculture Zone to ‘R’ Residential Zone.

*Carried*

## 6. Unfinished Business

6.1 Conditional Use C-77-21 – SW ¼ Section 8-13-8EPM - Decision

## 203-21 INGERBERG-KOWALCHUK

**WHEREAS** Council sat as a Conditional Use Board May 25<sup>th</sup>, 2021 to hear representation(s) in regards to an application submitted by Ron Modjeski and Karen McDonald to permit the operation of a 300 site camping and tenting ground, including travel trailers, in a ‘P’ Parks, Recreation and Institutional Zone on the property located at SW ¼ Section 8-13-8EPM – 73033 Road 43E – File No. C-77-21, and;

**WHEREAS** 4 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 Owner obtains all required permits from the Brokenhead River Planning District as per the inspection completed on June 3<sup>rd</sup>, 2021.
2. In future, the Owner of the land is responsible to obtain permits for permanent additions to any structure, decks over 24” in height, and any buildings over 108 square feet.
3. Liability insurance in the amount of \$2,000,000.00 with the Rural Municipality of Brokenhead as additional insurer and proof provided to the Municipality.

4. That all costs associated with the enforcement of this conditional use order to be found in non-compliance shall be borne solely by the Owner.
5. That all costs associated with this conditional use incurred by the Municipality shall be the sole responsibility of the Owner.
6. That the Owner is approved to have a total of 285 trailer sites, 15 tenting sites, and any intensification of operations will require a new conditional use application.
7. No permanent structures are to be located on the seasonal sites. Any placements must be portable.
8. Adequate signage must be provided stipulating the location and dates and times of operations.
9. Any signage outside the park is to have a permit from the Brokenhead River Planning District.
10. This order is subject to the rules and regulations stipulated in all aspects of the Rural Municipality of Brokenhead Zoning By-Law No. 1688, with specific focus on the Trailer Licensing By-Law No. 1934, Noise By-Law No. 2192-17, and the Burning Ban By-Law No. 2223-21, and any other superseding By-Law of the same nature.
11. Lease agreements/contracts with tenants must outline that the lease holders cannot interfere with acceptable farm practices.
12. Park signs should be posted to indicate that visitors/guests should not interfere with any livestock or agricultural nature outside the property boundaries of the campground.
13. Lease agreements/contracts with tenants must reflect all applicable by-laws of the Rural Municipality of Brokenhead.
14. The Owners will be responsible for providing dust control from the intersection at Mile 73N and Road 43E all the way to the Owner's residence access to the driveway of the campground which represents 1,100 feet of dust control. The Chief Administrative Officer of the Rural Municipality of Brokenhead at his/her discretion during dry and dusty seasons may require a second application of dust control for 300 feet in front of 73033 Road 43E and in front of 42158 Mile 73N. If the bill for dust control should go into arrears, the charges will be added to the property tax bill by resolution of Council.
15. That the Owner receives approval for all holding tanks on the property and permits for any further installation and provides written proof to the Brokenhead River Planning District.
16. Payments for Trailer Licensing Fees are to be paid in full by September 30<sup>th</sup> of each year. Any arrears will be charged to the property tax account.
17. Designated officers of the Municipality or the Brokenhead River Planning District will be allowed to enter the premises at any time for compliance inspections.

18. Any special event being held at the campground including but not limited to weddings, family reunions, meetings and concerts are to be approved by resolution of Council.
19. No fireworks are permitted without special approval of Council.
20. That this conditional use order is valid for a three (3) year term at which time the Owner must reapply for a new conditional use order, the commencement date is the date of approval.
21. The Owner is to provide to the Municipality a fire prevention plan and emergency plan.

*Carried*

Reeve Brad Saluk joins the council meeting at 7:45 p.m.

## 7. New Business

### 7.1 Award of Tyndall-Garson Paving Request for Quotes 2021-08

#### 204-21 INGERBERG-MODRZEJEWSKI

**WHEREAS** the Rural Municipality of Brokenhead issued a Request for Quotes for a contractor to renew and asphalt pave Sinclair Drive, Sinclair Crescent, Kingsgate Row, and Palas Drive in the Local Urban District of Tyndall-Garson in summer 2021, and;

**WHEREAS** the Request for Quotes was sent to twelve contractors and publicly posted on MERX on May 17<sup>th</sup>, 2021, and;

**WHEREAS** seven contractors provided pricing in accordance with the Request for Quotes by the deadline of June 16<sup>th</sup>, 2021, and;

**WHEREAS** the submissions are as follows:

Contractor	Lump Sum Cost
Bituminex Paving Ltd.	\$317,305.00
Wintec Building Services Inc.	\$336,281.30
Maple Leaf Construction Ltd.	\$361,000.00
JRoss Construction & Landscaping Ltd.	\$367,500.00
Borland Construction Inc.	\$423,645.00
Meseyton Construction Ltd.	\$447,814.14
Eddie's Gravel Supply Ltd.	\$596,035.00

**THEREFORE BE IT RESOLVED THAT** the Rural Municipality of Brokenhead awards the paving project to Bituminex Paving Ltd. at a cost of \$317,305.00 including GST in accordance with Request for Quotes 2021-08.

*Carried*

### 7.2 Award of Septic System Construction Request for Proposals 2021-06

## 205-21 INGERBERG-KOWALCHUK

**WHEREAS** the Rural Municipality of Brokenhead issued a Request for Proposals for a contractor to construct a new septic field for the Rural Municipality of Brokenhead Administrative Office in summer 2021, and;

**WHEREAS** the Request for Quotes was sent to eight contractors and publicly posted on MERX on June 1<sup>st</sup>, 2021, and;

**WHEREAS** two contractors provided pricing in accordance with the Request for Proposals by the deadline of June 17<sup>th</sup>, 2021, and;

**WHEREAS** the submissions are as follows:

Contractor	Lump Sum Cost
B & B Schmidtke Trucking Ltd.	\$26,098.74
Penner Underground Ltd.	\$35,805.00

**THEREFORE BE IT RESOLVED THAT** the Rural Municipality of Brokenhead awards the Septic System Construction to B & B Schmidtke Trucking Ltd. at a cost of \$26,098.74 including GST in accordance with Request for Proposals 2021-06.

*Carried*

## 8. Correspondence/Reports

- 8.1 Beausejour Brokenhead Fire Committee – Minutes of March 10<sup>th</sup>, 2021 Meeting
- 8.2 Beausejour Brokenhead Joint Fire Committee – Minutes of May 4<sup>th</sup>, 2021 Meeting
- 8.3 Local Urban District of Tyndall-Garson Committee – Minutes of May 10<sup>th</sup>, 2021 Meeting
- 8.4 Beausejour & District Chamber of Commerce – Funding Appreciation and Results of Chamber Eats Culinary Contest

## 206-21 MODRZEJEWSKI-MICHAELS

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

*Carried*

## 3. Delegations and Public Hearings (Continued)

- 3.2 Trevor McLachlan – Drainage of Lot

Mr. McLachlan attended Council to discuss the drainage of his property. Neighbouring properties have been built up over the years, leading to their

water draining onto his property. He requests to see the drainage plan and development agreement for the condominium lands. Members of the condominium board claim he excavated his backyard to handle water under his house, where as he says he made a swale to deal with the water the best he could. Council agreed to discuss the matter further and study the LiDAR maps, as well as hold a meeting with the Winnipeg Condominium Corporation to discuss jurisdictions and responsibilities.

7. New Business (Continued)

207-21 MICHAELS-KOWALCHUK

**WHEREAS** Association for Community Living Beausejour Branch has been under investigation by Manitoba Family Services, and;

**WHEREAS** the Rural Municipality of Brokenhead is a funding body of this establishment, and;

**THEREFORE BE IT RESOLVED THAT** Administration completes a *Freedom of Information, Privacy and Protection Act* application to acquire the report.

*Carried*

9. In Camera

208-21 MODRZEJEWSKI-KOWALCHUK

**BE IT RESOLVED THAT** in accordance with Section 152(3) of *The Municipal Act*, Council of the Rural Municipality of Brokenhead do now move in-camera to discuss personnel matters, the time being 8:40 p.m.;

**AND FURTHER BE IT RESOLVED THAT** in accordance with Section 83(1)(d) of *The Municipal Act*, any issues that are discussed are kept confidential until discussed at a Regular Meeting of Council.

*Carried*

209-21 MICHAELS-INGEBERG

**BE IT RESOLVED THAT** Council of the Rural Municipality of Brokenhead do now move out of camera, the time being 8:59 p.m., and resume the regular order of business.

*Carried*

10. Adjournment

10.1 Resolution to adjourn the meeting and schedule the next meeting

- 210-21 MODRZEJEWSKI-MICHAELS  
**BE IT RESOLVED THAT** this regular meeting of Council does now  
adjourn the time being 9:00 p.m., to meet again on July 13<sup>th</sup>, 2021 at 7:00 p.m.

*Carried*

*Brad Saluk*

Reeve

*Sue Sutherland*

Chief Administrative Officer