

**RURAL MUNICIPALITY OF BROKENHEAD
AUGUST 10, 2021 - REGULAR MEETING 7:00 PM
MINUTES**

Members Present:	Reeve	Brad Saluk
	Councillor	Sean Michaels
		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

257-21 MICHAELS-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

258-21 MODRZEJEWSKI-KOWALCHUK

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

7.7 Acceptance of Letter of Resignation – Public Works

Carried

2.2 Resolution to adopt the minutes of July 27th, 2021 Regular Meeting

259-21 MICHAELS-KOWALCHUK

WHEREAS copies of the minutes of the Regular meeting of July 27th, 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 July 27th, 2021 Committee of the Whole Meeting

260-21 INGBERG-MICHAELS

WHEREAS copies of the minutes of the Committee of the Whole meeting of July 27th, 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

3.1 Public Hearing – By-Law No. 2228-21 – Rezoning Lot 4 Plan 20613 in NE ¼ Section 4-13-6EPM

261-21 KOWALCHUK-MICHAELS

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead opens this Public Hearing, the time being 7:02 p.m., to receive representations, ask questions or register an objection from any person(s) who wish to make them in respect to By-Law No. 2228-21, a by-law to rezone Lot 4 Plan 20613 in NE ¼ Section 4-13-6EPM from “AL” Limited Agriculture Zone to “R” Residential Zone.

Carried

Chief Administrative Officer Sue Sutherland summarized the application for rezoning. Provincial agencies responded with no objections however Manitoba Infrastructure was concerned that the layout does not allow for connectivity to the property to the west. The rezoning is consistent with the development plan.

No one spoke in favour of the application.

Mr. Mark Townshend objected, expressing concern with the amount of traffic increasing on Garson Drive due to the new housing development. Existing residents are already speeding in and out of town.

Ms. Erika Rob also objected. She questioned whether this new zoning designation would allow an apartment building to be constructed. This zoning will only allow single family dwellings. She is also concerned as Gillis School is already using portable classrooms, how much strain will this put on the school?

Mr. Michael Pearson did not object however voiced his concern with the water and sewer capacity with new residents, and would existing residents have to pay for the new infrastructure. The capital development fees were explained, indicating that developers are responsible for costs of water, sewer and lagoon costs.

Mr. Townshend inquired if sidewalks could be built for the safety of pedestrians. The developers expressed an idea for installing sidewalks if there was the room.

- 262-21 MICHAELS-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 2228-21, a by-law to rezone Lot 4 Plan 20613 in NE ¼ Section 4-13-6EPM from “AL” Limited Agriculture Zone to “R” Residential Zone;
AND WHEREAS there were 2 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 7:32 p.m.

Carried

- 3.2 Variation Order V-378-21 – Lot 1, Block 3, Plan 52204 in NE ¼ Section 4-13-6EPM

- 263-21 KOWALCHUK-INGEBERG
BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead suspends the regular meeting of Council and opens this Variation Hearing to hear File No. V-378-21, the time being 7:33 p.m.

Carried

- 264-21 MICHAELS-MODRZEJEWSKI
BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead do hereby close this Variation Hearing, the time being 7:36 p.m. and return to regular meeting of Council.

Carried

- 265-21 MICHAELS-KOWALCHUK
BE IT RESOLVED THAT Application for Variation Order No. V-378-21 for Robert and Kathy Boddy is tabled to gather more information.

Carried

- 3.3 Variation Order V-379-21 – Lot 5 Plan 18949 in SE ¼ Section 14-13-6EPM

- 266-21 INGBERG-MICHAELS
BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead suspends the regular meeting of Council and opens this Variation Hearing to hear File No. V-379-21, the time being 7:39 p.m.

Carried

267-21 KOWALCHUK-MICHAELS

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

Carried

268-21 MICHAELS-INGEBERG

WHEREAS the Rural Municipality of Brokenhead Zoning By-Law 1688, as amended; Section 5.3.2, Table V – ‘AL’ Limited Agricultural Zone requires that barns, sheds, animal enclosures, dairy barns, silos, greenhouses, mushroom farms, apiary and aviary operations require a minimum site area of 40 acres;

AND WHEREAS Michael and Carol Pearson have made application for variation to permit an aviary operation with a site area of 4 acres on the premises known as Lot 5 Plan 18949 – 74026 Road 35E, and;

THEREFORE BE IT RESOLVED THAT Application for Variation Order No. V-379-21 for Michael and Carol Pearson is hereby approved with the following conditions:

1. That there be a maximum of sixteen (16) chickens at any time.
2. That this variance can be revoked by Council if the chickens are found to be running at large.

Carried

3.4 Variation Order V-380-21 – Lot 15, Block 3, Plan 52204 in NE ¼ Section 4-13-6EPM

269-21 KOWALCHUK-MICHAELS

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead suspends the regular meeting of Council and opens this Variation Hearing to hear File No. V-380-21, the time being 7:55 p.m.

Carried

270-21 KOWALCHUK-INGEBERG

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead do hereby close this Variation Hearing, the time being 8:01 p.m. and return to regular meeting of Council.

Carried

The decision in respect to Variation File No. V-380-21 has been tabled to gather further information.

4. Financial Reports/Payment of Accounts

4.1 Approval of Accounts to August 10th, 2021

271-21 KOWALCHUK-INGEBERG

WHEREAS the Finance Committee has reviewed and approved payment of accounts listed in the invoice registers to August 10th, 2021, and;

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

<u>Payroll</u>	Cheques #20210941-20210973	\$ 41,901.07
	Cheques #20210975-20210999	\$ 35,683.18
<u>Accounts for Payment</u>		
Recreation	Cheques #20211074-20211082	\$ 12,443.27
General	Cheque #20210974	\$ 298,313.03
General	Cheques #20211000-20211073	\$ 234,844.92
July Bank Statement	Western Financial Group	\$ 1,138.67
	Visa	\$ 30,670.95
	Manitoba Hydro	\$ 5,512.54
		<u>\$ 660,507.63</u>

Carried

4.2 Council Indemnities – July 2021

272-21 MICHAELS-MODRZEJEWSKI

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead accepts the July 2021 Council Indemnity Sheets as presented;
AND FURTHER THAT Council authorizes payment of the July 2021 council indemnities.

Carried

5. By-Laws

5.1 By-Law No. 2228-21 – Rezoning of Lot 4 Plan 20613 in NE ¼
Section 4-13-6EPM – 2nd & 3rd Readings

273-21 KOWALCHUK-MODRZEJEWSKI

BE IT RESOLVED THAT Council gives second reading to By-Law No. 2228-21, being a By-Law of the Rural Municipality of Brokenhead to rezone Lot 4 Plan 20613 from ‘AL’ Limited Agriculture Zone to ‘R’ Residential Zone.

Carried

274-21 MODRZEJEWSKI-MICHAELS

BE IT RESOLVED THAT Council gives third reading to By-Law No. 2228-21, being a By-Law of the Rural Municipality of Brokenhead to rezone Lot 4 Plan 20613 from ‘AL’ Limited Agriculture Zone to ‘R’ Residential Zone.

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 Municipal Silica Sand Advisory Committee – Coalition Agreement and Terms of Reference

275-21 MODRZEJEWSKI-MICHAELS

WHEREAS the Rural Municipality of Brokenhead has joined the Municipal Silica Sand Advisory Committee as one of several municipalities concerned with the protection of the environment from silica sand operations, and;

WHEREAS the Council of the Rural Municipality of Brokenhead passed Resolution No. 157-21 at the May 11th, 2021 regular meeting to enter into a cost-sharing agreement with the member municipalities and to appoint a council representative;

THEREFORE BE IT RESOLVED THAT the Rural Municipality of Brokenhead signs the Coalition Agreement for the Manitoba Silica Sand Advisory Committee with accompanying Terms of Reference;

AND FURTHER BE IT RESOLVED THAT Reeve Brad Saluk be appointed the Council Representative to the coalition with Councillor Jack Kowalchuk appointed as Alternate.

Carried

7.2 Brokenhead River Community Foundation Communication/Marketing Position

276-21 INGEBERG-MODRZEJEWSKI

WHEREAS the Brokenhead River Community Foundation has made a request for funding to employ a Communication/Marketing position, and;

WHEREAS the request was for \$10,000.00 per year for the next two years, and;

THEREFORE BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead agrees to the funding request for the position.

Carried

7.3 Brokenhead River Park Condominium

277-21 MICHAELS-MODRZEJEWSKI

WHEREAS the Condominium Plan 27691 of part SW ¼ Section 5 Township 13 Range 8EPM was registered in 1991 as the Brokenhead River Park Condominium, and;

WHEREAS over the years many issues have arose about what responsibility the Municipality has with regards to this development, and;

WHEREAS according to *The Condominium Act*, The Brokenhead River Park Condominium has powers to make by-laws pertaining to the following section below:

Section 167(1) A condominium corporation may, by resolution of the board, make, amend or repeal by-laws

- (a) respecting the governance of the corporation and the management and conduct of its affairs;
- (b) specifying duties of the corporation in addition to the duties set out in this Act and the corporation's declaration;
- (c) governing the number, eligibility, qualification, nomination, election, resignation, removal and remuneration of the directors;
- (d) governing the appointment, hiring, remuneration, functions, duties, resignation and removal of officers, employees and agents of the corporation;
- (e) establishing board committees and governing their operation;
- (f) providing for the reimbursement of expenses incurred by directors, officers, agents and employees of the corporation in attending to its business;
- (g) respecting the calling and conduct of board meetings and specifying the meetings that the board is required to hold;
- (h) respecting the calling and conduct of general meetings of unit owners, including specifying the time period for giving notice of a meeting;
- (i) respecting the holding of a vote at a general meeting of unit owners;
- (j) authorizing the corporation to lease a part of the common elements, other than those parts of the common elements of which a unit owner has exclusive use;
- (k) authorizing the corporation to grant an easement or licence in respect of the common elements or to surrender such an easement or licence;
- (l) specifying records to be prepared, maintained and retained by the corporation;
- (m) specifying additional information about the corporation's financial position that is to be provided to unit owners at an annual general meeting;
- (n) governing the management of the property;
- (o) governing the use and management of the common assets;
- (p) regulating the maintenance of the units and common elements;

- (q) restricting the use that persons – other than occupants of the units – may make of the common elements and the common assets, which may be subject to a mutual use agreement;
- (r) regulating the assessment and collection of contributions to the common expenses;
- (s) providing for the assessment and collection of additional contributions to the common expenses as a special assessment referred to in section 142;
- (t) if permitted to do so by the corporation's declaration, specifying the amount of a levy to be imposed on unit owners who rent or lease their units, the account in which it is to be kept, the time by which the levy must be paid and the rate, or a method of determining the rate, at which interest is payable on overdue amounts;
- (u) fixing the rate at which interest is payable on unpaid contributions to the common expenses and the reserve fund;
- (v) governing the handling of complaints related to the property;
- (w) placing reasonable restrictions on activities relating to the sale of a unit, including locations for the posting of signs and times for the showing of the property and the holding of open houses;
- (x) placing reasonable restrictions on activities relating to renting or commercially leasing a unit;
- (y) respecting the exercise of a unit owner's right to vote or give or withhold consent if any contributions to the common elements or reserve fund payable in respect of his or her unit are in arrears for at least 30 days, including preventing the unit owner from exercising the right;
- (z) setting the maximum amount for a fine, the maximum number of times a fine may be imposed and the maximum frequency at which a fine may be imposed for a continuing contravention, and;

WHEREAS *The Condominium Act* also gives the power to the corporation to make rules under section 169(1), and;

WHEREAS common elements are defined as “means all the property except for the units”, and;

WHEREAS the *Residential Tenancies Act* can also aid the residents in the Condominium, and;

THEREFORE BE IT RESOLVED THAT the Rural Municipality of Brokenhead has no involvement in any aspect of the lands within the Brokenhead River Park Condominium, and;

FURTHER BE IT RESOLVED THAT only the Zoning By-Law of the Rural Municipality of Brokenhead will be enforceable to the residents in the Condominium.

Carried

278-21 MICHAELS-INGEBERG

WHEREAS Great Woods Park was approved by Conditional Use C-77-21 on June 22nd, 2021, and;

WHEREAS a condition of the approval outlined “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”, and;

WHEREAS there are a number of events that have been scheduled for August and September as listed below:

1. Tarantism Dance Recital – at Outdoor Stardome Stage – August 21, 2021
2. Wedding – August 28th, 2021
3. Wedding Reception – September 4th, 2021
4. Family Dinner – September 17th, 2021
5. Wedding – September 25th, 2021

WHEREAS all events with the exception of the Tarantism Dance Recital requires liquor permits, and;

THEREFORE BE IT RESOLVED THAT Council approves the events as listed above and permits the owner to acquire liquor permits.

Carried

7.5 Request for Noise By-Law Exemption

279-21 MICHAELS-KOWALCHUK

WHEREAS the owner of 80112 Road 36E, James Michasiw, has requested an exemption from By-Law No. 2192-17, Nuisance Noise By-Law, and;

WHEREAS he will be hosting a family wedding on August 21st, 2021 and wishes to be exempt until 1:00 a.m., and;

THEREFORE BE IT RESOLVED THAT James Michasiw will be exempt from By-Law No. 2192-17 until 1:00 a.m. on August 22nd, 2021.

Carried

7.6 Survey Equipment

280-21 KOWALCHUK-MICHAELS

WHEREAS in the 2021 Financial Plan a budgeted amount of \$17,000.00 was set aside to purchase new surveying equipment, and;

WHEREAS the new price was \$24,439.74 which was over the budgeted amount and a lease would be affordable, and;

WHEREAS the lease is 24 payments at an amount of \$1,140.06 per month, and;

THEREFORE BE IT RESOLVED THAT Administration signs the lease agreement to purchase the survey equipment.

Carried

7.7 Acceptance of Letter of Resignation – Public Works

281-21 MODRZEJEWSKI-INGEBERG

BE IT RESOLVED THAT the Rural Municipality of Brokenhead accepts the letter of resignation from Mike Rodrigues dated August 6th, 2021 with his last day of employment being August 20th, 2021.

Carried

8. Correspondence/Reports

Nil

9. In Camera

Nil

10. Adjournment

10.1 Resolution to adjourn the meeting and schedule the next meeting

282-21 INGEBERG-MICHAELS

BE IT RESOLVED THAT this regular meeting of Council does now adjourn the time being 8:30 p.m., to meet again on August 24th, 2021 at 7:00 p.m. at the Rural Municipality of Brokenhead Council Chambers.

Carried

Brad Safuk

Reeve

Sue Sutherland

Chief Administrative Officer