

**THE RURAL MUNICIPALITY OF BROKENHEAD**  
**MARCH 8, 2016 - REGULAR MEETING 7:00 PM**  
**MINUTES**

Members Present:	Reeve Councillor	Brad Saluk Sean Michaels Debra Litke Bruce Modrzejewski Luke Ingeberg
	CAO Executive Asst.	Sue Sutherland, CMMA Kerry Bialek, CMMA

1. Calling the meeting to Order

1.1 Resolution to call the meeting to order

092-16 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

093-16 MODRZEJEWSKI-LITKE

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

- 4.6 Pre-Authorized Payments
- 4.7 Council Indemnities – February 2016
- 7.10 Temporary Removal of Dencross Stone Marker
- 7.11 Spring Weight Restrictions in Local Urban District of Tyndall-Garson
- 7.12 Local Improvement Plan – PR #302 Water & Wastewater Services
- 7.13 Subdivision File #4110-15-7247 – Casablanca Homes Ltd.
- 7.14 Proceed with Special Services for Recycling/Garbage in Local Urban District of Tyndall-Garson

*Carried*

- 2.2 Resolution to adopt the minutes of February 23<sup>rd</sup>, 2016 Regular Meeting

094-16 MODRZEJEWSKI-INGEBERG

**WHEREAS** copies of the minutes of the Regular meeting of February 23<sup>rd</sup>, 2016 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 February 23<sup>rd</sup>, 2016 Committee of the Whole Meeting

095-16 MICHAELS-LITKE

**WHEREAS** copies of the minutes of the Committee of the Whole Meeting of February 23<sup>rd</sup>, 2016 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 – Public Road Opening – Lot 3, Block 8, Plan 928 in SE ¼ Section 11-13-6EPM

096-16 LITKE-INGEBERG

**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 the opening of a Public Road in Lot 3, Block 8, Plan 928 in SE ¼ Section 11-13-6EPM as condition of approval for Subdivision File #4110-15-7247

*Carried*

097-16 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 the opening of a Public Road in Lot 3, Block 8, Plan 928 in SE ¼ Section 11-13-6EPM as condition of approval for Subdivision File #4110-15-7247;

**AND WHEREAS** there were 0 person(s) in attendance who registered objections, and;

**THEREFORE BE IT RESOLVED THAT** Council of the Rural Municipality of Brokenhead closes this Public Hearing, the time being 7:16 p.m.

*Carried*

## 7. New Business

7.13 Subdivision File #4110-15-7247 – Casablanca Homes

098-16 LITKE-MODRZEJEWSKI

**WHEREAS** the Council of the Rural Municipality of Brokenhead has conducted the public hearing for the road opening for Subdivision File #4110-15-7247, and;

**WHEREAS** a conditional approval was issued from Community and Regional Planning on December 14<sup>th</sup>, 2015, and;

**WHEREAS** there were 0 person(s) in attendance who registered objections, and;

**THEREFORE BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead approves the road opening with the addition of the following conditions:

- Applicant/owner pay capital costs for sewer and water as per By-Law No. 1977 and By-Law No. 2048-06 in the amount of \$3,000.00 for each new lot created;
- Removal of all existing buildings to be completed with approved demolition permits obtained from Brokenhead River Planning District.

*Carried*

## 3. Delegations and Public Hearings (Continued)

3.2 Public Hearing – Public Road Opening – Lot 1, Plan 55401 in NE ¼ Section 11-13-6EPM

099-16 MICHAELS-LITKE

**BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead opens this Public Hearing, the time being 7:20 p.m., to receive representations, ask questions or register an objection from any person(s) who wish to make them in respect to the opening of a Public Road in Lot 1, Plan 55401 in NE ¼ Section 11-13-6EPM as condition of approval for Subdivision File #4110-14-7135.

*Carried*

100-16 MODRZEJEWSKI-MICHAELS

**WHEREAS** the Council of the Rural Municipality of Brokenhead has heard all those in attendance that wished to make representation in regards to the opening of a Public Road in Lot 1, Plan 55401 in NE ¼ Section 11-13-6EPM as condition of approval for Subdivision File #4110-14-7135;

**AND WHEREAS** there were 0 person(s) in attendance who registered objections; and

**THEREFORE BE IT RESOLVED THAT** Council of the Rural Municipality of Brokenhead closes this Public Hearing, the time being 7:27 p.m.

*Carried*

7. New Business (Continued)

7.1 Application for Approval of Subdivision – Lot 1, Plan 55401 in NE ¼ Section 11-13-8EPM – RTK Holdings Ltd./3848389 Manitoba Ltd.

101-16 INGERBERG-LITKE

**WHEREAS** R.T.K. Holding Ltd. & 3848389 Manitoba Ltd. have completed an Application for Approval of Subdivision for Lot 1, Plan 55401 in NE ¼ Section 11-13-6EPM referred to as File No. 4110-14-7135 by Community Planning Services;

**AND WHEREAS** the proposed subdivision generally meets the evaluation criteria pursuant to the Manitoba Subdivision Regulation 137/2006; and

**THEREFORE BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead is in agreement to approve this application with the following conditions:

- That an engineered drainage plan is provided;
- That a Development Agreement is entered into with the Rural Municipality of Brokenhead regarding lot grades, drainage, servicing, road improvements and any other public works deemed necessary by Council;
- That written confirmation be submitted from the Chief Administrative officer of the Rural Municipality of Brokenhead that a public hearing must be held in accordance with Section 125(2) of *The Planning Act*;
- \$3,000.00 per lot capital cost for sewer and water services as per Municipal By-law No. 1977 and By-law No. 2048-06 for each new lot created, excluding public reserve land;
- That 10% of the property development is provided to the Rural Municipality of Brokenhead in land, or cash, or a combination thereof, to satisfy municipal needs for recreational opportunities, open space and buffer zones (*The Planning Act* Subsection 135(6b) and 136(1));
- All subdivisions must adhere to municipal construction and design standards as adopted by Council; and
- Construction access to be located off Morden Road.

*Carried*

7.2 Application for Approval of Subdivision – SW ¼ Section 1-14-6EPM - Dancho

## 102-16 MODRZEJEWSKI-MICHAELS

**WHEREAS** Alfred Dancho has completed an Application for Approval of Subdivision for SW ¼ Section 1-14-6EPM referred to as File No. 4110-16-7270 by Community Planning Services;

**AND WHEREAS** the proposed subdivision generally meets the evaluation criteria pursuant to the Manitoba Subdivision Regulation 137/2006, and;

**THEREFORE BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead is in agreement to approve this application with the following conditions:

- That a site width variation order be obtained;
- That on-site sewage disposal system complies with current regulations;
- That a Surveyor's Building Location Certificate, produced by a Manitoba Land Surveyor, is provided to the Municipality showing the location of all structures on the affected land, including on-site sewage disposal facilities, in relation to the proposed lot lines; and
- Any variation orders are obtained, if required, as a result of the Surveyor's Building Location Certificate.

*Carried*

## 6. Unfinished Business

6.1 Public Road Opening – Pt. SE ¼ Section 32-12-8EPM – LDR Ventures Ltd.

## 103-16 LITKE-INGEBERG

**WHEREAS** Subdivision File #4110-14-7133 has been conditionally approved by Council on March 23<sup>rd</sup>, 2015, and;

**WHEREAS** a condition of the approval was “that a public hearing been held for the proposed public roadway being opened by the subdivision”, and;

**WHEREAS** a public hearing was held on February 9<sup>th</sup>, 2016, and;

**WHEREAS** five objections were filed against the road opening, and;

**THEREFORE BE IT RESOLVED THAT** Council of the Rural Municipality of Brokenhead approves the road opening with the following conditions:

- Applicant/Owner to provide a groundwater study to address such issues of capacity of water for the planned area, draw down rate due to the construction of 12 new individual wells and water quality;
- Applicant/Owner to amend sketch for the secondary access on the west side of the property;
- That an all-weather road be constructed from the cul-de-sac to St. Ouens Road for safety purposes.

*Carried*

## 7. New Business (Continued)

## 7.5 Purchase of Grader

## 104-16 MODRZEJEWSKI-LITKE

**WHEREAS** a Request for Proposal was sent out for the purchase of a new grader, and;

**WHEREAS** three bids were received and listed below, and;

Supplier	Make	Price (inc tax)	Trade in	Price	Year
Westcon	Volvo	\$248,600.00	\$125,000.00	\$345,000.00	2015
Toromont	CAT	\$209,050.80	\$158,200.00	\$367,000.00	2016
Brandt	John Deere	\$265,956.80	\$140,000.00	\$375,000.00	2015

**WHEREAS** prices were confirmed and it is recommended that we accept the proposal from Toromont, due to the fact that is a new model at comparable pricing and not a demo unit, and;

**THEREFORE BE IT RESOLVED THAT** Council award the purchase to Toromont CAT at a price of \$209,050.80, which includes all taxes, and;

**IT FURTHER BE RESOLVED THAT** letters be sent to all bidders notifying them of the awarding.

*Carried*

## 4. Financial Reports/Payment of Accounts

4.1 Approval of Accounts to March 8<sup>th</sup>, 2016

## 105-16 INGERBERG-LITKE

**WHEREAS** the Finance Committee has reviewed and approved payment of accounts listed in the invoice registers to March 8<sup>th</sup>, 2016, and;

**THEREFORE BE IT RESOLVED THAT** the cheque distribution for the accounts being cheques #20160248 to #20160287 inclusive, totaling \$288,636.00, to be approved for payment.

*Carried*

4.2 Financial Statement for Period Ending January 31<sup>st</sup>, 2016

## 106-16 LITKE-INGERBERG

**WHEREAS** the Financial Statement for the period ending January 31<sup>st</sup>, 2016 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 January 31<sup>st</sup>, 2016.

*Carried*

## 4.3 Transfers to Reserve Funds

## 107-16 MODRZEJEWSKI-INGEBERG

**WHEREAS** Resolution No. 455-15 was passed by Council on December 22<sup>nd</sup>, 2015, and;

**WHEREAS** there was an error made in regards to the allocation to the reserve, and they were reversed, and;

**THEREFORE BE IT RESOLVED THAT** the resolution be corrected as follows:

1. Up to \$50,000.00 to the LUD Active Transportation Infrastructure Reserve Fund
2. Up to \$30,000.00 to the LUD Equipment Reserve Fund
3. Any remaining balance to the LUD Road Maintenance Reserve Fund

***Carried***

## 4.4 Transfer from Gas Tax Reserve Fund

## 108-16 MODRZEJEWSKI-LITKE

**BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead authorizes the transfer of up to \$350,000.00 from the Gas Tax Reserve Fund for the net expenditures for the paving in the Local Urban District of Tyndall-Garson for the year 2015.

***Carried***

## 4.5 Add Utility Charges to Taxes

## 109-16 MODRZEJEWSKI-MICHAELS

**BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead adds the following outstanding non-compliance utility fee balances to the associated property taxes:

<u>Roll</u>	<u>Amount</u>
8999	\$143.72
9000.050	\$143.72
9000.350	\$114.00
9000.500	\$143.72
9000.520	\$143.72
9000.640	\$143.72
9001.050	\$143.72
9001.660	\$143.72
9001.790	\$143.72
9001.970	\$200.03
9002.120	\$143.72
9002.330	\$143.72
9002.500	\$143.72
9002.740	\$130.36

9002.830	\$143.72
22200	\$143.72
27400	\$143.72
28100	\$369.84

*Carried*

## 4.6 Pre-Authorized Payments

## 110-16 LITKE-INGEBERG

**BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead approves Pre-Authorized Payments to be made with the municipal Visa credit card to the following suppliers for the 2016 financial year:

MTS Allstream Inc. Janico Investments Ltd.

**AND FURTHER THAT** Pre-Authorized Payments to be made by direct withdrawal from the Sunova Credit Union account to the following supplies for the 2016 financial year:

Western Financial	Pitney Bowes Leasing
Manitoba Hydro	Visa
Sunova Payroll Fees	National Leasing

*Carried*

## 4.7 Council Indemnities – February 2016

## 111-16 LITKE-MICHAELS

**BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead accepts the February 2016 Council Indemnity Sheets as presented;

**AND FURTHER THAT** Council authorizes payment of the February 2016 council indemnity charges.

*Carried*

## 5. By-Laws

Nil



7. New Business

7.3 Application for Approval of Subdivision – E ½ Section 21-14-7EPM - Stefaniuk

112-16 LITKE-MODRZEJEWSKI

**WHEREAS** Elma Stefaniuk has completed an Application for Approval of Subdivision for E ½ Section 21-14-7EPM referred to as File No. 4110-09-5285 by Community Planning Services;

**AND WHEREAS** the proposed subdivision does not comply with the Rural Municipality of Brokenhead Development Plan;

**AND WHEREAS** Elma Stefaniuk is no longer registered owner of the property, and;

**THEREFORE BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead is in agreement to deny the application and to close subdivision File No. 4110-09-5285.

*Carried*

7.4 Risk and Trails Workshop

113-16 LITKE-INGEBERG

**BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead authorizes Councillor Sean Michaels to attend the “Risk and Trails Workshop” held April 7<sup>th</sup>, 2016 in Winnipeg.

*Carried*

7.6 Beausejour Brokenhead Development Corporation – Request for Funds

114-16 INGEBERG-MICHAELS

**WHEREAS** the Beausejour Brokenhead Development Corporation has requested a payment of \$15,000.00, and;

**WHEREAS** the funds are required to cover operating costs until such time that the 2016 Financial Plan is adopted, and;

**THEREFORE BE IT RESOLVED THAT** the Rural Municipality of Brokenhead authorizes the payment of \$15,000.00 to the Beausejour Brokenhead Development Corporation.

*Carried*

7.7 Request for Noise Permit

115-16 MODRZEJEWSKI-INGEBERG

**WHEREAS** By-Law No. 2129-13 is a by-law of the Rural Municipality of Brokenhead to regulate noises in the municipality, and;

**WHEREAS** a request has been made to issue a permit waiving of the noise by-law conditions for a special private party on June 11<sup>th</sup>, 2016, between the hours of 3:30 p.m. until June 12<sup>th</sup>, 2016 at 1:00 a.m., and;

**WHEREAS** the property is located at 172 Gillis Street in the Village of Garson, and;

**THEREFORE BE IT RESOLVED THAT** the Rural Municipality of Brokenhead authorizes the issuing of a permit.

*Carried*

#### 7.8 Tractor Rental

##### 116-16 MODRZEJEWSKI-INGEBERG

**WHEREAS** the Rural Municipality of Brokenhead has received two quotes to rent two tractors for the 2016 grass cutting season, and;

**WHEREAS** the rate per hour was submitted as follows, and;

Supplier	Model	Rater per Hour
Leo's Sales and Service	2016 Case IH 135 Tractor	\$28.50
Enns Brothers	2016 John Deere 6130M	\$30.00

**THEREFORE BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead approves the rental of two tractors from Leo's Sales and Service, with half the payment due in June on delivery and the remaining portion upon return of the tractor.

*Carried*

#### 7.9 Dust Control Policy Review

##### 117-16 MICHAELS-LITKE

**WHEREAS** Council has reviewed policy PUB-106, and;

**THEREFORE BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead amends policy PUB-106 Dust Control and Application Policy;

**AND FURTHER THAT** this amended policy shall be incorporated into the Rural Municipality of Brokenhead policy manual.

*Carried*

#### 7.10 Temporary Removal of Dencross Stone Marker

##### 118-16 LITKE-MICHAELS

**WHEREAS** a request has been received from Manitoba Infrastructure and Transportation to temporarily remove the stone marking Dencross Corner, and;

**WHEREAS** Manitoba Infrastructure and Transportation is installing concrete culverts on PTH #12 and PR #317, and;

**THEREFORE BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead allows Manitoba Infrastructure and Transportation to temporarily remove the stone and replace it without damage and all costs to be borne by the Province of Manitoba.

*Carried*

7.11 Spring Weight Restrictions in Local Urban District of Tyndall-Garson

119-16 MICHAELS-MODRZEJEWSKI

**WHEREAS** the Council of the Rural Municipality of Brokenhead (RM) deems it necessary to impose weight restrictions on municipal roads within the boundaries of the Local Urban District of Tyndall-Garson;

**AND WHEREAS** the *Manitoba Highway Traffic Act* section 86(1)(c) The traffic authority of a highway may with or without conditions restrict the allowable weight of vehicles that use part or all of the highway or a structure forming part of it;

**AND WHEREAS** the *Manitoba Highway Traffic Act* section 86(3)(a) When a municipality, a local government district or the council of a band, as traffic authority for a highway, imposes a prohibition or restriction under subsection (1), it shall if the prohibition or restriction is one year or less, impose it by resolution, and;

**THEREFORE BE IT RESOLVED THAT** the RM impose road weight restrictions within the boundaries of the LUD of Tyndall-Garson to 65% (sixty-five percent) of the normal weight allowed during the same period of time that the Province of Manitoba imposes spring weight restrictions, with the exception of essential services.

*Carried*

7.12 Local Improvement Plan – PR #302 Water & Wastewater Services

120-16 INGERBERG-LITKE

**WHEREAS** the Rural Municipality of Brokenhead would like to proceed with a local improvement plan to connect four properties along PR #302 to the Town of Beausejour water and wastewater system, and;

**WHEREAS** regulations require that Council pass a resolution to proceed with the Local Improvement, and;

**THEREFORE BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead authorizes Administration to proceed with the creation of the Borrowing By-Law for those properties that are expected to benefit from the improvement.

*Carried*

7.14 Proceed with Special Services for Recycling/Garbage in the Local Urban District of Tyndall-Garson

- 121-16     MICHAELS-MODRZEJEWSKI  
**WHEREAS** the Rural Municipality of Brokenhead would like to proceed with a Special Services By-Law to provide for the costs of garbage and recycling curbside pick-up in the Local Urban District of Tyndall-Garson, and;  
**WHEREAS** regulations require that Council pass a resolution to proceed with the Special Services By-Law, and;  
**THEREFORE BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead authorizes Administration to proceed with the creation of the Special Services By-Law for those properties in the Local Urban District of Tyndall-Garson that will benefit from these services.

*Carried*

- 122-16     INGEBERG-LITKE  
**BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead agrees to sign the agreed to terms in the Agreement between the Municipality and Unionized Administrative Staff as at March 2<sup>nd</sup>, 2016.

*Carried*

## 8.        Correspondence/Reports

- 8.1        Brokenhead River Planning District – Minutes of January 6<sup>th</sup>, 2016 meeting
- 8.2        Lac du Bonnet Planning District – Notice of Public Hearing for By-Law #114/16
- 8.3        Lac du Bonnet Planning District – Notice of Public Hearing for By-Law #1/16
- 8.4        Lac du Bonnet Planning District – Notice of Public Hearing for By-Law #115/16
- 8.5        Town of Beausejour – Notice of Public Hearing for By-Law 1726/16
- 8.6        Manitoba Good Roads Association – Renewal Letter
- 8.7        Winnipeg River Brokenhead Community Futures Development Corporation – Draft minutes of February 29<sup>th</sup>, 2016 meeting
- 8.8        Brokenhead River Planning District – Building Statistics as at February 29<sup>th</sup>, 2016

9. In Camera

Nil

10. Adjournment

10.1 Resolution to adjourn the meeting and schedule the next meeting

123-16 INGEBERG-MODRZEJEWSKI

**BE IT RESOLVED THAT** this regular meeting of Council does now adjourn the time being 8:18 p.m., and to meet again on March 22<sup>nd</sup>, 2016 at 7:00 p.m.

*Carried*

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*Sean Michaels*

Deputy Reeve

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*Sue Sutherland*

Chief Administrative Officer