

**RURAL MUNICIPALITY OF BROKENHEAD
NOVEMBER 13, 2018 - REGULAR MEETING 7:00 PM
MINUTES**

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

1. Calling the meeting to Order

1.1 Resolution to call the meeting to order

389-18 INGERBERG-MICHAELS
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

390-18 MODRZEJEWSKI-KOWALCHUK
BE IT RESOLVED THAT the agenda is adopted, with the following changes:

Addition:

7.10 Street Lighting – Cesnik Cove

Carried

2.2 Resolution to adopt the minutes of October 23rd, 2018 Regular Meeting

391-18 INGERBERG-MODRZEJEWSKI
WHEREAS copies of the minutes of the Regular meeting of October 23rd, 2018 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 23rd, 2018 Committee of the Whole Meeting

392-18 MICHAELS-INGEBERG

WHEREAS copies of the minutes of the Committee of the Whole meeting of October 23rd, 2018 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 November 1st, 2018 Special Meeting

393-18 KOWALCHUK-MICHAELS

WHEREAS copies of the minutes of the Special meeting of November 1st, 2018 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 Variation Order V-341-18 – NE ¼ Section 7-12-8EPM

394-18 MICHAELS-MODRZEJEWSKI

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-341-18, the time being 7:03 p.m.

Carried

Chief Administrative Officer Sue Sutherland summarized the application for variation, being a condition of approval of subdivision. The yard site is being subdivided off and the residual farmland does not meet the criteria for the zoning, requiring a variation for site width. No one was in attendance to speak for or against the application.

395-18 MICHAELS-KOWALCHUK

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead do hereby close this Variation Hearing, the time being 7:05 p.m. and return to regular meeting of Council.

Carried

396-18 INGEBERG-MODRZEJEWSKI

WHEREAS the Rural Municipality of Brokenhead Zoning By-Law 1688, as amended; Section 5.3.4, Table VII – ‘A-80’ Rural and Agricultural Zone requires a minimum site width of 1,200 feet;

AND WHEREAS Michael Penner has made application for variation to permit a reduced site width of 955.75 feet for the proposed residual lot on the premises of NE ¼ Section 7-12-8EPM – 67116 Road 43E, and;

THEREFORE BE IT RESOLVED THAT Application for Variation Order No. V-341-18 for Michael Penner is hereby approved.

Carried

3.2 Conditional Use C-68-18 – Lots 2-6, Block 9, Plan 928

397-18 KOWALCHUK-MICHAELS

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead opens this Conditional Use Hearing, the time being 7:06 p.m., to hear Conditional Use File No. C-68-18, submitted by applicant River Trail Development Corporation.

Carried

Chief Administrative Officer Sue Sutherland summarized the application for Conditional Use C-68-18 by River Trail Development Corporation. Mr. Chris Goertzen was in attendance to introduce the project to Council and describe the features of the housing development design. Council was then given the opportunity to ask questions. The Reeve then asked the audience if anyone would like to speak in favour of the application.

Mrs. Wanda Hartwich is in favour of the project, however had concerns about drainage. Ms. Sutherland explained that an engineered drainage plan will be required, as well as a water rights license. It is illegal to drain the water off one property onto a neighbouring property.

Speaking in opposition of the application was Mr. Kevin Ilchyna. At the Beausejour Brokenhead Development Corporation public forum held in April in Garson, it was established that 55+ housing was needed however other priorities such as a new fire hall and medical services have been put aside. Pine Avenue is 18' wide and has no sidewalk and Mr. Ilchyna is concerned about the safety of children and pedestrians with the increase in traffic in the community. Another concern was adverse effects on the water and sewer system.

Also speaking in opposition was Mrs. Karen Klemchuk. She visited the applicant's development in Ste. Anne to see an actual example of what could be coming to the community. Her main concern was the possibility of a decrease in property values of surrounding properties. The increase of traffic could be a safety concern as many people walk to get their mail. She requested the developer possibly change Phase 2 to exit on Spruce Avenue to help disperse traffic more evenly. Another request is an 8' wooden fence around the entire development. Mrs. Klemchuk also presented a petition signed by twelve people in opposition to the application.

Mr. Joel Klemchuk spoke in opposition, also stating that not enough information was provided on the notification mailed to neighbouring properties.

Mr. Desmond Zacharias was in attendance to oppose the application, asking if more homework is needed, does a decision need to be made at this time.

Mr. John Fiebelkorn attended in opposition of the conditional use as his concern is with the increased strain on the water and sewer system, asking who would be responsible if incidents occurred such as sewage in basements of neighbouring properties. It was stated that the developer does have insurance in the event something does happen. Mr. Fiebelkorn asked if it was possible to split services down Pine and Spruce Avenues.

Discussion did take place regarding sidewalks and road standards in Tyndall.

- 398-18 INGBERG-MODRZEJEWSKI
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 8:00 p.m.

Carried

- 399-18 INGBERG-MICHAELS
WHEREAS Council sat as a Conditional Use Board November 13th, 2018 to hear representation(s) in regards to an application submitted by River Trail Development Corporation to permit the establishment of fourteen (14) residential structures on a single lot as a Planned Unit Development (PUD) on the property located on Lots 2 to 6, Block 9, Plan 928 – File No. C-68-18, and;
THEREFORE BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead approves this Conditional Use Application with the following conditions:

1. That the Developer enters into a development agreement with the RM of Brokenhead.
2. That the Developer is responsible for all issue of the water and wastewater infrastructure which would include providing an engineered plan of water and wastewater, a report on the required capacities to serve the development. Engineers report on any upgrades that would be required to service the development and bear all costs to do so.
3. That the Developer provides an engineered drainage plan to be approved by the Municipal Engineers.
4. That the Developer meets the parking requirements of Zoning By-law #1688, which may require visitors parking.

5. That the Developer provides 10% of the development for green space of the site and provide a landscaping plan to be approved by the RM or cash in lieu.
6. That the Development be fenced enclosed on the side yards and rear yard of the property, in compliance with Zoning By-law #1688.
7. That approval of this conditional use is restricted to the area zoned as “RA” – Suburban Residential.
8. That the Developer pays capital development fees in the amount of \$4,500.00 per unit door.
9. That the Developer must start Phase 2 within 3 years to the day of this approval.

Carried

4. Financial Reports/Payment of Accounts

4.1 Approval of Accounts to November 13th, 2018

400-18 KOWALCHUK-INGEBERG

WHEREAS the Finance Committee has reviewed and approved payment of accounts listed in the invoice registers to November 13th, 2018, and;

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

<u>Payroll</u>	Cheques #20181560-20181578	\$ 25,224.11
<u>Accounts for Payment</u>		
Recreation	Cheques #20181587-20181591	\$ 1,355.86
Fire	Cheques #20181592-20181602	\$ 5,159.82
General	Cheques #20181554-20181559	\$ 56,283.94
General	Cheques #20181579-20181586	\$2,564,190.48
General	Cheques #20181603-20181680	\$ 164,454.49
<u>Visa Statements</u>		\$ 22,700.14
<u>Oct. Bank Statement</u>	LUD Mower Lease	\$ 2,805.28
	LUD Garage Loan	\$ 14,676.26
	Bridge Loan	\$ 25,940.35
	Sun Gro Loan	\$ 24,024.38
	Western Financial Group	\$ 1,754.64
	Manitoba Hydro	\$ 3,979.95
	TOTAL:	<u>\$2,912,549.70</u>

Carried

4.2 Financial Statement for Period Ending October 31st, 2018

401-18 INGBERG-KOWALCHUK

WHEREAS the Financial Statement for the period ending October 31st, 2018 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 October 31st, 2018.

Carried

4.3 Transfer of Funds from John Chambers Prize Reserve Fund

402-18 MICHAELS-KOWALCHUK

WHEREAS the late Mr. John Chambers in his will left a gift of one Dominion of Canada Bond for \$500.00 to the Municipality to be held in trust to provide a prize or prizes for the best exhibition of livestock or products of a farm to be given to boys and girls of the Municipality not over the age of eighteen, and;

WHEREAS the Garson Centennial Community Centre held the Annual Pumpkin Fest October 14th, 2018, and;

WHEREAS two \$50.00 prizes were given out for the largest pumpkins grown by children of the Municipality, and;

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead transfers \$100.00 from the John Chambers Prize Reserve Fund to the General Operating Fund for issuance of prize money.

Carried

5. By-Laws

5.1 By-Law No. 2187-17 – Road Opening By-Law – 2nd & 3rd Reading

403-18 INGEBERG-MICHAELS

BE IT RESOLVED THAT Council gives second reading to By-Law No. 2187-17, being a by-law of the Rural Municipality of Brokenhead to open a Municipal Road in the W ½ of Section 12-13-6E.

Carried

404-18 MODRZEJEWSKI-KOWALCHUK

BE IT RESOLVED THAT Council gives third reading to By-Law No. 2187-17, being a by-law of the Rural Municipality of Brokenhead to open a Municipal Road in the W ½ of Section 12-13-6E.

Councillor	Yes	No	Abstain	Reason
Modrzejewski, Bruce	<u>X</u>	___	___	
Michaels, Sean	<u>X</u>	___	___	
Kowalchuk, Jack	<u>X</u>	___	___	
Ingeberg, Luke	<u>X</u>	___	___	
Saluk, Brad	<u>X</u>	___	___	

Carried

6. Unfinished Business

Nil

7. New Business

- 7.1 Application for Approval of Subdivision – File No. 4110-18-7419
– Pt. NW ¼ Section 12-13-6EPM

405-18 MODRZEJEWSKI-MICHAELS

WHEREAS the Rural Municipality of Brokenhead has completed an Application for Approval of Subdivision for Pt. NW ¼ Section 12-13-6EPM referred to as File No. 4110-18-7419 by the Community and Regional Planning Branch;

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

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

1. That a Declaration of Right of Way be obtained for the proposed shared access.

Carried

- 7.2 Cancellation of Regular Meetings of Council

406-18 MICHAELS-INGEBERG

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead cancels the November 27th, 2018 regular meeting of Council as it falls during the Association of Manitoba Municipalities Conference, and;

FURTHER THAT the December 25th, 2018 regular meeting of Council be cancelled as it falls on Christmas Day.

Carried

- 7.3 Council Committee Appointments

407-18 KOWALCHUK-MICHAELS

BE IT RESOLVED THAT the following Members of Council are appointed as representatives to the following Committees/Boards for the remainder of the year 2018:

<u>Committee/Board</u>	<u>Appointment</u>	<u>Alternate</u>
Agassiz Weed Control District	Brad Saluk	
	Bruce Modrzejewski	
Association for Community Living	Sean Michaels	
Beausejour Brokenhead Development Corp	Brad Saluk	Jack Kowalchuk
Beausejour-Brokenhead Emergency	Jack Kowalchuk	

Measures Committee	Luke Ingeberg	
Beausejour Brokenhead Fire Department	Jack Kowalchuk	
	Luke Ingeberg	
Beausejour Handivan Inc.	Bruce Modrzejewski	
Broken-Beau Historical Society	Luke Ingeberg	
Brokenhead Heritage Committee	Sean Michaels	
Brokenhead River Community Hall	Bruce Modrzejewski	
Brokenhead River Planning District	Brad Saluk	
	Bruce Modrzejewski	Jack Kowalchuk
Brokenhead River Recreation District		
Commission	Luke Ingeberg	
Brokenhead River Regional Library	Jack Kowalchuk	
Canadian Nuclear Laboratories Social		
Economic Development Plan Comm.	Sean Michaels	
Community Futures Winnipeg River	Luke Ingeberg	
Cooks/Devils Creek Conservation District	Bruce Modrzejewski	
Eastern Reg. Community Health Comm.	Sean Michaels	
Eastern Regional Municipal Lobby Comm.	Brad Saluk	
Eastern Tourism Association	Sean Michaels	
Garson Centennial Community Centre	Jack Kowalchuk	
Garson Community Rink Facility Inc.	Luke Ingeberg	
Local Urban District of Tyndall-Garson	Bruce Modrzejewski	
Red River North Trails Association	Sean Michaels	
Tyndall Curling Club	Sean Michaels	
Tyndall Village Community Centre	Luke Ingeberg	
Workplace Health & Safety Committee	Bruce Modrzejewski	

AND FURTHER THAT the following Citizen Representatives be appointed to the following Committees/Boards for the remainder of the year 2018:

<u>Committee/Board</u>	<u>Appointment</u>
Beausejour Brokenhead Development Corp	Kim MacAulay
Brokenhead River Recreation District	
Commission	Stephanie Pituley

Carried

7.4 Appointment of Deputy Reeve

408-18 INGERBERG-MODRZEJEWSKI

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead appoints Councillor Sean Michaels as Deputy Reeve.

Carried

7.5 Tax Sale Reserve Bids

409-18 KOWALCHUK-INGEBERG

WHEREAS pursuant to Section 372 of *The Municipal Act*, a municipality may set a reserve bid in the amount of the tax arrears and costs in respect of the property, and;

THEREFORE BE IT RESOLVED THAT the Rural Municipality of Brokenhead places a reserve bid on all properties in the amount of all arrears and costs in respect of each property as follows:

<u>Roll #</u>	<u>Amount</u>
67300	\$2,998.33
88900	\$5,543.88
88955	\$6,964.72
130300	\$3,509.88
188900	\$4,932.66
189200	\$3,720.80
189300	\$2,776.17
195400	\$4,722.61
195500	\$5,005.59
195600	\$4,540.45
195800	\$2,203.92
199600	\$4,796.64
199650	\$2,180.47
199700	\$3,994.52
199800	\$1,375.00
201500	\$1,764.67

Carried

3. Delegations and Public Hearings (continued)

3.3 Gary Werhun – Request for Secondary Suite

Mr. Werhun attended Council to request permission for a secondary suite on his property for his aging parents-in-law. The space over the garage has been converted to a bedroom suite, but will eventually require a kitchen as the tenants age, turning the house into a multi-family dwelling. A building permit has been obtained, and a plumbing permit will be required for the installation of a kitchen. There is no intention for this suite to become a rental unit. There are no provisions in the zoning by-law for a conditional use requirement.

7. New Business (continued)

7.6 Donation to Beausejour/Brokenhead Christmas Hampers

410-18 INGEBERG-MICHAELS

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead donates \$1,000.00 to the Beausejour/Brokenhead Christmas Hamper Program for the year 2018.

Carried

7.7 Development Agreement – Subdivision File No. 4110-18-7401 – Pt. SE ¼ Section 23-13-7EPM

411-18 MICHAELS-MODRZEJEWSKI

WHEREAS Lambertus Debruijn and Kimberly Potorieko-Debruijn have received approval of Subdivision File No. 4110-18-7401, and;

WHEREAS a condition of the approval of subdivision is that the owners must enter into a Development Agreement with the Municipality for the residual property, and;

WHEREAS a Development Agreement has been drafted by a municipal lawyer;

THEREFORE BE IT RESOLVED THAT the Rural Municipality of Brokenhead enters into a Development Agreement with Lambertus Debruijn and Kimberly Potorieko-Debruijn for the land in Pt. SE ¼ Section 23-13-7EPM;

AND FURTHER that the Reeve and Chief Administrative Officer be authorized to sign the agreement on the Municipality's behalf.

Carried

7.8 2019 Software Support Agreement and Software License Agreement

412-18 KOWALCHUK-INGEBERG

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead approves of the 2019 Annual Municipal Software Support Agreement and Software License Agreement between the municipality and MuniWare for municipal accounting software;

AND FURTHER THAT Council authorizes the Chief Administrative Officer to sign the agreements.

Carried

7.9 Employment of Firefighters

413-18 MODRZEJEWSKI-MICHAELS

WHEREAS the Beausejour Brokenhead Fire Department is in need of new members and have not reached its full complement of firefighters, and;

THEREFORE BE IT RESOLVED THAT Colter Hiebert and Carston Toews be hired, effective November 5th, 2018 at a rate of \$16.98 per hour with a 1-year probation period.

Carried

7.10 Street Lighting – Cesnik Cove

414-18 KOWALCHUK-MODRZEJEWSKI

WHEREAS Manitoba Hydro found that lighting levels do not meet IES standards at Cesnik Cove in Tyndall, Manitoba, and;

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead authorizes Manitoba Hydro to make changes to the street lighting system in the Rural Municipality of Brokenhead at Cesnik Cove by installing a 60W LED luminaire on a street light standard;

AND FURTHER THAT the street lighting contract now in force between Manitoba Hydro and the Rural Municipality of Brokenhead shall be amended to include this addition of the 60W LED luminaire on a street light standard at a cost of \$13.80 per month.

Carried

8. Correspondence/Reports

- 8.1 Multi-Material Stewardship Manitoba and Manitoba Sustainable Development – Packaging and Printed Paper Program Plan
- 8.2 Beausejour Blades – Request for Prize for Beausejour-Brokenhead Minor Hockey Association Pee Wee A and C Fall Classic Tournament
- 8.3 Beausejour Handivan – Minutes of September 24th, 2018 Meeting
- 8.4 Association for Community Living Beausejour Branch Inc. – Request for Prize Donation for Christmas Celebration
- 8.5 Interlake-Eastern Regional Health Authority – Fall Community Update
- 8.6 Garson Centennial Community Centre – Minutes of October 2nd, 2018 Meeting
- 8.7 Beausejour & District Chamber of Commerce – Minutes of October 3rd, 2018 Meeting
- 8.8 Rural Municipality of Springfield – Notice of Public Hearing
- 8.9 Association for Community Living Beausejour Branch Inc. – Minutes of October 3rd, 2018 Meeting

- 415-18 MODRZEJEWSKI-INGEBERG
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

- 416-18 KOWALCHUK-INGEBERG
BE IT RESOLVED THAT Council of the Rural Municipality of Brokenhead move 'In Camera' to discuss personnel issues under (Section 152(3)(b)(ii) of *The Municipal Act*) the time being 8:48 p.m.

Carried

- 417-18 MODRZEJEWSKI-MICHAELS
BE IT RESOLVED THAT Council of the Rural Municipality of Brokenhead reconvenes into regular session of Council, the time being 9:08 p.m.;
AND FURTHER THAT all information discussed 'In Camera' is kept in confidence until the matter is discussed at a meeting of council or of a committee conducted in public.

Carried

10. Adjournment

- 10.1 Resolution to adjourn the meeting and schedule the next meeting

- 418-18 KOWALCHUK-MICHAELS
BE IT RESOLVED THAT this regular meeting of Council does now adjourn the time being 9:10 p.m., to meet again on December 11th, 2018 at 7:00 p.m.

Carried

Brad Saluk
Reeve

Sue Sutherland
Chief Administrative Officer