

**RURAL MUNICIPALITY OF BROKENHEAD  
OCTOBER 11, 2022 - REGULAR MEETING 7:00 PM  
MINUTES**

Members Present:	Reeve Councillor	Brad Saluk Sean Michaels Bruce Modrzejewski Luke Ingeberg Jack Kowalchuk Youth Member Aaron Linke
	Financial Officer Exec. Assistant	Michelle Ramsden, CMMA Kerry Bialek, CMMA
Regrets:	CAO	Sheila Mowat, CMMA

1. Calling the meeting to Order

1.1 Resolution to call the meeting to order

342-22 INGEBERG-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

343-22 KOWALCHUK-MODRZEJEWSKI

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

**Additions:**

- 7.9 Pipeline to Brokenhead River
- 7.10 Donation to Barons Hockey Team

**Deletion:**

- 7.3 Fire Hall Renovation Tenders

*Carried*

2.2 Resolution to adopt the minutes of September 27<sup>th</sup>, 2022 Regular Meeting

344-22 INGEBERG-MICHAELS

**WHEREAS** copies of the minutes of the Regular meeting of September 27<sup>th</sup>, 2022 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 September 27<sup>th</sup>, 2022  
Committee of the Whole Meeting

345-22 KOWALCHUK-MICHAELS

**WHEREAS** copies of the minutes of the Committee of the Whole meeting of September 27<sup>th</sup>, 2022 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 Theodore & Danica Horbaty – Appeal of Noise By-Law No. 2239-22

Mr. & Mrs. Horbaty were not in attendance.

- 3.2 Variation Hearing – File No. V-395-22 – NW ¼ Section 32-12-8EPM

346-22 MODRZEJEWSKI-KOWALCHUK

**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-395-22, the time being 7:02 p.m.

*Carried*

Councillor Sean Michaels excused himself for conflict of interest.

Mr. Robert Smith of the Sandy-Saulteaux Spiritual Centre was in attendance to speak in favour of the variation application.

347-22 KOWALCHUK-INGEBERG

**BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead do hereby close this Variation Hearing, the time being 7:10 p.m. and return to regular meeting of Council.

*Carried*

The decision had been tabled as Council requested input from Public Works regarding road maintenance and sufficient room for equipment to maneuver in the cul-du-sac.

Councillor Sean Michaels re-entered the meeting.

- 3.3 Barry & Bonnie Schmidtke – Encroachment on Municipal Road

Mr. & Mrs. Barry Schmidtke attended Council to discuss the encroachment of a neighbour’s wood boiler on a municipal road. Bittersweet Road is a possible entrance to his property, should it be subdivided in the future. The boiler is approximately 31 feet off their property on Bittersweet Road. According to manufacturers, the boiler should be 50 feet from every property line, tree and structure. A caveat had been located for structures on the municipal right-of-way, however the new boiler would not be grandfathered in. Administration to draft a letter to the property owner to provide proof of permission.

4. Financial Reports/Payment of Accounts

4.1 Approval of Accounts to October 11<sup>th</sup>, 2022

348-22 KOWALCHUK-INGEBERG

**WHEREAS** the Finance Committee has reviewed and approved payment of accounts listed in the invoice registers to October 11<sup>th</sup>, 2022, and;

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

<u>Payroll</u>	Cheques #20221256-20221278	\$ 35,002.47
<u>Accounts for Payment</u>		
General	Cheques #20221279-20221333	\$135,252.06
Recreation	Cheques #20221334-20221336	\$ 2,185.01
September Bank Statement		
	Western Financial Group	\$ 1,337.20
	Meridian OneCap	\$ 1,227.65
	Manitoba Hydro	\$ 4,853.28
		<u>\$402,532.96</u>

*Carried*

4.2 Council Indemnities – September 2022

349-22 MICHAELS-INGEBERG

**BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead accepts the September 2022 Council Indemnity Sheets as presented;

**AND FURTHER THAT** Council authorizes payment of the September 2022 council indemnities.

*Carried*

5. By-Laws

Nil

## 6. Unfinished Business

## 6.1 Conditional Use Application – Westfarm Colony C-81-22

## 350-22 KOWALCHUK-INGEBERG

**WHEREAS** *The Planning Act* requires a conditional use application for livestock operations involving 300 or more animal units, and;

**WHEREAS** Westfarm Holding Co. Ltd. (herein, the “Owner”) owns the property legally described as NW ¼ Section 33-14-8EPM (herein, the “Property”), and;

**WHEREAS** Burns Maendel Consulting Engineers Ltd. (herein, the “Applicant”) has submitted a conditional use application to establish 1,583 animal units on the Property, and;

**WHEREAS** the application underwent a technical review by the Province of Manitoba in accordance with Part 7, Division 2 of *The Planning Act*, and;

**WHEREAS** the Technical Review Committee Report No. TRC12-088 contains the following conclusion with respect to this matter:

“The information contained in the Site Assessment submitted by the proponent generally meets provincial requirements. In addition, based on available information it has been determined that the proposed operation will not create a risk to health, safety or the environment, or that any risk can be minimized through the use of appropriate practices, measures and safeguards”, and;

**WHEREAS** the Municipality held a public hearing on August 16<sup>th</sup>, 2022, to receive representations of the Applicant and any other persons, and;

**WHEREAS** the Council of the Rural Municipality of Brokenhead believes that the proposed operation:

- Will be compatible with the general nature of the surrounding areas
- Will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential developments in the surrounding area
- And is generally consistent with the applicable provisions of the development plan by-law, the zoning by-law, and any secondary plans by-law

**THEREFORE BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead approves conditional use application C-81-22, subject to the following conditions:

1. Approval of this application shall expire if not acted upon within twelve months, as per section 110(1) of *The Planning Act*.
2. The Owner/Applicant must comply with all federal and provincial regulations regarding this type of development, including municipal zoning provisions.
3. The Owner/Applicant must install a manure storage cover before any animal occupancy occurs. The cover must be maintained and in place at all times.

4. The Owner/Applicant must construct and maintain a shelterbelt as described in the Development Agreement.
5. The Owner/Applicant must enter into a Development Agreement, as per Section 116(2) and 107(1)(c) of *The Planning Act*, with the Municipality to deal with the affected property and any contiguous land owned or leased by the owner/applicant, on one or more of the following matters:
  - i. The timing of construction of any proposed building
  - ii. The control of traffic
  - iii. The construction or maintenance – at the owner’s expense or partly at the owner’s expense – of roads, traffic control devices, fencing, landscaping, shelterbelts or site drainage works required to service the livestock operation
  - iv. Contribution by the Owner/Applicant toward the Municipality’s costs of operating and maintaining municipal roads
  - v. Contribution by the Owner/Applicant toward the Municipality’s dust control work costs
6. The Owner/Applicant agrees to take immediate action to mitigate concerns/complaints received by the Rural Municipality of Brokenhead.
7. The Owner/Applicant agrees to use the newest best acceptable farm practices.

*Carried*

## 7. New Business

- 7.1 Application for Approval of Subdivision File No. 4110-22-7669 – LS 15 & 16 in NE ¼ Section 16-14-7EPM

### 351-22 INGERBERG-MICHAELS

**BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead approves application for Subdivision File No. 4110-22-7669, for LS 15 & 16 in NE ¼ Section 16-14-7EPM, as applied for by James Kebernik with the following condition:

1. That the applicant/owner pays fees in accordance with By-Law No. 2182-16 “Capital Development Fee” in the amount of \$3,000.00 per new lot created.

*Carried*

- 7.2 Garven Bridge

### 352-22 INGERBERG-MICHAELS

**BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead authorizes the transfer of up to an additional \$35,000.00 from the Bridge Reserve to pay the 50% cost-share portion of the Mile 66N (Garven

Road) Bridge Repair project that is being coordinated with the Rural Municipality of Springfield.

*Carried*

7.4 Policy PUB-104 – Drainage Policy

353-22 KOWALCHUK-MODRZEJEWSKI

**BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead adopts Policy PUB-104, Drainage Policy as revised October 11<sup>th</sup>, 2022;

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

*Carried*

7.5 Bridge Engineering

354-22 INGBERG-KOWALCHUK

**WHEREAS** the Rural Municipality of Brokenhead has hired Pier Solutions to provide initial engineer inspections of Green Bay and Rattray bridges, and; **WHEREAS** the Municipality is very satisfied with the work completed to date, and;

**WHEREAS** the engineered bridge inspections were under budget, and;

**WHEREAS** four more bridges require an initial engineer inspections and a Geotechnical Investigation at Green Bay bridge is needed;

**THEREFORE BE IT RESOLVED THAT** the Rural Municipality of Brokenhead hires Pier Solutions to complete the Geotechnical Investigation of Green Bay bridge in 2022, complete initial inspections of the four other bridges, and develop a 10-year plan for all bridges in early 2023 at a cost of \$26,000.00 plus applicable taxes, as included in the 2022 budget.

*Carried*

7.6 Old Tyndall Elevator Office

355-22 MODRZEJEWSKI-MICHAELS

**BE IT RESOLVED THAT** the Rural Municipality of Brokenhead pays invoices to Johnny Berg in the amount of \$11,000.00 for the moving of the Tyndall Elevator Office Building to the Rural Municipality of Brokenhead compound;

**AND FURTHER THAT** the Municipality bills Matthew Bialek for a \$7,500.00 donation for costs incurred during the moving of the office building to location.

*Carried*

7.7 Request for Support – Beausejour Brokenhead Development Corporation/Eastman Vocational Training Centre

356-22 MICHAELS-KOWALCHUK

**WHEREAS** the Rural Municipality of Brokenhead recognizes the challenges experienced by our regional employers in recruiting skilled and trained workforce;

**AND WHEREAS** the Rural Municipality of Brokenhead supports workforce development strategies and services that assist local employers to recruit talent, thereby supporting the health of our local economies;

**AND WHEREAS** the Rural Municipality of Brokenhead values the skills, education, and advancement that can be imparted on our local residents and businesses by offering advanced education opportunities locally;

**AND WHEREAS** the Eastman Vocational Training Centre has been proven feasible and has the capacity to identify, target, and support local workforce development needs by recruiting and training skilled workforce;

**NOW THEREFORE BE IT RESOLVED THAT** the Rural Municipality of Brokenhead commits to supporting the Beausejour Brokenhead Development Corporation (BBDC) in their Eastman Vocational Training Centre (EVTC) initiative.

*Carried*

7.8 2022 Christmas Hamper Program

357-22 INGERBERG-KOWALCHUK

**BE IT RESOLVED THAT** the Rural Municipality of Brokenhead donates \$1,250.00 to the 2022 Christmas Hamper Program.

*Carried*

7.9 Pipeline to Brokenhead River

Councillor Jack Kowalchuk brought up the use of grout used in the Town's pipeline and its possible toxicity. Councillor Sean Michaels discussed the well on Pescitelli Road and how it is a terrible mess. Chief Administrative Officer to seek clarity as to when the clean up will be done, preferably before freeze up.

7.10 Donation to Barons Hockey Team

358-22 MODRZEJEWSKI-MICHAELS

**BE IT RESOLVED THAT** the Rural Municipality of Brokenhead sponsors the Ecole Edward Schreyer School Barons Hockey team in the amount of \$140.00 for a three-game package.

*Carried*

8. Correspondence/Reports

- 8.1 Eastman Regional Municipal Committee – Minutes of July 18<sup>th</sup>, 2022 Meeting
- 8.2 Beausejour & District Chamber of Commerce – Thank You for Chamber Eats Culinary Contest Support
- 8.3 Minister of Municipal Relations – Mobility Disadvantaged Transportation Program

359-22 KOWALCHUK-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

Nil

10. Adjournment

10.1 Resolution to adjourn the meeting and schedule the next meeting

360-22 MICHAELS-MODRZEJEWSKI

**BE IT RESOLVED THAT** this regular meeting of Council does now adjourn the time being 8:06 p.m., to meet again on October 25<sup>th</sup>, 2022 at 7:00 p.m.

*Carried*

*Brad Saluk*

Reeve

*Sheila Mowat*

Chief Administrative Officer