

**RURAL MUNICIPALITY OF BROKENHEAD  
MARCH 22, 2022 - 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	Sheila Mowat, CMMA
	Exec. Assistant	Kerry Bialek, CMMA

1. Calling the meeting to Order

1.1 Resolution to call the meeting to order

087-22 KOWALCHUK-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

088-22 INGEBERG-MODRZEJEWSKI  
**BE IT RESOLVED THAT** the agenda is adopted as circulated, with the following changes: That Items 3.3 and 3.4 be moved to before 3.1

*Carried*

2.2 Resolution to adopt the minutes of March 8<sup>th</sup>, 2022 Regular Meeting

089-22 MODRZEJEWSKI-INGEBERG  
**WHEREAS** copies of the minutes of the Regular meeting of March 8<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 amended.

*Carried*

2.3 Resolution to adopt the minutes of March 8<sup>th</sup>, 2022 Committee of the Whole Meeting

090-22 KOWALCHUK-MICHAELS

**WHEREAS** copies of the minutes of the Committee of the Whole meeting of March 8<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 amended.

*Carried*

### 3. Delegations and Public Hearings

#### 3.3 Ian Havelock – Tyndall and Garson Cenotaphs

Mr. Havelock attended Council to offer assistance with the restoration and improvements of the Tyndall and Garson cenotaphs. Grants have been received to clean the stone, repaint the inscriptions and add plaques to the two cenotaphs, as well as replace flagpoles. The Tyndall cenotaph is also leaning to the north and needs to be stabilized on a new base. Work is to be coordinated with the Local Urban District of Tyndall-Garson staff. Three flags have been recovered from the Tyndall Legion #128 and Mr. Havelock would like to display them at the RM of Brokenhead office.

#### 3.4 David Wolanin – Wedding at Great Woods Park

Mr. Wolanin attended Council to request permission to hold a wedding at Great Woods Park in June 2022, as per Conditional Use Order C-77-21. The event will begin at 2:00 p.m. and will not be too late as they would like to ensure guests drive home at an appropriate time. Only beer and wine will be served and there are no plans for fireworks. Council directed Administration to send Mr. Wolanin the list of conditions for Great Woods Park.

#### 3.1 Conditional Use File No. C-80-22 – Lot 15 Plan 47453 in NW ¼ Section 33-12-8EPM

091-22 KOWALCHUK-INGEBERG

**BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead opens this Conditional Use Hearing, the time being 7:26 p.m to hear Conditional Use File No. C-80-22 to operate an online store with distribution services, submitted by applicants Jordan & Amanda Fournier.

*Carried*

Amanda and Jordan Fournier were present to speak in favour of the Conditional Use application. They operate a business from their home selling transfers for clothing. They buy wholesale and then fill orders for smaller buyers. Current employees carpool to work in one vehicle. Deliveries to the business are twice per week. With business increasing, the number of parcels will go up, but not the number of deliveries. Plans are to move business to a

commercial building however time frame will be determined by growth of business.

Terry Baker was in attendance to speak in opposition of the Conditional Use application. He was disappointed in finding out about it through a letter from the Brokenhead River Planning District instead of from his neighbours themselves. Mr. Baker moved to Maryland Ridge and has enjoyed the peace and tranquility but is concerned that the noise from operating a business will affect that. Other concerns include a decrease in property values and an intensification of the business. Mr. Baker also questions the logic of constructing such a large building for the business if the plans are to move the business in a short period of time.

Jaime Lowe attended the hearing to oppose the Conditional Use application. A letter had been submitted previously by email with her concerns. Ms. Lowe read her letter aloud for the audience. Concerns include the aesthetics of the neighbourhood changing with the addition of a building the same size as the average house in the development, the noise from business operations keeping wildlife away, extra traffic which will also cause more dust and potholes, air quality reduction, and the use of vinyl in the business.

Ken Kafka also spoke in opposition to the Conditional Use application. He feels this application undermines the planning board and could result in no need for industrial parks if businesses can keep operating in residential areas. Other concerns include a decrease in property values, effects on sewage and aquifer contamination, business hours, effects on wildlife, increase in traffic and potential accidents, road maintenance, and the exterior look of the building. Sandra Kafka also registered her opposition to this application.

Russell Sward was also in attendance to speak in opposition to this Conditional Use application. He shared the same concerns as Terry Baker and doesn't understand why a shop that big would be built for a short-term period. Mr. Sward also feels that home businesses should be in the home, not a large commercial building in a residential neighbourhood.

Terry Baker spoke again regarding the application and stated that many residents on Maryland Ridge are disheartened by the other business operating in the subdivision. Council assured that the Brokenhead River Planning District will be investigating this business as well.

Jaime Lowe inquired as to whether there is a limit or restriction on the number of structures you can have on a residential property. There is no limit as long as they maintain building separation, adhere to setback rules, and permits are applied for if required.

092-22 MODRZEJEWSKI-MICHAELS

**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 8:24 p.m.

*Carried*

093-22 INGERBERG-MICHAELS

**WHEREAS** Council sat as a Conditional Use Board March 22<sup>nd</sup>, 2022 to hear representation(s) in regards to an application submitted by Jordan & Amanda Fournier to permit the operation of an online store with distribution services on the property located at Lot 15 Plan 47453 in NW ¼ Section 33-12-8EPM – 176 Maryland Ridge – File No. C-80-22, and;

**THEREFORE BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead approves this Conditional Use Application with the following conditions:

1. The conditional use permit shall be subject to review if written complaints are received and shall be subject to review by the council of the municipality if the business becomes offensive, obnoxious, or creates a nuisance, and may be subject to immediate condition compliance order or the approval being repealed.
2. If the use authorized under this resolution and conditional use permit is abandoned or terminated for a period of at least one year, the Conditional Use permit shall automatically expire and become void.
3. No additions or enlargements to the use of the structures for which the Conditional Use Permit has been granted shall be allowed except pursuant to a subsequent Conditional Use Permit being granted.
4. The applicant will limit the hours of operation from Monday to Friday between the hours of 8:00 a.m. and 6:00 p.m. and be closed on all statutory holidays.
5. It is understood that the conditions of approval apply to the current owners of this property. It is not transferrable to any future owners or leases.
6. The business shall be carried on solely by the owners of the property and their family residing at the same dwelling and up to three employees; any increase in intensity requires a new conditional use approval.
7. The business shall be secondary to the use of the principal dwelling unit and is restricted to the proposed footprint; any increase in intensity requires a new conditional use approval or re-zoning.
8. The owner/applicant shall supply sufficient parking on-site for all employees and patrons.
9. The owner/applicant shall have no exterior display, no exterior storage of materials, and no other exterior indication of the home-based business.

10. The owner/applicant shall not vary the residential character of the principal or accessory building except as provided for within the applicant's proposal.
11. Applicant/owner obtains all required permits from Brokenhead River Planning District.
12. That all costs associated with the enforcement of this conditional use order to be found in non-compliance shall be borne solely by the property owner
13. That all costs associated with this conditional use incurred by the Municipality shall be the sole responsibility of the property owner; and
14. Does not cause the generation of undue traffic and congestion in the neighbourhood.
15. That no industrial equipment will be authorized for use in the operation of the business.
16. Fire inspection and all safeguards shall be in place to meet current fire code and the business is subject to inspection by the municipality's fire inspector.
17. The main doors shall be closed during regular operating hours to mitigate any potential noise issues.
18. A business plan shall be submitted outlining the details and nature of the business.
19. This conditional use shall be in effect for a one-year period and is subject to renewal.

*Carried*

3.2 Variation Order File No. V-385-22 – Lot 15 Plan 47453 in NW ¼  
Section 33-12-8EPM

094-22 KOWALCHUK-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-385-22, the time being 8:49 p.m.

*Carried*

095-22 KOWALCHUK-MICHAELS

**BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead do hereby close this Variation Hearing, the time being 9:12 p.m. and return to regular meeting of Council.

*Carried*

096-22 INGERBERG-MODRZEJEWSKI

**WHEREAS** the Rural Municipality of Brokenhead Zoning By-Law 1688, as amended; Section 4.3.2, Table III – 'RR' Rural Residential Zone requires that detached accessory buildings shall not be located in any required yard, except a required rear yard or as provided for elsewhere herein;

**AND WHEREAS** Jordan and Amanda Fournier have made application for variation to permit the construction of a shop/garage in the front yard on the premises known as Lot 15 Plan 47453 in NW ¼ Section 33-12-8EPM – 176 Maryland Ridge, and;

**THEREFORE BE IT RESOLVED THAT** Application for Variation Order No. V-385-22 for Jordan and Amanda Fournier is hereby approved with the following conditions:

1. The maximum building size shall be 30 feet by 40 feet.
2. The exterior shall be aesthetic to the main residence.

*Carried*

4. Financial Reports/Payment of Accounts

4.1 Approval of Accounts to March 22<sup>nd</sup>, 2022

097-22 KOWALCHUK-INGEBERG

**WHEREAS** the Finance Committee has reviewed and approved payment of accounts listed in the invoice registers to March 22<sup>nd</sup>, 2022, and;

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

<u>Payroll</u>	Cheques #20220271-20220303	\$ 43,593.35
<u>Accounts for Payment</u>		
General	Cheque #20220270	\$238,692.40
General	Cheques #20220304-20220331	\$ 65,165.86
Recreation	Cheques #20220332-20220337	\$ 3,225.64
<u>Visa</u>		<u>\$ 46,196.29</u>
		<u>\$396,873.54</u>

*Carried*

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

098-22 INGBERG-KOWALCHUK

**WHEREAS** the Financial Statement for the period ending December 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 December 31<sup>st</sup>, 2021.

*Carried*

5. By-Laws

5.1 By-Law No. 2234-22 – Use of Municipal Resources in an Election – 2<sup>nd</sup> & 3<sup>rd</sup> Reading

099-22 INGEBERG-MODRZEJEWSKI  
**BE IT RESOLVED THAT** Council gives second reading to By-Law No. 2234-22, being a By-Law of the Rural Municipality of Brokenhead to establish rules and procedures for the use of municipal resources for the 42-day period before a general election or by-election.

*Carried*

100-22 KOWALCHUK-MICHAELS  
**BE IT RESOLVED THAT** Council gives third reading to By-Law No. 2234-22, being a By-Law of the Rural Municipality of Brokenhead to establish rules and procedures for the use of municipal resources for the 42-day period before a general election or by-election.

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 Application for Approval of Subdivision File No. 4110-22-7645 – Pt. NW ¼ Section 10-13-6EPM

101-22 INGEBERG-MODRZEJEWSKI  
**WHEREAS** James & Colleen Mills and Joseph & Deborah Fedorchuk have completed an Application for Approval of Subdivision for Pt. NW ¼ Section 10-13-6EPM referred to as File No. 4110-22-7645 by Community 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 By-law amendment be obtained, rezoning all portions of Proposed Lot 1 from “AL” Agriculture Limited Zone to “M” Industrial Zone, and;

- 2. That variance orders be obtained as necessary to ensure compliance with the Zoning By-Law.

*Carried*

7.2 Approval of Events at Great Woods Park Moonrise Cabana for 2022

102-22 KOWALCHUK-MODRZEJEWSKI

**WHEREAS** Great Woods Park was approved by Conditional Use C-77-21 on June 22<sup>nd</sup>, 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, meeting and concerts are to be approved by resolution of Council”, and;

**WHEREAS** the following events have been scheduled to take place at Great Woods Park in 2022:

<b>Date</b>	<b>Event</b>	<b>Required Application</b>
June 3 & 4, 2022	Rehearsal & Wedding Reception	Liquor Permit
June 11, 2022	Wedding Ceremony & Reception	Liquor Permit
June 18, 2022	Wedding Ceremony & Reception	Liquor Permit
June 20, 2022	Tarantism Dance Recital	N/A
July 9, 2022	Wedding Ceremony & Reception	Liquor Permit
July 15 & 16, 2022	Rehearsal, Wedding Ceremony & Reception	Liquor Permit
July 22 & 23, 2022	Rehearsal, Wedding Ceremony & Reception	Liquor Permit
August 5 & 6, 2022	Rehearsal, Wedding Ceremony & Reception	Liquor Permit
August 19 & 20, 2022	Rehearsal, Wedding Ceremony & Reception	Liquor Permit
August 26 & 27, 2022	Rehearsal, Wedding Ceremony & Reception	Liquor Permit
September 10, 2022	Wedding Ceremony & Reception	Liquor Permit
September 16, 2022	Conservative Party Dinner	Liquor Permit

**THEREFORE BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead approves of the listed events and endorses them for liquor permits, and;

**FURTHER THAT** Council permission for use of fireworks must be applied for on a case by case basis.

*Carried*

7.3 Virtual Council Meetings

103-22 MODRZEJEWSKI-KOWALCHUK

**WHEREAS** the Rural Municipality of Brokenhead wishes to upgrade the current agenda and Committee of the Whole meetings to a digital format, and;



**WHEREAS** the quotes were requested from two companies known to provide virtual meeting platforms for municipalities, and;  
**WHEREAS** the submissions are as follows:

<b>Provider</b>	<b>Price of First Year</b>	<b>Each Year After</b>	<b>Board Manager</b>
All-Net	\$10,495.00	\$4,995.00	No Price Provided
I-Compass	\$3,850.00	\$3,850.00	\$1,000.00/yr

**THEREFORE BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead approves the purchase of a digital meeting platform from I-Compass at the cost provided above.

*Carried*

7.4 Agreement for Payment of Tax Arrears

104-22 MICHAELS-KOWALCHUK

**WHEREAS** the property owners of Roll #9000.160 are in arrears for the tax years 2019 to 2021, and;  
**WHEREAS** the property is on the tax sale list, and;  
**WHEREAS** the owner wishes to avoid tax sale auction and make payment arrangements to redeem the property, and;  
**THEREFORE BE IT RESOLVED THAT** the Rural Municipality of Brokenhead enters into a Tax Arrears Payment Agreement with the registered property owner to pay the arrears on Roll #9000.160.

*Carried*

8. Correspondence/Reports

- 8.1 Eastman Regional Municipal Committee – Minutes of January 17<sup>th</sup>, 2022 Meeting
- 8.2 B&B Memorial Restoration – Pamphlet of Stonework and Restorations
- 8.3 Manitoba Agricultural Hall of Fame – Notice of Annual General Meeting
- 8.4 Red River Planning District – Notice of West St. Paul Zoning By-Law Amendment By-Law No. 2022-4”P”
- 8.5 Brokenhead River Community Hall – Minutes of February 10<sup>th</sup>, 2022 Meeting
- 8.6 Beausejour Handivan Inc. – Minutes of October 25<sup>th</sup>, 2021 Meeting

8.7 Community Futures Winnipeg River – Draft Minutes of February 28<sup>th</sup>, 2022 Meeting

105-22 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

Nil

10. Adjournment

10.1 Resolution to adjourn the meeting and schedule the next meeting

106-22 KOWALCHUK-MICHAELS  
**BE IT RESOLVED THAT** this regular meeting of Council does now adjourn the time being 9:36 p.m., to meet again on April 12<sup>th</sup>, 2022 at 7:00 p.m.

*Carried*

*Brad Saluk*

Reeve

*Sheila Mowat*

Chief Administrative Officer