

**THE RURAL MUNICIPALITY OF BROKENHEAD
MARCH 8, 2011 - REGULAR MEETING 7:00 PM
MINUTES**

Members Present:	Reeve	Glen Dudeck
	Councillors	Melvin Rattai
		Sean Michaels
		Crystal Reske
		Ken Zirk
	CAO	Christine Hutlet

1. Calling the meeting to Order

1.1 Resolution to call the meeting to order

58-11 MICHAELS-RESKE

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

59-11 ZIRK-RATTAI

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

Additions:

- 8.27 CPTC Greetings
- 8.28 Public Works 2010 Vacation Time
- 8.29 Municipal Signage
- 8.30 Reschedule April Meetings
- 8.31 Donation to Brokenhead River Community Foundation
- 8.32 Soccer Fields at Edward Schreyer School
- 8.33 Splash Pool 2011 Contribution
- 8.34 Garson Community Centennial Centre

Carried

2.2 Resolution to adopt the minutes of February 8, 2011 regular meeting

60-11 RESKE-MICHAELS

WHEREAS copies of the minutes of the Regular meeting of February 8, 2011 have been circulated to each member of Council;

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-220-11 – Estate of Henry Regula – Pt. NW ¼
Section 15-12-7 EPM, 68161 Road 39E

61-11 ZIRK-RESKE

BE IT RESOLVED THAT the Council of the R.M. of Brokenhead suspends the regular meeting of Council and opens this Variation Hearing to hear File No. V-220-11, the time being 7:04 p.m.

Carried

62-11 ZIRK-RESKE

BE IT RESOLVED THAT the Council of the R.M. of Brokenhead do hereby close this Variation Hearing, the time being 7:06 p.m. and return to regular meeting of Council.

Carried

63-11 RATTAI-RESKE

WHEREAS the Rural Municipality of Brokenhead Zoning By-law 1688, as amended; Section 5.3.4, Table VII – ‘A-80’ Rural and Agricultural Zoning By-law requires a minimum side yard setback of 75 feet fronting a roadway, a minimum side yard setback of 25 feet, a minimum building separation measurement of 10 feet and a minimum site width measurement of 1,200 feet; **AND WHEREAS** J. Bahry on behalf of the Estate of Henry Regula has made application for the following variations to allow existing structures to conform to current zoning requirements thereby permitting the subdivision of the existing yardsite from the balance of the holdings on the premises of Pt. NW ¼ Section 15-12-7 EPM – 68161 Road 39E;

THEREFORE BE IT RESOLVED THAT Application for Variation Order No. V-220-11 for J. Bahry on behalf of the Estate of Henry Regula is hereby approved.

PROPOSED RESIDUAL PARCEL

- building separation from required 10 feet to 2.3 feet for all metal granaries
- building separation from required 10 feet to 0.7 feet between buildings “M” and “N”
- site width measurement from required 1,200 feet to 1,042.33 feet
- north side yard measurements from required 25 feet to: :
 - Building “L” (wood sided shed) – 15.3 feet
 - Building “M” (wood sided shed) - 4.6 feet
 - Building “N” (wood sided shed) - 17.5 feet
 - all metal granaries having a zero north side yard measurement

PROPOSED LOT 1

- west side yard measurement from 75 feet to 60.8 feet for Building “A” dwelling
- north side yard measurement from 75 feet to:
 - 34.3 feet for Building “D” barn
 - 16.55 feet for Building “B” (wood sided shed)
 - 46.2 feet for Building “C” (wood sided shed)

- 54.35 feet for Building “E” (wood sided barn)
- south side yard measurement from 25 feet to:
 - 20.2 feet for metal granary
 - 13.2 feet for Building “J” (wood sided shed)
- building separation from required 10 feet to:
 - 6.3 feet between buildings “D” and “C”
 - 6.1 feet between buildings “D” and “E”
 - 7.3 feet between buildings “D” and “F”

Carried

3.2 Variation Order No. V-221-11 – Stephen and Annette Zachar – Lot 3, Plan 27710 in Pt. SE ¼ 3-13-7 EPM – 124 Oakhill Drive

64-11 ZIRK-RESKE

BE IT RESOLVED THAT the Council of the R.M. of Brokenhead suspends the regular meeting of Council and opens this Variation Hearing to hear File No. V-221-11, the time being 7:07 p.m.

Carried

65-11 ZIRK-MICHAELS

BE IT RESOLVED THAT the Council of the R.M. of Brokenhead do hereby close this Variation Hearing, the time being 7:08 p.m. and return to regular meeting of Council.

Carried

66-11 ZIRK-MICHAELS

WHEREAS the Rural Municipality of Brokenhead Zoning By-law 1688, as amended; Section 4.3.4, Table III – ‘RR’ Rural Residential Zoning By-law permits a maximum height of 15 feet for accessory buildings;

AND WHEREAS Stephen and Annette Zachar have made application for variation to permit the construction of a 36’ x 70’ storage building having 16 ft walls and a maximum roof height of 22 ft, being an accessory to the existing dwelling on the premises of Lot 3, Plan 27710 in Pt. SE ¼ 3-13-7 EPM – 124 Oakhill Drive;

THEREFORE BE IT RESOLVED THAT Application for Variation Order No. V-221-11 for Stephen and Annette Zachar is hereby approved.

Carried

3.3 Conditional Use File No. C-51-11 – Naturist Legacy Inc.

67-11 RESKE-ZIRK

BE IT RESOLVED THAT the Council of the R.M. of Brokenhead open this Conditional Use Hearing, the time being 7:09 p.m., to hear Conditional Use File No. C-51-11, submitted by applicant Naturist Legacy Inc.

Carried

- 68-11 ZIRK-RESKE
BE IT RESOLVED THAT the Council of the R.M. of Brokenhead do hereby close this Conditional Use Hearing and return to regular meeting of Council, the time being 7:41 p.m.

Carried

- 69-11 ZIRK-RESKE
WHEREAS Council sat as a Conditional Use Board to hear representation(s) in regards to an application submitted by Naturist Legacy Inc. to open a camping area as well as operate a tree farm on the property located in Legal Subdivisions 9 and 16 in NE ¼ Section 9-15-7 EPM – File No. C-51-11;
AND WHEREAS - 0 representations were received for and/or against the application;
THEREFORE BE IT RESOLVED THAT the Conditional Use Board approve the Conditional Use Application as submitted.

Carried

4. Financial Report

- 4.1 Accounts for approval to March 8, 2011

- 70-11 RESKE-ZIRK
WHEREAS the Finance Committee has reviewed and approved payment of accounts listed in the invoice registers to March 8, 2011;
THEREFORE BE IT RESOLVED THAT the cheque distribution for the accounts being cheques #20110138 to 20110242 inclusive, totaling \$129,133.43, to be approved for payment.

Carried

- 4.2 Cancelled Cheque

- 71-11 ZIRK-MICHAELS
BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead cancels cheques #20110049 and #20110139 for double payment and wrong amount, respectively, totaling \$411.89.

Carried

- 4.3 2009 Property Tax Reduction – Roll #35680

- 72-11 ZIRK-RATTAI
BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead refunds the property owner of Roll #35680 10.74% of the 2009 property taxes in the amount of \$110.41.

Carried

5. By-laws

5.1 By-Law No. 2100-11 – Procedures By-Law – 2nd & 3rd Reading

73-11 RESKE-ZIRK

BE IT RESOLVED THAT Council gives second reading to By-law No. 2100-11, being a By-law of the Rural Municipality of Brokenhead to regulate the proceedings and conduct of the Council and the Committees therein.

Carried

74-11 RATTAI-RESKE

BE IT RESOLVED THAT Council gives third reading to By-law No. 2100-11, being a By-law of the Rural Municipality of Brokenhead to regulate the proceedings and conduct of the Council and the Committees therein.

Councillor	Yes	No	Abstain	Reason
Rattai, Melvin	<u>X</u>	—	—	
Michaels, Sean	<u>X</u>	—	—	
Reske, Crystal	<u>X</u>	—	—	
Zirk, Ken	<u>X</u>	—	—	
Dudeck, Glen	<u>X</u>	—	—	

*Carried*5.2 By-Law No. 2101-11 – Organizational By-Law – 2nd & 3rd Reading

75-11 RESKE-ZIRK

BE IT RESOLVED THAT Council gives second reading to By-law No. 2101-11, as amended, being a By-law of the Rural Municipality of Brokenhead to govern the organization of the Rural Municipality of Brokenhead and the Committees thereof.

Carried

76-11 RATTAI-ZIRK

BE IT RESOLVED THAT Council gives third reading to By-law No. 2101-11, as amended, being a By-law of the Rural Municipality of Brokenhead to govern the organization of the Rural Municipality of Brokenhead and the Committees thereof.

Councillor	Yes	No	Abstain	Reason
Rattai, Melvin	<u>X</u>	—	—	
Michaels, Sean	<u>X</u>	—	—	
Reske, Crystal	<u>X</u>	—	—	
Zirk, Ken	<u>X</u>	—	—	
Dudeck, Glen	<u>X</u>	—	—	

Carried

5.3 By-Law No. 2102-11 – Council Indemnity By-Law – 1st Reading

77-11 RATTAI-MICHAELS

BE IT RESOLVED THAT Council give first reading to By-law No. 2102-11, being a By-law of the Rural Municipality of Brokenhead to establish indemnities to be paid to the members of the Council of the Rural Municipality of Brokenhead.

Carried

Mr. Ulei Messerli and Mr. Albert Bangert attended Council to request another culvert to be put in the drainage ditch crossing both properties as well as an access for crossing the drainage ditch. Council to assess the ditch this spring once snow is gone.

4. Financial Report (Continued)

4.4 2009 Audited Financial Statement

78-11 ZIRK-MICHAELS

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead accepts the Audited Financial Statements for 2009 as prepared by The Exchange Chartered Accountants LLP.

Carried

6. Correspondences

6.1 Committee Reports

6.1.1 Reeve

6.1.2 Deputy Reeve

6.1.3 Councillors

6.1.4 CAO

6.1.5 Manager of Operations

79-11 ZIRK-RESKE

BE IT RESOLVED THAT all Minutes, Miscellaneous Correspondence and Reports be accepted as presented from Reeve Dudeck (March 3, 2011), Deputy Reeve Rattai (March 4, 2011), Councillors Michaels (March 2, 2011), Reske (March 1, 2011), Zirk (March 8, 2011), CAO (March 2, 2011), and the Public Works Report (March 4, 2011), and that all written reports shall form part of the minutes.

Carried

7. Unfinished Business

- 7.1 Transfer Station – Administration to prepare Request For Proposals for transfer station prior to July 2011.

8. New Business

- 8.1 Brokenhead River Planning District – Minutes of January 27th, 2011 meeting – For Information

- 8.2 Great Woods Music Festival – Request for Community Event

80-11 RESKE-RATTAI

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead endorses The Great Woods Music Festival, held August 4-6, 2011, as a Community Event;
AND FURTHER THAT Council requests the Manitoba Liquor Control Commission to issue an Occasional Permit for this event.

Carried

- 8.3 Progressive Agriculture Safety Days

81-11 MICHAELS-RESKE

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead donates \$250.00 to the Progressive Agriculture Safety Days for 2011 to teach farm safety to students.

Carried

- 8.4 Tyndall Village Community Centre – 2010 Financial Statement – For Information

- 8.5 CPTC Repairs – Tabled to March 22nd, 2011 meeting.

- 8.6 Mars Sandhills Interest Group

82-11 RATTAI-RESKE

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead authorizes Council as a Whole to attend the Mars Hill Wildlife Management Area meeting to be held March 17th, 2011 at the Sun Gro Centre.

Carried

- 8.7 Red River Trails Association – Bench Request

83-11 RESKE-MICHAELS

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead supports the Red River North Trail Association's fundraiser project of having concrete western benches placed along the Red River North Trails portion of the Trans Canada Trail in the R.M. of Brokenhead.

Carried

8.8 Lake Friendly Project – Administration to send invitation for Lake Friendly representative to attend a future council meeting.

8.9 Administrative Positions

84-11 RESKE-MICHAELS

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead appoints Michelle Ramsden to the position of Financial Manager.

Carried

85-11 RATTAI-RESKE

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead appoints Kerry Bialek to the position of Administrative Assistant.

Carried

8.10 Emergency Plan

86-11 MICHAELS-RATTAI

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead accepts and adopts the Beausejour-Brokenhead Emergency Measures Plan.

Carried

8.11 Application for Approval of Subdivision – Mervin Sachvie – Pt. SW ¼ Section 36-12-8EPM

87-11 RESKE-ZIRK

WHEREAS Mervin Sachvie has completed an Application for Approval of Subdivision for Pt. SW ¼ Section 36-12-8EPM referred to as File No. 4110-11-5420 by Community Planning Services;

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:

- That a building location certificate be prepared for the yard site parcel showing the location of all buildings and the sewage disposal system in relation to the proposed lot lines; and

- That any other variation order be obtained, if required, as a result of the building location certificate.

Carried

8.12 Application for Approval of Subdivision – Erika Smith – Pt. SE ¼ Section 3-12-8EPM

88-11 RESKE-ZIRK

WHEREAS Erika Smith has completed an Application for Approval of Subdivision for Pt. SE ¼ Section 3-12-8EPM referred to as File No. 4110-10-5414 by Community Planning Services;

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:

- That a building location certificate be prepared for the yard site parcel (parcel D) showing the location of all buildings and the sewage disposal system in relation to the proposed lot lines; and
- That any other variation order be obtained, if required, as a result of the building location certificate.

Carried

8.13 Application for Approval of Subdivision – Sandra Rogocki – Pt. SE ¼ Section 29-13-7EPM

89-11 MICHAELS-RATTAI

WHEREAS Sandra Rogocki has completed an Application for Approval of Subdivision for Pt. SE ¼ Section 29-13-7EPM referred to as File No. 4110-10-5406 by Community Planning Services;

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:

- That site width and area variation orders be obtained for the residual parcel;
- That a building location certificate be prepared for the yard site parcel showing the location of all buildings and the sewage disposal system in relation to the proposed lot lines; and
- That any other variation order be obtained, if required, as a result of the building location certificate.

Carried

8.14 Application for Approval of Subdivision – Walter & Shirley Zomber – Pt. NW ¼ Section 16-12-7EPM

90-11 RATTAI-RESKE

WHEREAS Walter & Shirley Zomber have completed an Application for Approval of Subdivision for Pt. NW ¼ Section 16-12-7EPM referred to as File No. 4110-10-5407 by Community Planning Services;

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:

- That site area variation orders be obtained for the residual parcel;
- That a building location certificate be prepared for the yard site parcel showing the location of all buildings and the sewage disposal system in relation to the proposed lot lines; and
- That any other variation order be obtained, if required, as a result of the building location certificate.

Carried

8.15 Application for Approval of Subdivision – Helmut Gurske – Pt. Section 2-12-8EPM – Administration to send letter to Community Planning Services requesting proposed subdivision be redesigned as per recommendation from Brokenhead River Planning District and Provincial organizations.

8.16 Manitoba Good Roads Association Banquet

91-11 RESKE-MICHAELS

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead authorizes Council as a Whole to attend the 101st Annual Banquet and Awards Presentation of the Manitoba Good Roads Association, April 12th, 2011 in Brandon.

Carried

8.17 Fallen Heroes Memorial – Municipality to contact Royal Canadian Legion Branch #132 for their input.

8.18 Public Water System - 2010 Audit Report – For Information

8.19 Subsidy of Purchase and Installation of Sump Pumps/Pits and Backwater Valves – Tabled to March 22nd, 2011 meeting.

8.20 Beausejour-Brokenhead Age-Friendly Advisory Committee Terms of Reference – Tabled to March 22nd, 2011 meeting.

8.21 Agassiz Weed Control District – Request for Funding for Spraying Equipment

92-11 RATTAI-RESKE

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead gives the Agassiz Weed Control District \$10,000.00 toward the cost of outfitting the 2008 Peterbilt truck with the necessary spraying equipment.

Carried

8.22 AMM Education – High Integrity Politics for Effective Council Relations

93-11 MICHAELS-RATTAI

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead authorizes Council as a Whole to attend the workshop “High Integrity Politics for Effective Council Relations” held April 12th, 2011.

Carried

8.23 Eastman Regional Development Inc. – 2011 Membership – For Information

8.24 Canadian Red Cross Letter of Understanding

94-11 RESKE-ZIRK

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead authorizes Reeve Glen Dudeck and Chief Administrative Officer Christine Hutlet to sign the Letter of Understanding between the R.M. of Brokenhead and The Canadian Red Cross Society – Manitoba Region for aid in the event of an emergency.

Carried

8.25 Age-Friendly Manitoba – Age-Friendly Connecting Communities – For Information

8.26 Staffing for Spring Flood

95-11 ZIRK-RESKE

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead authorizes Administrative Staff to be paid overtime should they be called in after hours during disaster or emergency circumstances.

Carried

8.27 CPTC Greetings

96-11 RATTAI-MICHAELS

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead authorizes Reeve Glen Dudeck to attend the Canadian Power Toboggan Championships March 5th and 6th, 2011 to give opening greetings.

Carried

8.28 Public Works 2010 Vacation Time

97-11 MICHAELS-RATTAI

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead authorizes the extension for use of 2010 vacation time for the public works department to June 30th, 2011.

Carried

8.29 Municipal Signage

98-11 ZIRK-MICHAELS

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead supports the installation of one municipal sign at the Brokenhead Administration Building and two municipal signs in the LUD of Tyndall/Garson.

Carried

8.30 Reschedule April Meetings

99-11 ZIRK-RESKE

BE IT RESOLVED THAT Council of the Rural Municipality of Brokenhead is in agreement to change and cancel the following meetings:
Cancel the April 12th and April 26th, 2011 meetings and reschedule a meeting for April 19th, 2011.

Carried

8.31 Donation to Brokenhead River Community Foundation

100-11 ZIRK-RESKE

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead donates \$500.00 to the Brokenhead River Community Foundation.

Carried

8.32 Soccer Fields at Edward Schreyer School

101-11 RATTAI-MICHAELS

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead agrees to spend up to \$10,000.00 on repairs to the soccer fields at the Edward Schreyer School.

Carried

8.33 Splash Pool 2011 Contribution

102-11 RATTAI-ZIRK

BE IT RESOLVED THAT the Council of the Rural Municipality of Brokenhead agrees to give Splash Pool \$5,000.00 now and \$5,000.00 at the end of the year on the condition that their deficit be reduced by at least 50%.

Carried

103-11 ZIRK-RATTAI

BE IT RESOLVED THAT the members of Council for the Rural Municipality of Brokenhead agree to extend the March 8, 2011 meeting of Council by one-half hour as allowed for in the Procedures By-law No. 2038-06.

Carried

8.34 Garson Community Centennial Centre – Municipality to remove snow piles from Centennial Centre parking lot to prevent flooding.

9. In-camera

Nil

10. Adjournment

10.1 Resolution to adjourn the meeting and schedule the next meeting

104-11 RESKE-ZIRK

BE IT RESOLVED THAT this meeting of Council does now adjourn the time being 10:00 p.m., to meet again on March 22, 2011 at 7:00 p.m.

Carried

Reeve Glen Dudeck

CAO Christine Hutlet