

MINUTES OF THE REGULAR MEETING OF THE RURAL MUNICIPALITY OF LA BROQUERIE HELD IN THE COUNCIL CHAMBERS IN THE VILLAGE OF LA BROQUERIE, MANITOBA ON WEDNESDAY, AUGUST 14TH, 2013.

Present: Claude Lussier Reeve
Cornie Goertzen Councillor Ward 1
Ron Hamilton Councillor Ward 1
Darrell Unger Councillor Ward 1
Wilfred Chabot Councillor Ward 2
Ron Vielfaure Councillor Ward 2
Ken Tallaire Councillor Ward 2

Also Present: Roger A. Bouvier Chief Administrative Officer
Ron Kowalchuk Public Works Supervisor

CALL TO ORDER:

With a quorum present Reeve Claude Lussier called the meeting to order at 8:00 a.m. followed by The Lord's Prayer.

ADOPTION OF AGENDA:

Res. No. 263-13 MOTION: Ron Hamilton – Darrell Unger

BE IT RESOLVED THAT the agenda for the regular meeting of August 14th, 2013 be accepted as presented.

CARRIED

ADOPTION OF MINUTES:

Res. No. 264-13 MOTION: Ken Tallaire – Wilfred Chabot

BE IT RESOLVED THAT the minutes of the regular meeting of July 10th and the special meeting of July 29th be accepted as presented.

CARRIED

COUNCIL / COMMITTEE / STAFF REPORTS:

Reeve Claude Lussier reported on his attendance to: July 16, Baie Normandeau/JR Cousin meeting; July 18, Arena Steering meeting; July 22, Finance meeting; July 29, Special Council meeting; August 7, Zoning meeting with Bill Sawka; August 12, Finance meeting.

Councillor Cornie Goertzen reported on his attendance to: July 29, Special Council meeting; August 12, Finance meeting.

Councillor Ron Hamilton reported on his attendance to: August 12, Finance meeting.

Councillor Darrell Unger reported on his attendance to: July 29, Special Council meeting; August 12, Finance meeting.

Councillor Wilfred Chabot reported on his attendance to: July 29, Special Council meeting; August 12, Finance meeting.

Councillor Ron Vielfaure reported on his attendance to: July 29, Special Council meeting; August 8, Bibliothèque St Joachim Library meeting; August 12, Finance meeting.

Councillor Ken Tallaire reported on his attendance to: July 16, Baie Normandeau/JR Cousin meeting; July 18, Arena Steering meeting; July 22, Finance meeting; July 29, Special meeting; August 8, meeting with architect at arena; August 12, Finance meeting; August 13, rue Normandeau meeting.

DELEGATIONS:

- 8:30 a.m. Ron Kowalchuk, Public Works Supervisor met with Council to report on the activities of the public works to date. Issues such as graveling, dust control, drainage, etc. were discussed.

- 9:00 a.m. Public Hearing was held in respect of Conditional Use Application by TNT Ventures Inc. to allow a multi-family dwelling of 8 units at rue des Pignons. The applicant, Elmer Toews was in attendance. Several presentations were received either supporting or objecting to the application. Some of the objections were: trespassers on neighbouring properties, safety of children, overcrowding, dogs, littering, lack of fencing, noise, traffic issues. Mr. Toews agreed to provide a 1.58 acres lot to the municipality as public reserve for a park, agreed to fence the back of his entire property to control trespassers and provide an easement to the municipality for public access to the park. (See Resolutions No. 265-13, 266-13, 267-13)

- 9:30 a.m. Public Hearing was held in respect of a Variation Application by Johnnie Blatz to allow the minimum site area requirement to be reduced from the required 80 acres to 33.5 acres for a residual parcel. The applicants were in attendance. No objections were received. (See Resolutions No. 268-13, 269-13, 270-13)

- 9:45 a.m. Public Hearing was held in respect of a Conditional Use Application to build a temporary 40x60 community church at 36047D PTH 52. The applicants were in attendance. Objections were received from the City of Steinbach and neighbouring property owners. (See Resolutions No. 271-13, 272-13, 273-13)

COMMUNICATIONS:

<u>From:</u>	<u>Subject:</u>	<u>Disposition:</u>
Lauren Tolton, BDO	2012 Audit Report	A-3-13
Josette Roch	Annual event – Frantz Motor Hotel	Res. No. 291-13 L-4-13
Rose Gibbons	Municipal Board Hearing – August 22, 2013	M-12-13
Kristen Pochet	Muscular Dystrophy declaration	Res. No. 292-13 D-2-13
Donna Belbin	AMM – deceased officials	A-2-13
Randy Kehler	Complaint – Eastgate Drive	C-6-13

ACCOUNTS / FINANCE:

Res. No. 274-13 MOTION: Wilfred Chabot – Darrell Unger

BE IT RESOLVED THAT the attached Council and Staff Payroll cheques No. 20130871 to 20130882; 20130933 to 20130939 and 20130946 to 20130959 in the amount of \$45,566.56 be approved by the Council of the Rural Municipality of La Broquerie.

CARRIED

Res. No. 275-13 MOTION: Ron Vielfaure – Darrell Unger

BE IT RESOLVED THAT the Financial Statement of the Rural Municipality of La Broquerie as of August 1, 2013 be accepted as presented.

CARRIED

BY-LAWS:

Res. No. 276-13 MOTION: Darrell Unger – Claude Lussier

BE IT RESOLVED THAT By-Law 07-2013 (Re-Zoning of 24-acres for Ray-Mo Holding Subdivision) be read a first time.

CARRIED

NEW / GENERAL BUSINESS:

Res. No. 265-13 MOTION: Ron Hamilton – Darrell Unger

BE IT RESOLVED THAT a Public Hearing is now called to order at 9:00 a.m. for Conditional Use Application No. DCU 07-2013 to allow a multiple-family dwelling of 8 units at 12 rue Des Pignons, NE 36-6-7EPM, Roll No. 113501.000, Serviced Residential Zone, registered owner TNT Ventures Inc.

CARRIED

Res. No. 266-13 MOTION: Ken Tallaire – Cornie Goertzen

BE IT RESOLVED THAT the Public Hearing for Conditional Use Application No. DCU 07-2013 to allow a multiple-family dwelling of 8 units at 12 rue Des Pignons, NE 36-6-7EPM, Roll No. 113501.000, Serviced Residential Zone, registered owner TNT Ventures Inc., be adjourned at 9:40 a.m.

CARRIED

Res. No. 267-13 MOTION: Ken Tallaire – Darrell Unger

WHEREAS pursuant to the provisions of the *Rural Municipality of La Broquerie Zoning By-Law 5-96*, TNT Ventures from Steinbach, MB, made application for a Conditional Use File No.: DCU 07-2013 and after proper notice according to the Planning Act, the application was heard on August 14th, 2013;

AND WHEREAS objections were received;

AND WHEREAS upon consideration of the evidence provided and submissions made Council is of the opinion the conditional use application:

- A) is compatible with the general nature of the surrounding area;
- B) is not detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential development in the surrounding area; and
- C) is in keeping with provisions of the *Rural Municipality of La Broquerie Development Plan and Zoning By-Law 5-96*;

THEREFORE BE IT RESOLVED THAT Council of the Rural Municipality of La Broquerie grant the application of a multiple-family dwelling of 8 units at 12 Rue Des Pignons, NE 36-6-7EPM, Roll No. 113501.000, registered owner TNT Ventures Inc. with the following conditions:

THAT ownership of Lot 3 Plan 40636 owned by TNT Ventures Inc. be transferred to the Rural Municipality of La Broquerie for a Public Reserve;

THAT the applicants enter into a development agreement with the municipality regarding easement agreements, fencing and garbage bins.

CARRIED

Res. No. 268-13 MOTION: Ron Hamilton – Ron Vielfaure

BE IT RESOLVED THAT a Public Hearing is now called to order at 9:40 a.m. for Variation Application DAV 06-2013 to allow the minimum site area requirement to be reduced from the required 80 acres to 33.5 acres for the residual parcel created under Subdivision File No. 4138-2012-5506 at SE 30-6-7EPM.

CARRIED

Res. No. 269-13 MOTION: Wilfred Chabot – Ken Tallaire

BE IT RESOLVED THAT the Public Hearing for Variation Application DAV 06-2013 to allow the minimum site area requirement to be reduced from the required 80 acres to 33.5 acres for the residual parcel created under Subdivision File No. 4138-2012-5506 at SE 30-6-7EPM, be adjourned at 9:43 a.m.

CARRIED

Res. No. 270-13 MOTION: Ken Tallaire – Ron Vielfaure

WHEREAS pursuant to the provisions of the *Rural Municipality of La Broquerie Zoning By-Law 5-96*, Johnnie Blatz of Steinbach, MB, made application for a variation, File No. DAV 06-2013 and after proper notice according to the Planning Act, the application was heard on August 14, 2013;

AND WHEREAS no objections were received;

THEREFORE BE IT RESOLVED THAT Council grant the minimum site area requirement to be reduced from 80 acres to 33.5 acres at for the residual parcel created under Subdivision File No.: 4138-2012-5506 at SE 30-6-7EPM.

CARRIED

Res. No. 271-13 MOTION: Ken Tallaire – Darrell Unger

BE IT RESOLVED THAT a Public Hearing is now called to order at 9:46 a.m. for Conditional Use Application No. DCU 08-2013 to allow a 40x60 accessory building to be used as a temporary community hall/church at 36047D PTH 52, SW 31-6-7EPM, Roll No. 78480.000, Agricultural Conservation Zone, applicants Deutsche Mennoniten Bruedergemeinde.

CARRIED

Res. No. 272-13 MOTION: Ron Vielfaure – Ron Hamilton

BE IT RESOLVED THAT the Public Hearing for Conditional Use Application No. DCU 08-2013 to allow a 40x60 accessory building to be used as a temporary community hall/church at 36047D PTH 52, SW 31-6-7EPM, Roll No. 78480.000, Agricultural Conservation Zone, applicants Deutsche Mennoniten Bruedergemeinde, be adjourned at 10:02 a.m.

CARRIED

Res. No. 273-13 MOTION: Ken Tallaire – Wilfred Chabot

WHEREAS pursuant to the provisions of the *Rural Municipality of La Broquerie Zoning By-Law 5-96*, Deutsche Mennoniten Bruedergemeinde from Steinbach, MB, made application for a conditional use, File No. DCU 08-2013 and after proper notice according to the Planning Act, the application was heard on August 14th, 2013;

AND WHEREAS several objections were received;

THEREFORE BE IT RESOLVED THAT Council of the Rural Municipality of La Broquerie deny this application.

CARRIED

Res. No. 277-13 MOTION: Ken Tallaire – Darrell Unger

BE IT RESOLVED THAT Council accept the offer of Dustin Davidson regarding his appointment as lagoon operator on a temporary basis until existing municipal staff are trained and licensed for said position.

CARRIED

Res. No. 278-13 MOTION: Cornie Goertzen – Ken Tallaire

WHEREAS it has become apparent to Council that a municipal road (East of Sections 19- 30 and 31-5-7E) was constructed off the existing road allowance on private lands;

AND WHEREAS recent transfer of ownership has brought this matter to Council’s attention;

AND WHEREAS this issue should be corrected;

THEREFORE BE IT RESOLVED THAT administration be authorized to make the necessary arrangements to have said road surveyed for accuracy and corrections;

AND FURTHER BE IT RESOLVED THAT upon completion of survey, that Council authorize administration to proceed with negotiations with the owners of said lands to purchase right of way to correct situation;

AND FURTHER BE IT RESOLVED THAT further to receipt of legal opinion from the municipality’s solicitor, administration provide a letter to the land owners regarding the legal responsibility and liability accepted by the municipality for said road located on private property.

CARRIED

Res. No. 279-13 MOTION: Ron Vielfaure – Ken Tallaire

BE IT RESOLVED THAT Council authorize the Public Works Supervisor to proceed with the placement of an additional inch of asphalt regarding the paving of Nadeau Road for a total of 4 inches of pavement as per JR Cousin Consultants estimate of \$18,301.50;

AND FURTHER BE IT RESOLVED THAT the Public Works Supervisor be provided with the authority to complete said project with necessary amendments/change orders as recommended by JR Cousin Consultants.

CARRIED

Res. No. 280-13 MOTION: Ron Vielfaure – Darrell Unger

WHEREAS Council has requested quotes for various drainage projects;

AND WHEREAS Council has received several quotes for these projects;

THEREFORE BE IT RESOLVED THAT Council accept the lowest quote for each project per attached list, including Option 1.

CARRIED

Res. No. 281-13 MOTION: Ken Tallaire – Darrell Unger

WHEREAS Community Planning Services has submitted to the Municipality a completed Application for Approval of a 2-lot Subdivision for Proposed Subdivision File #4138-2012-7062 at SW 13-6-7EPM for Applicants and Owners Robert and Claire Funk;

AND WHEREAS the \$250.00 administration fee has been received for this application;

AND WHEREAS all property owners within 500 metres of the development were notified of this subdivision application as per Resolution 536-12;

THEREFORE BE IT RESOLVED THAT this subdivision be approved with the following conditions:

- 1) That the Subdivision Deposit in the amount of \$1000.00 be paid to the R.M. of La Broquerie to be applied toward future costs associated with this subdivision;
- 2) That the applicant obtains a Building Location Certificate prepared by a Manitoba Land Surveyor illustrating all buildings and/or structures and onsite wastewater management systems on the affected lands in relation to the proposed property lines;
- 3) That an electronic and a hard copy of the plan of subdivision be provided;
- 4) That verification of proposed site areas and widths for all proposed lots be provided;
- 5) That the applicant obtains any and all variations deemed necessary in order to comply with our Zoning By-Law 5-96;
- 6) That the applicant obtains an Engineered Drainage Plan for this area;
- 7) That development dedication fees be submitted to the municipality in the amount of \$1500.00 for each newly created building lot;
- 8) That the site be rezoned from “AC” Agricultural Conservation Zone to “RR2” Rural Residential;
- 9) That the applicant enters into a Development Agreement with the municipality;
- 10) That the strip of land providing access for proposed lot 2 be moved from the east to the west and be increased from 16 feet to 66 feet;
- 11) That monument restoration costs, for monuments that were found to be restored within this subdivision, will be borne by the Developer;
- 12) That any and all costs associated with this Subdivision will be borne by the Developer.

CARRIED

Res. No. 282-13 MOTION: Ron Hamilton – Wilfred Chabot

WHEREAS Phase 1 (4 Lots off Deerfoot Trail and 2 Lots off Ekron-Oswald Road 37E) of Garry Brown’s 15-Lot Development has received the Construction Completion Certificate on July 16, 2013;

AND WHEREAS Developer Garry Brown requested the Letter of Credit be reduced for the said development;

THREREFORE BE IT RESOLVED THAT the Letter of Credit for Subdivision File No. 4138-2010-5140 be reduced from \$47,600.00 to \$5,000 effective immediately for a period expiring on July 16, 2015.

CARRIED

- Res. No. 283-13 MOTION: Wilfred Chabot – Ken Tallaire
- WHEREAS** Peter and Maria Gerzen's 4-Lot subdivision at S ½ 3-6-8EPM creating 2 new Public Roads has been conditionally approved on January 23, 2013;
- AND WHEREAS** the developer had suggested naming the two newly created streets "Glory Trail" and "Spruce End";
- THEREFORE BE IT RESOLVED THAT** the proposed street names "Glory Trail" and "Spruce End" be accepted.
- CARRIED**
- Res. No. 284-13 MOTION: Claude Lussier – Ron Hamilton
- BE IT RESOLVED THAT** Council dissolve into a committee as a whole in camera to discuss personnel issues in a closed session in-camera at 10:45 a.m.
- AND FURTHER BE IT RESOLVED THAT** the Committee agree to keep in confidence all matters discussed at this closed session until the matter is discussed at an open meeting of Council or a Committee of Council conducted in public.
- CARRIED**
- Res. No. 285-13 MOTION: Ken Tallaire – Ron Hamilton
- BE IT RESOLVED THAT** the Committee revert back to the regular open meeting out of camera at 11:10 a.m.
- CARRIED**
- Res. No. 286-13 MOTION: Ken Tallaire – Ron Vielfaure
- BE IT RESOLVED THAT** the attached Employee's Sick Days, Vacation, Banked time and Overtime Report to July 27, 2013 be accepted as reported to Council.
- CARRIED**
- Res. No. 287-13 MOTION: Wilfred Chabot – Ron Vielfaure
- BE IT RESOLVED THAT** the attached Council Indemnity's and Expenses report to July 31, 2013 be accepted as reported to Council.
- CARRIED**
- Res. No. 288-13 MOTION: Ron Hamilton – Darrell Unger
- BE IT RESOLVED THAT** the July 2013 Building Permit Report be accepted as presented.
- CARRIED**
- Res. No. 289-13 MOTION: Ken Tallaire – Cornie Goertzen
- BE IT RESOLVED THAT** the YTD Subdivision report be accepted as presented.
- CARRIED**
- Res. No. 290-13 MOTION: Darrell Unger – Claude Lussier
- BE IT RESOLVED THAT** the Prairie By-Law Enforcement Report to July 31st be accepted as presented.
- CARRIED**

Res. No. 291-13 MOTION: Ron Hamilton – Ken Tallaire

WHEREAS Frantz Inn will be hosting its annual RPMA Show and Shine on Saturday, August 17th, 2013;

AND WHEREAS Frantz Inn requested an extension of their beverage room license outside the hotel for that evening;

THEREFORE BE IT RESOLVED THAT Council approved the request by Frantz Inn for such an extension and advise Manitoba Liquor Control of its approval.

CARRIED

Res. No. 292-13 MOTION: Ken Tallaire – Cornie Goertzen

WHEREAS Muscular Dystrophy Canada is a national, non-profit organization committed to funding research into the causes, treatments, and eventual cure of neuromuscular disorders, as well as providing services to people with neuromuscular disorders and public education;

AND WHEREAS Muscular Dystrophy is a group of neuromuscular disorders that have no known cure, few treatments, and no way to stop the disorder's progression;

AND WHEREAS people today have the opportunity to live longer lives because of breakthroughs in medical research;

AND WHEREAS only through the support of the community may a cure be found;

THEREFORE BE IT RESOLVED THAT the Council of the Rural Municipality of La Broquerie hereby declare the month of September 2013 as "Muscular Dystrophy Awareness Month".

CARRIED

ADJOURNMENT:

Res. No. 293-13 MOTION: Cornie Goertzen – Wilfred Chabot

BE IT RESOLVED THAT the regular meeting of August 14th, 2013 be adjourned.

CARRIED

NEXT MEETING:

The next regular Council meeting will be held on Wednesday, September 11th, 2013 at 8:00 a.m.

Claude Lussier,
Reeve

Roger A. Bouvier,
Chief Administrative Officer