

RURAL MUNICIPALITY OF LAC DU BONNET

Minutes of September 11, 2007 Regular Meeting

subject to errors and or omissions

Reeve Don Halbert called the Meeting to order 10:06 am with the following members present:

Councillors:

Deputy Reeve Bob Bruneau, Gus Wruck and Russ Preston

Recording Members:

**Marlene Watson – Chief Administrative Officer
Tannis Lodge - Assistant**

564	Incamera @ 8:30AM	Bruneau – Wruck BE IT RESOLVED that the Council of the Rural Municipality of Lac du Bonnet do hereby agree to meet as the Committee of the Whole to discuss the following incamera items: 1. Personnel 2. Legal – McCandless Tramley Fees – Kellendonk Query 3. Other CARRIED
565	Out of Incamera @ 10:06AM	Preston – Wruck BE IT RESOLVED that Council do hereby agree to adjourn the sitting as the Committee of the Whole to resume the regular order of business. CARRIED
566	Adopt Agenda September 11, 2007	Wruck – Bruneau BE IT RESOLVED that the agenda for September 11, 2007 be hereby adopted as circulated and amended. CARRIED
567	Regular Minutes of August 28, 2007	Preston – Bruneau BE IT RESOLVED that the minutes of August 28, 2007 regular meeting be hereby adopted as circulated. CARRIED
568	Accounts Payable	Bruneau – Preston BE IT RESOLVED that 2007 accounts payable disbursement for September 11, 2007, being cheque numbers 20070935 to 20070977 inclusive in the amount of \$74,607.10 be hereby approved for payment. CARRIED
569	Quotes for Halliday Park	Wruck – Preston BE IT RESOLVED that the quote in the amount of \$26.00 per cubic yard, 82 cu yds total, plus applicable taxes to supply ¾ crushed limestone to Halliday Park be hereby accepted as submitted by Arsenault Trucking Ltd.; AND FURTHER BE IT RESOLVED that the quote in the amount of \$1,225.00 plus applicable taxes for bobcat work at Halliday Park be hereby accepted as submitted by Bonnet Lake Landscape. CARRIED
570	AML Performance Bond	Wruck – Bruneau BE IT RESOLVED that the Performance Bond being held to cover construction works undertaken by Al Meisner Ltd. at Belluk Road be hereby authorized for release. CARRIED
571	Orest Kaminski Spreading Spoil Piles	Preston – Bruneau BE IT RESOLVED that the quote in the amount of \$1,600.00 submitted by Orest Kaminski to spread the spoil piles along Holyk road (north half of 24-15-9 epm) be hereby accepted. CARRIED
	10:17AM – 10:30AM (Delegation) Greg Tino	Greg Tino – Regarding transfer of Public Reserve
	10:30AM – 10:45AM (Delegation) Ted Semchuk	Ted Semchuk – Regarding Flooding
	10:45AM – 10:50AM (Delegation) Brooks Meisner	Brooks Meisner – Regarding Allegra Road reconstruction
	10:45AM – 11:00AM	Marlene Watson, Chief Administrative Officer out of Chambers
	11:00 AM – Public Hearing Variation # V20/07	No representation or objections received.

572	Variation # V20-07 (Lavoie)	Preston – Wruck WHEREAS Justin Lavoie has made application for a variation order to vary the front yard requirement of 125 feet to 60 feet to allow for the construction of a new building on Lot 8, Plan 27345, in the NW21-15-11E 17 Drifters Bend, Roll 190764; THEREFORE BE IT RESOLVED that Variation Order No. V#20/07 be hereby allowed.	CARRIED
	11:00 AM – Public Hearing Variation # V21/07	No representation or objections received.	
573	Variation # V21-07 (Butchard)	Bruneau – Wruck WHEREAS Bill Butchard has made application for a variation order to vary the front yard requirement of 30 feet to 7 feet to allow for the construction of a garage at Lots A,B,C,D&E, Plan 23753, in the NE21-15-12E, 46 Riverside Parkway, Roll #278500; THEREFORE BE IT RESOLVED that Variation Order No. V#21/07 be hereby allowed.	CARRIED
574	KMB Subdivision Approval	Wruck – Bruneau WHEREAS the Municipality received an inspection report from Philip Michalchuk, C.E.T. dated August 23, 2007 on KMB Erickson Point Subdivision Letter of Credit Reduction; THEREFORE BE IT RESOLVED that the Final Approval Certificate be hereby issued and the Letter of Credit cancelled for the KMB Erickson Point Subdivision subject to: 1. Payment of all Developer Fees	CARRIED
575	By-law # 20-07 3 rd Reading	Preston – Bruneau BE IT RESOLVED that By-law #20-07 being a bylaw of the Rural Municipality of Lac du Bonnet to loan money to the Lac du Bonnet & District Historical Society Inc. be hereby given third and final reading, signed by the Reeve and Chief Administrative Officer, sealed with the municipal seal and delivered. <u>Members present and detail of the vote:</u> Reeve Don Halbert.....In Favour Deputy Reeve Bob Bruneau.....In Favour Councillor Gus WruckIn Favour Councillor Russ Preston.....In Favour	CARRIED
576	Greg Tino Approval	Bruneau – Preston BE IT RESOLVED that the new revised sketched plan received from Greg Tino of Lot 2, Plan 35076 be hereby accepted as presented subject to further consultation with the Provincial Municipal Assessor’s Office regarding sale price.	CARRIED
	11:15 AM – Public Hearing Variation # V22/07	No objections received. Todd and Linda Avecsyn present.	
577	Variation #22-07 (Avecsyn)	Bruneau – Wruck WHEREAS Todd & Linda Avecsyn has made application for a variation order to vary the side yard requirement of 2 feet to 0 feet to allow for the construction of a garage at NW34-15-12E, 18 Riverview Drive – Arnolds Campers Co-op, Roll #290400; THEREFORE BE IT RESOLVED that Variation Order No. V#22/07 be hereby allowed.	CARRIED
	11:15 AM – Public Hearing Variation # V26/07	Present - Frank Wade – Opposed to Side Yard requirement - Keith Sears – Opposed to Side Yard requirement - Ron Huzer – Opposed to Side Yard requirement	
578	Variation #26-07 (Rohs)	Preston – Wruck WHEREAS Jason Rohs has made application for a variation order to vary the side yard requirement of 5 feet to 0 feet and the rear yard requirement of 25 ft to 15 ft to allow existing dwelling to comply at Lot 9, Plan 17086, in the SE27-16-12E, Red Admiral – Gausdin Point Roll #311527; THEREFORE BE IT RESOLVED that Variation Order No. V#26/07 be hereby disallowed.	CARRIED

	11:50 AM – Public Hearing Variation # V23/07, V24/07, V25/07	Sonya and Chris Cadzow appeared opposed to application. Donna Besel appeared in favour.
579	Variation #23-07 (Besel)	Bruneau – Wruck WHEREAS Donna Besel has made application for a variation order to vary the site area requirement of 20,000 sq. ft to 19,050 sq. ft and the site width requirement of 100 ft. to 60 ft to allow for subdivision at proposed Lot 2 of Deposit Plan 0414/2007, originally Lot 9, Plan 5382 in the SE27-15-11E, 10 Bridge Lane, Roll 214200; THEREFORE BE IT RESOLVED that the following Variation Order V23/07 be hereby allowed. <p style="text-align: right;">CARRIED</p>
580	Variation #24-07 (Besel)	Preston – Bruneau WHEREAS Donna Besel has made application for a variation order to vary the site area requirement of 20,000 sq. ft. to 19,590 sq. ft. and the site width requirement of 100 ft to 60 ft to allow for subdivision at proposed Lot 3 of Deposit Plan 0414/2007, originally Lot 9, Plan 5382 in the SE27-15-11E, 10 Bridge Lane, Roll 214200; THEREFORE BE IT RESOLVED that the following Variation Order V24/07 be hereby allowed. <p style="text-align: right;">CARRIED</p>
581	Variation # V25-07 (Besel)	Wruck – Bruneau WHEREAS Donna Besel has made application for a variation order to vary the site width requirement of 100 ft to 68.5 ft to allow for subdivision at proposed Lot 4 of Deposit Plan 0414/2007, originally Lot 9, Plan 5382 in the SE27-15-11E, 10 Bridge Lane, Roll 214200; THEREFORE BE IT RESOLVED that the following Variation Order V25/07 be hereby allowed. <p style="text-align: right;">CARRIED</p>
	12:10 PM (Delegation) Rolande Chernichan Bruce Chudley	Rolande Chernichan and Bruce Chudley – Regarding hard surfacing of PR 433
	12:45 PM (Delegation) Karl Gugenheimer Alan Bruinooge	Karl Gugenheimer, Building Inspector and Alan Bruinooge – Regarding proposed subdivision on Mascanow Drive
582	Subdivision for Bruinooge	Bruneau – Wruck WHEREAS Jan Bruinooge has made application to subdivide property to create an additional parcel for recreational purposes situated in SE 1/4 12-16-12E legally described as Lot 4, Block 2, Plan 26052, Roll No. 301964, File #RMLDB/07/0050; THEREFORE BE IT RESOLVED that the application be rejected. <p style="text-align: right;">CARRIED</p>
	1:05 PM (Delegation) Karl Gugenheimer	Karl Gugenheimer, Building Inspector – Regarding Woody’s Driveway
	1:06 PM (Delegation) Dave Fournier Donna McTavish Derrick Tumac	Dave Fournier, Donna McTavish and Derrick Tumac – Regarding Riverland Road and new graders
	1:40 PM (Delegation) Pat Holden	Pat Holden – Regarding drainage issue at Riverland and East Shore Drive
	1:45 PM– 2:13 PM	Lunch Break
	1:45 PM – 2:30 PM	Tannis Lodge, left for lunch
583	By-law #15-07 2 nd Reading	Preston – Bruneau BE IT RESOLVED that By-law No. 15-07 be hereby given second reading. <p style="text-align: right;">CARRIED</p>
	2:40 PM	Marc Zienkiewicz, Leader Reporter arrives

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| 584 | Private Property
Crowding Public
Reserve | Wruck – Bruneau
BE IT RESOLVED the owner of lot 17 of plan 38880 be given a letter of direction requesting all personal items and private approach be removed from the municipal owned “ OI “ property.
<p style="text-align: right;">CARRIED</p> |
| 585 | Resolution to Add to
Taxes | Wruck – Preston
WHEREAS the Municipality of Lac du Bonnet sent the property owner of 254 Belluk Road, Roll No. 275040 an invoice in the amount of \$329.66 on July 12, 2007 for replacement of a 300 mm x 8 meter culvert needed for some remedial work done by the Works and Operations Department;
AND WHEREAS the invoice remains unpaid;
THEREFORE BE IT RESOLVED that the costs be hereby authorized to add to tax roll 275040.
<p style="text-align: right;">CARRIED</p> |
| 586 | MMAA Meeting | Bruneau – Preston
BE IT RESOLVED that the CAO and Assistant CAO be hereby authorized to attend the MMAA Fall District Meeting to be held in the RM of Brokenhead on September 25, 2007, beginning at 9:00 am.
<p style="text-align: right;">CARRIED</p> |
| 587 | Donation to Kidsport | Bruneau – Wruck
BE IT RESOLVED that a donation of \$100.00 to Kidsport – Sport Manitoba – Eastman Region be hereby authorized.
<p style="text-align: right;">CARRIED</p> |
| 588 | By-law #21-07
1 st Reading | Wruck – Preston
BE IT RESOLVED that By-law No. 21-07, being a bylaw of the Rural Municipality of Lac du Bonnet to regulate the proceedings and conduct of the council and the committees be hereby given first reading.
<p style="text-align: right;">CARRIED</p> |
| 589 | By-law #21-07
2 nd Reading | Bruneau – Wruck
BE IT RESOLVED that By-law No. 21-07 be hereby given second reading.
<p style="text-align: right;">CARRIED</p> |
| 590 | By-law # 2-07
Adjournment Time
Extended | Wruck – Bruneau
WHEREAS the hour of <u>3:00 p.m.</u> has been reached;
AND WHEREAS <u>Clause 5</u> of Procedural By-law # 2-07 states that the meeting may, by unanimous resolution be extended;
THEREFORE BE IT RESOLVED that the September 11, 2007 meeting have the adjournment time extended to 5:00 p.m.
<p style="text-align: right;">CARRIED</p> |
| 591 | EMC Requesting
Handsets | Preston – Wruck
WHEREAS Emergency Measures Coordinator, Al Caron is requesting 5 handsets, and 5 individual phone lines to be installed at the LDB Firehall to be used for the purposes of an Emergency Operations Centre, if and when the situation requires it;
THEREFORE BE IT RESOLVED that 5 telephone handsets, installation costs, operating costs (line fee rental, with TDR, cost of 5.50 per month) be hereby approved to purchase at a cost not to exceed \$831.98 plus any applicable taxes.
<p style="text-align: right;">CARRIED</p> |
| 592 | AMM 9 th Annual
Convention | Bruneau – Preston
BE IT RESOLVED that all members of council and the CAO be hereby authorized to attend the AMM 9 th Annual Convention, November 26-29, 2007 at the Brandon Keystone Centre in Brandon.
<p style="text-align: right;">CARRIED</p> |
| 593 | Tax Sale Agreement | Bruneau – Preston
WHEREAS Roll # 122050 is subject to the 2007 Tax Sale;
AND WHEREAS the owners of Roll # 122050 wish to enter into a tax repayment agreement for the purpose of removing the property from the 2007 Tax Sale;
THEREFORE BE IT RESOLVED that the Reeve and Chief Administrative Officer be hereby authorized to sign the Tax Repayment Agreement between the Rural Municipality of Lac du Bonnet and the Owners of Roll # 122050.
<p style="text-align: right;">CARRIED</p> |
| 594 | AMM Municipal Visit | Bruneau – Wruck
BE IT RESOLVED all members of council be hereby authorized to attend the AMM Executive and Eastern District Directors Municipal Visit on Tuesday, October 16 th at noon;
AND FURTHER BE IT RESOLVED the Town of Lac du Bonnet be included;
AND FURTHER BE IT RESOLVED the RM of Lac du Bonnet municipal council chambers be offered as the meeting location.
<p style="text-align: right;">CARRIED</p> |

595 Resolution for Ted Semchuk

Preston – Wruck

Whereas, Ted Semchuk, a resident of the Rural Municipality of Lac du Bonnet has made his concerns respecting drainage known to Council;
And whereas Council has attempted to address Mr. Semchuk's concerns, including an on-site inspection by the provincial Department of Water Stewardship;

And whereas Mr. Semchuk continuously refuses to accept the findings and recommendations of Manitoba Water Stewardship and Council;

And whereas Ted Semchuk has, upon dealing with Council and municipal staff over the past several months, displayed belligerent and irrational behaviour, escalating in seriousness;

And whereas Ted Semchuk during a regular Council meeting during the month of August , 2007 uttered a threat towards Council with respect to the use of a firearm;

And whereas Council is of the opinion that as a result of Ted Semchuk's actions it must take steps to protect the safety of municipal staff and Council by limiting his access to, and contact with municipal staff and Council;

Therefore be it resolved that Mr. Ted Semchuk comply with the following conditions in dealing with the municipality:

1. No direct or indirect contact with members of Council or municipal staff. This restriction includes contact in person, in writing or by telephone.
2. Not attend the municipal office or Works and Operations building;
3. Despite conditions 1 and 2, if Ted Semchuk has a matter of municipal business, he shall outline the matter in a letter addressed to Council. Council may respond in writing or may consider allowing Ted Semchuk to appear as a delegation on conditions and with a member of the RCMP in attendance;

And further it be resolved that failure to comply with any of the conditions outlined above will result in legal action;

And further it be resolved that a letter be prepared to Ted Semchuk and the RCMP giving notice of the conditions outlined above.

CARRIED

596 New Policy FIPPA

Wruck – Bruneau

WHEREAS several requests have been made for the release of information;

AND WHEREAS legislation exists identifying what information can be provided upon request;

THEREFORE BE IT RESOLVED administrative staff be authorized to release information upon request without prior consent of Council, subject to:

1. Council has had an opportunity to read the information beforehand;
2. The limited and specific exceptions set out in the Freedom of Information and Protection of Privacy Act (FIPPA).

CARRIED

597 Cancel Taxes on Lakers Ski Club

Wruck – Preston

WHEREAS a reciprocal agreement exists between the Town of Lac du Bonnet and the Municipality with respect to taxation;

THEREFORE BE IT RESOLVED taxes in the amount of \$3,793.01 be hereby cancelled on Roll # 179700.

CARRIED

598 By-law # 22-07 1st Reading

Preston – Bruneau

BE IT RESOLVED that By-law # 22-07, being a bylaw to amend By-law 8-06, being a bylaw to authorize borrowing for the purchase of an excavator, be hereby given first reading.

CARRIED

599 By-law # 22-07 2nd Reading

Preston – Bruneau

BE IT RESOLVED that By-law # 22-07 be hereby given second reading.

CARRIED

600 Allegra Road Quote

Bruneau – Wruck

WHEREAS the quote received from Grewinski Trucking Ltd. provided for 4" down material to be supplied for Task #5 of the Allegra Road Reconstruction;

AND WHEREAS 4" crushed granular is required;

THEREFORE BE IT RESOLVED the quote in the amount of \$6.50 per cubic yard for the supply 7,795 cyds of 4" crushed granular from Zaborniak Pit on PR# 317 be hereby accepted from Al Meisner Ltd.;

AND FURTHER BE IT RESOLVED the quote from Grewinski Trucking Ltd. be reduced by an amount of \$35,077.50 and the contract be amended to reflect same.

CARRIED

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| 601 | Legal Fees | Wruck – Preston
BE IT RESOLVED the monthly retainer to McCandless Tramley be increased by six hundred dollars (\$600.00) per month effective September 1, 2007;
AND FURTHER BE IT RESOLVED the fee of \$500.00 per Development Agreement remain the same for straight forward subdivisions, but a fee of time spent be allotted for the more complicated subdivisions.
<p style="text-align: right;">CARRIED</p> |
| 602 | Board and Committee | Wruck – Bruneau
BE IT RESLOVED that the following committees and boards have the following members appointed until such time as the vacancy is filled:
Arena – Reeve Don Halbert
Youth Center – Councillor Bob Bruneau
Library – Councillor Russ Preston
<p style="text-align: right;">CARRIED</p> |
| 603 | Adjourned Meeting @
4:45 PM | Wruck – Preston
BE IT RESOLVED that the regular meeting of September 11, 2007 be hereby adjourned, time: 4:45 p.m. |

Don Halbert, Reeve

Marlene Watson, Chief Administrative Officer