

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

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

1. Calling the meeting to Order

1.1 Resolution to call the meeting to order

37-11 RESKE-ZIRK

**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

38-11 RESKE-MICHAELS

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

Additions:

- 3.1 Ron Sugden and Gilles Cyr
- 8.10 Van Wallegem Subdivision
- 8.11 Request for Reeve to speak at Beausejour Early Years School Grade 4
- 8.12 2011 Safeway Championship
- 8.13 Eastern Manitoba Tourism Association

*Carried*

2.2 Resolution to adopt the minutes of January 25, 2011 regular meeting

39-11 ZIRK-MICHAELS

**WHEREAS** copies of the minutes of the Regular meeting of January 25, 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 Ron Sugden and Gilles Cyr – Requesting update on raising of Road 45E to ensure emergency access to properties during spring flooding, and protocol for isolation or evacuation.

4. Financial Report

- 4.1 Accounts for approval to February 8, 2011

40-11 RESKE-ZIRK

**WHEREAS** the Finance Committee has reviewed and approved payment of accounts listed in the invoice registers to February 8, 2011;

**THEREFORE BE IT RESOLVED THAT** the cheque distribution for the accounts being cheques #20110075 to 20110137 inclusive, totaling \$320,550.74, to be approved for payment.

*Carried*

- 4.2 Financial Statement for Period Ending December 31<sup>st</sup>, 2010

41-11 MICHAELS-RESKE

**WHEREAS** the Financial Statement for the period ending December 31<sup>st</sup>, 2010 has been prepared and presented to all members of Council;

**THEREFORE BE IT RESOLVED THAT** Council is in agreement to accept the Financial Statement for the period ending December 31<sup>st</sup>, 2010.

*Carried*

5. By-laws

Nil

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 Public Works

42-11 ZIRK-MICHAELS

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

*Carried*

7. Unfinished Business

7.1 Letter from Vic Toews' Office – For Information

8. New Business

8.1 Spring Road Restrictions – LUD of Tyndall/Garson

43-11 ZIRK-RESKE

**WHEREAS** the Council of the Rural Municipality of Brokenhead (RM) deems it necessary to impose weight restrictions on municipal roads within the boundaries of the LUD of Tyndall/Garson;

**AND WHEREAS** the *Manitoba Highway Traffic Act* section 86(1)(c) The traffic authority of a highway may with or without conditions restrict the allowable weight of vehicles that use part or all of the highway or a structure forming part of it;

**AND WHEREAS** the *Manitoba Highway Traffic Act* section 86(3)(a) When a municipality, a local government district or the council of a band, as traffic authority for a highway, imposes a prohibition or restriction under subsection (1), it shall if the prohibition or restriction is one year or less, impose it by resolution;

**THEREFORE BE IT RESOLVED THAT** the RM impose road weight restrictions within the boundaries of the LUD of Tyndall/Garson to 65% (sixty-five percent) of the normal weight allowed during the same period of time that the Province of Manitoba imposes spring weight restrictions, with the exception of essential services.

*Carried*

8.2 Bachman Drain Flooding

## 44-11 MICHAELS-RESKE

**WHEREAS** water in the 3<sup>rd</sup> Order Drain west of the Brokenhead River known as the Bachman Drain is not large enough to accept the water necessary during heavy rain fall and spring run off creating flooding and back up of water on to properties adjacent to the Bachman and along the 1<sup>st</sup> & 2<sup>nd</sup> Order Contributory drains flowing into the Bachman;

**AND WHEREAS** the Rural Municipality of Brokenhead and its residents have discussed this issue with various provincial departments to no avail;

**THEREFORE BE IT RESOLVED THAT** Council of the Rural Municipality of Brokenhead request that Manitoba Infrastructure and Transportation investigate and rectify this problem in an expedient manner.

*Carried*

## 8.3 Application for Approval of Subdivision – Adeline Ewasko – Pt. NW ¼ 10-12-7EPM

Councillor Crystal Reske excused herself from the meeting declaring conflict of interest.

## 45-11 MICHAELS-ZIRK

**WHEREAS** Adeline Ewasko has completed an Application for Approval of Subdivision for Pt. NW ¼ 10-12-7E referred to as File No. 4110-10-5412 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 Development Agreement is entered into with the RM of Brokenhead to the extent deemed necessary by Council;
- That any other studies such as a traffic impact assessment, environmental impact assessment, servicing study etc. are provided as identified and required by the Municipality or appropriate authority;
- That the subject lands be re-zoned from “AL” Limited Agricultural to “RR” Rural Residential consistent with the Development Plan and the intended use of the lands; and
- That any required variation orders be obtained, if necessary.

*Carried*

Councillor Crystal Reske returned to the council meeting.

## 8.4 Application for Approval of Subdivision – Garson Developments Ltd. – Lot 1, Block 1 and Lot 1, Block 2, Plan 48257 in NE ¼ 4-13-6EPM

## 46-11 RESKE-ZIRK

**WHEREAS** Garson Developments Ltd. have completed an Application for Approval of Subdivision for Lot 1, Block 1 and Lot 1, Block 2, Plan 48257 in NE ¼ 4-13-6E referred to as File No. 4110-10-5388 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 the applicant enter into a development agreement with the R.M. of Brokenhead to the extent deemed necessary by Council;
- That the applicant confirm with the R.M. of Brokenhead and Manitoba Conservation that the local wastewater treatment facility has the capacity to accept and treat wastewater from the proposed 29 lots;
- That a Drainage Plan suitable to the R.M. of Brokenhead be submitted and accepted;
- That any other studies such as traffic impact assessment, environmental impact assessment etc. are provided as identified and required by the Municipality or appropriate authority; and
- That any required variation orders be obtained, if necessary.

*Carried*

8.5 Town of Beausejour – Eastern Region Municipal Forum – For Information

8.6 Red River North Trails Association Inc. Railbed Request – Administration to send letter to Association with contact information for Community Planning Services to find owners along railbed.

8.7 Discharge Caveat for NE ¼ 14-12-7EPM – Vogel to Schewe

## 47-11 RESKE-MICHAELS

**BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead authorizes the discharge of Caveat Instrument No. 3519482 from land in NE ¼ 14-12-7EPM described in Certificate of Title No. 2261682, prohibiting any new buildings from being constructed upon the residual lands within 150 feet of the existing gravel pit/aggregate deposit.

*Carried*

- 48-11 ZIRK-RESKE  
**BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead authorizes Reeve Glen Dudeck and Chief Administrative Officer Christine Hutlet to sign a Building Restriction Agreement between the R.M. of Brokenhead and Brett & Brian Schewe for lands described in Certificate of Title No. 2261682.

*Carried*

8.8 Deputy Reeve – February 18-24

- 49-11 RESKE-ZIRK  
**BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead appoints Councillor Sean Michaels to act as Deputy Reeve effective February 18 to February 24, 2011 in the absence of the current Reeve and Deputy Reeve in the event of an emergency.

*Carried*

Reeve Glen Dudeck arrived at meeting and took over as Chairperson.

8.9 Red River Basin Commission 3<sup>rd</sup> Annual Fish Dinner

- 50-11 MICHAELS-ZIRK  
**BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead authorizes Councillors Crystal Reske, Sean Michaels and Ken Zirk to attend the Red River Basin Commission 3<sup>rd</sup> Annual Fish Dinner, held February 24<sup>th</sup>, 2011, in the absence of Councillor Melvin Rattai.

*Carried*

8.10 Van Walleghem Subdivision

- 51-11 RATTAI-ZIRK  
**WHEREAS** William Van Walleghem has completed an Application for Approval of Subdivision for Lot 1, Plan 46997 in NE ¼ 11-13-6EPM referred to as File No. 4110-10-5366 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 the applicant enter into a Development Agreement with the R.M. of Brokenhead to the extent deemed necessary by Council;
  - That the R.M. of Brokenhead Zoning By-law is amended to rezone those lands currently zoned as “AL” Limited Agricultural Zone to “RA” Suburban Residential Zone;

- That the subdivision is re-designed to address local water supply (looping) concerns either through the use of 10' Public Reserve corridors or the engineering of water lines within the road right-of-way;
- That the applicant confirm with the R.M. of Brokenhead and Manitoba Conservation that the local wastewater treatment facility has the capacity to accept and treat wastewater from the proposed 8 lots;
- That a drainage plan suitable to the R.M. of Brokenhead be submitted and accepted;
- That any other studies such as traffic impact assessment, environmental impact assessment etc. are provided as identified and required by the Municipality or appropriate authority;
- That variation orders are obtained for the proposed parcels that do not meet the 75' site width requirement of the "RA" Suburban Residential Zone; and
- That any required variation orders be obtained, if necessary.

*Carried*

8.11 Request for Reeve to speak at Beausejour Early Years School Grade 4

52-11 RESKE-RATTAI

**BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead authorizes Reeve Glen Dudeck to speak to Ms. Neustater's class the week of March 1-4, 2011.

*Carried*

8.12 2011 Safeway Championship – Council discussed the request for security guard shifts for two nights at the 2011 Safeway Championship.

8.13 Eastern Manitoba Tourism Association

53-11 RESKE-ZIRK

**BE IT RESOLVED THAT** the Council of the Rural Municipality of Brokenhead authorizes Councillor Sean Michaels to attend the next meeting of the Eastern Manitoba Tourism Association.

*Carried*

## 9. In Camera

54-11 RATTAI-RESKE

**BE IT RESOLVED THAT** Council of the Rural Municipality of Brokenhead move 'In Camera' to discuss a pending legal issue under (Section 152(3)(b)(iv) of *The Municipal Act*) the time being 8:45 p.m.

*Carried*

55-11 RESKE-MICHAELS

**BE IT RESOLVED THAT** Council of the Rural Municipality of Brokenhead reconvene into regular session of Council, the time being 8:50 p.m.

**AND FURTHER THAT** all information discussed 'In Camera' is kept in confidence until the matter is discussed at a meeting of council or of a committee conducted in public.

*Carried*

## 8. New Business (Continued)

56-11 RATTAI-RESKE

**WHEREAS**, Wes Omichinski has made his concerns respecting the issuance of a gravel contract known to Council;

**AND WHEREAS**, Council has attempted to address Mr. Omichinski's concerns, including meeting with him at a Council meeting and responding in writing to his concerns;

**AND WHEREAS** Mr. Omichinski continuously refuses to accept the decision of Council;

**AND WHEREAS**, Mr. Omichinski has over the past number of months in dealing with Council and municipal staff, inside and outside the municipal office, displayed belligerent and threatening behaviour;

**AND WHEREAS**, Council is of the opinion that as a result of Wes Omichinski's actions it must take steps to protect the safety of the municipal staff and Council by limiting his access to, and contact with municipal staff and Council;

**THEREFORE BE IT RESOLVED THAT**, Wes Omichinski must comply with the following conditions in dealing with the Municipality:

1. Have no direct or indirect contact with members of Council or municipal staff. This restriction includes contact in person, in writing, electronically or by telephone.
2. Not attend at the municipal office and public works building.
3. Not attend at Council's or municipal staff's residences.
4. Despite conditions 1 and 2, if Wes Omichinski 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 Wes Omichinski to appear as a delegation on conditions.



**AND FURTHER BE IT RESOLVED THAT** failure to comply with any of the conditions outlined above will result in legal action.

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>	—	—	
	<i>Carried</i>			

10. Adjournment

10.1 Resolution to adjourn the meeting and schedule the next meeting

57-11 RATTAI-ZIRK

**BE IT RESOLVED THAT** this meeting of Council does now adjourn the time being 9:10 p.m., to meet again on March 8, 2011 at 7:00 p.m.

*Carried*

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**Reeve Glen Dudeck**

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**CAO Christine Hutlet**