



Rural Municipality of De Salaberry

Minutes of the regular council meeting of Tuesday, March 8, 2011 at 4:45 p.m.
in the Municipal Council Chambers, St. Pierre-Jolys, Manitoba

Present: Reeve Ron Musick Deputy Reeve Gerry Maynard

Councillors:

Marc Hamonic, Germain Roy, Marc Marion, André Carbonneau, Patrick Catellier

Chief Administrative Officer: Luc Lahaie, C.M.M.A.

Reeve Ron Musick calls the meeting to order at 4:45 p.m.

Councillor Marc Hamonic conducts the invocation.

100-11 Moved by Marc Hamonic Seconded by Gerry Maynard

Be it resolved that council hereby adopts the agenda as presented. "Carried"

101-11 Moved by Patrick Catellier Seconded by Germain Roy

Be it resolved that council hereby approve the following council meeting minutes:
- February 22, 2011 Regular Council Meeting "Carried"

102-11 Moved by André Carbonneau Seconded by Marc Hamonic

Be it resolved that council hereby give the Dufrost Water Supply Borrowing By-Law No. 2284-11 second reading. "Carried"

103-11 Moved by Germain Roy Seconded by Patrick Catellier

Be it resolved that council hereby give By-Law No. 2284-11 third and final reading.

For: Germain Roy, Patrick Catellier, Marc Hamonic, Gerry Maynard, Ron Musick, Marc Marion, André Carbonneau
Against: None "Carried"

104-11 Moved by André Carbonneau Seconded by Marc Marion

Be it resolved that council hereby accepts the following written committee report:
Financial Report of December 31, 2010 (as of March 8, 2011)
LUD of St. Malo committee meeting of February 24, 2011
Economic Development Committee meeting of February 28, 2011
Building and Development Committee Meeting of March 7, 2011
Shop, Personnel and Safety Committee Meeting of March 4, 2011
St. Malo Lake Stewardship Meeting of February 23, 2011
SRRCD Board meeting of January 11, 2011
Accounts Payable Report of March 8, 2011 "Carried"

105-11 Moved by Gerry Maynard Seconded by Germain Roy

Be it resolved that council hereby approve the distribution of the 2010 General Operating Fund estimated surplus of \$164,500 to the following reserves:

- \$91,392.67 – Gas Tax Reserve (2010 2nd half of Gas Tax Grant)

- \$40,000.00 – Economic Development Reserve (2010 CLER Program for 2011 Project)
- \$2,156.02 – St. Pierre Fire Department Vehicle Reserve (surplus from their operating budget)
- \$631.11 – St. Malo Fire Department Vehicle Reserve (surplus from their operating budget)
- \$1,549.00 – St. Malo Fire Department Vehicle Reserve (revenues from MPIC calls)
- \$28,500.00 – remaining to Nominal Surplus

“Carried”

106-11 Moved by André Carbonneau Seconded by Marc Hamonic

Be it resolved that a consultant be hired for \$1000 with funds received from CDEM, to help the St. Malo Museum with a collection management strategy.

“Carried”

107-11 Moved by Marc Hamonic Seconded by Germain Roy

Be it resolved that council hereby approve CPS Subdivision File no. 4119-2010-5197 as applied by Christopher/Gerita Joosse for Pt. RL’s 47 & 48 Rat River Settlement with the following conditions:

- 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 land in relation to the proposed property lines; and
- That the applicant obtains any necessary variations as a result of the Building Location Certificate.

“Carried”

108-11 Moved by Gerry Maynard Seconded by Marc Hamonic

Be it resolved that council hereby approve CPS Subdivision File no. 4119-2010-5196 as applied by Peter Funk for Pt. SW 3-4-5E with the following conditions:

- 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 land in relation to the proposed property lines; and
- That the applicant obtains any necessary variations as a result of the Building Location Certificate.

“Carried”

109-11 Moved by Marc Hamonic Seconded by Germain Roy

Be it resolved that council hereby approve Hazelwood Homes’ revised surveyor’s sketch drawn by Keystone Surveys dated March 3, 2011.

“Carried”

110-11 Moved by Marc Marion Seconded by Patrick Catellier

Be it resolved that council hereby approve the Accounts Payable Report being cheques no. 20110281 to 20110292 in the amount \$13,211.53, 20110293 to 20110294 in the amount of \$7,841.00, 20110295 to 20110302 in the amount of \$1,000.00, 20110303 to 20110354 in the amount of \$90,930.65.

“Carried”

111-11 Moved by Gerry Maynard Seconded by Germain Roy

Whereas the municipality invited six equipment suppliers to tender on the sale of a 150hp class excavator and a 235 hp class 6 wheel motor grader;

Be it resolved that council hereby approve the following transactions, taking price, warranty, past experiences, machine weight and future trade-in values into consideration:

Purchase of a 2011 Caterpillar 140M 6WD Motor Grader from Toromont Cat, including a 5 year/7500 hour full warranty and complete 1st oil change with filters with the municipality's 2003 Volvo G726B Motor Grader as trade for a net amount of \$205,000; and

Purchase of a 2010 Kobelco SK-210 LC Excavator from Mazergrout, including a 5 year/5000 hour full machine warranty with zero deductible, 5 free warranty trips to the municipal shop with the municipality's 2004 John Deere 200CLC as trade for a net amount of \$121,238.

“Carried”

112-11 Moved by Marc Hamonic Seconded by Gerry Maynard

Be it resolved that council hereby accept to participate as a member of the Eastman Regional Development Inc. for 2011 for an annual levy of \$1,500.

“Carried”

113-11 Moved by André Carbonneau Seconded by Marc Marion

Be it resolved that council hereby authorize members of council to attend the AMBM Economic Development Forum on Saturday, April 9, 2011 in St. Boniface.

“Carried”

114-11 Moved by Gerry Maynard Seconded by André Carbonneau

Whereas the Community of St. Malo has reached its maximum number of 3 MLCC-eligible Community Events endorsed by the municipality;

Whereas the MLCC has requested a council resolution requesting that the municipality obtain up to 4 municipality-endorsed community events per MLCC fiscal year;

Be it resolved that starting in 2011 that the municipality be hereby permitted to endorse of up to 4 MLCC-eligible Community Events for St. Malo between April 1 to March 31.

“Carried”

115-11 Moved by Patrick Catellier Seconded by Marc Hamonic

Be it resolved that Councillor Gerry Maynard be authorized to attend the March 17, 2011 Flood Preparation meeting in Morris with the acting Public Works Foreman.

“Carried”

116-11 Moved by André Carbonneau Seconded by Marc Hamonic

Be it resolved that council hereby authorize municipal officials to attend the Vic Toews Casual Dinner with municipal officials on March 25th in Steinbach.

“Carried”

117-11 Moved by André Carbonneau Seconded by Patrick Catellier

Be it resolved that council hereby authorize Reeve Ron Musick and Councillor Marc Hamonic to attend the Business Gateway Launch on March 11, 2011 at the Bilingual Service Centre in St. Pierre-Jolys.

“Carried”

118-11 Moved by André Carbonneau Seconded by Gerry Maynard

Be it resolved that council hereby approve the changing of the regular council meeting of Tuesday, April 12, 2011 to Monday, April 11, 2011 due to the Municipal Official Seminar scheduled that week.

“Carried”

119-11 Moved by André Carbonneau Seconded by Patrick Catellier

Be it resolved that council hereby authorize the members of council and CAO to attend the 2011 Municipal Officials Seminar in Brandon on April 14 and 15.

“Carried”

120-11 Moved by André Carbonneau Seconded by Germain Roy

Be it resolved that council hereby authorize the Water Plant Operator to attend the Community Wells maintenance seminar on March 16th and that the Water Plant Operator and his assistant be authorized to attend the Lagoon Maintenance seminar on March 23.

“Carried”

121-11 Moved by André Carbonneau Seconded by Marc Hamonic

Whereas Roll No. 148000 has been charged Scavenging Fees from 2006 to 2010 as part of the Otterburne Scavenging District;

Whereas it has been confirmed that the landowner is not within the Otterburne Scavenging District and has not benefited from this service;

Be it resolved that council hereby credit Roll No. 148000 the amount of \$432.50 for past Special Service Fees and have his roll number removed from the By-Law Schedule.

“Carried”

122-11 Moved by André Carbonneau Seconded by Marc Hamonic

Be it resolved that council hereby authorize the Reeve and CAO to prepare a reply letter to the Otterburne Ratepayers Associations letter dated March 1, 2011 regarding funding to the Otterburne Curling Club and emails of February 28, 2011 regarding the Otterburne Well/request for a rural pipeline and the St. Malo LUD’s Gas Tax revenues;

Further that the CAO and Reeve undertake this reply in due course.

“Carried”

123-11 Moved by André Carbonneau Seconded by Patrick Catellier

Be it resolved that council hereby support the signing of an irrevocable letter of credit for the St. Pierre/De Salaberry Fire Departments in the amount of 50% of the \$14,000 grand prize for the upcoming “Side by Side Utility Vehicle” raffle where proceeds will go towards a thermal imaging camera.

“Carried”

Council breaks for supper at 6:15 p.m., and reconvenes at 7:00 p.m.

Reeve Ron Musick opens the Public Hearing portion of the meeting at 7:30 p.m. The CAO presents the application to council and the audience.

Application: C2-2011-157400
Applicant: St. Pierre Lumber and Construction
Proposal: To allow for the location of a 2 suite apartment unit (multiple-family dwelling) which will be moved from within the Village of St. Pierre-Jolys in a “LA” Limited Agriculture Zone.
Area Affected: Lot 2 Plan 26214, 30075E PTH59

Application: V2-2011-157400
Applicant: St. Pierre Lumber and Construction
Proposal: To vary the front yard requirement of 125 feet to 16 feet +/- in the “LA” Limited Agriculture Zone for the purpose of locating a 2 suite apartment unit which is being moved from the Village of St. Pierre-Jolys.
Area Affected: Lot 2 Plan 26214, 30075E PTH59

Application: V3-2011-157400

Applicant: St. Pierre Lumber and Construction
Proposal: To vary the south side yard requirement of 25 feet to 18 feet +/- in the "LA" Limited Agriculture Zone for the purpose of locating a 14'X24' garage (currently elsewhere on the lot) onto the existing cement pad.
Area Affected: Lot 2 Plan 26214, 30075E PTH59

The CAO reads the three written letters submitted regarding the application.

Ron and Marie Vinet – The Vinets' email correspondence confirms that they have no concerns with the Variation Orders or Conditional Uses. The request that any approval is conditional that the proposed dwelling be hooked up to the existing sewer line connected to the Village of St. Pierre-Jolys and that an engineering study, paid by the applicants, confirms that the line can accept the extra effluent, and if deemed sufficient, that the applicants negotiate with the "St. Pierre North Sewer Local Improvement District" (St. P N Sewer LID) for compensation to hook up to the existing line.

Robert Berard – Mr. Berard's email confirms that he concurs with the Vinets' email.

Remi and Irene Gregoire – The Gregoires' letter informs council that they oppose to the Conditional Use and the Variation Orders because they feel the requested setbacks to property lines does not allow for enough distance away from neighbours.

Donat Mellor – Mr. Mellor explains to council that he has concerns with the proposed new vehicular traffic that will cross his St. Pierre Car Wash's, RMB Plumbing's and Roeland's Original's properties to access the property in question. He confirms that there is a caveat registered on all affected lots to provide landlocked landowners access to their lots to the east of the St. Pierre Car Wash. He and his neighbours want to be assured that they will not be left with all the maintenance of the area where the caveat/easement agreement exists.

Robert Bruneau and Allan Roeland – The two neighbours explain to council that they have the same concerns as Mr. Mellor regarding the new vehicular traffic and the current state of the "right of way". Mr. Bruneau confirms that the right of way area is very soft in spring and many vehicles do get stuck in the frost boils. He would like to ensure that the current caveat or future one clearly details who is responsible in providing a properly maintained access to St. Pierre Lumber and Construction's property.

Jos Robidoux – As spokesperson of St. Pierre Lumber and Construction, Mr. Robidoux provides council and the audience with some clarification on the application and proposed use. The intent on having a dwelling on his property is to provide proper supervision and control to the area where there has been situations involving mischief. He acknowledges that a "multiple family dwelling" isn't a listed permitted or conditional use in a Limited Agriculture Zone and he would be open in modifying his dwelling to be a 3 bedroom single family unit. Mr. Robidoux acknowledges that he will be connecting to the area's sewer line and confirms that the St. P N Sewer LID is currently drafting an agreement regarding their investment in the sewer line.

Council will defer their decision on C2-2011-157400 and V2-2011-157400 at the next regular council meeting of March 29, 2011 at 7:30 p.m. Council requests a copy of the right of way easement agreement/caveat to determine maintenance responsibility of the right of way and a copy of the draft St. P N Sewer LID agreement to determine the sewerline responsibility.

124-11 Moved by Marc Hamonic Seconded by Germain Roy

Be it resolved that council hereby approve Variation Order No. V3-2011-157400 as applied by St. Pierre Lumber & Construction.

"Carried"

Reeve Ron Musick closes the hearing at 8:15 p.m.

Delegation 8:15 p.m. Bernice Bowley – Fillmore Riley LLP

125-11 Moved by Gerry Maynard Seconded by Marc Hamonic

Be it resolved that council hereby enter into an "In camera" session with Bernice Bowley to discuss legal matters at 8:15 p.m. "Carried"

126-11 Moved by André Carbonneau Seconded by Patrick Catellier

Be it resolved that council hereby return to regular session at 9:00 p.m. "Carried"

127-11 Moved by Marc Hamonic Seconded by Patrick Catellier

Be it resolved that council hereby approve the Building Permit Report of February 23rd, 2011 – March 8, 2011 being permit no. 5-2011D, 6-2011, 7-2011, 9-2011 as per the Building and Development Committee's recommendations.

"Carried"

128-11 Moved by André Carbonneau Seconded by Marc Marion

Be it resolved that council hereby adjourn the meeting at 9:15 p.m. "Carried"

Reeve

Chief Administrative Officer