

**Rural Municipality of Grey**  
**May 6, 2009**

The Council of the Municipality of Grey held its regular meeting on Wednesday, May 6, 2009 at 7:00 p.m. in the council chambers at the Village of Elm Creek, Manitoba. Reeve Ted Tkachyk presiding and Councillors Raymond Franzmann, Jim Pedersen, Richard Penner, Louis Souque, Assistant C.A.O Kim Gibson and C.A.O. Ronald Hayward were in attendance.

7:00 p.m. - Meeting called to order.

**Agenda**

**Franzmann - Souque - Resolution No. 151/09**

Resolved that the meeting agenda for May 6, 2009 prepared by the Reeve and Chief Administrative Officer be adopted with the following additions:

**Unfinished Business:**

4. Donald Poirier Re: Offer to purchase Lots 31 & 32, Plan 1004 Haywood. -Carried-

**Minutes**

**Souque - Penner - Resolution No. 152/09**

Resolved that the minutes of the regular meeting of Council held on April 15, 2009 and the special meeting of Council held on April 30, 2009 be hereby confirmed and adopted.  
-Carried-

**Communications:**

1. The Manitoba Water Services Board Re: Long Term Capital Plan.  
-See Resolution No. 153/09-
2. A.M.M. Re: Responses to 2008 Convention Resolutions. -Filed-  
Re: Age-Friendly Manitoba Initiative. -Filed-
3. C.F. Scharien Insurance Agency Ltd. Re: MPI policy renewal. -See Resolution No. 154/09-
4. Prairie Rose School Division Re: Replacement of Ecole St. Eustache. -Filed-
5. Manitoba Pork Council Re: Swine Influenza. -Filed-
6. Town of Virden Re: FCM 3<sup>rd</sup> Vice President Election. -Filed-
7. Community Planning Services Re: Proposed Subdivisions  
-Ken & Kim Cummer Parcel B, Plan 1143 Haywood. -See Resolution No. 155/09-  
-Marcel Painchaud NE 14-9-3wpm. -See Resolution No. 156/09-

**M.W.S.B. Long Term Capital Plan**

**Franzmann - Pedersen - Resolution No. 153/09**

Resolved that completion of rural water pipelines within the R.M. of Grey as noted on the attached map and installation of low pressure sewer lines in the Village of Fannystelle, be submitted to The Manitoba Water Services Board for consideration under their Long Term Capital Plan for 2010-11 and beyond. -Carried-

**MPI Policy Renewal**

**Penner - Souque - Resolution No. 154/09**

Resolved that the MPI Automobile Insurance Policy AM1000373431 providing for additional liability insurance coverage on various municipal vehicles for the period April 25, 2009 to April 25, 2010 at a cost of \$1,109.00 be renewed through C.F. Scharien Insurance Agency Ltd. -Carried-

**Subdivision**

**Penner - Pedersen - Resolution No. 155/09**

Resolved that Ken and Kim Cummer application to subdivide a 0.75 acre lot and a 0.34 acre lot from their present holding of 10.45 acres on Parcel "B", Plan 1143 (Haywood) be approved as presented under Community Planning Services File #4133-08-5131, subject to the following conditions:

- 1) The applicant must extend municipal water and sewer services to the new lots created by this subdivision and shall be responsible for all costs associated with extension of said service.
- 2) The applicant shall obtain an access permit from Manitoba Infrastructure and Transportation and shall be responsible for all costs associated with installation of a driveway crossing to new lots created by above subdivision.
- 3) The applicant shall provide the Rural Municipality of Grey with a signed right-of-way agreement providing for access to new lots created by above subdivision.

-Carried-

**Souque – Pedersen – Resolution No. 156/09**

Resolved that Marcel Painchaud Jr. application to subdivide a 5.16 acre parcel from the present holding of 80.00 acres owned by his father Marcel Painchaud on the NE 14-9-3wpm be approved as presented under Community Planning Services File #4133-08-5146, subject to the following conditions:

- 1) A Variation Order is required to vary the minimum site area requirement of 80 acres for the 74.84 acre residual parcel unless it is consolidated with adjacent Title No. 1792650 (54.54 acres) owned by M Painchaud Farms Ltd. or Title No. 1864251 (160.22 acres) owned by Marcel Painchaud.
- 2) A Conditional Use Order is required in order to subdivide the residence from the farmland. –Carried-

**BY-LAWS**

**By-Law No. 4/09 – Fannystelle Reserve Fund**

**Franzmann - Souque – Resolution No. 157/09**

Resolved that By-law No. 4/09 being a by-law to establish a general reserve fund for the Hamlet of Fannystelle, be given 2<sup>nd</sup> reading. -Carried-

**Pedersen - Penner – Resolution No. 158/09**

Resolved that By-law No. 4/09 being a by-law to establish a general reserve fund for the Hamlet of Fannystelle, be given 3<sup>rd</sup> reading and passed. -Carried-

For - Ted Tkachyk, Ray Franzmann, Jim Pedersen, Richard Penner and Louis Souque

Against - 0 Abstain - 0

**REPORTS**

**Reports**

**Penner - Pedersen - Resolution No. 159/09**

Resolved that the following minutes/reports be received and filed as information:

- L.U.D. Elm Creek – Minutes April 20, 2009.
- Elm Creek Community Hall – Minutes April 16, 2009.
- Pembina Valley Water Coop – Minutes April 17, 2009.
- North West Red Water Management Assoc. – Minutes April 7, 2009.
- Cartier Regional Water Cooperative Inc. – Minutes March 16, 2009. -Carried-

**UNFINISHED BUSINESS**

**Riedbow Dairy Ltd. 14-CU-08**

Council gave further consideration to information presented at Public Hearing held on April 15, 2009 and meeting with Technical Review Committee on May 4, 2009 regarding Riedbow Dairy Conditional Use Application 14-CU-08. -Tabled-

**Recycling Committee**

**Penner - Souque - Resolution No. 160/09**

Resolved that Alvina Warkentin be appointed to the Grey Recycling Committee for balance of 1 year term ending November 4, 2009. -Carried-

**Seasonal Public Works – Gravel Checker**

**Franzmann – Souque – Resolution No. 161/09**

Resolved that Caleb McLeod Jones be hired for the period June 1 – August 28, 2009 as a seasonal public works employee for gravel checking and other general duties as may be prescribed by the Public Works Foreman;

And Further Resolved that salary for said position be set at \$14.00 per hour. -Carried-

**Land Sale – L.U.D. of Haywood**

**Souque - Penner – Resolution No. 162/09**

Resolved that Donald Poirier offer to purchase Lots 31 and 32, Plan 1004 in the L.U.D. of Haywood for \$1.00 be accepted and Council authorize the sale of said property subject to the following conditions:

- 1) Purchaser must construct a residence on said property within 12 months of date of possession or re-transfer property back to the R.M. of Grey at no cost to the municipality.
- 2) Purchaser must connect new residence to the municipal water/sewer system at his/her own expense.
- 3) Purchaser responsible for all of the R.M. of Grey legal fees, taxes and disbursements associated with transfer or re-transfer of title to property.
- 4) Purchaser responsible for the 2009 realty property taxes.

And Further Resolved that the Reeve or Chief Administrative Officer for the Rural Municipality of Grey be authorized to sign all necessary documents to implement said transfer of property. -Carried-

**GENERAL BUSINESS**

**Financial Report**

**Franzmann - Souque – Resolution No. 163/09**

Resolved that the Rural Municipality of Grey Financial Report for the periods ending January 31, 2009 and February 28, 2009 be received and filed as information. -Carried-

**Drainage Licence Application**

**Souque – Franzmann – Resolution No. 164/09**

Resolved that application be made to Manitoba Water Stewardship of a licence to carry out the following drainage works:

S 12-8-3wpm – Install 450mm culvert thru road grade.

NW 32-8-6wpm – Install 450mm culvert in field crossing. –Carried-

**Haywood L.U.D. Summer Student**

**Pedersen – Penner – Resolution No. 165/09**

Resolved that the L.U.D. of Haywood Committee recommendation to hire Melanie Buisson for their summer student position at the rate of pay of \$9.00 per hour be approved by Council. –Carried-

**Fannystelle Lot**

C.A.O. reported to Council that some interest has been expressed towards purchase of Lot 11, Block 2, Plan 588 Fannystelle. This lot was recently acquired by the municipality through the 2008 tax sale. Council instructed that the existing building be demolished and lot leveled with consideration to disposal of vacant lot given at a later date.

**Office Caretaker**

**Souque – Franzmann – Resolution No. 166/09**

Resolved that Anna-Marie Barendregt tender of \$161.25/month to provide caretaking services to the Rural Municipality of Grey office during the period May 1, 2009 to December 31, 2010 be accepted. –Carried-

**Flood Damage - DFA**

**Franzmann – Penner – Resolution No. 167/09**

Resolved that Council of the Rural Municipality of Grey hereby request that the Manitoba Emergency Measures Organization provide Disaster Financial Assistance for public and private damages incurred due to spring flooding in April 2009. –Carried-

**Elm Creek Channel Block**

**Souque – Franzmann – Resolution No. 168/09**

Whereas:

- (a) Manitoba Infrastructure and Transportation (“MIT”) has jurisdiction over and is responsible for the operation and maintenance of the Elm Creek Channel, a provincial waterway.
- (b) In November 2008 the Municipality advised MIT that an unauthorized block was placed in the Channel by a property owner. The Municipality requested that MIT remove the block. The block was not removed from the Channel, and no action was taken by MIT in 2008.
- (c) In the spring of 2009 the block caused water in the Channel to back up and be diverted around the property in which it is located, causing overland flooding and significant drainage problems in the immediate area. As a result, the Municipality was required to carry out extensive drainage works to alleviate the damage to municipal infrastructure and private property. These works would not have been required had the block been removed.
- (d) The municipality incurred costs in carrying out these drainage works (“drainage costs”).

Therefore Be It Resolved that:

1. MIT is responsible for the drainage costs incurred by the Municipality.
2. The Municipality send a letter to MIT requesting immediate payment of the drainage costs. –Carried-

For - Ted Tkachyk, Ray Franzmann, Jim Pedersen and Louis Souque

Against - 0 Abstain – Richard Penner

**Elm Creek Channel Block (Con't)**

**Pedersen – Franzmann – Resolution No. 169/09**

Whereas:

- (a) In November 2008, Pat Houde placed an unauthorized block in the Elm Creek Channel located on his property at SW S1/2 29-8-5wpm (“property”). The Channel is a provincial waterway, under the jurisdiction of Manitoba Infrastructure and Transportation (“MIT”). The block prevents water from entering the Channel, and forces the water to be diverted around the property.
- (b) MIT requested that Pat Houde remove the block, however he has refused to do so.
- (c) In the spring 2009, the block caused water in the Channel to be backed up and diverted around the property, causing overland flooding and significant drainage problems in the immediate area. As a result, the Municipality had to carry out extensive works to alleviate the damage to municipal infrastructure and private lands.
- (d) In addition in the fall of 2008 and in the spring of 2009, the Municipality attempted to carry out drainage works on municipal infrastructure and private lands near the property. On both occasions Pat Hood interfered with the Municipality carrying out these works.

**THEREFORE BE IT RESOLVED THAT:**

- 1. Notice be provided to Pat Houde informing him that his actions in interfering with the Municipality carrying out its drainage works is unlawful, must not continue, and if he attempts to interfere with the Municipality carrying out municipal works, that the Municipality will obtain an order from the Court of Queen's Bench restraining him from interfering.
- 2. That Pat Houde’s claim to the Municipality for costs incurred due to spring flooding in 2009 be denied. -Carried-

For - Ted Tkachyk, Ray Franzmann, Jim Pedersen and Louis Souque

Against - 0 Abstain – Richard Penner

Reeve Ted Tkachyk excused himself from the meeting at 10:00 p.m. after Indemnity Resolution No. 172 and prior to Gravel Program 2009 discussion. Deputy Reeve Ray Franzmann assumed the chair in his absence.

**2009 Gravel Program**

**Pedersen – Penner – Resolution No. 170/09**

Resolved that the 2009 trucking rates for hauling of municipal road gravel be set as follows:

<u>Gravier Collet Pit</u>	<u>30 yd av.</u>	<u>25 yd av.</u>	<u>22 yd av.</u>	<u>20 yd av.</u>	<u>18 yd av.</u>
Ward 1	\$276.75	\$230.62	\$202.95	\$184.50	\$166.05
Ward 2	\$234.45	\$195.38	\$171.93	\$156.30	\$140.67
Ward 3	\$179.55	\$149.63	\$131.67	\$119.70	\$107.73
Ward 4	\$137.70	\$114.75	\$100.98	\$91.80	\$82.62
<u>Lakeview (Boyne) Pit</u>	<u>30 yd av.</u>	<u>25 yd av.</u>	<u>22 yd av.</u>	<u>20 yd av.</u>	<u>18yd av.</u>
Ward 1	\$255.60	\$213.00	\$187.44	\$170.40	\$153.36
Ward 2	\$211.95	\$176.63	\$155.43	\$141.30	\$127.17
Ward 3	\$157.95	\$131.63	\$115.83	\$105.30	\$94.77
Ward 4	\$114.48	\$95.40	\$83.95	\$76.32	\$68.69
<u>Joe’s Pit</u>	<u>30 yd av.</u>	<u>25 yd av.</u>	<u>22 yd av.</u>	<u>20 yd av.</u>	<u>18 yd av.</u>
Ward 1	\$299.25	\$249.38	\$219.45	\$199.50	\$179.55
Ward 2	\$258.75	\$215.63	\$189.75	\$172.50	\$155.25
Ward 3	\$202.95	\$169.13	\$148.83	\$135.30	\$121.77
Ward 4	\$172.14	\$143.45	\$126.24	\$114.76	\$103.28

-Carried-

**2009 Gravel Program (Con't)**

**Pedersen – Penner – Resolution No. 171/09**

Whereas the 2009 financial plan for the R.M. of Grey has been adopted under Resolution No. 147/09;

And Whereas it is deemed necessary to make an allocation of funds to each ward for the purpose of providing Transportation Services relating to gravel, culverts, equipment rentals and brush control within each respective ward;

Therefore Be It Resolved that each Councillor is hereby authorized to expend up to the following amounts for gravel, culverts, equipment rentals and brush control within his ward for 2009:

Ward 1 - \$144,250.00      Ward 2 - \$80,463.00  
Ward 3 - \$85,072.00      Ward 4 - \$91,991.00 -Carried-

**Indemnities**

**Pedersen - Franzmann - Resolution No. 172/09**

Resolved that the April 2009 Council Indemnities for Reeve Ted Tkachyk and Councillors Raymond Franzmann, Jim Pedersen, Richard Penner and Louis Souque be authorized for payment in accordance with Clause 8 of the R.M. of Grey Indemnity Bylaw No. 3/08. -Carried-

**Adjourn 10:15 p.m.**

**Penner - Souque - Resolution No. 173/09**

Resolved that we adjourn. -Carried-

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Chief Administrative Officer

**Upcoming Meetings:**

**Council Meeting                    - May 20, 2009 at 9:00 a.m.**  
**Council Meeting                    - June 3, 2009 at 7:00 p.m.**