

**RURAL MUNICIPALITY OF ROSSER  
REGULAR MEETING  
MAY 26, 2009**

Minutes of the Regular Meeting of Council of the Rural Municipality of Rosser held in the Municipal Council Chambers at Rosser, Manitoba on Tuesday, May 26, 2009 at 6:00 p.m.

**PRESENT**

Reeve – Alice Bourgouin – present

Councillors:

Ward 1 – George Boonstra – present

Ward 2 – Scott Corbett – present

Ward 3 – Gordon Grenkow – present

Ward 4 – Kelvin Stewart – present

Chief Administrative Officer (CAO) – Beverley Wells – present

Assistant Chief Administrative Office – Lori Sheldon – present (left at 10:12 pm)

Public Works Foreman – Randy Slatcher present during the Public Works portion of the meeting.

**CALLED TO ORDER**

Reeve Bourgouin called the meeting to order at 6:06 p.m.

**ADOPTION OF AGENDA**

Adopt Agenda

Resolution No. 202/09

Grenkow – Boonstra

BE IT RESOLVED THAT the agenda for May 26, 2009 regular meeting of the Council of the Rural Municipality of Rosser is approved, subject to following additions:

- 1) Rosser Elementary School – Purchase of Earth School T-shirt and donation for field trips;
- 2) Manitoba Infrastructure & Transportation – Temporary road closures;
- 3) CentrePort Area – Residential Development;
- 4) Will Antoniuk – Filming location;
- 6) City Protection Drain
- 7) NE ¼ of Section 27-12-2E – road condition

Carried

**MINUTES**

Amend Minutes  
May 12

Resolution No. 203/09

Stewart – Corbett

BE IT RESOLVED THAT the minutes of May 12, 2009 be amended by adding before the “BE IT RESOLVED” in Resolution No. 177/09 “WHEREAS proposals for the fabricated rescue unit have been received from Fort Garry Fire Trucks in the amount of \$196,560.00 and from Grunthal Emergency vehicles in the amount of \$192,675.00;”

Carried

Adopt Minutes  
May 12

Resolution No. 204/09

Boonstra – Corbett

BE IT RESOLVED THAT the minutes of the regular meeting of Council of May 12, 2009, are approved as circulated and amended.

Carried

**FINANCE**

Payment of  
Accounts

Resolution No. 205/09

Corbett – Boonstra

BE IT RESOLVED THAT the report of the Legislative and Finance Committee be received, that the following accounts be paid: General cheque numbers 10929 through 10951 in the amount of \$57,938.73, that payments made after the May 12, 2009 meeting cheque numbers 10916 through 10928 in the amount of \$24,528.30 and payroll in the amount of \$9,825.66, be approved.

Carried

A/R – dust  
control cancelled

Resolution No. 206/09

Stewart – Boonstra

WHEREAS Resolution No. 118/09 authorized the addition of miscellaneous accounts receivable to the tax roll;

AND WHEREAS after this approval the Municipal Office was informed that the dust control service had not been received in 2008;

THEREFORE BE IT RESOLVED THAT the following amounts be cancelled;

<u>Roll No.</u>	<u>Amount</u>
90300	\$150.00
95250	\$150.00

Carried

**PUBLIC WORKS REPORT**

Public Works report contained items as follows:

1. J. R. Cousin Consultants Ltd. – Project Report Week 12 and 13.
2. Cartier Regional Water Co-op Inc. – Membership approved. Cartier Regional Water Co-op Inc. – 2009 Levy for operation.
3. WinGro Program – 45m setback from property line, winter condition. **Refer to Resolution No. 207/9 and Resolution No. 208/09.**
4. Manitoba Association of Fire Chiefs – Long Service Medal Award. **Forward to Fire Department.**
5. Manitoba Hydro – Street light west side of Brookside Blvd at intersection of Notre Dame Avenue. **Inform Manitoba Hydro that it is not in the RM of Rosser.**
6. Manitoba Good Roads Association – 2009 Annual Competition. **P/W Foreman to select roads for entry.**
7. Rural Water Project – extra charge for over 130m.
8. RM of Woodlands – request for meeting to discuss joint drainage works on 2<sup>nd</sup> creek drain. **CAO to set up a meeting in June.**
9. City Protection Drain – drainage concerns. **Send a letter to Manitoba Water Stewardship.**
10. Manitoba Infrastructure & Transportation – temporary road closures. **Refer to Resolution No. 209/09.**
11. NE ¼ of Section 27-11-2E – road conditions – shoulders have settled. **P/W Foreman to contact property owner and Municipal Engineer (J. R. Cousin).**
12. Will Antoniuk – request for filming location – **refer request to the property owner.**
13. Public Works Report
  - a. Update on Graveling

Carried

Reverse  
Res. No. 67/09

Resolution No. 207/09

Stewart – Corbett

BE IT RESOLVED Resolution No. 67/09 regarding application of biosolids to the N ½ 34-12-2W, NW ¼ 35-12-2W and NE 35-12-2W be reconsidered and reversed.

Carried

Approved  
application of  
biosolids

Resolution No. 208/09

Corbett – Stewart

WHEREAS the Rural Municipality of Rosser approved, by Resolution 297/08, the application of Biosolids to agricultural land on the North ½ 34-12-2 WPM, owned by Joseph Pitts and farmed by Bryce Norberg, NW ¼ 35-12-2 WPM, owned by G & D Norbert and NE 35-12-2 WPM, owned by Tomatin Farms:

AND WHEREAS the Winnipeg Water and Waste Department has requested approval to continue working on these parcels throughout 2009;

THEREFORE BE IT RESOLVED THAT the City of Winnipeg Water and Waste Department are authorized to continue the application of Biosolids for the summer

program to the N ½ 34-12-2W, NW ¼ 34-12-2W and NE 35-12-2W, subject to the following conditions:

1. That the City of Winnipeg (WinGro Program) comply with all the requirements of the Manitoba Environment Act License;
2. That the City of Winnipeg be responsible for all costs related to road, ditch and drainage upgrades, maintenance and restoration of municipal property used to access the previously described properties;
3. That the application be set back 15 meters from all property lines.

Carried

Resolution No. 209/09

Corbett – Stewart

Temporary  
Road Closures

WHEREAS Manitoba Infrastructure and Transportation has requested permission from the Municipality to temporarily close sections of roadways within the vicinity of Grosse Isle to facility the completion of grading and undertaking of the surfacing of the new alignment for PTH 6;

THEREFORE BE RESOLVED THAT the following roads are authorized for temporary closure to facility the completion of construction:

1. Approximately one half mile East of 31-12-1E, being Road 1E between PTH 6 and Road 71N; and
2. Approximately one half mile North of 31-12-1E, being Road 72N between PTH 6 and Meridian Road.

Carried

Resolution No. 210/09

Boonstra – Stewart

Public Works  
Report

BE IT RESOLVED THAT the Public Works report dated May 26, 2009 is received as information and items dealt with as instructed by Council.

Carried

**CHIEF ADMINISTRATIVE OFFICER REPORT**

CAO report contained items as follows:

1. Canada-Manitoba Infrastructure Programs – BCF – CC Project No. 1296 – Grosse Isle Road Renewal and 1248 – Road Renewal – Unable to accommodate application.
2. South Interlake Rockwood Ag Society – thank you for the grant received.
3. Manitoba Good Roads Association – 2009 Annual Competition.
4. Rosser Elementary School – request for a grant to upgrade track – **Forward a copy of the RM of Rosser’s Recreational and Cultural Grant Application.**
5. Manitoba Infrastructure & Transportation Highway Traffic Board – Application for Off-Premises Sign – Ralph Eichler, NW 23-12-2E and NW 6-1-2E.
6. South Interlake Seniors Resource Council Inc. – notice of Annual General Meeting on June 7, 2009 at 7:00 p.m. in the Lions Community Club. **Refer to Resolution No. 211/09.**
7. Federation of Canadian Municipalities – notice of Annual General Meeting on June 7, 2009.
8. Association of Manitoba Municipalities – Election for AMM Board of Directors.

Resolution No. 211/09

Stewart – Grenkow

South Int. Seniors  
Resource Council  
AGM

BE IT RESOLVED THAT the Reeve and Councillors be authorized to attend the annual general meeting of the South Interlake Seniors Resource Council on June 4<sup>th</sup>, 2009 in Stonewall;

AND FURTHER BE IT RESOLVED THAT expenses be paid.

Carried

Resolution No. 212/09

Stewart – Grenkow

CAO Report

BE IT RESOLVED THAT the Chief Administrative Officer report and miscellaneous information, publication list dated May 26, 2009 are received as information and dealt with as instructed by Council.

Carried

**CORRESPONDENCE**

Correspondence Resolution No. 213/09  
Corbett – Grenkow  
BE IT RESOLVED THAT the correspondence items received are dealt with as follows:

1. R.M. of Woodlands – request for participation in a Recreation Commission. **Refer to Resolution No. 214/09.**
2. Manitoba Minister of Conservation – amendments to the Water Reduction Act. **Received as information.**
3. Interlake Community Foundation – Annual Golf Tournament. **Refer to Resolution No. 215/09 and 216/09.**
4. Rosser Elementary School – request for a donation. **Refer to Resolution No. 217/09.**

Carried

*Councillor Corbett requested a recorded vote on Resolution No. 214/09.*

Participation in  
a Recreation  
Commission Resolution No 214/09  
Boonstra – Corbett  
WHEREAS the Rural Municipalities of Rockwood, Rosser and Woodlands and the Town of Teulon, Interlake Regional Health Authority and Interlake School Division have considered a partnership to form a Recreation Commission;

AND WHEREAS the annual cost to the Rural Municipality of Rosser would be up to a maximum of \$10,000;

THEREFORE BE IT RESOLVED THAT the Rural Municipality of Rosser confirms participation in a Recreation Commission including the hiring of a Regional Recreation Coordinator whose responsibility would be to assist with programming within community spaces.

	<u>FOR</u>	<u>AGAINST</u>	<u>ABSENT</u>
Reeve Bourgouin		X	
Councillor Boonstra	X		
Councillor Corbett	X		
Councillor Grenkow		X	
Councillor Stewart		X	

Defeated

Sponsorship  
Golf Tournament Resolution No. 215/09  
Boonstra – Corbett  
BE IT RESOLVED THAT the Rural Municipality of Rosser sponsor the 6<sup>th</sup> Annual Ralph Eichler Charity Golf Tournament in the amount of \$100.00.

Carried

Ralph Eichler  
Golf Tournament Resolution No. 216/09  
Grenkow – Stewart  
BE IT RESOLVED THAT the Reeve, Councillors and Chief Administrative Officer be authorized to attend the 6<sup>th</sup> Annual Ralph Eichler Charity Golf Tournament on June 22<sup>nd</sup>, 2009 at Teulon;

AND FURTHER BE IT RESOLVED THAT expenses be paid.

Carried

Rosser  
School Donation Resolution No. 217/09  
Corbett – Boonstra  
BE IT RESOLVED THAT the Rural Municipality of Rosser donate \$100.00 to Rosser Elementary School to be used towards a charity of their choice.

Carried

**PUBLIC HEARING**

**Conditional Use No. RC 3/09**  
**Paul Benjamin**

Council sat to hear Conditional Use No. RC 3/09. The applicant, Paul Benjamin to allow for the proposed establishment of a recreational vehicle and travel trailer storage yard on part of the SW ¼ 9-12-2E, PTH 101 NSR.

In attendance for the hearing:

Paul Benjamin           applicant/presentation  
Lloyd Richie            in support

**Conditional Use No. RC 4/09**  
**Modern Organics International Inc.**

Council sat to hear Conditional Use No. RC 4/09. The applicant, Modern Organics International Inc. to allow for the proposed establishment of a Agricultural soil and crop production products business on Lot 19, Plan No. 15164 – part NE 24-11-1E – PTH 101 WSR.

In attendance for the hearing:

Barry K. Cairns        in support  
Gus Cairns            in support  
Ed Mayer              applicant/presentation  
Dwight Wolfe         information/concerns

**DELEGATIONS**

- 1) Douglas Grantham, Municipal Solicitor attended the meeting to provide Council with information regarding Mulder Construction Development Agreement.

**PLANNING**

- 1. Conditional Use No. 2/09 – Paulo & Sonya Faria – Vehicle Truck Safeties – **Refer to Resolution No. 218/09.**
- 2. Conditional Use No. 3/09 – Paul Benjamin – Recreational vehicle and travel storage yard – **Refer to Resolution No. 219/09.**
- 3. Conditional Use No. 4/09 – Modern Organics International Inc. – establishment of an agricultural soil and crop production products business – **Refer to Resolution No. 220/09.**
- 4. R.M. of Headingley – 2 notices – amendment to Zoning By-law No. 21/95 – **Received as information.**
- 5. Mulder Construction Development Agreement – **Refer to Resolution No. 225/09.**

Resolution No. 218/09

Corbett – Boonstra

Conditional Use  
RC 2/09  
Lot 1-Plan 42571  
P Faria

WHEREAS:

- a) The owner/applicant, Paulo Faria intends to establish a service station in order to undertake vehicle safeties on property legally described on Certificate of Title No. 2005575 WLTO, located in Lot 1, Plan 42571, PTH 101 NSR (Service Road);
- b) The property is zoned “A80” Agricultural Zone in the Municipality’s Zoning By-law 4-85;
- c) Part V – Agriculture Zone, Table VI-I Agricultural Use Table requires a conditional use for vehicle safeties;
- d) The Municipality held a public hearing on May 26, 2009, to receive representations of the applicant and any other persons;

THEREFORE BE IT RESOLVED THAT upon completion of the hearing and consideration of the application and the representations made, in accordance with Section 106 of The Planning Act, Council of the Rural Municipality of Rosser hereby order:

Approval of application from Paulo Fario, File RC 2/09 and conditional use of Part V – Agriculture Zone, Table V-I Agricultural Use Table to undertake vehicle safeties on part of Lot 1, Plan 42571, PTH 101 NSR (Service Road), Certificate of Title No. 2005575, with the following conditions:

The Applicant/Owner understands and appreciates surrounding land use and agrees with the following conditions pertaining to the subject property:

1. That the applicant make application and receive approvals as required by Provincial and/or other agencies;
2. That all required municipal or provincial permits be obtained prior to placement of any signage;
3. That all applicable permits be obtained from South Interlake Planning District for any required upgrades to the structure;
4. That a Development Agreement be entered into detailing hours of operation, designate size of building, number of employees involved in the vehicle safeties operation and other applicable issues, the costs of same to be the responsibility of the applicant;
5. That, if the approved Conditional Use, File RC 2/09, ceases for a period of twelve (12) continuous months, Conditional Use RC 2/09 shall expire;

AND FURTHER BE IT RESOLVED THAT this approval shall expire and cease to have any effect if not acted upon within 12 months of this decision unless an application for an extension of time is requested and approved.

Defeated

Resolution No. 219/09

Grenkow - Corbett

Conditional use  
RC 3/09  
Pt SW 9-12-2E  
P. Benjamin

WHEREAS:

- a) The owner/applicant, Paul Benjamin, P.B. Rentals Inc. intends to establish a recreational vehicle travel storage yard on property legally described on Certificate of Title No. 2357603 WLTO, located in Part of SW 9-12-2 EPM, PTH 101 NSR (Service Road);
- b) The property is zoned “A80” Agricultural Zone in the Municipality’s Zoning By-law 4-85;
- c) Part V – Agriculture Zone, Table V-I Agricultural Use Table requires a conditional use for a recreational vehicle travel storage yard;
- d) The Municipality held a public hearing on May 26, 2009, to receive representations of the applicant and any other persons;

THEREFORE BE IT RESOLVED THAT upon completion of the hearing and consideration of the application and the representations made, in accordance with Section 106 of The Planning Act, Council of the Rural Municipality of Rosser hereby order:

Approval of application from Paul Benjamin, File RC 3/09 and conditional use of Part V – Agriculture Zone, Table V-I Agricultural Use Table to establish a recreational vehicle travel storage yard on Part of SW 9-12-2 EPM, PTH 101 NSR (Service Road), Certificate of Title No. 2357603, with the following conditions:

The Applicant/Owner understands and appreciates surrounding land use and agrees with the following conditions pertaining to the subject property:

1. That the applicant make application and receive approvals as required by Provincial and/or other agencies, including Highway Traffic Board;
2. That all required municipal or provincial permits be obtained prior to placement of any signage;

3. That a Development Agreement be entered into confirming fencing, landscaping and other applicable issues, the costs of same to be the responsibility of the applicant;
4. That, if the approved Conditional Use, File RC 3/09, ceases for a period of twelve (12) continuous months, Conditional Use RC 3/09 shall expire;

AND FURTHER BE IT RESOLVED THAT this approval shall expire and cease to have any effect if not acted upon within 12 months of this decision unless an application for an extension of time is requested and approved.

Carried

Resolution No. 220/09

Boonstra - Stewart

Conditional Use  
RC 4/09

Lot 19, Plan 15164  
Modern Organics

WHEREAS:

- a) The owner/applicant, Modern Organics International Inc. intends to establish an agricultural product processing on property legally described on Certificate of Title No. 1084622 WLTO, located in Lot 19, Plan 15164, Part of NE 24-11-1 EPM, PTH 101 WSR (Service Road);
- b) The property is zoned "A80" Agricultural Zone in the Municipality's Zoning By-law 4-85;
- c) Part V – Agriculture Zone, Table V-I Agricultural Use Table requires a conditional use for agricultural product processing;
- d) The Municipality held a public hearing on May 26, 2009, to receive representations of the applicant and any other person;

THEREFORE BE IT RESOLVED THAT upon completion of the hearing and consideration of the application and the representations made, in accordance with Section 106 of The Planning Act, Council of the Rural Municipality of Rosser hereby order:

Approval of application from Modern Organics International Inc, File RC 4/09 and conditional use of Part V – Agriculture Zone, Table V-I Agricultural Use Table to establish an agricultural product processing on Lot 19, Plan 15164, Part of NE 24-11-1 EPM, PTH 101 WSR (Service Road), Certificate of Title No. 1084622, with the following conditions:

The Applicant/Owner understands and appreciates surrounding land use and agrees with the following conditions pertaining to the subject property:

1. That the applicant make application and receive approvals as required by Provincial and/or other agencies, including Highway Traffic Board;
2. That all required municipal or provincial permits be obtained prior to placement of any signage;
3. That all applicable permits be obtained from South Interlake Planning District;
4. That a Development Agreement be entered into confirming the size, use and location of the operation, the costs of same to be the responsibility of the applicant;
5. That, if the approved Conditional Use, File RC 4/09, ceases for a period of twelve (12) continuous months, Conditional Use RC 4/09 shall expire;

AND FURTHER BE IT RESOLVED THAT this approval shall expire and cease to have any effect if not acted upon within 12 months of this decision unless an application for an extension of time is requested and approved.

Carried

COMMITTEE REPORTS

Resolution No. 221/09

Boonstra – Grenkow

Committee  
Report

BE IT RESOLVED THAT the following committee meeting/reports are received as information.

1. Rockwood-Rosser Weed District – May 5, 2009 meeting minutes

Carried

June 9 Meeting start at 8:00 a.m. Resolution No. 222/09  
 Boonstra – Corbett  
 BE IT RESOLVED THAT this regular meeting of Council for June 9, 2009 commence at 8:00 a.m.

Carried

In Camera Resolution No. 223/09  
 Grenkow – Boonstra  
 BE IT RESOLVED THAT Council close the meeting to the public to meet as a committee to discuss and legal matters;

AND BE IT FURTHER RESOLVED THAT any matters discussed while in camera be held confidential until such time as discussed in Open Council.

Carried

Out of Camera Resolution No. 224/09  
 Grenkow – Boonstra  
 WHEREAS subsection 152(4) of “Municipal Act” provides for the Council to only pass a resolution to re-open a closed meeting to the public;

THEREFORE BE IT RESOLVED THAT the Council re-open the meeting to the public.

Carried

Mulder Const. Agreement 10/09 Resolution No. 225/09  
 Stewart – Corbett  
 WHEREAS subsection 250(2)(d)(i) of “The Municipal Act” authorizes a Municipality to enter into an agreement with a person;

THEREFORE BE IT RESOLVED THAT the Rural Municipality of Rosser enter into Agreement No. 10/09 with Mulder Construction & Materials Ltd. and Rock Opportunities Limited as conditional use quarrying operation;

AND FURTHER BE IT RESOLVED THAT the Reeve and Chief Administrative Officer be authorized to execute the agreement.

Carried

Adjournment Resolution No. 226/09  
 Boonstra – Grenkow  
 BE IT RESOLVED THAT this regular meeting of May 26, 2009 of the Rural Municipality of Rosser is adjourned at 10:42 p.m.

Carried

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Reeve  
 Alice Bourgouin

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Beverley Wells, C.M.M.A.  
 Chief Administrative Officer

The following is a breakdown of Council indemnities and expenses paid in May 26, 2009:

	<u>Monthly Indemnities</u>	<u>Time</u>	<u>Mileage</u>	<u>Misc.</u>
Alice Bourgouin	1295.84	606.23	136.50	1013.02
George Boonstra	675.48	-	-	-
Scott Corbett	675.48	-	-	-
Gordon Grenkow	924.13	173.25	101.52	227.63
Kelvin Stewart	675.48	-	-	-