

Minutes of the Regular Meeting of the Council of the Municipality of Russell Binscarth, held in the Council Chambers, Russell, Manitoba on Tuesday, August 25<sup>th</sup>, 2015.

Mayor Len Derkach presiding and Councillors Cheryl Kingdon-Chartier, Rene Cadieux, Nick Foisy, Marg Fraser, Brent Havelange, Robert Laferriere, Damien McNabb and Barry Wishart in attendance.

**1. Call to Order – 7:05 pm**

**2. Confirmation of Agenda and Added Items**

**Resolution #223/15**

Moved by Councillor Laferriere

Seconded by Councillor Cadieux

That the agenda and additional items for the Municipality of Russell Binscarth dated August 25<sup>th</sup>, 2015 be approved as presented.

Carried.

**3. Confirmation of Minutes from Previous Meetings**

**Resolution #224/15**

Moved by Councillor Laferriere

Seconded by Councillor Cadieux

WHEREAS a copy of the minutes of the last regular meeting of Municipality of Russell Binscarth dated July 14<sup>th</sup>, 2015 and of the special meeting dated July 31<sup>st</sup>, 2015 have been provided to each member of Council;

AND WHEREAS a copy of the minutes of the last regular meeting and of the special meeting of the Municipality of Russell Binscarth have been posted in the municipal office;

THEREFORE BE IT RESOLVED that the reading of the minutes be dispensed with;

AND FURTHER BE IT RESOLVED that the minutes of the last regular meeting July 14<sup>th</sup>, 2015 and of the special meeting dated July 31<sup>st</sup>, 2015 be adopted as presented.

Carried.

**4. Items Held from Previous Meeting – Unfinished Business – N/A**

**5. Delegations - None**

**6. Hearings – Conditional Use 02/15**

**Resolution #225/15**

Moved by Councillor Foisy

Seconded by Councillor Wishart

WHEREAS the Council of the Municipality of Russell Binscarth has scheduled to sit for a Conditional Use Hearing in regards to the Conditional Use Application CU 02/15 of Keith McDougall and Lester Goossen;

AND WHEREAS the time being 8:00 p.m.;

THEREFORE BE IT RESOLVED that the Council of the Municipality of Russell Binscarth sit for a Conditional Use Hearing in regards to the application of Keith McDougall and Lester Goossen.

Carried.

In attendance: Keith McDougall, Keith Popp, Sandra Berry and Darryl Stelmach

Mayor Derkach opened the hearing to presentations regarding the Conditional Use Application.

Keith McDougall provided a recap of his plans for the provision of duplex housing on Lots 26-32, Plan 52724.

Keith Popp made a presentation expressing his concern regarding completion of the backlane between properties south of the proposed development and the area of the proposed development. Mr. Popp also enquired about the development arrangements and municipal taxation on the proposed duplexes.

No other presentations were made.

**Resolution #226/15**

Moved by Councillor Fraser

Seconded by Councillor McNabb

BE IT RESOLVED that the Conditional Use Public Hearing for CU 02/15 be closed;

AND FURTHER BE IT RESOLVED that the Council return to regular session.

Carried.

**Resolution #227/15**

Moved by Councillor Cadieux

Seconded by Councillor Laferriere

WHEREAS the Municipality of Russell Binscarth has received Conditional Use Application No. CU 02/15 from Keith McDougall and Lester Goossen to construct residential multiple (duplex) housing for future subdivision on Lots 26 – 32, Plan 52724;

AND WHEREAS the Council of the Municipality of Russell Binscarth has held a Public Hearing regarding the Application;

THEREFORE BE IT RESOLVED that Conditional Use Application No. CU 02/15 be approved subject to the following conditions:

1. That the proponent must file a subdivision after the initiation of the construction which identifies the common party wall between the 2 duplexes.
2. The proponent must apply for a variance regarding interior side yard and lot size requirements from Town of Russell Zoning By-law No. 1443/07/04.
3. That the proponent must provide evidence of their authority to be able to develop the property.
4. That the proponent must request an assignment of the agreement between the Town of Russell and Scott Gerrand regarding Lots 26 – 32, Plan 52724.

Carried.

**7. Committee Reports**

➤ **Personnel & Policy Committee**

**Resolution #228/15**

Moved by Councillor Kingdon-Chartier

Seconded by Councillor Havelange

That the Council of the Municipality of Russell Binscarth hereby adopt Personnel Policy #1 regarding Employee Benefits and Responsibilities as dated and submitted on August 25<sup>th</sup>, 2015;

AND FURTHER BE IT RESOLVED that Town of Russell Personnel Policy Policy #1 is hereby repealed

Carried.

**Resolution #229/15**

Moved by Councillor Kingdon-Chartier

Seconded by Councillor Foisy

That the Council of the Municipality of Russell Binscarth hereby adopt Personnel Policy #3 regarding Adequate Rest for Safe Work as dated and submitted on August 25<sup>th</sup>, 2015.

Carried.

➤ **Protective Services Committee**

**Resolution #230/15**

Moved by Councillor Laferriere

Seconded by Councillor McNabb

WHEREAS the Municipality of Russell Binscarth has been negotiating with the RM of Riding Mountain West regarding the extension of fire protection and extraction services to a portion of the former RM of Silver Creek;

AND WHEREAS an agreement has been reached regarding service provision and funding for 2015 and 2016;

THEREFORE BE IT RESOLVED that the Council of the Municipality of Russell Binscarth approve the agreement dated August 25<sup>th</sup>, 2015 between the Municipality of Russell Binscarth and the RM of Riding Mountain West for the provision of fire protection and extraction services to a portion of the former RM of Silver Creek;

AND FURTHER BE IT RESOLVED that the Mayor and CAO be authorized to sign the said agreement on behalf of the Municipality of Russell Binscarth.

Carried.

**Resolution #231/15**

Moved by Councillor Laferriere

Seconded by Councillor Fraser

That the Council of the Municipality of Russell Binscarth hereby adopt SWI Policy #5, as dated and submitted on August 25<sup>th</sup>, 2015;

AND FURTHER BE IT RESOLVED that Town of Russell PW Policy #11 is hereby repealed.

Carried.

➤ **Public Utilities Committee**

**Resolution #232/15**

Moved by Councillor Cadieux

Seconded by Councillor McNabb

That the Council of the Municipality of Russell Binscarth hereby adopt Policy SWI #1 regarding sewer and water connections as dated and submitted on August 25<sup>th</sup>, 2015 for implementation on January 1<sup>st</sup>, 2016;

AND FURTHER BE IT RESOLVED that Town of Russell Policy SWI #1 is hereby repealed.

Carried.

**Resolution #233/15**

Moved by Councillor Cadieux

Seconded by Councillor McNabb

That the Council of the Municipality of Russell Binscarth approve the proposed agreement between the Municipality and MIT regarding responsibility for maintenance and restoration to a portion of PR #478 dealing with the pipeline installation for the Russell Supply Well and Pipeline project;

AND FURTHER BE IT RESOVLED that the CAO be authorized to sign the said agreement on behalf of the Municipality of Russell Binscarth.

Carried.

➤ **Recreation, Culture, Parks & Youth**

**Resolution #234/15**

Moved by Councillor Havelange

Seconded by Councillor McNabb

That the Council of the Municipality of Russell Binscarth hereby adopt Administration Policy #11 regarding the Russell Peace Park operation dated and submitted on August 25<sup>th</sup>, 2015;

AND FURTHER BE IT RESOLVED that Town of Russell Administration Policy #11 is hereby repealed.

Carried.

➤ **Transportation Committee**

**Resolution #235/15**

Moved by Councillor Wishart

Seconded by Councillor Foisy

That the Council of the Municipality of Russell Binscarth approve Drawing #1-G0105-DC-91000-0003 C001 02 dated July 27<sup>th</sup>, 2015 providing for the expansion of the existing approach to infrastructure on Lot 1, Plan 7409 in the SW 35-20-28W;

AND FURTHER BE IT RESOLVED that the C.A.O. be authorized to sign Drawing CD #1-G0105-DC-91000-0003 C001 02 on behalf of the Municipality.

Carried.

**Resolution #236/15**

Moved by Councillor Wishart

Seconded by Councillor Foisy

WHEREAS the Municipality of Russell Binscarth has received an application from MTS requesting a Right of Way along Highway #16 in the Binscarth Valley as identified on the Plan referenced in MTS File #90730/9126182;

THEREFORE BE IT RESOLVED THAT the Council of the Municipal of Russell Binscarth approve the municipal Right of Way application from MTS as identified on the Plan referenced in MTS File #90730/9126182;

AND FURTHER BE IT RESOLVED THAT the CAO be authorized to sign the said application.

Carried.

**Resolution #237/15**

Moved by Councillor Wishart

Seconded by Councillor Foisy

That the Council of Municipality of Russell Binscarth accept the recommendation of the Transportation Committee to accept the bid of Johnston Bros. Ltd. for the installation of a multi plate pipe at Road 170.5N at a price of \$39,000 plus GST subject to the following additions:

- 390 yds of granular base delivered to site

Carried.

**Resolution #238/15**

Moved by Councillor Wishart

Seconded by Councillor Foisy

That the Council of the Municipality of Russell Binscarth hereby adopt Administration Policy #2 regarding Municipal Private Works as dated and submitted on August 25<sup>th</sup>, 2015 for implementation;

AND FURTHER BE IT RESOLVED that RM of Russell Municipal Private Works Policy is hereby repealed.

Carried.

**Resolution #239/15**

Moved by Councillor Wishart

Seconded by Councillor Foisy

That the Council of the Municipality of Russell Binscarth hereby adopt Administration Policy #7 regarding Street Naming and Numbering as dated and submitted on August 25<sup>th</sup>, 2015 for implementation.

Carried.

➤ **Economic Development Committee**

**Resolution #240/15**

Moved by Councillor Foisy

Seconded by Councillor Wishart

WHEREAS Dean Berg had submitted a proposal to create a 7 lots subdivision on a portion of the SE ¼ 10-21-28W;

THEREFORE BE IT RESOLVED that the Council of the Municipality of Russell Binscarth approve the Proposed Plan of Subdivision for a portion of SE¼ 10-21-28W by Dean Berg subject to the following conditions:

1. That the Developer enter into a joint easement agreement with Manitoba Hydro and the MTS with respect to existing and/or future facilities associated with the proposed subdivision providing such an agreement is required by Manitoba Hydro and MTS and that all costs connected therewith be borne by the Developer and/or customer.
2. That any removal or relocation of Manitoba Hydro's existing equipment, if necessary, as a result of the proposed subdivision will be at the expense of the Developer and/or customer.
3. That any relocation of existing MTS facilities if necessary will be at the expense of the Developer and/or customer.
4. That the Developer enter into an agreement with the Municipality regarding the costs of construction of proposed roads, streetlighting and other municipal related services.

Carried.

**Resolution #241/15**

Moved by Councillor Foisy

Seconded by Councillor Wishart

That the Council of the Municipality of Russell Binscarth approve the agreement dated August 25<sup>th</sup>, 2015 between George Forsyth and the Municipality for the lease of property in Millwood;

AND FURTHER BE IT RESOLVED that the Mayor and CAO be authorized to sign the said agreement on behalf of the Municipality.

Carried.

**Resolution #242/15**

Moved by Councillor Foisy

Seconded by Councillor Fraser

That the Council of the Municipality of Russell Binscarth approve the agreement dated August 25<sup>th</sup>, 2015 between Bob Christie and the Municipality for the lease of the public lane immediately adjacent to Pt. Lot 6 and Lots 7,8 and 9, Block 8, Plan 225;

ND FURTHER BE IT RESOLVED that the Mayor and CAO be authorized to sign the said agreement on behalf of the Municipality.

Carried.

➤ **Legislative & Finance Committee**

**Resolution #243/15**

Moved by Councillor Foisy

Seconded by Councillor Kingdon-Chartier

That the Council of the Municipality of Russell Binscarth approves payments as follows: Cheque #0624 – 0840 and Payroll & Indemnities Direct Deposit (#90329-90391) in the amount of \$689,502.61 from the Municipality of Russell Binscarth General account #11041038630 at the Vanguard Credit Union.

Carried.

**Resolution #244/15**

Moved by Councillor Foisy

Seconded by Councillor McNabb

WHEREAS the Municipality of Russell Binscarth has partnered with Manitoba Water Services Board on the provision of new water supply wells and pipeline for the urban centre of Russell;

AND WHEREAS the Municipality's share of the cost for the new water supply wells and pipeline will be approximately \$500,000;

AND WHEREAS the Municipality is proposing to recover the costs of borrowing the funds necessary for the water supply wells and pipeline project from a water and sewer rate rider;

THEREFORE BE IT RESOLVED that the Council of the Municipality of Russell Binscarth approve Local Improvement Plan No. 01/15 which provides for water supply wells and pipeline project for the community of Russell;

AND FURTHER BE IT RESOLVED that the Council of the Municipality of Russell Binscarth schedule a hearing regarding Local Improvement Plan No. 01/15 for October 6<sup>th</sup>, 2015 at 8:00 pm in the Russell Council Chambers.

Carried.

**Resolution #245/15**

Moved by Councillor Foisy

Seconded by Councillor Wishart

WHEREAS the Municipality of Russell Binscarth has partnered with Manitoba Water Services Board on the provision of new water supply wells and pipeline for the urban centre of Russell;

AND WHEREAS the Municipality's share of the cost for the new water supply wells and pipeline will be approximately \$500,000;

AND WHEREAS the Municipality is proposing to recover the costs of borrowing the funds necessary for the water supply wells and pipeline project from a water and sewer rate rider;

THEREFORE BE IT RESOLVED that the Council of the Municipality of Russell Binscarth provide notice to the Public Utilities Board of its intention to apply for a water and sewer rate rider of \$1.25/1,000 gallons of consumption to pay for the cost of the borrowing needed to complete the Russell water supply wells and pipeline project on all rateable property connected to the utility in the community of Russell.

Carried.

**Resolution #246/15**

Moved by Councillor Foisy

Seconded by Councillor Fraser

WHEREAS Section 165(1) of the Municipal Act requires that a municipality must obtain written approval from the Minister for a deficit incurred by the General Operating Fund;

AND WHEREAS the Village of Binscarth incurred an operating deficit of \$19,142 as per the 2013 Audited Consolidated Financial Statements;

THEREFORE BE IT RESOLVED that the Council of the Municipality of Russell Binscarth request permission from the Minister for the 2013 General Operating Fund Deficit of \$19,142 incurred by the Village of Binscarth;

AND FURTHER BE IT RESOLVED that the Council of the Municipality of Russell Binscarth request recovery of the deficit from the Nominal Surplus of the Village.  
Carried.

**Resolution #247/15**

Moved by Councillor Foisy

Seconded by Councillor Kingdon-Chartier

WHEREAS the Village of Binscarth has amalgamated with the Town of Russell and the RM of Russell to create the Municipality of Russell Binscarth;

AND WHEREAS it is necessary for the Council of the Municipality of Russell Binscarth to approve the audited statements of the former amalgamated councils;

THEREFORE BE IT RESOLVED that the Council of the Municipality of Russell Binscarth accept the December 31<sup>st</sup>, 2014 Draft Audited Consolidated Financial Statements for the Village of Binscarth;

AND FURTHER BE IT RESOLVED that the Nicholas Foisy, Chairman of the Finance Committee be authorized to sign the Memo of Responsibility regarding the December 31<sup>st</sup>, 2014 Village of Binscarth Financial Statements;

AND FURTHER BE IT RESOLVED that Nicholas Foisy, Chairman of the Finance Committee and CAO Wally R. Melnyk be authorized to sign the Management Representation Letter.  
Carried.

**Resolution #248/15**

Moved by Councillor Foisy

Seconded by Councillor Kingdon-Chartier

That the financial statement for the month of July, 2015 as submitted to and examined by Council be approved.  
Carried.

**Resolution #249/15**

Moved by Councillor Foisy

Seconded by Councillor Kingdon-Chartier

WHEREAS the Town of Russell has amalgamated with the Village of Binscarth and the RM of Russell to create the Municipality of Russell Binscarth;

AND WHEREAS it is necessary for the Council of the Municipality of Russell Binscarth to approve the audited statements of the former amalgamated councils;

THEREFORE BE IT RESOLVED that the Council of the Municipality of Russell Binscarth accept the December 31<sup>st</sup>, 2014 Draft Audited Consolidated Financial Statements for the Town of Russell;

AND FURTHER BE IT RESOLVED that the Nicholas Foisy, Chairman of the Finance Committee be authorized to sign the Memo of Responsibility regarding the December 31<sup>st</sup>, 2014 Town of Russell Financial Statements;

AND FURTHER BE IT RESOLVED that Nicholas Foisy, Chairman of the Finance Committee and CAO Wally R. Melnyk be authorized to sign the Management Representation Letter.

Carried.

**Resolution #250/15**

Moved by Councillor Foisy

Seconded by Councillor Kingdon-Chartier

WHEREAS the RM of Russell has amalgamated with the Town of Russell and the Village of Binscarth to create the Municipality of Russell Binscarth;

AND WHEREAS it is necessary for the Council of the Municipality of Russell Binscarth to approve the audited statements of the former amalgamated councils;

THEREFORE BE IT RESOLVED that the Council of the Municipality of Russell Binscarth accept the December 31<sup>st</sup>, 2014 Draft Audited Consolidated Financial Statements for the RM of Russell;

AND FURTHER BE IT RESOLVED that the Nicholas Foisy, Chairman of the Finance Committee be authorized to sign the Memo of Responsibility regarding the December 31<sup>st</sup>, 2014 RM of Russell Financial Statements;

AND FURTHER BE IT RESOLVED that Nicholas Foisy, Chairman of the Finance Committee and CAO Wally R. Melnyk be authorized to sign the Management Representation Letter.

Carried.

**8. Action/Recommendation Items – Resolutions/By-laws**

**Resolution #251/15**

Moved by Councillor McNabb

Seconded by Councillor Laferriere

That By-law No. 11/11/15 of the Municipality of Russell Binscarth to provide for the establishment of a crosswalk as read a second time be passed.

Carried.

**Resolution #252/15**

Moved by Councillor Havelange

Seconded by Councillor Kingdon-Chartier

That By-law No. 11/11/15 of the Municipality of Russell Binscarth to provide for the establishment of a crosswalk as read a third time be passed and signed and sealed by the Mayor and CAO.

Carried.

In Favour: Derkach, Kingdon-Chartier, Cadieux, Foisy, Fraser, Havelange, Laferriere, McNabb, Wishart  
Opposed: None

**9. Other Business**

**10. Administrative Issues**

**Resolution #253/15**

Moved by Councillor Fraser

Seconded by Councillor Cadieux

That the Council of the Municipality of Russell Binscarth approve the request of Dave and Karen Stubbington and reassign the civic address to the building located at the corner of 1<sup>st</sup> Avenue and Russell Street in Binscarth to 207 1<sup>st</sup> Avenue from 5 Russell Street.

Carried.



**Resolution #254/15**

Moved by Councillor Wishart

Seconded by Councillor Kingdon-Chartier

WHEREAS the RM of Russell entered into an agreement with Donald Layh and Janet Layh to formally open a road – Road Plan 57558, and to swap property with the Layh's in exchange for the establishment of the roadway;

AND WHEREAS the net proceeds from the transaction was \$15,500 to the benefit of the RM of Russell;

AND WHEREAS the proceeds are currently being held in trust awaiting the signing of a Memo of Sale and Purchase;

THEREFORE BE IT RSOLVED that the Council of the Municipality of Russell Binscarth approve the signing of the Memo of Sale and Purchase between Don Layh and Janet Layh and the Municipality of Russell Binscarth providing for the exchange of property and the creation of Road Plan 57558;

AND FURTHER BE IT RESOLVED that the Mayor and CAO be authorized to sign the said Memo of Sale and Purchase and transfer documents on behalf of the Municipality.

Carried.

**Resolution #255/15**

Moved by Councillor Havelange

Seconded by Councillor McNabb

That Council of the Municipality of Russell Binscarth approve the signing of a right to reacquire transfer of land and limited power of attorney documents as part of the sale of Lot 2, Plan 56798 from the Province to the Municipality;

AND FURTHER BE IT RESOLVED that the Mayor and CAO be authorized to sign the said documents on behalf of the Municipality.

Carried.

**Resolution #256/15**

Moved by Councillor Havelange

Seconded by Councillor Foisy

WHEREAS Subsection 8.5 of the Municipality of Russell Binscarth Procedural By-law No. 02/02/15 states in part that

“ . . . . the item on the agenda under discussion at 10 p.m. will be the last item dealt with on that day. . . . ”

AND WHEREAS Section 8.5 of Municipality of Russell Binscarth Procedural By-law No. 02/02/15 permits for the extension for the time of adjournment for a maximum of ½ hour;

THEREFORE BE IT RESOLVED that the Council meeting be extended by 30 minutes and that the Council be permitted to sit and complete the current meeting agenda.

Carried.

**Resolution #257/15**

Moved by Councillor Havelange

Seconded by Councillor McNabb

That the Board of Revision for the 2016 General Assessment Roll, 2016 Personal Property Assessment Roll and 2016 Business Assessment Roll be held on Tuesday, November 10<sup>th</sup>, 2015 at 7:00 P.M.

Carried.

**11. Correspondence was reviewed.**

**Resolution #258/15**

Moved by Councillor Havelange

Seconded by Councillor McNabb

That correspondence be accepted as reviewed.

Carried.

**Resolution #259/15**

Moved by Councillor Havelange

Seconded by Councillor McNabb

That the Council of the Municipality of Russell Binscarth sit as a Committee of the Whole in Camera.

Carried

Council discussed an Economic Development issue in the In Camera session.

**Resolution #260/15**

Moved by Councillor Havelange

Seconded by Councillor Kingdon-Chartier

That Council return to regular session.

Carried.

**12. Notice of Motion**

**13. Next Meeting**

**14. Adjournment**

Adopted this 15<sup>th</sup> day of September A.D., 2015.

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Mayor, Municipality of Russell Binscarth

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C.A.O., Municipality of Russell Binscarth