



Rural Municipality of Whitehead
Meeting Minutes
Regular Meeting of Council May 15, 2023 - 08:30 AM

In attendance: Reeve Trevor Tuttosi, Councillor Dennis Foerster, Councillor Kevin Klassen, Councillor Jeff Owens, Councillor Chris Semeschuk and Councillor Curtis Storey

Absent: Councillor Kaley Mykula

- 1

CALL TO ORDER
None
- 2023-114

2

ADOPTION OF THE AGENDA
Councillor Klassen - Councillor Owens

Resolved that the Agenda be adopted as presented. **CARRIED UNANIMOUSLY**
- 2023-115

3

ADOPTION OF MINUTES AS CIRCULATED
Councillor Semeschuk - Councillor Storey

Resolved that the minutes from April 11, 2023 and April 25, 2023 be approved as presented.
CARRIED UNANIMOUSLY
- 4

PUBLIC HEARINGS
- 5

DELEGATIONS
- 2023-116

5.1

James & Lisa Suski - Subdividing & Rezoning 33-10-20
Councillor Storey - Councillor Owens

That the presentation by James Suski regarding a potential subdivision on 33-10-20 be received.
CARRIED UNANIMOUSLY
- 5.2

Ai in Facilities Presentation - Peter Hart
Mr. Peter Hart did not attend the meeting via the TEAMS link provided.
- 6

BYLAWS AND POLICIES
- 2023-117

6.1

Aggregate Mining and Transportation Fees By-law No. 2023-05
Councillor Owens - Councillor Storey
Whereas the aggregate mining and transportation fees by-law had been numbered incorrectly as 2023-04
And Whereas the by-law number is actually 2023-05
Therefore By-Law No. 2023-05 be read a third and final time
In accordance with Section 137 of the Municipal Act, a recorded vote was taken in the motion to give by-law no. 2023-05 third reading.
- | Name | Yes | No | Abstained | Absent |
|-----------------|-----|----|-----------|--------|
| Dennis Foerster | ✓ | | | |
| Kevin Klassen | ✓ | | | |
| Kaley Mykula | | | | ✓ |
| Jeff Owens | ✓ | | | |
| Chris Semeschuk | ✓ | | | |
| Curtis Storey | ✓ | | | |
| Trevor Tuttosi | ✓ | | | |

CARRIED UNANIMOUSLY

7 ACCOUNTS

2023-118 Councillor Foerster - Councillor Klassen

Resolved that the List of Accounts as paid for (month), cheques numbers #15074 to #15118 (both inclusive) totaling \$268,832.75 and Direct Deposit Register including council indemnity as per by-law no. 2023-01 totaling \$58,558.40 be approved. **CARRIED UNANIMOUSLY**

7.1 BANK RECONCILIATION

2023-119 Reeve Tuttosi - Councillor Semeschuk

Resolved that the March and April 2023 Bank Reconciliations be approved as presented. **CARRIED UNANIMOUSLY**

7.2 BUDGET TO ACTUAL

2023-120 Councillor Klassen - Councillor Storey

That the budget to actual report be approved as presented. **CARRIED UNANIMOUSLY**

8 CORRESPONDENCE

None

9 SUBDIVISION**9.1 Ewan Jarvie NW 4-10-20W - 4202-23-8520**

2023-121 Councillor Semeschuk - Councillor Klassen

Whereas Ewan Jarvie, registered owner of 197.93 acres in the NW4-10-20WPM. The majority of the quarter section is used for agricultural purposes.

The intent of this application is to sever a 8.2 acres parcel along the westerly limits of the quarter section containing an existing residence, grain bins, garage and two sheds. The application form indicated that the owner purchased the agricultural land to expand his farming operation and the residence is surplus to the farming operation. The residence is serviced by municipal piped water and a septic field. Access to the proposed parcel is from a driveway bordering the government road allowance bordering the westerly limit of the proposed lot.

And Whereas there does not appear to be an access to the residual agricultural lands.

Therefore Be It Resolved that Subdivision File No. 4202-23-8520 is approved with the following conditions:

1- That a conditional use application is approved to allow for a non-farm dwelling in the Agricultural General Zone.

2- That a variation application is approved to reduce the minimum site width from 200 feet down to the 155.3 feet being proposed.

3- That a financial levy of \$500.00 be made to the Rural Municipality of Whitehead Fire Capital Reserve Fund, By-law No. 2111 for the creation of a new title.

4- That an application for an additional approach to the residual lands be approved.

5- That any new or restored survey monuments required due to the subdivision are to be paid by the applicant. **CARRIED UNANIMOUSLY**

10 UNFINISHED BUSINESS**10.1 Prairie Acres Street Lights - Discussions**

2023-122 Councillor Storey - Councillor Owens

Whereas it had previously been requested by residents that streetlights be added to Prairie Acres Drive.

Therefore Be It Resolved that Administration contact MB Hydro to confirm pricing and should said price be within 150% of the 2020 quote, Administration is authorized to proceed.

CARRIED UNANIMOUSLY

11 NOTICE OF MOTION**12 NEW BUSINESS****12.1 Accumulated Surplus**

2023-123 Councillor Storey - Councillor Klassen

Whereas there was an accumulates surplus from 2022.

Therefore be It Resolved that \$60,000 of the accumulated surplus be transferred to the General Reserve in 2022. **CARRIED UNANIMOUSLY**

- 2023-124 **12.2 Watershed District Board Appointee**
Councillor Owens - Councillor Storey
- Whereas Reeve Trevor Tuttosi had stepped down from the Central Assiniboine Watershed Souris Sub-District
- Therefore Be It Resolved that Andrew Barclay be Reeve Tuttosi's replacement on the Central Assiniboine Watershed Souris Sub-District. **CARRIED UNANIMOUSLY**
- 2023-125 **12.3 Central Assiniboine Watershed District**
- Whereas Robert Willman has stepped down from the Central Assiniboine Watershed District.
- 2023-125 **12.4 Souris Valley Rec Commission**
Councillor Foerster -Councillor Semeschuk
- Whereas the RM of Whitehead had provided funding to the Souris Valley Rec Commission for 2023 year and previous years;
And Whereas the funding is provided as 'donation' and does not include a voting board member;
Therefore be it resolved that council acknowledges the agreement.
- CARRIED UNANIMOUSLY**
- 2023-126 **12.5 July Council Meeting Discussion**
Councillor Semeschuk - Councillor Foerster
- That the July 10, 2023 regular meeting of council is hereby cancelled. **CARRIED UNANIMOUSLY**
- 2023-127 **12.6 Association of Manitoba Municipalities Resolutions**
- 12.6.1 Provincial Roads Through Towns / Villages**
Reeve Tuttosi - Councillor Semeschuk
- Whereas Provincial Roads, previously Provincial Highways travel through towns / villages within Manitoba.
And Whereas said PR's have been neglected and are not well maintained nor on Manitoba Infrastructure & Transportation long term capital project plans for rehabilitation.
And Whereas the residents of the towns / villages are left to tolerate very large potholes, deteriorating asphalt and uneven surfaces.
And Whereas municipalities do not have the resources or financial capability to repair same or the responsibility.
- Therefore Be It Resolved that the AMM lobby the Provincial Government to properly maintain the PR's to provincial standards. **CARRIED**
- 2023-128 **12.6.1.1 Railway Crossing Upgrades**
Councillor Storey - Reeve Tuttosi
- Whereas Transport Canada regularly investigate, monitor and inspect railway crossings within municipalities in Manitoba.
And Whereas Transport Canada amended the Railway Crossing Regulations with no consultation with municipalities, emphasis on the rural municipalities where many of the regulations are set for urban crossings
And Whereas Transport Canada could find deficiencies that are required and mandatory to be upgraded for safety measures as per regulations.
And Whereas the cost for same tends to be very expensive and are the responsibility of the municipality the railways crossing is located in.
And Whereas Financial Plans had been finalized and approved and railway crossing upgrades are not included in the approved Financial Plans
And Whereas municipalities are not in a financial position to take on the costs of the upgrades
- Therefore Be It Resolved that AMM lobby the Provincial government to work with the Federal Government to cover all costs associated with the upgrades due to changing regulations.
- CARRIED UNANIMOUSLY**

12.6.1.2 AMM Resolution Support

2023-129

Councillor Owens - Councillor Semeschuk

BE It Resolved that the following three resolutions from the RM of Elton be supported:

Drainage Requirement Changes

WHEREAS Manitoba Environment and Climate through the Drainage & Water Control regulate drainage within the Province of Manitoba through The Water Rights Act;

AND WHEREAS in Section 2 of The Water Rights Act states:

Property in water

2 Except as otherwise provided in this Act, all property in, and all rights to the use, diversion or control of, all water in the province, insofar as the legislative jurisdiction of the Legislature extends thereto, are vested in the Crown in right of Manitoba.

AND WHEREAS all persons including municipalities must obtain a valid and subsisting license as per Section (1) (a), (b) and (c) of the Act which states:

Prohibition against use of water

3(1) Except as otherwise provided in this Act or the regulations, no person shall

(a) in any manner whatsoever use or divert water, unless he or she holds a valid and subsisting licence to do so; or

(b) construct, establish, operate or maintain any works, unless he or she holds a valid and subsisting licence to do so; or

(c) control water or construct, establish, operate or maintain any water control works, unless he or she holds a valid and subsisting licence to do so.

AND WHEREAS it has become cost prohibitive and time consuming for municipalities to control water within each respective boundary specifically for:

Applying for a Water Control Works License (includes a survey) to remove recent sediment from rural municipal ditches when the sediment is creating a drainage issue, as the original intent of the site is being obstructed from the sediment.

THEREFORE BE IT RESOLVED that the AMM lobby Manitoba Environment and Climate, Drainage & Water Control to amend The Water Rights Act to allow rural municipalities the ability to remove recent sediment from rural municipal ditches within their boundaries without a Water Control Works License.

APPROACHES OFF PROVINCIAL TRUNK HIGHWAYS

WHEREAS the Department of Manitoba Transportation and Infrastructure (MTI) issued a Guide for Permits - Development Adjacent to Provincial Highways (Guide) in the January 2019 edition; AND WHEREAS examples under 1.2 of the Guide states that "Unsafe highway accesses can result from inappropriately located and frequently placed accesses, as highway vehicles may have limited time to react to vehicles entering, exiting, or crossing a highway (especially at unexpected or confusing locations). High speed highways have a higher potential for more severe and fatal collisions"; AND WHEREAS Section 3.1 of the Guide states "The role of providing access to individual developments is best suited for internal roads (i.e. not provincial highways)"; AND WHEREAS Section 4 of the Guide states "The placement, design and illumination of signs is important to ensure vehicles can travel safely without obstruction, and to minimize distractions to motorists. This section applies to all signs within the controlled area"; AND WHEREAS Section 4.1 (2) states "The following should be avoided..... (2) A sign, any portion of which is capable of, or is intended to move"; AND WHEREAS Section 4.2 (2) states "The sign must not be erected or located closer than: a. three metres to the highway right-of-way b. a distance as directed by MI c. a distance which is sufficiently far from the travelled portion of any adjacent highway that, if the sign fell, it would not result in the sign falling on that portion of the highway d. whichever is the greater of the above"; AND WHEREAS after several discussions and meetings with Manitoba Transportation and Infrastructure Ministers, local MLA's, local MP's and Developers requesting the elimination of temporary accesses due to public safety concerns in Southwestern Manitoba; THEREFORE BE IT RESOLVED that the AMM lobby the Province of Manitoba to ensure all entities, including the Province of Manitoba, follow the guidelines outlined in the Guide; AND FURTHER BE IT RESOLVED that the AMM lobby the Province of Manitoba and the Government of Canada to jointly act to ensure that all existing temporary high traffic unsafe accesses that were approved through the development stage be removed immediately to ensure the safety of the travelling public; AND FURTHER BE IT RESOLVED that the AMM lobby the Province of Manitoba and the Government of Canada to jointly act to ensure that all new temporary accesses adjacent to provincial highways be limited to a six-month period to ensure the safety of the travelling public.

WHEREAS the Department of Manitoba Transportation and Infrastructure (MTI) issued a Guide for Permits - Development Adjacent to Provincial Highways (Guide) in the January 2019 edition; AND WHEREAS examples under 1.2 of the Guide states that “Unsafe highway accesses can result from inappropriately located and frequently placed accesses, as highway vehicles may have limited time to react to vehicles entering, exiting, or crossing a highway (especially at unexpected or confusing locations). High speed highways have a higher potential for more severe and fatal collisions”;

AND WHEREAS Section 3.1 of the Guide states “The role of providing access to individual developments is best suited for internal roads (i.e. not provincial highways)”;

AND WHEREAS Section 4 of the Guide states “The placement, design and illumination of signs is important to ensure vehicles can travel safely without obstruction, and to minimize distractions to motorists. This section applies to all signs within the controlled area”;

AND WHEREAS Section 4.1 (2) states “The following should be avoided…… (2) A sign, any portion of which is capable of, or is intended to move”;

AND WHEREAS Section 4.2 (2) states “The sign must not be erected or located closer than: a. three metres to the highway right-of-way b. a distance as directed by MI c. a distance which is sufficiently far from the travelled portion of any adjacent highway that, if the sign fell, it would not result in the sign falling on that portion of the highway d. whichever is the greater of the above”;

AND WHEREAS after several discussions and meetings with Manitoba Transportation and Infrastructure Ministers, local MLA’s, local MP’s and Developers requesting the elimination of temporary accesses due to public safety concerns in Southwestern Manitoba;

THEREFORE BE IT RESOLVED that the AMM lobby the Province of Manitoba to ensure all entities, including the Province of Manitoba, follow the guidelines outlined in the Guide;

AND FURTHER BE IT RESOLVED that the AMM lobby the Province of Manitoba and the Government of Canada to jointly act to ensure that all existing temporary high traffic unsafe accesses that were approved through the development stage be removed immediately to ensure the safety of the travelling public;

AND FURTHER BE IT RESOLVED that the AMM lobby the Province of Manitoba and the Government of Canada to jointly act to ensure that all new temporary accesses adjacent to provincial highways be limited to a six-month period to ensure the safety of the travelling public.

CARRIED UNANIMOUSLY

13 COMMITTEE AND BOARDS REPORTS

14 IN CAMERA

2023-130 Councillor Semeschuk - Councillor Klassen

BE IT RESOLVED THAT this regular meeting now adjourns to an “in camera” meeting to discuss matters in the preliminary stages as per Subsection 152(3)(b)(iii) of The Municipal Act and all matters discussed in-camera are confidential until discussed in an open meeting as per Section 83(1)(d) of The Municipal Act. **CARRIED UNANIMOUSLY**

14.1 BACK TO OPEN SESSION

2023-131 Reeve Tuttosi - Councillor Foerster

BE IT RESOLVED THAT this ‘in camera’ meeting does now resume back to a regular meeting.

CARRIED UNANIMOUSLY

15 Adjournment

2023-132 Reeve Tuttosi - Councillor Foerster

Resolved that we now adjourn to meet again on June 12, 2023 at 5:30 pm at the Municipal Office for a Regular Council meeting or at the call of the Reeve. **CARRIED UNANIMOUSLY**