



Rural Municipality of Whitehead

Meeting Minutes

Regular Meeting of Council April 11, 2023 - 05:30 PM (Kemany Hall)

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

1 CALL TO ORDER

2 ADOPTION OF THE AGENDA

2023-073 Councillor Mykula - Councillor Storey

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

Councillor Semeschuk declared a conflict and let the meeting

3 PUBLIC HEARINGS - Communications Tower

Darci Semeschuk spoke in favour of the application noting the need for faster reliable internet for residents in the area and advised that the location was moved from the original location in a previous application.

2023-074 Councillor Klassen - Councillor Mykula

Be it resolved that the regular meeting of council be recessed to allow council to hold a Public Hearing to receive representations for any person who wishes to make them in respect to the following:

Conditional Use Application - CO2023-03 - To allow for a 45m self-supported communication tower with a 1m lightning rod and a new 6m wide approach and driveway/roadway to the tower location in 12-19-21W

Time: 5:34 pm. **CARRIED UNANIMOUSLY**

Councillor Semeschuk returned to the meeting

3.1 Resume Open Session and Open Next - Campground

2023-075 Councillor Storey - Councillor Foerster

Whereas all representatives in regard to matters listed below have been dealt with:

CO2023-03 - To allow for a 45m self-supported communication tower with a 1m lightning rod and a new 6m wide approach and driveway/roadway to the tower location on 12-9-21W

Therefore be it resolved that the public hearing be concluded and the next Public Hearing:

CO2023-04 - To allow for a Campground and,
V2023-03 - to increase from 10 acres to the approximately 90 acres be opened

Time: 5:40 pm. **CARRIED UNANIMOUSLY**

The applicant Mr. Nathan Hofer spoke to the property and plans for same. In addition, Mr. Peter Slobodzian whom is providing assistance with the development and plans, answered questions council raised.

In Opposition

Glynis Shemeliuk spoke in opposition of the application and noted the following concerns: removal of agricultural lands, bears in the area, what would campers do. Ms. Shemeliuk noted there had been no factual evidence or environmental reports to support the development of a campground.

Greg Manning spoke in opposition to the application and noted that there was no hydro to the location and who would be responsible for the cost of same, septic is required to be inground, additional traffic, ravine, garbage and an unclean dirty area.

Doug & Dennis Williamson submitted a letter and spoke in opposition to the application and noted the following: high water table, potholes, slough/Alexander creek that runs through the area and the past flooding that had occurred.

Brent Blaine spoke in opposition of the application and noted the following: the site was not accessible from provincial road 349, currently pasture lands, water issues in the area, there would be no way to get out in the event of an emergency. Phase 3 could bring approximately 800 individuals to the area – who would be responsible to police as there is no municipal police service.

Brian Sutherland submitted a letter and spoke in opposition to the application, noting the following: fire concerns while campers use gas for cooking and heating. There is no plan for water services for the proposed campground, who pays for an impact study. Kemnay bridge and the concerns with traffic hitting the bridge. In closing, he noted concerns with the increased traffic, dust control, road conditions, flooding, transportation of firewood, wildlife, hydro facilities, railway crossing located at Rd117W and 54N and revenue for the municipality.

Dale Van Damme spoke in opposition to the application noting that there were no plans submitted by the proponent and felt this would not be plan ready for the 2023 season.

Ewan Jarvie spoke in opposition to the application noting that there were natural wetlands in the area and would approval of the application cause for additional campground applications throughout the municipality.

Doug Karnes spoke in opposition to the application and commented that the municipality should not be financially responsible for any part of the proposal.

Joe and Donna Wishart submitted a letter of opposition of the application writing that concerns were individuals driving under the influence, additional traffic being foot traffic, bicycle and vehicle traffic, squatters, noise violations, trespassing on private property, theft and noted that campgrounds are not in residential, commercial or industrial areas.

3.1.1 Close Public Hearing and Resume to Regular Session.

2023-076

Reeve Tuttosi - Councillor Foerster

Whereas all representatives in regard to matters listed below have been dealt with:

CO2023-04 - To allow for a Campground in the "AG" Agricultural General Zone

V2023-03 - To increase from 10 acres to approximately 90 acres.

Therefore be it resolved that the public hearing be concluded, and council resume its normal order of business.

Time: 6:35 pm. **CARRIED UNANIMOUSLY**

4 DELEGATIONS

4.1 Lisa Suzki - Subdividing & Rezoning 33-10-20

No Presentation received.

Councillor Semeschuk declared a conflict and left the meeting

4.2 David Amos - Drainage Application SE 34-9-21W

Mr. Amos presented additional information concerning the drainage application. He noted that he had received written consent from Mr. Bissett, Mr. Adams, and Mr. Coleman but was unable to obtain written consent from Ms. Habok. He did note that Ms. Habok had advised him verbally that she did not have a concern specific to the work completed.

2023-077

Councillor Storey - Councillor Owens

That the presentation by David Amos be received. **CARRIED UNANIMOUSLY**

Councillor Semeschuk returned to the meeting

4.3 Terry Coleman - David Amos Drainage Application

No Presentation received.

5 SUBDIVISION

6 UNFINISHED BUSINESS

6.1 Abuse & Molestation Policy
 2023-078 Councillor Owens - Councillor Mykula

Whereas AMM & Western Financial Group had requested that all Manitoba Municipalities who have Western Financial as the Insurance Provider adopt a Abuse & Molestation Policy.
 And Whereas the Policy is a requirement of the insurance program
 And Whereas a the policy is required to appoint a Designated Officer.

Therefore Be It Resolved that the Abuse & Molestation Policy No. 2023/1 be adopted

And Further Be It Resolved that the Chief Administrative Officer is hereby appointed as the Designated Officer. **CARRIED UNANIMOUSLY**

Councillor Semeschuk declared a conflict and left the meeting

6.2 Drainage Application - Jack Amos
 2023-079 Councillor Foerster - Councillor Mykula

That Resolution No. 2023-051 - Drainage Application - Jack Amos be laid on the table

CARRIED UNANIMOUSLY

6.3 Drainage Application - Jack Amos
 2023-051 Councillor Mykula - Councillor Storey

That the Drainage Application be approved as presented with the following conditions:

- 1- That written consent from the following three landowners be received: Terry Coleman, Jim Bissett, Olga Habok.
- 2- That the M1 culvert be extended to its original length to accommodate a flow gate and the gate installed at the applicants expense.
- 3- That the outlet side of the ditch be restored to it original state
- 4- That rip rap be place on the inlet and outlet of the M1culvert.

That all the conditions had been met and the application be approved as submitted

DEFEATED

6.3.1 Drainage Application - Jack Amos
 2023-080 Councillor Klassen - Councillor Foerster

That the Drainage Application submitted by Jack Amos be partially approved:

- 1- That the M1 culvert is NOT approved
- 2- That the downstream consent for the M2 culvert be received by Terry Coleman and Jim Bissett. **CARRIED.**

Councillor Semeschuk returned to the meeting

7 NOTICE OF MOTION

8 NEW BUSINESS

Councillor Semeschuk declared a conflict and left the meeting

8.1 Conditional Use - CO2023-03 - Communications Tower 12-9-21
 2023-081 Councillor Klassen - Councillor Storey

Whereas Xplornet Communications Inc. c/o Vertex Professional Services Ltd. had made an application for a conditional use CO2023-03 - To allow for a 45m self-supported communication tower with a 1m lightning rod and a new 6m wide approach and driveway/roadway to the tower location
 And Whereas a Public Hearing was held on April 11, 2023 as stated in the notice to hear any representation for or against the application:

Therefore Be It Resolved that Conditional Use Application # CO2023-03 - To allow for a 45m

self-supported communication tower with a 1m lightning rod and a new 6m wide approach and driveway/roadway to the tower location on 12-9-21W be approved with the following conditions:

1- That an approved drainage plan for the access approach, road and placement of the tower be approved before any construction commences. **CARRIED**

8.1.1 Land Use Authority Concurrence - Communications Tower

2023-082 Councillor Storey - Councillor Klassen

WHEREAS **Xplore Inc.** proposes to erect a wireless telecommunication tower and accessory structure on certain lands, more particularly described as, **Ptn. Sec 12-9-21 WPM**, as shown on the attached sketch plan.

AND WHEREAS proponents of telecommunication towers are regulated by Innovation, Science and Economic Development (ISED), on behalf of the Government of Canada and as part of their approval, ISED requires proponents to consult with land use authorities as provided for in CPC-2-0-03;

AND WHEREAS **Xplore Inc.** has consulted with the **Rural Municipality of Whitehead** planning staff have no objection to the proposed telecommunications tower;

AND WHEREAS **Xplore Inc.** has consulted with the public by notifying all property owners and occupants within three (3) times the tower height and has provided thirty (30) days for written public comment;

AND WHEREAS there are no significant land use issues identified by the consultation;

NOW THEREFORE BE IT RESOLVED THAT:

1. The Chief Administrative Officer be instructed to advise **Xplore Inc.** That:

a) **Xplore Inc.** Has satisfactorily completed its consultation with the **Rural Municipality of Whitehead**;

b) The **Rural Municipality of Whitehead** is satisfied with **Xplore Inc.**'s public consultation process and does not require any further consultation with the public; and

c) The **Rural Municipality of Whitehead** has no concerns or objections with **Xplore Inc.** proposal to construct a wireless telecommunications facility at this location. **CARRIED**

Councillor Semeschuk returned to the meeting.

8.2 Tile Drainage Application - Darby Cochrane

2023-083 Councillor Owens - Councillor Foerster

Whereas Nextgen Drainage had made an application for Tile Drainage on behalf of landowner Darby Cochrane.

Therefore Be It Resolved that the Tile Drainage application submitted by NextGen Drainage on behalf of Darby Cochrane at 58N (NW-19-10-22W1 & SW-30-10-22W1) be approved.

CARRIED UNANIMOUSLY

8.3 Conditional Use CO2023-04 - Campground

2023-084 Councillor Foerster - Councillor Owens

Whereas Nathan Hofer had made an application for a Conditional Use CO2023-04 - to allow for a campground in the "AG" Agricultural Zone.

And Whereas a Public Hearing was held on April 11, 2023 as stated in the notice to hear any representation for or against the application:

Therefore Be It Resolved that Conditional Use CO2023-04 - To allow for a campground in the "AG" Agricultural Zone be approved. **TABLED**

8.3.1 Variation No. V2023-03 - Campground

2023-085 Councillor Semeschuk - Councillor Owens

Whereas Nathan Hofer had made an application for a Variation V2023-03 - to increase the maximum site area from 10 acres to approximately 90 acres.

And Whereas a Public Hearing was held on April 11, 2023 as stated in the notice to hear any

representation for or against the application:

Therefore Be It Resolved that Variation Application V2023-03 - to increase the maximum site area from 10 acres to approximately 90 acres be approved. **TABLED**

8.3.1.1 LUD Budget

2023-086 Councillor Mykula - Councillor Storey

Be It Resolved that the LUD Committee Budget be approved as presented. **CARRIED**

8.4 Manitoba Municipal Association (MMA) Convention

2023-087 Councillor Klassen - Councillor Storey

Resolved that Administrative Assistant Sherrie Merckx attend the convention
Further Be It Resolved that the Municipal Office will be closed on May 1, 2 & 3 and will reopen regular business hours on May 4, 2023. **CARRIED UNANIMOUSLY**

8.5 Appointment of Deputy Reeve

2023-088 Councillor Semeschuk - Councillor Storey

That Dennis Foerster is appointed Deputy Reeve. **CARRIED UNANIMOUSLY**

8.6 Gravel Crushing Tender

2023-089 Councillor Storey - Councillor Owens

Whereas the Gravel Crushing Tender had been posted on March 16, 2023 with a submission deadline of March 31, 2023 at 12:00 pm (noon).
And Whereas one(1) compliant tender had been received.

Therefore Be It Resolved that the Gravel Crushing Tender submitted by Bluestar Construction Ltd. in the amount of \$233,100.00 (inclusive of GST) for 2023/2024 be approved.

Further Be It Resolved that 50% of the total costs be paid in 2023 and the remaining 50% to be paid in 2024. **CARRIED UNANIMOUSLY**

8.7 Cemetery Donations and Perpetual Fees

2023-090 Councillor Owens - Councillor Storey

Resolved that any private donations received towards the Alexander Cemetery be placed into the Cemetery Reserve including those received in 2022.

Be it further resolved that the \$400.00 perpetual fee, currently collect per plot, be moved to the Cemetery Reserve going forward. **CARRIED UNANIMOUSLY**

8.8 Gravel Hauling Tender

2023-091 Councillor Foerster - Councillor Klassen

Whereas the Gravel Hauling Tender was posted on March 16, 2023 with a submission deadline of March 31, 2023 at 12:00 pm (noon).
And Whereas 3 compliant submissions were receive:

Brad Wallace Trucking

A. Loading from Stockpile: \$1.00 / per cubic yard

B. Hauling & Spreading: \$13.50 / per cubic yard

Bluestar Construction Ltd.

A. Loading from Stockpile: \$1.00 / per cubic yard

B. Hauling & Spreading \$9.25 / per cubic yard

Tri-Wave Construction Ltd.

A. Loading from Stockpile: \$1.50 / per cubic yard

B. Hauling & Spreading: \$10.79 / per cubic yard

Therefore Be It Resolved that Bluestar Construction Ltd be awarded the 2023 Gravel Hauling Tender. **CARRIED UNANIMOUSLY**

8.8.1 Municipal Road 117W (Pioneer Road) Provincial Detour

2023-092 Reeve Tuttosi - Councillor Foerster

Whereas The Province of Manitoba's Department of Transportation and Infrastructure had designated municipal Road 117W within the Rural Municipality of Whitehead from Highway 1A

to the Trans-Canada Highway (Highway 1) north and south a provincial detour due to the extremely low Canadian Pacific Railway Bridge located at Kemnay.
And Whereas significant heavy and over height traffic were continuously using the provincial designated detour on municipal road 117W in the RM of Whitehead.
And Whereas road deterioration, maintenance costs and dust had been ongoing concerns.

Therefore Be It Resolved that the Council for the RM of Whitehead requests the Province to discontinue the use of municipal road 117W as their provincial detour. **TABLED**

9 BYLAWS AND POLICIES

9.1 Aggregate Mining and Transportation Fees By-law No. 2023-02
2023-093 Councillor Mykula - Councillor Foerster

Whereas The Municipal Act enables municipalities to pass by-laws to collect fees up to a set level from aggregate operators to offset municipal costs associated with aggregate mining.
AND Whereas rates effective for 2023 had been amended and notification had been provided in bulletin #2023-06 from Municipal Relations

Therefore Be It Resolved that By-law No. 2023-02 - Aggregate Mining and Transportation Fees be read a first time. **CARRIED UNANIMOUSLY**

9.2 Aggregate Mining and Transportation Fees By-law No. 2023-03
2023-094 Councillor Klassen - Councillor Storey

That By-law No. 2023-03 Aggregate Mining and Transportation Fees be read a second time.

CARRIED UNANIMOUSLY

9.3 Cemetery By-law No. 2023-03
2023-095 Councillor Semeschuk - Councillor Klassen

Whereas By-law No. 2023-03 - Cemetery By-law was given second reading on March 13. 2023.

Therefore Be It Resolved that By-law No. 2023-03 be read a second time.

CARRIED UNANIMOUSLY

9.4 Cemetery By-law No. 2023-03
2023-096 Councillor Storey - Councillor Mykula

That By-Law No. 2023-03 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. 2023-02 third reading.

Name	Yes	No	Abstained	Absent
Dennis Foerster	✓			
Kevin Klassen	✓			
Kaley Mykula	✓			
Jeff Owens	✓			
Chris Semeschuk	✓			
Curtis Storey	✓			
Trevor Tuttosi	✓			

CARRIED UNANIMOUSLY

9.5 By-law No. 2023-04 - Tax Levy
2023-097 Councillor Owens - Councillor Mykula

That By-law No. 2023-04 - Tax Levy be read a first time. **CARRIED UNANIMOUSLY**

9.6 By-law No. 2023-04 Tax Levy
2023-098 Councillor Foerster - Councillor Semeschuk

That By-law No. 2023-04 - Tax Levy be read a second time. **CARRIED UNANIMOUSLY**

- 10 ACCOUNTS**
2023-099 Councillor Foerster - Councillor Mykula
Resolved that the List of Accounts as paid for March, cheques numbers #15016 to #15055 (both inclusive) totaling \$162,969.91 and Direct Deposit Register totaling \$28,822.59 be approved. **CARRIED UNANIMOUSLY**
- 10.1 Council Indemnities**
2023-100 Reeve Tuttosi - Councillor Storey
That the following members of council be paid the following:

Councillor Kaley Mykula
\$30.00 - LUD Meeting March 27
\$70.00- Regional Policing Meeting Feb. 3
\$100.00 - TOTAL

Reeve Trevor Tuttosi
\$70.00 - MOS Webinar March 3
\$287.64 - Western Caucus (Deloraine) March 17
\$140.76 - Meeting with Minister Smith March 30
~~\$85.00~~- WERWC March 31
583.40 – Total. **CARRIED UNANIMOUSLY**
- 11 CORRESPONDENCE**
2023-101 Councillor Mykula - Councillor Foerster
Resolved that the Correspondence listed below be read and ordered filed.

1. Letter from Ecostrat | Biomass Advisory Group
2. Ai in Facilities. **CARRIED UNANIMOUSLY**
- 12 ADOPTION OF MINUTES AS CIRCULATED**
2023-102 Councillor Klassen - Councillor Mykula
Resolved that the minutes from March 13, 2023 be approved as presented.
CARRIED UNANIMOUSLY
- 13 COMMITTEE AND BOARDS REPORTS**
- 14 IN CAMERA**
2023-103 Councillor Foerster - Councillor Owens
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**
2023-104 Councillor Semeschuk - Councillor Mykula
BE IT RESOLVED THAT this ‘in camera’ meeting does now resume back to a regular meeting.
CARRIED UNANIMOUSLY
- 15 Adjournment**
2023-105 Councillor Foerster – Councillor Owens

Resolved that we now adjourn to meet again on May 15, 2023 at 8:30 am at the Municipal Office for a Regular Council meeting or at the call of the Reeve. **CARRIED UNANIMOUSLY.**