

**COUNCIL MEETING #5/10  
(7:30 P.M. TO 10:12 P.M.)**

**TOWN OF STONEWALL**

**MARCH 10, 2010**

A regular meeting of the Council of the Town of Stonewall was held on Wednesday, March 10, 2010 commencing at 7:30 P.M. in the Council Chambers, Town Hall, Stonewall, MB.

Mayor Thompson, Councillors Badger, Corbin, McLean, Ploszay, CAO Potter and Assistant CAO Patterson in attendance.

**ADDITIONS TO AGENDA**

**RESOLUTION NO. 62/10: Ploszay, Badger**

BE IT HEREBY RESOLVED THAT the additions to the March 10, 2010 Regular meeting Agenda be approved pursuant to Section 8.3 of the Town's Procedural By-law No. 3/07.

CARRIED

**MINUTES**

**RESOLUTION NO. 63/10: Corbin, McLean**

BE IT HEREBY RESOLVED that the minutes of the February 24<sup>th</sup>, 2010 Regular meeting of Council be adopted as posted and circulated.

CARRIED

**MATTERS ARISING OUT OF THE MINUTES**

Age Friendly Initiatives – Council will review the initiatives at the March 17, 2010 Committee of the Whole meeting.

Alleged Residency in Stonewall Business Park – Direction has been provided to SIPD staff to investigate the alleged principal residences in the Stonewall Business Park.

**DELEGATIONS, HEARINGS & PETITIONS:**

**\*Note: Councillor McLean declared a conflict with the next item on the Agenda and left the Council Chambers.**

**RESOLUTION NO. 64/10: Ploszay, Badger**

BE IT HEREBY RESOLVED THAT the Council of the Town of Stonewall adjourn the Regular meeting of Council to hold the required Public Hearing for By-law No. 18/08 being a by-law to amend the Town's Zoning By-law No. 35/91, as amended, pursuant to Section 74(1) and 168 of The Planning Act.

CARRIED

8:10 p.m. – Public Hearing – BL 18/08 – to amend Zoning By-law

**PUBLIC HEARING:**

The Hearing opened at 8:10 p.m.

Mayor Thompson called the Hearing to Order.

CAO Potter read the Notice of Hearing.

Persons in attendance:

In Favour

John Montgomery, Box 1907, Stonewall, MB R0C 2Z0

Opposed

None

For Information

Don & Muriel Taplin, Box 396, Stonewall, MB R0C 2Z0

Murray Taplin, Box 1658, Stonewall, MB R0C 2Z0

There were no other persons in attendance at the Hearing.

John Montgomery questioned the existing north-south tree line location in relation to the boundary between the "OR" and the "RS" Zones. CAO Potter confirmed the location of the existing tree line will be in the "OR" Zone.

Murray Taplin questioned the proposed change to increase the height of a business identification sign to a maximum of 50 ft.. Council agreed to review the 50 ft maximum height prior to 2<sup>nd</sup> Reading of By-law No. 18/08.

John Montgomery questioned the increase of the sign surface area to 150 sf. Montgomery was informed that the new vertical business signs (Coop/Esso) typically comprise up to 150 sf.

**RESOLUTION NO. 65/10: Badger, Ploszay**

BE IT HEREBY RESOLVED THAT Council now resume Regular sitting of Council.

CARRIED

**RESOLUTION NO. 66/10: Corbin, Ploszay**

BE IT HEREBY RESOLVED THAT the Council of the Town of Stonewall adjourn the Regular meeting of council to hold the required Public Hearing for By-law No. 2/10 – Local Improvement Plan – construction/installation of a watermain – pursuant to Sections 318(1) and (4) of The Municipal Act.

CARRIED

8:30 p.m. – Public Hearing – BL 2/10 – Capital Debt for Phase 2 watermain expansion 5<sup>th</sup> St. West

**PUBLIC HEARING:**

The Hearing opened at 8:35 p.m.

Mayor Thompson called the Hearing to Order.

CAO Potter read the Notice of Public Hearing.

Persons in attendance:

John Montgomery, Box 1907, Stonewall, MB R0C 2Z0 – For Information  
Del & Kim Phillips, Box 1110, Stonewall, MB R0C 2Z0 – For Information

There were no other persons in attendance at the Hearing.

**RESOLUTION NO. 67/10: Corbin, McLean**

BE IT HEREBY RESOLVED THAT Council now resume Regular sitting of Council.

CARRIED

8:48 P.M. – Delegation – Phillips sewer backup at #172 Main Street

At 8:48 P.M. Del and Kim Phillips attended the meeting to discuss compensation for damages caused by a sewer backup at their residence at #172 Main Street on January 23, 2010.

Mr. Phillips questioned the Town's practice for sewer line maintenance and asked what was the Town's sewer maintenance program. Mr. Phillips further pointed out the invoices received by the Town for sewer cleaning rarely indicated the area that was cleaned.. Council was reminded by CAO Potter that the matter is in the hands of the Town's insurance provider who is responsible for determining if in their opinion the Town was at fault for the sewer backup.

Phillips advised he was aware the decision/response on this matter had been deferred to the Town's insurance provider.

Phillips stated he believes the Town should be responsible for the damages as it was the main sewer line that was plugged and which backed up in to the basement at #172 Main Street.

Phillips advised they did not renew the sewer backup insurance coverage when he obtained his insurance last year. Phillips is requesting the Town's insurance cover the cost of the cleanup, damages and replacement of lost items.

Kathy Comeault of 157 Main St. was also in attendance at the meeting. Comeault informed Council they experienced a sewer backup on the same date. The Comeaults had sewage backup enter their basement as well, however the Comeaults have sewer backup insurance.

The Mayor advised that Council would discuss the request and a reply would be forthcoming.

Mayor Thompson thanked the Delegation for attending the meeting.

**COMMITTEE REPORTS:**

COMMITTEE OF THE WHOLE

**RESOLUTION NO. 68/10: Badger, Ploszay**

BE IT HEREBY RESOLVED THAT the minutes of the March 3, 2010 Committee of the Whole meeting be adopted as presented.

CARRIED

FINANCE

**RESOLUTION NO. 69/10: McLean, Corbin**

BE IT HEREBY RESOLVED THAT Assistant CAO Patterson and Administrative Assistant Iwanchuk be authorized to attend an Excel Software training session on May 14, 2010 in Winnipeg.

CARRIED

**RESOLUTION NO. 70/10: Badger, Ploszay**

BE IT HEREBY RESOLVED THAT A 2010 Provincial Registration in Manitoba Communities in Bloom be taken at a cost of \$400.00

CARRIED

**RESOLUTION NO. 71/10: McLean, Corbin**

BE IT HEREBY RESOLVED THAT Town of Stonewall Finance Report #05/10 having been adopted by the Town of Stonewall Finance Committee be hereby authorized for payment in the following amounts:

GENERAL ACCOUNTS:	\$75,158.04
UTILITY ACCOUNTS:	\$20,435.09
CEMETERY ACCOUNTS:	\$ 45.54
HAC ACCOUNTS:	\$34,076.39

CARRIED

OTHER

No reports.

**BY-LAWS**

**CONSIDERATION**

BL 18/08 – Amend Zoning By-law 35/91, as amended

**RESOLUTION NO. 72/10: Ploszay, Badger**

BE IT HEREBY RESOLVED THAT By-law No. 18/08, as amended, being a by-law to amend the Town of Stonewall Zoning By-law No. 35/91, as amended, (Zoning Map, Residential Bulk Table, Industrial Bulk Table), having been introduced be now read a second time, as amended (sign height).

CARRIED

BL 2/10 – Capital Debt for Phase 2 watermain expansion 5<sup>th</sup> St. West

**RESOLUTION NO. 73/10: Badger, Ploszay**

BE IT HEREBY RESOLVED THAT By-law No. 2/10, being a by-law to authorize the expenditure and borrowing of money for the completion of a new watermain from 2<sup>nd</sup> Ave. North to 3<sup>rd</sup> Ave. South as a Local Improvement, having been introduced be now read a first time.

CARRIED

BL 3/10 – Election Campaign Finance By-law

**RESOLUTION NO. 74/10: Ploszay, Badger**

BE IT HEREBY RESOLVED THAT By-law No. 3/10 being a by-law to regulate Municipal Election Campaign Expenses & Contributions having been introduced be now read a second time.

CARRIED

**RESOLUTION NO. 75/10: Corbin, McLean**

BE IT HEREBY RESOLVED THAT By-law No. 3/10 be now read a third time and passed.

	FOR	AGAINST	ABSTAIN
CORBIN	X		
BADGER	X		
McLEAN	X		
PLOSZAY	X		
THOMPSON	X		

CARRIED

**HOLDING**

- BL 13/08 – Murray Legal & Engineering Cost Recovery Agreement
- BL 20/08 – Murray Development Agreement
- BL 21/08 – Dueck Development Agreement
- BL 15/09 – Goodman Development Agreement

**UNFINISHED BUSINESS**

Municipal Employee Code of conduct Policy No. 3.25

**RESOLUTION NO. 76/10: Badger, Ploszay**

BE IT HEREBY RESOLVED THAT Policy No. 3.25 – Personnel - Employee Code of Conduct – be adopted as presented.

CARRIED

Youth Councillor

Council was informed that due to a conflict on Wednesday nights, the original candidate for Youth Councillor regretfully withdrew her application. Mayor Thompson advised he knows of a student interested in applying for the Youth Councillor position. Councillor Corbin also knows of a student from SCI interested as well. Council agreed to have administration contact the interested students and have them submit the written essay as required by Policy No. 1.9.

**CORRESPONDENCE**

<b><u>FROM</u></b>	<b><u>SUBJECT</u></b>	<b><u>DISPOSITION</u></b>
Office of Drinking Water	2009 Annual Audit on Stonewall Public Water System	For Information
RCMP, Stonewall	Feb/10 Policing Report	Res#77/10
SW District Palliative Care	request for funding	2010 Budget
Stonewall YFC	request for funding	2010 Budget
Chamber of Commerce	Capturing Opportunities Forum, Apr. 22 & 23/10 Brandon	Res#78/10
Sunova	Golf Classic Jun 11/10 SI Golf Club	Res#79/10
MB Conservation Districts Assoc.	invitation to forum on ecological goods & services	Res#80/10

A.J. Reid, CA	2009 Audited Statement for Rockwood-Rosser Weed Control District	Res#81/10
RDI	Leadership Seminar Apr. 23/10	For Information
Mayors for Peace	support in promoting Peace Study Course	For Information

**RESOLUTION NO. 77/10: Ploszay, Badger**

BE IT HEREBY RESOLVED THAT the RCMP Policing Report for the month of February 2010 be accepted as presented.

CARRIED

**RESOLUTION NO. 78/10: Corbin, McLean**

BE IT HEREBY RESOLVED THAT Councillor Corbin be authorized to attend the Capturing Opportunities Forum in Brandon on April 22 & 23, 2010.

CARRIED

**RESOLUTION NO. 79/10: Badger, Ploszay**

BE IT HEREBY RESOLVED THAT a foursome be entered in the Sunova Golf Classic to be held June 10, 2010 at the South Interlake Golf Club at a cost of \$600.00.

CARRIED

**RESOLUTION NO. 80/10: Corbin, McLean**

BE IT HEREBY RESOLVED THAT a Town representative be authorized to attend the "Get the Goods on Ecological Goods and Services" forum sponsored by the Manitoba Conservation Districts Association on March 24, 2010 in Portage la Prairie at a cost of \$20.00.

CARRIED

**RESOLUTION NO. 81/10: McLean, Corbin**

BE IT HEREBY RESOLVED THAT the 2009 Audited Financial Statement for the Rockwood-Rosser Weed Control District as prepared by Anthony J. Reid, Chartered Accountant, be accepted as presented.

CARRIED

**NEW BUSINESS**

Water & Wastewater Courses – Maryniuk & Cameron

**RESOLUTION NO. 82/10: Ploszay, Badger**

BE IT HEREBY RESOLVED THAT Works & Operations Employees Ron Maryniuk and Tim Cameron be authorized to attend the following Water & Wastewater Certification Courses –

- Math & Science Refresher – Apr. 26 - 28/10 - Cameron
- Water Treatment Level I – May 3 – 6/10 – Cameron
- Water Distribution Level 2 – May 10 – 13/10 – Maryniuk
- Water Treatment Level I – May 17 – 20/10 – Cameron

Accent Group Subdivision Application File No. 4453-09-4996

**RESOLUTION NO. 83/10: Ploszay, Badger**

BE IT HEREBY RESOLVED THAT the subdivision application of The Accent Group Inc., Applicant/Owner, File No. 4453-09-4996, Lot 4 Plan 21557 WLTO (Roll No. 108420) in the Town of Stonewall be approved subject to the following conditions:

- i) The Applicant/Owner enter into an Agreement with the Town of Stonewall respecting legal, engineering and consulting fees relative to the development of the subdivision; and
- ii) The Applicant/Owner pay to the Town of Stonewall the Capital Development Lot Fees applicable for the three (3) "CH" Commercial Highway and two (2) "ML" Light Industrial new zoning sites proposed to be created by the subdivision as prescribed in By-law No. 17/93, as amended, of the Town of Stonewall; and
- iii) The provision of a Lot Grade Plan and subsequent permits pursuant to the Town of Stonewall Lot Grade By-law No. 3/06 for the five (5) new lots proposed to be created and the residual lot (Lot 2); and
- iv) The Applicant/Owner enter into a Development Agreement with the Town of Stonewall pursuant to Section 135-3 of The Planning Act respecting the construction, installation and/or maintenance, at the Applicant/Owner's expense, works including, but not limited to –
  - The provision of water and wastewater services, including boulevard and street reconstruction, to the five (5) new proposed lots and the residual lot (Lot 2) by water and wastewater mains and service connections on the Town water distribution and wastewater collection system or by wells and holding tanks. the proposed lots which can be reasonably services by the Town's water and wastewater system shall be serviced by the Town system. The reasonableness of the servicing shall be determined by the Town.
  - Surface water drainage for the five (5) new proposed lots and the residual lot (Lot 2) to be created by the subdivision including a Lot Grade Plan.
  - Access to 4<sup>th</sup> Street East (PR#236) and 2<sup>nd</sup> Ave. North (PTH#67) for the lots proposed to be created by the subdivision.
- v) The Applicant/Owner enter into the necessary joint easement agreement with respect to hydro and/or telephone facilities associated with the proposed subdivision and a Plan of Easement as required by The Real Property Act; and
- vi) Any removal and/or relocation of existing hydro and/or telephone facilities as a result of the proposed subdivision will be at the expense of the Applicant/Owner

CARRIED

**NOTICE OF MOTION**

There were no Notices of Motion to present to Council.

**MAYOR & COUNCILLORS DISCUSSION PERIOD**

Phillips Sewer Backup

**RESOLUTION NO. 84/10: Ploszay, Badger**

BE IT HEREBY RESOLVED THAT Council of the Whole resolve into Committee of the Whole, Committee Meeting to be held In Camera.

AND FURTHER BE IT RESOLVED THAT pursuant to Section 83(1) of The Municipal Act the matters discussed in camera shall be kept in confidence.

CARRIED

**RESOLUTION NO. 85/10: Corbin, McLean**

BE IT HEREBY RESOLVED THAT Council now resume Regular sitting of Council.

CARRIED

**ADJOURN 10:12 P.M.**

**RESOLUTION NO. 86/10: Badger, Ploszay**

BE IT HEREBY RESOLVED THAT Council do now adjourn.

CARRIED

**TOWN OF STONEWALL**

\_\_\_\_\_  
**MAYOR**

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**CAO**