

**COUNCIL MEETING #20/09
(7:30 P.M. TO 9:00 P.M.)**

TOWN OF STONEWALL

DECEMBER 9, 2009

A regular meeting of the Council of the Town of Stonewall was held on Wednesday, December 9, 2009 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. 358/09: Corbin, McLean

BE IT HEREBY RESOLVED THAT the additions to the December 9th, 2009 Regular meeting Agenda be approved pursuant to Section 8.3 of the Town's Procedural By-law No. 3/07.

CARRIED

MINUTES

RESOLUTION NO. 359/09: McLean, Corbin

BE IT HEREBY RESOLVED THAT the minutes of the October 28th, 2009 Regular meeting of Council be adopted as posted and circulated.

CARRIED

RESOLUTION NO. 360/09: Badger, Ploszay

BE IT HEREBY RESOLVED THAT the minutes of the First Regular meeting of Council of November 4th, 2009 be accepted as posted and circulated.

CARRIED

MATTERS ARISING OUT OF THE MINUTES

Sale of Shasta Drive – payment for the sale of the lot to Paul & Cecilia Turner has been received and the title has been transferred with the building/development Agreement registered as a caveat.

BL 14/09 – A Notice of Motion to amend BL 14/09 - HAC Capital Funding BL as a result of the Municipal Board decision will be presented later in the agenda.

Lagoon Report – The final report is complete. A meeting will be setup to meet with Manitoba Conservation to discuss the report and recommendations.

DELEGATIONS, HEARINGS & PETITIONS:

7:30 P.M. – Presentation to Andrea Page

At 7:30 P.M. Mayor Thompson on behalf of the Governor General of Canada, presented Andrea Page with a Governor General of Canada Commendation.

RESOLUTION NO. 361/09: 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 the following Notice of Breach contraventions pursuant to the Town of Stonewall Animal By-law No. 6/03, as amended –

C. Badiou	Notice of Breach No. 176
L. Bennett	Notice of Breach No. 177
S. Prokopchuk	Notice of Breach No. 183
C. Bullied	Notice of Breach No. 139
T. Cathro	Notice of Breach No. 142
V. Edwards	Notice of Breach No. 157
B. Gaertner	Notice of Breach No. 164
J. Kowerko	Notice of Breach No. 165
L. Slatcher	Notice of Breach No. 173
L. Tyerman	Notice of Breach No. 175

CARRIED

8:02 P.M. Public Hearing – Notices of Breach under Animal BL

PUBLIC HEARING

IN THE MATTER OF:

- Carman Badiou – 255 Main Street – Failure to license cat
- Laurie Bennett – 15 Lions Way – Failure to license cat
- Sandra Prokopchuk – 307 1st St. West – Failure to license cats (2)
- Cassandra Bullied – 225 Main Street – Failure to license dog
- Tim Cathro – 307 1st St. West – Failure to license dog
- Valerie Edwards – 263 2nd St. West – Failure to license dog
- Ben Gaertner – 435 3rd St. West – Failure to license dog
- Janice Kowerko – 447 8th Ave. South – Failure to license dog
- Lisa Slatcher – 440 4th Ave. South – Failure to license dog
- Lori Tyerman – 332 3rd St. West – Failure to license dog

The Hearing opened at 8:02 P.M.

There were no persons in attendance for the Hearing.

RESOLUTION NO. 362/09: McLean, Corbin

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

CARRIED

RESOLUTION NO. 363/09: Ploszay, Badger

BE IT HEREBY RESOLVED THAT pursuant to Section 23(1) and 23(8) of the Town of Stonewall Animal control By-law No. 6/03, as amended, a penalty of \$25.00 plus \$10.00 costs and a 2009 license fee (\$10.00) be imposed on Carman Badiou, Notice of Breach No. 176 for contravention of Section 6(1) of By-law No. 6/03, as amended.

CARRIED

RESOLUTION NO. 364/09: Badger, Ploszay

BE IT HEREBY RESOLVED THAT pursuant to Section 23(1) and 23(8) of the Town of Stonewall Animal control By-law No. 6/03, as amended, a penalty of \$25.00 plus \$10.00 costs and a 2009 license fee (\$10.00) be imposed on Laurie Bennett, Notice of Breach No. 177 for contravention of Section 6(1) of By-law No. 6/03, as amended.

CARRIED

RESOLUTION NO. 365/09: Ploszay, Badger

BE IT HEREBY RESOLVED THAT pursuant to Section 23(1) and 23(8) of the Town of Stonewall Animal control By-law No. 6/03, as amended, a penalty of \$50.00 plus \$10.00 costs and 2009 license fees (\$20.00) be imposed on Sandra Prokopchuk, Notice of Breach No. 183 for contravention of Section 6(1) of By-law No. 6/03, as amended.

CARRIED

RESOLUTION NO. 366/09: Badger, Ploszay

BE IT HEREBY RESOLVED THAT pursuant to Section 23(1) and 23(8) of the Town of Stonewall Animal control By-law No. 6/03, as amended, a penalty of \$25.00 plus \$10.00 costs and a 2009 license fees (\$10.00) be imposed on Cassandra Bullied, Notice of Breach No. 139 for contravention of Section 5(1) of By-law No. 6/03, as amended.

CARRIED

RESOLUTION NO. 367/09: Ploszay, Badger

BE IT HEREBY RESOLVED THAT pursuant to Section 23(1) and 23(8) of the Town of Stonewall Animal control By-law No. 6/03, as amended, a penalty of \$25.00 plus \$10.00 costs and a 2009 license fee (\$20.00) be imposed on Tim Cathro, Notice of Breach No. 142 for contravention of Section 5(1) of By-law No. 6/03, as amended.

CARRIED

RESOLUTION NO. 368/09: Corbin, McLean

BE IT HEREBY RESOLVED THAT pursuant to Section 23(1) and 23(8) of the Town of Stonewall Animal control By-law No. 6/03, as amended, a penalty of \$25.00 plus \$10.00 costs and a 2009 license fee (\$10.00) be imposed on Valerie Edwards, Notice of Breach No. 157 for contravention of Section 5(1) of By-law No. 6/03, as amended.

CARRIED

RESOLUTION NO. 369/09: Corbin, McLean

BE IT HEREBY RESOLVED THAT pursuant to Section 23(1) and 23(8) of the Town of Stonewall Animal control By-law No. 6/03, as amended, a penalty of \$25.00 plus \$10.00 costs and a 2009 license fee (\$10.00) be imposed on Ben Gaertner, Notice of Breach No. 164 for contravention of Section 5(1) of By-law No. 6/03, as amended.

CARRIED

RESOLUTION NO. 370/09: McLean, Corbin

BE IT HEREBY RESOLVED THAT pursuant to Section 23(1) and 23(8) of the Town of Stonewall Animal control By-law No. 6/03, as amended, a penalty of \$25.00 plus \$10.00 costs and a 2009 license fee (\$10.00) be imposed on Janice Kowerko, Notice of Breach No. 165 for contravention of Section 5(1) of By-law No. 6/03, as amended.

CARRIED

RESOLUTION NO. 371/09: McLean, Corbin

BE IT HEREBY RESOLVED THAT pursuant to Section 23(1) and 23(8) of the Town of Stonewall Animal control By-law No. 6/03, as amended, a penalty of \$25.00 plus \$10.00 costs and a 2009 license fee (\$10.00) be imposed on Lisa

Slatcher, Notice of Breach No. 173 for contravention of Section 5(1) of By-law No. 6/03, as amended.

CARRIED

RESOLUTION NO. 372/09: McLean, Corbin

BE IT HEREBY RESOLVED THAT pursuant to Section 23(1) and 23(8) of the Town of Stonewall Animal control By-law No. 6/03, as amended, a penalty of \$25.00 plus \$10.00 costs and a 2009 license fee (\$10.00) be imposed on Lori Tyerman, Notice of Breach No. 175 for contravention of Section 5(1) of By-law No. 6/03, as amended.

CARRIED

RESOLUTION NO. 373/09: 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 Variation Application No. STV 10/09 – Quarry Choristers – accessory building size.

CARRIED

8:17 p.m. – Public Hearing – STV 10/09 – Choristers accessory bldg. size

PUBLIC HEARING:

IN THE MATTER OF: STV 10/09 – Vary the maximum Accessory Building Size

APPLICANT: Quarry Choristers

OWNER: Town of Stonewall

SUBJECT: Land Use Zoning – “ML” Industrial Light Zone

PURPOSE: To allow for the proposed construction of an accessory building to comply with the zoning by-law

PREMISES: Lot 1, Block 2, Plan 36860
#30 – Limestone Bay
Roll#108302.989

The Hearing opened at 8:17 p.m.

Mayor Thompson called the Hearing to Order.

CAO Potter read the Notice given pursuant to the Planning Act regarding the proposed Variation Application STV 10/09.

Persons in attendance:

In Favour:

Marlene Troop, Applicant, Box 1883, Stonewall, MB R0C 2Z0
There were no other persons in attendance for the Hearing.

Marlene Troop spoke in favour of the application. Troop thanked the Town on behalf of the Choristers for allowing their buildings to be located on the Town yard thereby allowing the Choristers to have storage for their various costumes, props, music etc.

The building the Choristers recently purchased is 484 sq. ft. in size. The Town Zoning By-law permits accessory buildings up to 400 sq. ft. therefore a variation is necessary.

RESOLUTION NO. 374/09: Corbin, McLean

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

CARRIED

RESOLUTION NO. 375/09: McLean, Corbin

BE IT HEREBY RESOLVED THAT after consideration of Variation Application No. STV 10/09 and any representation for or against the variation sought by Quarry Choristers, Applicant and Town of Stonewall, Owner, the Town of Stonewall hereby approves said Variation Application No. STV 10/09 to vary

- the maximum size of an accessory building from 400 square feet to a maximum of 484 square feet

to allow the proposed relocation of an accessory building to comply with the Town of Stonewall Zoning By-law No. 35/91, as amended, on Lot 1 Block 2 Plan 36860 (#30 Limestone Bay/Roll No. 108302.989) –

AND FURTHER BE IT RESOLVED THAT pursuant to Section 150 of The Planning Act the Applicant shall enter into an Agreement with the Town of Stonewall respecting the subject building in regard to Building code compliance and exterior appearance.

CARRIED

COMMITTEE REPORTS:

COMMITTEE OF THE WHOLE

RESOLUTION NO. 376/09: Corbin, McLean

BE IT HEREBY RESOLVED THAT the minutes of the November 4, 2009 Committee of the Whole meeting be adopted as presented.

CARRIED

RESOLUTION NO. 377/09: Corbin, McLean

BE IT HEREBY RESOLVED THAT the minutes of the November 18, 2009 Committee of the Whole meeting be adopted as presented.

CARRIED

RESOLUTION NO. 378/09: Badger, Ploszay

BE IT HEREBY RESOLVED THAT the minutes of the December 2, 2009 Committee of the Whole meeting be adopted as presented.

CARRIED

FINANCE

RESOLUTION NO. 379/09: McLean, Corbin

BE IT HEREBY RESOLVED THAT a 2010 membership be taken in the Manitoba Water & Wastewater Association for Works & Operations employee, Wes Taplin, at a cost of \$52.50.

CARRIED

RESOLUTION NO. 380/09: Ploszay, Badger

BE IT HEREBY RESOLVED THAT Town of Stonewall Finance Report #21/09 having been adopted by the Town of Stonewall Finance Committee be hereby authorized for payment in the following amounts:

GENERAL ACCOUNTS:	\$215,799.07
UTILITY ACCOUNTS:	\$ 10,243.02
CEMETERY ACCOUNTS:	\$ 44.79
QP DEBIT CREDIT ACCOUNTS:	\$ 53.59

CARRIED

RESOLUTION NO. 381/09: McLean, Corbin

BE IT HEREBY RESOLVED THAT Town of Stonewall Finance Report #22/09 having been adopted by the Town of Stonewall Finance Committee be hereby authorized for payment in the following amounts:

GENERAL ACCOUNTS:	\$1,827,794.43
UTILITY ACCOUNTS:	\$ 187,088.76
QP DEBIT CREDIT ACCOUNTS:	\$ 106.48

CARRIED

RESOLUTION NO. 382/09: Badger, Ploszay

BE IT HEREBY RESOLVED THAT Town of Stonewall Finance Report #23/09 having been adopted by the Town of Stonewall Finance Committee be hereby authorized for payment in the following amounts:

GENERAL ACCOUNTS:	\$70,144.29
UTILITY ACCOUNTS:	\$43,396.22
MEMORIAL PARK ACCOUNTS:	\$ 38.83

CARRIED

RESOLUTION NO. 383/09: McLean, Corbin

BE IT HEREBY RESOLVED THAT the report of the 2010 (2009 Supplemental) Board of Revision be accepted as presented.

CARRIED

OTHER

HAC – Councillors McLean & Badger reported on the Design Team meetings held on Nov. 24 & Dec 8/09. The Committee reviewed and accepted the schematic/conceptual design for the Class C cost estimate which will be presented at the December 23, 2009. A cost estimate will be completed in the new year and the project should be ready for tendering in Feb/10. The next meeting is Dec. 23/09.

BY-LAWS

CONSIDERATION

BL 18/09 – Amend Zoning By-law

Tabled to a future meeting.

BL 15/09 – Goodman Development Agreement

RESOLUTION NO. 384/09: McLean, Corbin

BE IT HEREBY RESOLVED THAT By-law No. 15/09, being a by-law to authorize the execution of a Development Agreement with Debbie Goodman and Tom Goodman concerning the subdivision and development of a single residential lot (File No. 34453-09-4918) having been introduced be now read a first time.

CARRIED

BL 16/09 – Gateway Legal & Engineering Agreement

RESOLUTION NO. 385/09: Badger, Ploszay

BE IT HEREBY RESOLVED THAT By-law No. 16/09, authorizing the execution of an Agreement with Gateway Construction & Engineering Ltd. concerning the recover of legal, engineering and consulting fees, having been introduced be now read a first time.

CARRIED

BL 17/09 – Amend Employee BL 1/07 (2009)

RESOLUTION NO. 386/09: Ploszay, Badger

BE IT HEREBY RESOLVED THAT By-law No. 17/09, being a by-law to amend the Employee By-law No. 1/07, as amended, for adjusted 2009 salaries and wages, having been introduced be now read a first time.

CARRIED

HOLDING

- BL 13/08 – Murray Legal & Engineering Cost Recovery Agreement
- BL 20/08 – Murray Development Agreement
- BL 21/08 – Dueck Development Agreement
- BL 14/09 – amend BL 7/09 - Capital Project Borrowing – Heritage Arts Centre

UNFINISHED BUSINESS

2010 5th Street Watermain Phase II LID Plan

RESOLUTION NO. 387/09: Corbin, McLean

BE IT HEREBY RESOLVED THAT pursuant to Section 313 of The Municipal Act the council of the Town of Stonewall proposes to prepare a local improvement plan for the Phase 2 watermain expansion works on 5th St. West (2nd Ave. N. to 3rd Ave. South).

CARRIED

2010 Street Renewal & Sidewalk Construction Program

RESOLUTION NO. 388/09: Corbin, McLean

BE IT HEREBY RESOLVED THAT the following 2010 Street Renewal & Sidewalk Construction Program be proposed

- Street Renewal
- 5th St. West – 4th Ave. N. to 2nd Ave. N.
- 12th St. West – north Town boundary to 2nd Ave. N.

Sidewalk Construction

5th St. West – 2nd Ave. N. to 3rd Ave. N.
3rd Ave. South – Main St. to 4th St. E.
Oakford Blvd (optional) – 2nd Ave. N. to Procure Bay
Centre Ave. (optional) – Main St. to 4th St. East

CARRIED

Stonewall Quarry Park Heritage Arts Centre

- Architectural fees

Friesen Tokar Architects & Landscape & Interior Designers were asked to consider reducing their fees for the provision of architectural services for the Heritage Arts Centre. Friesen Tokar have agreed to reduce their fees from 8.75% to 8% of the value of construction with a further 1% reduction on invoices paid within 5 business days of the date of the invoice (effective for the end of Dec/09 invoice).

CORRESPONDENCE

<u>FROM</u>	<u>SUBJECT</u>	<u>DISPOSITION</u>
Minister of IGA	Community Revitalization Tax Increment Financing Act	For Information
RCMP, Stonewall	Oct/09 Policing Report	Res#388/09
YFC	Thank you for sponsoring fundraising event	For Information
Families First Program	thank you for use of Quarry Park	For Information
MGRA	2009 Program winners	For Information

RESOLUTION NO. 389/09: Ploszay, Badger

BE IT HEREBY RESOLVED THAT the October 2009 monthly RCMP policing report be accepted as presented.

CARRIED

NEW BUSINESS

Mayors for Peace

RESOLUTION NO. 390/09: McLean, Corbin

BE IT HEREBY RESOLVED THAT the Town of Stonewall support the movement to promote the solidarity of Cities/Towns towards the total abolition of nuclear weapons;

AND FURTHER BE IT RESOLVED THAT the Town of Stonewall participate in the petition drive associated with this project by joining "Mayors for Peace".

CARRIED

RESOLUTION NO. 391/09: Badger, Ploszay

BE IT HEREBY RESOLVED THAT the Town of Stonewall submit a request to host the Hiroshima Peace Park travelling display in the Heritage Arts Centre in 2011.

CARRIED

Tax Cancellation, Utility Consumer Accounts/Animal Fines added to taxes, Cancellation of Account Receivables

RESOLUTION NO. 392/09: Badger, Ploszay

BE IT HEREBY RESOLVED THAT under authority of Section 375 (3) of The Municipal Act, the Council of the Town of Stonewall order the Assistant CAO to cancel and delete from the 2009 General Tax Roll the revision as submitted by the Municipal Assessor dated October 30, 2009 -

Roll No. 108312 \$1789.73

CARRIED

RESOLUTION NO. 393/09:

BE IT HEREBY RESOLVED THAT the following outstanding accounts receivable be added to the 2009 Property Tax Rolls as follows:

<u>Roll#</u>	<u>Amount</u>	
Roll #104625	\$ 47.93	(Grass/weed cutting)
Roll #108300	\$381.00	(Grass/weed cutting)
Roll #39710	\$ 66.32	(Utility bill)
Roll #1000	\$201.79	(Utility bill)
Roll #59550	\$137.58	(Utility bill)
Roll #87070	\$110.00	(Animal fines)
Roll #16400	\$ 90.00	(Animal fines)
Roll #107280	\$225.00	(Animal fines)

AND FURTHER BE IT RESOLVED THAT the outstanding accounts receivable be cancelled as follows:

Centennial Grant from 2008 not eligible for grant	\$13,975.59
Culvert purchase/install expense (property owner no longer owns property)	\$ 778.96
Grass Cutting (property owner no longer owns property)	\$ 95.87
Septic Tank Removal expense (property owner no longer owns property)	\$ 596.40

CARRIED

Clarke temporary storage trailer

RESOLUTION NO. 394/09: McLean, Corbin

BE IT HEREBY RESOLVED THAT pursuant to by-law No. 7/97 the Town of Stonewall hereby authorized the temporary placement of a storage trailer by James Clarke of #383-3rd St. East for a period to not exceed two (2) months (January 19, 2010).

CARRIED

Z. Purdy – Performance Evaluation

RESOLUTION NO. 395/09: Ploszay, Badger

BE IT HEREBY RESOLVED THAT the hourly rate of pay of Zach Purdy, Parks & Arena Employee be increased to \$16.81 effective December 1st, 2009 (one year employment)

AND FURTHER BE IT RESOLVED THAT the Employee By-law No. 1/07, as amended, be further amended to incorporate the above.

CARRIED

L. Rudyck-Bell – Performance Evaluation

RESOLUTION NO. 396/09: Corbin, McLean

BE IT HEREBY RESOLVED THAT the hourly rate of pay of Laurie Rudyck-Bell, visitor Services Coordinator, be increased to \$15.61 effective November 15th, 2009 (6 month employment)

AND FURTHER BE IT RESOLVED THAT the Employee By-law No. 1/07, as amended, be further amended to incorporate the above.

CARRIED

NOTICE OF MOTION

BL 14/09 – Amend HAC Capital Funding – Municipal Board Revision – Mayor Thompson declared a Notice of Motion on Resolution No. 341/09. The resolution will be reconsidered at the Dec. 23/09 Council Meeting.

MAYOR & COUNCILLORS DISCUSSION PERIOD

Salaries & Wages – Mayor Thompson recommended and Council agreed to meet to discuss salaries/wages on Monday, December 14/09 at Town Hall @ 6:00 p.m.

ADJOURN 9:00 P.M.

RESOLUTION NO. 397/09: McLean, Corbin

BE IT HEREBY RESOLVED THAT Council do now adjourn.

CARRIED

TOWN OF STONEWALL

MAYOR

CAO