

RURAL MUNICIPALITY OF WHITEMOUTH

Minutes of the regular meeting of Council held on May 23, 2023, at 1:00 p.m., in the Council Chambers of the Rural Municipality of Whitemouth.

Present: Reeve Amerongen, Deputy Reeve Honke, Councillors McDougald, Staerk, Stead and Chief Administrative Officer Johnson

Reeve Amerongen called the meeting to order at 1:00 p.m.

Reading and Confirming of Agenda and Minutes:

Moved by Staerk and seconded by Stead

148/23 **WHEREAS** the agenda for this regular meeting has been reviewed by Council;

NOW THEREFORE BE IT RESOLVED THAT the agenda shall be adopted as amended.

For: All Against: None **CARRIED**

Moved by Stead and seconded by Staerk

149/23 **WHEREAS** the minutes of their regular meeting held on May 9, 2023, have been submitted to Council for their review;

NOW THEREFORE BE IT RESOLVED THAT these minutes be adopted as presented.

For: All Against: None **CARRIED**

Financial:

1. Payment of accounts:

Moved by Honke and seconded by Stead

150/23 **WHEREAS** the following items have been submitted for approval of payment: Cheque No. 24143 to 24164

Electronic Payments EFT 7102 to 7082 7125

NOW THEREFORE BE IT RESOLVED THAT payments be approved for an amount not to exceed \$96,286.60.

For: All Against: None **CARRIED**

Moved by Stead and seconded by Staerk

151/23 **WHEREAS** the following items has been submitted for approval of payment: Electronic Fund Transfers 7126 & 7127

NOW THEREFORE BE IT RESOLVED THAT payments be approved for an amount not to exceed \$2,536.95.

For: All Against: None **CARRIED**

Prior to any discussion on Resolution 151/23, Reeve Amerongen and Deputy Reeve Honke requested permission to be excused from all discussions. They left and did not return to the meeting until the resolution was completed.

Moved by Stead and seconded by Staerk

152/23 **WHEREAS** the following items has been submitted for approval of payment: Electronic Fund Transfers 7085 to 7101

NOW THEREFORE BE IT RESOLVED THAT payments be approved for an amount not to exceed \$7,607.36.

For: All Against: None **CARRIED**

Prior to any discussion on Resolution 152/23, Councillor Stead requested permission to be excused from all discussions. He left and did not return to the meeting until the resolution was completed.

Moved by Stead and McDougald

153/23 **WHEREAS** the following items has been submitted for approval of payment for the Childcare Pilot Project:

Cheque Numbers 10 and 11

NOW THEREFORE BE IT RESOLVED THAT payments be approved, as per progress payment 5 information approved by JQ Built, for an amount not to exceed \$361,903.67.

For: All

Against: None

CARRIED

Public Works: Update of May 15, 2023

Reports of Committees:

- Eastman Regional Municipal Committee agenda and resolution information;
- Two Rivers Service to Seniors re: April statistics; and
- Whitemouth River Valley Community Development Corporation Inc. minutes of May 10, 2023.

Verbal Reports of Committees:

Deputy Reeve Honke on the Whitemouth Fire Department and Reeve Amerongen on the Whitemouth Municipal Museum Society Inc.

Delegations:

- 1:15 p.m. Valley Fiber Representative Conley Kehler attended to provide Council an update on the services, installation and restoration processes. It was noted that Valley Fiber's contact information is on our website.
- 1:30 p.m. Canadian Nuclear Laboratories representatives Allan Caron, Janet Stefaniuk, and Jolene Olive attended to provide an update presentation on their local site. It was noted that they will also be holding an informational seminar on May 30, 2023, in South Beach and invited Council to attend with any suggestions or questions for the future of the site.

Communications:

1. Association of Manitoba Municipalities re: Provincial Election Priorities. Noted.
2. Manitoba Good Roads Association re: Competition and nomination forms. Noted.
3. Town of Beausejour re: proposed tax exemption resolution and request for support.

Moved by Honke and seconded by McDougald

154/23 **WHEREAS** Manitoba Municipalities share resources such as Fire Departments, Libraries and Recreation Facilities;

AND WHEREAS the facilities are jointly owned by two or more municipalities;

AND WHEREAS the facility is located in one municipality;

AND WHEREAS under section 22(1) of the Municipal Assessment Act real property is exempt from taxation if it is owned by the municipality other than for local improvements;

AND WHEREAS the percentage of ownership that is retained by the other municipality is therefore taxable;

THEREFORE BE IT RESOLVED THAT AMM lobby the Province of Manitoba Department of Municipal Relations to revise the Municipal Assessment Act to exempt property jointly owned by municipalities from taxation regardless of what municipality the facility is located in.

For: All

Against: None

CARRIED

4. Association of Manitoba Municipalities re: Eastern Directors Report. Noted.
5. Canadian Nuclear Laboratories re: work stand down remains paused and invitation to May 30, 2023 for discussion.

Moved by Stead and seconded by Staerk

155/23 **WHEREAS** Canadian Nuclear Laboratories is hosting a meeting regarding their work stand down in South Beach on May 30, 2023;
NOW THEREFORE BE IT RESOLVED that Councillor Stead, and either Reeve Amerongen or Deputy Reeve Honke be hereby authorized to attend same;
AND BE IT FURTHER RESOLVED THAT they be reimbursed as per municipal by-laws.

For: All

Against: None

CARRIED

6. Rural Municipality of Lac du Bonnet re: by-law enforcement officers' resolution and request for support.

Moved by Honke and seconded by Stead

156/23 **WHEREAS:** The Province of Manitoba and Association of Manitoba Municipalities (AMM) recognizes that public safety is a primary concern for all communities, municipalities, its residents, and all Manitobans;
AND WHEREAS: Bylaw enforcement is an important component under the umbrella of public safety and there is a greater onus on all communities and municipalities to provide increased by-law enforcement, as well as public safety patrols;
AND WHEREAS: The Manitoba Municipal Act provides Cities, Communities and Municipalities with the ability to develop and enforce bylaws with the appointment of a designated officer;
AND WHEREAS: the provincial government has also enacted the Provincial Offence Act (POA), to assist Communities and Municipalities with bylaw enforcement;
AND WHEREAS: the POA provides authority for "Bylaw Enforcement Officers", who can enforce municipal bylaws, as designated officials under the Municipal Act;
AND WHEREAS: every Community and Municipality generally consults legal counsel when developing bylaws and it can become a costly repetitive venture;
AND WHEREAS: the costs of hiring a lawyer to prosecute a bylaw offence is also significant for all communities and municipalities and in many instances these costs are higher than the allowable bylaw fine;
AND WHEREAS: many Municipalities and Communities are utilizing the POA to develop enforceable bylaws, and then utilize the Provincial Offence Notice to prosecute the offences through the Provincial Courts;
AND WHEREAS: Under the POA, the Bylaw wording and allowable fines are required to be vetted and reviewed by the appropriate provincial agencies, but once reviewed and authorized become enforceable, with the Municipality or Community receiving its allocated fine and the court costs being allocated to the province;
AND WHEREAS: to reduce costs and unnecessary duplication for all Municipalities and Communities, it would be beneficial if the Association of Manitoba Municipalities (AMM) and the Manitoba Municipal Administrators Association (MMAA), would work together to develop a Bylaw Standardization Website or electronic Portal;
AND WHEREAS: through the required process of developing a bylaw under the POA could submit the vetted bylaw to AMM and MMAA for the information of their membership to copy;
AND WHEREAS: with the standardization of bylaws, these offences would become more enforceable and accepted by the courts, versus being disallowed due to an improperly developed or worded bylaw offence;

AND WHEREAS: the prosecution of bylaws is costly, some municipalities and communities are now cost sharing lawyer fees, by having court dates set for specific dates;

AND WHEREAS: in the Eastern Manitoba region, many Municipalities and Communities contract out bylaw enforcement duties to private companies, who are authorized to utilize the Provincial Offence Act to ticket bylaw offenders;

AND WHEREAS: under the Provincial Offence Act the court costs are recouped by the province, while the Municipality or Community is still required to cover their legal fees in a not guilty plea;

AND WHEREAS: it would be beneficial if the Province of Manitoba developed regional bylaw courts, with a designated counsel to assist municipalities and communities with the prosecution of by-law offences;

THEREFORE, BE IT RESOLVED: that the Eastern Regional Municipal Committee membership does hereby support this resolution, requesting that AMM and MMAA work together to develop a By-Law Standardization Website or electronic Portal, which could be accessed by all Municipalities and Communities and thereby assist them in developing and sharing streamlined enforceable standardized municipal bylaws, reducing duplication and legal costs;

AND FURTHER, BE IT RESOLVED: that AMM lobby the Province of Manitoba to develop a regional By Law court process which would be specific to bylaw enforcement offences and this would greatly reduce legal costs for all cities, municipalities and communities, while enhancing by law enforcement and overall public safety.

For: All

Against: None

CARRIED

Unfinished Business:

1. Lagoon update – Moving forward with contacting property owners. Tabled.
2. Whitemouth Childcare Pilot Project – Fencing to accommodate existing Sunrise School Division's play structure.

Moved by Honke and seconded by Staerk

157/23 **WHEREAS** JohnQ Build has advised Council of fence changes required to accommodate a Sunrise School Division Play Structure which is located on municipally owned lands;

AND WHEREAS Council has agreed to keep the structure which was made possible by previous community fundraising;

NOW THEREFORE BE IT RESOLVED THAT Council direct JohnQ to include the revised fencing at an additional cost of \$12,222.00 plus applicable taxes for the Daycare.

For: All

Against: None

CARRIED

3. Twin Rivers Church – request to connect to municipal water. Works will be initiated on possible other interest in that area. Tabled.
4. Wild Skies re: response from the Whitemouth Reynolds Planning District and Provincial Planning in Beausejour. Council reviewed the information received from Municipal Planning and agreed not to amend the noise by-law. They directed that Municipal Planning prepare an amendment to the Zoning By-Law to be consistent with all by-laws.
5. Fire Department By-Law Amendment to By-Law No. 703/20 – Request for further amendments received from the Fire Committee. A new fire department by-law will be prepared with all amendments identified. Tabled.

6. Thompson Dorfman Sweatman re: Provincial Offences Act draft by-law
Inquiries. Tabled.

New Business:

1. By-Law No. 745/23 re: Rezone a portion of the Whitemouth Industrial Park.
Moved by Stead and seconded by Staerk

158/23 **WHEREAS** an amendment is required to re-zone a portion of the
Whitemouth Industrial Park from "RCI" Rural Commercial/Industrial
Zone to "RG" Residential General Zone;

NOW THEREFORE BE IT RESOLVED THAT By-law No. 745/23,
being a by-law to amend the Rural Municipality of Whitemouth
Zoning By-law No. 706/20, as amended, be given first reading.

For: All Against: None **CARRIED**

2. Gravel Tender for 2023

Moved by Honke and seconded by McDougald

159/23 **WHEREAS** tenders have been requested and received for gravel
crushing and loader tender for 2023;

NOW THEREFORE BE IT RESOLVED THAT the successful tenderer
for the north zone is Al Meisner Ltd. for \$9.90 per tonne and the
successful tenderer for the south zone is S.E.G Enterprises for \$10.00
per tonne plus gst.

For: All Against: None **CARRIED**

3. Fire Department re: 50th Anniversary Caps and Jackets

Moved by Honke and seconded by Staerk

160/23 **WHEREAS** the Fire Department has provided quotes for caps and jackets
for the Whitemouth Fire Department's 50th Anniversary this year;

NOW THEREFORE BE IT RESOLVED THAT the quote from GIBB's
Tactical be hereby approved in the amount of \$3,494.01, which
includes taxes.

For: All Against: None **CARRIED**

4. R. Horch re: request to hook onto municipal utilities.

Moved by McDougald and seconded by Honke

161/23 **WHEREAS** a request and deposit to hook onto our municipal water
and sewer utility has been received from Rita Horch;

AND WHEREAS this property is located at 28 Elizabeth Way,
identified as Lot 36 Block 2 Plan 46229 in the NW 27-13-11EPM in
the Seven Sisters Falls Townsite;

NOW THEREFORE BE IT RESOLVED that this request be hereby
approved;

AND BE IT FURTHER RESOLVED THAT the appropriate fees be
paid in full to the municipality for the connection, prior to the
installation by the contractor.

For: All Against: None **CARRIED**

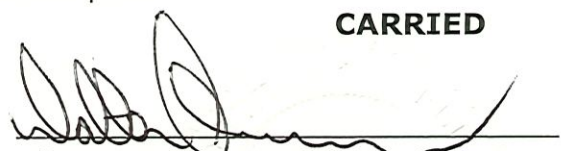
5. Rural Municipality of Stuartburn re: request for support resolution regarding
endangered species and procurement policies. Tabled.

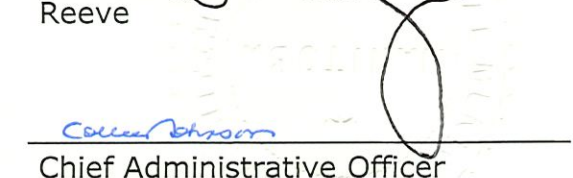
Adjournment:

Moved by Staerk and seconded by Honke

162/23 **BE IT RESOLVED THAT** the regular business has concluded and this
meeting does hereby adjourn at 2:04 p.m.

For: All Against: None **CARRIED**


Reeve


Chief Administrative Officer