

**Council Meeting  
May 19, 2023 at 9:00 a.m.  
Council Chamber, Wawanesa, MB.**

The Council of the Municipality of Oakland-Wawanesa met in the Council Chamber in Wawanesa, Manitoba on Friday, May 19, 2023 at 9:00 a.m. Members Present: Mike Fisher, Craig Hatch, Frank Jones, Bob McDonald and Brett McGregor. Head of Council Kreklewich presided.

Member Absent: Coenraad Fourie

Staff in attendance: Chief Administrative Officer Joni Swidnicki, Finance Officer Elaine McGregor, Public Works Manager Chelsea Long and Videographer Cheryl Fraser

The meeting was open to the public.

**CALL TO ORDER** – 9:00 a.m.

**ADOPTION OF THE AGENDA**

Fisher-Jones

201 BE IT RESOLVED that the agenda for the May 19, 2023 meeting be accepted as presented with the addition of the Wawanesa Public Works Report and the Public Works and Transportation Committee Reports under the Order of Committee Reports, with recommendations under General and two resolutions from the RM of Whitehead under Order of General Business. CARRIED.

**CONFIRMATION OF MINUTES**

McDonald-Hatch

202 BE IT RESOLVED that the minutes of the April 21, 2023 regular meeting of Council be hereby approved as circulated. CARRIED.

**FINANCE**

**General Account**

McGregor-McDonald

203 BE IT RESOLVED that the May 9, 2023 general accounts payables, being cheque #'s 6474 to 6482, 6484 to 6505 and 6507 to 6526, in the amount of \$134,906.18 be hereby approved. CARRIED.

Councillors Fisher and McGregor declared an interest in the following item and left the Chamber without discussion or debate. CARRIED.

204 Jones-McDonald  
BE IT RESOLVED that the May 9, 2023 general accounts payables cheques 6483 and 6506 in the amounts of \$18.19 and 200.00 respectively, be hereby approved. CARRIED.

205 McGregor-Fisher  
BE IT RESOLVED that Direct Deposit 261, being staff payroll for the period April 17 to April 28, 2023 in the amount of \$11,686.48 be hereby approved. CARRIED.

206 Fisher-Hatch  
BE IT RESOLVED that Direct Deposit 263, being staff payroll for the period May 1 to May 12, 2023 in the amount of \$13,280.59 be hereby approved. CARRIED.

207 McGregor-McDonald  
BE IT RESOLVED that Direct Deposit 262, being Council indemnities for the month of April, 2023 in the amount of \$5,213.16 be hereby approved. CARRIED.

**Utility Account**

208 McDonald-Fisher  
BE IT RESOLVED that the May 9, 2023 utility accounts payable, being cheque #'s 997 to 1008 in the amount of \$13,866.17 be hereby approved. CARRIED.

**Statement of Revenues and Expenditures**

209 McDonald-McGregor  
BE IT RESOLVED that the Statement of Revenues and Expenditures report to April 30, 2023 be received as presented. CARRIED.

**Bank Reconciliations**

210 Fisher-McDonald  
BE IT RESOLVED that the bank reconciliations for the month of April, 2023 be approved as previously circulated. CARRIED.

**DELEGATIONS**

None

**PUBLIC HEARINGS**

None

**COMMUNICATIONS**

Age Friendly Manitoba – April Newsletter  
Association of Manitoba Municipalities – April 14

Association of Manitoba Municipalities – April 14  
Association of Manitoba Municipalities – April 17  
Association of Manitoba Municipalities – April 19  
Association of Manitoba Municipalities – April 28  
Association of Manitoba Municipalities – May 1  
Association of Manitoba Municipalities – May 1  
Association of Manitoba Municipalities – May 3  
Association of Manitoba Municipalities – May 5  
Association of Manitoba Municipalities – May 10  
Association of Manitoba Municipalities – May 10  
Association of Manitoba Municipalities - May 10  
Canadian Public Works Association – National Public Works Week – May 21-27, 2023  
Community Futures Westman – Children’s Business Fair  
Community Futures Westman – Funding Programs  
Economic Development Association of Manitoba Forum – Brandon, MB, May 10 - 12  
Federation of Canadian Municipalities – Communique – April 17  
Federation of Canadian Municipalities – Communique – April 24  
Federation of Canadian Municipalities – Communique – May 1  
Federation of Canadian Municipalities – Communique – May 8  
Federation of Canadian Municipalities – Candidate Joe Masi  
Manitoba Hydro – 100 Meter Emergency Planning Zone  
Larry Maguire – Invitation to Meet  
Manitoba Municipal Relations – Funding Escalator – Municipal Operating Grant  
Manitoba NDP Leaders Gala Dinner – June 10th  
Rural Manitoba Economic Development – Community Profile Page  
Sport Manitoba – Virtual Manitoba Games Bid Information Session  
Turtle Mountain Tourism Summit – May 4

McGregor-Hatch

211 BE IT RESOLVED that the above noted communications be received. CARRIED.

### **COMMITTEE REPORTS**

#### **South Zone Report (Ward 3)**

Councillor Fisher added to his written report to advise that he had driven municipal roads and provided information as necessary to Public Works

Councillor Jones advised he had nothing to report

#### **North Zone Report (Ward 2)**

Councillor Fourie – no report

Councillor Hatch – see written report

**Wawanesa Zone Report (Ward 1)**

Councillor McDonald added to his written report to provide an update on the Handi-van. He noted ridership numbers were higher than the same period the previous year, grant applications were looking positive and they were still in need of volunteers on the Board.

Councillor McGregor – see written report

**Head of Council's Report** – see written report

**Chief Administrative Officer Report** – see written report

**Finance Officer Report** – see written report

**Public Works Report** – see written report

**Wawanesa Public Works Report** - see written

**Fire Chief's Report** – see written report

212 McGregor-McDonald  
BE IT RESOLVED that the verbal and written reports be received. CARRIED.

**Public Works and Transportation Committee**

213 Hatch-Fisher  
BE IT RESOLVED that the report of the Public Works and Transportation Committee from its meeting held Friday, May 12, 2023 be received. CARRIED.

**BY-LAWS**

**By-law No. 35-2023 – Being the 2023 Tax Levy By-law Amendment, 2<sup>nd</sup> and 3<sup>rd</sup> Readings**

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214 McGregor-McDonald  
BE IT RESOLVED that By-law No. 35-2023 being the 2023 Tax Levy By-law be amended by:

Including in Clause 3(f), the mill rate of .262;  
Including in Clause 3(g), the mill rate of .446; and

removing therefrom Schedule “A” in its entirety and replacing with the attached Schedule “A”, inclusive of the addition of \$95,000 in revenue from the Province of Manitoba and an equal amount in expenses of \$5,000.00 in Office, \$20,000 in Other Transportation and \$70,000 in General Reserve. CARRIED.

215 Hatch-Fisher  
BE IT RESOLVED that By-law No. 35-2023, as amended, be read a second time.  
CARRIED.

216 Fisher-McDonald  
BE IT RESOLVED that By-law No. 35-2023 be read a third and final time. CARRIED.

A recorded vote was taken on the above motion.

<u>FOR</u>	<u>AGAINST</u>
Head of Council Kreklewich	
Councillor Fisher	
Councillor Hatch	
Councillor Jones	
Councillor McDonald	
Councillor McGregor	

### **UNFINISHED BUSINESS**

None

### **GENERAL BUSINESS**

#### **Proposed Dam – SW 15-8-19W (Driedger)**

217 McGregor-McDonald  
BE IT RESOLVED that the request dated April 28, 2023 as submitted by the Central Assiniboine Watershed District on behalf of Jason and Raquel Driedger for construction of a dam to raise water for wetland use on property located in SW 15-8-19W be approved.  
CARRIED.

#### **Request for Grant – Third Annual Lions Country Fair for Children**

218 Hatch-McGregor  
BE IT RESOLVED that a grant in the amount of \$300.00 be provided to the Wawanesa Lions Club to support the Third Annual Lions Country Fair for Children being held August 19, 2023. CARRIED.

#### **Lake Clementi Property**

219 McDonald-McGregor  
BE IT RESOLVED that the correspondence received from Murray Melnyk on behalf of Robert Morling related to property at Lake Clementi be received and legal advice be sought with respect to Council receipt of any subsequent applications. CARRIED.

**Auditors Request re Gas Tax Expenditure**

220 McGregor-McDonald  
WHEREAS the original municipal office project was deemed ineligible for Gas Tax funding:

THEREFORE BE IT RESOLVED that the \$38,700 cost for the Tile Drainage project completed by NexGen and the \$27,400 cost for the rural road build up project, completed by Blue Star, in 2022 be funded from the Gas Tax Reserve. CARRIED.

**Repeal of Council Code of Conduct Policy #COUN001**

221 McGregor-McDonald  
WHEREAS The Municipal Act was amended to require a Council Code of Conduct By-law;

AND WHEREAS Council Code of Conduct By-law 07-2020 was enacted;

THEREFORE BE IT RESOLVED that Council Code of Conduct Policy # COUN001 be repealed. CARRIED.

**No Smoking in Equipment Policy**

222 Jones-Fisher  
BE IT RESOLVED that the No Smoking in Equipment Policy be approved. CARRIED.

**Request for Irrigation Installation under Road 99W between NW 27-8-17 W and NE 28-8-17 W (Spring Valley Colony)**

223 Hatch-Fisher  
BE IT RESOLVED that the request from Spring Valley Colony to allow an irrigation pipe to be installed through Road 99W between NW 27-8-17 W and NE 28-8-17W be approved subject to the road being returned to its original state following installation, including City of Brandon specifications for roadwork, with all work to be completed in consultation with the Public Works Manager. CARRIED.

**Resolutions to the June District Meeting**

224 McGregor-Hatch  
BE IT RESOLVED that the following three resolutions from the RM of Elton, and two from the RM of Whitehead 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.

### **DRAINAGE REQUIREMENT CHANGES - CULVERTS**

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 to replace 12-16" (300mm - 400mm) culverts with 18" (450mm) culverts in rural municipal roads and approaches when the 12-16" (300mm - 400mm) culverts are frequently blocked from freezing and animal obstructions due to the diameter.

THEREFORE BE IT RESOLVED that the AMM lobby Manitoba Environment and Climate, Drainage & Water Control to amend The Water Rights Act to allow municipalities the ability to replace 12" – 16" (300mm - 400mm) culverts in rural municipal roads and approaches with 18" (450mm) culverts through a Registration Application License vs. the current 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.

CARRIED.

#### **Purchase of Backhoe in 2024**

##### Fisher-Hatch

225 BE IT RESOLVED that a letter of commitment be prepared for the purchase of a 2008 Caterpillar backhoe with attachments from Perry Cline in 2024 for the amount of \$70,000 subject to budget approval. CARRIED.

#### **Purchase of Residual Equipment and Parts**

##### McGregor-McDonald

226 BE IT RESOLVED that miscellaneous building equipment be purchased from Perry Cline including an air compressor, culvert couplings, gates etc. for an amount of \$900.00 to be expended from Workshop, Yards and Operations. CARRIED.

**Temporary Directional Signs – Oakland Estates**

Jones-Hatch

227 BE IT RESOLVED that temporary signage, for the months May to October, be approved on an annual basis by Council on municipal rights-of-way for directional signage to Oakland Estates if approval to place permanent signage on private property is not obtained, subject to signage being placed in such a way so as not to impede municipal equipment;

And further, that than any locates required are the responsibility of the applicant.  
CARRIED.

**Appointment of Board of Revision**

McDonald-McGregor

228 BE IT RESOLVED that the whole of Council be appointed to the Board of Revision to hear 2024 assessment appeals;

AND BE IT FURTHER RESOLVED that the Head of Council will serve as the Presiding Officer of the Board and the Chief Administrative Officer will serve as the Secretary.  
CARRIED.

**Board of Revision Hearing**

Jones-Fisher

229 BE IT RESOLVED that the date for the Board of Revision shall be Friday, October 20, 2023 at 11:00 a.m. in the Council Chamber, Wawanesa MB. CARRIED.

**IN-CAMERA SESSION**

Jones-Hatch

230 BE IT RESOLVED that this regular meeting now adjourns to an “in-camera” meeting to discuss a financial matter as per Subsections 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.

Hatch-Fisher

231 BE IT RESOLVED that this “in camera” meeting does now resume back to a regular meeting. CARRIED.

**Paving Quote**

McDonald-Fisher

232 BE IT RESOLVED that the quote from Zenith Paving in the amount of \$70,927 plus patching for the paving of the Part A Quotation, with the option of additional work within budget if the contractor is available, at the same pricing option, be accepted whereby funds will be expended from the Wawanesa Gas Tax Reserve;

And further, that no paving action be taken on the Part B quotation and quotations for alternative road surfacing be initiated. CARRIED.

**Letter of Support – Videotron/Freedom Mobile**

Jones-Hatch

233 BE IT RESOLVED that a letter of support be provided to Videotron/Freedom Mobile for a fibre network project through the CRTC Broadband Fund. CARRIED.

**ADJOURNMENT**

McGregor-Jones

234 BE IT RESOLVED that this meeting does now adjourn (10:35 a.m.) to meet again on **Friday, June 16, 2023** at 9:00 a.m. at Municipal Office in Wawanesa. CARRIED.

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Dave Kreklewich, Head of Council

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Joni Swidnicki, Chief Administrative Officer