



RM of Lakeshore
Meeting Minutes
Regular Meeting of Council 10/03/2020 - 05:00 PM

Attendance

Members

Present:

Absent:

Reeve:

Carmen Hannibal

Deputy Reeve:

Walter Tymchuk

Councillors:

Ernest Smadella

Richard Kachur

Richard Shankaruk

Larry Artibise

Mike Brunen

Gavin Thompson (Arrived 5:07)

Jean Geisel (Left 10:37)

Chief Administrative Officer:

Mark Bardsley

- 1 Call Meeting to Order**
Resolution No: 2020-044
Moved By: Walter Tymchuk
Seconded By: Larry Artibise
Meeting called to order at 5pm
CARRIED

- 2 Approve Agenda/Additions**
Resolution No: 2020-045
Moved By: Mike Brunen
Seconded By: Walter Tymchuk

BE IT RESOLVED THAT Council approve the March 10, 2020 Regular Meeting Agenda with the following additions:

- Watershed Meeting Report
- Tender Discussion
- Office Equipment

CARRIED

- 3 Confirmation of Minutes**
Resolution No: 2020-046
Moved By: Mike Brunen
Seconded By: Jean Geisel

BE IT RESOLVED THAT the minutes of the February 25th Regular Meeting be hereby adopted as distributed.

CARRIED UNANIMOUSLY

4 Accounts & Finance

Resolution No: 2020-047

Moved By: Walter Tymchuk

Seconded By: Larry Artibise

BE IT RESOLVED THAT Council of the Rural Municipality of Lakeshore hereby authorizes the RM of Lakeshore accounts totaling \$55,640.62 under cheque numbers 10796-10818 and 10850 to 10890 and direct deposit accounts totaling \$33,627.98.

CARRIED

5 By-Laws

5.1 Bylaw 01-2020 Third Reading

Resolution No: 2020-046

Moved By: Mike Brunen

Seconded By: Larry Artibise

BE IT RESOLVED THAT Council of the Rural Municipality of Lakeshore give third reading to the By-Law #01-2020 being a by-Law of the Rural Municipality of Lakeshore to establish borrowing for current expenses.

Name	Yes	No	Abstained	Absent
Larry Artibise	✓			
Mike Brunen	✓			
Jean Geisel	✓			
Carmen Hannibal	✓			
Richard Kachur				✓
Richard Shankaruk	✓			
Ernest Smadella	✓			
Gavin Thompson		✓		
Walter Tymchuk	✓			

CARRIED

5.2 Bylaw 02-2020 Third Reading

Resolution No: 2020-046

Moved By: Walter Tymchuk

Seconded By: Gavin Thompson

BE IT RESOLVED THAT Council of the Rural Municipality of Lakeshore give third reading to the By-Law #02-2020 being a by-Law of the Rural Municipality of Lakeshore for participation in the Westlake Conservation District.

Name	Yes	No	Abstained	Absent
Larry Artibise	✓			
Mike Brunen	✓			
Jean Geisel	✓			
Carmen Hannibal	✓			
Richard Shankaruk	✓			
Ernest Smadella	✓			
Gavin Thompson	✓			
Walter Tymchuk	✓			
Richard Kachur				✓

CARRIED

5.3 Bylaw 03-2020 Third Reading

Resolution No: 2020-048

Moved By: Mike Brunen

Seconded By: Walter Tymchuk

BE IT RESOLVED THAT Council of the Rural Municipality of Lakeshore give third reading to the By-Law #03-2020 being a by-Law of the Rural Municipality of Lakeshore for participation in the Intermountain Watershed District.

Name	Yes	No	Abstained	Absent
Larry Artibise	✓			
Mike Brunen	✓			
Jean Geisel	✓			
Carmen Hannibal	✓			
Richard Shankaruk	✓			
Ernest Smadella	✓			
Gavin Thompson	✓			
Walter Tymchuk	✓			
Richard Kachur				✓

CARRIED

6 Delegation

6.1 RioNet Representative 5:30 pm

6.2 Recreation Committees - Marie Sorlie

7 General Business

7.1 Sample Website RM of Riding Mountain West

Resolution No: 2020-049

Moved By: Walter Tymchuk

Seconded By: Jean Geisel

BE IT RESOLVED THAT the Rural Municipality of Lakeshore does hereby commit to designing a website using WIX and migrate to the new website in 2020.

CARRIED UNANIMOUSLY

7.2 Sraybash Plowing Rorketon Street Request for Payment

Resolution No: 2020-050

Moved By: Jean Geisel

Seconded By: Larry Artibise

BE IT RESOLVED THAT the Rural Municipality of Lakeshore does hereby decline the invoice received from Sraybash.

CARRIED

7.3 Tandem Truck Jake Brake Repair

Resolution No: 2020-051

Moved By: Walter Tymchuk

Seconded By: Gavin Thompson

BE IT RESOLVED THAT the Rural Municipality of Lakeshore does hereby authorize the repair of the Jake Brake on the Tandem Truck in the Amount of \$538.19.

CARRIED

7.4 Weiden Drain

BE IT RESOLVED THAT the Rural Municipality of Lakeshore approves the addition of the Weiden Drain in its full extent as an addition to the Westlake Watershed District surface waterway infrastructure map, as defined in Schedule 12 of the Watershed Districts Regulation.

TABLED

7.5 Commercial Sign Inquiry

BE IT RESOLVED THAT the Rural Municipality of Lakeshore forward this request to the Lakeshore Planning District to ensure proper setbacks.

Follow up with Paul Clark to ensure proper setbacks

7.6 Ditching Request

BE IT RESOLVED THAT the Rural Municipality of Lakeshore does hereby approve the Drainage Request SW21-23-16W pending environmental licencing.

Councillor Geisel will look at the property
CAO to contact Jody at the Watershed District

TABLED

7.7 Fleetnet Radios

BE IT RESOLVED THAT the Rural Municipality of Lakeshore does hereby approve the purchase of the new Fleetnet Radios in the amount not to exceed \$ + tax

TABLED

**7.8 Casual Admin Assistant
Resolution No: 2020-052**

Moved By: Mike Brunen
Seconded By: Jean Geisel

BE IT RESOLVED THAT the Rural Municipality of Lakeshore does hereby hire Jacki Azure-Townsend for the position of Casual Admin Assistant.

CARRIED UNANIMOUSLY

7.9 Meetings

7.10 Manitoba Good Roads Association

Resolution No: 2020-053
Moved By: Walter Tymchuk
Seconded By: Ernest Smadella

BE IT RESOLVED THAT the Rural Municipality of Lakeshore does hereby authorize one Lead Hand to attend "Today's Technology in Heavy Equipment & Current Practices for Construction/Work Zone Signage" half day seminar located at the Keystone Center in Brandon on April 15, 2020 at a cost of \$150 + tax + meal allowance, who upon completion is to report to the Council.

CARRIED

7.11 New Beginnings Daycare - Emergency Plan Request

Resolution No: 2020-054
Moved By: Richard Shankaruk
Seconded By: Gavin Thompson

BE IT RESOLVED THAT the Rural Municipality of Lakeshore does hereby authorize the creation of a key for the Ochre River Hall to be given to the New Beginnings Daycare as part of their Emergency Plan.

CARRIED

7.12 New Beginnings Daycare - Fundraising Request

Resolution No: 2020-055
Moved By: Gavin Thompson
Seconded By: Richard Shankaruk

BE IT RESOLVED THAT the Rural Municipality of Lakeshore does hereby wave the rental fee for New Beginnings Daycare to use the Ochre River Hall for their Casino Night on March 14th. New Beginnings is to clean to the Rural Municipalities satisfaction.

CARRIED

7.13 Westlake Watershed District OIC Map

BE IT RESOLVED THAT the Rural Municipality of Lakeshore does support the Westlake Watershed District OIC Map as per follows:

"Partnering Municipal Councils, Westlake Watershed District Board, Provincial and Watershed Staff have spent hundreds of thousands of dollars, massive amounts of in-kind volunteer and paid resources and many years in pursuit of an Order in Council (Now Regulation Map) that accurately reflects Westlake Watershed District's Infrastructure responsibilities.

The original Order in Council Map contained errors that District Staff had repeatedly asked (in writing) to be corrected since at least 1985. The Province has failed to address those errors even to this day - 32 years later.

The Order in Council Map (File Number 82-1-1178) was revised on January 14, 1999 when Lawrence (now RM of Lakeshore) joined Alonsa Conservation District (Now Westlake Watershed). At that time the errors going back 14 years to 1985 were not corrected by the Province. The Order in Council Map that was drafted in 1999 to include Lawrence in the Alonsa Conservation District used Water Resources Branch Map "Hamelin Drain and Adjacent Area Map (file# 84-1-1009 Watershed, 107). The Province knew during this time that file #84-1-1009 contained inaccurate data as 2 DES areas as they had been left out of an earlier mapping process. These areas (DES 105 & 107) have not been completed to this day. Regardless the province proceeded to incorporate known inaccurate data into the "new" expanded Order in Council Map further decreasing the document's accuracy during this expansion.

The District Order in Council /Regulation Map is the core document used to operate this Watershed as required by the Province of Manitoba. The Province of Manitoba has knowingly allowed this issue to persist for 42 years and even required that inaccurate data is used. The cumulative results of inaccurate spatial data being used over the past 42 years is difficult to quantify - however there are a few issues caused by these inaccuracies that highlight the importance of this issue all on their own:

1. Rorketon Lagoon was licensed by the Province to discharge into an illegal drain. A short time later the Province actually ordered that drain closed. Had all parties been working with accurate data this would not have happened. The situation exists to this day and the Province has not been willing to acknowledge or take responsibility for this error, even after it was brought forward before the Municipal Appeal Board in 2015.

2. Confusion among the public is common when clients view the OIC map. It is used daily and in all of our media to communicate with the public as to what District responsibilities are. This inaccuracy causes discord and has resulted in illegal works performed by well meaning stakeholders and degraded public perception of The District, The Conservation/Watersheds Programs and the Province of Manitoba. Obviously given the first point above the situation highlights the level of confusion caused even within the Province and it's licensing and regulatory bodies.

3. The Watershed Districts entire budget and planning (down to daily operations) depends on this map and it's level of accuracy. An accurate map would increase efficiencies for the entire watershed directly proportional to the number of corrections made. In this case planning and budgeting efficiency could be increased by 10-14% annually with accurate map data. Further efficiencies concerning planning and operations at Manitoba Infrastructure and Partner Municipalities would result as well.

4. Confusion in the general public has resulted in civic unrest between land owners, Indigenous communities, Municipalities and the Watershed District. The District has maintained files of all communications on this mapping issue since establishment of the District in 1978. The Province is culpable in a range of issues resulting from an unwillingness or technical incapacity to manage and correct this map data.

5. The Watershed District has technical capability and local knowledge superior to what Planning and Programming Section can offer. According to Planning and Programs Watershed, organizations are not allowed to generate Provincial Data for use in the Regulation Map. Even so District Staff have been ordered on numerous occasions, using various methods to provide said data to the Province - only to have it disregarded and filed away by Planning and Programs.

6. In certain instances District staff are asked or ordered to produce spatial and mapping data to resolve issues the Province views as priority but are unrelated to our Regulation/OIC map. In these instances, the Province readily accepts the data and designs solutions based on the provided data. This is a double standard. The Province needs to address this by increasing their own technical capacity to support their own staff or formalizing requirements and standardizing how our Districts provide data back to the Province.

7. Meetings have been held in every community in the Watershed so that Planning and Programs Section could consult on the mapping issue. Many consultation meetings have been called by Planning and Programs in Dauphin, Portage and Winnipeg regarding the mapping issue. There has been no significant corrective action taken as a result and District Staff and Board Members have been criticized by Planning and Programs Section for budget sections with deficits directly caused by the many meetings and their inability to properly manage the information provided to them.

8. Planning and Programs Section have advised the District last minute in the Regulation Map Generation Process that in order for changes to be made to the regulation map, all Municipal Partners are to provide resolutions on each change. Given the fact that the Municipalities appoint all members of the Watershed District Board the assumption was made that the duty to consult had been met. Even still had the District been made aware that resolutions were needed earlier in the map revision process respective councils (knowing the implications of inaccurate data after a 42 year struggle to have it corrected) would have been enthusiastic in trying to resolve this issue and provided resolution quickly.

9. One reason the Watershed Board believed we had met the duty to consult is the fact that Planning and Programs took it upon themselves to correct some of the inaccurate data by removing drains from the map even without approval from the Municipalities. It seems that despite the fact that these drains had never even been ground truthed by Planning and Programs Staff in several instances they circumvented their own consultation processes to make these changes.

10. Most of the infrastructure mandated to the Watershed District to maintain (including ex-Provincial Infrastructure off loaded to the District) does not include any caveat or right of access. This places District Staff, Councils and Board Members in a bad legal position. In order to perform our mandate we are actually required by the Province to break their own trespassing laws. Worse yet we are required to use heavy machinery on these drains to maintain them. If a workplace safety situations results in injury or death we are effectively breaking the law performing that work and could be subject to legal actions with unknown consequences. If a client/stakeholder sees an accurate map that designates responsibility of infrastructure to the District there is more willingness to allow our mandated activities to continue and avoid legal implications arising from trespassing.

Therefore be it resolved that the Province immediately undertake executive action to compel Planning and Programs Section to correct the known data inaccuracies and provide a single document outlying the process used to address future data deficiencies. This document should also offer a legal perspective in regards to implications of a mandate to maintain infrastructure where no access arrangements have been made. It should include perspectives from Manitoba Workplace Health and Safety, the Association of Manitoba Municipalities, Manitoba Surveyors, Environmental Law Specialists and any other perspective seen as important.

Be it further resolved that the Province examine and restructure the manner in which Planning and Programs Section engages The Municipalities, The Districts and The Province. This organizational review should be completed by an outside consultant, address the capacities of all parties as they relate to resource management and offer advice as to how the program should move forward based on the new boundaries and regulations of the past 2 years. As part of this review special consideration should be given as to the level of local authority a Watershed District needs to operate efficiently while allowing the Province to retain regulatory oversight."

TABLED

7.14 Ste. Rose & District Community Resource Council

BE IT RESOLVED THAT the Rural Municipality of Lakeshore does hereby authorize a grant in the amount of \$400 to the Ste. Rose & District Community Resource Council.

TABLED

7.15 Reeve Laptop

Resolution No: 2020-057

Moved By: Walter Tymchuk

Seconded By: Mike Brunen

BE IT RESOLVED THAT the Rural Municipality of Lakeshore does approve up to \$800 for purchase of a Laptop for the Reeve, including Microsoft Office.

CARRIED

8 Committee/Council Reports

8.1 Lead Hand Report – Rorketon

Rorketon Lead Hand Report March 10th, 2020 Meeting

Peter Ruskin

- Cleaned up town and hauled snow away
- Shoveled snow off of roof at ice plant which seems to be an ongoing problem, needs to be addressed possibly put tin on the roof
- First aid kits are outdated – First aid certification runs out mid March 2020, need updated course
- Waste oil for shop furnace seems to be harder to get, we possibly need to buy from farmers. If we have to change it to electric heat it's more expensive to heat the shop.
- Plowing Snow
- Put in filter order for Rorketon End Equipment at 40% off
- Put in Schulte order for season at 20% off
- Unit # 203 needs attention as it is hard starting when cold, possibly an issue with BCM?
- Landfill needs some type of containment for control of birds, winter months are worse.

8.2 Lead Hand Report - Ochre River

Lead Hand Report March 10 Meeting

Ryan Robertson

- plowing as needed due to winds and snow
- started opening some of the roads that were closed for winter to remove snow pack
- more work done on indoor rink live wires removed score boards removed, nails pulled
- burn pile was burnt at Ochre Landfill
- talked to Syrnyk about tandem it has speedometer fixed but jake brake not working sending quote to fix
- sweeping and salting of sidewalks was wondering what expectation is for sidewalks if all ice and snow is expected to be removed as we do take care of them regularly but there has been a lot more work on them than usual seeing how most Centers don't salt all there sidewalks and clean them like we do already in Rorketon we don't even clean them
- sidewalk at school should be re-poured to lift it so it is not lower than all of surrounding area

8.3 Tender Ads

- 8.4 **Pre-Authorized Payments**
- 8.5 **Dauphin Ochre Weed Board**
- 8.6 **Watershed Meeting Report**
- 8.7 **Tender Discussion**
- 8.8 **Office Equipment**

- 9 **In Camera**
Resolution No: 2020-056
Moved By: Mike Brunen
Seconded By: Larry Artibise

BE IT RESOLVED THAT Council Recess the Regular Meeting and go into " In Camera " to discuss legal and personnel issues;

AND BE IT FURTHER RESOLVED THAT all matter discussed are to remain confidential as per Section 83(1)(d) of *The Municipal Act*.

CARRIED

- 9.1 **Budget Discussions**
- 9.2 **Employee Issue**

- 10 **Out of Camera**
Resolution No: 2020-056
Moved By: Walter Tymchuk
Seconded By: Larry Artibise

BE IT RESOLVED THAT as per Section 152(4) of *The Municipal Act* Council does now resume sitting of the Regular Meeting.

CARRIED

- 11 **Municipal Correspondence**

Draft – Local Action Plan for Climate Change
Drainage – Ditch Cleanout Request – SW 21-23-16W
February 2020 Flood Outlook Report
Minister of Health re COVID19 on March 2, 2020
FCM Voice-Board meets ahead of Budget 2020
FCM-Building better lives with Budget 2020
FCM 2020 Budget Recommendations
Westlake Watershed District Manager Job Ad
Westlake Watershed District Technician Employment Opportunity
MEC Report March 5, 2020
Parkland Municipalities Ltr to Premier
Dauphin Correctional Center Current Jobs
Minister of Justice – Re Correction Center Dauphin
RCMP Annual Performance Plan 2019-2020
MOGA RM Letter Regarding Secondary Roads
Parkland Regional Library Poster
Skid Steer Mulching

- 11.1 **Zoning & Planning**
Action Plan – Planning, Permitting, Zoning

- 12 **Other Correspondence**
Frontier SD Meeting Feb 4 2020
RMs and Towns Invitation to ManSEA Ann Conference and AGM 2-3-2020
Why do WaxWorms and Bacteria Love Eating Plastic – CBC News
Eng-Tech Assessment Report on EarthZyme – Design of Municipal Grid Roads

- 13** **Adjournment**
Resolution No: 2020-058
Moved By: Walter Tymchuk
Seconded By: Mike Brunen

BE IT RESOLVED THAT Council Adjourn their March 10 Regular Meeting at 10:50 pm to meet again on March 24th at 5:00pm in Council Chambers in Rorketon.

Original Signed by Carmen Hannibal

Reeve

Original Signed by Mark Bardsley

Chief Administrative Officer