



Rural Municipality of Reynolds
Meeting Minutes
Regular Meetings of Council May 23, 2023 - 06:00 PM

RURAL MUNICIPALITY OF REYNOLDS-REGULAR MEETING- MINUTES
HELD IN THE COUNCIL CHAMBERS ON MAY 23, 2023

PRESENT

DEPUTY REEVE: JESSICA THURSTON

COUNCILLORS:

BLAINE WEBSTER

CURTIS BULEY

CURT STELMACK

MICHAEL HUZEL

KIM ZALITACH

HARRIET YARMILL

CHIEF ADMINISTRATIVE OFFICER: KIM FURGALA

ASSISTANT CHIEF ADMINISTRATIVE OFFICER: SHERRI PEARCH

REGRETS: REEVE GAWLUK

1 CALL TO ORDER

The May 23, 2023, Regular Meeting of Council was Called to Order by Deputy Reeve Thurston at 5:58PM.

2 ADOPTION OF AGENDA

Res. 23/163 M/S Councillor Huzel/ Councillor Webster

BE IT RESOLVED that the Agenda of the May 23, 2023, Regular Meeting of Council be adopted as presented.

Addition:

12.1 Fire Fighters Level 1

CARRIED

2.1 CONFLICT OF INTEREST

None

3 MINUTES

Res. 23/164 M/S Councillor Webster/ Councillor Huzel

BE IT RESOLVED that the Minutes of the May 9, 2023, Regular Meeting of Council and May 10, 2023, Special Meeting of Council, be approved as presented.

CARRIED

3.1 May 9, 2023 - Regular Meeting of Council Minutes - Draft

3.2 May 10, 2023 - Special Meeting of Council - 2023 Financial Plan

4 DELEGATIONS / HEARINGS

4.1 Open Public Hearing - By-Law 03/2023 - Zoning By-Law Amendment 6 pm

Res. 23/165 M/S Councillor Huzel/ Councillor Webster

BE IT RESOLVED that Council does now recess the Regular Meeting of Council in order to hold the Public Hearing in the matter of By-Law 03/2023- Zoning By-Law Amendment.

CARRIED

4.2 Close Public Hearing - By-Law 03/2023 - Zoning By-Law Amendment

Res. 23/166 M/S Councillor Webster/ Councillor Yarmill

BE IT RESOLVED that after closing the Public Hearing in the matter of By-Law 03/2023 -Zoning By-Law Amendment, Council does now resume the Regular Meeting of Council.

CARRIED

5 PLANNING AND DEVELOPMENT

5.1 Subdivision 4611-23-7704 - Cole Manning

Res. 23/167 M/S Councillor Huzel/ Councillor Webster

WHEREAS Community Planning Services has submitted a Subdivision Application File No. 4611-23-7704 for Pt. of RL 51-8-12 EPM, Cole Manning. The Applicant is proposing to subdivide a 5.81 acre parcel of land held under CT 3179272/1. into two separate Lots. Proposed Lot 1 would be 3.5 acres and Proposed Lot 2 would be 2.31 acres. Proposed Lot 2 has an existing duplex on it. Proposed Lot is currently vacant. **BE IT RESOLVED** that the subdivision be denied.

CARRIED

6 COMMITTEES / REPORTS

Res. 23/168 M/S Councillor Webster/ Councillor Yarmill

BE IT RESOLVED that the Committee and all other reports be accepted as presented.

CARRIED

6.1 Public Works

6.1.1 Mowing

6.1.1.1 Grass Cutting Tenders 2023

Res. 23/169 M/S Councillor Yarmill/ Councillor Webster

BE IT RESOLVED that Council accepts the 2023 Grass Cutting Tenders from Werner Sommerfeld in the amount of \$160.00 per cut for Office/ Civic Center and \$95.00 per cut at the Firehall for the Spring and Fall 2023 Grass Cutting.

6.1.2 Municipality Tour Date

6.2 Eastern Regional Municipal Committee Minutes - February 27, 2023

6.3 Seine Rat Roseau Watershed District April Minutes

7 BY-LAWS

7.1 By-Law 03/2023 - Zoning By-Law Amendment -Second Reading

Res. 23/170 M/S Councillor Yarmill/ Councillor Webster

BE IT RESOLVED that By-Law 03/2023, being a By-Law to add "Contractor Service General" to Table 4.6: "RGZ", "RM1", "RM1c" and RM2" Rural Zones in Bulk Requirements in the Rural Municipality of Reynolds Zoning By-Law 7/13, to be read a second time.

CARRIED

7.2 By-Law 03/2023 - Zoning By-Law Amendment - Third Reading

Res. 23/171 M/S Councillor Yarmill/ Councillor Webster

BE IT RESOLVED that By-Law 03/2023, being a By-Law to add "Contractor Service General" to Table 4.6: "RGZ", "RM1", "RM1c" and RM2" Rural Zones in Bulk Requirements in the Rural Municipality of Reynolds Zoning By-Law 7/13, to be read a second time.

AND FURTHER BE IT RESOLVED that By-Law 03/2023, being a By-Law to provide for Council Zoning By-Law Amendment, be read a third and final time, be signed, sealed, and therefore done and passed as a By-Law of the RM of Reynolds.

Name	Yes	No	Abstained	Absent
Curtis Buley	✓			
Russ Gawluk				✓
Michael Huzel	✓			
Curt Stelmack	✓			
Jessica Thurston	✓			
Blaine Webster	✓			
Harriett Yarmill	✓			
Kim Zalitach	✓			

CARRIED

8 UNFINISHED BUSINESS

None

8.1 Donation Request - Rennie Community Club

BE IT RESOLVED that Council wishes to donate funds to the Rennie Community Club in order to assist with the build of a new post office for the town of Rennie.

DEFEATED

8.2 Hadashville Community Club Operating Grant

Res. 23/172 M/S Councillor Webster/ Councillor Huzel

BE IT RESOLVED that Council approves a grant for the Hadashville Community club in the amount of \$1,000.00.

CARRIED

9 NEW BUSINESS

9.1 2023 Eastern District Municipal Golf Tournament

BE IT RESOLVED that Council authorizes the RM of Reynolds to enter 1 team into the 2023 Eastern District Municipal Golf Tournament and that all eligible expense be approved.

DEFEATED

9.2 June District Resolutions - Tax Exemption

Res. 23/173 M/S Councillor Webster/ Councillor Yarmill

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.

CARRIED

9.3 June District Resolutions - By-Law Enforcement

Res. 23/174 M/S Councillor Webster/ Councillor Huzel

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 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 Municipal Bylaw Enforcement Act and the Provincial Offences Act, to assist Communities and Municipalities with bylaw enforcement;

AND WHEREAS the Provincial Offences Act provides authority for "Bylaw Enforcement Officers", to enforce municipal bylaws, as designated officials under the Municipal Act;

AND WHEREAS in a March 2022 memo, Manitoba Justice and Municipal Relations highlighted to all Municipalities and Communities that Enforcement Officers did not have "Peace Officer" authority;

AND WHEREAS Bylaw Enforcement Officers perform an important role in addressing public safety and provincial courts, as well as criminal case law does recognize them as "Peace Officers;"

AND WHEREAS In November 2022, the membership of the Association of Manitoba Municipalities passed resolution #28 /2022 requesting that the province address By Law Enforcement Officers, within the ongoing review of the Police Service Act, providing them with "Peace Officers" designation and also develop training standards;

AND WHEREAS since that time, Manitoba Justice has done several presentations to communities, municipalities, and at AMM conferences, outlining the Community Safety Officer (CSO) and First Nations Safety Officer (FNSO) program, and put forth Bill C-34 amendments to the Police Services Act, to clarify the roles and processes for the CSO/FNSO within legislation;

AND WHEREAS the CSO/FNSO programs were developed in 2013 and 2014 being intended to provide local governments with lower cost alternatives to augment existing police services, to address low risk issues, with the police agency essentially becoming and assuming the daily supervisory control of these officers;

AND WHEREAS CSO/FNSO would be designated "Peace Officers", with limited authorities, with the critical requirement being that they must be a direct employee of the municipalities or community;

AND WHEREAS the direct employee requirement is not practical for all 137 Municipalities and Communities, as many Municipalities and Communities contract out by-law enforcement to external agencies and would also contract out the CSO/FNSO;

AND WHEREAS as a direct employee of the CSO/FNSO the Municipalities and Communities would also be responsible for costs of training, outfitting, operational and supervisory control;

AND WHEREAS policing and bylaw enforcement requirements between urban and rural cities, municipalities and communities are different and, in some instances, unique;

AND WHEREAS in the Eastern Manitoba region, many Municipalities and Communities contract out by law enforcement duties to private companies, with some municipalities and communities sharing these bylaw enforcement services through a regional approach;

AND WHEREAS the Manitoba Government is adopting a layered tiered policing model within the Province of Manitoba and By-law Enforcement Officers form an important part of this layered policing/public safety model and should be included within the review of the Police Services Act;

THEREFORE, BE IT RESOLVED Council of the Rural Municipality of Reynolds does hereby support this resolution, requesting that AMM continue to lobby the Province of Manitoba to include Bylaw Enforcement Officers within the ongoing review of the Police Service Act and designate them as Peace Officers, within the regulations with the development of training standards;

AND FURTHER, BE IT RESOLVED AMM continue to lobby the Province of Manitoba to remove the requirement from the Police Service Act, that the CSO/FNSO be a direct employee of the City, Municipality or Community and provide the option of contracting out, as this would greatly assist smaller municipalities and communities with another option to address by law enforcement and enhance public safety.

CARRIED

9.4 June District Resolutions - By-Law Standardization

Res. 23/175 M/S Councillor Stelmack/ Councillor Zalitach

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 Offences 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 Offences 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 Municipalities and Communities that have gone 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 Offences Act to ticket bylaw offenders.

AND WHEREAS under the Provincial Offences 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 bylaw offences.

THEREFORE, BE IT RESOLVED that Council of the Rural Municipality of Reynolds 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 the AMM lobby the Province of Manitoba to develop a regional Bylaw 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.

CARRIED

9.5 June District Resolutions - Endangered Species and Noxious Weeds

Res. 23/176 M/S Councillor Stelmack/ Councillor Zalitach

WHEREAS rural Municipalities have Endangered Species and Noxious Weeds within their boundary lines;

WHEREAS both the Endangered Species and Ecosystems Act (ESEA) and the Noxious Weed Act (NWA) control the Municipalities on actions such as mowing/cleaning ditches and roadways, improvement to drainage, farming/use of land within the Municipality;

WHEREAS the restrictions and rules of the Acts cause major concerns and dangers within the Municipalities;

WHEREAS wildlife is endangered due to the restrictions and rules;

WHEREAS the results of the restrictions and rules have great cost to both Municipalities and the Province of Manitoba, MPI;

NOW THEREFORE BE IT RESOLVED we request the Association of Manitoba Municipalities to lobby the Provincial Government to cause a review of both Acts and implement amendments for a more harmonious relationship for all affected;

BE IT FURTHER RESOLVED that the Association of Manitoba Municipalities be included in that review and amendments;

AND BE IT FURTHER RESOLVED that the Reeve of any Municipality directly affected or that has Rate Payers directly affected be included in the review and amendments.

CARRIED

9.6 June District Resolutions - To Hire Local

Res. 23/177 M/S Councillor Stelmack/ Councillor Zalitach

WHEREAS rural municipalities welcome, value and benefit from local businesses being established within the Municipality;

WHEREAS to ensure businesses are able to thrive in these challenging times;

WHEREAS it is in the best interest of both rural Municipalities and the Province of Manitoba to strengthen local, Made in Manitoba businesses;

NOW THEREFORE BE IT RESOLVED that we request the Association of Manitoba Municipalities {AMM} to lobby the Province of Manitoba to ensure when provincial work is being completed within a municipality, local businesses within that Municipality be given first preference as the Contractor, pending they meet the requirements to complete the work;

FURTHER BE IT RESOLVED THAT we request the Federation of Canadian Municipalities {FCM} to lobby the Government of Canada on behalf of all Canadian Municipalities.to ensure the federal Government give the same consideration when Federal work is done within Canadian Municipalities.

CARRIED

9.7 Northeast Red Watershed Sub-District Appointments

Res. 23/178 M/S Councillor Stelmack/ Councillor Zalitach

BE IT RESOLVED that Council appoints Reeve Gawluk as the representative for the Northeast Red Watershed for the Brokenhead River Subdistrict.

BE IT RESOLVED that Council appoints Neil Bryan as the Community Volunteer for the Northeast Red Watershed for the Brokenhead River Subdistrict.

CARRIED

9.8 Adopt-a-Roadway Request

DEFEATED

9.9 CGIS Agreement

Res. 23/179 M/S Councillor Zalitach/ Councillor Buley

BE IT RESOLVED that Council authorizes the CAO to sign the CGIS agreement for the Spatial Land Information Management System (SLIMS) services agreement.

CARRIED

10 FINANCIALS/ACCOUNTS

10.1 Combined A/P Payroll Cheque Register Report

Res. 23/180 M/S Councillor Zalitach/ Councillor Buley

BE IT RESOLVED that cheques numbered 23718 to 23740 including the Electronic Fund Transfer payments, for a total payment of \$29,797.77 be hereby approved for payment on this day, May 23rd, 2023.

CARRIED

11 CORRESPONDENCE

11.1 Public Hearing - Brokenhead River Planning District

11.2 Community Futures AGM and Awards Banquet

11.3 Manitoba NDP Leaders Gala Dinner

11.4 Association of Manitoba Municipalities - Resolution 16-2016

11.5 Dawson Trail Commemorative Project Launch

12 AGENDA ADDITIONS

12.1 Fire Fighters Level 1

13 NOTICE OF MOTIONS

14 IN CAMERA

15 ADJOURNMENT

Res. 23/181 M/S Councillor Buley/ Councillor Stelmack

BE IT RESOLVED that the next Regular Council Meeting be held on June 13, 2023;

AND BE IT FURTHER RESOLVED that Council does now adjourn the May 23, 2023, Regular Council Meeting at 7:29 PM



Russ Gawluk, Reeve



Kim Furgala, CMMA, CMML
Chief Administrative Officer