

TOWN OF MORDEN

Regular Meeting

December 21, 2009

Minutes of the Regular Meeting of the Council of the Town of Morden held in the Council Chambers at Morden, Manitoba this 21st day of December, A.D. 2009 at 7:05 P.M..

- 1. Present** **Present:** Mayor Doug Wilson, Councillors Irvin Wiebe, Maurice Butler, Alex Fedorchuk, Ron Laverty and Wayne Hosea and Youth Member Shelisa Klassen
Absent with Regrets:

- 2. Minutes** **MOVED BY COUNCILLOR MAURICE BUTLER
SECONDED BY COUNCILLOR ALEX FEDORCHUK
BE IT RESOLVED** that the minutes of the Regular Meeting of the Council of the Town of Morden held on the 30th day of November, 2009 be adopted as circulated, all Statutory requirements having been fulfilled.

(Carried)

- 3. RECOGNITION OF INDIVIDUALS AND/OR ORGANIZATION**

- 4. Agenda Additions** **MOVED BY COUNCILLOR WAYNE HOSEA
SECONDED BY COUNCILLOR RON LAVERTY
BE IT RESOLVED** that the Council of the Town of Morden agree to add the following items to the agenda:
- Deadhorse Creek Study
 - Office of the Fire Commissioner Local Assistant Designation
 - Attendance at Meetings
- (Carried)

- 5. HEARING OF DELEGATIONS**

- 6. PUBLIC HEARINGS – 7:10P.M.**

Explanation of Process – read by the Director of Finance & Administration

- 6.1 Conditional Use Order 6-2009** (as submitted by Pattison Outdoor Advertising on behalf of Larry & Kenneth Freund & Marlene Nelson) to erect an off-premise sign at 3020 Thornhill St; Lot 5, Plan 32333; Roll No. 302735

Close
Meeting

**6.1.1 MOVED BY COUNCILLOR MAURICE BUTLER
SECONDED BY COUNCILLOR ALEX FEDORCHUK
BE IT RESOLVED** that the Regular meeting of Council be closed to convene as a Planning Hearing to consider Conditional Use Order 6-2009.

(Carried)

The preside officer called the meeting to order to hear representation regarding Conditional Use Order 6-2009 as submitted by the Pattison Outdoor Advertising on behalf of Larry & Kenneth Freund and Marlene Nelson, for Lot 5, Plan 32333 MLTO in the Town of Morden.

The proposal as outlined in the Notice of Public Hearing was mailed as required by Section 169(2)(3) of the Planning Act to Owner of the applicable property and to property owners within 100 meters of the affected property on Thursday, December 3rd, 2009. In addition the notice was posted in the Municipal Office December 3rd, 2009.

The administration office has not received any representation either for or against the Conditional Use application.

Opponent: Garry Haggerty on behalf of Highland Park Financial Inc

- Owns property to immediate east; would like to see if the sign could be erected elsewhere on the property away from Highland Park Financial Inc property. The property in question may be in violation of the Town's zoning by-law section 33.3 (4) by having more than one sign on the property (some of these signs may be pre-existing non-conforming) The owner wishes to maintain a certain as aesthetic by not having offsite billboards on or near his property

The Chief Administrative Officer recommends to Council the hearing be carried over to January 25, 2009, and the applicant be notified that a variation allowing for more than one sign on a lot would also be required.

Close
Hearing

**6.1.2 MOVED BY COUNCILLOR ALEX FEDORCHUK
SECONDED BY COUNCILLOR IRVIN WIEBE
BE IT RESOLVED** that the hearing for Conditional Use Order 6-2009 be adjourned to January 25, 2010.

(Carried)

6.2 Variation Order 11-2009 (as submitted by Golden Plains Developers Inc) to vary the rear yard requirements at 5 Sapphire Bay; Lot 19, Plan 47684MLTO; Roll No. 339218

Close
Meeting

**6.2.1 MOVED BY COUNCILLOR RON LAVERTY
SECONDED BY COUNCILLOR WAYNE HOSEA**

BE IT RESOLVED that the Regular meeting of Council be closed to convene as a Planning Hearing to consider Variation Order 11-2009.

(Carried)

The presiding officer called the meeting to order to hear representation regarding Variation Order 11-2009 as submitted by Golden Plains Developers for Lot 19, Plan 47684 MLTO in the Town of Morden.

The proposal as outlined in the Notice of Public Hearing was mailed as required by Section 169(2)(3) of the Planning Act to applicant and to the surrounding property owners of the affected property by regular mail on November 24th, 2009 and posted in the Town of Morden Administration office on November 24th, 2009.

The administration office has received representation either for or against the variation application.

The Committee had questions regarding the height of the deck and design of the deck.

Close
Hearing

**6.2.2 MOVED BY COUNCILLOR ALEX FEDORCHUK
SECONDED BY COUNCILLOR IRVIN WIEBE**

BE IT RESOLVED that the hearing for Variation Order 11-2009 be adjourned to January 11, 2010.

(Carried)

6.3

Variation Order 12-2009 (as submitted by Arthur & Mary Thiessen) to vary the front yard requirements at 655 Gilmour Street and 422 12th Street; Parcel #1 Lot 65, Plan 23598 MLTO; Roll No. 12200 and Parcel #2 Lot 3, Block 1, Plan 855 MLTO; Roll No. 11500

Close
Meeting

**6.3.1 MOVED BY COUNCILLOR WAYNE HOSEA
SECONDED BY COUNCILLOR RON LAVERTY**

BE IT RESOLVED that the Regular meeting of Council be closed to convene as a Planning Hearing to consider Variation Order 12-2009.

(Carried)

The hearing this evening is to hear representation regarding Variation Order 12-2009 as submitted by Art & Mary Thiessen for Lot 65, Plan 23598 and Lot 3, Block 1, Plan 855 MLTO in the Town of Morden.

The proposal as outlined in the Notice of Public Hearing was mailed as required by Section 169(2)(3) of the Planning Act to applicant and to

the surrounding property owners of the affected property by regular mail on December 1, 2009 and posted in the Town of Morden Administration office on November 30th, 2009.

The administration office has not received any representation either for or against the variation application.

Applicant: Art Thiessen: wishes to create access to the property behind 422 12th St with a 25' access off of Gilmour St to accommodate the construction of a duplex; and to create a 46' lot on Gilmour St.

Opponents: Ron Funk on behalf of Cheryl Digby - 633 Gilmour St: has concerns with the 25' lane next to property; property devalued if a lane is placed next to her property; safety issues with a lane running next to house with small children present; proposed duplex may become a future rental property that is hidden from the street that can be a future problem; suggest relocating driveway to another area; lack of privacy as a result of driveway and development; home becomes a corner lot with the placement of a lane next to it.

Dan Ginter - 631 Gilmour St: safety concerns for children; devaluing of property; reducing of property size/lot widths is a concern for devaluing property in the area; reason for purchasing property in Morden is partly due to the current size of the lots.

Mary Anne Neufeld – 27 Ens Cres: reason for initial purchase, peace, quiet, privacy, which may now be taken away with this development (headlights, noise, lack of privacy); Realtors have suggested that there will be a devaluing of the surrounding properties, who bears this loss; any additional development along the creek is a concern; unaware of the style of duplex, single or two-story; Stature of the neighborhood will change.

Dave Goertz: supports Mary Anne Neufeld's concerns; privacy; no word on type of building being proposed to be built; value of property to change if privacy is removed; development along the creek a concern, considerable erosion along the creek bed in this area is evident, and further development may be impact this further.

The CAO offered the development agreement would stipulate the construction of a single storey dwelling.

Jean Hildebrand – 411 15th St: letter of concern

Brad Wersch – 415 15th St: letter of concern

- Applicant:**
- Driveway would not line up with 27 Ens Cres
 - headlights would shine toward the new duplex
 - a fence could be constructed along the whole length of the lane adjacent to 633 Gilmour St
 - setback from the creek bed to be a condition in the development agreement

Close
Hearing

**6.3.2 MOVED BY COUNCILLOR RON LAVERTY
SECONDED BY COUNCILLOR WAYNE HOSEA
BE IT RESOLVED** that the statutory hearing for Variation Order 12-2009 be hereby closed.

(Carried)

**6.1.3 MOVED BY COUNCILLOR ALEX FEDORCHUK
SECONDED BY COUNCILLOR MAURICE BUTLER**

VO 12-09 **BE IT RESOLVED** that Council approve the application for Variation Order 12-2009 to vary the requirements as follows:

Parcel #1 From: Minimum Front yard width of 50 feet
To: Minimum Front yard width of 46 feet

Parcel #2 From: Minimum Front yard width of 50 feet
To: Minimum Front yard width of 25 feet

To allow for the creation and development of a 46' residential lot, and the creation and development of a lot with frontage of 25' to be used as a lane for the residential lot to the immediate north of same.

(Carried)

7. COMMITTEE REPORTS

8. GENERAL BUSINESS

**8.1.1 MOVED BY COUNCILLOR IRVIN WIEBE
SECONDED BY COUNCILLOR MAURICE BUTLER
BE IT RESOLVED** that the resolution no. 9.12.1 tabled on October 13, 2009 be brought forth for decision.

(Defeated)

Councillors Laverty and Butler informed the audience that Council intends to bring forth a Notice of Motion for a proposed resolution at the January 11, 2010 to be considered as a resolution at the January 25, 2009 meeting outlining the requirements of the Municipal Act and the direction provided by the Pembina Valley Conservation District. They encourage the residents along the creek to attend the public meeting on January 14, 2009 offered by A Rocha.

Councillor Ron Laverty sited an interest in agenda item 8.1.1 and left the meeting room.

8.2.1 **MOVED BY COUNCILLOR ALEX FEDORCHUK**
Accounts **SECONDED BY COUNCILLOR IRVIN WIEBE**
BE IT RESOLVED that the account payable to Corridor Pizza in the amount of \$50.00 being part of the Master Card Billing as recommended for payment be confirmed.
(Carried)

Councillor Ron Laverty returned to the meeting room and rejoined the meeting.

8.2.2 **MOVED BY COUNCILLOR IRVIN WIEBE**
SECONDED BY COUNCILLOR MAURICE BULTER
BE IT RESOLVED that the accounts as recommended for payment be confirmed.
(Carried)

8.3 **MOVED BY COUNCILLOR RON LAVERTY**
Adopt **SECONDED BY COUNCILLOR WAYNE HOSEA**
Policy **WHEREAS** Notice of Motion was given at the Regular Meeting of
W/O-019 Council held on November 30, 2009 to adopt the Policy and Procedure
Curb Stop Policy W/O-019 "Curb Stop Damage"
Damage
BE IT RESOLVED that Council of the Town of Morden adopt Policy W/O-019 "Curb Stop Damage".
(Carried)

8.4.1 **MOVED BY COUNCILLOR IRVIN WIEBE**
BL 18-09 **SECONDED BY COUNCILLOR MAURICE BUTLER**
2nd Reading **BE IT RESOLVED** that By-law 18-2009 being a by-law to prescribe levies to be paid as compensation for capital costs incurred as a result of approval of a Subdivision having been read a first time, now be read a second time.
(Carried)

8.4.2 **MOVED BY COUNCILLOR ALEX FEDORCHUK**
BL 18-09 **SECONDED BY COUNCILLOR IRVIN WIEBE**
3rd Reading **BE IT RESOLVED** that By-law 18-2009 having been read a first and second time be now considered read a third time and passed.
Capital (Carried)
Costs re
Subdivision

Recorded Vote:

For: Mayor Doug Wilson, Councillors, Maurice Butler, Alex Fedorchuk, Wayne Hosea, Ron Laverty and Irvin Wiebe

8.5
BL 11-09
Amend
Conner Hill Dr
/ Buttercup Pl
paving LID

MOVED BY COUNCILLOR ALEX FEDORCHUK
SECONDED BY COUNCILLOR IRVIN WIEBE
BE IT RESOLVED By-law 11-2009 being a by-law to amend By-law 11-2008 providing for the expenditure and borrowing of funds for the placing of A-Base, curbing and asphalt on all that portion of Conner Hill Drive commencing at the western limit of Lot 1 and extending west to westerly limit of Lot 5, Block 4, Plan 1380 and all of Buttercup Place as a Local Improvement be read a first time
AND FURTHERMORE the Chief Administrative Officer be authorized to do all that is necessary to bring the by-law in to effect.

(Carried)

8.6
BL 12/09
Amend
Emerald Dr/
Sapphire Bay/
Jade Bay
paving LID

MOVED BY COUNCILLOR IRVIN WIEBE
SECONDED BY COUNCILLOR MAURICE BUTLER
BE IT RESOLVED By-law 12-2009 being a by-law to amend By-law 14-2008 providing for the expenditure and borrowing of funds for the placing of A-Base, curbing and asphalt on all of Emerald Drive, Sapphire Bay, and Jade Bay as a Local Improvement be read a first time
AND FURTHERMORE the Chief Administrative Officer be authorized to do all that is necessary to bring the by-law in to effect.

(Carried)

Clare

8.7
C/S Capital
Carryover

MOVED BY COUNCILLOR MAURICE BUTLER
SECONDED BY COUNCILLOR ALEX FEDORCHUK
BE IT RESOLVED that Council approve the following Community Services 2009 Capital Budget funds be carried over to 2010:

1. Library – Façade Construction \$7,500
2. Skate Park - \$40,000
3. Soccer Pitch Design - \$10,000

(Carried)

Clare

8.8
Letter of
Reply
T
Schroeder

MOVED BY COUNCILLOR MAURICE BUTLER
SECONDED BY COUNCILLOR ALEX FEDORCHUK
BE IT RESOLVED that Council authorize the Chief Administrative Officer send a letter of reply to Tyler Schroeder with respect to the Town is not in the position to offer free ice, as the ice rental fees are already set at a subsidized rate.

(Carried)

Clare

8.9
C/S
Employee
Position
Adjustment

MOVED BY COUNCILLOR MAURICE BUTLER
SECONDED BY COUNCILLOR ALEX FEDORCHUK
BE IT RESOLVED that Council authorize the following Position Title Change:

- Community Services Clerk to Community Services Administration Support

AND FURTHERMORE the position be moved from S1 to S2 on the Town of Morden Compensation Schedule effect January 2010.

(Carried)

Les
8.10 **MOVED BY COUNCILLOR RON LAVERTY**
Bernie's Backhoe
SNOWED BY COUNCILLOR WAYNE HOSEA
Removal
BE IT RESOLVED that Council authorize the Town enter in to a Snow
Agmt Removal Agreement with Bernie's Backhoe Service for the time period
of December 15, 2009 to March 15, 2010.
(Carried)

Les
8.11 **MOVED BY COUNCILLOR RON LAVERTY**
SNOWED BY COUNCILLOR WAYNE HOSEA
W/O Capital **BE IT RESOLVED** that Council authorize the following 2009 Works
Carryover and Operations Capital Budget items be carried over to 2010:

- Storm line Conner Hill \$3,000.
- WTP Computer Upgrade \$5,500.
- Street Lighting \$13,000.
- Jefferson Concrete Rd \$9,971.81
- Water Meters \$7,000.

(Carried)

ALL
8.12 **MOVED BY COUNCILLOR WAYNE HOSEA**
SNOWED BY COUNCILLOR RON LAVERTY
Emergency **BE IT RESOLVED** that Council approve the Town of Morden
Plan Emergency Plan as prepared by the Southern Emergency Response
Committee.
(Carried)

8.13 **MOVED BY COUNCILLOR ALEX FEDORCHUK**
Financial **SNOWED BY COUNCILLOR IRVIN WIEBE**
Stmt **BE IT RESOLVED** that Council adopt the Financial Statement to
November 30, 2009.
(Carried)

8.14 **MOVED BY COUNCILLOR IRVIN WIEBE**
BL 21-09 **SNOWED BY COUNCILLOR MAURICE BUTLER**
Funding **BE IT RESOLVED** By-law 21-2009 being a by-law to provide for the
Phase 3 completion of Phase 3 in the Morden Community Centre be read a first
Comm Cen time
Redev **AND FURTHERMORE** the Chief Administrative Officer be authorized
1st Reading to do all that is necessary to bring the by-law in to effect.
(Carried)

- 8.15**
BL 22-09
Special Ser
1st Reading
- MOVED BY COUNCILLOR ALEX FEDORCHUK**
SECONDED BY COUNCILLOR IRVIN WIEBE
BE IT RESOLVED By-law 22-2009 being a by-law to authorize a Special Services Proposal to establish a rate for fire and police protection services and street lighting services within the Town of Morden limits be read a first time.
- (Carried)
- 8.16**
BL 23-09
Council
Compensation
1st Reading
- MOVED BY COUNCILLOR IRVIN WIEBE**
SECONDED BY COUNCILLOR MAURICE BUTLER
BE IT RESOLVED By-law 23-2009 being a by-law providing for the compensation of members of Council be read a first time.
- (Carried)
- 8.17**
Notice of
Motion
Policy
G/A-001
- MOVED BY COUNCILLOR ALEX FEDORCHUK**
SECONDED BY COUNCILLOR IRVIN WIEBE
BE IT RESOLVED that Council provide Notice of Motion for Policy G/A-001"Business Expenditures" to be considered for adoption at the next meeting of Council scheduled for January 11, 2010.
- (Carried)
- Directors
- 8.18**
2010 Pre-
approved
Capital
- MOVED BY COUNCILLOR IRVIN WIEBE**
SECONDED BY COUNCILLOR MAURICE BUTLER
BE IT RESOLVED that Council authorize pre-approval of the 2010 Capital Listing as outlined in the documentation presented by the Director of Finance and Administration.
- (Carried)
- Cheryl
Letter
- 8.19**
Interim
Financing
MCDC
Incubator
Mall
- MOVED BY COUNCILLOR WAYNE HOSEA**
SECONDED BY COUNCILLOR RON LAVERTY
BE IT RESOLVED that Council authorize the Town of Morden to guarantee interim financing to Morden Community Development Corporation for a further \$300,000 for renovations to the incubator mall if required.
- (Carried)
- Janice
- 8.20**
Extension
CO 1-09
Tasti's
- MOVED BY COUNCILLOR WAYNE HOSEA**
SECONDED BY COUNCILLOR RON LAVERTY
BE IT RESOLVED that Council approve that Conditional Use Order 1-2009 for Tasti's be extended for 12 months from February 9, 2010.
- (Carried)
- Cheryl
- 8.21**
Naming
Competitio
n
E Comm
- MOVED BY COUNCILLOR RON LAVERTY**
SECONDED BY COUNCILLOR WAYNE HOSEA
BE IT RESOLVED that Council authorize Morden Community Development Corporation to proceed with a naming competition for the East Commercial Site.
- (Carried)

8.22
Wave
Option to
Purchase
Land

MOVED BY COUNCILLOR IRVIN WIEBE
SECONDED BY COUNCILLOR MAURICE BUTLER
BE IT RESOLVED that Council approve the Option to Purchase held by the Town for the remaining land owned by the Hoepfner/Janzen sisters adjacent to the East Commercial Site not be exercised.
(Carried)

8.23
F/A In-
Camera

MOVED BY COUNCILLOR IRVIN WIEBE
SECONDED BY COUNCILLOR MAURICE BUTLER
BE IT RESOLVED that Council approve the recommendations of the December 15, 2009 Finance & Administration In-Camera Meeting.
(Carried)

8.24
Deadhorse
Creek
Study

MOVED BY COUNCILLOR WAYNE HOSEA
SECONDED BY COUNCILLOR RON LAVERTY
BE IT RESOLVED that Council authorize the Works and Operations Committee to attend a supper meeting on January 13, 2010 regarding the Deadhorse Creek Study.
(Carried)

8.25
Local Asst
to Fire
Commissioner

MOVED BY COUNCILLOR MAURICE BUTLER
SECONDED BY COUNCILLOR ALEX FEDORCHUK
BE IT RESOLVED that Council appoint Town of Morden Fire Chief Andy Thiessen as the local Assistant to the Fire Commissioner effective January 1, 2010.
(Carried)

MB

8.26
DAWN

MOVED BY COUNCILLOR ALEX FEDORCHUK
SECONDED BY COUNCILLOR IRVIN WIEBE
BE IT RESOLVED that Councillor Butler be authorized to attend the meeting of the impact on DAWN project in Winkler on January 14, 2010, and per diem and travel be paid.
(Carried)

9. OTHER BUSINESS

10. IN CAMERA

11.
Adjourn
9:07PM

MOVED BY COUNCILLOR RON LAVERTY
SECONDED BY COUNCILLOR WAYNE HOSEA
BE IT RESOLVED that we do now adjourn.
(Carried)

Next Regular Session of Council on Monday, January 11, 2010 at 7:00P.M.

TOWN OF MORDEN

Mayor

Chief Administrative Officer