

Council of the Town of Carberry, June 9, 2020

The Council of the Town of Carberry met in the council chambers of the Municipal Office at 7:00 p.m. on Tuesday June 9, with Mayor Olmstead in the chair, and all members present, along with CAO Stephenson.

Planning Matters:

Present as a delegation were Development Officer McEntee of the Cypress Planning District and his intended successor Rachel Andrews. This was Andrews' first visit to council, and she and the council exchanged introductions. Andrews will take over from McEntee on August 1, and will be shadowing him until then to "get up to speed."

She introduced herself as a draughtsperson by trade, who has worked in planning, building and fire inspection with the Killarney Planning District, and lives and farms with her husband near Wawanesa.

While they were present, McEntee spoke of discussions he had had with the Browns, who are looking to establish a development at the west end of town, extending development along Higgins Avenue. The land available could support the development of as many as 57 building lots, and the Browns are looking to negotiate a development agreement for the initial seven. The concern of Council is that the sewer system to that end of town is at its limit; without a lift station, buildings couldn't be hooked up to the sewer unless they had no basement and the pipes were close to the surface. The cost of a lift station is considerable — more than could be recovered from seven building lots.

Council is faced with the need of a plan. If the development on the table won't pay the cost of the infrastructure needed to enable it, can Council justify the extra costs of a proper lift station "on spec?" Should taxpayers be asked to cover a utility installation in the hopes of continued growth? On the other side, the costs of the infrastructure will never be less than at present, and the town has for some time been steadily experiencing a growth of at least 1%, and without the west end development, there are few places to expand residential housing. Is it prudent future planning to put in the lift station to enable westward development? There are already dwellings at the edge of the system hoping for hookup to town sewer, and the lagoon at the output of the system has the necessary capacity and is on track to be extended.

Council agreed to table the discussion to a planning meeting scheduled for the following week.

Another subject Council wished to discuss with the Planning District was the matter of yards not kept up to the conditions required by by-law. With the impending arrival of the Commissionaires to enforce by-laws, Council wanted Planning's input on what their powers of coercion might be. The CAO reported that on a tour of the town he had counted twenty-two yards that could be charged with infractions of the by-laws. Problems ranged from unkempt lawns to derelict cars and even derelict buildings. The strength of the Town's enforcement is that they can, if voluntary compliance can't be secured, do the necessary work — mowing, towing, even demolition — and add it to the property taxes.

Discussion centered on the protocol for getting compliance. How much warning; how many requests before direct action? Should the by-law include a provision for a fine, and what are the legalities of sending enforcement officers and perhaps labourers onto someone's property? Getting legal advice on the matter is a cost that probably can't be recovered.

McEntee and Andrews were thanked for their visit, and Andrews was welcomed to what will surely become a regular visit for her.

Animal Control:

Also present at the meeting was Ian Van Nest, whom Council moved to retain as Animal Control Officer. Van Nest and the Council exchanged introductions, and discussed the duties he will be expected to perform. Van Nest is a Conservation Officer, with training and experience in dealing with animals, even to the point of euthanizing them where necessary. Council and the CAO discussed what equipment the town could provide him for his work, and where it would be stored for him to access at need.

While on the subject, Council noted a couple of complaints of noisy and unruly dogs that have been received. The complaints are both from the same area of town, and represent another confrontation in what has been a protracted conflict. The by-laws are clear, but what to do is not. Van Nest agreed to work with the CAO to come up with a plan of action.

Finance and Accounts:

The Financial Statement for May 2020 was referred to Council, and accounts totaling \$160,799.87 and direct withdrawals of \$30,883.01 were approved for payment.

By-laws:

By-law No.1/2020, an amended Traffic By-law, was given a first reading and referred to council.

The Traffic By-law deals with all the traffic matters in the Town's control; parking, stop or yield signs, U-turns, and pedestrian crosswalks. Council discussed possible changes to the list of stop and yield signs along 2nd avenue with the impending increase in use of the walking path by the new extensions along Jardine to keep children safe on their way to school. In order to get a complete list of changes prepared, Council tabled the second reading of the By-law.

Unfinished Business:

Councilor Anderson has been researching the provision of community Internet service, and has not found any real success stories at providing full service, but notes that especially in the COVID-19 environment, there is a need for 'hot spots' at the very least to enable people with limited service to access online facilities. Students in particular are in need of access to their remote learning assignments. He will investigate further.

Council resolved to amend the sewer agreement with the residents of Howard Street and Golden Rod Lane to be four times the base sewer rate of the town of Carberry, with a maximum of \$750.

Council also agreed to re-open Art Sear Park as of May 20, with provincial guidelines being in effect.

The CAO reported that the Council of North Cypress-Langford has decided to match the Town's reduced grant of \$10,000 to the Cemetery Board. It will be important to meet to discuss the matter before February 1, 2021 to determine a joint response before budgets must be prepared for all Joint responsibilities.

The Town entered into a legal services agreement with Patersons LLP for the next four years. The agreement is written so as not to tie the hands of any subsequent council.

It will soon be time to reopen some of the town's athletic facilities, at least as far as the health regulations allow. There is in particular an interest in using the ball diamonds. Both the Royals and the local mixed slow pitch league are eager to return to the field; their respective sport bodies have issued guidelines for play under pandemic circumstances. They will probably be given the okay to use the park, providing they take the responsibility to ensure that the safe sport guidelines are being met by their team members and any spectators there may be. Inspectors have been present and active at games held under

the new rules in Brandon. If the rules aren't being adhered to, permission will be withdrawn. The town's concerns, the washrooms and concession, will not be reopened any time soon unless guidelines ease up.

There is hope to reopen the pool and washrooms at the Community Centre this summer; Neepawa has already opened theirs. Regulations require that additional staff be in place to ensure that physical distancing is maintained; it must not be any part of the lifeguard's concern.

The lagoon expansion project has had its time with the province looking for comments. Comments concerning flow monitoring both in and out of the lagoon, and soil tests and test wells to determine if there are any leachate problems were received. Prairie Shot is concerned that construction may block access to their plant, and that the new lagoon dike may cause snowdrifts that also might block access. Manitoba Infrastructure would like all access to the site to be from the road to the west, and that all other access along Hwy 351 be removed. Any signage along 351 would require a permit from Infrastructure.

These are not difficult problems; if the access is from the road to the west, it will serve to keep Prairie Shot's access clear, even in winter. The monitoring will be part of any plan for the facility. Manitoba Conservation and Climate will be sending a full report once it's written.

Council resolved to install a lighted crosswalk at the intersection of First Avenue (PTH 351) and Jardine Street, with costs to be borne by the Town. The crosswalk is to be added to the town's insurance policy, and Manitoba Infrastructure is to be indemnified.

Resolutions from the Joint Meeting:

Council agreed to re-open the Community Hall and the Old Town Hall to the public, under the restrictions in the current provincial health orders.

Council amended the resolution from the May 6 meeting that accepted AllNet Municipal Solutions' basic package, to accepting the proposal for the full website proposal at \$5,975/yr. for the term of the contract, and that the cost be split 50/50 with NCL.

Council also moved to dismiss a member of the joint staff prior to the end of his probationary period, paying him a further week in lieu of notice as per the employee policy.

General Business:

The taxes for a business at 924 Fourth Avenue are for a business that has been inactive for four years. The owner is asking to have his taxes adjusted to reflect this, though it is past the date for the board of revision.

The sewer levy by-law is old enough that the money it generates has been close to break-even for some time, with the reserve only slightly increasing year over year. With lagoon expansion on the horizon and the current sewer levy increase reaching the end of its four year schedule, it is time for the town to start the application for a new sewer levy schedule. Considering the size of the possible lagoon debenture, even with Federal and Provincial help, the Town's share may well be in excess of \$2 million. With that in mind Council directed administration to look at applying for a 10% increase in the ensuing years to the sewer levy.

Brandon University and the province will be installing mosquito traps and traps for the Emerald Ash Borer. When the locations are known, the public will be informed. So far, there is no sign here of the Ash Borer, but it has been seen as close as Portage la Prairie, and is very destructive.

In order to get it onto people's maps and GPS, the road into Prairie Shot and the lagoon will have to be formally named and described, and the province informed. This will be a new experience for the CAO, but it will soon be under way. The name for the road is

proposed to be Prairie Shot Road.

The new walking path along PTH351 is raising some issues that also apply throughout the town. Just who is responsible for the maintenance of the boulevards beyond the property line? Many, perhaps most homeowners take care of the boulevard in front of their house, but homes along the walking path may resist mowing the ditch beyond, even if they were doing it before the path went in. The issue is clouded by the fact that the ditch along First Avenue is owned by Manitoba Infrastructure. If a policy requiring that boulevards be maintained is passed, there will be some push back, and it may be possible that the situation will worsen. The whole issue of who may park on a boulevard that a particular owner is maintaining is controversial. There are dangers to an overly vague or an overly specific by-law. The CAO will see what other municipalities are doing.

The benches provided around town are for the most part over 20 years old, and some are showing such problems as moss and exposed re-bar. A replacement schedule will have to be drawn up and budgeted for. Mayor Olmstead proposed a Request for Proposal be sent to craftsmen, fabricators and designers in the area to compete to supply some custom benches each year. A maximum cost would be named as part of the specification, and the winner would make the bench or benches that won the competition, and the older benches being replaced could be repositioned, if still serviceable, along the walking paths for the comfort of citizens. The town would acquire some unique benches, and support local artisans.

The federal government is proposing some funding for aboriginal infrastructure projects, which is sufficient reason to reach out again to Swan Lake First Nation and offer help with any projects for which they may be applying.

There is some concern that the web presence and e-mail list of interested citizens is not enough to get the Town's news to everyone who might benefit from it. Council was asked to consider some sort of newsletter that could be distributed to all mailboxes perhaps four times a year or more if the idea takes hold. The content will have to be carefully considered; the newsletter has to be small enough to be read, and full enough to be kept.

Council resolved to close Fourth Avenue from Main Street to Toronto Street for each Farmer's Market held in 2020. These will begin on June 10, and run until September 16. The organizers of the Market will be responsible for the compliance of exhibitors and customers with the health regulations for such markets, which have been published at <https://www.gov.mb.ca/covid19/infomanitobans/farmersmarkets.html>

Communications:

The Manitoba Association for Resource Recovery Corporation sent its annual report. This is the corporation charged with the recovery of used oil and filters.

The Minister of Municipal Relations has written concerning the Restoring Safe Services initiative, and the role municipal authorities can take in enforcing health regulations and keeping the curve flat. She also sent thanks for the input she received at the webinar concerning the Planning Amendment Act and the Building and Electrical Permitting Improvement Act.

The RCMP Blue Hills Area Commander, Staff Sergeant Clint Wikander, wrote about this year's policing priorities. As before, they are a) Traffic, concentrating on Impaired driving and intersection violations; b) Crime Reduction, concentrating on property crime; and c) Communication, working both internally and externally to foster a Respectful Workplace, and reach out to stakeholders. The year's crime statistics are appended.

Wikander notes that his HR situation is stretched. He has several members out on various leaves and assignments. Most of these will be back fairly shortly, but he also has more

members transferring out than transferring in. But he says “We are managing.”

Marvin Plett, the area’s FCM board member, sent an update on the national organization’s activities, and the work they are doing in this province alongside AMM to get municipal concerns before both higher levels of government, especially during these trying times.

CN sent in it’s annual “In Your Community” brochure.

Around the Table:

Councilor Muirhead noted that the Main Street Revitalization Committee has not met a while, and now that both the News-Express building and the Bailey Building have new owners, it would be opportune to schedule a meeting in the next month.

He asked about the progress with the sewer problems on Market Street. There followed a discussion. The people bearing the problem are the tenants, but the landowner is the taxpayer. The problem is not on municipal property, and the town’s concerns are supposed to stop at the property line. If a repair is required, there is a problem whom to invoice. The CAO will try to obtain a copy of the contract between the landlord and the tenants, and get legal advice as to what can be done, and at whose expense. Time is of the essence; the problem needs to be solved before winter.

He also asked what the outcome of the negotiations between NCL, the owners of the feedlot to the west of town, and the various government departments with concerns about manure management. The CAO promised a report when his turn came.

Lastly, he noted that a letter to the editor of the Brandon Sun from the mayor had drawn a bold headline. He conceded that he had little problem with the content of the letter which bore on the larger issues of the day, such as the Floyd case and the ensuing activism; he just questioned whether it was appropriate for the mayor to sign the letter with his title, thereby implying that his views were those of the whole council. In reply, the mayor said he had passed the letter to the CAO for approval and posted it to Facebook and was subsequently picked up by the Brandon Sun on the weekend. The Mayor also reminded Councillor Muirhead that the contents provided in the letter affects each and every citizen of Carberry; be it Covid-19, Black Lives Matter, ANTIFA, and systemic racism. These issues are ongoing and should not be ignored. The CAO asked Council what they would prefer he do in a case like this, whether for the mayor or for an individual councillor. After some discussion, it was decided that any such letter should have a disclaimer that the views were those of the writer, and that where it was to happen, all members of Council ought to be sent a copy so as not to be surprised if questioned on the street about the views.

Councilor Tolton wanted to thank the Fire Department for their efforts of the “drive-by” birthday greetings during the depth of the lockdown. It was a well-received boost to spirits during a hard time.

He reported that work has begun on the air base memorial. Branches have been pruned from the overhanging trees, but some higher ones will require a bucket truck to reach. Framing for the concrete is pretty much in place, awaiting a cement truck with a few yards of surplus.

Councilor Anderson wanted to know if anything was being done to provide the Farmer’s Market, and other events using the CP Park, with washroom/toilet facilities. Too many pandemic health regulations make the facility unlikely.

He complimented the Grad pictures that have gone up on light standards along Main Street and First Avenue.

CAO Stephenson reported on the negotiations between NCL, the owners of the feedlot to the west of town, and the various government departments concerned.

As it stands, North Cypress-Langford has approved the facility for 3000 Animal Units, which amounts to about 4000 head of cattle. There is a problem though. Water Stewardship, who grant licenses for the use of groundwater, has no allocation available for any significant draw on the water of that basin.

A rock thrown by a town mower working in the ditch did \$1200 damage to a passing vehicle. As the Town's insurance has a \$2500 deductible, a claim will not be made.

The June District Meetings of AMM will be held virtually on Thursday June 18 from 10:00 a.m. to noon. A terminal will be set up in the Municipal Office, and councillors may attend there or with their own devices.

A request was submitted to the Water Services Board in connection with the lagoon expansion.

The Commissionaires will be in town the week of July 6 for a 36-hour assessment of the enforcement situation. They will study the by-laws and their application, the degree of present compliance, and the enforceability of the laws as presently framed.

Rubin Hoffman, who has acquired a property on Toronto Street, has asked if the town will remove the mature spruce trees on their boulevard. Policy states that if the trees are healthy, which they are, the Town will not remove them. It is up to the landowner to do so at his own expense.

A developer's tax bill will have to be revised; he has pointed out that in his development agreement, he negotiated a tax relief even on undeveloped property he owns.

The plan to enrol a "Junior Councillor" from Carberry Collegiate is going forward. Principal McCallum has proposed that Matthew Salyn be named to the post, and a by-law to that effect will be made ready for September.

The Firemen's Breakfast will go ahead on June 20, complying with the present health guidelines. Packaged breakfasts will be available from 7:00 a.m. to 1:00 p.m. for drive-through or delivery. The menu will consist of a 'ham and egg' and two hash brown patties. The cost will be \$10.

The present timing of town and NCL meetings — on adjacent days, the second Monday and Tuesday of the month — has presented a difficulty for the Financial Officer. Stephenson asked Council if they would consider changing the date to give her a bit more time. Council agreed that it would be simple enough to move to another day. Further discussion will take place.

Councillor Anderson asked if volunteers were needed to man the Hazardous Waste collection taking place on June 20. The CAO will follow up with the Manager, and inform Council of any requests for assistance.

Mayor Olmstead reported that at the Buildings Committee meeting it had been decided to postpone the re-stuccoing of the Municipal Office for a year to deal with other projects.

With that, the Council went in camera to discuss personnel matters. Council subsequently came out of in-camera and adjourned at 10:35 pm.