

REGULAR MEETING NOVEMBER 19TH, 2013

Reeve Swidersky called the meeting to order at 7:03 P.M.

Moved by Ed Penner

BE IT RESOLVED THAT the minutes of the October 16th and November 6th, 2013 meetings be adopted as circulated. Carried

By-Laws and Policies: Nil

Moved by Ed Penner

BE IT RESOLVED THAT cheques 3299-3327 inclusive, in the amount of \$535,802.41; be approved and paid as presented.

Moved by Konrad NARTH

BE IT RESOLVED THAT the financial statement for the month ending October 31st, 2013 be adopted as presented.

Moved by John Gawronsky

BE IT RESOLVED THAT Council Indemnities in the amount of \$5,614.72 cheques 3328-3332, be approved and paid as presented. Carried

From
CAO
Farm Lands Ownership Board
MB Infrastructure & Transportation
Roseau River International Watershed
RM of La Broquerie
Office of the Fire Commissioner
Crown Lands & Property Agency
Canada Food Inspection Agency
Anderson Consulting

- CAO report
- NCC land purchase approvals
- MAFRI lease agreement extension
- Meeting invitation
- New Zoning By-law Hearing
- Bldg Code inspection services contract
- reply to our letter
- Anaplasmosis
- surveys on post office closures

Resolution #5
File
Resolution #6
Resolution #7
File
Table
File
Resolution #8
Respond

Moved by Christine Friesen

BE IT RESOLVED THAT Council hereby accepts the CAO report dated November 6th, 2013 to November 18th, 2013 as presented. Carried

RESOLUTION NO. 6

Moved by Ed Penner

Seconded by Konrad Narth

BE IT RESOLVED THAT council hereby approves Manitoba Infrastructure & Transportation's lease extension request for the MAFRI office space in the RM building to January 31st, 2015. Carried

RESOLUTION NO. 7

Moved by John Gawronsky

Seconded by Konrad Narth

BE IT RESOLVED THAT council be authorized to attend the Roseau River International Watershed Meetings on January 23rd, 2014 in Roseau, MN with related expenses to be paid by the RM. Carried

RESOLUTION NO. 8

Moved by Ed Penner

Seconded by Konrad Narth

BE IT RESOLVED that Council hereby sends a letter to the Federal Government and copied to various departments regarding the Anaplasmosis letter received from Canada Food Inspection Agency. Carried

General Business

RESOLUTION NO. 9

Moved by Christine Friesen

Seconded by Konrad Narth

WHEREAS Schinkel Properties Ltd. approached council with two options for the properties outlined in the Development Agreement:

1. to have the Development Agreement amended to reduce the square footage requirement of the dwellings being built from 750 sq.ft. to 500 sq.ft.;
or
2. Allow Schinkel Properties Ltd. to apply for a variance for each lot upon sale to reduce the required building size.

BE IT RESOLVED THAT council hereby approves option number 2 requiring Schinkel Properties to apply for a variance for each lot upon sale amending the required building size.

BE IT FURTHER RESOLVED THAT council hereby confirms no changes to the existing development agreement. Carried

RESOLUTION NO. 10

Moved by John Gawronsky

Seconded by Ed Penner

BE IT RESOLVED THAT council hereby authorizes the CAO to have a door lock repaired at the office. Carried

RESOLUTION NO. 11

Moved by Konrad Narth

Seconded by Christine Friesen

BE IT RESOLVED that council hereby lifts the current burn ban that was put in place on October 17th, 2013. Carried

RESOLUTION NO. 12

Moved by John Gawronsky

Seconded by Christine Friesen

BE IT RESOLVED THAT council hereby approves Administrative Assistant, Brittany Fisher's request for vacation leave from January 16th to January 24th, 2014. Carried

Unfinished Business

RESOLUTION NO. 13

Moved by Ed Penner

Seconded by Konrad Narth

BE IT RESOLVED THAT council hereby cancels the regularly scheduled council meetings of December 3rd and 17th in favor of one council meeting in December scheduled for December 10th, 2013 at 7pm. Carried

RESOLUTION NO. 14

Moved by John Gawronsky

Seconded by Ed Penner

BE IT RESOLVED THAT council hereby sets the following office and landfill hours for the 2013 Holiday Season:
Open until noon on December 24th, 2013
Closed on December 25th, 2013
Closed on December 26th, 2013
Open until noon on December 31st, 2013
Closed on January 1st, 2014

Carried

RESOLUTION NO. 15

Moved by Christine Friesen

Seconded by John Gawronsky

BE IT RESOLVED THAT council hereby authorizes the CAO to apply for group benefits for all those on council and staff interested in signing up for the benefits package.

Carried

Other items discussed:

- Snowplowing – acquire maps from School Division outlining bus routes
- EMO Coordinator Meeting update
- SRRCD AGM meeting update
- Para Medicine update
- Per diem discussion
- Streetlight outages – contact MB Hydro
- Age-Friendly Committee update
- Fire Department Update & budget discussion
- Arena update
- Winter Carnival – Konrad to speak to Ms. Osachuk
- Christmas Lights – Resolution #16

RESOLUTION NO. 16

Moved by John Gawronsky

Seconded by Christine Friesen

BE IT RESOLVED THAT council hereby grants \$500.00 to the Vita Arena Board for the installation and removal of decorative Christmas lights.

Carried

RESOLUTION NO. 17

Moved by John Gawronsky

Seconded by Christine Friesen

BE IT RESOLVED THAT Council meet in camera as a committee of the whole to discuss legal matters and such discussions be kept in confidence as required under Section 15.13 of By-Law No. 05/07, Time: 9:20 p.m.

Carried

RESOLUTION NO. 18

Moved by Ed Penner

Seconded by Konrad North

BE IT RESOLVED THAT council adjourns their in camera session and resume regular business, Time: 9:41 p.m.

Carried

RESOLUTION NO. 19

Moved by Ed Penner

Seconded by John Gawronsky

WHEREAS in November 2012 the RM of Stuartburn and SoftByte Labs Inc., SoftByte Laboratory, Inc. and Michael Purkhardt ("SoftByte/Purkhardt") entered into an agreement whereby SoftByte/Purkhardt was to establish a website and domain and provide ongoing training and servicing;

AND WHEREAS the Municipality experienced security issues and difficulties with the website/e-mail domain requiring the Municipality to change domain hosts. In breach of the agreement, SoftByte/Purkhardt failed to provide a website of the quality necessary for the Municipality's requirements;

AND WHEREAS in March 2013 the RM of Stuartburn and SoftByte/Purkhardt entered into an agreement whereby SoftByte/Purkhardt agreed to create and provide a custom software program for the Municipality's financial and accounting requirements and to provide certain computer equipment;

AND WHEREAS in breach of the agreement SoftByte/Purkhardt failed to provide the custom software and computer equipment satisfactory to the Municipality as agreed;

AND WHEREAS the RM of Stuartburn paid SoftByte/Purkhardt \$3500.00 under the website agreement and \$16,500.00 under the software and equipment agreement;

AND WHEREAS as a result of SoftByte/Purkhardt’s breaches of the agreements, the RM of Stuartburn by letter dated November 4, 2013 gave SoftByte/Purkhardt notice of termination of the agreements and requested reimbursement of the \$16,500.00 paid under the software and equipment agreement;

BE IT RESOLVED that the notice of termination of the website and software and equipment agreements with SoftByte/Purkhardt effective November 4, 2013 and the offer to return the computer equipment to SoftByte/Purkhardt are hereby confirmed,

BE IT FURTHER RESOLVED that if SoftByte/Purkhardt has not reimbursed the RM of Stuartburn \$16,500.00 by November 22, 2013, Council authorizes the commencement of enforcement proceedings against SoftByte/Purkhardt for the \$16,500.00 including authorizing the commencement of an action to enforce payment of this amount. Carried

RESOLUTION NO. 20

Moved by Konrad Narth Seconded by Christine Friesen

BE IT RESOLVED THAT council hereby acknowledges SoftByte Labs, Inc registered letter dated November 18th, 2013 and authorizes the CAO to respond to this letter on council’s behalf. Carried

RESOLUTION NO. 21

Moved by Jim Swidersky Seconded by Konrad Narth

BE IT RESOLVED that council hereby confirms Diane Duclos’ employment with the RM of Stuartburn as a casual office worker ended April 19th, 2013;

AND BE IT FURTHER RESOLVED that council paid Ms. Duclos \$489.38 for notice as per Employment Standards Code.

Reeve Swidersky requests a recorded vote.

For the motion: Members Swidersky, Gawronsky, Narth, Friesen & Penner
Against the motion: None Carried

Adjournment, RESOLUTION NO. 22

Moved by Konrad Narth Seconded by John Gawronsky

WHEREAS all matters pertinent to this meeting have been completed,

BE IT RESOLVED THAT this meeting do now adjourn, and Council shall meet again in Regular Session December 10th, 2013. Time: 9:45 P.M. Carried

THE RURAL MUNICIPALITY OF STUARTBURN

Lucie Maynard, Chief Administrative Officer

Jim Swidersky, Reeve.