

Minutes of the regular meeting of the Council of the Town of Russell, held in the Council Chambers, Russell, Manitoba on Tuesday, April 10<sup>th</sup>, 2007 at 5:00 p.m.

Mayor Merril Kiliwnik presiding and Councillors Bonnie Bily, Eldon Montgomery, Willis Pushka and Chris Radford in attendance.

**Committee reports started at 5:00 p.m.**

**Call to Order – 5:30 p.m.**

**Resolution #70/07**

Moved by Councillor Radford

Seconded by Councillor Montgomery

WHEREAS a copy of the minutes of the last regular meeting dated March 27<sup>th</sup>, 2007 have been provided to each member of Council;

AND WHEREAS a copy of the minutes of the last regular meeting of the Town of Russell have been posted in the municipal office;

THEREFORE BE IT RESOLVED that the reading of the minutes be dispensed with;

AND FURTHER BE IT RESOLVED that the minutes of the last regular meeting dated March 27<sup>th</sup>, 2007 be adopted as presented.

Carried.

**Resolution #71/07**

Moved by Councillor Montgomery

Seconded by Councillor Bily

The Council of the Town of Russell approves payment from the Town of Russell General Account, at the Royal Bank, Russell Branch, Russell Branch, of Cheque #16078 to Cheque #16116 inclusive in the amount of \$65,961.18.

Carried.

**Resolution #72/07**

Moved by Councillor Radford

Seconded by Councillor Montgomery

That By-law No. 1475/02/07 of the Town of Russell to establish a Tax Increment Financing Zone as it relates to the Town's Main Street Revitalization Initiative as read a second time be passed.

Carried.

**Resolution #73/07**

Moved by Councillor Bily

Seconded by Councillor Montgomery

That By-law No. 1475/02/07 of the Town of Russell establish a Tax Increment Financing Zone as it relates to the Town's Main Street Revitalization Initiative to the Town as read a third time be passed and signed and sealed by the Mayor and CAO.

Carried.

IN FAVOUR: Bily, Montgomery, Kiliwnik, Radford

OPPOSED: Pushka

**Resolution #74/07**

Moved by Councillor Bily

Seconded by Councillor Montgomery

That By-law No. 1476/03/07 of the Town of Russell to establish a Main Street Revitalization Fund Reserve as read a second time be passed.

Carried.

**Resolution #75/07**

Moved by Councillor Radford

Seconded by Councillor Bily

That By-law No. 1476/03/07 of the Town of Russell establish a Main Street Revitalization Fund Reserve as read a third time be passed and signed and sealed by the Mayor and CAO.

Carried.

IN FAVOUR: Bily, Montgomery, Kiliwnik, Radford

OPPOSED: Pushka

**Resolution #76/07**

Moved by Councillor Montgomery  
Seconded by Councillor Radford

That By-law No. 1477/04/07 of the Town of Russell to establish a Tax Increment Financing Fund Reserve as it relates to the Town's Main Street Revitalization Initiative as read a second time be passed.

Carried.

**Resolution #77/07**

Moved by Councillor Radford  
Seconded by Councillor Bily

That By-law No. 1477/04/07 of the Town of Russell establish a Tax Increment Financing Fund Reserve as it relates to the Town's Main Street Revitalization Initiative to the Town as read a third time be passed and signed and sealed by the Mayor and CAO.

Carried.

IN FAVOUR: Bily, Montgomery, Kiliwnik, Radford  
OPPOSED: Pushka

**Resolution #78/07**

Moved by Councillor Pushka  
Seconded by Councillor Radford

Therefore Be It Resolved that the Council of the Town of Russell propose a Local Improvement Plan for their 2007 Paving Program as identified in Local Improvement Plan 02/07;

AND FURTHER BE IT RESOLVED that the Council hold a hearing regarding Plan 02/07 at their regular meeting on May 8<sup>th</sup>, 2007 at 8:00 p.m.

Carried.

Councillor Eldon Montgomery excused himself from the Council meeting citing a potential conflict of interest in regards to listing Maclsaac Crescent with Westpark Realty.

**Resolution #79/07**

Moved by Councillor Radford  
Seconded by Councillor Bily

WHEREAS the Town of Russell is the owner of property in Maclsaac Crescent;

AND WHEREAS the Council is interested in selling the property for housing;

AND WHEREAS current efforts to sell the property have not been effective;

THEREFORE BE IT RESOLVED that the Council of the Town of Russell approve the listing of the following property located in Maclsaac Crescent with Royal Lepage Westpark Realty at a price of \$15,000 per lot, subject to Westpark Realty's commission and taxes;

- Part of Lot 1, Block 2, Plan 37031
- Part of Lot 2, Block 2, Plan 37031
- Lots 3, 4, 5, Block 2, Plan 37031
- Lots 1, 2, Block 3, Plan 37031
- Part of Lot 2, Block 1, Plan 37031
- Lots 3, 4, Block 1, Plan 37031

AND FURTHER BE IT RESOLVED that the Mayor and C.A.O. be authorized to sign all necessary agreements to ensure the property is listed.

Carried.

Councillor Montgomery returned to the meeting.

**Resolution #80/07**

Moved by Councillor Bily

Seconded by Councillor Pushka

WHEREAS Subsection 365(2) of the Municipal Act requires Council to designate a year for which properties must be offered for sale;

THEREFORE BE IT RESOLVED that the Council of the Town of Russell designate 2006 as their designated year for the Town of Russell tax sale;

AND FURTHER BE IT RESOLVED that all taxes or portions of taxes in arrears as of December 31st, 2005 must be offered for sale by auction.

Carried.

**Resolution #81/07**

Moved by Councillor Montgomery

Seconded by Councillor Pushka

WHEREAS Subsection 365(1) of the Municipal Act requires that all properties in arrears of taxes for a designated year must be sold by auction;

THEREFORE BE IT RESOLVED that the Council of the Town of Russell establish their tax sale date as Friday, November 30<sup>th</sup>, 2007 at 1:00 p.m. to be held at 178 Main Street North and that the Mayor attend to represent the interest of the Town.

Carried.

**Resolution #82/07**

Moved by Councillor Radford

Seconded by Councillor Pushka

WHEREAS the Town of Russell has initiated the tax sale process with regards to Roll No. 47700;

AND WHEREAS the owner located on Roll No. 47700 is interested in entering into an agreement for payment of tax arrears;

THEREFORE BE IT RESOLVED that the Council of the Town of Russell approve the agreement dated April 10<sup>th</sup>, 2007 between the Town of Russell and the owner of the property identified in Roll No. 47700 for the payment of tax arrears for 2005;

AND FURTHER BE IT RESOLVED that the Mayor and C.A.O. be authorized to sign the said agreement.

Carried.

**Resolution #83/07**

Moved by Councillor Pushka

Seconded by Councillor Bily

WHEREAS the Town of Russell has initiated the tax sale process with regards to Roll No. 11800;

AND WHEREAS the owner located on Roll No. 11800 is interested in entering into an agreement for payment of tax arrears;

THEREFORE BE IT RESOLVED that the Council of the Town of Russell approve the agreement dated April 10<sup>th</sup>, 2007 between the Town of Russell and the owner of the property identified in Roll No. 11800 for the payment of tax arrears for 2005;

AND FURTHER BE IT RESOLVED that the Mayor and C.A.O. be authorized to sign the said agreement.

Carried.

**Resolution #84/07**

Moved by Councillor Bily

Seconded by Councillor Pushka

WHEREAS the Council of the Town of Russell has passed By-Law No. 1398/10/00 regulating the use of firearms in the Town of Russell;

AND WHEREAS Section 3 of By-law No. 1398/10/00 allows Council to appoint individuals to discharge firearms to deal with pest control problems subject to approval by the RCMP;

THEREFORE BE IT RESOLVED that the Council of the Town of Russell provide authority to Willis Dilts to discharge firearms for the purpose of dealing with the crow, grackle and gopher nuisance problem in the Town of Russell for the period April 15<sup>th</sup>, 2004 to June 30<sup>th</sup>, 2007;

AND FURTHER BE IT RESOLVED that the individuals be remunerated at the rate of \$200 per month plus out of pocket expenses for ammunition.

Carried.

**Resolution #85/07**

Moved by Councillor Montgomery

Seconded by Councillor Radford

WHEREAS the Council of the Town of Russell has received a request from Matt Lavallee for the purchase of Lot 6, Plan 23138 dated March 29<sup>th</sup>, 2007;

THEREFORE BE IT RESOLVED that the Council of the Town of Russell agree to sell Lot 6, Plan 23138 to Matt Lavallee for the purchase price of \$9,000 subject to the following conditions:

1. That transfer of title for the property will not be completed until after the construction of a building has been initiated. The Council of the Town of Russell will however provide a letter of intent if necessary to Matt Lavallee.
2. That all legal costs associated with the transfer of the property be divided 50/50 between the Town and Matt Lavallee.
3. That Matt Lavallee be responsible for all development costs for the lot including but not limited to items such as fill material, utility hook up and servicing, etc.
4. That if Matt Lavallee fails to start construction by April 15<sup>th</sup>, 2008 the Town of Russell's offer to sell Lot 6, Plan 23138 will be revoked.
4. That Matt Lavallee will be required to complete a building permit application for the placement of a residential home on Lot 6, Plan 23138.
5. If a used RTM is to be placed on the property identified, that the house to be moved onto the lot must meet Manitoba Building Code and be pre-approved by Council.

Carried.

**Resolution #86/07**

Moved by Councillor Pushka

Seconded by Councillor Radford

WHEREAS the Province has determined that a portion of property currently owned by them will be excess to the overall property needed to complete the Highway #16 Upgrade Project;

AND WHEREAS the Province has made the property available to the Town subject to their approval;

THEREFORE BE IT RESOLVED that Council of the Town of Russell indicate its interest in acquiring title to the property deemed to be surplus after construction of PTH #83 to its new location subject to a value for the property being negotiated.

Carried.

**Resolution #88/07**

Moved by Councillor Montgomery

Seconded by Councillor Bily

WHEREAS the Town of Russell has entered into an agreement with Gulf Oil Canada dated May 31<sup>st</sup>, 1974 for the provision of a sewer and water line beneath Parcel 7 Plan 5115 registered as Caveat No 189101;

AND WHEREAS the Province of Manitoba is purchasing a portion of Parcel 7 Plan 5115 as part of its Highway #16 Upgrading Project;

AND WHEREAS the Town must provide a release with regards to the compensation being provided for a portion of Parcel 7, Plan 5115;

THEREFORE BE IT RESOLVED that the Council of the Town of Russell, Caveator mentioned in Caveat No. 189101, NLTO, hereby agrees to relinquish interest secured by said Caveat no. 189101, in that portion of land required for Public Road purposes, and confirms that it will be in order to pay \$8,232.00 of the compensation for subject land to Petro-Canada.

AND FURTHER BE IT RESOLVED that the C.A.O. be authorized to sign the said release.  
Carried.

**Resolution #89/07**

Moved by Councillor Pushka

Seconded by Councillor Bily

That the regular meeting of Council scheduled for Tuesday, April 24<sup>th</sup>, 2007 at 7:00 p.m. be changed to Monday, April 30<sup>th</sup>, 2007 at 7:00 p.m.

Carried.

Correspondence was then read and considered.

Council adjourned.

Adopted this 30<sup>th</sup> day of April A.D., 2007.

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Mayor, Town of Russell

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C.A.O., Town of Russell