

Special meeting of the Council of the Town of Russell, held in the Council Chambers, Russell, Manitoba on Thursday, August 23rd, 2007 at 7:00 p.m.

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

Notice of the meeting was given to all members of Council in accordance with Sub-Section 151(2) of The Municipal Act.

Call to Order: 7:00 p.m.

Resolution #189/07

Moved by Councillor Pushka

Seconded by Councillor Radford

WHEREAS the Council of the Town of Russell has scheduled to sit for a Conditional Use Hearing in regards to Application CU 02/07 from Len Derkach regarding the Agricore Elevator;

AND WHEREAS the time being 7:00 p.m.;

THEREFORE BE IT RESOLVED that the Council of the Town of Russell sit for a Conditional Use Hearing in regards to Application CU 02/07 from Len Derkach regarding the Agricore Elevator.

Carried.

Individuals attending the Hearing were:

Norma Holmes
Len Derkach

Jay Derkach
Travis Derkach

Mayor Kiliwnik addressed those attending the Hearing and read to the group the proposal as submitted by Len Derkach regarding the elevator.

Mr. Derkach further outlined items within the proposal that had already been completed.

Council discussed the issue of a reserve for maintenance of the elevator and access to the reserve with the proponent. In addition the issue of restricting commercial usage of the elevator was also discussed.

Resolution #190/07

Moved by Councillor Montgomery

Seconded by Councillor Pushka

BE IT RESOLVED that the Conditional Use Public Hearing for CU-02/07 be closed;

AND FURTHER BE IT RESOLVED that the Council return to regular session.

Carried.

Resolution #191/07

Moved by Councillor Radford

Seconded by Councillor Pushka

That the Council of the Town of Russell sit as a Committee of the Whole in Camera.

Carried.

Discussion was held regarding outstanding issues for application CU 02/07.

Resolution #192/07

Moved by Councillor Pushka

Seconded by Councillor Montgomery

That the Council return to regular session.

Carried.

Resolution #193/07

Moved by Councillor Montgomery

Seconded by Councillor Pushka

Whereas the Town of Russell has received Conditional Use Application No. CU-02/07 from Len Derkach ("Owner") regarding the re-establishment of the Agricore Elevator as a grain storage facility;

And Whereas the Council of the Town of Russell has held a Public Hearing regarding the Application;

Therefore Be It Resolved that Conditional Use Application No. CU-02/07 be approved providing for the Owner to operate an elevator and associated facilities ("Elevator") as a grains storage facility, subject to the following conditions:

1. Maintenance Reserve

The Owner must establish a fund in the amount of \$50,000.00 to be used for the maintenance of the Elevator ("Reserve"). The first payment of \$5000.00 must be made by December 15, 2012, with the remainder to be paid into the Reserve in \$5000.00 annual installments by December 15 in each subsequent year up to and including 2021. If funds are used from the Reserve for maintenance, the amount withdrawn from the Reserve must be replaced within one year from the date of withdrawal.

2. Building Standards

The Owner must complete the following work to the Elevator by June 30th, 2008:

- Prior to start up inspection of all mechanical and electric systems
- Replacement and repair of aluminum sheeting on the facility
- Inspection of the roof and completion of necessary repairs
- Clean up of grounds, cutting grass, etc.
- Repair of broken windows and damaged doors

The Owner must maintain the Elevator in a good state of repair, maintain the property in a neat and tidy condition amenable to public view, and otherwise ensure that the Elevator and property do not become unsightly.

3. Performance Standards

- a. Insurance: The Owner must provide and maintain in full force and effect fire and extended coverage insurance including debris removal. The Owner must provide the Town annually with copies of the insurance policy and a fire risk inspection report.
- b. Rodent and pest control: The Owner must provide and maintain a rodent and pest control program to control and eliminate rodents and pests in the Elevator and on the property.
- c. Dust control: The Owner must provide and maintain a dust control system within the Elevator to collect and control dust and prevent dust from escaping from the property.
- d. Commercial use restriction: The portion of the Elevator's value assessed as "Other" property must not exceed 25% of the Elevator's total assessed value, as provided for and determined under the Municipal Assessment Act. Upon request, the Owner must provide the Town with such information as the Town may require to determine the extent of the commercial use of the Elevator.
- e. Hours of operation: Between November 1 and July 31 each year, the hours of operation of the Elevator are to be limited to 8:00 a.m. to 8:00 p.m.

4. Development agreement

The Owner must enter into a development agreement with the Town by no later than October 31st, 2007. If an agreement is not entered into within this time, this order shall lapse. The Owner must pay the Town's costs for the preparation of the development agreement.

Carried.

Council adjourned.

Adopted this 11th day of September A.D., 2007.

Mayor, Town of Russell

C.A.O., Town of Russell