



## THE RURAL MUNICIPALITY OF FISHER

Minutes of the Regular Meeting of The Council of the Rural Municipality of Fisher held on Wednesday, September 6, 2023, Council Chambers in Fisher Branch, Manitoba.

Present: Reeve Pyziak, Deputy Reeve Abas, Councillors Lindal, Tanchak, Nevakshonoff (phone), Gagaluk and Chief Administrative Officer Kelly Marykuca

Deputy Reeve Abas started the meeting off as chair and called the meeting to order at 9:04 a.m. Reeve Pyziak took over and chaired the meeting.

### Adoption of Agenda:

Moved by Councillor Gagaluk and seconded by Councillor Lindal  
217/23 **WHEREAS** the agenda for the Quarterly Meeting of Council has been circulated for them to review;  
**THEREFORE BE IT RESOLVED THAT** this agenda be adopted as presented.

**CARRIED**

Councillor Nevakshonoff started the meeting with an update to Council on illegal ditching taking place on Road 3W south of Highway 68. Councillor Nevakshonoff took pictures of the scene and demanded contractor to stop any illegal ditching. Police were called and a report was made. CAO to upload photos to the Water Licensing portal.

Council to request meeting with RM of Armstrong, Bifrost Riverton, Police, Drainage Licensing Officer and his department.

CAO to order survey and determine where the RM right of way boundary is and to consult with municipal lawyer.

### Confirming of Minutes:

Moved by Deputy Reeve Abas and seconded by Councillor Tanchak  
218/23 **WHEREAS** the minutes for the Quarterly Meeting of Council held on July 5, 2023, Special meetings July 17, 2023 and July 24, 2023, August 29, 2023 and August 30, 2023 have been circulated for their review;  
**THEREFORE BE IT RESOLVED THAT** the minutes are hereby adopted as presented.

**CARRIED**

### Delegates:

#### 9:30 RCMP

RCMP could not attend but gave Council a report on monthly statistics.

Council discussed concerns with crime/youth in the town of Fisher Branch.

#### 10:00 Joe Omer

Mr. Omer came to inquire on the illegal ditching that has taken place North of his residence. Order from the Province to fill in will be issued. The Road that was built did not comply to what the original resolution stated according to Mr. Omer. Reeve stated that current regulations state that no draining of wetlands is to occur. Consult with EIWD on what class wetland is. She suggested that a survey be ordered to identify the municipal right of way. Send a letter to Mr. Omer to explain what steps will be taken. Deputy Reeve Abas spoke of how all landowners affected should have their concerns addressed. He suggested that Water licensing present an engineered assessment on the waterflow because he believes that there is a ridge that water cannot flow south and that there is an old "borrow pit" from highways on that property which proves it was not a wetland.

### **10:30 Chris Rempel – Patient Transport Services**

Patient Transport Services is made up of 4 paramedics that formerly worked for the Fisher Ambulance Service. They have proposed a new business concept asking the municipality to support this initiative. Their business plan is to perform interfacility transfers to dialysis etc. Home base will be out of Gimli.

### **11:00 Public Hearing**

Moved by Councillor Lindal and seconded by Deputy Reeve Abas  
219/23 **RESOLVED THAT** the Council meeting adjourn at 11:00 am and that Council resolve into a Public Hearing to hear all representations, written and verbal, for the SW 25-23-1W to proceed with a subdivision to vary the site of the residual area from the minimum 80 acres to 74.047 acre standard and for the SW 25-23-1W to proceed with a subdivision to vary the site for the residual area from the minimum 80 acres to 76.887 acre standard.

**CARRIED**

Chairman Pyziak asked recording secretary for proof of notice.

Notice was advertised in the Express Weekly August 31, 2023.  
Notice was mailed to property owners within 100 meters of subject location August 22, 2023.  
Notice was posted in the Municipal office August 22, 2023.

No representation was made and no public was in attendance.

Chairman asked if there was written representation either for or against the proposal.  
Chairman declares receipt of presentations complete and concluded the public hearing at 11:05 a.m.

Moved by Councillor Tanchak and by Councillor Lindal  
220/23 **RESOLVED THAT** the Public Hearing has now ended and will return to a meeting of Council.

**CARRIED**

Moved by Councillor Gagaluk and seconded by Councillor Tanchak  
221/23 **WHEREAS** an application was made for the SW 25-23-1W to proceed with a subdivision to vary the site of the residual area from the minimum 80 acres to 74.047 acre standard  
**AND WHEREAS** the SW 25-23-1W to proceed with a subdivision to vary the site for the residual area from the minimum 80 acres to 76.887 acre standard.  
**THEREFORE BE IT RESOLVED THAT** the Council for the Rural Municipality of Fisher allow a variance and to proceed with the subdivision of property.

**CARRIED**

### **Financial:**

#### **1. Approval of Accounts**

Moved by Councillor Deputy Reeve Abas and seconded by Councillor Lindal  
222/23 **WHEREAS** the following items have been submitted for approval of payment:  
Cheque Nos. 6446 to 6569  
Electronic Payments EFT to Pay Works 3050 to 3056;  
**THEREFORE BE IT RESOLVED THAT** payments be approved for an amount not to exceed \$407,862.31

**CARRIED**

#### **Budgetary Control Report**

Moved by Deputy Reeve Abas and seconded by Councillor Tanchak  
223/23 **RESOLVED THAT** the draft Budgetary Control report dated August 31, 2023 be hereby accepted as presented.

**CARRIED**

### **Recreation Discussion:**

Account will be set up for recreation to show council a monthly break down of all expenses.

**Committee Reports:**

Nil

**Communications:**

**1. Dallas Red Rose Council – info only**

Tabled

**2. Interlake Outdoors Show**

Moved by Councillor Gagaluk and seconded by Councillor Tanchak  
224/23 **WHEREAS** a request for a sponsorship to the Interlake Outdoors Show was made;

**THEREFORE BE IT RESOLVED THAT** \$200.00 be donated to the Interlake Outdoors Show September 9 to 10, 2023.

**CARRIED**

**3. Rick Smith – SW 3-24-3W**

Moved by Councillor Tanchak and seconded by Councillor Lindal  
225/23 **WHEREAS** a drainage license for the south ditch of Road 138N west of Kilkenny Road is on file at the municipal office.

**THEREFORE BE IT RESOLVED** that Ward 4 Councillor hire a bid hourly contractor to clean out municipal ditch as per drainage license.

**BE IT ALSO RESOLVED THAT** the existing culvert be placed to the specifications of the drainage license.

**CARRIED**

**4. Barrett – Livestock at Large**

Council to meet with local Police Detachment. The livestock at Large by-law should be enforced. Council to look at hiring a private company to enforce By-laws if need required.

Tabled till September quarterly meeting. Possibly look into changing the cost of fines.

**5. Stanley Skibinski – Brushing Request Ward 4**

Tabled

**6. Municipal Relations Info Only**

Tabled

**7. AMM – Highway Traffic Act Amendment**

Tabled

**8. Fisher Rec Request**

A Karaoke event is being planned under Fisher Recreation. It will be taking place at the Fisher Branch Curling Rink Lounge. The Curling Rink is requesting a fee of \$125.00 to use their facilities for this community event.

Moved by Councillor Gagaluk and seconded by Councillor Lindal  
226/23 **WHEREAS** Fisher Rec will be hosting a karaoke night at the Fisher Branch Curling Rink Lounge;

**AND WHEREAS** they are requesting a user fee for the evening of \$125.00;

**THEREFORE BE IT RESOLVED THAT** a fee of \$125.00 be paid to the Fisher Branch Recreation Center for one night of karaoke.

**CARRIED**

**9. Fisher/Armstrong/Bifrost Meeting Request**

Armstrong Municipality has made a meeting request with the RM of Fisher, RM of Bifrost-Riverton, MLA, RCMP, Water Drainage Officer and department heads in regard to the large amount of illegal drainage taking place and fines not being enforced.

## **Unfinished Business**

### **1. WSP**

Tabled

### **2. Dustin Cymbalisky – Harvest of Wood**

Tabled

### **3. TLE Selection**

Tabled

### **4. Hodgson Streets**

Moved by Deputy Reeve Abas and seconded by Councillor Gagaluk  
227/23 **RESOLVED THAT** Invoice 2023-001798 from Eddy’s Gravel Supply Ltd. for the  
amount of \$25,065.60 be approved.

**CARRIED**

### **5. Hodgson Derelict Buildings**

Tabled

### **6. Website Update**

Tabled

### **7. Drainage**

#### **a.) Chmil Beavers – Ward 4 / Drone Budget Item**

Mr. Chmil was instructed by Councillor Nevakshonoff to wait till after fall harvest to take care of the beaver dams on his property. He went ahead and started the removal in the summer which caused an increase in waterflow to downstream farmers. Requires consultation with Drainage officer.

#### **b.) Dan Kosc**

Moved by Councillor Gagaluk and seconded by Deputy Reeve Abas  
228 /23 **WHEREAS** a survey of the west ditch on road 7W has been completed by Ken Stadnek  
**THEREFORE BE IT RESOLVED THAT** a drainage license be applied for once the  
survey is surrendered to the office.

**CARRIED**

#### **c.) Road 139N ditch clean out – Ward 3**

Public Works Supervisor looking into elevation of culvert for drainage licensing officer.

#### **d.) Survey Road 2W East side between 132N and 133N – Ward 3 and culverts across road 133N**

Moved by Councillor Gagaluk and seconded by Deputy Reeve Abas  
229/23 **WHEREAS** a survey is required for the east ditch of road 2W;  
**THEREFORE BE IT RESOLVED THAT** Ken Stadnek Municipal Hydraulic Surveyor  
be hired to survey the east ditch road 2W for 1 mile.

**CARRIED**

Moved by Councillor Gagaluk and seconded by Councillor Tanchak  
230/23 **WHEREAS** a liscence is required to install a culvert with flood gate through Road 133N  
at an angle to the Shurka Drain.

**CARRIED**

#### **e.) Illegal Ditching NW 3-23-1W – Ward 3**

CAO Kelly Marykuca declared conflict.

Unlicensed ditching and trespass occurred on the NW 3-23-1W. Three strand barbed wire fence was pushed into a pile along with all fence posts and excavated material was trucked off site. Boulders were pushed onto property. Police were called. Reeve Pyziak, Councillor Gagaluk, Broad Valley Hutterite Colony as well as Gerald and Glen Podaima met on site. Agreement to rectify the situation was made.

Copy of licenses for all lagoons in the municipality are to be researched.

**f.) Request for culvert Road 152N between 14W and 13W – Ward 7**

Moved by Councillor Lindal and Councillor Tanchak  
231/23 **RESOLVED THAT** culvert between road 13W and 14W to be replaced with like for like size and elevation to allow landowner to transport hay.

**CARRIED**

**g.) Illegal Ditching – Road 127N and 3W**

Councillor Nevakshonoff gave a report at beginning of meeting.

**h.) Ward 4 – Ditch Cleanout 15W NE 33-23-3W**

Tabled

**i.) Ed Bernier Request**

Moved by Councillor Tanchak and seconded by Deputy Reeve Abas  
232/23 **WHEREAS** a ditch cleanout is required for south ditch road 146N and east ditch road 15W  
**THEREFORE BE IT RESOLVED THAT** Ken Stadnek, Municipal Hydraulic Surveyor be hired to perform said survey.

**CARRIED**

**j.) Hallet Culvert Cleanout**

Moved by Councillor Tanchak and seconded by Deputy Reeve Abas  
233/23 **WHEREAS** Culvert and ditch on Road 150N and 15W requires cleanout  
**THEREFORE BE IT RESOLVED THAT** Ken Stadnek Municipal Surveyor be hired to perform survey required to apply for drainage license.

**CARRIED**

**8. Brushing Ward 7 in lieu of Drainage this year**

Councillor Tanchak requested that he use his drainage budget for brushing this year since surveys and licenses have to be obtained first before drainage can take place.

**9. Peguis CFS Property**

New zoning information to be provided by Quarterly meeting.

**New Business**

**1. Public Water Operating System Inspection – Info Only**

An audit was performed on the Fisher Branch Water System by drinking water officer Ed Sexton on August 24, 2023. No items were identified that required immediate action to be taken. All aspects of plant were up to date and in compliance.

**2. Subdivisions**

**a.) Hofer**

Moved by Deputy Reeve Abas and seconded by Councillor Lindal  
234/23 **WHEREAS** an application has been made to subdivide the SE 25-23-2W, Lot 1 Plan

14951 WLTO (roll 282530; CT 3032335/1) into two lots using the natural creek to create a subdivision;

**AND WHEREAS** each lot does not conform with the Fisher zoning By-Law with a minimum site width of 200 feet;

**THEREFORE BE IT RESOLVED THAT** Council of the RM of Fisher hereby approve the application to subdivide 17.08 acres into two lots separated by the natural creek boundary;

**AND BE IT FURTHER RESOLVED THAT** landowner requires a variance from Council to proceed with subdivision;

**AND BE IT FURTHER RESOLVED THAT** as noted by Fisher Armstrong Planning, EIWD, and Manitoba Infrastructure and Transportation that property has flooded in the past and a minimum criteria for building standards within a 200 year flood be followed.

**AND BE IT FURTHER BE IT RESOLVED THAT** all 2022 taxes have been paid in full.

**CARRIED**

b.) Woloshyn

Moved by Deputy Reeve Abas and seconded by Councillor Gagaluk

235/23 **WHEREAS** an application has been made to subdivide an 80 acre parcel being the SW 13-23-2W (CT 2535943/1; roll 275700) in a 29.36 acre and 50.64 acre holding.

**AND WHEREAS** each lot does not conform with the Fisher zoning by-law standard of 80 acres with a 29.36 acre and 50.64 acre standard;

**THEREFORE BE IT RESOLVED THAT** Council for the RM of Fisher approve the application to subdivide the SW 13-23-2W;

**AND BE IT FURTHER RESOLVED THAT** landowner requires a variance from Council to proceed with subdivision.

**AND BE IT FURTHER RESOLVED THAT** 2022 taxes have been paid in full.

**CARRIED**

### **3. Conditional Use Request**

Council would like Mr. Buchko of Glacier North to consult with mines on a permit and if it will be permitted due to the Alvar on the property. Tabled till quarterly.

### **4. Tax Sale**

Moved by Councillor Gagaluk and seconded by Councillor Lindal

236/23 **WHEREAS** pursuant to section 372 of the Municipal Act a municipality may set a reserve bid in the amount of the tax arrears and costs in respect of the property.

**THEREFORE BE IT RESOLVED THAT** the Rural Municipality of Fisher place a reserve bid on all properties in the amount of all arrears and costs in respect of each property.

**CARRIED**

### **5. Interlake Forest Center**

Awaiting bill of sale for buildings from the Interlake Forest Center to accompany lease for Crown Lands.

### **6. Front Counter**

Tabled

### **7. Town Hall**

Tabled

### **8. Municipal Service Delivery Program**

Tabled

## **9. Municipal Economic Development Infrastructure Program**

Tabled

## **10. RM Right of Way Blocked – Ward 7**

Complaint was made that a municipal right of way, which previously had a gate has been permanently fenced off. Restricting access to neighbouring property owners for access.

Moved by Deputy Reeve Abas and seconded Coouncillor Tanchak

237/23 **WHEREAS** a municipal right of way has been permanently fenced, restricting access.

**THEREFORE BE IT RESOLVED THAT** administration write a letter to land owner to remove restriction from RM right of way and provide a functioning gate on Road Allowance.

**CARRIED**

## **11. West Interlake Watershed Program**

Tabled

## **12. Return of RM Vested Lands**

Moved by Deputy Reeve Abas and seconded by Councillor Tanchak

238/23 **WHEREAS** NE 8-26-1E (Roll 148500) and SE 8-26-1E (Roll 148700) is presently under the administration of the Real Estate Services Division formerly Crown Lands and Property Agency;

**AND WHEREAS** the Council of the RM of Fisher deems it in the best interest of the municipality to administer said properties;

**THEREFORE BE IT RESOLVED THAT** the Council of the Rural Municipality of Fisher hereby request direct return of the RM of Fisher vested lands NE 8-26-1E and SE 8-26-1E

**CARRIED**

## **13. Letter to the Minister**

a.) Ambulance Bay

b.) Additional help for Drainage enforcement

Tabled

## **14. 2023 Fall Convention/Spring Convention**

Tabled

## **15. Ward 7 – Manure Spreading Complaint**

Tabled

## **16. 68 Service**

CAO Kelly Marykuca declared conflict.

New Septic business in RM has started – 68 Service run by Steve Marykuca. Workers Compensation and 3<sup>rd</sup> party liability insurance. Will be placed on the bid hourly list next year.

## **17. Water Tank for new Tact Truck**

Tabled

## **In Camera**

### **In Camera:**

Moved by Councillor Lindal and seconded by Councillor Gageluk

239/23 **BE IT RESOLVED THAT** Council recess the Regular meeting and go into “In Camera” as

per Section 152(3) of The Municipal Act to discuss the following item:

Personnel

**AND BE IT FURTHER RESOLVED THAT** all matters discussed are to remain confidential as per Section 83(1)(d) of The Municipal Act.

**CARRIED**

Moved by Councillor Tanchak and seconded by Councillor Lindal  
240/23 **BE IT RESOLVED THAT** as per Section 152(4) of The Municipal Act Council does now re-open the meeting to the public.

**CARRIED**

CAO to provide staff with monthly meetings and give them an opportunity to voice concerns about happenings in the office. Minutes to be taken and office closed for one hour during staff meeting.

**Adjournment:**

Moved by Deputy Reeve Abas and seconded by Councillor Gagaluk  
241/23 **BE IT RESOLVED THAT** the regular business has concluded and this meeting does hereby adjourn at 12:55 p.m.

**CARRIED**

---

Reeve

---

Chief Administrative Officer  
(Subject to errors and/or omissions)