

THE RURAL MUNICIPALITY OF MORRIS

The Council of the Rural Municipality of Morris held its regular meeting on Wednesday, June 13, 2001 at 9:00 a.m. in the Council Chambers of the R. M. of Morris.

Reeve Herm Martens presided.

Council Members present were: Ralph Groening, Stan Siemens, Leo Kornelsen, Denis Robert, Barry Fraese, Sieg Neumann.

Agenda

Moved by Denis Robert, Seconded by Barry Fraese:

#125/01. Resolved that the agenda for the June 13, 2001 regular meeting be now approved as it is now amended or as may be amended.

Carried. For 7  
Against 0

Minutes

Moved by Sieg Neumann, Seconded by Ralph Groening:

#126/01. Resolved that the minutes of the May 9<sup>th</sup>, 2001 regular meeting and the May 17, 2001 special meeting be now accepted as presented by the Municipal Administrator.

Carried. For 7  
Against 0

Delegation

Mr. Leighton Siemens, of Multi-Pork, and Mr. Reg Speers of Elite Swine met with Council to explain the situation of the Multi-Pork barn on the NW of Section 14-5-2 EPM. The barn burned down in the spring and they wish to rebuild the barn as soon as possible. The previous barn was a 1,500 sow farrowing to nursery barn and they have plans to increase the size of the barn to 3,000 sow farrowing to nursery. They currently have permission for a 1,500 sow barn and plan to start construction in the near future. The first portion of either barn is the same and that portion of the barn would take approximately 8 weeks to complete. Application has been made for the larger barn, however, it is not known as to the time frame that reports, and the conditional use process will take.

Council had no objection to their starting work on rebuilding, however, there was no guarantees as to when a conditional use application could be heard or any guarantees that it would pass.

Multi-Pork  
Rebuilding

Moved by Denis Robert, Seconded by Sieg Neumann:

#127/01. Resolved that Council accepts the proposal by Multi-Pork Inc. to rebuild their 1,500 sow farrow to nursery hog barn on the S1/2 of the NW of Section 14-5-2 EPM

Carried. For 7  
Against 0

Foreman  
Report

Mr. Don Harder, Public Works Foreman, met with Council. He explained the drainage work that has been done to date and that our gravelling program is scheduled to start approximately mid July, 2001. Gravel is needed to be put on the dyke roads at O. Goossen and at Dunn-Rite sites because of poor condition of the road.

Council also had a discussion on the grading of our roads and the crowning of the roads for both gravel and dirt roads.

They also discussed the Sperling Centennial and the mowing, etc. needs in that community because of the Centennial events at the end of June, 2001.

Council also discussed the dust control program for yard sites and that the few requests received would be done when the other calcium is done which is planned to be done as soon as our gravel program starts.

Foreman Report Con't.

The purchase of a mower hitch unit was discussed and we would be purchasing the unit that we are currently using. Our semi-trailer has been used in the hauling of shale, debris, dirt, etc. Since the purchase of this unit, it has definitely been used.

There is a change of employees at our Lowe Farm Land Fill Site in that Lloyd Jones has decided to not continue his work on Saturdays at this site. A replacement person has been hired and Mr. Denis Groening has been hired to work Saturdays at this site.

Council discussed the situation of radiators leaking in some of our machines and that this happening should be pursued through warranty.

There is still a considerable amount of straw from the 2001 flood that need to be hauled away.

Our culvert order has been delivered.

Building Inspector

Mr. Ray Muller, Building Inspector/Compliance Officer, met with Council and discussed the straw covers on lagoons. Some have straw and there is still a few barns that have not yet put on the straw cover. There are some new site locations where the owner has planted trees around the barn only and not the site including the barn and lagoon. Mr. Muller will send out letters to that situation and advise that the trees are to include the barn and lagoon.

Mr. Muller has taken a course for playground certification.

Council then discussed the situation of the time sharing between the Town of Morris and the R. M. of Morris. He explained the difficulties in trying to determine such a split of time.

Municipal Assessment

Mr. Herm Hiebert, Municipal Assessment Branch, met with Council to review the changes that would be taking place because of the reassessment being done for 2002. This reassessment is based on 1999 values. The assessors will be in the Morris Office on June 27 to meet with people that have concerns over their reassessment. He then reviewed a written presentation on the matter. There are certain changes taking place and he supplied the assessment changes for a number of municipalities.

	Farm Land Change	Overall Change
R. M. of Morris	+22%	+16%
R. M. of Roland	+29%	+23%
R. M. of Rhineland	+27%	+20%
R. M. of Macdonald	+41%	+22%
R. M. of Portage	+60%	+22%
Provincial Average Increase		+10%

Council then recessed for lunch at 12:10 p.m. and reconvened at approximately 1:00 p.m.

MTS Cable Location 29-4-1W

Moved by Denis Robert, Seconded by Barry Fraese:

#128/01. Whereas MTS Communications Inc. plans to install pedestals and connecting buried cable at a location south of Section 29-4-1 WPM and the north of Section 20-4-1 WPM;

And Whereas this proposal is to provide a service at that location;

And Whereas the R. M. of Morris has no concerns with this proposed project;

Therefore Be It Resolved that the Council of the R. M. of Morris approves this proposed MTS line project under their file no. 9023615.01, with the stipulation that the line be installed at least 1 metre below the existing ditch bottom.

Carried. For 7  
Against 0

Variation  
Board

Moved by Stan Siemens, Seconded by Leo Kornelsen:  
#129/01. Resolved that the Council of the Rural Municipality of Morris does now become the Variation Board of the R. M. of Morris to consider Variation Application No. 2/2001.

Carried. For 7  
Against 0

Variation  
Hearing

Mr. Dave Waldner, of Sun Valley Hog Farms Ltd., attended the hearing and explained that they plan to build a new shed structure near the SE corner of the barn but that the shed would have to be closer to the road. It is planned to be their utility shed and would be about the size of a 2 car garage.

Variation  
Application  
No. 2/2001

Moved by Sieg Neumann, Seconded by Stan Siemens:  
#130/01. Whereas Sun Valley Hog Farms Ltd. have made application for a variation to reduce the front yard setback from 125 feet to that of 66 feet for the East side of their property;  
And Whereas this variation is to allow the construction of a 32' x 36' shed on the East side of their property being the North 742.5' feet of the SE 1/4 of Section 2, Township 6 and Range 1 EPM;  
Therefore Be It Resolved that the Variation Board of the R. M. of Morris does now approve this application for Variation No. 2/2001.

Carried. For 7  
Against 0

Adjourn  
Variation  
Board

Moved by Stan Siemens, Seconded by Sieg Neumann:  
#131/01. Resolved that the Variation Board of the R. M. of Morris does now adjourn and resume as the Council of the R. M. of Morris.

Carried. For 7  
Against 0

Single  
Tier  
Assistance  
Proposal

Moved by Leo Kornelsen, Seconded by Barry Fraese:  
#132/01. Whereas the Province of Manitoba is considering the implementation of a single tier social assistance program;  
And Whereas the R. M. of Morris believes that such a program should have no charges to the municipalities;  
Therefore Be It Resolved that the R. M. of Morris has no objections to such a program, provided that there is no cost to any municipality for this program.

Carried. For 7  
Against 0

Councillor Leo Kornelsen excused himself from the following hog barn hearing due to a conflict of interest on this issue.

Public  
Hearing  
Conditional  
Use 4&5/01

At 2:30 p.m. Council opened a public hearing for the consideration of Conditional Use Application No. 4 and 5/01. There were approximately 27 people present for this hearing.

Council has also received letters of objection from Morton H. Nemy on behalf of his clients of S. Pohl, K. Fliedner and G. Demling.  
Council also received a letter of objection from Walter Kehler on behalf of his client, Rudolf Weiss.

Mr. Mike Booy, of K-Line Pigs Ltd., spoke first at this hearing and read a written report to Council in support of the proposed Conditional Use Applications and his presentation is on file.

Mr. Elwin Eidse, of K-Line Pigs Ltd., also read a written report to Council in support of the applications and his presentation is on file.

Cond. Use Hearing Cont.

Mr. Ray St. Godard asked Council to consider both applications as one and indicated that he is opposed to both applications. The Tobacco Creek does frequent flooding and is a potential disaster should the barn areas be flooded. There is a concern over the incorporation of manure and the manure settling into drainage ditches. A wet fall creates greater problems for injection of the manure. Any tree shelter belts may be effective for distances of 1.5 miles, but they take a long time to grow to have high trees. The smell from these barns will travel a great distance and straw cover is not effective to control odour. Real estate companies have stated to him that location to hog barns makes property sales very difficult. He asked if K Line would be purchasing his house if he is unable to sell it and will the Municipality be reducing their assessment.

He stated that these barns will have a cost to tax payers in the maintaining of roads to these barn sites. These barns are not a farming operation, they are actually industrial meat manufacturers.

He questioned some of presentation by K Line, in that there is an odour emissions chart and he questioned how this was done, what size barn, etc.

Other K Line barns have a poor track record in the area for odour, etc.

He mentioned that in the State of Minnesota they have halted construction of any such hog barns due to potential pollution and other concerns. Information from that area was that barns of the size proposed would smell for 3 to 4 miles and straw cover has a very limited effect. He questioned as to how the barns were to be vented. The manure injection is done once per year and is this monitored by a specialist in that state. For the odour chart shown, there is not an actual barn used but is only a computer model.

In some areas, earth lagoons are allowed for cattle and for hog barns, the manure is to be stored in concrete tanks. Where there is overland flooding, lagoons are not allowed. There can be contamination causing toxins which would be a threat to people and other animals. These blue/green algae blooms have occurred in Manitoba and are a potential threat. They do not want further pollution caused by these barns.

Barns do not conform to building codes and farm buildings are under a different status.

For barn fires, it is not the owners that are fighting the fire. Area landowners have provided much community support in the past. He does not feel that outside investors should be allowed to destroy the quality of the area. He is fully opposed to the application. Area people are forced to suffer consequences if promises are not met. No one is going to be monitoring the guidelines and regulations concerning these barns.

Council members should be considered in conflict if they have a benefit from the proposal. He then requested that Council have a recorded vote on the proposal.

Mr. Paul Wolman, of the Silver Winds Colony, stated that he is opposed to the barn application. Their colony is located in a most frequent wind direction from these barn locations. There is a barn north of their yard and they notice the smell from this barn about 10 days per year. The barns should be further east or west and not where they area proposed as where they are proposed would have the greatest effect on the Colony.

Mr. Victor Paetkau stated that on May 10, they had met with Dennis Schindler and had also met with Council on this matter expressing their views. There have bene 43 barns built in the Municipality in the last 10 years. The people most affected are the tax payers of the Municipality. Property owners are opposed to the barns and why are the barns being considered. People have spoken, signed a petition in opposition to the barns. Mr. Paetkau then presented this petition to Council. In the Free Press, it was stated that in the Virden area, people are wanting a tax reduction due to barns.

Cond. Use Hearing Cont.

They do not want the area to be polluted and having the barns near the Tobacco Creek which when it floods would increase this threat.

Mr. Larry Gluck noted that there is more in the news on the devaluation of property caused by Barns and if the property is devalued the barn would not be compensating them for their value loss. The guidelines are only guidelines and how is enforcement done? Barns make many promises during their applications, however, promises do not always come true.

Mr. Dulaney Blatz, then spoke that he is not opposed to livestock, however, if the person lives in the yard with the barns then there would be a greater appreciation of the effects on others. The barn will definitely smell. He has cattle and for regulations involving grasslands, he cannot have animals graze on these grasslands due to runoff contamination issues.

Councillor Groening stated that for the PIG barn northeast of Lowe Farm there is concerns of this barn operation. He questioned odour control, etc. from this barn as there is no straw cover or trees around the site.

Mr. Mike Booy stated that there is straw cover on the lagoon and trees have been planted but are a challenge to get to grow.

Councillor Groening asked how many local people work at the P.I.G. barn.

Mr. Elwin Eidse responded that there are 4 people living in the R. M. of Morris and 1 outside of the Municipality that work at this barn. The wages for people working there are approximately \$24,000.00 per annum and up per person.

Councillor Groening questioned the road access to these proposed barns is a dirt road and wanted to know what plans there was for the road. The barn owner would be responsible for the initial costs involving the road for a period of time.

Councillor Neumann asked if there was plans for housing on site or the area for employees.

Mr. Mike Booy responded that the manager of the barn would have to live in the immediate area, being a few miles from the barn.

Councillor Fraese asked if the Colony may in the future be considering building a hog barn.

Mr. Paul Wolman answered that there is no plans for one but anything is possible in the future.

Councillor Robert mentioned that there is a smell difference between feeder pigs and a sow barn operation.

Mr. Mike Booy added that the University of Minnesota recognizes the difference of odour between such barn operations.

Councillor Groening stated that this is a factory, a commercial enterprise. The site for these barns is in the rural environment and they do affect rural residents and their quality of life.

Mr. Mike Booy stated that he lives near a large hog barn and also a dairy barn and the odour may be a periodic problem but it is not full time.

Councillor Groening mentioned that they need to use odour control techniques and they have a long ways to go on odour control.

Councillor Robert stated that the assessment on the land is increasing and with all the barns being built, why does this happen.

Councillor Groening stated that closer people will have a greater problem with the issue of odour from the barns and how will they be dealt with.

Mr. Mike Booy mentioned that they want to create an area recording situation whereby area residents would keep a record of the days that they would smell the barns and what wind direction. He mentioned that there was a bio filtration system possible for the barn vents.

Mr. Glenn Smith stated that the smell from hog barns travels a long way and that Bernhard Gehrings moved away because of the smell from a barn.

Cond. Use Hearing Cont.

Mr. Ray St. Godard stated the house purchasers are not interested if they are close to a barn or may question is the water is useable. He had called Mark Milne about the smell from the P.I.G. barn and resulted in nothing positive being done.

Mrs. Bernice St. Godard stated that the Tobacco Creek has high phosphorus levels and adding the barns to the area causes a great threat to the future water quality.

Mr. Larry Gluck stated that barn are not built with fire walls and when they catch fire there is no way to save any of the building. It also seems that when a barn burns down they always rebuild but they rebuild a bigger barn. These barns may have a high use of feed, however, the grain for the feed does not come from Manitoba and therefore has no benefit to the Manitoba grain farmer.

Mrs. Victoria Groening questioned how the barns are monitored. How does Council handle a situation when the requirements are not followed by the barn owners.

It was responded that the Municipality has a compliance officer to monitor the barn, however, barns that may have been approved 5 or 6 years ago may not have such conditions on them.

Councillor Neumann stated that the manure and spreading is monitored by Manitoba Environment.

Councillor Robert asked if K Line would accept a higher performance bond and they responded that they would consider the matter.

Councillor Groening stated that the guidelines are only guidelines and they have a compliance officer to monitor the conditions. The Municipality has limited powers in dealing with certain situations.

Mr. Mike Booy indicated that the Conditional Use Permit states a number of terms and conditions of the approval and if the conditions are not met then the Municipality can take action to shut down the barn.

Reeve Martens responded that any such action would likely need to go to court.

Mr. Ken Groening stated that the Municipality has the authority to allow the barn but not to police its operation.

councillor Neumann mentioned that the grandfather issue is a problem with older barns. there should be a Provincial requirement relating to older barns. Currently, any new conditions or regulations do not apply to older barns.

Councillor Groening indicated that there is movement by the Province for the Province to approve barn applications.

Mr. Victor Paetkau stated that 43 barns have located in the Municipality and if you drew a 2 mile radius around each barn then there is no more room for barns.

Mr. Bernard Wiebe stated that where he lives there is barns in all directions and they must endure constant smell from any wind direction.

Mr. Larry Gluck mentioned that the performance bond is not an issue of great concern. You may need to use the bond as a means for the barn operation not following the conditions, but the effect would still be happening to the people of the area and they would have no benefit form the performance bond.

Councillor Groening stated that under the Farm Practices Protection Act, that Board will take complaints concerning odour. They will monitor odour levels and they can take action if deemed necessary. However, an application of a complaint will cost \$53.00.

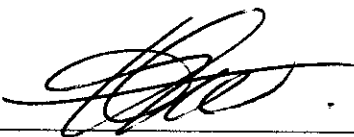
The hearing was then adjourned at 4:15 p.m.

Delegation

Mr. Dennis Schindler then met with council and their was discussion on the issue of the Multi-Pork barn burning and their desire to rebuild. Council requested that given the circumstances of the fire that their application to the Technical Review Committee be given special consideration in the response time from the Technical Review Committee.

Moved by Councillor Siemens:

That this meeting be now adjourned at 5:00 p.m. with Council agreeing to meet again on Thursday, June 14<sup>th</sup>, 2001 at 9:00 a.m. to continue the remainder of the agenda.



Reeve



Municipal Administrator