

## THE RURAL MUNICIPALITY OF MORRIS

The Council of the Rural Municipality of Morris held a special meeting on Tuesday, November 6, 2001 at 9:00 a.m. in the Council Chambers of the R. M. of Morris.

Reeve Herm Martens presided.

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

Also present for this meeting was Ray Muller and Bruce Gregory.

The purpose of this meeting is to discuss the situation involving the conditional use application 5/98 by B&M Farms.

A number of issues have arisen concerning this Conditional Use 5/98 and the building permit for same. There were questions raised by Council as to whether the Conditional Use Permit had been sufficiently initiated and whether the Building Permit had been started or whether the actual construction work had been sustained.

Mr. Bruce Gregory informed Council that Conditional Use 5/98 was approved in April, 1999 and was given a further one year extension in April, 2000.

The Planning Act, Sec. 53(13), indicates that a Conditional Use Permit expires after a 12 month period, if it is not renewed and if the permit is not "acted upon". If a renewal is given, then such an extension can only be given once.

There was a recent legal case at the Court of Queen's Bench whereby the decision was that the Conditional Use is acted upon if any process has started towards this permit, it is sufficient to be viewed as being acted upon or initiated. That could include even obtaining a building permit.

A building permit from the R. M. of Morris was issued for this barn on July 28, 2001.

Section 53(8) of the Planning Act indicates that Council may revoke a Conditional Use Permit for violation of the Conditional Use.

Council could proceed to Court for clarification of the lagoon capacity as there may be a question as to whether the lagoon has a 400 day storage capacity.

There was then some discussion as to the terms of the Conditional Use and the building permit.

The building permit was for an expansion to the operation, however, it was to expand each end of the existing barn in order to provide for the numbers for the conditional use. It would appear that one end of the barn construction has been completed. It would therefore appear that the overall construction project had started.

It was then questioned as to whether the overall project was in continual progress on the barn or whether there was a long period of time where there was inactivity on the project.

It was decided by Council that there should be a meeting of Council and our solicitor, Bruce Gregory and Bernie and Menno Bergen and their solicitor, Harry Wiens. This meeting would be held on Monday, November 12, 2001 at 1:30 p.m. in the Municipal Council Chambers. It was also mentioned that a representative of Armstrong Cheese be asked to attend.

It was felt that prior to this meeting that attempts be made to obtain information on the design and operation of a lagoon and also required compliance's for receiving the whey bi-product from Armstrong Cheese. This portion of the meeting was then ended.

Bergen  
Barn  
Cond. Use  
5/98

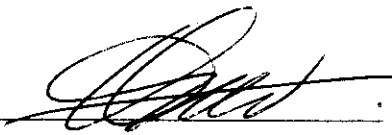
At this time in the meeting, Council discussed the hosting of an appreciation supper and evening for all of the volunteer firemen in the Municipality. It was mentioned that some preliminary arrangements have been made and that the event would be held in the Lowe Farm Community Hall on Tuesday, November 20, 2001 starting at approximately 6:00 p.m. or 6:30 p.m.

Firemen  
Supper

Moved by Leo Kornelsen, Seconded by Ralph Groening:  
#209/01. Resolved that the R. M. of Morris host a banquet supper evening for our volunteer firemen from the Rosenort, Sperling and Lowe Farm Fire Departments to be held on November 20, 2001 in Lowe Farm.

Carried. For 6  
Against 0

Moved by Councillor Sieg Neumann:  
That this special meeting be now adjourned at 11:00 a.m.

  
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Reeve

  
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Municipal Administrator