

## THE RURAL MUNICIPALITY OF MORRIS

The Council of the Rural Municipality of Morris held a special meeting on Monday, November 12, 2001 at 1:30 p.m. in the Council Chambers of the R. M. of Morris.

Reeve Herm Martens chaired the meeting.

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

Also Present was: Bruce Gregory (Counsel for the Municipality), Harry Wiens (Counsel for the Bergens's), Bernie Bergen, Menno Bergen and Ray Muller.

The purpose of this special meeting was to discuss and possibly resolve issues which Council has regarding the Conditional Use 5/98 for B & M Farms. The main issues involved the length of time for the construction of this barn and also the lagoon size for the barn expansion.

Mr. Bruce Gregory noted that there was a possible difference between "acted upon" and "actively pursuing". These two different terms may be viewed and defined differently by a different judge.

Mr. Harry Wiens informed all that there was a recent case before the Queens' Bench involving the R. M. of St. Clements. In this case the mentioned of acted upon basically referred to any action taken relative to the initiating of the project. Matter of a building permit, pursuing an environmental licence, were referred to as acted upon and not necessarily the actual construction.

He mentioned that the lagoon was started in the fall of 1999 and completed in the spring of 2000. For this project there has been other action taken in this construction. The construction of the north end has been completed and the south end is now well under construction. In his view, this should constitute "acted upon" and also "actively pursuing" and this issue would appear to be resolved.

Mr. Ray Muller reviewed his letter of work done on the site in basic response to the items mentioned in the letter from Mr. Wiens.

Mr. Harry Wiens indicated that the lagoon has an estimated storage of 500 to 600 days and therefore greatly exceeds the 400 days required. It was mentioned that when cell 1 was last pumped out, it was at prairie level and they were charged for approximately 1.5 millions gallons.

The Bergens are prepared to tarp cell 2. They have also installed a bottom feed intake system into cell 1 of the lagoon.

He indicated that if a court decides that the Bergens have acted upon the Conditional Use then they can continue with the project and if not, then the Conditional Use may be in jeopardy. It is hoped that this entire situation does not proceed to that level.

He further mentioned that they would tarp cell 2, have straw cover on cell 1 until October, 2002 and if odour is a "problem", that the Municipality is to decide on the matter of cover of cell 1 and must act in a reasonable manner. The tarp they plan to use is one that must be rolled back in the fall and put back over the lagoon the spring. The tarp must be rolled back before there is snow on it and the tarp can be reinstalled over the lagoon it is still frozen. It was mentioned that the barn extension will likely be completed by January 31, 2002.

There was some discussion on the whey from Armstrong cheese being brought into this property. They indicated that during the summer months, it may be put directly onto the land as is allowed by the Province. In the winter it would be also put directly onto the land and incorporated in the spring.

Bergen  
Barn  
Condit. Use  
5/98

There was discussion as to the lagoon size at ground level and what additional space capacity they may have. Based on Provincial ratings, it was determined that according to the engineered drawings for the lagoon, there should be a surplus capacity of approximately 500,000 gallons. This is the estimated capacity that could be put into the lagoon of the whey product. The second cell of the lagoon was built by JKW construction and they would like to present their letter as to information as to the actual size of the lagoon which is apparently different than that of the engineered drawings. Council indicated that they would consider this information but may require that the size be verified independently by an engineer.

At the end of the meeting, it was decided that Mr. Harry Wiens would draft a proposal and forward same to Mr. Bruce Gregory.

The meeting was ended at approximately 3:00 p.m.

  
Reeve

  
Municipal Administrator