

THE RURAL MUNICIPALITY OF SPRINGFIELD

COUNCIL MEETING

WEDNESDAY, April 1st, 2009

Present: Reeve Peter Skrupski
Councillor Bob Bodnaruk
Councillor Ken Lucko
Councillor Lorne Vaags
Laurent Tétrault, CAO
Colleen Draper, Recording Secretary

Absent: Councillor Karen Lalonde
Councillor Brian Thompson

Reeve Skrupski called the meeting to order at 6:30 p.m.

AGENDA

09-146 SKRUPSKI BE IT RESOLVED THAT the Agenda be amended as follows:
BODNARUK Add: 1. Disaster Financial Assistance
2. Library Board appointment
3. Red River Basin Commission
4. Southeast Groundwater Association Survey
CARRIED (4-0)

MINUTES

09-147 VAAGS WHEREAS the minutes of the Council meeting held March
BODNARUK 11, 2009 have been previously distributed to Council;
BE IT RESOLVED THAT the same be and are hereby
approved. CARRIED (3-0)

Reeve Skrupski abstained from the vote as he was not present at the March 11 meeting.

DELEGATION

Shelley Morris, attended Council regarding her concerns with the operation of Miracle Ranch. Her concern is with the number of horses allowed on the property and the recurring problem with excess manure and flow of manure leachate onto her family property. She advised that Manitoba Conservation has been investigating the problem since 2007 and still nothing has been resolved. She posed the following questions to council:

1. Does this Council believe there is any reason for concern for groundwater protection emanating from the quantities of manure being generated in an area with such permeable soil?
2. Can you confirm that the new zoning by-law will have no impact on Miracle Ranch's current operations? Are there any changes to municipal regulation that could be considered to address the problem?
3. Can the municipality assist me in applying pressure to Manitoba Conservation? As a jurisdiction that is affected by Miracle Ranch's flouting of the law, are you in a position to access the details of the

investigation? Perhaps your renewed interest in the matter could expedite a solution.

4. What other recourse does a property owner like my family have?

Council advised they would respond to her questions in writing.

UNFINISHED BUSINESS

Navin Road Intersection

Councillor Bodnaruk requested a recorded vote.

09-148 SKRUPSKI
VAAGS

BE IT RESOLVED that the RM of Springfield is in agreement with the "Plan Showing Conceptual Intersection Improvements for PTH No 1 (from Navin Road to East of Murdock Road) and South Side Service Road Conceptual Plan (Connecting Navin Road to Murdock Road)", drawn February 24th, 2009 and as presented by Manitoba Infrastructure and Transportation.

	For	Against	Absent	Abstain	Reason
Reeve	x				
Ward 1		x			
Ward 2			x		
Ward 3			x		
Ward 4	x				
Ward 5	x				

CARRIED (3-1)

PUBLIC HEARINGS UNDER THE PLANNING ACT

Variance 09-16 - Artur & Marina Schmidt - SE 3-10-4E

Purpose: To permit the construction of an accessory building (detached shop) having a square footage of 1400 square feet instead of the limited square footage of 1000 square feet, as per registered Development Agreement Rural Residential Development under Caveat #3370146.

Representations:
In Support: Artur Schmidt
In Opposition: None

The Development Officer read his report.

The Chair read a letter of opposition received by Jonathan Barg in regards to the size of the proposed building.

The Chair closed the evidentiary portion of the meeting.

09-149 BODNARUK
VAAGS

WHEREAS a Public Hearing has been conducted to consider an application filed by the owners Artur & Marina Schmidt (Lot 1 Block 1 Plan 45559 within SE ¼ 3-10-4E) for an amendment to Clause 7a)vii) of registered Development Agreement Rural Residential Development;
BE IT RESOLVED THAT Variation Order No. 09 - 16 be granted subject to the following conditions:

1. The use of the proposed accessory building shall be limited to the keeping of personal goods and supplies and personal vehicles, unless an application is made to utilize the proposed accessory building to accommodate for a "Home Occupation".
2. The proposed accessory building shall not be permitted for the housing of animals.
3. That the applicant be responsible for all costs pertaining to an amending agreement, and registration of said agreement at Winnipeg Land Title Office, by the municipal solicitor.

CARRIED (3-1)

Variance 09-17 - Shirley Rose Berard - NW 15-10-4E

Purpose: To permit the construction of a 40'x 50' accessory building to be utilized as a temporary third dwelling on the land, to provide accommodation for Ms. Berard's grandson, within the "A" Rural District.

Representations:

In Support: Shirley Berard
In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

09-150 BODNARUK
SKRUPSKI

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owner Shirley Rose Berard (Pt NW ¼ 15-10-4E) for a variation of the Springfield Town Planning Scheme 1575 & amendments thereto;

AND WHEREAS Council is satisfied that the requirements of Sections 94, 96 and 97 have been met;

BE IT RESOLVED THAT Variation Order No. 09 - 17 be granted subject to the following conditions:

1. That immediate family member, Ms. Berard's grandson, shall only occupy the temporary third dwelling.
2. That the temporary third dwelling be converted into an accessory building, when no longer occupied by Ms. Berard's grandson.
3. That the temporary third dwelling be serviced by a holding tank for sewage disposal and approved by Manitoba Conservation.

4. That the 40'x 50' accessory building approved herein shall be considered temporary and for occupancy only as a garden apartment or granny flat as described in Springfield Development Plan 1998.
5. That this order shall expire and become null & void December 31, 2014.

DEFEATED (2-2)

Variance 09-18 - Brian Blahut & Doreen Sholdice -
NE 17-10-4E

Purpose: To permit the keeping of 1 Livestock Waste Unit (2 horses) and related accessory buildings having a site area of 3.18 acres & site width of 230 feet instead of the required 5 acres & 300 feet respectively, within the "A" Rural District.

Representations:

In Support: Brian Blahut & Doreen Sholdice
In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

09-151 BODNARUK
VAAGS

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners Brian Blahut & Doreen Sholdice (Lot 1 Plan 19344 within NE ¼ 17-10-4E) for a variation of the Springfield Town Planning Scheme 1575 & amendments thereto;

AND WHEREAS Council is satisfied that the requirements of Sections 94, 96 and 97 have been met;

BE IT RESOLVED THAT Variation Order No. 09 - 18 be granted subject to the following conditions:

1. No livestock shall be permitted on the land other than up to a maximum of one (1) livestock waste unit, (2 adult horses) which are to be kept no closer than 100 feet to any well or septic field.
2. All livestock animals are to be owned by family members for personal use.
3. If this variance order is not acted upon within 12 months, it will expire.

CARRIED (4-0)

Variance 09-19 - John Keller & Stefanie Rudd - SW 24-12-5E

Purpose: To permit the keeping of 2.5 Livestock Waste Units (5 horses) and related accessory buildings, having a site area of 4.99 acres & site width of zero feet instead of the required 20 acres & 660 feet respectively, within the "A20" Limited Agricultural Zoning District.

Representations:

In Support: John Keller

In Opposition: None

The Development Officer read his report.

The Chair read a letter of opposition from Mr. and Mrs. Zielke regarding concerns with the number of horses applied for.

The Chair closed the evidentiary portion of the meeting.

09-152 SKRUPSKI
BODNARUK

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners John Keller & Stephanie Rudd (Parcel C Plan 14201 within SW ¼ 24-12-5E) for a variation of the Springfield Zoning By-law No. 85-26 & amendments thereto;

AND WHEREAS Council is satisfied that the requirements of Sections 94, 96 and 97 have been met;

BE IT RESOLVED THAT Variation Order No. 09 - 19 be granted subject to the following conditions:

1. No livestock shall be permitted on the land other than up to a maximum of 1.0 Livestock Waste Units (2 adult horses), which are to be kept no closer than 100 feet to any well or septic field.
2. All livestock animals are to be owned by family members for personal use.
3. If this variance order is not acted upon within 12 months, it will expire.

CARRIED (3-1)

Variance 09-20 - Curtis Boughton & Kimberley Semchyshyn - 20 Hazel Bay, Oakbank

Purpose: To permit the construction of a 19'x 20' accessory building (attached shed to single-family dwelling) having a West side yard setback of 5 feet instead of the required 10 feet, as per registered Development Agreement. (Variation Order No. 07-53 expired October 3rd, 2008)

The Chair tabled the application at the request of the applicant to the May 6 council meeting.

Variation 09-21 - Waldemar & Elisabeth Zesak - NE 33-12-5E

Purpose: To permit the keeping of 1.25 Livestock Waste Units (1 milk cow, 15 chickens, 10 geese) and related accessory buildings having a site width of 331 (+/-) feet instead of the required 660 feet, within the "A20" Limited Agricultural Zoning District.

Representations:

In Support: Waldemar Zesak
In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

09-153 SKRUPSKI
LUCKO

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners Waldemar & Elisabeth Zesak (Lot 1 Plan 45943 within NE ¼ 33-12-5E) for a variation of the Springfield Zoning By-law No. 85-26 & amendments thereto;

AND WHEREAS Council is satisfied that the requirements of Sections 94, 96 and 97 have been met;

BE IT RESOLVED THAT Variation Order No. 09 - 21 be granted subject to the following conditions:

1. No livestock shall be permitted on the land other than up to a maximum of 2.25 Livestock Waste Units, which are to be kept no closer than 100 feet to any well or septic field.
2. No hogs shall be permitted on the site.
3. All livestock animals are to be owned by family members for personal use.
4. If this variance order is not acted upon within 12 months, it will expire.

CARRIED (4-0)

Variance 09-22 - Terence & Fredericka White - 647 Ash Grove, Oakbank

Purpose: To permit the maintenance of existing attached decks to the existing single-family dwelling, having a North side yard setback of 2.5(+/-) feet instead of the required 10 feet, within the "RA" Suburban District.

Representations:

In Support: Bob Hoover on behalf of the applicants
In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

09-154 SKRUPSKI
BODNARUK

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners Terence & Fredericka White (Lot 12 Block 2 Plan 7777 within NE ¼ 21-11-5E) for a variation of the Springfield Town Planning Scheme By-law No. 1575 & amendments thereto;

AND WHEREAS Council is satisfied that the requirements of Sections 94, 96 and 97 have been met;

BE IT RESOLVED THAT Variation Order No. 09 - 22 be granted subject to the following conditions:

1. If there are any problems with drainage along the North side property limits at any time, as determined by the Development Officer, the owner shall be responsible to construct and maintain the required swales. If a drainage swale is required, the swale design and construction shall be reviewed and approved by the Public Works Department.
2. That a building permit must be obtained for the additional deck and the permit fees are subject to twice the permit fees. CARRIED (4-0)

Variance 09-23 - Kim Radford on behalf of Albert & Victoria Gross - SE 5-12-5E

Purpose: To permit the construction of a permanent second dwelling as a granny flat (single-family dwelling) on the land, to provide accommodation & assistance for Ms. Radford's parents, within the "A" Rural District.

Representations:

In Support: Albert Gross
Dwayne Ross
In Opposition: Frank Bendes
Fran Baker

The Development Officer read his report.

Mr. Bendes advised that he is a neighbour to the South of the applicant's property and that he is against the second dwelling being permanent. He believes that this is not the intent of a granny suite and it should be a temporary dwelling.

Mr. Ross advised that he is in support of the application.

The Chair closed the evidentiary portion of the meeting.

09-155 BODNARUK
VAAGS

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by Kim Radford on behalf of the owners Albert & Victoria Gross (Lot 1 Plan 38714 within SE ¼ 5-12-5E) for a variation of the Springfield Town Planning Scheme No. 1575 & amendments thereto;

AND WHEREAS Council is satisfied that the requirements of Sections 94, 96 and 97 have been met;

BE IT RESOLVED THAT Variation Order No. 09 - 23 be granted subject to the following conditions:

1. That the immediate family members, Mr. Albert and/or Victoria Gross, shall only occupy the second single-family dwelling.
2. That the existing single-family dwelling be converted to an accessory building (garage), when no longer occupied by Mr. Albert and/or Victoria Gross.
3. That the second single-family dwelling shall be considered permanent when the first building is converted to a garage with occupancy only as a garden apartment or granny flat as described in Springfield Development Plan 1998.
4. That the second single-family dwelling be subject to using a holding tank for sewage meeting Manitoba Conservation standards.
5. That this order shall expire and become null & void December 31, 2014. CARRIED (3-1)

Subdivision 4189-08-5277 - Aikins MacAulay & Thorvaldson c/o Chuck Chappell on behalf of Premier Home Builders - SE 3-10-4E

Intent: To subdivide three (3) approximate 5-acre lots in half, to create a total of six (6) approximate 2.5-acre lots for residential purposes.

Mr. Chappell addressed Council and requested that the application be tabled to the May 6 council meeting.

Subdivision 4189-08-5281 - Victoria McMahon on behalf of Anne Tanasicuik - NW 30-11-5E

Intent: To subdivide an approximate 17.58-acre parcel from the existing 85.46 acres which will be consolidated with the adjacent land to the East (40.17-acre (+/-) parcel)(There would be no additional parcels created, only a realignment of property lines.)

Representations:

In Support: Victoria McMahon

In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

09-156 BODNARUK
VAAGS

WHEREAS Victoria McMahon on behalf of the owner Anne Tanasicuik (Pt NW ¼ 30-11-5E) has applied to subdivide an approximate 17.58-acre parcel from the existing 85.46 acres which will be consolidated with the adjacent land to the East (40.17-acre (+/-) parcel). (No additional parcels created, only a realignment of property lines.)

BE IT RESOLVED THAT application for subdivision No. 4189-08-5281 be approved subject to the following conditions:

1. Payment of requisite fees; (Administration Fee)
2. That any variation orders be obtained, if required.
3. That a Lot Grade Plan be prepared and sealed by a professional engineer and approved by the Public Works Dept., as per the municipal drainage policy; and any drainage improvements shall be constructed prior to the issuance of any building permits for the property.
4. That the 17.58-acre subdivided parcel from CT 2332577 be consolidated into a single title with all those lands described in CT #2328512 (40.17 acres).

CARRIED (4-0)

Subdivision 4189-08-5283 - Judite McLeod - SE 33-12-5E

Intent: To subdivide the approximate 40.2-acre holding to create two (2) new lots.

Representations:

In Support: Judite McLeod

In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

09-157 SKRUPSKI
BODNARUK

WHEREAS the owner Judite McLeod (Pt SE ¼ 33-12-5E) have applied to subdivide the approximate 40.2-acre holding to create two new lots;

BE IT RESOLVED THAT application for subdivision No. 4189-08-5283 be approved subject to the following conditions:

1. Payment of requisite fees (Administration Fee, Capital Lot Levy, Land Dedication Fees);
2. A Surveyor's Building Location Certificate be prepared, by a Manitoba Land Surveyor, showing all existing buildings and structures, including the onsite wastewater system, in relation to the proposed property lines;
3. That any variation orders be obtained, if required, for site width and site area and also as a result of the Surveyor's Building Location Certificate;

- 4. That the site be rezoned from 'A' Rural & Agricultural Zone to 'A20' Limited Agricultural Zone;
- 5. That a Lot Grade Plan be prepared by a professional engineer and approved by, the Public Works Dept., showing localized runoff for this development, and any drainage improvements shall be constructed prior to the issuance of any building permits for the property.

CARRIED (4-0)

Subdivision 4189-04-4964 (Reconvened) - Bob & Margaret Crockett - NE 2-10-4E

Intent: To subdivide a 0.68-acre parcel from the existing 6.59-acre holding, for residential purposes.

Councillor Bodnaruk advised that the applicants requested the application be tabled to the May 6 council meeting.

BY-LAWS

By-law 09-04 - Aggregate By-law

09-158 LUCKO
SKRUPSKI

BE IT RESOLVED THAT first reading be given to By-law No. 09-04 being a by-law of the Rural Municipality of Springfield to amend By-Law No. 08-13, being a by-law to deal with the issuance of Aggregate Transport Licenses, Aggregate Mining Licenses and the Fees prescribed thereunder.

CARRIED (4-0)

Consent Agenda

09-159 SKRUPSKI
BODNARUK

WHEREAS a consent agenda has been submitted consisting of 19 items;
BE IT RESOLVED THAT the said consent agenda be adopted as circulated.

CARRIED (4-0)

DELEGATIONS

Curwood Ateah, of Landmark Planning, attended Council to review the next steps for the Springfield Zoning By-law. He advised that Bill Sawka, Provincial Planner, has recommended that council hold an additional public hearing to deal with the 10 approximate changes suggested. Council can decide to approve the by-law as is with no additional changes, pass a resolution stating that the 10 changes are minor and do not change the intent of the by-law or can hold another public hearing.

Council agreed to hold a public hearing to address the 10 changes.

NEW BUSINESS

Kinsmen Youth Centre - Received as information.

Manitoba Farm Women's Conference - Received as information.

Inland Aggregates Limited

- 09-160 SKRUPSKI
VAAGS WHEREAS Inland Aggregates Ltd. is requesting authority to operate gravel pits in Sections 34 and 35-11-4E and Section 5-12-5E from 6:00 a.m. to 11:00 p.m. Monday to Friday, throughout the 2009 operating season; AND WHEREAS the allowable hours of operation are from 6:00 a.m. to 10:00 p.m. daily, without permit; BE IT RESOLVED THAT the Municipality authorize the operation of the subject gravel pits an additional one hour per day (6:00 a.m. to 11:00 p.m.), Monday through Friday, excluding general holidays.
- CARRIED (3-1)

By-law 08-12 Correspondence

The Development Officer reported on correspondence received from the Minister of Intergovernmental Affairs rejecting By-law 08-12.

CDEM Wireless High Speed Internet

- 09-161 SKRUPSKI
BODNARUK BE IT RESOLVED THAT Council supports the application of CDEM through the Building Canada Fund for a Wireless high speed internet project throughout the RM of Springfield.
- CARRIED (4-0)

Manitoba Pork

- 09-162 SKRUPSKI
BODNARUK BE IT RESOLVED THAT Councillor Vaags be delegated to attend the Manitoba Pork Annual General Meeting on April 7, 2009 in Winnipeg.
- CARRIED (4-0)

Progressive Agriculture Farm Safety Days

- 09-163 SKRUPSKI
VAAGS BE IT RESOLVED THAT Progressive Agriculture Foundation be given a grant of \$100.00 towards the costs of holding its Progressive Agriculture Safety Day for 2009.
- CARRIED (4-0)

Cooks Creek Conservation District

- 09-164 BODNARUK
VAAGS BE IT RESOLVED THAT the funding for the 2009-2010 Cooks Creek Conservation District Program in the amount of \$157,869.04 be approved and further that payment be made upon request in two equal payments due on April 1, 2009 and October 1, 2009.
- CARRIED (4-0)

Agriculture in the Classroom

09-165 LUCKO VAAGS BE IT RESOLVED THAT the Rural Municipality of Springfield renew its membership with Agriculture in the Classroom for 2009 in the amount of \$500.00.
CARRIED (4-0)

Cooks Creek Heritage Museum

09-166 SKRUPSKI VAAGS BE IT RESOLVED THAT the R.M. of Springfield provide the Cook's Creek Heritage Museum a grant of \$4,000.00 for 2009, on a matching basis.
CARRIED (4-0)

Seine-Rat River Conservation District

09-167 BODNARUK VAAGS BE IT RESOLVED THAT the funding for the 2009 Seine-Rat River Conservation District Program in the amount of \$2,000.00 be approved and further that payment be made upon request.
CARRIED (4-0)

Road Restrictions

The CAO clarified a misunderstanding regarding road restriction permits.

Notice to rescind

Reeve Skrupski gave written notice to rescind resolution No. 09-143.

Manitoba Public Insurance

Item to be discussed In Camera.

Lagoon Expansion License

09-168 LUCKO SKRUPSKI BE IT RESOLVED THAT Council approve payment of the environmental license fee for the lagoon expansion in the amount of \$5,000.00.
CARRIED (4-0)

Financial Plan Public Hearing

The CAO advised that he would like to hold the Financial Plan Public Hearing on Tuesday, May 12th in the evening.

May 13th Council Meeting

09-169 SKRUPSKI BODNARUK BE IT RESOLVED THAT the May 13, 2009 council meeting be held at 6:30 p.m. instead of 1:00 p.m. as scheduled.
CARRIED (4-0)

Disaster Financial Assistance

09-170 SKRUPSKI WHEREAS the R.M. of Springfield was identified as an
LUCKO area at high risk for possible severe flooding in the
spring of 2009; and
WHEREAS these conditions necessitated costly pre-
emptive action to minimize overland flooding and
potential damage to private and public properties; and
WHEREAS actions taken by the R.M. of Springfield were
successful in mitigating any major damage in 2009;
BE IT RESOLVED THAT the R.M. of Springfield hereby
submits, as prescribed under the Disaster Financial
Assistance Agreement, a request to the Executive
Director of the Manitoba Emergency Measures
Organization for assistance for the public and private
sector. CARRIED (4-0)

Library Board

09-171 VAAGS BE IT RESOLVED THAT the following people be appointed
BODNARUK to the Library Board:
Jillian Oakes
Roderick Riewe
Ron Burek CARRIED (4-0)

Red River Basin Commission

Councillor Lucko advised that the RM of Springfield
will be hosting the Red River Basin Commission meeting
on April 23 in the EOC.

Southeast Groundwater Association

Councillor Lucko advised that the Southeast Groundwater
Planning Group has put out a survey of 37 ground water
issues previously identified by the general public at
public workshops held in March of 2008. The group is
asking that participating agencies and representatives
complete the survey with their individual ranking
system compared to the group ranking. A deadline of
Sunday evening was given for comments.

In Camera

09-172 SKRUPSKI BE IT RESOLVED THAT this meeting recess to in camera to
LUCKO discuss personnel and legal issues.
AND BE IT FURTHER RESOLVED THAT all matters shall
remain confidential until a report is made public.
1. Employee concern
2. Autopac CARRIED (4-0)

09-173 SKRUPSKI BE IT RESOLVED THAT this meeting reconvenes from in
LUCKO camera. CARRIED (4-0)

Autopac

09-174 SKRUPSKI BE IT RESOLVED THAT the RM of Springfield accept
BODNARUK Autopac's offer Re: Claim 29045321 2007 Envoy as per
the letter dated March 6, 2009. CARRIED (4-0)

Adjournment

SKRUPSKI THAT this meeting stand adjourned the time being 9:30
p.m. CARRIED (4-0)

Peter Skrupski
Reeve

Laurent Tétrault
Chief Administrative Officer