

THE RURAL MUNICIPALITY OF SPRINGFIELD

COUNCIL MEETING

TUESDAY, APRIL 26th, 2011

Present: Reeve Jim McCarthy
Councillor Bob Bodnaruk
Councillor Karen Lalonde
Councillor Ken Lucko
Councillor Garry Brown
Laurent Tétrault, CAO
Dan Doucet, Development Officer
Colleen Draper, Recording Secretary

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

AGENDA

11-194 MCCARTHY BE IT RESOLVED THAT the Agenda be amended as follows:
BROWN Add: 1. Disaster Financial Assistance
2. Public Works Committee Resolutions
3. By-law 11-06 - 2nd & 3rd readings
4. In camera - Sale of land
CARRIED (5-0)

MINUTES

11-195 MCCARTHY WHEREAS the minutes of the Council meeting held April
LALONDE 19, 2011 have been previously distributed to Council;
BE IT RESOLVED THAT the same be and are hereby
approved. CARRIED (4-0)

Councillor Lucko abstained from the vote as he arrived late at the April 19th council meeting.

REPORTS - ELECTED OFFICIALS

Councillor Bodnaruk reported on his attendance at the Financial Plan Hearing and a meeting regarding planning issues.

Councillor Lalonde reported on her attendance at a safety meeting, Public Works Committee meeting and the Financial Plan Hearing.

Councillor Lucko reported on his attendance at the Public Works Committee meeting and the Financial Plan Hearing.

Councillor Brown reported on his attendance at the Manitoba Good Roads Association banquet and the Financial Plan Hearing.

Reeve McCarthy reported that he has met with the family whose house was damaged and that they will be moving into a hydro house soon.

BY-LAWS

By-law 10-26 - Procedural By-law

11-196 MCCARTHY LUCKO BE IT RESOLVED THAT second reading be given to By-law No. 10-26 being a by-law of the Rural Municipality of Springfield to regulate the proceedings and conduct of the council of the Rural Municipality of Springfield and the committees thereof as amended.
CARRIED (4-1)

11-197 MCCARTHY BROWN BE IT RESOLVED THAT third and final reading be given to By-law No. 10-26 being a by-law of the Rural Municipality of Springfield to regulate the proceedings and conduct of the council of the Rural Municipality of Springfield and the committees thereof.

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

CARRIED (4-1)

By-law 10-27 - Organizational By-law

11-198 LALONDE MCCARTHY BE IT RESOLVED THAT second reading be given to By-law 10-27 being a by-law of the Rural Municipality of Springfield to govern the organization of the Rural Municipality of Springfield and the council committees thereof.
CARRIED (4-1)

11-199 MCCARTHY BROWN BE IT RESOLVED THAT third and final reading be given to By-law 10-27 being a by-law of the Rural Municipality of Springfield to govern the organization of the Rural Municipality of Springfield and the council committees thereof.

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

CARRIED (4-1)

PUBLIC HEARINGS UNDER THE PLANNING ACT

Subdivision 4189-11-5423 - Edwine & Gloria Brown - PT SE 29-10-7E

Councillor Brown declared a conflict of interest and left the council chambers.

Intent: To re-align title boundaries:
 - the existing 5-acre parcel to be consolidated with the title for the farm property (so that the residence and out-buildings are located on the farm property),
 - create a vacant 5-acre lot South of the existing yard site.

Representation:
 In Support: Gloria Brown
 Lori Brown
 In Opposition: None

For Information: Heather Erickson

The Development Officer read out his report.

The Chair closed the evidentiary portion of the meeting.

11-200 LUCKO
 LALONDE

WHEREAS the owners Edwine & Gloria Brown (Pt SE ¼ 29 -10-7E) have applied to re-align title boundaries:
 - the existing 5-acre parcel to be consolidated with the title for the farm property (so that the residence and out-buildings are located on the farm property), and
 - create a vacant 5-acre lot South of the existing yard site.

BE IT RESOLVED THAT application for subdivision No. 4189-11-5423 be approved subject to the following conditions:

1. Payment of requisite fees (administration fees);
2. That a Surveyor's Building Location Certificate be prepared by a Manitoba Land Surveyor for the existing yard site indicating the location of all structures & onsite wastewater management systems in relation to the proposed lot lines;
3. That any Variation Orders be obtained, if required as a result of the Surveyor's Building Location Certificate;
4. Site area & site width variation order be obtained, if required for the new 5-acre lot.

CARRIED (4-0)

Councillor Brown returned to the meeting.

UNFINISHED BUSINESS

Canadian Fallen Heroes

11-201 LUCKO
 LALONDE

BE IT RESOLVED THAT Council approve a grant in the amount of \$500.00 towards the Canadian Fallen Heroes Foundation memorial project.

CARRIED (5-0)

PUBLIC HEARINGS UNDER THE PLANNING ACT CONT'D

Conditional Use No. 11-07 - John Kehler on behalf of Wayne King Sales Ltd. - SW 15-11-4E

Purpose: To permit a "Trucking Operation" business and an "Automotive & Equipment Repair Shop" business on the land, within the "MG-1" Industrial General (site specific) Zoning District.

Representation:
In Support: John Keyler
Wayne King

In Opposition: None

The Development Officer read out his report.

The Chair closed the evidentiary portion of the meeting

11-202 BODNARUK
LUCKO

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by John Kehler on behalf of the owner Wayne King Sales Ltd. (Lot 8 Block 4 Plan 35572 within SW 15-11-4E) for a variation of the Springfield Zoning By-law No. 08-01, as amended;
AND WHEREAS Council is satisfied that the requirements of Sections 103, 104 and 105 have been met;
BE IT RESOLVED THAT Conditional Use Order No. 11 - 07 be granted subject to the following conditions:
1. Outside storage of goods and materials is allowed, subject to the following:
a. the storage shall be located to the rear of a line adjacent to and parallel with the front wall of the building;
b. a solid fence shall be provided and maintained in a condition acceptable to the Development Officer.
c. No storage of partial stripped and/or wrecked vehicles anywhere on the subject site.
2. That Building Permit No. BP 2010/257 for the industrial building be finalized prior to issuance of an Occupancy Permit.

CARRIED (5-0)

Conditional Use No. 11-08 - 6015263 Manitoba Ltd. c/o Derek Dewitt - SW 15-11-4E

Purpose: To permit a "General Contractor Service" business on the land, within the "MG-1" Industrial General (site specific) Zoning District.

Representation:
In Support:

In Opposition: None

The Development Officer read out his report.

The Chair closed the evidentiary portion of the meeting.

11-203 BODNARUK WHEREAS a Public Hearing has been conducted under The
LUCKO LUCKO Planning Act to consider an application filed by the
owner 6015263 Manitoba Ltd. c/o Derek Dewitt (Lot 4
Block 3 Plan 35572 within SW 15-11-4E) for a variation
of the Springfield Zoning By-law No. 08-01, as amended;
AND WHEREAS Council is satisfied that the requirements
of Sections 103, 104 and 105 have been met;
BE IT RESOLVED THAT Conditional Use Order No. 11 - 08
be granted subject to the following conditions:
1. Outside storage of goods and materials is allowed,
subject to the following:
a. the storage shall be located to the rear of a
line adjacent to and parallel with the front
wall of the building;
b. a solid fence shall be provided and
maintained in a condition acceptable to the
Development Officer.

CARRIED (5-0)

Conditional Use No. 11-10 - Jordan Elke - SW 36-10-6E

Purpose: To permit the placement of a mobile home on
the land, within the "RR" Rural Residential
Zoning District.

The applicant, Jordan Elke, requested that his
application be removed as the purchase of the mobile
home was not completed.

By-law No. 11-02 - Centre Line Bridge

11-204 BROWN BE IT RESOLVED THAT second reading be given to By-law
LUCKO LUCKO No. 11-02 being a by-law of the Rural Municipality of
Springfield to amend By-law No. 09-23 to provide for
the expenditure and borrowing of funds for the
construction of the Centre Line Bridge.

CARRIED (5-0)

11-205 LUCKO BE IT RESOLVED THAT third and final reading be given to
BROWN BROWN By-law No. 11-02 being a by-law of the Rural
Municipality of Springfield to amend By-law No. 09-23
to provide for the expenditure and borrowing of funds
for the construction of the Centre Line Bridge.

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

CARRIED (5-0)

By-law No. 11-03 - Municipal Office

11-206 LALONDE BROWN BE IT RESOLVED THAT second reading be given to By-law No. 11-03 being a by-law of the Rural Municipality of Springfield to amend By-law No. 09-17 to provide for the expenditure and borrowing of funds for construction of a municipal office on NW ¼ 15-11-5EPM.
CARRIED (3-2)

11-207 BROWN LALONDE BE IT RESOLVED THAT third and final reading be given to By-law No. 11-03 being a by-law of the Rural Municipality of Springfield to amend By-law No. 09-17 to provide for the expenditure and borrowing of funds for construction of a municipal office on NW ¼ 15-11-5EPM.

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

CARRIED (3-2)

Conditional Use No. 11-09 - 5215609 MB Inc. c/o Thiessen Towers Inc. on behalf of 3783651 MB Inc. - NE 22-11-5E

Purpose: To permit the construction of a "Multiple Family Dwelling" (12-unit apartment complex) on the land, within the "CC" Commercial Central Zoning District.

Representation:

In Support: Keith Thiessen
Morley Friesen
Alina Schumacher

In Opposition: Louise Tod

The Development Officer read out his report.

The Chair closed the evidentiary portion of the meeting.

11-208 LALONDE MCCARTHY WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by 5215609 MB Inc. c/o Thiessen Towers Inc. on behalf of the owner 3783651 MB Inc. (Lots 31 & 32 Plan 4883 within NE 22-11-5E) for a variation of the Springfield Zoning By-law No. 08-01, as amended;
AND WHEREAS Council is satisfied that the requirements of Sections 103, 104 and 105 have been met;
BE IT RESOLVED THAT Conditional Use Order No. 11 - 09 be granted subject to the following conditions:
1. 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.

- 2. That the Developers enter into a development agreement within the municipality regarding lot grades, drainage, access roads, utilities, landscaping, capital levies, lighting, onsite garbage collection and any other public works deemed necessary by Council.

CARRIED (5-0)

Variance No. 11-13 - 5215609 MB Inc. c/o Thiessen
Towers Inc. on behalf of 3783651 MB Inc. - NE 22-11-5E

- Purpose: To permit the construction of a Multiple Family Dwelling (12-unit apartment complex):
- 1. By allowing residential occupancy on the ground floor instead of any of the listed Permitted Uses of Conditional Uses, as per Section 64.7.1) within the "CC" Commercial Central Zoning District, and
 - 2. Having a front yard setback of 25 feet instead of the required 30 feet as per Section 59.5.

Representation:

- In Support: Keith Thiessen
Morley Friesen
- In Opposition: None

The Development Officer read out his report.

The Chair closed the evidentiary portion of the meeting

11-209 LALONDE
LUCKO

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by 5215609 MB Inc. c/o Thiessen Towers Inc. on behalf of the owner 3783651 MB Inc. (Lots 31 & 32 Plan 4883 within NE 22-11-5E) for a variation of the Springfield Zoning By-law No. 08-01, as amended;
 AND WHEREAS Council is satisfied that the requirements of Sections 94, 96 and 97 have been met;
 BE IT RESOLVED THAT Variation Order No. 11 -13 be approved subject to the following conditions:

- 1. 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.
- 2. That the Developers enter into a development agreement with the municipality regarding lot grades, drainage, access roads, utilities, landscaping, capital levies, and any other public works deemed necessary by Council.

CARRIED (5-0)

Variance No. 11-09 - Pitblado LLP c/o Thomas Turner/Lorrie Steeves on behalf of Barbara Lambert - NE 21-11-4E

- Purpose:
1. Proposed Parcel 2 - To permit a site area of 15.7 (+/-) acres and a site width of 402.61 (+/-) feet instead of the required 20 acres and 660 feet respectively.
 2. Proposed Parcel 1 - To permit a site width of 340.62 (+/-) feet instead of the required 660 feet, and
 3. Proposed Parcel 1 - To permit the maintenance of the existing single family dwelling with attached deck & attached vinyl-clad shed having a front yard setback of 92.7 (+/-) feet and having a West side yard setback of 41.25 (+/-) feet instead of the required 125 feet & 50 feet respectively,
- within the "AR" Agriculture Restricted Zoning District & "RR" Rural Residential Zoning District. (re: subdivision 4189-10-5373)

Representation:

In Support: Thomas Turner

In Opposition: None

The Development Officer read out his report.

The Chair closed the evidentiary portion of the meeting

11-210 BROWN
BODNARUK

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by Pitblado LLP c/o Thomas W. Turner / Lorrie Steeves on behalf of the owner Barbara Lambert (NE 21-11-4E) for a variation of the Springfield Zoning By-law No. 08-01, as amended;

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

BE IT RESOLVED THAT Variation Order No. 11 - 09 be approved subject to the following conditions:

1. This order shall come into force and take effect on the date of registration of a final certificate of approval on the matter of subdivision application no. 4189-10-5373.

CARRIED (5-0)

Variance No. 11-11 - Leon & Jeannette Botchar and Randall & Joelle Botchar - S 23-12-5E

Purpose:

1. Proposed Parcel A - To permit a site width of 417.0 (+/-) feet instead of the required 660 feet,

2. Proposed Parcel B - To permit a site width of 417.8 (+/-) feet instead of the required 660 feet,
 3. Proposed Parcel C - To permit the maintenance of the existing 32.2'x 14.3' wood granary having a North side yard setback of 23.0 (+/-) feet instead of the required 25 feet,
 4. Proposed Parcel D & Lot 1 Plan 19030 - To permit a total site area of 3.59 (+/-) acres & a total site width of 480 (+/-) feet instead of the required 20 acres & 660 feet respectively, and
 5. Proposed Parcel D & Lot 1 Plan 19030 - To permit the maintenance of a 47.9'x 8.5' metal storage container having a rear yard setback of zero feet instead of the required 25 feet,
- within the "AR" Agriculture Restricted Zoning District. (re: subdivision 4189-10-5351)

Representation:

In Support: Leon & Jeannette Botchar
Joelle Botchar

In Opposition: None

The Development Officer read out his report.

The Chair closed the evidentiary portion of the meeting

11-211 BROWN
MCCARTHY

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners Leon & Jeannette Botchar and Randall & Joelle Botchar (S 23-12-5E) for a variation of the Springfield Zoning By-law No. 08-01, as amended; AND WHEREAS Council is satisfied that the requirements of Sections 94, 96 and 97 have been met; BE IT RESOLVED THAT Variation Order No. 11 - 11 be approved subject to the following conditions:

1. This order shall come into force and take effect on the date of registration of a final certificate of approval on the matter of subdivision application no. 4189-10-5351.

CARRIED (5-0)

Variance No. 11-12 - Talbot Properties Ltd. - SW 15-11-4E

Purpose: To permit the construction of a 4,286 (+/-) sq. ft. addition to the existing 1, 583 (+/-) sq. ft. industrial building having a rear yard setback of 14 (+/-) feet instead of the required 25 feet as per Schedule "E" (Subdivision Agreement & Land Use Restrictions) to By-law No. 98-04, within the "MG-1" Industrial General (site specific) Zoning District.

Representation:
In Support: Henry Wiebe
In Opposition: None

The Development Officer read out his report.

The Chair closed the evidentiary portion of the meeting.

11-212 BODNARUK
LUCKO

WHEREAS a Public Hearing has been conducted to consider an application filed by the owners Talbot Properties Ltd. (Lot 12 Block 2 Plan 35572 within SW 15-11-4E) for an amendment to Clause 3.1c of Schedule "E" (Subdivision Agreement & Land Use Restrictions) to By-law No. 98-04;

BE IT RESOLVED THAT Variation Order No. 11 - 12 be approved subject to the following conditions:

1. If there are any problems with drainage along the North rear yard property limits at any time, as determined by the Development Officer, the owner shall be responsible to construct and maintain the common swales. If a drainage swale is required, the swale design and construction shall be reviewed and approved by the Public Works Department.

CARRIED (5-0)

Variance 11-14 - Archangel Fireworks Inc. c/o Danny McDowell - NW 16-11-7E

Purpose: To permit the use of a storage facility for the keeping of commercial fireworks & pyrotechnical equipment within storage containers, within the "AG-1" Agriculture General Zoning District (site specific). (Under Section 97(2) of The Planning Act (Use Variance)

Representation:
In Support: Danny McDowell
Candice Mitchell
Darren Ralke
In Opposition: Mike Kologie
Ian Mann
Vic Gerbasi
Al Mazur
Allen Nelson

For Information: Gord Barton

The Development Officer read out his report.

The Chair closed the evidentiary portion of the meeting

11-213 LUCKO WHEREAS a Public Hearing has been conducted under The
 LALONDE Planning Act to consider an application filed by
 Archangel Fireworks Inc. c/o Danny McDowell on behalf
 of the owner Paul Kula (Pt NW 16-11-7E) for a variation
 of the Springfield Zoning By-law No. 08-01, as amended;
 AND WHEREAS Council is satisfied that the requirements
 of Sections 94, 96 and 97 have been met;
 BE IT RESOLVED THAT Variation Order No. 11 - 14 be
 denied. CARRIED (5-0)

By-law 11-05 - Council Rates - Item was tabled.

By-law 11-06 - 2011 Rates of Taxation

11-214 MCCARTHY BE IT RESOLVED THAT second reading be given to By-Law
 LUCKO No. 11-06 being a By-Law of the Rural Municipality of
 Springfield to establish rates of taxation and impose
 taxes for 2011. CARRIED (4-1)

11-215 MCCARTHY BE IT RESOLVED THAT third and final reading be given to
 LALONDE By-Law No. 11-06 being a By-Law of the Rural
 Municipality of Springfield to establish rates of
 taxation and impose taxes for 2011.

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

CARRIED (4-1)

Consent Agenda

11-216 BROWN WHEREAS a consent agenda has been submitted consisting
 LUCKO of 5 items;
 BE IT RESOLVED THAT the said consent agenda be adopted
 as circulated. CARRIED (5-0)

NEW BUSINESS

Memorandum of Understanding

11-217 LALONDE BE IT RESOLVED THAT the R.M. of Springfield be
 LUCKO authorized to enter into a Memorandum of Understanding
 with the R.M. of Reynolds;
 AND BE IT FURTHER RESOLVED THAT the Reeve and CAO be
 authorized to sign the Memorandum of Understanding.
 CARRIED (5-0)

Disaster Financial Assistance

- 11-218 LUCKO BODNARUK WHEREAS the RM of Springfield was identified as an area at high risk for possible severe flooding in the spring of 2011; and
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 RM of Springfield were successful in mitigating any major damage in 2011;
BE IT RESOLVED THAT the RM of Springfield hereby submits, as prescribed under the Disaster Financial Agreement, a request to the Executive Director of the Manitoba Emergency Measures Organization for assistance for the public and private sector.
- CARRIED (5-0)

Dust Control

- 11-219 LUCKO LALONDE BE IT RESOLVED THAT the bid for the supply and application of road dust control chemical products be accepted from Dust Free Road Maintenance for the 2011 application season.
- CARRIED (5-0)

Public Works Reorganization

- 11-220 LUCKO BODNARUK BE IT RESOLVED THAT Council approves the recommendation of the Public Works Committee for the reorganization of the Public Works Department in accordance with the attached schedule.
- CARRIED (5-0)

Ward Appropriation Program

- 11-221 LUCKO BODNARUK BE IT RESOLVED THAT Council authorize the Public Works Department to proceed with the 2011 Works and Ward Appropriation Program as attached.
- CARRIED (5-0)

In Camera

- 11-222 MCCARTHY LUCKO BE IT RESOLVED THAT this meeting recess to in camera to discuss personnel and legal issues.
AND BE IT FURTHER RESOLVED THAT all matters shall remain confidential until a report is made public.
- CARRIED (5-0)
- 11-223 MCCARTHY LUCKO BE IT RESOLVED THAT this meeting reconvenes from in camera.
- CARRIED (5-0)

Adjournment

BODNARUK THAT this meeting stand adjourned the time being 9:15
P.M.

Jim McCarthy
Reeve

Laurent Tetrault
Chief Administrative Officer