

THE RURAL MUNICIPALITY OF SPRINGFIELD

COUNCIL MEETING

WEDNESDAY, FEBRUARY 3rd, 2010

Present: Reeve Peter Skrupski
Councillor Bob Bodnaruk
Councillor Brian Thompson
Councillor Ken Lucko
Councillor Lorne Vaags
Laurent Tétrault, CAO
Randall Znamirovski, CFO
Dan Doucet, Development Officer

Absent: Councillor Karen Lalonde

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

AGENDA

- 10-67 SKRUPSKI BE IT RESOLVED THAT the Agenda be amended as follows:
BODNARUK Add: 1. Municipal Constable
2. Municipal Board Re: By-law 09-27 (Ward Boundaries)
3. Minister Ashton - Open House
4. Budget 2010 (Unfinished Business)
CARRIED (5-0)

MINUTES

- 10-68 SKRUPSKI WHEREAS the minutes of the Council meeting held January
VAAGS 27, 2010 have been previously distributed to Council;
BE IT RESOLVED THAT the same be and are hereby
approved. CARRIED (4-0)

Councillor Thompson abstained from the vote as he was not present at the January 27 Council meeting.

UNFINISHED BUSINESS

2010 Budget

Reeve Skrupski gave an update on 2010 budget deliberations. He noted some departments have a 0% increase and others are quite high. He encouraged Council to work together towards a 0% increase.

Consent Agenda

- 10-69 SKRUPSKI WHEREAS a consent agenda has been submitted consisting
BODNARUK of litem;
BE IT RESOLVED THAT the said consent agenda be adopted
as circulated. CARRIED (5-0)

NEW BUSINESS

Oakbank Skate Park Initiative

Correspondence received from Oakbank Skate Park Initiative. Council requested that the group be invited as a delegation.

Drainage Concern - 16-10-6E

Councillor Vaags advised that the drain in question is within the Cooks Creek Conservation District. A meeting with CCCD is planned for February 8 to discuss further. Deputy Reeve Vaags will be in attendance.

DELEGATIONS

Grant Richie met with Council to discuss the zoning by-law. Mr. Richie owns property on Garven Road and Pine Ridge road. Because his property is within 1,000 feet of an aggregate operation he is unable to develop on the property. The Development Officer explained the process of obtaining a conditional use.

PUBLIC HEARINGS UNDER THE PLANNING ACT

Variance 10-06 - Mark Kowalchuk & Mandy Stuski - SW 27-12-5E

Purpose: To allow the keeping of four (4) horses on the land instead of the permitted two (2) adult horses, as per registered Development Agreement.

Representation:

In Support: Mark Kowalchuk
Mandy Stuski
Vicki Anderson
Chris Saunders

In Opposition: Lisa Chicken
Derrick Kosolowski
Louis Hogan
Kim Kosolowski
P. Gauthier

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

10-70 THOMPSON
BODNARUK

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners Mark Kowalchuk & Mandy Stuski (Lot 6 Block 3 Plan 13626 within SW¼ 27-12-5E) for an amendment to Clause 4.8 of the registered Development Agreement; AND WHEREAS Council is satisfied that the requirements of Sections 94, 96 and 97 have been met; BE IT RESOLVED THAT Variation Order No. 10 - 06 be denied. CARRIED (5-0)

Variance 10-07 - David Trylisnki - SE 16-11-4E

Purpose: To permit the maintenance of the existing 60.4'x 80.3' metal-clad commercial building having a front yard setback of 49.6 feet instead of the required 50 feet, as per registered Development Agreement.

Representation:

In Support: David Trylinski

In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

10-71 BODNARUK
THOMPSON

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owner David Trylinski (Lot 14 Block 3 Plan 43398 within SE ¼ 16-11-4E) for an amendment to Clause 14.3.1 of the registered Development Agreement; AND WHEREAS Council is satisfied that the requirements of Sections 94, 96 and 97 have been met; BE IT RESOLVED THAT Variation Order No. 10 - 07 be granted. CARRIED (5-0)

Variance 10-08 - Randy Empringham - NW 5-11-7E

Purpose: To permit the maintenance of the existing 24.2'x 24.2' metal accessory building (detached garage) having a West side yard setback of 32.4 feet instead of the required 50 feet, as per registered Development Agreement.

Representation:

In Support: Randy Empringham

In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

10-72 LUCKO
VAAGS

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owner Randy Empringham (Lot 7 Block 3 Plan 13908 within NW ¼ 5-11-7E) for an amendment to Clause 4.10 of the registered Development Agreement;

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

BE IT RESOLVED THAT Variation Order No. 10 - 08 be granted subject to the following conditions:

1. The use of the proposed accessory building shall be limited to the keeping of personal goods, supplies and personal vehicles, unless an application is made to utilize the proposed accessory building to accommodate for a "Home Occupation".

CARRIED (5-0)

Variance 10-09 - 3068553 Manitoba Ltd. & 5275602 Manitoba Ltd. - SW 21-10-4E

Purpose: To permit the use of a "lumber yard" on the land which is listed as a prohibited use within the registered Zoning Agreement under Caveat #3191018.

Representation:

In Support: Representatives for the applicants.

In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

10-73 BODNARUK
THOMPSON

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owner 3068553 Manitoba Ltd. & 5275602 Manitoba Ltd. (Lots 2 & 3 Plan 44367 within SW ¼ 21-10-4E) for an amendment to Clause 6.h. of the registered Zoning Agreement;

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

BE IT RESOLVED THAT Variation Order No. 10 - 09 be granted.

CARRIED (5-0)

Variance 10-10 - John & Andrea Richter on behalf of Darlene McDougall - NE 22-12-5E

Purpose: To permit the keeping of 1.0 Livestock Waste Unit (2 horses) and related accessory buildings, having a site area of 5 acres & site width of 330 feet instead of the required 20 acres & 660 feet respectively, within the "A20" Limited Agricultural Zoning District.

Representation:

In Support: John & Andrea Richter
Kelli Hayhurst

In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

10-74 THOMPSON
BODNARUK

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by John & Andrea Richter on behalf of the owner Darlene McDougall (Lot 15 Plan 15992 within NE ¼ 22-12-5E) for a variation of the Springfield Zoning By-law No. 85-26 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. 10 - 10 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 (maximum 2 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 a variance order is not acted upon within 12 months, it expires.

CARRIED (5-0)

Variance 10-11 - Norm Howat on behalf of Linda De Clercq - NW 35-10-6E

Purpose: To permit a "Home Occupation" on the land, to include the following:

- meat packaging & sales business within the "RR5" Rural Residential Zoning District.

Representation:

In Support: Norm Howat
Linda De Clercq

In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

10-75 VAAGS
LUCKO

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by Norm Howat on behalf of the owner Linda De Clercq (Lots 1 & 2 Plan 9400 within NW ¼ 35-10-6E) for a variation of the Springfield Zoning By-law No. 85-26 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. 10 - 11 be granted subject to the following conditions:

1. All business activities shall be conducted within the related accessory building.
2. Business activities shall be limited to the hours of 8:00 a.m. to 9:00 p.m., Monday to Friday and 8:00 a.m. to 8:00 p.m. on Saturdays (excluding Public Holidays).
3. A building inspection shall be conducted for the related accessory building to ensure that all life safety building, building and fire code requirements are met.
4. Not more than one advertising sign shall be displayed on the land and the size of the sign permitted shall not exceed 6 square feet in total area.
5. All personal and business related vehicles shall be parked on site.
6. The Home Occupation Business shall be owned and operated by the member(s) of the family residing at the dwelling unit along with a maximum of two employees who do not reside at the subject site.
7. This order shall expire and become null and void on the date the land is transferred by the applicant or business ceases to be in operation.

CARRIED (5-0)

Variance 10-12 - Doug & Karen Pearson - SE 1-10-4E

Purpose: To permit an approximate site area of 2.57 (+/-) acres and site width of 240 feet, for Proposed Lot 1, instead of the required 5 Acres and 300 feet within the "A" Rural District. (re: subdivision 4189-09-5300)

Representation:

In Support: Doug Pearson

In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

10-76 BODNARUK
THOMPSON

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners Doug & Karen Pearson (SE ¼ 1-10-4E) 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. 10 - 12 be granted 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. 4189-09-5300.

CARRIED (5-0)

Conditional Use 10-01 - Howard & Karen Shiels - SW 26-12-6E

Purpose: To permit the use of a vehicle race track (motocross & motor sports training & riding facility) on the land, within the "A" Rural & Agricultural Zoning District

Representation:

In Support: Howard & Karen Shiels
Rosanne Marcyniuk
Kim Mackl
Darren James

Letters in support submitted:
Dale Jones

In Opposition: Linda Jaworski
I Thompson
Jean Sally Osler
Richard Kuffner
Patti Prokopchuk
Kathleen Makenbach
Andrew Coulombe
Cory Kuffner
R. Warkentin
F. Thomson
Andrew Prokopchuk
Lorna Sinnaeve
Pattie Sjoberg
Stacey Holland

Letters of opposition submitted:
Albert & Tzipporah Meijering
R. Campbell & Roger Coutou
Andrew & Patti Prokopchuk
Barry & Christine Sarens
Chris Cunningham
Jean Sally Osler

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

10-77 THOMPSON
BODNARUK

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners Howard & Karen Shiels (Lot 2 Plan 18402 within SW ¼ 26-12-6E) for a variation of the Springfield Zoning By-law No. 85-26 as amended;
AND WHEREAS Council is satisfied that the requirements of Sections 94, 96 and 97 have been met;
BE IT RESOLVED THAT Conditional Use Order No. 10 - 01 be denied. CARRIED (5-0)

Subdivision 4189-09-5340 - Dowalt Custom Homes Inc. & Springfield Lot Developers Ltd. - SW 21-11-5E

Intent: To subdivide 8 existing lots in half, to create an additional 8 lots, totaling 16 lots for residential purposes. (The Residential development will allow for a total of 16 duplex units)

Representation:

In Support: Frank Dowalt
Shirley Fehr
In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

10-78 SKRUPSKI
THOMPSON

WHEREAS the owners Dowalt Custom Homes Inc. & Springfield Lot Developers Ltd. (Lots 29-36 Block 1 Plan 46813 within SW ¼ 21-11-5E) has applied to subdivide 8 existing lots in half, to create an additional 8 lots, totaling 16 lots for residential purposes (the residential development will allow for a total of 16 duplex units);
BE IT RESOLVED THAT application for subdivision No. 4189-09-5340 be approved subject to the following conditions:

1. Payment of requisite fees (administration fee, land dedication fees, capital lot levies),
2. That a Surveyor's Building Location Certificate be prepared by a Manitoba Land Surveyor indicating the location of the duplex units in relation to the proposed lot lines, and
3. That any variation orders be obtained, if required, as a result of the Surveyor's Building Location Certificate,
4. Side yard swale grades shall be as per the subdivision lot grading plan for the existing eight (8) lots & shall be constructed on all proposed property lines. At no time shall any water be drained onto the neighbouring property.

- 5. That a Development Agreement be entered into with the municipality regarding the following but not limited to: lot grades, drainage, waste removal, street lighting, traffic control, parking restrictions, access, connections to existing services, fencing, landscaping and/or any other public works deemed necessary by Council;

CARRIED (5-0)

Subdivision 4189-09-5342 - Norville & Arline Christopherson - SE 28-11-5E

Intent: To realign property boundaries for the approximate 133.48-acre holding under Ct#1610718 & Ct#1610719 resulting in the following lots:

- Proposed Lot 1 - 1.28 (+/-) acre parcel, &
- Residual Lot - 132.2 (+/-) acre parcel

Representation: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

10-79 SKRUPSKI
VAAGS

WHEREAS the owners Norville & Arline Christopherson (SE ¼ 28-11-5E) have applied to realign property boundaries for the approximate 133.48-acre holding under Ct#1610718 & Ct#1610719 resulting in the following lots: Proposed Lot 1 - 1.28 (+/-) acre parcel, and Residual Lot - 132.2 (+/-) acre parcel;
BE IT RESOLVED THAT application for subdivision No. 4189-09-5342 be approved subject to the following conditions:

1. Payment of requisite fees (administration fee),
2. That a Surveyor's Building Location Certificate be prepared by a Manitoba Land Surveyor indicating the location any structures and the onsite wastewater management systems, if any, in relation to the proposed lot lines,
3. Variation order be obtained for Proposed Lot 1 to allow for a substandard site area and site width, required under the zoning by-law.
4. That any variation orders be obtained, if required, as a result of the Surveyor's Building Location Certificate,
5. That CT #1610718 & CT #1610719 be consolidated under one title.

CARRIED (5-0)

BY-LAWS

By-law 08-01 - Springfield Zoning By-law

Dan Doucet, Development Officer, gave a brief history of the zoning by-law process. Curwood Ateah, Landmark Planning & Design Inc., explained the map of changes. Questioning was opened to Dan and Curwood.

10-80 SKRUPSKI THOMPSON BE IT RESOLVED THAT third and final reading be given to By-law No. 08-01 being the RM of Springfield Zoning By-law to regulate and control the use and development of land and buildings, also known as the RM of Springfield Zoning By-law.

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

CARRIED (5-0)

By-law 10-01 - R & M Penner Holdings Ltd. - SW 21-10-4E

10-81 BODNARUK THOMPSON BE IT RESOLVED THAT first reading be given to By-law No. 10-01 being a by-law of the Rural Municipality of Springfield to rezone all those lands described under Ct#2356133 within SW ¼ 21-10-4E from "AG" Agricultural General Zoning District to "CH" Commercial Highway Zoning District.

CARRIED (5-0)

OTHER PLANNING MATTERS

Discharge of Caveat

10-82 VAAGS SKRUPSKI WHEREAS Caveat #3444942 was placed on title as a condition of Subdivision No. 4189-02-4758; BE IT RESOLVED THAT Caveat #3444942 be discharged from Lots 3 & 4 Plan 46160 W.L.T.O. within NW ¼ 33-10-5 EPM (CT #2264421 & CT #2264429) at the owner's expense.

CARRIED (5-0)

NEW BUSINESS CONT'D

Municipal Constable

10-83 THOMPSON BODNARUK BE IT RESOLVED THAT Michael Ward be appointed as a Police Constable for the R.M. of Springfield.

CARRIED (5-0)

Municipal Board - Correspondence regarding By-law No. 09-27 (Ward Boundaries) received as information.

Minister Ashton Open House - Information regarding an open house was received. Date conflicts with Council meeting. The premier's breakfast in March was discussed.

- 10-84 SKRUPSKI BE IT RESOLVED THAT all of Council be delegated to
LUCKO attend the Premier's breakfast on Tuesday, March 2, in
Winnipeg. CARRIED (5-0)

In Camera

- 10-85 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.
CARRIED (5-0)

- 10-86 SKRUPSKI BE IT RESOLVED THAT this meeting reconvenes from in
VAAGS camera. CARRIED (5-0)

Firefighters Wages

- 10-87 SKRUPSKI WHEREAS it is deemed appropriate that Council confirms,
THOMPSON by resolution, non-union salary levels for
firefighters;
BE IT RESOLVED THAT the annualized salary schedule as
presented by the Chief Administrative Officer be
confirmed as the salary levels in effect for non-union
firefighters effective January 1, 2010. The 2010
increase will be 3% across the board.
CARRIED (5-0)

Adjournment

- SKRUPSKI THAT this meeting stand adjourned the time being 10:40
p.m.

Peter Skrupski
Reeve

Laurent Tétrault
Chief Administrative Officer