

THE RURAL MUNICIPALITY OF SPRINGFIELD

COUNCIL MEETING

WEDNESDAY, JANUARY 6th, 2010

Present: Reeve Peter Skrupski
Councillor Bob Bodnaruk
Councillor Karen Lalonde
Councillor Brian Thompson
Councillor Ken Lucko
Laurent Tétrault, CAO
Dan Doucet, Development Officer
Colleen Draper, Recording Secretary

Absent: Councillor Lorne Vaags

Councillor Lalonde called the meeting to order at 6:30 p.m.

AGENDA

- 10-01 THOMPSON SKRUPSKI BE IT RESOLVED THAT the Agenda be adopted / amended as follows:
Add: 1. Oakbank Water Distribution
2. In Camera - Non Union Salaries & Jennifer Broatch
3. By-law 08-19 - Aspen Lakes Development Corp.
4. Southeast Ground Water
5. Torch Run
6. Delegations CARRIED (5-0)

MINUTES

- 10-02 BODNARUK LUCKO WHEREAS the minutes of the Council meeting held December 9, 2009 have been previously distributed to Council;
BE IT RESOLVED THAT the same be and are hereby approved. CARRIED (5-0)

DEPARTMENT REPORTS

Animal Control - November, 2009 report received as information. Councillor Thompson updated Council on the dangerous dog situation. The municipal solicitor has advised that the municipality does not have the authority to destroy the dog.

DELEGATIONS

Joe Zadworny and Grant Kaufmann appeared before Council regarding an agreement between Cooks Creek Conservation District and a former landowner. The delegates were concerned that the trails will increase traffic from off road vehicles.

PUBLIC HEARINGS UNDER THE PLANNING ACT

Variance 10-01 - Barbara McCallum - SE 3-12-5E

Purpose: To permit the keeping of 4.0 Livestock Waste Units (8 horses) and related accessory buildings, having a site area of 19.69 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: Barbara McCallum
Mike Kuik

In Opposition: Donna Saint-Cyr

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

10-03 THOMPSON
SKRUPSKI

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owner Barbara McCallum (Lot 14 Plan 15720 within SE ¼ 3-12-5E) 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. 10 - 01 be granted subject to the following conditions:

1. No livestock shall be permitted on the land other than up to a maximum of 3.0 Livestock Waste Units (maximum 6 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 10-02 - William Lutz on behalf of Kimberly Lutz & Stanislav Mazur - SE 4-11-5E

Purpose: To permit the establishment of a tattoo studio business on the land, as a "Home Occupation" in the existing single-family dwelling, within the "A" Rural District.

Representation:

In Support: William Lutz
In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

10-04 THOMPSON
SKRUPSKI

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by William Lutz on behalf of the owners Kimberly Lutz & Stanislav Mazur (Lot 2 Plan 42749 within SE ¼ 4-11-5E) 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. 10 - 02 be granted subject to the following conditions:

1. All business activities shall be conducted within the existing building.
2. Business activities shall be limited to the hours of 10:00 a.m. to 8:00 p.m., Wednesday to Friday and 10:00 a.m. to 6:00 p.m. on Saturdays (excluding Public Holidays).
3. Approval is required from the Environmental Health Officer, prior to opening to the public.
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. Approvals are required from MB Infrastructure and Transportation for a change-in-use and all signage on the subject site.
6. That the applicant enter into a development agreement with the municipality, pertaining to the requested home based business.
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 10-03 - John Muller - NW 31-12-5E

Purpose: To permit the establishment of two (2) "Home Occupations" on the land:
- horse boarding business, and
- small equipment rental business
within the "A" Rural & Agricultural District.

Representation:
In Support: John Muller
In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

10-05 THOMPSON
SKRUPSKI

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owner John Muller (Lot 5 Plan 18109 within NW ¼ 13-12-5E) 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 - 03 be granted subject to the following conditions:

1. No livestock shall be permitted on the land other than up to a maximum of 5.0 Livestock Waste Units (10 adult horses), which are to be kept no closer than 100 feet to any well or septic field.
2. No livestock other than horses shall be permitted on the land.
3. Home Occupation may have one identification sign not exceeding 6.00 sq ft in area.
4. This order shall expire and become null and void on the date the land is transferred or business ceases to be in operation.

CARRIED (5-0)

Variance 10-04 - Maria Reimer on behalf of Anna Melanson - NE 15-12-5E

Purpose: To permit the keeping of 6.0 Livestock Waste Units (12 horses) and related accessory buildings, having a site width of 479.31 feet instead of the required 660 feet, within the "A20" Limited Agricultural Zoning District.

Representation:

- In Support: Maria Reimer
John Kennett
- In Opposition: Lois Nichol

The Development Officer read his report.

Letters of objections were read out from Tom & Lois Nichol and Carolyn Loepky.

The Chair closed the evidentiary portion of the meeting.

10-06 THOMPSON
SKRUPSKI

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by Maria Reimer on behalf of the owner Anna Melanson (Lot 1 Plan 40262 within NE ¼ 15-12-5E) 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 - 04 be granted subject to the following conditions:

1. No livestock shall be permitted on the land other than up to a maximum of 4.0 Livestock Waste Units (maximum 8 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 with 12 months, it expires.

CARRIED (5-0)

Variance 10-05 - Karen Malcolm - NW 2-12-5E

Purpose: To permit the keeping of 2.0 Livestock Waste Units (4 horses) and construction of related accessory buildings, having a frontage width of 332 (+/-) feet instead of the required 660 feet, within the "A20" Limited Agricultural Zoning District.

Representation:
In Support: Karen Malcolm
In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

10-07 BODNARUK
LUCKO

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owner Karen Malcolm (Lot 6 Plan 15305 within NW ¼ 2-12-5E) 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 - 05 be granted subject to the following conditions:

1. No livestock shall be permitted on the land other than up to a maximum of 2.0 Livestock Waste Units (maximum 4 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 with 12 months, it expires.

CARRIED (5-0)

Subdivision 4189-09-5336 - Louise Kuzyk - SE 9-12-6E

Intent: To subdivide an existing yard site (approximately 5 acres) from the residual agricultural lands.

Representation: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

10-08 THOMPSON
SKRUPSKI

WHEREAS the owner Louise Kuzyk (SE ¼ 9-12-6E) has applied to subdivide an existing yard site (approximate 5 acres) from the residual agricultural land;

BE IT RESOLVED THAT application for subdivision No. 4189-09-5336 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 single family dwelling and all accessory structures and the onsite wastewater management systems 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. CARRIED (5-0)

Subdivision 4189-09-5338 - William (Ronald) Dalton - SE 3-10-4E

Intent: To subdivide the existing 5-acre lot in half, to create a total of two (2) approximate 2.5-acre lots for residential purposes.

Representation:

- In Support: William Dalton
- In Opposition: Jim Bertrand
- Loic Feuillatre
- Kim Penley
- Bill McBean
- T. Daigle
- Sean Reddy
- Denise Penley
- Bob Gallagher

The Development Officer read his report.

The Chair tabled the subdivision until a drainage study is done in the area.

Subdivision 4189-09-5341 - Shirley Berard - NW 15-10-4E

Intent: To subdivide an existing 20-acre parcel from the existing approximate 54.59-acre holding.

Representation:

- In Support: Shirley Berard
- In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

10-09 BODNARUK
LUCKO

WHEREAS the owner Shirley Berard (NW ¼ 15-10-4E) have applied to subdivide an approximate 20-acre parcel from the existing approximate 54.59-acre holding;
 BE IT RESOLVED THAT application for subdivision No. 4189-09-5341 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 single family dwelling and all accessory structures and the onsite wastewater management systems 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. That a Lot Grade Plan be prepared for proposed Lot 1 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.

CARRIED (5-0)

Subdivision 4189-08-5263 - Aspen Lakes Development Corp. - SW 22-11-5E

Intent: To subdivide an approximate 49-acre parcel to create:

- 117 lots for predominantly single-family residential purposes,
- 4 public reserves, and
- 1 condominium site

Representation:

In Support: Manfred Pflug
Michael Falk
Bill Kerr

In Opposition: None

For Information: Krystal Boyce-Gaudreau
Sean Gaudreau
Chris Osborne
Gladys Hayward-Williams

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

10-10 LALONDE
SKRUPSKI

WHEREAS the owner Aspen Lakes Development Corp. (Lot 13 Block 3 Plan 43725 within SW ¼ 22-11-5E) have applied to subdivide an approximate 49-acre parcel to create:

- 117 lots for predominantly single-family residential purposes,
- 4 public reserves, and
- 1 condominium site;

BE IT RESOLVED THAT application for subdivision No. 4189-08-5263 be approved subject to the following conditions:

1. Payment of requisite fees (Administration Fee, Capital Lot Levy, Land Dedication Fees);

2. The proposed development shall be serviced by municipal water & municipal sewer.
3. That the site be rezoned from 'A' Rural District to 'RA' Suburban District for sites designated for single-family dwellings;
4. That the site be rezoned from 'A' Rural District to 'RS' Special Residential District for sites designated for bare land condominium units;
5. That any variation orders be obtained, if required.
6. That a Development Agreement be entered into with the municipality regarding the following but not limited to: lot grades, drainage, public roads & walkways, municipal sewer & water, waste removal, street lighting, traffic control, access, connections to existing services, fencing, landscaping and/or any other public works deemed necessary by Council;
7. That land dedication in the amount of 10% of the land being subdivided be taken for public reserve and/or cash in lieu of;
8. That a drainage plan be prepared by a professional engineer for the area, showing how and where surface runoff for this development will be accommodated.
9. The section of Holly Drive running north south should be given a different name.
10. Roadway system within the proposed subdivision should include an additional temporary access directly south to Springfield Road during the construction phase.

CARRIED (3-2)

BY-LAWS

By-law 09-24 - 5776661 Manitoba Ltd. - NE 15-11-5E

10-11 LALONDE
SKRUPSKI

BE IT RESOLVED THAT second reading be given to By-law No. 09-24 being a by-law of the Rural Municipality of Springfield to rezone the entire 4.3 acres, directly South of Lot 1 Plan 45662 within NW ¼ 15-11-5E from Agricultural Preserve Area to Commercial.

CARRIED (5-0)

By-law 09-28 - 5776661 Manitoba Ltd / RM of Springfield - NE 15-11-5E

10-12 LALONDE
THOMPSON

BE IT RESOLVED THAT second reading be given to By-law No. 09-28 being a by-law of the Rural Municipality of Springfield to rezone a portion of NW ¼ 15-11-5E from Agricultural Preserve Area to Institutional.

CARRIED (4-1)

By-law 09-10 - Fees and Charges

10-13 THOMPSON SKRUPSKI BE IT RESOLVED THAT second reading be given to By-law No. 09-10 being a by-law of the Rural Municipality of Springfield to revise and update the fees payable to the RM of Springfield for municipal services rendered under the authority of The Municipal Act, The Planning Act and the by-laws of the municipality.

CARRIED (5-0)

10-14 LUCKO BODNARUK BE IT RESOLVED THAT third and final reading be given to By-law No. 09-10 being a by-law of the Rural Municipality of Springfield to revise and update the fees payable to the RM of Springfield for municipal services rendered under the authority of The Municipal Act, The Planning Act and the by-laws of the municipality.

	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 09-27 - Ward Boundary

10-15 THOMPSON SKRUPSKI BE IT RESOLVED THAT third and final reading be given to By-law No. 09-27 being a by-law of the Rural Municipality of Springfield to establish a revised ward system for the purpose of electing municipal Councillors.

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

CARRIED (3-2)

By-law 08-19 - Aspen Lakes Development Corp. - SW 22-11-5E

10-16 LALONDE THOMPSON BE IT RESOLVED THAT third and final reading be given to By-law No. 08-19 being a by-law of the Rural Municipality of Springfield to rezone the East 232.0 feet of Lot 21 Block 1 Plan 43725 within 22-11-5E from "RA" Suburban District to "RS" Special Residential District.

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

CARRIED (4-1)

CONSENT AGENDA

- 10-17 THOMPSON SKRUPSKI WHEREAS a consent agenda has been submitted consisting of 9 items;
 BE IT RESOLVED THAT the said consent agenda be adopted as circulated. CARRIED (5-0)

NEW BUSINESS

Federation of Canadian Municipalities

Information regarding the 2010 FCM Conference was discussed.

AMM Education Seminar - Received as information.

Powerview-Pine Falls Support - Received as information.

Certificate of Recognition

Council recognized Tony Zerucha for completing his Public Relations Diploma.

Office of the Fire Commissioner

- 10-18 LALONDE THOMPSON BE IT RESOLVED THAT Fire Chief Dick Vlaming be appointed as the Local Assistant to the Fire Commissioner as authorized by the Fire Prevention and Emergency Response Act to operate within the provisions of the Act within the Rural Municipality of Springfield. CARRIED (5-0)

Mosquito Larviciding Program

- 10-19 BODNARUK LUCKO WHEREAS the Municipal Finance & Advisory Services of Manitoba Intergovernmental Affairs and the City of Winnipeg request payment for 2009 Mosquito Larviciding;
 BE IT RESOLVED THAT the R.M. of Springfield remit the amount of \$20,000.00 as in previous years. CARRIED (5-0)

Enumerator Fees

- 10-20 THOMPSON LUCKO BE IT RESOLVED THAT Assistant Enumerator fees be set for the 2010 election in the amount of \$15.00 per hour. CARRIED (5-0)

Beautification Grants

- 10-21 THOMPSON SKRUPSKI WHEREAS the Oakbank Beautification Committee, Dugald Project Committee and Anola Enhancement Association is raising funds for beautifying the Main Street of their community in 2009
BE IT RESOLVED THAT Council offers to match all contributions raised locally in 2009, to a maximum of \$1,000.00. CARRIED (5-0)

Non-Union Salaries - Item to be discussed In Camera.

Financial Statement

- 10-22 BODNARUK THOMPSON BE IT RESOLVED THAT the Financial Statement for the month ending October 31, 2009 be accepted as presented. CARRIED (5-0)

Oakbank Water Distribution

- 10-23 LALONDE SKRUPSKI BE IT RESOLVED that the RM of Springfield enter into an agreement with Stantec Consulting Ltd. for the Engineering Services for the detailed design of five phases of the Oakbank Watermain Project for the fixed fee sum of \$90,325.00. CARRIED (4-1)

Southeast Groundwater Management

Councillor Lucko advised Council that a meeting will be held at the Oakbank United Church on January 25 to discuss the groundwater management plan. He would like Council to submit their concerns at that meeting.

Torch Run

Councillor Lucko noted what a great event the torch run was. He suggested that funds should be made available if the Springfield resident torch bearers are financially unable to purchase the torch for.

Meeting Delegations

- 10-24 LALONDE THOMPSON BE IT RESOLVED THAT the following meeting delegations be approved:
Councillor Bodnaruk - January 12 - meeting with East St. Paul re: treaty land settlements
Councillors Lucko, Lalonde, Vaags, Thompson - December 18 - tour of recreation complex in Portage CARRIED (5-0)

Meeting Extension

- 10-25 LUCKO LALONDE BE IT RESOLVED THAT the council meeting be extended to 11:30 p.m. CARRIED (5-0)

In Camera

- 10-26 LALONDE THOMPSON 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.
- municipal board report
 - non-union salaries
 - Jennifer Broatch
 - Cooks Creek Conservation District

CARRIED (5-0)

Councillor Bodnaruk excused himself from the meeting at 11:00 p.m.

- 10-27 LALONDE LUCKO BE IT RESOLVED THAT this meeting reconvenes from in camera. CARRIED (4-0)

Adjournment

- LALONDE THAT this meeting stand adjourned the time being 11:30 p.m. CARRIED (4-0)

Karen Lalonde
Chair

Laurent Tétrault
Chief Administrative Officer