

THE RURAL MUNICIPALITY OF SPRINGFIELD

COUNCIL MEETING

TUESDAY, JULY 26th, 2011

Present: Reeve Jim McCarthy
Councillor Bob Bodnaruk
Councillor Karen Lalonde
Councillor Ken Lucko
Councillor Garry Brown
Kyle Giesbrecht, CFO
Dan Doucet, Development Officer
Colleen Draper, Recording Secretary

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

AGENDA

11-380 MCCARTHY LUCKO BE IT RESOLVED THAT the Agenda be amended as follows:
Add: 1. Grader Purchase
2. Dust Abatement
3. Committee meeting resolutions
4. June Financial Statement
5. Stantec Engineering

CARRIED (5-0)

MINUTES

11-381 MCCARTHY BROWN WHEREAS the minutes of the Council meeting held July 5 and July 19, 2011 have been previously distributed to Council;
BE IT RESOLVED THAT the same be and are hereby approved.

CARRIED (4-0)

Councillor Bodnaruk abstained from the vote as he was not present at the July 19 meeting.

REPORTS - ELECTED OFFICIALS

Councillor Brown reported on his attendance at a Seniors Housing Committee meeting and the Stantec tender opening.

Councillor Bodnaruk reported on his attendance at a Public Works Committee meeting and a Planning discussion meeting.

Councillor Lalonde reported on her attendance at a Public Works Committee meeting, Planning discussion meeting and advised that a Hometown Grant was received for the welcome sign in Oakbank.

Councillor Lucko reported on his attendance at the Stantec tender opening, Public Works Committee meeting and advised that with the dry conditions 7 mowers are out cutting ditches which in turn will help with drainage.

Reeve McCarthy reported on his attendance at a Seniors Housing Committee meeting, Public Works Committee meeting and a Planning discussion meeting.

BY-LAW

By-law 11-05 - Council Rates and Allowances - Item was tabled to August 23 council meeting.

PUBLIC HEARINGS UNDER THE PLANNING ACT

Councillor Brown excused himself from the Council Chambers.

Subdivision 4189-11-5431 - Mildred Reid and Sandra Trush - SW 35-10-5E

Intent: To subdivide the approximate 5.74-acre existing yard site from the existing approximate 156.90-acre holding.

Representation:

In Support: Sandra Trush

In Opposition: None

The Development Officer read out his report.

The Chair closed the evidentiary portion of the meeting.

11-382 LALONDE
LUCKO

WHEREAS the owners Mildred Reid and Sandra Trush (Pt SW ¼ 35-10-5 EPM) have applied to subdivide an approximate 5.74-acre existing yard site from the existing approximate 156.90-acre holding;
BE IT RESOLVED THAT application for subdivision No. 4189-11-5431 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 for the yard site parcel by a Manitoba Land Surveyor indicating the location of all structures and the 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.

CARRIED (4-0)

Councillor Brown returned to the Council Chambers.

NEW BUSINESS

Vic Toews Grassroot Open

11-383 LUCKO BE IT RESOLVED THAT all of Council be delegated to
 LALONDE attend the Vic Toews Grassroot Open Texas Scramble on
 September 6, 2011 at their discretion.
 CARRIED (5-0)

Caveat Removal

11-384 LUCKO BE IT RESOLVED THAT Resolution No. 09-457 be amended by
 LALONDE removing condition #3 stating 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.
 CARRIED (5-0)

Variance No. 11-40 - Bradley & Sandra Joseph - 47
 Willow Avenue East, Oakbank

Purpose: To permit the construction of a 32'x 30'
 accessory building (detached garage) having:
 1. an East side yard setback of 6 (+/-) feet
 instead of the required 10 feet as per
 registered Development Agreement,
 2. a total building area of 1,140 (+/-) sq.
 ft. instead of the maximum accessory building
 area of 800 sq. ft., and
 3. a maximum building height of 15.6 (+/-)
 feet instead of the required 15 feet,
 within the "RS" Residential Single Family
 Zoning District.

Representation:

In Support: Bradley Joseph
 Rick Johnson
 In Opposition: Walter Beck
 Ron Wauer
 Kim Wauer
 Norm Thompson

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

11-385 MCCARTHY WHEREAS a Public Hearing has been conducted under The
 LALONDE Planning Act to consider an application filed by the
 owners Bradley & Sandra Joseph (Lot 12 Block 4 Plan
 22263 within NW ¼ 22-11-5 EPM) 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 - 40 be denied. CARRIED (5-0)

Variance No. 11-43 - Dan & Georgie Brewin - NW 2-12-5E

Purpose: To permit the construction of an attached garage to the existing single family dwelling having a side yard setback of 34.7 (+/-) feet instead of the required 50 feet, within the "AR" Agriculture Restricted Zoning District.

Representation:
In Support: Dan and Georgie Brewin

In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

11-386 BROWN
MCCARTHY

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners Dan & Georgie Brewin (SP Lot 4 Plan 15305 within NW ¼ 2-12-5 EPM) 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 - 43 be granted subject to the following conditions:

1. If there are any problems with drainage along the East side yard property limits at any time, as determined by the Development Officer, the owner shall be responsible to construct and maintain 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 11-44 - David & Maureen Wright - NE 36-10-4E

Purpose: To permit the construction of a 2,400 (+/-) sq. ft. accessory building (shop), having a total building area of 2,976 (+/-) sq. ft. instead of the maximum accessory building area of 2,000 sq. ft. within the "RR" Rural Residential Zoning District.

Representation:
In Support: David Wright

In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting

11-387 BODNARUK
LUCKO

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners David & Maureen Wright (Parcel 1 Plan 7972 within NE ¼ 36-10-6 EPM) 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 - 44 be granted. CARRIED (5-0)

Variance No. 11-47 - Bison Fire Supply Inc. - SW 15-11-4E

- Purpose:
1. To permit the maintenance of a 6,004 sq. ft. industrial building having a front yard setback of 74.6 (+/-) feet instead of the required 75 feet; and
 2. To permit the maintenance of a 32.5'x 133.9' canvas covered building having an East side yard setback of 8.6 (+/-) feet & a rear yard setback of 24.35 (+/-) feet instead of the required 10 feet and 25 feet respectively
- 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: Emile Jolicoeur

In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

11-388 BODNARUK
LUCKO

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owner Bison Fire Supply Inc. (Lot 5 Block 3 Plan 35572 within SW ¼ 15-11-4 EPM) for an application to amend Clause 3.1. a), b) & c) of Schedule "E" (Subdivision Agreement & Land Use Restrictions) to By-Law No. 98-04; BE IT RESOLVED THAT Variation Order No. 11 - 47 be granted subject to the following conditions:

1. That when the land is transferred or sold, that potential purchasers must be advised that non-combustible materials shall be the only materials that may be stored within the 133.5'x 32.5' canvas-covered building.

- 2. If there are any problems with drainage along the South rear yard or East side yard property limits at any time, as determined by the Development Officer, the owner shall be responsible to construct and maintain 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 11-49 - M5 Investments Inc. - SE 16-11-4E

Purpose: To permit the maintenance of the existing one-storey metal-clad industrial building having a front yard setback of 17.2 feet instead of the required 50 feet, as per registered Development Agreement.

Representation:

In Support: Don Matheson

In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

11-389 BODNARUK
LUCKO

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owner M5 Investments Inc. (Lot 21 Block 2 Plan 43398 within SE ¼ 16-11-4 EPM) for an application to amend Clause 14.3.1 of registered Development Agreement to By-Law No. 04-20;

BE IT RESOLVED THAT Variation Order No. 11 - 49 be granted.

CARRIED (5-0)

Variance No. 11-42 - Ventura Land Company Inc. c/o Tim Comack - NW 34-10-5E

- Purpose:
- 1. To permit a site width of 0.3 metres (1-foot) & a site area of 0.02 acres for the controlled strip (public reserve) instead of the required 125 feet & 1 acre respectively,
 - 2. To permit a front yard setback of 15 feet instead of the required 25 feet, and
 - 3. To permit a rear yard setback of 23 feet instead of the required 25 feet, within the "RC" Residential Comprehensive Zoning District.
(re: subdivision 4189-10-5380)

Representation:

In Support: Tim Comack

In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

11-390 BROWN
MCCARTHY

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owner Ventura Land Company Inc. c/o Tim Comack (PT NW ¼ 34-10-5 EPM) 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 - 42 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. 4189-10-5380 (Revised).

CARRIED (5-0)

Conditional Use No. 11-21 - David & Jozanne McDonald - NW 28-11-5E

Purpose: To permit a "Home Industry" (mobile catering business) on the land, within the "AR" Agriculture Restricted Zoning District.

Representation:

In Support: Roy and Edna McDonald

In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting

11-391 BROWN
MCCARTHY

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners David & Jozanne McDonald (Lot 1 Plan 41089 within NW ¼ 28-11-5 EPM) 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 - 21 be granted subject to the following conditions:

1. All business activities shall be conducted within the dwelling unit or accessory buildings.
2. The provincial health inspector shall conduct an on-site inspection prior to the start of business operations.
3. This order shall expire and become null and void on the date the land is transferred by the owner or business ceases to be in operation.

CARRIED (5-0)

Variance No. 11-45 - David & Jozanne McDonald - NW 28-11-5E

Purpose: To permit the construction of a 40'x 50' accessory building (detached garage) having a separation distance of 4 feet between the existing single family dwelling instead of the required 10 feet, within the "AR" Agriculture Restriction Zoning District. (Pending the decision of Conditional Use No. 11-21)

Representation:

In Support: Roy and Edna McDonald

In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting

11-392 BROWN
LUCKO

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners David & Jozanne McDonald (Lot 1 Plan 41089 within NW ¼ 28-11-5 EPM) 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 - 45 be granted. CARRIED (5-0)

Conditional Use 11-22 - Gregory & Marie Mozil - SW 34-10-8E

Purpose: To permit a "Home Industry" (general contractor business) on the land, within the "AG" Agriculture General Zoning District.

Representation:

In Support: Gregory Mozil

In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting

11-393 LUCKO
LALONDE

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners Gregory & Marie Mozil (PT SW ¼ 34-10-8 EPM) 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 - 22 be granted subject to the following conditions:

1. This order shall expire and become null and void on the date the land is transferred by the owner or business ceases to be in operation.

CARRIED (5-0)

Variance No. 11-46 - Gregory & Marie Mozil - SW 34-10-8E

Purpose: To permit a maximum floor area of 5,040 (+/-) sq. ft. for the accessory building to be used for the "Home Industry" (general contractor business), instead of the required 2,500 sq. ft. under Section 43.2) of the Special Land Use Regulations.
(Pending the decision of Conditional Use No. 11-22)

Representation:
In Support: Gregory Mozil

In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting

11-394 LUCKO
LALONDE

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners Gregory & Marie Mozil (PT SW ¼ 34-10-8 EPM) 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 - 46 be granted.
CARRIED (5-0)

Conditional Use No. 11-23 - Paul & Lynn Lafreniere - SW 28-11-4E

Purpose: To permit a "Home Industry" (lawn care business) on the land, within the "RR" Rural Residential Zoning District.

Representation:
In Support: Paul Lafreniere

In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting

11-395 BODNARUK
LUCKO

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners Paul & Lynn Lafreniere (Lot 3 Plan 26120 within SW ¼ 28-11-4 EPM) 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 - 23 be granted subject to the following conditions:

1. Outside storage of goods and materials shall be allowed, subject to the following:
 - a) the storage area shall be located to the rear of the dwelling
 - b) the storage area shall be fenced or screened from public view to the satisfaction of the Development Officer; and
 - c) the storage shall not project above the height of the fence or screening.
2. Burning, compositing or storage of commercial waste shall not be permitted on the subject site.
3. The employment of family and non-family members is allowed as part of the Home Industry to a maximum of five (5) persons.
4. This order shall expire and become null and void on the date the land is transferred by the owner or business ceases to be in operation.

CARRIED (5-0)

Conditional Use No. 11-24 - Douglas Beddall & Terry Ings on behalf of David & Catherine Beddall - NE 28-10-7E

Purpose: To permit a temporary additional dwelling (mobile home) on the land providing accommodation for the owner's son & his family, within Section 84.3.23) of the "AG" Agriculture General Zoning District.

Representation:

In Support: Douglas Beddall & Terry Ings

In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting

11-396 LUCKO
LALONDE

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by Douglas Beddall & Terry Ings on behalf of the owners David & Catherine Beddall (PT NE ¼ 28-10-7 EPM) 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 - 24 be granted subject to the following conditions:

1. That immediate family members, Mr. Douglas Beddall & his family, shall only occupy the temporary second dwelling (mobile home) and the mobile home shall be removed from the site, when no longer occupied by Mr. Douglas Beddall & his family.
2. That the mobile home be serviced by a sewage disposal system approved by Manitoba Conservation.
3. If there is a land transfer, the temporary second dwelling (mobile home) must be removed from site prior to possession date.
4. That this order shall expire and become null and void December 31, 2016.

CARRIED (5-0)

Conditional Use No. 11-25 - Kornerstone Masonry (2007) Ltd. on behalf of M5 Investments Inc. - SE 16-11-4E

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

Representation:

In Support: Harold Sehn
Chantelle Swistun

In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting

11-397 BODNARUK
LALONDE

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by Kornerstone Masonry (2007) Ltd. on behalf of the owners M5 Investments Inc. (Lot 22 Block 2 Plan 43398 within SE ¼ 16-11-4 EPM) 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 - 25 be granted subject to the following conditions:

1. Outside storage of goods and materials shall be allowed, subject to the following:
 - a) the storage area shall be located to the rear of a line adjacent to and parallel with the rear wall of the building;
 - b) the seacan containers shall be painted the same colour as the main building.

CARRIED (5-0)

NEW BUSINESS

Dugald Wastewater Sewer Relocation

- 11-398 BROWN LUCKO BE IT RESOLVED that the unit price tender bid from Tri-Core Projects MB Ltd. in the amount of \$205,926.00 plus applicable taxes be accepted as per the design and specifications of the PTH 15 Wastewater Sewer Relocation tender documents;
BE IT FURTHER RESOLVED that progress payments shall be made based upon the unit price and that a contingency allowance of 20% be added to the cost of the contract for changes in the works.
- CARRIED (5-0)

Grader Replacement

- 11-399 BODNARUK BROWN WHEREAS the Municipality has budgeted for the replacement of the 2002 Volvo G730B Grader with 11,421 hours;
BE IT RESOLVED THAT the tender from Brandt Tractor Ltd. for the supply of a 2011 John Deere 770G be accepted, with trade, for the sum of \$200,000.00 plus applicable fees and taxes.
- CARRIED (4-1)

Dust Abatement

- 11-400 BODNARUK LUCKO WHEREAS Sedo Drive receives dust abatement from Manitoba Infrastructure and Transportation at a cost of \$200.00 per site;
BE IT RESOLVED THAT the following residents receive 50% reimbursement for dust abatement costs:
Joseph & Veronica Cormier
Elsie Deger
Karl & Madeleine Lang
Russell Plett
- CARRIED (5-0)

June Financial Statement - Item was tabled to the August 23 council meeting.

Stantec Engineering

Councillor Lucko requested a recorded vote.

- 11-401 LUCKO BODNARUK WHEREAS the Springfield Municipal Office construction project is almost complete and whereby Stantec Engineering Ltd. will be allowed to finish working on this project up until and no later than December 31, 2011;
WHEREAS the Springfield Municipal Council deems that it is in the best interest of the rate payers of Springfield to no longer use Stantec Engineering for design, project management, architecture or engineering;

THEREFORE BE IT RESOLVED THAT the RM of Springfield no longer uses the services of Stantec Engineering other than to finish the municipal office project.

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

CARRIED (3-2)

Tendering Process

Councillor Lalonde requested a recorded vote.

11-402 LALONDE
BROWN

BE IT RESOLVED THAT any design, architecture and engineering projects or site inspections shall be tendered to ensure competitiveness.

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

CARRIED (5-0)

In Camera

11-403 MCCARTHY
LALONDE

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)

11-404 LUCKO
LALONDE

BE IT RESOLVED THAT this meeting reconvenes from in camera.

CARRIED (5-0)

Development Agreements

11-405 LUCKO
BODNARUK

WHEREAS Council has been advised by the Development Officer that the Developers are in breach of their Development Agreements in as much as they have failed to comply with the Development Agreements and or have failed to correct deficiencies and have outstanding deficiencies within the developments within Springfield.
BE IT RESOLVED THAT the Development Officer is directed and authorized to stop issuing development permits or permits of any kind on future phases or stages of all development until deficiencies in previous phases have been rectified or agreements are in place to rectify the deficiencies inclusive of a requirement of a letter of credit for deficiencies.

BE IT FURTHER RESOLVED THAT the Designated Officer be authorized to approve the release of permits once the Developers have provided the necessary agreement for rectification or have complied with the submit, in writing, or has received sufficient certainty that the deficiencies will be rectified.

CARRIED (5-0)

Public Road Name

11-406 MCCARTHY BE IT RESOLVED THAT the Public Road to be opened within
LALONDE NW 15-11-5E be named Springfield Centre Drive.

CARRIED (3-2)

Adjournment

MCCARTHY THAT this meeting stand adjourned the time being 10:30
P.M.

Jim McCarthy
Reeve

Colleen Draper
Assistant CAO