

THE RURAL MUNICIPALITY OF SPRINGFIELD

COUNCIL MEETING

WEDNESDAY, JULY 8th, 2009

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

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

AGENDA

- 09-334 SKRUPSKI BE IT RESOLVED THAT the Agenda be amended as follows:
BODNARUK Add: 1. Donation in Memory
2. Q Collaborations Re: Disaster Financial Assistance Claim
3. Chip Seal Project - Ward 3
4. Darryl Speer - Request to speak re: asphalt plant
5. In Camera - Land Lease
- Neighbour dispute
- Land Purchase
- Anola Community Club
6. ATV Signage on RM property
- CARRIED (5-0)

MINUTES

- 09-335 SKRUPSKI WHEREAS the minutes of the Council meeting held June
THOMPSON 24, 2009 have been previously distributed to Council;
BE IT RESOLVED THAT the same be and are hereby amended
as follows:
Page 4 - Two minutes of silence recognized for Mr.
Wasylishen
Insert Resolution 09-313
Page 4 - "Commercial" kitchen not industrial
- CARRIED (4-0)

Councillor Bodnaruk abstained from the vote as he was not present at the June 24 meeting.

DELEGATION

Darryl Speer addressed Council regarding his concerns with approving a temporary asphalt plant within the Pine Ridge pit and submitted a petition with the signatures of area residents with the same concern. The delegate noted that the plant would be located on top of the aquifer which provides water to most of the municipality and can become contaminated. Residents do not want to have to put up with air and noise pollution.

STANDING COMMITTEE REPORT

Springfield Recreation Commission - Minutes of June 9, 2009 received as information.

Anola Over 50 Club

09-336 LALONDE BE IT RESOLVED THAT Council accept the recommendation
LUCKO of the Springfield Recreation Commission and authorize
a grant of \$5,000.00 to the Anola Over 50 Club to
assist with building improvements. Funds to come from
Parks. CARRIED (5-0)

Oakbank Playground Committee

09-337 LALONDE BE IT RESOLVED THAT Council accept the recommendation
LUCKO of the Springfield Recreation Commission and authorize
a grant of \$5,000.00 to the Oakbank Playground
Committee to assist with final phase development.
Funds to come from Parks. CARRIED (5-0)

Manitoba Driving Society

09-338 THOMPSON BE IT RESOLVED THAT Council accept the recommendation
LALONDE of the Springfield Recreation Commission and authorize
a grant of \$1,510.00 to the Manitoba Driving Society to
assist with site and equipment development for an
international show. Funds to come from Recreation
Commission budget. CARRIED (5-0)

Dugald Community Club

09-339 BODNARUK BE IT RESOLVED THAT Council accept the recommendation
LALONDE of the Springfield Recreation Commission and authorize
a grant of \$5,000.00 to the Dugald Community Club to
assist with final building improvements. Funds to come
from community club maintenance. CARRIED (5-0)

Operational Grants

09-340 LUCKO BE IT RESOLVED THAT Council accept the recommendation
LALONDE of the Springfield Recreation Commission that the
following operational grants be provided to the
community clubs based on the recently passed 2009
Financial Plan:
Anola Community Club \$ 8,316.00
Dugald Community Club \$ 6,276.00
Oakbank Community Club \$26,736.00
Hazelridge Sports Complex \$15,696.00
Cooks Creek CC \$ 2,976.00
CARRIED (5-0)

BY-LAWS

By-law 09-08 - Premier Home Builders Ltd.

Council deferred the decision until the new Zoning by-law is completed.

By-law 08-23 - Wayne Johnston

09-341 SKRUPSKI BE IT RESOLVED THAT third and final reading be given
LALONDE to By-law No. 08-23 being a by-law of the Rural Municipality of Springfield to rezone SP Lot 6 Plan 17808 within SE ¼ 3-11-5EPM from "M1" Light Industrial District to "C2" Highway Commercial District.

	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 09-09 - Organizational

09-342 SKRUPSKI BE IT RESOLVED THAT first reading be given to By-law
THOMPSON No. 09-09 being a by-law of the Rural Municipality of Springfield to govern the organization of the R.M. of Springfield and the Council Committees thereof.

CARRIED (4-1)

09-343 SKRUPSKI BE IT RESOLVED THAT second reading be given to By-law
BODNARUK No. 09-09 being a by-law of the Rural Municipality of Springfield to govern the organization of the R.M. of Springfield and the Council Committees thereof.

CARRIED (4-1)

By-law 09-10 - Fees and Charges

Council deferred the by-law for further discussion.

By-law 09-11 - Anola Water Supply & Treatment

09-344 LUCKO BE IT RESOLVED THAT first reading be given to By-law
LALONDE No. 09-11 being a by-law of the Rural Municipality of Springfield to amend By-law No. 04-11 which provides for the expenditure and borrowing of funds for the construction of a Regional Wastewater Treatment Facility and a Water Treatment and Supply for the Anola area.

CARRIED (5-0)

PUBLIC HEARINGS UNDER THE PLANNING ACT

Variance 09-42 - Richard MacGillivray on behalf of Jan Dumontet - SW 26-12-5E

Purpose: To permit the maintenance of the existing 8.2'x 12.2' wood shed having an East side yard setback of 14.55 feet instead of the required 25 feet, within the "A20" Limited Agricultural District.

Representations: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

09-345 THOMPSON
SKRUPSKI

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by Richard MacGillivray on behalf of the owner Jan Dumontet (Lot 4 Plan 15949 within SW ¼ 26-12-5E) 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. 09 - 42 be granted. CARRIED (5-0)

Variance 09-43 - John & Phyllis Paulsen and Mona Fargey - NE 21-11-5E (638 Main Street, Oakbank)

Purpose: To permit the construction of a 10'x 16' sunroom to be attached to Unit 3 & Unit 4 condominiums having a rear yard setback of 9.0(+/-) feet instead of the required 25 feet, within the "R3" Multiple Family Dwelling District.

Representations:

In Support: John Paulsen
Mona Fargey

In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

09-346 LALONDE
LUCKO

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners John & Phyllis Paulsen and Mona Fargey (Lot 25 Block 3 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 - 43 be granted. CARRIED (5-0)

Variance 09-44 - Jeffrey M. Shypit on behalf of Robertson Shypit Soble Wood on behalf of Kelly & Shannon Painter - NE 22-11-5E (20 Olive Bay, Oakbank)

Proposal: 1. To permit the maintenance of an existing above-ground pool having an East side yard setback of 5.7 feet instead of the required 10 feet, and
2. To permit the maintenance of the existing single-family dwelling & the existing above-ground pool having a separation distance of 4.9 feet instead of the required 10 feet, as per registered Development Agreement and "RA" Suburban District respectively.

Representations:
In Support: Kelly Painter
In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

09-347 LALONDE
LUCKO

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by Jeffrey M. Shypit c/o Robertson Shypit Soble Wood on behalf of the owners Kelly & Shannon Painter (Lot 11 Block 4 Plan 29889 within NE ¼ 22-11-5E) for a variation of the Springfield Town Planning Scheme By-Law 1575 & amendments thereto and to amend Clause 9.3(j) of 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. 09 - 44 be granted subject to the following conditions:
1. That a building permit be obtained by the applicant and the fees be doubled for the above ground swimming pool. CARRIED (5-0)

Variance 09-45 - Carson & Lavinia Palidwor -SW 22-10-4E

Purpose: To permit the construction of a 26'x 60' accessory building having a North side yard setback of 5 feet instead of the required 25 feet, within the "A" Rural District.

Representations:

In Support: Carson & Lavinia Palidwor
In Opposition: None

The Development Officer read his report.

Letters of opposition were read out loud from Charles and Catherine Rodier and Danny and Linda Woodbeck.

The Chair closed the evidentiary portion of the meeting.

09-348 BODNARUK
LALONDE

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners Carson & Lavinia Palidwor (SW ¼ 22-10-4E) for a variation of the Springfield Town Planning Scheme By-law No. 1575 & amendments thereto;

BE IT RESOLVED THAT Variation Order No. 09 - 45 be granted subject to the following conditions:

1. If there are any problems with drainage along the north 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.

DEFEATED (2-3)

09-349 BODNARUK
LALONDE

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by Carson & Lavinia Palidwor;

BE IT RESOLVED THAT Variation Order No. 09 - 45 be granted subject to the following conditions:

1. As in recommendation on original proposal.
2. 10' setback

CARRIED (4-1)

Variance 09-46 - Wayne King on behalf of Wayne King Sales - SE 16-11-4E

Purpose: 1. To permit the maintenance of the existing 47.25'x 93.8' one-storey commercial building having a front yard setback of 74.95 feet and a North side yard setback of 8.05 feet with a 1.0-foot eave projection, instead of the required 75 feet and 10 feet respectively;
2. To permit the maintenance of the existing 60.2'x 100.0' two-storey commercial building having a rear yard setback of 24.9 feet instead of the required 25 feet, as per registered development agreement.

Representations:

In Support: Wayne King
In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

09-350 BODNARUK
LUCKO

WHEREAS a Public Hearing has been conducted to consider an application filed by the owner Wayne King on behalf of Wayne King Sales (Lot 28 Block 1 Plan 43398 within SE ¼ 16-11-4E) for an amendment to Clauses 14.3.1., 14.3.2 & 14.3.3 of registered Development Agreement; BE IT RESOLVED THAT Variation Order No. 09 - 46 be granted subject to the following conditions:

1. If there are any problems with drainage along the north 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 09-48 - ENH Holdings Ltd. - NW 1-12-4E

Purpose: To permit the keeping of 2.0 Livestock Waste Units (4 horses) for personal use, and the boarding of 1.0 Livestock Waste Unit (2 horses), and related accessory buildings, having a site width of 214.5 feet instead of the required 300 feet, within the "A" Rural District.

Representations:

In Support: Amanda Lind
In Opposition: Ted Rother
Lisa Montebruno
Denis Ayotte
Cecille Ayotte
Gail Moroz-Tokar
Rob Tokar
Brad Smith
Giovanni Montebruno
Cindy Smith
B. Wiebe

The Development Officer read his report.

Ted Rother addressed Council with concerns regarding drainage, runoff and the possibility of surface and ground water contamination. He provided pictures of the area.

Lisa Montebruno questioned what plans were in place to manage manure and who would patrol it.

The Chair closed the evidentiary portion of the meeting.

09-351 BODNARUK
LUCKO

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owner ENH Holdings Ltd. (Lot 6 14982 within NW ¼ 1-12-4E) 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. 09 - 48 be denied. CARRIED (5-0)

Variance 09-49 - Miracle Construction Ltd. on behalf of 5275602 Manitoba Ltd. - SW 21-10-4E

Purpose: To permit the construction of a 2000 sq. ft. office building having a separation distance between the main building of 5 feet instead of the required 25 feet, within the "C2" Highway Commercial District.

Representations: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

09-352 BODNARUK
LUCKO

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by Miracle Construction Ltd. on behalf of the owner 5275602 Manitoba Ltd. (Lot 3 Plan 44367 within SW ¼ 21-10-4E) for a variation of the Springfield Town Planning Scheme By-law 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 - 49 be granted. CARRIED (5-0)

Variance 09-50

Purpose: To permit the keeping of 5.0 Livestock Waste Units (maximum of 8 horses & 2 donkeys) and related accessory building(s), having a site width of 359.43 feet instead of the required 660 feet, within the "A20" Limited Agricultural District.

Representations:

- In Support: Owners
- In Opposition: Brenda Anderson

The Development Officer read his report.

Brenda Anderson addressed Council with concerns with water run off and seepage.

The Chair closed the evidentiary portion of the meeting.

09-353 THOMPSON
SKRUPSKI

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners [REDACTED] 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 - 50 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, 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 or temporary boarding for friends.
4. If this variance order is not acted upon within 12 months, it will expire.

CARRIED (3-2)

Subdivision 4189-09-5295 - Barbara Crumb on behalf of Norman & Debra Crumb and Mary Crumb - SE 35-10-7E

Intent: To consolidate Ct# E13355 (5-acre parcel) with Ct# 2255039 (69.4-acre parcel), then subdivide out Proposed Lots 1 & 2. This subdivision will create one (1) new title. Proposed Lot 1 will be 4.98 acres (+/-), proposed Lot 2 will be 5.02 acres (+/-) and the proposed residual lot will be 64.4 acres (+/-).

Representations:

In Support: Barbara Crumb
In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

09-354 LUCKO
LALONDE

WHEREAS Barbara Crumb on behalf of the owners Norman & Debra Crumb and Mary Crumb (SE ¼ 35-10-7E) have applied to consolidate CT #E13355 (5-acre parcel) with CT #2255039 (69.4-acre parcel), then subdivide out Proposed Lots 1 & 2. This subdivision will create one (1) new title. Proposed Lot 1 will be 4.98 acres (+/-), proposed Lot 2 will be 5.02 acres (+/-) and proposed residual lot will be 64.4 acres (+/-);

BE IT RESOLVED THAT application for subdivision No. 4189-09-5295 be approved subject to the following conditions:

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

2. That a Surveyor's Building Location Certificate be prepared for proposed Lot 1, showing the location of all buildings and the sewage disposal systems in relation to the proposed lot lines.
3. That a site area variation order be obtained for all three (3) proposed lots.
4. That a site width variation order be obtained for proposed Lot 1.
5. That any other variation orders be obtained, if required, as a result of the Surveyor's Building Location Certificate.

CARRIED (5-0)

Subdivision 4189-09-5299 - Ryan & Elizabeth Steendam - W ½ 36-10-4E

The Development Officer advised Council that the applicant had withdrawn his application for subdivision at this time.

Subdivision 4189-09-5302 - Deeley Fabbri Sellen c/o David R. Sellen on behalf of Edie Farms Ltd. - NW 6-11-5E

Intent: To subdivide the approximate 140.21-acre holding to create two (2) lots for agricultural purposes. Proposed Lot 1 will be approximately 80 acres and proposed residual lot will be approximately 60.21 acres.

Representations:

In Support: Wayne Edie

In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

09-355 BODNARUK
LUCKO

WHEREAS Deeley Fabbri Sellen c/o David R. Sellen on behalf of the owner Edie Farms Ltd. (NW ¼ 6-11-5E) has applied to subdivide the approximate 140.21-acre holding to create two (2) lots for agricultural purposes. Proposed Lot 1 will be approximately 80.0 acres and proposed residual lot will be approximately 60.21 acres;

BE IT RESOLVED THAT application for subdivision No. 4189-09-5302 be approved subject to the following conditions:

1. Payment of requisite fees (administration fees, capital lot levy fees).
2. That any variation orders be obtained for site width and site area, if required.

CARRIED (5-0)

Subdivision 4189-09-5305 - Emil Harrison - SE 15-11-7E

Intent: To subdivide an 8.96-acre parcel from the existing approximate 140.21-acre holding to create a lot for the applicant's son who will be taking over the agricultural operation upon his retirement.

Representations:

In Support: Emil Harrison
In Opposition: None

The Development Officer read his report.

The Chair closed the evidentiary portion of the meeting.

09-356 LUCKO
LALONDE

WHEREAS the owner Emil Harrison (Pt SE ¼ 15-11-7E) have applied to subdivide a 8.96-acre parcel from the existing approximate 140.21-acre holding to create a lot for the applicant's son who will be taking over the agricultural operation upon his retirement.

BE IT RESOLVED THAT application for subdivision No. 4189-09-5305 be approved subject to the following conditions:

1. Payment of requisite fees (administration fees, land dedication fees, capital lot levy fees).
2. That any variation orders be obtained for the site area and site width for the proposed lot.

CARRIED (5-0)

Subdivision 4189-09-5300 - Douglas & Karen Pearson - SE 1-10-4E (Reconvene)

09-357 LALONDE
LUCKO

WHEREAS the owners Douglas & Karen Pearson (Pt SE ¼ 1-10-4E) have applied to create (2) two 2.57-acre lots from the existing 75.21-acre holding for residential purposes. Proposed Lot 1 will be for the existing yard site, Proposed Lot 2 will be created for a family member actively working on the family farm and Residual lot will be established for the incorporation or mortgaging for the farm business.

BE IT RESOLVED THAT application for subdivision No. 4189-09-5300 be approved subject to the following conditions:

1. Payment of requisite fees (administration, land dedication, capital levies fees).
2. A Surveyor's Building Location Certificate shall 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 site width & site area variation orders be obtained for proposed Lot 1.
4. That any variation orders be obtained, if required, as a result of the Surveyor's Building Location Certificate.

- 5. 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 other drainage improvements shall be constructed prior to the issuance of any building permits for the property.
- 6. That proposed Lot 2 be removed as per appendix "A". CARRIED (4-1)

The Development Officer advised Council that notification was given at the June 2 meeting that a decision would be made on July 8 and that a new application and subsequent public hearing was not required.

BY-LAWS

By-law 09-12 - Anola Private Connection LID 3A

09-358 SKRUPSKI THOMPSON BE IT RESOLVED THAT first reading be given to By-law No. 09-12 being a by-law of the Rural Municipality of Springfield to amend By-law No. 06-22 which provides for the expenditure and borrowing of funds for the private connection to water and sewer mains for Anola LID No. 3, as a Local Improvement Plan No. 3A. CARRIED (5-0)

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

Councillor Bodnaruk requested clarification on Small Scale Industrial and fence restrictions.

09-359 SKRUPSKI THOMPSON WHEREAS the RM of Springfield gave the RM of Springfield Zoning By-law No. 08-01 first reading on August 6, 2008;
 AND WHEREAS the RM of Springfield held public hearings on November 4, 2008 and November 18, 2008 to receive representations from any person regarding the RM of Springfield Zoning By-law No. 08-01;
 AND WHEREAS the RM of Springfield held a second public hearings on June 24, 2009 to receive representations from any person regarding the proposed alterations to the RM of Springfield Zoning By-law No. 08-01;
 NOW THEREFORE prior to giving the RM of Springfield By-law No. 08-01 second reading, the Council of the RM of Springfield makes the following textual and mapping changes to RM of Springfield By-law No. 08-01:

- I. The following textual provisions contained in the RM of Springfield Zoning By-law No. 08-01, are hereby amended:
 - 1) That the following definition in Subsection 7.4 [Industrial Use Classes] on Page 41 be revised to read as follows:

"7) **Small Scale Industrial** means light manufacturing, assembly or distribution of ready made products on a small scale that are generally used to diversify active farming operations."

- 2) That the following definition in Subsection 7.7 [Basic Service Use Classes] on Page 44 be revised to read as follows:

"3) **Government Service** means a development providing Municipal, Provincial or Federal government services directly to the public. Typical uses include municipal recreation facilities and services, government offices, taxation offices, courthouses, postal distribution offices, correctional centres and jails, manpower and employment offices, and social service offices."

- 3) That Subsection 12.2 15) [Class B Developments (Permitted Use)] on Page 55 be revised to read as follows:

"15) A building location certificate, if required by the Development Officer."

- 4) That Subsection 24.4 [Fences] on Page 66 be revised to read as follows:

24.4 Fences in the AR: Agriculture Restricted, AG: Agriculture General and AI: Agriculture Intensive Zoning Districts

1) An electric fence is allowed in the AR: Agriculture Restricted, AG: Agriculture General and AI: Agriculture Intensive Zoning Districts where an approved Equestrian Establishment, Game Farm, Livestock Operation or Residential Related Farm Use Class development is located but shall not include electrified barbed wire fences.

- 5) That under Subsection 24.4 [Fences] on Page 66, the following regulation be added:

24.5 Fences in the RR: Rural Residential Zoning District

1) An electric fence is allowed in the RR: Rural Residential Zoning District where an approved Equestrian Establishment, Game Farm, Livestock Operation or Residential Related Farm Use Class development is located but shall not

include electrified barbed wire fences.

- 2) Shall not be higher than:
 - a) 1.22 m. (4.00 ft.) in a required front yard; and
 - b) 2.00 m. (6.56 ft.) in a required side or rear yard.

- 6) That Subsection 25.0 [Accessory Uses, Buildings and Structures] on Pages 67 and 68 be revised to read as follows:

"25.0 Accessory Uses, Buildings and Structures

Accessory Uses, Buildings and Structures shall comply with the following regulations:

- 1) Accessory developments are permitted when accessory to a permitted use.

- 2) Accessory developments are conditional when accessory to a conditional use.

- 3) Where any building or structure on site is attached to a principal building on the site by a roof, an open or enclosed structure above grade, a floor or a foundation which is above grade, or any structure below grade allowing access between the buildings such as a parking garage or a corridor or passageway connecting the buildings, it is part of the building and is not an accessory building.

- 4) Excluding Farm Buildings and related structures, no accessory building or structure shall be constructed on any site prior to the time of construction of the principal building to which it is accessory.

- 5) No accessory building or structure shall be used as a dwelling unit.

- 6) Accessory buildings and structures shall be located on a site as follows:
 - a) Where the accessory building is attached to a main building, it shall be subject to, and shall conform to, all regulations of this By-law applicable to the principal building; and
 - b) Where the accessory building is detached from the principal building, it shall not be closer than 3.00 m. (9.84 ft.)

clear of all projections to the principal building, nor shall it be located closer to a public roadway than the front wall of the principal building.

- 7) Accessory buildings or structures shall be subject to the regulations for the applicable Zoning District.
- 8) Notwithstanding Section 25.7) of this By-law, the maximum height of accessory buildings or structures on a site which abuts a site in the RS: Residential Single Family, RT: Residential Two Family, RM: Residential Multiple Family, and RC: Residential Comprehensive Zoning Districts shall not be greater than the height of the principal building permitted in the said abutting Zoning District.

7) That Subsection 46.7) [Planned Unit Developments] on Page 99 be revised to read as follows:

"7) The further subdivision of lands shall not be permitted and any public reserve areas shall be dedicated to the Municipality."

8) That Subsection 50.4) [Residential Related Farms] on Page 102 be revised to read as follows:

"4) Farm buildings or structures shall be a minimum distance of 15.24 m. (50.00 ft.) from any lot line."

9) That Subsection 50.5) [Residential Related Farms] on Page 102 be deleted.

10) That Subsection 54.1) f) [Natural Resource Developments-Development Permit Applications] on Page 109 be revised to read as follows:

"f) Operational Plan specifying: security; proposed hours of operation; anticipated noise, dust and vibration levels, means to control noise, dust and vibration, and proof of compliance with *The Environment Act* and *The Mines and Mineral Act*; and insurance coverage;"

11) That under Subsection 57.3 [RS: Residential Single Family Zoning District - Conditional Uses] on Page 117 and [RT: Residential Two Family Zoning District - Conditional Uses] on page 119, the reference to "Home Industry" be deleted.

12) That under Subsection 75.3 [SNR: Sensitive

and Natural Resource Zoning District - Conditional Uses] on Page 149, the reference to "Agricultural Activities" be changed from "Conditional Use" to a "Permitted Use".

13) That under Subsection 83.4 [AR: Agricultural Restricted Zoning District - Site Regulations for Agricultural and Residential Use Classes: Permitted and Conditional Uses] on Page 162, 84.4 [AG: Agricultural General Zoning District - Site Regulations for Agricultural and Residential Use Classes: Permitted and Conditional Uses] on Page 166 and 85.4 [AI: Agricultural Intensive Zoning District - Site Regulations for Agricultural and Residential Use Classes: Permitted and Conditional Uses] on Page 170, the following be added:

"7) Dwelling Area min. 55.74 sq. m. (600.00 sq. ft.)"

14) That the reference to the "The Highways Protection Act" in Subsection 38.7 [Dwelling Setbacks] on Page 89, in Subsection 62.6 6) [Rural Residential Zoning District] on Page 128, in Subsection 65.6 6) [Commercial Highway Zoning District] on Page 133, in Subsection 75.6 4) [Sensitive and Natural Resource Zoning District] on Page 149, in Subsection 79.6 2) [Hamlet Area Zoning District] on Page 155, in Subsection 83.7 7) [Agricultural Limited Zoning District] on Page 163, and in Subsection 85.7 10) [Agricultural Intensive Zoning District] on Page 171 be revised to read "The Highways and Protection Act".

15) That under Subsection 84.7 [AG: Agricultural General Zoning District - Additional Regulations for Permitted and Conditional Uses] on Pages 167 and 168, the following regulation be added:

15) Buildings, structures and hedges adjacent to Provincial Highways, Provincial Roads and Provincial Access Roads shall be setback in accordance with *The Highways and Protection Act* and *The Highways and Transportation Act*."

II. The following mapping provisions contained in the RM of Springfield By-law No. 08-01 (Part IV Zoning District Maps), are hereby amended:

1) Area 1 which is legally described as "Lot 4, Plan 46160 WLTO within NW 33-10-5E" from "MX: Industrial Extractive Zoning District" to "AG: Agricultural General Zoning District".

2) Area 2 which is legally described as "Part of NW 32-11-5E" from "RR: Rural Residential

Zoning District" to "AG: Agricultural General Zoning District".

- 3) Area 3 which is legally described as "Lot 5, Block 6, Plan 13677 WLTO within SE 21-11-5E" from "RS: Residential Single Family Zoning District" to "PR: Parks and Recreation Zoning District".
- 4) Area 4 which is legally described as "Lots 1, 2, 3 and 4, Block 6, Plan 12583 and Lot 30,, Block 6, Plan 13171 WLTO from "RS: Residential Single Family Zoning District" to "PR: Parks and Recreation Zoning District".
- 5) Area 5 which is legally described as "Public Reserve within Plan 42198 in SW 21-11-5E" from "RS: Residential Single Family Zoning District" to "PR: Parks and Recreation Zoning District".
- 6) Area 6 which is generally described as "East Part of Lot 21, Block 1, Plan 43725 WLTO within SW 22-11-5E from "CC: Central Commercial Zoning District" to "RC: Residential Comprehensive Zoning District".

CARRIED (4-1)

DELEGATION

Terry Watson on behalf of Mulder Construction met with Council to request permission to set up a temporary asphalt plant in Pine Ridge pit within NW 6-12-5E. Mr. Watson advised that the tender period is quite short for putting in bids and would have a higher chance bidding out of Springfield. He advised that Mulder Construction has made a substantial investment on a state of the art asphalt plant and gave an overview of the new design and how the machine operates. He also advised that an employee would be on site 24 hours a day, seven days a week when the machine is in operation.

OTHER PLANNING MATTERS

Sunova Credit Union Ltd.

09-360 LALONDE
LUCKO

BE IT RESOLVED THAT Sunova Credit Union Ltd. be authorized to enter into a Development and Servicing Agreement with the R.M. of Springfield (Lot 1 Plan 45662 within NW ¼ 15-11-5E);
AND BE IT FURTHER RESOLVED THAT the CAO and Reeve be authorized to sign the Development and Servicing Agreement.

CARRIED (5-0)

09-361 SKRUPSKI THOMPSON BE IT RESOLVED THAT Sunova Credit Union Ltd. be authorized to enter into a Zoning Agreement with the R.M. of Springfield (Lot 1 Plan 45662 within NW ¼ 15-11-5E);
 AND BE IT FURTHER RESOLVED THAT the CAO and Reeve be authorized to sign the Zoning Agreement.
 CARRIED (5-0)

Waiving of Variance Fees

09-362 BODNARUK SKRUPSKI BE IT RESOLVED THAT Council reimburse the second variation order fees for Shirley Rose Berard. (Variance 09-30)

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

DEFEATED (2-3)

UNFINISHED BUSINESS

Aquifer Environmental Assessment and Study

Reeve Skrupski deferred the item until Councillor Vaags is in attendance.

Consent Agenda

09-363 LALONDE LUCKO 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

Accounts Payable

09-364 SKRUPSKI THOMPSON WHEREAS disbursements have been reviewed for the period of June 11th, 2009 to July 8th, 2009;
 BE IT RESOLVED THAT all accounts listed on the attached printout from cheque #126003 to #126145 totalling \$1,055,624.61 be approved for payment.
 CARRIED (5-0)

DELEGATION

Guy Briscoe President of Pineridge Golf Course expressed concerns with the temporary asphalt plant due to concerns with the 2005 asphalt plant operation due to the smell and noise complaints from staff and members and potential loss revenue from charity tournaments, also potential aquifer concerns.

City of Winnipeg - Fire Protection Agreement - Received as information. Council expressed disappointment that the City did not wish to enter into a mutual aide agreement and directed CAO to respond to the letter from the City.

North Eastman Health Association - Received as information.

School Division Smoking Area - Council directed the CAO to write a letter advising of health and cleanliness concerns. Councillor Lalonde stated this issue would be on the next school board meeting agenda.

Springfield Agricultural Fair

Complimentary fair tickets were provided to Council.

Wellness Centre - Defer to future meeting, to be discussed on Thursdays tour of Kilarney's facilities.

RM of St. Clements "125th" Celebration - Reeve to attend, not as a delegation.

Ward Appropriations

09-365 LUCKO BE IT RESOLVED THAT \$5,000.00 from Ward 4 Ward
LALONDE Appropriation be used for the Donald Drain Study, to
include TNT Developments. CARRIED (5-0)

Springfield Minor Hockey

09-366 LALONDE BE IT RESOLVED THAT Council provide a grant in the
SKRUPSKI amount of \$15,000.00 to Springfield Minor Hockey
Association for purchasing jerseys as per the 2009
Financial Plan. DEFEATED (1-4)

Speed Restrictions - Councillor Bodnaruk will put forth a motion at a future meeting regarding reducing speeds on certain sections of roads in Ward 1 (Symington, Pineridge, Hunter)

Engine Retarder Brakes Councillor Bodnaruk will put forth a motion at a future meeting regarding the CAO and Councilor Bodnaruk negotiating with Manitoba Hydro for a financial contribution to creating and erecting signage to reduce highway tractors from using engine retarder brakes on PTH 207 north of PTH 15 to the Trans Canada highway due to the Hydro converter station construction.

City of Winnipeg - Drainage Councillor Bodnaruk requested the CAO and Manager of Operations write a letter to the City of Winnipeg regarding drainage problems (slow draining fields) created by the creation of the City of Winnipeg water ski lake.

Pioneer Home

09-367 SKRUPSKI THOMPSON BE IT RESOLVED THAT Council accept the recommendation of the Maintenance Coordinator and hire KLM Tech Color to paint and repair the Pioneer Home for the amount of \$4,010.00 plus GST. Funds to come from Ward 5 Ward Appropriations. CARRIED (5-0)

Hillside Waste Disposal Ground

09-368 BODNARUK LUCKO BE IT RESOLVED that Council enter into an agreement with Stantec Consulting Ltd. for phase 1 of the Hillside Waste Disposal Ground Closure Plan for the sum of \$9,750.00 plus applicable taxes and disbursements. CARRIED (5-0)

Temporary Asphalt Plant

09-369 LALONDE LUCKO WHEREAS Mulder Construction Inc. have applied for approval to operate a temporary asphalt plant at the pit located at Pineridge Pit located within NW 6-12-5; AND WHEREAS the operations will create additional inconvenience to ratepayers by causing additional levels of noise, dust, odor and traffic; THEREFORE BE IT RESOLVED THAT Council grant approval to operate the temporary asphalt plant conditional to the company entering into an agreement with the Municipality to specifically regulate the terms and conditions of the operation subject to but not limited to the following:

- Subject to all Provincial regulations being adhered to.
- Hours of operation shall be subject to by-law 73-22.
- Suitable containment system for fuel (burner and diesel) to be used.
- Use of environmentally friendly truck box lubricant.
- Use of bag house to control emissions.
- Operation of all equipment to minimize gaseous emissions and odors.
- Work with municipal consultants and representatives for soil sampling and air quality testing.
- All wastes to be removed at completion of operation.
- Ensure 24 hour security, continuous inspection and general cleanup and provide the municipality with daily reports
- Installation of a clay liner for the plant site and asphalt pads, complete with curbs, under the discharge silo and the fuel\oil storage tanks.

- Have in place a comprehensive general liability insurance policy in an amount not less than \$5,000,000 and shall name the municipality as an additional insured.
- That a fee for this permission be assessed in an amount per tonne to be negotiated with the municipality.
- Provide a detailed site plan to be approved by the municipality.
- Cover all municipal costs associated with the operations, inspections and testing.

CARRIED (3-2)

Day, Oxford and Bismark Street Reconstruction

- 09-370 BODNARUK
LUCKO
- WHEREAS Council approved expenditures to JC Paving, Stantec Consulting Ltd. and Canada Culvert for the reconstruction of Day, Oxford and Bismark Streets; AND WHEREAS there are additional works that fall inside the scope of work of the local improvement district and are included in the \$2,700,000.00 cost of the project; THEREFORE BE IT RESOLVED that Council authorize the Manager of Operations and Services to complete the additional works, with the total project cost not to exceed the budgeted amount of \$2,700,000.00.

CARRIED (5-0)

Meeting Extension

- 09-371 SKRUPSKI
BODNARUK
- BE IT RESOLVED THAT the Council meeting be extended to 11:30 p.m.

CARRIED (5-0)

Donation in Memory

- 09-372 BODNARUK
LUCKO
- BE IT RESOLVED THAT a donation in the amount of \$50.00 be made in memory of Reverend Perry Chernesky.

CARRIED (5-0)

Disaster Financial Assistance

- 09-373 LUCKO
LALONDE
- BE IT RESOLVED THAT Council approve the recommendation of the Public Works Committee that Q Collaborations be engaged for the development and administration of the 2009 Disaster Financial Assistance claim based upon the hourly rate of \$54.00 per hour.

CARRIED (5-0)

Ward 3 Chip Seal Projects

- 09-374 THOMPSON
SKRUPSKI
- BE IT RESOLVED THAT Council accept the unit price bids, which were submitted totaling \$326,227.50, from Hugh Munro Construction for the basework and Chipseal on Melrose and Zora Roads;
BE IT FURTHER RESOLVED THAT the Public Works Department be authorized to utilize the remainder of the project budget for extra works, the purchase of EN-1 roadbase stabilizer, testing and Engineering.

CARRIED (5-0)

ATV Signage - Councillor Bodnaruk will put forth a motion at a future meeting regarding creating and erecting signs which indicate off road vehicles are not allowed on roads and private property to alleviate the problem of ATV and dirt bikes from riding on roads.

In Camera

09-375 THOMPSON SKRUPSKI 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)

09-376 THOMPSON SKRUPSKI BE IT RESOLVED THAT this meeting reconvenes from in camera.
CARRIED (5-0)

Kinsmen Youth Centre

09-377 LALONDE LUCKO BE IT RESOLVED THAT Council authorize the payment of the \$20,000.00 annual grant to the Springfield Kinsmen Youth Centre in quarterly payments of \$5,000.00 on April 1, 2009, August 1, 2009, December 1, 2009 and April 1, 2010.
CARRIED (4-1)

Springfield Public Library

09-378 LALONDE LUCKO BE IT RESOLVED THAT Council authorize an advance payment of the September 1, 2009 payment to the Springfield Public Library on July 15, 2009, subject to the CFO examining income statements year to date for 2009 and forecasted future spending.
CARRIED (4-1)

Land Purchase

09-379 LUCKO LALONDE BE IT RESOLVED THAT the Chief Administrative Officer be instructed to negotiate purchase of land in the Anola area.
CARRIED (5-0)

Adjournment

SKRUPSKI THAT this meeting stand adjourned the time being 11:42 P.M.

Peter Skrupski
Reeve

Laurent Tétrault
Chief Administrative Officer