

THE RURAL MUNICIPALITY OF SPRINGFIELD

COUNCIL MEETING

TUESDAY, MAY 24th, 2011

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

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

AGENDA

- 11-258 MCCARTHY LUCKO BE IT RESOLVED THAT the Agenda be approved /amended as follows:
Add: 1. Website Redevelopment
2. Move 9.2 - after agenda approval
3. RFP - Water Quality Study
CARRIED (4-0)

Financial Statement

- 11-259 MCCARTHY LUCKO BE IT RESOLVED THAT the Financial Statement for the month ending April 30, 2011 be accepted as presented.
CARRIED (4-0)

DELEGATION

Sandra Cann met with Council to request that the municipality erect a fence behind her property as a public walkway was installed only 20 feet from her property and she feels she has no privacy now.

MINUTES

- 11-260 MCCARTHY BROWN WHEREAS the minutes of the Council meeting held May 17, 2011 have been previously distributed to Council;
BE IT RESOLVED THAT the same be and are hereby approved.
CARRIED (4-0)

Councillor Lucko abstained from the vote as he was not present at the May 17 meeting.

REPORTS - ELECTED OFFICIALS

Councillor Brown reported on his attendance at a meeting with Manitoba Infrastructure and Transportation to discuss the 5-year improvement plan for PR 213, a meeting with Vic Toews and the Dugald fundraising breakfast.

Councillor Bodnaruk reported on his attendance at the PR 213 highway meeting.

Councillor Lalonde reported on her attendance at a user group meeting for the Recreation Centre, a meeting with the solicitor, the PR 213 highway meeting and a meeting with Vic Toews.

Councillor Lucko reported on his attendance at a Recreation Centre meeting and a meeting with highways regarding the CN track on the South side of Hwy 12.

Reeve McCarthy reported on his attendance at a user group meeting for the Recreation Centre, a meeting with the solicitor, a meeting regarding PR 213 road improvements and a meeting with Vic Toews.

PUBLIC HEARINGS UNDER THE PLANNING ACT

Subdivision No. 4189-04-4664 (Reconvene) - Bob & Margaret Crockett - NE 2-10-4E

Intent: To subdivide an approximate 1.9 (+/-) acre parcel from the existing 6.5 (+/-) acre holding, for residential purposes.

Representation:

In Support: Bob & Margaret Crockett

In Opposition: None

The Development Officer read out his report.

The Chair closed the evidentiary portion of the meeting.

11-261 LUCKO
LALONDE

BE IT RESOLVED THAT application no. 4189-04-4964 be tabled to June 21, 2011.

CARRIED (5-0)

Variance No. 11-30 - Richard & Lynda Enns - NW 26-11-4E

Purpose: To permit the construction of a 1,120 (+/-) sq. ft. addition to the existing 1,120 (+/-) sq. ft. accessory building (detached garage), having a total building area of 2,240 (+/-) sq. ft. instead of the maximum accessory building area of 2,000 sq. ft., within the "RR" Rural Residential Zoning District.

Representation:

In Support: Richard Enns

In Opposition: None

The Development Officer read out his report.

The Chair closed the evidentiary portion of the meeting.

11-262 BODNARUK
LUCKO

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners Richard & Lynda Enns (Lot 13 Plan 15595 within NW ¼ 26-11-4E) for a variation of the Springfield Zoning By-law No. 08-01, as amended;
AND WHEREAS Council is satisfied that the requirements of Sections 94, 96 and 97 have been met;
BE IT RESOLVED THAT Variation Order No. 11 - 30 be granted subject to the following conditions:
1. The use of the 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 home based business.

CARRIED (5-0)

Variance No. 11-31 - Gerald & Ellen Sontag - NE 34-11-5E

- Purpose:
1. Proposed Lot 1 - To permit the maintenance of the existing single family dwelling having a West side yard setback of 39.66 (+/-) feet instead of the required 50 feet,
 2. Proposed Lot 2 - To permit a site area of 18.61 (+/-) acres and a site width of 85.54 (+/-) feet instead of the required 20 acres & 660 feet respectively,
 3. Proposed Lot 3 - To permit a site width of 320.01 (+/-) feet instead of the required 660 feet, and
 4. Proposed Lot 3 - To permit the maintenance of the existing 26.4'x 24.6' wood-sided shed having a North side yard setback of 1.27 (+/-) feet instead of the required 25 feet, within the "AR" Agriculture Restricted Zoning District. (re: subdivision 4189-09-5313)

Representation:

In Support: Gerald & Ellen Sontag

In Opposition: None

The Development Officer read out his report.

The Chair closed the evidentiary portion of the meeting.

11-263 BROWN
LUCKO

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners Gerald & Ellen Sontag (Lot 2 Plan 34878 within NE ¼ 34-11-5 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 - 31 be granted subject to the following condition:

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. 4189-09-5313.

CARRIED (5-0)

Variance No. 11-32 - William Ward, Wilma Ward, Nona Ward & Dale Ward - SW 12-11-6E

Purpose: Proposed Parcel 1 - To permit a site area of 72.48 (+/-) acres instead of the required 80 acres, within the "AG-1" Agriculture General Zoning District (site specific). Re: Subdivision 4189-10-5397

Representation:

In Support: William Ward
Wilma Ward
Nona Ward
Dale Ward

In Opposition: None

The Development Officer read out his report.

The Chair closed the evidentiary portion of the meeting.

11-264 BROWN
LUCKO

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners William Ward, Wilma Ward, Nona Ward & Dale Ward (SW ¼ 12-11-6 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 - 32 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. 4189-10-5397.

CARRIED (5-0)

Conditional Use No. 11-11 - Kulwinder Dhaliwal on behalf of 3046591 Manitoba Ltd. - NW 16-11-4E

Purpose: To permit an "Automotive & Recreational Vehicle Sales" business on the land, within the "MG" Industrial General Zoning District.

Representation:

In Support: Kulwinder Dhaliwal

In Opposition: None

The Development Officer read out his report.

The Chair closed the evidentiary portion of the meeting.

11-265 BODNARUK
LUCKO

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by Kulwinder Dhaliwal on behalf of the owner 3046591 Manitoba Ltd. (NW 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 - 11 be granted subject to the following conditions:
1. That all outside storage of vehicles, goods and materials is allowed, subject to the following:
a) the storage shall be located to the rear of a line adjacent to and parallel with the front wall of the building;
b) the front yard be limited to vehicles for sale.

CARRIED (5-0)

Conditional Use No. 11-14 - Chris Kellner & Jamie Lentowich - N ½ 18-12-6E

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

Representation:

In Support: Chris Kellner & Jamie Lentowich

In Opposition: None

The Development Officer read out his report.

The Chair closed the evidentiary portion of the meeting.

11-266 BROWN
MCCARTHY

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by Chris Kellner on behalf of the owner Jamie Lentowich (N ½ 18-12-6 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 103, 104 and 105 have been met; BE IT RESOLVED THAT Conditional Use Order No. 11 - 14 be granted subject to the following conditions:
1. That when the land is transferred or sold, that this conditional use order will expire and become null & void.
2. Outside storage of goods and materials is allowed, subject to the following:
a) the storage shall be located to the rear of a line adjacent to and parallel with the front wall of the accessory building.

CARRIED (5-0)

Conditional Use No. 11-16 - Brendan Coulter - SW 24-11-7E

Purpose: To permit the construction of a single family dwelling within 1000 feet of the property limits of a site zoned "MX" Industrial Extractive Zoning District (as per Section 54.4(1), within the "AG" Agriculture General Zoning District.

Representation:

In Support: Brendan & Trisha Coulter

In Opposition: None

The Development Officer read out his report.

The Chair adjourned the hearing until June 21 at 7:30 p.m.

Conditional Use No. 11-13 - Paul Radey on behalf of Richard Radey - SE 34-12-5E

Purpose: To permit a temporary additional dwelling (ready-to-move home (RTM) on the land providing accommodation for the owner's son, within Section 83.3.22) of the "AR" Agriculture Restricted Zoning District.

Representation:

In Support: Paul Radey

In Opposition: None

For Information: Leanne and Marcel Allen

The Development Officer read out his report.

The Chair closed the evidentiary portion of the meeting.

11-267 BROWN
LUCKO

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by Paul Radey on behalf of the owner Richard Radey (Lot 11 Plan 18404 within SE ¼ 34-12-5 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 103, 104 and 105 have been met; BE IT RESOLVED THAT Conditional Use Order No. 11 - 13 be granted subject to the following conditions:

1. That immediate family member, Mr. Paul Radey and family, shall only occupy the temporary second dwelling (ready-to-move home (RTM)) and it shall be removed from the site, when it is no longer occupied by Mr. Paul Radey and family.
2. That the RTM home be serviced by a sewage disposal system approved by Manitoba Conservation.

- 3. That the RTM home be placed on a temporary foundation allowing for only a crawl space.
- 4. If there is a land transfer, the temporary second dwelling (ready-to-move home (RTM)) must be removed from site prior to possession date.
- 5. That this order shall expire and become null and void December 31, 2016.

CARRIED (4-1)

Conditional Use No. 11-15 - Lenny & Sandy Dyck on behalf of Alfred Freihart - NE 32-10-5E

Purpose: To permit a temporary additional dwelling (mobile home) on the land providing accommodation for the owner's daughter and son-in-law, within Section 62.3.13) of the "RR" Rural Residential Zoning District.

Representation:

In Support: Lenny & Sandy Dyck

In Opposition: None

The Development Officer read out his report.

The Chair closed the evidentiary portion of the meeting.

11-268 BODNARUK
LUCKO

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by Lenny & Sandy Dyck on behalf of the owner Alfred Freihart (Parcel 8 Plan 8294 within NE ¼ 32-10-5 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 103, 104 and 105 have been met;

BE IT RESOLVED THAT Conditional Use Order No. 11 - 15 be granted subject to the following conditions:

- 1. That immediate family members, Ms. Sandy Dyck & her family, shall only occupy the temporary second dwelling (mobile home) and it shall be removed from the site, when it is no longer occupied by Ms. Sandy Dyck & her 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. 11-12 - Barry Nagam & Lorraine Chapdelaine - SE 33-11-6E

Purpose: To permit the construction of an accessory building (detached garage) with an upper level providing temporary accommodation for Ms. Chapdelaine's mother, within Section 79.3.43) of the "HA" Hamlet Area Zoning District.

Representation:

In Support: Barry Nagam & Lorraine Chapdelaine

In Opposition: None

The Development Officer read out his report.

The Chair closed the evidentiary portion of the meeting.

11-269 BROWN
MCCARTHY

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owner Barry Nagam & Lorraine Chapdelaine (Lots 7 & 8 Plan 1447 within SE ¼ 33-11-6 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 103, 104 and 105 have been met; BE IT RESOLVED THAT Conditional Use Order No. 11 - 12 be granted subject to the following conditions:

1. That immediate family member, Ms. Pat Chapdelaine, shall only temporarily occupy the upper level of the detached garage and it shall be converted to storage space when it is no longer occupied by Ms. Pat Chapdelaine.
2. That the detached garage be serviced by a sewage disposal system approved by Manitoba Conservation.
3. That this order shall expire and become null and void December 31, 2016.

CARRIED (5-0)

Caveat Removal (Bzdell) - SW 35-12-6E

Present: Sandra Bzdell
Greg Mrowka

The Development Officer read out his report.

The Chair adjourned the item until June 21.

Industrial Park Proposal - SE 6-12-5E

Dan Lester met with Council to request that the land use restrictions be removed from his development agreement in order to develop an industrial park within SE 6-12-5E. Item was deferred to gather more information.

BY-LAWS

By-law No. 11-08 - Fire Prevention

11-270 BROWN BE IT RESOLVED THAT second reading be given to By-law
MCCARTHY 11-08 being a by-law of the Rural Municipality of
Springfield to provide for fire prevention, fire
fighting, rescue services, emergency services, the
regulation of fire and other hazards, the adoption of
the Manitoba Fire Code, and for establishing and
operating an emergency service for the municipality, to
be known as the "Fire Prevention and Emergency Services
By-Law". CARRIED (5-0)

11-271 LALONDE BE IT RESOLVED THAT third and final reading be given to
LUCKO By-law 11-08 being a by-law of the Rural Municipality
of Springfield to provide for fire prevention, fire
fighting, rescue services, emergency services, the
regulation of fire and other hazards, the adoption of
the Manitoba Fire Code, and for establishing and
operating an emergency service for the municipality, to
be known as the "Fire Prevention and Emergency Services
By-Law".

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

CARRIED (5-0)

By-law No. 11-09 - Public Drain NW 19-11-7E

11-272 BROWN BE IT RESOLVED THAT second reading be given to By-law
MCCARTHY 11-09 being a by-law of the Rural Municipality of
Springfield to open a Public Drain across part of NW ¼
19-11-7 EPM. CARRIED (5-0)

11-273 LALONDE BE IT RESOLVED THAT third and final reading be given to
LUCKO By-law 11-09 being a by-law of the Rural Municipality
of Springfield to open a Public Drain across part of NW
¼ 19-11-7 EPM.

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

CARRIED (5-0)

By-law No. 11-10 - Public Drain - N 3 & 4-11-6E

11-274 BROWN BE IT RESOLVED THAT second reading be given to By-law
MCCARTHY 11-10 being a by-law of the Rural Municipality of
Springfield to open a Public Drain across part of N ½ 3
and 4-11-6 EPM. CARRIED (5-0)

11-275 MCCARTHY BE IT RESOLVED THAT third and final reading be given to
BROWN By-law 11-10 being a by-law of the Rural Municipality
of Springfield to open a Public Drain across part of N
½ 3 and 4-11-6 EPM.

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

CARRIED (5-0)

By-law No. 11-11 - Public Drain - W 24-12-6E

11-276 BROWN BE IT RESOLVED THAT second reading be given to By-law
MCCARTHY 11-11 being a by-law of the Rural Municipality of
Springfield to open a Public Drain across part of W ½
24-12-6 EPM. CARRIED (5-0)

11-277 LALONDE BE IT RESOLVED THAT third and final reading be given to
LUCKO By-law 11-11 being a by-law of the Rural Municipality
of Springfield to open a Public Drain across part of W
½ 24-12-6 EPM.

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

CARRIED (5-0)

By-law No. 11-12 - N 28, 29 & 30-10-5E

11-278 BROWN BE IT RESOLVED THAT second reading be given to By-law
MCCARTHY 11-12 being a by-law of the Rural Municipality of
Springfield to open a Public Drain across part of N ½
28, 29 and 30-10-5 EPM. CARRIED (5-0)

11-279 LUCKO BE IT RESOLVED THAT third and final reading be given to
 LALONDE By-law 11-12 being a by-law of the Rural Municipality
 of Springfield to open a Public Drain across part of N
 ½ 28, 29 and 30-10-5 EPM.

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

CARRIED (5-0)

By-law No. 11-13 - Public Drain - NW 2-11-5E

11-280 BROWN BE IT RESOLVED THAT second reading be given to By-law
 MCCARTHY 11-13 being a by-law of the Rural Municipality of
 Springfield to open a Public Drain across part of NW ¼
 2-11-5 EPM. CARRIED (5-0)

11-281 BODNARUK BE IT RESOLVED THAT third and final reading be given to
 LUCKO By-law 11-13 being a by-law of the Rural Municipality
 of Springfield to open a Public Drain across part of NW
 ¼ 2-11-5 EPM.

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

CARRIED (5-0)

By-law No. 11-14 - Designated Officer Positions

11-282 BROWN BE IT RESOLVED THAT second reading be given to By-law
 MCCARTHY 11-14 being a by-law of the Rural Municipality of
 Springfield to authorize the establishment of
 designated officer positions. CARRIED (5-0)

11-283 LALONDE BE IT RESOLVED THAT third and final reading be given to
 LUCKO By-law 11-14 being a by-law of the Rural Municipality
 of Springfield to authorize the establishment of
 designated officer positions.

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

CARRIED (5-0)

UNFINISHED BUSINESS

Non-Union Salaries

- 11-284 LUCKO WHEREAS it is deemed appropriate that Council confirms,
LALONDE by resolution, non-union salary levels;
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
municipal employees effective January 1, 2011, or as
agreed upon, and that employees work contracts be
amended accordingly. CARRIED (4-1)

Cooks Creek Conservation District

- 11-285 BROWN BE IT RESOLVED THAT the funding for the 2011-2012 Cooks
LUCKO Creek Conservation District Program in the amount of
\$157,869.04 be approved and further that payment be
made upon request in two equal payments due on May 1,
2011 and October 1, 2011. CARRIED (5-0)

Agriculture in the Classroom

- 11-286 BROWN BE IT RESOLVED THAT the Rural Municipality of
LUCKO Springfield renew its membership with Agriculture in
the Classroom for 2011 in the amount of \$500.00.
CARRIED (5-0)

CONSENT AGENDA

- 11-287 BROWN WHEREAS a consent agenda has been submitted consisting
MCCARTHY of 3 items;
BE IT RESOLVED THAT the said consent agenda be adopted
as circulated. CARRIED (5-0)

NEW BUSINESS

Association for Community Living

- 11-288 BROWN BE IT RESOLVED THAT all of Council be delegated to
MCCARTHY attend the Association for Community Living Annual
General Meeting, June 7, 2011 in Beausejour at their
discretion. CARRIED (5-0)

Springfield Tache Weed Board

- 11-289 LUCKO BE IT RESOLVED THAT funding for the 2011 Springfield
LALONDE -Tache Weed Board District operations in the amount of
\$90,352.00 be approved and further that payment be made
upon request in two equal payments. CARRIED (5-0)

Municipal Access

- 11-290 LALONDE BE IT RESOLVED THAT the municipality requests
LUCKO permission from Manitoba Infrastructure and
Transportation to use the current emergency access to
PR 206 on a temporary (3 year) basis.
CARRIED (5-0)

Purchase of Truck

- 11-291 LUCKO BE IT RESOLVED THAT the Director of Engineering be
LALONDE authorized to purchase a 2011 Dodge Ram 1500 Crew Cab
4x4 ST from Steinbach Dodge for the sum of \$28,757.00
plus applicable fees and taxes.
CARRIED (5-0)

Municipal Website Redevelopment

- 11-292 MCCARTHY BE IT RESOLVED THAT Council authorize the payment of
LUCKO \$5,995.00, plus applicable taxes, to Clear Concepts for
the redevelopment of the municipal website.
CARRIED (5-0)

Aquifer RFP

- 11-293 BODNARUK WHEREAS the sustainability of any community is largely
MCCARTHY dependent on the supply of uncontaminated potable water
and where the recharge areas for the aquifer serving
much of the community are in the sand and gravel
aquifer;
BE IT RESOLVED THAT the RM of Springfield direct the
director of Engineering and the CAO to develop an RFP
for determining the threats to the aquifer, types of
studies required and mitigation measures that might be
required to protect the aquifer recharge area.
CARRIED (5-0)

Matters Arising for Delegation

The CAO was directed to send a letter to the delegate
advising that Council will not be providing
compensation for the erection of a fence.

In Camera

- 11-294 MCCARTHY 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)
- 11-295 LALONDE BE IT RESOLVED THAT this meeting reconvenes from in
LUCKO camera.
CARRIED (5-0)

Adjournment

BODNARUK THAT this meeting stand adjourned the time being 11:00 P.M.

Jim McCarthy
Reeve

Laurent Tetrault
Chief Administrative Officer