

THE RURAL MUNICIPALITY OF SPRINGFIELD

COUNCIL MEETING

TUESDAY, OCTOBER 10th, 2006

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Present: Reeve John D. Holland  
Councillor Bob Bodnaruk  
Councillor Karen Lalonde  
Councillor Robert Osiowy  
Councillor William F. Paulishyn  
Councillor Douglas Shaver  
Dave Donaghy, CAO  
Anne Burns-Bensch, Manager of Administration  
& Finance

Reeve Holland called the meeting to order at 10:00 a.m. and began proceedings with invocation.

**AGENDA**

06-578 OSIOWY LALONDE BE IT RESOLVED THAT the Agenda be amended as follows:  
Add:  
• CAO Evaluation  
• Doberstein's letter  
CARRIED (6-0)

**MINUTES**

06-579 BODNARUK SHAVER WHEREAS the minutes of the Council meeting held October 3, 2006 have been previously distributed to Council;  
BE IT RESOLVED THAT the same be and are hereby approved.  
CARRIED (5-0)

Councillor Osiowy abstained as he was not in attendance at that meeting.

**REPORTS - ELECTED OFFICIALS**

Councillor Bodnaruk reported on his attendance at the ARM meeting on October 5, 2006 concerning the Elections Act.

Reeve Holland reported on the fire in the industrial area on October 8, 2006.

**STANDING COMMITTEE & DEPARTMENT REPORTS**

CAO Report

The CAO provided a written and verbal report.

Administration Report

The Manager of Administration & Finance provided a written and verbal report.

Public Works Committee received as information.

Legislative, Finance & Personnel Committee received as information.

Springfield Fire & Rescue received as information.

Recreation & Cultural Services Committee received as information.

Animal Control received as information. The CAO reported on inquiries to the animal control officer regarding Council's concerns.

**BY-LAWS**

By-Law No. 06-25

06-580 BODNARUK PAULISHYN BE IT RESOLVED THAT first reading be given of By-law No. 06-25 being a by-law of the Rural Municipality of Springfield to establish a "Vehicle and Equipment Reserve Fund" CARRIED (6-0)

**UNFINISHED BUSINESS**

Municipal Building

The CAO provided a written and verbal report concerning the Costume Museum purchase conditions.

Councillor Lalonde requested a recorded vote.

06-581 LALONDE OSIOWY BE IT RESOLVED THAT Council not complete the museum purchase at this time due to the estimated costs of renovation, and leave the facility deficiencies to a new Council to come up with a plan.

For Against Absent Abstain Reason

Holland x  
Bodnaruk x  
Lalonde x  
Osiowy x  
Paulishyn x  
Shaver x

DEFEATED (2-4)

06-582 HOLLAND PAULISHYN BE IT RESOLVED THAT, after considering the reports and information provided, Council confirm with legal counsel that conditions to the offer to purchase to have been met and authorize the Reeve and CAO to conclude the execution of the purchase of the museum building. CARRIED (4-2)

**DELEGATIONS**

Barry Mulder, Mulder Construction and Shawn Tosh, Manager of Operations and Services attended Council concerning Pineridge Pit.

06-583 BODNARUK  
PAULISHYN

BE IT RESOLVED THAT Council authorize the new demised area, generally the blue shaded area on proposed plan, within Pineridge Pit, as recommended by the Manager of Operations and Services, to be mined by Mulder Construction Ltd., subject to the following conditions:

- comply with previously approved terms and conditions;
- as proposed by Mulders, in general to utilize all material as area moves forward.

CARRIED (6-0)

**CONSENT AGENDA**

06-584 LALONDE  
BODNARUK

WHEREAS a consent agenda has been submitted consisting of 8 items;

BE IT RESOLVED THAT the said consent agenda be adopted as circulated.

CARRIED (6-0)

**NEW BUSINESS**

Cooks Creek Conservation District

Councillor Shaver provided a report concerning Prairie Grove Diversion and advised Council a letter will be sent by CCCD for consideration in 2007 budget.

**UNFINISHED BUSINESS cont'd**

Conditional Use 06-02 (Inland)

Richard Hume addressed Council with concerns and updates further from the meeting of October 3, 2006.

*Council broke for lunch and reconvened at 1:00 p.m.*

**UNFINISHED BUSINESS cont'd**

Conditional Use 06-02 (Inland)

Les Cels and Richard Hume advised Council the previous concerns have been discussed and Richard Hume is satisfied with the answers.

06-585 PAULISHYN  
SHAVER

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by Inland Aggregates Ltd. on behalf of the owners Lehigh Cement Limited, CBR Cement Canada Limited, and Stanley and Sharon Redcliffe for a Conditional Use Order under Springfield Zoning By- Law # 85-26 and amendments thereto;

AND WHEREAS Council is satisfied that the requirements of Sections 103, 105 and 106 have been met;  
BE IT RESOLVED THAT Conditional Use Order No. 06 - 02 be granted subject to the following conditions:

1. A liaison committee shall be established consisting of 5 members - 3 community residents (appointed by residents), 1 Inland representative, 1 Council appointed member. A specific position at Inland will be named as the committee member and primary contact person;
2. For the purpose of this order the expression "processing" shall not include:
  1. any manufacturing or production of asphalt material;
  2. any washing or crushing of material unless approved by resolution of Council in conjunction with the recommendation of the liaison committee.
3. The hours of operation of the approved pit or quarry shall be from 7 a.m. to 6 p.m. Monday to Friday, excluding statutory or municipal holidays;
4. No excavation shall be permitted in any area closer than 320 feet to any property boundary;
5. All wells within a buffer limit of 500m from the limits of the CT 1862105 and CT 1784092 shall be tested for baseline mineral content and potential contamination (standard drinking water tests) prior to any mineral extraction and any pit operations;
6. All vehicles, machinery and / or equipment used in the extraction, processing, screening, washing and transportation operations of the company, contracted or subcontracted, at this location, shall be properly equipped and maintained to suppress sound to a reasonable level;
7. For the purpose of gaining ingress or egress to the land whether loaded or not, all company, contracted or subcontracted machinery, equipment, and vehicles shall only use P.R. 302, between the existing pit access and towards P.T.H. 15;
8. No haulage or transportation of material, whether said vehicles are loaded or unloaded, shall take place over any road where the Municipality has traffic jurisdiction, unless the applicant has received approval by a resolution of Council;
9. The company shall treat internal roads in the pit with a suppressant in order that dust is not carried over adjacent land occupied for residential purposes;
10. That the site contain a sanitary toilet;
11. That the site contain a garbage receptacle, which shall be emptied off site properly and monthly or sooner as required;
12. That an area be designated and developed for parking of vehicles;
13. No fuel, storage of petroleum products, or any other contaminants be stored on site;

- 14.A spill kit must be available on site and maintained at all times;
- 15.The company shall obtain the required permits and or approvals from Manitoba Transportation and Government Services;
- 16.That the pit or quarry shall be registered both with the Mines Branch and the Municipality and all fees, levies, payments and returns required of the applicant, pursuant to By-Law 95-12 and the Mines Act, shall be remitted in a timely manner to the proper authority;
- 17.The company shall comply with all other municipal bylaws, including but not limited to By-Laws 96-26, 95-12, and 73-22, and if there is any discrepancy between any bylaws, the most restrictive shall apply;
- 18.Any breach of this order or any of the terms and conditions hereof shall be deemed sufficient grounds to suspend, revoke or cancel this order by a resolution of Council;
- 19.In the event that a dispute arises between the parties hereto as to any aspect of this conditional use, then such dispute shall be resolved by final and binding arbitration pursuant to The Arbitration Act of Manitoba;
- 20.Inland Aggregates Ltd shall provide the municipality with a Letter of Credit in the amount of \$100,000.00 to cover potential damage to local wells caused by extraction operations in the pit.
- 21.Access will be granted to municipal designated officers for inspection and maintenance at the discretion of the Municipality.
- 22.Extraction below water equipped with biodegradable oil. CARRIED (6-0)

Reeve Holland adjourned the Council meeting.

**MATTERS UNDER THE MUNICIPAL ACT**

**Anola LID 3A - Public Hearing Reconvened**

The CAO provided a verbal report concerning the prepayment option of the proposed LID - private costs.

**By-Law 06-22**

06-586 PAULISHYN  
SHAVER

BE IT RESOLVED THAT first reading be given of By-law No. 06-22 being a By-law of the Rural Municipality of Springfield to authorize the private connection to water and sewer mains for Anola LID No. 3, as a Local Improvement Plan No. 3A. CARRIED (6-0)

06-587 PAULISHYN BE IT RESOLVED THAT second reading be given of By-law  
 BODNARUK No. 06-22 being a By-law of the Rural Municipality of  
 Springfield to authorize the private connection to  
 water and sewer mains for Anola LID No. 3, as a Local  
 Improvement Plan No. 3A. CARRIED (6-0)

The meeting reconvened as a general Council meeting at  
 1:35 p.m.

**DELEGATIONS cont'd**

Norbert Hansch, Bill McGarry, of Aspen Lakes  
 Development Corporation, Dan Doucet, Development  
 Officer and Shawn Tosh, Manager of Operations and  
 Services attended Council concerning Phases of the  
 Aspen Lakes Development in Oakbank.

06-588 LALONDE WHEREAS Aspen Lakes Development Corp. has requested  
 OSIOWY approval to develop Phase V immediately following Phase  
 II;

BE IT RESOLVED THAT Council authorize Administration to  
 proceed with approval of this sequence of development  
 subject to the following concerns being addressed in  
 the Phase V Service Agreement, or by some alternative  
 means:

- Development of the park as prescribed in the  
 Development Agreement be completed prior to the  
 initiation of the last Phase;
- The cement structure in Phase III be removed prior  
 to construction of houses commencing in Phase V;
- The developer provide assurance acceptable to the  
 Municipality that lots in Phases III and IV have  
 not been sold or otherwise committed to  
 purchasers. CARRIED (6-0)

Orvel Currie, Municipal Solicitor, Harley Boles, Fred  
 Klein and Michael Falk attended Council concerning  
 Federated Cooperatives/Terracon development agreements.

By-law No. 06-24

06-589 LALONDE BE IT RESOLVED THAT second reading be given as amended  
 OSIOWY of By-law No. 06-24 being a By-Law to authorize a  
 Zoning Agreement with 5257060 Manitoba Ltd. and  
 Federated Co-operatives Ltd. pertaining to "Lots 1 and  
 2 Plan \_\_\_\_\_ WLTO (Deposit No. 1236/05) in NW ¼ 15-11-  
 5 EPM" and a Development/Service Agreement with 5257060  
 Manitoba Ltd. and Federated Co-operatives Ltd.  
 pertaining to "Lot 2 Plan \_\_\_\_\_ WLTO (Deposit No.  
 1236/05) in NW ¼ 15-11-5 EPM". CARRIED (6-0)

06-590 LALONDE  
OSIOWY

BE IT RESOLVED THAT third and final reading be given as amended of By-law No. 06-24 being a By-Law to authorize a Zoning Agreement with 5257060 Manitoba Ltd. and Federated Co-operatives Ltd. pertaining to "Lots 1 and 2 Plan \_\_\_\_\_ WLTO (Deposit No. 1236/05) in NW ¼ 15-11-5 EPM" and a Development/Service Agreement with 5257060 Manitoba Ltd. and Federated Co-operatives Ltd. pertaining to "Lot 2 Plan \_\_\_\_\_ WLTO (Deposit No. 1236/05) in NW ¼ 15-11-5 EPM".

AND BE IT FURTHER RESOLVED THAT the Reeve and CAO be authorized to execute the required agreement.

For Against Absent Abstain Reason

Holland x  
Bodnaruk x  
Lalonde x  
Osiowy x  
Paulishyn x  
Shaver x

CARRIED (6-0)

By-Law No. 02-03

06-591 PAULISHYN  
SHAVER

BE IT RESOLVED THAT third and final reading be given to By-law 02-03 being a By-Law of the Rural Municipality of Springfield to amend Springfield Town Planning Scheme 1959.

For Against Absent Abstain Reason

Holland x  
Bodnaruk x  
Lalonde x  
Osiowy x  
Paulishyn x  
Shaver x

CARRIED (6-0)

NEW BUSINESS cont'd

Federated Co-op - Grant of Easements

06-592 LALONDE  
OSIOWY

WHEREAS a Development/Servicing Agreement entered into by 5257060 Manitoba Ltd., Federated Co-operatives Ltd. and the Rural Municipality of Springfield contemplates Easement Agreements for specified purposes;

BE IT RESOLVED THAT Council approve the following Easement Agreements between Federated Co-operatives Ltd. and the Municipality, and authorize the Reeve and CAO to execute these agreements on behalf of the Municipality:

- An easement authorizing drainage works
- An easement authorizing the Municipality to cross lands owned by Federated Co-operatives Ltd.

CARRIED (6-0)

*Council took a short break and reconvened at 2:45 p.m.*

Deputy Reeve Bodnaruk assumed the chair.

Tax Sale Policy

- 06-593 PAULISHYN  
BODNARUK WHEREAS a tax sale policy was established by resolution 05-114;  
BE IT RESOLVED THAT the amendments to the tax sale policy on October 5, 2005 be approved.  
CARRIED (5-0)

Reserve Bid

- 06-594 BODNARUK  
PAULISHYN WHEREAS Council has set tax sale date for October 17, 2006;  
AND WHEREAS tax arrears and all costs have been posted to those roll numbers eligible for tax sale;  
BE IT RESOLVED THAT the auctioneer be authorized to establish a reserve bid of tax arrears and all costs.  
CARRIED (5-0)

Designated Officer

- 06-595 OSIOWY  
LALONDE WHEREAS the Municipal Act Section 373 allows Council to appoint the CAO as a designated officer for a tax sale auction;  
BE IT RESOLVED THAT the CAO be assigned as a designated officer.  
CARRIED (5-0)

List of Accounts - September 2006

- 06-596 PAULISHYN  
SHAVER WHEREAS disbursements have been reviewed for the month of September, 2006;  
BE IT RESOLVED THAT all accounts listed on the attached printout totaling \$675,007.23 be approved for payment.  
CARRIED (5-0)

Financial Statement June 2006

- 06-597 BODNARUK  
OSIOWY BE IT RESOLVED THAT the financial statement for the month ending June 30, 2006 be accepted as presented.  
CARRIED (5-0)

Reeve Holland resumed as chair.

Remembrance Day

- 06-598 HOLLAND  
BODNARUK BE IT RESOLVED THAT Council authorize expenditure not exceeding \$1,210.00 in support of November 11<sup>th</sup> Remembrance Day Services, to provide support similar to past years.  
CARRIED (6-0)

Riding Mower

- 06-599 BODNARUK  
PAULISHYN BE IT RESOLVED THAT Council authorize the purchase of a Ferris Riding Mower, Model 1500Z from Tyndall Power Products for \$8900.00 plus applicable taxes.  
CARRIED (6-0)

Lagoon Decommissioning

06-600 PAULISHYN SHAVER BE IT RESOLVED THAT Council endorse the recommendation to further consider Option 1 to haul sludge from lagoons to be decommissioned to a waste disposal facility, without doing any additional sludge surveys.  
CARRIED (6-0)

Day St. Repairs

06-601 BODNARUK PAULISHYN BE IT RESOLVED THAT Council approve the additional costs incurred to repair Day Street, costs increasing by \$1,909.30 to a total of \$57,909.30 plus applicable taxes.  
CARRIED (6-0)

Street Lights

06-602 PAULISHYN HOLLAND BE IT RESOLVED THAT Council approve the following street lighting installations:  
• Anola Over 50 Club - \$579.94  
• PR 206 south of PTH 15 - \$11,631.38 less \$1,125.00 to be recovered from the NPC developer  
CARRIED (6-0)

Floodway CN Bridge

06-603 OSIOWY LALONDE BE IT RESOLVED THAT Council authorize a response to the Manitoba Floodway Authority indicating "no objection" to CN Bridge Modifications at Mile 243.4 Redditt Subdivision, and request a meeting with project engineers prior to the project being initiated.  
CARRIED (6-0)

Second Driveway Access - 2730 Day Street

Referred to Public Works for further information. Deferred to next meeting.

CAO Evaluation

Councillor Shaver requested a follow up to the CAO evaluation.

**IN CAMERA**

06-604 HOLLAND BODNARUK BE IT RESOLVED THAT this meeting recess to in camera to discuss a personnel issue.  
CARRIED (6-0)

06-605 HOLLAND BODNARUK BE IT RESOLVED THAT this meeting reconvenes from in camera.  
CARRIED (6-0)

**NEW BUSINESS cont'd**

Doberstein request

The CAO is to provide a written response to the Doberstein's.

**ADJOURNMENT**

PAULISHYN

THAT this meeting stand adjourned the time being 4:00 p.m. CARRIED (6-0)

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John D. Holland  
Reeve

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Dave Donaghy  
Chief Administrative Officer