

THE RURAL MUNICIPALITY OF SPRINGFIELD

COUNCIL MEETING

WEDNESDAY, October 3rd, 2007

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

Absent: Reeve Peter Skrupski

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

AGENDA

07-524 VAAGS BE IT RESOLVED THAT the Agenda be amended as follows:
BODNARUK Add: 2008 FCM
EDP - Yakubicka Agreement
- Giles Subdivision
Kinsmen Youth Centre
Delete 9.1
Delegation
Twinning of PTH 101 Open House
In Camera Issues CARRIED (5-0)

MINUTES

07-525 THOMPSON WHEREAS the minutes of the meeting held September 26th,
LUCKO 2007 have been previously distributed to Council;
BE IT RESOLVED THAT the same be and are hereby
approved. CARRIED (5-0)

REPORTS

Councillor Bodnaruk reported on his attendance at the Red River Basin Commission meeting in Rosser, Manitoba Conservation District Association meeting in Brandon, Manitoba Hydro Riel Reliability Open House in Oakbank and the Economic Development and Planning meeting.

Councillor Vaags reported on his attendance at a Resource meeting, Manitoba Hydro Riel Reliability Open House in Oakbank, Economic Development and Planning meeting, CP Mock Disaster Preparation meeting and the Manitoba Association of Regional Recyclers meeting where he advised that Councillor Lucko has been elected as second vice president of the board.

Councillor Thompson reported on his attendance at a Zoning By-law and Policy meeting, union negotiations meeting, Anola fire hall open house and a CP Mock Disaster Preparation meeting.

Councillor Lucko reported on his attendance at the North East Agassiz Watershed Management Association meeting, Manitoba Association of Regional Recyclers meeting and the Red River Basin Commission meeting.

Deputy Reeve Lalonde reported on her attendance at the Board of Revision held September 14th, Zoning By-law and Policy meeting, Manitoba Hydro Riel Reliability Open House, Economic Development and Planning meeting and a meeting with residents regarding Iders Corporation.

STANDING COMMITTEE AND DEPARTMENT REPORTS

Subdivision File 4189-06-5138 (Giles)

07-526 BODNARUK VAAGS BE IT RESOLVED THAT Council approve the revised amendments to Subdivision File 4189-06-5138 (Giles) being 275' and 9.17 acres instead of the previously approved 300' and 10 acres. CARRIED (5-0)

Building Restriction Agreement (Yakubicka)

07-527 LALONDE BODNARUK BE IT RESOLVED THAT the Building Restriction Agreement, dated October 27th, 2004, with Yakubicka Trucking & Excavating, be amended to allow for the sale of Lots 1 to 8, Plan 43609 under Clause 2, 2(i), 2(ii) prior to the completion of all roads and drainage within the said subdivision;
BE IT FURTHER RESOLVED THAT the developers provide a letter of credit for the residual work to be completed and any outstanding fees owed to the municipality. CARRIED (5-0)

UNFINISHED BUSINESS

Road Allowance Dispute

The Chief Administrative Officer was directed to send a letter to the residents involved advising them that it is a legal matter and exclusive rights to a right-of-way are not allowed.

BY-LAWS

By-law 07-22 - Darrell May and Pamela Austman - SW 33-11-6E

07-528 THOMPSON LUCKO BE IT RESOLVED THAT first reading be given to By-law 07-22 being a by-law of the Rural Municipality of Springfield to rezone Lots 1 and 2 of Deposit Plan 619/2007 within SW ¼ 33-11-6E from "A" Rural & Agricultural District to "R" Residential District. CARRIED (5-0)

By-law 07-25 - Wilma Holland - NW 26-12-5E

07-529 THOMPSON
LUCKO

BE IT RESOLVED THAT first reading be given to By-law 07-25 being a by-law of the Rural Municipality of Springfield to rezone SP Lot 6 Plan 15975 WLTO in ½ 26-12-5E from "A" Rural & Agricultural District to "A20" Limited Agricultural District.

CARRIED (5-0)

PUBLIC HEARINGS UNDER THE PLANNING ACT

Variance 07-48 - Darrell May and Pamela Austman - SW 33-11-6E

Purpose: 1. Residual Lot - To permit a site area of approximately 77.0 (+/-) acres instead of the required 80 acres; and
2. To permit the keeping of five(5) Livestock Waste Units (10 horses) on the land, within the "A" Rural & Agricultural District. (re: subdivision 4189-06-5111)

Representations:

In Support: Darrell May and Pamela Austman
In Opposition: None

The Development Officer read the report.

The Deputy Reeve closed the public hearing.

07-530 THOMPSON
VAAGS

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners Darrell May and Pamela Austman for a variation under the Rural Municipality of Springfield Zoning By-law No. 85-26 and amendments thereto;
AND WHEREAS Sections 94, 96 and 97 of The Planning Act requires Council to make an order rejecting the application; or varying the application of the relevant zoning by-law or planning scheme, subject to such conditions as Council considers necessary or desirable to maintain the intent and purpose of the by-law or scheme;

BE IT RESOLVED THAT Variation Order No. 07 - 48 be granted subject to the following conditions:

1. No livestock shall be permitted on the land other than up to a maximum of five (5) livestock waste units, which are to be kept no closer than 100 feet to any well or septic field;
2. 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. 4189-06-5111.

CARRIED (5-0)

Variance 07-50 - Richard Ray - NW 36-10-4E

Purpose: To permit the relocation of an existing accessory building (34' x 30' detached garage), having a separation distance of 12 feet between the existing single-family dwelling, instead of the required 25 feet, within the "A" Rural District.

Representations:

In Support: Richard Ray
In Opposition: None

The Development Officer read the report.

The Deputy Reeve closed the public hearing.

07-531 BODNARUK
VAAGS

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owner Richard Ray for a variation under the Rural Municipality of Springfield Town Planning Scheme 1959 and amendments thereto;

AND WHEREAS Sections 94, 96 and 97 of The Planning Act requires Council to make an order rejecting the application; or varying the application of the relevant zoning by-law or planning scheme, subject to such conditions as Council considers necessary or desirable to maintain the intent and purpose of the by-law or scheme;

BE IT RESOLVED THAT Variation Order No. 07 - 50 be granted subject to the following conditions:

1. The use of the existing accessory building shall be limited to the keeping of personal goods and supplies and personal vehicles, unless an application is made to utilize the existing accessory building to accommodate for a "Home Occupation".

CARRIED (5-0)

Variance 07-52 - Deborah Van Linge - NW 17-11-8E

Purpose: To permit the construction of a 24' x 30' accessory building (detached garage) having a West side yard setback of 80.0(+/-) feet instead of the required 125 feet, within the "A" Rural & Agricultural District.

Representations:

In Support: Deborah Van Linge
In Opposition: None

The Development Officer read the report.

The Deputy Reeve closed the public hearing.

07-532 LUCKO
THOMPSON

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owner Deborah Van Linge for a variation under the Rural Municipality of Springfield Zoning By-law 85-26 and amendments thereto;

AND WHEREAS Sections 94, 96 and 97 of The Planning Act requires Council to make an order rejecting the application; or varying the application of the relevant zoning by-law or planning scheme, subject to such conditions as Council considers necessary or desirable to maintain the intent and purpose of the by-law or scheme;

BE IT RESOLVED THAT Variation Order No. 07 - 52 be granted subject to the following conditions:

1. The use of the existing accessory building shall be limited to the keeping of personal goods and supplies and personal vehicles, unless an application is made to utilize the existing accessory building to accommodate a "Home Occupation".

CARRIED (5-0)

Variance 07-53 - Curtis Boughton and Kimberly Semchyshyn - 20 Hazel Bay, Oakbank

Purpose: To permit the construction of a 19'x 20' accessory building (attached shed to single-family dwelling) having a West side yard setback of 5 feet instead of the required 10 feet, as per Development Agreement.

Representations:

In Support: Curtis Boughton

In Opposition: None

The Development Officer read the report.

The Deputy Reeve closed the public hearing.

07-533 LALONDE
VAAGS

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by Curtis Boughton on behalf of the owner Kimberly Semchyshyn for a variation under Clause 9.3 (j) of registered Development Agreement;

AND WHEREAS Sections 94, 96 and 97 of The Planning Act requires Council to make an order rejecting the application; or varying the application of the relevant zoning by-law or planning scheme, subject to such conditions as Council considers necessary or desirable to maintain the intent and purpose of the by-law or scheme;

BE IT RESOLVED THAT Variation Order No. 07 - 53 be granted subject to the following conditions:

1. If there are any problems with drainage along the West property limits at any time, as determined by the Development Officer, the owner shall be responsible to construct and maintain the common swale and/or other drainage improvements to rectify the situation. If drainage improvements are required, the design and construction of said improvements shall be reviewed and approved by the Public Works Department prior to any drainage improvements.
2. An application must be made to the Municipal Board of Manitoba for an amendment to the Development Agreement filed against the land in W.L.T.O. as Caveat #1017271.
3. Proof of approval by the Municipal Board of Manitoba and registration on title of the amendment must be submitted to the Municipality.

CARRIED (5-0)

Variance 07-54 - Terence William Moffatt - SW 22-12-5E

Purpose: To permit the construction of a 26'x 36' accessory building (3-car detached garage) having a front yard setback of 55 feet instead of the required 125 feet, within the "RR5" Rural Residential District.

Representations:

In Support: Terence Moffatt
In Opposition: None

The Development Officer read the report.

The Deputy Reeve closed the public hearing.

07-534 THOMPSON
LUCKO

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owner Terence William Moffatt for a variation under the Rural Municipality of Springfield Zoning By-law 85-26 and amendments thereto;

AND WHEREAS Sections 94, 96 and 97 of The Planning Act requires Council to make an order rejecting the application; or varying the application of the relevant zoning by-law or planning scheme, subject to such conditions as Council considers necessary or desirable to maintain the intent and purpose of the by-law or scheme;

BE IT RESOLVED THAT Variation Order No. 07 - 54 be granted subject to the following conditions:

1. The use of the existing accessory building shall be limited to the keeping of personal goods and supplies and personal vehicles, unless an application is made to utilize the existing accessory building to accommodate for a "Home Occupation".

CARRIED (5-0)

Variance 07-55 - Derek and Christine Giles - NE 8-11-7E

Purpose: 1. Proposed Lot 1 - To permit a site area of 9.17 acres and site width of 275 feet instead of the required 80 acres and 660 feet respectively,
2. Proposed Lot 2 - To permit a site area of 31.4 acres and site width of 396.60 feet instead of the required 80 acres and 660 feet respectively, and
3. Proposed Lot 2 - To permit the separation distance of 7.4 feet between the mobile home and the 12'x 16' shed, instead of the required 10 feet,
within the "A" Rural & Agricultural District.
(re: subdivision 4189-06-5138)

Representations:

In Support: Derek and Christine Giles
In Opposition: Don and Maureen Dufort

Mr. and Mrs. Dufort addressed Council with their concerns with the reduced site width and opposed the application.

The Development Officer read the report.

The Deputy Reeve closed the public hearing.

07-535 LUCKO
VAAGS

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owners Derek and Christine Giles for a variation under the Rural Municipality of Springfield Zoning By-law 85-26 and amendments thereto;

AND WHEREAS Sections 94, 96 and 97 of The Planning Act requires Council to make an order rejecting the application; or varying the application of the relevant zoning by-law or planning scheme, subject to such conditions as Council considers necessary or desirable to maintain the intent and purpose of the by-law or scheme;

BE IT RESOLVED THAT Variation Order No. 07 - 55 be granted subject to the following conditions:

1. That a building permit is obtained for the 12'x 16' accessory shed and the fees be doubled.
2. 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. 4189-06-5138.

CARRIED (5-0)

Variance 07-56 - Autoprize Ltd. c/o H.H. Funk -
NE 21-11-4E

Purpose: 1. Proposed Lot 1 - To permit a site area of 2.3 acres and site width of 203 feet instead of the required 5 acres and 300 feet respectively,
2. Proposed Lot 2 - To permit a site area of 2.3 acres and site width of 203 feet instead of the required 5 acres and 300 feet respectively, and
3. Proposed Lot 3 - To permit a site width of 60 feet instead of the required 300 feet, within the "A" Rural District.
(re: subdivision 4189-06-5138)

Representations: None

The Development Officer read the report.

The Deputy Reeve closed the public hearing.

07-536 BODNARUK
VAAGS

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owner Autoprize Ltd. c/o H.H. Funk for a variation under the Rural Municipality of Springfield Town Planning Scheme 1959 and amendments thereto;
AND WHEREAS Sections 94, 96 and 97 of The Planning Act requires Council to make an order rejecting the application; or varying the application of the relevant zoning by-law or planning scheme, subject to such conditions as Council considers necessary or desirable to maintain the intent and purpose of the by-law or scheme;
BE IT RESOLVED THAT Variation Order No. 07 - 56 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. 4189-06-5107.

CARRIED (5-0)

Variance 07-57 - Arlene La Joie - NW 34-10-5E

Purpose: To permit the construction of a new single-family dwelling having a West side yard setback of 6.7 feet instead of the required 10 feet, within the "RA" Suburban District.

Representations: None

The Development Officer read the report.

The Deputy Reeve closed the public hearing.

07-537 VAAGS
BODNARUK

WHEREAS a Public Hearing has been conducted under The Planning Act to consider an application filed by the owner Arlene La Joie for a variation under the Rural Municipality of Springfield Town Planning Scheme 1959 and amendments thereto;

AND WHEREAS Sections 94, 96 and 97 of The Planning Act requires Council to make an order rejecting the application; or varying the application of the relevant zoning by-law or planning scheme, subject to such conditions as Council considers necessary or desirable to maintain the intent and purpose of the by-law or scheme;

BE IT RESOLVED THAT Variation Order No. 07 - 57 be granted subject to the following conditions: None

CARRIED (5-0)

Council took a short break.

Subdivision File No. 4189-07-5176 - Mary-Ann Roy on behalf of Anne Tanasicuik - NW 30-11-5E

Intent: To subdivide a 26.56-acre parcel for continued agricultural purposes from the existing 123.46-acre holding. The resulting residual parcel, excluding two (2) additional parcels currently conditionally approved for subdivision on this Certificate of Title, is approximately 58.66 acres in area.

Representations:

In Support: Mary-Anne Roy
In Opposition: None

The Development Officer read the report.

The Deputy Reeve closed the public hearing.

07-538 BODNARUK
VAAGS

WHEREAS Mary-Ann Roy on behalf of the owner Anne Tanasicuik, have applied to subdivide an approximate 26.56-acre parcel for continued agricultural purposes from the existing 123.46-acre holding;

BE IT RESOLVED THAT application for subdivision No. 4189-07-5176 be approved subject to the following conditions:

1. Payment of requisite fees;
2. Any variation orders be obtained, if required;
3. That a Lot Grade Plan be prepared and sealed by a professional engineer and approved by the Public Works Department, as per the municipal drainage policy; and any drainage improvements shall be constructed prior to the issuance of any building permits for the property.

CARRIED (5-0)

Subdivision File No. 4189-07-5170 (Lilyfield Development Inc.)

07-539 BODNARUK
VAAGS

BE IT RESOLVED THAT Council approve the revised amendments to Subdivision File 4189-07-5170 (Lilyfield Development Inc.) to consolidate proposed Lot 1 and 2 as means of meeting requirements set by Manitoba Infrastructure and Transportation regarding access.

CARRIED (5-0)

UNFINISHED BUSINESS CONT'D

Lorne Hill Road - Roadwork

Agreement is in place with developers as to the spreading of gravel. Manager of Operational Services to confirm cost with developers.

CONSENT AGENDA

07-540 LALONDE
LUCKO

WHEREAS a consent agenda has been submitted consisting of 11 items;
BE IT RESOLVED THAT the said consent agenda be adopted as circulated.

CARRIED (5-0)

NEW BUSINESS

Winnipeg River Brokenhead Community Futures Development Corporation - Received as information

Financial Statement

07-541 THOMPSON
LALONDE

BE IT RESOLVED THAT the Financial Statement for the month ending June 30, 2007 be accepted as presented.

CARRIED (5-0)

Tree Planting Area

Information regarding trees available for planting was received. Areas around the gravel pits to be considered.

Winnipeg Zoning By-law Public Hearing

07-542 LALONDE
VAAGS

BE IT RESOLVED THAT the following council members be authorized to attend a public hearing regarding the Winnipeg Zoning By-law No. 200/2006 in Winnipeg on October 16, 2007:

- Reeve Peter Skrupski
- Deputy Reeve Karen Lalonde
- Councillor Bob Bodnaruk
- Councillor Brian Thompson
- Councillor Ken Lucko
- Councillor Lorne Vaags
- Dan Doucet, Administrative Staff

CARRIED (5-0)

2008 FCM Convention

Deferred to following meeting to confirm attendance.

Kinsmen Youth Centre

Councillor Bodnaruk advised Council that the original agreement with the Kinsmen was that if they were unable to operate the youth centre for 10 years the building would be sold and the municipality's contribution would be returned to them.

Meeting Delegation

07-543 BODNARUK VAAGS BE IT RESOLVED THAT Councillor Ken Lucko be delegated to meet with Solicitor Orvel Currie to discuss an agreement. CARRIED (5-0)

Twinning of PTH 101

07-544 LALONDE VAAGS BE IT RESOLVED THAT the following council members be authorized to attend the Open House for the twinning of PTH 101 at Canad Inns on October 9th, 2007:
Reeve Peter Skrupski
Deputy Reeve Karen Lalonde
Councillor Bob Bodnaruk
Councillor Brian Thompson
Councillor Ken Lucko
Councillor Lorne Vaags
CAO, Laurent Tétrault
CARRIED (5-0)

In Camera

07-545 LALONDE LUCKO 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)

07-546 LALONDE THOMPSON BE IT RESOLVED THAT this meeting reconvenes from in camera.
CARRIED (5-0)

Adjournment

BODNARUK THAT this meeting stand adjourned the time being 10:00 p.m. CARRIED (5-0)

Karen Lalonde
Deputy Reeve

Laurent Tétrault
Chief Administrative Officer