

## RM OF SPRINGFIELD COUNCIL MEETING August 6, 2019

**WITHOUT PREJUDICE (E&OE)** By the way, I apologize that my newsletter has no glossy photos with dignitaries of a certain political party but unlike Madame Mayor, I do not have taxpayer resources to expend on providing information about what is happening in Springfield. Neither do I have the benefit of information that is only made public after the fact and without public consultation, that is the P&H Grain Facility on Poplar Road. Unfortunately it is us taxpayers that are going to have to bring Poplar Road up to the standards required by heavy truck traffic and risk the potential damage to the quality and quantity of water we are drinking. I can only imagine the impact that a train blocking the crossing only 1 mile east of the "S" curve when waiting on the siding for another to pass will have to commuter traffic on Highway #15. Offloading of cars into the facility will further delay through train traffic and block the crossing, adversely affecting the highway traffic as well. How many agree this may have not been a well thought out decision done without public knowledge? I am not sure how this will bring Springfield producers "the chance to leverage global grain marketing opportunities" as P&H already have a facility on Springfield Road in our municipality. But it does appear to have taken half a section of land out of grain production and possibly already affected the water of nearby residents. I feel sorry for the home owner on the north side of the tracks just south of the highway as his days of peace and tranquility will be at an end.

**AGENDA** - There was one addition to the agenda, add to New Business By-law 19-15 Second and Third Reading. **Mayor Fell** advised the CAO that there was also an addition In Camera as well. **CARRIED 5-0** Councillor Williams was absent from the meeting. **Why New Business? Why not By-laws?** Subsequently 7.4 Ste. Anne Hospital letter requesting financial support was removed from Consent Agenda at the suggestion of **Councillor Rakke** and added to agenda for discussion of whether to support them financially with a donation or the purchase of tickets.

**Councillors Williams and Wilson** at the last meeting questioned items on the listing of cheques for AMM Trading Company \$197,618.16, 214,267.96 and \$31,978.70 and why so large amounts and the cost effectiveness of purchasing through the AMM for which the CAO had no explanation, but her answer at this meeting was the MTCML payment was mostly for dust control, thus the large amounts.

### QUESTION PERIOD

**Heather Erickson, Anola** - Objected to the addition of By-law 19-15 to the current meeting at the last minute without the gallery's benefit of knowing what it is as it was not included in the agenda package. **Mayor Fell** - So that agenda item was on the Planning Meeting and because it ran late, it was added to this meeting. Not a public hearing by-law according to the CAO. **NOTE: The Planning Meeting was on July 25, 2019. Surely 6 working days from the 26th to August 2, 2019 would have been ample time to add it to the Agenda Package that was available to the public. With somewhere in the neighbourhood of between \$300,000 to \$400,000 in monthly wage expenditures, surely there would be enough trained people available to have added this item in a timely fashion.**

**Karen Lalonde, Oakbank** - The details of the bore holes on the 12 acres of property potential being sold have not been disclosed. I saw a report about 8 years ago when I was on Council, unfortunately I don't have it anymore but it gave a lot of good information. I am certainly not against this project but contrary to what's been said, there's a significant amount of good gravel underneath the sand on that property. It's a valuable asset and the price of the land should represent its worth. Council has a business grant to assist in the construction of new business but the land should represent the true value. I know that Council had the lawyer do a presentation to the gallery explaining that Council holds all the power and residents have a voice every 4 years. However resources in Springfield in my opinion belong to everybody. I think we have the right to hear the facts that you base your decisions on, things possibly like half a million dollars worth of property missing from Monominto pit, in camera discussions and no RCMP report available is, you know another question as far as accountability and transparency. Residents deserve information on this item as well as the boreholes report from years ago. **Mayor Fell** - Thank you. So in regards to the potential sale of those 12 acres, there's going to be a public hearing. You are welcome to request that information at any time as told to you the last time we spoke about this via e-mail to our CAO or your councillor, you are more than welcome to that information. Again anything that is in with the solicitors we are not permitted to speak about so if it's in camera with an issue about any topic in Springfield we do not speak about it publicly. So then I am going to ask you, we will not be talking about any issues with the Monominto Pit, it's in litigation. **Karen Lalonde** - Do I assume it has been in litigation for a year? **Mayor Fell** - I don't know the exact time but until it is resolved, it is not information, we cannot give you any information about it. We are bound by those rules. **Karen Lalonde** - So that information will be forthcoming once it's resolved? **Mayor Fell**

- I don't know, we have to wait and see what happens with the lawyers and I can't give you any more information than that. The last was the RCMP report, as stated when the RCMP was here, if you want more information about their inner workings and their report, please feel free to contact the S/Sgt. at the Oakbank Detachment. **Karen Lalonde** - My understanding is they had no report. **Mayor Fell** - Again if you want further information from the RCMP about the RCMPs report, please feel free to contact them. **NOTE: Mayor Fell says there is going to be a public hearing about the sale of land to Jan Regehr, Pine Ridge Hollow, but what would be the point? Council has already passed a resolution agreeing to sell the property to Ms. Regehr at a specified price and on this agenda she is filing two Letters of Intent to back that up. The commitment has been made so how would our opinions change anything? The property was not offered for sale to the public, it was sold without public input. It may be subject to various conditions like re-zoning and subdivision and an environmental review but my feeling is the end result is a foregone conclusion. Further Mayor Fell sidestepped the question about the Report to which Karen Lalonde referred concerning the quality of the aggregate material on the 12 acres being sold. There is no mention of a professional assessment of the property being done and it reminds one of the purchase of the old Oakbank Credit Union Building where they took the assessed value of the property from an assessment done by someone in the employ of the seller of the property, Sunova. Ms. Lalonde is quite correct in questioning their TRANSPARENCY AND ACCOUNTABILITY. When a property is not offered for sale to the highest bidder or when they purchase a property hastily without a true measure of its actual market value, the best interests of the residents are not being served. Council consistently lauds the work of staff when they accomplish something under budget but they minimize the amount of dollars being expended on these projects in the first place and whether they are Wants or Needs. As for the theft of gravel from the Monominto pit, that occurred almost a year ago and yet, no one would have even been aware of it had a previous Councillor not brought it to the attention of the public at the May 1, 2019 Financial Plan Hearing. One would have thought a theft of that magnitude would have made front page news in the Clipper. As for the RCMP and the Springfield Police Service, I would question their efficiency when the Chief of Police sits on a chair in the back hall of the building in front of the open door to the Council chamber keeping an eye on the gallery. When an incident did occur on December 4, 2018, when the Mayor's husband made threatening advances to an innocent bystander sitting quietly at the back of the room, neither the SPS nor the RCMP were willing to open files or take statements from witnesses. I guess the Chief's presence is to intimidate and facilitate the ejection of residents courageous enough to voice their concerns outside Question Period about the actions of the current Council, although in the case of a recent meeting, they called the Constable to eject Garry Brown after he had already voluntarily left even though the Chief was sitting in the audience in uniform.**

**Rina DeMeyer, Jackson Road** - Informed Council that Kotelko Drive from Symington Road to Murdock Road has been called Jackson Road for the past 20 years and requested they correct the records. She further inquired as to whether the current level of snow plowing service will continue on that road after the upgrading work is completed and was told yes.

**Jan Nylen - Oakbank** 1) Questioned why Planning By-law is on Regular Council meeting agenda. 2) Questioned when the Financial Audit will be done and was told "soon" by the Mayor and CAO. 3) **Questioned why the 4 Enforcement By-laws were not being presented at the same time as indicated by the municipal solicitor as there could be overlap and cross-referencing required and there are currently no schedules attached.** The Mayor responded that there is an urgent need to put these by-laws in place before the other more complicated ones, the Provincial Offences Act and the Derelict Building By-law, are completed. **Ms. Nylen has a list of corrections and proposed changes and suggested it would be premature to give them Third Reading at this meeting and was told to e-mail her information to the CAO.** 4) She had asked a couple of times about the items on agendas called Sale of Land and **the Mayor had assured her that due process would be followed in establishing a price** for Pineridge Hollow. She questioned the assessed value of the property and the sale amount Council has chosen. The Mayor advised her to e-mail Administration. **This should have been something that could have been answered right then.**

**Palidwor?, Murdoch Road** - I just want to present this petition that I got signed from people over there and I could put it on the agenda for next week. **Mayor Fell** - Um well yes so you just um call or email Administration and they will be able to give you particulars on how to do that. Um and once that's all done, they will accept anything you have to submit at that time. Is it in regards to the upgrades by MI? **Palidwor** - No, it is to noise complaints. **Mayor Fell** - Ok, ok thank you.

**Vic Gerbasi, Laden** - Questioned why the land being sold, which is an asset of the municipality, was not advertised to the public for sale or put to Auction with a Reserved Bid, thereby allowing the public to bid on the opportunity. The Mayor responded that he can ask that at the public hearing that will be conducted at a future regular Planning Meeting.

**Robert Hooper, Springfield Road** - Was not aware of what 12 acres was being discussed and was told a piece west of Pineridge Hollow. He felt what was underneath that prime property was "phenomenal" and disagreed when the Mayor advised test holes revealed it was low value sand. He felt those hills belong to the RM and there should be no selling of them. A discussion then ensued about mineral rights, the difference between aggregate and minerals, and he was told he could express his feelings or ask questions at the public hearing.

**Bob Bodnaruk, McGregor Farm Road, Springfield** - Questioned whether any comparison had been done of the 12 acres being sold to Pineridge Hollow to the land values or residential home values in the area and Mayor Fell responded Yes to which he responded, "**Then how did you come up with such a low price?**" Mayor Fell did not have that information and she also could not answer his question as to how many bore holes were done. He was of the opinion that in order to assess the value of the property required more than 2 test holes and that Council did not know the true value. He then asked if it had been put up for public sale and if anyone else was interested in purchasing the property and Mayor Fell responded "No" to both questions. He felt municipal interests were not being protected by selling property with aggregate resources. Mayor Fell directed him to bring his concerns to the Public Hearing.

**Vince Bennici** - I have a report here from Friesen Drillers that was presented to Blaine Moffat back in November 26, 2016 which shows the amount of gravel that's there, the cross sections, the drilling. Why was that never presented to the public and that would state the amount of aggregate that's underneath it so you would already have that information. There was also a **report done by Dan Doucet on July 25, 2017 reported by the Public Works recommending that Council not sell the valuable aggregate property on SE 7-11-12 SE so if this came right from your own administration saying not to sell it, why all of a sudden have you decided to sell it.** Mayor Fell - (interrupting) So when Council is the governing authority in Springfield, so Administration will bring us the information but ultimately the decision rests with Council. I don't have that report in front of me so I cannot speak to it. The Mayor and Councillor Ralke then opined that this was not the same piece as that being sold to Ms. Regehr as she has moved her request to another piece. I would suggest aggregate lies beneath the entire section of land and one of the pieces being considered is the current parking lot, if I am not mistaken, which did have bore holes done that revealed resources beneath. The Mayor stated she could not comment because they did not have the information in front of her. **NOTE: Everything is being done behind the scenes, or In Camera as Madame Mayor likes to say, and the public does not know what is happening until the glossy RM of Springfield Newsletter is inserted in the local weekly and by then it is a DONE DEAL. It is too late for the opinions of the residents and by the way, taxpayers that are funding all these initiatives in one way or another. If public land is to be sold, it should be advertised for sale with a Reserve price and offered to the highest bidder. In the case of Pineridge Hollow, and this is not the first Council Ms. Regehr has requested to purchase our land and been denied, Council has already passed a resolution agreeing to sell the land to her for a specified price, one which in my opinion is nowhere near its real value. We cannot be sure because there is no evidence of boreholes being drilled throughout the 12 acres or a professional assessment of the worth of this asset. Further there has been no environmental assessment of the impact of an inn and spa and pedestrian and vehicular traffic on the property or the aquifer beneath. An inn and spa would require a great deal of water and the question is, can the aquifer supply its current users and also support this exponentially increased usage proposed by Ms. Regehr and how will it affect the quality of the water? How can they sell this property without a Risk Assessment of its effects on the environment? It has occurred to me, and I am sure to others, that when Madame Mayor either does not remember, or if she does have the information but does not want to respond publicly, she directs one to e-mail the Administration. This is unacceptable on two levels. One, the answer is not part of the public record (i.e. on the audio file) and two, often either an answer is never forthcoming or by the time it is received, it is not timely. If the question has to do with the Springfield Police Service, you are referred to the Chief or the Chair of the Police Board. I have been waiting over 4 months for a response from Ms. Wowchuk to an e-mail and by now, I never expect to receive an actual answer. I sincerely hope Council are not thinking of re-doing their Strategic Plan because I know even before the costly exercise to come up with the one currently on the website, there were at least a couple of other multi day retreats to achieve such a document which were likely just as expensive if non productive. If Council and the Administration were to abide by their Guiding Principles and Strategic Goals, the cost might be justified but time and again, they do not. Madame Mayor has the agenda the Friday before the meetings and it is her job, in my opinion, to ensure she has all the salient information about the various items available to her, either through her own research and memory or that of her employee, the CAO, Colleen Draper. Ms. Draper is very adept at calling up information from the archives of the Administration and could have done so in any of the cases where the Mayor said she did not have the information available. Further one would**

presume the remainder of Council have been in on the negotiations that have been occurring In Camera and no one steps up to add to Madame Mayor's lack of memory. **Negotiating the sale of RM property without considering background information is ludicrous.**

**Ken Cornelson, Murdock Road** - He is the owner of the campground adjacent to Fun Mountain and came to discuss decibel limits and the negative impact of the noise, which apparently the Springfield Police Service states is legal, on his business. Mayor Fell implied that was why they were trying to get these enforcement by-laws done. She stated **I've been getting calls at 1 in the morning now for two weeks and I answer my phone 24 hours a day.**

**Brian Cooper** that identified himself only as part of the community, confirmed what Cornelson had said, and stated he was a **military environmental engineer** and he had a petition wanting the decibel level lowered to 60 to enable people to get their children to sleep. He **observed that the Springfield Police are not using their device to measure decibels properly.** Mayor Fell then stated decibels may not be the only way to deal with the situation, that you can't have a nightclub and a campground next to each other but trying to get the enforcement by-laws through to deal with the situation. **NOTE: I do believe in the Zoning By-law 08-01 there already is a provision regarding compatible uses of adjoining properties and in the existing Noise By-law I believe there is a provision to stop the activity if there are complaints. Why is the Springfield Police Service not enforcing the by-laws currently available to them? They are the Police and if there are noise complaints from the surrounding residents, I believe they have every right to demand the noise stop. In fact, I believe that Council and SPS could have a discussion with Manitoba Liquor and Lotteries of the Provincial Government and request that a liquor license not be granted to the facility at Fun Mountain based on the pre-existing businesses and the non-compatibility of these events with the use of adjacent properties and residences in the area. Fun Mountain was licensed as a family friendly business and gatherings with liquor and loud music well into the night is not conducive to campgrounds and the residences in the surrounding area.**

**Garry Brown, Poplar Road** - Number 9.4 on your agenda. It says Contract Administration Services for Dugald Water Supply. What is that all entail or what is that for. **Mayor Fell** - So that is moving forward to do the Dugald Water System Upgrades.

**Garry Brown** - Like what? **Mayor Fell** - If Council is ok, I am going to let Santokh answer that question just because he will be able to give the details. **Santokh Randawa Singh** - It will be the raw water line expansion well water changing the pumps and uh yup those things. **Garry Brown** - So that's from the wells that we haven't even heard back whether you have a water rights license yet? Or do you know something that you've already got your water rights license and we're the closest people and we haven't heard nothing yet. **Santokh Randawa Singh** - The work will be subject to the grant of the license. We are just having it in place so if we get a license we will proceed, if we don't get a license we will not proceed. **Mayor Fell** - **And that's the 30 minutes for Question Period.** **NOTE: I do not believe the 30 minutes was up and I did not hear her timer sound.**

**DELEGATION - Bob Bodnaruk, former Reeve of Springfield, and Robert Hooper** gave a presentation regarding the naming of their postal area to Sunnyside, which according to the residents of the area, is inappropriate, unacceptable, and would compromise the health and safety of the residents as emergency vehicles would have difficulty locating those requiring their services. This was borne out by **a petition duly registered** with the RM of Springfield protesting the re-naming. The name is more appropriately associated with the urban settlement of Oakbank. **Mayor Fell could not recall** how the name was chosen or by whom as she said it was suggested by a "member of Council". **NOTE: I listened to the tape. Councillors Williams and Wilson dealt with the PO on this issue. The Post Office had it named Springfield. Mayor Fell starts by saying she was not "hugely in favour" of one quadrant of the municipality being called by the same name as the municipality. It was Councillor Wilson who at the council table suggested the name Sunnyside and Mayor Fell stated she liked it and was good with it and called the vote.** Paul Jenssen added that when hastily obtaining signatures on the petition, the major complaint was that they had **no input in the decision and were not consulted.**

**8.1.1 By-law 19-16 Development Plan Agreement NE 7-12-5E** - Be it resolved that First Reading be given to By-law No. 19-16 being a by-law of the RM of Springfield to re-designate all those lands described under Certificate of Title #159306/1 from Rural and Agricultural area to Employment. **CARRIED 5-0 Doucet** said the public hearing will not be held until September.

**8.1.2 By-law 19-17 Development Plan Agreement SE 7-12-5E** - Be it resolved that First Reading be given to By-law No. 19-17 being a by-law of the RM of Springfield to re-designate all those lands described under Certificate of Title #420438/1 from Aggregate to Employment. **CARRIED 5-0 NOTE: When researching my materials for this meeting, I printed off a copy of this**

from the website which I believe was the Sunday or Monday prior to the meeting and the only piece highlighted on the attached drawing was the piece currently leased for the parking lot, Title #159306/1. At the time, I remember thinking to myself why they had a duplicate on the agenda. However when typing these notes, I could not immediately find my first printing of it so I re-printed it and now the flag shaped rectangle appears in the drawing. This is just another example of changes made after the agenda is posted for the public the Friday previous. It does not afford the public the correct information on which to base their commentary. Further if the Public Meeting to be held regarding the sale to Pineridge Hollow is going to make any difference to the sale of the land, why are they already passing By-laws to re-designate the land.

**8.2 By-law 19-12 - General enforcement (2nd Reading)** - Be it resolved that Second Reading be given to By-law 19-12 being a by-law of the RM of Springfield to provide for General Enforcement by the Municipality of its by-laws, provisions of the Municipal Act, Planning Act and any other Act the RM of Springfield is authorized to enforce and any permits, authorizations, or agreements issued by or entered into by the Municipality under the authority of such Act, by-laws or provisions. **AS AMENDED omitted.** Councillor Wilson wondered if 7.2 had been approved by the Municipal solicitor and the CAO responded that other than that he had written the document, she saw no reason why it should not be in there. That gives the By-law Enforcement Officer to decide according to their opinion and discretion whether a Notice of Contravention or Order to Remedy a Contravention has been complied with. That could result in unequal treatment of different contraveners. Mayor Fell questioned why the appendix were not attached. Colleen Draper - So I did confirm with the solicitor and I asked why the Schedules had been removed and he actually stated that he would prefer to remove the schedules and that Administration should draft an enforcement policy that would have those type of schedules or violation forms attached to the policy and a step by step process that each department would follow so he preferred a policy being drafted rather than schedules to by-laws because they can change periodically. **CARRIED 5-0** Jan Nysten - Can I speak to a Point of Order. Mayor Fell - **Actually we don't accept Point of Orders from the gallery, only from Council. We checked with the solicitor.** Jan Nysten - Well, your **resolution didn't say anything about amending the First Draft** so it's not clear... Mayor Fell - Jan, I'm sorry but you can't be speaking. Like we've already, **we went to our solicitor and asked. Point of Orders cannot come from the gallery.** Heather Erickson - Point of Order, Robert's Rules state that.... Mayor Fell - **If you continue, you are going to be asked to leave. Thank you.** The Mayor and Council decided to wait to have Third Reading even if it took having a Special Meeting although the CAO stated the solicitor was not concerned about going forward with them and they would present no legal challenge.

**8.3 By-law 19-18 Municipal By-law Enforcement Act** - Be it resolved that First Reading be given to By-law No. 19-18 being a by-law of the RM of Springfield to provide for an Administrative Penalty scheme for by-laws to be enforced within the By-law Enforcement Act of Manitoba. **CARRIED 5-0** **NOTE: All the schedules are attached to this by-law. Why is this one different than the other? Further, amendments can be made to by-laws. It merely takes 3 readings to change them.**

**8.4 By-law 19-15** Closed Road Ownership Transfer from HMQ to RM of Springfield (Parcels A, C, D and F Plan 15471 within SW 16-11-4E) (2nd Reading) - Be it resolved that Second Reading be given to By-law No. 19-15 being a by-law of the RM of Springfield to authorize the transfer of parcels of a closed municipal road to the RM of Springfield. Also (3rd Reading). Both **CARRIED 5-0**

**9.1, 9.2 - Resolutions** to purchase 3 2013 Toro Zero Turn Mowers (**\$37,737.45** plus applicable taxes) and 3 2019 Dodge Ram 1500 fleet trucks (**\$130,767.45** including applicable taxes), both **CARRIED 5-0.** **Phone can be heard buzzing on tape.**

**9.3 - Resolution** advising the Province what they want insofar as amendments to PTH 101 Improvement Plan and subsequent servicing amended as to Jackson in item 1. **CARRIED 5-0**

**9.4, 9.5, and 9.6 - Resolutions** awarding contracts to WSP for the work of contract administration services for Dugald water system upgrades at a cost of **\$121,625.00** plus applicable taxes (contingent upon approval from the Province); to Stantec Consulting for the work of engineering services for detail design and contract document preparation for a total amount of **\$48,868.85** plus taxes; and Edie Construction Limited for the work of reconstruction of Jodi Park and Kin Park Pathways for a total amount of **\$76,877.27** plus applicable taxes. **ALL CARRIED 5-0**

**9.7 Red River Basin Commission - One Basin, One Governance** - All of Council delegated to attend at their own discretion. **CARRIED 5-0** They then went In Camera, out of Closed Meeting and **ADJOURNED.**