

RM OF SPRINGFIELD COUNCIL NOTES
Tuesday, December 15, 2020

WITHOUT PREJUDICE (E&OE)

AGENDA: Colleen Draper - *Be it resolved that the agenda be amended as follows: Add Curbside Refuse and Recycling Collection.*

Mayor Fell - First we have **By-law 20-20** - Use of Firearms - We will only be doing Second Readingshe then realized she forgot **Question Period**. Janet, can you unmute yourself.

QUESTION PERIOD

Janet Nysten - Thank you for putting the Direct Link on to the Agenda. I appreciate that...it is easier. **NOTE: Why was the Direct Link not on previous agendas. I tried to get into one meeting on Zoom and gave up after numerous tries to key in a long line of numbers and letters that were on the agenda to direct one how to join.** I have 4 questions on the Agenda. **My first one is on Item 6.3 the By-law for basically increasing the utility rates, By-law 20-21.** I just wondered if Council has had a study done and if the study is available to the public. **Mayor Fell** - We did have a study done um by a consulting group. I am going to let Colleen answer the rest of your question. **Colleen Draper** - Yes so we did have a consultant work on the study. My understanding is after First Reading that whole package will become public information once its submitted to the Public Utilities Board. **NOTE: That does not make sense. The procedure is that something is presented at Council for First Reading and discussion and public has an opportunity for input before it goes to the Province for approval.** **Janet Nysten** - Ok and can you describe to me um what you think the process is going to be during a pandemic, how we're going to be able to participate in a...I don't know, will the Utilities Board allow for public representation or....I'm just concerned about the timing of this, I guess? **Mayor Fell** - Um so if you would like to come in and have a delegation you can do that on line or in person um Colleen **Colleen Draper** - I'll just confirm...so when I spoke to the Consultant, he indicated that when we send the package to the Public Utilities Board um they work with us to put out a public notice. I don't know what um they're doing for those kind of processes right now. I expect they'll be wording all of that in the public notice that goes out and I assume it's going to be written material that people can submit uh but at this point until I hear back from them I don't how they're running hearings right now. **Janet Nysten** - Ok, fair enough. Will you take that into consideration in your time line? **Colleen Draper** - I believe we would, ya. **Janet Nysten** - Ok, thank you. Um item **6.4 By-law 20-22 the Aggregate By-Law** - I guess I am again concerned about this coming up during a pandemic shutdown and I wonder how you propose public participation in this by-law, if you will have any kind of opportunity, it's not necessarily a formal one that requires public hearing but.... **Mayor Fell** - No so pandemic or not, you're welcome to e-mail your thoughts and concerns or what you like about the by-law to your Councillor or all the councillors and the Mayor and Administration...um if you'd like to make a delegation you can do that as well. It can be done on line and you can bring forward all your points. Um there's a number of different ways that you can have the same amount of engagement whether there was a pandemic or not. **Janet Nysten** - Well you offer that but **it doesn't often happen that I get responses from Council.** Um item **6.5 By-Law No. 20-23 Ward Boundaries.** This is a long standing problem and I have some concern with your wording because you are rescinding By-law No. 18-05 and 18-05 was considered not appropriate by the Municipal Board so I guess I don't know how you resolve it but I guess one quick suggestion would be to include the reference to the by-law that preceded it, By-law 09-27 to give some status to your process. And my last, I don't know if you care to comment on that, ... **Mayor Fell** - Um I will just, Colleen has heard you so if she feels to bring that up during the discussion she will. **Janet Nysten** - So as the elected body you don't think there's a concern that your by-law is um referencing a by-law, something that the Municipal Board has determined not appropriate and isn't valid. **Mayor Fell** - Again, I'm going to let our CAO comment on that. I have noted your concerns and I'm going to ask her to comment on that during the Ward Boundary discussion. **Janet Nysten** - That we can't participate in. Ok. **Last question** on the Financial Statements that I appreciate that the November statement is done in a timely fashion and I just wondered if you could give me status report on the 2019 Audit. **Mayor Fell** - I'm just going to get Jody on the line. Jody, if you can unmute yourself and you can provide an answer to that question, that would be great. **Jody Thiessen** - Ok, yup we submitted our documentation to the Auditor later this summer uh um I just heard back from them last week. It's in the final stages of review. Um I don't have a specific date for when it's available for the public and Council but I'm anticipating early January after the New Year so .. Well, into the New Year, I should say. **NOTE: To me, I would think the 2019 Audit should have been completed by now. Perhaps we should be looking into getting a new contractor to audit our books unless the RM FINANCIAL DEPARTMENT IS CULPABLE. I think back to shortly after I sat on Council when the Finance Department under Ms. Thiessen discovered a million dollar surplus that later seemed to disappear and recently another discovered surplus was mentioned at a meeting of Council that was to be put in a Contingency reserve rather than used to pay for a new firehall in Ward 1.** **Janet Nysten** - Ok thank you, that answers my questions. **Mayor Fell** - And as I said, you can send in comments or questions before a Council Meeting, you are welcome to do that as well. I see you have emailed our CAO several times and she has responded to you. So that's fantastic. **Mayor Fell** - Is there anybody else on line that um -oh my, my battery is running out - that um has any comments or questions. Just one second while I plug in. **NOTE: Does Mayor Fell not keep a watch on the status of her battery? One would think she would be prepared for the meeting and would ensure her equipment was fully charged.** She then closed Question Period.

BY-LAWS

By-Law 20-20 Use of Firearms - Second Reading - Mayor Fell - We are going to remove 6.2 (Third Reading) **Colleen Draper** - *Be it resolved that Second Reading be given to By-law 20-20 being a by-law to regulate the use of firearms in the RM of Springfield as amended.* **Councillor Williams** - I jotted a note down so I think I'm going to have to wing it...I think it is in Section 13 of the by-law where it talks about the zone that's within the Perimeter Highway. The Perimeter Highway is a Provincial trunk highway, not a provincial road. **Mayor Fell** - Said she would get that verified and make that change if it needs to be a change for Third Reading. **CARRIED 6-0 NOTE: Shouldn't the change be made for Second Reading before it is voted on. Frankly that is considered a PTH and not a road and staff should have ensured it was correctly worded before it came to Council for a vote. I don't think there is any particular reason for rushing this by-law through Council. HASTE MAKES WASTE. Councillor Williams, if he jots down notes, should ensure he has them available during the Council meeting.**

By-Law 20-21 Establish Water and Wastewater Utility Rates - First Reading - Colleen Draper - *Be it resolved that First Reading be given to By-Law 20-21 being a by-law of the RM of Springfield to establish water and wastewater rates for the Springfield Utility.* **Mayor Fell** asked CAO Draper to explain the process. **Colleen Draper** - After First Reading we do send a package to the Public Utilities Board and they will direct us with the next steps. **CARRIED 6-0** **NOTE: There is no discussion by Council of either of these by-laws, both of which I consider significant to the lives of residents. WHY NOT? Was the discussion done "in camera", i.e. without public present.**

By-Law 20-22 Aggregate By-law - First Reading - *Be it resolved that First Reading be given to By-Law 20-22 being a by-law of the RM of Springfield for the purpose of regulating aggregate operations in the municipality.* **Councillor Wilson** - I've got several issues, possible issues and concerns I'd like to bring up with Council. Number 1 is the possible issue of in definitions regarding the use of terms aggregate operations and mining operations. There are, these are two different classifications in Manitoba regarding extraction. Now while this may have to be cleaned up and I would much prefer if all aggregate operations in Springfield would be classified as mining operations as there are somewhat stricter provincial extraction and environmental conditions imposed on mining, perhaps staff should clarify with legal counsel whether this is actually what was intended when they drafted the by-law. Number 2 there is much evidence of cut and paste in the definitions. One example is the ancillary uses proposed. I would suggest we should probably remove Sections ii to v inclusive and the definitions of Section "t" - Mine is a good example of both cut and paste as well as my initial point. In the definitions of "bb" I would suggest adding "driveway accessory buildings, barn-workshop, garden or other built outdoor activity or structure area used by adjacent residents. In Section 4(2)d. uh, it starts off "so far as possible" this should be stronger, more prescriptive uh I would suggest as it is health and safety we are affecting with this objective. Section 13(1)b. I would suggest including "excavation shall be secured by berm and/or fence and maintained so that motorized vehicle access is not possible and secured from trespass via signage where these measures in 13 (bb.) are not seen as effective as the RM on site security patrols will be required in consultation with the owner/operator. Section 13(p.) excluding a type of berm will mean that all berms need not comply with Section 13 so I would suggest clarification of this particular phrase perhaps such like berms internal to the perimeter berms intended to screen...either that or remove 13(p.) so I would pose that as a suggestion for staff to review. Section 13(aa.) I would suggest the operating hours of pits be revised to "from 7 a.m. to 8 p.m. Monday to Friday and from 8 a.m. to 4 Saturday or Sunday" for operations uh subject to a variation order. I would suggest that respite in some of the daylight hours as these things are, this is a 7 day a week situation uh respite in some of the daylight hours would not be too much to ask in this instance. Section 13(cc) I would like to add "but in any event shall not involve the removal of groundwater into any drainage system". This is critical to the maintaining of the quantity of our groundwater. Also in Section 13 in the double letter area I would like to add, suggest adding, setting a standard for dust emanating from sites adjacent to um rural and agricultural, rural residential, residential and hamlet areas and have it similar to industrial standards for the Winnipeg, City of Winnipeg or for the Province, whichever is more comprehensive, and include the concept of a sensitive receptor as I have suggested being amended to that. As well Section 13 in this double letter section uh I'd like to add a clause that says that that the operator shall not alter the intact natural condition of the groundwater within their property boundaries such that it is measurable outside the operation's property boundary. Section 13 in this double letter section again I would like to address, suggest that we should address, I would like to see addressed, lighting such that lighting shall be directed downward and away from adjacent roads, residences and accessory buildings. Again in Section 13 um to address sound. All moving equipment shall be equipped with non beeping reversing alarms whether directional quackers, white noise spoken or light and overall operation noise shall comply with the Municipal Noise Bylaw uh and in Schedule A I would suggest removing the Section 3.5 so that no discharge is permitted. Now I can provide those in written form to Staff and would be happy to do so. **Mayor Fell** - So Council my suggestion is that we uh Councillor Wilson send this to Colleen and Blaine um and all of Council and then we will go forward with First Reading because we still have two more readings to make amendments. We will put this on a Committee of the Whole to discuss. Each suggestion we will go through point by point as a Council and decide what we would like to be amended if anything in the By-law and we will go forward in that process. Is everybody alright with that? **Councillor Williams** - I'm fine with that. I'm ready to um go through First Reading but I do have some additional items um that I will pass on to Glen but there's a couple in particular uh...Glen (laughing) **Mayor Fell** - So Blaine, if you could send them on to Blaine, Colleen and carbon copy all of Council we will add those again to the Committee of the Whole meeting next week. And of course that's public so the public will be able to tune in and we have a Question Period there as well and the public can ask questions. Um I know this Aggregate Bylaw to note it has been a long time in the making so anybody that's on here um or anybody that knows about this please send your comments or questions in to your Councillor or Administration. Feel free to give us a call um as well so you also have the opportunity at any time to come in for a delegation. Right now it would be over ZOOM if you'd like to speak about this by-law...any bylaw or any topic...but we're talking about specifically the Aggregate Bylaw right now so if you'd like to do a delegation as well, you would email um Administration regarding that if you'd like to have that delegation in time for the Committee of the Whole meeting next Tuesday the deadline to do that would be end of day Friday this week. Is there any further discussion from Council? All those in favour. **CARRIED 6-0** **NOTE: It is interesting to note that the two Councillors with the greatest percentage of aggregate operations in their wards, i.e. Councillor Fuhl and Councillor Ralke, had nothing to say on the subject of this by-law. Councillor Fuhl attended most Aggregate Task Force meetings during the previous term, 2014-2018. The by-law 73-22 that this is replacing is 12 pages long and has 3 pages of schedules for a total of 15 pages. This new By-law is 40 pages including schedules. During the Aggregate Task Force meetings, it was agreed that the biggest problem with By-law 73-22 was lack of enforcement of its provisions. If the RM has not ensured that the provisions of a 15 page by-law were enforced, how can constituents have any confidence that the provisions of a 40 page by-law will be enforced.** I recall former councillor Ken Lucko at a meeting suggesting misappropriation of aggregate from the Monominto pit in the vicinity of his residence which I believe remains unresolved to this day.

By-law 20-23 - Ward Boundary Changes - *Be it resolved that First Reading be given to By-law Number 20-23 being a By-law of the RM of Springfield to reduce the number of councillors and establish a revised Ward system for the purpose of electing municipal councillors.* **NOTE: Why is this resolution not specific? This does not match the wording of the actual By-law which states the number of Councillors will be reduced to 4 and there is an attached map of the boundaries of the 4 wards. THIS IS NOT TRANSPARENCY. What are they trying to hide from the public? WHY DOES THE RESOLUTION NOT REPEAT WHAT IS IN THE BY-LAW, i.e. that for the next election there will be 4 wards and 4 councillors elected to represent their respective wards. To me, the wording of the resolution is of concern because it states "establish a revised Ward system". The By-law is not revising the system, merely reducing the number of wards and as a result, Councillors so what part of the "system" are they revising.** **Councillor Williams** - I thought we had discussed two separate bylaws, is that not true, one for the number of councillors and one for the ward boundaries? **Colleen Draper, CAO** - When I did speak with the Province uh they said that we could combine

it into one and gave me the appropriate wording so um. So we attempted to do it this way just to keep it streamlined. **Councillor Williams** - Good, thanks. **Mayor Fell** - We did have a question during Question Period so it was something about recent being 18-05 and then the number was referenced 09-27. Can you address those Colleen? **Colleen Draper** - Um honestly I will have to look into it. I don't have access to my files right now with those by-law numbers. When we did a quick search of it, the Bylaw 18-05 was the last Ward Boundary that I could find that had received Third Reading so I will look into it and make any amendments and give that information before any further readings. **Mayor Fell** - Is Council satisfied with that? Ok and I can address the public if you have anything to add to that please e-mail Colleen while she investigates that for our next meeting and that would be in 2021. Councillor Wilson, did you have your hand up? **Councillor Wilson** - Just a quick comment. I agree that the present by-law presents the best answer to the question the RM electorate was asked but I would suggest that the uh the map would suggest that a hard look needs to be taken at the continued development uh without perhaps a full consideration of long term costs or social implications approach to serviced residential housing in Springfield. **Mayor Fell** - Ok our CAO will look into these issues and then we'll bring this back with those answers and with Second reading and Third reading in 2021. Um just for the record Council went out with 2 surveys from the public um they were put out on social media via e-mail blast uh so all that information was put out over the last few months as well to gain some public input on the process and what they would like to see in regards to wards in Springfield. All those in favour. **CARRIED 6-0**
NOTE: My question is, WHAT IS THE BIG HASTE TO CHANGE THE WARDS AND NUMBER OF COUNCILLORS? There is almost 2 years before the next election and during a pandemic, a public gathering at which the topic could be discussed is not possible. Mayor Fell even before she was elected head of Council expressed her desire to see the wards reduced and even her preference to have an At Large system of elections. I would hazard to say that a large number of residents are not on the e-blast network and it is a well known fact that surveys elicit very poor response, less than 15% usually. I don't think that is a fair way of doing business. Further both surveys gave directed choices rather than being open ended and I feel that leads the respondent to choose one rather than resort to the "Other" option which is less expeditious. Residents of Springfield, I feel, are being steamrolled into decisions that will have long lasting effects on them. The reduction from 5 to 4 councillors was based on 271 responses out of over thousands of eligible voters. WHY WERE THE RESULTS OF THE LAST SURVEY, A CHOICE BETWEEN 2 OR 4 WARDS, NOT GIVEN DURING THIS DISCUSSION?

8.1 Subdivision File 4189-19-7478 - Len Don (SE 1/4 21-10-4EPM) - Be it resolved that the RM of Springfield be authorized to enter into a Development Agreement with Len Don Limited for the SE 1/4 of 21-10-4 east and be it further resolved that the Mayor and CAO be authorized to sign the Development Agreement on behalf of the Municipality. CARRIED 5 - 1 **NOTE: Why is this on a regular Council meeting when there is a Planning Meeting 2 days later that does not have a particularly long agenda? Planning Meetings are still open to the public although you must pre-register to attend. This should have been on the Planning Meeting of December 17th. As the meeting is being conducted on ZOOM and the entire Council in all likelihood cannot be seen simultaneously, when the vote is not unanimous it should be specified who voted against the motion which would be recorded on the audio file.**

8.3 List of Accounts - Payroll - \$247,008.68 Sunova Credit Union Debenture Payment By-law 13-10 \$210,515.36. NOTE: By-Law 13-10 is the by-law that amended By-law 11-19 insofar as the length of the term of borrowing for the watermain down the Main Street of Oakbank from 10 years to 15 years, as memory serves. The Council of Reeve McCarthy wanted it changed to a 20 year debenture. Bob Bodnaruk who was a Councillor at the time, was the only one to vote against it. The difference in interest charges is significant. Councillor Williams inquired about the cheques to the School Division and Jody Thiessen explained it is paid in 3 installments. She said the end of October or early part of November is the first installment next, another would be done at the end of usually December and then a final installment at the end of January "we have to pay everything IN FULL". NOTE: CHEQUES TOTALLING \$16,149,124.77 WERE APPROVED FOR THIS MONTH'S LIST OF ACCOUNTS. SIXTEEN MILLION PLUS! Tax Sale Reserve Bid sale to be March 5, 2021.

8.7 Ward Appropriations - Ward 4 - \$1,000. Springfield Learning Centre \$500. Anola Enhancement Committee \$500 Springfield Food Bank Ward 5 \$2000 Dugald Daycare. Mayor Fell said she had \$550 left and would like to donate it to the Food Bank. Councillor Fuhl said he would like to donate the last \$25 of his to the Food Bank. CARRIED 6-0 **Mayor Fell** stated she believed that took care of the 2020 Ward Appropriations and received concurrence.

8.9 2021 Council Meeting Schedule - Councillor Williams noted some anomalies: January the Planning and Committee of the Whole meeting dates are reversed; July 5 is a Monday. July 23rd is a Friday. **Mayor Fell** - "Who's been looking at a funny calendar?" She said they would make those changes and called the vote. **CARRIED 6-0** **NOTE: Should this not have been verified by someone before being presented to Council.**

8.10 Curbside Pickup - Be it resolved that Council of the RM of Springfield award the work for RFQ-WWD RFP 2020 - 01 Curbside Waste and Recycling Collection Program to Halton Recycling Ltd. (dba Emterra Environmental) for a 5 year term operating years 2021 to 2025 with an anticipated annual cost of \$728,000. plus applicable tipping fees and taxes; and be it further resolved that Council of the RM of Springfield grant authorization subject to budget constraints to incur extra expenditure for the additional floater waste tipping fees and taxes. Be it further resolved that the Council of the RM of Springfield grant authorization, subject to budget constraints, to incur extra expenditure for the additional "flowthrough" Waste Tipping Fees and Recycle Processing Fees for the Operation Years 2021-2015 based on the estimated fees provided by Halton Recycling Ltd. (dba Emterra Environmental). Councillor Wilson is concerned that the add ons have not been fully reconciled in the discussions to date. **Mayor Fell** - Said they are on a deadline with this contract...have until the end of the year. Called for the vote. **CARRIED 5 - 1** **NOTE: Why was this not already on the agenda as it had been discussed at the December 1, 2020 meeting and it was decided that there would be a meeting with Emterra to settle the issues Mayor Fell had with the contract and then bring it to the vote on the December 15th. meeting? There is no mention of the meeting with Emterra, and the annual cost is only "anticipated", not firm. Further authorization is being granted to "incur extra expenditure" but there is no mention of who will be authorizing this extra expense or indication of just how much extra that might be. It seems to me there should have been a follow up report from Phil Pawluk of Water & Waste detailing the discussions subsequent to the December 1st Council meeting and what changed from the previous meeting. Not a very professional way of doing business in my opinion. IT SHOULD NOT HAVE BEEN LEFT TO THE LAST MINUTE, thus forcing a hasty decision.**

They then went IN CAMERA, RECONVENED AND ADJOURNED.