

COUNCIL NOTES

Council Meeting December 4, 2018

WITHOUT PREJUDICE

Note: I am not allowed to record the meetings. The media and the CAO can. However the audio file was not on the web site until sometime today and I cannot open it so these notes are without benefit of listening to the recording.

The meeting started quietly but ended with a fracas when Council was going into closed session.

Adoption of October 23, 2018 Minutes - The Reeve asked the CAO if there was any protocol for this situation. The Minutes are of a meeting of the previous Council. Only 3 members of the previous Council sit on the current one, including the Reeve which does not constitute a quorum. Those not in attendance normally abstain from the vote. As the CAO stated there was no protocol, the Reeve said all Council members could vote as they had had an opportunity to read the minutes. However, of the new councillors, only Val Ralke was present in the gallery at that meeting and had occasion to verify the minutes seemed accurate. The motion carried.

Elected Official and Department Reports - The Reeve made a statement to the effect that Councillor Ralke's report had gone somewhere else and were being forwarded. There was no mention of why Councillor Fuhl had not submitted a report. There was no discussion of the Department reports.

By-Law 18-14 Designated Officers - Passed unanimously without any further discussion. Nothing was changed in the wording about Designated Officers delegating the responsibility even though there had been some concern and discussion about this during first and second reading. It states delegation is according to policy and procedures of the RM but whether such exist to specify which employees are eligible was not clear. Recorded vote.

Consent Agenda: Bill 12:Red Tape Reduction & Government Efficiency Act - Reeve asked CAO if the Library still requires an audited statement and his response was he had not had the opportunity to discuss with Municipal Affairs. Report to follow. : **Bill 2:Municipal Amendment Act: Codes of Conduct for Council Members** - Councillor Wilson asked if this will be dealt with in the Procedural By-law and CAO responded that "probably" a review was needed to look at the Council Code of Conduct and would set up meeting with Council to discuss and also required solicitor's advice.: **Sunrise School Division Budget Consultation** - Councillor Wilson asked if this was something Council should attend. Resolution passed delegating Councillors Williams and Wilson to attend with Councillor Fuhl as alternate.

New Business:

9.2 Credit Card Issuance - Two new positions (those filling them) were granted credit cards by resolution as follows: IT Position \$10,000. limit; Economic Development Officer \$5,000. limit. Report suggests this is a good idea as points accumulated are of benefit and removes necessity of employees paying for materials up front and having to provide receipts for reimbursement.

9.3 September Financial Statement - Councillor Williams asked Finance Office if difference between Budgeted and Actual is tracked and the response was that reports to various departments are produced. He then requested that those reports be made available to Council.

9.5 Ukrainian Catholic Church Maintenance Grant - Asst. CAO stated an automatic grant of \$4,000/annum is made to them. Councillor Bredin inquired if all churches were eligible for grants.

9.6 Manitoba Crimestoppers - Chief Kane of Springfield Police Service spoke to this and said grant of \$20,000. received for a Cadet Program.

Delegations:

Hank Vellinga and Nancy Roseboom re Appeal of Order to Remedy - The order was to immediately remove two trailers from a property prior to the election. The two trailers are still on the property. The reason was that the owners moved there years ago and the trailer was to be a temporary residence while they built a home. Years passed and no attempt was made to build a permanent residence but the one trailer had improvements made to it. When their request to have an extension of their temporary dwelling was denied after lengthy discussion and submissions by neighbours, they stated they were not in a financial position to start the permanent build but would be within a few more years. Last night they told Council this was a perfect time for them to start construction and GT Holding had done the excavation for the basement and they were very excited about the new home. They stated they had visited a financial institution and been granted a mortgage. They needed the extension for the trailers to enable them to continue to live while participating in the construction. Councillor Fuhl wanted inspections on a monthly basis to ensure progress being made and house will be completed in the 8 months they stated. If at any time progress halted, it would come back to Council Planning meeting. Dan Doucet, Planning Officer, said the solicitor suggested they sit down with contractor and formalize dates of inspections, deadlines etc. in a development agreement. Councillor Wilson mentioned contingency plans. Reeve Fell inquired as to the type of basement construction and was told concrete footings and wood walls with completion (liveable) at end of August 2019. Resolution was contingent on confirmation of mortgage from the bank, trailers being removed by August 30, and continuing progress in the interim or they would enforce the existing order.

Michael Taylor re Condominium Property Taxes - The gallery was full of condo residents but the presentation was made by one gentleman who said he was Secretary Treasurer representing 5 bare land condominiums and 500 complete units including North Point, Sage Place, and Aspen Lakes (could not catch all the names) and their presentation can be found on the RM web site under the December 4th meeting and that title. They gave a history of portioned rates over the years and said currently they pay the same portion, i.e. 45% as owners of single family residences. The residents feel they are paying double for services as they contribute to a reserve fund for operating expenses (condominium fees) for the services provided within the condo properties as well as paying taxes to the RM on their individual units. They want the RM to clear their private properties of snow and remove the excess, pay for the lighting, and maintenance of their sewer and water like flushing lines and de-icing. Councillor Williams concurred that they were contributing twice. However they are as multiple property owners on a single property, accessed from streets/roads maintained by the municipality or in some cases the province and there is lighting on public property. Except in urban settlements, most single family residences are not serviced by lighting on the roadways and owners are responsible for their own lighting and snow clearing on their properties. Council will discuss their presentation at an upcoming **COW meeting scheduled for 1 p.m. on Tuesday, December 11, 2018** as this meeting was not listed on the Council Meeting schedule at time of writing. It remains to be seen if the agenda of the COW meeting will be posted on Friday afternoon, December 7th., as committee meetings are open to the public under the Municipal Act. **One point of note:** three of the condominium residents raised their hands and were allowed to speak from the gallery floor. Note that in the last meeting a citizen was denied that privilege.

Condominium Act Manitoba: I did read through this rather long and complex Act. "Condominium fees" would appear to cover the following elements: 138(2) The condominium corporation must establish and maintain a fund for the payment of common expenses, referred to as the "common expenses fund". From what I can understand, this fund is to maintain the common elements which could include liability and property insurance and such things as maintenance of the grounds.; 143(1) A condominium corporation must establish and maintain a reserve fund, the purpose of which is to provide a sufficient amount that may reasonably be expected to fund the corporation's obligations to maintain and repair as required143(2) This section outlines the types of repairs and replacements that may be funded by the Reserve Funds. If the municipality were to provide road and landscape maintenance and bulb replacement of lights and flushing of pipes on property belonging to the Corporation, in my opinion taxpayers at large would be paying for services they do not receive on their private properties.

New Business

9.1 Financing for Acquisition of 686 Main Street - The Finance Officer referred to a report she had prepared suggesting several options for purchase of the building, which included a combination of cash and financing. She was asking for a resolution for \$50,000. to enter into an agreement with Sunova while they further discuss the purchase. The CAO said he had spoken with Wendy Wolfe of Municipal Affairs who felt a combination of money from reserves and financing was acceptable. The Reeve, on the other hand, had also spoken with Wendy Wolfe the same day and was of the opinion that the only way they could purchase the building in 2018 was through reserves and other liquid funds and no financing would be acceptable. No decision was made and it will be discussed further at the COW meeting.

9.8 Communication Plan - this will also be discussed at the COW meeting.

9.9 Dugald Water Treatment Plant Upgrades - Presentation made by Santokh Randawa Singh. Asked how they were being financed and he replied through the Capital Water Levy Reserve.

They also showed on the overhead a public meeting being held in East St. Paul regarding a new housing development on their side of Wenzel. December 11, 2018 5:30 p.m. RM of East St. Paul Council Chamber.

9.10 Public Utilities Board Hearing - I believe I heard it was on December 6th at Dugald Community Club 3 p.m. - to discuss access from #15 into Senior Apartment Condos for Emergency Vehicles and large truck deliveriesand also for construction of new phase.

At some point near the end of the meeting, maybe 1/2 hour before, Irfam Mohammed, the husband of Reeve Fell, entered the Council Chamber and took a seat three rows from the back row and on the centre aisle. He then turned his body and stared directly at Mr. Bennici in a menacing fashion who was and had always been sitting in the back row listening to what was transpiring in Council, without comment and without any sort of body language, minding his own business. There was absolutely no provocation of any sort that any of us in a position to see observed. Three of us were visibly taken aback at this staring match which lasted a significant length of time before he finally turned toward Council.

When the Reeve stated there would be a 5 minute break before they went to Closed Session, everyone rose to leave when, without any apparent provocation, Mr. Mohammed got up and confronted Mr. Bennici, saying he was not going to put up with the threats made to his wife, Reeve Fell, by following her around town. Both the staring attack and the confrontation appeared to be acts of aggression. Mr. Bennici calmly tried to state that he did not follow Ms. Fell around but Mr. Mohammed uttered threats as to what might happen if it continued. Chief Kane of the Springfield Police Service appeared soon after and with the help of Sgt. Monkman, escorted the two gentlemen from the Chamber into the lunch room. The writer feels this behaviour was completely inappropriate and unsettling for other people in the gallery. Section 149(3) of the Municipal Act sets out the content of procedure by-laws The Procedural By-law of Springfield, 10-26, Section 8.6 provides for exclusion for improper conduct. Attendees might feel more comfortable if Mr. Mohammed is prohibited from attending any further Council meetings.