

RM of Springfield Council Notes May 7, 2019

WITHOUT PREJUDICE These notes will be very long as there was a full 30 minute Question Period, the main topic of conversation being the Noise By-law. Seems suddenly everyone has noticed it and it is causing quite the furor. I think it is important for the readers to hear what public attending has to say as **THIS IS NOT INCLUDED IN THE MINUTES OF THE RM, only what is decided by resolution.** **NOTE:** The majority in attendance at the meeting and the majority opinion of Council tend to favour noise being allowed on Sundays and Statutory Holidays. **Those who wish these days to be for the QUIET ENJOYMENT** of their properties should send an e-mail to all of Council immediately stating their preference, otherwise their opinions will not be heard. **Further because the audio file for this meeting was not on the RM website as of 11:42 a.m. May 13, 2019, I e-mailed the CAO inquiring as to why not. Her reply was received at 8:38 p.m. May 14, 2019 and stated the May 7 and May 10 meetings should now be on the web site but added that unfortunately the batteries died during the Financial Plan Hearing and was not noticed for quite some time.** She stated they were in contact with Mr. Zerucha of the Clipper who is allowed to record the meetings to try and recover the missing portions but he did not record the entire hearing. My notes of the portions of the Financial Hearing that were missing are derived from either the speaker's individual notes (some were mine but the others I contacted for assistance) or recollection. **NO DOUBT YOU HAVE HEARD THE EXPRESSION "THE DEVIL IS IN THE DETAILS".**

Agenda - Amended to add Sunrise School Board Discussion, remove item 10.6 (Telecom Optimization Discussion) and 10.9.3 (Include pit operations in the Environment Act - this was questioned by Councillor Wilson and Mayor Fell stated that was discussed and consensus of Council was to remove it until meeting can be arranged with aggregate producers and other stakeholders). **CARRIED 6-0** **NOTE:** It would appear every effort is being made to accommodate aggregate owners and operators and disregard the impact of aggregate extraction on the environment and quality of life of residents insofar as potable water, noise, dust, wear and tear on roads, inappropriate use of pits, pollution, and in some specific cases theft of municipal gravel, outstanding debts to the municipality and by extension the taxpayer, disregard of provisions of the aggregate by-law, etc. If I owned a company and someone owed me money and was not complying with accepted practices, I would most certainly cease any business dealings with that party. Council does not seem to agree with my opinion. I would again like to reiterate my opinion of long standing that a municipal council should not have a membership in a Chamber of Commerce when there could potentially be **CONFLICT OF INTEREST**, key members of the executive and membership being comprised of aggregate owners or people in that industry.

NOTE: *At the very end of this meeting (10.12) which was very long and comprises 10 pages of notes (I know because I transcribed them), the provision of SERVICES TO PRIVATE CONDOMINIUM PROPERTIES was approved by resolution in spite of all the arguments to the contrary and the possible liability that could result and the precedent being set for others to request the same services to their private lands. Council in my opinion is making very hasty and not well researched decisions and is not listening to both sides of the issue for whatever surreptitious reason. While it may seem like a minor expense for the servicing, the legal costs involved may be excessive due to the individual agreements necessary for each condo corporation and the possibility of future liability as a result of the servicing. It may have far reaching consequences if the decision is not reversed. Councillor Williams stated bare land condo dwellers were not getting value for their money and the Utility would be paying, not general taxation. The funds in the Utility pay for provision of sewer and water services according to consumption and usage. The services being provided by this resolution will be paid for by every taxpayer in the municipality as it will come out of public works operating funds, not the Utility.*

Question Period

Darryl Speer - In the Strategic Plan is the goal of the RM in protecting the sustainable water resources and the RM has completed two studies on our water resources in 2017 and 2019 at great expense and these studies instruct that a Source Water Protection Plan be done for our Heatherdale Wells. This will be my fourth request this year for Council to allow funds for this Source Water Protection Plan in the 2019 Financial Plan which is on tonight's agenda, and my question is, will you agree now to budget funds for this Source Water Protection Plan. I would ask each member of Council to state their position on this, Yes or No, beginning with Councillor Wilson....**Mayor Fell** - Actually before we do that, Councillor Wilson, we discussed this during the budget meeting. You had a great suggestion so I would, thought maybe you could bring your suggestion up to the gallery. **Councillor Wilson** - Uh..laugh...OK Madame Mayor but you may not like the Part B of it. I suggested that as there were source water protection aspects in the Aquifer Capability and Vulnerability study you mentioned and that there were some source water provisions placed in the Integrated Watershed Management Plan for the Cooks/Devils Creek Watershed review which include almost all of Springfield, that that would be a good place to start. I did mention at the time that I did not think that the recommendations in those two were comprehensive and I thought additional work should be done but I thought that would be a real good place to begin. I do think there should be additional monies myself spent on this initiative...I don't know whether or not they could be covered in departmental consulting budgets however....so that would be my recommendation, to draw on those two aspects for some specific information ... **Mayor Fell** interrupts and says she will talk to Santokh about

finishing off and talking about how much budget would be required. **Councillor Wilson** - Ya, we're spending this budget before we even pass the budget. **Mayor Fell** - We'd have to talk to Santokh about that. So does all of Council agree that is something we should look at? **Darryl Speer** - My request is specific for the Heatherdale Wells, not the Cooks Creek Conservation District or the Watershed, specifically as indicated in Friesen's reports in 2017 and 2019. **Mayor Fell** - Yes we understand and we are saying yes that is something we are going to look into specifically for the Source Water Protection Plan. **Councillor Wilson** - And I would suggest that as we look through source water protection for public wells in the RM, I would suggest that is our #1 priority, I don't think there is any argument about that. **Mayor Fell** - We will discuss that on our Committee of the Whole with Santokh. **Darryl Speer** - I would like to hear other Councillors respond to this. **Mayor Fell** - I just asked them all and they all said "yes" they're going ...they support this idea and we're going to talk to Santokh about it. I'm not sure what other answers you would like? **Darryl Speer** - I don't know how many times we can ask this question to manifest the obvious that it is the priority above all others. **Mayor Fell** - Well, we will be discussing it.

Heather Erickson - I would like to add to Mr. Speer's comments that it is a well known fact that our wells are under threat and I think there should be money budgeted to do this strategic water protection plan. But I did have some questions of my own as well. I was wondering why Councillor Williams has submitted reports for December, January, February and April and I was wondering what happened to March. **Mayor Fell** - Maybe he hasn't got around to March yet but um but we are talking about putting in a resolution if they are not done within 3 months, therefore they will not be able to submit their indemnity and that will be on a go forward basis. **Heather Erickson** - But of course the two are different (the indemnity submission vs the monthly activity report) - everything on the report you are not remunerated for. And the other thing I wanted to address was, there is talk (in the Police Report) about a Cadet Program and hiring members of the community. Well that sounds as though there is a move beyond Auxiliary to now to turn the Auxiliary program into a Cadet program where the Cadets are actually hired to assist the Police Force. **Mayor Fell** - Any questions about the Springfield Police Force I would tell you to direct them to the Chair of the Board or the Chief of Police. We are not involved in the day to day operations of**Heather Erickson** - But this is something that is under your jurisdiction financially ... **Mayor Fell** - Then you can ask that at budget time. Any questions you have regarding the Springfield Police Service please direct them to the Chair of the Police Board. **Heather Erickson** - And I shall copy it to all of Council.

Karen Lalonde - I have concerns regarding the type of unreasonable and abusive behaviour. What is the criteria for substantial and unreasonable behaviour and also those who mean to harass, annoy or irritate? In my opinion, these are open to interpretation. My comment may be annoying to you now or a letter that I write in the future might annoy you at some point but I just think this part should be reviewed because it looks like it's shutting down discussion and also silencing the public. My next question was, I don't have the final position on the condo services so I would request when those services by the RM are on private property that you have a clause put into the agreement that the RM representing all taxpayers is not held liable for deficiencies or poor workmanship. Lastly regarding MIT I just wonder where the service roads were going to be placed, you know years ago that they had taken out all the trees where the residential area was up to 207 and I just wondered if that was the same plan you were looking at again, to remove all those trees off the private properties. **Mayor Fell** - So I will answer your MIT question first, we actually don't know, they just asked for our priorities. They will engage in further conversation with us later on as well as public engagement but I can't answer that question right now. In regards to your first question with customer service so you will find this Council is very reasonable. We interact with the public. You will not find this in the Capital region like we do here with our Committee of the Whole meetings and are one of the few that have a question period left but when you get a constituent calling you and telling you you have nothing between your head or you're dumb or you're stupid that's crossing a line. That is the type of behaviour that is not ok. **Karen Lalonde** - No I can understand that. I'm just saying that there might be a personal opinion between, everybody's different so one councillor might take something as being annoyed or irritating and another might take that as just part of the job.

Heather Erickson - Two things post Ms. Lalonde's comments. One is when you are doing a policy for the RM of Springfield, that would apply, policies apply to your particular staff. You can't set policy for the public. You can set a policy that states what your staff, how they may respond to unreasonable or you know, abusive or abrasive people but they cannot actually set policy for the public. In terms of the condo, if any suggestion of taxpayers at large money being used to service private property in a condo property then I submit the rest of the taxpayers of Springfield probably would like to see some services on their own private property, like perhaps their driveways cleared, their excess snow hauled away, their light fixtures repaired, you know, yard lights or whatever because that is the exact same thing. A property that a condo is on is private property and they have structures in place to maintain their own private property just as any taxpayer does.

Susan Ziemski - I'm assuming that a large number of people here today are wanting to talk about the noise by-law. And I was also assuming that once that starts going, there is going probably to be a more questions come up just as to clarification as to what is in the by-law and I know that we met... **Mayor Fell** - I can go over that if you want to. So, we had a noise by-law prior to our new Noise By-law. What prompted last Council to look at the Noise By-law was an ongoing dispute that these neighbours could not come to a resolution for. Agricultural products and work is exempt. Snowmobiles go under a different

by-law altogether. **NOTE: The Snowmobile By-law posted on the RM web site does not appear to have been passed by the Council in place in 1993. It has no actual dates although it is signed by Reeve Nicol. However it does mainly mirror the Manitoba act. Vehicles such as motorcycles and mopeds requiring licensing are covered under The Highway Traffic Act of Manitoba and those such as ATVs, snowmobiles, dirt bikes, etc. are covered under The Off-Road Vehicles Act of Manitoba. Manitoba Infrastructure also has regulations regarding Moving Farm Equipment Safely which can be found on their web site.** When we created this by-law last term, we did say we would look at it in 2019 to see if any revisions were needed. This is not in an effort to stop your enjoyment of the country. That by-law has been in place for 9 months. Only one ticket was issued under that by-law because resolution could simply not be found. We are opening, it's back on the agenda tonight. I've heard the public loud and clear as a number of people around the Council table have so there'll be a number of suggestions coming forward but again this is not to stop your enjoyment of your country life. The ATV or dirt bike part of the by-law ...part of it only was applicable to rural residential so some people believed it was across the RM. **NOTE: The Mayor is discussing noise and how it relates to zoning. It should be stated here that Provincial law under which off-road vehicles fall have clearly stated where such vehicles cannot be operated and that includes shoulders, highways which is pretty well all public roadways (except under certain specific circumstances), Crown land without permission, and private property including agricultural property unless I am reading the Off-Road Vehicles Act incorrectly. Gravel pits are either privately owned or owned by the RM.** It's actually, so **Rural Residential** is actually a very small part of the land that is in Springfield, so if you are on agricultural land, on A20 land, then it doesn't particularly apply to you. **NOTE: I believe the case in point for which no resolution could be found is less a noise issue and more of a zoning issue. I believe the smaller lots in the area are zoned rural residential and in the current Zoning By-law there is no mention of such a property constructing a recreational facility, for example, a dirt bike track of significant size and elevation for use by more than just members of the residence on the property, as a permitted use. There is however provision for swimming pools.** What that Noise By-law also gives is a decibel level so if we get a call or the Police Chief gets a call that says my neighbours are being very, very loud, it's been 5 hours, he can actually come out and take a reading and by that reading he will be able to say well actually, they're not. If they're not above the decibel reading, what they're doing is allowed. It gives us some standards for both sides. But if you have any suggestions on what you would like to see, what I've heard personally through e-mails and phone calls and messages is that they would like it changed to 11 p.m. and they would like the Sunday and Stat Holidays removed. So that seems to be the biggest two things that people would like to see removed.

Unidentified male - So you said there was a by-law prior to 9 months ago so you had like two neighbours in a dispute so you came up with another by-law for like just one situation. **Mayor Fell** - No because the by-law we had before was extremely subjective. So it didn't have a decibel reading, it didn't have anything where if a ticket for some reason did need to be written, it didn't have any teeth in court because it was so subjective. So this actually makes it better for both sides. That was the purpose of it. **Unidentified male** - Well I just, but yah it is weird that you make a by-law for most of the RM just because of 2 neighbours. **Mayor Fell** - Again, we had it since September and we only had to issue one ticket. **Unidentified male** - But that's so far though. **Mayor Fell** - It's a complaint driven process. We tried to come to a resolution with that issue that we're having. We just simply could not. This is not meant to be punitive AT ALL. But if neighbours can't come to some sort of agreement, we have to have something in place so we can step in before it gets to a point where people get hurt. That was the intent. **NOTE: 04-04 stated "No person shall make, cause, permit, or allow to continue, any loud, unnecessary or unusual noise which disturbs, injures, or endangers the comfort, repose, health, peace or welfare of others in, on, or about, any lands, buildings, structures, premises, vehicles, or recreational vehicles owned or occupied by that person including, but not restricted to loud, unnecessary or unusual noises caused by:" and there 7 categories listed which included signaling devices (horns etc.); sound systems & musical instruments; verbal noises; exhaust from internal combustion engines unless muffled; grating, grinding, rattling noises from internal combustion engines unless muffled; blowers or fans unless muffled; engine retarder brakes unless in emergency. I guess the subjective part was "which disturbs" but in all my 4 years as a Councillor I only had one such complaint and dealt with it by making the perpetrator aware of the By-law. It did not specify times, days, or length of occurrence while, if I recall correctly, one or its predecessors did specify between 7 a.m. and 11 p.m.**

Second unidentified male - Well, I am just going to address your comment about it not being meant to be punitive at all first because what it's meant to be and what it becomes are not always the same thing because "intent" and "enforcement" are two completely different things and the way that legislation is written, if I need to put air in my tire right now on a Sunday and my air compressor kicks in for more than 3 minutes, I can be fined. If my car breaks down on Saturday and I've got to fix it and I am using air tools to fix it, my air compressor kicks in for more than 3 minutes, I can be fined. If I want to build my deck on the weekend, if it is a Sunday or Stat, I can't even operate a circular saw. The intent is not to fine people for doing it but the way the law is written, that is exactly what it says they can and if you get somebody beside you that is just being troublesome, they have the absolute right to enforce it. That's not acceptable. **Mayor Fell** - So you are saying you would like the Sunday and Stat Holidays removed. **Second unidentified male** - Yah, and I would like to see things like the restrictions off, you know, these blanket things like your air compressor can't run for 3 minutes removed because that's not acceptable, it's not reasonable. These wide open things about fixing your vehicle, riding your motorcycle, there's so many specific things identified in there that are unreasonable and unacceptable...it's unbelievable. **Mayor Fell** - I would also encourage you because we do have to write a

new by-law if you could take the time to email your suggestions and this is only our first meeting to take those in but again we are very open to hearing from the public. We said that right when we created the by-law that we were going to look at it again this year so I would really appreciate it if you would send that in. **NOTE: They may be open to hearing from the public but they seem to be somewhat selective about the sections of the public to whom they actually listen. This was quite evident in the Development Plan process, in my opinion.**

Unidentified Female - I would only like to say I am a condo dweller and I am a condo dweller right here where we are getting dirt bikes and snowmobiles and quads and cars pushing down those pilons at 70 miles an hour racing through there and we now have an open file with the Springfield Police. It is unacceptable. We live on **PRIVATE PROPERTY** and we have signage but they're just roaring down there. I almost got run over one night standing in my own driveway. It is not acceptable that these vehicles and these are under-aged kids riding them, are racing through our private property. Well, last Sunday we had one, two. **NOTE: This is one of the bare land condos that will be having their private lands serviced by the municipality.**

Susan Ziemski - The opposite is also probably true, to your point. Have a designated route for ATVs and for Snowmobiles and all that stuff so we could actually get through town. **Unidentified Female** - But not through the condominiums. **Mayor Fell** - Interrupted and asked that all comments be addressed to the Chair and one at a time. **Susan Ziemski** - Have a route for people to travel.

Unidentified Male (as I cannot recognize the voices) The comment about the machines on private property. That is covered under the Highways Traffic Act so we don't need a noise by-law for that. We just need enforcement of the current regulations.

Unidentified Male - Why are snowmobiles exempt? **Mayor Fell** - They're not exempt. They run under their own by-law. **Unidentified Male** - Why? **Mayor Fell** - That's just the way it's always been. **Unidentified Male** - My snowmobiles are far louder than my ATVs. **Mayor Fell** - They have their own by-law. **Unidentified Male** - Well snowmobiles are run by adults.

Heather Erickson - Where in the Noise By-law does it state that **it's only applicable to property that's zoned rural residential?** **Mayor Fell** - There's a clause in there that's specifically regarding rural residential. **I don't know what page it is on.** I don't have the by-law with me but if you read it through, there is a clause in there about rural residential and it's not just applicable to rural residential but there's certain things that are only applicable to rural residential. **You have it with you, Val?** (See below)

Unidentified Male - Just going on the back of that, you're always going to get those bad eggs....every aspect that you talk about, right, but I think for the most part for the people in this room, we're not those guys so to spoil everybody's fun just for a couple of kids, that's not fair to us. And it's not fair to her though either to have to put up with that. Disintegrates to laughing and overlapping conversation.....

Susan Ziemski - Just to change the subject, you have an MRI proposal about putting a roundabout at the corner of 206 and Garven. Myself I don't think that's a pretty hot idea and I'd like to know if, because it's been identified as something they might do, are we able to come back and say we really don't like it just like we did for the Tim Hortons when they wanted to put a roundabout there? **Mayor Fell** - So MI will do public consultations. They told us they will hold open houses and present those options. I do know this Council so far is pretty supportive of a traffic circle in that area. It works really, really well, not only for traffic but for farm equipment as well but again it is going to be open for public consultation. **Susan Ziemski** - It works really well in Europe too but they tend to drive a lot better than we do. **NOTE: Since the Mayor has mentioned the preference of Council, I would like to express my opinion that I think a traffic light is far preferable to a roundabout as evidence by the corner of Springfield and 206 and may even be less expensive. Everyone already knows how traffic lights work whereas I have seen some near misses at roundabouts because we are North Americans, not Europeans. They had one or two in Saskatoon and ended up taking them out. Recently in the news, the city is removing one and replacing it with STOP signs.**

Unidentified Female - I just want to address the condo issue again and want to remind Council members again condo owners are paying for services twice. Again, there are condo fees plus there are our property taxes that the RM is collecting for services that we don't receive so what we are hoping to achieve is to come to terms with the RM to achieve a greater level of tax fairness, that's all we're asking. However we are going to achieve that, let's come to terms with something. **NOTE: 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. THIS IS ON PRIVATE CONDOMINIUM LAND. Taxes paid to the RM are for repair, maintenance, and servicing of RM infrastructure such as street lighting, road building, repair and maintenance, weed control, and for the services provided such as Council, Police, Fire Department, Public Works, Planning, Police Board, Administration, legal fees etc. Condo owners receive all those same services up to their property limits, just as any**

residence or business or farm, but want the RM to perform some services on their own private property. If provincial assessment is the issue, I would suggest they lobby the Provincial Government through their MLAs and strive to have changes made at the appropriate level of government.

Councillor Ralke - It's #19 so continuous sound in any residential zoning district and then 20 is any non continuous sound in any residential zoning district. **NOTE: According to our own Zoning By-Law 08-01, Residential Zoning Districts include Residential Single Family, Residential Two Family, Residential Multiple Family, Residential Comprehensive, Mobile Home Residential, and Rural Residential Zoning.** Mayor Fell stated *part of it only was applicable to rural residential so some people believed it was across the RM* and further stated that was only a small part of the land in Springfield. In actual fact, Residential Zoning Districts would include a multitude of areas of residential density, Oakbank, Anola, Dugald, Hazelridge, Cooks Creek, Glass, and Vivian. The other point I would like to make is that even the small silo rural residential developments and hamlets are adjacent to lands zoned agricultural etc. If you have a 5 acre or 10 acre lot, you may be situated adjacent to a half section of agricultural or natural resource land or some other type of land zoning. However, the farther away from the sound you are, the less the decibel measurement would be except in the case of trains as Councillor Williams pointed out because particularly in treed areas, you can be 1/4 mile from the CN Main Line and the whistle and the sound of the moving train are exceedingly noticeable and you learn to live with it. The vibration is another matter. While the by-law may be exceptionally well written, the confusion even Council has as to its contents suggest a simpler version should be substituted and I would recommend an appropriate length of time be allotted to the task. The haste of the passing of this by-law currently under review confirms that fact. Its predecessor was a little too vague and non specific, this one is too draconian, perhaps a committee consisting of a citizen who likes to ride ATVs and run air compressors for long periods of time, a citizen who is of the Councillor Wilson bent and prefers peace and quiet a la ancient common law, one representative from Council that has exceptional grammar skills and good common sense (perhaps Councillor Bredin), someone with a municipal background but not from the staff if such a volunteer could be found, and one constable who is willing to volunteer their time, could be cobbled together to work on the task in a balanced, fair and economical manner at no expense to taxpayers. A committee such as that produced the Animal Control By-law that passed muster recently but more due to lack of political will than the work ethic of the committee, the job took about 6 years. This municipality has a wealth of knowledge, experience, volunteerism, dedication, commitment within its boundaries just waiting to be called to the task. *Patience is a Virtue!*

Unidentified Male #? - I just wanted to know what the decibel reading is for that noise by-law. **Councillor Ralke** - It is 85 (from the Mayor)..It says in the Residential..any zoning Residential is 65 decibels over a 1 hour period not 3 minutes. 50 decibels over a one hour period and then in the non continuous sound in a residential zoning district is 85 decibels measured over 15 minutes and 75 decibels over 15 minutes at night after 11 p.m. so that's a long period of time.

Unidentified Female - I spoke with ATD (The Association for Talent Development) Manitoba and they did mention they have dealt with RMs before when amending by-laws and they would be willing to work with you guys.

Another unidentified Female - I am not sure if I will be able to express it properly but I'll try my best. I hear all these things about decibels...I have no clue exactly what it means. I think I am a very smart person but it means nothing to me. So in measurement, in understanding, so if it means something to the Municipality of Springfield to be able to say they are protecting people because they put down a rule about decibels and it is helping them because it is concrete, not subjective, it is not objective because it means nothing. It means nothing to the people and it means nothing to me personally. What I understand is that noise is not acceptable or accepted and if there is noise then it will be amended or punished and that to me is not acceptable neither. So we need to come to a plan or a way of doing things that will work for people to have their protection and not having people ride on their property etc. but also to have the people be able to enjoy the summers and enjoy riding out and doing work in the evenings..I work all week and its evenings and weekends that we can do that other work. We're going to make noise, now we can't do that? It does not make sense and when it does not make sense, we need to make it make sense.

Mayor Fell - So the decibel reading... a lot of times when it does come into play is when you have a neighbour who does call in for a noise and we have a machine that's brought out and reads it because a lot of times people think the noise is louder than it actually is. And this gives our Springfield police ..they can actually show you the reading...because sometimes people can think one small thing is too noisy so it brings balance to that. So if you would like an explanation on what that means, I can give that to you. **The unidentified female** expressed her opinion that the by-law is a way for people to be able to complain and does not teach neighbours to communicate with one another and arrive at their own solutions.

Councillor Wilson referred to British common law that entitles people to peace, quiet and enjoyment but that no longer seems to apply to modern society with power equipment and motorized vehicles and therefore a law is required to achieve some kind of balance and measurement of sound. An unidentified male suggested the decibel level of a train whistle as an example. Another mentioned the lack of justice when the Folk Festival can make noise all weekend but he can't set off fireworks in his own yard. **Councillor Ralke** spoke at length and during her speech, a phone rang. One gentleman mentioned adjustment of

the fines and another asked about where the decibel reading is taken, at the noise maker's property or the complainant's property and the answer was the latter.

NEW BUSINESS

10.1 2019 Financial Plan - Be it resolved that Council of the RM of Springfield adopt the Financial Plan for 2019 consisting of 1) An Operating Budget 2) A Capital Budget 3) An estimate of operating revenues and expenditures for the following fiscal year and 4) A 5 year Capital Expenditure Program. **Councillor Wilson** - For the first year of the 5 year Plan to become a reality and here I am talking about the new Rec Centre, a **significant public involvement is required**. I would ask the public and the business communities to come together and support the community centre with their time, their ideas, and their contributions. One year is a short time frame and for this to happen, it will require a full court-press from all. **CARRIED 6-0 NOTE: In spite of the very impassioned and specific input from those attending this hearing which the Mayor on behalf of Council has consistently stated they welcome, no adjustments were made to the Financial Plan prior to its adoption. It would appear there is no appetite on the part of Council as a body to consider and respond to the input of taxpayers devoted enough to attend the Financial Plan hearing while there does seem to be interest to respond to interest groups on other matters such as the Noise By-law. To me, the Source Water Protection Plan for our municipal wells that provide water to those serviced by municipal water as mandated by the Province years ago should be a priority in the Financial Plan as opposed to other less vital items.**

6.1 By-law 19-09 - 2019 Taxation By-law - Be it resolved that First Reading be given on By-law 19-09 being a by-law of the RM of Springfield to establish rates of taxation and impose taxes for 2019. **CARRIED 6-0 NOTE: I believe this means a tax increase of approximately 2% for most residents.**

10.2 Noise By-law - Mayor Fell - There will be no resolution but we can give instructions to our CAO. So everybody knows this has been quite a lot of attention. So I know there's a few suggestions that came forward for discussion. So I am just going to read those out and if there are more, we can discuss those as well. One is to move the time to 11 p.m. instead of 10 p.m., the next is to open up Sundays and Stat Holidays, again those would still follow the Noise By-law and we are creating our Enforcement By-law as well and Chief Kane had sent us an e-mail about the ATVs following the Provincial guidelines as well, so those are the two that I've heard and I think those would have a big impact on the tax base for what they're expecting. Is there any other suggestions from Council or what are the thoughts from Council on those two suggestions. **Councillor Ralke** - So yes, I guess I have taken some time to speak to the people who were concerned about it and although I heard from many people of course in my Ward 4 because it's a rural area and there's a lot of fun and games that go on out there versus maybe more residential type areas, I agree. I did hear also from individuals, the people who do want to appreciate and enjoy some of their time as well and again this only happens in instances where there is neighbours who don't communicate and that's what happens more and more all of the time. And we can't say that's what it was 50 years ago, that's not what it is today. We don't knock on their door, we don't go say hi, how are you, we don't have Welcome Wagon anymore. It just doesn't happen that way. So some people were saying that whether you go to church on Sunday or whatever it is, a lot of people are away and they would ask that there be no noise until 11 on Sundays so it would read from 10 p.m. at night or 11 p.m. at night till the Sunday 11 a.m. So that means you would hear, there'd be no repetitive long term noise until 11 on Sunday and then the new by-law would take over after that, or Sunday and Statutory Holidays. So I mean that's what I was told. I don't know if that's going to please everybody but it's just a suggestion. **Mayor Fell** - I heard the same thing for Stat Holidays but for Sundays to keep it the same as every other day of the week. Specifically I got a few calls about, I work 5 days a week, we have a piece of property and we come out on the weekends and we build our home. And people were concerned about that. I also I would say got quite a bit of e-mails in support of the Noise By-law but these people also agreed that maybe it was a little too strict so I did hear from both sides. So I think we need to take that to account. Some people, they're happy we have something in place just in case it is needed. She then asked Councillor Bredin if he had a comment. **Councillor Bredin** - I kind of lean a little bit towards what Val said too that there could be on Sundays maybe a little bit in the morning people like to sleep in that are not church goes so I ...but I am flexible...we do need to probably open that up more than it is. I am ok with that. It's just some thought in that direction so that's my comment on that. The other issues...we have to peacefully co-exist here somehow and then come up with some sort of middle ground that maybe not everybody's happy with but we are serving the general interests of the public. **Councillor Wilson** - There are a number of people in Ward 3 that are very concerned about the fundamental underlying principle of law which is the right of a landowner to quiet enjoyment of their property. It's all well and good to say, well maybe we can open up Sundays and throw something in there saying well not before a certain time but the bottom line is the right to quiet enjoyment of your property. There is no right to any anymore because there's not even one day of the week where there's a respite from the noise. And I am not talking about no noise, because there are many people in our ward that cut their own wood on their own property and there's a chain saw etc, construction noise is..well, everybody's building something at some point, it's not a question of that, it's a question of loud noise and that's what this by-law is meant to deal with and I would strongly suggest we take a look from the other side of the coin and say, this is a principle that has been worked on and kicked back and forth for centuries and the common law falls towards, ya people who have invested in a piece of property and it is

theirs, they have a right to the quiet enjoyment of that property. And for noise of an unreasonable nature to impinge, impact on that quiet enjoyment is inappropriate and should not occur. So I think we have to be very careful by saying well I think we can shave this or can shave that ... look at it from the other side of the coin and say, what about the people who value peace and quiet above maybe one individual's recreation option in an otherwise quiet neighbourhood and I think we should take that into account as we are reviewing this as well. **Mayor Fell** - Asked if there were any more comments from Council. If not, I am going to run through the list so we can give direction to the CAO. So the first is Sundays. So is there consensus of Council to change Sundays in some way? YES So the next question is do we want to open up Sundays the same way as the rest of the week and the Noise By-law would apply or do you want to do it from 11 till 11? Peter, what would you like? **Councillor Williams** - Are you talking about just Sundays. **Mayor Fell** - Sundays and Stat Holidays. **Councillor Williams** - I would prefer a much narrower time for Sundays. A shorter time period to allow noise that might be disturbing to neighbours. **Mayor Fell** - So I concur with the 11 suggestion to 11. Is that what you are talking about? **Councillor Williams** - No I am talking about a shorter time than that. **Councillor Wilson** - I believe there should not be noise at least one day a week and if we pick Sunday, then that's the day we pick but there should not be objectionable noise at least one day a week. **Councillor Bredin** - Like, Stat Holidays to me is the same as any other day, I'd be totally fine with that and I'm open to work with people with a shortened version of Sundays. **Councillor Fuhl** - I'd like to speak a little more to that. I think today that we have people that work different hours and different times and have different schedules. So in my opinion, you know again, Sunday has always been a day where it's been shorter so, again as the other side of it, when you look at the retail side it's become longer hours and we open up stores at 9 in the morning now because of people's flexibility of what they work for hours and really it becomes not no longer a 5 day work week, it really becomes a 7 day work week within 5 days of their schedule so every person has a different time that they are free so I am open to the Sunday. I do agree with a narrow set time but I also have to...I take into consideration that people don't just work Monday to Friday so that's what we need to look at. **Councillor Wilson** - For that very reason I believe there should be a cessation of objectionable noise on Stat Holidays because most people aren't working on Stat Holidays. **Mayor Fell** - Ok so maybe what my suggestion would be with the consensus of Council...we said we'd like to open up Stat Holidays and Sundays for some time. Maybe we'll put that on a Committee of the Whole for discussion. OK and now is the time so the suggestion was to move it to 11 p.m. I've heard rationale from the public, a few of them saying that is the time in Birds Hill when you are camping is, therefore we should be consistent with that. **Councillor Williams** - I really can't relate to this issue too much. I live a quarter mile from the CN Main Line and it's 7 days a week, 24 hours a day and I've gotten used to it. (Laughing in the background) I don't think it's the same as what we're talking about in terms of noise. **Councillor Ralke** - Yes, 11 would be...that's what it is in the City, that's what it is everywhere. **Councillor Wilson** - I'm suggesting that quiet enjoyment doesn't mean some kind of cessation and respite when we absolutely have to go to sleep. I'm talking about quiet enjoyment of your property and that doesn't mean that there's not construction for people who are constructing things or there's noise from people who are bringing in firewood or they are tilling up their garden or whatever their noise, I'm not saying stop that, what I am saying is there should be some kind of an upper limit where people can reasonably I guess rely on to have excessive noise not occur. **Mayor Fell** - So you're saying not to extend it. Is that what you're saying because that the question, whether we keep it a 10 or we extend it to 11. **Councillor Wilson** - I'm actually saying go back the other way. **Councillor Bredin** - I'm just thinking of it from the perspective that in general most people start work, it's changing but I still the majority start work on Monday morning. If we kept it at 10 it is not a big deal but I am open to...like I come from a different perspective where I farmed for 37 years and never worked on a Sunday and I have religious convictions on it but I'm not willing to put that on somebody else that doesn't hold the same conviction as me so that's why I want to be open to...but I still think that there is some value in shortening it from the full amount, I just don't know what that might exactly be so but I am open to listening and figuring that out. **Councillor Fuhl** - Ya, I again agree, let's bring it back to the Committee of the Whole and have the discussion. **Mayor Fell** - So I would like, my personal opinion is to go to 11. If that's what the City of Winnipeg is and that's a city, there's no reason why we can't be consistent with the City. Same with Birds Hill Park. So you have a bordering Provincial Park, you have a bordering Capital city of Manitoba, it's odd that we're so different. In fact I would argue that most people move to the country from the city to have less rules and yet we're more constrictive. JUST SAYING. **Councillor Wilson** - I thought you were going to support my point of view and then you said the reason people move out of the city is PEACE AND QUIET. And I think that is a really good point. A lot of people do exactly that and I think that is a very good reason for us to look at respecting that and reflecting that in our deliberations. **Mayor Fell** - So just for clarification I received quite a bit of emails and quite a bit of Facebook messages and actually quite a few phone calls and NOT ONE PERSON said that. Not one. **Councillor Wilson** - I would invite you to Ward 3, Madame Mayor. **Mayor Fell** - Actually I got a bunch of emails from Ward 3 because they told me exactly where they lived and not one of them said that. **Councillor Ralke** - My only concern is really a point that Councillor Fuhl had made is that shift work has become the norm for so many people and working more than one job has become the norm for so many people that if you restrict their daily work and I know Councillor Wilson is saying you can still cut your wood and you can still do all of that but it just still opens up that avenue for somebody that may not like you as a neighbour to phone and unfortunately because we are not the friendliest of people anymore, friendly Manitoba don't work, I'm thinking you've got to be fair to all...I know if I am restricted to this point and allow you to have your silence and absolutely no sound during this time period, I think it is being unfair whether it's one day or 5 days or 6 days. And then you're saying well ok guys, you all get moving and your kids are playing cause that's what it comes down to, children involvement and excitement and entertainment

and interaction because we don't want them in the basement playing video games. We want them outside screaming and yelling at each other and interacting with nature. So all I am saying is that I think we need to discuss at Committee of the Whole that avenue of 11 or 10 a.m. start on a Sunday or not at all. **Mayor Fell** - So we will move this to Committee of the Whole but I would say consensus of Council is either to keep it at the 10 or move it to 11. So those are the 2 options we will be discussing at Committee of the Whole. **NOTE: The observation of onlookers during Council meetings as communicated to me is that Mayor Fell chooses to characterize her stated positions as consensus of Council while ignoring all opposing points of view.**

10.3 May/June Council Meeting Schedule - Be it resolved that the following changes be made to the Council Meeting Schedule as follows: Friday, May 10 1 p.m. Committee of the Whole, Tuesday, May 14 is cancelled, Tuesday May 28 is cancelled, Thursday June 20 6 p.m. Planning Meeting, Thursday June 27 cancelled. **CARRIED 6-0**

10.4 Customer Service Policy - Be it resolved the Customer Service Policy be adopted as presented. Any comment from Council. **Councillor Ralke** - I just want to assure everybody that we're not looking to target anybody with this, what is it, policy, we're just looking to actually do more for people when they're customers. We're actually indicating that we're to respond within a certain time period, we're to give answers within a certain time period, we're supposed to, you know, act with sensitivity and tact and diplomacy and record things and I think the whole concept of this policy is to have a better relationship with our citizens and all too well we know that it's taken some issue, a citizen to call, you've got to know they're calling with some passion behind them and that's acceptable by all means express yourself. We're not saying you can't but maybe don't express yourself ten times in one day. I don't even think it restricts that. So I just want to say I think a drive further to have a better relationship and better communication consistently. So I do support it. **Councillor Wilson** - I do support this policy however what I would suggest is that when we look at the three main types of unreasonable behaviours, we say those who become physically or verbally aggressive and I think that is pretty straightforward, those that make substantial and unreasonable demands on workload resources of the municipality, I think that can be seen as unreasonable behaviour, the third one there's the word "aim", whose aim is to annoy, harass, humiliate and irritate. I am not sure that it would be an easy thing to do to say for certain somebody's aim is to annoy you or somebody's aim is to irritate you however annoying and irritating they might be. **Mayor Fell** - Do you have a suggestion for the word? **Councillor Wilson** - I would suggest taking out annoy and irritate and leaving in harass and humiliate because those could be I think a better line. **Mayor Fell** - I actually agree with that. What does the rest of Council think? They all agreed. She would like to see a follow up to the acknowledgment within 5 working days even if it is not the final answer. **Councillor Wilson** - Agreed with her as he said **he has been working on something and it has a Council resolution attached to it for 5 years now and I would welcome this policy at this point.** **Mayor Fell** - And if it is going to take longer than 5 business days, at least let the customer know. **Councillor Williams** - I am wondering why we are listing social media as one of the digital communications. **Mayor Fell** - I get messages all the time on social media and I screen shot them and send them off to the appropriate manager. **Councillor Williams** - It tends to be a forum by itself. It doesn't tend to be very disciplined. **Mayor Fell** - Says she gets private Facebook messages and private Instagram messages. **Councillor Williams** - Doesn't mind the private messaging but doesn't like the public aspect of it. **Mayor Fell** - Said they would add "messages" to social media but made it clear that does not preclude you from going on to Facebook and other social media and commenting. **Be it resolved that the Customer Service Policy be adopted as amended: remove annoy and irritate and follow up within 5 days to all response procedures and add social media messages. CARRIED 6-0**

10.5 Animal Control Services Contract - Be it resolved that the RM of Springfield enter into a three year contract with Rural Animal Management Services for the provision of animal control services. **Colleen Draper** - Mentioned this was an initiative through the WMR John Q offering so that the rates and that is what John Q is offering us. **CARRIED 6-0** **NOTE: I am wondering two things: Why was this not offered through an RFP; why is John Q doing the offering? How do we know we are getting the best rates? I have no problems with the service that has been provided by this company for the past at least 4 or more years but I would like to know by what process this contract was arrived at and whether or not this is the best bang for our buck?**

10.6 Minute Format Discussion - Be it resolved that the Minutes of Council meetings including regular meetings, special meetings and committee of the whole will be taken without note or comment as stated within the Municipal Act. **Councillor Wilson** - Might I suggest a ..after be it resolved that we add "as long as recordings of all meetings referred to in this resolution are recorded and available to the public on the RM web site". **Mayor Fell** - It's actually in our by-law for recordings so we have to do it. We are REQUIRED to do that already. **Councillor Wilson** - I would like to have it tied to it because I think it's very important if a resident wants to find out sort of the why behind the thing and actually do it then we do it because Committee of the Whole is really just for discussion and the whole point of Committee of the Whole is for people to show up or to listen in to find out what Council actually thinks as opposed to just a direction or just a resolution at a regular meeting. So I think it would be important to tie this to that sort of background material. **Councillor Ralke** was not sure it was necessary because of the recordings. **NOTE: What about the missing parts of recordings?** **Mayor Fell** stated even if another Council were to do away

with the recordings, the Municipal Act states how Minutes are to be recorded. The majority of Council agreed the addition was not necessary. **CARRIED 6-0**

10.8 WMR Invitation - Lilac and Lace Luncheon - Be it resolved that Mayor Fell and Councillor Ralke be delegated to attend the Lilac and Lace Luncheon on June 25, 2019 in Winnipeg. **CARRIED 6-0**

10.9 JUNE RESOLUTIONS - 10.9.1 End Manitoba Double Taxation for Provincial EIA Services. **CARRIED 6-0** **10.9.2** Manitoba Fully Fund the Resident Doctor Attraction Program **CARRIED 6-0**

10.10 PR 213 Upgrade Priorities - Be it resolved that Council of the RM of Springfield supports Manitoba Infrastructure's initiative to upgrade Garven Road (PR 213); Be it further resolved that Council of the RM of Springfield supports Manitoba Infrastructure's proposal for a rotary intersection at PR206 - Garven Road (PR213) intersection; and be it further resolved that Council of the RM of Springfield proposes that the Garven Road (PR213) upgrade work be prioritized as follows: 1. PR206-Garven Road (PR213) Intersection **NOTE: The public opposition to the 2005 Proposal for improvements by the Province was loud and clear due to the encroachment on their private properties and the loss of trees and setbacks.** 2. Heatherdale Road-Garven Road (PR213) intersection upgrade 3. Pineridge Road-Garven Road (PR213) Intersection 4. PR207-Garven Road (PR213) intersection 5. Service Roads and access control. **CARRIED 6-0**

10.11 Priorities for Manitoba Infrastructure Projects - Be it resolved that the Council of the RM of Springfield request Manitoba Infrastructure to include the following projects in our Capital Plan in the order of priority as listed below. 1) Springfield Expressway from Gunn Road at PTH 101 along Cedar Lake Road emerging with PTH 15 to the east of CN Rail Crossing 2) PR206 upgrades to improve traffic safety including but not limited to widening of the road, alignment issues at Willow Avenue West and East, intersection improvement at Cedar Avenue and a sidewalk over CP rail crossing 3) Upgrading Highway 15 and Highway 12 intersection to a roundabout or a controlled intersection. **Councillor Williams** - I am wondering where this term Springfield Expressway came from. Is that consistent with our Master Transportation Plan? **Santokh Randawa Singh** - Yes. **Councillor Williams** - I always thought it was the Oakbank corridor. **Mayor Fell** - My question is the order of these. Is this the order that they should be in? **Councillor Williams** - I am not sure it matters about the #1 priority because it's not going to be acted on in the near future. **Mayor Fell** - And that's my concern that we're putting it at the top of the list when we know it's not going to happen. I think perhaps that the Anola intersection should be high on our priority list. **Santokh Randawa Singh** - I would just like to request that Council keep that as priority #1 because that will alleviate the pressure on #15 and Garven Road and I know that Highways will not be taking any action on that immediately and they move to second or third but still we should project as our #1 priority. **Councillor Williams** - There's a strategy. Yes, the #2 priority that's indicated here. Should be not be indicating PR206 within Oakbank? **Mayor Fell** - I agree with that change but I will have to see what the Council wants to do. Council should add in the resolution in the town of Oakbank there so they know exactly what we're talking about. **Councillor Williams** - And the other issue is that I had made a suggestion ..I also suggested that we talk about the CN pathway or sidewalk over the CN crossing in Dugald and I'm not sure if we can tie that in with this but we were also talking about two different levels of funding. **Santokh Randawa Singh** - We can request that as well. There's no problem asking. **Councillor Williams** - But I don't want it to muddy what this #2 issue is. **Mayor Fell** - Can we add it on its own? **Councillor Williams** - I'm ok with that. **Mayor Fell** - So my question, I'm not saying we shouldn't put the Springfield Expressway as our #1 priority. But we've already put a resolution through on that last year so they already have that. Do we need to do it again because we've already said this is like a priority for Council as its own resolution of the last Council. **Santokh Randawa Singh** - We are putting it again as a top priority of all the projects so I think this may override **Councillor Wilson** - I would just suggest if you are dealing with a senior level of government that you be consistent with your #1 priority and that is in fact the #1 priority because they will say, well we're not doing that in the next 5 to 10 years, what's the next one. I really do think it makes a lot of sense to keep your focus. **Councillor Fuhl** - I had made a suggestion if you recall. **Mayor Fell** - 207? **Councillor Fuhl** - Yes 207 with the employment lands being developed out there. We had talked about that prior to this and adding this as a priority. **Mayor Fell** - So just for..the employment lands are where the Cedar Lake, Corbett, Oakwood, Springfield that they look at maybe how they can make that safer if we're going to have an increase in employment there whether it be paved shoulders or turning lanes but we asked that that be put on the list as well. It could be the last one on the list but as long as it's there. **Councillor Wilson** - If we have two more priorities to be added in that order, I can't see any problem with that. **Santokh Randawa Singh** - I only didn't include that because it may be seen as that this expense should be on the developers so they may see it that way. That's why I did not include it. But I am fine with that. **Councillor Ralke** would like to see #12 and 15 intersection as #1 priority. **Colleen Draper** - #2 Added PR 206 in Oakbank #4 A sidewalk over CN rail crossing on PR 206 in Dugald #5 PR207 improvements including resurfacing and turning lanes in the area of Employment Lands. **CARRIED 6-0**

10.12 Condo Services - Be it resolved that Council of the RM of Springfield agree to take on the following maintenance functions for bare land condo corporations: 1) water main flushing and valve exercising 2) sewer main flushing 3) hydrant testing 4) street sweeping 5) excess snow removal 6) Maintenance and replacement of lighting 7) Street light hydro costs 8) sign replacement. **Councillor Wilson** - I am very concerned about providing municipal services on private land. I take absolute issue

with the position that condos are in any way paying double taxes. They pay exactly the same amount as other residents for services to their driveway just like every other resident. Any services that are inside private land like my driveway, my road to my barn, my well, my piped services from my house to my barn, the municipality would never and should never start compensating me for any maintenance or repairs or anything on there simply because my taxes are going up and in fact faster than taxes in Oakbank because of circumstances beyond my control, beyond the municipality's control and that is because of assessment as a Provincial regulation. If people have a problem with assessment or percentage fees that the Province decrees should be, have to be paid, they should take that up with the people that are making that decision. We should absolutely not set a precedent by using public money to provide services to private land. I believe this motion should be defeated. **Councillor Williams** - I fundamentally disagree with that and one of the residents expressed earlier in this meeting, it is an issue of fairness. They are paying into a fund to repair underground infrastructure, they are paying it twice and the **criticism seems to be coming from people who do not live in an area where they are being serviced by the utility.** It is the people in the utility that should be addressing this issue and it's the people outside of Oakbank, Dugald and Anola that are raising the most concerns. I don't believe there's a bad precedent here. We're not going to go and remove snow from the driveways in a bare land condo, we're not going to remove snow from any driveway or shared driveway in the municipality. The people who live outside of these urban centres do not have water mains, they do not have hydrants, they do not have water lines, they should not be concerned about the issue of precedent being set. It's the people in the urban centres that are all paying into the Utility. **It's not general taxation, it's utility payments that are being made and it's not fair to the people in the bare land condos.** They're not getting value for money that the Utility is taking from them. **CARRIED 5-1 NOTE: To me, it is GROSSLY UNFAIR for all taxpayers to have to pay for something they themselves will not be receiving, i.e. servicing of their private properties, and that includes rural and urban dwellers, the latter of whom are being serviced by the Utility.**

10.13 Lorne Hill Road Signage - Be it resolved that Council approve the newly install of three way Stop signs at the intersection of Lorne Hill Road and Unick Drive and Lorne Hill Road and Hazelridge Road. Install a new 4 way stop at Lorne Hill Road and Oakwood Road. And be it further resolved Council approve to reduce the speed along Lorne Hill Road between PR 213 and Springfield Road to 60 kilometers. **Carried 6-0**

(Added from Consent Agenda) Bill C-68 - Councillor Williams had wanted this removed from Consent Agenda and did not think it would be a long discussion. **Councillor Wilson** said Council has not been provided with any information on this and would like to see a briefing of the specifics on it and a report. **Councillor Williams** - The Fisheries Act is administered by the Dept. of Fisheries and Oceans. They have always been a thorn in the side of rural municipalities because they impose additional costs and delays in doing drainage works. He spoke with the Chair of the Cooks Creek Conservation District and he said it has been an issue and it is always an issue. I talked to Brad Saluk and he said that the AMM Executive is dealing with the Dept. of Fisheries and Oceans and they're trying to come to some kind of an agreement on allowing certain areas not to fall under this. Feels we should be responding to the letter. Administration to provide a report.

Sunrise School Board - Be it resolved that Council direct Administration to prepare a letter to the Sunrise School Board regarding the banning of a School Trustee; and be it further resolved that Council request a meeting be set with all of Council and all School Board Trustees in attendance. **CARRIED 6-0**

Closed Meeting - Legal matters, Land discussion, Personnel issues.

Return from Closed Meeting and Adjournment.

NOTE: When I was on Council, Councillor Fell and Councillor Walls used to come into meetings and announce that they wanted to leave by a certain time and indeed often did. It is interesting to note that Mayor Fell now favours marathon Council Meetings of long duration. COW meetings where the majority of the discussion occurs, however, tend to be short.