

RM OF SPRINGFIELD COUNCIL NOTES
Tuesday, September 15, 2020 1 p.m.

WITHOUT PREJUDICE (E&OE)

ATTENTION: The Rt. Hon. Jon Gerrard of the Provincial Liberal Party, Legislative critic on Sustainable Development, was at the Petrocan between 4:30 and 6:30 p.m. Friday the 18th of September with a petition he has prepared to present to the Legislature on October 7th. with respect to preserving the integrity of the Sandilands Aquifer by opposing the CanWhite Sands Silica Sand Mining and Processing Plant project in Vivian, Manitoba. He will be at the Petrocan with the petition between 4:00 and 6:30 p.m. Friday September 25, 2020 if you wish to add your signature in support.

NOTE: Because the meeting is on ZOOM, and they do not seem to post the normal recorder version, the recording of the Council dialogue echoes and is difficult to hear.

APPROVAL OF AGENDA - Mayor Fell announced that item 8.1 Deer Meadows Farms Development Agreement Extension was moved into Closed Meeting. **NOTE:** This does not belong In Camera and any change to the original agreement would require a public hearing. Further she did not request concurrence for this change from the remainder of Council.

QUESTION PERIOD

Darryl Speer, Oakbank - I'm looking at 6.2 Council's Code of Conduct. My first question is, what is the rationale behind this document? **Mayor Fell** - It's coming down from the Province. **Darryl Speer** - What's the rationale? **Mayor Fell** - They believe that's something that Council's need. **Darryl Speer** - Anything give rise to it? **Mayor Fell** - I don't know. **Darryl Speer** - From AMM, by chance? **Mayor Fell** - There was a resolution put through by AMM, yes. **Darryl Speer** - So is that the backgrounder to this then? **Mayor Fell** - It probably is part of it. **NOTE: I believe this is a result of an initiative on the part of myself and three councillors from various other municipalities when I was on Council as all four of us had experienced harassment and bullying at their Council tables. A resolution was written and I managed to get it approved for inclusion in the AMM Convention where it subsequently was passed with over a 90% vote of support. (see attached) While some saw this as something that affected only women, I always maintained that it was a gender neutral issue, that both women and men could be the victims of harassment and both women and men could be guilty of both bullying and harassment.** **Darryl Speer** - So how does this relate to the current Council's Code of Conduct? **Mayor Fell** - What do you mean by that? **Darryl Speer** - Just what I said - how does it relate to the Council's current Code of Conduct, you guys had that passed in 2018? **Mayor Fell** - Well, they don't contradict each other. This is a ..we're required by the Province to pass this. **Darryl Speer** - So will there be any kind of an update of Council's current Code of Conduct? Cause it has not been reviewed since 2018? **Colleen Draper** - So the current Code of Conduct is a policy and we'll be reviewing it once this bylaw is passed to ensure that if we need to add or remove anything, we will do that.

Heather Erickson - Well, I am going to address some of the items on the List of Accounts. Heather Erickson, Sunny Anola, Manitoba - One of them is 150428 Martin Electric for LED lights for the RM Office. Now I understood there was a report by our Facilities Manager over a year ago where they had replaced all the LED lights in the RM and they're supposed to be longer lasting than normal conventional lights, so what is this \$30,000. all about? Why are they replacing them all again? **Mayor Fell** - So I believe Doug reported last time we had done Public Works and another building ..ya and we were still on the list to be completed. **Colleen Draper** - This is a continuation of that project, so it's not replacing.... **Mayor Fell** - It's replacing the old lighting. We're not replacing LEDs. These are new LEDs. **Heather Erickson** - Ok, and another one is, I see we are paying 150457 L. Chabot Enterprises, well in fact there are several entries I believe for L. Chabot and they currently owe the RM money. So why are we making payments to them when they still owe us money from a long time ago? **Mayor Fell** - I don't know what you are referencing in regards to owing us money. This is for the gravel contract that we had this year if I am not mistaken that we're paying for. **Heather Erickson** - So we're buying gravel from Chabot. What happened to our gravel crusher and our pits? Why are we buying gravel from Chabot? **Mayor Fell** - So the question is about the cheque, we have a contract with Chabot to supply us with gravel. This is honouring that contract and paying them for products that we have received. **Heather Erickson** - I thought that contract expired. **Mayor Fell** - No it did not. **Heather Erickson** - And how long does it, what is the termination date of that contract? **Mayor Fell** - I will have to ask, get that information and get back to you. **NOTE: The following is an excerpt from my notes of the NOVEMBER 19, 2019 COUNCIL MEETING where Mayor Fell says:** We were getting some of our gravel from Glacial this year, once we finished our Chabot contract we are no longer obligated by that contract, we then ordered gravel from Glacial. **NOTE: The Chabot contract was not "finished" but appears to have been terminated. The contract was for three years concluding at the end of 2020, at which time the gravel contract was to be put up for tender as in past practice and according to municipal procedure. THIS WAS NOT DONE. (November 7, 2017 Council Meeting: 7.7 Supply of Gravel 2018-2020 Resolution No: 17-538 BE IT RESOLVED THAT the bid from L. Chabot Enterprises Ltd. for the 3-year supply of traffic gravel be accepted as per specifications set out in RFQ 11817. Carried (6-0)) In a report at that same meeting three bids were received, Chabot being the lowest in the \$12. per cubic yard range while Glacial was in the \$17-\$18 range and Borland the \$18.-\$19. range. The recommendation in Blaine Moffat's report was to accept the low bid even though history suggested there had been problems with the quality of material from this company in the past and Russ Phillips, the CAO, and Jody Thiessen, the Manager of Finance, concurred. I note from the Lists of Accounts that no payments have been made to Chabot since the July**

report. **Heather Erickson** - And I see here there's an item called License Renewal ESRI Canada. What kind of license is that? **Colleen Draper** - That's our GIS Mapping System. **Heather Erickson** - I see we paid Tri M Trucking \$91,865.97 for road maintenance and grass cutting and I am wondering what our Public Works staff does in terms of that. Do they not do a certain amount of road maintenance? **Mayor Fell** - If you have questions about the road maintenance and the program within Public Works, you will have to e-mail that question and they'll get back to you with that information. **Heather Erickson** - Oh, they can't answer? They're here. **Mayor Fell** - Again questions are related to items on the agenda, the list of accounts is for a cheque. The list of accounts is for Tri M Trucking. They performed work in the RM and that is what payment of the cheque is for. Do you have any other questions? **Heather Erickson** - No, I think that's about it for now.

BY-LAWS

6.1 By-law 20-16 - Vacant and Derelict Buildings (1st Reading) - Colleen Draper - *Be it resolved that first reading be given to bylaw #20-16 being a bylaw of the RM of Springfield to regulate the condition and maintenance of vacant residential and commercial buildings and to establish a process to take title to vacant and derelict buildings to be known as the Vacant and Derelict Building Bylaw.* **Councillor Williams** - "How can we get back to the good old days." **NOTE: What he is no doubt alluding to is when meetings were not on ZOOM and therefore Councillors did not have to have 2 laptops before them and all the technical difficulties seemingly involved with the system. If Council and the Mayor wish to make the meetings more accessible to the public, they should do as some other Councils, I believe Steinbach, does and simply video record the meetings and post the videos.** Doesn't have an issue overall with this bylaw but there's some questions about some of the wording in the whereas, the front end. The first whereas on Page 1 I believe it is talking about the authority of the Council to enact this bylaw and is talking about division 2 but it's actually divisions 1 and 2. Section 231 is in division 1 of this part of the municipal act. We should also be including division 3 which relates to enforcement of this bylaw. Enforcement is under Section 247. On page 3 there is in the middle of that page a whereas that's talking about Section 247.2 and the wording there says it permits a Municipal Council to establish a process whereby a municipality may take title to vacant and derelict buildings. Well that there's quite a bit that gets involved between taking title to the buildings and that's in section 247 where we're talking about the schedules in the back ...the notification process. That is the process that if we're going to follow that, we should identify that as an authority for us to do that in this long preamble section. And if we're going to cite the authority I think we should cite all of the authorities of the Municipal Act. He would like Chief Hitchon to have the opportunity to review the by-law as to the verbiage. **Colleen Draper** - She thought they just wanted to get this out to the public for comments and then internally working on step by step procedures for enforcing this bylaw because there are quite a few details we want to make sure they are understanding completely. Fell said it can be reviewed to make sure of the narrative that is in there. **Councillor Williams** - Felt there would be costs incurred with these orders, they will have to be registered at land titles and there should be something in bylaw to say that is levied in the cost to the property owner. And I didn't see anything in the bylaw that addressed those. Mayor said those items can be considered when the bylaw is reviewed. Vote was then taken on first reading. **CARRIED 6-0 NOTE: To me it seems that instead of taking a vote on the by-law, it should have been referred back to staff to consider making the changes and corrections suggested by Councillor Williams and then the improved version brought back to a subsequent meeting for first reading.**

6.2 By-law 20-17 - Council Code of Conduct (1st Reading) - Be it resolved that first reading be given to bylaw 20-17 being a bylaw of the RM of Springfield to establish and regulate a code of conduct for members of Council. **CARRIED 6-0 No discussion.**

NEW BUSINESS

8.2 Bridge Inspections Report - *Be it resolved that Council of the RM of Springfield authorizes the Public Works Department to contract the services of Stantec Consulting to perform detailed bridge inspections up to the amount of \$26,014.00 plus applicable taxes and fees, providing the Department receives commitment from the Northeast Red Watershed District to contribute their share of the funds in 2021.* **Rick Wilson** - I was just wondering if there was confirmation of a combined inspection that would be cheaper than two separate studies. Have you had discussions with them yet. **Blaine Moffat** - So to answer your question, Council, we have since had discussions with Red River Watershed in regards to this. It does look like we can come to an agreement on some funds this year with a further agreement for additional funds in 2021. Certainly it would make more sense to go forward with a combined inspection as it would be cheaper in the long run to go that route. **Councillor Williams** - Was this contract tendered out? **Blaine Moffat** - This was not contract tendered out. Back in I believe 2009 originally Stantec did the or was awarded through tender for the original bridge inspections in 2015. Again we undertook their services ..our thought going forward because they've already got the all the preamble information, they've been doing inspections to go forward and then we can see in 2015 there was close to \$35,000 for that inspection. It's considerably less this year to \$26,000. so going to a full out tender for another company to come in here, we feel it is in our best interests that we would save this money. It would cost us additional monies for another company to come in and gather all that additional data that they've already retained on their end so it saves us staff time and certainly we believe it's going to save money for the taxpayer as well. **Councillor Williams** - It's always a concern when we sole source contracts and I'm not willing to spend another \$35,000. on another company who might provide another bid but I guess we're trusting your judgment that this is in the best interests of value for money. **Blaine Moffat** - He appreciates that and said they certainly wouldn't put anything forward that they didn't stand behind so he has no issues with going forward with Stantec on this project. **CARRIED 6-0 NOTE: I question Mr. Moffat's confidence in Stantec. As I recall, the RM of Springfield has dealt with this company in the past and been less than satisfied with the results of that association. Mr. Moffat is not a professional engineer and to the best of my knowledge, we do not have one in our employ at present. At the**

time of the original contract, there also was no professional engineer on staff to validate their proposal. Perhaps before the decision was made, a professional engineer should have been engaged to review the contract.

8.3 Loader Mounted Snow Blower - Be it resolved Council of the RM of Springfield award RFQ #20116 to Falcon Equipment Ltd. for one new 2020 LaRue D40 Loader Mounted Snow Blower with attachments for the sum of \$156,695.00 plus applicable taxes and fees, including the quoted trade in allowance. **Councillor Ralke** expressed the concern of a resident that even though the equipment was 23 years old, if it was working ok why should it be replaced. **Blaine Moffat** - Well, yes, it is 23 years old and it is giving us a lot of down time and in operation costing us labour costs for repairs. A lot of things internally are starting to wear out so it is still operable, yes. Is it going to cost us some down time when we need it, absolutely. And being that this is an emergency piece of equipment, it is not something they are willing to take chances on so it is at the end of its life cycle and time to move on. **Ralke** just confirming that they do their due diligence. **CARRIED 6-0** **NOTE: The trade-in allowance for the old piece of equipment is \$3,500. Mr. Moffat has just said that it is still operable, so my question is, in view of the low return for trade-in, why would the RM not simply keep the old one for back up as a project to possibly update or improve during down time and proceed with the purchase of the new one. We would then have two pieces of equipment. Failing that, they might get a better price if it was put on the market for sale.**

8.4 Non-Profit Community Grants - Be it resolved that the following non-profit organizations and Community Service Groups receive a grant for 2020 in the amount of: 1. Oakbank & District Community Club \$13,090.55, Cooks Creek Community Centre \$10,426.05, Sunrise Lodge Inc. \$2,710.49, Anola & District Museum \$733.54, Anola & District Over 50 Club \$1,479.36, Springfield Agricultural Society \$5,894.94, Springfield Tache Weed District Board \$888.33, SPACE \$9,291.66, Cooks Creek Heritage Museum \$1,722.69, Society of Ivan Franko \$719.15. **Councillor Wilson** - Are all these required to submit a list of expenses and activities annually. **Colleen Draper** - So all of these are under the Recreation Department through community grants and if not, we request access to those books if we require them. All of these community clubs or groups would have to pay the taxes up front and following that we would have conditions they have to meet before they receive a grant. **Councillor Wilson** - Well what I am thinking is that all of the grants are conditional and one of the conditions being they show an actual use of the facility and the activities on the site and I am wondering if that is a condition of the grant. **Colleen Draper** - I know that is to a point. I am aware of one organization that active that we're working with right now to try and come up with a solution but at this point we just don't want the taxes to go into arrears on this property so we are working with the organization to come up with a solution. **Councillor Williams** - What is the purpose of the Oakbank Community Club and the Cooks Creek Community Club grants for. They already get maintenance grants from our maintenance reserve. **Colleen Draper** - I don't know if I have an answer other than they receive an operational grant and a grant towards taxes as well. So it would be up to Council how you proceed. **Councillor Williams** - So Dugald and Anola haven't requested any tax relief? **Colleen Draper** - They're municipal owned building so they're exempt from taxes. **CARRIED 6-0**

8.5 Emergency Mutual Aid Agreements - Be it resolved that the RM of Springfield be authorized to enter into an Emergency Mutual Aid Memorandum of Understanding with bordering municipalities and be it further resolved that the Mayor and CAO be authorized to sign the agreements on behalf of the Municipality. **Councillor Williams** - Asked what the circumstance of and why this was coming up now. **Colleen Draper** - We currently have agreements with these municipalities but they are, I believe the last time they were reviewed was 2015 so our Emergency Coordinator reached out to all of the municipalities and asked if they would be willing to review their agreements with current Council and Administration and sign new agreements and if there's any changes required. The template attached is one we've been working with Ritchot so it would be quite similar to all the other municipalities that we're entering into but I thought it would be a good reminder for the Councils of the day that these agreements exist. **Councillor Williams** asked if Ritchot is the only one that responded. **Colleen Draper** said no it was the only one she put on the agenda just as an example but she thinks there's 4 that have all responded favourably so far that they've reached out to. **Councillor Williams** - One of the ways of support from our neighbouring municipalities is for our water plant and he doesn't believe they've ever exercised any discussions on that respect. He had a look at the water system emergency response plan and it doesn't talk about any MOUs for that kind of support and he knows that Tache has an MOU with us and we've not been involved with any kind of cross training but they have MOUs with their other neighbouring municipalities and they undertake regular get togethers to talk about improvements in technology in any of the water plants so that they can seamlessly take over the daily testing and any other regular operations that the operators in that municipality couldn't undertake because they all took the same bus or there was a pandemic. He would like to ensure that our Utility Operators or Managers reach out to the other RMs to discuss support during an emergency. **Colleen Draper** - Said there had been internal discussions with the previous Water Manager but didn't go further. Her understanding was that it was part of the Business Continuity Plan. This would be a big part of that as well. **CARRIED 6-0**

8.6 Manitoba Association of Municipal Emergency Coordinators Membership - Annual Fee \$250.

8.7 List of Accounts and 8.8 August Financial Statement (monthly salaries \$253,470.53) - **CARRIED 6-0 WITHOUT DISCUSSION.**

- o **8.9 Investment Earnings Report** - **Jody Thiessen, the Finance Manager, gave a report. THIS HAD BEEN REQUESTED BY A RESIDENT IN A QUESTION PERIOD at a previous meeting.** The report in its entirety can be heard on the audio file of the meeting. Basically what she indicated was that in this time of uncertainty while some profit may be earned by one year or longer investment instruments, it is not a good idea to lock the money in right now and also that Sunova often turns out to be the financial institution that offers the best rate of return and most flexibility when there is room for investment. Due to economic situation, many may choose not to pay their taxes on time.

Debentures not sought until the project is under way and the payment required. At the end of the report, **Councillor Williams** then says to Jody Thiessen: **"I thank you for this report. I hold a lot of confidence in your abilities to deal with financial matters. We have been getting a little bit of pressure from certain members of the public that we are doing things properly and I like this report for dealing with that issue."** Mayor Fell adds: **"Thank you as this addresses any questions that came forward from the public."** **NOTE:** I listened to Jody Thiessen's presentation and my readers can take the time, if they wish, to listen to the audio file to confirm **my opinion**, but to me it was a whole lot of rhetoric (language designed to have a persuasive or impressive effect on its audience, but often regarded as lacking in sincerity or meaningful content). For both Councillor Williams and Mayor Fell to thank and compliment publicly their Finance Manager for her "due diligence" in addressing Ms. Nysten's concerns demonstrates their complete lack of integrity. Ms. Thiessen **is being paid to handle taxpayer dollars and to ensure it is utilized in a way that guarantees the best return on our dollars.** Janet Nysten has many years of valuable experience in the running of municipalities and particularly in the area of finance and has spent hours of her time reviewing the financial reports of this municipality for the benefit of her fellow constituents. Further she also wasted many years of her time collaborating and sharing her vast knowledge with Peter Williams to ensure past Councils of this RM were effectively doing their jobs as elected officials on behalf of taxpayers. I am witness to this as it was their collective known as **SAG, the Springfield Accountability Group**, that **FIRST INTERESTED ME IN MUNICIPAL POLITICS. To publicly diminish her act of civic responsibility in taking an interest in the management of taxpayer dollars is frankly IRRESPONSIBLE AND UNDIGNIFIED. In my opinion, they are not fit to hold public office.** You will note if you take the time to listen to the end of the audio file (because while once you could move the cursor back and forth on the recording, that is no longer possible for some reason), you will note Ms. Thiessen makes no mention of consulting in the matter of investment of taxpayer dollars with the very firm Council voted to advise on financial matters, The Exchange Group, or perhaps the finance officers of other municipalities for advice as to their strategies. Rather, she uses COVID 19 as an excuse for her ineffectiveness in the position as this is not the first time her reports to Council and the public have lacked substance and fact.

COUNCIL THEN WENT IN CAMERA, RETURNED FROM IN CAMERA AND ADJOURNED.