

THE CORPORATION OF THE MUNICIPALITY OF NEEBING

MINUTES OF THE REGULAR MEETING OF COUNCIL

Held at the Municipal Office

On Wednesday, June 7, 2017

PRESENT: Mayor Ziggy Polkowski  
Councillor Mike McCooeye  
Councillor Roger Shott  
Councillor Bill Lankinen  
Councillor Erwin Butikofer  
Councillor Curtis Coulson  
Councillor Brian Wright

Rosalie A. Evans, Solicitor-Clerk

1. PRELIMINARY MATTERS:

- (a) Call to Order: Mayor Polkowski called the meeting to order at 6:30 p.m.
- (b) Attendance: Attendance was recorded.
- (c) Accept/Amend the Agenda:

Res. No. 2017-06-132

Moved by: Councillor McCooeye

Seconded by: Councillor Shott

BE IT RESOLVED THAT the agenda circulated for this regular meeting of Council be amended to:

- a) Add Item 4.8, a report from Chief Ashbee regarding Fire Hall #4; and
- b) Add Item 7.6, a discussion regarding personnel.

CARRIED ✓

(d) Declarations of Interest:

No declarations of interest were brought forward.

2. HEAR DEPUTATIONS FROM AUDIENCE MEMBERS:

2.1 Public Meetings Relating to Applications to Amend the Comprehensive Zoning By-law

Mayor Polkowski summarized the purpose of the public meetings relating to the various applications to amend the Zoning By-law.

(a) Z01-2017 (Neebing: Property on Pit Road)

The Solicitor-Clerk provided an overview of the Report. Mayor Polkowski asked whether any person in the gallery wished to comment. There were no responses. Likewise, members of Council did not have questions for the Solicitor-Clerk.

(b) Z02-2017 (Winslow: 34 Hunter Lane)

The Solicitor-Clerk provided an overview of the Report. Mayor Polkowski asked whether any person in the gallery wished to comment. There were no responses. In response to an invitation to Council members to ask questions, Councillor Shott asked whether, once the Official Plan is updated to include the policy to allow 2 units on one lot, people would need to bring similar applications. The Solicitor-Clerk responded that they would. The Municipality would need to satisfy itself that the site in question would be able to support both units.

(c) Z03-2017 (Sek/Joyce: 269 Cloud Lake Road)

The Solicitor-Clerk provided an overview of the Report. Mayor Polkowski asked whether any person in the gallery wished to comment. There were no responses. Likewise, members of Council did not have questions for the Solicitor-Clerk.

(d) Z04-2017 (Hacquoil Construction Limited: Property on Pit Road)

The Solicitor-Clerk provided an overview of the Report. Mayor Polkowski asked whether any person in the gallery wished to comment. Ms. Delma Stajkowski, neighbouring property owner, asked that the lot lines of the property be clearly marked. As she had commented on May 10<sup>th</sup> with respect to Application Z01-2017, she asked to be notified when surveyors would be undertaking work at the site. No members of Council had questions for the Solicitor-Clerk.

(e) Z05-2017 (Veruink: Property on Boy Scout/Farm Roads)

The Solicitor-Clerk provided an overview of the Report. Mayor Polkowski asked whether any person in the gallery wished to comment. There were no responses. Likewise, members of Council did not have questions for the Solicitor-Clerk.

## 2.2 Public Meeting for the Purpose of Closing Shoreline Road Allowance

Mayor Polkowski summarized the purpose of the public meeting. It relates to a request to purchase the Lake Superior shoreline road allowance in front of Lot 16, Plan M360 (the second-to-last waterfront lot in Plan M-360, Margaret Street North). The Solicitor-Clerk provided an overview of the Report. Mayor Polkowski asked whether any person in the gallery wished to comment. There were no responses.

2.3 Mr. Jim Nevrlly Addressing Council Regarding Work at West Oliver Lake

Mr. Nevrlly read the letter produced in the agenda. He added further that he has observed problems on the private portion of Podres Road in the past, including people sitting on the road allowance in lawn chairs (and needing to wait for them to move in order to pass by in a vehicle). He also noted that space is required on the sides of the road, as it is a single lane, and vehicles meeting require room for one to pull over to allow the other to pass. The alternative would be backing up along the single lane road. He stressed that parking should therefore not be permitted unless the road can be improved to a 2-lane road. Mr. Nevrlly also remarked that past problems in the area, such as fires, partying and drinking would be exacerbated with further development and/or park use.

Mayor Polkowski responded that Council would not demand anything of its volunteer committees. He stated that what the Council is looking at doing is improving the road that is there, precisely to try to solve some of the problems that Mr. Nevrlly addressed. Policing and Municipal Law Enforcement would be utilized if required. Mayor Polkowski said that the topography in the area (including a steep rise in the shoreline) meant that the entire length of the road could not be made to be 2 lanes, however, improvements will be done wherever possible.

3. CONSENT AGENDA: MINUTES, REPORTS AND CORRESPONDENCE

3.1 Minutes of the Open Session portion of the Regular Meeting of Council held on May 17, 2017

Administration had recommended approval of these minutes, together with those presented at Item 7.1 of the Closed Session portion of the agenda, with any error corrections, as required. No errors were noted.

3.2 Minutes of the meeting of the Neebing Economic Development Advisory Committee held on May 8, 2017

Administration had recommended that the minutes be received.

3.3 Minutes of the Meeting of the Neebing Recreation Committee held on May 15, 2017

Administration had recommended that the minutes be received.

3.4 Minutes of the meeting of the Cemetery Board held on May 15, 2017

Administration had recommended that the minutes be received.

3.5 Report from Solicitor-Clerk Regarding need to Defer Official Plan and Zoning By-law Approvals

This report was prepared for Council's information.

3.6 Report from Solicitor-Clerk Regarding Building Permit fee for "Change of Use" Permit

Administration had recommended harmonizing the fee at \$75.00 regardless of the "use" being altered.

3.7 Report from Solicitor-Clerk Regarding Administrative Activity

This report was prepared for Council's information.

**3.8 Information Correspondence List (Distributed at the Meeting)**

Administration had recommended that the correspondence be received.

Res. No. 2017-06-133

Moved by: Councillor Coulson  
Seconded by: Councillor McCooeye

BE IT RESOLVED THAT Council approve the recommendations from Administration with respect to all of the items on the consent agenda portion of this evening's meeting, being Items 3.1 through 3.8 as well as Item 7.1 in the Closed Session portion of the agenda.

**CARRIED ✓**

The Solicitor-Clerk advised Council that the hold up with the approvals of the Zoning By-law and Official Plan relate to the Official Plan maps. She had been informed in a teleconference call that the maps would need additional work, and that putting approvals off until the August 9<sup>th</sup> meeting of Council would allow sufficient time to address this.

**4. REPORTS AND CORRESPONDENCE RECEIVED REQUIRING DIRECTION:**

**4.1 Report from Solicitor-Clerk Regarding Yard Debris Clearing By-law**

Councillors expressed concern that the by-law presented was too sweeping and would cause significant enforcement work. It was noted that, during the roads tour, many properties were observed that would be out of compliance with this type of by-law. The diversity of property uses across the Municipality was referenced.

On consensus, it was agreed that no by-law would be passed at this time. In the event problems continue, a by-law may be requested which would apply only to residential subdivision areas.

A newsletter article encouraging yard clean-up and recommending donations of vehicles under the NFRA program was directed.

**4.2 Report from Treasurer/Deputy Clerk Regarding Grader Repairs (Tabled at the Meeting of May 17<sup>th</sup>)**

The Solicitor-Clerk directed members' attention to the memorandum on this matter circulated today by the Treasurer/Deputy Clerk. The repairs have been completed, and what needs to be addressed is Council's preference for funding the equipment maintenance line in the 2017 budget.

Res. No. 2017-06-134

Moved by: Councillor Butikofer  
Seconded by: Councillor Wright

BE IT RESOLVED THAT any shortfall in the 2017 equipment maintenance budget be funded first from the 2016 surplus, and, if necessary, by transfers from the Public Works reserve fund.

**CARRIED ✓**

**4.3 Report from Treasurer/Deputy Clerk regarding the Conservation Land Tax Incentive Program**

Members present reviewed and discussed the report.

Res. No. 2017-06-135

Moved by: Councillor Butikofer

Seconded by: Councillor McCooeye

WHEREAS THE Conservation Land Tax Incentive Program, administered by the Ministries of Natural Resources and Forestry and Finance, removes taxable assessment from the municipal tax roll;

AND WHEREAS almost half of the geographic area that comprises the Municipality of Neebing is either formally or informally protected from development, resulting in significant limitations for development to increase taxable assessment;

AND WHEREAS the Province continues to actively reach out to property owners to expand the land protected under the Conservation Land Tax Incentive Program, despite the Municipality's expressed concerns;

AND WHEREAS municipalities are compensated by the Province, through a special levy, for acreage occupied by railway rights of way on a flat rate "per acre" of right of way;

AND WHEREAS this payment compensates municipalities for the loss of available developable land due to the presence of railway rights of way and the development buffer zone imposed by them;

NOW THEREFORE BE IT RESOLVED THAT the Council of The Corporation of the Municipality of Neebing requests that the Province consider a flat rate per acre to compensate municipalities for the loss of developable land through the Conservation Land Tax Incentive Program;

AND THAT this resolution be forwarded to the Minister of Municipal Affairs, the Minister of Finance, the Minister of Natural Resources and Forestry, neighbouring municipalities in the Lakehead Rural Municipal Coalition, and the Northwestern Ontario Municipal Association for support.

**CARRIED ✓**

**4.4 Report from Treasurer/Deputy Clerk on the Asset Management Regulations**

Members present reviewed and discussed the report. The Solicitor-Clerk responded to questions. It was noted that what started as a useful tool for financial responsibility has morphed into onerous and exacting rules and regulations which will be extremely expensive to comply with. On consensus, Administration was directed to draft a resolution with respect to this matter for Council to consider on June 21<sup>st</sup> as its comments to the Province on these regulations.

**4.5 Report from Solicitor-Clerk Regarding Sale of Municipal Assets**

Members present reviewed the report. The need to retain the grader as a "back up" to the one recently repaired was discussed.

Res. No. 2017-06-136

Moved by: Councillor Lankinen

Seconded by: Councillor McCooeye

BE IT RESOLVED THAT Council's previous resolution number 2017-02-030, declaring certain items as surplus to municipal needs, be amended to remove the 1988 John Deere Grader;  
AND THAT the balance of the surplus items be sold by closed bid – with no reserve bids required;  
AND THAT items be sold "as is; where is";  
AND THAT a date be arranged with the Working Roads Foreman for interested parties to come and view the equipment at the Public Works yard;  
AND THAT the viewing date be in early July, with bids closing in July.

CARRIED ✓

At this point in the meeting, Mayor Polkowski addressed the gallery, as several persons interested in the Zoning Amendment requests were still present. On consensus, Item 5.2 of the agenda was moved forward to be dealt with at this point in the meeting.

5.2 By-law 2017-021 to Amend By-law 860-2010 to Re-Zone Two properties from "Extractive Industrial" to "Rural" and to Pass Site-specific Amendments to Allow Two Dwellings on One lot in the Rural Zone for Three other Properties.

Members present concurred that, based on information reviewed at the Public Meeting held earlier in the evening, the re-zoning requests submitted all represented "good planning" and should be approved.

Res. No. 2017-06-137

Moved by: Councillor Coulson  
Seconded by: Councillor McCooeye

BE IT RESOLVED THAT By-law 2017-021, to implement the re-zoning applications Z01-2017 through Z05-2017, inclusive, be passed as presented.

CARRIED ✓

Interested persons in the gallery departed at 7:30 p.m. Council resumed the order of business in the agenda as originally approved.

4.6 Report from Treasurer Regarding Municipal Office Septic System

Members present reviewed the report and discussed the options presented in it.

Res. No. 2017-06-138

Moved by: Councillor Lankinen  
Seconded by: Councillor Wright

BE IT RESOLVED THAT the preferred solution for the replacement of the septic system at the Municipal office is to install a conventional septic system;  
AND FURTHER THAT Administration is directed to proceed with the purchasing process for same.

CARRIED ✓

4.7 Report from Solicitor-Clerk Regarding Free Waste Disposal Vouchers (at the Request of Mayor Polkowski)

Mayor Polkowski overviewed his concern about the volume of debris being brought to the Sandhill landfill site using these free vouchers. The increase over prior years is alarming. The life expectancy of the Sandhill site is being seriously eroded. This will only become worse if the Municipality is forced to close the Scoble site. There is concern that some of the debris is originating in Thunder Bay rather than in Neebing. Thunder Bay has eliminated its "free" disposal week, which is believed to have caused this issue.

By consensus, Administration was directed to place articles in newsletters regarding this issue, including the importance of the gasifier to solving the ever-increasing problem. Residents should be told that this fall's free load vouchers will probably be the last ones issued, and the Municipality will likely need to charge for bag tags in future.

4.8 Report from Chief Ashbee Regarding Fire Hall #4 – Animal Burrowing

Members present reviewed the report. From the photographs, it appears that the damage is being caused by groundhogs.

Councillor Lankinen will speak with the Working Roads Foreman to see whether the crew has the time to address this issue promptly. If it does not, Administration is directed (by consensus) to retain an appropriate contractor.

5. TABLE BY-LAWS

5.1 By-law 2017-020 to Appoint Temporary Staff for the Roads Crew

Res. No. 2017-06-139

Moved by: Councillor Butikofer

Seconded by: Councillor Coulson

BE IT RESOLVED THAT By-law 2017-020, to appoint temporary staff, be passed as presented.

**CARRIED ✓**

5.2 By-law 2017-021 to Amend By-law 860-2010 to Re-Zone Two properties from "Extractive Industrial" to "Rural" and to Pass Site-specific Amendments to Allow Two Dwellings on One lot in the Rural Zone for Three other Properties

This By-law had been passed earlier in the evening.

5.3 By-law 2017-022 to Stop Up and Close the Shoreline Road Allowance in front of Lot 16, Plan M360 (68 Margaret Street North)

Res. No. 2017-06-140

Moved by: Councillor Lankinen

Seconded by: Councillor McCooeye

BE IT RESOLVED THAT By-law 2017-022, to stop up and close the shoreline road allowance in front of Lot 16, Plan M360, be passed as presented.

CARRIED ✓

## 6. NEW BUSINESS - ANNOUNCEMENTS

Members present had the opportunity to raise other items of new business at this point in the meeting.

Mayor Polkowski discussed Council's plan to make Scoble Townline road more level where it meets Boundary Drive. Mr. Schep has expressed concern that this will cause flooding at his property – including manure storage areas. He described two times in the past 10 years where water went over the road. If the road is built higher, the water will have nowhere to go, and will back up onto his property. Councillor Lankinen feels that increasing the size of one of the two culverts at that location will alleviate the concern and solve the problem. At present, there are two 4 foot culverts. If there were one 6 foot and one 4 foot culvert, the water would be removed properly.

Councillors Shott and Butikofer both expressed concern at the condition of Sturgeon Bay Road. It was noted that material had recently been delivered that will enable better repairs. Repair work will be starting tomorrow – weather permitting. Councillor Shott expressed his opinion that the half load restrictions should not be removed until the repairs have been completed.

Councillor Shott advised all that Saturday, June 10<sup>th</sup> is the cemetery clean-up day (with Sunday the 11<sup>th</sup> being the rain-day "back up" if required). Everyone is encouraged to come out and assist. Councillor Shott passed on the thanks he had received from a constituent relating to repairs to a damaged headstone at the cemetery.

Councillor Butikofer advised that he will be attending the Nature Conservancy of Canada event on June 17<sup>th</sup>.

Councillor Butikofer indicated that he had heard expressed at a prior AMO meeting that the way Federal Gas Tax is distributed (i.e. by population count) is not fair, and that AMO was continuing to work on that issue. He has heard nothing since. He suggests this be brought up again at the AMO conference in August. The Solicitor-Clerk advised that delegation requests are due by the end of the month, and that a report would be presented on June 21<sup>st</sup> in that regard. The Lakehead Rural Municipal Coalition would also be looking at delegation requests, and is updating its "compendium" of issues for that purpose.

Councillor McCooye reported on the activity of late at the Lakehead Rural Planning Board.

Councillor Coulson reported that the Co-op does not carry the cap required for the well at Blake Hall. He has found a solution through Miller Pre-cast. The result will not be lock-able, but the lid will be screwed down tightly. The cost is approximately \$100.00. On consensus, Councillor Coulson was advised to proceed.



Councillor McCooeye indicated a constituent at West Oliver Lake had asked about progress on the signs. Councillor Lankinen will follow up with the Working Roads Foreman on progress. It was noted that the grass needs to be cut as well. Councillor Lankinen stated that a "locate" would be required to confirm the site for the new porta pottie.

Councillor Shott raised concerns about the manner in which the site at the Margaret Street Boat Launch had been "prepared" for the gazebo installation. He was advised that the crew was unable to finish because the ground was too wet.

Councillor Wright advised that Hydro One had started brushing for the re-location project in his area. He thanked Council for its past support for his request in this regard. He has been advised that work will commence on June 19<sup>th</sup> and continue for one month.

The Solicitor-Clerk provided information to Council about two consultation matters the Province has on the Environmental Bill of Rights website with comments closing soon. One is on "excess soil" and the other on methane gas monitoring for landfill sites. Reports will be placed on the next agenda.

She further advised that the Ontario Provincial Police were looking for survey responses from councils regarding removing certain property types (such as wind turbines and communication towers) from the funding calculation formula. A report will be on the agenda for the next meeting.

A brief recess was called at 8:17 p.m. Session resumed at 8:20 p.m.

## **7. CLOSED SESSION:**

### **Res. No. 2017-06-141**

Moved by: Councillor McCooeye

Seconded by: Councillor Coulson

BE IT RESOLVED THAT, the time being 8:20 p.m., Council close the next portion of the meeting to the public, under the authority of those paragraphs of Subsection 239(2) of the Municipal Act, 2001 for which the meeting was closed, to consider item 7.1 (minutes of the Closed session of the prior Council meeting); under paragraph 239(2)(b) to consider items 7.2 and 7.6, involving personal matters about identifiable individuals; under paragraph 239(2)(c) to consider items 7.3 and 7.4, involving proposed or pending acquisitions or dispositions of land by the municipality; under paragraph 239(2)(e) to consider item 7.5, involving litigation or potential litigation affecting the municipality; under paragraph 239(2)(f) to consider items 7.2 and 7.5, involving advice that is subject to solicitor-client privilege; and under paragraph 239(2)(d) to consider Item 7.6, involving employee negotiations.

**CARRIED ✓**

Members reviewed the item scheduled for closed session. During closed session, the following procedural resolution was passed:

Res. No. 2017-06-142

Moved by: Councillor Coulson  
Seconded by: Councillor McCooney

BE IT RESOLVED THAT, the time being 9:05 p.m., Council rise from closed session and report in open session.

CARRIED ✓

7.1 Minutes of the Closed Session portion of the Regular Meeting of Council held on May 17, 2017

The approval of the minutes was included in the consent agenda resolution.

7.2 Memorandum from Solicitor-Clerk Relating to a Legal Matter

This memorandum had been prepared for Council's information.

7.3 Correspondence from Constituent Requesting to purchase Shoreline Road Allowance

Res. No. 2017-06-143

Moved by: Councillor Butikofer  
Seconded by: Councillor McCooney

BE IT RESOLVED THAT, the shoreline road allowance in front of Lot 16, Plan M360, Geographic Blake Township, be declared surplus to municipal needs for purposes of sale to the owners of Lot 16;

AND THAT the sale price is \$2.27 per linear foot, with the purchasers paying any and all costs associated with the transaction, including legal fees;

AND THAT the Mayor and Solicitor-Clerk are authorized to execute any documents required to facilitate the real estate transaction to transfer title to the property.

CARRIED ✓

Items 7.4 through 7.6 were dealt with in a single resolution.

7.4 Report from Solicitor-Clerk Relating to Potential Property Purchases and Sales

7.5 Report from Solicitor-Clerk Relating to a Law Enforcement Matter

7.6 Personnel Matter – Added at Mayor Polkowski's Request

Res. No. 2017-06-144

Moved by: Councillor Coulson  
Seconded by: Councillor Wright


BE IT RESOLVED THAT, with respect to Items 7.4 through 7.6 on this evening's Closed Session agenda, Administration is authorized to proceed as directed in Closed Session.

CARRIED ✓

**7. ADJOURN THE MEETING:**

There being no further business to attend to, Mayor Polkowski adjourned the meeting at 9:07 p.m.

**REGULAR MEETING OF COUNCIL**

  
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Ziggy Polkowski  
MAYOR

  
\_\_\_\_\_  
Rosalie A. Evans  
SOLICITOR-CLERK

