CITY OF MORDEN Regular Meeting November 29, 2021

Minutes of the Regular Meeting of the Council of the City of Morden held in Council Chambers at Morden, Manitoba this 29th day of November, A.D. 2021 at 7:00 P.M.

1.0 Present

Present: Mayor Brandon Burley (chair), Councillors Hank Hildebrand, Doug Frost, Nancy Penner, Jim Hunt, Garry Hiebert, City Manager Nicole Reidle, Director of Finance & Administration Ed Barnuevo, Executive Assistant Michelle Braun. Deputy City Manager-Operations Santokh Randhawa, Director of Community Services Clare Agnew and Facilities Manager Tim Harsant were present for the presentations from the delegations.

Absent with Regrets: Deputy Mayor Gord Maddock

2.0 Agenda

ADDITIONS TO/APPROVAL OF AGENDA MOVED BY Councillor Garry Hiebert SECONDED BY Councillor Doug Frost

BE IT RESOLVED that the agenda for the meeting of November 29, 2021 is hereby adopted as distributed.

(Carried)

3.0 PUBLIC HEARING

None

4.0 DELEGATIONS/PRESENTATIONS

The following residents of 4th Street were present at the meeting to voice their concerns regarding the excessive noise generated by the new ice plant at the Access Event Centre, listed as Item 8.1 on the agenda:

- Lvle Halstead
- Glenda Wall
- Faylin Fehr
- Chrissy Hildebrand

Council heard each of the above-mentioned residents speak and administration received copies of their letters of concern for reference, which are attached as Appendices A, B, C and D respectively. Council stated that the affected residents will be updated once a solution is reached, as options are still being explored.

5.0 CONFIRMATION OF MINUTES

MOVED BY Councillor Jim Hunt

5.1 Oct 25/2021 Regular Meeting

SECONDED BY Councillor Hank Hildebrand

BE IT RESOLVED that the minutes of the Regular Meeting of Council held on the 25th day of October 2021 be adopted as presented.

(Carried)

5.2 MOVED BY Councillor Doug Frost

Cow SECONDED BY Councillor Garry Hiebert

BE IT RESOLVED that the minutes of Committee of the Whole meeting held on the 9th day of November 2021 be adopted as presented.

(Carried)

5.3 Nov 25/2021 Special Meeting

meeting

MOVED BY Councillor Nancy Penner SECONDED BY Councillor Hank Hildebrand

BE IT RESOLVED that the minutes of the Special meeting of Council held on the 25th day of November 2021 be adopted as amended.

(Carried)

6.0 Recognition of Individuals and/or Organizations Accomplishments in the Community

 Council thanks the Morden Fire Department for their hard work at the difficult calls they have had in the past month, as well as a special thanks to the Winkler Fire Department for their assistance.

7.0 Youth Member Report

 Welcome to Bijan Salimi, who will be joining the City of Morden as the Youth Council Member until August 2022.

8.0 General Business

8.1 AEC Ice Plant-Noise Complaints

- Report received as information at this time. Solutions to the matter are still being investigated.

Oct 31/2021 Financial Statement

8.2 MOVED BY Councillor Garry Hiebert 021 SECONDED BY Councillor Doug Frost

Statement **BE IT RESOLVED** that Council of the City of Morden approve the October 31st, 2021 Financial Statements as presented.

(Carried)

8.3 MOVED BY Councillor Garry Hiebert SECONDED BY Councillor Doug Frost

BE IT RESOLVED that the accounts payable to October 31, 2021 be confirmed.

(Carried)

8.4 2021 Christmas Bonus

8.4 MOVED BY Councillor Hank Hildebrand SECONDED BY Councillor Jim Hunt

Bonus BE IT RESOLVED that Council of the City of Morden approve a 2021 Christmas Bonus of \$250.00 for all eligible employees, according to policy G/A – 016.

(Carried)

8.5 Cell Phone Policy

MOVED BY Councillor Nancy Penner SECONDED BY Councillor Hank Hildebrand

WHEREAS Notice of Motion was given to amend the Cell Phone Policy GA-027 at the November 9th, 2021 Committee of the Whole meeting;

THEREFORE BE IT RESOLVED that Council of the City of Morden adopt Cell Phone Policy GA-027 as presented.

(Carried)

9.0 NEW BUSINESS

None

10.0 <u>OTHER BUSINESS</u>

10.1 INFO ONLY – South Central Natural Gas Project

10.2 INFO ONLY – 1 Burntwood Bay inquiry

10.3 INFO ONLY – Morden Activity Centre re: mural

Councillor Nancy Penner left the meeting at this time due to a conflict of interest with the in-camera item.

11.0 IN-CAMERA

MOVED BY Councillor Hank Hildebrand SECONDED BY Councillor Jim Hunt

BE IT RESOLVED that Council moves from the Regular Meeting to In-Camera to discuss personnel matters, as per *The Municipal Act*, Section 152(3).

(Carried)

MOVED BY Councillor Jim Hunt SECONDED BY Councillor Hank Hildebrand

BE IT RESOLVED that Council move out of camera and resume the Regular Meeting of Council.

(Carried)

11.1 BTHC Foundation Board reps

MOVED BY Councillor Hank Hildebrand SECONDED BY Councillor Doug Frost

BE IT RESOLVED that Council appoint Art Petkau and Henry Penner as the citizen representatives for the City of Morden on the Board of the Boundary Trails Health Centre Foundation, effective immediately.

(Carried)

12.0 <u>ADJOURN</u>

Adjourn at 9:05PM SECONDED BY Councillor Doug Frost BE IT RESOLVED that we do now adjourn.

(Carried)

Next regular meeting of Council scheduled for December 20, 2021 at 7:00pm.

or

Morden City Council meeting (November 29, 2021)

Presentation by Lyle Halstead re: objectionable sound levels from Access Event Centre ice plant

(page and appendix numbers reference the noise report for the City of Morden dated November 17, 2021)

- 1. (pdf page 1) The report Background states that "It was not brought to our attention that there would be a concern of the noise level [...]". Were noise levels discussed at all during the design phase, and if so, whose opinion was it that the sound levels would not be a concern?
- (pdf page 3) Is the low-rpm motor being considered as one of the options? It appears to have a significant reduction in sound level but is not included in the list of options on page 3.
- (Appendix E) The assertion that 68 dB is safe or acceptable is <u>not</u> part of the City of Morden Noise Bylaw. It is also not an appropriate level of noise exposure at a residence.
 - It appears to be taken from a website [1] devoted to workplace safety noise limits, which are designed to prevent hearing loss. A sound level that would not "disturb the health, peace, or safety of any person" (per the City of Morden noise bylaw) will be much lower than a sound level that will cause hearing loss.
 - In other jurisdictions, sound level limits for outdoor noise exposure at a residence typically range from 45-50 decibels for similar environments.

The Ministry of the Environment in Ontario has a nighttime limit of **45 decibels**.

Health Canada's Noise Guidelines suggest around 49 decibels.

The US EPA suggests that sound levels above 55 decibels would make it hard to have a conversation without raising your voice.

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- 5. (pdf page 12) The barrier layout drawn by VRA in figure AE-201 from the report appears to have a significant gap at the bottom. This would be expected to reduce the performance of the noise barrier. Has this been considered?
- 6. (Appendix G) is the barrier described here long enough to block the sound to all the residents on 4th street? Has a barrier that "wraps around" the other two sides been considered?

Recommendation: purchase and install the low-rpm motors plus a sound barrier that wraps around north and south end to protect yard north and south of the fans.

[1] https://www.commodious.co.uk/knowledge-bank/noise/measuring-levels

For technical questions, feel free to contact Duncan Halstead (dhalste@gmail.com). Duncan is a noise engineer working out of Toronto, Ontario.

Good Evening

My name is Glenda Wall and I live at 431 4th St, right behind the new Ice Plant. On Dec 1st it will be 23 years since I moved to this location in Morden.

On October 8th 53 long days ago, when the Ice Plant was started up for the first time; my neighbors and I realized that the quality of our lives and property values had just greatly decreased.

The excessive noise produced by the Ice Plant not only affects the homes directly behind it. Also affected are homes to the south on 4th St, homes around the bay on 5th St and the tenants in the 2 apartment buildings across the street from my home.

We hear this noise 24 hours a day 7 days a week with no definite end in the future. The fans do randomly turn off for very short periods of time.

It is stressful to live with this noise we hear inside and outside our homes.

Some of us are retired so we don't get to escape from the noise for 8 hours a day by going to work.

I obtained emails from Wade Sambrook, my former neighbor, who lived at 435'4th St. This is now the home of Riley and Fay Fehr and their 2 young Children.

The emails indicate that Wade first expressed concern about the new plant to be placed on the west side of the Huron Arena on January 20th 2021.

When Wade questioned the noise rating of the fan that would be placed on top of the new ice plant building. On Feb 1st a Councilor replied "If the Condenser (fan) becomes loud, which I don't think it will, we can always put up sound protection."

The City hired SMS Engineering to perform sound analysis to determine the affect of moving the old condenser fan to the present location of the new lee Plant.

On Feb 10th the Deputy City Manager-Operations Shared that information with Wade.

At that point in time the City was actively pursuing information about the affects of the noise on properties directly behind the new location of the Ice Plant. Also that sound' protection might need to be considered.

Fast forward to the report written by Clare Agnew on November 17th I am referring to Steps taken.

D) Request Cimco to provide the information on what the specs are on the general operation of the equipment 3) Request Cimco to complete readings of the noise levels and submit a grid of the information gathered. This will include from various locations and levels from the roof top, the street and in the backyard. This information was obtained when all 4 fans were running.

The City actively pursued sound analysis in February 2021.

My question is:

Did the City not request information from Cimco about general operational

specs and sound analysis in the planning and design stages prior to construction and start up of the Ice Plant?

Cimco is a large company with 20 locations in Canada and 28 locations in the United States. It is a market leader in the design, engineering, fabrication, installation and servicing of inclustrial and recreational refrigeration systems.

I'm sure Cimco has the Knowledge and expertise to provide guidance in designing an Ice Plant with noise reduction included.

Referring to Stepstaken

Dobtain information from Cimco on Low Decibel Motor equipment that was declined at time of purchase. The cost savings was \$24,105.00 plus tax and Would have improved the levels by an average of 13 decibels. 13 decibels might not seem like a big derease but for every 10 decibel decrease the Sound we hear is dereased by half. That would have made a big difference.

Now we anticipating the Noise Mitigation being proposed will be done effetively and with the consideration that we just want to live in a quiet neighborhood like the majority of the citizens of Morden.

The City obtained noise jevel readings from various locations in the neighborhood. Appendix D in the Report.

The sound level obtained from by my hot tub was 59.1 decibels with 2 fans running.

I had sound testing done by a Mechanical Engineer.

With the hot tub not running and 2 fans running the reading was 59 decibels.

with the hot tub not running and no fans running the reading was 42 decibels.

The readings were done between 9:00-10:00 PM. I think that would represent the sound level experienced in most morden back yards.

The difference between the readings is 17 decibels. An increase of 20 decibels means the sound we hear is 4 times louder.

my house.

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Good Evening My name is Faylin Fehr, I am the home owner of 435 4th street.

I wanted to mention a few concerns about the ice plant and about the report on the ice plant that was provided by Clare Agnew.

When the ice plant was first turned on it was an unusually warm day outside and all 4 fans were running. On thanksgiving weekend, with beautiful weather my family would have loved to spend time outside on our deck, but my kids lasted 5 minutes outside and went inside saying their ears hurt and its too loud outside. If this is any indication as to what summers will be like, my family will be very unhappy. In the report it is noted that with 2 fans operating the decibel level is 68. I can safely assume that with 4 fans the decibel level is much higher.

- in the report it is only recorded the decibel level of 1 and 2 fans running, there is no data on when 3 or 4 fans are running. So for comparison sake I have a couple videos with sound that I am going to play for you. The first video was taken on October 9, the day after the fans were initially started and from the report we know that at this time all 4 fans were running. This video was taken right outside by back door on my deck. (play video) now i also took a video this morning in the same place with 1 or 2 fans operating.
- first any noise that is created while the fans are operating adds to the decibel level, example a lawn mower running next door, or a conversation between people. with pro longed exposure to this level of noise i am concerned about permanent hearing damage not just to me but my kids who are 9 and 6. The acceptable noise level is 68 decibels as noted in the report and with 2 fans running its reading at 68 decibels!

- secondly with just 1 or 2 fans running right now in winter, the ice plant rarely turns off, if it does its a short 2 minutes here and there, not 10 or 20 minutes. 20 minutes with no ice plant running would be a huge treat and is very rare. so i can only assume that in summer when the ice plant has to combat the heat to maintain a specific temperature in the arenas the fans may not turn off at all. and most likely all 4 fans will be running. They run all day and all

night.

- this has effected my health, causing me headaches & sleepless nights fine fairs in I know for a fact that there was a complaint about the old ice plant being too loud and causing my house disturbances on the baseball field while teams were playing. this complaint was addressed by saying the city of morden is looking into purchasing a new ice plant that will be relocated to the other side of the arena, where it is right now. With knowing this I feel like the city has put sports above us. I know i have been told by city council members and Clare Agnew that "we were told the new ice plant would not be that loud". great you trusted someones word, now did anyone take the time to go and actually see one of these new ice plants in operation and see what the term "not too loud" actually means? And before any construction had begun on the new ice plant there were concerns voiced through email about how loud this new ice plant would be for the residents on 4th and 5th street and the answer given was "it would be less noisy than the current ice plant" and "not that loud". You have to have had some sort of logic and understanding that these are 4 huge fans, they are going to create some sort of noise! I feel that this simple concept was very overlooked in all this.

From talking with council members and reading information in this report, it has become clear that the reason for building the ice plant where it is now, was mainly for convenience for staff, and that it cost less. To put it on the other side of the access event centre would have cost more for the pipes to put it in at that distance and it would have taken up 3 parking spaces. So out of convenience for the staff and not to take parking spaces away, the ice plant was put right behind houses!!!! This is not very considerate at all.

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Also in the report it states that there was an option to pay just over 24 thousand dollars to lower the decibel level by 13 decibels with a different motor, and this option was declined at the time of purchase. So once again the cheaper option was chosen. Now that there is an issue with the noise of the ice plant the proposed solution is a sound barrier wall. This wall poses concerns.

- a straight wall will only send the noise out the top and sides which is no solution to people who live down the street. I believe side walls on the north and south as well as a wall on the wast would serve as a much greater sound barrier.
- the wall may not work because of snow and ice build up problems and may costs more time and labour fixing these problems down the road
- the sound barrier wall will also not eliminate the noise completely!!!!! it will just reduce the noise. How much will it reduce the noise? Are we supposed to trust someones word that it "won't be that loud" again? there will still be noise though and i am not ok with that.
- i think this wall is just a band-aid fix to a problem.

I suggest that the option to move the ice plant to the other side of the access event centre be explored and taken seriously.

- so far the cheaper option for the ice plant has always been chosen, and now there are problems because of the cheaper options were chosen.
- this sound barrier wall may not work and produce more problems down the road, so will we be here again in 6 months to a years time dealing with the same issue?
- in my opinion spending around 40 thousand dollars to try and fix the noise problem is once again the cheaper option.
- although Im sure it would be very expensive, I believe moving the ice plant would solve the noise issue and there would be no potential problem of snow and ice build up.

I don't want a band-aid fix. I want to sit on my deck and watch my kids play in my backyard and not hear the constant sound of fans running, however loud they are. even with a sound barrier wall in place there will still be noise.

Along with the noise, there is the issue and concern at what this does for the property values of our homes. What was once a quiet street to live on is no longer quiet. Even with a sound barrier wall there will still be noise, and noise does not sell!

Our property value has decreased exponentially. Im sure any of you sitting here today would

not be ok with the property value of your homes decreasing either.

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I would firstly like to thank the mayor and councillors for giving me the opportunity to speak this evening regarding my concerns and ask questions about the noise levels generated by the new ice plant fans located on the west side of the Access Event Centre as well as share the impact it has had on myself, my family and neighbours. I would also like to express my sincere appreciation for the time some councillors took this past Saturday to meet with residents on their properties to hear the sound first hand to better understand our concerns.

I have lived at 421 4th street for the past 11 years. I have enjoyed my caring community of neighbours, the great location it provides being near the High school, Rec Center and close proximity to downtown. I enjoy an affordable tax rate as well as the peaceful atmosphere it provides for my family to enjoy. In the warmer months, I enjoy starting my day with a cup of coffee on my deck, enjoying the stillness of the morning and peace before a busy day begins. This quite space allows for rejuvenating of my soul and is a great contributor to maintaining a balanced mental health. In the warmer months, our family enjoys spending hours swimming in our pool, visiting with family and friends on our deck and enjoying an evening campfire. I have often said to friends, I would never want to move anywhere else in Morden, it is the perfect location.

With some of those factors remaining true today, several have drastically changed or been taken away entirely since the start-up of the fans on October 8, 2021. From once living in a desirable location and owning a very saleable property, I find ourselves living in a location that no longer provides a peaceful atmosphere for our family to enjoy in a healthy way. With the fans running almost constantly, 24 hours a day, 7 days a week, I hear them while I go to sleep at night, I am woken up in the middle of the night by the fans turning on, and it's the first sound I hear in the morning when I wake up. I can also hear them every waking hour in my home. I hear them in my Livingroom, dining room, bedroom as well as my children's bedrooms. When I open my patio door to let my dog in or out, the sound instantly increases. This is the immediate impact it is having. Going forward, I have great concern for when the weather turns warmer. When we would like to open our windows and spend time outside once again. The sound of the fans will have a tremendous negative impact of the enjoy ability of our outside space.

An inherent part of living beside the Access Event Centre is increased traffic volume on the backlane which provides access to workers or companies performing deliveries or maintenance. At times, there is increased sound due to grad ceremonies, hockey games, socials or special events. Often, a letter or notification is given to residents to inform them of the increased sound levels. Workers are generally limited to operations during daytime working hours Monday to Friday. Deliveries and garbage pickups are also performed during the day. All of which are understandable tasks to keep the centre running successfully. Living on 4th street comes with this acceptance and part of what we knew when we purchased our homes.



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The reality we now find ourselves in is almost constant excessive noise, 24 hours a day, 7 days a week. We did not choose to live in this environment with the now associated health risks from environmental noise.

Stated in the By-Law of the City of Morden is this:

- 2. Noise Nuisance means any unreasonably loud or unusual sound or any sounds which are likely to, or annoy, injure or disturb the health, peace or safety of any person.
- 3. THAT except to the extent permitted by this bylaw, no person shall make, continue, or cause to be made or continued, any noise nuisance, and specifically the following acts, among others and the causing thereof, are declared to be in violation of this By-law, namely:
- (b) Except to the extent, as may hereinafter be permitted by this By-law, no person shall operate or permit the operation of any power or manual equipment, machinery, device or motor vehicle in such a manner as to create a noise nuisance.

I believe the current operation of these fans is in direct violation of the City By-law as it is stated.

The adverse health effects of noise need to be taken seriously that the By-law is designed to protect residents from. As published in the Guidelines for Community Noise produced by the World Health Organization in 1999, some of the adverse health effects community noise has on residents are: noise induced hearing impairment; interference with speech communication; disturbance of rest and sleep; psychophysiological, mental health and performance effects; effects on residential behavior and annoyance; and interference with intended activities.

The document produced by the World Health Organization goes into great detail which describes the potential adverse effects of each of these items. I encourage you all to read this document and familiarize yourself with the potential adverse effects of noise in a community.

In this document is a table for Guideline values for community noise in specific environments. In the category of Specific environment, outdoor living area states Critical health effects at 55 dbs for a period of 16 hours being a serious annoyance, daytime and evening. At 50 dbs for a period of 16 hours the critical health effect is moderate annoyance, daytime and evening. Inside bedrooms at 30 dbs for a duration of 8 hours has a critical health effect of sleep disturbance at nighttime. Outside bedrooms at 45 dbs for a duration of 8 hours the critical health effect is sleep disturbance with the window open.

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If you reference the table on Appendix C by Cimco, the sound decibel testing outside Glenda Walls windows or hot tub location is 59.1 dbs. Exceeding the recommendation by the World Health Organization for creating sleeping disturbance by 14.1 dbs. In Tim Harsants report, dbs were recorded at 56 and 58 dbs with 1 and 2 fans running at Glenda's Hot tub exceeding the critical health effect of outdoor living recommended at 55 dbs creating a serious annoyance, daytime and evening.

Hearing impairment and prolonged exposure to lower sound decibels is also a great concern. Safe or acceptable noise level for constant exposure is 68 dbs or below as stated in the report to the City by Rick Paracholski. Interestingly, Tim Harsants report indicates with 2 fans operating from the sidewalk sound dbs were recorded at 68 dbs. Glenda and Fay's backyard are located directly beside the sidewalk. Missing from the report are dbs readings with 3 and 4 fans running. With more fans running, greater sound dbs are created, placing their activities in their backyard at risk for developing permanent irreversible hearing damage and loss.

Clare Agnew commented in the report that when the fans were first turned on, it was an unusually warm October, causing 4 fans to run. Currently in the winter, 1 and 2 fans run consistently. Living in Manitoba we know the summer will produce strong heat, potentially lasting months. This will no doubtedly cause all 4 fans to run for prolonged amounts of time. Creating a greater noise disturbance than they do right now. During the time we all want to be outside enjoying activities in our backyard and opening windows to enjoy fresh air.

Another impact that concerns me is the depreciation of the value of my home as well as the potential negative effects on potential buyers wanting to live beside the sound of the fans. I think the current sound volume of the fans would dramatically deter potential buyers from considering purchasing our property if we were to choose to sell it. There is a very real negative effect on the investment of our property.

What is frustrating about the circumstances we find ourselves in is that this all could have been prevented. Saving us all time spent away from family as now residents are tasked to interpret engineer reports, sound decibel readings and compile information so that the city can recognize the serious health effects the fans have on the residence of 4th street and beyond. As well as save the tax payers further expense on top of the 3.2 million dollar expense for the renovations to the Access Event Centre needed to now research and remedy the problem.

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On January 20th, 2021, Wade Sambrook, resident of 435 4th Street, raised concerns to Nicole Enns via email regarding the proposed location of the cooling unit behind his backyard. Now where Fay and her family live. This concern was passed on to Clare Agnew, then from her on to Santokh to address, who was the engineer assigned to oversee this project. Since the bid did not close until February 11, 2021, time was available to research this concern and make any required changes and addendums before the bid closed. As stated by Clare in her report, Low Decibel Motor equipment was declined at time of purchase from Cimco. The cost savings was \$24,105 plus tax and would have improved the sound levels by an average of 13 dbs. The report also states the reason for placing the condenser in its current location to the roof is to reduce the footprint on the ground and deter possible vandalism. It was also relocated to the west side of the facility to improve accessibility for maintenance and safety for public and staff. Nowhere does it appear a concern or a part of the project development to address the concerns of residence or engineering controls implemented to protect the residence directly affected 24 hours a day by the cooling systems location sound levels. This was not an extreme oversight but a conscious decision made by someone to disregard the quality of living for affected residence. A decision was made to buy the cheaper unit at the cost of residence safety and health. A decision was made not to value the impact of locating such a unit beside a residential development. When projects of this magnitude are in the planning phases, all safety and health concerns must be factored into the project design as well as effective control measures implemented to effectively manage or eliminate all potential hazards, protecting workers, the public and residents alike. It is up to those planning projects to protect the health and safety and interests of the residence of the City of Morden. Why did the City choose to not factor in the major impact of this project to the property owners and tax payers located directly beside this project?

Mr.Mayor, City Manager and City Council, now that you are aware of the serious safety and health effects of the noise levels created by the fans, what are you going to do to protect our families and the investments of our properties? My sincere hope and prayer is that you do not choose proposed option number 4, "Not do anything".

Thank you for your time.

Chrissy Hilde brand