

REGULAR CITY COUNCIL
MONDAY, MARCH 20TH, 2006 AT 7:30 P.M.
COUNCIL CHAMBER, CIVIC ADMINISTRATION BUILDING

A G E N D A

1. Roll Call
2. Adoption of Agenda
3. Confirmation of Minutes

REGULAR
SPECIAL

MARCH 6TH, 2006
MARCH 13TH, 2006

4. Hearing of Delegations

(A) BRENT HANSEN – THE ECONOMICS OF ZERO WASTE

Acting City Manager T. Snure recommends following the above, that the presentation by Brent Hansen with respect to the economics of zero waste be received.

(B) BERNIE CHRISP – UPDATE ON SPECIAL OLYMPICS CANADA 2006 SUMMER GAMES

Acting City Manager T. Snure recommends following the above, that the presentation by Bernie Chrisp with respect to an update on the Special Olympics Canada 2006 Summer Games and the request for free transit for participants and volunteers be received.

Note: This item will be dealt with further under the Order of General Business.

(C) DAVID LANE AND LINCOLN POULIN – POULIN’S PEST CONTROL

Acting City Manager T. Snure recommends following the above, that the presentation by David Lane and Lincoln Poulin with respect to the proposed Pesticide By-law be received.

Note: This item will be dealt with further under the Order of By-laws.

(D) MARION ROBINSONG – PROPOSED PESTICIDE BY-LAW

Acting City Manager T. Snure recommends following the above, that the presentation by Marion Robinsong with respect to the proposed Pesticide By-law be received.

(E) GLEN KRUCK – PROPOSED PESTICIDE BY-LAW

Acting City Manager T. Snure recommends following the above, that the presentation by Glen Kruck with respect to the proposed Pesticide By-law be received.

(F) MARK FAWCETT – DOWNTOWN BUSINESS IMPROVEMENT AREA

Acting City Manager T. Snure recommends following the above, that the presentation by Mark Fawcett with respect to the Downtown Business Improvement Area be received.

Note: This item will be dealt with further under the Orders of General Business and By-laws.

(G) JIM FARTHING – DOWNTOWN BUSINESS IMPROVEMENT AREA

Acting City Manager T. Snure recommends following the above, that the presentation by Jim Farthing with respect to the Downtown Business Improvement Area be received.

(H) PAM AND STEVE FISHER – DOWNTOWN BUSINESS IMPROVEMENT AREA

Acting City Manager T. Snure recommends following the above, that the presentation by Pam and Steve Fisher with respect to the Downtown Business Improvement Area be received.

5. Public Hearings

NOTICE TO THE PUBLIC

Under the Public Hearing process, the applicant will be given first opportunity to address City Council on his/her application following which any person wishing to make representation on the application is encouraged to come forward.

Please appreciate that any recommendation put forth by the Acting City Manager on an application has been without the benefit of input from the applicant and/or the public.

(A) CONDITIONAL USE – 706 LORNE AVENUE (MAYALL O/B/O HARVEY)

Following receipt of all representation:

Acting City Manager T. Snure recommends that the Public Hearing with respect to the above noted application be concluded.

City Council may discuss whether to approve or reject the application once the following motion has been made.

Acting City Manager T. Snure further recommends that the conditional use application by Judith Mayall on behalf of Stephanie and Robert Harvey to allow for special needs housing for 12 persons at 706 Lorne Avenue (Part of Lot 8, Lots 9/10, Block 28, Plan 2 BLTO) be approved.

(B) VARIATION – 329 BRAECREST DRIVE (HLADKY O/B/O 4847165 MANITOBA LTD.)

Following receipt of all representation:

Acting City Manager T. Snure recommends that the Public Hearing with respect to the above noted application be concluded.

City Council may discuss whether to approve or reject the application once the following motion has been made.

Acting City Manager T. Snure further recommends that the variation application by Ted Hladky on behalf of 4847165 Manitoba Ltd. to reduce the required separation between principal and accessory buildings from 2.4m (7.88') to 1.2m (3.94') at 329 Braecrest Drive (Lots 1/3 and the Ely 10' of Lot 4, Block 2, Plan 848 BLTO) to allow for the construction of garages be approved whereby such approval is hereby granted in accordance with the intent of the application dated February 15th, 2006, the letter of intent dated February 13th, 2006 and the attached drawing.

(C) BY-LAW NO. 6812 TO CLOSE AND CONVEY THE PUBLIC RESERVE IN PLAN 25746 (60 WATERLOO CRESCENT) TO ADJACENT PROPERTY OWNERS

Following receipt of all representation:

Acting City Manager T. Snure recommends that the Public Hearing with respect to By-law No. 6812 to close and convey the Public Reserve in Plan 25746 located at 60 Waterloo Crescent to the adjacent property owners be concluded.

Note: This item will be dealt with further under the Order of By-laws.

(D) BY-LAW NO. 6816 TO CLOSE AND CONVEY THE NORTH/SOUTH LANE IN PLAN 848 AND 925, NORTH OF CENTRE AVENUE BETWEEN 1ST STREET NORTH AND WHITE SWAN STREET

Following receipt of all representation:

Acting City Manager T. Snure recommends that the Public Hearing with respect to By-law No. 6816 to close and convey the North/South lane in Plan 848 and 925, north of Centre Avenue between 1st Street North and White Swan Street be concluded.

Note: This item will be dealt with further under the Order of By-laws.

- (E) BY-LAW NO. 6813 TO REZONE PROPERTY LOCATED AT 1665 PATRICIA AVENUE FROM PR PARKS AND RECREATION ZONE AND DR DEVELOPMENT RESERVE ZONE TO RMD RESIDENTIAL MODERATE DENSITY MULTIPLE FAMILY ZONE AND FROM DR DEVELOPMENT RESERVE ZONE TO RHD RESIDENTIAL HIGH DENSITY MULTIPLE FAMILY ZONE (CITY OF BRANDON)

Following receipt of all representation:

Acting City Manager T. Snure recommends that the Public Hearing with respect to By-law No. 6816 to rezone property located at 1665 Patricia Avenue (Parcel A, Plan 40470 BLTO) from PR Parks and

Recreation Zone and DR Development Reserve Zone to RMD Residential Moderate Density Multiple Family Zone and from DR Development Reserve Zone to RHD Residential High Density Multiple Family Zone be concluded.

Note: This item will be dealt with further under the Order of By-laws.

6. Communications & Petitions
7. Committee Reports

- (A) AUDIT AND FINANCE COMMITTEE REPORT FEBRUARY 28TH, 2006

The Audit and Finance Committee recommends that the report of its meeting held February 28th, 2006 be received.

The Audit and Finance Committee recommends that a grant equal to one half of the charged tradeshow fees be given to Rural Forum for 2006 and all subsequent years the event is held in Brandon.

The Audit and Finance Committee recommends that a by-law be prepared to amend Schedule of Fees By-law No. 6817 with respect to requiring tradeshow organizers to pay a fee equivalent to \$40 per unlicensed business and that individual tradeshow participant fees be abolished.

8. Enquiries
9. General Business

- (A) DOWNTOWN BRANDON BUSINESS IMPROVEMENT AREA

Acting City Manager T. Snure recommends that subject to the repealing of the existing BIA bylaw and in view of the opposition received in response to the survey undertaken by the BIA Board, the surplus funds be refunded to the BIA members on a pro rata basis to what they paid in 2005 fees.

- (B) FREE ACCESS TO BRANDON TRANSIT FOR SPECIAL OLYMPICS ATHLETES AND VOLUNTEERS

Acting City Manager T. Snure recommends that the participants and volunteers of the 2006 Special Olympic Games in Brandon be allowed to use their photo accreditation for free access to Brandon Transit service during the period of the Games July 17th to 23rd, 2006.

(C) ADOPTION OF 2006 FINANCIAL PLAN

Acting City Manager T. Snure recommends that

WHEREAS Section 162 of The Municipal Act requires each municipality to adopt a financial plan for each fiscal year in a form approved by the Minister of Intergovernmental Affairs and Trade and consisting of:

- a) an operating budget;
- b) a capital budget;
- c) an estimate of operating revenue and expenditures for the following fiscal year; and
- d) a five year capital expenditure program;

AND WHEREAS the Council of The City of Brandon has prepared such a financial plan;

AND WHEREAS Section 164(4) of The Municipal Act required written approval of the budgeted deficit in the Utility Fund from the Public Utilities Board;

AND WHEREAS the Council of The City of Brandon has obtained such approval under Order of the Board No. 32/06;

NOW THEREFORE BE IT RESOLVED that the 2006 Financial Plan of The City of Brandon dated March 6th, 2006, as set out in the form approved by the Minister, be adopted, and that the said operating and capital estimates in the plan be incorporated in and form part of the 2006 Tax Levy By-law;

AND FURTHER, that a copy of the Financial Plan for the fiscal year 2006 be filed with the Minister of Intergovernmental Affairs and Trade pursuant to said Act.

(D) GRANT-IN-AID REQUEST

Acting City Manager T. Snure recommends that as the City of Brandon intends to proceed with the milling and paving of Victoria Avenue East, a grant in the amount of \$57,500 be requested from the Manitoba Department of Transportation and Government Services under the 2006 Grant-In-Aid Program.

(E) 2006 CITIZEN APPOINTMENTS TO THE POVERTY COMMITTEE

Acting City Manager T. Snure recommends that the following citizen appointments be and are hereby made to the Poverty Committee, with terms of office to expire December 31st, 2006:

(Appointments to be confirmed at the meeting)

(F) WATER DECLARATION

Councillor Smale recommends that the Council of the City of Brandon hereby recognizes and affirms that:

- water is a sacred gift that connects all life;
- access to clean water is a basic human right;
- the value of earth's fresh water to the common good takes priority over any possible commercial value; and
- fresh water is a sacred legacy, a public trust and a collective responsibility

and further, that the following resolution be submitted under cover of a letter to be dated March 22nd, 2006 being World Water Day to the Federation of Canadian Municipalities in support of its having made a similar declaration and requesting that this resolution be dealt with at its 2006 Annual Conference:

“WHEREAS one in six people in the world do not have access to clean drinking water;

AND WHEREAS the United Nations Conference on Water in 1977 in Mar del Plata affirmed the rights of all persons to access clean drinking water in order to satisfy their fundamental needs;

AND WHEREAS current World Bank loans for water services in developing countries frequently require the privatization of those services or an increase in water prices, thereby jeopardizing citizens' access to safe drinking water;

AND WHEREAS the Canadian Catholic Organization for Development and Peace and KAIROS; Canadian Ecumenical Justice Initiatives have asked Canadian municipalities to assist in its effort to have the Government of Canada recognize water as a common good and access to drinking water as a basic human right;

NOW THEREFORE BE IT RESOLVED THAT the Government of Canada urge the World Bank to ensure access to clean, affordable water for the world's poor and strengthen the role of the public sector and individual communities in setting water policies and delivering and regulating water services.”

(G) HOLD ON DEVELOPMENT ALONG LITTLE SASKATCHEWAN RIVER

Councillor Black recommends that the Minister responsible for clean water in Manitoba be requested to put a hold on developments along the Little Saskatchewan River until such time as there is a proper evaluation of the impact that feedlots, irrigation and other activities on that river have on the quantity and quality of water flowing into the Assiniboine River.

(H) COMMITTEE TO PLAN FOR COMMUNITY ARCHIVES

Councillor Black recommends that a committee of Council that includes the Councillors from the Municipal Heritage Committee and one other Councillor, Heather Ewasiuk, Tom Mitchell, Brandon University Archivist and such other individuals as may be identified by this group as their work progresses be established to prepare for consideration by Council, an operational and business plan for the creation of a community archives in the City of Brandon.

(I) DISCLOSURE OF ELECTION EXPENSES

Councillor Black recommends that the Minister of Intergovernmental Affairs and Trade be requested to establish legislation in this session of the Legislature to require, effective October 2006, candidates for office in municipal elections to disclose the sources of all contributions received and expenditures made during election campaigns for municipal office;

and further, that if said legislation is not introduced, the City of Brandon request candidates to voluntarily commit at the time they register as candidates to provide said information if they are elected to Council.

(J) CONTRACT WITH INTERNATIONAL PAPER INDUSTRIES FOR RECYCLING SERVICES

Councillor Black recommends that the contract with International Paper Industries for recycling services be brought back to Council for evaluation and ratification with respect to what this change of arrangements does to the City's C4 status, the status of outstanding mortgages and loans related to the building and activities of Westman Recycling Council Inc. and the re-employment prospects for those people affected by layoffs from Westman Recycling Council Inc.

(K) AMENDMENT OF CONCEPTUAL SITE PLAN CAR – ZONED PROPERTIES SOUTH OF CEMETERY, NORTH OF WILLOWCREST AVENUE, FRONTING ON LYNDAL DRIVE

Acting City Manager T. Snure recommends that the revised conceptual site plan for the area of land on the east side of 18th Street South, south of the City of Brandon cemetery and North of Willowcrest Avenue which fronts on Lydale Drive be adopted.

10. By-laws

NO. 6802 - TO AMEND COMPLIANCE BY-LAW NO. 6664 TO PROVIDE A MORE EFFECTIVE MEANS FOR ENSURING COMPLIANCE WITH CITY OF BRANDON BY-LAWS
1ST READING

Acting City Manager T. Snure recommends that By-law No. 6802 to amend Compliance By-law No. 6664 to provide a more effective means for ensuring compliance with City of Brandon by-laws, be read a first time.

NO. 6812 - TO CLOSE AND CONVEY THE PUBLIC RESERVE IN PLAN 25746 (60 WATERLOO CRESCENT) TO ADJACENT PROPERTY OWNERS
2ND AND 3RD READINGS

Acting City Manager T. Snure recommends that By-law No. 6812 to close and convey the Public Reserve in Plan 25746 located at 60 Waterloo Crescent to the adjacent property owners, be read a second time.

Acting City Manager T. Snure recommends that this by-law be read a third and final time.

NO. 6813 - TO REZONE PROPERTY LOCATED AT 1665 PATRICIA AVENUE FROM PR PARKS AND RECREATION ZONE AND DR DEVELOPMENT RESERVE ZONE TO RMD RESIDENTIAL MODERATE DENSITY MULTIPLE FAMILY ZONE AND FROM DR DEVELOPMENT RESERVE ZONE TO RHD RESIDENTIAL HIGH DENSITY MULTIPLE FAMILY ZONE (CITY OF BRANDON)
2ND READING AND HOLDING 3RD READING IN ABEYANCE

Acting City Manager T. Snure recommends that By-law No. 6813 to rezone property located at 1665 Patricia Avenue (Parcel A, Plan 40470 BLTO) from PR Parks and Recreation Zone and DR Development Reserve Zone to RMD Residential Moderate Density Multiple Family Zone and from DR Development Reserve Zone to RHD Residential High Density Multiple Family Zone to accommodate future development, be read a second time.

Acting City Manager T. Snure recommends that third reading of the by-law be held in abeyance pending the execution of the required development agreement.

NO. 6816 - TO CLOSE AND CONVEY THE NORTH/SOUTH LANE IN PLAN 848 & 925, NORTH OF CENTRE AVENUE BETWEEN 1ST STREET NORTH AND WHITE SWAN STREET
AMENDMENT, 2ND AND 3RD READINGS

Acting City Manager T. Snure recommends that By-law No. 6816 to close and convey the north/south lane in Plan No. 848 and 925, north of Centre Avenue between 1st Street North and White Swan Street, be amended by:

- (a) deleting Subsections 2(b) and (c) in their entirety and substituting the following therefor: “(b) Title to Parcels B and C, as shown on said plan, excluding thereout all mines and minerals and other matters set forth in The Crown Lands Act, shall be conveyed to 4647221 Manitoba Ltd. for the sum of One Thousand Seven Hundred and Thirteen Dollars (\$1,713.00) plus Goods and Services Tax and other good and valuable considerations;” and
- (b) renumbering Subsection 2(d) as Subsection 2(c).

Acting City Manager T. Snure recommends that this by-law, as amended, be read a second time.

Acting City Manager T. Snure recommends that this by-law be read a third and final time.

NO. 6818 - TO OPEN THE WESTERLY EXTENSION OF CLARE AVENUE TO 18TH STREET NORTH
2ND AND 3RD READINGS

Acting City Manager T. Snure recommends that By-law No. 6818 to open the westerly extension of Clare Avenue to 18th Street North be read a second time.

Acting City Manager T. Snure recommends that this by-law be read a third and final time.

NO. 6820 - TO REPEAL BIA BY-LAW NO. 5474
2ND AND 3RD READINGS

Acting City Manager T. Snure recommends that that By-law No. 6820 to repeal Downtown Brandon Business Improvement Area By-law No. 5474 be read a second time.

Acting City Manager T. Snure recommends that this by-law be read a third and final time.

NO. 6821 - TO NAME THE FRONTAGE ROADS ON 18TH STREET NORTH BETWEEN
BRAECREST DRIVE AND THE TRANS CANADA HIGHWAY
NO FURTHER READINGS

Acting City Manager T. Snure recommends that By-law No. 6805 to name the service roads on 18th Street North between Braecrest Drive and the Trans Canada Highway be given no further readings.

NO. 6825 - TO REGULATE THE USE OF PESTICIDES IN THE CITY OF BRANDON
2ND AND 3RD READINGS

Acting City Manager T. Snure recommends that By-law No. 6825 to regulate the use of pesticides in the City of Brandon be read a second time.

Acting City Manager T. Snure recommends that this by-law be read a third and final time.

NO. 6829 - TO REZONE PROPERTY LOCATED WEST OF WAVERLY DRIVE, EAST OF
42ND STREET INCLUDING THE FUTURE EXTENSION OF WINDSOR DRIVE
AND ADJACENT PROPERTIES FROM DR DEVELOPMENT RESERVE ZONE
TO RSF RESIDENTIAL SINGLE FAMILY ZONE (WAVERLY
DEVELOPMENTS LTD.)
1ST READING

Acting City Manager T. Snure recommends that By-law No. 6829 to rezone property located west of Waverly Drive, east of 42nd Street and including the future extension of Windsor Drive and adjacent properties (Pt. NE¼ 16-10-19 WPM) from DR Development Reserve Zone to RSF Residential Single Family Zone, be read a first time.

NO. 6830 - TO PROVIDE FOR THE REMUNERATION OF COUNCIL MEMBERS FOR
THE YEAR 2007 AND SUBSEQUENT YEARS
1ST READING

Acting City Manager T. Snure recommends that By-law No. 6830 to provide for the remuneration of members of Council for the year 2007 and for each year thereafter, be read a first time.

NO. 6834 - TO NAME THE EAST/WEST SERVICE ROAD ON 18TH STREET NORTH
BETWEEN BRAECREST DRIVE AND CLARE AND BELL AVENUES
1ST READING

Acting City Manager T. Snure recommends that By-law No. 6834 to name the East/West service road on 18th Street North between Braecrest Drive and Clare and Bell Avenues, be read a first time.

11. Giving of Notice

12. Announcements

(A) PROCLAMATION – WORLD WATER DAY

WHEREAS water is a natural resource that connects all life;

AND WHEREAS access to clean water is a basic human right;

AND WHEREAS environmental welfare is of universal concern and deserves the utmost attention;

AND WHEREAS the value of the Earth's fresh water to the common good takes priority over any possible commercial value;

AND WHEREAS fresh water is a shared legacy, a public trust and a collective responsibility;

NOW THEREFORE, I, Dave Burgess, Mayor of the City of Brandon, in the Province of Manitoba, DO HEREBY proclaim March 22nd, 2006 as WORLD WATER DAY in the City of Brandon.

13. Adjournment

C.R. Arvisais
City Clerk