

REGULAR CITY COUNCIL  
MONDAY, MAY 8<sup>TH</sup>, 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

APRIL 24<sup>TH</sup>, 2006

4. Hearing of Delegations
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 City Manager on an application has been without the benefit of input from the applicant and/or the public.

(A) VARIATION – 2800 VICTORIA AVENUE (3784500 MANITOBA LTD. O/B/O 5068216 MANITOBA LTD.)

Following receipt of all representation:

City Manager 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.

City Manager recommends that the variation application by 3784500 Manitoba Ltd., on behalf of 5068216 Manitoba Ltd., to reduce the minimum required rear yard from 3m (9.84') to 1.5m (4.92') to allow for the construction of a commercial building at 2800 Victoria Avenue (Lot 2, Plan 44855 BLTO) be rejected.

Note: Please refer to the letters of objection from Patricia Hewitt, adjacent property owner, dated May 2<sup>nd</sup>, 2006, Raymond Burgess o/b/o 5119332 Manitoba Ltd., and Raymond Burgess o/b/o Jacobson and Greiner, both dated April 26<sup>th</sup>, 2006.

- (B) VARIATION – 110 – 16<sup>TH</sup> STREET NORTH AND 117 – 17<sup>TH</sup> STREET NORTH (JACOBSON AND GREINER LTD. O/B/O BALL)

At the request of the applicant, this application has been withdrawn.

- (C) VARIATION – 1717 KIRKCALDY DRIVE (CARDINAL SIGNS LTD. O/B/O WESTOBA CREDIT UNION LTD.)

Following receipt of all representation:

City Manager 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.

City Manager recommends that the variation application of Cardinal Signs Ltd. on behalf of Westoba Credit Union Ltd. to increase the maximum total sign surface area of a free standing identification sign from 38.0m<sup>2</sup> (409.0ft<sup>2</sup>) to 53.0m<sup>2</sup> (570.5ft<sup>2</sup>) at 1717 Kirkcaldy Drive (Lot 1, Plan 40235 BLTO) be rejected.

**In the event a member of City Council is absent for a reason other than illness from the following Public Hearing(s), a resolution will be required to excuse that member from the Hearing.**

- (D) BY-LAW NO. 6835 TO CLOSE AND CONVEY THAT PORTION OF THE NORTH/SOUTH LANE AND THE EAST/WEST LANE TO 4<sup>TH</sup> STREET AND OPEN AN EAST/WEST LANE TO 3<sup>RD</sup> STREET (ST. AUGUSTINE'S SCHOOL)

Following receipt of all representation:

City Manager recommends that the Public Hearing with respect to By-law No. 6835 to close and convey that portion of the North/South lane and the East/West lane to 4<sup>th</sup> Street and to open an East/West lane to 3<sup>rd</sup> Street in Block 32, Plan 2 BLTO be concluded.

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

- (E) BY-LAW NO. 6837 FOR THE BORROWING OF FUNDS TO PURCHASE THE MATERIALS RECYCLING FACILITY AND ASSOCIATED EQUIPMENT

Following receipt of all representation:

City Manager recommends that the Public Hearing with respect to By-law No. 6837 for the borrowing of funds to purchase the Materials Recycling Facility and associated equipment be concluded.

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

6. Communications & Petitions

7. Committee Reports

(A) ECONOMIC DEVELOPMENT COMMITTEE APRIL 18<sup>TH</sup>, 2006

The Economic Development Committee recommends that its report dated April 18<sup>th</sup>, 2006 be received.

The Economic Development Committee recommends that the ad hoc Economic Development Committee be dissolved to allow the committee the opportunity to continue with its original mandate, but to do so within the Community Strategic Plan as Team Brandon for Economic Development.

8. Enquiries

9. General Business

(A) DISPOSAL OF CITY OWNED SMALL PARCELS OF LAND

City Manager recommends that the disposal of the parcels identified below for the sum of \$1.00 be approved, whereby the adjacent property owners will also be responsible for the transfer fee of \$69.00 and that they will register said Transfer of Land within one (1) month of receiving said Transfer of Land from the City of Brandon:

730 Douglas Street  
255 Frederick Street  
2509 McDonald Avenue  
134 Russell Street  
866 – 9<sup>th</sup> Street

(B) FLEMING SCHOOL SITE PROPERTY

City Manager recommends that the City of Brandon enter into a land exchange agreement with the Brandon School Division regarding the Fleming School property from Victoria Avenue to Louise Avenue between 23<sup>rd</sup> and 25<sup>th</sup> Streets whereby the City shall:

- (a) acquire from the Division:
  - (i) Part of Lots 1/4, All of Lots 6/11, Part of Lot 14, All of Lots 15/17, All of Lots 20/38 and the public lane in Block 48, Plan 15 and the closed portion of 24<sup>th</sup> Street between Victoria and Louise Avenues for the sum of \$1.00;
  - (ii) Part of Lots 1/4 and All of Lot 5 in Block 48, Plan 15 for the sum of \$1.00 subject to the City paying to the seller of the property to the Division an additional \$50,000 should the property be re-zoned from its present Educational and Institutional Zoning prior to 2015 and a further \$15,000 to the Division should the City sell the property with Blocks 47 and 48, Plan 15; and
  - (iii) All of Lots 12/13, Part of Lot 14 and All of Lots 18 and 19 in Block 48, Plan 15 for the sum of \$1.00;

- (b) dispose of to the Division, subject to subdivision approval, that portion of the closed lane from the Northerly limit of Block 47 to the Northerly limits of Lots 7 and 32 in Block 47, Plan 15; and
- (c) release any claim or interest it has against Lots 7/9 and Lot 32 in Block 47, Plan 15 to the Division.
- (C) TENDER NO. 02/06 – CONTRACT B UNDERGROUND WORKS

City Manager recommends that the bid of C & C Construction Co. Ltd. for Contract B Underground Works as per tender and specifications at a cost of \$615,504.23 be accepted.

(D) FUNDING OF SCHOOL DIVISIONS THROUGH GENERAL REVENUES

Councillor D. Jessiman recommends that the following resolution be submitted to the Association of Manitoba Municipalities for consideration at its November 6<sup>th</sup>, 2006 Annual Convention:

WHEREAS seniors and moderate income earners are trapped between low/fixed incomes and fast moving increased assessment;

AND WHEREAS the Special Education Levy for local school divisions in the Province of Manitoba varies between 18 and 35 mills;

AND WHEREAS farm land receives a farmland school tax rebate from the Provincial Government of 60%;

AND WHEREAS residential and commercial tax payers are tired of receiving a municipal tax bill showing one half of the tax being applied to school operations;

NOW THEREFORE BE IT RESOLVED THAT the Province of Manitoba restore the local education funding level of 80% of school operating costs for kindergarten to Grade 12;

AND BE IT FURTHER RESOLVED THAT the new funding levels be phased in over 5 years beginning in 2007.

10. By-laws

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)  
3<sup>RD</sup> READING

City Manager 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 third and final time.

Note: This by-law received second reading at the March 20<sup>th</sup>, 2006 meeting of City Council whereby third reading was held in abeyance due to objections received and the requirement to enter into a development agreement. It would now be in order to consider third reading.

NO. 6829 - TO REZONE PROPERTY LOCATED WEST OF WAVERLY DRIVE, EAST OF 42<sup>ND</sup> 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.)  
3<sup>RD</sup> READING

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City Manager recommends that By-law No. 6829 to rezone property located west of Waverly Drive, east of 42<sup>nd</sup> 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 third and final time.

Note: This by-law received second reading at the April 24<sup>th</sup>, 2006 meeting of City Council whereby 3<sup>rd</sup> reading had been held in abeyance pending the execution of the required development agreement, which has now occurred.

NO. 6833 - TO AMEND CITY COUNCIL INDEMNITY BY-LAW NO. 6763  
1<sup>ST</sup> READING

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City Manager recommends that By-law No. 6833 to amend City Council Indemnity By-law No. 6763 be read a first time.

NO. 6835 - TO CLOSE AND CONVEY A PORTION OF THE NORTH/SOUTH LANE AND THE EAST/WEST LANE TO 4<sup>TH</sup> STREET AND OPEN AN EAST/WEST LANE TO 3<sup>RD</sup> STREET IN BLOCK 32, PLAN 2  
2<sup>ND</sup> AND 3<sup>RD</sup> READINGS

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City Manager recommends that By-law No. 6835 to close and convey that portion of the North/South lane and the East/West lane to 4<sup>th</sup> Street and to open an East/West lane to 3<sup>rd</sup> Street in Block 32, Plan 2 be read a second time.

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

NO. 6837 - TO PROVIDE FOR THE BORROWING OF FUNDS FOR THE PURCHASE OF THE MATERIALS RECYCLING FACILITY AND ASSOCIATED EQUIPMENT BY THE ISSUE AND SALE OF DEBENTURES.  
2<sup>ND</sup> READING

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City Manager recommends that By-law No. 6837 to provide for the borrowing of funds by the issuance and sale of debentures to be used for the purchase of the Materials Recycling Facility and associated recycling equipment be read a second time.

Note: Ministerial approval is required before 3<sup>rd</sup> Reading can be considered.

NO. 6841 - TO REZONE PROPERTY LOCATED AT 110 & 120 – 16<sup>TH</sup> STREET NORTH AND 117 – 17<sup>TH</sup> STREET NORTH FROM RLD RESIDENTIAL LOW DENSITY MULTIPLE FAMILY ZONE TO RMD RESIDENTIAL MODERATE DENSITY MULTIPLE FAMILY ZONE (JACOBSON & GREINER LTD)

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City Manager recommends that By-law No. 6841 to rezone property located 110 & 120 – 16<sup>th</sup> Street North and 117 – 17<sup>th</sup> Street North (Lots 1/2 and Lots 19/20, Block 115, Plan 2 BLTO and Parcels B & C, Plan 42055 BLTO) from RLD Residential Low Density Multiple Family Zone to RMD Residential Moderate Density Family Zone be read a first time.

11. Giving of Notice
12. Announcements
13. Adjournment

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C.R. Arvisais  
City Clerk