

REGULAR CITY COUNCIL
MONDAY, AUGUST 17, 2009 AT 7:30 PM
COUNCIL CHAMBER, CIVIC ADMINISTRATION BUILDING

AGENDA

RECOMMENDATIONS

Please note that all recommendations in this agenda have been put forward by members of City Council or the Administration for Council's consideration and debate.

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

REGULAR

JULY 20, 2009

5. Hearing of Delegations

(A) FRANK ROBERTS - PESTICIDE BY-LAW NO. 6825

That the presentation of Frank Roberts of Ecogreen with respect to City of Brandon Pesticide By-law No. 6825 be received.

- [Delegation - F. Roberts - Pesticide BL.pdf](#)

6. Public Hearing
7. Communication and Petitions
8. Committee Reports
9. Enquiries
10. Announcements

11. General Business

(A) APPLICATION TO SUBDIVIDE - 831 BRAECREST DRIVE (BRAECREST VILLAGE INC.)

That the application of Braecrest Village Inc. to subdivide 831 Braecrest Drive (Lot 4, Plan 48825 BLTO) to create eighteen (18) residential condominium lots in the RMD Residential Moderate Density Multiple Family Zone be approved subject to:

- 1) confirmation from Manitoba Hydro that arrangements have been made for a joint use easement and plan of easements to the satisfaction of Manitoba Hydro, Centra Gas Manitoba Inc., MTS and Westman Communications Group; and
- 2) the owner paying \$5666.66 in accordance with Sub-section 136(1) of The Planning Act, as a one time contribution in lieu of land dedication for public reserve purposes whereby said contribution shall be made payable to the City of Brandon Planning Department.

- [Application to Subdivide - 831 Braecrest Dr.pdf](#)

(B) RENAISSANCE DISTRICT TAX CREDIT APPLICATION FOR 315 - 10TH STREET (SIMPSON)

That the application for a Renaissance District Tax Credit for the property at 315-10th Street be approved.

- [Renaissance District Tax Credit - 315-10th St.pdf](#)

(C) SKATE PLAZA FUNDRAISER 2009

That the Skate Plaza Fundraising Committee apply for and receive all applicable permits and authorizations for the Skate Plaza Fundraiser (SPF 2009) event being held September 12 and 13, 2009, whereby in support of this event:

- 1) Rosser Avenue between 9th Street and 10th Street, including the intersection of Rosser Avenue and 10th Street, shall be closed to vehicle traffic from 1:00 p.m. on September 12, 2009 until 3:00 a.m. on September 13, 2009;
- 2) The noise restriction set-out in Nuisance By-law No. 5806 with respect to the sound emanating from any musical instrument or loud speaker be hereby waived during the event; and
- 3) Gift-in-kind contributions in the form of no parking signs, barricades and garbage containers/pickup for the event shall be provided by the City of Brandon Operations Division.

- [Skate Plaza Fundraiser 2009.pdf](#)

(D) TENDER - SPORTSPLEX BOILER REPLACEMENT

That the low bid from Brandon Heating and Plumbing to supply and install a new boiler at the Sportsplex as per tender and specifications at a cost \$161,168.00 be accepted whereby all applicable costs shall be expended from the Sportsplex Maintenance Reserve.

- [Tender - Sportsplex Boiler.pdf](#)

(E) REVIEW OF CITY COUNCIL PROCEDURE BY-LAW

That a by-law be prepared to amend City Council Procedure By-law No. 6634 to provide for a decision of City Council to be reconsidered only once during Council's current term of office.

That a by-law be prepared to amend City Council Procedure By-law No. 6634 to ensure Sections 163 and 164 of the by-law relating to the reconsideration of a City Council decision are consistent with The Municipal Act.

- [Review of Procedure Bylaw.pdf](#)

(F) COMMUNITY EVENT STATUS FOR 2009 X-FEST

That the poll vote taken of members of City Council, the results of which deemed the 2009 X-Fest held August 7th and 8th, 2009 at Turtle Crossing, a community event in the City of Brandon be hereby confirmed.

- [Community Event for 2009 X-Fest.pdf](#)

12. By-laws

NO. 6947 TO REZONE PROPERTY LOCATED AT 10 - 15TH STREET NORTH (BLOCK 117, PLAN 397 BLTO EXC PLAN 47746) FROM PR PARKS AND RECREATION TO RMD RESIDENTIAL MODERATE DENSITY MULTIPLE FAMILY ZONE (FRIESEN TOKAR ARCHITECTS AND LANDSCAPE AND INTERIOR DESIGNERS O/B/O THE MANITOBA HOUSING AND RENEWAL CORPORATION)
2ND READING

That By-law No. 6947 to rezone property located at 10 - 15th Street North (Block 117, Plan 397 BLTO Exc. Plan 47746 BLTO) from "PR" Parks and Recreation Zone to "RMD" Residential Moderate Density Multiple Family Zone be read a second time.

That third reading of the by-law be held in abeyance pending the execution of the development agreement attached to the report of the General Manager of Development Services dated August 5, 2009 between the owner/successor and the City of Brandon pursuant to Section 150 of The Planning Act.

- [Bylaw 6947.pdf](#)

NO. 6949 TO AMEND BUILDING BY-LAW NO. 6018 RE: CHARGING OF FEES
1ST READING

That By-law No. 6949 to amend Building By-law No. 6018 with respect to the charging of fees be read a first time.

- [Bylaw 6949.pdf](#)

NO. 6952 TO PROVIDE FINANCIAL ASSISTANCE TO THE MANITOBA
PERCHERON BELGIAN CLUB IN ORDER TO HOST THE 2012 NORTH
AMERICAN BELGIAN CONGRESS
2ND AND 3RD READINGS

That By-law No. 6952, to provide financial assistance in the form of a loan to the Manitoba Percheron Belgian Club in order to host the 2012 North American Belgian Congress be read a second time.

That the by-law be read a third and final time.

- [Bylaw 6952.pdf](#)

NO. 6954 TO PROVIDE FOR THE MANDATORY MOWING OF GRASS ON
BOULEVARDS IN THE CITY OF BRANDON
AMENDMENTS, 2ND AND 3RD READINGS

That By-law No. 6954 to provide for the regular mowing of grass on boulevards in the City of Brandon be amended by:

- (1) deleting Sections 2 and 3 in their entirety and substituting the following therefor:

“2. Every owner shall be responsible for the regular mowing of the boulevard that abuts, flanks, or is at the rear of the land of the owner, whereby the height of the grass shall not exceed a maximum height of 15 centimetres (5.9”).

Exemptions

3. Owners who have a disability, health condition or live on a corner lot may apply to the Director of Community Services to be exempt from the provisions of this by-law by making application for such on the form attached hereto as Schedule “B” The application must be renewed annually by contacting the Director of Community Services.”;

- (2) adding the attached as Schedule “B” - Application for Exemption.

That the by-law be further amended by:

- (1) adding the following as Sections 5 through 8 inclusive and re-numbering existing Section 5 as Section 9:

“Right of Appeal

5. Any person aggrieved by a decision or action of the Director of Community Services pursuant to the provision of this by-law may appeal to the General Manager of Operational Services or his designate by filing with him a signed notice of appeal form shown on Schedule “C” within ten (10) days of the occurrence being appealed.
 6. The General Manager of Operational Services, upon receipt of an appeal of a decision or action of the Director of Community Services, shall set a time and place for a hearing by him, provided that in no case shall a hearing be held later than twenty-one (21) days following the filing of the appeal.
 7. The General Manager of Operational Services shall cause not less than five (5) days notice of the hearing to be served, by certified mail, registered mail, or personal service sworn to by affidavit, on the appellant at his address as shown on the notice of appeal form and such notice shall inform the appellant that he, and/or his agent, may appear at the hearing and make such representation as he so desires and that, in the event he or his agent does not appear at said hearing, a decision may be made by the General Manager of Operational Services.
 8. The decision of the Director of Community Services will remain in effect pending the outcome of the appeal at which time the decision of the General Manager of Operational Services will take effect.”
- (2) deleting Schedule “A” in its entirety and substituting the attached Schedule A - Notice of Non Compliance therefor;
 - (3) adding the attached as Schedule “C” - Notice of Appeal.

That the by-law be further amended by:

- (1) deleting the following in the first preamble paragraph:

“(f) property adjacent to highways or municipal roads, whether the property is publicly or privately owned.”;
- (2) deleting the third preamble paragraph in its entirety and substituting the following therefor:

AND WHEREAS it is deemed necessary and expedient to enact a by-law pertaining to the mowing of grass on boulevards within the City of Brandon;”;

- (3) deleting sub-section 1.(a) in its entirety and substituting the following therefor:

“BOULEVARD” means that portion of a street not meant for vehicular traffic between the curb lines or the lateral lines of the roadway and the adjoining property line, including the sidewalk; and that portion of a street between the curb lines or lateral lines of the roadways of a divided street and excluding centre medians as hereinafter defined.”;

- (4) deleting sub-sections 1.(d) and (e) in their entirety;

- (5) deleting sub-section 1.(f) in its entirety and substituting the following therefor:

“OWNER” means the owner of land adjoining a boulevard.”;

- (6) renumbering the existing sub-sections 1. (f) to (j) inclusive as sub-sections 1. (d) to (h);

- (7) adding the following as sub-section 1. (i):

“STREET” means any public right-of-way, including a highway, providing primary access to abutting property, used as a public thoroughfare for vehicles and pedestrians including streets under construction or repair, and where the context so requires, includes the whole of the area between the boundaries of the streets as recorded in the Land Titles Office and includes all lanes and alleys.”; and

- (8) adding in Section 4 the words: “of Community Services” immediately after the word: “Director”, adding the words: “to be served by certified mail, registered mail or personal service sworn to by affidavit” immediately after the words: “written notice”, deleting the words: “seven (7) days” and substituting therefor the words: “ten (10) days of the date of”, and deleting the word: "roadway" and substituting therefor the word: "boulevard".

That the by-law as amended, be read a second time.

That the by-law be read a third time.

- [Bylaw 6954.pdf](#)

13. Giving of Notice

14. Adjournment

Original Signed By
H. Ewasiuk
H. Ewasiuk
Deputy City Clerk