

REGULAR COUNCIL MEETING

MONDAY, SEPTEMBER 17, 2018 AT 7:00 PM

COUNCIL CHAMBER, CIVIC ADMINISTRATION BUILDING

AGENDA

RECOMMENDATIONS

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

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

REGULAR

SEPTEMBER 4, 2018

- [Minutes - September 4, 2018.pdf](#)

5. Hearing of Delegations

(A) GRANT HAMILTON AND CARLA EISLER, BRANDON UNIVERSITY – COMMUNITY EVENT STATUS FOR BU50 HOMECOMING 2018

That the presentation by Grant Hamilton and Carla Eisler with respect to the designation of the BU50 Homecoming 2018 as a community event be received.

- [Delegation Request - BU50 Homecoming Celebration.pdf](#)

(B) NICKOLAS AVLONITIS - TAXATION AND CITY SERVICES

That the presentation by Nickolas Avlonitis with respect to taxation and City services be received.

- [Delegation Request - N. Avlonitis.pdf](#)

6. Public Hearings

7. Community Question Period

The public is invited to come forward to the podium to ask questions on any item appearing on the agenda for this evening's meeting. A total of 15 minutes will be allowed for this question period.

8. Committee Reports

9. Enquiries

10. Announcements

11. General Business

(A) APPLICATION TO SUBDIVIDE - 700 MARYLAND AVENUE

That the application to subdivide 1900 – 6th Street, 1951 – 7th Street, and 1900 – 8th Street (Blocks 3/5, Plan 300 BLTO, and Parcels B/H, Plan 37279 BLTO) to create one (1) lot and a public road in the Open Space (OS) and Educational & Institutional (EI) Zones, be approved subject to the following conditions:

- A. The owner or successor enters into a development agreement with the City of Brandon, to be registered in series with the subdivision, with the following conditions:
1. The Developer agrees to construct an elementary school as per the attached site plan (Schedule B).
 2. The Developer agrees to pay a contribution towards twenty (20) boulevard trees. The amount of payment for such trees will be calculated at the time of execution of the development agreement and based upon the City's tree contract pricing for the current year. Payment in full will be required at the time of execution of the development agreement.
 3. The Developer agrees to provide a landscaping plan showing the location of the twenty (20) boulevard trees. Tree species will be determined by the City of Brandon at the time of planting.

4. The Developer agrees to design and construct an access from the Lands to Maryland Avenue to allow for separate lanes of traffic turning right and left onto Maryland Avenue. Such design will be subject to the review and acceptance of the City Engineer. All costs associated with the access will be at the sole cost of the Developer.
5. The Developer agrees to contribute towards the upgrade of the southbound 1st Street right turn auxiliary lane at the intersection with Maryland Avenue and 1st Street in the amount of \$13,000.00. This contribution will be held in a Reserve Account and applied towards the future upgrade. Payment in full will be required at the time of execution of the development agreement.
6. The Developer agrees to contribute towards land drainage sewer upgrades to redirect the existing land drainage sewer outlet from the MacLeod Drive alignment, which presently crosses through the Lands, to Cornwallis Crescent in the amount of \$83,259.65. This contribution will be held in a Reserve Account and applied towards the future upgrade. Payment in full will be required at the time of execution of the development agreement.
7. The Developer agrees to contribute towards the southeast lift station servicing the area in the amount of \$19,200.00 based upon a 0.037 Residential Equivalent Unit/person (including staff and students) of a full build out school population of 845. This contribution will be applied to upgrades already completed by the City of Brandon. Payment in full will be required at the time of execution of the development agreement.
8. The Developer agrees to arrange with the City of Brandon Operations Division for the installation of a crosswalk at the Maryland Avenue/MacLeod Drive intersection. All costs associated with the crosswalk will be at the sole cost the Developer.
9. The Developer agrees to arrange with the City of Brandon Operations Division for the installation of RB-55 ("No Parking") signage on both sides of Maryland Avenue adjacent to the site. All costs associated with the signage will be at the sole cost the Developer.
10. The Developer agrees that should relocation of any existing Brandon Transit bus stop(s) be required to accommodate the development, the Developer agrees to arrange with the City of Brandon Operations Division the relocation of the bus stop(s). All costs associated with the relocation will be at the sole cost of the Developer.

11. The Developer agrees should the Brandon School Division proposed to extend their fencing on the west side of the Lands to meet up with existing fencing at the rear of the 9th Street properties, the Brandon School Division will maintain City owned lands within the fenced area and provide gates for City access to the ditch from Maryland Avenue for maintenance purposes. All costs associated with the fencing and gates will be at the sole cost the Developer.
 12. The Developer will agree to save harmless the City by way of inclusion of save harmless clauses in the development agreement as the property is located within Methane Gas Zones 1, 2 and 3.
- B. The owner or successor submits written confirmation to the City of Brandon Planning & Buildings Department that arrangements have been made for an easement agreement and Plan of Easement to the satisfaction of BellMTS, and registering the easement agreement along with the easement plan, if required, in series with the plan of subdivision.
- [Application to Subdivide 700 Maryland Avenue.pdf](#)
 - [700 Maryland Avenue - Supplementary Report - Subdivision.pdf](#)

(B) TENDER - KIRKCALDY LIFT STATION

That the bid from Graham Construction and Engineering LP for the construction of the Kirkcaldy Lift Station as per tender and specifications at a cost of \$5,907,850.00 (net of GST) be accepted.

- [Tender - Kirkcaldy Lift Station.pdf](#)

12. By-Laws

NO. 7209 EAST END INDUSTRIAL SECONDARY PLAN
AMENDMENT, 2ND & 3RD READINGS

That By-law No. 7209 to adopt the East Brandon Industrial Area Secondary Plan be amended by:

1. Deleting Section 1.6 – Cultural Heritages Sites/Archaeological Artifacts in its entirety and substitute therefor:

“Cultural Heritage Sites/Archaeological Artifacts: There are several recorded heritage sites in the plan area. Should cultural heritage sites or archaeological artifacts be identified within the Secondary Plan area, The Heritage Resources Act and Section 17.0 of the Development Plan shall take precedence over this Secondary Plan.”

2. Deleting in Subsection 4.1.1 the words: “undivided expressway” and substituting therefor the words: “primary arterial limited access highway”.

3. Deleting Subsection 4.1.2 – Access Management in its entirety and substitute therefor:

“To minimize traffic congestion and potential traffic hazards, direct access to PTH 110 is not recommended. All developments should utilize an internal road network. Development of new accesses on arterial streets (Victoria, Richmond, and Patricia Avenues East) should be appropriately separated from roadway intersections to minimize traffic hazards.”

4. Deleting Subsection 5.1.2 (i) – Municipal Sewer Service in its entirety and substitute therefor:

“New developments will be required to connect to the municipal system at the time of development. In such cases, developments which have minimal requirements for wastewater disposal may be serviced by small-scale on-site wastewater management systems (OWMS), subject to any required provincial approvals.”

5. Deleting Section Subsection 5.2.2 – Stormwater Drainage Study/Plan in its entirety and substitute therefor:

“To identify potential impacts on the municipal system and surrounding properties, the City will require a drainage study, prepared by a professional engineer and submitted for review and acceptance, and mandate that drainage plans be submitted for developments within all areas. To reduce loading on the stormwater infrastructure, drainage plans are encouraged to use approved practices and measures that involve the retention/detention and absorption of runoff.”

6. Deleting Section Subsection 5.3.2(i) – Municipal Water Service in its entirety and substitute therefor:

“New developments will be required to connect to the municipal system at the time of development.”

7. Deleting Section Subsection 5.5.2 – Telecommunications Services in its entirety and substitute therefor:

“Telecommunications services will be provided within the EBIA as determined by the utilities in response to the requirements of individual businesses. Phone, internet and cable service to the EBIA is currently provided by Bell-MTS and Westman Communications. In addition, Shaw's transcontinental fibre optic line runs along the north side of the CP main line, and the City of Brandon has an existing fibre line to the north of Victoria Avenue. The EBIA is served by both overhead line and fibre optic as conceptually illustrated in Reference Map #3: Telecommunications.”

8. Deleting Section Subsection 5.5.3 – Electrical Service in its entirety and substitute therefor:

“Electrical services will be provided within the EBIA as determined by the utility in response to the requirements of individual business. Within the FS-A designations, electrical service will be provided as a standard industrial service to new development. Electrical utility distribution and servicing for development within the other designations will be coordinated by the utility provider at the request of the developer. Electrical service is currently provided by Manitoba Hydro. Existing local electrical distribution lines within the EBIA major road rights-of-way are conceptually illustrated in Reference Map #5: Electrical Service.”

9. Deleting Figure 5: Conceptual Roads & Servicing in its entirety and substitute with a new figure changing the direction of wastewater flows in the FS-A west servicing area and Identifying a lift station at 1st Street and Patricia Avenue with a forcemain connection.

That By-law No. 7209, as amended, be read a second time.

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

- [By-law No. 7209 - Brandon East Industrial Secondary Plan.pdf](#)
- [Consultation Report.pdf](#)
- [Appendices.pdf](#)

NO. 7212 TO AMEND ZONING BY-LAW NO. 7124 - GENERAL UPDATES
AMENDMENT, 2ND & 3RD READINGS

That By-law No. 7212 to amend Zoning By-law No. 7124 with respect to general updates be amended as follows:

1. Section 1, by adding the following as subsection (g):

“(g) Delete Section 17 in its entirety and substitute therefor:

“17. REVIEW BY BY-LAW COMPLIANCE STANDARDS COMMITTEE

- (a) A person against whom an order is made under this section may submit a request to the By-law Compliance Standards Committee to review same by making a written request to the City Clerk no later than fourteen (14) days after the date on which the order was made.
 - (b) After receiving the written request to review the order, a hearing shall be held no later than 15 days following the filing of the request whereby the Committee shall receive representations from the appellant and the Director and may confirm, vary or rescind the order.
 - (c) Any person affected by a decision or order of the Committee on an appeal made to it, may appeal from the decision or order to a judge of the Court of Queen’s Bench.”
2. Section 2. (c), by adding the words: “including eaves” immediately after the word “Balconies” in Table 2 and Table 3; and
 3. Section 3. (b), by deleting Note (8) to Table 10 in its entirety and renumbering the remaining notes.

That By-law No. 7212, as amended, be read a second time.

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

- [By-law No. 7212 - to Amend Zoning By-law No. 7124 - General Updates.pdf](#)

NO. 7216 TO REZONE 609-39TH STREET FROM DEVELOPMENT RESERVE TO RESIDENTIAL SINGLE
DETACHED ZONE
2ND & 3RD READINGS

That By-law No. 7216 to rezone property located at 609 - 39th Street(Lots 37/38, Block 8m, Plan 269 BLTO) from DR Development Reserve Zone to RSD Residential Single Detached Zone be read a second time.

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

- [By-law No. 7216 - Rezone 609 39th Street.pdf](#)

13. Giving of Notice

14. Adjournment

Original Signed By
H. Ewasiuk

H. Ewasiuk
City Clerk