

REGULAR COUNCIL MEETING

MONDAY, MAY 6, 2019 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. Recognitions
4. Confirmation of Minutes

SPECIAL

APRIL 15, 2019

- [Minutes - Special Meeting -April 15, 2019 - Land Sales.pdf](#)

REGULAR

APRIL 15, 2019

- [Minutes - April 15, 2019.pdf](#)

5. Hearing of Presentations

(A) JODI DOUGLAS - HOME BASED MASSAGE THERAPY BUSINESS AT 30 GRASSLAND CRESCENT

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That the presentation by Jodi Douglas with respect to a home based massage therapy business at 30 Grassland Crescent be received.

- [Presentation Request - Jodi Douglas - Massage Therapy Business.pdf](#)

(B) MAUREEN KRAUSS, HTFC PLANNING & DESIGN - RECREATION AND COMMUNITY FACILITIES MASTER PLAN UPDATE

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That the presentation by Maureen Krauss of HTFC Planning & Design with respect to the Recreation and Community Facilities Master Plan update be received.

- [Presentation Request - Maureen Krauss - HTFC Planning & Design.pdf](#)

(C) DEAN ARNILL, WESTERN ASPHALT PRODUCTS - DEVELOPMENT AGREEMENT FOR LIMESTONE ROAD

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That the presentation from Dean Arnill of Western Asphalt Products with respect to the proposed amendments to the development agreement for Limestone Road be received.

- [Presentation Request - Dean Arnill - Western Asphalt Products.pdf](#)

6. Community Comments/Feedback

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.

7. Hearing of Delegations

8. Public Hearings

9. Communications & Petitions

10. Committee Reports

(A) COMMITTEE OF THE WHOLE                      VERBAL                      APRIL 15, 2019

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That the verbal report of the Committee of the Whole Meeting of City Council held April 15, 2019 with respect to the proposed sale and development of 1201 Pacific Avenue, and the sale of 1501 Patricia Avenue be received.

(B) KEYSTONE CENTRE                      VERBAL                      MAY 6, 2019

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11. Enquiries

12. Announcements

13. General Business

(A) HOME BASED BUSINESS LICENSE APPLICATION - MASSAGE THERAPY AT 30 GRASSLAND CRESCENT

That the application of Jodi Douglas Massage Therapy to operate a massage therapy business as a home based business at 30 Grassland Crescent be approved.

- [Home Based Business License Application - 30 Grassland Cresc.pdf](#)

(B) BRANDON RECREATION AND COMMUNITY FACILITIES MASTER PLAN

That the Brandon Recreation and Community Facilities Plan prepared by HTFC Planning and Design and attached to the report of the Director of Community Services dated April 26, 2019, be adopted.

- [Brandon Recreation and Community Facilities Master Plan.pdf](#)
- [Recreation Master Plan - FINAL.pdf](#)
- [Appendices - Recreation Master Plan.pdf](#)

(C) 2019 CONTRACT A - ROADBUILDING WORKS

That the bid from Allen & Bolack Excavating Ltd. to carry out 2019 Contract A - Roadbuilding Works as per tender and specifications at a cost of \$942,775.16 (net of GST) be accepted and that the additional funding requirement of \$185,000 be approved to be expended from the Gas Tax Reserve.

- [Tender - Contract A Roadbuilding Works.pdf](#)

(D) 2019 CONTRACT D - CONCRETE WORKS

That the bid from Zenith Paving Ltd. to carry out 2019 Contract D - Concrete Works as per tender and specifications at a cost of \$522,251.93 (net of GST) be accepted.

- [Tender - Contract D Concrete Works.pdf](#)

(E) 2019 CONTRACT E - DRAINAGE WORKS

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That the bid from Allen & Bolack Excavating Ltd. to carry out 2019 Contract E - Drainage Works as per tender and specifications at a cost of \$521,064.95 (net of GST) be accepted.

- [Tender - Contract E Drainage Works.pdf](#)

(F) AMENDMENT TO DEVELOPMENT AGREEMENT - 14, 20, 26 AND 38 LIMESTONE ROAD

That the City of Brandon amend the development agreement registered on 14, 20, 26, and 38 Limestone Road (Lots 1/2, Block 2, Plan 38009 BLTO, Lot 4, Plan 33862 BLTO, and Lot 3, Plan 34294 BLTO) to the following conditions:

1. Paragraph 10 of the preamble of the Original Agreement is hereby amended by deleting the following paragraph in its entirety:

“AND WHEREAS Phase III would now include the construction of the balance of Limestone Road, Shale Road and Quartz Road (attached Schedule “D”).”

2. Clause 6.a) of the Original Agreement is hereby amended by deleting the following paragraph in its entirety:

“Construct Shale Road, the balance of Limestone Road and Quartz Road, including above and below ground infrastructure, Phase III shall be subject to a further Development Agreement between the Developers and the City.”

And substituting the following paragraphs:

Clause 6. Conditions - Phase III:

- a) The Developer agrees this Amending Agreement be specific to the attached site plan (Schedule “A”) and any variation from this attached concept may require the Developer to obtain approval from Brandon City Council who may request additional public input and who may also require amendment to this agreement;
- b) The Developer agrees to consolidate the following titles by way of a Plan of Survey:
  - i. Lot 1, Block 2, Plan 38009 (14 Limestone Road)
  - ii. Lot 2, Block 2, Plan 38009 (20 Limestone Road)
  - iii. Lot 4, Plan 33862 (26 Limestone Road); and
  - iv. Lot 3, Plan 34294 (38 Limestone Road)

The Plan of Survey is to be prepared by a professional Land Surveyor and must be registered in the Brandon Land Titles prior to any municipal improvements secured by way of this development agreement being placed on warranty with the City of Brandon.

- c) The Developer shall construct the westerly north/south leg of Limestone Road from Quartz Road, south to a minimum point of 10 meters past the southerly limit of Lot 2, Block 2, Plan 38009 (20 Limestone Road) to an industrial, gravel standard. The design of such is to be prepared by a professional engineer and will be subject to review and acceptance by the City Engineer.
- d) The Developer agrees that until such time as the asphalt surfacing is constructed for above noted section of road, the Developer will be responsible to maintain, at their sole cost, the section of road to a City standard, which includes, but is not limited to, grading and snow clearing.
- e) The Developer shall extend a 250mm watermain along the west leg of Limestone Road connecting at Richmond Avenue East, complete with any required appurtenances, south to a minimum point of 10 meters past the southerly limit of Lot 2, Block 2, Plan 38009 (20 Limestone Road). The design of such watermain is to be prepared by a professional engineer and will be subject to review and acceptance by the City Engineer.
- f) The Developer shall provide, upon completion of the water main extension and road construction, all test results and material test results as required by the Engineering Department.
- g) The Developer will submit, prior to the approval to construct the public water main and prior to the issuance of any development permits, a Storm Water Management Report for review and acceptance by the City Engineer.
- h) The Developer agrees that Lot 4, Plan 33862 (26 Limestone Road) and Lot 3, Plan 34294 (38 Limestone Road) will be developed with uses specifically associated with an asphalt plant and/or railside offloading facilities. Further subdivision of the lands or development of any unrelated uses on the Lands will require the Developer to enter into a new Development Agreement with the City for the construction of municipal above ground and/or underground improvements.

- i) The Developer agrees to be responsible to maintain, at their sole cost, the unimproved, gravel east leg of Limestone Road from the southerly limit of Lot 3, Block 3, Plan 38009 (44 Limestone Road) to the southerly limit of the intersection of Limestone Road and Shale Road, until such time as the road is constructed to a industrial, paved standard. Such maintenance shall be to a City standard and include, but not be limited to, grading and snow clearing.
  - j) The Developer shall submit, prior to the issuance of a development permit, a detailed cost estimate as prepared by their Consulting Engineer for the review and acceptance by the City Engineer.
  - k) The Developer shall submit, upon acceptance of the detailed cost estimate however, prior to the issuance of a development permit, a Letter of Credit totalling 15% of the total cost of construction as outlined the in the detailed cost estimate.
3. Clause 9. of the Original Agreement is hereby amended by deleting the following paragraph in its entirety:

“The Developers agree to furnish security for any and all of its obligations pursuant to this Development Agreement, by means of a Developer’s Bond or Irrevocable Letter of Credit for the amount of \$100,000.00. ”

And substituting therefor the following paragraphs:

- a) provide along with the submitted plan, a detailed cost estimate using pricing from the Developer’s Consulting Engineer for the Municipal Above Ground and Municipal Underground Improvements, which will be located in the public right-of-way’s or other offsite improvements for those Municipal Above Ground and Municipal Underground Improvements which will become assets of the City.
- b) The Developer agrees to furnish security for any and all of its obligations pursuant to this Development Agreement, by means of an Irrevocable Letter of Credit. The amount shall be equal to fifteen (15%) percent of the total cost of Municipal Above Ground and/or Underground Improvements to be constructed by the Developer, as outlined in the Detailed Cost Estimate provided to the City by the Developer.

- [Request to Amend Development Agreement on 14, 20, 26 and 38 Limestone Road.pdf](#)

14. By-Laws

NO. 7238 TO ADOPT THE DOWNTOWN BRANDON SECONDARY PLAN  
1ST READING

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That By-law No. 7238 to adopt the Downtown Brandon Secondary Plan be read a first time.

- [By-law No. 7238 - Adoption of Downtown Brandon Secondary Plan.pdf](#)

NO. 7239 TO AMEND ZONING BY-LAW NO. 7124 – UPDATE TO REGULATIONS AND STANDARDS  
AND REMOVAL OF HUB ZONE  
1ST READING

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That By-law No. 7239 to amend Zoning By-law No. 7124 to incorporate downtown zoning updates be read a first time.

- [By-law No. 7239 - Amend Zoning By-law No. 7124 re downtown zoning updates.pdf](#)

NO. 7242 TO OPEN A PORTION OF 26TH STREET LOCATED BETWEEN MARYLAND AND PATRICIA  
AVENUES IN SW ¼ 10-10-19 WPM  
1ST READING

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That By-law No. 7242, to legally open the parcel (Ely 33 feet of SW 1/4 10-10-19 WPM) located between Maryland and Patricia Avenues as an extension of 26th Street to the south, be read a first time.

- [By-law No. 7242 - Open Public Lane between Maryland and Patricia Avenues.pdf](#)

NO. 7244 TO WIDEN THE EXISTING NORTH/SOUTH LANE LOCATED EAST OF LOTS 11/23, BLOCK  
3, PLAN 202  
1ST READING

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That By-law No. 7244, to widen the existing north/south public lane by 1m, located east of Lots 11-23, Block 3, Plan 202 BLTO north of Aagard Avenue between 18th and 19th Streets, be read a first time.

- [By-law No. 7244 - widen lane north of Aagard Avenue between 18th and 19th Streets.pdf](#)

15. Giving of Notice

16. Adjournment

*Original Signed By*  
*H. Ewasiuk*

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H. Ewasiuk  
City Clerk