

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY, JUNE 26TH, 2006 AT 7:30 P.M. IN THE COUNCIL CHAMBER, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA

PRESENT: Mayor D. Burgess in the Chair, Councillor E. Black, Councillor M. Blight, Councillor L. Brown, Councillor M. Campbell, Councillor R. Chrest, Councillor D. Jessiman, Councillor D. Paterson, Councillor B. Smale

ABSENT: Councillor V. Barletta, Councillor G. Rice

ADOPTION OF AGENDA:

1862 Brown-Jessiman
That the Agenda for the Regular Meeting of City Council to be held on Monday, June 26th, 2006 be adopted as presented. CARRIED.

CONFIRMATION OF MINUTES:

1863 Smale-Blight
That the Minutes of the Regular Meeting of City Council held on Monday, June 12th, 2006 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

Prior to the above being voted on, Councillor Paterson noted that in Enquiry No. 685, the words “called the Creative Quarter” should be removed as he was not certain what the program in Montreal was formally entitled.

Councillor Paterson also noted that on Page 970, the announcement with respect to discrimination between Brandon and Winnipeg should indicate bulk wine stores, instead of private wine stores.

HEARING OF DELEGATIONS:

(A) DR. BILL PATON, PESTICIDE BY-LAW REVIEW COMMITTEE – MANITOBA ECO NETWORK AWARD

Dr. Bill Paton appeared before City Council on behalf of the Pesticide By-law Review Committee to provide information on the Manitoba Eco Network Award received by the Committee with respect to the regulation of cosmetic pesticides and extended his accolades to the full committee for its efforts.

1864 Black-Jessiman
That the presentation by Dr. Bill Paton of the Pesticide By-law Review Committee with respect to the Eco Network Award be received. CARRIED.

PUBLIC HEARINGS:

(A) VARIATION – 15 HERON COVE (BEHRENS O/B/O WHEATON)

Councillor Paterson declared a conflict of interest due to professional reasons for this and the next item of business and left the Council Chamber without any further discussion.

City Council sat to receive representation on the above noted matter.

Peter Behrens of Sunrooms and More appeared before City Council on behalf of the owners in support of the application and to answer any questions. He stated that the purpose of the application was to allow for the construction of a three season sunroom onto an existing deck.

No further written or verbal representation was put forward either in support of or in opposition to this application.

Campbell-Brown

1865 That the Public Hearing for the variation application by Peter Behrens on behalf of Clarence and Patricia Wheaton for 15 Heron Cove be concluded. CARRIED.

Campbell-Chrest

1866 That the variation application by Peter Behrens on behalf of Clarence and Patricia Wheaton to reduce the minimum required rear yard from 7.6m (24.93') to 5.18m (17') to construct a three season sunroom at 15 Heron Cove (Lot 17, Block 4, Plan 34717 BLTO) be approved whereby such approval is hereby granted in accordance with the intent of the application dated May 2nd, 2006, the letter of intent and the attached drawing. CARRIED.

(B) VARIATION – 209 DURUM DRIVE (BEHRENS O/B/O SNIDER AND WILLIAMSON)

City Council sat to receive representation on the above noted matter.

Peter Behrens of Sunrooms and More appeared before City Council on behalf of the owners in support of the application and to answer any questions. He stated that the purpose of the application was to allow for the construction of a three season sunroom onto an existing deck.

No further written or verbal representation was put forward either in support of or in opposition to this application.

Brown-Smale

1867 That the Public Hearing for the variation application by Peter Behrens on behalf of Ken Snider and Bev Williamson for 209 Durum Drive be concluded. CARRIED.

Brown-Smale

1868 That the variation application by Peter Behrens on behalf of Ken Snider and Bev Williamson to reduce the minimum required rear yard from 7.6m (24.93') to 5.79m (19') to construct a three season sunroom at 209 Durum Drive (Lot 6, Block 7, Plan 1929 BLTO) be approved whereby such approval is hereby granted in accordance with the intent of the application dated May 18th, 2006, the letter of intent and the attached drawing. CARRIED.

Following the above motions being voted on, Councillor Paterson re-entered the Council Chamber.

(C) PROPOSAL TO SUBDIVIDE – AURORA CRESCENT (WAVERLY DEVELOPMENTS LTD. O/B/O BROOKWOOD FARMS MANITOBA LTD.)

Mayor Burgess declared a conflict of interest due to his being related to the applicant and left the Council Chamber without any further discussion whereby Deputy Mayor R. Chrest assumed the Chair.

City Council sat to receive representation on the above noted matter.

It was noted that this item would be dealt with further under the Order of General Business.

John Burgess appeared before City Council in support of the application and to answer any questions. He stated that the purpose of the public hearing with respect to the subdivision application was a result of a public road being extended.

Secondary to the above, Mr. Burgess noted that traffic lights were needed at 34th Street and Richmond Avenue.

No further written or verbal representation was put forward either in support of or in opposition to this application.

Brown-Black

1869 That the Public Hearing with respect to the application by Waverly Developments Ltd., on behalf of Brookwood Farms Manitoba Ltd., to subdivide Aurora Crescent south of Richmond Avenue and west of Brookwood Drive (Pt. NE¼ 9-10-19 WPM) to create 29 lots and an extension to a public road in the RSF Residential Single Family Zone be concluded. CARRIED.

Following the above motion being voted on, Mayor Burgess re-entered the Council Chamber.

COMMUNICATIONS & PETITIONS:

Nil

COMMITTEE REPORTS:

(A) AUDIT AND FINANCE COMMITTEE REPORT MAY 18TH, 2006

Brandon, Manitoba
May 18th, 2006

The Mayor and Council
City of Brandon

Your Audit and Finance Committee at its meeting held this 18th day of May, 2006, begs leave to report as follows and submits recommendations where deemed necessary and expedient:

Present:

Mayor D. Burgess, Chairman
Councillor R. Chrest
Councillor D. Paterson

Regrets:

Councillor E. Black

Resource Personnel:

Mr. B. MacRae, City Manager
Mr. G. McMillan, General Manager of Corporate Services
Mrs. D. Hitchins, Director of Finance

Guests:

Mr. T. Birkhan, BDO Dunwoody, LLP
Mr. J. Milis, BDO Dunwoody, LLP

CHAIRMAN: Mayor Dave Burgess brought the meeting to order at 3:00 pm.

2005 Audited Financial Statement

Mr. Birkhan presented the 2005 Audited Financial Statement to the Committee.

Mr. Birkhan brought the Committee's attention to the Notes to the Financial Statements page which included an Environmental Contingency note. As stated, there would be a significant cost to clean up the site of the future Public Safety Building, but the amount was not determinable at this time.

BDO performed a series of tests to check the accuracy of the City's financial accounting systems. Those tests showed that the current accounting system used by the City of Brandon provided accurate financial information and has satisfactory controls built in.

Mr. Birkhan then reviewed the various fund (operating, reserve and capital) changes in both the General and Utility Funds.

Councillor Chrest moved to accept the 2005 Financial Statement and to present it to City Council. Motion carried.

BIA Levies

Mr. McMillan presented a report dealing with the outstanding BIA Levies.

Currently there was \$24,043.10 of outstanding BIA Levies that would not likely be paid without further action since the BIA no longer existed as a legal entity. Of the total amount, \$10,167.53 related to 2005, the last year of their operations.

Two options were presented:

- 1) Pursue collection actively through use of a collection agent.
- 2) No further action – discontinue collection activity and deem all accounts as uncollectible thereby incurring losses to offset the existing surplus of the BIA.

The two options were discussed in detail with the introduction of a third option, which was allowing those owing to pay half of their outstanding account.

Councillor Chrest moved to actively collect the outstanding BIA levies through either our own method or through a collection agency. Motion carried.

Raffle Permits

The issue with raffle permits was postponed to a later date due to not having quorum after Councillor Chrest had to leave.

Meeting adjourned at 3:40 pm.

Respectfully submitted,

“Mayor Burgess”

CHAIRMAN

Chrest-Paterson

1870 That the report of the Audit and Finance Committee meeting held May 18th, 2006 be received. CARRIED.

Chrest-Brown

1871 That the 2005 City of Brandon Financial Report be received as presented. CARRIED.

Chrest-Paterson

1872 That the City of Brandon actively pursue collection of outstanding Downtown Brandon Business Improvement Area levies. CARRIED.

ENQUIRIES:

(695) TOURISM SIGNAGE

Councillor Paterson enquired if there was adequate tourism signage in Brandon and if a report could be provided with respect to such inclusive of information on whether or not a new directory board would be erected to replace the previous one that had been dismantled located on the north side of Highway No. 1 east of Brandon.

His Worship the Mayor advised that there were currently eight directional signs in town, one at the Riverbank Discovery Centre and four highway billboard signs and that five additional signs were being erected in different locations leading into Brandon.

His Worship agreed to take the matter of the directory under advisement.

(696) JOINT FITNESS/WELLNESS FACILITY

Councillor Chrest referred to reports in the Brandon Sun of discussion between Brandon University and the Young Men's Christian Association (YMCA) with respect to the possibility of joining forces to develop a fitness/wellness facility and enquired if the City was involved in such discussions.

His Worship the Mayor advised that City staff, including the City Manager, had recently met with the YMCA and continued to have good dialogue on the matter.

(697) SAFETY CONCERNS

Councillor Jessiman noted that the narrow, gravel shoulders of Richmond Avenue East from 17th Street East to Simplot Millenium Park and on Highway No. 110 from Richmond Avenue to Victoria Avenue made it difficult to walk or bike on and created safety concerns. He enquired if a request could be made to Transportation and Government Services to have the shoulders of those roadways paved and subsequently used as bicycle paths.

Councillor Campbell also noted that she received a call from a ward resident concerned about safety in that area and that he had suggested that a bike path might be the solution.

In conjunction with the above, Councillor Smale enquired if the construction of a bicycle path in the above noted area could be given priority consideration this year because of the safety concerns.

Councillor Black noted that Manitoba Hydro had contributed to the development of the existing bicycle path along Victoria Avenue East to the Steam Plant and enquired if Maple Leaf and other enterprises along Richmond Avenue East could be approached with respect to determining if they might be interested in contributing to the cost of such a bike path.

His Worship the Mayor agreed to take the matter under advisement

(698) TAXI BUSINESS

Councillor Jessiman enquired if clarification could be sought with respect to operating a taxi business in residential and commercial zones.

His Worship the Mayor agreed to take the matter under advisement.

(699) MTS CELL TOWER

Councillor Blight referred to a response received to a previous enquiry with respect to the proposed installation of an MTS cell tower and enquired if an update could be provided.

At the request of the Chair, the City Manager advised that based on a review of findings, it was staff's intention to permit the installation of the tower at the Brandon Sports and Recreation Centre.

(700) GREEN MANITOBA CONSULTATIONS

Councillor Black noted that Green Manitoba was conducting consultations with people around the province about plans to bring in new strategies for blue box materials, household hazardous waste, electronic waste, paint, etc., and enquired if the City had been included in any of those consultations and discussions and if not, if Administration could investigate reasons why the City had not been involved and try and initiate discussions prior to the final proposal being submitted.

His Worship the Mayor agreed to take the matter under advisement.

ANNOUNCEMENTS:

DALY HOUSE FUNDRAISER

Councillor Smale announced she attended a Victorian Garden Party that had been the Daly House's fourth living history fundraiser and complemented the ladies on a lovely tea party and an excellent idea.

LAUNCH OF "SPIRITED ENERGY"

Councillor Chrest announced that he attended the Provincial Government launch of their new logo and slogan "Spirited Energy" on June 14th on behalf of City Council held in the Ceremony Room of Brandon University. He noted that the launch had been held simultaneously in Brandon, Thompson and Winnipeg.

DISCOVERER TOUR BOAT

Councillor Paterson announced that the Discoverer Tour Boat was again on the water and would be available for use by the general public and tourists.

PADDLE POOLS

Councillor Paterson announced that the paddle pools would open on July 3rd and would be operated in partnership with the Young Men's Christians Association.

Councillor Campbell sought clarification with respect to the Patmore paddling pool whereby the General Manager of Operations confirmed that the Patmore paddling pool would be open and that a complete list of paddle pools that would be open would be advertised on Access 12.

ASSOCIATION OF MANITOBA MUNICIPALITIES MEETING

Councillor Black announced that he, the Mayor and the City Manager had attended the Association of Manitoba Municipalities (AMM) June District Meeting in Melita, MB. He noted that three resolutions had been discussed and would be presented at the AMM Annual Convention in November which included: alternating the AMM Annual Conventions between Winnipeg and Brandon; implementing a 10 cent deposit on beverage containers; and that the Province pick up 80% of total education costs over the next five years and subsequently adhere to that formula.

CHANGE IN AGENDA

His Worship the Mayor announced that there had been a change to the Procedure By-law so that announcements occurred earlier in the evening, reaching a greater audience.

NATIVE ADDICTIONS FACILITY

His Worship the Mayor announced that he and Councillor Black had recently attended the Native Addictions Facility opening ceremonies.

18TH STREET BRIDGES

His Worship the Mayor noted the recent announcement by Premier Gary Doer with respect to the construction of two double lane bridges on 18th Street. He advised that the new bridges would be higher than the existing bridges for flood safety reasons.

GENERAL BUSINESS:

- (A) PROPOSAL TO SUBDIVIDE – AURORA CRESCENT (WAVERLY DEVELOPMENTS LTD. O/B/O BROOKWOOD FARMS MANITOBA LTD.)

Mayor Burgess declared a conflict of interest due to his being related to the applicant and left the Council Chamber without any further discussion whereby Deputy Mayor R. Chrest assumed the Chair.

Considered was a report from the Brandon and Area Planning District dated June 14th, 2006 with respect to the above.

Brown-Jessiman

1873 That the application of Waverly Developments Ltd., on behalf of Brookwood Farms Manitoba Ltd., to subdivide Aurora Crescent south of Richmond Avenue and west of Brookwood Drive (Pt. NE¼ 9-10-19 WPM) be approved subject to:

- (i) the owner or successor entering into a development agreement with the City of Brandon as attached to the report of the Brandon and Area Planning District dated June 14th, 2006; and
- (ii) confirmation being received that arrangements have been made for a Joint Use Easement and Plan of Easement to the satisfaction of Manitoba Hydro, MTS Communications Inc. and Westman Communications Group. CARRIED.

Following the above motion being voted on, Mayor Burgess re-entered the Council Chamber.

(B) WINTER LIGHTS CONTRIBUTION AGREEMENT

City Council considered a report from the Manager of Public Works dated June 14th, 2006 with respect to the above.

Campbell-Paterson

1874 That the City of Brandon enter into a four (4) year agreement with Brandon Riverbank Inc. to provide \$10,000 annually starting in 2007 to support the Festive Light Park. CARRIED.

(C) DISPOSAL OF CITY OWNED SMALL PARCELS OF LAND

Submitted for consideration was a report from the Property and Traffic Co-ordinator dated June 21st, 2006 with respect to the above.

Paterson-Black

1875 That the following parcels of City owned land be disposed of to the adjacent property owners described below, or their designate, for the sum of \$1.00 in each case subject to the purchaser being solely responsible for the transfer fee of \$69.00 and the Transfer being registered within one (1) month of receipt:

- (a) 730 Douglas Street (Lot 43, Plan 1489) be disposed of to Hamilton Iron Ltd.;
- (b) 2509 McDonald Avenue (Wly 1' Lot 2 and Ely 19' Lot 3, Block 106, Plan 15 and East/West Lane [closed]) be disposed of to Thomas Andrew Peter Commer; and
- (c) 134 Russell Street (Lot 34, Block 25, Plan 4-excluding Sly 10') be disposed of to Ivan Branko Odeljan and Diane Lynn Odeljan. CARRIED.

(D) COMMITTEE MEMBER FOR STANDING COMMITTEES OF THE FEDERATION OF CANADIAN MUNICIPALITIES

Considered was a report from Councillor D. Jessiman dated June 17th, 2006 with respect to the above.

Black-Paterson

1876 That the City of Brandon assume the cost of Councillor D. Jessiman attending meetings of the Federation of Canadian Municipalities Standing Committees for Crime and Safety and Infrastructure and Transportation. LOST.

BY-LAWS:

NO. 6824 - TO CREATE THE GAS TAX FUNDING RESERVE FUND

City Council considered a report from the General Manager of Corporate Services dated June 9th, 2006 with respect to the above.

Paterson-Brown

1877 That By-law No. 6824, to create the Gas Tax Funding Reserve Fund, be read a first time. CARRIED.

NO. 6827 - TO AMEND ZONING BY-LAW NO. 6642 WITH RESPECT TO REGULATIONS PERTAINING TO THE CR COMMERCIAL RESTRICTED ZONE, AND TO REZONE PROPERTY LOCATED AT 1701 AND 1704 LORNE AVENUE FROM CR COMMERCIAL RESTRICTED ZONE TO RSF RESIDENTIAL SINGLE FAMILY ZONE

Considered was a report from the Brandon and Area Planning District dated June 21st, 2006 with respect to the above.

It was noted that this by-law had received second reading at the April 10th, 2006 meeting of City Council whereby due to opposition received, the by-law was referred to the Board of the Brandon and Area Planning District.

Paterson-Smale

1878 That By-law No. 6827 to amend Zoning By-law No. 6642 with respect to regulations pertaining to the CR Commercial Restricted Zone, and to rezone property located at 1701 and 1704 Lorne Avenue from CR Commercial Restricted Zone to RSF Residential Single Family Zone be amended, in accordance with Board Order No. 091/2006 issued by the Brandon and Area Planning District, by deleting Subsections 40.2. (3), (4) and (6) in their entirety and renumbering the remaining clauses (1) through (6) respectively. CARRIED.

Paterson-Smale

1879 That the by-law, as amended, be read a third and final time. CARRIED.

In accordance with Section 137 of The Municipal Act, a recorded vote was taken on the motion to give By-law No. 6827 third reading.

<u>FOR</u>	<u>AGAINST</u>
His Worship Mayor Burgess	Nil
Councillor Black	
Councillor Blight	
Councillor Brown	
Councillor Campbell	
Councillor Chrest	
Councillor Jessiman	
Councillor Paterson	
Councillor Smale	

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

It was noted that this by-law had received second reading at the June 12th, 2006 meeting of City Council whereby third reading had been held in abeyance pending execution of the required development agreement, which had now been duly signed.

Paterson-Brown

1880 That By-law No. 6841 to rezone 110 – 16th Street North and 117 – 17th Street North (Lots 1/2 and Lots 19/20, Block 115, Plan 2 BLTO and Parcel B and C, Plan 42055 BLTO) from RLD Residential Low Density Multiple Family Zone to RMD Residential Moderate Density Multiple Family Zone be read a third and final time. CARRIED.

In accordance with Section 137 of The Municipal Act, a recorded vote was taken on the motion to give By-law No. 6841 third reading.

FOR
His Worship Mayor Burgess
Councillor Black
Councillor Blight
Councillor Brown
Councillor Campbell
Councillor Chrest
Councillor Jessiman
Councillor Paterson
Councillor Smale

AGAINST
Nil

GIVING OF NOTICE:

Nil

ADJOURN:

Paterson-Campbell
That the meeting do now adjourn. (8:48 p.m.) CARRIED.

MAYOR

CITY CLERK