

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY, SEPTEMBER 11TH, 2006 AT 7:30 P.M. IN THE COUNCIL CHAMBER, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA

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

ABSENT: Nil

MOMENT OF SILENCE:

City Council observed a moment of silence to commemorate the events of September 11th, 2001.

PRESENTATIONS:

(A) PRESENTATION OF CERTIFICATES OF COMMENDATION TO MR. KIM CHICOINE AND MR. CRAIG SMITH AS AWARDED BY HER EXCELLENCY THE RIGHT HONOURABLE MICHAELLE JEAN

On behalf of Her Excellency the Right Honourable Michaele Jean, His Worship the Mayor presented Certificates of Commendation to Mr. Kim Chicoine and Mr. Craig Smith for their heroic efforts in saving the life of Arlene Ursel, who was trapped in a burning vehicle.

Following the presentation, City Council and members of the gallery expressed their gratitude by way of a round of applause.

ADOPTION OF AGENDA:

1952 Paterson-Blight
That the Agenda for the Regular Meeting of City Council to be held on Monday, September 11th, 2006 be adopted as presented. CARRIED.

CONFIRMATION OF MINUTES:

1953 Brown-Campbell
That the Minutes of the Regular Meeting of City Council held on Monday, August 24th, 2006 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

1954 Rice-Blight
That the Minutes of the Special Meeting of City Council held on Monday, August 21st, 2006 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

1955 Blight-Brown
That the Minutes of the Special Meeting of City Council held on Tuesday, August 29th, 2006 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

HEARING OF DELEGATIONS:

(A) KEVIN CHOY AND YVONNE BERTRAM – BRANDON FLYING CLUB

Kevin Choy and Yvonne Bertram appeared before City Council on behalf of the Brandon Flying Club. They reviewed the written proposal entitled “Brandon Airport McGill Field (City of Brandon) & Brandon Flying Club Aviation Fuel Proposal” dated Fall 2006 and provided a verbal summary of the proposal to continue the supply of fuel at the Brandon Airport.

Black-Rice

1956 That the presentation by Kevin Choy and Yvonne Bertram of the Brandon Flying Club with respect to a fuel proposal be received. CARRIED.

PUBLIC HEARINGS:

(A) VARIATION – 1711 KIRKCALDY DRIVE (CARDINAL SIGNS LIMITED O/B/O WESTOBA CREDIT UNION LIMITED)

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

Louie Lafontaine of Cardinal Signs appeared before City Council in support of the application and to answer any questions. He stated that the purpose of the application was to allow for the increase in total sign surface area for two free standing identification signs on the same site.

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

Paterson-Brown

1957 That the Public Hearing for the variation application by Cardinal Signs on behalf of Westoba Credit Union for 1711 Kirkcaldy Drive be concluded. CARRIED.

Paterson-Barletta

1958 That the variation application by Cardinal Signs Limited on behalf of Westoba Credit Union Limited to increase the maximum total sign surface area for two free standing identification signs on the same site from 38.0m² (409.0 ft²) to 46.0m² (495.0 ft²) at 1711 Kirkcaldy Drive (Lot 1, Plan 40235 BLTO) be approved, whereby such approval is hereby granted in accordance with the intent of the application dated July 25th, 2006, the letter of intent dated July 24th, 2006 and the attached drawing. CARRIED.

Paterson-Black

1959 That City Council revert back to the Order of Delegations, following which, Council will return to the Order of Communications and Petitions. CARRIED.

HEARING OF DELEGATIONS:

(A) KEVIN CHOY AND YVONNE BERTRAM – BRANDON FLYING CLUB

Paterson-Black

1960 That the presentation by Kevin Choy and Yvonne Bertram of the Brandon Flying Club with respect to a fuel proposal be referred to Administration for consideration and subsequent report. CARRIED.

COMMUNICATIONS & PETITIONS:

Nil

COMMITTEE REPORTS:

(A) AUDIT AND FINANCE COMMITTEE REPORT AUGUST 3RD, 2006

Considered was a report from the Audit and Finance Committee of its meeting held August 3rd, 2006.

Chrest-Smale

1961 That the report of the Audit and Finance Committee meeting held August 3rd, 2006 be received. CARRIED.

Chrest-Rice

1962 That a by-law be prepared to repeal Raffle Lottery By-law No. 6219 effective December 31st, 2006. CARRIED.

(B) POVERTY COMMITTEE VERBAL REPORT SEPTEMBER 5TH, 2006

Councillor Rice provided a verbal report on the Poverty Committee Meeting held Tuesday, September 5th, 2006. He noted the committee had discussed various items including a memorandum of understanding between the Association of Manitoba Municipalities and Family Services and Housing, group insurance for the working poor, community services for immigrants and donation of cell phones.

He advised that the next meeting would be held Tuesday, October 4th, 2006 at 4:30 p.m. in the Council Chamber and invited members of the public to attend.

Barletta-Rice

1963 That the verbal report by Councillor Rice with respect to the Poverty Committee Meeting held September 5th, 2006 be received.

ENQUIRIES:

(734) SIMPLOT CANADA LTD. & KOCH NITROGEN COMPANY

Councillor Paterson referred to a letter His Worship the Mayor had sent to Simplot Canada Ltd. thanking them for being such an important part of the Brandon community over the last few decades and enquired as to whether City Council could further thank Simplot Canada Ltd. by inviting them to participate in some of the upcoming Brandon 125 Celebrations.

Councillor Paterson also referred to the new company, Koch Nitrogen Company who had purchased Simplot, and enquired whether there had been any research done on this company's track record in regard to their relationship with the cities they were located in, length of stay, etc.

His Worship the Mayor agreed to take the first matter under advisement. In response to the second enquiry, His Worship the Mayor advised that there had been significant research done in regard to Koch Nitrogen Company and its relationship with the communities the plants were located in. He further advised that he had received only positive feedback from those communities and felt confident that the City of Brandon would have the same positive working relationship with Koch Nitrogen Company as they had with Simplot Canada Ltd.

(735) MANITOBA HYDROGEN STEERING COMMITTEE

Councillor Paterson referred to the Province of Manitoba energy initiatives and more specifically, the newly formed Manitoba Hydrogen Steering Committee. He expressed his dismay that there were no representatives from the City of Brandon on this committee whereby he noted that he had volunteered himself but they did not want elected officials. He noted that Mr. Tom Keep had expressed an interest in energy initiatives and enquired if His Worship the Mayor could write a letter expressing the concern that the City of Brandon had no representation on this committee.

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

(736) ENFORCEMENT OF THE MOBILE SIGN BY-LAW

Councillor Brown enquired as to whether the City Manager could give City Council an update on the enforcement of the Mobile Sign By-law.

At the request of the Chair, the City Manager advised that currently provisions for mobile signs fell under the Zoning By-law, making enforcement difficult. He further advised that very shortly these provisions would be removed from the Zoning By-Law and a new separate by-law, enforced by City of Brandon By-law Enforcement Officers, would be coming forward for consideration by City Council.

(737) CORRAL CENTRE TRAFFIC CONCERNS

Councillor Chrest noted that he had received several enquiries regarding the flow of both pedestrian and vehicle traffic, inclusive of wheelchairs, scooters, and other mobility devices, at the Corral Centre. He enquired whether the City of Brandon had any input into the standards and guidelines for parking lots on private property and further, whether the City had any authority to seek improvements to this particular site.

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

(738) SPEED REDUCTIONS IN SCHOOL ZONES

Councillor Blight noted that City Council had previously discussed the speed limits in school zones and the danger to young children crossing streets. He further noted that he had used the speed sign board from the Brandon Police Service over a couple of days in early September to monitor speed limits in the vicinity of Waverly Park School and had clocked speeds of over 70 km/hr. He enquired whether that City Administration could contact the Province of Manitoba Traffic Advisory Board and request a reduction of speed limits in school zones.

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

(739) CARS DRIVING ON WALKING PATHS

Councillor Black expressed concern with the number of times he had observed cars driving on new walking paths around the City. He enquired as to what the fine was for this particular offence and how often it had been enforced by the Brandon Police Service.

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

(740) CRIME PREVENTION COMMITTEE

Councillor Black noted that City Council had not had much information over the last few months regarding the Crime Prevention Committee and requested an update.

His Worship the Mayor advised that the Committee was up and running with Mr. Darryl Darling as the Chairman. He further advised that the Committee had a full compliment of members, including himself and the Chief of Police as City representatives in a support role only. He also noted that while they had taken a short break over the summer months, the Committee would be active in September and City Council could expect to hear much more from the Committee Chair in the near future.

(741) HEAVY TRUCK TRAFFIC – VICTORIA AVENUE EAST

Councillor Black referred to a petition he had received from area residents in regard to the amount of heavy truck traffic on Victoria Avenue East from 17th Street East to 1st Street. He noted that the petitioners requested a reduction in the amount of heavy truck traffic accessing 1st Street from the East End of the City. Councillor Black stated that before he presented that petition to Council, he would like a report on the traffic counts that have been done recently in this area. He further noted that he intended to bring this petition forward at the next meeting of City Council to be held September 25th, 2006 and enquired if it would be possible to see the report before that.

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

(742) LIGHTING - HIGHWAY NO. 10 SOUTH OF ABERDEEN AVENUE

Councillor Campbell referred to a previous enquiry regarding the lighting along Highway No. 10, south of Aberdeen Avenue. She expressed concern that this area is very poorly lit and requested an update from City Administration as to when lighting improvements could be expected.

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

(743) SPEED OF TRAFFIC ENTERING BRANDON FROM THE SOUTH

Councillor Campbell referred to previous enquiries to the Administration regarding the speed of vehicles entering the City from the south. She noted that exits off Maryland Avenue and Lyndale Drive were not in a t-alignment, making it very difficult to exit either of these streets onto 18th Street South. She further noted that she had been advised by the Engineering Department that this section of road would eventually be twinned and Maryland Avenue closed at that exit, but enquired if there was anything that could be done in the interim to alleviate this problem.

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

(744) PEDESTRIAN TRAFFIC ON 18TH STREET SOUTH

Councillor Campbell referred to a previous enquiry regarding the safety of pedestrians along 18th Street between Patricia Avenue and Currie Boulevard where there were no sidewalks and people were forced to walk along the road. She requested an update on improvements that may be forthcoming to alleviate this safety concern.

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

(745) ASSOCIATION OF MANITOBA MUNICIPALITIES (AMM) RESOLUTION - EDUCATION TAX

Councillor Jessiman referred to a resolution submitted to the AMM District Meeting in regards to lobbying the Federal Government to restore the funding on the Education Tax to the 80% level that it was in 1983. He noted that this resolution was passed at the AMM District Meeting but that it was not on the agenda for the AMM Annual Meeting. He requested that His Worship the Mayor query the Association of Manitoba Municipalities as to the status of this resolution.

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

(746) POLICE BLITZ ON HEAVY TRUCK TRAFFIC

Councillor Rice referred to a recent “blitz” by the Brandon Police Service on heavy truck traffic. He noted that 18 of the 36 trucks inspected either showed concern or failed and given these numbers, he enquired whether the Police Service could be encouraged to repeat these blitzes until these numbers became more acceptable.

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

ANNOUNCEMENTS:

ASSINIBOINE WARD MEETING

Councillor Paterson announced that he would hold an Assiniboine Ward Meeting held on Thursday, September 14th, 2006 at 7:30 p.m. at the Riverbank Discovery Centre. Agenda items include the Brandon Mental Health Centre, basement floods, handi-transit, McDonald Avenue speeders, Sportsplex, Recreation Centre and any other ward issues.

SENIOR BASEBALL CHAMPIONSHIPS

Councillor Chrest announced that he had been pleased to represent City Council at the opening ceremonies of the Canadian Senior Baseball Championships on August 25th, 2006. He noted that the ceremonies had been rained out the first time around and Mayor Burgess was unable to attend at the rescheduled time. He further announced that the committee had put on a fine championship, with good crowds and he hoped that the City of Brandon got the chance to host these championships again very soon.

DEADLINE FOR FILING APPLICATIONS AGAINST THE 2007 ASSESSMENT ROLLS

His Worship, the Mayor announced that the deadline for filing applications against the 2007 General Assessment Rolls and 2007 Business Assessment Rolls was 4:30 p.m. on Monday, October 2nd, 2006.

BRANDON UNIVERSITY COMMENCEMENT CEREMONY

Councillor Blight announced that he was pleased to represent City Council at the Brandon University Commencement Ceremony on Tuesday, September 5th, 2006 at the Westman Centennial Auditorium. He further announced that he was pleased to bring greetings to the young people attending Brandon University.

GENERAL BUSINESS:

(A) DOWNTOWN SKATE PLAZA REQUEST

City Council considered a report from Operational Services dated August 29th, 2006 with respect to the above. Included with the report was a summary sheet of numerous letters of support for approval of the project.

Barletta-Brown

1964 That the funds previously allocated for the Downtown Skateboard Park development be released without the requirement for matching funds. CARRIED.

Barletta-Paterson

1965 That the land at the south-west corner of 9th Street and Princess Avenue be allocated for the future development of a Downtown Skateboard Park. CARRIED.

(B) PROPOSAL TO SUBDIVIDE LAND NORTH OF BRAECREST DRIVE AND WEST OF VILLAGE DRIVE (BOLES O/B/O BRAECREST VILLAGE INC.)

Submitted for consideration was a report from the Brandon and Area Planning District dated August 29th, 2006 with respect to the above.

Paterson-Jessiman

1966 That the application of Aikins, MacAulay & Thorvaldson (c/o Harley Boles), on behalf of the owner, Braecrest Village Inc, to subdivide land north of Braecrest Drive and west of Village Drive (Pt. SW ¼ 35-10-19 WPM) be approved subject to:

- (i) confirmation being received by the Brandon and Area Planning District 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; and
- (ii) the owner or successor providing evidence to the Brandon and Area Planning District that conditions and requirements of Subdivision Application No. 4500-05-275 have been met. CARRIED.

(C) DISPOSITION OF A PORTION OF 7TH STREET [CLOSED], NORTH OF VAN HORNE AVENUE

Considered was a report from Development Services dated September 5th, 2006 with respect to the above.

Rice-Paterson

1967 That the westerly 46' x 264' portion of 7th Street[closed] located north of Van Horne Avenue be disposed of to 3848451 Manitoba Ltd., or their designate, for the sum of \$12,144.00 plus G.S.T. CARRIED.

(D) TENDER NO. 80/06 WATER TREATMENT PLANT – UPGRADE OF PLANT #2

City Council considered a report from Development Services dated August 18th, 2006 with respect to the above.

Brown-Paterson

1968 That the low bid of Wescan Electrical for Water Treatment Plant Upgrade of Plant #2 as per tender and specifications at a cost of \$483,261.61 be accepted. CARRIED.

(E) APPOINTMENT OF AUDITORS

Submitted for consideration was a report from the General Manager of Corporate Services dated August 15th, 2006 with respect to the above.

Campbell-Brown

1969 That BDO Dunwoody LLP be appointed auditors for the City of Brandon for the years 2006 through 2010. CARRIED.

It was noted prior to voting on the above, that the item should have been presented to the Audit and Finance Committee, prior to being submitted to City Council for consideration whereby the City Manager confirmed that same would take place in future years.

(F) APPOINTMENT TO THE PLANNING COMMISSION

Considered was a report from the City Clerk dated September 6th, 2006 with respect to the above.

Campbell-Chrest

1970 That pursuant to Section 12 of Planning Commission By-law No. 6843, the following be and are hereby appointed to the Planning Commission with terms of office to expire on the dates shown:

- Peter Behrens (term expires April 1st, 2007)
 - William Horne (term expires April 1st, 2007)
 - Bernie Chrisp (term expires April 1st, 2008)
 - Kevan Sumner (term expires April 1st, 2008)
 - Orv Prokopchuk (term expires April 1st, 2009)
- CARRIED.

BY-LAWS:

NO. 6836 - TO AMEND TRAFFIC BY-LAW NO. 5463 WITH RESPECT TO PEDESTRIANS AND MOTORIZED MOBILITY DEVICES

Considered was a report from Development Services dated August 28th, 2006 with respect to the above.

Paterson-Chrest

1971 That By-law No. 6836 to amend Traffic By-law No. 5463 with respect to pedestrian rights and duties and motorized mobility aids be read a first time.

NO. 6846 - TO REZONE PROPERTY LOCATED AT 1510, 1512, 1530 AND 1550 – 12TH STREET FROM RLD RESIDENTIAL LOW DENSITY MULTIPLE FAMILY ZONE TO CAR COMMERCIAL ARTERIAL ZONE (ESLER O/B/O 3777121 MANITOBA LTD.)

Councillor Brown declared a conflict of interest due to his business association with the applicant and left the Council Chamber without any further discussion.

It was noted that this by-law had received first reading at the July 17th, 2006 meeting of City Council whereby second and third readings had been held in abeyance pending a neighbourhood meeting and the execution of the required development agreement. The neighbourhood meeting was held on August 31st, 2006 and the agreement signed.

Campbell-Jessiman

1972 That By-law No. 6846 to rezone property located at 1510, 1512, 1530 and 1550 – 12th Street (Lots 25/44, Block 6, Plan 227 BLTO) from RLD Residential Low Density Multiple Family Zone to CAR Commercial Arterial Zone be read a second time. CARRIED.

Campbell-Paterson

1973 That this by-law 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. 6846 third reading.

FOR
 His Worship Mayor Burgess
 Councillor Barletta
 Councillor Black
 Councillor Blight

AGAINST
 Nil

Councillor Campbell
Councillor Chrest
Councillor Jessiman
Councillor Paterson
Councillor Rice
Councillor Smale

Following the above motion being voted on, Councillor Brown re-entered the Council Chamber.

GIVING OF NOTICE:

(A) SOCIAL ASSISTANCE

In accordance with Rule 60 of City Council Procedure By-law No. 6634, Councillor Black gave notice of his intent to introduce at the September 25th, 2006 meeting of City Council the following motion:

“That His Worship the Mayor, on behalf of the Council of the City of Brandon, request in writing that The Honourable Christine Melnick, Minister of Family Services and Housing and the NDP Government:

- (1) increase social assistance payments to restore their purchasing power to 1992 levels and then index to changes in the Consumer Price Index for Manitoba;
- (2) increase the amounts people on social assistance are allowed to earn before payment reductions kick in to at least \$200 per month; and
- (3) encourage single parents on social assistance to acquire skills and education by maintaining support payments while they are in training programs or Community College and University programs and paying their tuition, materials and other fees related to their programs.”

(B) COVERAGE – WORKERS’ COMPENSATION AND EMPLOYMENT STANDARDS

In accordance with Rule 60 of City Council Procedure By-law No. 6634, Councillor Black gave notice of his intent to introduce at the September 25th, 2006 meeting of City Council the following motion:

“That His Worship the Mayor, on behalf of the Council of the City of Brandon, request in writing that The Honourable Nancy Allan, Minister of Labour and Immigration and the NDP Government extend coverage of Workers’ Compensation and Employment Standards to all workers in the Province who are in jobs that are present within the boundaries of the City of Brandon.”

(C) REGULATION OF BEVERAGE CONTAINERS

In accordance with Rule 60 of City Council Procedure By-law No. 6634, Councillor Black gave notice of his intent to introduce at the September 25th, 2006 meeting of City Council the following motion:

“That Administration prepare and submit to City Council a report and draft by-law with respect to the regulation of and imposing deposits on beverage containers within the boundaries of the City of Brandon whereby said report shall include advice on the feasibility and capacity of the City of Brandon to impose such deposits.”

ADJOURN:

Campbell-Smale

That the meeting do now adjourn. (9:16 p.m.) CARRIED.

MAYOR

CITY CLERK