

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY, SEPTEMBER 25TH, 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, Youth Councillor S. Desormeau

ABSENT: Nil

ADOPTION OF AGENDA:

1974 **Blight-Rice**
That the Agenda for the Regular Meeting of City Council to be held on Monday, September 25th, 2006 be adopted as presented. CARRIED.

CONFIRMATION OF MINUTES:

1975 **Brown-Blight**
That the Minutes of the Regular Meeting of City Council held on Monday, September 11th, 2006 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

HEARING OF DELEGATIONS:

(A) **RICK POZNIKOFF – CANADIAN PACIFIC RAILWAY SAFETY PRESENTATION**

Rick Poznikoff, Manager of Community Relations, appeared before City Council on behalf of the Canadian Pacific Railway (CPR) with respect to the railway's safety practices and emergency response procedures. He provided a verbal summary of the written material provided to members of City Council, inclusive of the accident per million miles travelled statistics for all railways, noting the positive statistics for CPR. He also reviewed inspections carried out on both the tracks and trains. He concluded by reporting on the emergency preparedness conducted by CPR.

1976 **Paterson-Barletta**
That the presentation by Rick Poznikoff with respect to the review of Canadian Pacific Railway's safety practices and emergency response procedures be received. CARRIED.

PUBLIC HEARINGS:

(A) **VARIATION – 107 REGENT CRESCENT (VENN O/B/O MATHEOS)**

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

Jayant Venn appeared before City Council in support of his application and to answer any questions. He stated that the purpose of the application was to legally establish a sunroom currently being constructed on the property.

Karen Beam, co-owner of 105 Regent Crescent, appeared in opposition to the application. She stated the construction was an eye sore and devalued her portion of the property. In response to questions, she advised that she was not opposed to a properly constructed sunroom.

Nickolas Avlonitis, 2903 Rosser Avenue, appeared in support of the application. He stated construction of the original canopy had been to assist in drainage issues and noted the inside of the current construction was quite impressive although the outside did require some improvements.

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

Blight-Rice

1977 That the Public Hearing for the variation application by Jayant Venn, on behalf of Kathleen Matheos, for 107 Regent Crescent be concluded. CARRIED.

Blight-Barletta

1978 That the variation application by Jayant Venn on behalf of Kathleen Matheos to reduce the minimum required side yard from 1.2m (3.94') to 0.6m (2') to legally establish an existing sunroom at 107 Regent Crescent (Lot 29, Block 6, Plan 1815 BLTO) be approved whereby such approval is hereby granted in accordance with the intent of the application dated August 28th, 2006, the letter of intent dated August 27th, 2006 and the attached drawing subject to the owner providing to the Brandon and Area Planning District, a complete set of building construction plans which show compliance with the Manitoba Building Code in accordance with the City of Brandon Building By-law. CARRIED.

COMMUNICATIONS & PETITIONS:

(A) PETITION – REDUCTION OF HEAVY TRUCKS UTILIZING VICTORIA AVENUE EAST

Councillor Black presented a 78 name petition from residents of Victoria Avenue East in opposition to heavy truck traffic utilizing Victoria Avenue East, to be forwarded to Administration for consideration.

(B) UTILIZATION OF STROLLERS ON TRANSIT PASSENGERS

Councillor Campbell presented a petition with respect to persons being allowed to push strollers on transit buses instead of attempting to remove small children from the stroller and carry both the child and stroller onto the bus, to be forwarded to Administration for consideration.

COMMITTEE REPORTS:

(A) JOINT TASK FORCE – BRANDON SCHOOL DIVISION AND CITY OF BRANDON
VERBAL REPORT SEPTEMBER 25TH, 2006

Councillor Brown presented a verbal report on the Joint Task Force which consisted of representatives from the Brandon School Division and the City of Brandon to address bussing solutions for shop and home economic students, the Joint Use of Schools agreement and the School Patrol Program. He reported that successes had been achieved by the Task Force and recommended that a Task Force be struck again following the October 2006 election.

Black-Blight

1979 That the verbal report by Councillor Brown with respect to Joint Task Force of the Brandon School Division and the City of Brandon be received. CARRIED.

ENQUIRIES:

(747) COMPENSATION FOR RESIDENTS FROM RUPTURED WATER MAIN

Councillor Rice enquired if residents who sustained basement flooding as a result of water main ruptures on the City side of the street would receive compensation.

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

(748) SIDEWALK AND STREET REPAIRS

Councillor Rice enquired if there was sufficient time and resources to complete the scheduled sidewalk and street repairs before fall freeze-up.

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

(749) DESTINATION TAX

Councillor Jessiman enquired if Administration could study and report back to Council, prior to next regular meeting, on the financial effects of imposing a 2% destination tax on hotel and motels.

His Worship the Mayor advised that the Administration could provide the data currently on hand, whereby an additional study would have to be the result of a notice of motion.

(750) COST TO CITY OF BRANDON FOR COMMUNITIES IN BLOOM

Councillor Chrest referred to the recent National Communities in Bloom Conference held in Brandon and reported that information contained on the webpage for eBrandon was in error. He noted the subject webpage reported that the conference had cost taxpayers \$300,000 whereby he enquired if the true cost of the event was known at this time.

His Worship the Mayor advised that City Council had approved an expenditure of up to \$50,000 to host the conference whereby at the current time, it was felt that the conference had been conducted at a "break even" point, with no expenditure being required from the City of Brandon.

His Worship the Mayor further noted that the event had been a tremendous success and had once again put the City of Brandon on the national radar.

(751) STATUS OF FLOOD CLAIMS

Councillor Paterson referred to a recent update provided on the status of flood claims from the July 2005 storm and enquired if His Worship the Mayor had any information as to when the matter may reach fruition.

His Worship the Mayor advised that he expected a letter from Premier Doer in the very near future. He further stated that he knew City Council and the general public were anxiously awaiting a decision on this matter and could rest assured that as soon as the letter arrived, the information would be shared.

(752) UPDATE ON PUBLIC SAFETY BUILDING

Councillor Paterson enquired if an update could be provided with respect to the review of locations for the proposed Public Safety Building.

At the request of the Chair, the City Manager advised that Council's decision not to proceed with the 1st Street and Rosser Avenue location had provided an opportunity to revisit the specific needs of both the Police and Fire Departments and he expected to have information to City Council in November with respect to the general direction being taken. He further noted that information on available sites was being received from various sources in the community.

His Worship the Mayor further advised that much of the money expended to date would have had to be spent regardless of whether or not construction took place on the 1st Street location, in order to remove debris from the property and to conduct an environmental review for clean up purposes.

In conjunction with the above, Councillor Black enquired what steps would have to be taken with respect to the above noted clean up operation whereby at the request of the Chair, the City Manager advised that the clean up operation was being looked at as a separate exercise with the ability to work with Manitoba Environments and the previous owners to assist in the operation. He suggested discussions would continue for approximately 6 to 8 weeks, followed by a recommendation to City Council.

(753) SOD TURNING AT THE FORMER BRANDON MENTAL HEALTH CENTRE SITE

Councillor Black enquired if His Worship the Mayor had any information on the proposed "sod turning" event rumoured to be taking place at the former Brandon Mental Health Centre property.

His Worship the Mayor advised that the City had not received any notification on such an event, but did expect an item to be on the City Council Agenda for the October 10th, 2006 meeting for discussion.

ANNOUNCEMENTS:

9TH STREET & MARYLAND AVENUE

Councillor Campbell announced that the General Manager of Development Services had advised her that the Engineering Department had arrived at a concept plan for residential development at 9th Street and Maryland Avenue which included a retention pond. He further advised that the tender process for this project had been started with work expected to begin this fall and continue until freeze-up.

PATRICIA AVENUE PAVING

Councillor Campbell expressed her thanks to the Engineering Department for the paving being done on Patricia Avenue between 1st Street and 9th Street.

PEDESTRIAN FLOW AT THE CORRAL CENTRE

Councillor Chrest thanked the Property & Traffic Co-ordinator for his quick response to an enquiry he made at the September 11th, 2006 meeting of City Council with respect to the above. He expressed his disappointment however, that the flow of both pedestrians and traffic at the site continued to be a problem and the City had no jurisdiction to request changes or improvements.

MANITOBA WAR BRIDES' FINAL REUNION

Councillor Smale stated that she was pleased to represent City Council at the at the Manitoba War Brides' Final Reunion on Saturday, September 23rd, 2006. She noted that Mayor Burgess' father, Ken Burgess, had attended the first reunion on behalf of City Council and expressed her regret that the current Mayor Burgess had been unable to attend this final reunion due to the Communities In Bloom Gala Dinner.

ACCOLADES TO POLICE OFFICERS

Councillor Rice congratulated the Brandon Police Service Officers who attended the gang related training in Winnipeg last week. He further stated that this proved that the City of Brandon was willing to put resources out there to assist in exterminating gang activity and show that this activity would not be tolerated here.

COMMUNITIES IN BLOOM ANNUAL AWARDS

Councillor Paterson announced that he had attended at least three of the social events in conjunction with the National Communities in Bloom National Awards and noted that people from across the country had commented on how impressed they were with Brandon as the host of this event. He expressed his thanks to City staff for doing such a great job in organizing this event and further commented that they did a great job in showcasing Brandon and Western Manitoba.

Further to the above, Mayor Burgess expressed his gratitude to the tremendous volunteers that assisted City staff in making this event a huge success. He also stated that he was proud to announce that the City of Brandon once again earned the 5 Bloom rating and noted that being the host City, we were not allowed to be in the competition this year but would be a strong competitor again in 2007.

RECREATION CENTRE PUBLIC FORUMS

His Worship the Mayor announced that there would be Public Forums held on September 26th and 27th, 2006 starting at 7:00 p.m. at the Recreation Centre and invited any members of the public to attend and give their input on the future of the facility.

RECREATION SURVEY

His Worship the Mayor announced that there would be a survey going out with the September, October and November water bills. He encouraged all members of the public to complete and return this survey as the feedback from this survey would assist in an overall Recreation Plan for the City of Brandon that will be presented to City Council early in 2007.

GENERAL BUSINESS:

(A) BRANDON FLYING CLUB FUEL PROPOSAL

Considered was a report from Transportation Services dated September 15th, 2006 with respect to the above.

Paterson-Chrest

1980 That the concession fees proposed by the Brandon Flying Club for the Municipal Airport, as outlined in the report from Transportation Services dated September 15th, 2006, be approved effective January 1st, 2007 pending execution of a service agreement between the City of Brandon and the Brandon Flying Club. CARRIED.

(B) INDUSTRIAL DRIVE SUBDIVISION

City Council considered a report from the Property and Traffic Co-ordinator dated September 11th, 2006 with respect to the above.

Jessiman-Smale

1981 That authority be granted to expend an additional \$50,000 from the Capital Development Reserve resulting in a total amount of \$250,000 being expended from said reserve for completion of Industrial Drive Phase II Development. CARRIED.

(C) DISCRIMINATION BY GOVERNMENT OF MANITOBA

Submitted for consideration was a report from Councillor Paterson dated September 11th, 2006 with respect to the above.

Paterson-Black

1982 That a complaint of discrimination by the Government of Manitoba with respect to the examples attached to the report of Councillor Paterson dated September 11th, 2006 and its restricted and inconsistent approval of private wine stores, casinos and horse parks outside the City of Winnipeg be filed under The Discriminatory Business Practices Act;

and further, that Councillor Paterson be authorized to file this complaint on behalf of the City of Brandon;

and further, that the City of Brandon establish an ad hoc committee to monitor the Province of Manitoba's treatment of Brandon as compared to that of the City of Winnipeg on an ongoing basis. LOST.

Paterson-Smale

1983 That the matter of discrimination by the Government of Manitoba be placed on the Council Agenda for consideration at the 2nd regular Council meeting after October 25th, 2006. LOST.

(D) SOCIAL ASSISTANCE

Considered was a report from Councillor E. Black dated September 13th, 2006 with respect to the above in accordance with his notice of motion filed at the September 11th, 2006 meeting of City Council.

Black-Rice

1984 That His Worship the Mayor, on behalf of the Council of the City of Brandon, request in writing that The Honourable Gord Mackintosh, 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. CARRIED.

(E) COVERAGE – WORKERS' COMPENSATION AND EMPLOYMENT STANDARDS

City Council considered a report from Councillor E. Black dated September 13th, 2006 with respect to the above in accordance with his notice of motion filed at the September 11th, 2006 meeting of City Council.

Black-Barletta

1985 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. CARRIED.

(F) REGULATION OF BEVERAGE CONTAINERS

Submitted for consideration was a report from Councillor E. Black dated September 13th, 2006 with respect to the above in accordance with his notice of motion filed at the September 11th, 2006 meeting of City Council.

Black-Barletta

1986 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. CARRIED AS AMENDED.

AMENDMENT

Paterson-Jessiman

1987 That the above motion be amended by adding after the words: "submit to City Council a report and", the words: "if deemed appropriate, a". CARRIED.

BY-LAWS:

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

It was noted that this by-law had received first reading at the September 11th, 2006 meeting of City Council.

Jessiman-Campbell

1988 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 second time. CARRIED.

Jessiman-Brown

1989 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. 6836 third reading.

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

AGAINST
Nil

GIVING OF NOTICE:

(A) DESTINATION TAX

In accordance with Rule 60 of City Council Procedure By-law No. 6634, Councillor Jessiman gave notice of his intent to introduce at the October 10th, 2006 meeting of City Council the following motion:

“That consideration be given to applying a 2% destination tax on hotel/motel accommodations in the City of Brandon, dedicated to promotion of tourism, recreation and economic development.”

(B) BROWNFIELD REMEDIATION POLICY

In accordance with Rule 60 of City Council Procedure By-law No. 6634, Councillor Paterson gave notice of his intent to introduce at the October 10th, 2006 meeting of City Council the following motion:

“That Administration prepare a report and recommendation regarding a consistent brownfield remediation policy, regardless of who owns the lands in question, or who the end users are.”

(C) LEGISLATION FOR DISCLOSURE OF ELECTION EXPENSES

In accordance with Rule 60 of City Council Procedure By-law No. 6634, Councillor Black gave notice of his intent to introduce at the October 10th, 2006 meeting of City Council the following motion:

“That advice be provided to City Council on the steps to be taken to obtain legislation regulating contributions and expenditures for candidates in local elections in the City of Brandon and to require disclosure of such contributions and expenditures.”

ADJOURN:

Jessiman-Paterson

That the meeting do now adjourn. (10:25 p.m.) CARRIED.

MAYOR

CITY CLERK