

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY, JANUARY 8TH, 2007 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 M. Campbell, Councillor K. Fitzpatrick, Councillor J. Harwood, Councillor D. Jessiman, Councillor J. McCrae, Councillor D. Paterson, Councillor G. Rice, Youth Member Ryan McKim

ABSENT: Nil

ADOPTION OF AGENDA:

057 Harwood-Fitzpatrick
That the Agenda for the Regular Meeting of City Council to be held on Monday, January 8th, 2007 be adopted as presented. CARRIED.

CONFIRMATION OF MINUTES:

058 Jessiman-Blight
That the Minutes of the Regular Meeting of City Council held on Monday, December 18th, 2006 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

HEARING OF DELEGATIONS:

(A) CURTIS KEBER – HABITAT FOR HUMANITY

Curtis Keber appeared before City Council on behalf of Habitat for Humanity (Habitat) to provide an update on Habitat's recent successes and to share exciting news about its future. He stated that in the previous 11 years, they had constructed or renovated 18 homes in Brandon to help lower income families own a home of their own, assisting 100 people in total. World-wide, a Habitat home was built every 24 minutes and housed over a million people. He thanked the people and organizations in Brandon who continued to assist in Habitat's endeavors and outlined the proposed construction projects for 2007 and 2008. He concluded by asking the City to include in its 2007 budget, funding for water and sewer service extension in the 700 Block of Frederick Street.

059 Barletta-McCrae
That the presentation by Curtis Keber on behalf of Habitat for Humanity with respect to an update on the successes to date and future plans for Habitat for Humanity be received. CARRIED.

(B) DAVE POETS AND PHYLLIS ELLIOTT – UNITED COMMERCIAL TRAVELERS 125TH BIRTHDAY CELEBRATION AIR SHOW

Dave Poets and Phyllis Elliott of the United Commercial Travelers (UCT) appeared before City Council with respect to UCT's proposal to host an air show at the Brandon Municipal Airport, in conjunction with Brandon's 125th Birthday Celebrations. Included in the presentation was a request for gift-in-kind assistance from the City of Brandon in the amount of \$6,782.00 as outlined in their written proposal.

060 Jessiman-Campbell
That the request from the United Commercial Travelers for gift-in-kind assistance from the City of Brandon in the amount of \$6,782.00 to host the 125th Birthday Celebration Air Show at the Brandon Municipal Airport be referred to the Administration for consideration and subsequent report. CARRIED.

(C) BOB MAZER AND STEPHEN HAYTER- AIR TRAINING PLAN MUSEUM

Bob Mazer and Stephen Hayter appeared before City Council on behalf of the Air Training Plan Museum (Museum) to request a resolution of Council naming the Museum as a priority, in support of the Museum's application for infrastructure funding from the Canada/Manitoba Infrastructure Program. They noted that to date, better than \$800,000 had been raised through the private sector and \$650,000 had been secured through the municipal government. They now wanted to approach the two senior levels of government for a contribution, which required a resolution from City Council naming the project as a priority for the city and/or surrounding area.

Harwood-Jessiman

061 That the presentation by Bob Mazer on behalf of the Air Training Plan Museum requesting a resolution of support for funding through the Canada/Manitoba Infrastructure Program be referred to the Administration for consideration and subsequent report. CARRIED.

PUBLIC HEARINGS:

Nil

COMMUNICATIONS & PETITIONS:

Nil

COMMITTEE REPORTS:

(A) POVERTY COMMITTEE VERBAL REPORT JANUARY 8TH, 2007

Brandon, Manitoba
January 8th, 2007

Mayor and Council
City of Brandon

Councillor Rice provided a verbal report on the Poverty Committee Meeting held January 2nd, 2007. He stated that two open houses would be held at City Hall on February 28th and March 6th, 2007 respectively regarding the Solution To Overcome Poverty (STOP) and interested individuals could contact Elaine Arvisais at 729-2234 for details.

(B) 125TH BIRTHDAY CELEBRATION COMMITTEE VERBAL REPORT JANUARY 8TH, 2007

Brandon, Manitoba
January 8th, 2007

Mayor and Council
City of Brandon

Councillor Harwood provided a verbal report on the 125th Birthday Celebration Committee's New Year's Eve Kick Off Event whereby he noted the event had been extremely well attended. He expressed his accolades to City staff and sponsors for their efforts with the Winter Light Display, Terry Marshall for supplying the sleigh rides and Larry Brown and his associates for sponsoring the fire works display.

Black-Paterson

062 That the verbal reports by Councillors Rice and Harwood with respect to the Poverty and 125th Birthday Celebration Committees be received. CARRIED.

ENQUIRIES:

(45) SPEED LIMIT – HIGHWAY NO. 10 SOUTH OF THE BRANDON SHOPPERS MALL

Councillor Campbell referred to previous enquiries regarding the speed limit on Highway No. 10 south of the Brandon Shoppers Mall and noted that she had recently received more complaints from area residents and enquired if the issue could be raised again.

His Worship the Mayor noted that the previous enquiries and subsequent responses had been within the past year and therefore any responses received now would not be any different. He further noted that while no changes were intended at this time the situation would be monitored closely as development progressed in the area.

(46) BRANDON AND AREA ROAD NETWORK STUDY

Councillor Paterson noted that the Brandon and Area Road Network Study which had been expected in December had not yet been received and enquired whether or not there was a new expected completion date.

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

(47) UPDATE – 1ST STREET AND ROSSER AVENUE SITE

Councillor Paterson referred to the property at 1st Street and Rosser Avenue whereby he noted that there seemed to have been little activity there since the proposed public safety building issue and requested an update on same. He further noted that there had previously been security on-site and enquired whether or not this was still a requirement.

His Worship the Mayor responded that there were no safety/environmental issues with the site that required on-site security.

At the request of the Chair, the City Manager responded that discussions were ongoing with legal counsel and the Province of Manitoba regarding the environmental issues and a report to City Council was expected in February.

Further on this issue, His Worship the Mayor advised that there had been some interest shown in this property by private developers and he assured City Council would be kept informed of the developments in that regard.

Councillor Black also referred to this issue and noted that when a final decision had been reached on this site in regards to the Public Safety Building, City Council had committed to a clean-up of the site. He enquired whether or not funds had been included in the 2007 Budget for this clean-up.

At the request of the Chair, the City Manager responded that there was nothing specific for this included in the budget; however, there were reserve funds allocated for the Public Safety Building that could be used, with Council approval, for clean-up of the site. He further noted that there were ongoing discussions with Manitoba Conservation regarding clean-up of the site and it was anticipated a full report on the outcome of those discussions would be made in the spring of 2007.

(48) FLEMING SCHOOL LAND EXCHANGE

Councillor Harwood referred to an update to City Council from Development Services regarding the land exchange agreement between the City of Brandon and the Brandon School Division with respect to Fleming School and requested an update on the history of that issue and a current status report.

At the request of the Chair, the City Manager responded that the matter was currently being reviewed with legal counsel and that a report to City Council was expected soon.

(49) SNOW DUMPING – CORNER OF 1ST STREET AND RICHMOND AVENUE

Councillor Jessiman noted that he had received calls from area residents who had expressed their concerns with the amount of snow being dumped at the corner of 1st Street and Richmond Avenue and enquired if the amounts were monitored so problems were not created during the spring run-off.

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

(50) PARKING TICKETS – FAULTY METERS

Councillor Black noted that refunds or cancellations were no longer being issued by City staff for parking tickets issued on meters that were found to be faulty and enquired when and why this policy had changed.

At the request of the Chair, the City Manager advised that Provincial Legislation had changed in May of 2006 whereby the City no longer had Justice of the Peace Officers and therefore had no one authorized to issue cancellations. He noted that new legislation was expected soon whereby “Screening” Officers would be appointed by the City to deal with those tickets. He further advised that until that time, tickets could not be cancelled but it was recommended that the tickets be paid and refunds were to be issued if it was proven that the meter was faulty.

(51) PESTICIDE BY-LAW REVIEW COMMITTEE

Councillor Black referred to the Pesticide By-law and the committee established to monitor and review that by-law. He enquired as to the status of that committee and what, if any, data had been gathered regarding the safety of pesticide use.

At the request of the Chair, the City Manager stated that the committee was expected to meet on January 24th, 2007 to discuss the by-law itself and how its processes had worked during 2006 but he was unaware of any research having been conducted in regards to pesticide safety. He further stated that it had been assumed that pesticide safety was monitored by other government agencies. He noted that a report on the outcome of the January 24th meeting and any suggested changes to the by-law were expected to be brought to City Council in March 2007.

(52) CLEAN ENVIRONMENT COMMISSION PUBLIC HEARINGS RE: HOG PRODUCTION

Councillor Black referred to news media reports that the Clean Environment Commission had scheduled public hearings in various locations throughout Manitoba to address concerns regarding hog production. He noted that none of the scheduled hearings were in or even around the City of Brandon and enquired whether or not such hearings could be requested for Brandon and the surrounding area.

His Worship the Mayor advised that he would take this matter under advisement.

At the request of the Chair, the City Manager added that given that the hearings were scheduled for January it was unlikely that changes could be made to the locations but that written submissions were to be accepted until early February 2007.

His Worship the Mayor stated that a letter of request would still be submitted on behalf of the City of Brandon and Western Manitoba.

(53) CITY COUNCIL MEETING WITH THE COUNCIL OF SIOUX VALLEY FIRST NATION

Councillor Black referred to a previous meeting between the Council of Sioux Valley First Nation and the Council of the City of Brandon. He noted that membership on both Councils had now changed and enquired whether or not another meeting was expected.

His Worship the Mayor responded that while he had met with the new Chief of Sioux Valley no meeting of the Councils had been discussed nor expected, but that same could be raised by notice of motion.

ANNOUNCEMENTS:

ASSINIBOINE WARD MEETING

Councillor Paterson announced that an Assiniboine Ward meeting would be held on Thursday, January 11th, 2007 at 7:30 p.m. at the North End Community Centre and invited everyone to attend.

DERELICT BUILDING BY-LAW

Councillor Paterson referred to correspondence received from the Senior Building Inspector regarding enforcement of the Derelict Building By-law. He noted from the statistics provided that it appeared the by-law worked efficiently. He announced that the by-law was complaint driven and encouraged anyone with complaints or concerns to contact the City of Brandon Planning Department.

PUBLIC FORUM – CITY OF BRANDON BUDGET

His Worship the Mayor announced that the annual public consultation on the City of Brandon budget would be held on Wednesday, January 10th, 2007 in the Main Foyer of City Hall. He further announced that all City Department Heads would be in attendance to answer any questions and encouraged the public to attend.

GENERAL BUSINESS:

(A) 2007 APPOINTMENTS TO BRANDON MUNICIPAL HERITAGE COMMITTEE

Considered was a report from the City Clerk's Department dated December 20th, 2006 with respect to the above.

Barletta-Paterson

063 That the following appointments be and are hereby made to the Brandon Municipal Heritage Committee, with terms of office to expire December 31st, 2007:

Dr. Derek Eberts (Brandon University Representative)
Lawrence Jones (Rosser Ward Citizens' Association)
Bill Chester (Citizen Representative)
John Everitt (Citizen Representative)
Stephen Hayter (Citizen Representative)
Reg Hildebrandt (Citizen Representative)
David Hughes (Citizen Representative)
Deb Walker (Citizen Representative)

CARRIED.

(B) 2007 APPOINTMENTS TO THE BOARD OF REVISION

City Council considered a report from the City Clerk's Department dated December 20th, 2006 with respect to the above.

McCrae-Fitzpatrick

064 That the following citizen appointments be and are hereby made to the City of Brandon Board of Revision with terms of office to expire December 31st, 2007:

Donald Cornell (Chair)
Don Partrick
Wes Shewchuk
Gary Walker

CARRIED.

(C) PROPOSAL TO SUBDIVIDE 2838 AND 2840 MCDONALD AVENUE (SZAKALY)

Submitted for consideration was a report from the Planning Division of Development Services dated December 27th, 2006 with respect to the above.

Paterson-Harwood

065 That the application of Sandor and Ildiko Szakaly to subdivide 2838 and 2840 McDonald Avenue (Lots 26/28, Block 95, Plan 40 BLTO) be approved. CARRIED.

(D) DESIGNATION OF THE LIEUTENANT GOVERNOR'S WINTER FESTIVAL AS A COMMUNITY EVENT

Considered was a report from Community Services dated December 22nd, 2006 with respect to the above.

Harwood-Blight

066 That the Lieutenant Governor's Winter Festival to be held February 1st to 3rd, 2007 be hereby designated a Community Event in the City of Brandon whereby said festival shall include the following pavilions at the listed locations:

Belgian Pavilion	West End Community Centre, 23 rd St & Lorne Ave.
English Pavilion	Cowtown Hall, 1740 Eighteenth St. North
First Nations Pavilion	Westman Manitoba Centennial Auditorium, Princess Ave. & 20 th St
French Canadian Pavilion	Canad Inns – Roadhouse, 1125 Eighteenth St.
German Pavilion	EastPort Hall, 530 Richmond Ave. East
Global Village Pavilion	MMF Hall, 205 College Ave.
Icelandic Pavilion	Riverbank Discovery Centre, Conservation Dr.
Irish Pavilion	Royal Canadian Legion, Thirteenth St. East

Métis Pavilion	MMF Southwest Region Hall, 656 Sixth St.
Philippine Pavilion	ANAF Hall, 31 Fourteenth St.
Polish Pavilion	Sokol Hall, Eleventh St. North
Salvadorian Pavilion	The Towne Centre, Rosser Ave
Scottish Pavilion	Royal Oak Inn, 3130 Victoria Ave
Ukrainian Pavilion	Ukrainian Reading Association Hall, 1005 Assiniboine Ave
CARRIED.	

(E) TRAINS IN BRANDON

City Council considered a report from the Emergency Coordinator dated December 21st, 2006 with respect to the above.

Blight-Paterson

067 That City Council Motion No. 017 (November 20th, 2006) as amended with respect to the transportation of dangerous goods through the City of Brandon be further amended by deleting same in its entirety and substituting the following therefor:

"That the Canadian Transportation Agency be requested to conduct a mediation session between the City of Brandon and Canadian Pacific Railway and Canadian National Railway, either jointly or separately with respect to the noise of their trains and other concerns such as the speed of the trains and the nature and extent of the dangerous goods they transport while traveling through or operating within the City of Brandon".

CARRIED.

(F) 2007 BORROWING

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

Paterson-Fitzpatrick

068 That pursuant to Section 173(1) of The Municipal Act, the borrowing of funds not exceeding \$5,000,000 for general operating expenses in the 2007 fiscal year be authorized. CARRIED.

(G) 2007 INTERIM BUDGET

Considered was a report from the Director of Corporate Services dated December 15th, 2006 with respect to the above.

Paterson-Blight

069 That pursuant to Section 163 of The Municipal Act, the following interim budget to provide for City of Brandon expenditures, revenues and transfers for the year 2007 be hereby adopted:

General Fund Expenditures	\$51,571,403
General Fund Revenues and Transfers	\$51,571,403
General Fund Reserve Expenditures	\$11,479,645
Utility Fund Expenditures	\$15,973,232
Utility Fund Revenues and Transfers	\$15,973,232
Utility Fund Reserve Expenditures	\$ 3,700,000
CARRIED.	

BY-LAWS:

NO. 6847 - TO AMEND TAXI BY-LAW NO. 6781 TO CLARIFY TERMS AND REGULATIONS CONTAINED WITHIN WITH RESPECT TO THE RIGHT OF APPEAL AND THE TAXI APPEAL COMMITTEE

Considered was a report from the City Clerk dated December 19th, 2006 with respect to the above.

It was noted that this by-law had received first reading at the December 18th, 2006 meeting of City Council.

Rice-Barletta

070 That By-law No. 6847 to amend Taxi By-law No. 6781 with respect to the right of appeal and the taxi appeal committee be amended by deleting in Section 1.(a) – PART X RIGHT OF APPEAL, proposed Section 10.1 in its entirety and substituting the following therefor:

“10.1 A permit not being issued in accordance with Section 4.7 shall not be subject to appeal to the Taxi Appeal Committee. Otherwise, any person aggrieved by any decision or action of the Administration to refuse to issue or renew, to suspend or cancel a Business License Certificate, a Taxicab License or a Taxi Driver’s Permit may appeal to the Taxi Appeal Committee by filing with the City Clerk a written notice of appeal attached as Schedule “D” to the by-law within fourteen (14) days of the occurrence being appealed.”;

and further, that Schedule “D” to the by-law be substituted by Schedule “D” attached to the report of the City Clerk dated December 19th, 2006. CARRIED.

Rice-Jessiman

071 That the by-law, as amended, be read a second time. CARRIED.

Rice-Harwood

072 That the 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. 6847 third reading.

FOR
His Worship Mayor Burgess
Councillor Barletta
Councillor Black
Councillor Blight
Councillor Campbell
Councillor Fitzpatrick
Councillor Harwood
Councillor Jessiman
Councillor McCrae
Councillor Paterson
Councillor Rice

AGAINST
Nil

NO. 6848 - TO NAME A PORTION OF STREET EXTENDING EAST OF BRAECREST DRIVE AND 1ST STREET NORTH TO THE RM OF CORNWALLIS AS “LORI ROAD”

It was noted that this by-law had received first reading at the December 18th, 2006 meeting of City Council.

073 Paterson-Fitzpatrick
That By-law No. 6848 to name a portion of street extending east of Braecrest Drive and 1st Street North to the easterly limits of the City of Brandon as “Lori Road” be read a second time. CARRIED.

074 Paterson-Fitzpatrick
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. 6848 third reading.

<u>FOR</u>	<u>AGAINST</u>
His Worship Mayor Burgess	Nil
Councillor Barletta	
Councillor Black	
Councillor Blight	
Councillor Campbell	
Councillor Fitzpatrick	
Councillor Harwood	
Councillor Jessiman	
Councillor McCrae	
Councillor Paterson	
Councillor Rice	

NO. 6853 - TO AMEND BY-LAW NO. 6835 TO CLOSE AND CONVEY A PORTION OF THE N/S LANE AND THE E/W LANE TO 4TH STREET IN BLOCK 32, PLAN 2 TO THE ROMAN CATHOLIC ARCHIEPISCOPAL CORPORATION OF MANITOBA AND TO OPEN AN E/W LANE TO 3RD STREET IN BLOCK 32, PLAN 2 WITH RESPECT TO THE CONVEYANCE PRICE

It was noted that this by-law had received first reading at the December 18th, 2006 meeting of City Council.

075 Barletta-Rice
That By-law No. 6853, to amend By-law No. 6835 to close and convey a portion of the N/S lane and the E/W lane to 4th Street in Block 32, Plan 2 to the Roman Catholic Archiepiscopal Corporation of Manitoba and to open an E/W lane to 3rd Street in Block 32, Plan 2 with respect to the conveyance price, be read a second time. CARRIED.

076 Barletta-Black
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. 6853 third reading.

<u>FOR</u>	<u>AGAINST</u>
His Worship Mayor Burgess	Nil
Councillor Barletta	
Councillor Black	
Councillor Blight	
Councillor Campbell	
Councillor Fitzpatrick	
Councillor Harwood	
Councillor Jessiman	

Councillor McCrae
Councillor Paterson
Councillor Rice

GIVING OF NOTICE:

(A) JOINT MEETING WITH CITY OF BRANDON/SIOUX VALLEY COUNCILS

In accordance with Rule 60 of City Council Procedure By-law No. 6634, Councillor Black gave notice of his intent to introduce at the January 22nd, 2007 meeting of City Council the following motion:

“That His Worship the Mayor be directed to write to the Chief and Council of the Sioux Valley Dakota Nation (Sioux Valley) to ascertain if there is interest in holding a joint meeting of the Councils of the City of Brandon and Sioux Valley to discuss issues of mutual interest and/or concern.”

ADJOURN:

McCrae-Blight

That the meeting do now adjourn. (8:57 p.m.) CARRIED.

MAYOR

CITY CLERK