

**MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON TUESDAY,
OCTOBER 9, 2007 AT 7:30 PM 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

ABSENT: Councillor G. Rice

ADOPTION OF AGENDA:

Blight-Harwood
371 That the Agenda for the Regular Meeting of City Council to be held on Tuesday, October 9, 2007 be adopted as presented. CARRIED.

CONFIRMATION OF MINUTES:

Fitzpatrick-Barletta
372 That the Minutes of the Regular Meeting of City Council held on Monday, September 24, 2007 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

HEARING OF DELEGATIONS:

(A) DAVID WILSON - MANITOBA HERITAGE TATTOO

Considered was a verbal and written presentation by David Wilson on behalf of Augustfest Brandon Incorporated regarding the Manitoba Heritage Tattoo. Mr. Wilson explained that the 2007 Tattoo had to be cancelled due to lack of ticket sales, and requested the funds from the City of Brandon to help sponsor the event be carried forward to 2008 to attempt the attraction once again.

McCrae-Harwood
373 That the presentation by David Wilson on behalf of Augustfest Brandon Incorporated with respect to its request to carry forward funding for the Manitoba Heritage Tattoo from 2007 to 2008, be received and referred to Administration for consideration and subsequent report. CARRIED.

PUBLIC HEARINGS:

(A) CONDITIONAL USE APPEAL HEARING - 1000 HIGHLAND AVENUE (MCDIARMID LUMBER O/B/O KOKONAS)

Rudy Bidnosti, legal counsel, along with representatives from McDiarmid Lumber, appeared on behalf of the applicant in support of the application and to answer any questions. He stated the purpose of the application was to increase the number of display units that could be stored on-site. He also noted that no opposition had been received to the application. Written material was provided to members of City Council.

The General Manager of Development Services appeared on behalf of the Planning Commission (Commission) to provide details on why the Commission was recommending that the application be rejected. He stated that, in accordance with its interpretation of The Development Plan, the Brandon and Area Planning District did not consider outside construction as consistent with relevant highway use, nor did the Planning Department consider it to be consistent with the CAR Commercial Arterial Restricted Zone in the Zoning By-law.

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

Paterson-Jessiman

374 That the appeal hearing for the conditional use application of McDiarmid Lumber Ltd., on behalf of Albert Kokonas for 1000 Highland Avenue be concluded. CARRIED.

Paterson-Blight

375 That the conditions imposed with Conditional Use Order No. C-06-07-B to permit the establishment of limited manufacturing and outside storage for the construction and storage of RTM homes at 1866-18th Street North (Lot 2, Plan 38499 and Lot 4, Plan 38357 BLTO) be modified whereby:

- (a) said Lot 4 may be used for the construction and storage of a maximum of 12 RTM homes for a period of 5 years; and
- (b) the maximum number of RTM homes completed under construction on said Lots 2 and 4 shall be limited to 16 homes. CARRIED AS AMENDED.

AMENDMENT

Burgess-Campbell

376 That the above motion be amended by deleting sub-paragraphs (a) and (b) in their entirety and substituting the following therefor:

- (a) said Lot 4 may be used for the construction and storage of a maximum of 20 RTM homes for a minimum period of 5 years with a 1 year notice of termination by the City of Brandon being required; and
- (b) the maximum number of RTM homes completed under construction on said Lots 2 and 4 shall be limited to 24 homes." CARRIED.

COMMUNICATION & PETITIONS:

Nil

COMMITTEE REPORTS:

(A) BRANDON SCHOOL DIVISION - CITY OF BRANDON JOINT TASK FORCE
VERBAL REPORT OCTOBER 9, 2007

Brandon, Manitoba
October 9, 2007

Mayor and Councillors
City of Brandon

Councillor Blight referred to minutes of a meeting that he had submitted to City Council from the Brandon School Division/City of Brandon Joint Task Force. He noted the topics discussed included the Fleming School Property, Recreation Master Plan, transportation issues, enrollment, ward review prior to 2010 election, and the suggestion for another joint meeting with the trustees and members of Council.

In addition to the above, Councillor McCrae advised that the matter of a "speakers bureau" had been discussed and members of City Council may be approached to speak at various schools with respect to involvement in municipal politics.

(B) GENERAL MUSEUM ADVISORY COMMITTEE AND BRANDON MUNICIPAL
HERITAGE COMMITTEE PUBLIC FORUM
VERBAL REPORT OCTOBER 9, 2007

Brandon, Manitoba
October 9, 2007

Mayor and Councillors
City of Brandon

Councillor Black provided a verbal report on the September 25, 2007 Public Forum hosted jointly by the General Museum Advisory Committee and the Brandon Municipal Heritage Committee. He advised that a total of 70 to 75 people had been in attendance, lots of input received and surveys completed, with results still to be tabulated. He noted one obvious result of the survey was the unanimous support for a general museum and archive.

(C) WESTERN MANITOBA CENTENNIAL AUDITORIUM
VERBAL REPORT OCTOBER 9, 2007

Brandon, Manitoba
October 9, 2007

Mayor and Councillors
City of Brandon

Councillor Blight provided a verbal report from the Westman Centennial Auditorium whereby he noted the Board's agreement to have an audit review and also reported on the upcoming Fall Fashion Show.

(D) C4 COMMITTEE OF THE COMMUNITY STRATEGIC PLAN
VERBAL REPORT OCTOBER 9, 2007

Brandon, Manitoba
October 9, 2007

Mayor and Councillors
City of Brandon

Councillor Paterson provided a verbal report from the C4 Committee, a sub-committee of the Community Strategic Plan Environment Committee, whereby he advised that members of the C4 Committee had been invited to meet with the Manitoba Hydrogen Steering Committee.

(E) MEDIATION MEETING WITH CANADIAN PACIFIC RAILWAY
VERBAL REPORT OCTOBER 9, 2007

Brandon, Manitoba
October 9, 2007

Mayor and Councillors
City of Brandon

Councillor Paterson provided a verbal report on the Mediation Meeting held recently with representatives of the Canadian Pacific Railway and noted many positive results had been obtained.

(F) POVERTY COMMITTEE
VERBAL REPORT

OCTOBER 9, 2007

Brandon, Manitoba
October 9, 2007

Mayor and Councillors
City of Brandon

Councillor Black provided a verbal report on the meeting of the Poverty Committee held October 2, 2007. He advised that shelter allowances had again been discussed whereby an invitation was going to be extended to the Minister of Family Services and Housing to discuss same. He further advised that the Committee supported the efforts of Winnipeg's "Raise the Rates" Campaign and anticipated province wide participation and support.

Paterson-Fitzpatrick

377 That the verbal reports by Councillors Blight, Black and Paterson with respect to the Brandon School Division/City of Brandon Joint Task Force, General Museum Advisory Committee/Brandon Municipal Heritage Committee Public Forum, Western Manitoba Centennial Auditorium, C4 Committee, Mediation Meeting and Poverty Committee, be received. CARRIED.

ENQUIRIES:

(244) BUILDING STANDARDS AND BY-LAWS TO ENCOURAGE "GREEN" CONSTRUCTION

Councillor Paterson referred to previous discussions with respect to the ability to conduct environmentally friendly construction and enquired what the City could do to fulfill its "green" intentions.

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

(245) COST FOR PERMIT TO EXPAND IN VICINITY OF CANADIAN PACIFIC RAILWAY

Councillor Paterson reported that a ward resident who resided on the north edge of the Canadian Pacific Railway wanted to expand an existing home, and was required to pay a \$325 fee in order to do so. Councillor Paterson enquired if this was correct, and if so, if it was fair.

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

(246) 2005 FLOODING ISSUE

Councillor Paterson referred to the 2005 flood issue and the potential for a federal election prior to resolution of the matter. He again enquired whether or not it would be prudent to seek a judicial interpretation of the federal legislation with respect to flood compensation.

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

(247) LARGER STREET SIGNS

Councillor Fitzpatrick reported that some municipalities were erecting larger street signs, particularly in downtown regions, to make navigation easier and he enquired if it would be possible for Brandon to do the same.

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

(248) COMPOST PICK UP

Councillor Fitzpatrick enquired if compost pick up could be established, particularly in the Spring.

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

(249) UPDATE ON FESTIVAL OF LIGHTS

Councillor Fitzpatrick enquired if an update could be provided on the Festival of Lights, given the requirement to relocate the skating oval.

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

(250) UPDATE ON EFFORTS TO CURB GRAFFITI

Councillor Fitzpatrick referred to previous enquiries with respect to graffiti and enquired if an update could be provided.

In conjunction with the above, Councillor Black referred to recent newspaper reports regarding the increase in “tagging” in the city and the apprehension of two youths responsible for same. He enquired if responsible youth could be ordered to perform community work as a consequence for their actions, and if so, if the City had made a request for community work to restore/repair vandalism to public property.

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

(251) EXTENSION OF HANDI TRANSIT HOURS OF OPERATION

Councillor Black enquired if the hours of operation for handi transit could be extended to 8:00 p.m. on Sundays, as well as having increased handi transit availability during Winter Fest.

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

(252) SAFETY CONCERNS - INTERSECTION OF 1ST STREET AND VICTORIA AVENUE

Councillor Black referred to previous concerns expressed with respect to safety issues at the intersection of 1st Street and Victoria Avenue. He advised a meeting had taken place at Lions Manor in March 2007 whereby the Province of Manitoba had committed funds for the redesign/redevelopment of the subject intersection, conditional on City support of the project. Councillor Black enquired if this matter was still being investigated and if money for same had been included in the 2008 budget.

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

(253) UPDATE ON MID-ASSINIBOINE CONSERVATION DISTRICT

Councillor Black enquired if an update could be provided on the City's efforts to join the Mid-Assiniboine Conservation District.

His Worship the Mayor advised that the City had made application for same, and continued to follow up on the matter, however there appeared to be some disinterest on behalf of the Mid-Assiniboine Conservation District to have the City participate. His Worship the Mayor advised that further information would be obtained.

(254) CASINO ISSUE

Councillor Black referred to a recent article in the Brandon Sun with respect to the casino issue, his response to same and subsequently, a different view being put forward by His Worship the Mayor. Councillor Black sought clarification on the matter from His Worship the Mayor.

His Worship the Mayor advised that that issue should not be discussed until current, accurate information was provided whereby Councillor Black advised the information he had put forward was the current policy, as the Province of Manitoba had not formally amended same.

ANNOUNCEMENTS:

REGIONAL HEALTH AUTHORITY GALA

Councillor Campbell announced that she and Councillors Harwood and Fitzpatrick had attended the Regional Health Authority Gala. She reported the entertainment provided had been local, fantastic and for a very worthwhile cause.

DONATION TO CHILDREN'S WARD AT THE BRANDON REGIONAL HEALTH AUTHORITY

His Worship the Mayor announced that the Town of Leaf Rapids had held its 10 year reunion in Brandon, and through the auction of recreated Leaf Rapid street signs, supplied by the City of Brandon, over \$1,800 had been raised and donated to the Children's Ward at the Brandon Regional Health Authority.

SOUTH CENTRE WARD MEETING

On behalf of Councillor Rice, His Worship the Mayor announced that a South Centre Ward Meeting would be held on Wednesday, November 7, 2007 at 7:30 p.m. at the Central Community Centre. The topics to be discussed would include the Transportation Study, taxes, protective services, proposed fire hall and any other ward issues. He encouraged interested individuals to attend.

PUBLIC MEETING - PROPOSED FIRE HALL SITE

His Worship the Mayor advised that a public meeting would be held on Tuesday, October 16, 2007 at 7:00 p.m. in the main foyer of City Hall to discuss the proposed fire hall site. He advised that there would be presentations by the General Manager of Development Services and the Fire Chief, followed by a question and answer period.

RIVERVIEW WARD MEETING

Councillor Black announced that he would hold a Riverview Ward Meeting on Tuesday, November 6, 2007 at 7:00 p.m. at the East End Community Centre. He advised the items for discussion would include the casino issue, Transportation Study, heavy trucks on 1st Street and Victoria Avenue and the upcoming budget. He invited interested individuals to attend.

GENERAL BUSINESS:

(A) BOULEVARD MOWING

Considered was a report from the General Manager of Operational Services dated September 28, 2007 with respect to the above.

McCrae-Jessiman

378 That the report of the Director of Public Works dated September 28, 2007 with respect to boulevard mowing be received;

and further, that preparation of a by-law to require mowing of grass on public property adjacent to private property not be proceeded with. LOST.

In accordance with Section 145 of Procedure By-law No. 6634, the above motion was declared lost as it received an equal division of votes.

Jessiman-Fitzpatrick

379 That a by-law be prepared to require mowing of grass on public property adjacent to private property. LOST.

In accordance with Section 145 of Procedure By-law No. 6634, the above motion was declared lost as it received an equal division of votes.

(B) REQUEST FOR TAX INCENTIVES - RENAISSANCE STATION INC.

City Council considered a report from the General Manager of Corporate Services dated September 26, 2007 with respect to the above.

Barletta-Fitzpatrick

380 That the request for a tax incentive program for new high density residential development in a greater downtown area similar to the Renaissance District bylaw be denied. CARRIED.

(C) PROPOSAL TO SUBDIVIDE - 2200 - 1ST STREET (VJB DEVELOPMENTS LTD.)

Submitted for consideration was a report from the Planning Department dated September 20, 2007 with respect to the above.

Campbell-Jessiman

381 That the application of VBJ Developments Ltd., to subdivide 2200-1st Street (SE 1/4 11-10-19 WPM) to create fifty-five (55) residential lots and create public roads be approved subject to:

- (1) the owner or successor entering into a development agreement with the City of Brandon;
- (2) the City of Brandon Planning Department receiving confirmation that arrangements have been made for a Joint Use Easement and Plan of Easements to the satisfaction of Manitoba Hydro, MTS and Westman Communications Group;
- (3) the Senior Building Inspector of the City of Brandon Building Department providing confirmation that the issues pertaining to site access with respect to applicable building and fire codes have been resolved to the Senior Building Inspector's satisfaction;
- (4) the City of Brandon Planning Department receiving confirmation that financial consideration in lieu of land dedication in the amount of \$15,592.50 has been paid to the Brandon School Division; and
- (5) the City of Brandon Planning Department receiving confirmation that the applicant has provided information to the Regional Technical Services Engineer with Manitoba Infrastructure and Transportation in Brandon regarding drainage of the proposed subdivision and that said Engineer is satisfied that there will be no adverse affects to the provincial highway drainage system. CARRIED.

(D) UTILITY CHARGES

Considered was a report from the General Manager of Corporate Services dated September 27, 2007 with respect to the above.

Blight-McCrae

- 382 That a by-law be presented to repeal Utility Rates By-law No. 6753 and establish 2008-2010 utility per unit charges, bulk and administration rates, while allowing for billing periods other than quarterly, in accordance with the Study Document attached to the report of the General Manager of Corporate Services dated September 12, 2007. CARRIED.

(E) SOLID WASTE MANAGEMENT PLAN

City Council considered a report from the General Manager of Operational Services dated October 2, 2007 with respect to the above.

Paterson-Fitzpatrick

- 383 That the Solid Waste Management Plan dated October 2007 be received and that it be debated at the next regular Council Meeting on October 22, 2007. CARRIED.

BY-LAWS:

- NO. 6877 - TO REPEAL UTILITY RATES BY-LAW NO. 6753 AND ESTABLISH 2008 TO 2010 UTILITY RATES
1ST READING
-

Considered was a report from the General Manager of Corporate Services dated September 27, 2007 with respect to the above.

Blight-Paterson

- 384 That By-law No. 6877 to repeal Utility Rates By-law No. 6753 and establish 2008-2010 utility per unit charges, bulk and administration rates, while allowing for billing periods other than quarterly, be read a first time. CARRIED.

- NO. 6879 - TO ESTABLISH A MULTI-FAMILY AFFORDABLE HOUSING FINANCIAL ASSISTANCE PROGRAM
2ND AND THIRD READINGS
-

It was noted that this by-law had been read a first time at the September 24, 2007 meeting of City Council.

Black-Jessiman

- 385 That By-law No. 6879 to create a Multi-Family Affordable Housing Financial Assistance Program to encourage the construction of affordable multi-family housing units in the City of Brandon, be read a second time. CARRIED.

Black-Paterson

- 386 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. 6879 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	

NO. 6885 - TO ESTABLISH AN ECONOMIC INCENTIVE POLICY
FOR THE CITY OF BRANDON
2ND AND 3RD READINGS

It was noted that this by-law had been read a first time at the September 24, 2007 meeting of City Council.

387 Black-Blight
That By-law No. 6885 to establish an economic incentive policy for the City of Brandon be read a second time. CARRIED.

388 Black-Paterson
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. 6885 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	

NO. 6886 - TO AMEND NUISANCE BY-LAW NO. 5806 TO PROHIBIT HUNTING AND TRAPPING
2ND AND 3RD READINGS

It was noted that this by-law had been read a first time at the September 24, 2007 meeting of City Council.

Blight-Campbell
That By-law No. 6886, to amend Nuisance By-law No. 5806, to prohibit hunting and trapping within the City of Brandon, be read a second time. NOT VOTED ON.

AMENDMENT

McCrae-Black

389 That By-law No. 6886, be amended by adding to Clause 1.(d), the words: “or an individual or business authorized to do so by the Chief of Police”, immediately following the words: “An officer” in sections 8.3 and 8.4. CARRIED.

McCrae-Black

390 That By-law No. 6886, as amended, be read a second time. CARRIED.

Blight-Paterson

391 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. 6886 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

AGAINST

Nil

GIVING OF NOTICE:

Nil

ADJOURN:

Jessiman-Blight

That the meeting do now adjourn. (10:21 p.m.). CARRIED.

MAYOR

CITY CLERK