

**MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY,
FEBRUARY 4, 2008 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, Councillor G. Rice

ABSENT: Youth Council Member

ADOPTION OF AGENDA:

Harwood-Rice
525 That the Agenda for the Regular Meeting of City Council to be held on Monday, February 4, 2008 be adopted as presented. CARRIED.

CONFIRMATION OF MINUTES:

Blight-Fitzpatrick
526 That the Minutes of the Regular Meeting of City Council held on Monday, January 21, 2008 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

HEARING OF DELEGATIONS:

(A) CURT SHOULTZ - ART GALLERY OF SOUTHWESTERN MANITOBA

Curt Shoultz, Board Chair of the Art Gallery of Southwestern Manitoba (Gallery), appeared before City Council and provided a power point presentation on the activities of the Gallery over the previous year. He highlighted the comparison between Brandon's art gallery, and galleries located in other equal sized communities.

Barletta-Paterson
527 That the presentation by Curt Shoultz, Board Chair, on behalf of the Art Gallery of Southwestern Manitoba be received. CARRIED.

PUBLIC HEARINGS:

(A) BY-LAW NO. 6876 TO REZONE 1324 AND 1330 - 1ST STREET NORTH FROM CAR COMMERCIAL ARTERIAL ZONE TO CG COMMERCIAL GENERAL ZONE (JIMARCO DEVELOPMENT INC./SAMSON HOLDINGS LTD./SWANSON/STANGER)

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

Ted Snure, General Manager of Development Services, appeared before City Council and provided background information on the proposed rezoning as well as information on the minor changes made to the required development agreement.

Leo Collins, Maple Leaf Foods, appeared before City Council in support of the application. He stated that additional accommodations were needed in the City, not only for foreign workers, but other residents of the City as well.

Anna Thompson, 1335 White Swan Street, appeared before City Council in opposition to the application. She stated concerns with respect to traffic, parking and the requirement for additional services in the area, not high density residential development.

Carolyn Anderson, 1319 White Swan Street, appeared before City Council in opposition to the application. She advised that there had been a petition, signed by area residents in opposition, submitted to the Planning Commission and same should be taken into consideration by City Council. She stated the loss of privacy was a concern with a development of such magnitude, as was the lack of green space, increased traffic, safety concerns and the negative impact of the construction on property values in the vicinity.

Marco Silvestri and Jim Stuart, Jimarco Development Inc., applicants, appeared before City Council in support of the application. They advised that the plans for the proposed development had been amended six times in an effort to alleviate the concerns raised by various agencies and area residents. They also advised that the apartment blocks would face each other, with no windows to the east or west, to help ensure privacy for adjacent property owners.

Lorne Collins, Collins Realty, appeared before City Council in support of the application. He stated as the City grew, there was a need for additional housing units and identified the benefit of the proposed access from Centre Street to the highway being proposed by the Provincial Government.

Gary Dmytrow, 1340 - 1st Street North, appeared before City Council in opposition to the proposed application, but not development in general. He provided diagrams to outline his concerns with respect to traffic in the area. He indicated with the proposed design, commercial development could not be enhanced. He also stated concern with respect to the existing fibre optic pole located in the lane, as well as the location of existing dumpsters.

Roger Lepp, real estate agent acting on behalf of the developer, appeared before City Council in support of the application. He indicated that a high quality development such as the one proposed would be a benefit to the community, enhance 1st Street and provide the additional housing units needed in the City.

Ken Templeton, owner of White Swan Mobile Home Court, appeared in person in opposition to the application in addition to his written representation dated January 30, 2008. He stated his concerns were with respect to traffic and density in the area. He suggested there were alternative locations, such as the Black property, that were better suited to such an impressive development.

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

Paterson-Blight

528 That the public hearing for By-law No. 6876 to rezone 1324 and 1330 - 1st Street North (Lots 6/9, Block 1, Plan 848 BLTO) be concluded. CARRIED.

COMMUNICATION & PETITIONS:

Nil

COMMITTEE REPORTS:

(A) WESTERN MANITOBA CENTENNIAL AUDITORIUM
VERBAL REPORT

FEBRUARY 4, 2008

February 4, 2008
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Councillor Blight provided a verbal report on the Western Manitoba Centennial Auditorium meeting held Tuesday, January 29, 2008 whereby he advised that the proposal for the Auditorium's operational review had been awarded to Meyers Norris Penny with a final report scheduled for May 22, 2008.

(B) KEYSTONE CENTRE
VERBAL REPORT

FEBRUARY 4, 2008

February 4, 2008
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Councillor Fitzpatrick provided a verbal summary of the power point presentation he had prepared with respect to the financial situation of the Keystone Centre. He advised a copy of the power point presentation would be provided to members of Council.

Harwood-Black

529 That the verbal reports by Councillors Blight and Fitzpatrick with respect to the Western Manitoba Centennial Auditorium and the Keystone Centre be received. CARRIED.

ENQUIRIES:

(307) ACCESS DURING 18TH STREET OVERPASS CONSTRUCTION

Councillor Barletta enquired if information could be obtained with respect to access during the 18th Street Overpass construction, particularly to the new fire hall at 19th Street and Maple Avenue.

His Worship the Mayor advised that the construction would take in place in such as way as to ensure continued access to all property.

Councillor Barletta requested same be confirmed in writing with Manitoba Infrastructure and Services whereby His Worship the Mayor agreed to same.

Further to the above, Councillor Black enquired what would happen if Maple Avenue had to be closed during the construction.

His Worship the Mayor advised that Hilton Avenue would then be utilized.

(308) UPDATE ON FORMER BRANDON MENTAL HEALTH CENTRE DEVELOPMENT

Councillor Paterson enquired if information could be obtained from the Provincial Government with respect to the development of the former Brandon Mental Health Centre property, beyond the relocation of the Assiniboine Community College.

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

(309) TREE PRUNING ON MADISON CRESCENT

Councillor Jessiman advised that he had forwarded an enquiry with respect to tree pruning on Madison Crescent to the appropriate department for response.

(310) AGREEMENT WITH KINSMEN MEMORIAL STADIUM

Councillor Black referred to his discussion with representatives from the Brandon University with respect to formal agreements for the continuation of the Kinsmen Memorial Stadium. He advised that agreements were on file from 1948 to 1987, with the last agreement being for a term of 10 years. He enquired if information could be provided on what had transpired since the expiration of that agreement, given that the early agreements indicated that if the existing stadium had to be removed as a result of expansion of the Brandon University, the stadium would be relocated elsewhere, still bearing the name of Kinsmen Memorial Stadium.

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

(311) DEVELOPMENT FREE CORRIDOR ALONG THE ASSINIBOINE RIVER BETWEEN BRANDON AND THE RURAL MUNICIPALITY OF CORNWALLIS

Councillor Black referred to previous discussions with respect to the possibility of a “development free” corridor being established along the Assiniboine River from Brandon to the Rural Municipality of Cornwallis. He enquired if an update could be provided on same.

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

(312) LISTING OF PROPERTY FOR RESIDENTIAL DEVELOPMENT

Councillor Campbell enquired if a list of property, already properly zoned for residential development, could be provided to City Council.

At the request of the Chair, the City Manager advised that a list of City owned land could be provided, however same could not be provided for private property.

(313) UPDATE ON AIR SERVICE TO BRANDON

Councillor Fitzpatrick enquired if an update could be provided on the attempts to re-establish air service to Brandon, inclusive of information on the petition currently being circulated.

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

(314) UPDATE ON HOTEL TAX

Councillor Fitzpatrick referred to previous enquiries with respect to the establishment of a hotel tax in Brandon. He enquired if the information considered during previous debate on the issue could be provided, as the discussions on same took place with the previous Council.

His Worship the Mayor advised that same would be provided, inclusive of the vote taken at that time and what information flowed from the debate.

ANNOUNCEMENTS:

PUBLIC SYMPOSIUM - BRANDON UNIVERSITY, FEBRUARY 16, 2008

Councillor Black announced that on February 16, 2008, a public symposium would be held at Brandon University from 10:00 a.m. until 4:00 p.m. pertaining to the abandonment of railway lines causing increased pressure on infrastructure due to the increase in trucking. He noted the symposium was free of charge.

ASSINIBOINE WARD MEETING

Councillor Paterson announced that he would hold a Ward Meeting on Tuesday, February 5, 2008 at the Riverbank Discovery Centre at 7:30 p.m. at which time a variety of pertinent topics would be discussed.

ATTENDANCE AT CANOLA GROWERS OF WESTERN CANADA BONSPIEL

Councillor Jessiman announced that on January 14, 2008 he had been pleased to attend the Canola Growers of Western Canada bonspiel on behalf of His Worship the Mayor and City Council.

WALK TO AFGHANISTAN

Councillor Jessiman announced that on January 25, 2008 he had attended the kick off for the "Walk to Afghanistan" campaign in Shilo, Manitoba.

LIEUTENANT GOVERNOR'S WINTER FESTIVAL

Councillor Jessiman announced that he had very pleased to attend the Opening Ceremonies of the Lieutenant Governor's Winter Festival, as well as attending 12 of the pavilions. He extended his accolades to City staff and volunteers for their fine efforts.

CRIME STOPPERS ANNUAL LUNCHEON

Councillor Blight announced he had attended the annual Crime Stoppers Luncheon held at the Keystone Centre. He thanked the Board Members and volunteers for making the program a success.

SAFEWAY PROVINCIAL MEN'S CURLING CHAMPIONSHIP

Councillor Fitzpatrick announced that an individual he worked with, Geordie Hargreaves of the William Lyburn rink, would be competing in the Safeway Provincial Men's Curling Championships being held in Brandon on February 13 to 17, 2008. He extended best wishes to all the Brandon teams competing and encouraged the viewing audience to attend the event.

GENERAL BUSINESS:

(A) REQUEST FOR CITY COUNCIL SUPPORT FOR BRANDON UNIVERSITY INFRASTRUCTURE FUNDING APPLICATION

Considered was a report from the General Manager of Operational Services dated January 28, 2008 with respect to the above.

Harwood-Fitzpatrick

That the City of Brandon not support the currently proposed Brandon University Fitness Centre as a community priority under the Manitoba Rural Infrastructure Fund program. NOT VOTED ON.

Prior to voting on the above, the following referral motion was put forward.

McCrae-Blight

530 That the matter of support for the Brandon University's application for infrastructure funding be referred to the March 17, 2008 meeting of City Council to allow further input from stakeholders and to obtain additional information on said funding. CARRIED.

(B) ADOPTION OF 2008 FINANCIAL PLAN

City Council considered a report from the General Manager of Corporate Services dated January 22, 2008 with respect to the above.

Paterson-McCrae

531 WHEREAS Section 162 of The Municipal Act requires each municipality to adopt a financial plan for each fiscal year in a form approved by the Minister of Intergovernmental Affairs and consisting of:

- a) an operating budget;
- b) a capital budget;
- c) an estimate of operating revenue and expenditures for the following fiscal year; and
- d) a five year capital expenditure program;

AND WHEREAS the Council of The City of Brandon has prepared such a financial plan;

NOW THEREFORE BE IT RESOLVED that the 2008 Financial Plan of The City of Brandon dated December 21, 2007, as set out in the form approved by the Minister, be adopted, and that the said operating and capital estimates in the plan shall be incorporated in and form part of the 2008 Tax Levy By-law. CARRIED.

(C) 4-WAY STOP SIGNS AT 19TH STREET NORTH AND MCDONALD AVENUE

Submitted for consideration was a report from the Manager of Property and Traffic dated January 18, 2008 with respect to the above.

Paterson-Jessiman

That 4-way stop signs not be installed at the intersection of 19th Street North and McDonald Avenue nor the intersection of 17th Street North and Stickney Avenue. NOT VOTED ON.

Prior to the above motion being voted on, the following referral motion was put forward.

Paterson-Jessiman

532 That the matter of installation of 4-way stops signs at the intersection of 19th Street North and McDonald Avenue and/or the intersection of 17th Street North and Stickney Avenue be referred to the February 19, 2008 meeting of City Council. CARRIED.

(D) LAND ACQUISITION - VICTORIA AVENUE EAST AND 65TH STREET EAST

Considered was a report from the Manager of Property and Traffic dated January 18, 2008 with respect to the above.

Black-Harwood

533 That the property located in the vicinity of Victoria Avenue East and 65th Street East (Lot 6, Plan 2245, and that portion of Lot 5, Plan 2245 zoned Open Space as shown in the City of Brandon Zoning By-law No. 6642) be acquired for the sum of \$20,000.00 plus applicable land transfer taxes whereby same shall be expended from the Land Acquisition Reserve. CARRIED.

(E) TENDER NO. 89/07 - CONTRACT K - UNDERGROUND WORKS

Councillor Rice declared an interest in this matter as he works in the industry and left the Council Chamber without any further discussion to avoid a conflict.

City Council considered a report from the General Manager of Development Services dated January 18, 2008 with respect to the above.

Fitzpatrick-Paterson

534 That the low bid of Allen and Bolack Excavation Ltd. for Contract K Underground Works as per tender and specifications at a cost of \$369,951.75 (including GST) be accepted;

and further, that the net expenditure of \$352,335 be charged to the Water Distribution Reserve Fund. CARRIED.

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

(F) REQUEST FOR INFORMATION FROM THE FEDERAL GOVERNMENT ON EMPLOYMENT INSURANCE SERVICES

Submitted for consideration was a report from Councillor E. Black dated January 25, 2008 with respect to the above.

Black-Paterson

535 That the Federal Government be requested to provide a report on its intentions with respect to the administration of employment insurance services in Brandon and the surrounding area and future staffing levels in the local/regional office in Brandon. CARRIED.

BY-LAWS:

NO. 6876 - TO REZONE 1324 AND 1330 - 1ST STREET NORTH FROM CAR COMMERCIAL ARTERIAL ZONE TO CG COMMERCIAL GENERAL ZONE (JIMARCO DEVELOPMENT INC./SAMSON HOLDINGS LTD./SWANSON/STANGER)
3RD READING

As the required development agreement had not been executed, this item was withdrawn from the agenda.

NO. 6883 - TO REZONE 1910 BELL AVENUE FROM DR DEVELOPMENT RESERVE ZONE TO CAR COMMERCIAL ARTERIAL ZONE, RMD RESIDENTIAL MODERATE DENSITY MULTIPLE FAMILY ZONE, RLD RESIDENTIAL LOW DENSITY MULTIPLE FAMILY ZONE, RSF RESIDENTIAL SINGLE FAMILY ZONE AND PR PARKS AND RECREATION ZONE (EXECUTIVE HOMES 2000 LTD. O/B/O TOD ENTERPRISES LTD. AND NORLIT ENTERPRISES LTD.)
3RD READING

City Council considered a report from the Planning Department dated January 18, 2008 with respect to the above.

Paterson-Fitzpatrick

536 That City Council Motion No. 490 (December 17, 2007) be amended by deleting therefrom the words: "the execution of a development agreement between the City of Brandon and the applicant" and substituting therefor the words: "a decision with respect to any further objections made to City Council." CARRIED.

537 Paterson-McCrae
That By-law No. 6883 to re-zone 1910 Bell Avenue (Pt. SE 1/4 34-10-19 WPM) from DR Development Reserve Zone to CAR Commercial Arterial Zone, RMD Residential Moderate Density Multiple Family Zone, RLD Residential Low Density Multiple Family Zone, RSF Residential Single Family Zone and PR Parks and Recreation Zone based on the concept plan presented by the applicant at the November 21, 2007 meeting of the Planning Commission, 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. 6883 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:

Nil

ADJOURN:

Black-Rice
That the meeting do now adjourn. (10:51 p.m.) CARRIED.

MAYOR

CITY CLERK