

**MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY,
MARCH 17, 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

ABSENT: Councillor G. Rice, Youth Council Member

ADOPTION OF AGENDA:

Harwood-Blight

547 That the Agenda for the Regular Meeting of City Council to be held on Monday, March 17, 2008 be adopted as presented. CARRIED.

CONFIRMATION OF MINUTES:

Fitzpatrick-Blight

548 That the Minutes of the Regular Meeting of City Council held on Monday, March 3, 2008 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

HEARING OF DELEGATIONS:

(A) **HEIKO ZINN - SUPPORT OF PROPOSED TAXI BY-LAW NO. 6884**

Heiko Zinn, 4-Way Taxi, appeared before City Council in support of the proposed Taxi By-law. He stated 4-Way was the largest company in the business and had been in operation in Brandon for 25 years. He reported the proposed by-law helped support a safe, professional industry in the City.

McCrae-Fitzpatrick

549 That the presentation by Heiko Zinn in support of proposed Taxi By-law No. 6884 be received. CARRIED.

(B) **ROBERT KNIGHT - PROPOSED TAXI BY-LAW NO. 6884**

Robert Knight appeared before City Council with respect to the proposed Taxi By-law. He supported the dispatch issue but was in opposition to vehicle age restriction requirements, given the quarterly safety inspections already in place.

Blight-Barletta

550 That the presentation by Robert Knight with respect to proposed Taxi By-law No. 6884 be received. CARRIED.

(C) **BRYAN EDWARDS - PROPOSED TAXI BY-LAW NO. 6884**

Bryan Edwards appeared before City Council on behalf of the Taxi Association with respect to the proposed Taxi By-law. He reviewed the recommendations set out in the report of the General Manager of Corporate Services and discussed the number of fleet cars required, safety issues such as the cell phone/dispatch issue, recognition of owner/operators versus company owners and the proposed rate increase.

Harwood-Fitzpatrick

551 That the presentation by Bryan Edwards with respect to proposed Taxi By-law No. 6884 be received.
CARRIED.

(D) DOUG CLARK, 1-UNITED TAXI - PROPOSED TAXI BY-LAW NO. 6884

Doug Clark, 1-United Taxi, appeared before City Council with respect to the proposed Taxi By-law. He stated the proposed by-law would negatively impact the small taxi industry, making such niches as the luxury taxi niche, impractical.

Blight-Paterson

552 That the presentation by Doug Clark of 1-United Taxi with respect to proposed Taxi By-law No. 6884 be received. CARRIED.

(E) JOHN REID - PROPOSED TAXI BY-LAW NO. 6884

John Reid appeared before City Council with respect to the proposed Taxi By-law. He indicated his desire to improve the taxi industry and its image and suggested peer pressure had more to do with improvements than regulations. He suggested allowing the market to dictate the industry, with the exception of safety and criminal checks.

Blight-Paterson

553 That the presentation by John Reid with respect to proposed Taxi By-law No. 6884 be received.
CARRIED.

(F) SHERRY HAITHWAITE - PROPOSED TAXI BY-LAW NO. 6884

Sherry Haithwaite appeared before City Council with respect to the proposed Taxi By-law. She stated the proposed by-law would be detrimental to her business, and would force its closure. She reported the requirement for a dispatcher, six-vehicle fleet size and age restrictions, and the minimal rate increase were of concern.

Blight-Jessiman

554 That the presentation by Sherry Haithwaite with respect to proposed Taxi By-law No. 6884 be received.
CARRIED.

(G) BRUCE TRIPP - PROPOSED TAXI BY-LAW NO. 6884

Bruce Tripp, ABC Cabs, appeared before City Council with respect to the proposed Taxi By-law. He stated the definition of owner/operator should be re-instated in the proposed by-law to ensure they had a voice in the process. He also indicated a concern with the rate increase, as it was insufficient to keep pace with the cost of living increase and increases in the price of gas and cost of repairs. In conclusion, he suggested by-laws and regulations should be provided to new drivers when taxi permits were issued to ensure their education in that regard.

Paterson-McCrae

555 That the presentation by Bruce Tripp with respect to proposed Taxi By-law No. 6884 be received.
CARRIED.

PUBLIC HEARINGS:

Nil

COMMUNICATION & PETITIONS:

Nil

COMMITTEE REPORTS:

(A) PERSONNEL COMMITTEE REPORT MARCH 12, 2008

Considered was a report from the Personnel Committee of its meeting held March 12, 2008.

McCrae-Jessiman

556 That the report of the Personnel Committee of its meeting held March 12, 2008 regarding the tentative settlement reached between the City and the Brandon Police Association with regard to the non-sworn employees be received. CARRIED.

McCrae-Jessiman

557 That the City of Brandon enter into an agreement with the Brandon Police Association as per the recent negotiated settlement with regard to the non-sworn members only for the period January 1, 2007 to February 29, 2008 whereby wages shall be increased as follows:

By-law Enforcement Officers: Jan 1/07 - 3.75% Jan 7, 2008 - 2.5%

Temporary Front Desk Attendants: Jan 1/07 - \$0.50/hr. Jan 7, 2008 - 1.5%

All remaining non-sworn positions: Jan 1/07 - 2.75% Jan 7, 2008 - 1.5%

CARRIED.

(B) KEYSTONE CENTRE
VERBAL REPORT MARCH 17, 2008

March 17, 2008
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Councillor Fitzpatrick provided a verbal report from the Keystone Centre's Board of Directors. He noted the Board was currently reviewing 26 points for the sustainability of the Centre, including paid parking, electronic advertising and the name rights issue.

(C) WESTERN MANITOBA CENTENNIAL AUDITORIUM
VERBAL REPORT MARCH 17, 2008

March 17, 2008
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Councillor Blight provided a verbal report from the Western Manitoba Centennial Auditorium. He reported again on the user group and patrons surveys and encouraged the public's participation in same.

(D) JOINT TASK FORCE - BRANDON SCHOOL DIVISION AND CITY OF BRANDON
VERBAL REPORT MARCH 17, 2008

March 17, 2008
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Councillor Blight provided a verbal report from the March 11, 2008 Joint Task Force Meeting. He reported that a presentation had been received from Brandon Sport Alliance regarding a recreation plan, that an invitation would be forthcoming for a meeting with the full School Division Board of Trustees and members of City Council to discuss such items as transportation, and he reported on statistics regarding English as a Second Language (ESL) students in the Division.

Black-Paterson

558 That the verbal reports by Councillors Fitzpatrick and Blight with respect to the Keystone Centre, the Western Manitoba Centennial Auditorium and the Joint Task Force be received. CARRIED.

ENQUIRIES:

(333) CASINO PLEBISCITE VOTING PROCESS

Councillor Barletta referred to the delays experienced by voters at the polling stations during the March 12th, 2008 plebiscite. He noted that the computer system appeared to have failed and enquired if an update could be provided on what had happened and further, whether or not the same system was to be used in the 2010 Civic Election. He issued thanks to election staff who had done their best to ensure wait times had been kept to a minimum.

At the request of the Chair, the City Manager advised that although the system had been tested prior to the actual voting day and worked extremely well, the sheer volume of users on March 12th had caused an overload, which had forced election staff to work manually. He added that this system had never been intended for use in the 2010 Civic Election, however, other more sophisticated systems were being investigated and Council was to be kept updated on the issue.

(334) CASINO ISSUE - ROLE OF THE ECONOMIC DEVELOPMENT OFFICE

Councillor Barletta referred to a letter from members of the Brandon Chamber of Commerce whereby they had expressed their disappointment at the role the Economic Development Office had played in the 2008 casino plebiscite, compared to the 2002 plebiscite. He enquired as to who had set the mandate for Economic Development and what the reasons were for same.

At the request of the Chair, the City Manager responded that the direction to Economic Development had come from his office alone, with no involvement from any members of Council, including His Worship the Mayor. He noted that he couldn't speak for the 2002 plebiscite as he was not in Brandon at that time, however, in 2008 his intent had been to keep the issue simple and not get into locations, employment etc. as no formal information had been available for review. He added that he had kept Economic Development out of the debate so they wouldn't have appeared to have supported nor opposed the issue of a casino for the City of Brandon. He further added that Economic Development Brandon fell under the umbrella of City Administration, was funded by the City and had played an important role in many developments having come to the City, including Shape Foods. He noted that the Economic Development Office continually maintained a high degree of integrity and confidentiality.

His Worship the Mayor responded that while he had not been involved in any way in the decision of Administration not to become involved in the debate, he fully supported that decision.

(335) AWARDING OF TENDERS UNDER \$250,000

Councillor Harwood noted that tenders awarded under \$250,000 no longer required City Council approval whereby he enquired if regular updates on same could be provided. He further enquired whether or not tender documents still contained the note that the lowest or any bid may not be accepted and also whether or not an update could be provided on the number of tenders awarded to businesses outside the City of Brandon, particularly those whose bid were only a slight percentage lower than what local businesses had tendered.

At the request of the Chair, the City Manager responded that quarterly reports could be provided to Council. He confirmed that the reference note which allowed the opportunity for the rejection of any or all bids was still part of the tender document. Further to this issue, he advised that while a comprehensive list of all tenders awarded to non-local businesses could not be easily obtained, a list of some larger, notable items could be provided.

His Worship the Mayor added that the tender process regarding local preference fell under Federal Government jurisdiction and Federal Laws had to be followed.

(336) EMPLOYMENT SERVICES UPDATE

Councillor Black referred to a letter sent to the Minister responsible for Employment Services by His Worship the Mayor and the response received to same in regards to the direction Employment Services in Brandon appeared to be headed. He enquired whether or not an update could be provided.

His Worship the Mayor advised that he had received a telephone invitation to tour the Brandon Employment Office in order to review the current set-up and future changes intended, to ensure continued and/or improved service to Brandon. He advised that any further information provided would be shared with Council as soon as it became available.

(337) CELL PHONE USAGE RESTRICTIONS

Councillor Black referred to previous discussions in regards to the use of cell phones within City limits. He noted that the issue had arisen again when the proposed taxi by-law had been discussed. He enquired if an update could be provided on restrictions on cell phone usage in cities across the country.

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

(338) RENAISSANCE BRANDON UPDATE

Councillor Fitzpatrick referred to a letter received from Mr. Lee Bass whereby he had tendered his resignation from Renaissance Brandon, and noted that this was the second resignation received recently. He enquired as to the status of the committee and where it may be headed and requested an update on same.

At the request of the Chair, Councillor Barletta responded that the committee continued to work diligently to complete the work mandated by City Council. He advised that the committee had divided itself in a number of working groups. Various aspects of downtown revitalization, business recruitment programs such as granting and loaning funds for downtown projects, and also supporting new community enhancements for the downtown area were to be dealt with by these groups. He advised that the committee had compiled information on the casino plebiscite debate and produced an information brochure which had been distributed to the public. He responded that Mr. Bass would have

had his own personal reasons for his resignation and could be contacted directly on the issue. He noted that replacements were to be sought for the two members who had resigned.

Further to this issue, His Worship the Mayor advised that the vacancies were to be advertised and the new appointments would be made by City Council at a future date.

ANNOUNCEMENTS:

ST. PATRICK'S DAY

Councillor Fitzpatrick wished fellow Council members and the viewing audience a happy St. Patrick's Day.

GENERAL BUSINESS:

(A) PROPOSED TAXI BY-LAW NO. 6884

Considered was a report from the General Manager of Corporate Services dated March 5, 2008 with respect to the above.

Paterson-Jessiman

559 That draft Taxi By-Law No. 6884 attached to the report of the General Manager of Corporate Services dated March 5, 2008 be referred to the meeting of City Council to be held April 7, 2008 for consideration of 1st reading. CARRIED.

(B) BRANDON UNIVERSITY HEALTHY LIVING CENTRE - APPLICATION UNDER THE MANITOBA RURAL INFRASTRUCTURE FUND

Considered was a report from the City Manager dated March 6, 2008 with respect to the above.

Harwood-Blight

560 That the City of Brandon support the currently proposed Brandon University Healthy Living Centre as a community priority under the Manitoba Rural Infrastructure Fund program, subject to the following:

- the Government of Canada and the Province of Manitoba be advised that the proposed City/YMCA joint facility and the City's planned waste water treatment facility expansion are higher community priorities than the proposed Brandon University Healthy Living Centre.
- the Government of Canada and the Province of Manitoba be asked to consider issues relative to community need for a facility of the magnitude proposed, taking into consideration the possible competition between this project and the City / YMCA joint facility.
- the City of Brandon endorsement of the proposed University Healthy Living Centre as a community priority for purposes of MRIF funding will not negatively impact future funding decisions relative to either the City / YMCA joint facility or the City's planned waste water treatment facility expansion. CARRIED AS AMENDED.

At the request of Councillor Paterson, a recorded vote was taken on the above motion.

<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	

AMENDMENT

Paterson-Barletta

561 That the above motion be amended by deleting therefrom the words: "the Government of Canada and the Province of Manitoba be asked to consider issues relative to community need for a facility of the magnitude proposed, taking into consideration the possible competition between this project and the City/YMCA joint facility." CARRIED.

AMENDMENT

McCrae-Barletta

562 That the motion be further amended by deleting therefrom the words: "the Government of Canada and the Province of Manitoba be advised that the proposed City/YMCA joint facility and the City's planned waste water treatment facility expansion are higher community priorities than the proposed Brandon University Healthy Living Centre." CARRIED.

At the request of Councillor Paterson, a recorded vote was taken on the above motion.

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

(C) STREET NAMING POLICY AND PROCEDURE

City Council considered a report from the Manager of Property and Traffic dated February 28, 2008 with respect to the above.

Blight-Paterson

563 That the Street Naming Policy and Procedure attached to the report of the Manager of Property and Traffic dated February 28, 2008 to provide a unique identifying name for each street located within the City of Brandon, be hereby adopted. CARRIED.

During discussion on this matter, it was suggested that names should not be eliminated just because they are "difficult" and that the City's history should continue to play a part in street naming.

(D) 2008 CITIZEN APPOINTMENTS TO PLANNING COMMISSION

Submitted for consideration was a report from the City Clerk's Office dated March 3, 2008 with respect to the above.

Jessiman-Fitzpatrick

564 That the following citizen appointments be and are hereby made to the Planning Commission, with terms of office to expire March 31, 2011:

Bernard Chrisp
Kevan Sumner
CARRIED.

(E) HOME RENOVATION AND RESIDENTIAL TAX CREDIT APPLICATION

Considered was a report from the General Manager of Corporate Services dated March 4, 2008 with respect to the above.

Paterson-Blight

That the application for a Residential Tax Abatement Program credit for the property at 60-6th Street North be approved. NOT VOTED ON.

Prior to the above motion being voted on, a referral motion was put forward on both applications for the subject property.

Black-Jessiman

565 That the applications for the Residential Tax Abatement Program and the Home Renovation Tax Assistance Program for the property at 60 - 6th Street North be referred to the April 7, 2008 meeting of City Council to allow Administration the opportunity to review and report on any precedent which may be set in this regard. CARRIED.

(F) CASINO PLEBISCITE

City Council considered a report from the City Clerk dated March 13, 2008 with respect to the above.

Black-Jessiman

566 That a letter be forwarded to the Province of Manitoba and the Assembly of Manitoba Chiefs advising that the City of Brandon is not prepared to take part in negotiations for the establishment of a casino in the City of Brandon. CARRIED.

At the request of Councillor Jessiman, a recorded vote was taken on the above motion.

<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	

(G) PROPOSAL FOR ANNEXATION OF LANDS

His Worship the Mayor declared an interest in this matter as he is related to one of the person involved and left the Council Chamber without any further discussion to avoid a conflict.

Submitted for consideration was a report from the General Manager of Development Services dated March 6, 2008 with respect to the above.

Black-Paterson

567 That the proposal for annexation of lands, as requested by various land owners in the Rural Municipality of Cornwallis and attached to the report of the General Manager of Development Services dated March 6, 2008 be submitted to the Municipal Board, and that City Administration pursue the activities contained in the proposal and the Municipal Act toward a successful conclusion. CARRIED.

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

(H) AUTOMATED SIDE LOAD REFUSE TRUCK PROPOSAL L-06/08

City Council considered a report from the General Manager of Operational Services dated March 3, 2008 with respect to the above.

Paterson-Fitzpatrick

568 That the proposal of Joe Johnson Equipment for the supply of five (5) new thirty-one (31) cubic yard side load refuse trucks as per proposal and specifications at a total cost of \$1,409,932.20 be accepted whereby such costs shall be expended in 2008 from the Equipment Replacement Reserve. CARRIED.

(I) SPRAY PARK PROPOSAL

City Council considered a report from the General Manager of Operational Services dated March 5, 2008 with respect to the above.

Jessiman-Black

569 That the proposal of Ben Wiebe Construction (1985) Ltd. for the supply and construction of a spray park at the 3rd Street and Aberdeen Avenue park as per proposal and specifications at a cost of \$268,498.65 be accepted whereby such costs shall be expended in 2008 from the Parks Reserve. CARRIED.

(J) SOUTH END LIFT STATION TENDER

Submitted for consideration was a report from the General Manager of Development Services dated March 5, 2008 with respect to the above.

Jessiman-Campbell

570 That the low bid from TL Penner Construction Inc. for the construction of a South End Lift Station as per tender and specifications at a cost of \$2,657,397 (including GST) be accepted whereby such funds shall be expended from the Wastewater Reserve. CARRIED.

(K) BORROWING AUTHORITY - EXPANSION OF SLUDGE STORAGE LAGOONS

Considered was a report from the General Manager of Development Services dated March 6, 2008 with respect to the above.

Paterson-Blight

571 That a Public Hearing be held with respect to the borrowing of funds for the purpose of expanding the sludge storage lagoons. CARRIED.

(L) PROPOSAL TO SUBDIVIDE 1215 PATRICIA AVENUE (BLANCHARD/LALUK)

Councillor Paterson declared an interest in this matter as a result of his occupation and left the Council Chamber without any further discussion to avoid a conflict.

Submitted for consideration was a report from the Planning Department dated March 4, 2008 with respect to the above.

Campbell-McCrae

572 That the application of Kevin Blanchard and Delores Laluk to subdivide 1215 Patricia Avenue (Parcel B, Plan 40470 and Lot 5, Plan 45570 BLTO) be approved subject to:

- 1) the owner or successor executing a development agreement with the City of Brandon;
- 2) confirmation satisfactory to the City of Brandon that the builders lien against the City of Brandon has been discharged;
- 3) the owner or successor providing the Brandon School Division with financial consideration in lieu of land dedication in the amount of \$7,654.50; and
- 4) 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.
CARRIED.

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

BY-LAWS:

NO. 6895 - TO AMEND ROAD CLOSURE BY-LAW NO. 6799 RE: CONVEYANCE OF PROPERTY LOCATED ON THE WEST SIDE OF 12TH STREET, SOUTH OF RICHMOND AVENUE (PARCEL F OF THE PUBLIC LANE IN BLOCK 1, PLAN 24636) TO THE REGISTERED OWNERS OF PROPERTY DESCRIBED AS LOTS 7/9, BLOCK 9, PLAN 276 AMENDMENT, 2ND AND 3RD READINGS

It was noted this by-law had received first reading at the February 19, 2008 meeting of City Council.

Campbell-Fitzpatrick

573 That By-law No. 6895, to amend By-law No. 6799, to convey property located on the west side of 12th Street, south of Richmond Avenue (Parcel F of the public lane in Block 1, Plan 24636) to the registered owners of Lots 7/9, Block 9, Plan 276 BLTO and to consolidate Parcel H with Lots 37/42, Block 9, Plan 276 BLTO be amended by:

- (1) adding the words: “and the consolidation of Parcel H with adjacent property” to the first preamble paragraph immediately after the words: “adjacent property owners”;
- (2) adding the following as the fifth preamble paragraph:
“AND WHEREAS Parcel H shall be consolidated with the adjacent property described as Lots 37 to 42, Block 9, Plan 276 BLTO”; and

(3) renumbering Section 1 of the by-law as 1. (a) and adding the following as subsection 1. (b):

“1. (b) adding in Section 2, clause (vi), the words: “and be consolidated with Lots 37 to 42, Block 9, Plan 276”, immediately after the words: "at no charge". CARRIED.

Campbell-Paterson

574 That By-law No. 6895, to amend Road Closure By-law No. 6799, as amended, be read a second time. CARRIED.

Campbell-Paterson

575 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. 6895 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

NO. 6897 - TO REZONE PROPERTY LOCATED EAST OF 42ND STREET AND SOUTH OF VAN HORNE AVENUE (PUBLIC LANE [CLOSED] IN BLOCK 12 AND PART OF PUBLIC LANES [CLOSED] IN BLOCKS 11, 13, 14 AND 19, PLAN 269 BLTO, LOTS 1/3 AND 38/40, BLOCK 14, PLAN 269 BLTO, AND PART OF PARCEL B, PLAN 37262 BLTO) FROM DR DEVELOPMENT RESERVE ZONE TO RSF RESIDENTIAL SINGLE FAMILY ZONE (CITY OF BRANDON)
1ST READING

Submitted for consideration was a report from the Planning Department dated March 5, 2008 with respect to the above.

Blight-Jessiman

576 That By-law No. 6897 to rezone property located in Public Lane (closed) in Block 12 and Part Public Lanes (closed) in Blocks 11, 13, 14 and 19, Plan 269 BLTO, Lots 1/3 and 38/40, Block 14 Plan 269 BLTO, and Part Parcel B, Plan 37262 BLTO from DR Development Reserve Zone to RSF Residential Single Family Zone be read a first time. CARRIED.

NO. 6898 - TO REZONE PROPERTY LOCATED AT 463 PERCY STREET (LOT 20, BLOCK 1, PLAN 4 BLTO) FROM RSF RESIDENTIAL SINGLE FAMILY ZONE TO RLD RESIDENTIAL LOW DENSITY MULTIPLE FAMILY ZONE (FRANCOEUR)
1ST READING

City Council considered a report from the Planning Department dated March 3, 2008 with respect to the above.

Black-Jessiman

577 That By-law No. 6898 to rezone property located 463 Percy Street (Lot 20, Block 1, Plan 4 BLTO) from RSF Residential Single Family Zone to RLD Residential Low Density Multiple Family Zone be read a first time. CARRIED.

GIVING OF NOTICE:

Nil

ADJOURN:

Blight-Black

That the meeting do now adjourn. (10:44 p.m.) CARRIED.

MAYOR

CITY CLERK