

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY, MAY 5, 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, Youth Member Stephen Montague

ABSENT: Nil

ADOPTION OF AGENDA:

Harwood-Blight
613 That the Agenda for the Regular Meeting of City Council to be held on Monday, May 5, 2008 be adopted as presented. CARRIED.

CONFIRMATION OF MINUTES:

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

HEARING OF DELEGATIONS:

(A) GRAHAM HARVEY - 2008 DRAGON BOAT FESTIVAL

Graham Harvey, appeared before City Council to provide information on the 2008 Dragon Boat Festival to be held in Brandon on July 12, 2008. Sue Rouleau of the Westman Dragon Boat Team also provided information on the Waves of Hope races to be held in the fall of 2008. She advised that anyone interested in volunteering for either of these events can contact the Manitoba Paddling Association or visit the Wave of Hope website at www.wavesofhope.ca.

Jessiman-Paterson
615 That the presentations by Graham Harvey and Sue Rouleau with respect to the 2008 Dragon Boat Festival to be held July 12, 2008 be received. CARRIED.

(B) DAVID CARRIERE, WESTMAN ACCOMMODATIONS GROUP - PROPOSED DESTINATION TAX

David Carriere appeared before City Council on behalf of the Westman Accommodations Group to provide information regarding the economic impact of additional hotel taxes in Brandon. Mr. Carriere outlined the advantages of not implementing a destination tax in Brandon and noted that the hotel industry has supported tourism initiatives since 2003 through Brandon First. He stated that Brandon needed to retain its competitive edge in order to continue to attract events to the community and a destination tax would be detrimental to those efforts.

Harwood-Fitzpatrick
616 That the presentation by David Carriere on behalf of the Westman Accommodations Group with respect to the proposed destination tax be received. CARRIED.

(C) CRAIG HARLEY - PROPOSED TAXI BY-LAW

Craig Harley appeared before City Council with respect to the proposed Taxi By-law. He advised that he had previously been in the taxi industry, although he was not at the present time, and had concerns with respect to the proposed change to the age restriction on vehicles and with the pausing of meters, and requested that provisions for same be expanded.

Black-McCrae

617 That the presentation by Craig Harley with respect to the proposed Taxi By-law be received.
CARRIED.

(D) HEIKO ZINN - PROPOSED TAXI BY-LAW

This item was withdrawn at the request of Mr. Zinn.

(E) BRYAN EDWARDS - PROPOSED TAXI BY-LAW

Bryan Edwards appeared before City Council on behalf of the Taxi Association with respect to the proposed Taxi By-law. He outlined concerns with the recognition of owner/operators, the use of cell phones for dispatch, and the proposed fare increase.

Paterson-Rice

618 That the presentation by Bryan Edwards with respect to the proposed Taxi By-law be received.
CARRIED.

(F) SHERRY HAITHWAITE - PROPOSED TAXI BY-LAW

Sherry Haithwaite appeared before City Council with respect to the proposed Taxi By-law. She stated concerns with the requirement for a dispatcher, the required six-vehicle fleet size, and the proposed rate increase. Ms. Haithwaite concluded by noting that the proposed changes to the Taxi By-law would put her company out of business.

Fitzpatrick-Rice

619 That the presentation by Sherry Haithwaite with respect to the proposed Taxi By-law be received.
CARRIED.

(G) ROBERT KNIGHT - PROPOSED TAXI BY-LAW

Robert Knight appeared before City Council with respect to the proposed Taxi By-law. He stated that it should be up to the taxi company whether or not to discount fares and noted that the Taxi Association did not represent everyone in the industry.

Fitzpatrick-Black

620 That the presentation by Robert Knight with respect to the proposed Taxi By-law be received.
CARRIED.

PUBLIC HEARINGS:

Nil

COMMUNICATION & PETITIONS:

Nil

COMMITTEE REPORTS:

(A) KEYSTONE CENTRE
VERBAL REPORT MAY 5, 2008

May 5, 2008
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Councillor Fitzpatrick provided a verbal report on the activities of the Keystone Board of Directors. He noted that the facility was extremely busy in the month of April with some 23 major events taking place, including The Roundup Event on April 18 - 20, 2008.

(B) GENERAL MUSEUM ADVISORY COMMITTEE
VERBAL REPORT MAY 5, 2008

May 5, 2008
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Councillor Black provided a verbal report on the meeting of the General Museum Advisory Committee held on April 30, 2008. He advised that the committee had reviewed several governance models, and would be submitting a recommendation to City Council to conduct a feasibility study on Central Fire Hall No. 1 relative to a museum and/or archives.

Barletta-McCrae

621 That the verbal reports by Councillors Fitzpatrick and Black with respect to the Keystone Centre and the General Museum Advisory Committee respectively be received. CARRIED.

ENQUIRIES:

(363) CONCERNS RE: AFFORDABLE HOUSING DEVELOPMENTS

Councillor Paterson advised that he had received a complaint from a concerned citizen in which the gentleman noted that a problem existed in regards to the lack of land available within the City for small developers. He noted that the large developers had taken up most of the vacant land and further that in the past the City had undertaken a "land banking" system whereby it had accumulated some parcels of land and earmarked them for smaller development projects. He enquired as to the feasibility of the reimplementation of such a program.

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

(364) REFUSE DROP-OFFS AND PICK-UPS

Councillor Jessiman requested an update on the new sanitation system, inclusive of the removal of large items and yard waste.

At the request of the Chair, the General Manager of Operational Services advised that under the new system the \$3.00 fee charged to those who brought their items directly to the landfill site had been waived for City of Brandon residents. She also advised that \$5.00 tickets could be purchased to tag larger items at residences for pick-up by the Sanitation Department.

(365) FUNDING FOR KEYSTONE CENTRE

Councillor Black requested clarification as to the level of funding from the City of Brandon to the Keystone Centre.

His Worship the Mayor advised that, contrary to recent media reports, he had documents which indicated that the City had met all financial commitments to the Keystone Centre. He further advised that he had attended the most recent meeting of the Keystone Board where the issue had been discussed and members of the Board were provided with those documents at that time.

He added that the funding of \$250,000 per year started in 2002 and the City was committed for 10 years. He stated that approximately \$225,000 per year, that being the municipal portion of the taxes from the Canad Inns, had also been handed over to the Keystone Centre, whereby that commitment was also for 10 years and continued to be met. He noted that the total funding committed to the Keystone Centre by all three levels of Government was \$15 million, divided equally amongst the three with the municipal contribution of \$5,000,000 distributed as detailed above. He advised that in 2006, City Council passed a resolution whereby it had agreed to commit \$125,000 annually, an amount matched by the Province, which was to assist in reducing the 1991 debt incurred by the addition to the Keystone Centre.

Further to this issue, Councillor Fitzpatrick thanked His Worship for having attended the Keystone Board meeting. He advised that all members of the Board had been pleased with the outcome of that meeting and looked forward to a good working relationship with the City for years to come.

(366) TAX REVENUES FROM CANAD INN

Councillor Black referred to the tax revenues received from the Canad Inns which were then turned over to the Keystone Centre, whereby he enquired if the funds were restricted for capital use.

His Worship the Mayor confirmed that the Keystone Centre was permitted to use the funds for either capital or operating expenses.

(367) POWERS OF KEYSTONE CENTRE BOARD

Councillor Black enquired if there was an agreement between the Keystone Centre Board and the City of Brandon relevant to the sale and/or lease of land on the Keystone Centre Grounds and further, when the Province of Manitoba was required to be involved. He asked that, if such an agreement existed, a copy be provided to members of City Council.

His Worship the Mayor advised that an agreement had recently been signed between the City of Brandon and the Keystone Centre Leadership Group with respect to naming rights, lease, selling of land, rezoning, etc. He noted that in the agreement, City Council approval was necessary before any such transactions took place and further, that Provincial Government approval was required for any steps taken which involved changes to the Development Plan. He advised that copies of the agreement were available for any interested members of City Council.

(368) BACK-UP VALVES FOR SEWER PROBLEMS

Councillor Black advised that he had received a telephone call from a resident of Riverview Ward who continually had problems with water in her basement. He advised that when the person contacted the City of Brandon she had been told that the problem would be eliminated by having a back-up valve installed. He noted that the person had conducted some research into back-up valves and found that was not always the case and given the cost of same, had questioned whether or not it would be worth it.

He enquired if City Council and residents could be provided with an update on the pros and cons of back-up valves at a future meeting.

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

(369) NEW REFUSE CONTAINERS

Councillor Fitzpatrick requested an update on the number of enquiries from residents in regards to the new refuse containers and further, when the deadline was for residents to call in to select the size of containers.

At the request of the Chair, the General Manager of Operational Services advised that between 1400 and 1500 calls had been received so far and the deadline for residents to place their orders was May 16, 2008. She further advised that the display at the Brandon Shoppers Mall had attracted many visitors and further, that representatives would be there again on the weekend of May 10. She also advised that the bins were on display at the Civic Services Complex during regular business hours.

ANNOUNCEMENTS:

RICHMOND WARD MEETING - MAY 22, 2008

Councillor Campbell announced that a Richmond Ward Meeting was to be held Thursday, May 22, 2008 starting at 7:00 p.m. in the Council Chamber, Civic Administration Building. She stated that the items to be discussed include the new lift station, engineering construction for new sewer and water lines in the Richmond Ward as well as the proposed residential development project and any other ward issues.

95TH ANNIVERSARY OF SOKOL POLISH ASSOCIATION

Councillor Paterson announced that he had recently attended the 95th Anniversary Celebrations of the Sokol Polish Association and extended congratulations on behalf of His Worship and City Council. He advised that the meal provided had been fabulous and good time was had by all.

CANADIAN BLOOD SERVICES DONOR RECOGNITION

Councillor Harwood announced that he had attended a reception held by the Canadian Blood Services on April 22, 2008 in the Main Foyer of City Hall to recognize donors who had reached milestones of 50, 75, and 100 donations. He extended congratulations to Councillor Black who had been recognized for his 100 donations.

É-GRE COMPETITION

Councillor Harwood announced he had attended the finals of the Brandon University É-Gre Competition on May 4, 2008 where he had presented the City of Brandon prize of \$1,000 for original composition to a young lady from Ontario.

NEIGHBOURHOOD SWEEP - RIVERVIEW WARD

Councillor Black announced that a neighbourhood sweep of the Riverview Ward was to be held on Thursday, May 22, 2008. He encouraged all residents to volunteer, if possible, and advised that the group was to meet at the East End Community Centre at 9:00 a.m. and it was expected to be completed by 4:00 p.m. at the latest. He asked that any problems such as crumbling sidewalks, etc. be noted and referred to him after the sweep.

GENERAL BUSINESS:

(A) CREATION OF DESTINATION TAX FOR CITY OF BRANDON

Considered was a report from Councillor D. Jessiman dated April 22, 2008 with respect to the above in accordance with his notice of motion filed at the April 21, 2008 meeting of City Council.

Jessiman-Black

622 That a by-law be prepared to impose a 2% destination tax on hotel accommodations whereby monies generated from such a tax shall be targeted to promote economic development, culture and recreation within the City of Brandon. CARRIED AS AMENDED.

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

FOR

Councillor Barletta
Councillor Black
Councillor Campbell
Councillor Fitzpatrick
Councillor Jessiman
Councillor Rice

AGAINST

His Worship Mayor Burgess
Councillor Blight
Councillor Harwood
Councillor McCrae
Councillor Paterson

AMENDMENT

Fitzpatrick-Campbell

623 That the above motion be amended by including after the words: "within the City of Brandon", the words: "and shall be designated for new events and not for capital and operating subsidies." CARRIED.

(B) PROPOSAL TO SUBDIVIDE - 801 - 18TH STREET NORTH (SHINDICO REALITY/HOME DEPOT)

City Council considered a report from the Planning Department dated April 23, 2008 with respect to the above.

Paterson-Black

624 That the application of Shindico Realty Inc., (c/o John Pearson) on behalf of the owner, Home Depot Holdings Inc., to subdivide 801 - 18th Street North (Lot 3, Plan 42449 BLTO) be approved subject to confirmation that:

- 1) arrangements have been made for easements with Centra Gas Manitoba Inc.; and
- 2) a cross access agreement, satisfactory to the General Manager of Development Services, has been executed in order to allow the newly created lot access to the internal road network of the Corral Centre. CARRIED.

(C) PROPOSAL TO SUBDIVIDE - 2009 - 9TH STREET (VBJ DEVELOPMENTS LTD.)

Councillor McCrae declared an interest in this matter due to his employment, and left the Council Chamber without any further discussion to avoid a conflict.

Submitted for consideration was a report from the Planning Department dated April 23, 2008 with respect to the above.

Campbell-Rice

That the application of VBJ Developments Ltd. to subdivide 2009 - 9th Street (Parcels K, M, R, V ' X, Plan 47131 BLTO) be approved subject to the applicant providing confirmation to the City of Brandon Planning Department that:

- 1) arrangements have been made for a joint use easement and plan of easements to the satisfaction of Manitoba Hydro, MTS Allstream Inc. and Westman Communications Group; and
 - 2) financial consideration in lieu of land dedication has been paid to the Brandon School Division.
- NOT VOTED ON.

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

Campbell-Paterson

625 That the proposal to subdivide 2009 - 9th Street be referred to the June 16, 2008 meeting of City Council to allow for the proposal to be discussed at the Richmond Ward Meeting scheduled for May 22, 2008. CARRIED.

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

(D) TENDER NO. 51/08 - CONTRACT D - CURBING AND SIDEWALK WORKS

Councillor Rice declared an interest in this and the next item of business as he is employed in the industry and left the Council Chamber without any further discussion to avoid a conflict.

Considered was a report from the General Manager of Development Services dated April 24, 2008 with respect to the above.

Barletta-Blight

626 That the low bid of Zenith Paving Ltd. to carry out the Contract D - Curbing and Sidewalk Works as per tender and specifications at a cost of \$337,197.95 (including GST) be accepted. CARRIED.

(E) TENDER NO. 58/08 - CONTRACT B - UNDERGROUND WORKS

City Council considered a report from the General Manager of Development Services dated April 24, 2008 with respect to the above.

Campbell-Jessiman

627 That the low bid of Cumming & Dobbie (1986) Ltd. to carry out the Contract B - Underground Works as per tender and specifications at a cost of \$1,170,064.56 (including GST) be accepted. CARRIED.

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

BY-LAWS:

NO. 6884 - TO PROVIDE FOR THE LICENSING, CONTROLLING, REGULATING AND SAFETY OF TAXICABS WITHIN THE CITY OF BRANDON
2ND & 3RD READINGS

It was noted that this by-law had received first reading at the April 7, 2008 meeting of City Council.

At the request of the Chair, the Director of Finance provided an overview of the consultation process involved in the preparation of the by-law for City Council.

Blight-Jessiman

That Taxi By-law No. 6884 to provide for the licensing, controlling, regulating and safety of taxicabs within the City of Brandon be read a second time. NOT VOTED ON.

AMENDMENT

Rice-Black

That By-law No. 6884 be amended by deleting in Subsection 8.1 (b) the figure: "\$0.14" and substituting therefor the figure: "\$0.17". NOT VOTED ON.

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

McCrae-Barletta

628 That the debate on Taxi By-law No. 6884 be referred to Administration for review and report to City Council on or before June 16, 2008 on whether or not the Taxicab Board of Manitoba should be regulating the taxicab industry in the City of Brandon. CARRIED.

NO. 6896 - TO REZONE PROPERTY LOCATED ON 605 - 39TH STREET (LOTS 39/40, BLOCK 8, PLAN 269 BLTO) FROM DR DEVELOPMENT RESERVE ZONE TO RSF RESIDENTIAL SINGLE FAMILY ZONE (TIGER HOMES LTD./CHAVEZ/CARBALLO)
2ND & 3RD READINGS

It was noted that this by-law had received first reading at the March 3, 2008 meeting of City Council.

Blight-Paterson

630 That By-law No. 6896 to rezone 605 - 39th Street (Lots 39/40, Block 8, Plan 269 BLTO) from DR Development Reserve Zone to RSF Residential Single Family Zone be read a second time. CARRIED.

Blight-Jessiman

631 That this by-law be read a third time. CARRIED.

In accordance with Section 137 of The Municipal Act, a recorded vote was taken on the motion to give By-law No. 6896 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

NO. 6904 - TO AUTHORIZE THE BORROWING OF FUNDS TO PROVIDE FINANCIAL ASSISTANCE TO THE YMCA TO DEVELOP AN AQUATICS FACILITY
1ST READING

Considered was a report from the General Manager of Corporate Services dated April 24, 2008.

Barletta-Harwood

632 That By-law No. 6904 to provide for the borrowing of \$5,000,000 to grant financial assistance to the YMCA in the development of an aquatics centre be read a first time. CARRIED.

GIVING OF NOTICE:

(A) BAN ON PLASTIC SHOPPING BAGS

In accordance with Rule 60 of City Council Procedure By-law No. 6634, Councillor Black gave notice of his intent to introduce at the May 20, 2008 meeting of City Council, the following motion:

"That the Province of Manitoba be requested to grant municipalities authority to proceed with city by-laws designed to address specific environmental problems such as the sale and distribution of single-use plastic bags, the proliferation of discarded beverage containers (liquor bottles sold through the Manitoba Liquor Control Commission, soft-drink containers, juice containers, water bottles, etc.) in city streets, sidewalks, parks and walkways; and the proliferation of discarded take out beverage and fast food containers in the same locations."

ADJOURN:

Paterson-Barletta

That the meeting do now adjourn (12:14 a.m.) CARRIED.

MAYOR

CITY CLERK