

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY, SEPTEMBER 08TH, 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 J. McCrae, Councillor D. Paterson, Councillor G. Rice, Youth Member Greg Crisanti

ABSENT: Councillor D. Jessiman

ADOPTION OF AGENDA:

766 Harwood-Paterson
That the Agenda for the Regular Meeting of City Council to be held Monday, September 8, 2008 be adopted as presented. CARRIED.

CONFIRMATION OF MINUTES:

767 Blight-Fitzpatrick
That the Minutes of the Special Meeting of City Council held on Thursday, August 14, 2008 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

768 Harwood-Fitzpatrick
That the Minutes of the Regular Meeting of City Council held on Monday, August 18, 2008 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

HEARING OF DELEGATIONS:

(A) STEPHEN MONTAGUE - PROPOSED BRANDON WARD BOUNDARIES

Stephen Montague appeared before City Council to discuss the proposed electoral ward boundaries for the City of Brandon. Mr. Montague expressed concerns with the uneven distribution of population within the wards, and the lack of public consultation whereby he requested that a Public Hearing be scheduled prior to the final reading of the by-law.

769 Harwood-Paterson
That the presentation by Stephen Montague with respect to the proposed electoral ward boundaries for the City of Brandon be received. CARRIED.

PUBLIC HEARINGS:

Nil

COMMUNICATION & PETITIONS:

Nil

COMMITTEE REPORTS:

- (A) WESTERN MANITOBA CENTENNIAL AUDITORIUM
VERBAL REPORT SEPTEMBER 8, 2008
-

September 8, 2008
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Councillor Blight reported that the Western Manitoba Centennial Auditorium Board would be meeting on September 23, 2008 to review the report of Meyers Norris Penny regarding the facility operational review and would advise Council of the results following same.

- (B) KEYSTONE CENTRE
VERBAL REPORT SEPTEMBER 8, 2008
-

September 8, 2008
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Councillor Fitzpatrick provided a verbal report on the Keystone Centre. He advised that discussions continued with potentially interested parties on the naming rights of the two north arenas and advised that the 2009 budget and 2008 financial statements were being finalized and would be discussed at the next meeting of the Keystone Board to be held on September 26th, 2008.

McCrae-Blight

- 770 That the reports of Councillors Blight and Fitzpatrick with respect to the Western Manitoba Centennial Auditorium and the Keystone Centre respectively be received. CARRIED.

ENQUIRIES:

- (426) LENGTH OF CONSTRUCTION CONTRACTS
-

Councillor Rice enquired if the length of construction contracts which ran through the summer season could be shortened.

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

- (427) FLORAL DISPLAYS IN THE CITY OF BRANDON
-

Councillor Rice referred to the floral displays around the City, whereby he requested an estimated cost of planting and maintaining same and enquired if, given that many of the displays were along Provincial arteries, the Province had made any financial contribution.

His Worship the Mayor advised that the cost was not shared by the Province. He agreed to take this matter under advisement.

- (428) EASTERN ACCESS ROUTE UPDATE
-

Councillor Harwood requested an update on the construction of the final piece of the Eastern Access Route from Veterans' Way to the Trans Canada Highway.

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

(429) SIDEWALK INSTALLATION - NORTH SIDE OF ROSSER AVENUE FROM 18TH TO 26TH STREET

Councillor Harwood referred to the installation of a sidewalk on the north side of Rosser Avenue from 18th Street to 26th Street. He advised that he had received numerous complaints from area residents who had been unable to access their driveways during the construction and enquired when same was expected to be completed.

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

(430) UPDATE - RIGHT TO ENFORCE ENVIRONMENTAL ISSUES

Councillor Black referred to a letter sent by His Worship the Mayor to the Honourable Stan Struthers, Minister of Conservation, whereby information had been requested on the rights of municipalities to enforce environmental issues. He enquired if a response had been received and if not, when a response was expected.

His Worship the Mayor advised that no response had been received to date other than acknowledgement that the letter had been received by the Minister's Office. He agreed to follow-up with the Minister's Office as to the expected timeline for a response.

(431) LABOUR ISSUES RE LAYOFFS AT LOCAL COMPANIES

Councillor Black referred to the recent layoffs at Convergys and Inventronics and he enquired if the Provincial Labour Adjustment Services could be contacted regarding the level of assistance, if any, given to the affected employees.

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

(432) BUDGET UPDATES

Councillor Campbell noted that a number of items with significant cost implications had recently been approved by City Council, whereby she requested an update on the impact of same on the City's overall budget.

His Worship the Mayor advised that quarterly updates were provided by the Audit and Finance Committee, however, he agreed to take this matter under advisement.

(433) STATUS OF TRAFFIC CIRCLE AT RICHMOND AVENUE AND 34TH STREET

Councillor Fitzpatrick requested an update on the status of the Traffic Circle at Richmond Avenue and 34th Street.

At the request of the Chair, the General Manager of Development Services advised that other obligations taken on by the contractor as well as weather conditions and a labour shortage had contributed to this project having been delayed. He noted that, under the contract, the work was to be completed by mid-September 2008 and given that after that time the contractor faced penalties, he expected the work to be completed on schedule.

(434) STATUS OF NEW GARBAGE CONTAINERS

Councillor Fitzpatrick requested an update on the status of the delivery of the new garbage containers.

Further to this issue Councillor Fitzpatrick enquired as to the education process for residents.

At the request of the Chair, the Director of Public Works advised that due to a problem with the delivery of the containers from the supplier, the delivery to residences had fallen behind by approximately one week. He noted that all containers had now been received and further, that assembly of same was being carried out 7 days a week which he anticipated would allow for completion of delivery as scheduled.

He further advised that a City of Brandon staff member was present to answer any questions as the bins were delivered and information/instruction pamphlets were provided with each set of bins.

(435) 2010 MEMORIAL CUP PROJECT

Councillor Fitzpatrick referred to City Council's and the Province of Manitoba's commitment of \$2.5 Million to support the Brandon Wheat Kings' bid for the 2010 Memorial Cup. He requested information on who was in charge of the project, what was to happen should the project go over budget, and how the project was to be paid for.

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

(436) UPDATE - GRAVITY SEWER INSTALLATION ON 9TH STREET AND REPAIR OF TRAFFIC CIRCLE AT 9TH STREET AND MARYLAND AVENUE

Councillor Campbell requested an update on the repairs to the 9th Street and Maryland Avenue Traffic Circle and the gravity sewer installation on 9th Street.

At the request of the Chair, the General Manager of Development Services advised that the gravity sewer installation had been completed through the traffic circle and further, that installation had been halted until the traffic circle had been re-opened. He noted that re-opening of the traffic circle remained a priority and further, that once that was accomplished, work on the gravity sewer was to continue for as long as weather permitted. He advised that once the traffic circle was re-opened traffic would no longer be diverted onto McLeod Drive.

ANNOUNCEMENTS:

HOUSEHOLD HAZARDOUS WASTE DAY - SEPTEMBER 20, 2008

Councillor Rice announced that Household Hazardous Waste Day was to be held September 20, 2008 from 10:00 a.m. to 2:00 p.m. at the Civic Services Complex.

GENERAL BUSINESS:

(A) NEW FIRE HALL/EMERGENCY COMMUNICATIONS CENTRE

Considered was a report from the Fire Chief dated August 29, 2008 with respect to the above.

Paterson-Blight

771 That the Class "D" costing estimate of \$11,000,000 for the Fire Hall/Emergency Communications Centre prepared by Cibinel Architects dated August 8, 2008 be received, the detailed design drawings for the building be prepared, and the project tendered. CARRIED.

(B) BORROWING OF FUNDS TO CONSTRUCT A COMBINED FIRE STATION AND EMERGENCY COMMUNICATIONS CENTRE

Submitted was a report from the General Manager of Corporate Services dated September 2, 2008 with respect to the above.

772 McCrae-Blight
That City Council conduct a Public Hearing on October 6, 2008 with respect to the City's borrowing of \$11,000,000 for the construction of a combined Fire Station/Emergency Communications Centre. CARRIED.

(C) CITY HALL ROOF REPLACEMENT

City Council considered a report from the Acting Director of Public Works dated August 21, 2008 with respect to the above.

773 Blight-Barletta
That \$153,585.62 be expended from the Municipal Building Maintenance Reserve for the replacement of the City Hall roof. CARRIED.

(D) FIRST STREET AND ROSSER AVENUE ENVIRONMENTAL SITE REMEDIATION

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

774 Black-Paterson
That the low bid of HAZCO Environmental Services Ltd. to carry out the site remediation work at 1st Street and Rosser Avenue as per tender and specifications at a cost of \$954,968.70 including taxes be accepted. CARRIED.

(E) THIRD STREET DAM

City Council considered a report from the General Manager of Development Services dated August 29, 2008 with respect to the above.

775 Paterson-Fitzpatrick
That the 2008 Utility Capital Budget be altered to allow for the construction of a rockfill weir to replace the Third Street Dam and further, that KGS Engineering continue to be engaged to complete the necessary engineering services. CARRIED.

(F) CEMETERY PLAN

Submitted for consideration was a report from the Operations Division dated August 13, 2008 with respect to the above.

776 Campbell-Blight
That the Cemetery Plan dated July 2008 attached to the report of the Operations Division dated August 13, 2008 be adopted. CARRIED.

(G) FLEMING SCHOOL LAND TRANSFER AGREEMENT

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

777 Harwood-Black
That the City of Brandon enter into the agreement with the Brandon School Division attached to the report of the General Manager of Development Services dated August 27, 2008 with respect to the City acquiring from and disposing to the Division land at the Fleming School property situated between Victoria and Louise Avenues from 23rd to 25th Streets as set-out in said agreement. CARRIED.

At the request of Councillor Black, a recorded vote was taken on the matter.

FOR

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

AGAINST

Councillor Black

AMENDMENT

Black-No Secunder

That the agreement to be made between the City of Brandon and the Brandon School Division attached to the report of the General Manager of Development Services dated August 27, 2008 with respect to the City acquiring from and disposing to the Division land at the Fleming School property situated between Victoria and Louise Avenues from 23rd to 25th Streets be referred back to Administration in order that the situation with Mr. R. Bachinski set-out in the agreement can be addressed and arrangements made for fair consideration to be paid to Mr. Bachinski in the amount of \$50,000 and for clarification to be provided with criteria on the term: "good of the community" as set-out in Clause 7 of the agreement.

Prior to the above motion being seconded, it was ruled Out of Order by the Chair.

Subsequent to the above ruling, the following amending motion to the main motion was made.

Black-Campbell

778 That the above motion be amended by adding the following thereto: "subject to said agreement being amended to provide for the City of Brandon paying to R. Bachinski the sum of \$50,000." LOST.

(H) APPLICATION TO SUBDIVIDE 1000 PACIFIC AVENUE (LENNON TRILOGY PROFESSIONAL LAND SURVEYORS/CANADIAN PACIFIC LIMITED)

City Council considered a report from Planning Services dated August 27, 2008 with respect to the above.

Barletta-Fitzpatrick

779 That the application to subdivide 1000 Pacific Avenue (Pt. N 1/2 23-10-19 WPM) to create two commercial lots and a new public road in the MR Industrial Restricted Zone be approved subject to:

1. Canadian Pacific Railway informing the Planning Department, in writing, of the track speed in the section of its right-of-way, in its entire width, immediately adjacent to both proposed lots;
2. the Planning Department receiving two (2) signed copies of a cross-access agreement allowing both properties to share access to Pacific Avenue from the existing driveway;
3. the applicant obtaining a variation order reducing the rear yard of the existing building in proposed Lot 2 to 0.0m;
4. the Planning Department receiving two (2) signed copies of an encroachment agreement between the proposed Lot 2 and the remaining CPR right-of-way with respect to the existing former station building;

5. the Planning Department receiving one (1) signed copy of an encroachment agreement between the proposed Lot 2 and the City of Brandon with respect to the existing former station building;
6. the applicant or owner providing the Planning Department with a report by a qualified person confirming the status of soil contamination of both proposed lots and the proposed 8th Street North right-of way; and
7. confirmation that arrangements have been made for an easement and plan of easement to the satisfaction of Manitoba Hydro and/or Centra Gas Manitoba Inc. CARRIED.

BY-LAWS:

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

This item was withdrawn at the request of the Director of Finance to provide for further review.

NO. 6893 - TO CREATE A FINANCIAL ASSISTANCE PROGRAM FOR THE REDEVELOPMENT OF THE FORMER NURSES' RESIDENCE AT BMHC PROPERTY
2ND AND 3RD READINGS

It was noted that this by-law had received first reading at the August 18, 2008 meeting of City Council.

Paterson-Barletta
780 That By-law No. 6893, to create a financial assistance program for the redevelopment of the former Nurses' Residence at the Brandon Mental Health Centre Property, be read a second time. CARRIED.

Paterson-Barletta
781 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. 6893 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 McCrae	
Councillor Paterson	
Councillor Rice	

NO. 6894 - TO REZONE PROPERTY LOCATED 737 STICKNEY AVENUE (LOTS 19/20, BLOCK 106, PLAN 2 BLTO) FROM RLD RESIDENTIAL LOW DENSITY MULTIPLE FAMILY ZONE TO RMD RESIDENTIAL MODERATE DENSITY MULTIPLE FAMILY ZONE (LAMONT)
1ST READING

Considered was a report from Planning Services dated August 26, 2008 with respect to the above.

Paterson-Fitzpatrick

782 That By-law No. 6894, to rezone property located 737 Stickney Avenue (Lots 19/20, Block 106, Plan 2 BLTO) from RLD Residential Low Density Multiple Family Zone to RMD Residential Moderate Density Multiple Family Zone, be read a first time. CARRIED.

NO. 6899 - TO CHANGE ELECTORAL WARD BOUNDARIES IN THE CITY OF BRANDON
2ND READING

It was noted that his by-law had received first reading at the August 18, 2008 meeting of City Council.

Campbell-McCrae

783 That By-law No. 6899, to change the electoral ward boundaries in the City of Brandon, be read a second time. CARRIED.

NO. 6908 - TO CANCEL THE BALANCE OF BORROWING AUTHORITY GRANTED BY BY-LAW
NO. 6721
2ND AND 3RD READINGS

This by-law received first reading at the June 16, 2008 meeting of City Council.

Blight-Barletta

784 That By-law No. 6908, to cancel the balance of borrowing authority granted by By-law No. 6721 be read a second time. CARRIED.

Blight-McCrae

785 That the by-law be read a third and final time. CARRIED.

In accordance with Section 137 of The Municipal Act, a recorded vote wa taken on the motion to give By-law No. 6908 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 McCrae	
Councillor Paterson	
Councillor Rice	

NO. 6911 - TO AMEND BY-LAW NO. 6799 TO CLOSE AND CONVEY 12TH STREET SOUTH OF
RICHMOND AVENUE TO OTTAWA AVENUE, OTTAWA AVENUE LOCATED
BETWEEN 12TH AND 13TH STREETS, AND NORTH/SOUTH LANE IN BLOCK 9,
PLAN 276
2ND AND 3RD READINGS

It was noted that this by-law had received first reading at the August 18, 2008 meeting of City Council.

Campbell-Blight

786 That By-law No. 6911, to amend By-law No. 6799 to convey Parcel D of the public lane located east of 13th Street and south of Ottawa Avenue to the registered land owners of Lot 3, Block 9, Plan 276 BLTO and to convey Parcel E of the public lane located east of 13th Street and south of Ottawa Avenue to the registered owners of Lots 4/6, Block 9, Plan 276 BLTO, be read a second time. CARRIED.

Campbell-Blight

787 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. 6911 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 McCrae	
Councillor Paterson	
Councillor Rice	

NO. 6912 - TO NAME THE STREETS IN THE DEVELOPMENT OF 1910 BELL AVENUE (OAKRIDGE ESTATES), NORTH OF OAK BLUFF DRIVE AND WEST OF 18TH STREET NORTH (PT. SE 1/4 34-10-19 WPM)
1ST READING

Submitted for consideration was a report from the General Manager of Development Services dated August 28, 2008 with respect to the above.

Paterson-Rice

788 That By-law No. 6912, to name the streets in the development of Oakridge Estates at 1910 Bell Avenue, North of Oak Bluff Drive and West of 18th Street North (Pt. SE 1/4 34-10-19 WPM), be read a first time. CARRIED.

NO. 6916 - TO AUTHORIZE THE BORROWING OF FUNDS TO REMEDIATE THE CONTAMINATED LANDS AT THE NORTH-EAST CORNER OF 1ST STREET AND ROSSER AVENUE
2ND AND 3RD READINGS

It was noted that this by-law had received first reading at the July 21, 2008 meeting of City Council, and that approval had been granted by the Municipal Board through Board Order No. E-08-185 dated August 12, 2008.

Black-Fitzpatrick

789 That By-law No. 6916, being a bylaw to provide for the expenditure and borrowing of \$1,250,000 to fund the remediation of the contaminated lands at the north-east corner of 1st Street and Rosser Avenue, be read a second time. CARRIED.

Black-Fitzpatrick

790 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. 6916 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 McCrae	
Councillor Paterson	
Councillor Rice	

NO. 6917 - TO ESTABLISH A MULTI-FAMILY AFFORDABLE HOUSING FINANCIAL ASSISTANCE PROGRAM
2ND AND 3RD READINGS

This by-law received first reading at the August 18, 2008 meeting of City Council.

791 Rice-Paterson
That By-law No. 6917, 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.

792 Rice-Paterson
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. 6917 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 McCrae	
Councillor Paterson	
Councillor Rice	

GIVING OF NOTICE:

Nil

ADJOURN:

Blight-Barletta
That the meeting do now adjourn (9:48 p.m.) CARRIED.

MAYOR

CITY CLERK