

**MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY,
NOVEMBER 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, Councillor G. Rice, Youth Member Greg Crisanti

ABSENT: Nil

ADOPTION OF AGENDA:

Harwood-Black

That the Agenda for the Regular Meeting of City Council to be held on Monday, November 17, 2008 be adopted as presented. NOT VOTED ON.

Black-Paterson

883 That the Agenda for the Regular Meeting of City Council to be held November 17, 2008 be amended by adding under the Order of Delegations, a presentation by Ron Toews with respect to the proposed closure of the Sportsplex Pool, and the Agenda, as amended, be adopted. CARRIED.

CONFIRMATION OF MINUTES:

Blight-Rice

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

HEARING OF DELEGATIONS:

(A) **CHRISTINE HOWELL, BRANDON BLUEFINS SWIM CLUB AND DAVID FERGUSON,
WESTMAN TRIUMPHS - CLOSURE OF SPORTSPLEX POOL**

Christine Howell, President of the Brandon Bluefins Swim Club and David Ferguson of the Westman Triumphs appeared before City Council to express concerns with the proposed closure of the Sportsplex Pool. Ms. Howell stated that the swim meets hosted by the Bluefins had a significant economic impact in the City of Brandon and questioned whether the proposed YMCA facility would be willing to give up the required pool time for the Bluefins Club to host such meets in the future. She further expressed concerns that the proposed YMCA facility could jeopardize opportunities for the swim club to grow as priority would be given to YMCA members for pool time.

David Ferguson, representing the Westman Triumphs noted that the closure of the Sportsplex pool would reduce the number of available swim lanes from 16 to 9. He stated that it would be impossible to maintain the current levels of usage of two existing facilities. He concluded by noting that the proposed closure of the Sportsplex pool contradicted one of the recommendations presented in City's Recreation Master Plan.

Black-Paterson

885 That the presentation by Christine Howell of the Brandon Bluefins Swim Club and David Ferguson of the Westman Triumphs regarding the proposed closure of the Sportsplex Pool be received and referred to the Administration for evaluation and report to the December 22, 2008 meeting of City Council. CARRIED.

(B) RUSS THOMPSON AND HARLENE MCPHERSON - CLOSURE OF SPORTSPLEX POOL

Russ Thompson and Harlene McPherson appeared before City Council with respect to the proposed closure of the Sportsplex Pool. Mr. Thompson outlined the numerous health reasons for the Sportsplex to continue to service the citizens of Brandon.

Harlene McPherson, a former resident of Brandon, spoke on behalf of an aquacize group. She noted that the number of participants was continuing to grow, and that the new YMCA pool could not meet the needs of a growing city with all the different user groups. She felt that the Sportsplex was very accessible and well maintained, there was adequate parking, and it presented an opportunity for people to develop social networks in creating healthy lifestyles.

Black-Paterson

886 That the presentation by Russ Thompson and Harlene McPherson with respect to the closure of the Sportsplex Pool be received and referred to the Administration for evaluation and report to the December 22, 2008 meeting of City Council. CARRIED.

(C) BRENDA RUST - CLOSURE OF SPORTSPLEX POOL

Brenda Rust, appeared before City Council with respect to the proposed closure of the Sportsplex Pool. She stated that as a provincial taxpayer, she felt it was crucial to use tax dollars toward a facility that would provide long term and affordable access to recreation, sport, health and fitness centres, not only for Brandon but the regional area. She added that she had concerns with how provincial tax money was being used.

Ms. Rust also raised concerns with the minimal amount of consultation with the Brandon community with regard to the new YMCA and requested that City Council reconsider the human cost of diminished access to sport, recreation and health related fitness facilities.

Black-Paterson

887 That the presentation by Brenda Rust with respect to the closure of the Sportsplex Pool be received and referred to the Administration for evaluation and report to the December 22, 2008 meeting of City Council. CARRIED.

(D) JENNIFER COCHRANE AND MLEE PRICE - CLOSURE OF THE SPORTSPLEX POOL

Jennifer Cochrane and Mlee Price appeared before City Council with respect to the proposed closure of the Sportsplex Pool. Ms. Cochrane noted that many rural families travelled to Brandon to participate in the programs offered at the Sportsplex pool as it provided an opportunity to take swimming lessons beyond the limited summer months. She questioned how the new YMCA facility could accommodate all of the programs currently offered by Sportsplex.

Mlee Price, a swim coach and current employee of YMCA, stated that the new facility would not accommodate all of the programs currently offered at the Sportsplex pool, which would limit the choices available to citizens. She invited His Worship the Mayor and Councillors to come to the Sportsplex to see all of the programs offered there.

Black-Paterson

888 That the presentation by Jennifer Cochrane and Mlee Price with respect to the closure of the Sportsplex Pool be received and referred to the Administration for evaluation and report to the December 22, 2008 meeting of City Council. CARRIED.

(E) RON TOEWS - PROPOSED CLOSURE OF SPORTSPLEX POOL

Mr. Ron Toews appeared before City Council with respect to the proposed closure of the Sportsplex Pool. He encouraged City Council to take a broader view of the expenses of maintaining the Sportsplex pool as an investment in healthy living. He noted that end-users did not pay for other services provided by the City such as the running track, tennis courts, pedestrian and bicycle paths, the skating oval or the library and stated that part of defining Brandon as a healthy community required taxpayer investment rather than strictly end-user fees to recoup costs.

Black-Paterson

889 That the presentation by Ron Toews with respect to the proposed closure of the Sportsplex Pool be received and referred to the Administration for evaluation and report to the December 22, 2008 meeting of City Council. CARRIED.

PUBLIC HEARINGS:

(A) CONDITIONAL USE APPLICATION – 30-11TH STREET (ZIEMER)

Councillor Paterson declared a professional conflict of interest in this matter and left the Council Chamber prior to any further discussion.

Dean Ziemer, on behalf of 5251061 Manitoba Ltd. appeared before City Council in support of the application and to answer any questions. He stated that he required some additional time to meet all of the conditions set out in the conditional use order issued by the Planning Commission.

At the request of the Chair, the City Manager confirmed that the timeframe to obtain the interim certificate of occupancy could not be altered by City Council, but Mr. Ziemer could appeal to the Building Standards Committee. He further advised that the applicant had a maximum of 12 months to meet the other conditions of the conditional use order other than the interim occupancy permit.

No further representation was made either in support of or in opposition to the application.

Barletta-Rice

890 That the Public Hearing for the conditional use application of Dean Ziemer on behalf of 5251061 Manitoba Ltd. for 30 - 11th Street be concluded. CARRIED.

Barletta-Rice

891 That the conditional use application of Dean Ziemer on behalf of 5251061 Manitoba Ltd. to allow for a taxi service in the CG Commercial General Zone be approved at 30 - 11th Street (Lot 5, Block 79, Plan 2 BLTO), whereby such approval is hereby granted in accordance with the intent of the application dated September 11, 2008, the attached letter of intent dated September 2, 2008 and the attached drawing, subject to the following conditions:

- (a) that the applicant remove the fascia, awning and rooftop sign structures on the east and south sides of the building, except for said fascia and/or awning signage if they are used to identify the business in said building;
- (b) that the applicant obtain a Variation Order to reduce the minimum required on-site parking spaces from four (4) to two (2);
- (c) that, prior to the applicant obtaining a certificate of occupancy for said use, the applicant provides a certified letter from a structural engineer confirming that the building is structurally sound, as well as floor plans showing both the current layout as well as the proposed layout, all subject to Condition “(d)”; and

- (d) should said structural engineer deem that repairs are necessary, and/or should the Building Department determine after reviewing said floor plans that a permit for interior renovations is required, that the applicant obtain a building permit to make the necessary repairs and/or interior renovations. CARRIED.

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

COMMUNICATION & PETITIONS:

Nil

COMMITTEE REPORTS:

(A) AUDIT AND FINANCE COMMITTEE REPORT OCTOBER 29, 2008

Brandon, Manitoba
October 29, 2008

Mayor and Council
City of Brandon

Your AUDIT and FINANCE COMMITTEE at its meeting held this 29th day of October, 2008, begs leave to report as follows and submits recommendations where deemed necessary and expedient:

Present:

Mayor D. Burgess, Chairman
Councillor K. Fitzpatrick
Councillor D. Paterson
Councillor M. Blight

Resource Personnel:

Mr. B. MacRae, City Manager
Mr. G. McMillan, General Manager of Corporate Services
Mrs. D. Hitchins, Director of Finance

Guests:

Mr. K. Martin, Richardson Partners Financial

CHAIRMAN: Mayor Dave Burgess brought the meeting to order at 1:15 pm.

Investment Portfolio Review

Mr. Martin conducted a portfolio review on the City of Brandon's investments with Richardson Partners Financial. The City's investments are primarily short and medium term in length with virtually all of the investments maturing within three years. All City investments are in fixed-income instruments according to Municipal Act guidelines. Over the past year, the City has earned an average interest rate of 4.663% which exceeds the DEX Bond benchmark. A detailed document is available in Treasury.

Nine Month Budget Review

Denise Hitchins presented the budget review to the Committee for the month ending September 2008. The General Fund has a projected surplus of \$2,446,564 primarily due to supplementary taxes exceeding budget by over \$1,000,000 and salaries being less than budgeted for in the amount of \$763,029 due to vacant positions.

Reserve and surplus allocations will largely be used to reduce the borrowing requirement for soil remediation at 1st Street and Pacific Avenue, future capital projects, the tax reserve and for improvements at 1st Street and Victoria Avenue.

Utility Fund has a projected operating surplus of \$492,294 primarily due to an increase in projected revenues, reduced consulting fees and improvements being deferred in order to fund the costs of the 3rd Street dam replacement.

Councillor Paterson moved to accept the nine month budget review as presented. Motion carried.

Councillor Blight moved to adjourn the meeting at 3:45 pm. Carried.

Respectfully submitted,

“Dave Burgess”

Mayor Burgess
CHAIRMAN

892 Fitzpatrick-Paterson
That the Audit and Finance Committee report of October 29, 2008 be received. CARRIED.

(B) WESTERN MANITOBA REGIONAL LIBRARY BOARD
VERBAL REPORT NOVEMBER 17, 2008

November 17, 2008
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Councillor Jessiman provided a verbal report on the recent meeting of the Western Manitoba Regional Library Board held October 18, 2008 in Glenboro. He noted that the communities of Carberry, Neepawa, Hartney, Glenboro and Brandon were all members of the Regional Library Board. Councillor Jessiman advised that the Board was currently negotiating with library staff and that he would keep City Council informed of any developments.

893 Jessiman-Barletta
That the report by Councillor Jessiman with respect to the Western Manitoba Regional Library Board be received. CARRIED.

ENQUIRIES:

(485) USE OF REFUSE CONTAINERS BY CONDOMINIUM UNITS AND APARTMENT BLOCKS

Councillor Fitzpatrick noted that the number of the new refuse containers required by condominiums and apartment blocks was excessive as compared to the old, larger bins. He advised that in some cases, the containers took up a large amount of space in the centre of the complex. He enquired if the availability of larger containers could be investigated.

At the request of the Chair, the City Manager advised that Administration continued to work with the owners of these types of units to address this issue. He agreed to investigate the availability of larger containers and report back to City Council.

(486) UPDATE ON FINANCIAL SITUATION OF THE KEYSTONE CENTRE

Councillor Fitzpatrick requested an update on the financial situation of the Keystone Centre.

At the request of the Chair, the City Manager advised that in preliminary discussions with the Provincial Government, the Keystone Centre had been reviewed from both an engineering and financial perspective. He noted that information had been requested from Keystone Centre Management and once same had been received, Provincial and City Representatives were to meet again, and further, that a report back to City Council was not expected until late December 2008.

(487) RESPONSE TO BRANDON CHAMBER OF COMMERCE NEWSLETTER

Councillor Fitzpatrick referred to an article in the November 2008 edition of the Brandon Chamber of Commerce "Chamber at a Glance" Newsletter whereby Chamber President, Mr. Ron Cumming, questioned the increase in cost of the new Fire Hall from \$2.4 million to \$11 million and further, indicated that the reasons for same had not been made public. Councillor Fitzpatrick noted that those reasons had been discussed at previous City Council meetings as well as advertised in the local papers. He enquired if a letter could be sent to the Chamber requesting clarification on what their expectations of City Council were in relation to the involvement of the Chamber in the decision-making process. He further enquired if in the future, the Chamber could be requested to present their concerns to City Council in person rather than through a newsletter.

At the request of the Chair, the City Manager responded that the Fire Hall process had been long and very transparent with the issue having been discussed at a significant number of City Council meetings as well as public meetings and information sessions. He added that the \$2.4 million had been a very preliminary estimate which had not included a proposed third Fire Hall on the North Hill at a cost of \$1.8 million, at least one additional pumper at a cost of \$800,000, and the retro-fit of the existing Fire Hall No. 1 to house administration, training, and E-911/ police dispatch at an estimated cost of \$5.4 million. The City Manager stated that those figures added together came very close to the \$11 million, which was an all-in cost. He advised that he had drafted a letter to the Chamber which was to be sent out very soon, a copy of which would be provided to City Council.

(488) TEMPORARY AIR SERVICE OFFERED BETWEEN BRANDON AND CALGARY

Councillor Black referred to the direct flights between Edmonton, Calgary and Brandon provided by Northern Classic Caribou Airlines during the 2007 Christmas Season. He noted that, although the service had been well used last year, it was not available this year and enquired as to the reasons for that.

His Worship the Mayor advised that the company relied on leasing airplanes for these services and, unfortunately, this year they had been unable to secure any planes. He added that the company had been very pleased with the usage in 2007 and further, that the service was to be available in the future.

(489) UPDATE ON CONVERGYS OPERATIONS AND LEASE OF BUILDING

Councillor Black requested an update on Convergys and their lease of the former library building from the City.

His Worship the Mayor responded that Convergys had given no indication of moving away from their lease, which was prepaid for quite some time due to the improvements they had made to the building. He added that the Economic Development Office continued to work with Convergys and City Council would be kept apprised of any new developments.

(490) REDUCTION IN RECYCLING DEPOTS THROUGHOUT THE CITY

Councillor Paterson referred to an enquiry from the last meeting of City Council in regards to the reduction in recycling depots throughout the City. He enquired if any new information was available on this subject.

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

(491) INFRASTRUCTUE IMPROVEMENTS IN VICTORIA WARD

Councillor Blight referred to an enquiry he raised at the previous meeting with regards to infrastructure improvements in the Victoria Ward. He noted that he was of the understanding that a meeting had been held with respect to this issue and requested an update on same.

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

ANNOUNCEMENTS:

Nil

GENERAL BUSINESS:

(A) UPDATE - NEW BRANDON POLICE SERVICE BUILDING

Considered was a report from the Chief of Police dated November 10, 2008 and a presentation by Calnitsky Associations Architects with respect to the above.

Blight-Harwood

894 That report of the Chief of Police dated November 10, 2008 and the presentation by Calnitsky Associates Architects with respect to the new Brandon Police Service building be received. CARRIED.

Blight-Paterson

895 That the Class "C" costing estimate in the amount of \$12,994,230.00 (PST included, GST excluded) for the new Brandon Police Service building prepared by Calnitsky Associates Architects be received, the Local Improvement Plan be advertised, the detailed design drawings for the building be prepared and the project tendered as per design plans, with a separate costing detailing the amount to complete additional covered parking on the south side of the building. CARRIED.

At the request of His Worship the Mayor, a recorded vote was taken on the above motion.

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

Nil

(B) PROTOCOL TO ACCOMMODATE THE ESTABLISHMENT OF A CASINO/
ENTERTAINMENT COMPLEX IN THE RURAL MUNICIPALITY OF ELTON

City Council considered a report from Councillor E. Black dated November 4, 2008 with respect to the above in accordance with his notice of motion given at the November 3, 2008 meeting of City Council.

Black-Fitzpatrick

896 That the Council of the City of Brandon establish a protocol for working with the Rural Municipality of Elton and the Assembly of Manitoba Chiefs to accommodate the establishment of a casino/entertainment complex and identify the opportunities that development of such a complex will create for the City of Brandon and the region. LOST.

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

FOR

Councillor Barletta
Councillor Black
Councillor Blight
Councillor Harwood

AGAINST

His Worship Mayor Burgess
Councillor Campbell
Councillor Fitzpatrick
Councillor Jessiman
Councillor McCrae
Councillor Paterson
Councillor Rice

(C) MUNICIPAL TAX FOR INFRASTRUCTURE

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

Burgess-McCrae

897 WHEREAS Manitoba municipalities need new sources of growth revenue to deal with increasing demands;

AND WHEREAS the current reliance on property taxes and provincial grants is not sustainable;

THEREFORE BE IT RESOLVED that the AMM lobby the Province of Manitoba to collect a 1 cent municipal sales tax to be allocated to municipalities for municipal infrastructure;

AND BE IT FURTHER RESOLVED that the distribution of the revenue be distributed on a per capita basis in order to be fair and equitable to all Manitoba municipalities. CARRIED.

(D) EXPENDITURE FROM PARKS RESERVE FUND

Considered was a report from the General Manager of Development Services dated October 30, 2008 with respect to the above.

Fitzpatrick-McCrae

898 That \$15,000 be expended from the Parks Reserve for the purchase and installation of trees in the Waverly, Brookwood and Woodlands Subdivisions. CARRIED.

BY-LAWS:

NO. 6914 - TO AMEND TRAFFIC BY-LAW NO. 5463 WITH RESPECT TO REGULATIONS FOR VEHICLE WEIGHTS AND DIMENSIONS
2ND AND 3RD READINGS

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

Campbell-Harwood

899 That By-law No. 6914, to amend Traffic By-law No. 5463 with respect to regulating the weights and dimensions of vehicles travelling on streets in the City of Brandon, be read a second time. CARRIED.

Campbell-Fitzpatrick

900 That the 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. 6914 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	

NO. 6926 - TO AMEND HERITAGE CONSERVATION BY-LAW NO. 6644 (MUNICIPAL HERITAGE COMMITTEE MEMBERSHIP AND TO CLARIFY TERMS AND REGULATIONS)
2ND AND 3RD READINGS

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

Harwood-Paterson

901 That By-law No. 6926, to amend Heritage Conservation By-law No. 6644 with respect to the membership of the Brandon Municipal Heritage Committee and to clarify the terms and regulations contained therein, be read a second time. CARRIED.

Harwood-Fitzpatrick

902 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. 6926 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
 Nil

NO. 6927 - TO AMEND ORGANIZATIONAL BY-LAW NO. 6650 RE: MUNICIPAL HERITAGE COMMITTEE
 2ND AND 3RD READINGS

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

903 Campbell-Harwood
 That By-law No. 6927, to amend Organizational By-law No. 6650 with respect to the membership of the Brandon Municipal Heritage Committee, be read a second time. CARRIED.

904 Campbell-Harwood
 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. 6927 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
 Nil

GIVING OF NOTICE:

Nil

ADJOURN:

Black-Barletta
 That the meeting do now adjourn (11:46 p.m.) CARRIED.

MAYOR

CITY CLERK