

**MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY,
DECEMBER 22, 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

ABSENT: Councillor D. Jessiman, Youth Member

Blight-Harwood

938 That the Agenda for the Regular Meeting of City Council to be held on Monday, December 22, 2008 be adopted as presented. CARRIED.

CONFIRMATION OF MINUTES:

Rice-Fitzpatrick

939 That the Minutes of the Regular Meeting of City Council held on Monday, December 8, 2008 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

Harwood-Blight

940 That the Minutes of the Special Meeting of City Council held on Friday, December 12, 2008 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

HEARING OF DELEGATIONS:

(A) **GLEN KRUCK - CANADIAN MENTAL HEALTH ASSOCIATION RENTAL HOUSING SURVEY**

Glen Kruck, Regional Manager of the Canadian Mental Health Association, appeared before City Council to present the findings of a November 2008 rental housing survey. He presented graphs which showed a trend of a steady decrease in the availability of affordable rental housing in the City of Brandon, with the current vacancy rate at 0% for the lowest rental rates for one bedroom apartments.

Paterson-Black

941 That the presentation by Glen Kruck with respect to the Canadian Mental Health Association's Rental Housing Survey be received. CARRIED.

(B) **JANE HUNT - RED CROSS WATER SAFETY PROGRAMS**

Jane Hunt of the Canadian Red Cross appeared before City Council with respect to the delivery of water safety programs in the City of Brandon. She presented a powerpoint presentation explaining the current partnership agreement in place between the Red Cross and the City of Brandon for the delivery of water safety programs and provided an outline of the impact to the community and surrounding trading area when programming transfers to the YMCA. She requested that City Council continue to support dual programming and include same in its negotiations with the YMCA.

Blight-Paterson

942 That the presentation by Jane Hunt with respect to the current partnership agreement in place between the Red Cross and the City of Brandon for the delivery of water safety programs and possible remedies to address the impact to the community and surrounding trading area when programming transfers to the YMCA be received. CARRIED.

(C) LORI-LYNN HOLOVACH - PUBLIC PETITION TO SAVE SPORTSPLEX POOL

Lori-lynn Holovach appeared before City Council with respect to the proposed closure of the Sportsplex pool. She presented a petition signed by 452 people opposed to the closure of the pool. Ms. Holovach requested that the proposed indoor soccer facility for the Sportsplex be moved to another location in the City of Brandon.

Blight-Harwood

943 That the presentation by Lori-lynn Holovach with respect to the petition signed to save the Sportsplex pool and have the proposed indoor soccer facility moved to another location in the City of Brandon be received. CARRIED.

PUBLIC HEARINGS:

Nil

COMMUNICATION & PETITIONS:

Nil

COMMITTEE REPORTS:

Nil

ENQUIRIES:

(502) SHELTER ALLOWANCE

Councillor McCrae referred to a comment made by Mr. Glen Kruck in his presentation earlier in the evening whereby Mr. Kruck noted that City Council had previously adopted a resolution regarding the Provincial Social Assistance Shelter Allowance Rates. He enquired if a copy of same could be provided and further, whether or not it was within the jurisdiction of City Council to lobby the Provincial Government to raise those rates.

His Worship the Mayor advised that lobbying efforts on behalf of the citizens of Brandon to the Provincial Government was within the jurisdiction of City Council. He confirmed City Council's past resolution with respect to the above and ensured that a copy of same would be provided.

(503) 2005 OVERLAND FLOODING

Councillor Paterson requested an update on the status of the efforts regarding disaster relief funding for the July 2005 overland flooding.

His Worship the Mayor advised that the lobbying efforts with the Federal Government had not been successful, and further, that any enquiries were to be forwarded to Mr. Merv Tweed, Member of Parliament who continued to lobby on behalf of the citizens of Brandon.

Further to this issue, Councillor Paterson enquired if this matter had been and/or could be pursued with the Federation of Canadian Municipalities.

His Worship the Mayor advised that lobbying efforts by the Federation of Canadian Municipalities had also been unsuccessful.

(504) RED CROSS PRESENTATION

Councillor Paterson referred to the presentation by the Red Cross at this evening's meeting whereby they had requested the support of City Council in their efforts to secure a partnership agreement with the Young Men's Christian Association (YMCA) to continue to provide its water safety programs. He enquired when a report on the Sportsplex/YMCA issue was expected to be presented to City Council. He added that a comparison graph of the programs currently offered at the Sportsplex and those to be offered at the new YMCA would be beneficial as part of that report.

At the request of the Chair, the City Manager advised that the issues presented by the Red Cross, as well as all previous issues raised, including feedback from the meetings with the affected user groups, were to be included in a comprehensive report to City Council at the January 19, 2009 meeting, and further, that same was to contain a programming comparison graph.

Further to this issue, Councillor Black advised that he was of the understanding that accommodations were to be made at the new YMCA Facility for all groups who currently held programs at the Sportsplex pool. He requested that information on how those groups were to be accommodated be included in the above mentioned report.

His Worship the Mayor advised that there had been no guarantee that all programs would be continued at the new facility, however, every attempt was being made to accommodate all affected user groups and the community as a whole.

(505) REFUSE COLLECTION - 500 BLOCK 13TH STREET

Councillor Rice advised that he had received a complaint from a resident in the 500 Block of 13th Street who had reported that numerous calls to the Sanitation Department with respect to her garbage not having been picked up had resulted in no response from that department. He requested that this issue be addressed by the Sanitation Department.

His Worship the Mayor requested that Councillor Rice provide his office with the resident's contact information and assured him that the individual would be contacted to have the issue resolved in a very timely manner.

(506) UPDATE ON KEYSTONE CENTRE REVIEW

Councillor Fitzpatrick requested an update on the review of the Keystone Centre.

At the request of the Chair, the City Manager advised that the City portion of the report had been drafted, dialogue continued with the Province on the issue, and a full report was expected to be presented early in 2009.

(507) CITY POLICY - RESERVE FUNDS AND EXPENDITURES

Councillor Fitzpatrick referred to a document previously distributed to City Council with respect to the City's policy on reserve funds and expenditures. He noted that the Chamber of Commerce had questioned that policy and enquired if a copy of same could be forwarded to them, with a request that the Chamber review the document and provide feedback.

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

Further to this issue, Councillor Black enquired if this document could be posted on the City Page in the Brandon Sun and all citizens invited to share their comments and/or concerns on the policy.

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

(508) ST. MICHAEL'S ACADEMY COMMEMORATIVE CROSS

Councillor Black noted that St. Michael's Academy had been located at the corner of 1st Street and Victoria Avenue East for over 100 Years prior to it being knocked down and replaced with Victoria Landing. He advised that a commemorative cross located on the grounds had been removed with the intent that it was to be integrated into a park on the site once construction was completed. He enquired if the whereabouts of the cross as well as the placement of same on the site could be investigated by the Municipal Heritage Committee.

At the request of the Chair, Councillor Harwood, Chair of the Municipal Heritage Committee, responded that this matter would be investigated by the Committee.

(510) PARTNERSHIP WITH ASSINIBOINE COMMUNITY COLLEGE

Councillor Campbell enquired if Assiniboine Community College had ever been contacted regarding a partnership with the Red Cross and/or the City of Brandon for any form of instructional programming.

His Worship the Mayor advised that discussions were ongoing with Assiniboine Community College regarding a training partnership, however, none had included any programs relating to water safety.

(511) BURNT OUT STREET LIGHT

Councillor Campbell advised that she had received a call from a ward resident who had contacted Manitoba Hydro several times in regards to a burnt out street light, however, the light had not yet been repaired. She noted that she too, had contacted Manitoba Hydro on behalf of the resident with no results. She enquired as to what steps could be taken to have this issue resolved.

His Worship the Mayor requested that this information be forwarded to the Engineering Department who would follow up with Manitoba Hydro.

(512) PATRICIA AVENUE WALKING PATH - REFUSE CONTAINER AND LIGHTS

Councillor Campbell referred to the new walking path adjacent to Patricia Avenue and advised that residents were very happy with same. She enquired if doggie waste receptacles and more lighting could be provided along the path.

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

ANNOUNCEMENTS:

FACT SHEET - FIRE HALL AND POLICE BUILDING COSTS

Councillor Paterson referred to the Fire Hall and Police Building Costs Information Fact Sheet released recently as information for citizens and announced additional information on the issue. He advised that the cost of \$367 per square foot for the construction of the new Fire Hall was comparable with other cities such as Surrey, BC at \$313 per square foot, and Ajax, ON at \$428 per square foot. He added that comparisons were similar for the new Police Building whereby the estimated cost of the Brandon building was \$304 per square foot, compared to Hamilton, ON (2004 figures) at \$247 per square foot and the Winnipeg East District Police Station at \$363 per square foot.

Further to this issue, His Worship the Mayor announced that under municipal law, the City of Brandon was required to take the high end estimate as a cost to cover the borrowing request to the Provincial Government, with the hope that the actual construction costs came in lower.

GENERAL BUSINESS:

(A) 2009 BORROWING

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

Blight-Paterson

944 That pursuant to Section 173(1) of The Municipal Act, the borrowing of funds from the Canadian Imperial Bank of Commerce not exceeding \$8,000,000, which is less than \$57,426,641, being the total taxes and grants in lieu collected in 2008, be authorized;

and further that these funds be only used for general operating expenses in the 2009 fiscal year and all sums borrowed pursuant to this resolution be supported by a charge upon the whole of the revenues of the municipality. CARRIED.

(B) 2009 INTERIM BUDGET

City Council considered a report from the General Manager of Corporate Services dated December 17, 2008 with respect to the above.

McCrae-Blight

945 That pursuant to Section 163 of The Municipal Act, the following interim budget to provide for City of Brandon expenditures, revenues and transfers for the year 2009 be hereby adopted:

General Fund Expenditures	\$60,753,865
General Fund Revenues and Transfers	\$60,753,865
General Fund Reserve Expenditures	\$11,183,804
Utility Fund Expenditures	\$18,176,189
Utility Fund Revenues and Transfers	\$18,176,189
Utility Fund Reserve Expenditures	\$ 3,285,000
CARRIED.	

(C) APPLICATION TO SUBDIVIDE PROPERTY LOCATED NORTH OF BRAECREST DRIVE AND WEST OF LARK STREET (VON AST CONSTRUCTION/BRAECREST VILLAGE INC.)

Submitted for consideration was a report from Planning Services dated December 9, 2008 with respect to the above.

Barletta-Paterson

946 That pursuant to Sub-section 125(3) of The Planning Act, City Council Motion No. 591 (April 7, 2008) with respect to the application of Braecrest Village to subdivide property north of Braecrest Drive, west of Lark Street (Pt. Wly 644 feet of Ely 2898 feet of Sly 1353 feet of Pt. S 1/2 35-10-19 WPM) be amended whereby the financial consideration to be paid to the Brandon School Division in lieu of land dedication shall be reduced from \$29,889.00 to \$25,434.00. CARRIED.

(D) APPLICATION TO SUBDIVIDE 1295 AND 1345 PATRICIA AVENUE
(BAKER/PETERS/IWASIUK)

Considered was a report from Planning Services dated December 8, 2008 with respect to the above.

Campbell-Paterson

947 That the application to subdivide 1295 and 1345 Patricia Avenue (Plan 1021 BLTO and Plan 1240) to thirty six (36) residential lots in the DR Development Reserve Zone and RSF Residential Single Family Zone to accommodate future residential development be approved subject to the following conditions:

- 1) the City of Brandon Planning Department receiving a true copy of a zoning amendment by-law rezoning a portion of the said property from DR Development Reserve Zone and RSF Residential Single Family Zone to RLD Residential Low Density Multiple Family Zone;
- 2) the applicant obtaining a Variation Order for the following in the RLD Residential Low Density Multiple Family Zone:
 - a) reducing the minimum required site area from 232m² (2,497.31 square foot) to 211.8m² (2,279.87 square foot);
 - b) reducing the minimum required site width of a semi-detached dwelling from 7.6m (24.93') to 6.248m (20.50'); and
 - c) reducing the bare land condominium boundary east and west side setbacks from 7.6m (24.93') to 3.0m (9.84'); and
- 3) confirmation that 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. CARRIED.

BY-LAWS:

NO. 6880 - TO REZONE PROPERTY LOCATED AT 3000 RICHMOND AVENUE EAST FROM DR DEVELOPMENT RESERVE ZONE TO MG INDUSTRIAL GENERAL ZONE (BOBIAK/CUMMING/BRADLEY)
NO FURTHER READINGS

It was noted that this by-law had received second reading at the November 5, 2007 meeting of City Council.

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

Rice-Barletta

948 That By-law No. 6880 to rezone 3000 Richmond Avenue East (Pt. NE 1/4 7-10-18 WPM) from DR Development Reserve Zone to MG Industrial General Zone be given no further readings. CARRIED.

Following the above being voted on Councillor Paterson returned to the Council Chamber.

NO. 6920 - TO CLOSE A PORTION OF THE PUBLIC RESERVE IN PLAN 31229 BLTO, LOCATED EAST OF 715 - 39TH STREET AND NORTH OF FIRST BAPTIST CHURCH AND CONVEY SAME TO THE ADJACENT PROPERTY OWNER
2ND AND 3RD READINGS

It was noted that this by-law had received first reading at the October 6, 2008 meeting of City Council.

Blight-Rice

949 That By-law No. 6920 to close a portion of Public Reserve in Plan 31229 BLTO, located east of 715 - 39th Street and north of First Baptist Church and to convey that land to the registered owner of Lot 8, Block 4, Plan 43096 be read a second time. CARRIED.

Blight-McCrae

950 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. 6920 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. 6925 - TO AMEND BY-LAW NO. 6952 TO ADOPT THE ANNUAL SCHEDULE OF FEES FOR SERVICES, ACTIVITIES OR THINGS PROVIDED BY THE CITY OF BRANDON FOR 2009
2ND AND 3RD READINGS

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

McCrae-Blight

951 That By-law No. 6925 to adopt the Annual Schedule of Fees for services, activities or things provided by the City of Brandon for 2009, be read a second time. CARRIED.

McCrae-Paterson

952 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. 6925 third reading.

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

AGAINST
Councillor Rice

NO. 6928 - TO REZONE PROPERTY LOCATED AT 1295 AND 1345 PATRICIA AVENUE FROM DR DEVELOPMENT RESERVE ZONE AND RSF RESIDENTIAL SINGLE FAMILY ZONE TO RLD RESIDENTIAL LOW DENSITY MULTIPLE FAMILY ZONE (BAKER/PETERS/IWASIUK)
2ND READING

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

Campbell-Fitzpatrick
953 That By-law No. 6928 to rezone property located at 1295 and 1345 Patricia Avenue (Plan 1031 and Plan 1240 BLTO) from DR Development Reserve Zone and RSF Residential Single Family Zone to RLD Residential Low Density Multiple Family Zone to accommodate future residential development be read a second time. CARRIED.

Campbell-Fitzpatrick
954 That third reading of the by-law be held in abeyance pending:

(a) the due process for a possible second objection to this application pursuant to Subsection 77(3) of The Planning Act; and

(b) the execution of the development agreement between the City of Brandon and the owner/successor attached to the report from the General Manager of Development Services dated December 10, 2008. CARRIED.

NO. 6930 - TO AUTHORIZE AS A LOCAL IMPROVEMENT THE CONSTRUCTION OF A COMBINED FIRE STATION AND EMERGENCY COMMUNICATIONS CENTRE
2ND READING

It was noted that this by-law had received first reading at the December 8, 2008 meeting of City Council.

Paterson-Harwood
955 That By-law No. 6930 authorizing the construction of a combined Fire Station/Emergency Communications Centre as a Local Improvement project at an estimated cost of \$11,000,000 be read a second time. CARRIED.

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

FOR

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

AGAINST

Councillor Barletta
Councillor Black
Councillor Rice

GIVING OF NOTICE:

- (A) ADDITION TO THE 2009 CITY OF BRANDON BUDGET - ABORIGINAL LIAISON OFFICE
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In accordance with Rule 60 of City Council Procedure By-law No. 6634, Councillor Black gave notice of his intent to introduce at the February 2, 2009 meeting of City Council, the following motion:

"That City Council add \$100,000 to the 2009 Budget for the purpose of establishing an Aboriginal Liaison Office in City Hall."

ADJOURN:

Rice-Fitzpatrick

That the meeting do now adjourn. (9:18 p.m.) CARRIED.

MAYOR

CITY CLERK