

**MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY,
FEBRUARY 2, 2009 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 D. Jessiman, Councillor J. McCrae, Councillor D. Paterson, Councillor G. Rice

ABSENT: Councillor J. Harwood, Youth Member

ADOPTION OF AGENDA:

Rice-Blight
982 That the Agenda for the Regular Meeting of City Council to be held on Monday, February 2, 2009 be adopted as presented. CARRIED.

CONFIRMATION OF MINUTES:

Jessiman-Blight
983 That the Minutes of the Regular Meeting of City Council held on Monday, January 19, 2009 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

HEARING OF DELEGATIONS:

Nil

PUBLIC HEARINGS:

(A) VARIATION APPLICATION - 1295 AND 1345 PATRICIA AVENUE
(BAKER/PETERS/IWASIUK)

City Council sat to receive representation on the appeal of the Planning Commission's decision to approve the variation application of Brian Baker and Lawrence Peters for 1295 and 1345 Patricia Avenue.

Mr. Fred King of 1412 Patricia Avenue appeared before City Council in opposition to the variation application. Mr. King stated that he did not feel the proposed development was compatible with the neighbourhood and that allowing 20' wide streets would cause problems with the current garbage system and vehicle parking on the street.

Lawrence Peters appeared before City Council on behalf of the applicant. He referred to a letter from Harval Homes of Winkler, Manitoba where a similar townhouse project had been well received in the Winkler/Morden area. Mr. Peters noted that the proposed project would have 32 condominium units and 4 residential lots across the front of Patricia Avenue and these were designed to conform with the typical street scape. He confirmed that the general frontage for the condominium units would be approximately 23' which was similar to developments on Coulter and Aldrin Ways. Mr. Peters further stated that the condominium units, would be between 1240 - 1410 square feet in size and that each unit would have a garage and driveway.

No further representation was put forward either in support of or in opposition to the variation application.

Campbell-McCrae

984 That the Public Hearing on the above noted application be concluded. CARRIED.

Campbell-Barletta

985 That the variation application of Brian Baker and Lawrence Peters on behalf of William W. and Adrienne L. Iwasiuk to reduce the following at 1295 and 1345 Patricia Avenue (Plan 1031 BLTO and Plan 1240 BLTO) to accommodate a proposed condominium townhouse development in an RLD Residential Low Density Multiple Family Zone:

- the minimum required site area from 232m² (2,497.31 sq. ft.) to 211.8m² (2,279.87 sq. ft.);
- the minimum required site width of a semi-detached dwelling from 7.6m (24.93') to 6.248m (20.50'); and
- the bare land condominium boundary east and west side setbacks from 7.6m (24.93') to 3.0m (9.84')

be approved, whereby such approval is hereby granted in accordance with the intent of the application dated October 20, 2008, the attached letter of intent and the attached drawing, subject to the City of Brandon Planning Department receiving a certified true copy of a zoning amendment by-law rezoning part of 1295 and 1345 Patricia Avenue (Plan 1031 BLTO and Plan 1240 BLTO) from RSF Residential Single Family Zone and DR Development Reserve Zone to RLD Residential Low Density Multiple Family Zone. CARRIED.

(B) BY-LAW NO. 6928 - TO REZONE 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)

City Council sat to receive representation on the above noted matter.

Mr. Fred King, 1421 Patricia Avenue appeared before City Council in objection to the rezoning application. He stated that his concern was that the multiple family density was not consistent with the neighbourhood.

Lawrence Peters appeared on behalf of the applicant and in support of the rezoning application. Mr. Peters stated that he felt the proposed development was typical with this neighbourhood and would be a good fit.

No further verbal or written representation was put forward either in support of or in opposition to the by-law.

Campbell-Paterson

986 That the public hearing for 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 concluded. CARRIED.

(C) BY-LAW NO. 6931 - TO CLOSE AND CONVEY A PORTION OF PACIFIC AVENUE FROM 1ST STREET TO RUSSELL STREET AND THE EAST/WEST PUBLIC LANE IN BLOCKS 38/39, PLAN 4 TO THE CITY OF BRANDON

City Council sat to hear representation on the above noted matter.

No representation was put forward either in support of or in opposition to this by-law.

Black-Paterson

987 That the Public Hearing with respect to By-law No. 6931 to close a portion of Pacific Avenue between 1st Street and Russell Street, and the east/west lane in Blocks 38/39, Plan 4 and convey same to the City of Brandon be concluded. CARRIED.

COMMUNICATION & PETITIONS:

Nil

COMMITTEE REPORTS:

(A) WESTERN MANITOBA CENTENNIAL AUDITORIUM
VERBAL REPORT

FEBRUARY 2, 2009

February 2, 2009
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Councillor Blight reported that the Board of the Western Manitoba Centennial Auditorium had met on January 27, 2009 and noted that they were in the process of establishing criteria for the General Manager position. Councillor Blight also reported that the Auditorium was in need of a new lighting board which would cost approx. \$250,000, and as it had not been included in the facility review, it was being put forward as a consideration under the community component of the recently announced Federal Government infrastructure program.

(B) WESTERN MANITOBA REGIONAL LIBRARY BOARD
VERBAL REPORT

FEBRUARY 2, 2009

February 2, 2009
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Councillor Jessiman reported that he had recently attended the Western Manitoba Regional Library Board meeting at which Bill Shackel had been reappointed as Board Chair. He noted that circulation for the Brandon Library had increased in the past year, especially for French language books.

Blight-Paterson

988 That the verbal reports by Councillors Blight and Jessiman with respect to the Western Manitoba Centennial Auditorium and the Western Manitoba Regional Library Board respectively be received. CARRIED.

ENQUIRIES:

(527) ASSINIBOINE COMMUNITY COLLEGE (ACC) BUILDING - FUTURE USES

Councillor Paterson referred to what was soon to be the former Assiniboine Community College building on Victoria Avenue East and noted that same was rumoured to be the future home of an Emergency Services Training School. He enquired if the possibility of this building being converted into a vocational jail or a training facility for prison guards and/or security guards could be investigated with the Province.

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

(528) USE OF COMMUNITY CENTRES

Councillor Paterson noted that the Community Centres in the City were underused and enquired if the feasibility of encouraging local volunteer groups to make use of these facilities could be investigated.

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

(529) CANAD INNS - PLAN TO PROMOTE CITY OF BRANDON - STATUS REPORT

Councillor Paterson noted that when the Canad Inns came to Brandon, they had agreed to promote the City as much as possible. He enquired if a status report on the promotional efforts of the Canad Inns could be requested.

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

(530) COMPARISON OF BUILDING PERMIT VALUES

Councillor McCrae enquired if comparisons in the value of building permits between 2007 and 2008 could be provided.

His Worship the Mayor advised there had been a record number of permits in 2008, however, the dollar value of same was less in 2008 than in 2007. He added that City Council was provided with monthly building permit reports from the Planning Department, and that these were also available on the website.

(531) STATUS REPORT ON 1ST STREET AND ROSSER AVENUE SITE

Councillor Fitzpatrick requested an update on the 1st Street and Rosser Avenue site, inclusive of whether or not the hill that had been built on the site was to remain.

His Worship the Mayor advised that a park was planned for the 1st Street and Rosser Avenue site. He noted that this site was where General Rosser staked claim to the City of Brandon and suggested that may be taken into consideration when it came time to choose a name for the park. He added that a piece of that property was uncontaminated and may be considered for development in the future with more details to follow at a later date.

(532) LIEUTENANT GOVERNOR'S WINTER FESTIVAL - THURSDAY ACTIVITIES

Councillor Fitzpatrick noted that the Lieutenant Governor's Winter Festival was to be held February 5 to 7, 2009 and requested an update on same, inclusive of the activities which were to take place Thursday evening at City Hall.

His Worship the Mayor advised that the Icelandic Pavilion was to host the Winter Festival Opening Ceremonies at City Hall on Thursday, February 5, 2009 beginning at 6:00 p.m., and further that the Lieutenant Governor, Premier Doer, as well as the two local Members of the Legislature were expected to be in attendance. He added that the 11 pavilions were to open at 6:00 p.m. on Thursday evening, and that all information on pavilion locations, transit schedules, etc. was available at www.brandon.ca.

(533) EASTERN ACCESS ROUTE

Councillor Black requested an update on the status of the Eastern Access Route.

His Worship the Mayor advised that a commitment had been made by the Province of Manitoba for the completion of the Eastern Access Route to the Trans Canada Highway by the Fall of 2010.

(534) RESIDENTIAL COMPLIANCE AND BUILDING LOCATION CERTIFICATES

Councillor Black referred to a January 21, 2009 article in the Winnipeg Free Press whereby it was noted that a Compliance and Building Certificate Program was being considered by the City of Winnipeg. He noted that certification under the proposed program would ensure that the property was properly surveyed, and further, that any work done on the property in the past 10 years was done in accordance with city regulations. He enquired if information could be sought from the City of Winnipeg on the proposed program, and further, whether other cities in Western Canada could be surveyed regarding similar programs.

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

(535) MID-ASSINIBOINE CONSERVATION DISTRICT MEMBERSHIP

Councillor Black referred to a previous request by the City of Brandon to become a member of the Mid-Assiniboine Conservation District. He noted that previous reports had indicated that the Province of Manitoba and the Conservation District were the obstacles in this membership coming to fruition and requested an update on same.

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

(536) AQUATIC SPORTS FACILITIES

Councillor Black referred to an expected report from the City Manager's Office on aquatic sports facilities in other cities. He enquired if a list of the cities to be surveyed could be provided, and further, whether or not City Council members were to be given an opportunity to suggest survey locations.

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

(537) RECYCLING OF ROAD SAND

Councillor Blight referred to a program in the City of Winnipeg whereby snow collected from roads is stockpiled and the sand left after the snow melts is recycled and used the following winter. He enquired if a similar program could be considered for the City of Brandon.

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

ANNOUNCEMENTS:

WIND FARM PROJECTS

Councillor Paterson referred to an article in the Brandon Sun by Mr. Fred McGuinness whereby Mr. McGuinness indicated that City Council had not given enough consideration to local wind farm projects. Councillor Paterson announced that he had contacted Mr. McGuinness and advised him that City Council had been, and continued to be involved in the Elton project.

ASSINIBOINE WARD MEETING - JANUARY 27, 2009

Councillor Paterson expressed appreciation to City staff for their attendance at his ward meeting on January 27, 2009. He stated that staff involvement was vital to the success of ward meetings, and further, that City staff were extremely knowledgeable and able to answer any questions raised by residents.

DAKOTA NATION TRIBAL DAYS

Councillor Black announced that he had attended and immensely enjoyed the Dakota Nation Tribal Days held January 29 to 31, 2009 at the Keystone Centre. He added that the event had been well attended by people from various locations across Manitoba and Saskatchewan.

UTILITY INFRASTRUCTURE MEETING

Councillor Blight announced that he and His Worship the Mayor had met with MTS Allstream, Manitoba Hydro and Westman Communications Group regarding the installation of the utility boxes in the Riverheights area, and further that a community meeting was to be held whereby residents were to be informed of any new developments regarding this project.

GENERAL BUSINESS:

(A) APPOINTMENTS TO BRANDON MUNICIPAL HERITAGE ADVISORY COMMITTEE

Considered was a report from the City Clerk's Office dated January 23, 2009 with respect to the above.

Paterson-Black

989 That the following appointments be and are hereby made to the Brandon Municipal Heritage Advisory Committee, with terms of office to expire December 31, 2010:

Tom Mitchell - Brandon University Representative
Shari Decter-Hirst - Assiniboine Community College Representative
Greg Hutsal - Rosser Ward Citizen Association Representative
Eleanor McCallum - Realtor Representative
CARRIED.

(B) POLICY CHANGE - ANNUAL EVENTS OF LOCAL SIGNIFICANCE

City Council considered a report from the City Clerk's Office dated January 23, 2009 with respect to the above.

Blight-Rice

990 That City Policy No. 004 designating Events of Local Significance be amended by adding the following thereto:

"This acknowledges that the Council for the City of Brandon in deeming these events as events of local significance is aware and agrees that the Manitoba Liquor Control Commission may, for the purpose of the event, in writing and subject to such terms, conditions and hours of operation as it may prescribe, allow the sale, service or consumption of liquor or extend the period during which liquor may be sold, served, or consumed in the premises." CARRIED.

(C) ADDITION OF ABORIGINAL LIAISON OFFICE TO 2009 BUDGET

Submitted for consideration was a report from Councillor E. Black dated December 24, 2008 with respect to the above and in accordance with his notice of motion given at the December 22, 2008 meeting of City Council.

Black-Rice

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

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

FOR

Councillor Barletta
Councillor Black
Councillor Paterson
Councillor Rice

AGAINST

His Worship Mayor Burgess
Councillor Blight
Councillor Campbell
Councillor Fitzpatrick
Councillor Jessiman
Councillor McCrae

(D) APPLICATIONS UNDER THE COMMUNITIES COMPONENT OF THE BUILDING CANADA INFRASTRUCTURE PROGRAM

Considered was a report from the General Manager of Corporate Services dated January 27, 2009 with respect to the above.

McCrae-Barletta

992 That application be made for funding under the Communities Component of the Building Canada Infrastructure Program for the following projects and their related costs:

1. Waste Water Treatment Facility Phase 3 - Design	\$4,500,000
2. Waste Water Treatment Facility Phase 3 - Construction	\$45,000,000
3. Aquatics Centre	\$18,000,000
4. Instrument Landing System	\$1,500,000
5. Brandon Skate Plaza	\$1,050,000
6. Fibre Connectivity	\$1,408,000
7. 3rd Street Dam	\$750,000
8. Water and Waste Water Control System	\$900,000
9. Water Treatment Facility Baffling	\$1,200,000
10. Utility Alternate Power Supply	\$2,000,000
11. Western Manitoba Centennial Auditorium Podium and Lighting	\$750,000

CARRIED AS AMENDED.

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 Jessiman
Councillor McCrae
Councillor Paterson
Councillor Rice

AGAINST

Nil

AMENDMENT

Burgess-Paterson

993 That the above motion be amended by deleting therefrom: "1. Waste Water Treatment Facility Phase 3 - Design, \$4,500,000 and 2. Waste Water Treatment Facility Phase 3 - Construction \$45,000,000" and renumbering Items 3 to 11 inclusive as Items 1 to 9 inclusive. CARRIED.

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

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

AMENDMENT

Burgess-Fitzpatrick

994 That the above motion be further amended by adding thereto: "3. Keystone Centre Improvements \$6,000,000" and renumbering Items 3 to 9 as Items 4 to 10. CARRIED.

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

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

AMENDMENT

Rice-Black

995 That the above motion be further amended by adding thereto: "11. Football Stadium \$2,000,000". LOST.

AMENDMENT

Blight-Rice

996 That the above motion be further amended by deleting therefrom: "10. Western Manitoba Centennial Auditorium Podium and Lighting \$750,000" and substituting therefor: "4. Western Manitoba Centennial Auditorium Podium and Lighting \$750,000" and renumbering Items 4 to 10 as Items 5 to 10. CARRIED AS AMENDED.

AMENDMENT TO AMENDMENT

Blight-McCrae

997 That the above amending motion be amended by deleting therefrom: "4. Western Manitoba Centennial Auditorium Podium and Lighting \$750,000" and substituting therefor: "5. Western Manitoba Centennial Auditorium Podium and Lighting \$750,000", and by deleting the words: "renumbering Items 4 to 10 as Items 5 to 10" and substituting therefor the words: "renumbering Items 5 to 9 as Items 6 to 10". CARRIED.

BY-LAWS:

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)
3RD READING

It was noted that this by-law had received second reading at the December 22, 2008 meeting of City Council.

Campbell-Paterson
998 That By-law No. 6928 to rezone 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 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. 6928 third reading.

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

NO. 6931 - TO CLOSE AND CONVEY A PORTION OF PACIFIC AVENUE BETWEEN 1ST STREET AND RUSSELL STREET AND THE EAST/WEST LANE IN BLOCKS 38/39, PLAN 4 TO THE CITY OF BRANDON
2ND AND 3RD READINGS

It was noted that this by-law had received first reading at the January 5, 2009 meeting of City Council.

Black-Paterson
999 That By-law No. 6931 to close and convey that portion of Pacific Avenue from 1st Street to Russell Street and the east/west public lane in Blocks 38/39, Plan 4 to the City of Brandon, be read a second time. CARRIED.

Black-Paterson
1000 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. 6931 third reading.

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

AGAINST
Nil

NO. 6933 - TO REZONE 2 LAUREL BAY FROM RMH RESIDENTIAL MOBILE/MODULAR HOME ZONE TO RSF RESIDENTIAL SINGLE FAMILY ZONE (CITY OF BRANDON)
1ST READING

Submitted for consideration was a report from the Planning Department dated January 15, 2009 with respect to the above.

1001 Campbell-Black
That By-law No. 6933 to rezone 2 Laurel Bay (Lot 1, Block 4, Plan 42059 BLTO) from RMH Residential Mobile/Modular Home Zone to RSF Residential Single Family Zone be read a first time. CARRIED.

NO. 6935 - TO CANCEL THE BORROWING AUTHORITY PROVIDED IN BY-LAW NO. 6916
1ST READING

City Council considered a report from the City Treasurer dated January 20, 2009 with respect to the above.

1002 Black-McCrae
That By-law No. 6935 to cancel \$1,250,000 of borrowing authority granted by By-law No. 6916 be read a first time. CARRIED.

GIVING OF NOTICE:

(A) ONE HOUR PARKING RESTRICTIONS - BRANDON UNIVERSITY

In accordance with Rule 60 of City Council Procedure By-law No. 6634, Councillor Barletta gave notice of his intent to introduce at the February 17, 2009 meeting of City Council, the following motion:

"That a by-law be prepared to amend Traffic By-law No. 5463 with respect to the one hour parking restrictions around Brandon University."

ADJOURN:

Paterson-Rice
That the meeting do now adjourn (10:47 p.m.) CARRIED.

MAYOR

CITY CLERK