

**MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY,
MARCH 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:

1030 Blight-Fitzpatrick
That the Agenda for the Regular Meeting of City Council to be held on Monday, March 2, 2009 be adopted as presented. CARRIED.

CONFIRMATION OF MINUTES:

1031 Barletta-Paterson
That the Minutes of the Regular Meeting of City Council held on Tuesday, February 17, 2009 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

HEARING OF DELEGATIONS:

(A) DENISE JUBENVILL, MANITOBA DEPARTMENT OF INFRASTRUCTURE AND
TRANSPORTATION - 2009 CONSTRUCTION ACTIVITIES

Denise Jubenvill, Acting Regional Technical Services Engineer, Province of Manitoba Department of Infrastructure and Transportation appeared before City Council to provide information on the 2009 construction activities planned for the City of Brandon. She advised that two main projects were planned for the City of Brandon, with the first one involving work on Provincial Trunk Highway (PTH) No. 1A (First Street) from Kirkcaldy Drive to the Trans Canada Highway with a new intersection planned for Kirkcaldy Drive and Centre Avenue.

The second project discussed was the continuation of the 18th Street Assiniboine River Bridge Project. She noted that the improvements to 18th Street would require a detour of traffic and pedestrians for approximately 2 to 3 months, and further, once the first new bridge was open, a second detour would come into place which was expected to last for approximately 1 year to allow for the removal of the existing bridge and the reconstruction of 18th Street.

1032 Jessiman-Paterson
That the presentation by Denise Jubenvill of the Manitoba Department of Infrastructure and Transportation with respect to the 2009 construction activities planned for 18th Street North and 1st Street North in the City of Brandon be received. CARRIED.

(B) DON EDWARDS - PROPOSED OPENING OF WHISTLER DRIVE

Prior to Mr. Edwards' presentation, Councillor Paterson submitted a petition on behalf of area residents opposing the proposed opening of Whistler Drive.

Don Edwards, 82 Goldfinch Crescent, appeared before City Council regarding the proposed opening of Whistler Drive, north of Braecrest Drive and south of Mockingbird Drive. Mr. Edwards spoke in opposition to the proposed opening and requested a neighbourhood meeting with the ward councillor and City Administration, prior to City Council giving third reading to the corresponding road opening by-law.

Paterson-Black

1033 That the presentation by Don Edwards with respect to the proposed opening of Whistler Drive north of Braecrest Drive and south of Mockingbird Drive be received. CARRIED.

(C) KAREN GISLASON - PROPOSED OPENING OF WHISTLER DRIVE

Karen Gislason, 9 Cardinal Way, appeared before City Council in regard to the proposed opening of Whistler Drive north of Braecrest Drive and south of Mockingbird Drive. She stated her objection to the proposed opening and requested that City Administration and the developers attend Monterey Estates and provide residents with a clear outline of the plans for the proposed road.

Paterson-Rice

1034 That the presentation by Karen Gislason with respect to the proposed opening of Whistler Drive north of Braecrest Drive and south of Mockingbird Drive be received. CARRIED.

PUBLIC HEARINGS:

(A) BY-LAW NO. 6894 - TO REZONE PROPERTY LOCATED AT 737 STICKNEY AVENUE FROM RLD RESIDENTIAL LOW DENSITY MULTIPLE FAMILY ZONE TO RMD RESIDENTIAL MODERATE DENSITY MULTIPLE FAMILY ZONE (LAMONT)

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

Mr. Brian Mayes, representing Augustyn Noga, the owner of property adjacent to 737 Stickney Avenue, appeared in opposition to the zoning amendment application. Mr. Mayes stated that Mr. Noga's major concerns were drainage issues, inclusive of the requirement for the construction of a full retaining wall to ensure that the water runs away from Mr. Noga's property. He added that Mr. Noga requested that the above noted issues be addressed as part of a development agreement prior to the start of any development.

The applicant, Mr. Ryan Lamont, presented revised drawings and confirmed that the drainage issues were to be addressed as part of the development agreement. He also confirmed that a new retaining wall was planned.

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

Paterson-Jessiman

1035 That the public hearing with respect to By-law No. 6894 to rezone 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 concluded. CARRIED.

Paterson-Jessiman

1036 That the development agreement for 737 Stickney Avenue (Lots 19/20, Block 106, Plan 2 BLTO), previously approved by City Council on January 19, 2009, be amended by:

(a) substituting the site plan at "Schedule B" with the site plan titled "STICKNEY AVE 6 PLEX" and dated March 1, 2009 as presented at the public hearing held by City Council on March 2, 2009; and

- (b) adding the following paragraph under Clause 6 of said development agreement:
 - “i) Pursuant to Paragraphs 3b and 3e of this agreement and within those requirements, the Developer shall specifically provide assurance that lot drainage will not adversely affect the property owner to the north of this development”.

CARRIED.

(B) 2009 FINANCIAL PLAN

City Council sat to receive representation on the City of Brandon's 2009 Financial Plan.

Grant McMillan, General Manager of Corporate Services appeared before City Council and provided a power point presentation which contained highlights of the 2009 Financial Plan. He noted additions to the Financial Plan following the budget having been discussed in late 2008 as well as the capital expenditures expected for 2009. He further highlighted what the expected increase in individual tax bills were to be, based on the current mill rate. He provided a comparison of the expected tax increases in percentages versus the consumer price index for 2009.

Mr. Chris Griffin, Vice-President of the Brandon Chamber of Commerce, appeared on behalf of the Chamber and re-iterated the Chamber's concerns regarding the proposed expenses for the new Fire Hall and Police Station. He noted that large increases in taxes to cover large debt loads were a major concern of the Chamber and the citizens of Brandon.

No further representation was put forward either in support of or in opposition to the Financial Plan.

Blight-Paterson

1037 That the Public Hearing on the City of Brandon's 2009 Financial Plan be concluded. CARRIED.

COMMUNICATION & PETITIONS:

Nil

COMMITTEE REPORTS:

(A) WESTERN MANITOBA REGIONAL LIBRARY BOARD
VERBAL REPORT

MARCH 2, 2009

March 2, 2009
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Councillor Jessiman reported that the Western Manitoba Regional Library Board had met on Wednesday, February 25, 2009 whereby the preliminary budget had been presented. He added that a budget increase from \$6.60 per capita to \$7.70 per capita was required for negotiations and potential salary increases.

Jessiman-Fitzpatrick

1038 That the verbal report by Councillor Jessiman with respect to the Western Manitoba Regional Library Board be received. CARRIED.

ENQUIRIES:

(552) CITY OF CALGARY LIVING WAGE

Councillor Rice advised that the City of Brandon Poverty Committee had been observing the progress of the proposed Living Wage Program in the City of Calgary and noted that first debate of Calgary's related by-law was to take place on March 11, 2009. He added that the Calgary by-law had originally been brought forward in an attempt to address the affordable housing issue and the skyrocketing rental rates in the City of Calgary. He enquired if the Calgary debate could be followed and City Council kept updated on the progress.

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

(553) DOWNTOWN SIDEWALK CLEARING

Councillor Black advised that he had recently received numerous complaints regarding the condition of downtown sidewalks. He noted that the complaints ranged from businesses not clearing their sidewalks to the City not clearing the snow away around parking meters. He enquired if an assessment of the snow clearing strategy for the downtown area could be conducted.

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

(554) CBC SIGNAL THROUGH CKX TELEVISION STATION

Councillor Black advised that the CBC television signal was provided through the CKX Television, and further, that if and when CKX went off-air, the CBC did not intend to seek another location in the Westman area for the signal feed whereby households which did not have cable television would lose their CBC signal. He noted that CBC was a national station with a mandate to provide television to all residents of Canada and enquired if the Member of Parliament, Mr. Merv Tweed, as well as the CBC itself could be contacted to discuss this issue.

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

(555) HOUSING CRISIS MEETING

Councillor Black noted that the housing crisis in Brandon had been going on for many years and continued to worsen over time. He enquired if a meeting could be convened between the local Members of the Legislative Assembly, the local Member of Parliament, management from Maple Leaf Foods and City Council to discuss the issue.

His Worship the Mayor responded that, while he agreed this issue was very important, many meetings had been and continued to be held, between all parties involved, including City Administration, and further, that a special meeting was not warranted at this time.

(556) SPORT MANITOBA AND YMCA/CITY OF BRANDON MEETING

Councillor Blight requested an update on the status of a meeting which was expected to be held between Sport Manitoba and the YMCA/City of Brandon Management Group regarding the size of the pool at the new YMCA Facility.

At the request of the Chair, the City Manager advised that Sport Manitoba had been invited to meet with the YMCA/City of Brandon Management Group, however, no response to that invitation had been received.

(557) GROWTH - BUSINESS DEVELOPMENT

Councillor Campbell enquired as to the growth in business development in the City.

His Worship the Mayor advised that, according to the monthly building permit reports received from the Planning Department, 2008 showed the largest ever increase in building permits for the City.

(558) BRANDON SUN ARTICLE - INFRASTRUCTURE FUNDING

Councillor Jessiman referred to an article in the February 26, 2009 edition of the Brandon Sun with respect to a decision that had been made to pull one item off the list of items approved by City Council to be submitted for infrastructure funding. He noted the article had indicated that all members of City Council had been advised of the decision, however, he had not received such notification. He enquired as to how notification in this case had been given to City Council. He further enquired as to the requirement for consultation with City Council members when a previously approved decision of City Council was changed.

His Worship the Mayor advised that an email advising City Council members of the removal of the item had been sent to all members prior to the decision having been released to the media. At the request of the Chair, the City Manager further advised that due to ongoing discussions between the City and the Province of Manitoba regarding the Keystone Centre funding, a decision had been made to pull that item off the list to be submitted for funding under the Building Canada Infrastructure Program. The City Manager confirmed that the subject email had been sent on February 20, 2009.

ANNOUNCEMENTS:

INFORMATION - PLASTIC BAG ROUND-UP IN 2009

Councillor Blight announced that he had received notification that a plastic bag round-up was to be held in May 2009, whereby Brandon Elementary Schools were expected to be involved in the program and any further information he received would be shared with the all members of City Council.

MILITARY BALL - MINOT, NORTH DAKOTA

His Worship the Mayor announced that he, Chief of Police Keith Atkinson, and Inspector Ian Grant along with their wives had attended a Military Ball held the previous weekend in Minot, North Dakota. He noted that a good time was had by all with the highlight being the performance by the 26th Field Regiment Pipe and Drum Band which received a standing ovation.

GENERAL BUSINESS:

(A) APPLICATIONS - BUILDING CANADA INFRASTRUCTURE PROGRAM

Submitted for consideration was a report from Councillor E. Black dated February 19, 2009 with respect to the above and in accordance with his notice of motion given at the February 17, 2009 meeting of City Council.

Black-Barletta

1039 That City Council reconsider the vote on Motion No. 993 of the regular meeting of City Council held February 2, 2009 with respect to the Waste Water Treatment Facility Phase 3 Design and Construction Projects. CARRIED.

In view of the above motion of reconsideration being passed, the question was called on the following amending motion as if it had never been voted on.

Burgess-Paterson

1040 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. LOST.

The following motion was put forward to amend the main motion adopted at the February 2, 2009 meeting.

AMENDMENT

Burgess-Paterson

1041 That the above motion be further amended by adding the following thereto: "whereby the City of Brandon shall commit a maximum of \$10 million of funding toward the above noted Wastewater Treatment Facility projects in support of the application." CARRIED.

(B) 2009 GRANT-IN-AID PROGRAM

City Council considered a report from the General Manager of Development Services dated February 18, 2009 with respect to the above.

Rice-Jessiman

1042 That the Manitoba Department of Infrastructure and Transportation be advised that the City of Brandon intends to proceed with the milling and paving of Park Avenue from 1st Street to 6th Street, and 13th Street to 18th Street in the 2009 Road Paving Works;

and further, that a grant in the amount of \$117,250 be requested from the Manitoba Department of Infrastructure and Transportation under the 2009 Grant-In-Aid Program. CARRIED.

(C) GOVERNMENT OF MANITOBA POLICE ACT CONSULTATIONS

Considered was a report from the City Manager dated February 25, 2009 with respect to the above.

McCrae-Blight

1043 That the Police Act consultation questionnaire be submitted by the City of Brandon with the following recommended responses:

Municipal and First Nation Police Boards

The consultation paper proposes making it mandatory for municipalities and First Nations to set up local police boards if they decide to establish their own police services. The paper also deals with issues like the mandate and membership of local boards.

1. Should Manitoba's new police act make it mandatory for municipalities to establish local boards if they have or set up their own police service?

Recommendation: That the decision to establish a local police board be left to the discretion of each Manitoba municipality who has, or sets up, its own police service.

Rationale: At this time there is no indication of who will comprise the proposed local police boards, terms, accountability, functions, who will appoint the members or the criteria for membership. By endorsing the local police boards concept, prior to having the above concerns answered, Council's ability to provide direction to the police service, address policing concerns, collective bargaining or budgeting processes, may be impaired. Currently, the roles

suggested for local police boards are being met through City Council and the office of the City Manager. Past local experience with a Police Services Board resulted in a dysfunctional body that was ineffective.

2. What role, if any, should municipal police boards have in:

a. Hiring of police chiefs and executives?

Recommendation: Should a local police board become mandatory, it should have the authority to hire the police chief. The hiring of executive members of the police service should be the purview of the chief of police.

Rationale: A police service should operate at arm's length from political function. Therefore it is important that a police chief be hired outside the political fold, as to have no perceived affiliation with a political body in order to maintain objective independence. The police chief is, in essence, the chief executive officer of the police service; therefore, the chief of police should have control over who is selected to the executive level.

b. Police service policy?

Recommendation: Should a local police board be required, it should have the responsibility to establish policies for the effective management of the police service, in consultation with the police chief. Operational policies and the day to day operations of the police service should be the responsibility of the police chief.

Rationale: As stated in the Ontario Police Commission Report, 1978, "*Board of Commissioners of Police, by the very nature of their composition, must rely heavily upon their chief of Police for the expertise required to operate the police force. They must spell out general policy through regulations and direction, but in the Administration of the Force, they must rely upon the Chief of Police, otherwise the board is assuming the prerogative of the chief, and is, in effect, becoming the Chief, for which the board has neither the time nor the expertise.*"

c. Police budgets?

Recommendation: City Council should have the responsibility to consider and set the police service budget.

Rationale: City Council is best positioned to consider the overall needs of the community and direct financial resources accordingly to maintain adequate levels of service to the community.

3. What qualifications should be established for appointments to a municipal police board and what restrictions, if any, should be imposed on who can be appointed?

Recommendation: Individuals of good character, no criminal record and skill sets that would assist the board. Appropriate training should be provided and there should be a mechanism to dismiss a member, should impropriety occur.

Rationale: Should local police boards become mandatory the essence of their credibility will be the makeup and effectiveness of the board.

Provincial Police Commission

The consultation proposes creating a provincial police commission to allow public input into policing regulations, standards and to review emerging issues. The commission would also provide training and other supports to local municipal and First Nation police boards.

4. What do you think of the role proposed for a new Manitoba Police Commission? Are the proposed responsibilities appropriate, or do you think they should be changed?

Recommendation: The proposed role as outlined on page 18 of the Consultation document is supported. Additional roles could be undertaken should circumstances dictate.

Rationale: Provincial oversight of policing in Manitoba has long been the responsibility of Government, which has normally addressed issues reactively. A Provincial Police Commission could be a proactive body that continually monitors policing trends and sets standards to meet the needs of Manitobans.

5. Do you have any comments on the membership of the proposed new Manitoba Police Commission?

Recommendation: We support the direction that the Government has undertaken in this regard by including as members, representatives from First Nation and Aboriginal groups. Again, members of the Commission should possess the same personal qualifications as a member of a local police board as suggested above.

Rationale: Manitoba has a diverse population with changing needs. A Provincial Police Commission should reflect the demographics of the Province.

Independent Investigation Unit

The consultation document proposes a model for investigating serious incidents involving police officers. It also proposes a method of providing oversight for less serious matters.

6. Do you agree with how the proposed model deals with fatal force and other serious incidents? Would you suggest any changes or recommend a different approach?

Recommendation: Yes, the proposed model offers a system that appears to be fair to all concerned. We would not recommend a different approach.

Rationale: There is a need to provide transparency when investigating serious incidents involving a police officer. Investigations of this nature demand a certain amount of transparency while not compromising the integrity of the investigation. The system should also respect the rights of all concerned including the subject police officer.

7. Do you agree with how the proposed model deals with less serious incidents? Would you suggest any changes or recommend a different approach?

Recommendation: The proposed model for less serious incidents is also acceptable with no changes recommended.

Rationale: Due to the vastness of the Province, it would become unwieldy and cost prohibitive to have a unit devoted to the investigation of all police related incidents. This model still provides proper oversight in the investigation of less serious incidents. CARRIED.

BY-LAWS:

- NO. 6894 - TO REZONE PROPERTY LOCATED AT 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)
3RD READING
-

It was noted that third reading of By-law No. 6894 would be held in abeyance until the specified changes were made to the development agreement, the agreement was signed by the developer and the revised, signed agreement returned to Development Services for execution.

- NO. 6934 - TO OPEN WHISTLER DRIVE NORTH OF BRAECREST DRIVE AND SOUTH OF MOCKINGBIRD DRIVE (PARCELS A AND B, PLAN 48187)
2ND AND 3RD READINGS
-

It was noted that this by-law had received first reading at the February 17, 2009 meeting of City Council.

Paterson-Fitzpatrick

That By-law No. 6934 to open Whistler Drive, north of Braecrest Drive and south of Mockingbird Drive as a right-of-way be read a second time. NOT VOTED ON.

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

Paterson-Fitzpatrick

- 1044 That By-law No. 6934 to open Whistler Drive, north of Braecrest Drive and south of Mockingbird Drive as a right-of-way be referred to Administration to conduct a neighbourhood meeting on this road opening whereby said by-law shall be further considered at the second regularly scheduled meeting of City Council following the neighborhood meeting. CARRIED.

- NO. 6938 - TO AMEND FEE SCHEDULE BY-LAW NO. 6852 TO REMOVE THE RECYCLING TIPPING FEES FROM THE 2009 SCHEDULE OF FEES
2ND AND 3RD READINGS
-

It was noted that this by-law had received first reading at the February 17, 2009 meeting of City Council.

Blight-Rice

- 1045 That By-law No. 6938, to amend Fee Schedule By-law No. 6852 with respect to the removal of the recycling fees for both the commercial recycling material and the external municipal recycling material being delivered to the Material Recycling Facility from the 2009 Schedule of Fees be read a second time. CARRIED.

Blight-Paterson

- 1046 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. 6938 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

GIVING OF NOTICE:

Nil

ADJOURN:

Rice-Black
That the meeting do now adjourn (10:27 p.m.). CARRIED.

MAYOR

CITY CLERK