

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY, APRIL 6, 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 (retired 8:28 p.m.), Councillor K. Fitzpatrick, Councillor J. Harwood, Councillor D. Jessiman, Councillor J. McCrae, Councillor D. Paterson, Councillor G. Rice

ABSENT: Nil

ADOPTION OF AGENDA:

1064 Harwood-Blight
That the Agenda for the Regular Meeting of City Council to be held Monday, April 6, 2009 be adopted as presented. CARRIED.

PRESENTATIONS AND RECOGNITION OF GUESTS:

(A) GRANT OF ARMS TO CITY OF BRANDON

The Chief of Police Keith Atkinson and the City Clerk Con Arvisais presented the Grant of Arms to City Council. Chief Atkinson stated that the grant of armorial bearings had been issued by the Chief Herald of the Canadian Heraldic Authority for the City of Brandon and included an official coat of arms, crest, flag and badge.

It was noted that a framed explanation of the grant would be displayed inside the Civic Administration Building along the south staircase.

(B) INTRODUCTION OF DIRECTOR OF TRANSPORTATION SERVICES

Mr. Rod Sage, General Manager of Operational Services, introduced Mr. Tim Sanderson as the new Director of Transportation Services.

His Worship the Mayor welcomed Mr. Sanderson to the City of Brandon on behalf of City Council.

CONFIRMATION OF MINUTES:

1065 Blight-Barletta
That the Minutes of the Regular Meeting of City Council held on Monday, March 16, 2009 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

Prior to voting on the above, Councillor Paterson noted that Enquiry 560 on Page 537 should refer to the possibility of the Lieutenant Governor's Winter Festival becoming an "institute" rather than an "institution".

Councillor Paterson also noted that Enquiry No. 561 should refer to a special committee being established to research and/or lobby for a policy from the Federal Government to entice jet air service to smaller cities similar to the City of Brandon.

His Worship the Mayor indicated that the above comments would be duly noted in the minutes of this meeting.

Rice-Fitzpatrick

1066 That the Minutes of the Special Meeting of City Council held on Tuesday, March 31, 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 - UPDATE OF CONSTRUCTION ACTIVITIES FOR 1ST STREET NORTH

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 1st Street North in the City of Brandon.

Ms. Jubenvill advised that the plans included improvements to the intersection at 1st Street and Kirkcaldy Drive with the addition of a concrete median running north from Kirkcaldy Drive to Centre Avenue. She further noted that traffic signals would be installed at the intersection of Centre Avenue and 1st Street as this intersection would serve as the main entrance for the new Assiniboine Community Centre campus.

Ms. Jubenvill concluded by stating that a public open house would be held on Tuesday, April 14, 2009 at the Riverbank Discovery Centre from 5:00 p.m. to 7:00 p.m. to gather feedback on the proposed roadwork.

Barletta-Jessiman

1067 That the presentation by Denise Jubenvill of the Manitoba Department of Infrastructure and Transportation with respect to an update on the 2009 construction activities planned for 1st Street North in the City of Brandon be received. CARRIED.

PUBLIC HEARINGS:

Nil

COMMUNICATION & PETITIONS:

Nil

COMMITTEE REPORTS:

(A) BRANDON MUNICIPAL HERITAGE ADVISORY COMMITTEE MARCH 18, 2009

Brandon, Manitoba
March 18, 2009

Mayor and Councillors
City of Brandon

Your Municipal Heritage Advisory Committee begs leave to report as follows and submits recommendations where deemed necessary and expedient:

Committee Members: Councillor Jeff Harwood (Chairperson), Councillor Doug Paterson, Tom Mitchell, David Hughes, Bill Chester, Reg Hildebrand, Gerry Beaubier, Shari Decter-Hirst, Greg Hutsal, Eleanor McCallum

Advisory Members: Brad McKay (Senior Fire Prevention Officer), Angie Clark (Senior Planner - City of Brandon Planning and Development Services), Marty Snelling (General Manager, Brandon Neighbourhood Renewal Corporation), Heather Ewasiuk (Deputy City Clerk), Kim Longstreet (Heritage Coordinator)

(1) RESOLUTION IN SUPPORT OF THE HERITAGE CANADA FOUNDATION'S CALL FOR FEDERAL TAX INCENTIVES FOR HERITAGE PROPERTIES

Canada's communities are made up of heritage properties that define our local and national identity and give shape and texture to our urban and rural neighbourhoods. The rehabilitation of heritage buildings stimulates the economy, revitalizes communities, and creates jobs. It also supports sustainability by consuming less than half the energy of new construction and reusing existing municipal infrastructure.

The provinces and municipalities are doing their part to protect and rehabilitate Canada's heritage buildings. But they are missing an important partner - the Government of Canada. The federal tax system is a significant instrument shaping the direction of the Canadian economy. However, unlike cultural and environmental heritage, there are currently no federal measures to encourage the rehabilitation of Canada's heritage buildings.

Other countries have federal incentives for rehabilitation that have been extremely effective. In 1976, the United States established the Federal Historic Preservation Tax Incentives Program which provides a 20 percent federal tax credit for rehabilitation of heritage buildings and a 10 percent tax credit for the rehabilitation of non-heritage, non-residential buildings built before 1936. Dramatic results are visible in every region of the United States:

- Over 34,000 properties rehabilitated by the private sector;
- Over \$45 billion in private investment in historic buildings leveraged (with a 5 to 1 ratio of private investment to federal tax credits);
- An average of 45 new jobs created by each project;
- Over 350,000 housing units created, 80,000 of them low and moderate income housing;
- Reduced landfill;
- Increased property values and enhanced state and local tax revenues.

As part of the Landmarks, Not Landfill campaign, the Heritage Canada Foundation has been encouraging municipalities to pass resolutions calling on the federal government to establish tax incentives for the rehabilitation of heritage buildings. A growing number of Canadian municipalities large and small have passed such resolutions, including Victoria, Winnipeg, Kitchener, Region of Waterloo, Toronto, Regional Municipality of Niagara, Welland, Thorold, Wainfleet, Niagara-on-the-Lake, Markham, Collingwood, Charlottetown, and St. John's.

This effort gained further momentum in September 2008 when the National Board of Directors of the Federation of Canadian Municipalities (FCM) endorsed the City of Thorold, Ontario's resolution calling for federal tax incentives for heritage rehabilitation.

RECOMMENDATION:

It is recommended that City Council consider and adopt the following:

WHEREAS according to the Heritage Canada Foundation, Canada has lost more than 20% of its pre-1920 heritage buildings to demolition over the past 30 years;

AND WHEREAS the Heritage Canada Foundation has stated that urgent action is needed to stop the demolition of Canadian landmarks, to restore and re-use them, and to acknowledge their value as a reminder of our origins and cultures;

AND WHEREAS heritage buildings are also a valuable economic development resource, supporting re-urbanization initiatives and tourism, stimulate adjacent development, increase property values, as well as providing environmental benefits by way of reducing landfill, preserving natural resources and promoting sustainability;

AND WHEREAS there are currently no federal financial incentives to encourage private sector investment in the rehabilitation of heritage properties;

NOW THEREFORE BE IT RESOLVED that the Corporation of the City of Brandon endorse resolutions by the Heritage Canada Foundation and the Federation of Canadian Municipalities and request the Federal Ministers of Finance and the Environment to establish tax incentives which would encourage private sector investment in the rehabilitation of heritage properties;

AND BE IT FURTHER RESOLVED that this resolution be forwarded to local Members of the Legislative Assembly, local Members of Parliament, and area municipalities for their support;

AND BE IT FURTHER RESOLVED that the Association of Manitoba Municipalities be requested to support the work of the Heritage Canada Foundation and the Federation of Canadian Municipalities by endorsing this resolution at its Annual Convention.

Respectfully submitted,

“J. Harwood”

Councillor Jeff Harwood,
CHAIRPERSON
Brandon Municipal Heritage Advisory Committee

Harwood-Paterson

1068 That the report from the Brandon Municipal Heritage Advisory Committee from its meeting held March 18, 2009 be received. CARRIED.

Harwood-Paterson

1069 That City Council consider and adopt the following:

WHEREAS according to the Heritage Canada Foundation, Canada has lost more than 20% of its pre-1920 heritage buildings to demolition over the past 30 years;

AND WHEREAS the Heritage Canada Foundation has stated that urgent action is needed to stop the demolition of Canadian landmarks, to restore and re-use them, and to acknowledge their value as a reminder of our origins and cultures;

AND WHEREAS heritage buildings are also a valuable economic development resource, supporting re-urbanization initiatives and tourism, stimulate adjacent development, increase property values, as well as providing environmental benefits by way of reducing landfill, preserving natural resources and promoting sustainability;

AND WHEREAS there are currently no federal financial incentives to encourage private sector investment in the rehabilitation of heritage properties;

NOW THEREFORE BE IT RESOLVED that the Corporation of the City of Brandon endorse resolutions by the Heritage Canada Foundation and the Federation of Canadian Municipalities and request the Federal Ministers of Finance and the Environment to establish tax incentives which would encourage private sector investment in the rehabilitation of heritage properties;

AND BE IT FURTHER RESOLVED that this resolution be forwarded to local Members of the Legislative Assembly, local Members of Parliament, and area municipalities for their support;

AND BE IT FURTHER RESOLVED that the Association of Manitoba Municipalities be requested to support the work of the Heritage Canada Foundation and the Federation of Canadian Municipalities by endorsing this resolution at its Annual Convention. CARRIED.

(B) PERSONNEL COMMITTEE MARCH 23, 2009

March 23, 2009
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Your PERSONNEL COMMITTEE, at its meeting held this 23rd day of March, 2009, begs leave to report as follows and submits recommendations where deemed necessary and expedient:

Present:

Committee Members: Mayor Dave Burgess, Chairman, Councillor D. Jessiman, Councillor J. McCrae

Resource Personnel: Mr. Brian MacRae, City Manager, Mrs. V. Fifi, Director of Human Resources

Absent:

Councillor D. Paterson, Committee Member

Non-Union Pay Administration

The purpose of the meeting was to discuss the non-union pay administration program.

Councillor McCrae

That the Committee resolve into closed session. Carried unanimously.

Mrs. Fifi presented information regarding the non-union pay administration program and what was being requested to maintain this program for 2009. Committee members requested clarity on certain matters.

Councillor McCrae

That the following be recommended to City Council: "That the City of Brandon authorize an amount equal to 3.0% (\$121,620.65) of the 2008 non-union salary for increasing salaries as required to maintain the corporate rate and to provide for performance increases, where appropriate, in accordance with the non-union pay administration program.". Carried Unanimously.

Councillor McCrae

That the Committee resolve into open session. Carried unanimously.

Councillor Jessiman

That the meeting now adjourn. Carried.

Respectfully submitted,

“D. Burgess”

Mayor Dave Burgess
Chairman

McCrae-Paterson

1070 That the report of the Personnel Committee of its meeting held March 23, 2009 regarding the non-union pay administration program and salary increases be received. CARRIED.

McCrae-Jessiman

1071 That the City of Brandon authorize an amount equal to 3.0% (\$121,620.65) of the 2008 non-union salary for increasing the 2009 salaries as required to maintain the corporate rate and to provide for performance increases where appropriate, in accordance with the non-union pay administration program. CARRIED.

ENQUIRIES:

(568) POTHOLES IN THE CITY OF BRANDON

Councillor McCrae referred to the current pothole problem within the City of Brandon and enquired if a report on how the problem was being addressed could be provided.

At the request of His Worship the Mayor, the General Manager of Operational Services advised that crews were working diligently to temporarily repair potholes with a cold mix, however, weather and spring run-off continued to hamper those efforts. He added that, weather permitting, the hot asphalt plant was expected to begin operations in May, whereby crews would begin the permanent filling of potholes at that time. He further added that the number for the Pothole Hotline was 729-2200, noting that same was monitored and crews dispatched throughout the normal hours of operation.

(569) REFUSE COLLECTION SYSTEM - POTENTIAL BY-LAW AND BULKY ITEM PICK-UPS

Councillor Barletta advised that he continued to receive calls from ward residents with complaints regarding refuse bins being left in the backlanes, blocking garage doors and creating traffic flow problems. He enquired as to the possibility for the creation of a by-law to force residents to return the bins to their property after refuse collection.

At the request of His Worship the Mayor, the General Manager of Operational Services responded that enforcement by by-law was not being considered at this time as the education process, inclusive of addressing language barriers, continued. He encouraged residents with concerns to call 729-2285 and advised that complaints were being dealt with on a one-on-one basis between the property owner and sanitation staff. He added that if the problems continued after the education process had been completed, enforcement by by-law would be considered at that time.

Further to the issue of refuse collection, Councillor Barletta noted that large items such as mattresses being left in back lanes continued to be a problem, particularly in rental properties at this time of year when students were moving out. He enquired if an update could be provided on the Bulky Item Pick-up Program.

At the request of His Worship the Mayor, the General Manager of Operational Services advised that information on the program was available by calling the Public Works Department at 729-2285 and tickets were available for purchase at the Treasury Office in City Hall or at the Civic Services Complex. He agreed that the issue of larger items being dumped in back lanes was an ongoing problem and advised that residents who observed same could contact the Sanitation Department and the item(s) would be picked up by staff.

(570) REPLACEMENT OF GENERAL MANAGER OF CORPORATE SERVICES

Councillor Paterson referred to the upcoming retirement of the General Manager of Corporate Services and enquired if an update could be provided on how and when he was expected to be replaced.

At the request of His Worship the Mayor, the City Manager advised that an update would be provided to City Council at a later date.

(571) ABANDONED SHOPPING CARTS IN PARKING LOTS

Councillor Jessiman referred to shopping carts abandoned in parking lots causing damage to vehicles and enquired if any by-law was in place to deal with such issues.

His Worship the Mayor advised that he was not aware of any such by-law but agreed to take this matter under advisement.

(572) SEWER AND FLOOD PROBLEMS - 2ND AND 3RD STREET SOUTH OF RICHMOND AVENUE

Councillor Jessiman advised that he had received a call from a resident who had lived in the area of 2nd Street, south of Richmond Avenue for 35 years problem free until the flood of 2005 and continued to have problems thereafter. He requested any information available on the cause of the problem and possible solutions.

At the request of His Worship the Mayor, the General Manager of Development Services advised that a suggestion by the City for improvements to the drainage system when this land had been annexed from the Rural Municipality of Cornwallis had been voted down by the residents, however, same could be considered again, if current residents were agreeable.

(573) URBAN STANDARDS FOR RESIDENTIAL AREA SOUTH OF RICHMOND AVENUE BETWEEN 1ST AND 10TH STREETS

Councillor Jessiman referred to the residential area south of Richmond Avenue between 1st and 10th Streets and enquired as to why that area appeared to have so many drainage and sewer issues. He requested information on a previous local improvement plan which had been rejected by area residents, and further, the process involved in bringing the issue forward again, inclusive of costs.

At the request of His Worship the Mayor, the General Manager of Development Services advised that a number of years ago a request had been brought forward by former Ward Councillor Wayne Smith for paving of the roadway and the City had countered that request with a local improvement plan including land drainage, curbing, sidewalk and street paving. He noted that the area residents, at that time, had rejected the local improvement plan and chosen to go forward with the street paving only. He advised that a review, inclusive of preliminary costs, could be conducted and if residents chose to proceed with the local improvements, same would be charged to area residents by a local improvement levy.

Further to this issue, His Worship the Mayor advised that many of the problems which were now being encountered in that area stemmed from when the land was annexed from the Rural Municipality of Cornwallis and residents of the day rejecting the City's proposal to upgrade the drainage and sewer systems to the urban standards. He noted that it was unfortunate that current residents were now paying the price for that decision.

(574) PURCHASING SUMMARY REPORT

Councillor Harwood referred to the purchasing summary report recently received by City Council. He noted that parking meter items and a street sweeper purchase were noticeably over budget and enquired as to the reasons for same.

At the request of His Worship the Mayor, the City Manager agreed to review the issue and provide a response to City Council.

(575) REPLACEMENT OF FIRE HYDRANT AT 12TH STREET EAST AND VICTORIA AVENUE EAST

Councillor Black noted that the fire hydrant at the corner of 12th Street East and Victoria Avenue East had been damaged. He enquired when same was expected to be replaced.

At the request of His Worship the Mayor, the General Manager of Operational Services advised that the replacement was to take place in late May or early June, 2009.

(576) PROVINCE WIDE CONTROL ON THE USE OF PLASTIC BAGS

Councillor Black enquired if any discussions had taken place with the Province of Manitoba regarding controlling the use of plastic bags.

At the request of His Worship the Mayor, the City Manager advised that the Municipal Advisory Committee was currently working on the new Extended Producer Responsibility (EPR) Program for packaging and paper, whereby legislation under that program had been passed in late 2008. He noted that the next step under that legislation was for producers, through a stewardship group, to prepare a plan to be presented to the Minister of Conservation for approval, which was expected to happen mid 2009. He added that the plan presented to the Minister had to provide for a 50% reduction in the use of plastic bags over the next 5 years. He further advised that it was anticipated that the program would come into effect in early 2010.

(577) PESTICIDE USAGE IN THE TREATMENT OF LAWNS

Councillor Black noted that the signs posted on lawns which had been treated with pesticides contained minimal information. He enquired if any changes to the Pesticide By-law requiring more detailed information were expected.

At the request of His Worship the Mayor, the City Manager advised that pesticide companies were only required to provide their name and contact information on the signs. He added that no changes to the by-law with respect to the requirement for the listing of the chemicals used were expected at this time.

(578) MANITOBA HOUSING PROJECT ON 15TH STREET NORTH

Councillor Black referred to the proposed Manitoba Housing Project for 15th Street North approved by City Council some time ago. He noted there was little progress with the project thus far and requested an update on same.

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

ANNOUNCEMENTS:

WARD MEETING - APRIL 8, 2009

Councillor Jessiman announced a Public Ward Meeting was to be held Wednesday, April 8, 2009 at 7:00 p.m. at Harrison Middle School. He noted that agenda items to be included were community policing, flooding and other ward issues. He further announced that members of City Administration would be in attendance and all members of City Council had been invited to attend.

ROYAL MANITOBA WINTER FAIR

Councillor Harwood announced that he had been pleased to represent His Worship the Mayor and City Council at the Royal Manitoba Winter Fair on Wednesday, April 1, 2009, and further, that a large crowd had been in attendance that evening.

GENERAL BUSINESS:

(A) ADOPTION OF THE 2009 FINANCIAL PLAN

Considered was a report from the Director of Finance dated March 16, 2009 with respect to the above.

Paterson-Blight

1072 That the 2009 Financial Plan be amended to reflect the final education requests by replacing pages 1, 8 and 9 as contained in the copy of the amended plan attached to the report of the Director of Finance dated March 16, 2009. CARRIED.

Paterson-Blight

1073 That the 2009 Financial Plan of The City of Brandon dated March 2, 2009, as set out in the form approved by the Minister, be adopted as amended, and that the said operating and capital estimates in the plan be incorporated in and form part of the 2009 Tax Levy By-law. CARRIED.

(B) TENDER - AUTOMATED IRRIGATION SYSTEM FOR RECREATION CENTRE

City Council considered a report from the Director of Community Services dated March 25, 2009 with respect to the above.

Paterson-Blight

1074 That the low bid of Ful-Flo Industries Ltd. for irrigation upgrades to all 18 holes at the Recreation Centre Golf Course as per tender and specifications at a cost of \$299,199.25 (including GST) be accepted, and further that the net expenditure in excess of the 2009 Financial Plan of \$60,000 be charged to the Recreation Centre Reserve Fund. CARRIED.

Following the vote on the above motion, Councillor Campbell excused herself from the meeting.(8:28 p.m.)

(C) AMENDMENTS TO BRANDON AND AREA PLANNING DISTRICT DEVELOPMENT PLAN

Submitted for consideration was a report from the General Manager of Development Services dated March 20, 2009 with respect to the above.

1075 Barletta-Rice
That the report of the General Manager of Development Services dated March 20, 2009 suggesting changes to the Brandon and Area Planning District Development Plan be received, and said changes be referred to the District's Board for inclusion in an amendment to the Development Plan. CARRIED.

(D) 2009 PADDLE POOL REPORT

City Council considered a report from the General Manager of Operational Services dated March 16, 2009 with respect to the above.

1076 Jessiman-Fitzpatrick
That the 2009 Paddle Pool report of the General Manager of Operational Services dated March 16, 2009 be received as information. CARRIED.

(E) DISASTER FINANCIAL ASSISTANCE

Considered was a report from the General Manager of Corporate Services dated April 2, 2009 with respect to the above.

1077 Paterson-Blight
WHEREAS overland flooding took place March 22 and 23, 2009 and resulted in many Brandon properties receiving extensive flood damage;

AND WHEREAS spring flood response activities continue;

NOW THEREFORE BE IT RESOLVED that the City of Brandon request that the Manitoba Emergency Measures Organization provide disaster financial assistance. CARRIED.

BY-LAWS:

NO. 6919 - TO AUTHORIZE THE POLICE STATION PROJECT AS A LOCAL IMPROVEMENT AND THE RELATED BORROWING OF \$12,994,000 AMENDMENT AND 3RD READING

It was noted that this by-law had received second reading at the January 19, 2009 meeting of City Council.

1078 Rice-Paterson
That By-law No. 6919 to authorize the expenditure and borrowing of funds for the purpose of retrofitting and equipping the building at 10th Street and Victoria Avenue to create a Police Station as a local improvement be amended by:

1. deleting in the preamble the words: "provide for" and substituting therefor, the word: "authorize";
2. deleting in the sixth "Whereas" clause, the words: "to issue debenture of The City of Brandon for" and substituting therefor, the words: "for The City of Brandon to borrow"; and
3. deleting Section 2 in its entirety and renumbering Sections 3 to 11 inclusive as Sections 2 to 10 respectively. CARRIED.

1079 Rice-Harwood
That the by-law, as amended, 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. 6919 third reading.

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

NO. 6930 - TO AUTHORIZE AS A LOCAL IMPROVEMENT THE CONSTRUCTION OF A COMBINED FIRE STATION/EMERGENCY COMMUNICATIONS CENTRE AMENDMENT AND 3RD READING

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

Paterson-McCrae

1080 That By-law No. 6930 to authorize the expenditure and borrowing of money for the construction of a combined Fire Station/Emergency Communications Centre as a local improvement be amended as follows:

1. by adding in the preamble, after the words: “authorize the”, the words: “expenditure and borrowing money for the” and by deleting after the words: “Communication Centre”, the words: “and to fund this project”;

2. by adding the following as the third “Whereas” clause:

“AND WHEREAS Section 172 of The Municipal Act provides, in part, as follows:

In this Division,

“borrowing” means the borrowing of money, and includes:

- (b) borrowing to pay for a local improvement under Division 4 (Local Improvements and Special Services) of Part 10,
- (e) issuing debentures”;

3. by adding the following as the fourth “Whereas” clause:

“AND WHEREAS subsection 174(1) of The Municipal Act provides as follows:

A municipality may make a borrowing only if

- (a) the borrowing is authorized by by-law; and
- (b) subject to subsection (2), the borrowing is set out as a debt obligation in the operating budget or capital budget or it is made to fund an expenditure authorized under subsection 169(5).”;

4. adding in the sixth “Whereas” clause, after the word: “necessary”, the words: “for the City of Brandon”, and by adding at the end of the clause, the words: “as hereinafter provided, which is the amount of the debt intended to be created by this by-law.”;

5. deleting in the ninth “Whereas” clause the figure: “\$1,280,804,160” and substituting therefor the figure: “\$1,315,268,410”;
6. adding the following as the tenth “Whereas” clause:

“AND WHEREAS the amount of the existing borrowing debt of the City of Brandon is \$9,824,589, of which no portion of the principal or of the interest thereon is in arrears.”;
7. adding in Section 2, after the word: “Project”, the words: “as a local improvement”;
8. deleting Sections 3, 4, 5 and 6 in their entirety and substituting the following therefor:
 - “3. That for the aforesaid project, the City of Brandon may borrow Eleven Million Dollars (\$11,000,000), such borrowing shall be issued by The City of Brandon in the Province of Manitoba, and shall be dated November 1, 2008 (the “said debentures”). The said borrowing is hereby authorized to be issued in the name of CDS & CO. as nominee of The Canadian Depository for Securities Limited {“CDS”) with provision for payment of principal and interest by cheque sent by post to the registered address of the registered holder, or if authorized in writing, by electronic transfer.
 4. The said borrowing shall bear interest at the rate of 5.5% per annum, subject in any event to the authorization of The Municipal Board at the time of sale, and shall mature in accordance with the maturities set out in Schedule “A” hereto on the 1st day of November in each of the years 2009 to 2028, both inclusive.
 5. That the issuance of borrowing shall be signed by the Mayor, or by some other person authorized by by-law to sign same, and by the City Treasurer of The City of Brandon, and there shall be affixed thereto the corporate seal of the said municipality.
 6. That during the currency of the said debentures; namely, in each of the years 2009 to 2028, both inclusive, there shall be raised annually by a special mill rate on all the rateable property, including otherwise exempt property in the City of Brandon, an amount sufficient to provide the principal and interest requirements hereunder.”; and
9. adding the following as Sections 7 and 8:
 - “7. That pursuant to subsection 174(3)(d) of The Municipal Act, pending the issue of the debenture, the Council of The City of Brandon may agree with a bank or person or borrow from the general funds of the municipality for temporary advances from time to time to meet expenditures incurred for the purpose aforesaid, and the total of such advances shall not exceed Eleven Million Dollars (\$11,000,000).
 8. That during the term of the borrowing authorized herein, in any year where the debt remains unissued, the levies may be made as if the borrowing had been issued; and upon completion of the project authorized herein, the levies shall be applied in reduction of temporary financing, and when issued, the amount and term of borrowing shall be reduced accordingly.”
CARRIED.

Paterson-McCrae

In accordance with Section 137 of The Municipal Act, a recorded vote was taken on the motion to give By-law No. 6930 third reading.

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

NO. 6933 - TO REZONE PROPERTY LOCATED AT 2 LAUREL BAY (LOT 1, BLOCK 4, PLAN 42059 BLTO) FROM RMH RESIDENTIAL MOBILE/MODULAR HOME ZONE TO RSF RESIDENTIAL SINGLE FAMILY ZONE (CITY OF BRANDON)
2ND AND 3RD READINGS

It was noted that this by-law had received first reading at the February 2, 2009 meeting of City Council.

1082 McCrae-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 second time. CARRIED.

1083 McCrae-Jessiman
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. 6933 third reading.

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

NO. 6940 - TO OPEN A CORNER CUT-OFF AT 523 - 2ND STREET (PT. LOT 20, BLOCK 80, PLAN 8)
1ST READING

Submitted for consideration was a report from the General Manager of Development Services dated March 16, 2009 with respect to the above.

1084 Rice-Paterson
That By-law No. 6940 to acquire and open as a corner cut-off a portion of 523-2nd Street (Pt. Lot 20, Block 80, Plan 8) for improved cornering in the adjacent north/south lane be read a first time. CARRIED.

NO. 6941 - 2009 TAX LEVY BY-LAW
1ST READING

City Council considered a report from the Director of Finance dated March 16, 2009 with respect to the above.

1085 Harwood-Fitzpatrick
That By-law No. 6941, being the 2009 Tax Levy By-law, be read a first time. CARRIED.

NO. 6942 - TO CLOSE A PORTION OF PARK STREET, SOUTH OF VAN HORNE AVENUE IN
PLAN 9
1ST READING

Considered was a report from the General Manager of Development Services dated March 12, 2009 with respect to the above.

1086 Black-Fitzpatrick
That By-law No. 6942 to close and convey that portion of Park Street, south of Van Horne Avenue in Plan 9 to the City of Brandon be read a first time. CARRIED.

NO. 6943 - TO CLOSE AND CONVEY THE NORTH/SOUTH LANE IN BLOCK 7, PLAN 223
LOCATED BETWEEN PARKER BOULEVARD AND MAPLE AVENUE AND 16TH AND
17TH STREETS
1ST READING

Submitted for consideration was a report from the General Manager of Development Services dated March 16, 2009 with respect to the above.

1087 Paterson-Fitzpatrick
That By-law No. 6943 to close and convey the north/south lane in Block 7, Plan 223 located between Parker Boulevard and Maple Avenue and 16th and 17th Streets to adjacent property owners be read a first time. CARRIED.

GIVING OF NOTICE:

Nil.

ADJOURN:

Blight-Jessiman
That the meeting do now adjourn (9:06 p.m.)

MAYOR

CITY CLERK