

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY, AUGUST 17, 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 J. Harwood, Councillor D. Jessiman, Councillor J. McCrae, Councillor D. Paterson, Councillor G. Rice

ABSENT: Nil

ADOPTION OF AGENDA:

1099 Blight-Fitzpatrick
That the Agenda for the Regular Meeting of City Council to be held on Monday, August 17, 2009 be adopted as presented. CARRIED.

CONFIRMATION OF MINUTES:

1100 Harwood-Rice
That the Minutes of the Regular Meeting of City Council held on Monday, July 20, 2009 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

HEARING OF DELEGATIONS:

(A) FRANK ROBERTS - PESTICIDE BY-LAW NO. 6825

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

Frank Roberts of Eco Green appeared before City Council with respect to City of Brandon Pesticide By-law No. 6825. He provided a powerpoint presentation outlining the research findings on the health risks of pesticide use. Mr. Roberts concluded by requesting that Section 3 of the Pesticide By-law, prohibiting any pesticide application on property containing a school, licensed day care centre, park, playground, licensed senior citizens' nursing homes, university, college or hospital, be removed.

1101 Harwood-Black
That the presentation of Frank Roberts of Eco Green with respect to City of Brandon Pesticide By-law No. 6825 be received. CARRIED.

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

PUBLIC HEARINGS:

Nil

COMMUNICATION & PETITIONS:

(A) BAN OF PESTICIDE USE IN THE CITY OF BRANDON

Councillor Black presented a petition from the Brandon and Area Environment Council containing approximately 205 signatures calling for a total ban on the use of cosmetic pesticides on all private and public property in the City of Brandon to better protect public health.

COMMITTEE REPORTS:

- (A) WESTERN MANITOBA CENTENNIAL AUDITORIUM
VERBAL REPORT AUGUST 17, 2009

Brandon, Manitoba
August 17, 2009

Mayor and Councillors
City of Brandon

Councillor Blight provided a verbal report on the Special Meeting of the Western Manitoba Centennial Auditorium Board held on August 12, 2009 whereby he noted that a new General Manager for the facility had been selected and would be commencing those duties on September 21, 2009 at which time an official announcement would be made.

- (B) KEYSTONE CENTRE
VERBAL REPORT AUGUST 17, 2009

Brandon, Manitoba
August 17, 2009

Mayor and Councillors
City of Brandon

Councillor Fitzpatrick provided a verbal report on the Keystone Centre whereby he noted that the video scoreboard was currently being installed in the arena, and construction on the private suites was proceeding with an expected completion date of September 15, 2009. He further noted that renovations on the Upper Concourse would be starting shortly as well as the redesign and refurbishing of Dressing Rooms 1 and 2 in preparation for the Memorial Cup in 2010.

- (C) BRANDON MUNICIPAL HERITAGE ADVISORY COMMITTEE
VERBAL REPORT AUGUST 17, 2009

Brandon, Manitoba
August 17, 2009

Mayor and Councillors
City of Brandon

Councillor Harwood provided a verbal report with respect to the Heritage Coordinator position left vacant earlier in the year. He noted that the position was being advertised in the local paper and that the Municipal Heritage Advisory Committee hoped to have someone in place by the end of September.

- (D) BRANDON GENERAL MUSEUM AND ARCHIVES BOARD
VERBAL REPORT AUGUST 17, 2009

Brandon, Manitoba
August 17, 2009

Mayor and Councillors
City of Brandon

Councillor Black provided a verbal report on the recent meeting of the Brandon General Museum and Archives Board whereby he noted that a slate of officers had been selected. Councillor Black reported that Bill Maguire would hold the position of Secretary-Treasurer, Barb Andrew would fill the Vice-Chair position, and that he would be the Chair of the Board for the remainder of the year.

Paterson-Fitzpatrick

1102 That the verbal reports by Councillor Blight on the Western Manitoba Centennial Auditorium, Councillor Fitzpatrick on the Keystone Centre, Councillor Harwood on the Brandon Municipal Heritage Advisory Committee, and Councillor Black on the Brandon General Museum and Archives Board be received. CARRIED.

ENQUIRIES:

(650) MANITOBA HOUSING - OVERFILLED REFUSE CONTAINERS

Councillor McCrae referred to a previous enquiry whereby problems with the refuse containers at various Manitoba Housing locations had been raised. He noted that as a result of that enquiry, a meeting between representatives from the City of Brandon and the Manitoba Housing Authority to discuss the issue had been beneficial. He advised that this issue was again becoming a problem and enquired if another meeting could be arranged.

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

(651) PERCENTAGE OF WATER LOSS FROM POINT OF TREATMENT TO TAP

Councillor Rice enquired as to the percentage of water loss from the point of treatment to tap on an annual basis.

At the request of His Worship the Mayor, the Manager of Engineering Services and Water Resources advised that the current percentage of water loss was thirteen percent. He added that the industry norm was ten to fifteen percent, with ten being considered very good and fifteen considered problematic. He advised that water loss audits were to be conducted in the near future in an effort to locate leaks and reduce the percentage of loss to a more acceptable level.

(652) CUSTOMER SERVICE TRAINING FOR RETAIL SALES CLERKS

Councillor Paterson raised a concern with the treatment of customers in retail establishments within the City of Brandon. He enquired if any customer service training was available locally to assist both employers and employees.

His Worship the Mayor advised that such a course was offered by Brandon Tourism at a cost of \$5 per employee. He noted that enrolment in the course was low and encouraged all City of Brandon businesses to take advantage of same for their benefit as well as the benefit of customers.

In conjunction with this issue, the Economic Development Officer provided the following information via email prior to the meeting:

Manitoba Tourism Education Council (MTEC) offers a variety of training programs for staff that serve tourists. Programs range from housekeeping positions, to sales and supervisory / management training. MTEC sessions open to the public have been offered in the past, and private businesses have also made arrangements for MTEC to offer sessions to their staff only. MTEC will bring trainers to Brandon or staff can travel to Winnipeg for training. Additional information is available on the MTEC website at www.mtec.mb.ca/employers.

In addition to the training available through MTEC, Brandon Tourism generally offers a workshop each spring whereby front line staff are invited to take part in a training session that includes both hands on tours and classroom style teaching. The intent is to educate front line staff on Brandon's amenities and the impact that each one of them has on extending a visitor's stay in Brandon. There is a very nominal fee for the Brandon Tourism's session.

(653) MORATORIUM ON COMMERCIAL DEVELOPMENT

Councillor Paterson noted that some cities have imposed a moratorium on commercial development in certain areas of the city. He enquired if a moratorium being imposed on mid to large commercial development in suburban areas of the City of Brandon to encourage such development in the downtown area could be considered.

His Worship the Mayor responded that City Council maintained some control on development as part of the City of Brandon Development Plan. He noted that any further restrictions may discourage developers. He advised that a motion on the moratorium issue could be brought forward by Councillor Paterson, or any member of City Council, for debate at a future meeting if they so desired.

(654) VANDALISM AT NEW SPRAY PARK - 1ST STREET AND ABERDEEN AVENUE

Councillor Jessiman noted that he had received calls from area residents regarding vandalism at the new spray park located at the corner of 1st Street and Aberdeen Avenue. He advised that he had passed the information on to City Administration for its looking into this matter.

(655) CONTROL OF WEEDS ON CITY BOULEVARDS AND SIDEWALKS

Councillor Black noted that weeds on boulevards and sidewalks had become a problem throughout the City and enquired if any solutions were available.

At the request of His Worship the Mayor, the Director of Community Services advised that when weed problems were reported, same were dealt with using weed eaters. He added that a portable steam unit was currently being tested by the Brandon School Division for the eradication of weeds on their properties and, if it was successful, the purchase of a unit for the City would be considered.

(656) FOCUS OF WESTBRAN EMPLOYMENT DEVELOPMENT CENTRE

Councillor Black referred to recent news reports wherein it was noted that a decision had been made to change the focus of the Westbran Employment Development Centre. He stated that the program was funded by the Province of Manitoba and had been in Brandon since the late 1950's. He added that the program provided training opportunities as well as work experience for individuals who were disadvantaged in the labour market. He enquired if an update could be provided on the change in the focus of the Centre.

At the request of His Worship the Mayor, the City Manager advised that he was aware of some of the changes but agreed to further investigate this matter and report back to City Council.

(657) DRAINAGE ISSUES - 500 BLOCK OF FRANKLIN STREET

Councillor Black advised that inadequate drainage in the 500 Block of Franklin Street was causing water to pool along both sides of the street. He enquired if this issue could be investigated and addressed.

His Worship the Mayor suggested that, if residents agreed, the problem may be best addressed by a local improvement and agreed to take the matter under advisement.

(658) PLAN FOR POTENTIAL H1N1 FLU OUTBREAK

Councillor Black enquired if a plan was in place to deal with the potential H1N1 flu outbreak, and further, if that plan included the Brandon School Division and the Brandon Regional Health Authority (BRHA).

His Worship the Mayor responded that the Emergency Coordinator had worked diligently to get a plan in place for the City, however, the plans for the School Division and the BRHA were not as far advanced.

At the request of His Worship the Mayor, the City Manager added that city staff had been provided with information on preventative measures as well as what to do if they had been exposed to or contracted the disease. He further added that an exercise had been conducted which identified key areas of the City which may be most affected by an outbreak as well as how operations in those key areas could be maintained should an outbreak occur. He advised that dialog was ongoing with the Provincial Medical Officer of Health and the Brandon Regional Health Authority on the issue and City procedures were implemented under their direction.

Councillor Black thanked His Worship the Mayor and the City Manager for their updates and enquired if a further update could be provided at the September 8, 2009 City Council meeting.

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

(659) UPDATE ON CRIME PREVENTION COMMITTEE

Councillor Blight referred to correspondence received by His Worship the Mayor and Councillors regarding the Crime Prevention Committee and enquired if an update on same could be provided.

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

(660) OVERGROWN HEDGES - SAFETY CONCERN

Councillor McCrae referred to a recent news report wherein it was noted that overgrown hedges along sidewalks were becoming a safety concern in many areas of the City. He encouraged residents to report same to the By-law Enforcement Office who would ensure the situation was rectified in a timely manner.

His Worship the Mayor advised that he had spoken with the Acting Chief of Police on this concern who advised him that while enforcement of this issue was mostly complaint driven, if officers observed a problem, same was dealt with immediately. He echoed Councillor McCrae's comments and encouraged residents to report any safety concerns.

(661) CONDITION OF WHEAT CITY GOLF COURSE

Councillor Fitzpatrick advised that he had been pleased to hear many positive comments in the community regarding the condition of the Wheat City Golf Course. He noted however, that a rumour existed which indicated that a reduction in staff at the course was expected and requested an update on same.

His Worship the Mayor responded that he had also heard many good things in the community regarding the condition of the golf course this year. He added that the enthusiasm of the golf course staff had played a huge part in the improved conditions and advised that many of the summer students had indicated that they wished to return next year. He noted that many of those students had to leave to return to school, however, they were expected to be replaced and no reduction in staff was planned.

At the request of His Worship the Mayor, the Director of Community Services reiterated His Worship's comments regarding the staff and thanked all employees at the course for a job well done. He added that the Community Services Department had worked closely with the users of the course over the summer to ensure their satisfaction. He further added that the seniors' group had volunteered to undertake maintenance work on the shelter huts around the course.

ANNOUNCEMENTS:

ASSINIBOINE WARD MEETING - SEPTEMBER 9, 2009

Councillor Paterson announced that an Assiniboine Ward Meeting would be held Wednesday, September 9, 2009 at 7:30 p.m. at the Riverbank Discovery Centre. He noted that suggested topics for discussion included activities on 18th Street; streets, roads and infrastructure; the new fire hall; bridges; grass and weeds and any other city or ward issues.

ROSSER AVENUE SIDEWALK COMPLETION

Councillor Blight announced that the installation of the sidewalk on the north side of Rosser Avenue from Imperial Place to Otter Bay had commenced and was expected to be completed by the end of September 2009.

GENERAL BUSINESS:

(A) APPLICATION TO SUBDIVIDE - 831 BRAECREST DRIVE (BRAECREST VILLAGE INC.)

City Council considered a report from the Planning Department dated August 7, 2009 with respect to the above.

Paterson-Jessiman

1103 That the application of Braecrest Village Inc. to subdivide 831 Braecrest Drive (Lot 4, Plan 48825 BLTO) to create eighteen (18) residential condominium lots in the "RMD" Residential Moderate Density Multiple Family Zone be approved subject to:

- 1) confirmation from Manitoba Hydro that arrangements have been made for a joint use easement and plan of easements to the satisfaction of Manitoba Hydro, Centra Gas Manitoba Inc., MTS and Westman Communications Group; and
- 2) the owner paying \$5666.66 in accordance with Sub-section 136(1) of The Planning Act, as a one time contribution in lieu of land dedication for public reserve purposes whereby said contribution shall be made payable to the City of Brandon Planning Department. CARRIED.

(B) RENAISSANCE DISTRICT TAX CREDIT APPLICATION FOR 315 - 10TH STREET (SIMPSON)

Considered was a report from the Economic Development Officer dated August 5, 2009 with respect to the above.

Barletta-Rice

1104 That the application for a Renaissance District Tax Credit for the property at 315-10th Street be approved. CARRIED.

(C) SKATE PLAZA FUNDRAISER 2009

Submitted for consideration was a report from the General Manager of Operational Services dated August 4, 2009 with respect to the above.

Barletta-Rice

1105 That the Skate Plaza Fundraising Committee apply for and receive all applicable permits and authorizations for the Skate Plaza Fundraiser (SPF 2009) event being held September 12 and 13, 2009, whereby in support of this event:

- 1) Rosser Avenue between 9th Street and 10th Street, including the intersection of Rosser Avenue and 10th Street, shall be closed to vehicle traffic from 1:00 p.m. on September 12, 2009 until 3:00 a.m. on September 13, 2009;
- 2) The noise restriction set-out in Nuisance By-law No. 5806 with respect to the sound emanating from any musical instrument or loud speaker be hereby waived during the event; and
- 3) Gift-in-kind contributions in the form of no parking signs, barricades and garbage containers/pickup for the event shall be provided by the City of Brandon Operations Division. CARRIED.

(D) TENDER - SPORTSPLEX BOILER REPLACEMENT

City Council considered a report from the General Manager of Operational Services dated August 5, 2009 with respect to the above.

Paterson-Harwood

1106 That the low bid from Brandon Heating and Plumbing to supply and install a new boiler at the Sportsplex as per tender and specifications at a cost \$161,168.00 be accepted whereby all applicable costs shall be expended from the Sportsplex Maintenance Reserve. CARRIED.

(E) REVIEW OF CITY COUNCIL PROCEDURE BY-LAW

Considered was a report from the City Clerk dated July 21, 2009 with respect to the above.

Burgess-Black

1107 That a by-law be prepared to amend City Council Procedure By-law No. 6634 to provide for a decision of City Council to be reconsidered only once during Council's current term of office. CARRIED AS AMENDED.

AMENDMENT

McCrae-Barletta

1108 That the above motion be amended by adding thereto: "unless the reconsideration has the support of at least a two-thirds majority of City Council." CARRIED.

Black-Rice

1109 That Administration prepare the necessary by-law to amend City Council Procedure By-law No. 6634 to include a provision whereby a motion that a by-law be given no further readings shall be deemed lost unless carried unanimously by those members present at the meeting. LOST.

AMENDMENT

Barletta-Black

1110 That the above motion be amended by deleting the words: "carried unanimously by" and substituting therefor the words: "carried by a two-thirds majority of". LOST.

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

FOR

Councillor Barletta
Councillor Black
Councillor Jessiman
Councillor Rice

AGAINST

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

McCrae-Barletta

1111 That a by-law be prepared to amend City Council Procedure By-law No. 6634 to ensure Sections 163 and 164 of the by-law relating to the reconsideration of a City Council decision are consistent with The Municipal Act. CARRIED.

(F) COMMUNITY EVENT STATUS FOR 2009 X-FEST

Submitted for consideration was a report from Community Services dated July 30, 2009 with respect to the above.

Black-Rice

1112 That the poll vote taken of members of City Council, the results of which deemed the 2009 X-Fest held August 7th and 8th, 2009 at Turtle Crossing, a community event in the City of Brandon be hereby confirmed. CARRIED.

BY-LAWS:

NO. 6947 - TO REZONE PROPERTY LOCATED AT 10 - 15TH STREET NORTH (BLOCK 117, PLAN 397 BLTO EXC PLAN 47746) FROM PR PARKS AND RECREATION TO RMD RESIDENTIAL MODERATE DENSITY MULTIPLE FAMILY ZONE (FRIESEN TOKAR ARCHITECTS AND LANDSCAPE AND INTERIOR DESIGNERS O/B/O THE MANITOBA HOUSING AND RENEWAL CORPORATION)
2ND READING

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

Paterson-Barletta

1113 That By-law No. 6947 to rezone property located at 10 - 15th Street North (Block 117, Plan 397 BLTO Exc. Plan 47746 BLTO) from "PR" Parks and Recreation Zone to "RMD" Residential Moderate Density Multiple Family Zone be read a second time. CARRIED.

Paterson-Barletta

1114 That third reading of the by-law be held in abeyance pending the execution of the development agreement attached to the report of the General Manager of Development Services dated August 5, 2009 between the owner/successor and the City of Brandon pursuant to Section 150 of The Planning Act. CARRIED.

NO. 6949 - TO AMEND BUILDING BY-LAW NO. 6018 - CHARGING OF FEES
1ST READING

City Council considered a report from the General Manager of Development Services dated August 4, 2009 with respect to the above.

Blight-Jessiman

1115 That By-law No. 6949 to amend Building By-law No. 6018 with respect to the charging of fees be read a first time. CARRIED.

NO. 6952 - TO PROVIDE FINANCIAL ASSISTANCE TO THE MANITOBA PERCHERON BELGIAN CLUB IN ORDER TO HOST THE 2012 NORTH AMERICAN BELGIAN CONGRESS
2ND AND 3RD READINGS

It was noted that this by-law received first reading at the July 20, 2009 meeting of City Council.

1116 Rice-Blight
That By-law No. 6952, to provide financial assistance in the form of a loan to the Manitoba Percheron Belgian Club in order to host the 2012 North American Belgian Congress be read a second time. CARRIED.

1117 Rice-Blight
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. 6952 third reading.

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

It was noted that Councillor Paterson was momentarily absent from the Council Chamber for the recorded vote.

NO. 6954 - TO PROVIDE FOR THE MANDATORY MOWING OF GRASS ON BOULEVARDS IN THE CITY OF BRANDON
AMENDMENTS, 2ND AND 3RD READINGS

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

1118 Burgess-Fitzpatrick
That By-law No. 6954 to provide for the regular mowing of grass on boulevards in the City of Brandon be amended by:

- (1) deleting Sections 2 and 3 in their entirety and substituting the following therefor:
 - “2. Every owner shall be responsible for the regular mowing of the boulevard that abuts, flanks, or is at the rear of the land of the owner, whereby the height of the grass shall not exceed a maximum height of 15 centimetres (5.91”).

Exemptions

3. Owners who have a disability, health condition or live on a corner lot may apply to the Director of Community Services to be exempt from the provisions of this by-law by making application for such on the form attached hereto as Schedule “B”. The application must be renewed annually by contacting the Director of Community Services.”;
- (2) adding the attached as Schedule “B” - Application for Exemption. LOST.

At the request of Councillor Rice, a recorded vote was taken on the above motion, as amended.

FOR

Councillor Black
Councillor Blight
Councillor Harwood
Councillor Jessiman
Councillor Paterson

AGAINST

His Worship Mayor Burgess
Councillor Barletta
Councillor Campbell
Councillor Fitzpatrick
Councillor McCrae
Councillor Rice

AMENDMENT

Black-Paterson

1119 That the above motion be amended by deleting the existing Section 3 in its entirety, and substituting the following therefor:

“3. Owners may advise the Director of Community Services to be exempt from the provision of this by-law.”;

and by deleting Clause (2) in its entirety. CARRIED.

McCrae-Harwood

1120 That By-law No. 6954 be given no further readings. CARRIED.

GIVING OF NOTICE:

Nil

ADJOURN:

Jessiman-Barletta

That the meeting do now adjourn (10:06 p.m.). CARRIED.

MAYOR

CITY CLERK