

**MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY,
NOVEMBER 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 K. Fitzpatrick, Councillor J. Harwood, Councillor D. Jessiman, Councillor J. McCrae, Councillor D. Paterson, Councillor G. Rice

ABSENT: Councillor M. Campbell

ADOPTION OF AGENDA:

1172 **Harwood-Blight**
That the Agenda for the Regular Meeting of City Council to be held on Monday, November 2, 2009 be adopted as presented. CARRIED.

PRESENTATIONS AND RECOGNITION OF GUESTS:

(A) **GWEN BEAM AND MARION COOK - NATIONAL RESIDENTIAL GARDEN CONTEST WINNERS**

His Worship Mayor Burgess presented Gwen Beam and Marion Cook with Certificates of Achievement as recognition for winning the National Residential Garden Contest sponsored by Miracle-Gro for Best Container and Best In-ground Garden respectively.

CONFIRMATION OF MINUTES:

1173 **Harwood-Rice**
That the Minutes of the Regular Meeting of City Council held on Monday, October 19, 2009 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

HEARING OF DELEGATIONS:

(A) **K. BRUGGER - MORATORIUM ON COMMERCIAL DEVELOPMENT OUTSIDE OF CORE AREA**

Mr. Kirk Brugger appeared before City Council with respect to a moratorium on commercial development outside of downtown Brandon. He noted that his family-owned business had operated in Brandon for over 30 years and had located to different sites throughout the City, including the downtown core area, to accommodate their changing business needs. Mr. Brugger stated that a moratorium would have a detrimental effect on the City of Brandon and its business community. He concluded by noting that a moratorium would have many far reaching negative implications for the City of Brandon.

1174 **Paterson-Black**
That the presentation by Kirk Brugger with respect to a moratorium on commercial development outside of the core area be received. CARRIED.

PUBLIC HEARINGS:

Nil

COMMUNICATION & PETITIONS:

Nil

COMMITTEE REPORTS:

- (A) WESTERN MANITOBA CENTENNIAL AUDITORIUM
VERBAL REPORT NOVEMBER 2, 2009

November 2, 2009
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Councillor Blight reported on meeting of the Western Manitoba Centennial Auditorium board held October 26, 2009, whereby a presentation was made by the new general manager Mr. Franz Lehrbass on the progress of replacing the front podium to the building.

Councillor Rice further noted that Mr. Lehrbass had come from CBC Toronto, and encouraged everyone to welcome him to the City of Brandon.

- (B) POVERTY COMMITTEE
VERBAL REPORT NOVEMBER 2, 2009

November 2, 2009
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Councillor Rice encouraged any interested members of the public to attend the next Poverty Committee meeting scheduled for November 10, 2009. He noted that John Scott of Child and Family Services would be a special guest at the meeting.

- (C) KEYSTONE CENTRE
VERBAL REPORT NOVEMBER 2, 2009

November 2, 2009
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Councillor Fitzpatrick gave an update on the Keystone Centre. He reported that work on the private suites in the main arena were expected to be completed by the end of December. He noted that the new video scoreboard and audio system had been in use for about one month and had received rave reviews. Councillor Fitzpatrick advised that renovations to the Upper Concourse were expected to be completed in time for the Royal Manitoba Winter Fair in March of 2010 and that work continued on the dressing rooms in preparation for the Memorial Cup in May of 2010.

Paterson-Black

1175 That the verbal reports by Councillor Blight with respect to the Western Manitoba Centennial Auditorium, Councillor Rice regarding the Poverty Committee, and Councillor Fitzpatrick regarding the Keystone Centre be received. CARRIED.

ENQUIRIES:

(701) POLICE SERVICES BUILDING CONTRACT

Councillor Rice referred to recent concerns raised in regards to the architects contracted for the new Police Services Building project and requested an update on same.

At the request of His Worship the Mayor, the City Manager responded that his office continued to work with representatives from Calnitsky and Associates Architects on the building design, costing and tenders for construction. He advised that the 5 bids received at the recent tender opening had been in excess of \$16 million, well over the amount budgeted for the project. He noted that same were being reviewed and a recommendation to City Council was expected at the December 7, 2009 meeting.

(702) INCREASE IN ACCIDENTS AT CROSSWALKS

Councillor Rice referred to a recent increase in accidents at crosswalks throughout the City and requested a report on same.

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

(703) PARTNERSHIP WITH BRANDON SCHOOL DIVISION - RECYCLING OF PLASTIC BAGS

Councillor Blight referred to recent correspondence forwarded to the City regarding a partnership program with the Brandon School Division for the recycling of plastic bags and requested an update on same.

At the request of His Worship the Mayor, the City Manager advised that the information had been received too late for 2009, however, he suggested that this item could be added to the agenda for an upcoming meeting of the City of Brandon/Brandon School Division Joint Task Force for consideration and possible implementation in 2010.

(704) UPDATE ON FLEMING SCHOOL PROPERTY

Councillor Blight requested an update on the Fleming School Property.

At the request of His Worship the Mayor, the City Manager responded that the Brandon School Division continued to work toward the disposal of the property through an outright sale or long term lease, and further, that the City had agreed to defer a decision on its portion of the property until after January 1, 2010.

(705) PRIORITY LIST FOR H1N1 VACCINE - EMERGENCY PERSONNEL

Councillor Blight noted that the personnel of the City of Brandon Police Services were not scheduled to receive the H1N1 Vaccine until November 20, 2009 and enquired where emergency personnel fit on the priority list.

At the request of His Worship the Mayor, the City Manager advised that emergency medical personnel were listed as a priority level one and eligible to receive the vaccine on the first round. He noted however, that police officers were listed as a priority level two and eligible for the second round of vaccinations.

(706) SEWER BACK-UPS - 100 BLOCK OF 13TH STREET EAST AND LAURENCE CRESCENT

Councillor Black referred to recent, recurring incidents of sewer back-ups in the 100 Block of 13th Street East and on Laurence Crescent. He noted that the installation of back flow valves had not alleviated the problem, and further, that due to the recurring incidents, insurance was not available to these homeowners or tenants. He agreed to provide the specific addresses to the General Manager of Development Services and enquired if these specific situations could be investigated and assistance provided to these residents.

At the request of His Worship the Mayor, the General Manager of Development Services, Mr. Ted Snure, advised that he had contacted the Sewer and Water Department and requested that a camera be inserted into the sewer line to establish what the problem was and where it originated from. He added that a City of Brandon plumber would also attend the residence on 13th Street East to ascertain if there was a problem with the installation of the back-flow valve. Mr. Snure concluded by stating that the situation would be thoroughly investigated with the intent to have the situation rectified as soon as possible.

(707) WINTER HOURS OF OPERATION FOR THE EASTVIEW LANDFILL SITE

Councillor Jessiman noted that the Eastview Landfill Site was closed on Sundays during the winter hours of operation effective November 1, 2009, and enquired if a later start date could be considered for future years.

At the request of His Worship the Mayor, the General Manager of Operational Services advised that the landfill was closed on Sundays during the winter hours, and further, that the hours of operation were listed on the City of Brandon website.

(708) BURNED OUT STREET LIGHTS

Councillor McCrae referred to a previous enquiry whereby it had been noted that a severe backlog existed in the replacement of burned out street lights throughout the City. He advised that the two lights he had reported had now been fixed and he thanked Manitoba Hydro for their efforts in completing the replacements in a timely manner.

His Worship the Mayor advised that he had recently received calls regarding this issue and forwarded the locations to Manitoba Hydro for their response. He noted that while problem areas still existed, Manitoba Hydro continued to work as quickly as possible to rectify the situation.

ANNOUNCEMENTS:

SOUTH CENTRE WARD MEETING

Councillor Rice announced that a South Centre Ward Meeting would be held Wednesday, November 4, 2009 at 7:00 p.m. at the Central Community Centre and invited all to attend. He noted that agenda items would include streets, roads and infrastructure; crime prevention; Community Led Emissions Reduction (CLER) Program; and any other city or ward issues.

RIVERHEIGHTS UTILITY UPGRADES

Councillor Blight announced that the recent strike by Manitoba Hydro workers had delayed the utility upgrades in the Riverheights area, however, work was again underway and expected to be completed by Spring 2010.

CANADIAN RADIO-TELEVISION TELECOMMUNICATIONS COMMISSION (CRTC) LETTERS

Councillor Paterson referred to a letter circulated to City Council whereby members were reminded that the deadline for letters of complaint to the Canadian Radio-television Telecommunications Commission (CRTC) regarding local television stations was midnight November 2, 2009. He encouraged everyone to send those letters.

RECENT ANNOUNCEMENT OF \$1,000,000 FOR THE FUNDING OF DAYCARE SPACES IN MANITOBA

Councillor Black announced that he had been pleased to hear the announcement of \$1,000,000 in Provincial funding for additional daycare spaces in Manitoba.

RECENT INDUCTEES TO THE MANITOBA BASEBALL HALL OF FAME

Councillor Black announced that the Brandon Cloverleafs 1966-1971 Teams and the Deloraine Royals 1980-1985 Teams had recently been inducted into the Manitoba Baseball Hall of Fame.

RIVERVIEW WARD MEETING

Councillor Black announced that a Riverview Ward Meeting would be held November 17, 2009 at 7:00 p.m. at the East End Community Centre. He noted that agenda items would include infrastructure; crime prevention; and any other ward and city issues.

GENERAL BUSINESS:

(A) MORATORIUM ON THE ESTABLISHMENT OF COMMERCIAL USES OUTSIDE OF DOWNTOWN BRANDON

Submitted for consideration was a report from Councillor D. Paterson dated October 21, 2009 with respect to the above and in accordance with his notice of motion given at the October 19, 2009 meeting of City Council.

Paterson-Black

1176 That Administration review and provide a report on a three (3) year moratorium being imposed on the establishment of the following commercial uses outside Downtown Brandon, being that area bounded by 1st and 18th Streets and Pacific and Victoria Avenues: arts and cultural centres, bars, commercial establishments, government offices and facilities, hotels, motels, nightclubs, restaurants and taverns. LOST.

(B) USE OF FUNDS FROM PARKS RESERVE FOR TREE PLANTING

City Council considered a report from the General Manager of Development Services dated October 14, 2009 with respect to the above.

Blight-Jessiman

1177 That an additional \$21,000 be transferred from the Parks Reserve to the Engineering Operating Account for the purchase and installation of 102 trees in the Waverly, Brookwood, Island Park and Woodlands Subdivisions. CARRIED.

(C) TENDER - INSTRUMENT LANDNG SYSTEM AND RUNWAY LIGHTING, BRANDON MUNICIPAL AIRPORT

Considered was a report from the General Manager of Operational Services dated October 26, 2009 with respect to the above.

Paterson-Rice

1178 That the proposal from M.R. Martin Construction Inc. for the supply of an Instrument Landing System and Runway Lighting as per proposal and specifications, at a total base price of \$1,618,500.00 excluding taxes be accepted, whereby the net funding for this project shall be provided from the Brandon Municipal Airport Reserve in the 2010 Financial Plan. 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 ZONE 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)

It was noted that this by-law had received second reading at the August 17, 2009 meeting of City Council and that third reading of the by-law had been held in abeyance pending the applicant's signing of a development agreement with the City, which has since taken place.

Paterson-Fitzpatrick

1179 That the amended development agreement attached to the report of the General Manager of Development Services dated October 22, 2009 imposed as a condition of re-zoning 10 - 15th Street North, be approved. CARRIED.

Paterson-Fitzpatrick

1180 That By-law No. 6947 to rezone 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 third and final time. CARRIED.

In accordance with Section 137 of The Municipal Act, a recorded vote was taken on the vote to give By-law No. 6947 third reading.

FOR

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

AGAINST

Nil

NO. 6958 - TO CLOSE AND CONVEY THE WEST HALF OF THE EAST/WEST LANE IN BLOCK 74, PLAN 2 BLTO, LOCATED SOUTH OF PACIFIC AVENUE AND EAST OF 7TH STREET

City Council considered a report from the General Manager of Development Services dated October 19, 2009 with respect to the above.

1181 Barletta-Black
That By-law No. 6958 to close and convey the west half of the east/west lane in Block 74, Plan 2 BLTO, located south of Pacific Avenue and east of 7th Street be read a first time. CARRIED.

NO. 6960 - TO AMEND PESTICIDE BY-LAW NO. 6825 - SIGNAGE REQUIREMENTS

Submitted for consideration was a report from the Director of Community Services dated October 27, 2009 with respect to the above.

1182 Rice-No Secunder
That By-law No. 6960, to amend Pesticide By-law No. 6825 regarding signage requirements, be read a first time. CARRIED.

GIVING OF NOTICE:

(A) FORMAL COMPLAINT TO GOVERNMENT OF CANADA AND THE CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION (CRTC) - RURAL LOCAL TELEVISION STATIONS

In accordance with Rule 60 of Procedure By-law No. 6634, Councillor Paterson gave notice of his intent to introduce at the November 16, 2009 meeting of City Council the following motion:

"That the City of Brandon as a corporation, make a formal complaint to the Government of Canada and the Canadian Radio-television and Telecommunications Commission (CRTC) in the matters of insufficient and improper policies in the handling of Canada's rural local television stations resulting in many now being economically unviable."

ADJOURN:

Black-McCrae
That the meeting do now adjourn (8:55 p.m.). CARRIED.

MAYOR

CITY CLERK