

**MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY,
DECEMBER 21, 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 J. McCrae, Councillor D. Paterson, Councillor G. Rice

ABSENT: Councillor M. Campbell, Councillor D. Jessiman

ADOPTION OF AGENDA:

1229 Harwood-Rice
That the Agenda for the Regular Meeting of City Council to be held on Monday, December 21, 2009 be adopted as presented. CARRIED.

CONFIRMATION OF MINUTES:

1230 Blight-Fitzpatrick
That the Minutes of the Regular Meeting of City Council held on Monday, December 7, 2009 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

1231 Rice-Blight
That the Minutes of the Special Meeting of City Council held on Thursday, December 17, 2009 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

HEARING OF DELEGATIONS:

Nil

PUBLIC HEARINGS:

Nil

COMMUNICATION & PETITIONS:

Nil

COMMITTEE REPORTS:

(A) BOARD OF REVISION DECEMBER 7, 2009

December 7, 2009
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Dear Madam/Sirs:

RE: BOARD OF REVISION ANNUAL REPORT

In accordance with the provisions of The Municipal Assessment Act, I wish to provide the following report on the proceedings of the 2009 sittings of the Board of Revision.

This Board is appointed annually by City Council and sits for the purpose of revising the valuations contained in the City's Real and Personal Property Assessment Roll and the Business Assessment Roll. These documents are prepared each year for the City of Brandon by the Municipal Assessment Branch of Manitoba. The Board of Revision was comprised of myself, Don Cornell as Chairman, and Members Don Partrick, Wes Shewchuk, and Gary Walker.

The hearings to revise the 2010 Real and Personal Property and Business Assessment Rolls were held in October, November and December 2009.

2010 REAL AND PERSONAL PROPERTY ASSESSMENT ROLL

With respect to the 2010 Real and Personal Property Assessment Roll, a total of 35 (35) applications were submitted for revision in accordance with the provisions of The Municipal Assessment Act (compared to 7 in 2008, 10 in 2007, 36 in 2006, and 67 in 2005). Four (4) of these applications were subsequently withdrawn. Changes to the Municipal Assessment Act came into effect January 1, 2009 and provided new authority for Owner-Assessor Agreements, whereby, the property owner or their agent has an opportunity to reach an agreement with the Municipal Assessment Branch prior to the Board Hearing. Should such an agreement be signed prior to the Board Hearing, the application is deemed to have been withdrawn and no hearing on the matter is held. Twenty-two (22) such agreements were signed prior to the scheduled hearings.

Nine (9) applications submitted by property owners or their agents were considered by the Board. All applications considered were for commercial properties.

The total impact of the above decisions was a decrease in the 2010 Real Property Assessment of \$2,980,200.

2009 SUPPLEMENTARY TAX STATEMENTS

The 2009 Supplementary Tax Statements were dealt with in conjunction with the above assessment rolls and one (1) application was submitted for revision (compared to 2 in 2008, 3 in 2007, 5 in 2006, and 8 in 2005). The decision made by the Board of Revision resulted in no change to the assessment.

SUMMARY

The attached Summary of Board of Revision Decisions outlines the individual decisions made by the Board. The effect of the decisions of the Board of Revision on the preliminary assessment roll for the year 2010 and the 2009 supplementary tax statements is as follows:

2010 Real and Personal Property Assessment

Current Taxable Assessment Value (preliminary assessment)	\$3,676,161,100
Decrease by Board of Revision	\$2,980,200
Revised Value (subject to appeal to Municipal Board)	\$3,673,180,900

2009 Supplementary Assessment

Current Taxable Assessment Value	\$73,083,260
Reduction by Board of Revision	\$0
Revised Value	\$73,083,260

APPEALS TO THE MUNICIPAL BOARD

Under the provisions of The Municipal Assessment Act, the decisions made by the Board of Revision on the amount of an assessed value or a classification of property may be appealed to The Municipal Board of Manitoba. Appeals concerning the liability to taxation can be made to the Court of Queen's Bench. This must be done not later than 21 days after the day on which a copy of the Board of Revision's decision was sent to the applicant. To date, no 2010 decisions of the City of Brandon Board of Revision have been appealed to The Municipal Board.

CONCLUSION

In accordance with Section 54(6) of The Municipal Assessment Act, I wish to report that the Real and Personal Property Assessment Roll and the Business Assessment Roll for the year 2010 are now considered final and binding on all parties concerned, with the exception of those appeals filed with the Municipal Board of Manitoba.

Respectfully submitted,

"D. Cornell"
Chairman, Board of Revision

Blight-Barletta

1232 That the report of the Board of Revision dated December 7, 2009 on the proceedings of the assessment appeal hearings by the Board be received. CARRIED.

ENQUIRIES:

(732) PORTER AIRLINES

Councillor Blight advised that he had requested information from the Economic Development Office regarding the potential for Porter Airlines to come to Brandon and an update on same was expected in the New Year.

(733) SEMI TRUCKS - NOT OBEYING TRAFFIC SIGNALS ON 1ST STREET

Councillor Black advised that he had recently received complaints from area residents regarding semi trucks not obeying traffic signals on 1st Street. He noted that the problem appeared to be semis continuing through the intersection after the traffic light had already turned red, and further, same was most common in the section of 1st Street between Victoria Avenue and Pacific Avenue. He enquired if this issue could be investigated by the Brandon Police Service.

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

ANNOUNCEMENTS:

ICE FOR OUTDOOR RINKS AT COMMUNITY CENTRES

Councillor Rice announced that the Brandon Fire Department had agreed to once again provide the ice for the outdoor rinks located at the community centres. He encouraged any interested parties to contact Mr. Terry Parlow at 727-8228.

WATERFALL OF LIGHTS AND HANBURY HILL

Councillor Paterson announced that he had been pleased to see the Waterfall of Lights display up and running for the season and further, Hanbury Hill was also now operational.

KEYSTONE CENTRE BOARD OF DIRECTORS

Councillor McCrae announced that Councillor Fitzpatrick had stepped down as Chair of the Keystone Centre Board of Directors and thanked him for a job well done. He added that Mr. Brent McCannell had replaced Councillor Fitzpatrick as Chair with Mr. John Macialek as Vice-Chair and wished both gentlemen the best as they go forward in their new positions.

GENERAL BUSINESS:

(A) 2010 CITY OF BRANDON BORROWING

City Council considered a report from the City Treasurer dated December 16, 2009 with respect to the above.

Paterson-Fitzpatrick

1233 That pursuant to Section 173(1) of The Municipal Act, the borrowing of funds from the Canadian Imperial Bank of Commerce not exceeding \$8,000,000, which is less than \$61,693,252, being the total taxes and grants in lieu collected in 2009, be authorized, and further that these funds be only used for general operating expenses in the 2010 fiscal year and all sums borrowed pursuant to this resolution be supported by a charge upon the whole of the revenues of the municipality. CARRIED.

(B) 2010 CITY OF BRANDON INTERIM BUDGET

Submitted for consideration was a report from the City Treasurer dated December 16, 2009 with respect to the above.

Blight-McCrae

1234 That pursuant to Section 163 of The Municipal Act, the following interim budget to provide for City of Brandon expenditures, revenues and transfers for the year 2010 be hereby adopted:

General Fund Expenditures	\$65,177,165
General Fund Revenues and Transfers	\$65,177,165
General Fund Reserve Expenditures	\$16,942,515
Utility Fund Expenditures	\$17,562,840
Utility Fund Revenues and Transfers	\$17,562,840
Utility Fund Reserve Expenditures	\$3,530,000
CARRIED.	

(C) 2010 CITY OF BRANDON BUDGET

Considered was a report from the City Treasurer dated December 16, 2009 with respect to the above

Paterson-Black

1235 That the proposed 2010 budget be received and referred to a public consultation session to be held at 7:00 PM on Wednesday, January 13, 2010 in the foyer at City Hall and City Council's budget deliberations on Tuesday, January 26, 2010. CARRIED.

(D) 2010 LIEUTENANT GOVERNOR'S WINTER FESTIVAL - COMMUNITY EVENT

City Council considered a report from the Manager of Community Development dated December 7, 2009 with respect to the above.

McCrae-Barletta

1236 That the Lieutenant Governor's Winter Festival to be held February 4, 5, and 6, 2010 be hereby designated as a Community Event in the City of Brandon whereby said festival shall include the following pavilions at the listed locations:

- Chinese - Town Centre - 800 Rosser Avenue
- Colombia - Wheat City Golf Course - 3500 McDonald Avenue
- El Salvador - Bethel Christian Assembly - 440 Richmond Avenue
- English - ANAF Hall - 31 - 14th Street
- Ethiopian - East End Community Centre - 405 Park St.
- First Nations - 205 College Avenue
- French Canadian - Keystone Centre UCT Pavilion - 1175 - 18th Street
- Irish - Royal Oak Inn - 3130 Victoria Avenue
- Métis - Western Manitoba Centennial Auditorium - 205 - 20th Street
- Mexico - Crystal Hotel - 838 Pacific Avenue (pending)
- Scottish - Victoria Inn Imperial Ball Room - 3550 Victoria Avenue
- Ukrainian - Ukrainian Reading Association Hall - 1005 Assiniboine Avenue. CARRIED.

(E) CENTRAL ASSINIBOINE AND LOWER SOURIS INTEGRATED WATERSHED MANAGEMENT PLAN

Submitted for consideration was a report from the Director of Development Services dated December 7, 2009 with respect to the above.

Barletta-Paterson

1237 That Brandon City Council, as a stakeholder in the Central Assiniboine and Lower Souris River Watershed, endorse the Agreement in Principle between the Province of Manitoba, the Central Assiniboine and Lower Souris River Water Planning Authority and other stakeholders of the watershed as we work together to develop the Central Assiniboine and Lower Souris River Watershed Management Plan. CARRIED.

(F) TENDER - NEW LOW FLOOR DIESEL TRANSIT BUSES

Considered was a report from the Director of Transportation Services dated December 8, 2009 with respect to the above.

Blight-Harwood

1238 That the bid of New Flyer Industries ULC for the supply of eleven (11) new low floor diesel transit buses as per tender and specifications, at a total cost of \$4,495,919.58 excluding GST, be accepted, whereby funds required in this case shall be expended from the Transit Reserve Fund in 2010. CARRIED.

(G) ASSISTANCE FOR RESIDENTS IN PROCESSING CLAIMS AND OBTAINING REDRESS FOR DAMAGES TO THEIR PREMISES

City Council considered a report from Councillor E. Black dated December 9, 2009 with respect to the above and in accordance with his notice of motion given at the December 8, 2009 meeting of City Council.

Black-Rice

That Administration develop procedures for residents/citizens who are caught in anomalous situations that result in damages to their homes through no fault of their own to receive assistance from the City of Brandon in their efforts to get their claims processed and obtain redress due them in a timely and expeditious manner. NOT VOTED ON.

Burgess-Paterson

1239 That Administration's development of procedures for residents/citizens who are caught in anomalous situations that result in damages to their homes through no fault of their own to receive assistance from the City of Brandon in their efforts to get their claims processed and obtain redress due them in a timely and expeditious manner be referred to Administration for study and report to City Council for its meeting to be held January 18, 2010. CARRIED.

BY-LAWS:

NO. 6962 - TO AMEND CITY COUNCIL INDEMNITY BY-LAW NO. 6830 TO PROVIDE FOR PER DIEM AND EXPENSES FOR THE COUNCILLOR ATTENDING THE WESTERN MANITOBA REGIONAL LIBRARY BOARD MEETINGS

Barletta-Fitzpatrick

1240 That By-law No. 6962, to amend City Council Indemnity By-law No. 6830 to provide for per diem and expenses for the Councillor attending Western Manitoba Regional Library meetings, be read a second time. CARRIED.

Barletta-Fitzpatrick

1241 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 vote to give By-law No. 6962 third reading.

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

NO. 6963 - TO AMEND AND CONSOLIDATE BY-LAW NO. 6837 (MATERIALS RECYCLING FACILITY), BY-LAW NO. 6900 (LAGOON EXPANSION PROJECT), AND BY-LAW NO. 6929 (KEYSTONE CENTRE UPGRADES PROJECT)

It was noted that this by-law had received first reading at the December 7, 2009 meeting of City Council and that approval had been granted by The Municipal Board through Board Order No. E-09-199 dated December 18, 2009.

Blight-Paterson

1242 That By-law No. 6963 to amend and consolidate By-law No. 6837 (Materials Recycling Facility), By-law No. 6900 (Lagoon Expansion Project), and By-law No. 6929 (Keystone Centre Upgrades Project) 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. 6963 third reading.

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

NO. 6968 - TO AMEND BY-LAW NO. 6852 TO ADOPT THE ANNUAL SCHEDULE OF FEES FOR SERVICES, ACTIVITIES OR THINGS PROVIDED BY THE CITY OF BRANDON FOR 2010

Submitted for consideration was a report from the City Treasurer dated December 8, 2009 with respect to the above.

1243 Paterson-Fitzpatrick
That By-law No. 6968 to amend By-law No. 6852 to adopt the Annual Schedule of Fees for services, activities or things provided by the City of Brandon for 2010, be read a first time. CARRIED.

GIVING OF NOTICE:

(A) PROPOSALS FOR THE FORMER CONVERGYS BUILDING

In accordance with Rule 60 of City Council Procedure By-law No. 6634, Councillor Fitzpatrick gave notice of his intent to introduce at the January 4, 2010 meeting of City Council, the following motion:

“That proposals be called for the sale or long term lease of the City owned building at 638 Princess Avenue or parts thereof whereby said proposals shall be:

- (a) called by no later than February 5, 2010 and close April 15, 2010; and
- (b) submitted thereafter to City Council for consideration and decision.”

ADJOURN:

Barletta-Blight
That the meeting do now adjourn. (9:03 p.m.) CARRIED.

MAYOR

CITY CLERK