

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY, JUNE 21, 2010 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:

1419 Harwood-Fitzpatrick
That the Agenda for the Regular Meeting of City Council to be held on Monday, June 21, 2010 be adopted as presented. CARRIED.

CONFIRMATION OF MINUTES:

1420 Rice-Blight
That the Minutes of the Regular Meeting of City Council held on Monday, June 7, 2010 be taken as read, all statutory requirements having been fulfilled. CARRIED.

HEARING OF DELEGATIONS:

(A) BRANDON UNIVERSITY STUDENTS' UNION - BOTTLED WATER IN MUNICIPAL BUILDINGS

Stephen Montague and Jade Visser, President of Brandon University (BU) appeared before City Council to provide information on the Brandon University Students' Union (BUSU) ban on the use of bottled water on the BU Campus. Mr. Montague reiterated a previous presentation to City Council, whereby he had requested that the City of Brandon initiate a ban on the use of bottled water in all municipal buildings. He referred to a report to be presented at this meeting from the City of Brandon Environmental Committee and requested that City Council reject the recommendation of this report and support BUSU in their efforts for the ban of bottled water in municipal buildings.

1421 Barletta-Paterson
That the presentation of Stephen Montague and Jade Visser, President of the Brandon University Students' Union with respect to the elimination of the use of bottled water in municipal buildings be received. CARRIED.

(B) HEATHER WILLIAMS - AMBULANCE COSTS

Heather Williams appeared before City Council to present information regarding an ambulance bill that she had received from the City of Brandon. She submitted information from research she had conducted whereby she noted that the cost of ambulance services in the City of Brandon was among the highest in Canada. She advised that she had been unaware that she would be charged for supplies used by the emergency services personnel at the scene and in the ambulance. In conclusion, Ms. Williams encouraged the City of Brandon Emergency Services Department to post all costs on the website, and further, to offer patients who are not in a life threatening situations the choice to enter into a contract to pay for the cost of all supplies.

1422 Paterson-Black
That the presentation by Heather Williams with respect to ambulance costs within the City of Brandon be received. CARRIED.

PUBLIC HEARINGS:

(A) CONDITIONAL USE - 1605 VICTORIA AVENUE (LOT 1/2, BLOCK 16, PLAN 2 BLTO)
(BRYAN GUSDAL O/B/O IVAN & PAULETTE SOLOWAY)

Mr. Bryan Gusdal appeared before City Council to provide City Council with an update on the plans for the Westwind Eating Disorder Recovery Centre at 1605 Victoria Avenue. Mr. Gusdal advised that the application had been approved by the City of Brandon Planning Commission; however, same had been subsequently appealed to City Council. He advised that he had since had a chance to discuss those concerns with the objectors and to the best of his knowledge, those issues had been resolved.

Mr. Garry Miller appeared in opposition to this application. He stated that, he would like City Council to add a condition that the garage be converted back to the state it was in today as a garage.

Paulette Shewfelt appeared in opposition to this conditional use. Ms. Shewfelt provided pictures of vehicles parked on the property and questioned the amount of available parking spots. She noted that, as per those pictures, it was clear, in her mind, that the property contained, at most, 5 parking spaces, not the 6 as indicated in the conditions.

Barletta-Paterson

1423 That the Public Hearing of the on the above noted application be concluded. CARRIED.

Barletta-Harwood

1424 That the conditional use application of Bryan Gusdal on behalf of Ivan & Paulette Soloway to allow for special needs housing for eight (8) people for the Westwind Eating Disorder Recovery Centre at 1605 Victoria Avenue (Lots 1/2, Block 16, Plan 2 BLTO) be approved, whereby such approval is hereby granted in accordance with the intent of the application dated March 25, 2010, the attached letter of intent March 24, 2010, the attached drawing and subject to:

- a) the owner/successor executing an encroachment agreement with the City of Brandon in regards to a decorative fence located on the east side of the property on the City of Brandon right-of-way;
- b) the owner/successor obtaining all necessary permits for the establishment of the Westwind Eating Disorder Recovery Centre;
- c) the owner/successor providing written confirmation from the Brandon Municipal Heritage Advisory Committee that plans have been submitted and approved for any alterations to the garage exterior; and
- d) the owner/successor entering into the development agreement attached to the report of the General Manager of Development Services dated June 15, 2010, with such development agreement including the following clause: "The owner shall salvage and store the existing four garage doors; and at such time as the current use of the Westwind Eating Disorder Recovery Centre is no longer in use, the garage doors be re-installed and the garage itself be restored to its use as a four car garage."

Barletta-Rice

1425 That the conditional use application of Bryan Gusdal on behalf of Ivan and Paulette Soloway to allow for special needs housing for eight (8) people for the Westwind Eating Disorder Recovery Centre at 1605 Victoria Avenue (Lots 1/2, Block 16, Plan 2 BLTO) be referred to Administration to meet with the applicant and the persons appealing the approval of this application to determine an appropriate wording to impose as a condition of approval, the restoration of the garage at the property for report to City Council at a meeting to be held no later than July 19, 2010. CARRIED.

COMMUNICATION & PETITIONS:

Nil

COMMITTEE REPORTS:

(A) PERSONNEL COMMITTEE REPORT

JUNE 15, 2010

June 15, 2010
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Your PERSONNEL COMMITTEE, at its meeting held this 15th day of June, 2010, begs leave to report as follows and submits recommendations where deemed necessary and expedient:

Present:

Committee Members: Mayor Dave Burgess, Chairman; Coun. D. Jessiman; Coun. J. McCrae; Coun. D. Paterson

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

Non-Union Pay Administration

The purpose of the meeting was to discuss the non-union pay administration program and salary adjustments for 2010.

Councillor McCrae

That the Committee resolve into closed session.

Carried unanimously.

Mrs. Fifi presented information regarding the non-union pay administration program as well as what was being requested for 2010 salary adjustments. Committee members requested clarity on certain matters.

Councillor McCrae

That the following be recommended to City Council: "That an across-the-board salary increase for the non-union staff of 3% be authorized, retroactive to January 1, 2010." Carried Unanimously.

Councillor McCrae

That the Committee resolve into open session.

Carried unanimously.

Councillor Paterson

That the meeting now adjourn.

Carried.

Respectfully submitted,

"Dave Burgess"

CHAIRMAN

1426 McCrae-Jessiman
That the report of the Personnel Committee of its meeting held June 15, 2010 be received. CARRIED.

1427 McCrae-Paterson
That an across-the-board salary increase for the non-union staff of 3% be authorized, retroactive to January 1, 2010. CARRIED.

(B) POVERTY COMMITTEE SUPPORT FOR BILL C-304 THE SECURE, ADEQUATE,
ACCESSIBLE AND AFFORDABLE HOUSING ACT

Considered was a report from the City Manager dated June 18, 2010 with respect to the above.

1428 Campbell-Black
That the Council of the City of Brandon hereby endorses the resolution of its Poverty Committee to support Bill C-304 -The Secure, Adequate, Accessible and Affordable Housing Act. CARRIED.

(C) WESTERN MANITOBA REGIONAL LIBRARY BOARD
VERBAL REPORT JUNE 21, 2010

June 21, 2010
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Councillor Jessiman provided a verbal report from the June 16, 2010 monthly meeting of the Western Manitoba Regional Library Board. He advised that, at that meeting, the annual report of the Board had been discussed and a copy of same would be provided to the City Clerk for City Council's perusal. Other items discussed included the development of a program to address the issue of harassment in the workplace and the hiring of (8) eight summer students, (4) four for the rural areas and (4) four for the City of Brandon Branch. In conclusion he thanked city staff for their having fixed the odour of sewer gas problem at the Western Manitoba Regional Library.

D. Jessiman
Councillor
Western Manitoba Regional Library Board

(D) BRANDON MUNICIPAL HERITAGE ADVISORY COMMITTEE
VERBAL REPORT JUNE 21, 2010

June 21, 2010
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Councillor Harwood provided a verbal report on the Brandon Municipal Heritage Advisory Committee (MHAC) meeting held June 16, 2010. He reported that a potential location for the monument honouring veterans had been found at the corner of 1st Street and Veterans' Way and that the monument subcommittee would be working with the Development Services Division over the summer months to secure the property which was currently owned by Manitoba Infrastructure and Transportation and Manitoba Hydro. Further to this issue he advised that more details, inclusive of fundraising alternatives, were expected to be made available in the fall 2010. He further reported that the annual Doors Open Brandon Event was to be held July 24 and 25, 2010 and encouraged everyone to attend.

In conclusion, he advised that MHAC was in the process of developing a Heritage Brandon website and same was expected to be launched in the near future.

J. Harwood

Councillor

Brandon Municipal Heritage Advisory Board

Black-Paterson

1429 That the report of the Western Manitoba Regional Library Board and the Brandon Municipal Heritage Advisory Committee be received. CARRIED.

ENQUIRIES:

(853) MOSQUITO ABATEMENT

Councillor McCrae referred to the recent infestation of mosquitoes in the City of Brandon and enquired as to how this issue could be addressed.

His Worship the Mayor agreed with Councillor McCrae and noted all members of City Council had received calls regarding this issue. At the request of His Worship the Mayor, the General Manager of Operational Services advised that the City of Brandon typically did not fog for adult mosquitoes, but rather targeted the larvicide in the standing water throughout the community. He noted that, however, the wet weather was hampering larviciding efforts. He also advised that, as fogging destroyed not only mosquitoes but many other insects as well, same was only conducted under an order from Manitoba Health with the results expected to last a maximum of two weeks.

(854) GOPHER ABATEMENT

Councillor Blight noted that an infestation of gophers had become a problem in the City of Brandon and enquired as to efforts to control same.

At the request of His Worship the Mayor, the General Manager of Operational Services responded that an exterminator had been contracted to provide gopher control at various parks and athletic facilities throughout the City of Brandon and same was expected to be ongoing throughout the summer.

Further to this issue, His Worship the Mayor enquired if suggestions for private residents to deal with this issue could be provided.

The General Manager of Operational Services advised that problem areas could be reported to the Community Services Department and same would be addressed as soon as possible. He concluded by stating that the extermination of rodents on public property may also assist in alleviating the problem on private property and in residential areas.

Councillor Blight advised that he had been in contact with the By-law Enforcement Officer who had assured him that the Animal Control Officers were also available to assist residents with gophers.

(855) TREES - WEST SIDE OF 34TH STREET

Councillor Blight noted that many of the trees on the west side of 34th Street between Park Avenue and the railroad tracks were aging and unhealthy and enquired if the removal of same was planned.

At the request of His Worship the Mayor, the City Manager advised that the problem trees had been identified and were scheduled for removal in the near future.

(856) PEDESTRIAN CROSSWALK AT VICTORIA AVENUE AND MCDIARMID DRIVE

Councillor Harwood noted that the lines on the pedestrian crosswalk at the intersection of Victoria Avenue and McDiarmid Drive were in need of painting and enquired if arrangements for the re-painting of same could be made as soon as possible. He also enquired as to the possibility of having the crosswalk sign at that location painted with reflective paint to highlight the location to motorists.

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

(857) REPLACEMENT OF CKX TELEVISION

Councillor Paterson requested an update on the progress of efforts to attain a replacement for CKX Television in the City of Brandon.

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

(858) EFFORTS TO ALLEVIATE DRAINAGE PROBLEMS - SOUTH END

Councillor Paterson noted that many improvements had been made recently to the infrastructure in the south end of the City of Brandon in an attempt to alleviate the drainage problems which had occurred in the past. He requested a detailed update on what improvements had been made.

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

(859) MANITOBA HYDRO REPLACEMENT OF STREET LIGHTS

Councillor Black requested an update on the progress of the replacement of street lights by Manitoba Hydro, inclusive of the complaint rate and whether or not the new reporting system was working.

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

(860) NUMBER OF CLAIMS AGAINST THE CITY BRANDON

Councillor Black requested a report on the number of claims filed against the City of Brandon by residents over the past 10 years, inclusive of the nature of the claim. He added that he would like the report to include the number of claims accepted and settled by the City as well as those claims that were decided in court and the results of same.

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

(861) 1ST STREET AND VETERANS' WAY - DEVELOPMENT ALTERNATIVES

Councillor Black referred to an open house that had been held in December 2009 whereby development alternatives for the land south of Veterans' Way and east of 1st Street had been discussed. He noted that another open house was to be scheduled following the further development of the plan and requested an update on same.

At the request of His Worship the Mayor, the City Manager responded that the draft plan had been circulated to Planning Department staff for their feedback and was expected to be presented at an open house in the near future, following which a final draft would be put forward for approval by City Council.

(862) BAN ON THE USE OF HANDHELD ELECTRONIC DEVICES

Councillor Blight noted that enforcement of the law banning the use of handheld electronic devices while driving was to begin July 15, 2010. He enquired as to the steps being taken by the Brandon Police Service to remind motorists of the law prior to the enforcement of same.

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

(863) INFORMATION TECHNOLOGY AWARD

Councillor Paterson referred to a previous City Council update whereby members had been informed that the City's Information Technology Department had received an award for its advanced use of Geographic Information Systems (GIS) Technology. He requested further information on the award; inclusive of whether same was a Provincial or a National award.

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

ANNOUNCEMENTS:

COMMUNITY MEETING - FLEMING SCHOOL PROPERTY

Councillor Harwood announced that a community meeting would be held June 28, 2010 at 7:00 p.m. in the Council Chamber of the Civic Administration Building where residents would be updated on the proposed plans for the former Fleming School property. He invited everyone to attend.

ASSOCIATION OF MANITOBA MUNICIPALITIES (AMM) JUNE DISTRICT MEETING

Councillor Black announced that he, Councillor Jessiman and the City Manager had recently attended the AMM June District Meeting in Kenton where Councillor Jessiman was presented with his 15 Year service pin. He noted that agenda items included discussions on the AMM Annual Convention being moved to Winnipeg on a permanent basis and that he would update other members on those discussions at a later date. He also noted that a resolution had passed regarding the election of boards for Regional Health Authorities and that more information on this issue would also be provided at a later date.

ELKS AND ROYAL PURPLE ANNUAL CONFERENCE

Councillor Jessiman announced that he had been pleased to represent His Worship the Mayor and City Council at the Elks and Royal Purple Annual Conference held recently at the North End Community Centre with over 100 attendees.

CITIZENS ON PATROL ANNUAL MEETING

Councillor Blight announced that he had been pleased to represent His Worship the Mayor and City Council at the Citizens on Patrol Annual Meeting held June 16, 2010 where he had stepped down as Past President and Sharon Cooper had been elected as President.

CANADA DAY CELEBRATIONS AND BRANDON RIVERBANK INC. DUCK RACE

Councillor Blight reminded everyone of the upcoming Canada Day Celebrations at the Riverbank Discovery Centre and encouraged everyone to buy a ticket on the Brandon Riverbank Inc. Duck Race in support of upcoming riverbank projects.

ELECTION INFORMATION SESSION - JUNE 24, 2010

His Worship the Mayor announced that an information session for those interested in running for City Council or the Brandon School Division Board of Trustees would be held June 24, 2010 commencing at 7:00 p.m. in the Main Foyer of City Hall and invited everyone to attend.

GENERAL BUSINESS:

(A) SALE OF BOTTLED WATER AT CITY FACILITIES

Considered was a report from Tom Keep, Environmental Initiatives Manager, dated May 14, 2010, with respect to the above.

Barletta-No Seconder

1430 That the sale of bottled water not be banned at City facilities and further, that an awareness and education campaign be launched to encourage residents to drink more municipal water and reduce the consumption of bottled water, including recycling efforts for bottled water containers. NOT VOTED ON.

Barletta-Rice

1431 That the sale or distribution of bottled water at Brandon City Hall not be permitted except under special circumstances as determined by the City Manager, and further, that an awareness and education campaign be launched to encourage residents to drink more municipal water and reduce the consumption of bottled water including recycling efforts for bottled water containers. CARRIED.

Councillor Paterson requested a recorded vote be taken on the above motion.

FOR

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

AGAINST

Councillor Jessiman
Councillor Paterson

(B) APPLICATION TO SUBDIVIDE - 808 ABERDEEN AVENUE (CAROL & ROBERT RAGUSH)

Considered was a report from the General Manager of Development Services dated June 15, 2010 with respect to the above.

Jessiman-Paterson

1432 That the application of Carol and Robert Ragush to subdivide 808 Aberdeen Avenue (Wly 76' of Ely 136' of Nly 120' of Lot 1, Block 1, Plan 977 BLTO) be approved subject to:

- 1) the driveway along the west side of the house on the subject property being removed and restored with sod and/or landscaping;
- 2) the owner or successor entering into the development agreement attached to the report of the General Manager of Development Services dated June 15, 2010 whereby the requirement to hardsurface the driveways at 808 and 814 Aberdeen Avenue within one (1) year of the construction of an attached garage at 814 Aberdeen Avenue shall be included in said agreement;

- 3) the shed at 808 Aberdeen Avenue being relocated to comply with all applicable minimum setbacks as required in the City of Brandon Zoning By-law 6642, as amended; and
- 4) written confirmation that arrangements have been made for Easements and Plan of Easements to the satisfaction of Manitoba Hydro. CARRIED.

(C) TENDER - CONTRACT B UNDERGROUND WORKS

Councillor Rice declared a conflict of interest in this matter due to his employment in this industry and retired from the Council Chamber without further discussion.

City Council considered a report from the General Manager of Development Services dated June 11, 2010 with respect to the above.

Harwood-Black

1433 That the low bid from C & C Construction Co. Ltd. to carry out Contract B Underground Works as per tender and specifications at a cost of \$764,628.38 (including GST) be accepted. CARRIED.

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

(D) APPLICATION TO SUBDIVIDE - 24 VILLAGE DRIVE (PAUL JOHNSTONE O/B/O BRAECREST VILLAGE INC.)

Considered was a report from the General Manager of Development Services dated June 16, 2010 with respect to the above.

Paterson-Rice

1434 That the application of Paul Johnstone, on behalf of the owner, Braecrest Village Inc., to subdivide 24 Village Drive (Lot 3, Plan 48825 BLTO) into twenty (20) bareland condominium lots with a private road be approved subject to:

- 1) written confirmation from the Brandon School Division that it has received \$1,134.00 as cash-in-lieu of land dedication for school purposes; and
- 2) written confirmation that arrangements have been made for a Joint Use Easement and Plan of Easements to the satisfaction of Manitoba Hydro, MTS Allstream Inc. and Westman Communications Group. CARRIED.

(E) PROPOSALS - INDUSTRIAL WASTEWATER TREATMENT FACILITY STAFFING BUILDING

Considered was a report from the General Manager of Development Services dated June 16, 2010 with respect to the above.

Blight-McCrae

1435 That the proposal of Crane Steel Structures Ltd for the design-build of the Industrial Wastewater Treatment Facility Staffing Building as per proposal and specifications at a cost of \$839,522.95, taxes included, be accepted. CARRIED.

BY-LAWS:

NO. 6978 - TO REZONE 903 STICKNEY AVENUE FROM RLD RESIDENTIAL LOW DENSITY MULTIPLE FAMILY ZONE TO RMD RESIDENTIAL MODERATE DENSITY MULTIPLE FAMILY ZONE

It was noted that this by-law had received first reading at the April 12, 2010 meeting of City Council.

1436 Paterson-Barletta
That By-law No. 6978 to rezone 903 Stickney Avenue (Lots 1/4, Block 108, Plan 2 BLTO) from RLD Residential Low Density Multiple Family to RMD Residential Moderate Density Multiple Family be read a second time. CARRIED.

1437 Paterson-Barletta
That third reading of the by-law be held in abeyance pending the objectors to the by-law being given notice pursuant to Section 76(3)(a) of The Planning Act of their right to file a further objection and pending the owner entering into the development agreement attached to the report of the General Manager of Development Services dated June 9, 2010 pursuant to Section 150 of said Act. CARRIED.

GIVING OF NOTICE:

(A) VEHICLE INSPECTIONS IN THE CITY OF BRANDON

In accordance with Rule 60 of City Council Procedure By-law No. 6634, Councillor Jessiman gave notice of his intent to introduce at the July 19, 2010 meeting of City Council the following motion:

“That the Province of Manitoba be requested to establish and maintain a permanent inspection station in the City of Brandon for Class 1, 2 & 3 vehicles.”

ADJOURN:

McCrae-Blight
That the meeting do now adjourn (10:18 p.m.) CARRIED.

MAYOR

CITY CLERK