

**MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY,  
AUGUST 16, 2010 AT 7:30 P.M. IN THE COUNCIL CHAMBER, CIVIC ADMINISTRATION  
BUILDING, BRANDON, MANITOBA**

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**PRESENT:** Mayor D. Burgess in the Chair, 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:** Councillor V. Barletta

**ADOPTION OF AGENDA:**

1458 Rice-Harwood  
That the Agenda for the Regular Meeting of City Council to be held on Monday, August 16, 2010 be adopted as presented. CARRIED.

**CONFIRMATION OF MINUTES:**

1459 Blight-Jessiman  
That the Minutes of the Regular Meeting of City Council held on Monday, July 19, 2010 be taken as read, all statutory requirements having been fulfilled. CARRIED.

**HEARING OF DELEGATIONS:**

(A) RICK BAILEY - UPDATE ON THE CITY OF BRANDON RECREATION FACILITIES  
MASTER PLAN

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Mr. Rick Bailey, City of Brandon Director of Community Services appeared before City Council to provide an update on the City of Brandon Recreation Facilities Master Plan. Mr. Bailey provided an informative verbal and power point presentation with respect to the Plan, highlights of which included updates and improvements to the Recreation Centre Golf Course; expansion of the walking trails throughout the City of Brandon; new play structures throughout the city; and 7 new community gardens currently being utilized by approximately 280 families. In conclusion Mr. Bailey advised that the City of Brandon Community Services Department continued to work with local community groups to provide affordable recreation facilities for families in the City of Brandon and the surrounding area.

1460 Harwood-Fitzpatrick  
That the presentation by Rick Bailey with respect to an update on the City of Brandon Recreation Facilities Master Plan be received. CARRIED.

(B) COLIN CORNEAU - BRANDON FOLK, MUSIC AND ART SOCIETY INC.

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Due to unforeseen circumstances Mr. Corneau was not able to attend this evening's meeting.

(C) ROCK THE BLOCK STREET PARTY - COMMUNITY EVENT STATUS

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Stacy Senkbeil and Shannon Skidmore of the Brandon University Students' Union (BUSU) appeared before City Council to outline details of the upcoming "Rock the Block" street party to be held September 15, 2010 on Rosser Avenue and request that this event be designated a Community Event in the City of Brandon.

1461 Blight-McCrae  
That the presentation by Stacy Senkbeil and Shannon Skidmore of the Brandon University Students' Union with respect to the designation of the "Rock the Block" street party as a Community Event in the City of Brandon be received. CARRIED.

1462 Blight-Paterson  
That the annual "Rock the Block" street party to be held September 15, 2010 be designated as a Community Event in the City of Brandon. CARRIED.

1463 Blight-Paterson  
That the request by the Brandon University Students' Union for a gift-in-kind contribution from the City of Brandon in the form of police service for this event be declined. CARRIED.

(D) TERRY PARLOW, CHAIR OF THE BRANDON YMCA BOARD OF DIRECTORS -YMCA AND CITY OF BRANDON JOINT RECREATION FACILITY

Mr. Terry Parlow, Chair of the Brandon YMCA Board of Directors, appeared before City Council and provided a power point presentation including architectural sketches of the new YMCA and City of Brandon Joint Recreation Facility. He provided an update on the new aquatic centre and advised that the YMCA Board of Directors had unanimously approved the Memorandum of Understanding between the YMCA and the City of Brandon which was being presented for City Council's consideration this evening and encouraged City Council to approve same to allow this project to go forward.

1464 Paterson-Harwood  
That the presentation by Terry Parlow, Chair of the Brandon YMCA Board of Directors, with respect to the YMCA and City of Brandon Joint Recreation Facility be received. CARRIED.

PUBLIC HEARINGS:

Nil

COMMUNICATION & PETITIONS:

Nil

COMMITTEE REPORTS:

(A) AUDIT AND FINANCE COMMITTEE REPORT JULY 28, 2010

July 28, 2010  
Brandon, Manitoba

Mayor and Councillors  
City of Brandon

Your AUDIT and FINANCE COMMITTEE at its meeting held this 28<sup>th</sup> day of July, 2010, begs leave to report as follows and submits recommendations where deemed necessary and expedient:

Present:  
Councillor K. Fitzpatrick, Chairman  
Councillor D. Paterson  
Councillor M. Blight

Regrets:

Mayor Dave Burgess

Resource Personnel:

Mrs. D. Hitchins, City Treasurer

Mr. B. MacRae, City Manager

Guests:

Mr. Dennis Ellement, Actuary

Mr. Don Thomson, Pension Committee

Ms. Vicki Fifi, Pension Committee

CHAIRMAN: Councillor Ken Fitzpatrick brought the meeting to order at 2:10 pm.

Actuarial Valuation Presentation - Civic Pension Plan

Mr. Ellement presented the three year ending Dec. 31, 2009 actuarial valuation on the Civic Pension Plan. This plan was grandfathered in 1971 and there are no active plan members. However, there are 56 retirees remaining in the plan. The average age of plan recipients is 82 with an average monthly payment of \$355. Economically speaking, this plan has fared well despite the economic downturn in 2008. The years 2007 and 2008 showed an investment loss in the plan while 2009 showed an investment gain. Eighty-five percent of the plan is invested in Fixed Income products. The Going Concern Valuation shows the plan to have a marginal surplus. The plan has a current Solvency Ratio of 98.7%.

Since the 2006 actuarial report, the City has contributed approximately \$190,000 to the plan to avoid plan funding deficiencies. The current 2009 report finds that the 2010 through 2012 period will only require an additional \$12,693 as a result of favourable experience.

Mr. Ellement briefly touched on changes to The Pension Benefits Act regarding the Solvency Exemption for Public Section Pension Plans Regulation.

Councillor Blight moved to accept the Actuarial Valuation with modifications to the expense reserve as well as updating member status of the plan. Carried.

Councillor Paterson moved to continue with the existing restrictions related to the solvency funding requirements for the civic pension plans and delay decision on application for the exemption until the next actuarial evaluation in 2012. Carried.

2009 Financial Statement

The Financial Statement was stricken from the agenda until a later meeting.

Six Month Budget Review

Ms. Hitchins presented the following information:

OPERATING:

The General Fund is expected to have a surplus of \$177,998 and this surplus is likely to improve over the summer months once seasonal work is completed. The Fall Supplemental taxes have not been included in this report. The Utility Fund is also expected to have a surplus of \$111,961 mainly due to favourable chemical pricing and lower chemical consumption. \$100,000 from each fund will be applied toward the purchase of the new Enterprise Resource Planning (ERP) system.

CAPITAL:

Capital projects are well underway or tendered. The majority of projects yet to be tendered are vehicle related, but are expected to be completed by year end.

Councillor Blight moved to accept the 2010 Budget Review. Carried.

Councillor Blight moved to adjourn the meeting at 3:50 pm. Carried.

Respectfully submitted,

*“K. Fitzpatrick”*

Councillor Ken Fitzpatrick  
CHAIRPERSON

1464 Blight-McCrae  
That the report of the Audit and Finance Committee of its meeting held July 28, 2010 be received.  
CARRIED.

1465 Blight-McCrae  
That June 2010 Budget Review outlined in the report of the City Treasurer dated July 23, 2010 be accepted. CARRIED.

1466 Blight-McCrae  
That the City of Brandon continue with the existing restrictions related to the solvency funding requirements for the civic pension plans and delay a decision on making application for exemption until the next actuarial evaluation in 2012. CARRIED.

ENQUIRIES:

(876) ASSESSMENT OF CONDOMINIUM COMPLEXES

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Councillor Campbell advised that she had received complaints from residents of a condominium complex regarding the assessment of the land. She noted that land which was owned within the complex was assessed at a much higher value than land which was being leased within the same complex. She enquired if the Provincial Assessment Office could be requested to supply a written explanation for the discrepancies.

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

(877) SAFETY AUDIT STATUS

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Councillor Paterson requested an update on the status of the City of Brandon Safety Audit.

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

(878) CONDITION OF THE 1<sup>ST</sup> AND 8<sup>TH</sup> STREET BRIDGES

Councillor Black advised that he had received complaints recently regarding the condition of the 1<sup>st</sup> and 8<sup>th</sup> Street bridges. He advised that callers had cited the fact that there are spots where rebar was exposed, pieces of concrete had broken away, and there appeared to be cracks in the deck. He enquired if an update on the state of the bridges, inclusive of plans for replacement of the 8<sup>th</sup> Street bridge and the Province of Manitoba's plans regarding upgrades to the 1<sup>st</sup> Street bridge, could be provided.

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

(879) INTERSECTION OF 1ST STREET AND VICTORIA AVENUE EAST - PEDESTRIAN CROSSWALKS

Councillor Black advised that semi trucks using 1<sup>st</sup> Street and Victoria Avenue East continued to pose a problem for pedestrians, particularly seniors, utilizing the pedestrian crosswalks at this intersection. He enquired if an update could be requested from the Province of Manitoba regarding efforts to encourage truck drivers to use the Eastern Access Route once completed.

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

(880) SPEED OF TRAFFIC ON VICTORIA AVENUE EAST

Councillor Black noted that vehicles on Victoria Avenue East were travelling at an increased rate of speed and enquired if same could be monitored by the Brandon Police Service with a report back to City Council on this issue.

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

(881) GRAND OPENING OF THE NEW FIRE HALL

Councillor Black enquired as to the date for the grand opening of the new Fire Hall and whether or not the event was open to the general public.

His Worship the Mayor responded that the grand opening was scheduled for September 8, 2010 with tours for the general public being held from 1:00 p.m. to 5:00 p.m.

(882) STAFF REDUCTIONS AT THE BRANDON SUN

Councillor Black referred to a recent newspaper article whereby it had been noted that a 40 per cent reduction in staff was expected at the Brandon Sun in the near future. He enquired if discussions had taken place or were planned with the owners of the Brandon Sun regarding this issue.

His Worship the Mayor responded that, as the Brandon Sun was a private business, it would not be appropriate for City Council to interfere in the operations of that business.

(883) PATHWAY BETWEEN 18<sup>TH</sup> AND 20<sup>TH</sup> STREETS ON MARYLAND AVENUE

Councillor Fitzpatrick requested an update on the pathway between 18<sup>th</sup> and 20<sup>th</sup> Streets on Maryland Avenue.

At the request of His Worship the Mayor, the Director of Community Services advised that this pathway was high on the priority list and that the Community Services Department would be working with the Development Services Division for completion of this project within 2 years.

(884) ROSSER AVENUE RESURFACING - NOTIFICATION TO MERCHANTS

Councillor Harwood noted that resurfacing was expected to take place along Rosser Avenue between 11<sup>th</sup> Street and 18<sup>th</sup> Street in the near future and enquired if merchants in that area would be notified of same.

His Worship the Mayor responded that the Development Services Division made it a practice to notify affected property owners of any upcoming construction.

(885) DECORATIVE PLANTERS - SITE LINE PROBLEMS

Councillor McCrae referred to the decorative planters located on boulevards throughout the City of Brandon and enquired if same were being monitored to ensure that same were not obstructing site lines at intersections.

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

(886) WESTJET MASTERCARD

Councillor Jessiman advised that he had received a call from an area resident who advised him that WestJet now had their own MasterCard. He enquired if the promotion of same by the City of Brandon could be considered as a method of encouraging WestJet to provide air service to the city.

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

(887) WALKWAY EXTENSION FROM 20<sup>TH</sup> STREET AND MARYLAND AVENUE TO THE BRANDON SHOPPERS MALL

Councillor Campbell requested an update on the status of the proposed walkway extension from 20<sup>th</sup> Street and Maryland Avenue to the Brandon Shoppers Mall.

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

ANNOUNCEMENTS:

2010 DOORS OPEN BRANDON HERITAGE TOURS

Councillor Harwood issued accolades to Ken Storie, Heritage Coordinator and Katy Singleton, the Municipal Heritage Advisory Committee Summer Student, for their part in making the 2010 Doors Open Brandon Heritage Tours held July 24 and 25, 2010 a huge success. He also thanked all the volunteers for their contributions to the success of this event.

JAPANESE LANTERN CEREMONY - AUGUST 6, 2010

Councillor Black announced that he had attended the Japanese Lantern Ceremony held August 6, 2010 at the Brandon Family YMCA Pool. He added that event had been sponsored by the Brandon YMCA and the Brandon and District Labour Council with attendance of approximately 50 people of all ages and nationalities.

ST. ANDREWS PRESBYTERIAN CHURCH 100TH ANNIVERSARY

Councillor Black announced that he had been pleased to represent His Worship the Mayor and City Councillors at the St. Andrews Presbyterian Church 100th Anniversary Celebration where he had presented a plaque from the City of Brandon commemorating the anniversary.

NOISES FROM KOCH PLANT

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Councillor Black announced that he had been advised that the loud noises emanating from the Koch Plant in recent weeks were as a result of the starting up of refurbished equipment at the facility.

UPDATE ON THE CITY OF BRANDON TRANSIT SERVICE

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Councillor Black announced that he had been advised that an update on the City of Brandon Transit Service, inclusive of transit service to Maple Leaf Foods, was expected in the near future.

GRAND OPENING NEW FIRE HALL

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Councillor Paterson announced that an Open House at the new Fire Hall and E911 Communications Center located at 120 - 19th Street North would be held on September 8, 2010 from 1:00 p.m. to 5:00 p.m. and invited everyone to attend.

GENERAL BUSINESS:

(A) TURTLE CROSSING CAMPGROUND REQUEST FOR TAX REDUCTION

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City Council considered a report from the City Treasurer dated August 10, 2010 with respect to the above.

Paterson-Rice

That the request for City Council to approve a drastically reduced tax rate at Turtle Crossing Campground be denied. NOT VOTED ON

Prior to the above motion being voted on, the following referral motion was put forward.

Black-Paterson

1468 That the request for City Council to approve a drastically reduced tax rate at Turtle Crossing Campground be referred to the September 13, 2010 meeting of City Council to allow Administration to further investigate the Tax Credit and Tax Increment Financing Programs as outlined in the report of the City Treasurer dated August 10, 2010. CARRIED.

(B) TURTLE CROSSING CAMPGROUND REQUEST FOR PATHWAY CONNECTION

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Considered was a report from the General Manager of Operational Services dated August 12, 2010 with respect to the above.

Paterson-Blight

1469 That the request of Turtle Crossing Campground for the City's pathway system to connect to the trail system leading to its campground be received. CARRIED.

(C) CONTINUED USE OF CENSUS LONG FORM

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Considered was a report from Councillor Black dated July 22, 2010 with respect to the above submitted in accordance with his notice of motion given at the regular meeting of City Council held July 19, 2010.

1470 Black-Rice  
WHEREAS the Federal Government has unilaterally decided that because some complaints were received about privacy issues during the 2006 census the compulsory long form census required of one-fifth of Canadian households will be replaced with a voluntary survey provided to one-third of Canadian households;

AND WHEREAS this change in the census will result in a marked deterioration in the quality of data available to business enterprises, governments, non-profit organizations, universities, professional organizations, etc. for developing business plans, formulating government policy, conducting research on particular issues and problems;

AND WHEREAS this will impair the ability of all sectors to develop sound plans and estimates and forecasts of changes in demographic, socio-economic, infrastructure, and many other variables and result in major increases in the cost of gathering comparable data through other agencies and surveys;

AND WHEREAS the government's decision has been condemned by many individuals and organizations including: Canada West Foundation; Toronto Board of Trade, the cities of Calgary, Edmonton and many others; the Canadian Labour Congress; the Canadian Chamber of Commerce; Canadian Medical Association; Canadian Federation of Independent Businesses; Canadian Union of Public Employees; Canadian Economics Association; National Council of Women of Canada; Statistics Canada Advisory Committee; the provinces of Quebec, PEI, New Brunswick, Ontario and Manitoba; and the C.D. Howe Institute;

AND WHEREAS there are better ways to address the privacy concerns cited by the government as justification for elimination of the compulsory long form:

NOW THEREFORE BE IT RESOLVED that the Association of Manitoba Municipalities request the Federal Government to retain the compulsory long form for the 2011 census and establish a task force to address and remedy privacy concerns prior to the 2016 census. NOT VOTED ON

His Worship the Mayor ruled the motion out of order citing same as being "ultra vires" due to the census process falling under Federal Government jurisdiction.

Black-No Secunder  
That the ruling of His Worship the Mayor citing the motion with respect to the continued use of the census long form ultra vires be overruled. NOT VOTED ON

As there was no seconder to the above motion, it was ruled out of order by the Chair.

(D) TASK FORCE ON ABORIGINAL ISSUES

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City Council considered a report by Councillor Vince Barletta dated August 10, 2010 with respect to the above.

1471 Black-Paterson  
That the report of the Task Force on Aboriginal Issues attached to the report of Councillor V. Barletta dated August 10, 2010 be received and referred to the meeting of City Council to be held September 13, 2010. CARRIED.



(E) AGREEMENT FOR WASTEWATER TREATMENT SERVICES TO RURAL MUNICIPALITY OF DALY

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City Council considered a report from the General Manager of Development Services dated August 3, 2010 with respect to the above.

Blight-Jessiman

1472 That the City of Brandon enter into the agreement with the Rural Municipality of Daly attached to the report of the General Manager of Development Services dated August 3, 2010 in order for the City to provide wastewater treatment services to said municipality. CARRIED.

(F) PROPOSALS - NEW MOTOR GRADER

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Considered was a report from the General Manager of Operational Services dated August 6, 2010 with respect to the above.

Rice-Harwood

1473 That the proposal of Westcon Equipment to supply one new Motor Grader as per tender and specifications, including the five year complete warranty and five year Total Maintenance and Repair, at a total cost of \$331,704.70 not including GST be accepted. CARRIED.

(G) MAXIMUM FIGHTING CHAMPIONSHIPS SEPTEMBER 10, 2010 - EVENT OF LOCAL SIGNIFICANCE

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It was noted that prior to the meeting, confirmation had been received from event organizers that the Maximum Fighting Championships scheduled for September 10, 2010 would not be held in the City of Brandon and that as a result, the above designation was no longer necessary.

(H) YMCA AND CITY OF BRANDON JOINT RECREATION FACILITY

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City Council considered a report from the City Manager dated August 13, 2010 with respect to the above.

McCrae-Burgess

1474 That the terms and conditions outlined in the agreement to be made between the City of Brandon and the Young Men's Christian Association of Brandon (YMCA) attached to the report of the City Manager dated August 13, 2010 with respect to the YMCA and City of Brandon Joint Recreation Facility and execution of said agreement be hereby approved. CARRIED AS AMENDED.

FOR

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

ABSTAINED

Councillor Black

Councillor Black abstained from voting on the above motion citing the lack of an opportunity for input from the members of the YMCA Board of Directors on the amendment to the Memorandum of Understanding as his reason.

Fitzpatrick-McCrae

1475 That the above motion be amended by adding, immediately following the word: "approved" the words: "whereby the agreement shall be amended to include a clause that the Sportsplex Pool be closed within two months of the opening of the new YMCA and City of Brandon Joint Recreation Facility." CARRIED.

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

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

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

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It was noted that By-law No. 6978 had received second reading at the June 21, 2010 meeting of City Council.

Paterson-Fitzpatrick

1476 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 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. 6978 third reading.

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

NO. 6981 - TO AMEND CITY OF BRANDON POLICE RECORDS RETENTION BY-LAW NO. 5975/12/92

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It was noted that By-law No. 6981 had received first reading at the July 19, 2010 meeting of City Council.

Blight-McCrae

1477 That By-law No. 6981 to amend City of Brandon Police Records Retention By-law No. 5975/12/92 be read a second time. CARRIED.

1478 Blight-McCrae  
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. 6981 third reading.

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

NO. 6982 - TO REZONE PART OF 420 KIRKCALDY DRIVE(P.T. OF BLOCK 13, PLAN 1701 BLTO)FROM OS OPEN SPACE ZONE TO RSF RESIDENTIAL SINGLE FAMILY ZONE

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

1479 Paterson-Blight  
That By-law No. 6982 to rezone part of 420 Kirkcaldy Drive (Block 13, Plan 1701 BLTO) from OS Open Space Zone to RSF Residential Single Family Zone be read a first time. CARRIED.

GIVING OF NOTICE:

Nil

ADJOURN:

Rice-Blight  
That the meeting do now adjourn (10:58 p.m.) CARRIED.

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MAYOR

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CITY CLERK