

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY, OCTOBER 31, 2011 AT 7:30 PM IN THE COUNCIL CHAMBER, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA

PRESENT: Mayor S. Decter Hirst in the Chair, Councillor S. Berry, Councillor M. Blight, Councillor J. Chaboyer, Councillor J. Fawcett, Councillor J. Harwood, Councillor L. Isleifson, Councillor J. McCrae, Councillor S. Montague, Councillor G. Rice, Councillor C. Roberts

ABSENT: Nil

ADOPTION OF AGENDA:

Harwood-Rice

354 That the Agenda for the Regular Meeting of City Council to be held Monday, October 31, 2011 be adopted as presented. CARRIED.

CONFIRMATION OF MINUTES:

Isleifson-Chaboyer

355 That the Minutes of the Regular Meeting of City Council held October 17, 2011 be taken as read, all statutory requirements having been fulfilled. CARRIED.

HEARING OF DELEGATIONS:

(A) DON BERRY - PLANS FOR VETERAN'S MEMORIAL

Don Berry presented a proposal for the construction of a Veteran's Memorial on the corner of 11th Street and Victoria Avenue. Mr. Berry advised that the memorial would serve to recognize service people from the Brandon area who had served Canada in times of war and peace. He provided an illustration to show the location and design of the monument and noted that same would be paid for through fundraising efforts, with a dedication ceremony planned for June, 2012.

Harwood-McCrae

356 That the presentation by Don Berry with respect to plans for the Veteran's Memorial to be constructed on the corner of 11th Street and Victoria Avenue be received. CARRIED.

Harwood-Chaboyer

357 That the proposal for the Veteran's Memorial to be located at 11th street and Victoria Avenue be supported. CARRIED.

(B) HERB MAHOOD, MANITOBA INFRASTRUCTURE AND TRANSPORTATION - PROPOSED PERMANENT FLOOD PROTECTION FOR PTH 10 AND PTH 1A

Herb Mahood, of Manitoba Infrastructure and Transportation, appeared before City Council to provide information on the proposed permanent flood protection for 18th Street North and 1st Street North. He noted that these major roadways would be protected with approximately 3½ kilometers of additional earthen dikes that would hopefully eliminate the need for the super sandbags in the event of future flooding. Mr. Mahood advised that construction was anticipated to begin later this fall.

Roberts-Fawcett

358 That the presentation by Herb Mahood of Manitoba Infrastructure and Transportation regarding the proposed permanent flood protection for PTH 10 (18th Street North) and PTH 1A (1st Street North) be received. CARRIED.

PUBLIC HEARINGS:

Nil

COMMUNITY QUESTION PERIOD:

Nil

COMMITTEE REPORTS:

(A) ACCOMMODATION TAX TASK FORCE OCTOBER 24, 2011

October 24, 2011
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Your Accommodation Tax Task Force conducted a number of meetings and met on October 21, 2011 and wishes to report and submit a recommendation as follows:

Accommodation Tax Task Force Members: Shawn Berry, Committee Chair and Councillor Linden Lanes Ward; Murray Blight, Councillor Victoria Ward; Jan Chaboyer, Councillor Green Acres Ward; Scott Hildebrand, City Manager; Dean Hammond, City Treasurer; Sandy Trudel, City Director of Economic Development; Kevin Swark, Genesis Hospitality; Charlene Harris, Canad Inns; Darlene Janssen, Comfort Inn; Lois McDonald, Riverbank Discovery Centre/Brandon Tourism; Nathan Peto/Cam Clark, Chamber of Commerce.

At the May 9, 2011 meeting of City Council, a motion was passed to establish a Task Force to explore the possibility of implementing an accommodation tax in the City of Brandon to support events and/or initiatives in the areas of economic development, culture and recreation within the city. The Task Force was formed with the intent of possibly bringing forth a recommendation to City Council as to whether the City of Brandon should have an accommodation tax on overnight accommodation for people staying at businesses that offer this type of service in the City of Brandon. The Task Force was formed at the request of Her Worship the Mayor and with the intent of having a wide range of discussion and opinions from people in the hotel industry, tourism, economic development, Chamber of Commerce and City of Brandon Councillors and senior management.

The accommodation/hotel tax has been visited by previous City Councils of Brandon in 2001 in which an enquiry was made, in 2004 at which time a vote to impose such a tax ended in a tie, in 2006 in which such a vote resulted in the motion being defeated, and an enquiry made in 2008 with respect to establishing a hotel tax in Brandon. The proposal to re-visit the possibility of an accommodation tax in Brandon was brought forth by me. Her Worship Mayor Shari Decter Hirst suggested that a Task Force be formed to have inclusion from the hotel industry and other stakeholders in the city to meet and look at possibly bringing forth a recommendation from this Task Force to City Council at a future date.

The Task Force met several times between May and October and invited several people from various businesses and organizations that this tax could potentially affect to make presentations before the Task Force on June 8 on their position regarding such a tax. Presentations were made by:

Jim Baker - Manitoba Hotel Association
Paul Robson - Independent Consultant
Erin Brown/Pam Moffatt - Brandon First
Dave Carriere - Westman Accommodation Group
Jason Kreiser/John Macialek - Keystone Centre
Daryl Wolski - Proactive Sports

At the end of each presentation, the Task Force had a chance to ask questions of the individuals and groups that made presentations. The minutes from that meeting are available through the City Clerk's Office. Other businesses and organizations that were invited but did not present were:

Brandon Chamber of Commerce
Owen Beever - Ag Days
Faron Asham - Minor Baseball / Provincial Championships
Glorian Yakiwchiuk - Manitoba Metis Federation
Sharla Boychuk - Manitoba Conservation District
Sandy Ironside - Manitoba Government Employees Union

Letters sent to the committee because they could not present that day were received from:

Ben Kolisnyk - Canadian Federation of Independent Business
Brent Campbell - Brandon Jazz Festival

After meeting a few times in June, it was discussed that in order to move forward on this issue research was required to obtain questions from the Task Force from other cities across Canada and in parts of the U.S. regarding this subject. At the request of the Task Force Chair to the City Clerk's Office, a researcher was made available to contact different cities with our questions and provide a written report.

That report was received and presented to the Task Force on August 25th with information provided from those responses. Of the 42 cities that had been contacted, 24 consented to be a recipient of our discovery questions with 15 actually responding to those questions. Both cities with and without an accommodation tax were contacted with our questionnaire and of proximity in size to Brandon. While the response was lower than we had hoped for, the comment was made to our researcher on occasion that their cities currently do not have an accommodation tax but were looking at it. The full research information and responses are available upon request.

The following recommendation is being put forth by the majority of the Task Force members. However, one of the Task Force members, Kevin Swark of Genesis Hospitality is not in favour of proposed tax as he feels there is a lack of a business plan to back up this recommendation.

This report and recommendation are being put forth by the Task Force after 5 months of several meetings, research acquired through contact with other cities, and inclusion of various stakeholders from the City including hoteliers, tourism, economic development, Chamber of Commerce and the City of Brandon.

The recommendation is based on charging a \$3.00 per room flat rate fee as it produces more revenue than a percentage fee with that fee being reviewed on an annual basis for possible increase in increments. The funds derived from this accommodation tax would be used for event acquisition and retention in the City of Brandon and would be considered for disbursement by application to a committee of City Council and recommendation to City Council for approval. Options were considered with respect to the most appropriate means by which to disburse the funds derived from the tax. It was felt that legislatively, the establishment of a committee of City Council for this purpose would be advisable. If this recommendation is adopted by City Council, the Task Force will continue to meet in order to draft a by-law for the imposition of the accommodation tax for consideration and passage by City Council.

RECOMMENDATION:

That in order to promote and support event acquisition/retention in the City of Brandon, a by-law be prepared in consultation with the Accommodation Tax Task Force to impose a tax comprised of a \$3.00 per room flat rate fee for every hotel room occupied overnight in the City of Brandon subject to an annual review and some limited exceptions whereby:

- (a) the funds derived from imposing such a tax shall be placed in a City of Brandon reserve to be named the Accommodation Tax Reserve Fund;
- (b) the sole purpose of such funds shall be for event acquisition/retention;
- (c) the utilization of such funds would be by application to a committee of City Council for recommendation and approval by City Council in each case; and
- (d) the members of the committee shall be appointed annually by City Council and be comprised of two (2) members of City Council; two (2) hoteliers; one (1) member of Brandon First; one (1) member of the Brandon Chamber of Commerce; the City of Brandon's Director of Economic Development; one (1) member of Brandon Tourism; and one (1) citizen-at-large member.

Respectfully Submitted,

Councillor Shawn Berry
Chair - Accommodation Tax Task Force

Berry-Blight

359 That the report of the Accommodation Tax Task Force dated October 24, 2011 be received.
CARRIED.

Berry-Blight

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- (d) the members of the committee shall be appointed annually by City Council and be comprised of two (2) members of City Council; two (2) hoteliers; one (1) member of Brandon First; one (1) member of the Brandon Chamber of Commerce; the City of Brandon's Director of Economic Development; one (1) member of Brandon Tourism; and one (1) citizen-at-large member.
CARRIED.

Prior to City Council voting on the above, Councillor McCrae requested that a recorded vote be taken.

<u>FOR</u>	<u>AGAINST</u>
Her Worship Mayor Decter Hirst	Councillor McCrae
Councillor Berry	Councillor Rice
Councillor Blight	
Councillor Chaboyer	
Councillor Fawcett	
Councillor Harwood	
Councillor Isleifson	
Councillor Montague	
Councillor Roberts	

(B) KEYSTONE BOARD
VERBAL

OCTOBER 31, 2011

October 31, 2011
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Councillor Berry reported on the meeting of the Keystone Board held October 27, 2011. He advised that the 2012 preliminary budget and the 2011 unaudited financial statements were presented at that meeting. He also noted that the ramp on the west side of Section 16 had been repaired due to safety concerns and that contract discussions with Wheat King organization were ongoing. Councillor Berry noted that the Annual General Meeting of the Keystone Board would be held on Thursday, November 17, 2011 at 7:00 p.m. in the CKLQ Hall at the Keystone Centre.

(C) BRANDON URBAN ABORIGINAL PEOPLES' COUNCIL
VERBAL REPORT

OCTOBER 31, 2011

October 31, 2011
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Councillor Fawcett reported on the recent meeting of the Brandon Urban Aboriginal Peoples' Council. He noted that the Council was chaired by Carmel Olson and that discussions were underway on plans for the upcoming year.

Chaboyer-Roberts

361 That the verbal reports of the Keystone Centre and the Brandon Urban Aboriginal Peoples' Council be received. CARRIED.

ENQUIRIES:

(181) VEHICLE AND PEDESTRIAN TRAFFIC - 10TH STREET AND PACIFIC AVENUE

Councillor Chaboyer advised that she had received complaints regarding increased vehicle and pedestrian traffic at the intersection of 10th Street and Pacific Avenue. She enquired if a study to determine the need for a pedestrian crosswalk and traffic lights at this intersection could be considered.

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

ANNOUNCEMENTS:

SOUTH CENTRE WARD MEETING - NOVEMBER 30, 2011

Councillor Rice announced that a South Centre Ward Meeting would take place November 30, 2011 at 7:00 p.m. at the Central Community Centre with agenda items to include the 2012 City of Brandon Budget; Brandon Police Service Building; and any other city and ward issues.

JOINT WARD MEETING - GREEN ACRES AND RICHMOND WARDS

Councillor Montague announced that he and Councillor Chaboyer would be holding a Joint Richmond and Green Acres Ward Meeting on November 3, 2011 at 7:00 p.m. at École Harrison with agenda items to include the 2012 City of Brandon Budget and any other city and ward issues.

JOINT WARD MEETING - LINDEN LANES AND VICTORIA WARDS

Councillor Berry announced the he and Councillor Blight would be holding a Joint Linden Lanes and Victoria Ward Meeting on November 29, 2011 at 7:00 p.m. at Westridge Community Centre where the 2012 City of Brandon Budget would be discussed. He encouraged ward residents to attend and provide their input.

JOINT WARD MEETING - MEADOWS AND UNIVERSITY WARDS

Councillor McCrae announced that he and Councillor Harwood would be holding a Joint Meadows and University Ward Meeting on November 24, 2011 at 7:00 p.m. at J.R. Reid School where the 2012 City of Brandon Budget; the City of Brandon Strategic Plan and any other city and ward issues were to be discussed.

AWARD FOR OUTSTANDING FLORAL DISPLAYS - COMMUNITY IN BLOOMS PROGRAM

Her Worship Mayor Decter Hirst announced that the City of Brandon had been recognized for the outstanding floral displays throughout the City of Brandon at the recent Communities in Bloom Awards. She added that, despite the high water event, the city staff and volunteers had done a great job on the displays and thanked them for all their hard work.

GENERAL BUSINESS:

(A) AMENDMENT TO BRANDON AND AREA PLANNING DISTRICT DEVELOPMENT PLAN

Considered was a report from Councillor J. Fawcett dated October 20, 2011 with respect to the above, submitted in accordance with his notice of motion given at the regular meeting of City Council held October 17, 2011.

Prior to discussion on the above matter, Her Worship Mayor Decter Hirst excused herself from the Chair in order to fully participate in the debate, and requested Deputy Mayor McCrae to take over as Chair for this portion of the meeting.

Ms. Angie Vielleux, Senior Planner, provided information on the process for amending the Brandon and Area Planning Area Development Plan.

Fawcett-Blight

362 That the Board of the Brandon and Area Planning District be requested that the southern part of 2405 Victoria Avenue in the City of Brandon (part of Parcels A and B and all of Parcel D in Plan 49547, SE 1/4 22-10-10 WPM) be designated Commercial in the proposed Brandon and Area Planning District Development Plan. CARRIED.

Prior to City Council voting on the above motion, Her Worship the Mayor requested that a recorded vote be taken.

FOR

Councillor Berry
Councillor Blight
Councillor Chaboyer
Councillor Fawcett
Councillor Harwood
Councillor Isleifson
Councillor McCrae
Councillor Montague
Councillor Roberts

AGAINST

Her Worship Mayor Decter Hirst
Councillor Rice

Following the vote, Her Worship Mayor Decter Hirst resumed the Chair.

(B) EXPANSION PROPOSAL FOR ASSINIBOINE HILLS CONSERVATION DISTRICT

Submitted for consideration was a report from the General Manager of Development Services dated October 19, 2011 with respect to the above.

Fawcett-Isleifson

363 WHEREAS the Council of the City of Brandon on July 19, 2010 requested from the Province of Manitoba in partnership with the Assiniboine Hills Conservation District and the City of Brandon a proposal outlining the terms and conditions of the City of Brandon's membership in the Assiniboine Hills Conservation District;

AND WHEREAS the Council of the City of Brandon has received and reviewed the proposal along with a report from its Administration concerning the proposal;

AND WHEREAS the proposal includes the establishment and maintenance of an "Assiniboine River Water Quality Improvement Fund" which will be administered by the Assiniboine Hills Conservation Main Board;

THEREFORE BE IT RESOLVED THAT the draft proposal dated July 22, 2011 attached to the report of the City of Brandon General Manager of Development Services dated October 19, 2011 be hereby accepted and that the Province of Manitoba and the Assiniboine Hills Conservation District Board continue their efforts to finalize membership in the Assiniboine Hills Conservation District for the City of Brandon. CARRIED.

(C) ANNEXATION AGREEMENT - CITY OF BRANDON AND RURAL MUNICIPALITY OF CORNWALLIS

City Council considered a report from the General Manager of Development Services dated October 20, 2011 with respect to the above.

Rice-Montague

364 That the City of Brandon enter into the agreement with the Rural Municipality of Cornwallis attached to the report of the General Manager of Development Services dated October 20, 2011 in the matter of annexation of certain lands in the SE 1/4 Section 9, Township 10, Range 19 WPM, in the SW Section 10, Township 10, Range 19 WPM and in the NW 1/4 Section 9, Township 10, Range 19 WPM and legally described in the Municipal Board Order No. E-10-150 File No. 08E2-0001 decision dated August 13, 2010. CARRIED.

(D) APPOINTMENT OF DEPUTY MAYOR

Considered was a report from the City Clerk dated October 24, 2011 with respect to the above.

McCrae-Harwood

365 That pursuant to Subsection 15(a) of Organizational By-law No. 6650, Councillor Murray Blight be appointed Deputy Mayor to perform all duties of the Mayor, if the Mayor is absent from the City, or is incapable, through illness or other cause, of performing her duties as Head of City Council with term of office to commence on November 15, 2011 and expire on November 30, 2012. CARRIED.

(E) APPOINTMENT OF ACTING DEPUTY MAYOR

Submitted for consideration was a report from the City Clerk dated October 24, 2011 with respect to the above.

Berry-Harwood

366 That pursuant to Subsection 15(b) of Organizational By-law No. 6650, Councillor Garth Rice be appointed Acting Deputy Mayor to perform all duties of the Mayor, if both the Mayor and the Deputy Mayor are absent from the municipality, or are incapable, through illness or other cause, of performing their respective duties as Head or Deputy Head of City Council with term of office to commence on November 15 and expire on November 30, 2012. CARRIED.

(F) 2012 APPOINTMENTS TO COUNCIL COMMITTEES

Considered was a report from the City Clerk dated October 21, 2011 with respect to the above.

Montague-Chaboyer

367 That in accordance with Subsection 15(c) of Organizational By-law No. 6650, the following appointments be and are hereby made to the following Council Committees with terms of office to expire November 30, 2012:

Audit and Finance Committee

Mayor Shari Decter Hirst (Chair)
Councillor Murray Blight
Councillor Jeff Fawcett
Councillor Stephen Montague

Personnel Committee

Mayor Shari Decter Hirst (Chair)
Councillor Len Isleifson
Councillor James McCrae
Councillor Corey Roberts

Brandon Municipal Heritage Advisory Committee

Councillor Jeff Harwood
Councillor Corey Roberts

Poverty Committee

Councillor Jan Chaboyer
Councillor Len Isleifson
Councillor Garth Rice

Grants Review Committee

Councillor Shawn Berry
Councillor Jan Chaboyer
Councillor Jeff Fawcett

Taxi Appeal Committee

Councillor Jeff Harwood
Councillor Garth Rice
Councillor Corey Roberts
Councillor Shawn Berry (Alternate)
Councillor Len Isleifson (Alternate)
CARRIED.

(G) 2012 APPOINTMENTS TO OTHER COMMITTEES AND BOARDS

Submitted was a report from the City Clerk dated October 21, 2011 with respect to the above.

Harwood-McCrae

368 That in accordance with Subsection 15(d) of Organizational By-law No. 6650, the following appointments be made to the following committees and boards with terms of office to expire November 30, 2012:

Brandon & Area Planning District Board

Mayor Shari Decter Hirst
Councillor Jeff Harwood
Councillor Corey Roberts

Brandon General Museum & Archives Board

Councillor Shawn Berry
Councillor Jeff Harwood
Councillor Corey Roberts

Brandon Urban Aboriginal Peoples' Council

Councillor Jeff Fawcett
Councillor Stephen Montague

Building Standards Committee

Councillor Murray Blight
Councillor Jeff Fawcett
Councillor Garth Rice
Councillor Len Isleifson (Alternate)
Councillor James McCrae (Alternate)

Joint Task Force - City of Brandon & Brandon School Division

Councillor Murray Blight
Councillor Jan Chaboyer
Councillor Stephen Montague

Keystone Agricultural and Recreational Centre

Councillor Shawn Berry
Councillor Garth Rice

Western Manitoba Centennial Auditorium

Councillor Jeff Fawcett
Councillor Jeff Harwood
Councillor Len Isleifson

Western Manitoba Regional Library

Councillor Stephen Montague
CARRIED.

BY-LAWS:

NO. 7005 TO EXEMPT THE YOUNG MEN'S CHRISTIAN ASSOCIATION (YMCA) PROPERTY LOCATED AT 231 - 8TH STREET FROM MUNICIPAL TAXES

Councillor Berry declared a conflict of interest in this matter due to his wife being employed by the YMCA and left the Council Chamber without any further discussion.

It was noted that this by-law received first reading at the October 17, 2011 meeting of City Council.

Roberts-Isleifson

369 That By-law No. 7005 to exempt the Young Men's Christian Association (YMCA) property located at 231 - 8th Street from municipal taxes be read a second time. CARRIED.

Roberts-Isleifson

370 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. 7005 third reading.

FOR

Her Worship Mayor Decter Hirst
Councillor Blight
Councillor Chaboyer
Councillor Fawcett
Councillor Harwood
Councillor Isleifson
Councillor McCrae
Councillor Montague
Councillor Rice
Councillor Roberts

AGAINST

Nil

Following the vote on the above motions, Councillor Berry re-entered the Council Chamber.

GIVING OF NOTICE:

(A) PHYSICIAN SHORTAGE

In accordance with Rule 60 of City Council Procedure By-law No. 6634, Councillor McCrae gave notice of his intent to introduce at the November 28, 2011 meeting of City Council the following motion:

“WHEREAS chronic physician shortages in Manitoba could be addressed through medical education programs delivered through Brandon University;

NOW THEREFORE BE IT RESOLVED that the Council of the City of Brandon supports enhanced medical programming at Brandon University, including training for General Practitioners.”

ADJOURN:

Chaboyer-Isleifson

That the meeting do now adjourn (10:36 p.m.) CARRIED.

MAYOR

CITY CLERK