

**MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY, SEPTEMBER 17, 2018
AT 7:00 PM IN THE COUNCIL CHAMBER, CIVIC ADMINISTRATION BUILDING, BRANDON,
MANITOBA**

PRESENT: Mayor Rick Chrest In The Chair, Councillor Shawn Berry, Councillor Ron W. Brown, Councillor Jan Chaboyer, Councillor Barry Cullen, Councillor Kris Desjarlais, Councillor Jeff Fawcett, Councillor Jeff Harwood, Councillor John LoRegio, Councillor Glen Parker, Councillor Lonnie Patterson

ABSENT: Nil

ADOPTION OF AGENDA:

Chaboyer-Cullen

1488 That the Agenda for the Regular Meeting of City Council to be held on Monday, September 17, 2018 be adopted as presented. CARRIED.

CONFIRMATION OF MINUTES:

Harwood-Parker

1489 That the Minutes of the Regular Meeting of City Council held Tuesday, September 4, 2018 be taken as read, all statutory requirements having been fulfilled. CARRIED.

HEARING OF DELEGATIONS:

(A) GRANT HAMILTON AND CARLA EISLER, BRANDON UNIVERSITY – COMMUNITY
EVENT STATUS FOR BU50 HOMECOMING 2018

Grant Hamilton and Carla Eisler from Brandon University appeared before City Council with respect to the BU50 Homecoming 2018. Mr. Hamilton stated Brandon University was commemorating the 50th Anniversary of receiving its charter. He noted that the event, Forever Blue & Gold, would be held October 11-14, 2018 and would include a basketball reunion, wall of fame induction with Premier Brian Pallister, keynote speaker Chris Hadfield, awards dinner and gala for BU alumni, free family day on Saturday October 13, 2018, and a street concert that evening. Mr. Hamilton asked for support in designating the BU50 Homecoming 2018 a community event.

LoRegio-Harwood

1490 That the presentation by Grant Hamilton and Carla Eisler with respect to the designation of the BU50 Homecoming 2018 as a community event be received;

and further, that the Brandon University BU50 Homecoming to be held October 11-14, 2018 on the Brandon University Campus be designated a Community Event in the City of Brandon. CARRIED.

(B) NICKOLAS AVLONITIS - TAXATION AND CITY SERVICES

The City Clerk noted that Mr. Avlonitis had advised that he would not be in attendance at this evening's meeting.

PUBLIC HEARINGS:

Nil

COMMUNITY QUESTION PERIOD:

Nil

COMMITTEE REPORTS:

Nil

ENQUIRIES:

(334) CONDITION OF BROOKWOOD BOULEVARD BETWEEN RICHMOND AVENUE AND AURORA CRESCENT

Councillor Berry advised that the condition of Brookwood Boulevard between Richmond Avenue and Aurora Crescent continued to deteriorate. He noted that this road was still under warranty and therefore the responsibility of the Developer to fix, and enquired if the Developer could be contacted regarding this issue.

At the request of His Worship the Mayor, the City Manager responded that the Engineering Department had contacted the Developer and were waiting on a response. He agreed to take this matter under advisement with a report back to City Council as soon as possible.

(335) COMPLETION OF CONSTRUCTION ON RICHMOND AVENUE FROM 18TH STREET TO 22ND STREET AND 26TH STREET SOUTH OF PARK AVENUE

Councillor Berry enquired when the construction on Richmond Avenue from 18th Street to 22nd Street, and 26th Street south of Park Avenue, was expected to be completed.

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

Following the meeting Mr. Patrick Pulak, City Engineer advised City Council that the underground work on Richmond Avenue was done with the road repairs (asphalt, sidewalk and curb) expected to be completed by late October.

Mr. Pulak agreed to provide City Council with an update on the 26th Street construction as soon as possible.

ANNOUNCEMENTS:

AGE FRIENDLY BRANDON UPCOMING WORKSHOPS

Councillor Parker announced that the Age Friendly Brandon Committee, together with the City of Brandon Community Development Department, were hosting workshops on September 25 and 26, 2018 from 10:30 a.m. to 3:30 p.m. at the Cultural Resource Centre, 638 Princess Avenue. He advised that topics to be discussed included elder abuse, planning for the future, frauds and scams, and personal and medication safety. Councillor Parker advised that tickets for the event were \$10 and could be purchased by contacting Gina Massina at (204) 729-2257.

SUCCESS OF FOOD TRUCK WARZ

Councillor Desjarlais issued accolades to Darryl Wolski and Jody Sass for another successful Food Truck Warz held September 14-16, 2018 in Downtown Brandon.

GENERAL BUSINESS:

(A) APPLICATION TO SUBDIVIDE - 700 MARYLAND AVENUE

City Council considered a report from the Manager of Corporate Policy dated August 3, 2018 and a Supplementary Report from the Chief Planner.

Brown-Fawcett

1491 That the application to subdivide 1900 – 6th Street, 1951 – 7th Street, and 1900 – 8th Street (Blocks 3/5, Plan 300 BLTO, and Parcels B/H, Plan 37279 BLTO) to create one (1) lot and a public road in the Open Space (OS) and Educational & Institutional (EI) Zones, be approved subject to the following conditions:

- A. The owner or successor enter into a development agreement with the City of Brandon, to be registered in series with the subdivision, with the following conditions:

1. The Developer agrees to construct an elementary school as per the attached site plan (Schedule B).
2. The Developer agrees to pay a contribution towards twenty (20) boulevard trees. The amount of payment for such trees will be calculated at the time of execution of the development agreement and based upon the City's tree contract pricing for the current year. Payment in full will be required at the time of execution of the development agreement.
3. The Developer agrees to provide a landscaping plan showing the location of the twenty (20) boulevard trees. Tree species will be determined by the City of Brandon at the time of planting.
4. The Developer agrees to design and construct an access from the Lands to Maryland Avenue to allow for separate lanes of traffic turning right and left onto Maryland Avenue. Such design will be subject to the review and acceptance of the City Engineer. All costs associated with the access will be at the sole cost of the Developer.
5. The Developer agrees to contribute towards the upgrade of the southbound 1st Street right turn auxiliary lane at the intersection with Maryland Avenue and 1st Street in the amount of \$13,000.00. This contribution will be held in a Reserve Account and applied towards the future upgrade. Payment in full will be required at the time of execution of the development agreement.
6. The Developer agrees to contribute towards land drainage sewer upgrades to redirect the existing land drainage sewer outlet from the MacLeod Drive alignment, which presently crosses through the Lands, to Cornwallis Crescent in the amount of \$83,259.65. This contribution will be held in a Reserve Account and applied towards the future upgrade. Payment in full will be required at the time of execution of the development agreement.
7. The Developer agrees to contribute towards the southeast lift station servicing the area in the amount of \$19,200.00 based upon a 0.037 Residential Equivalent Unit/person (including staff and students) of a full build out school population of 845. This contribution will be applied to upgrades already completed by the City of Brandon. Payment in full will be required at the time of execution of the development agreement.

8. The Developer agrees to arrange with the City of Brandon Operations Division for the installation of a crosswalk at the Maryland Avenue/MacLeod Drive intersection. All costs associated with the crosswalk will be at the sole cost the Developer.
 9. The Developer agrees to arrange with the City of Brandon Operations Division for the installation of RB-55 ("No Parking") signage on both sides of Maryland Avenue adjacent to the site. All costs associated with the signage will be at the sole cost the Developer.
 10. The Developer agrees that should relocation of any existing Brandon Transit bus stop(s) be required to accommodate the development, the Developer agrees to arrange with the City of Brandon Operations Division the relocation of the bus stop(s). All costs associated with the relocation will be at the sole cost of the Developer.
 11. The Developer agrees should the Brandon School Division proposed to extend their fencing on the west side of the Lands to meet up with existing fencing at the rear of the 9th Street properties, the Brandon School Division will maintain City owned lands within the fenced area and provide gates for City access to the ditch from Maryland Avenue for maintenance purposes. All costs associated with the fencing and gates will be at the sole cost the Developer.
 12. The Developer will agree to save harmless the City by way of inclusion of save harmless clauses in the development agreement as the property is located within Methane Gas Zones 1, 2 and 3.
- B. The owner or successor submit written confirmation to the City of Brandon Planning & Buildings Department that arrangements have been made for an easement agreement and Plan of Easement to the satisfaction of BellMTS, and registering the easement agreement along with the easement plan, if required, in series with the plan of subdivision. CARRIED AS AMENDED.

AMENDMENT

Chaboyer-Cullen

1492

That the above motion be amended by

- (a) deleting Clause #2, 3, 4, 5, and 7 in their entirety and substituting the following therefor:

- "2. The Developer agrees to plant and warranty, as per standard right-of-way warranty practice, twenty (20) boulevard trees within the Maryland Avenue boulevard for the entire length of the Lands in accordance with the City of Brandon tree planting specifications.
 3. The Developer agrees to provide a landscaping plan showing the location, species of the trees and caliper of the trees. Such plan will be subject to the review and acceptance of the Director of Community Services. All costs associated with the planting and warranty of the trees will be at the sole cost of the Developer.
 4. The Developer agrees to design and construct separate right and left turning lanes from the site onto Maryland Avenue upon full build out of the school. Such design will be subject to the review and acceptance of the City Engineer. All costs associated with the upgrades to the access will be at the sole cost of the Developer. The upgrades to the access as identified in the Traffic Impact Study will be required to be completed in conjunction with the future building addition permit.
 5. The Developer agrees to contribute towards the upgrade of the southbound 1st Street right turn auxiliary lane at the intersection of Maryland Avenue and 1st Street prior to the issuance of a development permit for the future building addition. Construction cost inflation will be calculated to any deferred contributions.
 7. The Developer agrees to contribute towards the southeast lift station servicing the area in the amount of \$13,586.40 based upon a 0.037 Residential Equivalent Unit/person (including staff and students). This payment represents the proportional amount of the initial build-out population of 612 staff and students and is required at the time of execution of the development agreement. Upon full build-out, the Developer further agrees to contribute the remainder of the contribution in accordance with the current Residential Equivalent Unit/person amount with full payment due and payable prior to the issuance of a development permit for the future building addition. The contributions will be applied towards upgrades already completed by the City of Brandon.";
- (b) by deleting Clauses 8, 9 and 10 in their entirety and substituting the following therefor:

"8. The City agrees to arrange and pay all associated costs for traffic markings, traffic signage and the relocation of any Brandon Transit Bus Stop(s) on Maryland Avenue. The Developer agrees to coordinate with the City for the installation and modifications of the improvements in conjunction with the Developer's construction schedule."; and

(c) renumbering Clauses 11 and 12 as Clauses 9 and 10 respectively. CARRIED.

(B) TENDER - KIRKCALDY LIFT STATION

Submitted for consideration was a report from the Acting General Manager of Development Services dated September 13, 2018 with respect to the above.

Fawcett-LoRegio

1493 That the bid from Graham Construction and Engineering LP for the construction of the Kirkcaldy Lift Station as per tender and specifications at a cost of \$5,907,850.00 (net of GST) be accepted. CARRIED.

BY-LAWS:

NO. 7209 EAST END INDUSTRIAL SECONDARY PLAN

Considered was a report from the Manager of Corporate Services dated September 10, 2018 with respect to the above. It was noted that this by-law received first reading on July 16, 2018.

Chaboyer-Parker

1494 That By-law No. 7209 to adopt the East Brandon Industrial Area Secondary Plan be amended by:

1. Deleting Section 1.6 – Cultural Heritages Sites/Archaeological Artifacts in its entirety and substitute therefor:

“Cultural Heritage Sites/Archaeological Artifacts: There are several recorded heritage sites in the plan area. Should cultural heritage sites or archaeological artifacts be identified within the Secondary Plan area, The Heritage Resources Act and Section 17.0 of the Development Plan shall take precedence over this Secondary Plan.”

2. Deleting in Subsection 4.1.1 the words: "undivided expressway" and substituting therefor the words: "primary arterial limited access highway".

3. Deleting Subsection 4.1.2 – Access Management in its entirety and substitute therefor:

"To minimize traffic congestion and potential traffic hazards, direct access to PTH 110 is not recommended. All developments should utilize an internal road network. Development of new accesses on arterial streets (Victoria, Richmond, and Patricia Avenues East) should be appropriately separated from roadway intersections to minimize traffic hazards."

4. Deleting Subsection 5.1.2 (i) – Municipal Sewer Service in its entirety and substitute therefor:

"New developments will be required to connect to the municipal system at the time of development. In such cases, developments which have minimal requirements for wastewater disposal may be serviced by small-scale on-site wastewater management systems (OWMS), subject to any required provincial approvals."

5. Deleting Section Subsection 5.2.2 – Stormwater Drainage Study/Plan in its entirety and substitute therefor:

"To identify potential impacts on the municipal system and surrounding properties, the City will require a drainage study, prepared by a professional engineer and submitted for review and acceptance, and mandate that drainage plans be submitted for developments within all areas. To reduce loading on the stormwater infrastructure, drainage plans are encouraged to use approved practices and measures that involve the retention/detention and absorption of runoff."

6. Deleting Section Subsection 5.3.2(i) – Municipal Water Service in its entirety and substitute therefor:

"New developments will be required to connect to the municipal system at the time of development."

7. Deleting Section Subsection 5.5.2 – Telecommunications Services in its entirety and substitute therefor:

“Telecommunications services will be provided within the EBIA as determined by the utilities in response to the requirements of individual businesses. Phone, internet and cable service to the EBIA is currently provided by Bell-MTS and Westman Communications. In addition, Shaw's transcontinental fibre optic line runs along the north side of the CP main line, and the City of Brandon has an existing fibre line to the north of Victoria Avenue. The EBIA is served by both overhead line and fibre optic as conceptually illustrated in Reference Map #3: Telecommunications.”

8. Deleting Section Subsection 5.5.3 – Electrical Service in its entirety and substitute therefor:

“Electrical services will be provided within the EBIA as determined by the utility in response to the requirements of individual business. Within the FS-A designations, electrical service will be provided as a standard industrial service to new development. Electrical utility distribution and servicing for development within the other designations will be coordinated by the utility provider at the request of the developer. Electrical service is currently provided by Manitoba Hydro. Existing local electrical distribution lines within the EBIA major road rights-of-way are conceptually illustrated in Reference Map #5: Electrical Service.”

9. Deleting Figure 5: Conceptual Roads & Servicing in its entirety and substitute with a new figure changing the direction of wastewater flows in the FS-A west servicing area and Identifying a lift station at 1st Street and Patricia Avenue with a forcemain connection. CARRIED.

Chaboyer-LoRegio

1495 That By-law No. 7209, as amended, be read a second time. CARRIED.

Chaboyer-LoRegio

1496 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. 7209 third reading.

FOR

Mayor Rick Chrest
Councillor Shawn Berry
Councillor Ron W. Brown
Councillor Jan Chaboyer
Councillor Barry Cullen
Councillor Kris Desjarlais
Councillor Jeff Fawcett
Councillor Jeff Harwood
Councillor John LoRegio
Councillor Glen Parker
Councillor Lonnie Patterson

AGAINST

Nil

NO. 7212

TO AMEND ZONING BY-LAW NO. 7124 - GENERAL UPDATES

City Council considered a report from the Manager of Corporate Policy dated September 10, 2018 with respect to the above. It was noted that this by-law received first reading at the July 16, 2018 meeting of City Council.

Fawcett-Patterson

1497

That By-law No. 7212 to amend Zoning By-law No. 7124 with respect to general updates be amended as follows:

1. Section 1, by adding the following as subsection (g):

“(g) Delete Section 17 in its entirety and substitute therefor:

“17. REVIEW BY BY-LAW COMPLIANCE STANDARDS COMMITTEE

- (a) A person against whom an order is made under this section may submit a request to the By-law Compliance Standards Committee to review same by making a written request to the City Clerk no later than fourteen (14) days after the date on which the order was made.
- (b) After receiving the written request to review the order, a hearing shall be held no later than 15 days following the filing of the request whereby the Committee shall receive representations from the appellant and the Director and may confirm, vary or rescind the order.

(c) Any person affected by a decision or order of the Committee on an appeal made to it, may appeal from the decision or order to a judge of the Court of Queen's Bench."

2. Section 2. (c), by adding the words: "including eaves" immediately after the word "Balconies" in Table 2 and Table 3; and
3. Section 3. (b), by deleting Note (8) to Table 10 in its entirety and renumbering the remaining notes. CARRIED.

Fawcett-Patterson

1498 That By-law No. 7212, as amended, be read a second time. CARRIED.

Fawcett-Patterson

1499 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. 7212 third reading.

FOR

Mayor Rick Chrest
Councillor Shawn Berry
Councillor Ron W. Brown
Councillor Jan Chaboyer
Councillor Barry Cullen
Councillor Kris Desjarlais
Councillor Jeff Fawcett
Councillor Jeff Harwood
Councillor John LoRegio
Councillor Glen Parker
Councillor Lonnie Patterson

AGAINST

Nil

NO. 7216

TO REZONE 609 - 39TH STREET FROM DEVELOPMENT RESERVE TO RESIDENTIAL SINGLE DETACHED ZONE

It was noted that this by-law received first reading on July 16, 2018.

Cullen-Parker

1500 That By-law No. 7216 to rezone property located at 609 - 39th Street (Lots 37/38, Block 8m, Plan 269 BLTO) from DR Development Reserve Zone to RSD Residential Single Detached Zone be read a second time. CARRIED.

Cullen-Chaboyer

1501 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. 7216 third reading.

FOR

Mayor Rick Chrest
Councillor Shawn Berry
Councillor Ron W. Brown
Councillor Jan Chaboyer
Councillor Barry Cullen
Councillor Kris Desjarlais
Councillor Jeff Fawcett
Councillor Jeff Harwood
Councillor John LoRegio
Councillor Glen Parker
Councillor Lonnie Patterson

AGAINST

Nil

GIVING OF NOTICE:

Nil

ADJOURN:

Berry-Chaboyer

That the meeting do now adjourn (8:01 p.m.) CARRIED.

MAYOR

CITY CLERK