

**MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY, MAY 6, 2019 AT 7:00 PM IN THE COUNCIL CHAMBER, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA**

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

ABSENT: Nil

ADOPTION OF AGENDA:

Chaboyer-Cullen

241 That the Agenda for the Regular Meeting of City Council to be held Monday, May 6, 2019 be adopted as presented. CARRIED.

CONFIRMATION OF MINUTES:

Parker-Brown

242 That the Minutes of the Special Meeting of City Council held on Monday, April 15, 2019 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

Cameron-Chaboyer

243 That the Minutes of the Regular Meeting of City Council held on Monday, April 15, 2019 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

HEARING OF PRESENTATIONS:

(A) JODI DOUGLAS - HOME BASED MASSAGE THERAPY BUSINESS AT 30 GRASSLAND CRESCENT

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Jodi Douglas, appeared before City Council with respect to her home based massage therapy business license application. Ms. Douglas, a registered massage therapist, was seeking approval from City Council to operate a massage business out of her home at 30 Grassland Crescent. She explained that she would have no more than four appointments per day, and only one vehicle would be at the house at one time, which would limit any parking or traffic concerns.

Berry-LoRegio

244 That the presentation by Jodi Douglas with respect to a home based massage therapy business at 30 Grassland Crescent be received. CARRIED.

(B) MAUREEN KRAUSS, HTFC PLANNING & DESIGN - RECREATION AND COMMUNITY FACILITIES MASTER PLAN UPDATE

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Maureen Krauss, Principal at HTFC Planning & Design, appeared before City Council to present an overview of the 2019 Brandon Recreation and Community Facilities Master Plan. Ms. Krauss noted that the consultation process provided community identified priorities for future investment and the need to modernize facilities as well as more new facilities in areas of new growth. She noted that this master plan was focused on the next fifteen to twenty years and provided substantial guidance at two levels: strategic direction recommendations and advice on how to get there. The Recreation and Community Facilities Master Plan would ensure coordination of services and phasing of all new assets and facilities, and will be used in the development of capital and business plan priorities to be brought before City Council for approval each year.

Luebke-Chaboyer

245 That the presentation by Maureen Krauss of HTFC Planning & Design with respect to the Recreation and Community Facilities Master Plan update be received. CARRIED.

(C) DEAN ARNILL, WESTERN ASPHALT PRODUCTS - DEVELOPMENT AGREEMENT FOR LIMESTONE ROAD

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Dean Arnill, President of Western Asphalt Products, appeared before City Council with respect to the development agreement for Limestone Road and the requirements to consolidate lots and pave the access road before building permits are issued. Mr. Arnill requested that the lots remain unconsolidated due to the cost and difficulty of the process to consolidate same, and then have them re-subdivided for future sale. Mr. Arnill requested to leave the access road limestone and would pave the road prior to selling the two lots in the future.

Desjarlais-Chaboyer

246 That the presentation from Dean Arnill of Western Asphalt Products with respect to the proposed amendments to the development agreement for Limestone Road be received. CARRIED.

COMMUNITY COMMENTS/FEEDBACK:

Nil

HEARING OF DELEGATIONS:

Nil

PUBLIC HEARINGS:

Nil

COMMUNICATIONS & PETITIONS:

Nil

COMMITTEE REPORTS:

(A) COMMITTEE OF THE WHOLE                      VERBAL    APRIL 15, 2019

His Worship Mayor Chrest advised that City Council met on Monday, April 15, 2019 in a Committee of the Whole Meeting closed to the public to consider a report and presentation from the Director of Economic Development with respect to the sale and development of 1201 Pacific Avenue; and a report and presentation from Property Administration with respect to the sale of 1501 Patricia Avenue.

The recommendations made by Councillor Desjarlais to sell a portion of 1201 Pacific Avenue to Bowerbird Holdings, and by Councillor Luebke to reclassify the property located at 1501 Patricia Avenue under the Land Inventory Listing and approve the sale of 1501 Patricia Avenue were agreed upon by City Council sitting in committee of the Whole and subsequently adopted in open session.

Parker-Cullen

248                      That the verbal report of the Committee of the Whole Meeting of City Council held April 15, 2019 with respect to the proposed sale and development of 1201 Pacific Avenue, and the sale of 1501 Patricia Avenue be received. CARRIED.

(B) KEYSTONE CENTRE    VERBAL    MAY 6, 2019

Councillor Berry provided a report on behalf of the Keystone Centre Board who met at the end of April, 2019. He noted that several items were discussed including the creation of an ad hoc Land Use Committee to work with the City of Brandon with respect to the Recreation Master Plan. Councillor Berry highlighted the facility's favourable year-to-date financial picture thanks to a recent commitment of provincial funding and a new rental agreement with the Canad Inn. He noted however, that the expected increased revenue would be off-set by the impact of the Carbon Tax and increases in insurance premiums.

Luebke-Berry

249                      That the report of the Keystone Centre be received. CARRIED.

ENQUIRIES:

(35) SYNCRONIZATION OF TRAFFIC LIGHTS ON 26TH STREET

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Councillor Berry referred to the flow of traffic heading north from Richmond Avenue along 26th Street and enquired if the traffic lights on 26th Street at Richmond, Brandon and Park Avenues could be synchronized to ensure vehicles were not required to stop at every intersection.

At the request of His Worship the Mayor, the City Manager responded that traffic volumes in both directions at various points along 26th Street would be evaluated with a full report on this issue to be provided to City Council by June 4, 2019.

(36) SYNCRONIZATION OF TRAFFIC LIGHTS ON VICTORIA AVENUE TRAVELLING WEST AND BREVITY OF LEFT TURN SIGNALS AT VICTORIA AVENUE AND 1ST AND 18TH STREETS

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Councillor Luebke referred to the irregularities in the synchronization of traffic lights for vehicles travelling west on Victoria Avenue from 1st to 18th Streets. He advised that the brevity of the left turn signals at Victoria Avenue and 1st and 18th Streets was also an issue with typically only one or two vehicles getting through before the lights changed. He enquired if Manitoba Infrastructure could be requested to review both of these issues.

At the request of His Worship the Mayor, the City Manager responded that recent assessments of the traffic flow along Victoria Avenue had shown that the dominant traffic volume flow ran eastbound whereby signals had been coordinated accordingly to ensure the highest priority was given to the highest traffic flow volumes. He advised that although the dominant traffic volume was eastbound, there was enough time in the normal cycle timings sequence to pass through the lights heading westbound. Mr. Sage noted that the signals may seem out of coordination if there are multiple interruptions of the timing sequences due to pedestrians pushing the buttons to cross the street.

With respect to the brevity of the left turn arrows at 18th and 1st Streets and Victoria Avenue, the City Manager responded that dependent on the time of day, the signals typically ran 4-11 seconds of dedicated green time over a 60 - 90 second cycle. The City Manager advised that the timing could be shortened by pedestrians pushing the buttons to cross the street or vehicles in the intersection completing their left turns as the light turned red.

Mr. Sage agreed with Councillor Luebke that the brevity of the left turn signals may be problematic and confirmed that this matter would be further investigated with Manitoba Infrastructure.

(37) DUST CONTROL IN BACKLANE BEHIND CLARK DRIVE

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Councillor Cameron advised that he had received complaints from area residents with respect to the amount of dust generated from vehicles travelling in the backlane behind Clark Drive and enquired if this issue could be addressed as soon as possible.

At the request of His Worship the Mayor, the City Manager responded that maintenance was currently being conducted in the graveled backlanes in preparation for the application of dust control. He confirmed that maintenance of all backlanes was expected to be completed by the end of May with the dust control program expected to begin in early June.

Councillor Cameron further enquired as to the process for applying additional gravel to backlanes, inclusive of the schedule for same and whether or not Clark Drive could be added to that schedule.

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

(38) WASHROOM FACILITIES DOWNTOWN

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Councillor LoRegio enquired if the installation of portable washroom facilities in the vicinity of the Kristopher Campbell Skateboard Park could be considered.

Councillor Desjarlais noted that capital project funding had been approved for the installation of washroom facilities in Princess Park and enquired as to the status of that project.

His Worship the Mayor agreed to take both these matters under advisement.

ANNOUNCEMENTS:

PUBLIC INPUT ON DEVELOPMENT IN FLOOD FRINGE

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Councillor Fawcett announced that public input was being sought on the potential for development in the flood fringe areas. He invited everyone to come out and share their thoughts at one of the public information sessions to be held May 23, 2019 at the North End Community Centre or June 6, 2019 at the Riverbank Discovery Centre with both sessions beginning at 5:00 p.m.

OPEN HOUSE - BRAECREST DRIVE CORRIDOR DESIGN

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Councillor Fawcett announced that the Braecrest Drive Corridor Design Open House would be held May 9, 2019 from 4:00 - 7:00 p.m. at Grand Valley Community Church, 1620 Braecrest Drive. He advised that the event was a come and go format with both City of Brandon and Province of Manitoba staff in attendance.

JOINT WARD MEETING - ROSSER, SOUTH CENTRE, GREEN ACRES AND RIVERVIEW WARDS

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Councillor Luebke announced that a joint meeting for the Rosser, South Centre, Green Acres and Riverview Wards would take place May 13, 2019 at 7:00 p.m. in the Cultural Resources Centre, A.R. McDiarmid Complex, 638 Princess Avenue. He advised that agenda items included the Recreation Master Plan, Downtown safety and property crimes, the Brandon Police Service Annual Report, the Brandon Neighbourhood Renewal Corporation's role, the role of the Brandon Downtown Development Corporation and any other city or ward issues.

DOWNTOWN CLEAN-UP EVENT

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Councillor Desjarlais thanked Michelle Budiwski and Brock McEwing for all their hard work in bringing together over 200 volunteers for the Downtown Clean-up held Sunday, May 5, 2019 where over 70 bags of garbage had been collected. His Worship Mayor Chrest echoed Councillor Desjarlais' comments and thanked all the Downtown business owners who participated in the event and ensured their properties were also cleaned up.

GENERAL BUSINESS:

(A) HOME BASED BUSINESS LICENSE APPLICATION - MASSAGE THERAPY AT 30 GRASSLAND CRESCENT

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City Council considered a report from the Director of Finance dated April 25, 2019 with respect to the above.

Berry-Luebke

250 That the application of Jodi Douglas Massage Therapy to operate a massage therapy business as a home based business at 30 Grassland Crescent be approved. CARRIED.

(B) BRANDON RECREATION AND COMMUNITY FACILITIES MASTER PLAN

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Submitted for consideration was a report from the Director of Community Services dated April 26, 2019 with respect to the above.

Luebke-LoRegio

251 That the Brandon Recreation and Community Facilities Plan prepared by HTFC Planning and Design and attached to the report of the Director of Community Services dated April 26, 2019, be adopted. CARRIED.

(C) 2019 CONTRACT A - ROADBUILDING WORKS

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Considered was a report from the Manager of Infrastructure dated April 29, 2019 with respect to the above.

Cameron-Parker

252 That the bid from Allen & Bolack Excavating Ltd. to carry out 2019 Contract A - Roadbuilding Works as per tender and specifications at a cost of \$942,775.16 (net of GST) be accepted and that the additional funding requirement of \$185,000 be approved to be expended from the Gas Tax Reserve. CARRIED.

(D) 2019 CONTRACT D - CONCRETE WORKS

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Councillor Berry declared a potential conflict of interest in this matter due to his employment and left the Chamber prior to any discussion.

City Council considered a report from the Manager of Infrastructure dated April 30, 2019 with respect to the above.

LoRegio-Brown

253 That the bid from Zenith Paving Ltd. to carry out 2019 Contract D - Concrete Works as per tender and specifications at a cost of \$522,251.93 (net of GST) be accepted. CARRIED.

Following the vote on the above motion, Councillor Berry re-enter the Council Chamber.

(E) 2019 CONTRACT E - DRAINAGE WORKS

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Submitted for consideration was a report from the Manager of Infrastructure dated April 29, 2019 with respect to the above.

Cameron-Chaboyer

254 That the bid from Allen & Bolack Excavating Ltd. to carry out 2019 Contract E - Drainage Works as per tender and specifications at a cost of \$521,064.95 (net of GST) be accepted. CARRIED.

(F) AMENDMENT TO DEVELOPMENT AGREEMENT - 14, 20, 26 AND 38 LIMESTONE ROAD

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Considered was a report from Planning & Buildings dated April 29, 2019 with respect to the above.

Parker-LoRegio

255 That the City of Brandon amend the development agreement registered on 14, 20, 26, and 38 Limestone Road (Lots 1/2, Block 2, Plan 38009 BLTO, Lot 4, Plan 33862 BLTO, and Lot 3, Plan 34294 BLTO) to the following conditions:

1. Paragraph 10 of the preamble of the Original Agreement is hereby amended by deleting the following paragraph in its entirety:

“AND WHEREAS Phase III would now include the construction of the balance of Limestone Road, Shale Road and Quartz Road (attached Schedule “D”) .”

2. Clause 6. a) of the Original Agreement is hereby amended by deleting the following paragraph in its entirety:

“Construct Shale Road, the balance of Limestone Road and Quartz Road, including above and below ground infrastructure, Phase III shall be subject to a further Development Agreement between the Developers and the City.”

And substituting the following paragraphs:

“Clause 6. Conditions - Phase III:

- a) The Developer agrees this Amending Agreement be specific to the attached site plan (Schedule “A”) and any variation from this attached concept may require the Developer to obtain approval from Brandon City Council who may request additional public input and who may also require amendment to this agreement;
- b) The Developer agrees to consolidate the following titles by way of a Plan of Survey:
  - i. Lot 4, Plan 33862 (26 Limestone Road); and
  - ii. Lot 3, Plan 34294 (38 Limestone Road)



The Plan of Survey is to be prepared by a professional Land Surveyor and must be registered in the Brandon Land Titles prior to any municipal improvements secured by way of this development agreement being placed on warranty with the City of Brandon.

- c) The Developer shall construct the westerly north/south leg of Limestone Road from Quartz Road, south to a minimum point of 10 meters past the southerly limit of Lot 2, Block 2, Plan 38009 (20 Limestone Road) to an industrial, gravel standard.
- d) The Developer agrees that prior to the issuance of a development and/or building permit for either of the following properties noted below, to construct the westerly north/south leg of Limestone Road from Quartz Road, south to a minimum point of 10 meters past the southerly limit of Lot 2, Block 2, Plan 38009 (20 Limestone Road) to an industrial, paved standard.
  - i. Lot 1, Block 2, Plan 38009 (14 Limestone Road)
  - ii. Lot 2, Block 2, Plan 38009 (20 Limestone Road)
- e) The Developer agrees that until such time as the asphalt surfacing is constructed for above noted section of road, the Developer will be responsible to maintain, at their sole cost, the section of road to a City standard, which includes, but is not limited to, grading and snow clearing.
- f) The Developer shall extend a 250mm watermain along the west leg of Limestone Road connecting at Richmond Avenue East, complete with any required appurtenances, south to a minimum point of 10 meters past the southerly limit of Lot 2, Block 2, Plan 38009 (20 Limestone Road). The design of such watermain is to be prepared by a professional engineer and will be subject to review and acceptance by the City Engineer.
- g) The Developer shall provide, upon completion of the water main extension and road construction, all test results and material test results as required by the Engineering Department.
- h) The Developer will submit, prior to the approval to construct the public water main and prior to the issuance of any development permits, a Storm Water Management Report for review and acceptance by the City Engineer.

- i) The Developer agrees that Lot 4, Plan 33862 (26 Limestone Road) and Lot 3, Plan 34294 (38 Limestone Road) will be developed with uses specifically associated with an asphalt plant and/or railside offloading facilities. Further subdivision of the lands or development of any unrelated uses on the Lands will require the Developer to enter into a new Development Agreement with the City for the construction of municipal above ground and/or underground improvements.
  - j) The Developer agrees to be responsible to maintain, at their sole cost, the unimproved, gravel east leg of Limestone Road from the southerly limit of Lot 3, Block 3, Plan 38009 (44 Limestone Road) to the southerly limit of the intersection of Limestone Road and Shale Road, until such time as the road is constructed to a industrial, paved standard. Such maintenance shall be to a City standard and include, but not be limited to, grading and snow clearing.
  - k) The Developer shall submit, prior to the issuance of a development permit, a detailed cost estimate as prepared by their Consulting Engineer for the review and acceptance by the City Engineer.
  - l) The Developer shall submit, upon acceptance of the detailed cost estimate however, prior to the issuance of a development permit, a Letter of Credit totalling 15% of the total cost of construction as outlined the in the detailed cost estimate.
3. Clause 9. of the Original Agreement is hereby amended by deleting the following paragraph in its entirety:

“The Developers agree to furnish security for any and all of its obligations pursuant to this Development Agreement, by means of a Developer’s Bond or Irrevocable Letter of Credit for the amount of \$100,000.00. ”

And substituting therefor the following paragraphs:

- a) provide along with the submitted plan, a detailed cost estimate using pricing from the Developer’s Consulting Engineer for the Municipal Above Ground and Municipal Underground Improvements, which will be located in the public right-of-way’s or other offsite improvements for those Municipal Above Ground and Municipal Underground Improvements which will become assets of the City.

- b) The Developer agrees to furnish security for any and all of its obligations pursuant to this Development Agreement, by means of an Irrevocable Letter of Credit. The amount shall be equal to fifteen (15%) percent of the total cost of Municipal Above Ground and/or Underground Improvements to be constructed by the Developer, as outlined in the Detailed Cost Estimate provided to the City by the Developer. CARRIED.

BY-LAWS:

NO. 7238 TO ADOPT THE DOWNTOWN BRANDON SECONDARY PLAN

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City Council considered a report from the Chief Planner dated April 16, 2019 with respect to the above.

Desjarlais-Luebke

- 256 That By-law No. 7238 to adopt the Downtown Brandon Secondary Plan be read a first time. CARRIED.

NO. 7239 TO AMEND ZONING BY-LAW NO. 7124 – UPDATE TO REGULATIONS AND STANDARDS AND REMOVAL OF HUB ZONE

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Submitted for consideration was a report from the Chief Planner dated April 16, 2019 with respect to the above.

Desjarlais-Cullen

- 257 That By-law No. 7239 to amend Zoning By-law No. 7124 to incorporate downtown zoning updates be read a first time. CARRIED.

NO. 7242 TO OPEN A PORTION OF 26TH STREET LOCATED BETWEEN MARYLAND AND PATRICIA AVENUES IN SW ¼ 10-10-19 WPM

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Considered was a report from Engineering Services dated April 5, 2019 with respect to the above.

Brown-LoRegio

- 258 That By-law No. 7242, to legally open the parcel (Ely 33 feet of SW 1/4 10-10-19 WPM) located between Maryland and Patricia Avenues as an extension of 26th Street to the south, be read a first time. CARRIED.

NO. 7244 TO WIDEN THE EXISTING NORTH/SOUTH LANE LOCATED EAST OF LOTS 11/23, BLOCK 3,  
PLAN 202

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City Council considered a report from the City Engineer dated April 18, 2019 with respect to the above.

LoRegio-Chaboyer

259 That By-law No. 7244, to widen the existing north/south public lane by 1m, located east of Lots 11-23, Block 3, Plan 202 BLTO north of Aagard Avenue between 18th and 19th Streets, be read a first time. CARRIED.

GIVING OF NOTICE:

Nil

ADJOURN:

Berry-Chaboyer

That the meeting do now adjourn (9:50 p.m.) CARRIED.

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MAYOR

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CITY CLERK