

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY, MAY 11, 2020 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 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

It was noted that in accordance with Section 109 of Procedure By-law No. 6634, Councillor R. Brown participated in the meeting electronically.

ADOPTION OF AGENDA:

Chaboyer-Luebke

695 That the Agenda for the Regular Meeting of City Council to be held Monday, May 11, 2020 be adopted as presented. CARRIED.

CONFIRMATION OF MINUTES:

Cameron-Cullen

696 That the Minutes of the Regular Meeting of City Council held on April 20, 2020 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

Parker-LoRegio

697 That the Minutes of the Special Meeting of City Council held on April 20, 2020 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

HEARING OF PRESENTATIONS:

(A) STEVE MCMILLAN, BELLAFIELD HOLDINGS LTD. - CONDITIONS OF DEVELOPMENT AGREEMENT FOR SUBDIVISION OF 1901 AND 1955 - 34TH STREET

Steve McMillan, on behalf of Bellafield Holdings Ltd., appeared before City Council with respect to the conditions of the development agreement for the subdivision of 1901 and 1955 – 34th Street. Mr. McMillan noted three areas of concern within the development agreement – the tree contribution; development cost charges; and oversizing drainage infrastructure.

He noted that the developer was hoping to install their own trees to the species, number of trees and standards of the City at time of landscaping the lots, instead of paying the tree contribution to the City as there were time delays when the City planted the trees.

Mr. McMillan advised that Bellefield was requesting that 50% of development cost charge be payable at time of signing the development agreement, and the remaining 50% paid at the two-year anniversary date of signing the development agreement, instead of paying it all at time of signing the development agreement.

He stated that amendments had been made to the Southwest Secondary Plan in 2018 that required the developer to oversize land drainage infrastructure and retention areas. As the oversizing reimbursement costs had not been finalized and could change in the future, he requested that Condition No. 1 of the development agreement be removed until these numbers were worked out.

Mr. McMillan concluded by indicating the desire for Council to approve this subdivision application.

Berry-LoRegio

698 That the presentation by Steve McMillan on behalf of Bellafield Holdings Ltd. with respect to the conditions of the development agreement for the subdivision for 1901 and 1955 - 34th Street be received. CARRIED.

COMMUNITY COMMENTS/FEEDBACK:

Nil

HEARING OF DELEGATIONS:

Nil

PUBLIC HEARINGS:

Nil

COMMUNICATIONS & PETITIONS:

Nil

COMMITTEE REPORTS:

(A) KEYSTONE CENTRE VERBAL MAY 11, 2020

Councillor Luebke provided an updated on the current financial situation of the Keystone Centre. He stated the Keystone Centre estimated a loss of \$2.1 million dollars in revenue as a result of the cancellations and postponements of events due to the COVID-19 pandemic. He announced that the Management Team had immediately gone into expense management which resulted in a savings of \$675,000. Councillor Luebke advised that staff had been working on interior upgrades to the building as well as seeking other means of revenue by working with businesses within the City of Brandon. Councillor Chaboyer suggested the Management Team work with Brandon University, Assiniboine Community College and Brandon School Division to offer larger spaces for classes with the appropriate physical distancing.

Parker-Berry

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

ENQUIRIES:

(114) WILD TURKEYS IN THE CITY OF BRANDON

Councillor LoRegio noted that wild turkeys were becoming a nuisance in the Argyle Park area of the City of Brandon, inclusive of digging up yards and leaving poop everywhere. He enquired how residents were expected to deal with this issue and who should be contacted for assistance.

At the request of His Worship the Mayor, the Acting City Manager responded that wild turkeys were a Game Bird and fell under the jurisdiction of Manitoba Agriculture and Resource Development. He advised that trapping and relocation of these birds typically happened in the winter months, with twenty-two (22) birds having been relocated outside the City of Brandon in 2019/2020. Mr. Hammond encouraged residents with concerns regarding the wild turkeys to contact Manitoba Agriculture and Resource Development at 204-726-6441 to ensure the issue could be dealt with appropriately.

(115) AUDIBLE LIGHTS DOWNTOWN

Councillor Desjarlais noted that while the audible lights in the downtown area were welcomed and necessary, the volume of same were causing issues for residents in the overnight hours. He enquired if same could be adjusted to be muted or lowered overnight.

At the request of His Worship the Mayor, the Acting City Manager responded that there had not been any noise complaints received when the beacons were installed at the intersection of 10th Street and Rosser Avenue as part of the pilot project however, the volume levels were adjustable. He noted that the beacons would need to be removed and recalibrated to adjust volume levels and same would be completed as time and resources allowed. Mr. Hammond encouraged residents with concerns at specific intersections to contact Councillor Desjarlais to prioritize the order of needed adjustments.

ANNOUNCEMENTS:

GRANT APPLICATIONS FOR 2021

Councillor Luebke, on behalf of the Grants Review Committee, advised community groups that grant applications were now being accepted by not-for-profit organizations who wished to be considered for grant funding for 2021 and that applications would be accepted until June 30, 2020. Applications could be found on the city's website at www.brandon.ca or by contacting the Legislative Services Department directly.

POSTPONEMENT OF PHASE II OF WILLOWDALE ROAD PROJECT

Councillor Berry announced that Phase II of the Willowdale Road Project (Linden Boulevard to Ashgrove Boulevard) originally scheduled for this year had been postponed until next summer. He advised that the postponement would allow for residents to have a break from major construction however, final adjustments to Phase I of the Project would be completed this year.

ON-LINE EXHIBITION - ART GALLERY OF SOUTHWESTERN MANITOBA

Councillor Chaboyer announced that the Art Gallery of Southwestern Manitoba was featuring an on-line exhibition featuring the works of KC Adams, a Cree, Ojibway Artist from Winnipeg, Manitoba. She encouraged everyone to visit the website at www.agsm.ca to view this and other on-line exhibits until such time as the Gallery was able to open to the public again.

CANADIAN SNOWBIRDS COMMUNITY FLY-OVERS

His Worship Mayor Chrest announced that the Canadian Snowbirds were expected to be in Manitoba on Tuesday, May 12, 2020 as part of the "Operation Inspiration" community fly-overs to show support for front line workers and Canadians in general during the COVID-19 Pandemic.

He confirmed that, weather permitting, the Snowbirds planned to land at the Brandon Airport at approximately 10:30 a.m. on Tuesday, and were expected to do a few fly-overs of the city prior to landing. He encouraged residents to check Twitter for further updates.

GENERAL BUSINESS:

(A) TEMPORARY SUSPENSION OF TAX SALE PROCESS FOR 2018 ARREARS

City Council considered a report from the Director of Finance dated April 30, 2020 with respect to the above.

Cullen-Parker

700 WHEREAS Manitoba has declared a state of emergency as a result of the COVID-19 pandemic;

AND WHEREAS the pandemic is causing financial difficulties for many businesses and individuals;

THEREFORE IT IS RESOLVED THAT proceedings to offer properties for sale at tax sale auction be temporarily suspended for a period of four (4) months. CARRIED.

(B) 2020 FEE SCHEDULE AMENDMENT – CREDIT CARD PAYMENT CONVENIENCE FEE

City Council considered a report from the Director of Finance dated April 30, 2020 with respect to the above.

Cameron-Berry

701 That a Credit Card Convenience Fee of 2.25% of the payment value be levied for payments processed using a Credit Card in conjunction with the City of Brandon Virtual City Hall (VCH) application;

and further, that this fee will only apply to payments made for Property Taxes, Water Utility Accounts and Accounts Receivable;

and further, that page 31 of Schedule "A", By-Law No. 7260 be replaced with the attached amended page noting this Credit Card Convenience Fee;

whereby this fee is being introduced to cover the cost incurred by the City of Brandon for accepting and processing credit card payments through the VCH application being introduced as a payment option as a result of the COVID-19 crisis and the Civic Administration Building (City Hall) being closed to the general public. CARRIED.

(C) SOCIO-ECONOMIC JUSTIFICATION TO MODIFY CLASS 4 WETLAND

City Council considered a report from the Planning & Buildings Department dated April 27, 2020 with respect to the above.

Berry-Brown

702 That the letter providing socio-economic justification for the modification of a Class 4 Wetland be submitted to The Manitoba Drainage and Water Control Licensing Branch in support of a request from VBJ Developments Ltd. for a drainage license on the lands known as the South Brandon Village Development. CARRIED.

(D) APPLICATION TO SUBDIVIDE – 1901 AND 1955 – 34TH STREET (BELLAFIELD HOLDINGS LTD.)

Considered was a report from the Legislative Services Department dated May 4, 2020 with respect to the above.

Berry-Luebke

703 That the application to subdivide 1901 and 1955 – 34th Street (Pt. SW¼ 10-10-19 WPM and Pt. Parcels 2 and 4, Plan 1731 BLTO) to create seventy five (75) lots and public roads in the Residential Single Detached (RSD) and Parks and Recreation (PR) Zones, be approved subject to the owner or successor:

1. Entering in to a development agreement with the City of Brandon, to be registered in series with the subdivision, with the following conditions:
 - a. The Developer is required to oversize land drainage infrastructure and retention areas as outlined in the Southwest Brandon Secondary Plan. In accordance with the Secondary Plan, Oversized Infrastructure & Developer Reimbursement Parameter, and Standard Operating Procedure, the applicant is entitled to reimbursements for Engineering Design, Supply and Installation of Materials, and Loss of Developable Land. The reimbursement values will be finalized (total recovery costs) upon the City accepting the actual unit prices, design and construction costs and record drawings for oversizing benefit. The developer will be entitled to receive payment by the City in accordance with the Parameter and Standard Operating Procedure, and no earlier than the issuance of a Construction Completion Certificate.
 - b. The Developer agrees as part of the Phase 1 interim storm water detention basin, considerations are to be made to accommodate at minimum 3 hectares of land to the north of Maryland Avenue within the interim basin. Design of the detention basin is to be reviewed and accepted by the City Engineer prior to the permitting of work.

- c. The Developer agrees that any piped land drainage sewer that falls within private property is to be covered by a 5-metre easement and is to be registered in series with the Plan of Subdivision.
- d. The Developer agrees that all easements are to be registered on all rear yard swales in series with the Plan of Subdivision; width of easement is to be to the acceptance of the City Engineer. Proof of registration is to be provided to engineering prior to the issuance of a Construction Completion Certificate.
- e. A gravel turnaround with a minimum radius of 13 metres is required at the dead end of the street stub to the southeast of the Hanlon Crescent and Chipperfield Drive intersection, servicing Lots 1 & 2 Block 4, and Lots 1 & 2 Block 5 of the proposed subdivision map, for waste collection purposes. Design of turnaround is to be reviewed and accepted by the City Engineer prior to permitting of work.
- f. The Developer is be required to provide a landscaping plan identifying the location and species of 105 boulevard trees to be planted by the Developer as per the plan and City tree specifications. The Developer shall notify the City at the end of each planting season to inspect the trees and commence the warranty process.
- g. The Developer is required to provide to the City, a construction access plan. The Construction Access Plan is to be reviewed and accepted by the City Engineer prior to the issuance of building and/or development permits.
- h. The Developer agrees to design and develop the 15 metre Public Reserve along the east boundary of the subdivision including but not limited to grading, sodding, tree planting and 3 metre wide asphalt trail with boundary connection to the existing multi-use trail within Maryland Avenue. The design is to be reviewed and accepted by the Director of Parks and Recreation Services.
- i. The Developer agrees to provide written confirmation that necessary arrangements have been made for postal service and that the pick-up / drop off location of the community mailbox has been determined between the Developer and Canada Post, to the approval of Canada Post.
- j. The Developer acknowledges the site will be subject to development charges. Network Infrastructure charges of \$286,392.93 (2020 rate) are due upon the execution of the development agreement in accordance with Schedule B-3 of the Development Charges By-law. Additional development charges will be charged against any future buildings and will be applied at the time of issuance of a building permit.

- k. The Developer agrees, prior to the issuance of the subdivision certificate of approval to contribute to the Brandon School Division in lieu of land dedication in the amount of \$21,262.50.
 - l. The Developer agrees to provide the City with a Detailed Cost Estimate for all work proposed to be completed within the City's right-of-way. The Detailed Cost Estimate is to be prepared by the Developer's Consulting Engineer and is submit to review and acceptance by the City Engineer.
 - m. The Developer will be responsible to submit an Irrevocable Letter of Credit totaling 15% of the Detailed Cost Estimate. Submission of the Letter of Credit is required prior to the execution of a development agreement.
2. Submitting written confirmation to the City of Brandon Planning & Buildings Department that arrangements have been made for a Plan of Easement to the satisfaction of Manitoba Hydro and Central Gas; BellMTS; Westman Communications Group, and registering the plan of easement agreement along with the easement plan, if required, in series with the plan of subdivision.
 3. Submitting all required information demonstrating compliance with the Oversized Infrastructure & Developer Reimbursement Parameter for consideration by City Council. CARRIED.

Berry-Chaboyer

704 That the request to name the following streets as per the subdivision application map be approved:

1. Hanlon Crescent
2. Allison Way
3. Ferraro Drive. CARRIED.

BY-LAWS:

NO. 7232 TO BORROW FUNDS FOR THE EXTENSION OF 34TH STREET FROM PACIFIC TO MCDONALD AVENUES

Considered was a report from the City Clerk dated April 30, 2020 with respect to the above.

Cameron-Cullen

705 That By-law No. 7232 to borrow funds for the purpose of constructing and extending 34th Street from Pacific Avenue to McDonald Avenue be amended by deleting Clause 3 in its entirety and substituting the following therefor:

"3. That the borrowing of the aforesaid project shall be issued by the City of Brandon in the Province of Manitoba, and shall be payable at the Bank of Montreal in Brandon or at the principal office of the Bank in one of the Cities of Winnipeg, Toronto, Montreal or Vancouver, Canada at the holder's option, and shall be dated the 31st day of January 2020." CARRIED.

Cameron-LoRegio

706 That the by-law, as amended, be given second reading. CARRIED.

Cameron-Cullen

707 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. 7232 third reading.

FOR

Mayor Rick Chrest
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

AGAINST

Nil

NO. 7256

TO REZONE PROPERTY LOCATED AT 235 GLEN AVENUE FROM COMMERCIAL ARTERIAL ZONE TO RESIDENTIAL MOBILE/MODULAR HOME ZONE

Considered was a report from the Legislative Services Department dated April 30, 2020 with respect to the above.

Fawcett-Parker

708 That By-law No. 7256 to rezone property located at 235 Glen Avenue (Lot 1, Block 4, Plan 925 BLTO) from Commercial Arterial (CAR) zone to Residential Mobile/Modular Home (RMH) zone, 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. 7256 third reading.

<u>FOR</u>	<u>AGAINST</u>
Mayor Rick Chrest	Nil
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	

NO. 7262 TO REPEAL BY-LAW NO. 6917 – MULTI-FAMILY AFFORDABLE HOUSING PROGRAM

Considered was a report from the Director of Economic Development dated April 8, 2020 with respect to the above.

709 Luebke-Chaboyer
That By-law No. 7262, to repeal By-law No. 6917 to establish the Multi-family Affordable Housing Program to provide financial assistance for affordable housing projects in the City of Brandon, be read a second time. CARRIED.

710 Luebke-Chaboyer
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. 7262 third reading.

<u>FOR</u>	<u>AGAINST</u>
Mayor Rick Chrest	Nil
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	

NO. 7265 TO AMEND ZONING BY-LAW NO. 7124 - FLOODPLAIN REGULATIONS

Submitted for consideration was a report from the Legislative Services Department dated April 17, 2020 with respect to the above.

Fawcett-Cameron

711 That By-law No. 7265 to amend portions of Section 69 of Zoning By-law No. 7124 with respect to floodplain regulations be amended by deleting in Section 1 (a), the definition of Floodplain dike protection area in its entirety and substituting the following therefor:

"Floodplain diked protection area - included lands protected from flooding by the City engineered dike system. These lands are still at risk of flooding should a failure of the City dike system occur." CARRIED.

Fawcett-Chaboyer

712 That By-law No. 7265, as amended, be read a second time. CARRIED.

Fawcett-Chaboyer

713 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. 7265 third reading.

FOR

Mayor Rick Chrest
Councillor Shawn Berry
Councillor Ron W. Brown
Councillor S. Cameron
Councillor J. Chaboyer
Councillor B. Cullen
Councillor K. Desjarlais
Councillor J. Fawcett
Councillor J. LoRegio
Councillor B. Luebke
Councillor G. Parker

AGAINST

Nil

NO. 7267 TO REZONE 1901 AND 1955 – 34TH STREET FROM AGRICULTURAL GENERAL ZONE TO RESIDENTIAL SINGLE FAMILY ZONE AND PARKS & RECREATION ZONE

Considered was a report from the Legislative Services Department dated May 4, 2020 with respect to the above.

Berry-LoRegio

714 That By-law No. 7267 to rezone a portion of property located at 1901 and 1955 - 34th Street (Pt. SW 1/4 10-10-19 WPM and Pt. Parcel 2 and 4, Plan 1731 BLTO) from Agricultural General (AG80) zone under the RM of Cornwallis Zoning By-law No. 1558/09/99 to Residential Single Detached (RSD) and Parks and Recreation (PR) zones, be read a second time. CARRIED.

Berry-LoRegio

715 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. 7267 third reading.

FOR

AGAINST

Mayor Rick Chrest

Nil

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

NO. 7268

TO OPEN THE "H" SHAPED PARCEL (LANE IN BLOCK 79, PLAN 15) LOCATED BETWEEN PRINCESS AND ROSSER AVENUES AND 28TH AND 29TH STREETS

Submitted for consideration was a report from the Legislative Services Department dated April 27, 2020 with respect to the above.

Cameron-Parker

716 That By-law No. 7268, to legally open the "H" shaped parcel (Lane Block 79 Plan 15) located between Princess and Rosser Avenues and 28th and 29th Streets, be read a second time. CARRIED.

Cameron-Parker

717 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. 7268 third reading.

FOR

Mayor Rick Chrest
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

AGAINST

Nil

NO. 7272

TO REPEAL BY-LAW NO. 6873 – HOME RENOVATION TAX ASSISTANCE PROGRAM

City Council considered a report from the Director of Economic Development dated April 3, 2020 with respect to the above.

Desjarlais-Cameron

718 That By-law No. 7272, to repeal By-law 6873 Home Renovation Assistance Program to incentivize renovations and repairs by middle to low income households in the City of Brandon, be read a second time. CARRIED.

Desjarlais-Luebke

719 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. 7272 third reading.

FOR

Mayor Rick Chrest
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

AGAINST

Nil

NO. 7273 TO CREATE A MUNICIPAL TAX INCENTIVE PROGRAM FOR 3409 VICTORIA AVENUE

His Worship Mayor R. Chrest declared a conflict of interest in this matter and left the Council Chamber without further discussion.

Submitted for consideration was a report from the Director of Economic Development dated April 8, 2020 with respect to the above.

Cullen-Cameron

720 That By-law No. 7273, to create a municipal tax increment financing program for 3409 Victoria Avenue be read a second time. CARRIED.

Cullen-Chaboyer

721 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. 7273 third reading.

<u>FOR</u>	<u>AGAINST</u>
Councillor Shawn Berry	Nil
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	

Following the vote on the above motion, Mayor Chrest re-entered the Council Chamber.

GIVING OF NOTICE:

Nil

ADJOURN:

Berry-Chaboyer

That the meeting do now adjourn (9:43 p.m.) CARRIED.

MAYOR

CITY CLERK