

Minutes of a Regular Meeting of Council held at City Hall in the City of Portage la Prairie on Monday, April 26, 2010 at 6:04 p.m.

PRESENT: Mayor Ken Brennan, Chair; Councillors Quinn, Keryluk, Wagner, Shindle, and Ferris

ABSENT: Councillor Bereza

ADOPTION OF MINUTES 99/10 Moved by: Councillor Wagner
Seconded by: Councillor Quinn
RESOLVED THAT the Minutes of the Regular Meeting of Council held at City Hall on Monday, April 12, 2010, be approved as circulated.
Carried.

DELEGATIONS:

Tim Keep: Dog Park in the City Mr. Keep made a presentation proposing an off-leash dog park within the city and left proposal materials with Council. Mayor Brennan thanked Mr. Keep.

Mr. John Boehm: Non Ice use of East side of Arena / Recreation Mr. Boehm inquired as to the east side of the Portage Centennial Arena to be used for non-ice purposes and asked that his name be placed as a representative to a committee for this. Mayor Brennan explained that no decisions have been made on this yet.

Eagles Fire Youth Council: Amber Beaulieu Mayor Brennan welcomed the delegates. Ms. Amber Beaulieu made a presentation on behalf of the Youth Council and introduced those accompanying her. Portage Friendship Centre's youth centre promotes learning programs in a wide range of topics in a safe environment. The Youth Council requested a letter of support from the City to forward to their funding agencies. Mr. Stuart Alcorn answered questions posed by Council. Councillor Quinn commended Ms. Beaulieu and thanked her for the good job the Youth Centre is doing.

HEARINGS:

Variation PC 3-10 – David Seidlitz – 408 Old Bridge Road / Part of Parish Lot 103, Parish of Portage la Prairie No one appeared.

100/10 Moved by: Councillor Wagner
Seconded by: Councillor Quinn
RESOLVED THAT the public hearing for Variation PC 3-10 – David Seidlitz – 408 Old Bridge Road / Part of Parish Lot 103, Parish of Portage la Prairie now be closed.
Carried.

The applicant, **David Seidlitz**, is applying for a variation order to allow the north side yard to be reduced from the required 4.5m to 3.048m. Applicant wishes to build a 4.877m x 9.754m addition to front of house.

This building is in an RR – Rural Residential Dwelling District.
The application has been circulated to the various City Departments with no concerns being expressed.
Public notices have been sent to all property owners within a 100 meter radius.

101/10 Moved by: Councillor Wagner
Seconded by: Councillor Quinn
RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of **David Seidlitz** to vary the north side yard to be reduced from the required 4.5m to 3.048m at the property known as **408 Old Bridge Road** which is legally described as Part of Parish Lot 103, Parish of Portage la Prairie.
Carried.

COMMITTEES:

**Finance,
Legislative &
Property
Committee**

The Finance, Legislative and Property Committee respectfully submits the following reports:

Unpaid Water,
Sewer, and Solid
Waste to Taxes for
March, 2010 – By-
Law #10-8458 –
2nd & 3rd Reading

This is part of the normal monthly procedure to allow unpaid water, sewer and solid waste accounts to be added to property taxes.

- 102/10 Moved by: Councillor Quinn
Seconded by: Councillor Shindle
RESOLVED THAT By-Law No. 10-8458 being a by-law to authorize unpaid water, sewer and solid waste charges be added to taxes be read a second time.
Carried.
- 103/10 Moved by: Councillor Quinn
Seconded by: Councillor Shindle
RESOLVED THAT By-Law No. 10-8458 being a by-law to authorize unpaid water, sewer and solid waste charges be added to taxes be read a third time, finally passed, signed, and sealed.
Carried.
In Favour: Councillors Ferris, Keryluk, Quinn, Shindle, Wagner, and Mayor Brennan

Tax Sale Services
– By-Law #10-
8477 – 2nd & 3rd
Reading

TAXervice manages the collection of property tax arrears for Manitoba municipalities. They look after the entire legal process - from courtesy letters through to tax sale auction.

Their knowledge and expertise in the field enables them to provide efficient and effective services. Many municipalities have signed on with TAXervice and are very satisfied with their services.

These services are at no cost to the municipalities since any collection fees for taxes are chargeable to the delinquent tax payer.

In order for TAXervice to conduct the tax sale process on our behalf, the City must authorize them by by-law as a Tax Sale Manager.

- 104/10 Moved by: Councillor Quinn
Seconded by: Councillor Shindle
RESOLVED THAT By-law No. 10-8477 being the by-law to establish a tax sale manager position be given second reading.
Carried.
- 105/10 Moved by: Councillor Quinn
Seconded by: Councillor Shindle
RESOLVED THAT By-law No. 10-8477 being the by-law to establish a tax sale manager position be read a third time, finally passed, signed, and sealed.
Carried.
In Favour: Councillors Ferris, Keryluk, Quinn, Shindle, Wagner, and Mayor Brennan

By-Law #10-8481
– Amending By-
Law #01-8098 –
Outdoor Mobile
Vending License –
1st Reading

The current section 15 of License By-Law 01-8098 pertains to an Outdoor Mobile Vending Unit that operates on a regular basis in the City. This type of Mobile Vendor is required to be licensed with the City as well as with the Provincial Health Department. They are also required to hold liability insurance. This section does not currently permit businesses from holding charity BBQ's on an occasional basis.

It is proposed to add a clause (l) to this section that allows businesses to hold BBQ's

for the purpose of raising funds for charity, but not more than 4 days in a year. The following clause is proposed to be added to the by-law:

“15 (l) A business or organization that operates an Outdoor Mobile Food Vending Unit for the purpose of conducting an outdoor barbeque to raise funds to donate to a charity may do so up to 4 times in a calendar year and is exempt from the provisions of clauses b, c, d and j of this section.”

Clause 15(k) should also be amended by deleting the words “Director of Economic and Community Development” and replacing with “Manager of Administration”.

106/10 Moved by: Councillor Quinn
 Seconded by: Councillor Shindle

RESOLVED THAT Council of the City of Portage la Prairie amend Section 15 – Part II of License By-Law 01-8098 by giving By-Law No. 10-8481 first reading. Carried.

Tax Levy By-Law
 #10-8475 – 2nd &
 3rd Reading

City Council adopted the 2010 budget for the City of Portage la Prairie on January 12, 2010. The Tax Levy By-Law is comprised of the 2010 budget in the Financial Plan and sets the mill rates needed to raise the tax dollars. The 10–year Capital Plan also makes up part of the Financial Plan.

Municipal Tax Levy

The 2010 Budget Estimates relies on \$9,366,484 in property taxes (\$9,378,545 including special Local Improvement Taxes) to meet all the expenditures not recovered by other revenues. There is an increase of **7.5%** in municipal tax dollars raised when compared to 2009.

The mill rate is based on the budgeted amount of tax dollars the municipality requires to meet its obligations in 2010. The total tax dollar requirement is spread over the entire assessment base for the City. The 2010 municipal tax rate is \$26.655 for every \$1,000 of the assessment portion that is subject to taxation.

(Portioned assessment is the value of the property multiplied by the percentage assigned by the Province. For residential property, the percentage to portion is 45%.)

A general reassessment took place last year for changes to the assessment in the 2010 tax year. Notices were sent to all property owners whose assessment had changed. For Portage la Prairie, the overall assessment increase was 25%. This lowers the tax rate since the tax dollars are spread over a larger tax base than in 2009. With the increase in taxes of 7.5%, the net result is in a mill rate decrease of 14.22%.

Items that account for the 7.5% increase are as follows:

| <u>New Items:</u> | <u>% Increase</u> |
|--|-----------------------|
| RECREATION: Additional Costs for PRRA - City Share | 1.2% |
| PROTECTIVE SERVICES: RCMP Contract Cost Increases | 2.0% |
| PROTECTIVE SERVICES: Fire Salaries Increase | 1.0% |
| FINANCING: Additional Transfer to General Reserve | 1.0% |
| FINANCING: Additional Debt Payments (in addition to the Debt Mgt Plan) | 1.0% |
| COMMUNITY DVPT: Downtown Development 2nd Street N.W. | |
| Landscaping (portion) | 0.6% |
| Miscellaneous items | 0.7% |
| | 7.5% |

The City’s web site contains the 2010 Financial Plan as well as a tax impact calculator for taxpayers to calculate the increase or decrease that will take place on their 2010 tax bill in regards to municipal taxes and school taxes.

Education Levies

It is part of our mandate as a municipal corporation to collect school taxes on behalf of the School Board and the Province. These levies make up the total mill rate sent out on the tax bills.

The School Board's tax request within the City of Portage la Prairie increased by \$69,902, an increase of 1.3% from 2009. The Foundation levy, which is applicable to commercial property only, actually decreased by \$112,732 or 7.6% from 2009.

IMPACT

A house assessed at \$100,000 in 2009 that went up by the average re-assessment increase in 2010 would be at \$125,310 and would pay \$99 more in taxes as follows:

| | |
|--|--------------------|
| 2010 property taxes on a house assessed at \$125,310 | |
| Municipal | \$1,503 |
| School | \$906 |
| Resident Home Owner School Tax Rebate | -\$650 |
| 2010 Net Property Taxes | \$1,759 |
| | |
| 2009 property taxes on a house assessed at \$100,000 | |
| Municipal | \$1,398 |
| School | \$912 |
| Resident Home Owner School Tax Rebate | <u>-\$650</u> |
| 2009 Net Property Taxes | <u>\$1,660</u> |
| | |
| Property Tax Increase | <u><u>\$99</u></u> |

For 2010, the tax payment deadline is July 31, 2010.

Debt Management Plan

The capital plan included in the Financial Plan is part of the City's Debt Management Plan. This plan lays out the capital expenditures over the next ten years with their impact on the operating funds, reserves and debt. It is worth highlighting that construction costs for the 4 lane causeway to Island Park (\$3.1 Million) is included in the General Fund and nutrient removal (\$53.25 Million) that is required to meet the new environmental regulations is included in the Utility fund of the plan. Projects over \$500,000 that are planned to take place over the next 10 years are as follows:

| <u>General Fund</u> | <u>2010 DMP</u> |
|-------------------------------------|------------------------|
| Pavement overlays | \$2,499,000 |
| Island Park 4 lane causeway | \$3,100,000 |
| 5th Ave, 8th - Tupper (730m) | \$1,314,000 |
| 8th St NW, 4th Ave - 7th Ave (550m) | \$1,100,000 |
| Heavy Equipment Renewal | \$1,725,000 |
| Subtotal | <u>\$9,738,000</u> |

The Plan also includes a significant increase in sewer rates to fund the Nutrient Removal project – an estimated 30% spread over the first 3 years of the Plan. The utility rates and application made earlier for 2011 and 2012 will be reviewed by the Public Utilities Board later this year (as part of the follow up to the Interim Board Order issued late last year).

Updates from February 8 Budget Approval

The 2010 Budget approved on February 8, 2010 has since been revised to include projects carried over from 2009 to 2010.

Items carried over are as follows:

| | |
|---------------------|------------|
| General Fund | 12,013,264 |
| Utility Fund | 178,300 |

RESOLVED THAT By-Law No. 10-8475, being a by-law of the City of Portage la Prairie to authorize the levying and raising of property taxes for school and municipal purposes for the year ending December 31, 2010 be given second reading.
Carried.

- 108/10 Moved by: Councillor Quinn
Seconded by: Councillor Shindle
RESOLVED THAT By-Law No. 10-8475 be given third and final reading, finally passed, signed and sealed.
Carried.
In Favour: Councillors Ferris, Keryluk, Quinn, Shindle, Wagner, and Mayor Brennan

Monthly Activity
Reports

Council reviewed the Monthly Activity Reports.

**City Planning &
Economic
Development**

The City Planning & Economic Development Committee respectfully submits the following reports:

Economic
Development
Services

The City entered into a contract on November 1, 2009 with HMC Management Inc. for the provision of economic development services including business retention, expansion, attraction and path finding plus land and other related services. The contract with HMC Management is for six months with provision for the contract to be extended in 6 month increments. The monthly fee for the previous 6 months was \$4,935 per month with the fee for the next 6 month period at \$5,370.

HMC Management has successfully provided the economic development services requested and it is proposed that the contract be extended for a further 6 months. Contracting out this service results in cost savings of approximately \$40,000 for the City.

- 109/10 Moved by: Councillor Wagner
Seconded by: Councillor Quinn
RESOLVED THAT That the contract with HMC Management Inc. be extended for an additional six months commencing May 1, 2010.
Carried.

Monthly Activity
Reports

Council reviewed the Monthly Activity Reports.

**Public Safety
Committee**

The Public Safety Committee respectfully submits the following reports:

Monthly Activity
Reports

Council reviewed the Monthly Activity Reports.

**Waterworks
Committee**

The Waterworks Committee respectfully submits the following reports:

Monthly Activity
Reports

Council reviewed the Monthly Activity Reports.

**Transportation
Committee**

The Transportation Committee respectfully submits the following reports:

Monthly Activity
Reports

Council reviewed the Monthly Activity Reports.

Councillor Keryluk inquired as to possible BFI interruption of services. Director of Operations Kelly Braden indicated that he has not received any notice that service may be interrupted, but will stay abreast of the situation.

**Community
Services
Committee**

The Community Services Committee respectfully submits the following reports:

Monthly Activity
Reports

Council reviewed the Monthly Activity Reports.

Councillor Shindle extended thanks and commended Dave Green and the PRRA staff for a successful concert at the PCU Centre on April 3.

**DEFERRED
BUSINESS**

None

NEW BUSINESS

E-Waste Program

The Province of Manitoba, through Green Manitoba, assists in the financing of e-waste collection depots. In 2010, collection depots will receive \$130 per tonne from Green Manitoba to collect, store and prepare e-waste for shipping. Green Manitoba pays for transportation costs.

PDRI has proposed to conduct e-waste collection (a depot at their building) from May 1 to October 31, 2010 for the City of Portage la Prairie and the RM. PDRI anticipates a cost of \$200.00 per MT. Therefore they have requested the City and the RM to pay \$70.00 per MT for residential e-waste collected by PDRI. Tracking can be based upon the invoicing to Green Manitoba.

The proposed hours for the e-waste depot are 8am to 3pm, Monday to Friday, and 8am to 12:00pm on the first Saturday of each month (May to October).

Based upon the tonnage collected in previous years, it is anticipated there will be approximately 30 tonnes of material. With the City paying 65% of the cost, the net cost to the City is expected to be approximately \$1400. This is \$300 less than what the City spent during its one day depot in 2009 to collect 8.2 tonnes of e-waste. The City would conduct some e-waste advertising.

There is \$2500 in the 2010 budget for this program.

110/10 Moved by: Councillor Wagner
Seconded by: Councillor Ferris

RESOLVED THAT the Council of the City of Portage la Prairie participate in the electronic waste recycling program by partnering with PDRI and having them accept residential e-waste at the PDRI depot from May through October.
Carried.

Award of Tender:
RCMP Prisoner
Cell Renovations

The following tenders, including applicable taxes, for Police Building Cell Retrofit were received:

| | |
|-----------------------------|----------------|
| Ellwood McRorie Limited | \$829,633.00 |
| Ben Wiebe Construction Ltd. | \$1,002,831.90 |

The Police Building cell retrofit project was first proposed in 2000 with some funding set aside in that year. Council passed a resolution on January 22, 2007 awarding architectural services for the cell retrofit to Calnitsky Associates Architects. The design work took significantly longer than originally anticipated and involved the investigation of many more options than was planned for.

Calnitsky Associates recommends that the cell retrofit project be awarded to the low bidder, Ellwood-McRorie Limited. The projected budget for this project is now:

Consultant Fees

| | |
|---------------------------------------|----------------|
| Design phase - Calnitsky actual cost | \$25,673 |
| Tendering and contract administration | \$86,512 |
| Disbursements | <u>\$5,000</u> |

\$117,185

Construction Costs

| | | |
|---|----------------|----------------------------------|
| Ellwood McRorie - net of GST rebate | \$791,713 | |
| Steelgate - cell doors | \$41,088 | |
| Emco - flush meters | \$2,183 | |
| Willoughby industries - toilets | \$14,446 | |
| Gunnebo - security grilles | <u>\$1,456</u> | \$850,886 |
| | | |
| <u>Contingency - 5% of Construction Costs</u> | | <u>\$42,544</u> |
| | | |
| Total estimated project cost | | <u><u>\$1,010,615</u></u> |

Calnitsky Associates provided a Class "C" cost estimate in 2009 with a total estimated project cost of \$777,515. The City's portion of this based on RCMP officer staffing ratios was estimated at \$466,509. Funding of \$460,000 was provided for in the 2010 City budget.

| | |
|--|-------------------|
| 2010 budgeted funding | \$460,399. |
| City share of total estimated project cost of \$1,010,615 based on RCMP staffing ratio 62% City/38% Province | <u>\$626,581.</u> |

City funding shortfall \$166,182.

The Province of Manitoba recently advised that the City's per capita unconditional grant will increase \$105,000 over the 2009 grant amount. Proceeding with the cell retrofit still leaves a funding shortfall of \$61,182 in the 2010 budget. This amount would have to be covered through a budget surplus in 2010, or through a withdrawal from General Reserve. It is proposed that this funding shortfall be deducted against any 2010 surplus first and only if required that any shortfall be taken from General Reserve.

- 111/10 Moved by: Councillor Ferris
 Seconded by: Councillor Keryluk
 RESOLVED THAT the tender for Police Building cell retrofit be awarded to Elwood McRorie Limited for \$829,633, including applicable taxes.
 Carried.

Sunset Palliative Care Memorial Park

The Parks Manager has been dealing with the Sunset Palliative Care organization since last spring to develop an addition to the formal flower bed area at Island Park across from the playground and beside the former area of the Parks Residence. They initially asked to use a small area approximately 4' X 6' on the south side of the existing flower and shrub beds which they would install some signage. Since that time the project has grown in size and includes a small wooden arbor and a paving stone walkway through it. It is located in an area already set aside for formal landscaping which gives an area for picture taking, small weddings and a place for people to relax. The project now involves 2 benches, a wooden arbor, a small paving stone walkway, shrubs, and perennial flowers.

There will be no cost to the City for this project except for the grass cutting which is already done. The Sunset Palliative Care will be responsible for installing and maintaining the area with volunteers. The intent is to construct the area this spring.

This area will be a perfect fit for that area of Island Park.

- 112/10 Moved by: Councillor Shindle
 Seconded by: Councillor Quinn
 RESOLVED THAT the proposed Sunset Palliative Care Memorial Park in Island Park be approved.
 Carried.

Sale of Kelly K

The City acquired the above noted property with the intent of acting as the developer of

Phase 2
Development

the land since it was felt that the market place required such an opportunity largely due to the minimal amounts of serviced residential lots and land developers within in the City at that time.

In total, the project was broken down into two phases with Phase 1 having 22 lots and Phase 2 having 24 lots available to the market place.

In the fall of 2009, the City received an unsolicited offer to purchase the land outright from Mr. Chris Bures of CHB Developments Inc. (CHB). Over the course of the past months, the City and CHB have been negotiating purchase price for the entire property and have reached the point where we have a written offer to purchase from CHB. CHB has made the following offer to purchase with respect to the 24 remaining residential lots in the Kelly K subdivision:

- Land purchase price to be \$210,000 plus GST with a closing date of May 01, 2010
- The City will make available to CHB all existing engineered plans and information that the City has already completed on the project
- That the City and CHB enter into a development agreement that is mutually agreeable to both parties

Given that there is direct cost to the City in developing the property that would mean that the City would need to cash flow the start up local improvement costs including staff time; and that there is interest by the private sector to carry on what the City has initiated; and that the offer to purchase exceeds the 2010 assessed value for the property; it is recommended that the City accept the offer as presented by CHB. CHB has indicated that they intend to offer serviced lots to the public in the near future and have been very active in the Portage la Prairie land development market for the past several years constructing homes and developing properties for sale. CHB has indicated their commitment to developing land and building houses in the City and this is encouraging since it will offer the market place another competitive option.

113/10 Moved by: Councillor Quinn
Seconded by: Councillor Shindle

RESOLVED THAT the Council of the City of Portage la Prairie accept the offer to purchase of 24 residential lots legally described as Lots 13 – 26, Block 1, Plan 47427 and Lots 11 – 20, Block 2, Plan 47427 to CHB Developments Inc for \$210,000 plus GST subject to the following conditions:

- That the City will make available to CHB all existing engineered plans and information that the City has already completed on the project
 - That the City and CHB enter into a development agreement that is mutually agreeable to both parties.
 - That the City and CHB pay their own respective legal costs related to the sale of this property.
- Carried.

OLD BUSINESS

None

ADJOURNMENT

There being no further business to discuss, Council adjourned at 7:00 p.m.

Mayor

Manager of Administration