

Minutes of a Regular Meeting of Council held at City Hall in the City of Portage la Prairie on Monday, April 27, 2009 at 6:00 p.m.

PRESENT: Mayor Ken Brennan, Councillors: Bereza, Ferris, Shindle, Quinn and Wagner
Councillor Keryluk (via telephone)

ABSENT:

ADOPTION OF MINUTES 110/09 Moved by: Councillor Quinn
Seconded by: Councillor Wagner
RESOLVED THAT the Minutes of the Regular Meeting of Council held at City Hall on April 14, 2009 be approved as circulated.
Carried.

DELEGATIONS:

HEARINGS:

Variation - PC 14/09- Paramount Investment Corporation
No one was present to speak to the variance.

111/09 Moved by: Councillor Bereza
Seconded by: Councillor Wagner
RESOLVED THAT the public hearing for the Paramount Investment Corporation Variation application now be closed.
Carried.

The applicant, **Paramount Investment Corporation**, is applying for a variation order to allow the rear yard to be reduced from the required 6m down to 0m.

The property owner is requesting to allow for the construction of a wheelchair ramp for tenant (Canadian Mental Health) at the rear of the building. An encroachment agreement is already in place with the City of Portage la Prairie.

This building is in a C1 – Central Commercial Zoning District.

The application has been circulated to the various City Departments with one concern being expressed regarding smoking and the chances of dropped cigarette butts starting a fire below the deck area.

The above concern will be addressed when the Building Permit is issued, by asking for the owner to supply proper cigarette disposal canisters, as a condition on the permit.

Public notices have been sent to all property owners within a 100 meter radius.

112/09 Moved by: Councillor Bereza
Seconded by: Councillor Wagner
RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of **Paramount Investment Corporation** to vary the rear yard to be reduced from the required 6m down to 0m at the property known as **236-238 Saskatchewan Avenue East** which is legally described as Lot 117, Plan 215, PLTO in RL 66, Parish of Portage la Prairie.
Carried.

Conditional Use – PC 15/09 Lloyd Shurvell
No one was present to speak to the conditional use.

113/09 Moved by: Councillor Bereza
Seconded by: Councillor Shindle
RESOLVED THAT the public hearing for the Lloyd Shurvell Conditional Use application now be closed.
Carried.

The applicant, **Lloyd Shurvell Enterprises Ltd.**, has applied for a conditional use to allow for **an intensification of an existing vehicle service shop**. The owner would like to build an extension on the south side of the building for vehicle windshield repair and replacement.

This property is located in a C2 - Central Commercial Zoning District.

The application was circulated to the various City Departments, with one concern being expressed regarding the storage tank the owner uses for his heating system.

The above noted concern will be addressed when the Building Permit is issued, by ensuring the owner has a proper storage tank. Public notices have been sent to all property owners within a 100 meter radius.

114/09 Moved by: Councillor Bereza
Seconded by: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie approve the conditional use application of Lloyd Shurvell Enterprises Ltd. to allow for an intensification of an existing vehicle service shop in a C2 – Central Commercial Zoning District at the property 184 3rd St NE, which is legally described as Lots 55/56, Plan 10, Parish of Portage la Prairie.

Carried.

Portage Terriers

Mayor Brennan recognized the Portage Terriers for winning the Manitoba Junior Hockey League and for a great series against Humboldt of the Saskatchewan Junior Hockey League.

COMMITTEES:

Finance, Legislative & Property Committee

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

By-Law No. 09-8420 – Unpaid Water, Sewer and Solid Waste to Taxes for March 2009 – 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.

115/09 Moved by: Councillor Quinn
Seconded by: Councillor Shindle

RESOLVED THAT By-law No. 09-8420 being a by-law unpaid water, sewer and solid waste charges be added to taxes be read a second time.

Carried

116/09 Moved by: Councillor Quinn
Seconded by: Councillor Shindle

RESOLVED THAT By-law No. 09-8420 being a by-law 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 Bereza, Ferris, Keryluk, Quinn, Shindle, Wagner and Mayor Brennan

By-Law 09-8432 – Organization and Procedure By-Law – 2nd & 3rd Reading

Section 148(1) and Section 149(1) of the Municipal Act provide that a Council must review the organizational by-law and the procedure by-law, respectively, at least once during its term of office. The City of Portage la Prairie combined these by-laws into one for easier review, and it must be reviewed by this Council some time between now and October, 2010.

In addition to minor grammatical or spelling corrections which have been made to the by-law, other changes are proposed for Council to consider. After review Council requested the following additional changes:

3.7.9. The public shall not participate in discussion at council meeting unless, in exceptional circumstances, by a majority vote of council, the public is asked for their participation.

4.12.1 If the Chair desires to present or second a motion, or participate in the debate, he must leave the chair, and call upon the Deputy Mayor, or in his absence the Acting Deputy Mayor to fill his place until the motion has been voted upon.

4.12.2 Deleted.

117/09 Moved by: Councillor Quinn

Seconded by: Councillor Shindle

RESOLVED THAT By-Law No. 09-8432 being the Organization and Procedure By-Law for the Council of the City of Portage la Prairie, be now read a second time.

Carried.

118/09 Moved by: Councillor Quinn

Seconded by: Councillor Shindle

RESOLVED THAT By-Law No. 09-8432 being the Organization and Procedure By-Law for the Council of the City of Portage la Prairie, be now read a third time, finally passed, signed, and sealed.

Carried.

In favour: Councillors Bereza, Ferris, Keryluk, Quinn, Shindle, Wagner and Mayor Brennan

Tax Levy By-Law
09-8438 – 2nd & 3rd
Reading

City Council adopted the 2009 budget for the City of Portage la Prairie on January 12, 2009. The Tax Levy By-Law is comprised of the 2009 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 mill rate is based on the budgeted amount of tax dollars the municipality requires to meet its obligations in 2009. The 2009 Budget Estimates relies on \$8,591,581 in taxes to meet all the expenditures not recovered by other revenues. The total tax dollar requirement is spread over the entire assessment base for the City. This results in an increase of **.58 mills** or **1.9%** to the City's municipal mill rate. The 2009 municipal tax rate is \$31.072 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%.)

Residential property assessed at \$100,000 in 2008 and again in 2009 would see an increase in municipal taxes of \$26.15 ($\$100,000$ value of the property \times 45% percentage assigned by the Province \times \$.58/\$1,000 increase from 2008 = \$26.15).

The City's web site contains the 2009 Financial Plan as well as a tax impact calculator for taxpayers to calculate the increase or decrease that will take place on their 2009 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 mill rate within the City of Portage la Prairie decreased slightly - by .01% from 2008. The Foundation levy, which is applicable to commercial property only, did not change from 2008.

A summary of the total impact is attached for information as well as graphs illustrating the various funding and expenditure categories for the 2009 budget. For 2009, the tax

payment deadline is July 31, 2009.

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 nutrient removal (\$36 Million) to comply with new environmental regulations are included in the plan. Projects over \$500,000 that are planned to take place over the next 10 years are as follows:

General Fund

Multiplex - City share Phase 1	\$250,000
Multiplex - City share Phase 2	\$2,550,000
Pavement overlays	\$2,325,000
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	\$1,675,000
	\$12,314,000

The Plan includes an increase of 3% in taxes as additional funding for capital projects over 2010 and 2011 in the 10 year Plan.

Utility Fund

WPCF Recirc. pump replacements	\$640,000
Watermain renewals	\$1,575,000
Water System Upgrading	\$1,085,000
Sanitary Sewer renewals	\$2,630,000
Heavy Equipment Renewal - Utility	\$718,000
Water Meter Changeout Program	\$1,350,000
GAC Media Replacement	\$1,750,000
Lime Sludge removal	\$1,400,000
Ozone generator replacement	\$750,000
SBR liner replacement - 3 cells	\$1,500,000
Nutrient Removal	\$36,000,000
	\$49,398,000

The Plan also includes a significant increase in sewer rates to fund the Nutrient Removal project – an estimated 45% in the first 5 years of the Plan. This project is still in the preliminary stages with timelines and estimates to be discussed and analyzed further with the Province. A separate report on the utility rates and application request to the Public Utilities Board is forthcoming later this year.

Updates from January 26 Budget Approval

The 2009 Budget approved on January 12, 2009 has since been revised to include projects carried over to 2009. As well, the prisoner cell renovation project has been added. The City's share of \$425,000 of the project (total cost \$709,000) is funded primarily from the 2008 General Operating Surplus that was transferred to the Special Administration Reserve.

McCain Ave sewer main replacement at a cost of \$261,000 funded by the Utility Reserve has also been added to the 2009 Financial Plan.

119/09 Moved by: Councillor Quinn
 Seconded by: Councillor Shindle

RESOLVED THAT By-Law No. 09-8438, being a by-law for 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, 2009 be read a second time.
 Carried.

120/09 Moved by: Councillor Quinn
 Seconded by: Councillor Shindle

RESOLVED THAT By-Law No. 09-8438, being a by-law for 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, 2009 be read a third time, finally passed, signed, and sealed.

Carried.

In favour: Councillors Bereza, Ferris, Keryluk, Quinn, Shindle, Wagner and Mayor Brennan

Monthly Activity
Report

Council reviewed the monthly activity report.

**City Planning &
Economic
Development**

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

8th Annual Youth
Career Opportunity
Expo Evaluation (for
information only)

Council reviewed the 8th annual Youth Career Opportunity Expo Evaluation report.

Monthly Activity
Report

Council reviewed the monthly activity report.

**Public Safety
Committee**

The Public Safety Committee respectfully submits the following reports:

By-Law 09-8431 –
Amendment to the
Animal Control
By-Law 02-8165 –
1st Reading

On December 22, 2009, the City of Portage la Prairie received a letter from P.A.W.S. requesting that foster homes be granted an exception to (1) foster animal above the by-law amount. Section 17, Clause 4 of the By-Law currently states:

“No Person shall own, harbour, keep or have in his possession or control or on his Premises, more than three Dogs, or three Cats, or a combination of both, over the age of six months, regardless of the number of people who may be inhabiting the Premises without obtaining an excess animal permit.”

It appears reasonable to allow 1 more animal than the Animal Control By-Law allows. This would require an amendment to Section 17, Clause 4 of the Animal Control By-law. Council at its regular meeting held on Monday, February 23 passed a resolution approving a recommendation that the Animal Control By-Law be amended with respect to the additional animal.

The Animal Control Officer has also requested that the City amend the City Animal Control By-Law giving him more authority to seize and impound animals that are in contravention of this By-Law. He has proposed that the following clauses be added under Section 11 – Duties of the Animal Control Officer:

- Capture, seize and impound any dog or cat which is without the proper license tag as required by this by-law.
- Capture, seize and impound any dog or cat not vaccinated as required by this by-law.
- Capture, seize and impound any dog for incessant barking if the owner cannot be located after reasonable effort.
- The Animal Control Officer or any Officer may capture, seize, and impound any dog or cat in respect of which he believes or has reasonable grounds to believe an offence has been committed under this by-law or is being committed under this by-law.

A By-Law is required to amend the Animal Control By-Law.

121/09 Moved by: Councillor Ferris

Seconded by: Councillor Keryluk

RESOLVED THAT By-Law No. 09-8431 to amend the Animal Control By-Law No. 02-8165 be given first reading.

Carried

Monthly Activity
Report

Council reviewed the monthly activity report.

**Waterworks
Committee**

The Waterworks Committee respectfully submits the following reports:

Monthly Activity
Report

Council reviewed the monthly activity report.

**Transportation
Committee**

The Transportation Committee respectfully submits the following reports:

Award of Tender -
Granular Materials

This tender was advertised in the Daily Graphic and closed on March 31, 2009 with two companies submitting bids. The material and quantities asked for are used for maintaining our gravel roads, winter sand for slippery conditions, as well as pit run gravel and fill sand for necessary excavations.

The 2009 budget is \$117,000.00. The low bid is \$106,439.90 net of GST. This bid comes in \$10,500.00 under budget.

122/09 Moved by: Councillor Wagner
Seconded by: Councillor Ferris

RESOLVED THAT the Council of the City of Portage la Prairie award the tender for the Supply of Granular Materials, as specified in tender 08 OPS 021, to D. Humiski Trucking, for the tendered price of \$112,042.85 including GST.
Carried.

Tupper Street
Overpass

Councillor Wagner read a letter from Minister Lemieux indicating that Tupper Street overpass has been tested and is safe. There is some repair work and asphalt surface overlay to be done this year.

Monthly Activity
Report

Council reviewed the monthly activity report.

**Community
Services
Committee**

The Community Services Committee respectfully submits the following reports.

Canada Day Road
Closures

Island Park will be the site of our Canada Day Celebrations with all activities taking place in Island Park. Due to the large number of people attending this event it has been determined that various streets have to be closed

Upon approval, a letter to all Island Park residents and businesses will be sent notifying them of the closure.

123/09 Moved by: Councillor Shindle
Seconded by: Councillor Bereza

RESOLVED:

1. THAT George Hill Drive hereby be closed for the Canada Day celebrations between 7:00am and 4:00pm on Wednesday, July 1, 2009.
2. THAT the Heavy Vehicle Causeway be closed to all vehicle and pedestrian traffic from 10:00am until midnight or until the conclusion and clean up of the fireworks display on July 1, 2009.
3. THAT Crescent Road from 3rd Street East to Royal Road and 4th Street West to Royal Road be closed on July 1, 2009 from 8:00 pm until midnight or until the conclusion of the fireworks display.
4. THAT the Island Park Bridge be closed to all vehicle and pedestrian traffic on July 1, 2009 from 10:00 pm until midnight or until the conclusion of the fireworks display.

Carried.

Tupper St. Family
Resource Centre
Request for
Complimentary
Swim Times

Tupper St. Family Resource Center is a non-profit community based organization that encourages and supports families in making healthy choices. Big Brothers Big Sisters of Portage la Prairie, Inc. is a non-profit organization whose main purpose is to develop positive friendships between adults and children from single parent homes.

124/09 Moved by: Councillor Shindle
Seconded by: Councillor Bereza

RESOLVED THAT the Council of the City of Portage la Prairie grant a maximum of six complimentary rental hours at Splash Island to the Tupper St. Family Resource Centre in partnership with Big Brothers Big Sisters during the 2009 season.
Carried.

Monthly Activity
Report

Council reviewed the monthly activity report.

**DEFERRED
BUSINESS**

None

NEW BUSINESS

Award of Tender –
Single Axle Dump
Truck

This tender was advertised in the Daily Graphic and on the City's web page. Four phone calls were made to local suppliers with five tenders being picked up at the Operation's dept. The tender closed on April 14, 2009 with three bids being submitted. This truck will be used on a regular basis for excavation repairs, road and lane graveling, snow hauling, etc.

The budgeted amount from approved capital for this truck is \$90,000 including tax. Custom Truck Sales submitted tender met all specifications asked for in the tender package. The tendered price net of GST is \$91,810.28. The trade in price including both taxes is \$2,240.00 for a total cost to the City of \$89,670.28. This unit comes in \$300 under budget.

125/09 Moved by: Councillor Wagner
Seconded by: Councillor Ferris

RESOLVED THAT the Council of the City of Portage la Prairie award the Tender for the Supply of A Single Axle Dump Truck, as specified in tender 09 OPS 010, to Custom Truck Sales Inc, for the tendered price of \$96,100.48 less the trade in price of \$2,240.00 for a net cost of \$93,860.48
Carried.

Credit Card Set Up
for PCU Centre
Donations

The fundraising committee for the PCU Centre is entering into the 3rd phase of fund raising and would like to expand the payment options to include Visa and Mastercard. Other options include cash, cheque and automatic bank account withdrawals.

The fees in accepting credit cards are as follows:

Portable Imprinter: \$25.00 (one –time)

Administration Fee: n/a (\$200.00 stated will be waived)

Deposit Fee: \$9.95 per month

Eselect plus: \$45 per month and a one time set up fee of \$75. This allows entries to be submitted to Moneris on-line and to set up payment plans by credit card.

Transaction fees: 1.95% on the donation amount + \$.15 per transaction

Under this agreement credit card payments would only be allowed for collecting donations for the PCU Centre. All credit card costs would be applied against the public funds raised in this 3rd phase of fund raising.

It takes 15 calendar days to implement this service and approval of this required as soon as possible if interested.

126/09 Moved by: Councillor Quinn
Seconded by: Councillor Shindle

RESOLVED THAT the Mayor and the Director of Finance sign the agreement with Moneris to provide credit card services for PCU Centre donations. Carried.

Application for
Subdivision/Consolidation
Parcel 4,
Plan 1358, River
Lot 62, Parish of
Portage la Prairie

The applicants, Kelly and Dawne Braden, propose to subdivide a 137.74m² parcel from the present holding of 456.92m², at 115 4th St SW, in order to consolidate the subdivided parcel with an adjacent 638.17m² parcel, at 409 Dufferin Ave. W., owned by the same. The applicants wish to expand the larger parcel for the purpose of building a deck.

Manitoba Community Planning Services indicates:
DEVELOPMENT PLAN BY-LAW No. 1-2006

Residential Neighbourhoods Policy 4.2.1.1 states;
“Development will respect and reinforce the general physical patterns and character of established Neighbourhoods with respect to:

b) “general size and configuration of lots;

e) “setback of buildings from the street or streets, side and rear yard setbacks”

ZONING BY-LAW No. 7680 –

Minimum Site Area – 460m²

Minimum Site Width – 15.2m

This proposal meets the requirements of this zone. (Note by City Administration – this is incorrect.)

Community Planning Services recommends approval of this subdivision.

Additional Comments:

This proposed subdivision is being processed under the “Shortened Process for Minor Subdivisions”, Section 134 of the Planning Act, and is being sent directly to Council for their decision.

Portage Planning District

A variation will be required for the rear yard (25 feet to 19.69 feet) and the minimum site area at 115-4th St. SW, Parcel 4, Plan 1358.

A plan of Subdivision will be required, if approved.

127/09 Moved by: Councillor Bereza

Seconded by: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie authorize the subdivision of a 137.74m² parcel from the present holding of 456.92m² described as Parcel 4, Plan 1358, River Lot 62, Parish of Portage la Prairie, in order to consolidate the subdivided parcel with the adjacent 638.17m² parcel, described as Parcel 2, Plan 1358, River Lot 62, Parish of Portage la Prairie; subject to the applicant obtaining a rear-yard and minimum site area variation for Parcel 4. Carried.

Application for
Subdivision/Consolidation – Lot 9, SP
Plan 2177 PLTO
RL 86-89, Parish of
Portage la Prairie

The land owners, Joseph and Karla Julie, wish to subdivide a 4,050 square foot parcel of land from Lot 9 SP Plan 2177 (15,725 square feet) and consolidate with Lot 10 SP Plan 2177 (15,769 square feet), Title No. 1917852, to create a lot of 19,819 square feet. Lot 9 is part of Title No. 1955483 consisting of three lots (Lot 8 Plan 952 PLTO & Lots 8 & 9 SP Plan 2177 PLTO) with a total of 1.517 acres (66,080 square feet). Both titles are owned by the same land owners.

ZONING BY-LAW No. 7680 – “R1” SINGLE-FAMILY DWELLING

Minimum Site Area – 460 m (4951 sq. feet)

Minimum Site Width – 18.2 m (49.87 feet)

Proposed Lot 2 has a 20 foot wide strip on the west side which provides access to Massey Crescent, which is the same as the current Lot 10 SP Plan 2177 PLTO. Since the width is not being changed, a variation order for the width may be waived.

DEVELOPMENT PLAN – RESIDENTIAL POLICY AREA

The Portage la Prairie Planning District Development Plan, Residential Neighbourhoods Section 4.2.1.1 states: Development will respect and reinforce the general physical patterns and character of established Neighbourhoods with respect to:
a) patterns of street, blocks and lanes, parks and public building sites; b) general size

and configuration of lots;”.
Community Planning Services recommends approval of this subdivision.

128/09 Moved by: Councillor Bereza
Seconded by: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie approve the application for subdivision of the 4,050 square foot parcel of land from Lot 9 SP Plan 2177 (15,725 square feet) and consolidation with Lot 10 SP Plan 2177 (15,769 square feet) on condition that Lots 8 and 9, Plan 2177 and Lot 8, Plan 952 be consolidated into one lot in accordance with Municipal Board order Number E-03-094.

Carried.

OLD BUSINESS

Award of Tender –
PCU Centre

Resolution #318/08 awarded the tender for hollow metal doors to Allmar International for \$275,492 in error. Project Manager Tower Engineering has advised that the tender award should have been to Shanahan’s instead. The amount shown in the resolution is correct.

Allmar International were advised that they were not successful in their tender bid and Shanahan’s have been advised that they were successful. Resolution #318/08 has to be amended to reflect the correct company name for the award.

129/09 Moved by: Councillor Shindle
Seconded by: Councillor Bereza

RESOLVED THAT the award of the tender for hollow metal doors in Resolution #318/08 be amended to delete “Allmar International” and replace it with “Shanahan’s” with the amount of \$275,492 remaining unchanged.

Carried.

ADJOURNMENT

There being no further business to discuss, Council adjourned at 6:37 p.m.

Mayor

Manager of Administration