

Minutes of a Regular Meeting of Council held at City Hall in the City of Portage la Prairie on Monday, August 10, 2009 at 6:00 p.m.

PRESENT: Mayor Ken Brennan, Councillors: Bereza, Keryluk, Quinn, Wagner

ABSENT: Councillors Shindle, Ferris

ADOPTION OF MINUTES 205/09 Moved by: Councillor Quinn
Seconded by: Councillor Wagner

RESOLVED THAT the Minutes of the Regular Meeting of Council held at City Hall on Monday, July 13, 2009 and the Minutes of the Special Meeting of Council held at City Hall on Tuesday, July 14, 2009 be approved as circulated.
Carried.

DELEGATIONS: Mr. John Boehm appeared to express concerns regarding the PCU Centre.

HEARINGS:

Conditional Use PC 52-09 — Westend Day Care Centre Inc., 1823 Saskatchewan Ave. W. / Lot 40 Plan 15, Parish of Portage la Prairie

No one appeared.

206/09 Moved by: Councillor Bereza
Seconded by: Councillor Wagner

RESOLVED THAT: The public hearing for Conditional Use PC 52-09 – Westend Day Care Centre Inc., 1823 Saskatchewan Ave. W./ Lot 40 Plan 15, Parish of Portage la Prairie now be closed.
Carried.

The applicant, Westend Day Care Centre Inc., has applied for a conditional use to allow a playground as an accessory use to a day care facility.

This property is located in a C2 - Central Commercial Zoning District. The application was circulated to the various City Departments, with no concerns noted. Public notices have been sent to all property owners within a 100 meter radius.

207/09 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 Westend Day Care Centre Inc. to allow a playground area as an accessory use for a day care facility in a C2 – Central Commercial Zoning District at the property known as 1823 Saskatchewan Avenue West, which is legally described as Lot 40 Plan 15, Parish of Portage la Prairie.
Carried.

Variation PC 54-09, Twist & Curl, 508 Saskatchewan Ave. E. / Lot 2, Plan 82, Parish of Portage la Prairie

Jake and Colleen Dyck were present to answer any questions.

208/09 Moved by: Councillor Bereza
Seconded by: Councillor Wagner

RESOLVED THAT: The public hearing for Variation 54-09, Twist & Curl, 508 Saskatchewan Ave. E. / Lot 2, Plan 82, Parish of Portage la Prairie now be closed.
Carried.

The applicant, Twist N' Curl, is applying for a variation order to allow
1) parking entrance to be increased from the required 10.7m up to 12.9m;

2) off street parking lot to be located from the required 1m reduced to .6m from the lot line to the back lane.

The applicant is installing a paving stone parking lot and has enough room for 4 parking stalls if the parking lot entrance is increased.

This building is in a C2 – Central Commercial 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.

209/09 Moved by: Councillor Bereza

Seconded by: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of Twist N' Curl to vary the

1. parking entrance to be increased from the required 10.7m up to 12.9m;
2. off street parking lot to be located from the required 1m reduced to .6m from the lot line to the back lane

at the property known as 508 Saskatchewan Ave E which is legally described as Lot 2, Plan 82, Parish of Portage la Prairie.

Carried.

John Rumpli and Tracy Ediger were present to answer any questions.

Variation PC 57-09, Rumpli & Ediger, 125 Royal Road South / Lot 11, Block 2, Plan 1998, Parish of Portage la Prairie

210/09 Moved by: Councillor Bereza

Seconded by: Councillor Wagner

RESOLVED THAT: The public hearing for Variation PC 57-09, 125 Royal Road South / Lot 11, Block 2, Plan 1998, Parish of Portage la Prairie now be closed.

Carried.

The applicants, John Rumpli and Tracy Ediger, are applying for a variation order to allow front yard corner lot fence height to be increased from the permitted 1m to 1.83m.

This building is in an R2 – Two Family Dwelling District.

The application has been circulated to the various City Departments with one concern being expressed regarding traffic sight lines.

As per the drawing, the proposed 1.83m high fence is set back from the corner of Dufferin Ave and Royal Road approximately 24m and from the back lane and Royal Road approximately 8.8m. The fence would be located between the south side of the existing house east to Royal Road and the north side of existing 7.92m x 9.14m garage east to Royal Road. As well, the applicants have shown that the southeast corner of the fence will be cut back 1.2m to allow better sight lines when backing out of applicants' garage.

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

211/09 Moved by: Councillor Bereza

Seconded by: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of John Rumpli and Tracy Ediger to vary the front yard corner lot fence height to be increased from the permitted 1m to 1.83m at the property known as 125 Royal Road South which is legally described as Lot 11, Block 2, Plan 1998, Parish of Portage la Prairie with the proposed 1.83m high fence to be set back from the corner of Dufferin Ave and Royal Road approximately 24m and from the back lane and Royal Road approximately 8.8m.

Carried.

Salvation Army Representatives

The Mayor introduced and welcomed Mr. & Mrs. Arkell and family to the community. The Arkells are the new Salvation Army Captains.

COMMITTEES:

**Finance,
Legislative &
Property
Committee**

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

2010 Budget
Guidelines

Modified Program Budget

The modified program budget approach is designed to allow the Budget Committee to focus on the net cost of programs offered by the City and on those new/additional services and capital items that Council deems to be necessary.

As a result the Budget Committee is presented with an operating budget that includes the net cost required to provide the same level of service as was provided in the previous year for those programs we wish to continue. This allows the Budget Committee to focus less on individual line items and more on the underlying value of a program and whether or not the program is worthwhile.

Submissions from Council

Submissions from Council members for individually proposed budget items can be made before September 7 to allow for ample time for any research necessary prior to the budget meetings.

Prioritizing of New/Additional Services and Capital Items

The prioritization of new/additional services and capital items is to be done on a departmental basis by the applicable Director. Grants, projects in progress and submissions by Council are identified separately and are not subject to departmental priority ranking.

Budget Report Format

Discretionary items over \$1,500 and any proposed staffing increases are highlighted in the report. This allows Council to review material discretionary items to determine if the proposed expenditure is necessary for the existing program.

Any capital items over \$5,000 and new/additional levels of service are not included in the operating budget. The net effect of the proposed capital/service item is presented separately so that the Committee can judge the cost of the proposal on its own merits.

Presentation

As part of the orientation to each year's budget, Department Heads present to the Budget Committee all departmental operating costs, discretionary costs, capital and new and additional service requests for the budgeted year.

Submissions are due September 8, 2009. Councillor Quinn will review the November 14 Deliberation Schedule along with the Director of Finance.

212/09

Moved by: Councillor Quinn
Seconded by: Councillor Bereza

RESOLVED THAT

1. the modified program budgeting approach be utilized to set the 2010 budget; and that
2. all discretionary items over \$1,500 and all staffing increases be presented separately for Committee's consideration; and that
3. the net effect of all proposed new/additional services and capital items be presented separately for the Committee's consideration.

Carried.

By-Law 09-8444 –
Trailer License By-
Law Amendment –
1st Reading

The Trailer License By-Law No. 7663 provides for the licensing of mobile homes. In review of the by-law, it was determined that some additional clauses be added for clarity and that the Schedule B showing the sample calculation be updated to the current rates. There are no changes being proposed to our current practice.

Amending By-Law No. 09-8444 sets these changes out.

- 213/09 Moved by: Councillor Quinn
Seconded by: Councillor Wagner
RESOLVED THAT By-Law No. 09-8444 being a by-law to amend the Trailer License By-Law No. 7663 be read a first time.
Carried.

By-Law 09-8442 –
Adding Unpaid
Trailer Licenses,
Business Licenses,
and Accounts
Receivable to
Property Taxes -
1st Reading

The Fees & Charges Bylaw #08-8412 states: “THAT any unpaid fees or charges owed to the City by any tax payer including any penalties related thereto as well as any fines imposed on the tax payer by the court for contravention of the City By-Laws may be added to the taxes of the said tax payer and may be collected or enforced in the same manner as a tax as defined by the Municipal Act, L.M. 1996 c.58.”

Items to add to taxes with this by-law are fees and charges for Trailer Licences, Business Licences, False Alarms fees, Tipping fees, Penalties, Garage Sales without licence and removal of signs, Solid Waste Removal, Restricted Animal Bylaw and NSF charges.

- 214/09 Moved by: Councillor Quinn
Seconded by: Councillor Bereza
RESOLVED THAT By-law No. 09-8442 being a by-law to authorize the unpaid January to June 2009 trailer licences, business licences and accounts receivable fees as per schedule “A” be added to taxes, be read a first time.
Carried.

By-Law #09-8423
– Unpaid Water,
Sewer And Solid
Waste to Taxes For
June 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.

- 215/09 Moved by: Councillor Quinn
Seconded by: Councillor Bereza
RESOLVED THAT By-Law No 09-8423 being a by-law to authorize unpaid water, sewer and solid waste charges be added to taxes be read a second time.
Carried.

- 216/09 Moved by: Councillor Quinn
Seconded by: Councillor Bereza
RESOLVED THAT By-Law No 09-8423 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 Bereza, Keryluk, Quinn, Wagner, and Mayor Brennan

By 09-8424
Unpaid Water,
Sewer and Solid
Waste to Taxes for
July 2009 – 1st
Reading

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

- 217/09 Moved by: Councillor Quinn
Seconded by: Councillor Bereza
RESOLVED THAT By-Law No 09-8424 being a by-law to authorize unpaid water, sewer and solid waste charges be added to taxes be read a first time.
Carried.

Monthly Activity
Reports

Council reviewed the Monthly Activity Reports.

Congratulations to

Councillor Quinn announced/congratulated Director of Finance Nettie Neudorf on

Nettie Neudorf

obtaining a Silver in the Canadian National Cycling Association Championship and 4th in another in Quebec City.

**City Planning &
Economic
Development**

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

Portage la Prairie
International
Committee
Appointment of a
New Portage la
Prairie School
Division
Representative

The Portage la Prairie International Committee terms of reference allow for ten members and the Mayor. Currently the Portage la Prairie International Committee wishes to replace one member of the Portage la Prairie School Division with an alternate person.

The name of Lori Carlson-Judson is the name that has been suggested by the Portage la Prairie School division. Lori is the Portage la Prairie School Division's English As An Additional Language Consultant. This is a new position (50%) in the Division, effective September 8, 2009. As Lori will be having direct contact with new families in the Division, it is felt she would be the best representative from the Division to serve on this Portage la Prairie International Committee.

218/09

Moved by: Councillor Bereza
Seconded by: Councillor Wagner

RESOLVED THAT Council of the City of Portage la Prairie appoint Ms. Lori Carlson-Judson as the Portage la Prairie School Division's Representative to the Portage la Prairie International Committee for a two year term ending December 31, 2011.
Carried.

Tourism
Awareness Week
and Tourism
Opportunity
Identification
Roundtable
Meeting – For
Information Only

Council reviewed the Tourism Awareness Week and Tourism Opportunity Identification Roundtable Meeting report.

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.

Life Saving Efforts

The Mayor brought to the attention of those present the efforts of police and fire personnel in the saving of a life during a house fire recently. Mayor Brennan asked Inspector Nadeau and Fire Chief Carpenter to pass on their congratulations to their staff from Council.

**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:

Regional Landfill
Annual Report &
Budget Approval

The Portage la Prairie Regional Landfill's annual report for 2008 was received for Council's information. It contains the audited statements for 2008, 2008 activities summary and the 2009 budget for the Landfill Authority. In accordance with the

Landfill Authority Scheme and the Regional Waste Management Authorities Act, the City and RM receive a copy of the annual report for information as well as the Minister.

The 2008 year for the Landfill Authority generated a surplus of \$100,865 after transfers to the various reserves were made. This is primarily due to increased tonnage overall but most significant were demolition waste from commercial businesses.

Of that surplus, \$32,271 of it will be applied to the landfill building and infrastructure works. Total cost of the project was \$618,205 with \$253,000 funded by the Federal and Provincial Governments through the Manitoba Rural Infrastructure Fund. While the Authority's share was planned and approved to be paid through borrowing, the Authority was able to fund the project with its accumulated surpluses.

The 2009 Budget also includes fee increases that came into effect on April 1, 2009 for the following:

	2008 Fee/ Tonne	2009 Fee/ Tonne
Agricultural Organic Waste	\$8	\$9
Septic Waste	\$10	\$20
Tipping Fees	\$25	\$28

Combined, these increases will generate an additional \$55,040 per year to meet increased costs for handling the waste. The Capital Reserve includes \$42,500 for removing solids from the primary cell - lagoon.

Councillor Keryluk also announced that the \$10.00 Environmental Levy will be discussed at the next Board Meeting.

- 219/09 Moved by: Councillor Keryluk
 Seconded by: Councillor Wagner
RESOLVED THAT Council approve the 2009 budget for the Portage la Prairie Regional Landfill.
 Carried.

Monthly Activity Reports

Council reviewed the Monthly Activity Reports.

Line Painting Program

Councillor Wagner inquired about the Line painting program. Kelly Braden said it is in progress.

5th Street SE Paving

Councillor Wagner inquired about the 5th St. paving conditions. Kelly said he will look into this.

Recreation and Community Services Committee

The Recreation and Community Services Committee respectfully submits the following reports:

Monthly Activity Reports

Council reviewed the Monthly Activity Reports.

Councillor Shindle extended compliments to all staff involved in implementing Canada Day celebrations.

Youth Programs – As Teen Warehouse has been discontinued, a number of programs have been implemented.

DEFERRED BUSINESS

None

NEW BUSINESS

By-Law # 09-8441
PRRA Agreement
– 1st Reading

To consider...

The City of Portage la Prairie and Rural Municipality of Portage la Prairie wish to establish a public recreation authority under the provisions of The Municipal Act.

The purpose of forming a regional recreation authority would be for the delivery of recreation services and facility management for residents of both the City and the Rural Municipality of Portage la Prairie.

Under this By-law, the PRRA Board would consist of 3 members from each the City and RM of Portage la Prairie Councils as well as 1 citizen from each the City and RM.

Furthermore, the PRRA's main purpose would be to serve as a governing body for the direct provision of, or funding support to recreation services and facilities to residents of the Portage la Prairie region. This includes the PCU Centre, Portage Centennial Arena (West ice surface only until decommissioned once a second arena is built at the PCU Centre), Splash Island waterpark, Republic of Manitobah Park, Beaver Stadium, North Memorial Ball diamonds, Recreational Programming and Special Events and RM and City Recreation Support Grants.

The agreement further states a shared funding agreement to be in effect January 1, 2010 where any net operating deficit shall be paid three-quarters by the City and one-quarter by the RM.

220/09

Moved by: Councillor Bereza
Seconded by: Councillor Quinn

RESOLVED THAT the Council of the City of Portage la Prairie approve the Portage Regional Recreation Authority Agreement and further that By-law # 09-8441 be given first reading.

Carried.

Award of Tender –
McCain Avenue
Wastewater Sewer
Renewal

The tender was advertised in The Daily Graphic and on the City's web page, on the MERX web site and with Construction Data. The tender opening was Tuesday, August 4, 2009, with two bids received:

Towle Construction Ltd. - \$274,953.00
Moon Construction Ltd. - \$375,427.50

The McCain Avenue wastewater sewermain has been out of service since December 2008. The pipe collapsed in several sections. Ground water infiltration filled much of the pipe up with sand. The City has been operating a temporary over land pumping system since the main line has been out of commission. Putting the main line back into service is a top priority due to the industries that use it. The scope of work includes replacing the entire sewer line on McCain Avenue from Phillips St. to Westco Dr.

221/09

Moved by: Councillor Keryluk
Seconded by: Councillor Wagner

RESOLVED That the Council of the City of Portage la Prairie award the McCain Avenue Wastewater Sewer Renewal Contract, as specified in tender 09 OPS 012, to Towle Construction Inc., for the tendered price of \$274,953.00, including GST.

Carried.

PCU Centre
Construction –
Tender Award
Amendments

On September 8, 2008, Resolution No. 259/08 awarded several tenders for the construction of the PCU Centre. Two of the tender awards will have to be changed.

The tender award to Hayward Concrete for \$365,110 needs to be changed to award to LaFarge Canada Inc. for \$390,000. Construction Site manager Dominion Construction has the following comments regarding this:
Haywood Concrete was the lower bidder at \$365,110 and initially the contractor we preferred to have on the job. However, upon further investigation, it was determined that Haywood had not actually produced any hollow core and had

only purchased equipment to make 8" thick hollow core. The equipment had not been installed nor had they constructed a building to house the equipment. Our job required both 8" and 12" hollow core. Further, both LaFarge and Con-Force had expressed an unwillingness to sell Haywood 12" hollow core. Therefore, because Dominion was not confident that Haywood could produce the hollow core required or purchase the 12" hollow core, we recommended negotiating with the next lowest bidder. LaFarge originally quoted \$396,400 and ultimately agreed to a contract price of \$390,000. The pre-cast line item increased \$24,890.

The tender award to Crane Steel quoted in Resolution No. 259/08 was \$2,480,000. The correct amount for this tender award is \$2,667,000. Construction Site Manager Dominion Construction has the following comment concerning this:

Further to our recent meeting on the budget and approved contracts and change orders, I am writing to shed whatever light I can to help clarify the discrepancy relative to this item and the amount approved by City Council. The amount approved by Council was \$2,480,000. The budget amount for this line item was \$2,435,000. The bid amount from Crane was \$2,667,000. The next lowest bid amount was \$3,216,553. It appears that the number Council amounted for this line item was in error.

222/09 Moved by: Councillor Bereza
Seconded by: Councillor Wagner

RESOLVED That Resolution No. 259/08 be amended by deleting the tender award as follows:

Pre-Cast Concrete Hayward Concrete \$365,110
And substituting the following new tender Award:
Pre-Cast Concrete LaFarge Canada Inc. \$390,000

Further that Resolution No. 259/08 be amended by changing the tender award for Pre-engineered Building to Crane Steel from \$2,480,000 to \$2,667,000.
Carried.

OLD BUSINESS

PCU Centre
Construction –
Resolution
Amendment

On July 14, 2009, City Council passed Resolution No. 204/09 stating that Tower Engineering Ltd. be authorized to award up to \$4,867,521 for remaining construction costs for the PCU Centre.

It was discovered that the amount in resolution was calculated incorrectly and should have been \$4,696,133 and not \$4,867,521.

In addition, in a separate report Resolution No. 259/08 is proposed to be amended in relation to two tenders. This increases the tender award to date net amounts by \$211,890 and therefore decreases the amount remaining to award by Tower Engineering Ltd. to \$4,484,243 (from \$4,696,133). The resolution should be amended accordingly.

223/09 Moved by: Councillor Bereza
Seconded by: Councillor Keryluk

RESOLVED THAT Resolution No. 204/09 be amended by deleting the amount "\$4,867,521" and replacing it with the amount of "\$4,484,243".
Carried.

ADJOURNMENT

There being no further business to discuss, Council adjourned at 6:53 p.m.

Mayor

Manager of Administration