

Minutes of a Regular Meeting of Council held at City Hall in the City of Portage la Prairie on Monday, June 14, 2010 at 6:00 p.m.

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

ABSENT: Councillor Bereza

ADOPTION OF MINUTES 158/10 Moved by: Councillor Quinn
Seconded by: Councillor Wagner
RESOLVED THAT the Minutes of the Regular Meeting of Council held at City Hall on Tuesday, May 25, 2010, be approved as circulated.
Carried.

DELEGATIONS:

Mr. Bill Knott Mr. Knott requested an expense report for the Mayor and Deputy Mayor's trip to the FCM Conference. Nettie Neudorf, Director of Finance, will have the information ready within a week. Mayor Brennan stated that he will be presenting a report to Council on his activities at the Conference.

Mr. Knott thanked the City for having the hedge removed in front of the plaque at City Hall.

Mr. Knott asked if the War Memorial Cenotaph would be moved to Heritage Square. Mayor Brennan stated that a similar request was received four years ago. Veteran organizations wanted the city to leave it as is. Council will not consider moving it at this time.

HEARINGS:

Conditional Use Mr. Mark Ram was present to answer questions.
PC 33-10 Mark's

Auto Sales, 1716
Saskatchewan Ave.
W, Lots 335/336,
Plan 15, Parish of
Portage la Prairie

159/10 Moved by: Councillor Wagner
Seconded by: Councillor Shindle
RESOLVED THAT the public hearing for Conditional Use PC 33-10 Mark's Auto Sales, 1716 Saskatchewan Ave. W, Lots 335/336, Plan 15, Parish of Portage la Prairie now be closed.
Carried.

The applicant, Mark's Auto Sales, has applied for a conditional use to allow for a car wash/detailing shop to be constructed. Detailing would include: cleaning, vacuuming and shampooing of applicants vehicles.

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.

160/10 Moved by: Councillor Wagner
Seconded by: Councillor Shindle
RESOLVED THAT the Council of the City of Portage la Prairie approve the conditional use application of Mark's Auto Sales to allow for a car wash/detailing shop to be constructed in a C2 – Central Commercial Zoning District at the property 1716 Saskatchewan Avenue West, which is legally described as Lots 335/336, Plan 15, Parish of Portage la Prairie.
Carried.

Conditional Use
PC 37-10 Adelaide
Design Group /
73409 Manitoba
Ltd., 309
Saskatchewan Ave.
E. Lots 1 & 5,
Block 13, Plan
21428, Parish of
Portage la Prairie

Bob Downs was present to answer questions.

- 161/10 Moved by: Councillor Wagner
Seconded by: Councillor Shindle

RESOLVED THAT the public hearing for Conditional Use PC 37-10 Adelaide Design Group / 73409 Manitoba Ltd., 309 Saskatchewan Ave. E. Lots 1 & 5, Block 13, Plan 21428, Parish of Portage la Prairie now be closed.

Carried.

The applicant, Adelaide Design Group, has applied for a conditional use to allow for a government office.

This property is located in a C1 - 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.

- 162/10 Moved by: Councillor Wagner
Seconded by: Councillor Shindle

RESOLVED THAT the Council of the City of Portage la Prairie approve the conditional use application of Adelaide Design Group to allow for a government office in a C1 – Central Commercial Zoning District at the property 309 Saskatchewan Ave. E. which is legally described as Lots 1 & 5, Block 13, Plan 21428, Parish of Portage la Prairie.

Carried.

By-Law #10-8480
Zoning By-Law
Amendment
Mellco
Developments Ltd.
Block 7, Plan
35629, Parish of
Portage la Prairie –
2nd & 3rd Reading

Faye Nickart was present to answer questions.

- 163/10 Moved by: Councillor Wagner
Seconded by: Councillor Shindle

RESOLVED THAT the public hearing for By-Law #10-8480 Zoning By-Law Amendment Mellco Developments Ltd. Block 7, Plan 35629, Parish of Portage la Prairie now be closed.

Carried.

The property in question, Block 7, Plan 35629, Parish of Portage la Prairie, is presently zoned C2 – Central Commercial District. The applicants, Mellco Developments Ltd., wish to rezone this property to R2 - Two Family Dwelling District.

The application has been circulated to the various City Departments with no concerns being expressed.

The application has been advertised in the Daily Graphic for two consecutive weeks, circulated to the Province and public notices have been sent to all owners of property within a 100 meter radius of the proposed development as per Section 168 of the Planning Act.

First Reading of this By-Law was given on April 12, 2010 to commence the process as defined in the Planning Act in considering this application. As of this writing, we have not received any written objections to the proposed re-zoning scheme.

- 164/10 Moved by: Councillor Wagner
Seconded by: Councillor Shindle

RESOLVED THAT the Council of the City of Portage la Prairie approve the

application to rezone the land legally described as: Block 7, Plan 35629, Parish of Portage la Prairie from C2 – Central Commercial District to R2 – Two Family Dwelling District.

THAT By-Law No. 10-8480 be read a second time.
Carried.

- 165/10 Moved by: Councillor Wagner
Seconded by: Councillor Shindle
RESOLVED THAT By-Law No. 10-8480 be read a third time, finally passed, signed and sealed.
Carried.
In Favour: Councillors Ferris, Keryluk, Quinn, Shindle, Wagner, and Mayor Brennan

COMMITTEES:
Finance,
Legislative &
Property
Committee

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

By-Law #10-8486
Adding Unpaid
Accounts
Receivable to
Property Taxes –
1st Reading

The Fees & Charges Bylaw #09-8449 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 Penalties, Failure to Respond Fees, False Alarm Fines, Tipping Fees, Business Licenses, Solid Waste, and Tax Sale Costs.

- 166/10 Moved by: Councillor Quinn
Seconded by: Councillor Shindle
RESOLVED THAT That By-law No. 10-8486 being a by-law to authorize the unpaid accounts receivables as per schedule “A” be added to taxes, be read a first time.
Carried.

By-Law #10-8460
Unpaid Water,
Sewer, and Solid
Waste to Taxes for
May 2010 – 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.

- 167/10 Moved by: Councillor Quinn
Seconded by: Councillor Shindle
RESOLVED THAT By-Law No. 10-8460 being a by-law to authorize unpaid water, sewer and solid waste charges be added to taxes be read a first time.
Carried.

Federal Gas Tax
Funding
Agreement
Extension

The Province of Manitoba and the Government of Canada signed an amendment to the Canada-Manitoba Gas Tax Agreement to extend the transfer of Federal Gas Taxes to Manitoba municipalities over the next four years – 2010 to 2013. Each municipality must now sign an Extension Agreement with the Province in order to continue to receive their gas tax funding during this period.

Federal Gas Tax funds are used for eligible capital projects including infrastructure such as water and sewer and roads. The City currently receives \$694,682 each year for these projects. These funds have been designated for projects outlined in the City’s budget and 10 year capital plan.

This standard municipal extension agreement has been developed in conjunction with the Association of Manitoba Municipalities (AMM). By working with legal counsel for the AMM, the Province of Manitoba was able to save time and money for municipalities.

The Agreement outlines a 4 year term for the funding. Terms and conditions have not

- changed from the current agreement.
- 168/10 Moved by: Councillor Quinn
Seconded by: Councillor Shindle
RESOLVED THAT the Council of the City of Portage la Prairie authorize the Mayor and Manager of Administration to sign the Federal Gas Tax Funding Extension Agreement.
Carried.
- Finance Pamphlet
Councillor Keryluk extended thanks to the Finance Department on the excellent pamphlet sent out with the tax bills.
- City Planning & Economic Development**
The City Planning & Economic Development Committee respectfully submits the following reports:

Nothing to report.
- Public Safety Committee**
The Public Safety Committee respectfully submits the following reports:

Nothing to report.
- Waterworks Committee**
The Waterworks Committee respectfully submits the following reports:

Nothing to report.
- Transportation Committee**
The Transportation Committee respectfully submits the following reports:
- By-Law #10-8487
- Road Closure –
Portion of Second
Street NE – 3rd
Reading
As part of the plans to upgrade and improve the Heritage Square area, including the public parking lots on the east and west side of 2nd Street NE, it is proposed to close the portion of 2nd Street NE directly east of the Glesby Centre.

In accordance with requirements of The Municipal Act, (sections 290(2) and 420), the by-law was advertised and a hearing was held on May 25, 2010.
- 169/10 Moved by: Councillor Wagner
Seconded by: Councillor Ferris
RESOLVED THAT By-Law No. 10-8487 be now read a third time, finally passed, signed and sealed.
Carried.
In Favour: Councillors Ferris, Keryluk, Quinn, Shindle, Wagner, and Mayor Brennan.
- Community Services Committee**
The Community Services Committee respectfully submits the following reports:

Nothing to report.
- DEFERRED BUSINESS**
None
- NEW BUSINESS**
- Tornado's
Restaurant Request
for Extended
Outdoor Patio
Liquor Permit
To consider two requests from Tornados Restaurant to extend their patio liquor license for a baseball tournament being held at the end of June as well as to host an outdoor Volleyball Tournament in their parking lot at 1107 Sask. Ave. W. for the weekend of August 20-22/2010.
For the June Event, Tornados wishes to extend their patio license to their parking lot for extra tables to accommodate more ball players after their games. Tornados is a major sponsor for this tournament.

On August 20 – 22/2010, Tornados Restaurant wishes to host an outdoor Volleyball

tournament in their parking lot located adjacent to their establishment. They have applied to the Liquor Control Commission for an extension of their existing patio license for this event. The Manitoba Liquor Control Commission (MLCC) has advised them of their requirements for additional washrooms, fencing and security in order to host. The MLCC has recommended that to have the outdoor patio closed by 10:00 p.m. and cleared out by 11:00 p.m.

MLCC has stated that the City will need to give them permission to host this event with respect to noise restrictions and any other restrictions the City requires.

Clause 3.2.10 of the City Noise By-Law No. 7105 states:

RADIOS, TELEVISION SETS, MUSICAL INSTRUMENTS AND SOUND PRODUCING DEVICES IN COMMERCIAL DISTRICTS: No person shall operate, play or permit the operation or playing of any radio, television, phonograph, drum, musical instrument, loudspeaker, public address system, sound amplifier or similar device in a commercial district which produces, reproduces or amplifies sound in such a manner as to create a noise nuisance at a point of reception, unless used for the purpose of advertising some patriotic or other public object and unless a permit has been issued by the City.

This request was sent to the various City departments with the following concerns being expressed:

Planning District: We have the following concerns – not enough parking, security, noise if open too late.
RCMP: In addition to Planning District concerns...too close to Sask.Ave. with traffic/pedestrian mixture.
Operations: While not an ideal location, and not much for nearby parking spaces other than on-street parking, we think with higher fences/netting installed around the site to keep errant balls (and people) from going into traffic, the event would be fine. Sand needs to be contained on site. Clean-up of the sand and litter after the event is a requirement. Sand will likely spread onto adjacent sidewalks, lanes boulevards and streets.
Fire Dept.: The only other concern I have is to ensure proper means of egress is maintained for the building to exit outside and the fenced in area is monitored and allows for our equipment/trucks to access the back of the building.

170/10 Moved by: Councillor Shindle

Seconded by: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie deny permission for Tornadoes Restaurant to expand their patio license as part of their sponsorship of the baseball tournament in June and to host a volleyball tournament in the parking lot adjacent to the restaurant in August due to the close proximity to Saskatchewan Avenue as well concerns respecting noise and security.
Carried.

Easement
Agreement:
Knowles

On December 14, 2009 City Council, by resolution, conditionally approved the proposed subdivision of two 2.0 acre parcels from the present holding of 5.75 acres belonging to Kelly and Leeta Knowles, described as: *Parcel 1: That portion of nly 66 feet perp of RL 103 Parish of Portage la Prairie which lies east of Bridge Road Plan 806 PLTO including Parcel L Plan 29741 PLTO; Parcel 2: That portion of said RL 103 which lies west of Bridge Road Plan 806 PLTO.*

Two conditions were that the applicant obtain easement agreements for legal access to the two proposed 2.0 acre subdivided lots and the residual lot; and the applicant obtain easements for water servicing to the two proposed 2.0 acre subdivided lots.

An agreement has been provided by the applicants regarding the two conditions for Council's review.

171/10 Moved by: Councillor Quinn

Seconded by: Councillor Shindle

RESOLVED THAT Council of the City of Portage la Prairie approve the signing of an agreement between the City of Portage la Prairie and Leeta and Kelly Knowles authorizing an easement for legal access to the two proposed 2.0 acre subdivide lots and the residual lot as well as easements for water servicing to the two proposed 2.0 acre subdivided lots legally described as: *Parcel 1: That portion of nly 66 feet perp of RL 103 Parish of Portage la Prairie which lies east of Bridge Road Plan 806 PLTO including Parcel L Plan 29741 PLTO; Parcel 2: That portion of said RL 103 which lies west of Bridge Road Plan 806 PLTO.*

Carried.

Award of Tender:
Solid Waste
Collection

	<u>Bid Price</u>
a) BFI Canada Inc.	\$1,084,050.93
b) Waste Management of Canada Corporation	\$1,374,991.30
c) Emterra Environmental	\$1,451,441.80

This tender was advertised publicly in the Daily Graphic and on the City of Portage la Prairie's website. All three companies were also notified by telephone. The tender for the collection of solid wastes closed on June 1, 2010.

This tender includes the collection of solid waste from all residential dwellings including multiple family dwellings, purchase of 45,000 waste collection tags, and landfill tipping fees. The term of the contract is 3 years, from August 1, 2010 to July 31, 2013.

Changes from the last contract to this one include a few more homes being added as well as increasing the number of solid waste tags to 15,000 from 11,000

The contract bids include tipping fees estimated at, and specified by the City, at \$361,000 (9500 Tonnes) for the three year period. In this contract, the contractor will pay tipping fees at the landfill and the City will reimburse the contractor based upon verified tonnages. There is also provision for a CPI increase annually.

The low bidder is BFI Canada Inc. and is the present contractor with the City of Portage. The current contract payment is approximately \$17,000 per month, not including waste collection tag purchases or GST. With tags factored in, and no GST, the current contract costs about \$18,250/month, or \$219,000 per year.

The 2010 budget is \$265,000.00 or \$22,083.00/month for the first seven months and \$24,166.66 for the remaining five months, including waste tags. The tender price for the last five months of 2010 would be \$19,128.33/month net of GST, and does not include tipping fee charges, should come in close to \$25,000 under budget. The 2010 budget included a 9.5% increase on the final five months of 2010 for the new contract.

172/10 Moved by: Councillor Wagner
Seconded by: Councillor Ferris

RESOLVED THAT the contract for the collection of residential solid waste for the three year period, August 1, 2010 to July 31, 2013, as specified in tender 10 OPS 014, be awarded to BFI Canada Inc. at the tendered price of \$1,084,050.93 including taxes.

Carried.

OLD BUSINESS

None

ADJOURNMENT

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

Mayor

Manager of Administration