

Minutes of a Regular Meeting of Council held at City Hall in the City of Portage la Prairie on Monday, October 26, 2009 at 6:05 p.m.

PRESENT:

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

Councillor Wagner was excused from Council at 7:35 p.m.

ADOPTION OF MINUTES

275/09 Moved by: Councillor Wagner
Seconded by: Councillor Quinn

RESOLVED THAT the Minutes of the Regular Meeting of Council held at City Hall on Tuesday, October 13, 2009 be approved as circulated.
Carried.

DELEGATIONS:

Mr. Bill Knott – appeared requesting that Council consider amending the Animal Control By-Law to allow chickens within City limits. Mayor Brennan thanked Mr. Knott for his presentation.

Centennial Arena:

1. Central Plains Capitals – Tracy Waldvogel – requested that Council consider keeping one side of the Centennial Arena open as a third ice surface.
2. Portage Minor Hockey Association – Nancy Brooks – Ms. Brooks commended Council on their accomplishments in making the PCU Centre a reality. She also requested that Council explore and exhaust all possibilities with respect to keeping ice at the Centennial Arena. Ms. Brooks handed out a Cost Assessment for a proposed third ice surface for Council to review.
3. Portage Figure Skating Club – Lori Miller - stated that she has children in figure skating, hockey and ringette. She stated that the Figure Skating club is not able to get enough ice now and are often asked to give up their Friday slots due to tournaments. They are not able to guarantee coaches 20 hours of ice time so are not able to keep qualified coaches in Portage la Prairie. She asked Council to consider keeping one ice surface open at the Centennial Arena.
4. Blaine Boyle – President of Zone 4 High School Hockey, Central Plains Caps. Coach and Novice Coach requested that Council consider keeping an ice surface at the Centennial Arena.

Mayor Brennan thanked all who were present regarding the Centennial Arena.

HEARINGS:

Variation PC 73-09
City of Portage la
Prairie

No one appeared.

276/09 Moved by: Councillor Bereza
Seconded by: Councillor Wagner

RESOLVED THAT the public hearing for Variation request PC 73-09 for the City of Portage la Prairie now be closed.
Carried.

The applicant, City of Portage la Prairie, is applying for a variation order to allow the parking requirement of 60 parking stalls down to 0 parking stalls for the second arena. Splash Island parking lot has approximately 60 parking stalls and is used only three months of the year. The PCU Centre will be able to utilize the parking area for the other nine months of the year.

277/09 Moved by: Councillor Bereza
Seconded by: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of City of Portage la Prairie to vary the parking requirement of 60 parking stalls down to 0 parking stalls for the second arena at the property known as 245 Royal Road South which is legally described as Part of Lot 7, Plan 523, Parish of Portage la Prairie.
Carried.

Heritage
Designation – By-
law #09-8445 Hills
Drug Store

No one appeared.

- 278/09 Moved by: Councillor Bereza
Seconded by: Councillor Wagner
RESOLVED THAT the public hearing for Heritage Designation, By-Law #09-8445 Hills Drug Store now be closed.
Carried.

The Portage Heritage Advisory Committee (PHAC), a standing committee of Council since 1992 under the By-Law No. 7796, first designated the Fawcett Gowler Taylor Home (102 – 1st Street SW) in 2004 and the McCowan House 39 – 2nd Street SW in 2007. Now, the PHAC is proposing the Hills Drug Store property located at 200 Saskatchewan Avenue East for designation.

Located on the northeast corner of Saskatchewan Avenue East and Second Street NE this building has been a local landmark for more than a hundred years.

This By-Law received first reading on September 28, 2009.

Once Council adopts the by-law and declares a site municipally designated the council must serve a copy of the Municipal Heritage Notice, as prescribed by the Heritage Resources Act to the owner, and any lessee of the site, and to the Minister of the Historic Resources Branch. The notice must be published in one issue of the local newspaper and filed in the appropriate land titles office.

The owners of the property have consented to the designation after meeting with Administration and the Chairperson of the PHAC. The designation process has no financial implication to the property owner, however, there is a minimal cost to the City through the filing of legal documents and publicly advertising the designation process as required by the procedure outlined in the Heritage Resources Act. This minimal fee is accounted for in the approved 2009 budget.

- 279/09 Moved by: Councillor Bereza
Seconded by: Councillor Wagner
RESOLVED THAT the Council of the City of Portage la Prairie approve the municipal heritage designation of 200 Saskatchewan Avenue East referred to as the “Hills Drug Store” in the City of Portage la Prairie and further that By-law # 09-8445 be read a second time.
Carried

- 280/09 Moved by: Councillor Bereza
Seconded by: Councillor Wagner
RESOLVED THAT By-law # 09-8445 be read a third time, finally passed, signed, and sealed.
Carried.
In favour: Councillors Bereza, Ferris, Keryluk, Quinn, Shindle, Wagner and Mayor Brennan

COMMITTEES:

Mayor Brennan announced that the Recreation and Community Services Committee will present first.

**Recreation and
Community
Services
Committee**

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

Centennial Arena

Background

With the construction of the two sheet arena at PCU Centre, a decision has to be made concerning the future of Centennial Arena. A report prepared by the Department of Recreation and Leisure Services at the request of the Portage Regional Recreation Authority which provides an assessment of Centennial Arena and an ice demand study was made available.

Future use of Centennial Arena

The report lists 10 options related to Centennial Arena. For the purposes of this report to Council, options for Centennial Arena that have been reviewed are:

1. Continued use as an ice arena; and
2. Some other non-ice usage.

1. Continued Use as an Ice Arena

The study provides information on user survey data. Unfortunately, the survey results are subjective in nature and difficult to effectively quantify. There is no doubt that a third sheet of ice in Portage la Prairie would be utilized. How much and at what cost is the issue before Council.

At present there are 2 sheets of ice at Centennial Arena and one sheet of ice at Oakville serving a regional population of 20,000 people. The RM of Portage la Prairie has signed an agreement creating the Portage Regional Recreation Authority and specified that their funding support is limited to 2 sheets of ice in the City, plus grant funding to the Oakville Arena. Therefore any continued use of Centennial Arena, after completion of the PCU Centre, will be solely at the City's cost.

Is a Third Sheet of Ice in the City Required?

Determining whether or not a third sheet of ice is required in the City becomes very much a subjective decision. Prime time ice, Monday to Friday from 5:00 to 9:00 pm and Saturday, Sunday, at the two existing sheets at Centennial is in high demand. A third sheet of ice would certainly see some ice usage during peak periods.

Any decision for the City to either directly or through some third party, operate a third sheet of ice in the City has significant cost implications to the City. The City and PRRA's policy is that minor sports organizations get a high priority for ice rental and also receive highly subsidized rental rates. Adult recreational hockey teams are a much lower priority and much higher rental rate.

The City's 2009 budget for Centennial Arena shows \$466,339 in expenses, \$234,700 in revenues and a net deficit of \$231,324. Operating the west side only of Centennial Arena would likely result in a net operating deficit of somewhere between \$100,000 to \$200,000 annually for Centennial Arena alone, not including any revenue loss experienced by PCU Centre.

The report cites estimated repair costs over the next 2 years to 3 years to maintain one or both sheets of ice at Centennial Arena as being anywhere from \$315,000 for the west ice surface and mechanical upgrades to \$780,500 for both sheets. In addition, an ice re-surfacer would have to be purchased at an estimated cost of \$50,000 to \$100,000.

Can or Should the City Fund a Third Sheet of Ice?

The second question is perhaps easier to deal with. Can or should the City fund a third sheet of ice? To fund construction of the PCU Centre, the City is providing \$20.35 million with \$13.35 million in debt and \$7 million from reserves. The RM is providing \$8 million with \$6.2 million in debt and \$1.8 million from reserves. Council reviewed graphs indicating that the City's financial reserves are very close to their minimum balance and depict the dramatic increase in the City's debt level.

City recreation spending is estimated to increase by 232% from 2006 to 2010.

Recreation spending on a regional basis is estimated to increase by 301% from 2006 to 2010.

2. Some other Non-Ice Usage

Centennial Arena is an older single purpose building that requires significant funding to continue using. The west arena wall and roof would have to be repaired if any portion of the west arena is to be used for more than a year or two.

Conclusion

The City has increased recreation funding in the last 4 years by 232% (301% on a regional basis) and has done this by more than doubling outstanding debt and drawing Reserves down very close to their minimum balance. The City has no financial resources available to provide funding for a third ice arena or to allow a third ice arena to compete and adversely affect the PCU Centre operations.

Mayor Brennan left the Chair at 7:30 p.m. to comment on this matter. Deputy Mayor Quinn took the chair.

281/09 Moved by: Councillor Shindle
Seconded by: Councillor Bereza

RESOLVED THAT Centennial Arena be closed and decommissioned as an ice arena on completion of both sheets of ice at PCU Centre; and
THAT Council further review other non-ice uses available for Centennial Arena after it has been de-commissioned as an ice arena.
Carried.

Mayor Brennan returned to the Chair at 7:35 p.m.

Councillor Wagner was excused from Council at 7:35 p.m.

Request for
Support for
Winnipeg Sports
Car Club Ice
Racing Event

The Winnipeg Sports Car Club has requested support from the City of Portage la Prairie to host an ice race event on a weekend in early 2010. This would be part of the Automobile Ice Racing Series organized by the Club and features 6 races.

In the past, the City had provided the plough vehicle with fuel and driver in lieu of financial sponsorship, which was a value of approximately \$1,900. Administration advises that a monetary contribution may be better suited.

The Club states that they have full insurance coverage for the event under the Winnipeg Sports Club. The races are an excellent spectator event and they require confirmation of the City's intent to form the 2010 touring schedule.

282/09 Moved by: Councillor Shindle
Seconded by: Councillor Bereza

RESOLVED THAT the Council of the City of Portage la Prairie support the Winnipeg Sports Car Club with a monetary contribution of \$1,900.00 for an Ice Racing Event on Crescent Lake in 2010.
Carried.

**Finance,
Legislative &
Property
Committee**

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

By-Law 09-8426 –
Unpaid Water,
Sewer and Solid
Waste to Taxes for
September 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.

283/09 Moved by: Councillor Quinn
Seconded by: Councillor Shindle

RESOLVED THAT By-Law No. 09-8426 being a by-law to authorize unpaid water, sewer and solid waste charges be added to taxes be read a second time.
Carried.

284/09 Moved by: Councillor Quinn
Seconded by: Councillor Shindle

RESOLVED THAT By-law No. 09-8426 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 and Mayor Brennan

2010 Fees and
Charges By-Law
09-8449 – 1st
Reading

The Fees & Charges By-Law pulls together all the fees collected by the various departments within the City, and is updated annually to reflect any changes. This new by-law is scheduled to become effective January 1, 2010. CPI average for the last 12 months as of August 2009 was 1.38%. As well salary increases for 2010 will be 3%.

Proposed changes to the 2010 Fees and Charges By-Law include:

1. PUBLIC SAFETY – Schedule A

Fire Alarms – the annual rental raised to \$400.00

Fire Inspections Services – Rural Municipality service is now covered due to the agreement with Portage Regional Recreation Authority.

MPI has raised the rates for Basic calls and complex calls.

\$658 per incident for basic calls and \$877 per incident for complex calls.

2. OPERATIONS – Schedule B

A CPI increase of about 2%, rounded up to the nearest dollar, has been applied to most items, and anything requiring labour has been increased 3%. Other items with significant changes have comments as noted.

- Meter by-pass re-sealing has been added at a charge of \$150 to cover the cost of replacing the seal on a large meter by-pass valve.

3. ECONOMIC AND COMMUNITY DEVELOPMENT – Schedule C – No Changes

4. FINANCE DIVISION – Schedule D – No Changes

285/09 Moved by: Councillor Quinn
Seconded by: Councillor Shindle

RESOLVED THAT Council of the City of Portage la Prairie approve the Fees and Charges schedules for the year 2010 by giving By-Law No. 09-8449 first reading.
Carried.

Monthly Activity
Reports

Council reviewed the Monthly Activity Reports.

**City Planning &
Economic
Development**

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

Monthly Activity
Reports

Council reviewed the Monthly Activity Reports.

**Public Safety
Committee**

The Public Safety Committee respectfully submits the following reports:

Animal Control
By-Law 09-8447
(By-Law 02-8165
Amendment) – 2nd
& 3rd Reading

In April of 2004, an amendment was approved to Animal Control By-Law No. 02-8165 by giving third reading to By-Law 04-8224. This By-law was an amendment with respect to an Excess Animal Permit and maximum number of cats and dogs permitted in one household.

There was reference made to a specific fees and charges by-law 03-8207 which was done in error. The clause should have made reference to the current fees and charges by-law and not the 2003 one stated. There were also sections of this clause inadvertently left out.

We propose to delete Clause 5 Excess Animal Permit in Section 17 in its entirety

and replace with a revised new Clause 5.

286/09 Moved by: Councillor Ferris
Seconded by: Councillor Keryluk
RESOLVED THAT By-Law No. 09-8447 to amend the Animal Control By-Law No. 02-8165 be given second reading.
Carried.

287/09 Moved by: Councillor Ferris
Seconded by: Councillor Quinn
RESOLVED THAT By-Law No. 09-8447 to amend the Animal Control By-Law No. 02-8165 be given third reading, finally passed, signed, and sealed.
Carried.
In Favour: Councillors Bereza, Ferris, Keryluk, Quinn, Shindle and Mayor Brennan

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:

Park Drive / 18th Street NW Development

Park Drive was recently surfaced with a light layer of gravel and opened to traffic for access to the west commercial district while the CP Rail crossing on Saskatchewan Ave was being reconstructed. It has remained open since then, and is generating some traffic. It is not wide enough for safe 2 way traffic. The road is already seeing clay punching up through the gravel surface.

If Park Drive were to remain open, it should be widened to at least 8m, and receive, at a minimum, a 200mm layer of compacted gravel, with a geotextile layer, at estimated cost of \$ 64,000. This would all be throw away material when the permanent road is constructed. Maintenance would include annual gravel addition and blading, dust control chemical, and snow removal. 18th St would also need greater maintenance attention. With the anticipated additional traffic, the rail crossing on 18th St NW would become a greater safety concern. It currently has lights, but no automatic gates. The feasibility and cost of adding gates has not been determined. Lighting on Park Drive and 18th St will be necessary.

If the road is constructed to pavement, development of the Park Drive area might be encouraged.

Consideration should be given to removing Park Drive from the designated truck route list if it stays open as a gravel road in its present state.

288/09 Moved by: Councillor Ferris
Seconded by: Councillor Quinn
RESOLVED THAT the Council of the City of Portage la Prairie remove the access from 18th Street to Park Drive and close the unpaved portion of Park Drive to vehicular traffic.
Carried.

E-Waste / Hazardous Waste Collection Report – For Information Only

A combination Household Hazardous Waste and E-Waste Day was held on Saturday, September 12, 2009 from 10:00am to 2:00pm at the City Operations building. The event was a success, with the depot open and available to all residents of the City and Rural Municipality of Portage la Prairie. The purpose of this program is to divert household hazardous material and electronic waste from the landfill and dispose of it in a controlled manner.

There were approximately **360** vehicles delivering household hazardous waste and electronic waste during the event. There was a total **1,293 kilograms** of solid hazardous waste collected, and a total of **15,678 liters** of liquid hazardous waste. This included items such as batteries, paint, aerosol cans and oil. 8.238 tonnes of e-waste was collected, being t.v.'s, microwaves, computer components, stereos etc.

The Rural Municipality of Portage la Prairie will be contributing 50% of the direct local costs of the collection program. The Province of Manitoba subsidizes the transport and disposal of the material.

The gross cost of the program for advertising, labour and materials was approximately \$2750, with more than half being due to e-waste collection, and no charge for the Manager's time. The City/RM will be receiving a subsidy of \$1,070.09 (8.238 tonnes @ \$130/tonne) from Green Manitoba.

Sidewalk Snow Clearing

The sidewalk snow clearing program was implemented to provide for snow removal services on designated public sidewalks and trails which service City facilities, schools, community centers and seniors' complexes.

A new limestone walkway has been constructed along the north side of Saskatchewan Avenue West and Shindleman Way, from the railway crossing north of the Portage Co-op to the intersection of Shindleman Way and Sissons Drive.

It is estimated that with a normal snowfall, it would take an additional 1 to 1.5 hours to clear this new walkway, mainly due to the distance from our other cleared walkways.

The Parks Division has existing manpower and equipment to handle these extra walkways under normal weather conditions.

289/09

Moved by: Councillor Ferris

Seconded by: Councillor Quinn

RESOLVED THAT Council authorize the expansion of the sidewalk snow clearing program to include the walkway along Saskatchewan Avenue West and Shindleman Way, and amend the Sidewalk Snow Clearing Quality Standard DOP-PARKS-1 accordingly.

Carried.

Monthly Activity Reports

Council reviewed the Monthly Activity Reports.

DEFERRED BUSINESS

None

NEW BUSINESS

Economic Development Services

The Director of Economic and Community Development position became vacant with Mr. Dean Yaremchuk's retirement on August 6, 2009. On August 24th a short term contract was entered into on a trial basis with Mr. Dean Yaremchuk representing HMC Management Inc.

Some of the benefits to the City in this arrangement include:

- Council and Administration being very comfortable and confident in Mr. Yaremchuk's ability to perform the required economic and land development services at a continued high level due to his 17 plus years of excellent service to the City of Portage la Prairie as an employee.
- The City can carry on providing a similar level of service as it has in the past with no disruption or additional costs and staff time related to orientating and training a new employee

- Contracting out this service will provide the City with an approximate annual net savings of \$40,000.
- Contract cost certainty is provided for in this arrangement and in the event that either party wishes to terminate the agreement, they may do so allowing both parties to pursue other options if they so desire.

This arrangement has worked very well since the short term contract with HMC was entered into and we believe that the interests of the City are protected and that economic and land development services will be best served in this manner.

290/09 Moved by: Councillor Bereza
Seconded by: Councillor Shindle

RESOLVED THAT the Mayor and Manager of Administration be authorized to sign a contract with HMC Management Inc. for the six months commencing November 1, 2009 with provision for additional extensions to this contract as mutually agreed.

Carried.

PCU Centre
Facility Operations
Manager

The PRRA has included a Facility Operations Manager position in their staffing complement. The City Parks Manager has offered to expand his job duties to include acting as the PRRA Facility Operations Manager. This would require an adjustment to the job description and salary range for the Parks Manager. The salary adjustment would be effective only for the time period that the added PRRA duties are effective. Parks Manager workload should be monitored to ensure that it isn't excessive with the addition of Facilities Operations Manager duties.

Anticipated savings in 2010 to the City directly through a reduction in the City budget and indirectly through reduced subsidization to the PRRA are \$43,000.

It is proposed that a Memorandum of Understanding be entered into with the PRRA that provides that the City, through the Parks Manager, will provide Facility Operations Manager services. The MOU is to provide these services for the year ending December 31, 2010 with provision to extend the term by mutual agreement. There is also a 90 day notice period for either party to terminate the agreement. The Parks Manager has suggested that the PRRA be charged 40% of his salary and benefits for this service and this is included in the MOU.

291/09 Moved by: Councillor Shindle
Seconded by: Councillor Bereza

RESOLVED THAT the Mayor and Manager of Administration be authorized to sign a Memorandum of Understanding with the Portage Regional Recreation Authority to provide Facility Management services.

Carried.

Oak Island Homes
Ltd. Subdivision

An Application for Approval of Subdivision has been completed and submitted by Oak Island homes Ltd. The applicant, David Metcalfe of Oak Island Homes Ltd., wishes to subdivide two residential lots of 0.16 acre and .25 acre respectively from the present holding of 1 acre, leaving a residual lot of 0.6 acre.

This proposal meets the requirements of the "R1" Single Family Dwelling Zone. An easement is required by MTS Communications.

A plan of subdivision is required by the Portage Land Titles Office.

Manitoba Planning Services recommends approval of this subdivision. The Portage la Prairie Planning District also recommends approval.

292/09 Moved by: Councillor Bereza
Seconded by: Councillor Shindle

RESOLVED THAT the Council of the City of Portage la Prairie approve the subdivision of two residential lots of 0.16 acre, 0.25 acre respectively from Part Lot 4, Plan 48511 in the City of Portage la Prairie, leaving a residual lot of 0.6 acre.

Carried.

Municipal Act
Amendment

293/09 Moved by: Councillor Keryluk
Seconded by: Councillor Quinn

WHEREAS members of the Senate, Parliament and Members of the Manitoba Legislature have immunity from the process of liability as a result of any debate or discussion which occurs while the assembly is in formal session in the Legislative Chambers.

WHEREAS Municipally elected members do not have this same level of immunity and as such are on occasion subject to the legal process for resolution. This process of litigious defense against trivial claims can be lengthy involving a great deal of time for staff and members of Council. In addition, the costs in dealing with these proceedings can be extensive to the Municipality.

THEREFORE BE IT RESOLVED THAT AMM petition the Manitoba Government to amend the Municipal Act to grant the same legislative immunity as currently accorded to members of the Provincial and Federal Legislatures.
Carried.

OLD BUSINESS

None

ADJOURNMENT

There being no further business to discuss, Council adjourned at 8:05 p.m.

Mayor

Manager of Administration