

Minutes of a Regular Meeting of Council held at City Hall in the City of Portage la Prairie on Monday, September 14, 2009 at 6:00 p.m.

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

ABSENT: Councillor Bereza

ADOPTION OF MINUTES 227/09 Moved by: Councillor Quinn
Seconded by: Councillor Wagner

RESOLVED THAT the Minutes of the Regular Meeting of Council held at City Hall on Monday, August 10, 2009 and the Minutes of the Special Meeting of Council held at City Hall on Tuesday, August 11, 2009 be approved as circulated.
Carried.

DELEGATIONS: Mr. John Boehm appeared expressing concerns regarding the Multiplex, 2nd Arena and Nutrient Removal.

HEARINGS:

Application for
Excess Animal
Permit – Dawn
Lernowicz

A letter of objection from Mr. Lloyd Allen Bridges was read into the record.

Dawn Lernowicz spoke in support of her application and to clarify some of the points stated in the letter of objection received from Mr. Bridges.

228/09 Moved by: Councillor Ferris
Seconded by: Councillor Wagner
RESOLVED THAT: The public hearing for the Application for Excess Animal Permit for Dawn Lernowicz now be closed.
Carried.

By-law #04-8224, an amendment to the Animal Control By-law #02-8165, states that no person shall own, harbour, keep or have in his possession or control on his premises, more than three dogs, or three cats, or a combination of both over the age of six months without obtaining an Excess Animal Permit. The applicant has applied to be allowed to keep 3 dogs and 2 cats at her residence.

Letters were mailed on July 14th by regular mail to neighbouring property owners within a 100-meter radius of the property. The applicant and joint property owner were notified the same date by Registered Mail of the hearing date. They were advised the hearing is scheduled for September 14th, 2009 and all neighbouring property owners have the opportunity to provide City Council their views in writing prior to the hearing date, or to appear as a delegation at the hearing on the proposed application.

The Animal Control Officer has conducted a site inspection and his report and photos of the residence and the surrounding property are attached. In his report the Animal Control Officer advised that the residence is 740 square feet and he has concerns regarding the space available to accommodate five animals and six people.

229/09 Moved by: Councillor Ferris
Seconded by: Councillor Keryluk
RESOLVED THAT Administration concurs with the report provided by the Animal Control Officer regarding concerns about sufficient available space to accommodate this number of animals, and recommends that the application by Ms. Lernowicz for an Excess Animal Permit be denied.
Carried.

Variation PC 58-09
Dave & Debbie
Patsack, 277
Caledonia St / Lot 2,
Plan 2013 Parish of

No one appeared.

Portage la Prairie

- 230/09 Moved by: Councillor Quinn
Seconded by: Councillor Wagner
RESOLVED THAT: The public hearing for Variation 58-09 Dave & Debbie Patsack, 277 Caledonia St / Lot 2, Plan 2013, Parish of Portage la Prairie now be closed.
Carried.
The applicants, Dave and Debbie Patsack, are applying for a variation order to allow the east side yard to be reduced from the required 1.5m down to .838m. The applicant wishes to build an attached garage on the east side of the existing house.
This building is in an R1-60 – Single Family Dwelling District.
The application has been circulated to the various City Departments with one concern being expressed regarding lot grading and positive drainage to be maintained.
If Council gives approval to this Variation Order, owner will be notified that lot grading and drainage must be maintained.
Public notices have been sent to all property owners within a 100 meter radius.
- 231/09 Moved by: Councillor Wagner
Seconded by: Councillor Quinn
RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of Dave and Debbie Patsack to vary the east side yard to be reduced from the required 1.5m down to .838m at the property known as 277 Caledonia St which is legally described as Lot 2, Plan 2013, Parish of Portage la Prairie.
Carried.
- Variation PC 59-09, CHB Developments Inc., 102 5th Ave. NW / Lots 781/783/ Plan 66, Parish of Portage la Prairie
- No one appeared.
- 232/09 Moved by: Councillor Quinn
Seconded by: Councillor Wagner
RESOLVED THAT: The public hearing for Variation PC 59-09, CHB Developments Inc., 102 5th Ave. NW / Lots 781/783/Plan 66, Parish of Portage la Prairie now be closed.
Carried.

The applicant, CHB Developments Inc., is applying for a variation order to allow
1) one side yard to be reduced, where there is no attached garage or carport, from the required 5m down to 3.5m on the east side yard;
2) side yard on the street side of the reversed corner site to be reduced from the required 4.5m down to 3.5m on the east side yard.

The applicant wishes to build a single family dwelling on a reversed corner lot. This building is in an R1 – Single Family 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.
- 233/09 Moved by: Councillor Wagner
Seconded by: Councillor Quinn
RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of CHB Developments Inc. to vary the

1) side yard to be reduced, where there is no attached garage or carport, from the required 5m down to 3.5m on the east side yard;
2) side yard on the street side of the reversed corner site to be reduced from the required 4.5m down to 3.5m on the east side yard.

at the property known as 102 5th Ave NW which is legally described as Lots 781/783, Plan 66, Parish of Portage la Prairie.
Carried.

COMMITTEES:

**Finance,
Legislative &
Property
Committee**

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

By-Law 09-8444
Trailer Licence
By-Law
Amendment – 2nd
& 3rd 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.

234/09 Moved by: Councillor Quinn
Seconded by: Councillor Shindle

RESOLVED THAT By-Law No. 09-8444 being a by-law to amend the Trailer License By-Law No. 7663 be read a second time.
Carried.

235/09 Moved by: Councillor Quinn
Seconded by: Councillor Shindle

RESOLVED THAT That By-Law No. 09-8444 being a by-law to amend the Trailer License By-Law No. 7663 be read a third time, finally passed, signed, and sealed.

Carried

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

By-Law 09-8442
Adding Unpaid
Trailer Licences,
Business Licences,
and Accounts
Receivable to
Property Taxes –
2nd and 3rd 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.

236/09 Moved by: Councillor Quinn
Seconded by: Councillor Shindle

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 second time.
Carried.

237/09 Moved by: Councillor Quinn
Seconded by: Councillor Shindle

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 third time, finally passed, signed, and sealed.

Carried.

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

By 09-8424
Unpaid Water,
Sewer and Solid

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

Waste to Taxes for
 July 2009 – 2nd &
 3rd Reading

238/09 Moved by: Councillor Quinn
 Seconded by: Councillor Shindle
 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 second time.
 Carried.

239/09 Moved by: Councillor Quinn
 Seconded by: Councillor Shindle
 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 third time, finally passed, signed, and sealed.
 Carried.
 In Favour: Councillors Keryluk, Quinn, Wagner, Shindle, Ferris, and Mayor Brennan

By-Law 09-8425 –
 Unpaid Water,
 Sewer and Solid
 Waste to Taxes for
 August 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.

240/09 Moved by: Councillor Quinn
 Seconded by: Councillor Shindle
 RESOLVED THAT By-Law No. 09-8425 being a by-law to authorize unpaid water, sewer and solid waste charges be added to taxes be read a first time.
 Carried.

Second Quarter
 Forecast

Financial Results for the first six months of 2009 are attached for Committee's consideration.
 A year-end deficit in the General Operating Fund of \$16,430 is forecast. The General Operating Fund contains the following significant variations between budget and forecast:

Decrease in Policing Contract	\$81,738
New PRRA Facility Manager Salary (part year)	(\$31,000)
Increase in Facility Rental/Southport	(\$37,667)
Decrease in Transfer to Environmental Reserve	\$25,500

The forecast contains many small variations which, in aggregate, account for the deficit in the General Operating Fund.

A year-end surplus in the Utility Operating Fund of \$172,176 is forecast. The Utility Operating Fund contains the following significant variations between budget and forecast:

Increase in Aggregate Water and Sewer Sales	\$42,165
2008 BVF Biosolids Disposal Billing	\$125,881
2008 Industrial Cost Recovery Adjustment	(\$55,225)
Increase in WTP Machinery Maintenance	(\$38,400)
Decrease in Sludge Disposal Contract	\$33,170
Decrease in Secondary Treatment Salaries	\$24,270
Decrease in Water Utility Usage, Secondary Treatment	\$21,000
Decrease in Industrial Cost Recovery (net)	(\$47,266)
Decrease in Sludge Disposal contract	155,300

241/09 Moved by: Councillor Quinn
 Seconded by: Councillor Shindle
 RESOLVED THAT That the Financial Statement and Forecast for the six months ended June 30, 2009 be adopted.

Carried.

Monthly Activity
Reports

Council reviewed the Monthly Activity Reports.

Parking Ticket
Revenues

Councillor Wagner commented on Parking Ticket revenues.

Water Meter
Misreads

Councillor Quinn commented/questioned the Activity Report category on water meter misreads.

**City Planning &
Economic
Development**

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

Monthly Activity
Reports

Council reviewed the Monthly Activity Reports.

Greyhound Bus
Service

Mayor Brennan spoke on behalf of the Members of City Council expressing concern regarding the stoppage of Greyhound Bus Service in Manitoba and the impact it will have on the quality of life and commerce. He commended the Association of Manitoba Municipalities on their efforts to have the service remain in Manitoba.

**Public Safety
Committee**

The Public Safety Committee respectfully submits the following reports:

Provision of
Constable Status –
Deputy Fire Chief
Dave Holmes

On April 28, 2003 City Council passed a resolution appointing Fire Chief Dennis Nodrick, Deputy Fire Chief Philip Carpenter and Animal Control Officers Wendell Hawker and Brian Ogilvie as Constables for the City of Portage la Prairie for the purpose of issuing Common Offence Notices for violations against City By-Laws.

With the retirement of Dennis Nodrick it is recommended that Deputy Fire Chief Dave Holmes be appointed with Constable status.

242/09

Moved by: Councillor Ferris
Seconded by: Councillor Keryluk

RESOLVED THAT the Council of the City of Portage la Prairie appoint Deputy Fire Chief Dave Holmes as a Constable for the City of Portage la Prairie for the purpose of issuing Common Offence Notices for violations against City By-Laws.

Carried.

Monthly Activity
Reports

Council reviewed the Monthly Activity Reports.

**Waterworks
Committee**

The Waterworks Committee respectfully submits the following reports:

Lorne Avenue E.
Watermain

The large water feeder main on 14th St NE must be flushed for several hours each week, year-round, since it is a dead-end line with only a single consumer at the end of the line that uses very little water. It is recommended that the Utility install a watermain along Lorne Avenue E between the feeder main on 14th St NE and the distribution system on 10th St NE at Lorne Ave. to improve system water quality and fire flows in the east end of the City, and to reduce the amount of water wasted due to flushing operations.

Letters requesting expressions of interest in connecting to a watermain along Lorne Ave were sent out several months ago to various industrial and commercial property owners. The lot sizes vary dramatically. About 50% of the property owners expressed an interest, with two owners failing to respond. Another property owner on Stephens Ave. has also expressed an interest in connecting to

the watermain, and this could be done if they obtain an easement from Perimeter Concrete or Manitoba Hydro.

If the local improvement process is followed, there is a good chance that the project would be declined, since several properties in the area are currently undeveloped, and the owners are not interested in water servicing.

The Waterworks Bylaw stipulates that property owners must connect to servicing if service lines are installed to their property. It is not intended to install servicing to properties that are not interested in connecting.

- 243/09 Moved by: Councillor Keryluk
Seconded by: Councillor Quinn
RESOLVED THAT Council authorize the installation of a watermain on Lorne Avenue between 10th St NE and 14th St NE, and that a connection fee equal to 1/16 of the installation cost be assessed to any property owner that connects to the watermain.
Carried.

Monthly Activity
Reports

Council reviewed the Monthly Activity Reports.

**Transportation
Committee**

The Transportation Committee respectfully submits the following reports:

Alfred Avenue
Stop Sign

At the June 22nd meeting of Council, a request was made to have a stop sign installed on the graveled portion of Alfred Avenue, eastbound at 2nd St NE.

The Traffic By-Law authorizes City Council to make changes to the installation and location of traffic control signage within the City. A Council resolution is necessary to add or delete traffic control signage.

The portion of Alfred Avenue at issue, for all intents and purposes, is a rear lane, 30 feet wide. It is a severed portion of a former 66 foot wide right of way known as Alfred Ave. Stop signs are not placed on lanes at the intersections of lanes and streets, however, in accordance with the Highway Traffic Act, vehicles must stop at these intersections.

- 244/09 Moved by: Councillor Wagner
Seconded by: Councillor Ferris
RESOLVED THAT Council authorize the installation of a stop sign on Alfred Avenue, eastbound, at 2nd St NE, and amend the Traffic Bylaw Traffic Sign Directory accordingly.
Carried.

Walkways

The Mayor expressed his pleasure in seeing the walkway out to the Shopping Centres and inquired about snow clearing on the path. Kelly Braden will bring this item to Council to be added the Snow Clearing policy to the list.

**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.

**DEFERRED
BUSINESS**

None

NEW BUSINESS

Zoning The applicants, B.J. Fox and Kelly Joel, wish to amend Table 5-2 to allow

Amendment – B.J.
Fox and Kelly Joel

contractors' yards, as a conditional use in a C-2 Central Commercial District.

The application will be circulated to the Province for review and comment after first reading.

As per section 74 (1) of "The Planning Act", Council shall indicate its intention to enact a zoning by-law amendment by giving first reading and proceed with Public Notice as set out in section 168.

The first reading of By-Law No. 09-8446 will commence the process as defined in "The Planning Act" in considering this application.

Mayor Brennan left his chair at 6:46 p.m. to comment on this matter and the process. Deputy Mayor Quinn took the chair.

245/09 Moved by: Councillor Wagner
Seconded by: Councillor Ferris

RESOLVED THAT the Council of the City of Portage la Prairie give By-Law No. 09-8446 First Reading and provide public notices as defined in Section 168 of "The Planning Act".

Carried.

Mayor Brennan returned to his chair at 6:50 p.m.

Dutch Elm Disease
Agreement

The City of Portage la Prairie and the Province of Manitoba enter into an agreement under the Dutch Elm Disease Act each year for the period April 1 to March 31. The Act allows for the sharing of actual costs up to \$0.50 per capita.

Eligible costs this year only include pruning, basal spraying and removal of dead or diseased elm trees. In past years they have covered costs of replanting and general tree care and now these are not eligible costs. The estimated cost of the City program is \$8,000.00 for 2009-2010.

This program is critical to the maintenance of the urban forest and has assisted in the preservation of existing elms.

All work must be completed, and claims submitted by March 31, 2010.

246/09 Moved by: Councillor Shindle
Seconded by: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie authorize the Mayor and Manager of Administration to sign an agreement with the Province of Manitoba, on behalf of the City, for the cost-sharing of the Dutch Elm Disease Control Program for 2009/2010.

Carried.

Authorization to
Proceed with
Construction –
Phase 2, Portage
Mutual Arena

The Portage Mutual Arena is the second arena to be attached as Phase 2 of the PCU Centre. Funding for phase 2 has been identified as follows:

		<u>Millions</u>
City of Portage la Prairie	- General Reserve	\$1.00
	- Debenture Debt	1.55
Building Canada Infrastructure Grant	- Federal Grant portion	1.70
Total Funding		\$4.25

Architectural and engineering fees related to design and construction of the Portage Mutual Arena were previously awarded to Stantec Architecture Ltd. for \$113,000.

Tower Engineering and Dominion Construction have provided a construction cost estimate of \$4.25 million based on actual prices submitted by existing subcontractors currently working on the PCU Centre along with some new

subcontractors.

The best price for some of the subcontract work for the second arena will be to engage the services of the contractors on site currently working on the PCU Centre. This also ensures that the construction work does not incur winter construction costs, which could otherwise be substantial.

Project Manager, Tower Engineering Ltd. was previously authorized to award the balance of construction costs for the PCU Centre on condition that any changes that have a significant operational or aesthetic impact are approved by the Director of Recreation and Leisure Services.

Prior to proceeding with the Portage Mutual Arena construction, approval should be obtained from the Canada-Manitoba Infrastructure Secretariat to ensure that this project complies with federal grant funding criteria.

It is proposed that the foundation piles which are very time sensitive be awarded directly by City Council immediately and that Tower Engineering be authorized to award the balance of the work for the second arena.

247/09 Moved by: Councillor Shindle
Seconded by: Councillor Quinn

RESOLVED THAT the contract for foundation pile construction for the Portage Mutual Arena be awarded to Metro Piling for \$148,600 plus GST; and

THAT Tower Engineering Ltd. be authorized to award up to \$3,988,400 (cost estimate less contracts awarded to Stantec and Metro Piling) for construction costs for the Portage Mutual Arena and that the Mayor and City Manager be authorized to sign any agreements related thereto on condition that any changes that have a significant operational or aesthetic impact are approved by the Director of Recreation and Leisure Services; and

THAT authorization to proceed with this project be obtained from the Canada-Manitoba Infrastructure Secretariat prior to Tower Engineering Ltd. awarding any construction contracts.
Carried.

Request for
Variation
Extension – Melco
Developments

The applicant has requested an extension to their original Variation order, which was passed by Resolution No. 240/08 on September 8, 2008, for an additional 12 months (see copy of Variation Order PC 53-08, drawing and request for extension). The addresses indicated above for the extension request are the remaining properties to be developed. All other properties indicated on original variation have been developed. Applicant requested the extension for variation on August 11, 2009.

The Planning Act, Section 101 states: “(1) A variance order will expire and cease to have any effect if it is not acted upon within 12 months of the date of decision. (2) A board, council or planning commission may extend the deadline under subsection (1) for an additional period not longer than 12 months if an application is received before the initial deadline.”

As per the attached original variation order on this matter, administratively, we have no concerns with the application for an extension to the original variation order and as such, would recommend approval.

248/09 Moved by: Councillor Wagner
Seconded by: Councillor Ferris

RESOLVED THAT the Council of the City of Portage la Prairie approve the request of Melco Developments Ltd. to extend the original variation order (PC 53-08) at the properties on 11, 13, 15, 17, 19, 21,23, 24, 25, 26, 27 Carlyle Bay and 35 Cadham Bay which are legally described as Lots 11/19 Block 4 and Lots 1, 2, 7 Block 5 all in Plan 35629, Parish of Portage la Prairie.
Carried.

Meighen Avenue
Land Sale

The City entered into a land sale agreement for the sale of City land fronting on Meighen Avenue between Bridge and River Roads on November 30, 2007. City Council had previously extended the critical timelines in the purchase agreement to allow the purchasers to proceed with the purchase of School Division land adjacent to the City property in question. The purchasers have indicated that they are now in a position to proceed with an amending agreement that re-establishes target dates related to the land sale.

The revised date proposed by the purchasers appear reasonable and it is proposed that the City proceed to authorize the second amending agreement submitted by the purchasers.

249/09 Moved by: Councillor Wagner
Seconded by: Councillor Quinn

RESOLVED THAT the Second Amendment Agreement between the City and 5371431 Manitoba Ltd. and Bridge Road Developments Ltd. and Melco Developments Ltd. be approved and that the Mayor and Manager of Administration be authorized to sign the agreement.
Carried.

OLD BUSINESS

None

ADJOURNMENT

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

Mayor

Manager of Administration