

Minutes of a Regular Meeting of Council held in the Council Chambers of City Hall on July 23, 2001 at 6:06 p.m.

**PRESENT:** Councillors Brennan, Hamilton, Porter, Tenszen & Quinn with Mayor Ian MacKenzie in the Chair.

**ABSENT:** Councillor Allen

**ADOPTION OF MINUTES:** 197/01 Moved by: Councillor Quinn  
Seconded by: Councillor Tenszen  
RESOLVED THAT the Minutes of the Regular Meeting of Council held on July 9, 2001 in the Council Chambers of City Hall be approved as circulated.  
Carried.

**HEARINGS:** None

**DELEGATIONS:** None

**CORRESPONDENCE:** The correspondence for this period was reviewed.

**COMMITTEE REPORTS:**

**Finance, Legislative & Property Committee** Your Worship, your Finance, Legislative and Property Committee respectfully submits the following reports:

Unpaid Water & Sewer to Taxes – 01-8106 – 2<sup>nd</sup> & 3<sup>rd</sup> Reading  
Shirley/June

This is part of the normal monthly procedure to allow unpaid water and sewer charges be added to taxes.

198/01 Moved by: Councillor Quinn  
Seconded by: Councillor Hamilton  
RESOLVED THAT By-Law 01-8106 being a by-law to authorize unpaid water and sewer charges be added to taxes be read a second time.  
Carried  
RESOLVED THAT By-Law 01-8106 be read a third time, finally passed, signed and sealed.  
Carried.

In Favour: Councillors Brennan, Hamilton, Porter, Quinn, Tenszen & Mayor MacKenzie

Unpaid Trailer License Fees to Taxes- 01-8103 – 1<sup>st</sup> Reading  
Nettie

The Fees & Charge By-Law 00-8098 states: “THAT any unpaid fees or charges owed to the City by any taxpayer including any penalties related thereof 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 defined by the Municipal Act, L.M. 1996 c.58.”

In order to collect unpaid trailer license fees, it is the city’s practice to semi-annually add sums of money owing to the City of Portage la Prairie for trailer license fees to the Collector’s Roll.

199/01 Moved by: Councillor Quinn  
Seconded by: Councillor Hamilton  
RESOLVED THAT By-law 01-8103 being a by-law to authorize the unpaid 2001 trailer license fees as per Schedule “A” be added to taxes, be read a first time.  
Carried.

Unpaid Business License to Taxes – 01-8104 – 1<sup>st</sup> Reading  
Nettie

The Fees & Charge By-Law 00-8098 states: “THAT any unpaid fees or charges owed to the City by any taxpayer including any penalties related thereof 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 defined by the Municipal Act, L.M. 1996 c.58.”

In order to collect unpaid business license fees from businesses operating out of their property, it is recommended to add these unpaid fees to property taxes. This ensures collection of these accounts without proceeding to the City's collection agency which would involve collection fees.

- 200/01 Moved by: Councillor Quinn  
Seconded by: Councillor Hamilton  
RESOLVED THAT By-Law 01-8104 being a by-law to authorize the unpaid 2001 business license fees as per Schedule "A" be added to taxes, be read a first time.  
Carried.

Request for Cancellation –  
Solid Rock Ministries  
Nettie

Mr. Ron Benell, Pastor Dave Byers & Ruth Wiebe of Solid Rock Ministries attended Committee to support their written request for Council to cancel their property taxes and penalties outstanding from April 1, 2000 to December 31, 2000. They currently have a tax arrears payment agreement with the City for outstanding taxes but have since the date of signing paid all tax arrears, with the exception of the taxes & penalties requested to cancel.

The balance outstanding as of June 26, 2001 is \$2,150.75. This represents school (\$1220.43) and general municipal taxes (\$930.32) approximately 50% each for the period April 1, 2000 to December 31, 2000 and related penalties to date but does not include local improvement charges.

Solid Rock Ministries purchased the property at 125-4<sup>th</sup> Avenue NE on April 1, 2000 but the assessment change to exempt status did not come into effect until January, 2001. It is the normal practice of the City to delete taxes in the year of change for buildings demolished or burned down.

The Assessment Branch advised that a tax exemption occurs if a religious institution owns, occupies and uses the premises primarily for church services, as a place of worship or for religious instruction purposes. Unfortunately a building permit or occupancy permit has not been issued to Solid Rock that would permit them to use the building as a place of worship due to non-compliance to the zoning by-law and building code requirements. It is questionable whether the tax exemption is valid at this point in time. Zoning for this property is currently "EI", Educational & Institutional

- 201/01 Moved by: Councillor Brennan  
Seconded by: Councillor Hamilton  
RESOLVED THAT the City cancel the April 1st, 2000 to December 31st, 2000 general municipal taxes of \$805.15 and related penalties of \$125.17, totalling \$930.32 for the Solid Rock Ministries Inc.  
Carried.

Request to Lease Kin Hall  
Dean

The Kin Hall Building became unoccupied at the end of 2000 when the Kinsmen gave notice and vacated the building. The previous lease with the Kinsmen Club provided that they paid no rent but operated and maintained the building.

At present, there are no plans for the City to utilize the building or the property on which it is situated. For the building to remain on the existing site, tenants should be found to maintain it.

The current zoning of the property is "P" Parks. The former use of the building was as a meeting/assembly place and the request by Alcoholics Anonymous to use this building as a meeting assembly place would be considered a permitted pre-existing use.

- 202/01 Moved by: Councillor Brennan  
Seconded by: Councillor Hamilton  
RESOLVED THAT the Council of the City of Portage la Prairie authorize Administration to negotiate a lease with Alcoholics

Anonymous, Alanon Family Groups and Alateen for the use of the old Kinsmen Hall building.  
Carried.

Monthly Activity Reports

Council reviewed the monthly activity reports for June, 2001.

Current Projects List

Council reviewed the Current Projects List for June, 2001 in camera.

**City Planning & Economic Development**

Your Worship, the City Planning & Economic Development Committee respectfully submit the following report:

Rezoning Application –  
Matthew Gray – By-Law 01-8107 – 1<sup>st</sup> Reading  
Dean/Iva

The Applicant, Matthew Gray, wishes to rezone the property located at 506-1<sup>st</sup> Street NW with the permission of the Owner, the Roman Catholic Archbishopial Corporation of Winnipeg St. Hyacinthe Church.

The property in question is presently zoned E1 – Educational & Institutional District. The applicant wishes to rezone this property to R1 – Single Family Dwelling District to allow the former St. Hyacinthe's Church to be converted to a residence for his own use.

As per section 45(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 subsections (2), (3), (4). The first reading of By-Law No. 01-8107 will commence the process as defined in the Planning Act in considering this application.

203/01

Moved by: Councillor Brennan  
Seconded by: Councillor Tenzzen

THAT the Council of the City of Portage la Prairie give By-Law 01-8107 First Reading and provide public notices as defined in Section 42 (1) and (2) of the Planning Act.  
Carried.

Chamber of Commerce  
Request for Project Funding  
Dean

Council in this year's budget allocated \$13,200.00 that could be accessed by the Chamber on a project-by-project basis and has provided the Chamber with \$11,495.00 to date towards the development of projects which include:

- Business & Goods/Services Inventory
- Shop Local/Think Regional Survey
- Diversional Highway Sign Advertising Panels
- Business Improvement Seminars
- Welcome to Portage Program

The chamber has provided Administration with a project proposal and background information for the development of their web site. The completion of this project will benefit the Chamber, its members, and potential businesses looking to locate in the City. The total project funds available to the Chamber as allocated by Council would be expended to the available budgeted total of \$13,200.00.

204/01

Moved by: Councillor Brennan  
Seconded by: Councillor Tenzzen

RESOLVED THAT the Council of the City of Portage la Prairie approve the funding request of the Portage la Prairie and District Chamber of Commerce for \$1705 which shall be used to off-set costs to complete the development and technical support of a web site.  
Carried.

Monthly Activity Reports –  
June, 2001

Council reviewed the monthly activity reports for June, 2001.

**Public Safety Committee**

Your Worship, your Public Safety Committee respectfully submits the following reports:

Graffiti Program – For  
Information Only

The graffiti program is being run out of the Crime Prevention Office with assistance from Agassiz Youth Centre. A list of approximately 25 properties that graffiti has been removed from was reviewed.

Monthly Activity Reports –  
June, 2001

Council reviewed the monthly activity reports for June, 2001.

Canada Day Fireworks

The Mayor thanked the Fire Fighters for an impressive Fireworks Display on Canada Day

### Waterworks Committee

Your Worship, your Waterworks Committee respectfully submits the following reports:

Award of Tender – Supply of  
BackHoe  
Kelly Braden

The tender includes the supply of a BackHoe. The bidders were requested to submit unit prices on a BackHoe as per specifications. The tender included an option to take a Case 580 BackHoe in trade. The trade-in price was to be separate as optional to the tender price for the new backhoe.

Of the five bids received, one was rejected due to not meeting specifications as per tender document.

HiTrac submitted two tenders as they have two machines that meet our specifications. The M series meets specifications but at the lower end of specs. The Super M series machine is more comparable with other units that were tendered. The Super M has more horse power (10) and more weight (1500lbs). The extra weight and horsepower provides more breakaway force on front and rear buckets. The Super M is the best buy for The City of Portage La Prairie and still remains well under budget.

The budget total for purchase of Back Hoe is \$140,000.00, net of GST rebate, excluding trade-in of a 580 Case Back Hoe. With the trade factored in, the net low bid for the desired Super M unit is \$91,697.10 net of the GST rebate. The bid for the Case 580 Super M unit is \$48,302.90 under budget.

205/01

Moved by: Councillor Hamilton  
Seconded by: Councillor Porter

RESOLVED That the Council of the City of Portage la Prairie award the tender for the Supply of a Back Hoe to HiTrac, as specified in tender 01-OPS-017, for the Case 580 Super M unit, and accept the trade-in offer for the 1982 Case 580 backhoe, for the net tendered price of \$95,031.54, including taxes.  
Carried.

Island Park Water & Sewer  
Servicing  
Kelly Braden

A Request for Proposal was issued to Cochrane Engineering and EarthTech Canada Ltd. for the Island Park Water & Sewer Servicing.

The following scope of work was identified:

- 1) Review existing infrastructure and legal subdivision drawings. Determine capacity of existing sewer and water lines, and Oak Island Homes lift station.
- 2) Review and determine the Oak Island Homes lift station design capacity (Damas and Smith). The City intends to utilize some existing surplus pumps to complete this lift station.
- 3) Review the relevant sections of the Cochrane Engineering forcemain and lift station report, and the Reid Crowther water distribution system report.
- 4) Review property ownership and use drawings and information. A meeting with City staff is required.
- 5) Consult existing property owners (excepting Massey Crescent, since their desire has been expressed in a petition) regarding desire for sewer and water servicing, proposed or anticipated development, and future water demands and sewer flows.
- 6) Prepare a conceptual sewer and water servicing plan. It is anticipated that several conceptual configurations will need to be developed.
- 7) Recommended sizing for the water park lift station and forcemain, based upon information collected.
- 8) Prepare conceptual level cost estimates for the recommended option and alternate higher rated options.

- 9) Prepare a written report summarizing activities and recommendations.
- 10) Submit Autocad 2000 drawings.

Cochrane submitted a proposal of \$9,600 plus \$400 expenses, with 172 man-hours of time. Earth Tech submitted a proposal for \$10,200 plus \$380 for expenses, with no time specified. In general, Cochrane Engineering's charge out rates are below EarthTech's by about 10%.

Cochrane indicated they could have the work completed in one month, and EarthTech's schedule was slightly longer.

206/01 Moved by: Councillor Hamilton  
Seconded by: Councillor Porter

RESOLVED THAT the City Manager be authorized to hire Cochrane Engineering, at an estimated cost of \$9,600 plus \$400 expenses to evaluate the demand for sewer and water servicing on the Island, and prepare a conceptual design of sewer and water systems, and provide assistance with proposed cost-sharing/local improvement charges arrangements.

Waste Activated Sludge  
Facility

Council reviewed a report on a WAS Facility in camera.

Land Fill Waste

Council reviewed a report on Land Fill Waste in-camera.

Monthly Activity Reports

Council reviewed the monthly activity reports for June, 2001.

### **Transportation Committee**

Your Worship, your Transportation Committee respectfully submits the following report:

Traffic By-Law – 01-8105 –  
2<sup>nd</sup> & 3<sup>rd</sup> Reading  
Marg/Jodi

Council reviewed the proposed new by-law at Committee on June 25, and some minor changes were made before it received first reading at the July 9<sup>th</sup> Council Meeting. The by-law is now ready to receive 2<sup>nd</sup> & 3<sup>rd</sup> Reading.

207/01 Moved by: Councillor Tenszen  
Seconded by Councillor Quinn

THAT By-Law No. 01-8105 being a by-law for the regulation of traffic and parking and the use of streets and sidewalks in the City, be now read a second time.  
Carried.

THAT By-Law No. 01-8105 being a by-law be now read a third time, finally passed, signed and sealed.  
Carried.

In Favour: Councillors Brennan, Hamilton, Porter, Quinn, Tenszena and Mayor MacKenzie.

Monthly Activity Reports –  
June, 2001

Council reviewed the monthly activity reports for June.2001.

### **Community Services Committee**

Your Worship, your Community Services Committee respectfully submits the following report:

Tree Complaint  
Ray Rose

A complaint has been received from the tenants of Square One on the corner of Saskatchewan Avenue East and Royal Road that the tree in front of the complex is a hindrance as it is blocking the stores' business signs that front on Saskatchewan Avenue

In 1993, Council adopted the Urban Forestry Policy regulating a regular program of tree removal, tree maintenance and reforestation within the boundaries of the City. Section 5.1 of the Policy contains criteria for removal of trees. The request by Square One does not fall within the criteria for removing a tree. Consideration should also be given to the implications or potential for additional requests if this tree

is removed.

- 208/01 Moved by: Councillor Tenzsen  
Seconded by: Councillor Quinn  
RESOLVED THAT Council of the City of Portage la Prairie deny the request to remove the tree from the boulevard in front of Square One and further that the City inspect the tree and trim if required.  
Carried.

B5 Group/PDAC/PCCI – For Information Only

Council discussed the B5 Group/PDAC/PCCI in camera.

Monthly Activity Reports – June, 2001

Council reviewed the monthly activity reports for June, 2001.

**DEFERRED BUSINESS:**

None

**OLD BUSINESS:**

None

**NEW BUSINESS:**

Liquor Act Changes  
Jodi

Councillor Porter invited Public input on the changes to the Liquor Act which allow for Sunday operation of beverage rooms and liquor store openings. Councillor Porter advised the public that this issue will be brought forth at the next meeting of Council which will be August 13, 2001.

Utility Staff Salaries  
Lorrie

As a result of the City's huge wet industry with the McCain Foods plant and the proposed Simplot plant, Portage la Prairie's utility is closer in size to that normally found in a city of 35-40,000. Due to the uniqueness of the City's utility relative to the size of Portage la Prairie, there are no comparisons available of similar sized utilities in cities comparable in size to Portage la Prairie.

Comparisons were made to similar size municipalities, however no provision was made in the review to reflect the unusually large size of the utility in comparison to the City in general. After reviewing salaries in similar sized utilities, it is apparent that the salaries for the plant operators and maintenance staff are below average.

- 209/01 Moved by: Councillor Hamilton  
Seconded by: Councillor Quinn  
RESOLVED THAT the salaries for the following positions be increased by 5% effective August 17, 2001:
- Water Treatment Plant Operators
  - Water Treatment Plant Foreman
  - Water Pollution Control Facility Operators
  - Water Pollution Control Facility Foreman
  - Facility Maintenance Foreman
  - Facility Maintenance Staff

And that the following conditions apply:

1. that the education and experience qualifications for these positions be reviewed by management and amended as appropriate and that the Joint Job Evaluation Committee rank these positions accordingly; and
2. that any increases in salaries up to 5% for each of these positions as a result of changes to qualifications be deducted against the 5% increase.
3. that the City Manager meet with CUPE to discuss this issue prior to the August 17<sup>th</sup> implementation date.

Carried.

Settle Lien on Property  
Nettie

On May 24, 1972 the City filed a lien of \$4,022.33 against 26-4<sup>th</sup> Street NE in connection with payments paid on behalf of the Welfare Department of the City of Portage la Prairie. No interest or per diem is chargeable against the lien. The lien remains active to this day. A lien

filed by the Province in the amount of \$13,821.02 also exists on this property.

Mrs. Dorothy St. Cyr owns the property and has attempted to sell the property but to no success. Currently there is an offer to purchase the property and settle the liens. On behalf of the owner, Greenberg & Greenberg have requested the City to discharge the lien due to the owner's financial situation and the likelihood that the property would never sell at its assessed value of \$25,000 plus \$17,800 in liens. A residential appraisal report prepared by Hoffer Wilkinson & Associates Ltd. assigns a \$10,000 market value to the property.

The proposed settlement of \$7,500 less legal fees of \$350 and 4735.81 in property taxes as of July 1, 2001 nets out to \$6,414.19. This amount would be proportionate to the City's lien and the Province's lien, resulting in the City's share to be \$1,445.92 (22.5%). A discharge fee of \$30.00 is also required.

The Province has advised that they are prepared to discharge their lien proportionately to the City's, after taxes and legal fees.

This request is time-sensitive since it is contingent on the offer to purchase.

210/01 Moved by: Councillor Quinn  
Seconded by: Councillor Hamilton

RESOLVED THAT the City accept the payment of \$1,445.92 in settlement of Lien No. 35790 filed on 26-4<sup>th</sup> Street NE and applicable discharge fee.  
Carried.

Rezoning Application – Ideal  
Warehousing  
Dean

The Ideal Warehousing Ltd. Rezoning application was reviewed at Council on June 25<sup>th</sup>, 2001 and first reading was given to By-Law No. 01-8101. The rezoning was then advertised and a hearing scheduled for the August 13<sup>th</sup> Council Meeting. At that time, the by-law would receive 2<sup>nd</sup> & 3<sup>rd</sup> readings.

The report to provide 2<sup>nd</sup> & 3<sup>rd</sup> readings to the by-law was placed before Council in error at the Council meeting on July 9<sup>th</sup> and was approved. This is in contravention of the process for rezonings and the resolution must therefore be rescinded.

211/01 Moved by: Councillor Brennan  
Seconded by: Councillor Quinn

RESOLVED THAT Resolution No., 186/01 giving 2<sup>nd</sup> & 3<sup>rd</sup> Readings to By-Law 01-8101 be hereby rescinded.  
Carried.

ADJOURNMENT

212/01 Moved by: Councillor Quinn  
Seconded by: Councillor Hamilton

RESOLVED THAT the Council Meeting be adjourned at 6:40 p.m.  
Carried.

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Mayor

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Manager of Administration