

Minutes of a Regular Meeting of Council held in the Council Chambers of City Hall on November 26, 2001 at 6:01p.m.

PRESENT: Councillors Brennan, Hamilton Porter, Quinn, Tenszen and Mayor MacKenzie in the Chair.

ABSENT: Councillor Allen

ADOPTION OF MINUTES: 327/01 Moved by: Councillor Quinn
Seconded by; Councillor Tenszen
RESOLVED THAT the minutes of the regular meeting of Council held on November 13th, 2001 and the minutes of the Organizational Meeting of Council held on November 13, 2001 be approved as circulated.
Carried.

HEARINGS: Conditional Use- Dwayne Timony

Mr. Dwayne Timony appeared before Council to speak in support of his application for a conditional use to operate an amusement enterprise in a C1 – Central Commercial District. Three letters of objection were read into the record opposing this venture.

Conditional Use - Youth for Christ Portage Inc.

Mr. Brian Rushton spoke to Council in support of his application for a conditional use to have a group home in a residential neighbourhood. He indicated he could comply with the conditions that Council was setting, except Condition No. 2, giving the City the right to revoke the conditional use by providing 60 days written notice. This would make it very difficult for him to get financing from the bank. Thirty three letters of objections were read into record opposing the group home.

DELEGATIONS: Safeway Select Bonspiel – Barry Sadler & Dave Patsack

Dave Patsack, representing the host committee for Safeway Select, approached Council looking for support in the way of a subfloor in the west arena, permission to acquire a liquor permit, permission to smoke on the west side of the arena, and permission to monitor advertising in the arena. They are waiting for approval from Council before signing the contract with Safeway Select. The group would be working on a budget of \$70,000 that will be raised locally.

Manitoba Society of Seniors Games 2004 – Lynn Switzer & Charlie Clifford

Mr. Switzer and Mr. Clifford approached Council looking for a letter of support for the Senior Games in June, 2004. The bid package has to be in by February. Some of their expectations if their bid is successful are:

1. use of the arena and Republic of Manitoba Park
2. concern is camping – looking for temporary hook ups at Republic of Manitoba Park or somewhere in the City of Portage la Prairie
3. a big welcome from the City of Portage la Prairie

Parade of Lights – Award Presentation

Libby White-Patterson attended the Council meeting to present the Mayor and Council with an award for the City's Island of Lights float in the Winnipeg Festival of Lights parade.

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:

Fees & Charges By-Law 01-8117 –1st Reading

The Fees & Charges By-Law is a compilation of all the fees collected by the various departments within the City. As a matter of practice, this by-law is updated annually to reflect the changes. This new by-law is scheduled to become effective on January 1, 2002.

Changes to the 2001 Fees and Charges include:

1. Public Safety – Schedule A

- a) It is recommended that the annual rental fee payable for a fire alarm be increased from \$170 to \$200. This increase makes the rate more comparable to other municipalities.
- b) Parking meter fees and fines have been referred to the 2002 budget for further review.
- c) All other fees under Public Safety remain unchanged.

2. Operations – Schedule B

- b) Grave purchase costs have been referred to the 2002 budget for further review.
- c) Solid Waste fees, driveway culvert permits, lot grading staking and water service activation fees remain unchanged.
- d) All other fees in Operations are increased by 3%.

2. Economic and Community Development - Schedule C

- a) There are no increases at this time in the Building Inspection fees. This also will be discussed by Council during the budget deliberations.
- b) New to the Fees and Charges By-Law this year is a fee of \$50.00/hr. for inspections requested and conducted on a permit outside of regular office hours.
- c) Plumbing permits are also being increased from \$10 to \$15 for each floor drain, and from \$5 to \$10 for each fixture.
- d) File Searches and Inspections, and zoning memoranda fees, including zoning confirmation, zoning compliance and any other related property marks, are being increased from \$50 to \$60 to more accurately reflect administrative costs.
- e) Conditional Use applications are increased from \$175 to \$200 (and from \$350 to \$400 if applied for after commencement). These applications require additional administrative time to review and the increase more accurately reflects our direct costs. All other planning fees remain unchanged.
- f) The Arena and athletic field fees are increased by 3%. An increase in pool fees will be discussed during the budget process. There are no fee increases for the pools at this time.

- g) Public Skating has been free on Wednesday nights since 2000. All Public Skating is proposed to be free.

3. Finance - Schedule D

- a) There are no fee changes recommended in the Finance section.
- b) "Trailer License Fees" have been added to this section. The rate is shown as "per Mobile Home License By-Law No. 7663", which provides a formula for determining the fee to be charged.

Another new section, "Traffic By-Law", has also been added to the Finance section. The new Traffic By-Law refers to these items in the Fees and Charges By-Law. There are no charges for the special events listed.

328/01 Moved by: Councillor Quinn
Seconded by Councillor Hamilton
RESOLVED THAT Council of the City of Portage la Prairie approve the Fees and Charges schedules for the year 2002 by giving By-Law No. 01-8117 first reading.
Carried.

Adding Unpaid Water &
Sewer to Taxes – October,
2001 – By-Law 01-8114 – 2nd
& 3rd Reading

This is part of the normal monthly procedure to allow unpaid water & sewer accounts to be added to property taxes.

329/01 Moved by: Councillor Quinn
Seconded by: Councillor Hamilton
RESOLVED THAT By-Law 01-8114 being a by-law to allow unpaid water & sewer accounts to be added to taxes be read a second time.
Carried.

RESOLVED THAT By-Law 01-8114 be read a third time, finally passed, signed and sealed.
Carried.

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

Monthly Activity Reports –
October, 2001

Council reviewed the monthly activity reports for October, 2001.

**City Planning & Economic
Development**

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

Conditional Use – Youth for
Christ Portage Inc.

The applicant, Youth for Christ Portage Incorporated, c/o Brian Rushton, has applied for a conditional use to operate a boarding, lodging, rooming house at the location known as 41-11th Street NW.

Youth for Christ Portage Incorporated has the permission of the owners, David and Kathleen Taylor to apply for this Conditional Use. On April 12th, of 1999 Council amended their zoning By-Law to permit these types of uses as Conditional premised on a previous request by the owners, Mr. & Mrs. Taylor, so as to allow Katimavik to operate in the house.

The dwelling is in an R1 Single Family Dwelling District.

The application has been circulated to the various City Departments with the following comments.

- The Manager of Building Inspections and the Public Safety Department would like the property owners/renters to ensure that the dwelling meets Code for fire protection and egress.

Public notices were also sent to all property owners within a 100 meters (330 foot) radius.

The facility has been operational in advance of this application and after some considerate discussing, it was determined that this process of approval was the most appropriate given the circumstances.

This application has also further prompted the City to commence the amendment of its definition of family in the Zoning By-law to allow other foster homes to operate legally within the City.

What differentiates the Youth for Christ operation from other foster homes in the City is the number of persons involved in the operation which includes up to 6.5 staff members and up to four residents at any given time.

Youth for Christ advises that this operation is fully licensed under the jurisdiction of Child and Family Services (CFS) and is subject to all the legal requirements of the CFS Act.

330/01 Moved by: Councillor Tenzen
Seconded by: Councillor Quinn

RESOLVED THAT this application be tabled to the next meeting of Council on December 10, 2001.
Carried.

Amendment to Zoning By-
Law 7680- Definition of
Family By-Law 01-8116 – 1st
Reading

The applicant, the City of Portage la Prairie, wishes to amend the Zoning By-Law No. 7680 by changing the definition of “Family”.

The intent is to change the definition of Family in Section 4, of Part One of Zoning By-Law No., 7680 to include “a group of not more than four persons who may not be related by blood or marriage” from the previous restriction of “a group of three persons who may not be related by blood or marriage.”

The purpose of this change is to more accurately reflect what is occurring in residential zoning districts in the City with regard to foster homes that are sanctioned by the Province of Manitoba, Child and Family Services (CFS).

The Child and Family Services Act defines foster home as: “A home other than the home of the parent or guardian of a child where not

more than four children who are not siblings are placed by an agency for care and supervision but not for the purpose of adoption". CFS has advised that there are at least thirteen such instances of foster homes in the City at this time.

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

The first reading of By-Law No. 01-8116 will commence the process as defined in the Planning Act in considering this application.

331/01 Moved by: Councilor Brennan
Seconded by: Councillor Hamilton

RESOLVED THAT the Council of the City of Portage la Prairie give By-Law 01-8116 first reading and provide public notices as defined in Section 42 (1) and (2) of the Planning Act.
Carried.

Portage & District Chamber
of Commerce Funding
Reallocation

The Portage and District Chamber of Commerce was granted \$13,200 from the City of Portage la Prairie that could be accessed on a project-by-project basis. All of the funds allocated to the Chamber have been applied for by their organization and directed to various projects.

After the completion of many of these projects, the Portage and District Chamber of Commerce has indicated that there will be some dollars remaining from a few of the approved projects including:

\$113 from Shop local Campaign
\$169 from the Business Inventory
\$206 from the Welcome to Portage project
\$1522 from the Diversional Signs project
\$2010 total unspent dollars

The Chamber's web site development project was originally approved as \$1705, however, they expect that the actual final cost of the website will be \$3500 - \$4000. The Chamber has asked that the \$2010 is left over in unspent dollars previously approved for other projects, be reallocated to their web site development project.

332/01 Moved by: Councillor Brennan
Seconded by: Councillor Hamilton

RESOLVED THAT the City of Portage la Prairie approve the reallocation of \$2010 from previously approved Portage and District Chamber of Commerce projects to be used for the completion of their website development project.
Carried.

Conditional Use – Dwayne
Timony

The applicant, Mr. Dwayne Timony, has applied for a conditional use to operate an Amusement Enterprise at the location known as 211 Saskatchewan Avenue East.

Mr. Timony has received permission of the property owner, E. Shindleman Enterprises Ltd. to apply for a conditional use.

This building is located in a C1 – Central Commercial District.

Public notices were also sent to all property owners within a 100 meters (330 foot) radius.

This type of use is not the most appropriate in this particular zoning district particularly since Council has developed programs and services for this target group that would basically draw youth away from the central business core after most businesses on the Saskatchewan Avenue are closed rather than encouraging loitering and the like.

While the applicant has provided the City with some assurances as to the operation and management of this facility, permitting these types

of businesses, based on the City's past direct experiences, has indicated that considerable staff and RCMP time could be expended monitoring and ensuring that the interests of the public are protected at all times.

333/01 Moved by: Councillor Brennan
Seconded by: Councillor Quinn

RESOLVED THAT the Council of the City of Portage la Prairie deny the conditional use application of Mr. Dwayne Timony to operate an Amusement Enterprise at the property known as 211 Saskatchewan Avenue East, which is legally described as Lot 7, Block 1, Plan 1997, Parish Lot 66, Parish of Portage la Prairie.
Carried.

Application for Subdivision –
The Roman Catholic
Archiepiscopal Corporation
of Winnipeg

The Roman Catholic Archdiocese of Winnipeg wishes to subdivide the property known as Lot 4, Block 4, Plan No. 1998, Parish of Portage la Prairie for the purpose of subdividing its present holding of 25,100 sq. ft into two lots: One. Being Lot 1 (church) with an area of 14,158 sq. ft and Two. being Lot 2 (residence) with an area of 10,942 sq. ft., in order to facilitate the sale of the church.

At the present time, this entire parcel is zoned C2 – Central Commercial District (fringe area).

Section 5.6 of the City of Portage la Prairie Zoning By-Law states: Redevelopment and infill shall be encouraged since this type of development utilizes existing city services.

A variation order of proposed Lot 1 will be required to vary the rear yard requirement of six meters and a right of way declaration for the easement of the back step of the church on the proposed Lot 2.

334/01 Moved by: Councillor Brennan
Seconded by: Councillor Hamilton

RESOLVED THAT the Council of the City of Portage la Prairie approve the application of the Roman Catholic Archiepiscopal Corporation of Winnipeg to subdivide the property formally known as St. John Evangelical Church, and legally described as Lot 4, Block 4, Plan 1998, Parish of Portage la Prairie for the purpose of subdividing its present holding into two lots to facilitate the sale of the church, subject to the following conditions:

- That a variation order is obtained for proposed lot 1 to vary the minimum rear yard requirement of six meters, and;
- That at such time as another party purchases proposed Lot 1, a right-of-way easement be provided for the encroachment of the back step of the church onto Lot 2.

Carried.

Development Agreement

As a condition of subdivision it was required that the Nichols enter into a Development Agreement for the development of six rural residential lots. Administration has been in negotiations with the Nichols since June of 1999 to complete this step in the subdivision process.

As a result of these negotiations the Nichols have signed an agreement and are requesting approval from the City.

As well as controlling the installation of local improvements, the agreement also provides the ability for the Nichols to tie into the City water system at an additional cost to them with respect to the over-sizing of the lines.

It is expected that this subdivision will encourage the development of larger homes in this rural residential setting and will provide the benefit and aesthetics of an area adjacent to the Assiniboine River.

335/01 Moved by: Councillor Brennan

Seconded by: Councillor Hamilton

RESOLVED THAT the Council of the City of Portage la Prairie approve the Development Agreement between the City of Portage la Prairie and Harold and Joanne Nichol and further, that authorization be given for the Manager of Administration and the Mayor to sign the agreement on behalf of the City.
Carried.

Monthly Activity Reports

Council reviewed the monthly activity reports for October, 2001.

Public Safety Committee

Your Worship.
The Public Safety Committee respectfully submits the following reports:

Animal Control By-Law –
For Information Only

The Municipal Act allows municipalities to pass by-laws respecting wild and domestic animals and activities in relation to them, including by-laws differentiating on the basis of sex, breed, size or weight [Sec. 231(1)(k)].

The City of Portage la Prairie Animal Control By-Law states that where the Animal Control Officer has reason to believe that a dog has caused, or is likely to cause serious damage or injury, he shall hold a hearing, with or without the owner present. If the dog is deemed to be dangerous, the owner must apply for a dangerous dog license at a cost of \$100. Once a dog is determined to be a dangerous dog, certain restrictions are imposed on the owner:

1. when on private property, dog must be kept confined safely;
2. when on public property, dog must be muzzled, on leash or under complete control of a responsible person;
3. signs must be displayed on the owner's property warning others about the dangerous dog;
4. owner to notify Animal Control Officer if dog is given away, dies, or attacks any person or animal.

Failure to comply with these restrictions gives the Animal Control Officer the right to enter private property, apprehend and impound the dog, which would then be destroyed by the poundkeeper.

The City of Brandon Animal Control By-Law is very similar to ours, requiring a hearing to determine if the dog is dangerous, etc. Although Brandon's by-law does not make reference to any special license or license fee for a dangerous dog, it does require the owner to maintain a comprehensive general liability insurance policy including coverage for damage or injury caused by his dog with a minimum limit of liability of \$300,000 per occurrence. There is also no mention of specific breeds in Brandon's by-law.

The City of Regina advised that they also do not specify specific breeds. The information they forwarded is in fact the Regulations from the Urban Municipality Act. These regulations are again very similar to ours and also includes the \$300,000 insurance requirement.

The Association of Manitoba Municipalities, on their website, offers a generic Animal Control By-Law that may be used by municipalities. This by-law follows the same process noted above, but suggests a \$500,000 liability insurance per occurrence.

The City of Winnipeg By-Law contains a section specifically banning Pit Bulls. The definition of Pit Bulls also includes Stafford shire Bull Terrier, American Stafford shire Terrier and American Pit Bull Terrier or any dog with the appearance and physical characteristics of any of these breeds. The City of Winnipeg has not allowed these dogs within City limits since June 1, 1990, except temporarily for showing in exhibitions.

Provisions in the Animal Control By-Law regarding dangerous dogs were reviewed. Committee discussed banning specific breeds of dogs and determined the current wording in the by-law does not need to be changed.

Animal Control Officer
Tender

The City of Portage la Prairie currently contracts for the provision of an Animal Control Officer. The current contract expires as of December 31, 2001.

Tender packages were drawn up and advertised for pickup commencing October 19th. Tender closing was set for November 2, 2001. A total of four packages were taken out by interested parties. At the specified tender closing time, none of these packages had been returned for the City's consideration.

Committee discussed hiring of a By-Law Control Officer and referred this matter to the 2002 budget for discussion.

336/01 Moved by: Councillor Porter
Seconded by Councillor Brennan

RESOLVED That the Council of the City of Portage la Prairie extend the Animal Control Contract, 98 PT 836, for the period of January 1, 2002 to March 31, 2002 for the fee of \$2,149.93 per month including GST and that either party may terminate this agreement by giving a (30) thirty day written notification and both parties agree that the terms and conditions of the present agreement, exclusive of the fee, shall remain in force for the period specified.
Carried.

Monthly Activity Reports

Council reviewed the monthly activity reports for October, 2001.

Waterworks Committee

MWWA Seminar – For
Information Only

The City of Portage la Prairie will be hosting the annual Manitoba Water and Wastewater Association Seminar from February 24th through the 27th, 2002. This event typically attracts over 200 delegates from across the province involved mainly in the operation and maintenance of water treatment, wastewater treatment, water distribution and wastewater collection facilities. It also involves representatives of approximately 50 companies who provide services for and supply products to the various municipalities and private industries who operate treatment facilities.

The purpose of the seminar is to advance Operator knowledge and provide a venue for Operators from various communities to share experiences and discuss current issues.

The City of Portage la Prairie was the first community outside of Winnipeg to host the MWWA seminar, and this seminar will be the third time that this City has hosted it.

The organizing committee's membership is comprised mostly of City of Portage la Prairie utility staff.

Monthly Activity Reports

Council reviewed the monthly activity reports for October, 2001.

Mellenville Water

The Director of Operations updated Council on the water concerns in Mellenville.

Transportation Committee

Your Worship,
The Transportation Committee respectfully submits the following reports:

Festive Lighting – Manitoba
Hydro – For Information
Only

Once again, Manitoba Hydro is offering a free energy period for the City of Portage la Prairie's festive lighting from Wednesday, December 5, 2001 to Tuesday, January 9, 2001.

Manitoba Hydro also charges \$.73 per kilowatt per night (not per kilowatt per hour) for decorative lighting before and after the "free energy period".

Armoury Building – New
Security Measures

The Portage la Prairie Armoury located at 143 2nd Street NE, in which 13 Field Battery of 26 Field Artillery Regiment is located, has been advised by the Department of National Defence that new security measures have been implemented for all buildings belonging to the Department of National Defence. Their recommendation is to erect four "no Parking Zones" signs for an area of 25 meters around the Armoury.

337/01 Moved by: Councillor Tenzzen
Seconded by: Councillor Quinn

RESOLVED THAT a total of four "No Parking Zone" signs be erected by the Armoury Building, two on Victoria Avenue and two on the west side of 2nd Street NE.

AND FURTHER THAT the location of these new traffic control devices be entered into the Traffic Signs Directory.
Carried.

Renaming Marshall

On August 10, 1998, Council passed a By-Law 98-8006 giving names to all the streets in the new development, Garrioch Park Subdivision, including Prout Drive which heads north towards Meighen Avenue, but ends at the edge of the subdivision. The part of the street that continues from Prout Drive to Meighen Avenue is presently called Marshall Avenue.

In order to avoid confusion and provide continuity, it is proposed that Marshall Avenue be renamed to Prout Drive so that the street name is the same through to Meighen.

338/01 Moved by: Councillor Tenzzen
Seconded by: Councillor Quinn

RESOLVED THAT By-Law 01-8118 being a by-law to rename that portion of the unnamed street between Blocks 44 and 45, Plans 69 PLTO and 91 PLTO shown as Marshall Avenue on SS Plan 436 PLTO Lying north of Plan 35629 PLTO and south of Meighen Avenue, Plan 1792 PLTO, to Prout Drive be now read a first time.
Carried.

Monthly Activity Reports

Council reviewed the monthly activity reports for October, 2001.

**Community Services
Committee**

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

Monthly Activity Reports

Council reviewed the monthly activity reports for October, 2001.

Outdoor Leisure Water Park

Councillor Tenzzen advised that the work on the new leisure pool has started.

Island of Lights

Councillor Brennan reminded the public that the Island of Lights is now open.

DEFERRED BUSINESS:

None

OLD BUSINESS:

2002 Property Tax Discount
and Penalty By-Law

Since Council Committee gave first reading to the Tax Discount and Penalty By-Law on November, 2001, administration further reviewed the Tax Installment Payment Plan (TIPP) cancellation provisions

Currently, it is the practice to apply penalty the following month for any cancellations of TIPP, including cancellations resulting from property transfers. The City has received complaints on this practice for property transfers.

While the current procedure for TIPP cancellations is consistent is consistent with Winnipeg and Brandon, it is the recommendation of Administration to expand the period between cancellation and penalty application date for property transfers. The proposed Tax Discount and Penalty By-Law includes the following wording:

9. For the purpose of the Tax Installment Payment Plan for cancellations made after the tax payment due date:

- a) Penalty on the amount of taxes outstanding as a result of a Tax Installment Payment Plan cancellation due to the property transfer will be applied on the second month following the receipt date of written notice of such cancellation.
- b) Penalty on the amount of taxes outstanding as a result of a Tax Installment Payment Plan cancellation due to reasons other than property transfer will be applied on the first month following the receipt date of written notice of such cancellation or date of notification of default of payment.

339/01 Moved by: Councillor Quinn
Seconded by; Councillor Hamilton

RESOVED THAT By-law 01-8115 be read a second time with the amendment to include the specific penalty application for the Tax Installment Payment Plan cancellations.
Carried.

AND FURTHER THAT By-Law 01-8115 be read a third time, finally passed, signed and sealed.
Carried.

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

NEW BUSINESS:

Recycling Collection and Processing Contract

The last recycling collection and processing contract expired on July 31, 2001. On August 1, 2001, PDRI began a 4-month trial period for the collection and processing of recyclable materials under an agreement with the City. That trial period is over on November 30, 2001. PDRI used the trial period to collect data in order to prepare a long-term proposal.

The operation of the collection and processing of recyclables is going very well, with few complaints from the Public. PDRI has compiled extensive data regarding the program it operates for the City.

PDRI submitted a proposal to enter into a long-term contract to the City on November 21, 2001; however, Administration has not had time to conduct a thorough review of the proposal.

It would be advantageous to have PDRI present the proposal to Committee at the next Committee meeting in December.

More time is necessary to review the proposal and to negotiate a long-term contract that is acceptable to both parties. PDRI is amenable to extending the existing agreement.

340/01 Moved by; Councillor Tenszen
Seconded by: Councillor Quinn

RESOLVED THAT Council extend the term of the agreement with PDRI for the collection and processing of residential recyclable materials for an additional period of up to 4 months.
Carried.

ADJOURNMENT

341/01 Moved by: Councillor Hamilton
Seconded by: Councillor Porter
RESOLVED THAT the Council meeting adjourn at 7:37 p.m.

Mayor

Manager of Administration