

Minutes of a Regular Meeting of Council held in the Council Chambers of City Hall on January 14, 2002 at 6:05 p.m.

- PRESENT:** Councillors Brennan, Hamilton Porter, Quinn, Tenszen and Mayor MacKenzie in the Chair.
- ABSENT:** Councillor Allen
- ADOPTION OF MINUTES:** 01/02 Moved by: Councillor Hamilton  
Seconded by: Councillor Brennan  
RESOLVED THAT the minutes of the regular meeting of Council held on December 10, 2001 be approved as circulated.  
Carried.
- HEARINGS:** By-Law 01-8116 – Zoning By-Law Amendment – Definition of Family
- DELEGATIONS:** None
- CORRESPONDENCE:** The correspondence for this period was reviewed.
- MAYOR'S PROGRESS OF THE CITY REPORT** Mayor MacKenzie read his City of Portage la Prairie Progress Report for the year 2001.
- COMMITTEE REPORTS:**
- Finance, Legislative & Property Committee** Your Worship, your Finance, Legislative and Property Committee respectfully submits the following reports:
- By-Law 01-8119 – Unpaid Water & Sewer to Taxes for November, 2001 – 2<sup>nd</sup> & 3<sup>rd</sup> readings  
Nettie
- 02/02 Moved by: Councillor Quinn  
Seconded by: Councillor Hamilton  
RESOLVED THAT By-Law 01-8119 being a by-law to authorize unpaid water and sewer charges to be added to taxes be read a second time.  
Carried.
- RESOLVED THAT By-Law 01-8119 be read a third time, finally passed, signed and sealed  
Carried.
- In Favour: Councillors Brennan, Hamilton, Porter, Quinn, Tenszen & Mayor MacKenzie.
- By-Law 01-8120 – Unpaid Water & Sewer to Taxes for December, 2001 – 1<sup>st</sup> reading  
Nettie
- 03/02 Moved by: Councillor Quinn  
Seconded by: Councillor Hamilton  
THAT By-Law 01-8120 being a by-law to authorize unpaid water and sewer charges to be added to taxes be read a first time.  
Carried.
- By-Law 01-8123 – Adding unpaid service fees to Taxes – 1<sup>st</sup> reading
- In order to collect unpaid solid waste collection fees, noxious weed accounts, garbage fees, sweeper rental charges, false alarm rental charges, hedge trimming charges and false alarm permits, it is the City's practice to add sums of money owing to the City of Portage la Prairie for these unpaid accounts to the Collector's roll.

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| Nettie   | 04/02 | Moved by: Councillor Quinn<br>Seconded by: Councillor Hamilton<br>RESOLVED THAT By-Law 01-8123 being a by-law to authorize unpaid solid waste collection fees, noxious weed accounts, garbage fee sweeper rental charges, fire alarm rental charges, hedge trimming charges and false alarm permits to be added to taxes be read a first time.<br>Carried.   |
| By-Law 01-8122 - Adding Unpaid Business License Fees to Property Taxes – 1 <sup>st</sup> reading                   |       | The Fees & Charges By-Law 01-8122 states: “That any unpaid fees or charges owed to the city by any taxpayer including any penalties related thereto as well as any fines imposed on the taxpayer 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 c58.<br><br>In order to collect unpaid business license fees from businesses operating out of their property, administration is recommending 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.  |
| Nettie   | 05/02 | Moved by: Councillor Quinn<br>Seconded by: Councillor Hamilton<br>RESOLVED THAT By-Law 01-8122 being a by-law to authorize unpaid 2001 business license fees be added to taxes, be read a first time.<br>Carried.  |
| Cancellation of Monies Owing   |       | Council may cancel any taxes, debt or monies owing to the City. These cancellations represent uncollectable municipal accounts receivables as well as parking tickets due to bankruptcy.   |
| Nettie   | 06/02 | Moved by: Councillor Quinn<br>Seconded by: Councillor Hamilton<br>RESOLVED THAT Council approve the cancellation of monies owing in the amount of \$1,157.06.<br>Carried.  |
| Joint Council Meeting with the RM – For Discussion   |       | Committee reviewed the topics for this year’s joint meeting to be held January 22, 2002. Council to met and discussed the agenda items.  |
| Monthly Activity Reports – For Information Only  |       | Committee reviewed the monthly activity reports.   |
| By-Law 01-8126 – Out of Scope Employees Salary Increase for 2002 to 2004 2 <sup>nd</sup> & 3 <sup>rd</sup> Reading |       | Out of Scope Employees are covered by the Out-of-Scope Employees Manual that sets out provisions for benefits and salaries. CUPE employees’ wages were settled at an increase of 3% for years 2002, 2003, 2004. Out-of-Scope employees terms of employment/benefits are being updated to bring them in line with CUPE. Schedule “B” to the by-law is in the process of being updated for handout.<br><br>Subsequent to By-Law 01-8126 receiving first reading on December 10 <sup>th</sup> , 2001, it is recommended that the following two items be added to the Out-of-Scope Manual:<br><br>MEDICAL<br>c) If an employee is required, by Provincial Legislation to have a medical examination in order to hold and retain a Class 4 driver’s license under The Highway Traffic Act, then the costs of such medical examination shall be borne by the City.<br><br>MATERNITY LEAVE/ADOPTION LEAVE/PARENTAL LEAVE (this section does not apply to Part-time Emergency Services Personnel)<br><br>The Employment Standards code shall be applied for maternity/parental/adoptive leave. An employee notifying the Employer in writing of his /her intent to access these leaves shall be entitled to apply six (6) working days of accumulated sick leave against |

the Employment Insurance waiting period, unless the six (6) working days of sick leave have been used previously by the Employee for the same child. The remaining leave shall be considered as leave of absence without pay.

Lorrie 07/02 Moved by: Councillor Quinn  
Seconded by: Councillor Hamilton  
RESOLVED THAT By-Law No. 8126, a by-law to amend By-Law 99-8028 be given 2<sup>nd</sup> Reading as amended.  
Carried.

RESOLVED THAT By-Law No. 8126 be now read a third time, finally passed, signed and sealed.  
Carried.

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

By-Law 01-8124 –  
Council Salary Increase  
for 2002 & 2004 – 2<sup>nd</sup> &  
3<sup>rd</sup> Reading

Council gave this by-law first reading on December 10, 2001.

08/02 Moved by: Councillor Quinn  
Seconded by: Councillor Hamilton  
RESOLVED THAT By-Law No. 01-8124, a by-law to amend By-Law 99-8028 to increase the salary for Council by 3% for each year 2002, 2003 and 2004 be given 2<sup>nd</sup> reading.  
Carried.

RESOLVED THAT By-Law No. 01-8124 be read a third time, finally passed, signed and sealed.  
Carried.

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

Current Projects List – For  
Information Only

Council reviewed the current projects list in camera.

**City Planning & Economic  
Development**

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

Winterlights Celebration –  
December 15<sup>th</sup> – For  
Information Only

Committee reviewed the Current Projects List in camera.

**Public Safety Committee**

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

Provision of Animal Control  
Services

A tender was issued for the provision of Animal Control Services. No tender packages were returned. An extension to the contract was negotiated with the present contractor to extend the service to March 31, 2002.

The present contract had no specifics on response times or times spent on patrol. It did not require the Animal Control Officer to be uniformed, identify his vehicle or carry a cell phone. In addition there were no requirements that the answering machine service be a voice contact system.

It is recommended that the Animal Control By-Law be reviewed and the guidelines suggested by the Canadian Humane Society and the Canadian Veterinary Association be followed.

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| Dennis Dale                                      | 09/02 | Moved by: Councillor Porter<br>Seconded by: Councillor Brennan<br>RESOLVED THAT the Council of the City of Portage la Prairie authorize Administration to negotiate a contract for Animal Control Services for the City of Portage la Prairie.<br>Carried.  |
| Monthly Activity Reports – For Information Only. |       | Council reviewed the monthly activity reports.  |
| <b>Waterworks Committee</b>                      |       | Your Worship, the Waterworks Committee respectfully submits the following reports:  |
| Simplot ISA Draft Agreement                      |       | Committee reviewed the Simplot ISA Draft Agreement in-camera.   |
| Monthly Activity Reports – For Information only. |       | Council reviewed the monthly activity reports.  |
| <b>Transportation Committee</b>                  |       | Your Worship, the Transportation Committee respectfully submits the following reports:  |
| Monthly Activity Reports – for information only  |       | Council reviewed the monthly activity reports.  |
| <b>Community Services</b>                        |       | Your Worship, the Community Services Committee respectfully submits the following reports:  |
| Communities in Bloom                             |       | <p>The Communities in Bloom Canadian Classic competition involves two communities who enter the competition as a team. One of the communities, in this case Birtle in Bloom, is a recent national winner and the other community is one who has not previously participated in the competition. Birtle has requested consideration by the City to partner with them.</p> <p>Communities in Bloom is a national competition, where communities are judged on nine criteria points: tidiness, urban forestry, floral arrangements, landscape, heritage, turf areas, environmental awareness, community involvement and twinning effort. Participation is encouraged from the private, commercial and municipal sectors and efforts are recognized provincially and nationally.</p> <p>The Communities in Bloom competition is a good example of a program that not only beautifies a community, but also creates community pride. However, the deadline for the 2002-year is December 31, 2001 and does not allow for much preparation time.</p> <p>We believe that the program is worthy of consideration, however not at this time due to other projects and constraints.</p> |
| Jenn   | 10/02 | Moved by: Councillor Tenzzen<br>Seconded by: Councillor Quinn<br>RESOLVED THAT Council of the City of Portage la Prairie respectfully declines the invitation to partner with Birtle in Bloom for the 2002 Communities in Bloom competition, due to the short time frame.<br>Carried.   |
| Monthly Activity Reports – For Information Only  |       | Council reviewed the monthly activity reports.  |
| Safeway Select                                   |       | Council reviewed a report on the Safeway Select.  |
| <b>DEFERRED BUSINESS:</b>                        |       | None  |

**NEW BUSINESS:**

By-Law 02-8130- RM Loan  
Through Debentures – Issue  
Series “A”- 1<sup>st</sup> Reading

By formal agreement, the City has agreed to administer the Rural Municipality of Portage la Prairie’s share of costs and land purchase for the Simplot projects through the issuance of debentures. By-Law 01-8095 was approved by Council and approved by the Municipal Board to authorize debentures for the RM amounting up to \$4,800,000.

The first invoice relating to the RM’s share of capital projects has been received and paid by the City. The issuance of a 15 year debenture for the amount of \$500,000 is now required.

Each debenture issue requires a separate by-law to amend the initial by-law’s payment schedule and first reading prior to submission to the Municipal Board for their approval. Upon their approval, the City will then give 2<sup>nd</sup> & 3<sup>rd</sup> Reading to the By-Law.

Nettie

11/02

Moved by: Councillor Quinn

Seconded by: Councillor Hamilton

RESOLVED THAT By-Law 02-8130 to amend By-Law 01-8095 for debentures on behalf of the RM to allow for the issuance of \$500,000 in debentures be given 1<sup>st</sup> Reading.  
Carried.

By-Law 02-8133 -  
Amendment to Fees & Chares  
By-Law – 1<sup>st</sup> Reading

The 2002 Fees and Charges By-Law was approved by Council at the meeting on December 10, 2001. At that time, Council was reviewing parking meter fines, cemetery fees, and building inspection fees as compared to other communities. Although the moving permits fees were not discussed by Council during budget, it is proposed that they also be increased to cover administration costs.

**Parking Ticket Fines**

It is proposed that the fines for parking tickets be increased to bring them more in line with the rates charged by other municipalities. Revenues for the year 2002 with these new rates will increase by at least \$12,000.

It is also recommended that the wording on our parking ticket summons be changed to indicate the maximum fine payable, with a discounted rate if paid within 12 days. The courts have in the past recommended that the discount method be used.

**Cemetery Lot Fees**

Administration has also completed a comparison of grave purchase costs from cemeteries located in Brandon, Winnipeg, Selkirk and Ste. Rose.

It is recommended that the cremation grave purchase price be increased from \$89 to \$180, and the grave purchase from \$360 to \$720 at St. Mary's and Hillside Cemetery; and increasing the cremation grave purchase from \$129 to \$258, and the grave purchase from \$400 to \$800 at Hillside Memorial Park. This would result in competitive prices with other communities within Manitoba.

**Building Inspection Fees**

It is recommended that the Building Inspection fees be increased from \$20 to \$30 to more accurately reflect the cost of staff to process and review applications, including inspections and issuing of occupancy permits and demolition of buildings. In keeping with these increases, moving permits should also be increased from \$20 to \$30 to cover administration costs. These fees have not been raised since 1989, and the fee adjustment would compare well to the market.

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| Marg  | 12/02 | Moved by: Councillor Quinn<br>Seconded by: Councillor Hamilton<br>RESOLVED THAT Council of the City of Portage la Prairie give first reading to By-Law No. 02-8133 to amend By-Law No. 01-8117 in Section 8.c) of Schedule A regarding parking ticket fines; Section 3.a) and b) of Schedule B regarding cemetery lot fees; and Section 1.a) and b) of Schedule C regarding building inspection fees.<br>Carried.  |
| 42-5 <sup>th</sup> Street NE (Nelson Apartments) Maintenance & Occupancy By-Law 6390. |       | The apartment contains 17 suites, divided over three floors and cellar area. The property has been inspected on numerous occasions concerning fire and life safety issues. The most recent order was issued on December 24, 2001 citing numerous items that must be repaired immediately for life safety reasons. There has been no compliance with these orders and therefore a new order is to be issued stating that, if the owner does not comply forthwith, the City of Portage la Prairie has the authority to remedy the non-conformance items and add the cost of the work to the owner's taxes.<br><br>The owner has promised compliance before and has not followed through. Due to the seriousness of the matter, immediate action is warranted. It is understood that the City of Portage la Prairie would assume some degree of liability on this issue for not proceeding to correct the non-conforming items. |
| Dale<br>Dennis  | 13/02 | Moved by: Councillor Porter<br>Seconded by: Councillor Brennan<br>RESOLVED THAT the Council of the City of Portage la Prairie authorize Administration to proceed with the order.<br>Carried.  |
| Firefighters Negotiations   |       | Council reviewed a report on the Firefighters Negotiations in camera.  |
|   | 14/02 | Moved by: Councillor Porter<br>Seconded by: Councillor Brennan<br>RESOLVED THAT Mr. Ray Whiteway be retained to represent the City of Portage la Prairie in negotiations with the Portage la Prairie Fire Fighters Association.<br>Carried.  |
| Mellco Lawsuit – Legal Counsel  |       | Council reviewed this report in-camera.  |
| Dale  | 15/02 | Moved by: Councillor Quinn<br>Seconded by: Councillor Hamilton<br>RESOLVED THAT in accordance with the request by Co-operators Insurance Company, the City of Portage la Prairie appoint Mr. Randy McNicol of Filmore Riley to represent the City with respect to the Mellco Developments appeal; and<br>That the City thank Mr. Russ Wookey and Mr. Brian Meronek for their excellent legal representation with respect to the Mellco/Newton lawsuit and that D'Arcy & Deacon be advised that their services are no longer required with respect to the Mellco Developments appeal.<br>Carried.   |
| Councillor Allen's Leave of Absence   |       | A request was received to extend Councillor Allen's Leave of Absence from December 9 <sup>th</sup> , 2001 to February 10, 2002.  |
| Dale  | 16/02 | Moved by: Councillor Quinn<br>Seconded by: Councillor Hamilton<br>RESOLVED THAT Councillor Allen's Leave of Absence be extended from December 9, 2001 to February 10, 2002.<br>Carried.  |

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| 2002 Budget Speech   |       | Councillor Quinn presented the 2002 Budget Speech.   |
| Nettie   | 17/02 | Moved by: Councillor Quinn<br>Seconded by: Councillor Hamilton<br>RESOLVED THAT the 2002 Interim Operating and Capital Budgets adopted on December 10, 2001 be amended as indicated in the revised budget.<br>Carried.   |
| <b>OLD BUSINESS</b>  |       |  |
| Agreement for Services with Dakota Tipi First Nations                            |       | The City sent a letter to Dakota Tipi First Nations in January 2000 requesting them to advise the City which services they wish to continue to receive. Dakota Tipi indicated in writing that they wish to enter into an agreement on the water, fire and solid waste tipping services.<br><br>In November, 2000, Council directed Administration to commence negotiations with Dakota Tipi.<br><br>The services agreements have been prepared by D'Arcy & Deacon with revisions made throughout the negotiations process by Dakota and the City. In mid-December, Dakota returned the agreements with payment for outstanding invoices.<br><br>For information, the RM owns the landfill but have no objections for the City to enter into agreement with Dakota for landfill dumping privileges. |
| Nettie   | 18/02 | Moved by: Councillor Quinn<br>Seconded by: Councillor Hamilton<br>RESOLVED THAT the Mayor & Manager of Administration sign the services agreements with Dakota Tipi First Nations under the said terms and conditions.<br>Carried.   |
| By-Law 01-8116 - Zoning By-Law Amendment – By-Law 01-8116 – Definition of Family |       | This By-Law received first reading on November 26, 2001. It is now ready to receive 2 <sup>nd</sup> & 3 <sup>rd</sup> Reading.   |
| Dean   | 19/02 | Moved by: Councillor Brennan<br>Seconded by: Councillor Tenzsen<br>RESOLVED THAT the Council of the City of Portage la Prairie approve the application to amend the City of Portage la Prairie Zoning By-Law 7680 by changing the definition of 'Family'.<br><br>THAT By-Law No. 01-8116 be read a second time.<br>Carried.<br><br>THAT By-Law Law No. 01-8116 be read a third time, finally passed signed and sealed.<br>Carried.<br><br>In Favour: Councillors Brennan, Hamilton, Porter, Quinn, Tenzsen & Mayor MacKenzie.  |
| Letter of Support for Manitoba Society of Seniors 55 Plus Games.                 |       | The Manitoba Society of Seniors 55 Plus Games have never been hosted in the City of Portage la Prairie in its 19-year history. The year 2004 is an especially important year, as Manitoba Society of Seniors (MSOS) as an organization will be celebrating their 25 <sup>th</sup> year.<br><br>The games attract over 1600 participants and many more fans, family and friends over a three-day period. Participants traditionally stay in hotels and campsites and are responsible for their own meals while staying in the host community. This could see many thousands of dollars of spending in the local economy.  |

Mr. Charlie Clifford and Mr. Lynn Switzer presented to Council on November 26, 2001 regarding their intent to host the Manitoba Society of Seniors Plus Games in the City of Portage la Prairie during the 3<sup>rd</sup> week of June 2004. At this time, the Portage la Prairie MSOS Bid Committee is requesting a letter of support from the City of Portage la Prairie to strengthen the bid proposal.

In the Year 2004 the City may also be asked for a financial donation towards the event, possibly in the amount of \$10,000, which would include providing City facilities such as the Portage Centennial Arena, Republic of Manitobah Park, Crescent Lake, and access to the new outdoor leisure water park.

Dean  
Mayor

20/02

Moved by: Councillor Tenszen  
Seconded by: Councillor Hamilton  
RESOLVED THAT the Council of Portage la Prairie authorize Mayor MacKenzie to prepare a letter in support of hosting the Manitoba Society of Seniors 55 Plus Games in our City.  
Carried.

New Year's Eve Levee

Mayor MacKenzie commented on the success of the Lieutenant Governor Peter Liba's New Year's Levee.

**ADJOURNMENT**

21/02

Moved by: Councillor Brennan  
Seconded by: Councillor Hamilton  
RESOLVED THAT there being no further business to discuss, the Council meeting adjourn at 7:04 p.m.