

Minutes of a Regular Meeting of Council held in the Council Chambers on Monday, May 27, 2002 at 6:00 p.m.

- PRESENT:** Councillors Allen, Brennan, Hamilton, Quinn, Porter with Mayor Ian MacKenzie in the Chair.
- ABSENT:** Councillor Tenszen
- MINUTES OF MEETING:** 145/02 Moved by: Councillor Quinn
Seconded by: Councillor Hamilton
RESOLVED THAT the minutes of the Council meeting held on May 13, 2002 at City Hall in Portage la Prairie be approved as circulated.
Carried.
- DELEGATIONS:** None
- CORRESPONDENCE:** The correspondence for this period was reviewed.
- HEARINGS:** Variation: N.M. Tilley & Paramount Investment Corporation
No one appeared before Council on this issue.
Mellco Developments – Prout Drive Properties
Mr. Bob Nickart appeared before Council to explain the reason for his variation request and to answer any questions Council may have had.
Massey Crescent Water & Sewer Service
Mr. Casey Zonnefeld spoke to Council on behalf of the residents of Massey Crescent. He outlined his concerns regarding the cost for each resident and asked that the City of Portage la Prairie cover the expenses for the water & sewer. The residents of Massey Crescent do want water and sewer, but at a lower cost.
- 146/02 Moved by: Councillor Quinn
Seconded by: Councillor Hamilton
RESOLVED THAT the hearing be tabled to the next meeting of Council on June 10, 2002.
Carried.
- Finance, Legislative & Property Committee:** Your Worship:
The Finance, Legislative and Property Committee respectfully submits the following report:
- By-Law 02-8145 – Unpaid Water & Sewer to Taxes for April – 2nd & 3rd Reading This is part of the normal monthly procedure to allow unpaid water & sewer accounts to be added to property taxes.
- Lisa/June 147/02 Moved by: Councillor Quinn
Seconded by: Councillor Hamilton
THAT By-Law 02-8145 being a by-law to allow unpaid water & sewer charges be added to taxes be read a second time.
Carried
THAT By-Law 02-8145 be now read a third time, finally passed, signed and sealed.
Carried.
In Favour: Councillors Allen, Brennan, Hamilton, Porter, Quinn and Mayor MacKenzie.
- By-Law 02-8147 – Unpaid Fees to Taxes – 1st Reading In order to collect unpaid charges and fees as listed above, it is the City's practice to add sums of money owing to the City of Portage la

Lisa/June

Prairie for these unpaid accounts to the Collector's Roll.

It is also the practice to cancel by resolution any outstanding monies under \$500.00 that are uncollectable.

148/02

Moved by: Councillor Quinn

Seconded by: Councillor Hamilton

RESOLVED THAT By-Law 02-8147 being a by-law to authorize unpaid charges and fees be added to taxes, be read a first time.

Moved by: Councillor Quinn

Seconded by: Councillor Hamilton

THAT uncollectable accounts in the amount of \$239.02 be added to property taxes..

Carried.

Revision to Elector's Roll –
By-Law 02-8148 – 1st
Reading
Marg

In 1972, Council passed a by-law in accordance with the Local Authorities Election Act to reduce the number of days required for revision of the electors roll from three to one. A couple of changes have since been made to the Act, resulting in incorrect information in the by-law.

Two notable changes to the by-law include:

- A) changing the latest permitted date for the revision to the first Wednesday in September from the third Wednesday in September.
- B) Requiring the revision of the electors roll to take place in the year of an election only. Revision of the electors roll in a non-election year is optional.

149/02

Moved by: Councillor Quinn

Seconded by: Councillor Hamilton

THAT By-Law 02-8148 being a by-law to reduce the number of days the revising officer shall sit for the purpose of revising the list of electors be now read a first time.

Carried.

Easement Agreement – Jim
Hayes
Marg

Mr. Jim Hayes is in the process of purchasing 11.83 acres of city-owned land located adjacent to the Good Shepherd Roman Catholic Church for the development of a three-story condominium. The City wishes to declare easements across this property for the drainage and access to water and sewer lines. Once the property has been turned over to Mr. Hayes, the easements will be registered against his property.

Manitoba Hydro has an easement in place on City property parallel to the property being purchased by Mr. Hayes. With the existing sewer pipeline to go along this property, the City wants to ensure access to the sewer pipeline, and is therefore requesting an easement over the Hydro easement.

At the same time, the City is requesting easements on property owned by Agriculture Canada and Good Shepherd Parish, again for access to drainage, water and sewer lines.

150/02

Moved by: Councillor Quinn

Seconded by: Councillor Hamilton

RESOLVED THAT the Mayor and Manager of Administration be authorized to sign the following:

1. declaration of easement for access to a drainage, water pipeline, and sewer pipeline on City property being sold to Jim Hayes, and easement agreement with Manitoba Hydro to access a sewer line on City property over which Hydro already holds an easement.

2. easement agreement between the Federal Government, the City and Manitoba Hydro for the purpose of construction and maintenance of a water pipeline and two sewer pipelines.
3. easement agreement between the Roman Catholic Archiepiscopal Corp. of Winnipeg (Good Shepherd Church) and the City for the purpose of construction and maintenance of a water pipeline.

Carried

Monthly Activity Report –
For Information Only

Council reviewed the monthly activity reports.

Simplot Agreements – In-
Camera – For Information
Only
Dale

Council reviewed the following Draft Reports in –camera.

- Master Agreement
- Contribution Agreement
- Additional Contribution Agreement
- Industrial Service Agreement

Management & Confidential
Employees Salaries – In
Camera – For Information
Only

Council reviewed a report on this issue in camera.

Current Projects List – In
Camera – For Information
Only

Council reviewed the Current Projects Lists in camera.

**City Planning & Economic
Development Committee**

Your Worship:

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

Request for Variation – N.
M. Tilley Realty &
Paramount Investment
Corporation
Dean/Iva

The applicants are applying for a variation from the required six meters to 0.02 meters as they wish to construct an addition onto existing storage building, which is located at the rear of the Sear's portion of this strip mall. The present storage building is used for shipping and receiving and they wish to enlarge this area.

This building is in a C1 – Central Commercial (core area) district. Public Notices have been sent to all property owners within 100 meters.

151/02

Moved by: Councillor Brennan
Seconded by: Councillor Allen

RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of N.M. Tilley Realty & Paramount Investment Corporation to vary the rear yard requirement of six meters to 0.02 meters – at the property known as 127/141 Saskatchewan East, which is legally described as Lots 12, 13, 14, 15 & 16, Block 1, Plan 1997, Parish Lot 65, Parish of Portage la Prairie.

Carried.

Request for Variation –
Mellco Developments –
Prout Drive
Dean/Iva

The applicant, Mellco Developments Ltd. is applying for front yard variations from the required 7.5 meters to 6.0 meters for the second phase of their Garrioch Creek subdivision so that they do not need to apply for single lot variations to accommodate larger homes on each lot that would likely include a rear-yard deck.

The majority of lots on the west side of this area along the creek are primarily 130' in depth while the lots on the east side of Prout Drive are at least 110' in depth. The property in this area is zoned R1 – Single

Family Dwelling District.

The application has been circulated to the various City Departments with the Operations Department again indicating concern that the length of the parking spaces in the front yards should be 7.5 meters to avoid having a parked vehicle encroach on the boulevard.

In the case of Lots 9-24, Block 3, it appears that there is no need for a blanket front yard variation since the total lot size varies in these lots. If a deck is to be added on a specific lot, it should be reviewed on a lot by lot basis since the general lot sizes in this area are different.

152/02

Moved by: Councillor Brennan
Seconded by: Councillor Allen

RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of Mellco Developments Ltd. to vary the front yard requirements on the properties on Prout Drive from the required 7.5 meters to 6.0 meters which are legally described as Lots 1 to 3, Block 6, lots 1 to 10, Block 4, Plan 35629, Parish of Portage la Prairie and that Council for the City of Portage la Prairie deny the variation request of Mellco Developments Ltd. for Lots 9 to 24, Block 3, PL 35629.

Carried.

Application for Subdivision –
CNR/Imperial Oil Company
Ltd.
Dean/Iva

Imperial Oil Co. Ltd. has leased this property for approximately the last 50 years, and they wish to acquire this 49.5-foot parcel to consolidate it with their adjoining property. The property is presently vacant, and was previously used as bulk fuel storage and distribution. The residual parcel will continue to be used as a railroad right-of-way.

The entire parcel is zoned M1 – Light industrial district and meets the requirement of this district.

153/02

Moved by: Councillor Brennan
Seconded by: Councillor Allen

RESOLVED THAT the Council of the City of Portage la Prairie authorize the application of Canadian National Railway Company/Imperial Oil Company Ltd. to subdivide the southerly 49.5 feet of part Lot 3, 5, 6, 7 and 13, Plan 23, PLTO and to consolidate it with part Lots 1 & 2 and Lots 8,9,10,11 and 12, Plan 23 PLTO for the purpose of consolidation of the property.

Carried.

2002 Youth Career
Opportunity Day Final
Report – For information
only

Council reviewed the final report on the results of the 2002 Youth Career Opportunity Day.

Monthly Activity Reports –
For Information Only

Council reviewed the monthly activity reports.

Conditional Use – Neil C.
Brown, Owner – Raymond
Bowman
Dean/Iva

This item was deferred from the May 13th Council meeting to tonight's Council meeting.

The applicant, Neil C. Brown has applied for a conditional use to operate a Car Wash/Car Cleaning Business at the location known as 21-14th Street NW.

The existing building was previously a car wash, and it has been closed for a number of years. Mr. Brown wishes to clean up and re-open the business, as well as offering personal car care to his customers.

This property is zoned C2 – Central Commercial District (fringe area). Public notices were sent to all property owners within a 100-meter

radius. There were two objections received.

Administration met with the applicant and as such recommends approval based on the following conditions:

154/02

Moved by: Councillor Brennan

Seconded by: Councillor Allen

RESOLVED THAT the Council of the City of Portage la Prairie approve the conditional use application of Neil C. Brown to operate a Car Wash at the property known as 21-14th Street NW, which is legally described as part of Lot 1, all of Lot 32, Plan 14, Parish Lot 58, Parish of Portage la Prairie subject to the following conditions:

- That the applicant does not operate any exterior car washing amenities outside the building at any time.
- That prior to the City issuing an Occupancy Permit, the Applicant ensures that:
 1. The existing solid barrier located on the north side of the property is repaired and maintained or replaced to the sole satisfaction of the City.
 2. They will construct and install a traffic-controlling barrier on the north side of the property that will restrict any through access from 14th Street NW to 15th Street NW to the sole satisfaction of the City.

Carried.

Public Safety Committee

Your Worship:

The Public Safety Committee respectfully submits the following reports:

By-Law 02-8144 –
Maintenance & Occupancy
By-Law – 2nd & 3rd Reading
Marg/Dennis

155/02

This by-law received first reading on May 13, 2002. It is now ready to receive 2nd & 3rd Reading.

Moved by: Councillor Porter

Seconded by: Councillor Brennan

RESOLVED THAT By-Law No. 02-8144 being a By-Law to establish a minimum standard of maintenance and occupancy for dwellings and other structures and to regulate nuisances, derelict vehicles, abandoned and unsightly property, be now read a second time.
Carried.

RESOLVED THAT By-Law 02-8144 be read a third time, finally passed, signed and sealed.

Carried.

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

Derelict Vehicle By-Law
No. 7298 – By-law 02-8149
– 1st Reading
Dennis/Marg

This by-law was passed in 1991 to control persons from parking or leaving derelict vehicles on private property. It provides for serving notice on the person requiring that they remove the vehicle in a specified time period. Upon failure to comply with this order the City would remove the vehicle and all costs such as towing, storage, disposal are costs that would be born by the property owner.

Under the new proposed Maintenance & Occupancy By-Law, provisions have been made to regulate abandoned and derelict vehicles. There are no provisions for granting licenses to keep these types of vehicles on private property. There are some discretionary allowances for the designated officer when dealing with unlicensed vehicles, such as seasonal vehicles.

156/02

Moved by: Councillor Porter

Seconded by: Councillor Brennan

RESOLVED THAT By-Law 02-8149 to rescind By-Law 7298 being a by-law respecting Derelict Vehicles be given first reading.

Carried.

Monthly Activity Reports –
For Information Only

Council reviewed the monthly activity reports.

Policing – In Camera

Council reviewed a report on policing in camera.

Waterworks Committee

Your Worship:

The Waterworks Committee respectfully submits the following reports:

Award of Tender – 9th Street
NE Sewer
Kelly

The tender was advertised in the Winnipeg Free Press and The Daily Graphic. The tender opening was Tuesday, May 7, 2002.

The wastewater sewer renewal is located on Ninth Street N.E. from Saskatchewan Avenue to Lorne Avenue. The scope of the work includes the wastewater sewer main line replacement as well as service line connections and road restoration work. This section of wastewater sewer has experienced several blockages. Sewage backups are common to residents and the Wright Spot restaurant.

The City's wastewater sewer and watermain renewal budget of \$200,000 will be used for this work.

157/02

Moved by: Councillor Hamilton
Seconded by: Councillor Porter

RESOLVED That the Council of the City of Portage la Prairie award the tender of 02 OPS 016 to Towle Construction Ltd. for the tendered price of \$86,745.97.

Carried.

Massey Crescent Water &
sewer – Local Improvement
Plan
Nettie/Dale

Committee reviewed this report in camera.

158/02

Moved by: Councillor Hamilton
Seconded by: Councillor Porter

RESOLVED THAT the City of Portage la Prairie apply to the Manitoba Water Services Board for funding of this project.

Carried.

Water & Sewer Service to
Massey Crescent – Local
Improvement By-Law 02-
8146 – 1st Reading -
TABLED
Nettie/Dale

159/02

Moved by: Councillor Hamilton
Seconded by: Councillor Porter

RESOLVED THAT this issue be tabled to the next Council meeting on June 10, 2002.

Carried.

Monthly Activity Reports –
For Information Only

Council reviewed the monthly activity reports.

**Transportation
Committee**

Your Worship:

The Transportation Committee respectfully submits the following reports:

Monthly Activity Reports –
For Information Only

Council reviewed the monthly activity reports.

New Location for Stop Signs
Kelly

Council discussed a report suggesting that the stop sign on 8th Street and 8th Avenue be moved to 9th Street and 9th Avenue. Committee requested a drawing for the next meeting. Council reviewed the drawing and discussed the best scenario to remedy the situation.

160/02

Moved by: Councillor Quinn
Seconded by: Councillor Brennan

RESOLVED THAT the City of Portage la Prairie install a three-way stop sign at 8th Street & 9th Avenue.
Carried.

**Community Services
Committee**

Your Worship:
The Community Services Committee respectfully submits the following reports:

By-Law 02-8143 –
Cemetery By-Law – 2nd &
3rd Reading
Marg

This By-Law received first reading on May 13, 2002.

161/02

Moved by: Councillor Allen
Seconded by: Councillor

RESOLVED THAT By-Law No. 02-8143 being a By-Law to set rules and regulations for the operation and maintenance of City-owned cemeteries, be now read a second time.
Carried.

RESOLVED THAT By-Law No. 02-8143 be read a third time, finally passed, signed and sealed.
Carried.

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

Progress for Portage Grant
Request
Dean

The Progress for Portage Fastball Committee has requested a grant to off-set the associated rental fees for the use of diamonds 1 & 3 at the Republic of Manitobah Park for June 1 & 2, 2002. The total grant amount for consideration is \$135.50 as per the Fees & Charges By-Law.

The PPFC has successfully hosted this tournament in previous years, and a total of \$3,000 has been donated to the Ad Hoc Baseball Diamond Committee for their ball diamond projects at Republic Park. It is the PPFC's intent to donate the net profits again to the Ad Hoc Ball Diamond Committee's fundraising efforts.

162/02

Moved by: Councillor Allen
Seconded by: Councillor

RESOLVED THAT the Council of the City of Portage la Prairie authorize a grant in the amount of \$133.50 to the Progress for Portage Fastball Committee 2002 to offset the rental costs of Republic Park for the purpose of hosting a men's invitational fastball tournament on June 1 and 2, 2002 and further, that the Committee provide the City with a financial statement that outlines the net profits that are contributed towards the development of new ball diamonds for Republic Park.
Carried.

Food Tender – Outdoor
Leisure Aquatic Facility

At the time of the meeting, no tenders were received for the Food Services at the Outdoor Leisure Water Park.

Monthly Activity Reports

Council reviewed the monthly activity reports.

NEW BUSINESS:

Lilley's Shuttle – Inter
Municipal Livery
Nettie

Lilley's Shuttle has a livery license to provide livery services within the City of Portage la Prairie. This license was issued in accordance with the City's Livery License By-Law.

Lilley's Shuttle applied for and was granted an inter-municipal livery certificate with the Province to operate in both the rural area and the City of Portage la Prairie. The approval criteria include letters or resolutions from each community's council supporting the application.

The RM supported Lilley's application through resolution of Council. The Board requires the City's written support on the application. Failure to give written support will forfeit their inter-municipal livery certificate.

Mike Vey spoke on behalf of Arrow Taxi. He spoke against the proposed inter-municipal livery license and discussed the services being offered by Arrow Taxi.

Luanne Lilley spoke in favour of their proposal for an inter-municipal livery license.

163/02 Moved by: Councillor Porter
Seconded by: Councillor Brennan
RESOLVED THAT this issue be discussed in camera.
Carried

Mayor MacKenzie advised Council and the public that they met in camera to discuss the legalities of adjourning the meeting and that the legality issue of the livery license process was discussed.

164/02 Moved by: Councillor Porter
Seconded by: Councillor Quinn
RESOLVED THAT this issue be tabled to the next meeting of Council on June 10, 2002.
Carried.

Progress for Portage –
Request of an Occasional
Permit
Dean

Progress for Portage are hosting a Fastball Tournament on June 1 & 2, 2002 at the Republic Park. Progress for Portage have requested an Occasional Permit for this event.

165/02 Moved by: Councillor Allen
Seconded by: Councillor Porter
RESOLVED THAT the Council of the City of Portage la Prairie approve the request by Progress for Portage Fastball Committee 2002 to obtain an Occasional Use Permit at the Republic Park for June 1 & 2, 2002.
Carried.

Press Release – Grand
Opening of the New Outdoor
Leisure Water Park

Councillor Allen read a press release outlining details of the grand opening of the new outdoor leisure facility. The date of the Grand Opening is scheduled for June 7, 2002.

OLD BUSINESS

Portage Sport & Cultural
Association
Dale

Council reviewed the Agreement between the Portage Sport & Cultural Association and the City of Portage la Prairie.

166/02 Moved by: Councillor Quinn
Seconded by: Councillor Hamilton
RESOLVED THAT the Council of the City of Portage la Prairie authorize the Manager of Administration and Mayor MacKenzie to sign the agreement with the Portage Sport & Cultural Association.
Carried..

Mayor MacKenzie paid tribute to North Memorial School and LaVerendrye School for the efforts in protecting the environment. He noted that both schools had received Green Banner awards for their environment work.

Mayor MacKenzie commended Mr. Vic Pidhurney for his work he has done with the Manitoba Softball Hall of Fame. The Mayor also made mention of the impact Portage la Prairie has had on Manitoba Softball.

ADJOURNMENT:

167/02

Moved by: Councillor Brennan

Seconded by: Councillor Porter

RESOLVED THAT the meeting adjourn at 7:42 p.m.

Carried.

Mayor

Manager of Administration