

Minutes of a Regular Meeting of Council held in the Council Chambers on Monday, March 24, 2003 at 6:03 p.m.

**PRESENT:** Councillors Keryluk, Tenszen, Robinson, Quinn, Brennan and Wagner with Mayor Ian MacKenzie in the Chair.

**ABSENT:** None

**MINUTES OF MEETING:** 74/03 Moved by: Councillor Wagner  
Seconded by: Councillor Tenszen  
RESOLVED THAT the minutes of the regular Council meeting held on March 24, 2003 at City Hall in Portage la Prairie be approved as circulated.  
Carried.

**DELEGATIONS:** Val Garlick, Vice President of Portage & District Arts Council spoke to Council, expressing appreciation for the financial support.

**HEARINGS:**

Conditional Use Application – 75/03 Moved by: Councillor Brennan  
Portage Day Care Center, Inc. Seconded by: Councillor Wagner  
RESOLVED THAT the public hearing for the Conditional Use Application – Portage Day Care Center Inc. be reconvened.  
Carried.

Kevin LeLievre, on behalf of the Knights of Columbus, advised Council they had withdrawn their support for the Day Care building and were now opposed to it.

Karen Phillips, Chairperson of the Board of Directors for Portage Day Care spoke in support of their project.

Agnes Morgan, a parishioner at St. Mary's where the Day Care is now located, also offered support.

April Krastel, Director of the Portage Day Care, provided additional information to Council.

Dean 76/03 Moved by: Councillor Brennan  
Seconded by: Councillor Tenszen  
THAT all persons wishing to present at the public hearing for Conditional Use Application – Portage Day Care Center, Inc. have been heard and the public hearing now be closed.  
Carried.

Dean 77/03 Moved by: Councillor Brennan  
Seconded by: Councillor Keryluk  
THAT the Council of the City of Portage la Prairie approve the conditional use application of Portage Day Care Center Inc. to operate a Child Care facility (Day Care) at the property on Duke Avenue, which is legally described as Lots 18 & 19, Block 2, Plan 1997, Parish of Portage La Prairie, subject to the following conditions:

1. That the applicant provide the City with a set of plans, in accordance with requirements of the Manitoba Building Code and Fire Codes for review and approval in advance of Building Permit issuance.
2. That the applicant applies and successfully receives a variation order from Council to vary the off-street parking requirements.

Carried.

Application for Restricted  
Animal Permit

Councillor Wagner requested and was granted permission to leave the room during discussion on this topic.

Mr. Ron McRorie appeared before Council in support of his request to be allowed to keep horses within City limits.

Dennis 78/03 Moved by: Councillor Tenzzen  
Seconded by: Councillor Brennan  
RESOLVED THAT all persons wishing to present at the public hearing for Application for Restricted Animal Permit have been heard and the public hearing now be closed.  
Carried.

The property adjacent to 51 Pelechaty Drive is currently zoned R1-A. The present owners, Mr. and Mrs. Pelechaty, currently keep two horses on the property and have for some time.

The City of Portage By-law 02-8165, Part VI – Restricted Animals, Section 23 (1) states “No person shall keep, harbor, possess or control any Restricted Animals, as defined in Section 5(17), within the City without a permit issued by the City.” Part 1 – Definitions and Interpretations, Section 10 (c) (I) defines a horse as a Restricted Animal.

Part VI, Section 23 (4) (a) states “Any Owner who has been granted permission by Council to keep one or more Restricted Animals within the City shall, on an annual basis and on the form prescribed by Council from time to time for this purpose, provide Council with an inventory of the Restricted Animals kept by the Owner within the City, together with the annual permit fee.”

Part VI, Section 23 (4) (b) states “Council may at any time and from time to time change the conditions that an Owner must satisfy in order to keep a Restricted Animal, and any failure to comply with any such condition upon notice thereof shall invalidate the Owner’s permit to keep the Restricted Animal within the City.”

The City of Portage la Prairie Fees and Charges By-law Amendment #03-8173 Schedule A, Part 7. c) states that “The fee payable for a license to keep a Restricted Animal as defined in the Animal Control By-law, if approved by Council, shall be \$100.00.” This fee would be due on a yearly basis.

Dennis 79/03 Moved by: Councillor Quinn  
Seconded by: Councillor Brennan  
THAT, subsequent to paying an annual fee of \$100.00, the City of Portage la Prairie issue a permit to Mr. Ron McRorie to house up to six (6) Restricted Animals (horses) on the property known as 51 Pelechaty Drive.  
Carried.

Councillor Wagner returned to the Room.

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

**COMMITTEES:**

**Finance, Legislative & Property Committee:**

Your Worship:  
The Finance, Legislative & Property Committee respectfully submits the following reports:

By-Law 03-8176 – Unpaid Water & Sewer to Taxes for February, 2003 – 2<sup>nd</sup> & 3<sup>rd</sup> Reading.

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

Nettie 80/03 Moved by: Councillor Quinn  
Seconded by: Councillor Robinson  
RESOLVED THAT By-Law 03-8176 being a by-law to authorize unpaid

water and sewer charges be added to taxes, be read a second time.  
Carried.

THAT By-Law 03-8176 be read a third time, finally passed, signed and sealed.  
Carried.

In Favor: Mayor MacKenzie, Councillors Keryluk, Tenszen, Robinson, Quinn, Brennan and Wagner.

#### 2002 Year-End Results

Financial Results for the year ended 2002 were reviewed by Council.

The General Operating Surplus is \$283,249 and the Utility Operating Surplus is \$5,832.

Nettie

81/03

Moved by: Councillor Quinn

Seconded by: Councillor Robinson

RESOLVED THAT the un-audited Financial Statement and actual results for the year ending December 31, 2002 be adopted.

THAT the General Operating surplus be transferred to the General Reserve, and THAT the Utility Operating surplus be transferred to the Utility Reserve.

Carried.

Short Term Borrowing By-Law – By-Law 03-8184 – 1<sup>st</sup> Reading

Current surpluses appear to be sufficient to provide funding for City operations. However, there may be requirements for interim financing until the remaining debenture debt is issued for the capital projects.

By-Law No. 03-8184 will set up a line of credit, at no cost to the City, which can be drawn on only in the event it is required, with interest charges applying from that time on.

On Monday, March 10, 2003 a question was raised on the wording for the short term borrowing by-law.

The by-law is planned for first reading on March 24, 2003. If Council wishes to amend the wording to read

“...may deem it necessary to borrow up to the sum of Three Million Dollars...”, they may recommend it at that time.

Nettie

82/03

Moved by: Councillor Quinn

Seconded by: Councillor Robinson

RESOLVED THAT By-Law No. 03-8184 to set up a line of credit with the city's financial institution be given 1<sup>st</sup> Reading.

Carried.

Aquatic Program Supervisor Position – By-Law 03-8183 – 2<sup>nd</sup> & 3<sup>rd</sup> Reading

Council gave first reading to this by-law on March 10, 2003.

83/03

Moved by: Councillor Quinn

Seconded by: Councillor Robinson

RESOLVED THAT By-Law 03-8183 to establish a salary range for the position of Aquatic Program Supervisor, be now read a second time.

Carried.

Dean

THAT By-Law 03-8183 be now read a third time, finally passed, signed and sealed.

Carried.

In Favor: Mayor MacKenzie, Councillors Keryluk, Tenszen, Robinson, Quinn, Brennan and Wagner.

Strategic Planning – For Information Only		A meeting to discuss Strategic Planning has been set for March 17, 2003 at 5:00p.m. at City Hall.
Servicing Long Plain Reserve 6B – For Information Only		Committee discussed this issue in camera.
Design Services for Residential Development – For Information Only		Committee discussed this report in camera.
Monthly Activity Reports – For Information Only		Council reviewed the monthly activity reports for February, 2003.
Collection Process for Fines		Councillor Wagner requested information on curfew violation ticket collection. He was advised that the fines collected from curfew violations were part of the provincial fines that are collected and remitted to the City. No breakdown is available from the Province on any fines collected by the Province and remitted to the City.
Nettie	84/03	Moved by: Councillor Quinn Seconded by: Councillor Wagner RESOLVED WHEREAS Municipal police services may, in the performance of their duties, issue “tickets” and/or summons for violations under provincial legislation (for example, the highway traffic act) as well as under municipal bylaws, and WHEREAS fines, less an approved administrative charge, shall accrue to the municipality affected IF SUCH MUNICIPALITY IS RESPONSIBLE FOR PROVIDING POLICE SERVICES, and WHEREAS it is incumbent upon municipal authorities to accurately account for all revenues inclusive of those provided by such fines, and WHEREAS the municipality is currently reimbursed by a block sum less the administrative charge, and WHEREAS information as to the particulars of the offence leading up to such fines is not included with the reimbursement from the Province, THEREFORE, be it resolved, that the City of Portage la Prairie request the Association of Manitoba Municipalities to lobby the provincial government to provide such information and relative data to enable accurate determination of the particulars of the offence providing an accurate accounting to the city or municipality. Carried.
Current Projects List – For Information Only		Committee reviewed the Current Projects List in camera.
<b>City Planning &amp; Economic Development Committee</b>		Your worship: The City Planning & Economic Development Committee respectfully submits the following reports:
Winter Lights National Awards Program		Council reviewed the Winter Lights National Awards Program.
Dean	85/03	Moved by: Councillor Brennan Seconded by: Councillor Wagner RESOLVED THAT the City of Portage la Prairie continue their participation in the National Winter Lights Program.  THAT the City co-ordinate and support the establishment of a community based Winter Lights Program Committee whose primary purpose would be to develop and deliver a winter events based program that would commence in mid November to the end of February 2004. Carried.  Councillor Quinn indicated that the City has approached the City of Winnipeg about partnering with them to host the 2004 National Winter Lights conference and Award Program.

Monthly Activity Report – For  
Information Only

Council reviewed the monthly activity report for February, 2003.

**Public Safety Committee**

Your worship:  
The Public Safety Committee respectfully submits the following reports:

Monthly Activity Reports –  
For Information Only

Council reviewed the monthly activity reports for February, 2003.

**Waterworks Committee**

Your worship:  
The Waterworks Committee respectfully submits the following reports:

Monthly Activity Report – For  
Information Only

Council reviewed the monthly activity report for February, 2003.

**Transportation Committee**

Your worship:  
The Transportation Committee has nothing to report.

Monthly Activity Report – For  
Information Only

Council reviewed the monthly activity report for February, 2003.

**Community Services  
Committee**

Request for Community Event  
Permit for Portage & District  
Terriers Concert

Your worship:  
The Community Services Committee respectfully submits the following reports.  
The Portage and District Terriers have requested the use of the West Ice Shed  
of the Portage Centennial Arena for the purpose of a Spring Fling Concert  
presenting the Doc Walker Band on Saturday, April 19, 2003. The Manitoba  
Liquor Control Commission requires authorization from the City of Portage la  
Prairie, as owners of the facility, to authorize the event as a community event,  
before they will issue a liquor permit to the organizers.

The Spring Fling Concert is a fundraising effort to assist the Portage & District  
Terriers to manage their operating expenditures for the 2002/2003 season.

Dean

86/03

Moved by: Councillor Tenszen  
Seconded by: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie approve  
the request from Mr. Ed Gray of the Portage & District Terriers to obtain a  
community event permit for the Spring Fling Concert to be held in the West Ice  
Shed at the Portage Centennial Arena April 19, 2003.  
Carried.

Monthly Activity Report – For  
Information Only

Council reviewed the monthly activity report for February, 2003.

**DEFERRED BUSINESS:**

None

**NEW BUSINESS:**

None

**OLD BUSINESS:**

Former Lion's Pool Property  
Subdivision

The Owner of this property, the City of Portage la Prairie, wishes approval to  
subdivide the property known as 50 Queen Avenue and legally described as  
Lots 1 & 2, Block 15, Plan No. 21428, Parish Lot 62, Parish of Portage la  
Prairie for the purpose of subdividing the present property into two separate  
parcels. Proposed Lot 8, a 13.78 foot wide strip of land will be consolidated  
with Lot 2, Block 15, SS Plan 21428, and has been sold to Mr. Harvey  
Sawatzky. The remaining seven lots are proposed to be re-zoned to R1-60.

At the present time this entire parcel is zoned P – Parks & Recreation district,  
as this is the site of the former Lion's Pool.

The recommendation from the Province of Manitoba, Intergovernmental  
Affairs, states that it is their understanding that this property was developed by

the Lion's Club for a pool and neighborhood park in the 1930's as a memorial to Portage's war veterans. As such, its status takes on a particularly noteworthy significance. In addition, any proposed re-use of such an open space or park which is strategically located at the intersection of two major thoroughfares (Royal Road and Crescent Road) and the approach to Island Park should be assessed using the City's Parks and Recreation Master Plan. The Province further states that if City Council is inclined to proceed with the subdivision, consideration should be given to ensure that its design (lot layout and orientation of houses) effectively and aesthetically blends into or complement the existing neighborhood fabric.

This application has been circulated to the various City Departments, with no comments having been received at this writing.

Council reviewed this matter on March 10, 2003 and defeated the resolution to approve the application as submitted, and instructed Administration to prepare an alternative that would include a turning lane at the corner of Crescent and Royal Road.

Administration has submitted to the Provincial Planning Branch and we have been advised that the City does not have to re-submit the desired property re-configuration that Council wishes to see this occur on the property since the changes configuration plan.

- Dean 87/03 Moved by: Councillor Brennan  
Seconded by: Councillor Wagner  
RESOLVED THAT the Council of the City of Portage la Prairie approve the application of the City of Portage la Prairie to subdivide the property formerly known as 50 Queen Avenue and legally described as Lots 1 & 2, Block 15, Plan No. 21428, Parish of Portage la Prairie for the purpose of subdividing part of Lot 1 is to consolidated with Lot 2, with the balance of Lot 2 to be subdivided into 7 residential lots, as identified in Schedule B.  
Carried.
- Councillor Tenszen – Resignation Councillor Tenszen submitted his resignation from Council to the City Manager due to changes in his career.
- Marg 88/03 Moved by: Councillor Quinn  
Seconded by: Councillor Keryluk  
WHEREAS a position on the Council of the City of Portage la Prairie has been made vacant by the resignation of Councillor Brian Tenszen;  
  
AND WHEREAS Section 105(1) of The Municipal Act required that a Council must hold a by-election to fill a vacancy on the Council as soon as is reasonably possible.  
  
NOW THEREFORE BE IT RESOLVED THAT the Returning Officer be authorized to do all things necessary to hold a by-election on Wednesday, May 7, 2003.  
Carried.  
  
AND THAT nominations be accepted by the Returning Officer at City Hall between the hours of 9:00 a.m. and 4:30 p.m. on April 10, 11, 14, 15, and 16, 2003.  
Carried.
- ADJOURNMENT:** 89/03 Moved by: Councillor Quinn  
Seconded by: Councillor Brennan  
RESOLVED THAT the meeting be adjourned at 7:42 p.m.  
Carried.

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Mayor

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Manager of Administration