

Minutes of a Regular Meeting of Council held in the Council Chambers on Monday, May 26<sup>th</sup>, 2003 at 6:00p.m.

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

**ABSENT:** Councillor Brennan

Following the by-election on May 7, 2003, Earl J. Porter was sworn in as Councillor.

**MINUTES OF MEETING:** 132/03 Moved by: Councillor Wagner  
Seconded by: Councillor Quinn  
RESOLVED THAT the minutes of the regular Council meeting held on April 28, 2003 at City Hall in Portage la Prairie be approved as circulated.  
Carried.

**HEARINGS:**

Request for Variation – Portage Day Care – 206 Duke Avenue  
Shane Moffat again spoke to Council about his concerns regarding traffic and parking around the proposed Day Care. He also expressed concern for the safety of the children.

Karen Phillips spoke to Council in support of the Day Care, indicating they have been trying to address all the concerns raised.

133/03 Moved by: Councillor Wagner  
Seconded by: Councillor Quinn  
RESOLVED THAT all persons wishing to present at the public hearing for the Request for Variation for Portage Day Care have been heard and the public hearing now be closed.  
Carried.

The applicant, is applying for a variation to reduce the required number of parking stalls from 13 to 10 in order to construct and operate a Child Care facility at 206 Duke Avenue. The owner, Shindico, has sent a letter to the applicant granting them permission to do so.

The application for variation of the parking is a condition of Conditional Use Order No. CP 1/03 which was issued on March 24, 2003.

This building lot is located in a C2-Central Commercial District (fringe area) with the general area being zoned C2 to the north, east, and west with some R1 – single family dwellings located on the south portion of Duke Avenue. Directly adjacent to and north of this property lies the City owned public parking lot.

The application was circulated to the various City Departments, with the following comments:

**Operations** – The parking stall width shown on the Portage Day Care sketch is 8', which appears to work and meet the requirements of the Zoning By-Law, if the parking is at a 60 degree angle. Since there is only one dimension and no angles noted on the sketch, we cannot determine if the sketch is accurate. If they design their parking lot with perpendicular stalls, they could get 9 stalls of 10' width, and 10 stalls at about 9.5' to 9.7' width.

**Public Safety** – No Concerns

**Building Inspector** – We will require a complete set of stamped engineered plans for this property. Parking to be as per By-law 7860 Part 3 General requirements Table 2, 1 parking stall per every 46 sq. m.

Public notices were also sent to all property owners within a 100 meters (330 foot) radius, with no objections received.

Dean 134/03

Moved by: Councillor Wagner  
Seconded by: Councillor Quinn

RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of Portage Day Care Center Inc. to reduce the required number of parking stalls from 13 to 10 in order to construct and operate a Child Care Facility at 206 Duke Avenue, which is legally described as Lots 18 and 19, Block 2, Plan 1997, Parish of Portage la Prairie.  
Carried.

Request for Variation –  
Marlene Pollard – 335  
Portage Avenue

No one appeared in opposition or support of this request.

135/03

Moved by: Councillor Wagner  
Seconded by: Councillor Porter

RESOLVED THAT all persons wishing to present at the public hearing for the Request for Variation for Marlene Pollard have been heard and the public hearing now be closed.  
Carried.

The applicant, Marlene Pollard, has requested variations for a variety of renovations to her property. This property is in an R1 – Single family dwelling district.

Public notices were sent to all property owners within a 100 meters (330 foot) radius, with no objections received.

Dean

136/03

Moved by: Councillor Wagner  
Seconded by: Councillor Porter

RESOLVED THAT the Council of the City of Portage la Prairie approve the following variation requests of Marlene Pollard:

- *To vary the front yard requirement of 7.5m (25ft) to 3.69m (12.1ft) for a new porch,*
- *To vary the front yard from 7.5m (25ft) to 4.5m (15ft) for the construction of a garage,*
- *To vary the rear from 7.5m (25ft) to 2.76m (9.05ft) for the construction of a sunroom and*
- *To vary the side yard requirement of 1.5m (5ft) to .81m (2.67ft).*

at the property known as 335 Portage Avenue, which is legally described as Lot 1, Block 8, Special Survey Plan 21428, PL 64/68 in Portage la Prairie.  
Carried.

**DELEGATIONS:**

None

**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:

Unpaid Water & Sewer to  
Taxes for April, 2003 – By-  
Law 03-8178 – 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

137/03

Moved by: Councillor Quinn  
Seconded by: Councillor Robinson

RESOLVED THAT By-Law 03-8178 being a by-law to authorize unpaid water and sewer charges be added to taxes be read a second time.

THAT By-Law No. 03-8178 be read a third time, finally passed, signed and sealed.  
Carried.

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

Adding Unpaid Fees to Taxes  
– By-Law 03-8188 – 2<sup>nd</sup> & 3<sup>rd</sup>  
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 Prairie for these unpaid accounts to the Collector's Roll.

Nettie 138/03

Moved by: Councillor Quinn  
Seconded by: Councillor Robinson

RESOLVED THAT By-Law No. 03-8188 being a by-law to authorize unpaid solid waste, collection fees, noxious weed accounts, false alarm fees, dog fines and waste collection tags be added to taxes, be read a second time.

THAT By-Law No. 03-8188 be read a third time, finally passed, signed and sealed.  
Carried.

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

Cancellation of Uncollectible  
Monies

Council may cancel any taxes, debt or monies owing to the City. Committee has received a schedule of proposed cancellations. These cancellations represent uncollectible municipal accounts receivables.

Councillor Quinn requested that collection of the larger value invoices be pursued through court action. The cancellation is to be revised to remove these items from cancellation.

Nettie 139/03

Moved by: Councillor Quinn  
Seconded by: Councillor Robinson

RESOLVED THAT Council approve the cancellation of monies owing amounting to \$1,015.04.  
Carried.

Collection Policy to Add Liens  
and Towing

On March 24, 2003 Council discussed various collection options for outstanding parking tickets. At the Committee meeting on May 12, 2003, Council requested more information on filing liens and towing vehicles.

Administration has revised the Collection Policy for review. This policy includes procedures to file liens and tow vehicles belonging to owners with accounts containing three or more parking violations unpaid.

An additional charge for staff time to prepare and send the notices and file the liens is recommended to be imposed in the amount of \$60.00. The Fees & Charges By-Law would require an amendment.

#### Bailiffs

A highly recommended bailiff from Winnipeg would be able to serve warrants and seize the vehicle of the violator. This bailiff provides services throughout Manitoba for banks and serves legal notices for some municipalities.

The Bailiff services include seizing the vehicle as requested, contacting the RCMP at time of towing, storing the vehicle, and holding up the vehicle for auction. The ticket violator would be responsible to pay the Bailiff for his costs in carrying out the tasks. To release the vehicle, typical costs that the violator would have to pay the Bailiff directly are \$300 (and up) for towing, \$100-\$200 service charge, plus storage and other incidentals. These rates fall within the

industry standard. The Bailiff would also collect monies to settle the parking fines on behalf of the City prior to releasing the vehicle.

Other Revisions

The Collection Policy has also been revised to include the current procedure for collection of accounts where the billings are for services ( i.e. Landfill tipping, facility use rentals). Services will be ceased until such time as the accounts are paid in full.

Council requested that the following changes be made to the policy:

1. Clarify wording for parking ticket collection. (under Parking Tickets)
2. Clarify wording for non-active accounts up to \$500.00. (under Write Offs)
3. Correction to Letter "A".

These changes have been made accordingly.

Nettie Marg	140/03	Moved by: Councillor Quinn Seconded by: Councillor Robinson RESOLVED THAT Account Collection Policy AC-AZ be approved. Carried.
Sale of City Property – For Information Only		Council discussed this matter in camera.
Monthly Activity Reports – For Information Only		Council reviewed the monthly activity reports for April, 2003.
<b>City Planning &amp; Economic Development Committee</b>		Your worship: The City Planning & Economic Development Committee respectfully reports the following:
Monthly Activity Reports – For Information Only		Council reviewed the monthly activity reports for April, 2003.
<b>Public Safety Committee</b>		Your worship: The Public Safety Committee respectfully submits the following reports:
Maintenance & Occupancy By-Law 03-8189 – 2 <sup>nd</sup> & 3 <sup>rd</sup> Reading		The Maintenance & Occupancy By-Law is being amended regarding enforcement of non conformance orders. By-Law 03-8189 was read a first time on May 12, 2003.
Marg	141/03	Moved by: Councillor Wagner Seconded by: Councillor Quinn RESOLVED THAT By-Law 03-8189 being a by-law to amend the Maintenance & Occupancy By-Law No. 02-8144 be now read a second time. Carried.  THAT By-Law 03-8189 be now read a third time, finally passed, signed and sealed. Carried.  In Favor: Mayor MacKenzie, Councillors Keryluk, Porter, Robinson, Quinn and Wagner.
Monthly Activity Reports – For Information Only		Council reviewed the monthly activity report for April, 2003.  Councillor Wagner highlighted certain parts of the activity reports from Emergency Service, Animal Control and Crime Prevention Coordinator.
<b>Waterworks Committee</b>		Your worship: The Waterworks Committee respectfully reports the following:
Treherne Dam Committee		The Treherne Dam Committee has again requested that the City of Portage la Prairie support the proposed Treherne Dam project and appoint someone to the

Regional Advisory Committee for the Treherne Dam.

On January 27, 2003 Council passed the following resolution:  
“WHEREAS there is no longer term strategy for development of the Assiniboine River to maximize and protect the use of this natural resource within the watershed;  
AND WHEREAS there are many stakeholders that rely on the Assiniboine River to provide water for municipal, industrial, agricultural and recreational purposes;

THEREFORE BE IT RESOLVED THAT the Council of the City of Portage la Prairie request the Province of Manitoba to prepare a development strategy for current and future use of the Assiniboine River within the watershed to ensure the protection of this valuable natural resource.”

An identical resolution has been passed by the RM of Portage la Prairie Council.

A letter of response has been received from the Province of Manitoba.

Marg	142/03	Moved by: Councillor Robinson Seconded by: Councillor Keryluk RESOLVED THAT the City of Portage la Prairie confirm the previous resolution and decline to appoint a representative to the Treherne Dam Committee. Carried.
Monthly Activity Reports – For Information Only		Council reviewed the monthly activity reports for April, 2003.
<b>Transportation Committee</b>		Your worship: The Transportation Committee respectfully submits the following:
South Area Traffic Study		Council reviewed the south area traffic study information report.  Councillor Keryluk suggested the traffic study be updated to include information on the west end of the city.
2002 Solid Waste		Council reviewed the year-end solid waste 2002 information report.
Monthly Activity Reports – For Information Only		Council reviewed the monthly activity reports for April, 2003.  Councillor Quinn expressed concern about Garrioch Creek regarding mosquitoes and West Nile Virus concerns.  Councillor Quinn reminded Council of the Composter Sale scheduled for May 31 <sup>st</sup> at 10:00a.m.
<b>Community Services Committee</b>		Your worship: The Community Services Committee respectfully submits the following reports.
Monthly Activity Reports – For Information Only		Council reviewed the monthly activity reports for April, 2003.  Councillor Porter noted that Splash Island is scheduled to open on May 17 <sup>th</sup> .
<b>DEFERRED BUSINESS:</b>		None
<b>NEW BUSINESS:</b>		
Council Appointments		With the resignation from Council of Brian Tenszen on March 24, 2003, a vacancy was left in the position of Chairperson for the Community Services Committee, and in the position of Vice-Chairperson for the Transportation Committee. Mr. Tenszen had also been appointed as the Acting Deputy Mayor for the months of May and June, and as the City’s representative on the

Portage & District Arts Council and the Beautification Committee. These positions are now vacant.

Councillor Earl Porter was elected at the by-election on May 7, 2003, and was sworn in at the Council meeting on May 12<sup>th</sup>. He has indicated a willingness to fill these vacancies.

- Marg 143/03 Moved by: Councillor Quinn  
Seconded by: Councillor Robinson  
RESOLVED THAT Councillor Earl Porter be appointed as follows:  
a) As Chair of the Community Services Committee  
b) As Vice-Chair of the Transportation Committee  
c) As Acting Deputy Mayor for the months of May and June  
d) As the City's representative on the Portage and District Arts Council  
e) As the City's representative on the Beautification Committee  
Carried.
- Development Agreement –  
City/Lions Park Housing  
Request for Extension of Time 144/03 Council discussed this report in camera.  
Moved by: Councillor Wagner  
Seconded by: Councillor Quinn  
RESOLVED THAT the Council of the City of Portage la Prairie authorize an extension of time for a period of not more than 365 days commencing from May 26, 2003 between the City and Lions Park Housing, for the purpose of negotiating a development agreement for the property legally described as  
Parcel A Plan 2464 PLTO in RL 92, 93, and 94 parish of Portage la Prairie exc  
1stly: all mines and minerals as set forth in Transfer 1014288 PLTO  
2ndly: the northerly 237.6 feet perp lying between two straight lines drawn southerly at right angles to the northern limit of said Parcel A from points distant easterly thereon 70 feet and 950 respectively from the intersection of said northern limit with the west limit of Lot 6 S.P. Plan 29323 PLTO.
- Portage Day Care Center  
Council discussed the concerns raised by Mr. Shane Moffat, and determined that they were satisfied with the efforts being made by the applicants to address all concern.

#### **OLD BUSINESS:**

Travel Policy and Council  
Indemnity By-Law 03-8190 –  
1<sup>st</sup> Reading

Recently, Council discussed changes they would like to see in the Council Indemnity By-Law and in the City's Travel Policy.

The current Indemnity By-Law No. 7467 was passed in 1992 under the old Municipal Act, and amended several times as the amount of the indemnities changed. It is deemed advisable at this time to repeal By-Law 7467 and create a new by-law that will include the appropriate sections of the new Municipal Act as well as take in the changes requested by Council.

Below are listed the major changes to the by-law:

- 1) Reference to traveling and living expenses have been deleted from the by-law and are covered in the Travel Policy HR-AM.
- 2) The current indemnity amounts noted in the by-law are as approved by Council in By-Law No. 01-8124, effective until December 31, 2004.
- 3) The per Diem received by Council members has been raised from \$100 to \$125.
- 4) New clauses have been added outlining the dental and vision care benefits provided to members of Council.

Travel Policy HR-AM has also been updated:

- 1) The Term “aldermen” has been removed and replaced with the word “Councillors”.
- 2) For Council members, reimbursement of costs related to dining (including gratuities) has been raised from \$35 per day with receipts to \$50 per day without receipts. Receipts must be presented for reimbursement if some, but not all, meals are provided during the course of the function.
- 3) For staff, reimbursement of costs related to dining (including gratuities) and other minor expenses was raised from \$35 per day to \$50 per day with receipts.
- 4) Incidental expenses for Council and senior administration related to public relations will be reimbursed as provided for in budget and as approved by the Mayor.

Marg

145/03

Moved by: Councillor Quinn

Seconded by: Councillor Robinson

RESOLVED THAT Council of the City of Portage la Prairie approve the Travel Policy HR-AM, as amended.

THAT By-Law No. 03-8190 being a by-law to provide for the payment of indemnities to Council, be now introduced and read a first time.  
Carried.

Long Plain Solid Waste

Long Plain First Nation closed their landfill site and are in the process of establishing a waste transfer station. They are investigating options for final disposal of their waste, including Winkler, MacGregor, and Brady Road landfill sites.

The City’s Fees and Charges By-law specifies a tipping fee of \$37.50 per tonne for all waste originating outside of the jurisdiction of the City and RM. This, in part, reflects the possible situation of City property taxes subsidizing landfill operations. Since our data is limited with respect to tonnage of waste received at the landfill and tipping fees being collected, it is difficult to determine at this point in time what the actual tax base subsidy is. The intent is to make the landfill operation self-sustaining, with users paying for the operation according to the tonnage deposited at the landfill site.

The standard tipping fee rate for City waste is \$25 per tonne.

Since this would be a long-term agreement with Long Plain, consideration may be given to charge the regular tipping fee rate, which may be subject to change on an annual basis.

The CAO of the RM of Portage la Prairie has given verbal approval in principle to this proposal, however, a formal approval from the Council of the RM may be necessary.

It is anticipated that the Landfill would receive between 15 and 20 tonnes per week from Long Plain. At 15 tonnes per week and at \$25 per tonne, this equates to \$19,500 per year in revenue from tipping fees.

The standard commercial tipping fee at Brady Road landfill is \$22.50 per metric tonne. Kenora has an agreement to dispose of waste at the Brady Road landfill at a rate of \$22.50 per metric tonne.

Kelly

146/03

Moved by: Councillor Keryluk

Seconded by: Councillor Porter

RESOLVED THAT Council approve the request of Long Plain First Nation to dispose of their residential waste at the Portage la Prairie Regional Landfill

Site at an initial rate of \$25 per tonne, on condition that LPFN enter into an agreement which allows the rate to be adjusted from time to time in accordance with adjustments to the City's standard tipping fee rate.  
Carried.

**ADJOURNMENT:**

The meeting be adjourned at 7:05p.m.  
Carried.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Manager of Administration