

Minutes of a Meeting of Council held at City Hall in the City of Portage la Prairie on Monday, August 9, 2004 at 6:00 pm.

PRESENT: Mayor MacKenzie, Councillors Brennan, Keryluk, Robinson, Quinn, Wagner and Porter

ABSENT:

ADOPTION OF MINUTES 188/04 Moved by: Councillor Wagner
Seconded by: Councillor Quinn
RESOLVED THAT the Council Minutes of July 26 2004 be approved as circulated.
Carried.

DELEGATIONS: A number of people appeared before Council to express concerns about the solid waste management program.

Val Garlick, 113 Lorne Avenue E., was concerned about the method of collecting unpaid accounts for garbage pick up by adding them to the tax roll. She enquired whether garbage would still be picked up if the bill was added to the tax roll, or if it would be left on the curb. She also questioned how Council would handle the potential dumping of garbage in other places.

William Street, 690 – 8th Street N.W., felt the program had not been explained well enough at the last Council meeting. He acknowledged that he, himself, was not averse to paying a little more out of his pocket to help those less fortunate.

Evelyn Lee felt the City already has a litter problem and that this program would only make it worse. She believes it is wrong to single out houses worth less than \$100,000 and that the program as presented will affect all citizens, including the elderly and the disabled.

Darren Vandebusch of the Portage Labour Council assisted Wolfgang Vieweg in presenting his similar concerns to Council.

HEARINGS:

Variation – Wil Pacholuk No one appeared to object or support this variation request.

189/04 Moved by: Councillor Wagner
Seconded by: Councillor Brennan
RESOLVED THAT the public hearing for the variation request of Wil Pacholuk now be closed.
Carried.

The applicant, Will Pacholuk, is applying for a variation order to allow front yard requirement of 7.5 m to be reduced to 5.486 m.

This building is in an R1 – Single family dwelling district.

The application has been circulated to the various City Departments with one concern being expressed regarding having a 7.5 m setback for the garage to allow for a vehicle to be parked in the driveway.

After a review of the surrounding properties, it was noted that four of the seven homes on the same side are closer to the street and are set back at least the required 7.5 m. This area has a public sidewalk in front of property and by not having the required setback a vehicle parked on a driveway could possibly impede pedestrian traffic, which is a concern.

Public notices have been sent to all property owners within a 100 m radius.

190/04 Moved by: Councillor Brennan
Seconded by: Councillor Wagner

RESOLVED That the Council of the City of Portage la Prairie approve the variation request of Will Pacholuk to allow front yard requirement of 7.5 m (25 ft) to be reduced to 5.486 m (18ft) to allow for a new porch only, with the condition the garage be required to be set back the required 7.5 m, at the property known as 66-1st Street SW, which is legally described as Lots 88/89, Plan 12, Parish of Portage la Prairie.
Carried.

Variation – Roger St.
Louis

191/04 Moved by: Councillor Brennan
Seconded by: Councillor Wagner

RESOLVED that the public hearing for the variation request of Roger St. Louis now be closed.
Carried.

The applicant, Roger St. Louis, is applying for a variation order to allow through street requirement of 7.5 m in rear yard to be reduced to 3.353 m .

This building is in an R1 –Single-family dwelling district.

The application has been circulated to the various City Departments with one concern being expressed regarding the percentage of site coverage for accessory buildings.

With the proposed building, the site coverage for accessory buildings will be at the maximum (14%).

Public notices have been sent to all property owners within a 100 meter radius.

192/04 Moved by: Councillor Brennan
Seconded by: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of Roger St. Louis to allow through street requirement of 7.5 m (25 ft) in rear yard to be reduced to 3.353 m (11 ft) to allow for a detached garage to be built along north side of property at the property known as 405 10th St. N.W. which is legally described as Lots 453/454, Plan 13, Parish Lot 59, Parish of Portage la Prairie.
Carried.

Heritage Designation -
Fawcett Gowler Taylor
Home – By-Law 04-
8227 – 2nd & 3rd
Reading

David Faurshou, current owner of the Fawcett Taylor Gowler home, spoke to Council in support of the designation.

193/04 Moved by: Councillor Brennan
Seconded by: Councillor Wagner

RESOLVED THAT the Public Hearing to designate 102-1st Street SW as a heritage site now be closed.
Carried.

The Portage Heritage Advisory Committee, a standing committee of Council since 1992 under By-law 7796 has recommended 102-1st Street SW referred to as the “Fawcett Gowler Taylor Home” in the City of Portage la Prairie for consideration of municipal heritage designation.

The home is considered, unquestionably, one of the City’s finest private residences and is visually a complex structure, which beautifully showcases elements of the then newly emerging Prairie style architecture.

Historically, it was built in 1913 and was originally owned by Fawcett Gowler Taylor – a lawyer, soldier, politician and judge – a man intimately involved in the development of Portage la Prairie and Manitoba.

The historical and architectural information of the building is valued very high, therefore the PHAC recommends this home worthy of the first municipally designated residential structure in the City of Portage la Prairie. City Council gave first reading to this by-law on June 28, 2004.

Copies of the Municipal Notice of Intent and By-Law 04-8227 were served on the Minister of Culture, Heritage and Tourism c/o Historic Resources Branch, the owners Mr. and Mrs. Faurichou, Portage la Prairie Land Titles Office and the Portage la Prairie Planning District. In addition, notice of this public hearing was published in the Daily Graphic on July 16 and 17, 2004 as required by the Heritage Resources Act.

194/04

Moved by: Councillor Brennan

Seconded by: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie read By-Law 04-8227 being a by-law to municipally designate 102-1st Street SW and referred to as the Fawcett Gowler Taylor Home as a heritage site, for the second time.

Carried.

THAT the Council of the City of Portage la Prairie read by-Law 04-8227 for a third time, finally passed, sign and sealed.

Carried.

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

CORRESPONDENCE

The correspondence for this period was reviewed.

COMMITTEES:

Finance, Legislative & Property Committee:

The Finance, Legislative and Property Committee respectfully submits the following report:

Unpaid Water & Sewer to Taxes – By-Law 04-8230 – 1st Reading

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

195/04

Moved by: Councillor Quinn

Seconded by: Councillor Robinson

RESOLVED That By-Law 04-8230 being a by-law to authorize unpaid water & sewer charges be added to taxes be read a first time.

Carried.

Adding Unpaid Trailer Licenses to Taxes – By-Law 04-8236 – 1st Reading

The Fees & Charges By-Law 03-8207 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 taxes of the said taxpayer and may be collected or enforced in the same manner as a tax as defined by the Municipal Act, L.M. 1996 c.58”

In order to collect unpaid trailer license fees, it is the City’s practice to semi-annually add sums of money owing to the City of Portage la Prairie for trailer license fees to the Collector’s Roll.

196/04

Moved by: Councillor Quinn

Seconded by: Councillor Robinson

RESOLVED THAT By-Law 04-8236 being a by-law to authorize unpaid 2004 trailer license fees as per Schedule “A” be added to taxes, be read a first time.

Carried.

2nd Quarter Forecast

Financial results for the first six months of 2004 were reviewed. A year-end surplus in the General Operating Fund of \$63,220 is forecast. The General Operating Fund contains the following significant variations between budget and forecast:

Increase in GST Rebate – General Operating Fund	\$61,666
Decrease in Tipping Fee Revenues	\$(25,000)

A year-end surplus in the Utility Operating Fund of \$47,988 is forecast. The Utility Operating Fund contains the following significant variations between budget and forecast:

Increase in GST Rebate – Utility Operating Fund	\$22,595
Increase in RM Tax Share Revenues in Operating Fund	\$24,000
Increase in WTP Machinery Maintenance	(\$31,500)
Decrease in Sludge Disposal Costs	\$22,000
Decrease in Secondary Treatment Hydro Costs	\$108,500
Increase in Capacitor at WPCF	\$27,000

Municipalities now receive the full rebate of GST effective February 1, 2004. To date, the additional 3% GST recovery amounts to \$78,783. The recoveries from February to May have been reported as separate amounts in both the General Operating Fund and Utility Fund. Since legislative approval, the full GST recovery has been reflected in the applicable expense accounts. It is anticipated the 3% GST rebate will result in over \$160,000 in savings between the General and Utility Operating Funds and their respective reserves.

- 197/04 Moved by: Councillor Quinn
Seconded by: Councillor Robinson
RESOLVED THAT the Financial Statement and Forecast for the six months ended June 30, 2004 be adopted.
Carried.

City Planning & Economic Development

The City Planning and Economic Development Committee has nothing to report.

Public Safety Committee

The Public Safety Committee respectfully submits the following reports:

Open Air Fire By-Law – 04-8228 – 2nd & 3rd Reading

Councillor Wagner clarified the difference between an open air fire and a fire in an outdoor burning appliance. This By-Law received first reading on July 12, 2004.

- 198/04 Moved by: Councillor Wagner
Seconded by: Councillor Quinn
THAT By-Law 04-8228 be read a second time.
Carried.

THAT By-Law 04-8228 be read a third time finally passed, signed and sealed.

Carried.

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

Community Justice Forum - FIO

Councillor Wagner reported on the July 21st meeting that he attended with the Community Justice Forum.

Police Working Group –

Councillor Wagner provided a copy of the presentation made to the

FIO Minister of Justice by the Large Urban Policing Working Group appointed by the AMM.

Waterworks Committee The Waterworks Committee has nothing to report..

Transportation Committee The Transportation Committee respectfully submits the following report:

Regional Landfill In October 2002 the Council of the City of Portage la Prairie authorized the City's Waste Disposal Site Management Committee members and Administration to enter into negotiations with the Rural Municipality with the goal of making the 227-landfill operation self-supporting.

Meetings have since taken place between the City of Portage la Prairie and the RM to discuss various changes to the operation and prospect of regionalization of the 227-landfill site.

On July 12, City Council appointed a committee to conduct the feasibility of establishing and operating the landfill site under an authority. An authority is an independent incorporated body made up of its own board of directors with powers as granted by the Lieutenant Governor in Council.

The proposed scheme was reviewed by both the City Council and the RM Council. It contains the identification of the parties of the authority, the operation and services of the authority, setting of fees and proposed financial plan to establish and operate the landfill under an authority.

The scheme proposes that both the City and the RM jointly operate the 227 solid waste landfill site, calling it the "Portage la Prairie Regional Landfill". The Regional Board would be made up of 3 members of Council each from the City and the RM.

The Board would set a fee schedule each year for each classification of waste received from its member municipalities or any category of its customers as indicated in Schedule "A" of the scheme and will, as nearly as possible, equal or exceed the operating costs in order to make the facility self sustaining.

Charges for residential waste from the RM area (with the exception of fees for unsecured loads) will be logged and billed directly to the RM on a monthly basis. Unsecured load charges will be billed directly to the hauler.

Charges for all users other than RM residential waste will be collected directly from the user. Large users, such as commercial haulers, septic haulers and vegetable farmers may be billed on a monthly basis.

If ever an operating deficit were to occur, it would be recovered from prior years or future years' surpluses or temporarily borrowed from any of the Board's established reserves.

In establishing this regional site, a number of upgrades are also being considered to deal with the environmental concerns and regulations. A new building to house the administration and weighing of the site, storage shed, leachate control, drainage and fencing are proposed. It is anticipated that 2/3 of the capital funding will come from the Canada Manitoba Infrastructure Program.

A joint public hearing is required to present the proposed scheme to the public, which is set for August 19 at 7:00 pm at the Herman Prior Centre. The hearing will be advertised in the local paper and a copy of the proposed scheme will be available for public review at City Hall and the RM office.

Upon councils' approvals of the scheme by resolutions from both municipalities (planned for August 23 for the City and August 24 for the RM), the scheme will be submitted to the minister requesting that regulations be made by the Lieutenant Governor in Council.

Speed Zone on Hwy 1A
East

For the past several years, the 50 kph speed zone has ended just east of where Windsor Park Estates is now and increases to 70 kph. With the recent development of the new Catholic Church and Windsor Park Estates east of the Lion's Manor concerns have developed about speed on Saskatchewan Avenue in front of these new buildings.

The City has received a letter from a resident of Windsor Park Estates indicating concern for the safety of residents and requesting the City's support to have the 70 kph speed zone moved farther to the east.

199/04 Moved by: Councillor Keryluk
Seconded by: Councillor Porter

RESOLVED THAT the Council of the City of Portage la Prairie proceed to amend the traffic by-law to reduce the speed zone from 70km/hr on Hwy 1A East from its current location in front of Windsor Estates to 50km/hr to the east side of the Angle Road and 14th Street NE intersection with Saskatchewan Avenue, for both eastbound and westbound directions.

Carried.

West Nile Virus

Manitoba Health has advised the City of an increase in the potential for West Nile Virus because the mosquito which carries the virus has been identified in the area. A larviciding program will commence soon to include a 2km perimeter around the City. This program is being cost-shared with the Province at a cost to the City of \$5,000.

**Community Services
Committee**

The Community Services Committee respectfully submits the following report:

Small Watercraft on
Crescent Lake

Councillor Porter advised that the City is considering changing the By-Law regarding motorized water craft on Crescent Lake to allow small water craft with engines not exceeding 10hp on the west side of Crescent Lake.

It is believed that this practice may help curb our weed problem. Councillor Porter requested input from citizens who would be affected by this change in practice.

**DEFERRED
BUSINESS:**

None

NEW BUSINESS:

None

OLD BUSINESS:

None

Solid Waste Cost
Management

On July 26, 2004 a public meeting was held by City Council to present and discuss the option to remove the solid waste costs from the mill rate to user fees starting 2005.

Council deferred the motion below to August 9, 2004 to allow for public input.

If the motion is passed, the 2005 budget and the Fees & Charges by-law for 2005 would incorporate this change.

Councillor Keryluk indicated that he was bothered by the manner in which the Solid Waste Management program was proposed. His concern was for the number of

households that currently have their water bills added to taxes because of difficulty in paying the amount, and the many more households that would be impacted by this proposal.

Councillor Wagner noted that the concept has merit but that he did not agree with it. Councillor Quinn defended the program and explained it further.

Deputy Mayor Ken Brennan took the Chair to allow Mayor MacKenzie to express his viewpoint on the matter.

Councillor Keryluk requested a recorded vote on this issue.

- 200/04 Moved by: Councillor Quinn
Seconded by: Councillor Robinson
RESOLVED THAT the solid waste costs be removed from the tax levy to a separate utility fee effective January 1, 2005.
Carried.
In Favour: Councillors Brennan, Porter, Robinson, Quinn and Mayor MacKenzie
Opposed: Councillors Keryluk & Wagner

Rezoning Application –
Portage School Division
– By-Law 04-8216 – 3rd
Reading

On January 26, 2004, Council gave first reading to By-Law 04-8216 to rezone property by the School Division Office from EI-Educational and Institutional to R1-Single Family Residential to accommodate the development of the area for single family dwelling lots. The hearing for the rezoning was held on March 8, 2004 at which time a petition opposing the rezoning was received from residents in the area. Council gave second reading to the by-law and forwarded it to the Planning District Board in accordance with the requirements of the Planning Act.

The Planning District Board has reviewed the request, and decided that the proposed amendments to the Zoning By-Law are not contrary to the Development Plan, Zoning By-Law or The Planning Act and are not incompatible with any other use in the area. Their Board Order No. 01-04 confirms By-Law 04-8216.

In a letter to Mayor and Council, The Planning District stated:

“In the Board’s discussions in and around this topic, we were advised by Don Malinowski (Community Planning) that one consideration could be to review directions proposed in the future Development Plan.”

- 201/04 Moved by: Councillor Brennan
Seconded by: Councillor Keryluk
RESOLVED THAT By-Law No. 04-8216 to amend the City of Portage la Prairie By-Law No. 7680 to rezone Lots 207, 208, 227-238, Plan 73, Parish of Portage la Prairie including the lane between lots 207/208 and 237/238 from EI-Educational and Institutional to R1-Single Family Dwelling District, be now read a third time, finally passed, signed and sealed.
Carried.
In Favour: Councillors Brennan, Porter, Keryluk, Quinn, Robinson, Wagner and Mayor MacKenzie.

ADJOURNMENT:

The meeting adjourned at 6:55 p.m.

Mayor

Manager of Administration