

Minutes of a Meeting of Council held at City Hall in the City of Portage la Prairie on Monday, December 13, 2004 at 6:00pm.

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

ABSENT: None

ADOPTION OF MINUTES 292/04 Moved by: Councillor Wagner
Seconded by: Councillor Quinn
RESOLVED THAT the Council Minutes of the November 29th Council Meeting be approved as circulated.
Carried.

DELEGATIONS: **Mr. Bill Goodberry**

Mr. Goodberry appeared before Council to again state his request that he be reimbursed by the City for a sewer backup in his basement. He provided pictures in support of his claim.

HEARINGS: Public Hearing – Conditional Use – Chad & Shauna Neufeld

Chad Neufeld spoke to Council in support of his request for a conditional use.

293/04 Moved by: Councillor Brennan
Seconded by: Councillor Wagner
RESOLVED THAT the public hearing for the conditional use request of Chad & Shauna Neufeld now be closed.
Carried.

The applicants, Chad and Shauna Neufeld, have applied for a conditional use to allow for an office (business and professional) in a C3 Highway Commercial Zoning District.

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

294/04 Moved by: Councillor Brennan
Seconded by: Councillor Wagner
RESOLVED THAT the Council of the City of Portage la Prairie approve the conditional use application of Chad and Shauna Neufeld to allow for an office (business and professional) in a C3 Highway Commercial Zoning District at the property 202 5th Ave. N.W., which is legally described as Lots 814/815, Plan 66, Parish of Portage la Prairie.
Carried.

Public Hearing – Variation – Chad & Shauna Neufeld

Chad Neufeld spoke to Council in support of his variation request.

295/04 Moved by: Councillor Brennan
Seconded by: Councillor Wagner
RESOLVED THAT the public hearing for the variation request of Chad & Shauna Neufeld now be closed.
Carried.

The applicants, Chad and Shauna Neufeld, are applying for a variation order to allow the required four parking stalls to be reduced to one parking stall.

This building is in a C3 – Highway Commercial zoning district.

The application has been circulated to the various City Departments with

one concern being expressed in regards to reduced parking in a residential area thus forcing vehicles to park on the street and impeding snow clearing and street sweeping.

The existing building in question has room for only one parking stall. There is no room on site for any more parking stalls.

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

- 296/04 Moved by: Councillor Brennan
Seconded by: Councillor Wagner
THAT the Council of the City of Portage la Prairie approve the variation request of Chad and Shauna Neufeld to vary the requirement of four parking stalls to one parking stall at the property known as 202 5th Ave N.W. which is legally described as Lots 814/815, Plan 66, Parish of Portage la Prairie.
Carried.

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 04-8234 1st Reading

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

- 297/04 Moved by: Councillor Quinn
Seconded by: Councillor Robinson
That By-Law 04-8234 being a by-law to authorize unpaid water and sewer charges be added to taxes be read a first time.
Carried.

Adding Unpaid Fees to Taxes – By-Law 04-8243 – 2nd & 3rd Reading

In order to collect unpaid solid waste collection fees, noxious weed accounts, false alarm fines, dog fines, garbage fees, snow clearing account and maintenance charges to taxes, 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.

- 298/04 Moved by: Councillor Quinn
Seconded by: Councillor Robinson
RESOLVED THAT By-Law No. 04-8243 being a by-law to authorize unpaid charges and fees to be added to taxes be read a second time.
Carried.

RESOLVED THAT By-Law 04-8243 be read a third time, finally passed, signed and sealed.

Carried.

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

Short Term Borrowing By-Law – 04-8248 – 2nd & 3rd Reading

The Short-Term Financing By-Law was given first reading on November 29, 2004.

299/04 Moved by: Councillor Quinn
Seconded by: Councillor Robinson
RESOLVED THAT By-Law 04-8248 to set up a line of credit with the city's financial institution be given second reading.
Carried.

RESOLVED THAT By-Law 04-8248 be read a third time, finally passed, signed and sealed.

Carried.

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

Amendment to Alarm
By-Law 04-8249 – 2nd
& 3rd Reading

By-Law 04-8249 to amend the Alarm By-Law to change section 5 (3) to read "date" of notice instead of "receipt" of notice was given first reading on November 29, 2004.

As requested by Committee, the by-law was also changed to show "45 days" as the time frame for applications, rather than "30 days".

300/04 Moved by: Councillor Quinn
Seconded by: Councillor Robinson
RESOLVED THAT By-Law 04-8249 to amend By-Law 03-8208 being the Alarm By-Law be read a second time.

AND FURTHER THAT Section 8 (a) of Schedule D to the Fees & Charges By-Law be amended to change the time period of "30 days" to "45 days".

Carried.

THAT By-Law 04-8249 be read a third time, finally passed, signed and sealed.

Carried.

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

Sale of Land to Mr.
Lorne Emberley

Mr. Ken Lyon, acting on behalf of Mr. & Mrs. Emberley, has made an offer to acquire a small portion of City owned land directly east of their property for the cost of land transference.

The Emberly's have had their property for sale for some time and have received an offer to purchase. During this process, it was discovered that the City actually owned a portion of the lot that the Emberly's have enjoyed living on for many years and as a result of this, there is a need to consolidate the lot to close the sale.

There appears to be many mitigating circumstances that have created the current situation including that the Emberly's actually owned the City land in question at one point in time, and then ownership reverted back to the City.

301/04 Moved by: Councillor Quinn
Seconded by: Councillor Robinson
THAT the Council of the City of Portage la Prairie authorize the sale of the property legally described as Lot 16, Block 1 Plan 32 PLTO in the RL 69 Parish of Portage la Prairie to Mr. & Mrs. Lorne Emberly, 44-8th Street North East, Portage la Prairie, Manitoba in exchange for Mr. & Mrs. Emberly being responsible for any and all costs associated with the transfer of title to their ownership.
Carried.

Interim 2005 Operating
Budget

The proposed interim operating budget provides funding for City operations until such time as the final budget is approved.

- 302/04 Moved by: Councillor Quinn
Seconded by: Councillor Robinson
That the interim 2005 General Operating Fund budget of \$6,900,000, the 2005 interim General Capital Fund budget of \$500,000, the 2005 Interim Utility Operating Fund budget of \$3,600,000 and the 2005 interim Utility Capital Fund budget of \$1,000,000 be approved
Carried.

**City Planning &
Economic
Development**

Application for
Subdivision – Lot 3,
Plan 39872 City of
Portage la Prairie –
Mellco Developments
Ltd.

**The City Planning and Economic Development Committee
respectfully submits the following report:**

Mellco Developments have applied to subdivide Lot 3, Plan 39872 into eight bare land condominium lots. The Development Plan shows this area as Residential Designation. Policy No. 5.7 states: “Multiple-family dwellings are permitted in the Residential designation”.

The Zoning By-Law No. 7680 indicates this is an “R3” Multiple-Family Dwelling District with a minimum site area of 279 square meters minimum site width of 9 meters and a minimum Side Yard of 1.5 meters.

Variation orders will be necessary for Lots 3, 4 & 5 to vary the minimum site width requirement and to vary the minimum area requirement for Lot 3.

- 303/04 Moved by: Councillor Brennan
Seconded by: Councillor Wagner
RESOLVED THAT the Council of the City of Portage la Prairie authorize the subdivision of Lot 3 Plan 39872 (0.70 acres) into eight bare land condominium lots, subject to the applicant obtaining variation orders for Lots 3, 4 & 5 to vary the minimum site width requirement and to vary the minimum area requirement for Lot 3.
Carried.

Application for
Subdivision – Lot 7,
Plan 40077, Pcl. B&C
Plan 29741 RL 101
Parish of Portage la
Prairie

An application has been received from Harold and Joan Nichol to subdivide Lot 7, Plan 40077, Parcel B&C, Plan 29741 into two lots of two acres and 2.7 acres respectively. Manitoba Planning Service indicates their existing residence is located on the proposed 2.7 acre Parcel which fronts onto Bridge road. The Development Plan shows this as Rural Residential Designation.

The area within the City, east and west of Bridge Road has been designated for Rural Residential development in the Land Use plan. Harold Nichol was present and spoke in support of their request.

This proposal meets the requirements of this zone.

- 304/04 Moved by: Councillor Brennan
Seconded by: Councillor Wagner
RESOLVED THAT the Council of the City of Portage la Prairie authorize the subdivision of Lot 7, Plan 40077 and Parcels B & C Plan 29741 into two lots of 2 acres of and 2.7 acres respectively.
Carried.

China Trade Mission

Committee reviewed an update from Councillor Brennan and Administration on the recent China Trade Mission. Committee also reviewed a presentation called “Discover the Portage Advantage” prepared by Central Plains Inc.

- 305/04 Moved by: Councillor Brennan
Seconded by: Councillor Wagner
RESOLVED THAT the City of Portage la Prairie provide up to \$25,000 in funding to pay 25% of the cost of an infrastructure study for the soy bean processing facility proposed by Linyi Shansong Biological Products Co. Ltd. with the balance of the funding coming equally from

Linyi Shansong Biological Products Co. Ltd, the RM of Portage la Prairie and the Province of Manitoba;

AND FURTHER That the City Manager be authorized to negotiate on the City's behalf with People's Foods Company, the RM of Portage la Prairie and the Province of Manitoba within parameters established by City Council;

AND FURTHER That the Planning and Economic Development Committee of Council participate in negotiations and update Council periodically on the current status of discussions with People's Foods. Carried.

Doc Walker

Councillor Wagner asked that the City recognize the publicity that the group Doc Walker is bringing to Portage la Prairie with a tangible marker such as a sign.

**Public Safety
Committee**

The Public Safety Committee respectfully submits the following report.

Fire Fighters
Community Work

Councillor Wagner commended the Fire Department for its community works over the years.

Public Safety Programs

Councillor Wagner mentioned the safety aid for seniors program that was recently announced. This program is for seniors with an income under \$25,000.00. Councillor Wagner also mentioned the Lighthouse Program for children to attend after School. The Province has designated two Lighthouse Programs in Portage la Prairie.

RCMP Front Counter
Hours

The RCMP, in consultation with the City of Portage la Prairie, have decided to restrict the times when non-urgent and administrative functions will be performed at the detachment to the hours of 8:00 a.m. to 8:00 p.m., Monday to Saturday. Urgent police services will not be impacted by this move. This change in service is being completed so staff can be deployed at the times that traditionally see more people wanting to access the services.

**Waterworks
Committee**

The Waterworks Committee has nothing to report.

**Transportation
Committee**

**Your Worship:
The Transportation Committee respectfully submits the following report:**

Solid Waste By-Law –
By-Law 04-8244 – 2nd
& 3rd Reading

Changes are being proposed to the Solid Waste By-Law primarily to incorporate the collection services for commercial properties and trailer courts. A number of housekeeping changes have also been made. Major changes include:

- Trailer Courts may request the solid waste collection and/or recyclable collection services, within the same limitations as for multi-family dwellings
- Commercial premises, including Provincial and Federal government premises, institutions, and industrial premises, may request solid waste collection services from the City with the same limitations as for residential properties (2 bag limit)
- The administration and billings of the services fees have also been added to the by-law and references to the Fees & Charges By-Law are also included throughout.

306/04 Moved by: Councillor Keryluk
Seconded by: Councillor Porter
THAT By-Law 04-8244, being the Solid Waste By-Law, be read a second time.
Carried.

THAT By-Law 04-8244 be read a third time, finally passed, signed and sealed.
Carried.

Manitoba Hydro Free
Energy – For
Information Only

Each year, Manitoba Hydro offers a period of “free energy” for the Holiday Season for decorative lighting, which is connected to Hydro’s streetlight poles.

The dates for this year’s offer are Wednesday, December 10, 2004 to Friday, January 7, 2005 and are comprised of the same number of days as last season.

Beyond that period, Hydro offers a special rate of 76.7¢ per kW of connected load for the decorative lighting. The City requires a total of 24 days outside of the free energy period. This converts to a total of \$236.38.

Community Services

**Your Worship:
The Community Services Committee respectfully submits the following report:**

Splash Island Year End
Analysis

Council reviewed the year-end report for Splash Island.

Fundraiser Request –
Big Brothers/Big Sisters

Big Brothers/Big Sisters has come up with a new idea for a fundraiser to assist in their mentoring program. The plan is to place a car body, stripped of all fluids and engine, on frozen Crescent Lake, and sell dates for when the car would sink.

Big Brothers/Big Sisters is requesting Council’s permission to place a car on Crescent Lake for the fundraiser.

Crescent Lake is used significantly during the winter months by snowmobilers, cross country skiers and skaters. Should Council approve this venture, it is suggested that Big Brothers/Big Sisters be required to provide fluorescent signage for the safety of our citizens.

Council requested that Big Brothers/Big Sisters review their request and propose something other than a derelict vehicle be used.

Immigration Committee
– For Information Only

Councillor Brennan advised that the next Immigration Committee Meeting would be held on Wednesday, December 1, 2004 at 7:00 p.m.

Southport Pool

The temperature of the water at Southport Pool was discussed. SACI has indicated they are in the process of increasing the temperature.

DEFERRED BUSINESS:

Mr. Bill Goodberry

On September 27 a letter was received from Mr. Bill Goodberry indicating that on August 27th his sewer had backed up. On October 6th his letter along with a report from the Operations Department was forwarded to the City’s insurance company, HED. Mr. Goodberry was sent a letter on October 6th advising him of this. On October 21st HED’s adjuster, Ken James, sent a letter to Mr. Goodberry indicating that there was no neglect on the City’s behalf and denied the claim.

The manhole at the corner of Lorne and 10th Street NE is relatively shallow and to prevent freezing the City places Styrofoam panels supported on four weighted pails in the manhole. The Styrofoam was not the cause of the sewer blockage in question.

Mr. Goodberry has indicated verbally that the total damage claim is in excess of \$10,000 and his insurance company has paid \$5,000.

In cases where the City's insurance company admits liability, the City pays the first \$2500 deductible and the insurance company pays any costs thereafter. If the City admits liability in this case, due the claim having been denied by the insurance company, the City would have to pay the full \$10,000.

Mr. Goodberry experienced a sewage backup in 1999 also as a result of blockage on the mainline. The insurance company reviewed the claim and determined that the City was not liable and denied the claim.

307/04 Moved by: Councillor Robinson

Seconded by: Councillor Keryluk

RESOLVED that the City compensate Mr. Goodberry for the sewer backup under the following terms:

1. That the City deny any neglect as to the cause of the backup.
2. That the City provide assistance to Mr. Goodberry in the amount of \$3500.
3. That a portion of the money be used for protection, i.e. sewer backup valve.

Carried as amended.

308/04 Moved by: Councillor Quinn

Seconded by: Councillor Porter

RESOLVED that the resolution be amended to provide Mr. Goodberry with assistance up to an amount of \$5,000, of which \$3,500 shall be for clean-up, and up to \$1,500 for sewer backup valves and installation, AND THAT the City investigate the situation to determine why a back up has happened twice in the last five years at that location. Carried.

NEW BUSINESS:

2004 RM of Portage la Prairie – Fire Fighting Agreement

The Fire Fighting Contract is due to expire as of December 31, 2004. It does not appear that a formal agreement will be concluded by this date, and as such, the City may wish to extend the present agreement and terms into 2005 until a new agreement is negotiated or notice served in accordance with Article 12, Section 111 that it wishes to terminate services within six months.

309/04 Moved by: Councillor Wagner

Seconded by: Councillor Brennan

RESOLVED THAT the Council of the City of Portage la Prairie authorize the extension of the current Fire Fighting Agreement with the Rural Municipality of Portage la Prairie until such time as a new agreement is ratified or terminated subject to the terms and condition of the present agreement, and further that any changes in the contract be retroactive to January 1, 2005.

Carried

Canada Manitoba
Infrastructure Program

The recently announced Canada-Manitoba Infrastructure Program will provide \$41 million each from the Provincial, Federal and Municipal Governments, or \$123 million in total. Of this, 80%, or \$98.4 million is to be spent outside Winnipeg, under the Municipal Rural Infrastructure Fund. This equates to an average of \$159 per capita or \$2,063,000 for Portage la Prairie. The City of Portage la Prairie did not receive any funding from the

last pool of federal/provincial infrastructure funding.

Earlier this year, Council identified 8 projects to be submitted to this program for 2/3 funding. They are listed below in order of priority:

Regional Landfill
Island Park/Crescent Lake Walkway, Fountains Project
Portage West Lift Station
Lorne Avenue W Water and Sewer
Saskatchewan Avenue W Upgrading
Cambridge Avenue Paving
Fairboard/Golf Course Road
Arena Dressing/Meeting Rooms

The proposed projects total \$6,000,000, with the City's share being \$1,607,200.

- 310/04 Moved by: Councillor Quinn
Seconded by: Councillor Robinson
THAT applications be submitted to the Canada-Manitoba Infrastructure Program for the following projects and respective project amounts:

	Total Project
Regional Landfill Facility	\$475,000
Island Park/Crescent Lake Walkway/Fountains Project	\$720,000
Portage West Lift Station	\$625,000
Lorne Avenue Water & Sewer	\$150,000
Sask. Ave. W Upgrading	\$3,144,000
Cambridge Ave Paving	\$150,000
Fairboard/Golf Course Road	\$176,000
Arena Dressing/Meeting Rooms	\$560,000
TOTAL	<u>\$6,000,000</u>

Report on Family Skate

Council discussed the proposal by Portage Minor Hockey Association to change the time of Family Skate to better accommodate the hockey tournaments. For the 2004/2005 Season, five tournaments have been scheduled, two of which would be affected by Family Skate times on Sunday.

Since there is a City Council policy in place regarding Family Skate times, and because Portage Minor Hockey Association attended the Arena Users meeting in June 2004 where all users were made aware that groups were to work around the Family Skate times, it is believed it is not necessary to change all Family Skate times since there are only two that affect Portage Minor Hockey Association tournaments.

- 311/04 Moved by: Councillor Porter
Seconded by: Councillor Brennan
RESOLVED THAT the Council of the City of Portage la Prairie moves the Family Skate times to 12:00 – 1:00 p.m. for the Bantam and Pee Wee tournaments and defer the 1:45 p.m. – 2:45 p.m. Family Skate time change to the next Arena Users Meeting in June, 2005.
Carried.

Traffic By-Law
Amendment – By-Law
04-8250 – 2nd & 3rd
Reading

This By-Law received first reading on November 8, 2004.

- 312/04 Moved by: Councillor Keryluk
Seconded by: Councillor Porter
RESOLVED THAT By-Law 04-8250 amending the Traffic By-Law 01-8105, be now read a second time.
Carried.

THAT By-Law 04-8250 be now read a third time, finally passed, signed and sealed.

Carried.

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

ADJOURNMENT:

The meeting adjourned at 7:14 p.m.

Mayor

Manager of Administration