

Minutes of a Meeting of Council held at City Hall in the City of Portage la Prairie on Monday, May 10, 2004 at 6:05 p.m.

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

ABSENT: None

ADOPTION OF MINUTES

101/04 Moved by: Councillor Brennan
Seconded by: Councillor Wagner
RESOLVED THAT the Minutes of the regular meeting of Council held at City Hall on Monday, April 26, 2004 be amended as follows:

- in Resolution 100/04 to show Councillor Quinn as Seconder to the resolution

AND FURTHER THAT the Minutes of April 26, 2004, be approved as amended;
Carried.

HEARINGS:

Application for Variation – Mellco Developments Ltd.

Public Hearing

No one was present to speak on or oppose this issue.

102/04 Moved by: Councillor Brennan
Seconded by: Councillor Wagner
RESOLVED THAT the public hearing regarding the variation request of Mellco Developments be closed.
Carried.

Application for Variation – Mellco Developments Ltd.

The applicants, Robert & Faye Nickart for Mellco Developments Ltd., are applying for a variation order to allow front yards on the listed lots to be reduced from 7.5 m (25 ft) to 6 m (20 ft) to accommodate larger homes on each lot that would allow for rear yard decks. The applicants have indicated that 95% of the houses will have a deck at the back and approximately 5 or 6 houses per year will be constructed. To provide a uniform look on the street, all houses need to be set back the same distance.

The application has been circulated to the various City Departments with the Operations Department indicating concerns that the length of the parking spaces in the front yards should be 7.5 m (25 ft) to avoid having a parked vehicle encroach on the boulevard AND new subdivisions should allow for proper depth of lots so that variations should not be requested on a blanket basis and should be done on an individual lot basis.

A precedent has been set in 1998, 2000 and 2002 allowing for blanket variations and varying anywhere from 18 to 29 lots per variation request.

Public notices have been sent to all property owners within a 100-meter (330 foot) radius.

103/04 Moved by: Councillor Brennan
Seconded by: Councillor Wagner
RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of Mellco Developments Ltd. to vary the front yards from 7.5 m (25 ft) to 6 m (20 ft) to allow for decks to comply with the rear yard requirements on the properties on Cadham Bay which is legally described as Lots 4/16, Block 6 & Lots 24/31 Block 4, Plan 35629, Parish of Portage la Prairie.

DELEGATIONS:	Rescue Award Presentations to Brent MacDonald & Kenneth Klassen by the Fire Commissioners Office (Roger Gillis) on behalf of the Province of Manitoba
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 – 04-8214 – 1 st Reading	This is part of the normal monthly procedure to allow unpaid water and sewer accounts to be added to property taxes.
	104/04 Moved by: Councillor Quinn Seconded by: Councillor Robinson RESOLVED THAT By-Law 04-8214 being a by-law to authorize unpaid water and sewer charges be added to taxes be read a first time. Carried.
Policy CL-AS Strategic Planning/Budget Policy	Council has reviewed the timing of their Strategic Planning system and determined that the flow of their strategic planning program would be enhanced if the planning sessions occurred well before the next year's budget process commences.
	105/04 Moved by: Councillor Quinn Seconded by: Councillor Robinson RESOLVED THAT Council Policy CL-AS, Strategic Planning/Budget Policy, be amended in section 3, d) by deleting the date, "October 15" and replacing it with the date, "May 31". Carried.
City Planning & Economic Development Committee	The City Planning & Economic Development Committee respectfully submits the following report:
Request for Funding – Gathering of the Orange	The Gathering of the Orange event is scheduled to take place at Fort la Reine Museum August 27- 29, 2004. This event, held for the first time in Canada, provides a forum for Allis Chalmers Collectors to show their tractors and vintage farm equipment, as well as view a history of pioneer life on the prairies at our museum.
	This International three-day event normally attracts between 4000-7000 people, and it is expected that over 2000 of these spectators will come from the United States, England and Australia. The organizing committee estimates an economic impact to the community in excess of 1.5 million dollars.
	106/04 Moved by: Councillor Brennan Seconded by: Councillor Wagner RESOLVED THAT the Council of the City of Portage la Prairie provides a total sponsorship grant of \$2000.00, in lieu of a Hosting Assistance Grant that might otherwise be applicable, for the Gathering of the Orange Event. Carried.
Public Safety Committee	The Public Safety Committee respectfully submits the following report:
For Information Only	Councillor Wagner commented on a vehicle accident between the fire rescue truck and an ambulance en route to an accident.

**Waterworks
Committee**

The Waterworks Committee has nothing to report.

**Transportation
Committee**

The Transportation Committee respectfully submits the following report:

**Unsecured Loads at the
Landfill**

The City currently charges a tipping fee of \$25 per tonne of waste received at the landfill, with a minimum charge of \$5.

A number of complaints have been received regarding solid waste that is deposited along the roads or lost from vehicles heading toward the landfill on PR 227.

The City's Landfill Operating permit states that the City must ensure that all loads arriving at the landfill are to be properly secured.

For vehicles within the City, the Traffic Bylaw states that all loads must be properly contained and secured. The transporter is responsible for clean-up costs and any damages due to lost material. An offender is also subject to a fine up to \$1000.

At this time, full discretion will be given to the staff at the landfill to determine whether or not a load is secure and to assess fees accordingly, rather than enforcing strict requirements to have all loads tarped or roped.

The RM will be considering implementing provisions for secured loads on their roads and charging their residents at the landfill.

107/04 Moved by: Councillor Keryluk
Seconded by: Councillor Porter

RESOLVED THAT Council establish the fee for all individuals and companies hauling unsecured loads of solid waste to the Regional Landfill at a flat rate of \$25.00 per unsecured load, to be assessed and charged in the sole discretion of the landfill operating staff, and amend Schedule B, Clause 1a, (ix), of the Fees and Charges Bylaw No. 03-8207 as follows:

Fee for Unsecured Load	\$25.00
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Carried.

**Community Services
Committee**

The Community Services Committee has nothing to report.

**DEFERRED
BUSINESS:**

None.

NEW BUSINESS:

**Peony Farm Sewer
Services**

The City has offered to accept sewage from existing residences only in the Peony Farm. The sewage is to be added to the flow into the pipeline servicing McCain Foods and be processed through the Industrial Pre-Treatment sewage system being operated by McCain Foods.

The RM has requested that the City's offer to provide sewage treatment to Peony Farm be amended to allow new residences constructed on vacant land within the boundaries of the Peony Farm subdivision to be connected.

McCain Foods has agreed to accept sewage from both new and existing residences.

108/04 Moved by: Councillor Robinson
Seconded by: Councillor Keryluk

RESOLVED THAT the original offer to the RM be amended to

accept sewage from new and existing residences from Peony Farm.
Carried.

Lazy River

Council had provided Administration direction with respect to offering Bird Construction with a payment of up to 1/3 of the cost to supply and install 12 high velocity jets in the lazy river feature of Splash Island in order to correct the City's concern that the feature as it exists was not adequate.

Since communicating to Bird after the last Council meeting, Bird has written to the City advising us that they will in essence accept our offer under the following conditions:

- That the change is accepted as an act of goodwill and not an acknowledgement that the original specifications were not met.
- That neither Bird Construction nor Western Recreation will warranty that this proposed solution will meet the needs of the City of Portage la Prairie.
- That the City will unconditionally accept the resulting performance and other risks associated with the proposed changes, and
- That the City will pay their share of costs (\$4083 plus GST) by no later than May 28, 2004 and any permitting costs or other costs that are applicable by the City.

The offer by Bird for the most part is in line with the direction of Council. The real issue, that no one can or wishes to guarantee, is that the proposed solution will meet our needs. This is the risk that the City must consider in this matter.

109/04 Moved by: Councillor Porter
Seconded by: Councillor Brennan

THAT the Council of the City of Portage la Prairie accept the written offer of May 6, 2004 by Bird Construction to rectify the City's concerns related to the operation of the Lazy River feature at Splash Island on the provision that Bird Construction provides the City with all other warranties and remedies associated with the remedial work as proposed by Western Recreation in their written correspondence of April 12, 2004.
Carried.

OLD BUSINESS:

None

ADJOURNMENT:

The meeting adjourned at 6:27 p.m.

Mayor

Manager of Administration