

Minutes of a Meeting of Council held at City Hall in the City of Portage la Prairie on Monday, November 8, 2004 at 6:14 pm.

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

ABSENT: Councillor Brennan

ADOPTION OF MINUTES 258/04 Moved by: Councillor Wagner
Seconded by: Councillor Porter

RESOLVED THAT the Council Minutes of October 25, 2004 as amended and the Special Meeting Minutes of October 29, 2004 be approved as circulated.
Carried.

DELEGATIONS: **Mr. Bill Goodberry – 75-10th Street NE**

Mr. Bill Goodberry, 75-10th Street NE., spoke to Council to complain about a sewer back up in the basement of his residence. He explained to Council that the City's insurance company denied his claim because of the "insertion of inappropriate material". Mr. Goodberry described the material as a two foot square pieces of Styrofoam, pieces of pink insulation, and an electrical cord. He claims this is the responsibility of the City. He estimated his costs at \$10,000 for damages alone.

Council referred this matter to Administration for full details, and requested that a report be returned to Council by no later than the November 29th meeting.

HEARINGS: **Variation Request - Richard & Susan Van Aert**

Public Hearing

259/04 Moved by: Councillor Wagner
Seconded by: Councillor Porter

RESOLVED THAT the public hearing for the Variation request of Richard & Susan Van Aert now be closed.
Carried.

The applicants, Richard and Susan VanAert, are applying for a variation order to allow a residential lot to have a second driveway 12 feet wide on west side of property.

The building is in an R1-Single family dwelling district. The application has been circulated to various City Departments with no concerns being expressed.

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

260/04 Moved by: Councillor Wagner
Seconded by: Councillor Porter

RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of Richard and Susan Van Aert to allow a residential lot to have a second driveway 12 feet wide on west side of property known as 835 Duke Avenue which is legally described as Lot 2, Plan 2378 Parish of Portage la Prairie.
Carried.

Variation Request – Lana & George Moir/Portage Credit Union

Lana & George Moir were present, but did not speak.

- 261/04 Moved by: Councillor Wagner
Seconded by: Councillor Porter
RESOLVED THAT the public hearing for the Variation request of Lana & George Moir/Portage Credit Union now be closed.
Carried.

The applicants, Lana & George Moir, are applying for a variation order to allow:

1. side yard corner lot requirement of 3.6 m to be reduced to 1.524 m (for the south side yard)
2. rear-yard requirement of 7.5 m to be reduced to 3.758 m

This building is in an R1 – Single-family dwelling district. Public notices have been sent to all property owners within a 100-meter radius. No objections have been received.

- 262/04 Moved by: Councillor Wagner
Seconded by: Councillor Porter
RESOLVED That the Council of the City of Portage la Prairie approve the variation request of Lana & George Moir to vary:
1. to allow side yard requirement of 3.6 m to be reduced to 1.524 m (for south side yard)
 2. to allow rear yard requirement of 7.5 m to be reduced to 3.758 m at the property known as 702-3rd Street NW which is legally described as Lots 33/34, Block 6, Plan 343, 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 04-8233 – 1st Reading

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

- 263/04 Moved by: Councillor Quinn
Seconded by: Councillor Robinson
That By-Law 04-8233 being a by-law to authorize unpaid water and sewer charges be added to taxes be read a first time.
Carried.

2005 Fees & Charges By-Law – 04-8242 – 2nd & 3rd Reading

This By-Law received first reading on October 12, 2004. It is now ready to receive 2nd & 3rd Reading.

- 264/04 Moved by: Councillor Quinn
Seconded by: Councillor Robinson
THAT By-Law 04-8242 known as the Fees & Charges By-Law, be now read a second time.
Carried.

THAT By-Law 04-8242 be now read a third time, finally passed, signed and sealed.
Carried.

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

Business License By-
Law Amendment – 1st
Reading

The City of Portage la Prairie Business By-Law requires licensing for businesses not operating from a commercially taxed premise within the city limits.

The City has received applications for licensing of adult entertainment in the form of escort services and lingerie modeling. The current business license by-law does not prohibit this type of business. However, on October 12, 2004 Council requested the amendment of the License By-Law to prohibit adult entertainment businesses.

The license by-law deals only with business operating from a non-commercial premise. In regards to use of property, the Zoning By-Law applies. Any use not specified in this by-law is non-permissible.

265/04 Moved by: Councillor Quinn
Seconded by: Councillor Robinson
RESOLVED THAT BY-Law 04-8423 being a by-law to amend License By-Law 01-8098 be read a first time.
Carried.

Third Quarter Forecast

Council reviewed financial Results for the first nine months of 2004. A year-end surplus in the General Operating Fund of \$94,694 is forecast. A year-end surplus in the Utility Operating Fund of \$98,722 is forecast.

266/04 Moved by: Councillor Quinn
Seconded by: Councillor Robinson
RESOLVED THAT the Financial Statement and Forecast for the nine months ended September 30, 2004 be adopted.
Carried.

Prince Charles School
Property

Council reviewed this report in camera.

**City Planning &
Economic
Development**

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

**Public Safety
Committee**

The Public Safety Committee has nothing to report.

**Waterworks
Committee**

The Waterworks Committee respectfully submits the following report:

Water Services Request
– 51 Pelechaty Drive

Mr. and Mrs. Ron McRorie have requested authorization to install a 38mm (1.5”) water service from International Dr to their residence at 51 Pelechaty Drive, due to poor groundwater quality at their home.

Pelechaty Drive is currently not serviced with water or sewer. The nearest City watermain is a 100mm diameter pipe located along International Drive, with the closest point being at the intersection of Royal Road South, approximately 350 meters distant. Alternatively, there is a 300mm watermain at the east end of Brandon Avenue, approximately 700 meters distant.

It is not economical or practical to install a number of small service lines over long distances along road rights of way as land is developed. A better approach is to develop a looped watermain system to improve water quality on the Island – Brandon Avenue to Pelechaty Dr. to International Dr., and likely, in the future, across Crescent Lake at Royal Rd.

267/04 Moved by: Councillor Robinson
Seconded by: Councillor Keryluk
RESOLVED That the Council of the City of Portage la Prairie deny

the request for the installation of a water service line to 51 Pelechaty Drive along Royal Road South; and

AND FURTHER THAT Administration be directed to begin a local improvement process for the installation of a watermain system along Brandon Avenue, Pelechaty Drive, and Royal Road South.
Carried.

Massey Crescent Local
Improvement – By-Law
04-8245 – 1st Reading

The Massey Crescent Local Improvement project to supply water and sewer services is complete. The actual cost per lot for the local improvement amounted to \$12,882.58, approximately \$1,000 less than originally estimated. Letters were sent out in September notifying the residents of the option to pay in one lump sum by October 15, 2004 or be levied their share on their property tax bill over ten years.

Two of the nine lots are to be debentured and levied on the respective properties. The current debenture rate from the Province of Manitoba is 6.00% for a ten year debenture. The total debenture amount is \$25,765.16.

Community Foundation of Portage la Prairie and District Inc. has approached the City to take on the debenture at the same rate the Province is offering. There is no additional cost, nor change in the approval from the Municipal Board required to process the debenture through the foundation.

First reading of the by-law is required before obtaining approval from the Municipal Board.

268/04 Moved by: Councillor Robinson
Seconded by: Councillor Keryluk

RESOLVED THAT By-Law 04-8245 to amend By-Law 03-8182 to allow for the issuance of \$25,765.16 in debentures be given first reading and referred to the Municipal Board.
Carried.

Transportation Committee

Request for Street Light
– 520-6th Avenue NW

Your Worship: The Transportation Committee respectfully submits the following reports:

A request has been received from Mr. Thurston of 520-6th Avenue to install a streetlight in front of his residence due to numerous thefts and vandalism in the area, particularly in back yards as a result of the dark back lanes. There is one streetlight directly across the street from 520-6th Avenue and another at the corner of 6th Avenue and Fourth St NW that is approximately 55 meters east of the street light across from 520-6th Avenue. By installing a light in front of Mr. Thurston's property the City would have streetlights directly across from one another and would not meet the City's or Hydro's standards of 55 meter separation.

The City has allowed the installation of private lights on Hydro poles, with all costs borne by the homeowner(s), and with the written approval of adjacent residents. This option has been discussed with Mr. Thurston and he has accepted this as a last resort.

The installation for one new 100-watt streetlight is free, and the monthly operating costs are estimated at \$8.20. Manitoba Hydro requires a resolution of Council to allow for the installation of a private light on Hydro pole in the public lane.

269/04 Moved by: Councillor Keryluk
Seconded by: Councillor Wagner

RESOLVED THAT this report be tabled to the next Council meeting on November 29, 2004.
Carried.

Administration was requested to provide Council with further information regarding this matter.

Road Closure – Parade of Lights

The Chamber of Commerce has requested that both directions on Saskatchewan be closed for the Parade of Lights. The lanes in both directions were closed for the 2001, 2002, and 2003 parades.

At the west end, a detour route in both directions will be provided in the westbound lane of Saskatchewan Avenue from 21st to Elm St. As the parade passes 20th St. W, this intersection will be opened. As the parade proceeds, the Avenue will be opened behind the parade. A detour route to the north on 10th St NE will be set up. The route will be along Lorne Avenue, McKay Avenue to 18th St., Gigot Avenue to 21st St., and 21st St. to Saskatchewan Avenue.

The RCMP will control traffic at intersecting streets along the parade route.

270/04 Moved by: Councillor Keryluk
Seconded by: Councillor Porter

RESOLVED That Council authorize the closure of Saskatchewan Avenue in both directions between 21st St West and 9th St East, and in the eastbound direction from Elm St. to 21st St W, for the annual Santa's Parade of Lights, on the evening of Friday, December 3, 2004, beginning at 7:30pm and that staffing and policing be provided as required to control traffic and set up Detour Routes.
Carried.

Closure of Streets in Island Park – Island of Lights

This year we are proposing to close International Drive for the following dates and times to the residents and the public as part of Year 6 of the Island of Lights and to provide greater security to the display pieces:

November 8, 2004 to November 17, 2004	10:00 p.m. to 6:00 a.m. daily
November 18, 2004 to January 20, 2005	5:30 p.m. to 6:00 a.m. daily

The residential access will be from Royal Road South, Pelechaty Drive, to Brandon Ave, and Massey Crescent.

A letter to all Island Park residents will be sent notifying them of the closure once approved by Council.

271/04 Moved by: Councillor Keryluk
Seconded by: Councillor Porter

That Council advise the Island Park residents that the route for access to their properties will be Royal Road South, Pelechaty Drive, to Brandon Ave, and Massey Crescent for the following dates and times:

November 8, 2004 to November 17, 2004	10:00 p.m. to 6:00 a.m. daily
November 18, 2004 to January 20, 2005	5:30 p.m. to 6:00 a.m. daily

That International Drive, George Hill Drive and Brandon Avenue east from George Hill Drive to International Drive are hereby closed for the following Dates and times:

November 8, 2004 to November 17, 2004	10:00 p.m. to 6:00 a.m. daily
November 18, 2004 to January 20, 2005	5:30 p.m. to 6:00 a.m. daily

Carried.

Request for Meeting

The Mayor requested a meeting with the Transportation Committee to discuss Saskatchewan Avenue conditions.

Community Services

Your Worship:

The Community Services Committee respectfully submits the following reports:

PDAC/PCCI

Council reviewed this report in camera.

**DEFERRED
BUSINESS:**

None

NEW BUSINESS:

Sale of Commercial
Land to Rule Homes
Ltd.

Council reviewed this report in camera.

272/04 Moved by: Councillor Quinn
Seconded by: Councillor Robinson

RESOLVED THAT the Council of the City of Portage la Prairie accept the October 27, 2004 written counter offer of Rule Homes Ltd., in addition to other conditions previously accepted by both parties, identifying that the maximum frontage costs for all areas related to road paving and construction of Park Drive and Jolin Place Road, be no more than \$300/meter for the property legally described as Lot 16, Block 5, Plan 1810 for the purpose of constructing condominiums.
Carried.

Development Plan
Amendment – By-Law
04-8246 – Applicant,
Charly M. Rule of Rule
Homes Ltd.

Charly Rule of Rule Homes Ltd. has applied to amend the City of Portage la Prairie Development Plan to redesignate lots as shown on By-Law 04-8246. The amendment will change the designation of Lot 16, Block 5, Plan 1810, Parish of Portage la Prairie from ‘C’ Commercial to ‘R’ Residential.

273/04 Moved by: Councillor Wagner
Seconded by: Councillor Porter

RESOLVED That the Council of the City of Portage la Prairie give By-Law No. 04-8246 First Reading.
Carried.

Rezoning Application –
Applicant – Charly Rule
of Rule Homes Ltd. By-
Law 04-8247

The property in question, Lot 16, Block 5, Plan 1810, Parish of Portage la Prairie, is presently zoned C3 – Highway Commercial. The applicants, Rule Homes Ltd., wish to rezone this property to R3 – Multiple Family Dwelling district.

274//04 Moved by: Councillor Wagner
Seconded by: Councillor Porter

RESOLVED That the Council of the City of Portage la Prairie give By-Law No. 04-8247 First Reading.
Carried.

Sale of Land to 3346200
Manitoba Ltd.

Council reviewed this report in camera.

275/04 Moved by: Councillor Quinn
Seconded by: Councillor Robinson

RESOLVED THAT the City of Portage la Prairie sell Lot 9, Block 5, Plan 1810 and that portion of Park Drive to 3346200 Manitoba Ltd. And include this as part of the City/3346200 Manitoba Ltd. (Purchaser) agreement approved by Council resolution 42/04 and 44/04 and accepted by the Purchaser.
Carried.

Traffic By-Law
Amendment – By-Law
04-8250 – 1st Reading

Section 55(b) of the Traffic By-Law lists the reasons to tow vehicles. Subsection (vi) of this section indicates that a vehicle parked in an area designated as “No Stopping Anytime” may be towed as a contravention to the Traffic By-Law. The Traffic By-Law does not include a schedule

listing “No Stopping Anytime” areas. There is, however, an extensive list (Schedule D) of all the areas within City Limits that are signed as “No Parking” areas, but there is no provision to tow vehicles from these areas. The reference in section 55(b)(vi) should be changed from “No Stopping Anytime” to “No Parking” areas.

There is also no provision in the by-law to tow currently unregistered vehicles parked on City streets or in off-street parking areas, or to tow vehicles parked on a boulevard. It is suggested that these reasons to tow be added to the by-law.

276/04 Moved by: Councillor Keryluk
Seconded by: Councillor Porter

RESOLVED THAT By-Law No. 04-8250 being a by-law to amend Section 55(b) of Traffic By-Law 01-8105 regarding the reasons to tow vehicles be now introduced and read a first time.
Carried.

OLD BUSINESS:

None

ADJOURNMENT:

The meeting adjourned at 7:00 p.m.

Mayor

Manager of Administration