

Minutes of a Meeting of Council held at City Hall in the City of Portage la Prairie on Monday, October 25, 2004 at 6:04 pm.

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

ABSENT: None

ADOPTION OF MINUTES 239/04 Moved by: Councillor Quinn
Seconded by: Councillor Wagner
RESOLVED THAT the Council Minutes of October 12, 2004 be approved as circulated.
Carried.

DELEGATIONS: **Karl Gerrand & David Greenberg – Beautification Committee**

Mr. Gerrand & Mr. Greenberg appeared before Council on behalf of the Beautification Committee. They outlined the accomplishments that they made over the past year as well as outlined various upcoming projects. They thanked Dale Lyle for sitting on the committee and Dave Green and his staff for all their hard work. The Beautification Committee also submitted their request for \$80,000. The Mayor thanked Mr. Gerrand & Mr. Greenberg for their continued efforts in beautifying Portage la Prairie.

Ms. Rhonda Timony

Ms. Timony appeared before Council to request they consider her application for an Escort Service and Lingerie modeling business.

Ms. Wendy Peters

Ms. Peters appeared before Council in support of Ms. Timony's business license application. She communicated her concern to Council regarding the right of Council to legislate morality and the fairness of denying her request when other establishments have this type of business already operating within the City of Portage la Prairie.

Mr. Brian Ross

Mr. Ross appeared before Council on behalf of Brian's Taxi. He requested clarification on the issue of Taxi Cabs receiving parking tickets while parked at meters. Council outlined that the By-Law allows people to load and unload at parking meters but doesn't allow vehicles to just sit at the meter.

HEARINGS: **Zoning By-Law Amendment – Re: Moffit – By-Law 04-8216 – 2nd 3rd reading**

Public Hearing

Ms. Deanna Young appeared before Council requesting clarification on the rezoning application. She was advised that the rezoning would not affect the apartment block she resides in. Two letters of objection were received from Elizabeth Barrault & Edward McLaughlan and Steve & Linda Sigurdson.

240/04 Moved by: Councillor Brennan
Seconded by: Councillor Wagner
RESOLVED THAT the public hearing By-Law 04-8216 now be closed.
Carried.

The applicant, City of Portage la Prairie, has applied to amend the City of Portage la Prairie Zoning By-Law No. 7680, to rezone property located at

90 – 4th Street S.E., from R1 – Single Family Residential District to C2 – Commercial District. This property was originally C1 and was changed to R1 when the new zoning by-law of 1994 was approved.

The application has also been advertised in the Daily Graphic for two consecutive weeks as well as public notices have been sent to all owners of property within a 100 meter radius of the proposed development as per Section 42(2), (3) and (4) of the Planning Act.

It is Council's intent to waive the rezoning fee as this property was inadvertently rezoned without the owner's knowledge.

First Reading of this By-Law was given on **September 27, 2004** to commence the process as defined in the Planning Act in considering this application.

241/04 Moved by: Councillor Brennan

Seconded by: Councillor Wagner

RESOLVED THAT By-Law No. 04-8216 to rezone the land legally described as: lots 6/7, Block 3, Plan 21428, Parish of Portage la Prairie from R1 – Single Family Residential District to C2 – Commercial District be read a second time,
Carried.

AND FURTHER THAT the rezoning fee be waived.
Carried.

THAT By-Law No. 04-8216 be read a third time, finally passed, signed and sealed.

Carried.

In Favour: Councillor Brennan, Keryluk, Quinn, Porter, Wagner, Robinson 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 04-8232 – 2nd & 3rd Reading

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

242/04 Moved by: Councillor Quinn

Seconded by: Councillor Robinson

RESOLVED THAT By-Law 04-8232 being a by-law to authorize unpaid water and sewer charges be added to taxes be read a second time.
Carried.

THAT By-Law 04-8232 be read a third time, finally passed signed and sealed.

Carried.

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

2005 Fees & Charges By-Law – 04-8232 – 1st Reading

The Fees & Charges By-Law pulls together all the fees collected by the various departments within the City, and is updated annually to reflect any changes. This new by-law is scheduled to become effective on January 1, 2005.

For clarification, in this by-law, the clause, "GST Not Applicable Unless Otherwise Noted", has been added to each schedule.

Some of the more significant proposed changes to the 2005 Fees and Charges By-Law include:

1. **Public Safety – Schedule A**

Last year, Council directed that pet licenses would elicit no charge if purchased between January 1st and March 31st of 2004. This condition has been maintained this year without indicating any specific year, making it an annual occurrence.

2. **Operations – Schedule B**

a) **Solid Waste:**

- a. the deposit fee for each additional recycling box over the first one has been increased from \$5 to \$10.
- b. NEW – per dwelling collection service fees for solid waste (\$64 annually, billed quarterly), and recycling (\$21 annually, billed quarterly), in accordance with Council's wishes, has been added.

b) **Equipment Rental Rates:** these rates were increased overall by 2%. This year, however, “double time hourly labour rates” and “double time 20% overhead on hourly labour rates” are shown in the schedule as well as the regular hourly rates.

3. **Economic and Community Development – Schedule C**

Under Community Development, generally, a 2.7% inflationary increase is proposed for all fees and charges, unless otherwise noted.

Administration was requested to obtain information on arena rates in other cities and towns.

243/04 Moved by: Councillor Quinn

Seconded by: Councillor Robinson

RESOLVED THAT Council of the City of Portage la Prairie approve the Fees and Charges schedules for the year 2005 by giving By-Law No. 04-8242 first reading.

Carried.

Moved by: Councillor Keryluk

Seconded by: Councillor Robinson

RESOLVED THAT the Recycling Bin Fee remains at \$5.00 as opposed to being raised to \$10.00.

Defeated.

Penalty Cancellation
Request

Hi-Tec Industries have submitted a written request to cancel tax penalties for the years 2003 and 2004.

In 2003 there was a delay in payment of taxes due to the change in ownership. Late payments are the responsibility of the property owners to sort out. The amount of penalty related to 2003 taxes is \$3,181.69.

In 2004 payment was received after the tax payment deadline. The tax bill, newsletter and notices in the paper all indicated July 30, 2004 as the payment deadline. The amount of penalty related to 2004 taxes is currently \$654.80.

In total, the tax penalty related to 2003 and 2004 is \$3,836.49. Council has the discretion to cancel taxes and/or penalties. However, the City has never granted penalty cancellations on taxes in the past and granting this request may set a precedent as there are several verbal requests made each year.

Council debated the issue of canceling penalties and the impact it might have on future business as well as future penalty cancellation requests.

244/04 Moved by: Councillor Quinn
Seconded by: Councillor Robinson
RESOLVED THAT Council deny the request from Hi-Tec Industries for penalty cancellations for 2003 and 2004 taxes.
Carried.

Moved by: Councillor Brennan
Seconded by: Councillor Porter
RESOLVED THAT the Council of the City of Portage la Prairie refund the penalty charge of \$3,836.49 to Hi-Tech Industries and uphold the 2004 tax penalty of \$654.80.
Defeated

Business License By-Law Amendment – For Information Only

The City of Portage la Prairie's Business License By-Law requires licensing for businesses not operating from a commercially taxed premise within 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 but Council may wish to either restrict this type of business, or place conditions in the business by-law for this.

Council requested that the Business License By-Law be amended to prohibit adult entertainment business.

2004 Taxes Added/Deletions

The assessors have provided a list of additions and deletions to the assessment roll dated October 1, 2004. Council may cancel any taxes, debt or monies owing to the City.

The additional tax revenue budgeted for 2004 was \$76,000 based on building permits issued in 2003.

Since the Committee meeting, an additional tax report of \$228.96 and cancellation request of \$321.34 arrived from Assessment.

The actual amount in additional tax revenue is approximately \$68,100, which is \$7,900 less than the budget amount. Residential development and upgrades make up the largest share of the added tax revenue (\$54,000).

245/04 Moved by: Councillor Quinn
Seconded by: Councillor Robinson
RESOLVED That pursuant to Section 326 of the Municipal Act, the Council of the City of Portage la Prairie authorize the 2004 reported additions and deletions to the assessment rolls and realty taxes of the City of Portage la Prairie amounting to \$68,138.90 and \$4,174.92 respectively.
Carried.

Monthly Activity Reports

Council reviewed the monthly activity reports.

Lions Park Housing Development Update

Council reviewed this report in-camera.

McCain Foods Low Rate Anaerobic Reactor LRAR

Council reviewed a report on this issue in camera.

Current Project Lists

Council reviewed the Current Project Lists in camera.

**City Planning &
Economic
Development**

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

Skills Link Quarterly
Update – For
Information Only

Council reviewed the quarterly update for the Skills Link Program.

Monthly Activity
Reports

Council reviewed the monthly activity reports.

**Public Safety
Committee**

The Public Safety Committee respectfully submits the following reports.

Monthly Activity
Reports

Council reviewed the monthly activity reports.

**Waterworks
Committee**

The Waterworks Committee respectfully submits the following report:

Monthly Activity
Reports

Council reviewed the monthly activity reports.

**Transportation
Committee**

The Transportation Committee respectfully submits the following report:

Temporary Closing of
Lane – Shaw Cable

Shaw Cable intends to broadcast the annual Lion's television auction on Saturday, November 6, 2004. They have requested to set up their broadcast equipment in the rear lane behind their facility, which will require temporarily closing the lane. They intend to set up beginning Saturday November 6, at 8:00am and tear down after the broadcast. The lane will be closed until approximately 3:00am on Sunday, November 7.

246/04 Moved by: Councillor Keryluk
Seconded by: Councillor Porter

RESOLVED That Shaw Cable be permitted to close the rear lane between 1st St. SW and 2nd St. SW and set up their broadcast equipment in the lane beginning 8:00am, November 6, 2004 until 3:00am Sunday, November 7, 2004 subject to the following conditions:

- 1) that the lane be appropriately barricaded and signed at the north and south accesses to the lane;
- 2) that adjacent property owners be notified;
- 3) that emergency services be notified; and
- 4) that adjacent property owners have access to their rear yards, as required.

Carried.

Request for Loading
Zone – 4th Street SE

Hartford Court Apartments has requested a "Loading Zone" for the Handivan at the Hartford Court apartment blocks at #42 on the east side of 4th St SE. There is a concrete slab approximately 3m wide on the boulevard between the sidewalk and curb at this location.

The Traffic Bylaw allows for the creation of loading zones for people and goods.

Typically, these restricted parking zones are not policed, and enforcement would be on a complaint basis only.

247/04 Moved by: Councillor Keryluk
Seconded by: Councillor Porter

RESOLVED That Council authorize the creation of a loading zone, 7.5 meters in length, at #42 4th St SE, at the Hartford Court Apartments, and amend the Traffic Bylaw Traffic Sign Directory accordingly.

Carried.

Adjustment of Tipping
Fees

Council discussed this report in camera. McCain Foods is administering a project to remove excess biosolids from the City's secondary treatment system and haul them to the landfill site.

248/04 Moved by: Councillor Keryluk
Seconded by: Councillor Porter

RESOLVED THAT Council set the tipping fee rate for McCain Foods Ltd. disposal of wastewater treatment residual solids in the active area of the Regional Landfill for the project occurring in the Fall of 2004 at \$17 per tonne.
Carried.

Monthly Activity
Reports

Council reviewed the monthly activity reports.

Community Services

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

Monthly Activity
Reports

Council reviewed the monthly activity reports.

None

**DEFERRED
BUSINESS:**

NEW BUSINESS:

Award of Tender –
Dufferin Avenue Rear
Lane Sewer & Water
Renewal Contract

The tender was advertised in The Daily Graphic and on the City's web page. The tender opening was Tuesday, October 12, 2004. Only one bid was received.

The wastewater sewermain has had several blockages due to deteriorated pipe and poor slope. Basements in the area have been flooded with sewage on several occasions. The watermain has also had several breaks resulting in a reduced level of service for the residents. The new watermain will be looped to provide a better quality of water and service. Existing fire protection in the area is less than the standard established for the City of Portage la Prairie. Two new hydrants will be included in this project, one near Crescent Road and one on Dufferin Avenue near Prince Charles School.

The City's net cost with the GST rebate is approximately \$107,775.45. This is the second project in this year's water and sewer renewal program. There is adequate budget to complete this work.

249/04 Moved by: Councillor Robinson
Seconded by: Councillor Keryluk

That the Council of the City of Portage la Prairie award contract for the construction of the Dufferin Avenue Rear Lane Sewer & Water Renewal, as specified in tender 04 OPS 018, to Towle Construction Ltd. for the tendered price of \$115,319.73, including taxes.

Letter of Thanks

Mayor MacKenzie read a letter of thanks from a couple from Winnipeg who were recently involved in a car accident. They expressed their sincere thanks to the residents of Portage la Prairie for the kind treatment they received.

OLD BUSINESS:

None

ADJOURNMENT:

The meeting adjourned at 7:17 p.m.

Mayor

Manager of Administration