

Minutes of a Meeting of Council held in the Council Chambers of the City of Portage la Prairie on Monday, April 11, 2005 at 6:00 p.m.

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

ABSENT:

ADOPTION OF MINUTES 83/05 Moved by: Councillor Quinn
Seconded by: Councillor Wagner
RESOLVED THAT the Council Minutes of the March 28, 2005 Council Meeting be approved as circulated.
Carried.

DELEGATIONS: Mr. Rory Timmers, Market President – Farmer’s Market

Mr. Timmers advised that the Farmers Market would like to move to downtown Portage la Prairie. Cheryl Vanstone addressed Council concerning the benefits of moving the Farmers Market downtown. Council advised they will review this matter and respond back to the Famer’s Market Group.

HEARINGS:

Variation – Mr. Lionel Switzer No one appeared in support or to object to the variation application of Mr. Lionel Switzer..

84/05 Moved by: Councillor Brennan
Seconded by: Councillor Wagner
RESOLVED THAT the public hearing for the variation request of Mr. Lionel Switzer now be closed.
Carried.

The applicant, **Lionel Switzer**, is applying for a variation order to allow
1) rear yard on a through street be reduced from the required 7.5 m to .61 m
2) north side yard on the street side of a corner site to be reduced from the required 3.6 m to 2.76 m

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

The application has been circulated to the various City Departments with no concerns being expressed.

A site visit was conducted to compare surrounding properties in a similar situation. In the two blocks immediately north of the property in question, there are seventeen family residences. Of the seventeen residences, thirteen have a rear yard that is less than what is required by the City of Portage la Prairie Zoning By-law 7680. These thirteen residences vary from being as close as 0m from the property line to approximately 3.65m. Public notices have been sent to all property owners within a 100 meter radius.

85/05 Moved by: Councillor Brennan
Seconded by: Councillor Wagner
RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of **Lionel Switzer** to vary the
1) rear yard on a through street to be reduced from the required 7.5 m to .61 m
2)side yard on the street side of a corner site to be reduced from the required 3.6 m to 2.76 m at the property known as **25 10th St. N.W.** which is legally described as Lot 121, Plan 13, Parish of Portage la Prairie.
Carried.

CORRESPONDENCE The correspondence for this period was reviewed.

COMMITTEES:

Finance, Legislative & Property Committee:

Unpaid Water, Sewer and Solid Waste to Taxes – By-Law 05-8257 – 1st Reading

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

This is part of the normal monthly procedure to allow unpaid water, sewer and solid waste accounts to be added to taxes be read a first time.

86/05 Moved by: Councillor Quinn
Seconded by: Councillor Robinson
RESOLVED THAT By-Law 05-8257 being a by-law to authorize unpaid water, sewer and solid waste charges be added to taxes, be read a first time.
Carried.

Tax Levy By-Law – By-Law 05-8269 – 2nd & 3rd Reading

This By-Law received first reading on March 14, 2005. It is now ready to receive 2nd & 3rd Reading.

Update: The school levies were received after first reading. The resolution below amends the by-law and financial plan to incorporate these levies. A chart detailing the impact from 2004 to 2005 property taxes was attached to the report.

87/05 Moved by: Councillor Quinn
Seconded by: Councillor Robinson
RESOLVED THAT By-Law No. 05-8269, being a by-law of the City of Portage la Prairie to authorize the levying and raising of property taxes for school and municipal purposes for the year ended December 31, 2005 be given second reading with the following amendment:

Clause 2. a) replace “mills” with “2.43 mills”.
b) replace “mills” with “16.50 mills”.
c) Replace “0.000 mills” with “20.975 mills”.

Clause 9 Replace “a rate of 30.956 mills on the dollar upon the assessed value of residential property” with “a rate of 54.361 mills on the dollar upon the assessed value of residential property”

Clause 9 Replace “a rate of 30.956 mills on the dollar on other and personal property” with “68.431 mills on the dollar on other property and 66.419 mills on the dollar on personal property”

The Financial Plan attached to the By-Law as Schedule A to be amended to reflect the 2005 School Division and Education Support Levies.
Carried.

That By-Law No. 05-8269 be given third and final reading, finally passed, signed and sealed.
Carried.

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

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 report.

Emergency Mutual Memorandum of Understanding – RM of Macdonald

The RM of Macdonald have requested the City of Portage la Prairie enter into a Peacetime Emergency Mutual Aid Agreement. These agreements support each other when affected or threatened by peacetime emergencies and provide assistance when required.

It is also proposed that any cost incurred in connection with the mobilization, movement and deployment of Mutual Aid resources will be borne by the Municipality receiving the Aid.

88/05 Moved by: Councillor Wagner
Seconded by: Councillor Porter

RESOLVED THAT the City of Portage la Prairie enter into a Peacetime Emergency Mutual Aid Memorandum of Understanding with the RM of Macdonald and further that the Mayor and Manager of Administration be authorized to sign said Memorandum of Understanding.
Carried.

Waterworks Committee

Award of Tender – 19th
Street SW Wastewater
Sewer Renewal Contract

The Waterworks Committee respectfully submits the following reports:

The tender was advertised in The Daily Graphic and on the City's web page. The tender opening was Tuesday, March 15, 2005, with one bid received.

The wastewater sewermain has had several blockages and repairs due to deteriorated concrete pipe.

The City's net cost with the GST rebate is approximately \$92,109.50, and is well under the budget estimate of \$135,000

89/05 Moved by: Councillor Robinson
Seconded by: Councillor Keryluk

RESOLVED THAT the Council of the City of Portage la Prairie award the tender of 05 OPS 005 to Towle Construction Ltd. for the tendered price of \$98,557.17, including taxes.
Carried.

Transportation Committee

Portage Clinic Request
for Loading Zone

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

Portage Clinic has requested a "5 minute Loading Zone" at their satellite office on Royal Road N.

There are parking meters currently located in front of the Clinic. Removal of the most northerly parking meter in front of the Clinic would be the most appropriate if Council approves the request.

The Traffic By-Law allows for the creation of loading zones for people and goods. Alternatively a time restricted parking zone could be established. Loading zones typically do not have time restrictions associated with them.

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

90/05 Moved by: Councillor Keryluk
Seconded by: Councillor Porter

RESOLVED That Council authorize the removal of the most northerly metered parking space and approve the creation of a loading zone, 7.5 meters in length, in that location, at 59 Royal Road N., and amend the Traffic Bylaw Traffic Sign Directory accordingly.
Carried.

Solid Waste Fees – Mr.
Bill Protopapas

Mr. Bill Protopapas owns and lives in his suite above his restaurant "Bill's Sticky Fingers".

Residential dwelling units now are charged a fee on their utility bill for solid

waste collection and recyclables collection. The Solid Waste By-Law provides this with no option to residents.

Mr. Protopapas is disputing the fee since he has a commercial bin for his restaurant that he uses for all his refuse.

If Council honours Mr. Protopapas' request to exempt him from the residential solid waste fees the solid waste by-law would require revision. If this occurs, a precedent may be set for other commercial and suite owners. As well apartments may also try to use this case for having their solid waste services discontinued.

Council requested information on property owners with commercial properties who live overtop of the business.

Councillor Keryluk requested that Administration prepare a by-law to exempt owner occupied suites in commercial premises to be exempt from paying solid waste fees if the residential garbage is being picked up with their commercial garbage.

Garbage Warning

Councillor Keryluk indicated that some individuals have been going through garbage. City residents are encouraged to shred any personal documents.

Community Services

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

Award of Tender –
Floating Fountain

On March 16, 2005, at 2:00 p.m., tenders were opened for the Supply of a 25 H.P floating fountain as listed in 05 OPS 003. The tender was advertised in the Daily Graphic on February 4 and 18 and March 11th 2005.

There was 1 tender package given out and one tender turned in on March 16, 2005.

The tender from Ful FLOW Industries Ltd. Includes the supply and installation of the fountain in Crescent Lake.

The City is responsible to install 3-phase electric power to the bank of Crescent Lake at an estimated cost of \$5,000.

The Portage Rotary Club has agreed to fund up to \$40,000 of the project.

At the time of the original cost estimates, the Rotary Club and the City had no information from the supplier that the installation process was so complicated and costly.

The net cost to the City is \$46,331 (net of GST) plus \$5,000.00 for the 3 phase power supply, for a short fall of \$11,331.00. The shortfall would have to be made up by the City as the Rotary Club has agreed to a maximum of \$40,000.

The tender for the supply of a tractor came in approximately \$16,700 under budget, and this surplus could be applied toward the fountain.

The Rotary Club desires to have the fountain installed prior to the Canada Day celebrations.

91/05

Moved by: Councillor Porter

Seconded by: Councillor Brennan

RESOLVED THAT Tender 05 OPS 003 for the Supply and installation of a 25 HP floating Fountain be awarded to FUL FLOW Industries Ltd for the sum of \$ 49,362.00 including all applicable taxes; and

AND FURTHER THAT the Mayor and Manager of Administration be authorized to sign an agreement with Portage la Prairie Rotary Club with respect to the Portage Rotary club contributing \$40,000 towards the cost of the floating fountain as attached.
Carried.

**DEFERRED
BUSINESS:**

Pawnbroker's By-Law

At the March 14th meeting Council deferred 1st reading of the proposed Pawnbroker By-law and requested that Administration provide further information concerning identification, retention of goods and by-law enforcement officer.

The Portage la Prairie RCMP detachment has recommended that if Council wishes to pursue fingerprint identification, as opposed to the proposed picture identification, that the City should obtain a legal opinion.

The detachment has further recommended changing the retention of goods to 30 days, as opposed to the proposed 15 days. They have also recommended that a by-law enforcement officer should not be included as part of the enforcement provisions of the Pawnbroker By-law.

92/05 Moved by: Councillor Wagner
Seconded by: Councillor Brennan

RESOLVED THAT Clause No. 5 (d) (i) of ByLaw No. 05-8268 be amended from "fifteen days" to "thirty days" and be given first reading.
Carried.

93/05 Moved by: Councillor Keryluk
Seconded by: Councillor Porter

RESOLVED THAT Clause (iv) of By-Law 05-8268 be amended to add a requirement for fingerprints and add a requirement to keep the record books and information for two years.
Carried.

Councillor Quinn left the meeting at 7:10 p.m.

NEW BUSINESS:

Extension of Contract
for Biosolids Land
Application

McCain Foods store digested and thickened anaerobically digested sludge from the secondary treatment system in the Bulk Volume Fermenter, along with sludge created by the pre-treatment of industrial waste from McCain and Parrheim. These stores biosolids are typically removed each Fall. In the past, we have experienced solids excursions from the Industrial pre-treatment system that McCain think may be caused by the inability of their system to store an entire year sludge for land application in the fall. In an effort to prevent these solids excursions, McCain Foods have asked the City to organize a spring land application program.

Since the window for land application of biosolids in the Spring is very narrow, and equipment must be able to get on the land as early as possible, there is no time to prepare, issue, and award a tender this spring. Assiniboine Injections have indicated that they are willing to perform this work at the 2003-tendered price of \$341.00 per dry tonne (GST included). Assiniboine have further committed to arrange for land for this program rent-free. Administration is preparing a tender for the Fall application of biosolids.

94/05 Moved by: Councillor Robinson
Seconded by: Councillor Keryluk

RESOLVED THAT the City of Portage la Prairie extend the 2003 contract with Assiniboine Injections for the Land Application of Biosolids in the spring of 2005.
Carried.

Portage la Prairie
International Committee
– Appointment of
Members

Mr. Quinn has expressed an interest to be part of the PIC and at this time the only available opening is in the area of at large appointments.

Mr. Quinn has first hand knowledge of immigration and the obstacles that immigrants face, as he himself was once a newcomer to Canada. This knowledge and experience would be an asset to the PIC in addition to his enthusiasm and belief in the benefits of attracting immigrants to our community.

In the current terms of reference the Mayor is identified as ex-officio but desires to be a full-fledged committee member. Since this is the City's #1 initiative for the 2004-2006 strategic plan it would be appropriate for the Mayor to take on a leadership role in this committee.

95/05 Moved by: Councillor Brennan
Seconded by: Councillor Porter

RESOLVED THAT the Council of the City of Portage la Prairie approves: Mr. Dave Quinn as a member at large and Mayor Ian MacKenzie as a regular member of the Portage la Prairie International Committee effective immediately.
Carried.

OLD BUSINESS:

None

ADJOURNMENT

The meeting adjourned at 7:14 p.m.

Mayor

Manager of Administration