

Minutes of a Meeting of Council held in the Council Chambers of the City of Portage la Prairie on Monday, July 25, 2005 at 6:07 p.m.

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

**ABSENT:** None

**ADOPTION OF MINUTES** 185/05 Moved by: Councillor Quinn  
Seconded by: Councillor Robinson  
RESOLVED THAT the Council Minutes of the July 11, 2005 Regular Meeting of Council be approved as circulated.  
Carried.

**DELEGATIONS:** Dick Laframboise from Tricky's expressed his concern about the 30 day Pawnbroker By-Law hold on items in the Pawnbroker By-Law.

Calvin Turko from Nitro Innovations also expressed a concern with regard to the 30 day hold on items in the Pawnbroker By-Law. Both felt that this clause would adversely affect their businesses.

**HEARINGS:** Variation: Mellco  
Developments re: 123  
10<sup>th</sup> St. N.E. No one appeared in support of or in opposition to this variation.

186/05 Moved by: Councillor Brennan  
Seconded by: Councillor Wagner  
RESOLVED THAT the public hearing for the variation request of Mellco Developments now be closed.  
Carried.

The applicant, Mellco Developments Ltd., is applying for a variation order to allow a use of land and building that is not listed as permitted or conditional, to be a permitted use because it is readily identifiable as being similar to the permitted or conditional uses allowed.

The applicant initially wanted to use the property in question for a Workshop (for construction and building trades), however they have been using the property for warehousing and repairing of vehicles. Warehousing Facilities (including fuel sales, storage of non-explosive, non-flammable, non-toxic goods) is a permitted use. If vehicles do not contain batteries and have no fuel in them, they could possibly fit into this description.

This application is similar to permitted uses in this zone i.e. Aircraft (manufacture, maintenance and repair), Trucking Terminals, Transportation and Workshops (for construction and building trades). All of these permitted uses allow maintenance and repair to be performed on aircraft, highway tractors and construction equipment.

This building is in an M1 – Light Industrial Zoning District.

The application has been circulated to the various City Departments with concerns being expressed regarding this being a permitted use. "The City has in the past taken the view that a particular proposed use of a property has to be listed as a permitted or conditional use in the Zoning By-law to be allowed. Approving this application will set a precedent in allowing permitted and conditional uses in the Zoning By-law to be stretched into similar types of uses."

Types of variation orders, as per The Planning Act 55 (3) (i): by permitting a proposed use of land, building or structure that is not listed as a permitted or conditional use in that zone, if in the opinion of council, it is readily identifiable as being similar to the uses of land, buildings or structures defined in general terms in the by-law for the particular zone.

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

Committee requested that this matter be referred to the Planning District to review the implications of establishing a precedent of using section 55(3)(i) of The Planning Act.

The Planning District has advised as follows:  
Past practice by the City of Portage la Prairie has not allowed similar uses. The uses must be specified in the Zoning By-law. Therefore, the Planning District recommends that Council deny the variation request of Mellco Developments Ltd. to vary the use of land and building.

187/05

Moved by: Councillor Brennan  
Seconded by: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie deny the variation request of Mellco Developments Ltd. to vary the use of land and building, that is not listed as permitted or conditional, at the property known as 123 10 St. N.E. which is legally described as Lots 18, 19, 22 & 23, Block 18, Plan 32, 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 & Solid Waste to Taxes – By-Law 05-8260 – 2<sup>nd</sup> & 3rd Reading

This is part of the monthly procedure to allow unpaid water, sewer and solid waste accounts to be added to property taxes.

188/05

Moved by: Councillor Quinn  
Seconded by: Councillor Robinson

RESOLVED THAT By-Law 05-8260 being a by-law to authorize unpaid water, sewer and solid waste charges be added to taxes, be read a second time.  
Carried.

RESOLVED THAT By-Law 05-8260 be now read a third time, finally passed, signed and sealed.

Carried.

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

Monthly Activity Reports – For Information Only

Council reviewed the activity reports for June 2005.

### **City Planning & Economic Development**

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

Request for Funding – Coors Light Silver Summer Throwdown

The 3rd annual Coors Light Silver Summer Throwdown is set to take place August 12-14, 2005 in Island Park. This event showcases virtually all of the top wake boarders from central Canada & the Prairie's. In addition to the wakeboarding, Throwdown will also encompass skateboarding demos, an arm wrestling competition, a riders village, silver slam after party at the Canad Inn and new this year the Suzuki FMX Team.

In 2003, Throwdown applied for and received a hosting assistance grant in the amount of \$415.00 and in 2004 they received a grant of \$1500, which they then gave \$500 back to the City.

- 189/05 Moved by Councillor Brennan  
Seconded by Councillor Wagner  
RESOLVED THAT the Council of the City of Portage la Prairie approve a Gold Sponsorship of \$1,000 for the 2005 Coors Light Silver Summer Throwdown.  
Carried.

Monthly Activity Reports – For Information Only

Council reviewed the activity reports for June 2005.

**Public Safety Committee**

**The Public Safety Committee respectfully submits the following report:**

Fire Agreement with RM of Portage la Prairie

The City and RM of Portage la Prairie have agreed to a 10 year fire services agreement effective January 1, 2005 with the following provisions:

- the RM pays a percentage of adjusted actual fire department costs based on the percentage of calls in any given year in the RM;
- fire department costs are adjusted to delete full time staff salaries and the part-time staff salaries are multiplied by 1 ½ times to allow the RM to pay their percentage of costs as if the City had a part-time fire department, in addition internal charges for fire hydrants are also deleted and the RM is credited for any payments related to RM fire/rescue calls that the City received from other agencies, such as MPI;
- the RM will provide \$30,000 in each of years 1 to 5 of the agreement towards fire equipment, increasing to \$35,000 for year years 6 to 10;
- either party may terminate the agreement by giving notice by January 1<sup>st</sup> of any year to terminate the agreement on the following January 1<sup>st</sup>.

- 190/05 Moved by Councillor Wagner  
Seconded by Councillor Brennan  
RESOLVED THAT the Mayor and Manager of Administration be authorized to sign a 10 year agreement commencing January 1, 2005, between the City and RM of Portage la Prairie to provide fire services.  
Carried.

Monthly Activity Report for June

Council reviewed the monthly activity reports for June 2005.

MPI Immobilizer – For Information Only

Councillor Quinn commented that the MPI Immobilizer, in his experience, is positive, and encouraged all citizens to participate in this program to help curb auto theft in Portage la Prairie.

**Waterworks Committee**

**The Waterworks Committee respectfully submits the following report:**

Request for Water Service – 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 very 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.

Currently, with no demand on the International Dr. watermain, water quality is very poor in the winter, and the City must keep water running through the pool water service and into the sewer system all winter.

Water quality at 51 Pelechaty Dr. cannot be guaranteed through the winter, and possibly in the summer, if it is the only house connected.

Initially, in October, the recommendation was to deny the request for a service line, and begin a local improvement process for the installation a watermain system along Brandon Avenue, Pelechaty Drive, and Royal Road South. Administration investigated the cost of a full water system and it appears that it will be prohibitively expensive. It is not likely that water servicing in the area will be requested again until the three vacant properties on Brandon Avenue between George Hill (Massey Cres west leg) and Pelechaty Drive are developed.

191/05 Moved by Councillor Robinson  
Seconded by Councillor Keryluk

RESOLVED THAT the Council of the City of Portage la Prairie approve the request for the installation of a water service line to 51 Pelechaty Drive along Royal Road South, subject to plans being submitted to and approved by the Director of Operations; and subject to the qualification that the owner register a caveat on the property, at his cost, acknowledging that water quality at the home may not meet Canadian Drinking Water Guidelines, that the City cannot and does not guarantee the quality of the water supplied to the residence and should be considered as non-potable water.

Carried.

Monthly Activity  
Reports for June – For  
Information Only

Council reviewed the monthly activity reports for June 2005.

### **Transportation Committee**

### **The Transportation Committee respectfully submits the following report:**

Sidewalk on  
Saskatchewan Avenue  
E.

Councillor Keryluk indicated that the Roman Catholic Church has agreed to funding for the proposed sidewalk. The Lions Prairie Manor, Windsor Park Estates and the City will also participate in funding this sidewalk.

192/05 Moved by Councillor Keryluk  
Seconded by Councillor Porter

RESOLVED THAT the City of Portage la Prairie authorize a 5 year payment plan for Good Shepherd Parish for their share of costs of up to \$5,250 in principal for the construction of a sidewalk along the south side of Saskatchewan Ave. from 9th St. SE to Windsor Estates, subject to the interest rate offered by the Province of Manitoba for the purchase of 5 year debentures at the time of completed construction of the project.

Carried.

Industrial Park Road  
Truck Routes – For  
Information Only

Council requested that the City's current truck routes be reviewed once the paving of the new access road to the Industrial Park is completed.

### **Community Services**

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

Request to Host Beer  
Garden, Portage Hotel –  
For Information Only

Mr. Dave Andrews, General Manager of the Portage Hotel, has requested Council consideration to allow the Portage Hotel to operate a beer garden on the City sidewalk in front of their business during the Potato Festival on August 06, 2005.

The Manitoba Liquor Control Commission (MLCC) requires authorization from the City of Portage la Prairie, in advance prior to

dealing with this matter within their own guidelines. Council indicated that they did not support this request and that it is to be denied.

Dutch Elm Disease Agreement

The City of Portage la Prairie and the Province of Manitoba enter into an agreement under the Dutch Elm Disease Act each year for the period April 1 to March 31. The Act allows for the sharing of actual costs up to \$0.50 per capita.

Eligible costs include the pruning and replacement of diseased elm trees, basal spraying and general tree care. The estimated cost of the City program is \$16,500.00.

193/05 Moved by Councillor Porter  
Seconded by Councillor Quinn

**RESOLVED THAT** the Council of the City of Portage la Prairie authorize the Mayor and Manager of Administration to sign an agreement with the Province of Manitoba, on behalf of the City, for the cost-sharing of the Dutch Elm Disease Control Program for 2005/2006.  
Carried.

Monthly Activity Reports for June – For Information Only

Council reviewed the activity reports for June 2005.

**DEFERRED BUSINESS:**

None

**NEW BUSINESS:**

Easement – Centra Gas Manitoba Inc., near Old Bridge Road

Centra Gas Manitoba Inc. has requested an easement over All that portion of RL 101 Parish of Portage la Prairie beginning at a point in the W boundary of said lot distant S 889.6 feet from the NW corner of said lot thence S 77 degrees 08 minutes E 601 feet thence 84 degrees 54 minutes E 529.6 feet thence S 11 degrees 16 minutes E 270.0 feet more or less to the N margin of Assiniboine River thence W following said margin upstream to its intersection with first mentioned W boundary of said lot thence N along said W limit 150.0 feet more or less to point of beginning subject to reservations, limitation, provisoes and conditions expressed in the original grant thereof from the crown as described in the agreement for a right-of-way 30 meters in width for a gas pipe line. This City owned property is located along the north bank of the Assiniboine River between Old Bridge Road and Riverside Drive.

Their standard easement agreement has been provided for Council's review and approval. Centra Gas Manitoba Inc. will be responsible for registering the easement and for all costs. They are offering \$17,065.00 to the City of Portage la Prairie for loss of use of the property.

194/05 Moved by Councillor Quinn  
Seconded by Councillor Robinson

**RESOLVED THAT** Council of the City of Portage la Prairie approve the signing of an agreement between the City of Portage la Prairie and Centra Gas Manitoba Inc. authorizing an easement over City-owned property in River Lot 101, Parish of Portage la Prairie, between Riverside Drive and Old Bridge Road, as described in the agreement for a right-of-way 30 meters in width for a gas pipe line and ancillary equipment.  
Carried.

Sewage Flows Update – For Information Only

Council reviewed a report providing an update on the sewer flows after the most recent rainfall. The report also advised that the City was picking up water damaged articles with the regular garbage collection for a two week period.

**OLD BUSINESS:**

Amendment to  
Pawnbroker By-Law –  
By-Law 05-8281 – 2<sup>nd</sup>  
and 3<sup>rd</sup> reading

The Public Safety Committee has requested an amendment to the By-Law that provides for exceptions to Second Hand Dealers. Also, the word “licensed” should be removed from the phrase “licensed Second Hand Dealers” in Clause 5(f) (ii) point two and Clause 5(g) (ii).

Clause 5(j) has been added to exclude the reporting and holding period requirements for the following transactions for Second Hand Dealers: “any transaction consisting solely of used household furniture (excluding figurines), clothing and accessories, sports apparel, books and magazines.”

This amending by-law was given first reading on July 11<sup>th</sup>.

195/05 Moved by Councillor Wagner  
Seconded by Councillor Brennan

RESOLVED THAT That By-Law 05-8281, being a by-law to amend the Pawnbroker By-Law 05-8268 to allow for exceptions to Second Hand Dealers, be read a second time, as amended.  
Carried.

Moved by Councillor Wagner  
Seconded by Councillor Robinson

RESOLVED THAT By-Law 05-8281 be amended by adding the following clause:

“4. Section 2 of Pawnbroker By-Law 05-8268 be deleted in its entirety.”

AND THAT the clauses in By-Law 05-8268 be renumbered accordingly.  
Carried.

RESOLVED THAT By-Law 05-8281 be read a third time, finally passed, signed and sealed.  
Carried.

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

**ADJOURNMENT**

The meeting adjourned at 7:04 p.m.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Manager of Administration