

Minutes of the Meeting of Council held in the Council Chambers of the City of Portage la Prairie on Tuesday, October 11, 2005 at 6:02 p.m.

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

ABSENT: Councillor Porter

ADOPTION OF MINUTES 247/05 Moved by: Councillor Wagner
Seconded by: Councillor Quinn
RESOLVED THAT the Council Minutes of the September 26, 2005 Regular Meeting of Council be approved as circulated.
Carried.

DELEGATIONS:

HEARINGS:

CORRESPONDENCE The correspondence for this period was reviewed.

COMMITTEES:

Finance, Legislative & Property Committee: **The Finance, Legislative and Property Committee respectfully submits the following reports:**

Raffle License By-Law 04-8235 – 2nd & 3rd Reading
The current By-Law 4254 provides for licensing and regulating of lotteries/raffles and was adopted in 1970. The new By-Law 04-8235 was scheduled to be passed last year, however, on The Gaming Commission's advice the process was delayed due to anticipated changes on their part. We have since received their changes and they are included in the new By-Law. A more streamlined and user friendly process has been implemented as well to reduce the time needed to process a raffle license.

The following identifies the more significant changes:

- New Application Form – Schedule "A"
- Financial Report Requirement Clause 4 and Schedule "B"
- Penalty element Clause 5(d)
- Elimination of the word lotteries throughout the By-Law

248/05 Moved by: Councillor Quinn
Seconded by: Councillor Robinson
RESOLVED THAT By-Law No. 04-8235, known as The Raffle License By-Law, to provide for licensing and regulation of raffles be read a second time.
Carried.
AND FURTHER THAT By-Law 04-8235 be read a third time, finally passed, signed and sealed.
Carried.
In Favour: Councillors Brennan, Quinn, Robinson, Wagner, Keryluk and Mayor MacKenzie.

Unpaid Water, Sewer and Solid Waste to Taxes (September) By-Law 05-8263 – 1st Reading
This is part of the normal monthly procedure to allow unpaid water, sewer and solid waste charges be added to taxes be read a first time.

249/05 Moved by: Councillor Quinn
Seconded by: Councillor Robinson
RESOLVED THAT By-Law 05-8263 being a by-law to authorize unpaid water, sewer and solid waste charges be added to taxes be read a first time.
Carried.

**City Planning &
Economic
Development**

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

Ed & Denise Harder –
Variation – 20-14th
Street NW

The applicant, Ed Harder, is applying for a variation order to allow the front yard requirement of 7.5 m to be reduced to 2.9m.

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.

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

250/05 Moved by: Councillor Brennan
Seconded by: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of Ed Harder to vary the front yard to be reduced from the required 7.5m to 2.9m at the property known as 20 14th St NW which is legally described as Lots 30/31, Plan 14, Parish of Portage la Prairie.
Carried.

Donna Bjore – Variation
– 701 Cedar Bay

The applicant, **Donna Bjore**, is applying for a variation order to allow for

- 1) front yard requirement of 7.5 m to be reduced to 4.1 m to allow for an addition on the front of house;
- 2) side yard on a corner site requirement of 3.6m to be reduced to 1.02m to allow for an attached garage on the north side of house

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

The rest of the houses on this street conform to required setbacks. Granting the front yard variance will result in this house protruding out by the amount of the variance. The side yard variance with this being a corner lot will still result in this house conforming to existing setbacks in the neighbourhood.

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

251/05 Moved by: Councillor Brennan
Seconded by: Councillor Wagner

- RESOLVED THAT the Council of the City of Portage la Prairie;
1. Approve the variation request of Donna Bjore to vary north side yard on a corner site requirement of 3.6 m to be reduced to 1.02 m and;
 2. Deny the request to vary the front yard requirement at the property known as 701 Cedar Bay which is legally described as Lot 1, Block 3, Plan 1741, Parish of Portage la Prairie.

Carried.

Garrioch Holdings Ltd.
– Variation

The applicant, **Garrioch Holdings Ltd.**, is applying for a variation order to allow the access width requirement of 10.7m to be increased to 21.78m. The applicant wishes to access parking at rear of proposed building directly from back public lane.

The application has been circulated to the various City Departments with one concern being expressed regarding rear lane being paved.

Past practice has been that this is not a requirement. This variation is similar to recently approved variation PC 38-05.

This property is in a C1 – Central Commercial Zoning District.

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

252/05 Moved by: Councillor Brennan
Seconded by: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of **Garrioch Holdings Ltd.** to vary the access width requirement of 10.7m to be increased to 21.78m at the property known as **79 Tupper Street North** which is legally described as Lots 248/249, Plan 12, Parish of Portage la Prairie.
Carried.

Public Safety Committee

The Public Safety Committee respectfully submits the following report:

Councillor Wagner expressed some concerns over recent conditional sentences and supervised probations handed down by the courts. Mayor MacKenzie indicated that this is one of the topics he has for an upcoming meeting with the Minister of Justice.

Waterworks Committee

The Waterworks Committee has nothing to report.

Transportation Committee

The Transportation Committee respectfully submits the following report:

Garage Sales

Councillor Keryluk encouraged all citizens to take down signage immediately following their garage sale.

Community Services Committee

The Community Services Committee respectfully submits the following reports:

Request for
Complimentary Swim
Times at Southport Pool

The Young Parents' Resource Centre (YPRC) is a non-profit charitable organization assisting residents of Portage la Prairie since 1996. They are primarily funded by Health Canada through the Community Action Program for Children. The goal of YPRC is to improve the health and well-being of children and their families through the provision of individual support and counseling, parenting education, personal development, and the provision of recreational programming.

City Council has granted YPRC limited one-hour swimming sessions at the Southport Aquaplex since 2002, at no cost to their participants. Their rental times have been coordinated with the cooperation of the Southport Portage Piranha Swim Club, who permitted their use of the leisure pool during their rental times. Therefore, the single additional cost to the City is the one hour wage of \$11.05 to provide a lifeguard.

The YPRC has requested seven, one-hour swim times in the leisure pool only. Since the City has provided these swim opportunities in the past, and the fact that they are a non-profit organization mandated, in part, to provide recreation opportunities to families, Administration has no concerns with their request.

253/05 Moved by: Councillor Quinn
Seconded by: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie grant a maximum of seven one-hour swimming times at the Southport Aquaplex during City operated times for the Young Parents Resource Centre on the condition that they enter into a pool use agreement to the sole satisfaction of the City for the period of time from October 1, 2005 until May 31, 2006.
Carried.

Pool Temperature

Councillor Wagner requested that Administration investigate recent pool temperatures as there have been complaints that the pool has been too cold. This issue has been dealt with.

**DEFERRED
 BUSINESS:**

10th Street NW – Local
 Improvement Plan – By-
 Law 05-8283

The proposed plan for street paving of 10th St. N.W. between 6th Ave and 7th Ave was sent to the adjacent landowners.

The cost of the project would be borne by the adjacent landowners, and shared on a lot frontage basis, with the City paying Skerwood Properties' share. The total cost of constructing the road base and paving the street, with curb and gutter (and improvement to land drainage) is estimated at \$110,000 plus \$10,000 for engineering work. The cost is estimated at \$113.64 per frontage foot. Therefore, for a 50-foot wide lot, the estimated cost is \$5,682. The project would take place in 2006 if the local improvement plan is approved.

On September 12, 2005 the public hearing took place and Mr. & Mrs. Mweemba voiced their objection. Their lot is one of the two corner lots with driveways on the avenues and not on 10th Street N.W. Mrs. Mweemba opposed the plan since Skerwood Park doesn't have to pay because they don't have direct access. Mrs. Mweemba doesn't have direct access either and therefore does not want to pay.

The local improvement policy defines frontage as the narrowest section of the lot, in the case where there is a corner lot. The plan was prepared in accordance with the policy.

The policy states that for frontage costs, property owners pay for the full price per frontage foot. It was initially proposed to the owners that the two corner lots pay as follows:

Address	Roll #	Frontage	Cost/Lot
#690 - 10th Street N.W.	91975	75 \$	8,522.73
#604 - 10th Street N.W.	92150	53 \$	6,022.73

However, if flankage ("side of the corner lot abutting on a street and forming an angle with the frontage") is applied to the corner lots, the affected property owners would pay 10% of the cost:

Address	Roll #	Flankage Cost/Lot	City's Add'l Cost
#690 - 10th Street N.W.	91975	\$ 852.27	\$7,670.45
#604 - 10th Street N.W.	92150	\$ 602.27	\$5,420.46
Total:			\$13,090.91

Under the direction of Council, the Local Improvement Plan has been amended to apply flankage charges to the corner lots. This results in an increase to the City's costs of \$13,090.91 (from \$60,000 to \$73,090.91).

After first reading, the bylaw is forwarded to the Municipal Board who must approve the local improvement by-law before council gives it third reading since the project may be funded by debenture.

254/05 Moved by: Councillor Keryluk
 Seconded by: Councillor Quinn

RESOLVED THAT the Local Improvement Plan No. RD05-02-V1 be revised to charge flankage rates for the 2 corner lots, and

THAT the City of Portage la Prairie pay the remaining portion for the 2 corner lots through the General Reserve, and

THAT By-Law No. 05-8283, being the by-law for the Local Improvement Plan No. RD05-02-V1 to construct and pave 10th Street N.W. be given first reading, and

THAT the By-Law No. 05-8283 be sent to the Municipal Board for approval.
Carried.

Prout Drive Access
Road

Council discussed this issue.

255/05 Moved by: Councillor Keryluk
Seconded by: Councillor Robinson

RESOLVED THAT appropriate signage be placed on the path to restrict vehicular traffic on Garrioch Creek adjacent to Prout Drive.
Defeated.

256/05 Moved by: Councillor Brennan
Seconded by: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie investigate the feasibility of developing aesthetically appealing barriers/structures that would impede snowmobile and other related traffic adjacent to Garrioch Creek Drive behind Prout Drive from Bridge Road to Henderson Drive.
Carried.

NEW BUSINESS:

Award of Tender – 7th
Street SW Watermain

The tender was advertised in The Daily Graphic and on the City's web page. The tender opening was Tuesday, September 27, 2005, with one bid received.

The watermain on 7th St SW has had several breaks over the years. The street is scheduled for overlay after the utility is renewed.

The City's net cost with the GST rebate is approximately \$138,611.50. The preliminary construction estimate was \$132,000. This is the third project in this year's water and sewer renewal program.

257/05 Moved by: Councilor Robinson
Seconded by: Councillor Wagner

RESOLVED That the Council of the City of Portage la Prairie award the tender of 05 OPS 010 to Towle Construction Ltd. for the tendered price of \$148,314.31, including taxes.
Carried.

To Amend Resolution
239/05

At the September 26, 2005 regular meeting of Council, Resolution 239/05 was passed. Due to a typographical error the resolution indicated the selling price of the property to 3346200 Manitoba Ltd. to be "\$31,300.00", when it should have read "\$30,300.00".

258/05 Moved by: Councillor Quinn
Seconded by: Councillor Robinson

RESOLVED That the Council of the City of Portage la Prairie amend resolution 239/05 to delete "\$31,300.00" and replace it with "\$30,300.00".
Carried.

Council Meeting –
October 24, 2005

The Public Utilities Board has set October 24th 2005, 7:00 p.m. to hold a Public Hearing at the Fair Board office to hear applications for water and sewer rate increases.

In order to enable Council members and staff to attend the Public Utilities Board Hearing, Council may wish to move Council and Committee forward

by one hour for the October 24, 2005 regular meeting of Council.

In accordance with The Municipal Act and the City of Portage la Prairie Procedure By-Law, Council may by resolution make a change in time for a Council Meeting and advertise accordingly.

259/05 Moved by: Councillor Quinn
Seconded by: Councillor Robinson

RESOLVED That the October 24, 2005 regular meeting of Council and Committee be advanced in time by one hour, therefore beginning at 5:00 p.m. and the change be advertised accordingly.
Carried.

OLD BUSINESS:

None.

ADJOURNMENT:

The meeting adjourned at 6:49 p.m.

Mayor

Manager of Administration