

Minutes of a Meeting of Council held in the Council Chambers of the City
of Portage la Prairie on Monday, September 12, 2005 at 6:02 p.m.

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

ABSENT:

ADOPTION OF MINUTES 214/05 Moved by: Councillor Quinn
Seconded by: Councillor Wagner
RESOLVED THAT the Council Minutes of the August 8, 2005
Regular Meeting of Council and the August 29, 2005 Special Meeting of
Council be approved as circulated.
Carried.

DELEGATIONS: Mr. Charlie Kilcup, Arts/Cultural Person of the Year Award.

Mayor MacKenzie presented Mr. Charlie Kilcup with the Arts/Cultural
Person of the Year for the outstanding volunteer service he has provided
to the Glesby Centre.

HEARINGS:

10th Street N.W. Local
Improvement- By-Law-
05-8283-1st Reading

Mrs. Janice Mweemba appeared before Council to object to the Local
Improvement.

A letter from Mr. Akapelwa Mweemba was also read into record
objecting to the construction and paving of the 600 block of 10th Street
NW.

215/05 Moved by : Councillor Keryluk
Seconded by: Councillor Porter
RESOLVED THAT the public hearing for the 10th Street N.W.
Local Improvement now be closed.
Carried.

The cost of the project would be borne by the adjacent landowners, and
shared on a lot frontage basis. The total cost of constructing the road base
and paving the street, with curb and gutter 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.

Of the Eleven property owners, four positive responses were received.
Sherwood Park is an adjacent landowner to 50% of the paving project and
provided a negative response as access to the mobile park is not provided
from 10th St. N.W. The plan therefore proposes the City to pay the portion of
local improvement costs related to the Sherwood Park land out of the City's
General Reserve in 2006.

Council approved the plan in July and the property owners of 10th Street NW
between 6th Ave. and 7th Ave. were notified of the costs and given an
opportunity to object the plan up to the Public Hearing on September 12,
2005

Since the local improvement could be funded by debenture, the Municipal
Board must approve the by-law regardless the number of objectors.
However, if at least two potential taxpayers object, the Municipal Board will
hold a public hearing. If eight or more of the potential taxpayers object to
the plan, council may not proceed with the plan and cannot propose a similar
project for two years.

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.

Moved by: Councillor Keryluk
Seconded by: Councillor Porter

RESOLVED 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.

216/05 Moved by: Councillor Keryluk
Seconded by: Councillor Porter

RESOLVED THAT this matter be tabled to the next Council meeting of September 26, 2005.

Carried.

Conditional Use
Application – Terry
Szoradi Enterprises Ltd.

No one appeared in support of or opposition to the Conditional Use application from Szoradi Enterprises Ltd.

217/05 Moved by Councillor Brennan
Seconded by Councillor Wagner

RESOLVED THAT the public hearing for the Conditional Use Application from Terry Szoradi Enterprises Ltd. now be closed.

Carried.

The applicant, Szoradi Enterprises Ltd., has applied for a conditional use to allow for:

- 1) intensification of an existing Conditional Use for offices (business and professional)
- 2) warehousing and storage facilities for non-explosive, non-toxic, non-flammable goods

This property is located in a C3 - Highway Commercial Zoning District.

The application was circulated to the various City Departments, with no concerns.

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

218/05 Moved by Councillor Brennan
Seconded by Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie approve the conditional use application of. Szoradi Enterprises Ltd. to allow for:

- 1) intensification of an existing Conditional Use for offices (business and professional)
- 2) warehousing and storage facilities for non-explosive, non-toxic, non-flammable goods

in a C3 – Highway Commercial Zoning District at the property 2370 Sissons Drive, which is legally described as Lot 1, Plan 20642, 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 reports:

Unpaid Water, Sewer & Solid Waste to Taxes –
By-Law 05-8261 – 2nd
& 3rd Reading

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

219/05 Moved by: Councillor Quinn

Seconded by: Councillor Robinson

RESOLVED THAT By-Law 05-8261 being a by-law to authorize unpaid water, sewer and solid waste charges be added to taxes, be now read a second time.

Carried.

RESOLVED THAT By-Law 05-8261 be now read a third time, finally passed signed and sealed.

Carried.

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

Unpaid Trailer Licenses
Added to Taxes By-Law
05-8284 – 1st Reading

In order to collect unpaid trailer license fees, it is the city's practice to semi-annually add sums of money owing to the City of Portage la Prairie for trailer license fees to the Collector's Roll.

220/05 Moved by: Councillor Quinn

Seconded by: Councillor Robinson

RESOLVED THAT By-Law No. 05-8284 being a by-law to authorize the unpaid 2005 trailer license fees as per schedule "A" be added to taxes, be read a first time.

Carried.

Unpaid Various City
Accounts Added to
Taxes By-Law 05-8285
1st Reading

In order to collect unpaid charges and fees as listed above, it is the City's practice to add sums of money owing to the City of Portage la Prairie for these unpaid accounts to the Collector's Roll.

221/05 Moved by: Councillor Quinn

Seconded by: Councillor Robinson

RESOLVED THAT By-Law No. 05-8285 being a by-law to authorize unpaid charges and fees to be added to taxes, be read a first time.

Carried.

Unpaid Water, Sewer &
Solid Waste to Taxes –
By-Law 05-8262 – 1st
Reading

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

222/05 Moved by: Councillor Quinn

Seconded by: Councillor Robinson

RESOLVED THAT By-Law No. 05-8262 being a by-law to authorize unpaid water, sewer and solid waste charges be added to taxes be read a first time.

Carried.

RFP Banking

The City of Portage la Prairie's banking services with the Bank of Montreal expires December 31, 2005. Requests for proposals (RFP's) were sent out to all financial institutions that have branches within the City. The RFP stated that the main basis of evaluation will be the rate of interest offered to be paid on the City's bank accounts. The City received proposals from the Bank of Montreal and the Royal Bank.

The Bank of Montreal offers the highest interest rate on bank accounts. Other differences were minor in nature. The Bank of Montreal waived the City for point of sale (or debit card) transactions and terminal rentals under the last contract. Since then, these services have been contracted out to Moneris who services both banks at the same rate to the customers.

223/05 Moved by: Councillor Quinn

Seconded by: Councillor Robinson

RESOLVED THAT the Bank of Montreal be awarded the contract to provide banking services for the City of Portage la Prairie for the period January 1, 2006 to December 31, 2010, and

THAT the Mayor and Manager of Administration be authorized to

sign the agreement.
Carried.

Monthly Activity Report
– For Information Only

Council reviewed the Monthly Activity Reports for July 2005.

**City Planning &
Economic
Development**

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

Monthly Activity Report
– For Information Only

Council reviewed the Monthly Activity Reports for July 2005.

Potato Festival

Council congratulated the Potato Festival organizers on a very successful Festival. The Operations Department staff was commended for an excellent clean up job.

**Public Safety
Committee**

The Public Safety Committee respectfully submits the following report:

Monthly Activity Report
– For Information Only

Council reviewed the Monthly Activity Reports for July 2005. Councillor Wagner assured Council that the Animal Control Statistics would include a Year To Date summary on the next report.

**Waterworks
Committee**

The Waterworks Committee respectfully submits the following report:

Monthly Activity Report
– For Information Only

Council reviewed the Monthly Activity Reports for July 2005.

**Transportation
Committee**

The Transportation Committee respectfully submits the following report:

Monthly Activity Report
– For Information Only

Council reviewed the Monthly Activity Reports for July 2005.

**Community Services
Committee**

The Community Services Committee respectfully submits the following report:

Monthly Activity Report
– For Information Only

Council reviewed the Monthly Activity Reports for July 2005.

**DEFERRED
BUSINESS:**

None

NEW BUSINESS:

2006 Senior Summer
Games – Request for
Funding

Administration has met with the Co-Chairs of the Games over the past few months to discuss their event and what their expectations are from the City in terms of sponsorship.

A letter from the Co-Chairs was sent indicating that they wish Council to contribute \$10,000 cash that would be used to sponsor the closing banquet as well as a second request for an in kind donation of approximately \$10,000 that would be used to off-set the cost of facility rental at the Portage Centennial Arena and Republic of Manitobah Park.

The organizers anticipate that this event will draw approximately 1500 participants, spouses and officials into the community from all over Canada. If these numbers are accurate, this will represent a significant boost to our local economy over an eight day event.

In 2004, Council did not provide any cash, however did provide facility fee waivers of approximately \$5800 plus provided for cash for the supply and installation of two legacy signs at the east and west end of the City. The Co-Chairs have also requested an expedited decision by Council on this matter since it will assist in their planning of the event.

Council needs to determine their level of support for this national event and whether or not they wish to deal with this matter outside the 2006 budget process.

224/05 Moved by: Councillor Porter
Seconded by: Councillor Quinn

RESOLVED THAT the Council of the City of Portage la Prairie approve the request of the 2006 Host Committee for the Canada Senior Games to provide **\$10,000 in cash and up to** \$10,000 in kind to off-set any cost related to the rental of the City recreation facilities as the City's total contribution for the Canadian Senior Games which will be held in Portage la Prairie August 26-September 2, 2006. (AM Res. 232/05)
Carried.

AMM Resolution to endorse MPI Vehicle Immobilizer Program

In July of this year Manitoba Public Insurance launched a new program in regards to immobilizers for vehicles to help curb auto theft. Through this new program vehicle owners can protect their vehicles with an immobilizer for as little as \$140.00. They can finance the cost at zero percent interest and receive a \$40.00 discount each year on their Autopac premium. With the continuing rise in auto thefts, the use and support of this program is very important to all Municipalities in the province.

225/05 Moved by: Councillor Quinn
Seconded by: Councillor Wagner

WHEREAS auto theft continues to be a problem in Manitoba and especially in urban areas, and

WHEREAS Manitoba Public Insurance has established a program to equip vehicles with immobilizers at virtually no cost to the vehicle owner and provides the additional benefit of a lowered automobile insurance rate when such is installed, and

WHEREAS the Association of Manitoba Municipalities is a vital agency in the communication of information and advice to its member municipalities.

THEREFORE BE IT RESOLVED, the City of Portage la Prairie request AMM endorse the MPI Vehicle Immobilizer Program and assist in encouraging its use by the member's municipalities and that the resolution be forwarded to the AMM.
Carried.

AMM Resolution to endorse exemption of land transfer tax

By operation of The Revenue Act of Manitoba a tax called land transfer tax is assessed whenever a transfer of land or of an interest in land is registered at Land Titles. Land transfer tax is collected by the Land Titles Offices on behalf of the Province of Manitoba. This tax is a sliding scale tax, increasing in amount as the land transferred increases in value. The land transfer tax calculation is based on the fair market value of the land transferred. On property valued at \$350,000, the land transfer tax would be approximately \$4,700.

The Revenue Act of Manitoba requires land transfer tax be paid on all transfers of land unless there is some specific exemption available. Land transfer tax may not be payable if the transferee is a registered charity as defined in The Income Tax Act of Canada. The City of Portage la Prairie does not possess a registered charity number but has some of the same privileges as a registered charity, such as the ability to issue donation receipts that are eligible for deductions from income tax (ie. Ball diamond contributions).

The City solicitor also challenged the tax recently on the basis that the City is a “legal entity established and maintained under the Municipal Act of Manitoba and as such a creature of the Province of Manitoba.” However this was denied by the Minister of Finance.

226/05 Moved by: Councillor Quinn
Seconded by: Councillor Robinson

BE IT RESOLVED the Council of the City of Portage la Prairie request the Association of Manitoba Municipalities lobby the Province of Manitoba to exempt municipalities from Land Transfer Tax and that the resolution be forwarded to the AMM.

Carried

AMM Resolution to Lobby the Province to provide that parking violations throughout the Province be considered a Provincial Offense.

227/05 Moved by: Councillor Wagner
Seconded by: Councillor Quinn

WHEREAS AMM presented the Province of Manitoba in 2003 with a request to enact legislation to restrict the re-issuance of personal or vehicle licenses until restrictions for parking and traffic violations within the municipality has been made; and

WHEREAS parking violations in the City of Winnipeg are considered a Provincial offence and therefore charges may be added to driver’s license renewals.

THEREFORE BE IT RESOLVED that the AMM lobby the Provincial government to provide that parking violations throughout the province be considered a Provincial offense and that charges may be added to vehicle and license renewals.

Carried.

Rezoning Application – Mr. Tim Moore – By-Law 05-8287 – 1st Reading

The property in question, westerly 47 ft of Lots 191/193, Plan 73, Parish of Portage la Prairie is presently zoned C-3 Highway Commercial Zoning District. The applicant, Mr. Tim Moore, wishes to rezone the property to R1 – Single Family Dwelling.

The application will be circulated to the Province for review and comment after first reading.

As per Section 42(8) of “The Planning Act”, Council shall indicate its intention to enact a zoning by-law amendment by giving first reading and proceed with Public Notice as set out in subsections (2), (3), (4).

The first reading of By-Law 05-8287 will commence the process as defined in “The Planning Act” in considering this application.

228/05 Moved by: Councillor Brennan
Seconded by: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie give By-Law 05-8287 first reading and provide public notices as defined in Section 42(1) and (2) of “The Planning Act”.

Carried.

Award of Engineering Services for Sask. Ave.

In June, 2005, Council authorized administration to proceed to issue a request for proposals for engineering services for the survey and conceptual designs for the upgrading of Saskatchewan Avenue West and River Road. The RFP was issued in July and two proposals were received at the closing date on August 30, 2005.

The first phase of each component of the project will include preparing a topographical survey of existing surface features. Following the survey, a conceptual road plan can be developed. This will include developing and evaluating road cross-sections for a number of different surface configurations (turning lanes, medians, sidewalks, boulevards, drainage,

parking). Water and sewer main replacement designs will also be required. No public consultation is planned at this stage, however, the ND Lea submission included an estimate to conduct stakeholder and public consultations as an extra to the project.

Both proposals were evaluated and rated on technical merit, and then the fee proposals were rated, in accordance with City Policy ENG-F. ND LEA submitted a superior proposal.

ND LEA was the project manager for the downtown Saskatchewan Avenue upgrades in the mid-80's and they have done extensive work with Manitoba Highways and they have prepared similar designs in other communities.

The cost of this preliminary design work will be split, with approximately 2/3 from the General fund and 1/3 from the Utility fund.

229/05 Moved by: Councillor Keryluk
Seconded by: Councillor Porter

RESOLVED THAT Council award the contract for engineering services for the completion of surveys and conceptual plans for Saskatchewan Avenue West and the intersection of PR 240 and Crescent Rd. E. to ND LEA Engineers & Planners Ltd., for the proposed cost of \$139,710, plus GST.
Carried.

2005 Taxes
Added/Deletions

The assessors have provided a list of additions and deletions to the assessment roll dated September 7, 2005. Council may cancel any taxes, debt or monies owing to the City.

The additional tax revenue budgeted for 2005 was \$113,000 based on building permits issued in 2004. The actual amount is approximately \$184,897 which includes \$117,778 added taxes for the Food Development Centre's (FDC's) expansion. The City entered into an agreement with FDC to provide a grant in lieu of property taxes the City receives for the expansion. The net result is then \$67,119, which is \$45,881 less than the budget amount.

The cancellations amount to \$14,095.31.

230/05 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 2005 reported additions and deletions to the assessment rolls and realty taxes of the City of Portage la Prairie amounting to \$184,896.87 and \$14,095.31 respectively.
Carried.

OLD BUSINESS:

None.

Cadham Bay Lot
Grading

The lot grading plans on #14 and #16 Cadham Bay do not match the design grades. They exceed the allowable variation of +/- 50mm as noted in the Building Bylaw. There are variances up to 120 mm (4.7 inches) low around the house. Additionally, a swale (shallow ditch) has been constructed along the east side of house #14. The swale carries water to the front street and the back lot line. Drainage from house #16 is directed onto the property occupied by house #14 and into the swale. The swale, or low point, between the homes is supposed to be along the property line between the houses. The City cannot accept the lot grading as is, because, if it did, the City could be made liable for damages or restoration, since it is known that one landowner might impact an adjacent landowner.

The Planning District instructed Mellco Developments, as per the Building

Bylaw, to rectify the lot grading deficiencies. Mellco, however, garnered an agreement between the homeowners, in which they state that they accept the lot grading as is.

This agreement between the two residents is insufficient, since it does not bind any future owner of the property. Council could consider accepting the agreement if it is registered as a caveat on the property at #14 Cadham Bay. The cost of registering the caveat should be borne by the developer or by the new homeowners. There is some concern that this solution does not completely absolve the City of responsibility, however.

The lot grading issue could be rectified by installing window wells around the basement windows of both homes and raising the finished grade around the houses, and moving the swale over to the property line, by raising the sod and re-grading the topsoil. With the swale moved, a steep incline from the sidewalk to the property line on the west side of #16 will result, however.

Another issue arises, however. The Planning District collected a \$1000 lot-grading deposit and the lot-grading permit was issued to Mellco Developments and they no longer own the property and likely cannot gain legal access to rectify the lot grades. The City would also be in a similar position since the landowners were not responsible for the lot grading. A legal interpretation is required as to who is responsible to rectify the lot grading, and to whether or not the City can legally gain access if other parties refuse to make the changes. The City can apply the deposit funds to rectify any outstanding lot grading issues.

There are procedural issues relating to enforcement of the Building By-Law with respect to lot grading. Administration has conducted an initial review and will prepare a report for Council.

231/05 Moved by: Councillor Brennan
Seconded by: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie authorize acceptance of the lot grading constructed on house #14 and #16 Cadham Bay, subject to a caveat regarding drainage from the property at #16 Cadham Bay onto #14 Cadham Bay being registered on the property upon which #14 Cadham Bay is located, with the associated costs being paid for out of the lot grading deposit for that lot.
Carried.

ADJOURNMENT

The meeting adjourned at 7:04 p.m.

Mayor

Manager of Administration