

MINUTES of a Regular Meeting of Council held in the Council Chambers of City Hall on Monday, July 10, 2006 at p.m.

PRESENT: Mayor Ian A. MacKenzie, Councillors Brennan, Keryluk, Quinn, Robinson, Porter & Wagner

ABSENT: None

ADOPTION OF MINUTES: 163/06 Moved by: Councillor Wagner
Seconded by: Councillor Quinn
RESOLVED THAT the Council Minutes of the June 26, 2006 Regular Meeting of Council be approved as circulated.
Carried.

DELEGATIONS: Mr. Chuck Chapple, Lawyer, representing Mr. David Andrews of the Portage Hotel spoke in support of Mr. Andrew's request for a Beer Garden on August 12, 2006.

HEARINGS:

1. Zoning By-Law Amendment – 600 Queen Avenue – Erik Lee –By-Law 06-8322 2nd & 3rd Reading

1. Patricia Unrau appeared before Council and presented a petition to Council from residents living in the area who are concerned with another apartment complex coming into the area. Mrs. Unrau also spoke in opposition to the rezoning.

2. Erik Lee appeared to speak in favour of the rezoning.

3. A letter was received from MTS advising Council that they have no concerns regarding this rezoning.

164/06 Moved by Councillor Brennan
Seconded by Councillor Wagner
RESOLVED THAT the public hearing for the 2nd & 3rd Reading of By-Law 06-8322 Zoning By-Law Amendment for 600 Queen Avenue now be closed.
Carried.

The property in question, Lots 1/2, Block 7, Plan 8, Parish of Portage la Prairie, is presently zoned R1 – Single Family Dwelling District. The applicant, Erik Lee, wishes to rezone this property to R3 – Multiple Family Dwelling District.

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

The application has been advertised in the Daily Graphic for two consecutive weeks, circulated to the Province and public notices have been sent to all owners of property within a 100 meter radius of the proposed development as per Section 168 of the Planning Act.

165/06 Moved by Councillor Brennan
Seconded by Councillor Wagner
RESOLVED THAT the Council of the City of Portage la Prairie approve the application to rezone the land legally described as: Lots 1/2, Block 7, Plan 8, Parish of Portage la Prairie from R1 – Single Family Dwelling to R3 – Multiple Family Dwelling District by giving By-Law 06-8322 second reading.
Carried.

THAT By-Law 06-8332 be a read a third time, finally passed, signed and sealed.

Carried.

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

2. Variation – PC-23-06-40-12th Street SW – Joan Falk

Mr. Erik Lee spoke in favour of the variation.

- 166/06 Moved by Councillor Brennan
Seconded by Councillor Wagner
RESOLVED THAT the public hearing for the Variation request of Joan Falk now be closed.
Carried.

The applicant, Joan Falk, is applying for a variation order to allow the north side yard to be reduced from the required 1.5m to 1.22m.

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.

- 167/06 Moved by: Councillor Brennan
Seconded by: Councillor Wagner
RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of Joan Falk to vary the north side yard to be reduced from the required 1.5m to 1.22m at the property known as 40 12th St. S.W. which is legally described as Lot 31/32, Plan 13, Parish of Portage la Prairie.
Carried.

3. Variation – PC-26-06-53-5th Street NE – Reg & Dianne Wiebe

No one appeared in support of or objection to this variation request.

- 168/06 Moved by Councillor Brennan
Seconded by Councillor Wagner
RESOLVED THAT the public hearing variation request of Reg and Diane Wiebe now be closed.
Carried.

The applicant, Reg and Diane Wiebe, are applying for a variation order to allow the front yard to be reduced from the required 7.5m to 3.1m.

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.

- 169/06 Moved by Councillor Brennan
Seconded by Councillor Wagner
RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of Reg and Diane Wiebe to vary the front yard to be reduced from the required 7.5m to 3.1m at the property known as 53 5th Street N.E. which is legally described as Lot 22, Block 26, Plan 30, Parish of Portage la Prairie.
Carried.

4. Variation – PC-28-06-34-8th Street NE – Linda Hunter

No one appeared in support of or objection to Variation Request of Linda Hunter.

- 170/06 Moved by: Councillor Brennan

Seconded by: Councillor Wagner

RESOLVED THAT the hearing for the variation request of Ms. Linda Hunter now be closed.

Carried.

The applicant, Linda Hunter, is applying for a variation order to allow the south side yard to be reduced from the required 1.5m to .6m and; to allow the front yard to be reduced from the required 7.5m down to 3m.

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.

171/06 Moved by: Councillor Brennan
Seconded by: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of Linda Hunter to vary the south side yard to be reduced from the required 1.5m down to .6m and; to allow the front yard to be reduced from the required 7.5m to 3m at the property known as 34 8th St. N.E. which is legally described as Lot 15, Block 22, Plan 30, Parish of Portage la Prairie.

Carried.

COMMITTEES:

Finance, Legislative & Property Committee:

Unpaid Water, Sewer & Solid Waste to Taxes for June, 2006 – By-Law 06-8302 – 1st Reading

The Finance, Legislative & Property Committee respectfully submit the following reports:

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

172/06 Moved by Councillor Quinn
Seconded by Councillor Robinson

RESOLVED THAT By-Law No. 06-8302 being a by-law authorizing unpaid water, sewer and solid waste charges for June to be added to taxes, be read a first time.

Carried.

Amendment to Municipal Assessment – City Owned Halls – By-Law 06-8323 – 2nd & 3rd Reading

Since 2005 the Municipal Assessment Act requires municipalities to list by-law any municipally-owned community halls or community centres occupied by a non-profit organization to be assessed in the name of the municipality.

Since that time, the City has taken title of the old portion of the Portage Community Centre Inc. An amendment to the by-law is required to include this property so that it will not be taxable other than for local improvement charges.

173/06 Moved by Councillor Quinn
Seconded by Councillor Robinson

RESOLVED THAT By-Law No. 06-8323 being a by-law to amend By-Law No. 04-8239 to allow the Portage Community Centre Inc. (old portion) to be listed therein and assessed in the name of the municipality, be given 2nd Reading.

Carried.

Moved by: Councillor Quinn

Seconded by: Councillor Robinson

RESOLVED that By-law No. 06-8323 be now read a third time, finally passed, signed and sealed.

Carried.

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

2005 Audited Financial Statements

The Municipal Act requires that the auditor's report including the audited financial statement be received by the municipality before June 30 of every year and be reviewed at the first regular meeting of the council after receiving the report.

The audited statements reflect a 2005 year end surplus in the General Operating Fund of \$144,451 and a 2005 year end surplus of \$1,116 in the Utility Operating Fund as previously reported on March 13, 2006.

174/06 Moved by: Councillor Quinn

Seconded by: Councillor Robinson

RESOLVED THAT the Audited Financial Statements for the twelve months ending December 31, 2005 be adopted.

Carried.

Long Plain First Nation Municipal Services Agreement

An agreement has been reached between the City and Long Plain First Nation to provide water, sewer, landfill and fire services for the new office building known as the Miskwaanakwadook Place, located on Long Plain 6B Reserve property adjacent to the City.

175/06 Moved by: Councillor Quinn

Seconded by: Councillor Robinson

RESOLVED THAT the Mayor and Manger of Administration be authorized to sign an agreement between the City of Portage la Prairie and Long Plain First Nation to provide water, sewer, solid waste landfill and fire services to the Miskwaanakwadook Place office building.

Carried.

2006 Citizen Survey

The 2006 Survey has been circulated to Management, Members of Council and the Chamber of Commerce for review and comments.

176/06 Moved by: Councillor Quinn

Seconded by: Councillor Robinson

RESOLVED THAT the Council of the City of Portage la Prairie approve the survey as circulated and proceed to conduct a Citizen's Survey for 2006.

Carried.

Offer to Purchase Property – Fay & William Kent

This offer was reviewed and discussed in camera.

177/06 Moved by: Councillor Quinn

Seconded by: Councillor Robinson

RESOLVED THAT the City of Portage la Prairie sell Lot 1, Block 2, Plan 2079 to Fay Kent on the condition that the property is sold as is and that the purchaser is responsible for costs related to removing existing garbage and derelict buildings on said property.

Carried.

City Planning & Economic Development Committee:

The City Planning and Economic Development Committee respectfully has nothing to report.

**Public Safety
Committee**

The Public Safety Committee respectfully submits the following reports:

Enhanced 9-1-1 Service Agreement Renewal

Council reviewed the renewal agreement for the provision of Enhanced 9-1-1 Service for the City of Portage la Prairie for the term of January 1, 2007 to December 31, 2011.

178/06

Moved by: Councillor Wagner
Seconded by: Councillor Quinn

RESOLVED THAT Council of the City of Portage la Prairie authorize the Mayor and Manager of Administration to sign an agreement with the City of Brandon for the provision of Enhanced 9-1-1 Service to the City of Portage la Prairie for the period of January 1, 2007 to December 31, 2011.
Carried.

AMM Meeting – For Information Only

Councillors Wagner and Keryluk attended the AMM meeting in Carman and suggested Council review and discuss the resolution brought forth at this meeting in regards to infrastructure funding calculations. Council deferred this to the Fall meeting.

Also the Councillors offered Portage la Prairie as the site for the 2008 AMM meeting.

**Waterworks
Committee**

The Waterworks Committee respectfully submits the following report:

Treherne Dam/Central Plains Water Study

Council reviewed and discussed this report in camera.

179/06

Moved by: Councillor Robinson
Seconded by: Councillor Keryluk

RESOLVED THAT the Council of the City of Portage la Prairie contribute \$12,500 toward the Central Plains Water Study.
Carried.

**Transportation
Committee**

The Transportation Committee respectfully submits the following reports:

Regional Landfill Annual Report – For Information Only

Council reviewed this report in accordance with the Landfill Authority Scheme and the Regional Waste Management Authorities Act.

Street Naming – Royal Plains Development Area

Council reviewed this report In Camera.

180/06

Moved by: Councillor Keryluk
Seconded by: Councillor Porter

RESOLVED THAT By-Law 06-8325 being a by-law of the City of Portage la Prairie to name Shindleman Way, which is located at the west end of the City north of Highway 1A to Sissons drive, be now introduced and read a first time.
Carried.

For Public Information

Fourth Street South West is now permanently closed from Saskatchewan Avenue West to St. George Street.

The sidewalk at the Southeast end of Saskatchewan Avenue will be completed this summer, by the end of August.

**Community Services
Committee**

The Community Services Committee respectfully submits the following reports:

2010 Power Smart Manitoba Winter Games Bid to Host

The formal bid application process is underway to identify the host community for the 2010 Manitoba Winter Games. The Manitoba Games Council issued a letter to the City of Portage la Prairie inviting our

consideration to host the games and to submit an expression of interest before July 21, 2006.

There is also grant funding available to host through Sport Manitoba and could range from \$150,000 to \$260,000 depending on registration fees.

It is anticipated that the City would meet the requirements to host the Manitoba Winter Games; however, the initiative would be better served through a community based group of volunteer leaders who want to host the games to benefit our community.

181/06 Moved by: Councillor Porter
Seconded by: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie submit an expression of interest to the Manitoba Games Council to host the 2010 Power Smart Manitoba Winter Games on the basis that the bid process and games coordination will be initiated and managed by a volunteer community based committee.

Carried.

Request for Beer Garden
– Portage Hotel

Mr. Dave Andrews, General Manager of the Portage Inn, appeared before Council on June 26, 2006 to request Council's 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 12, 2006.

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.

182/06 Moved by: Councillor Porter
Seconded by: Councillor Quinn

RESOLVED THAT the Council of the City of Portage la Prairie deny the request of the Portage Inn to host a beer garden, patio sitting area outside of their facility on City property during the Potato Festival on Saturday, August 12, 2006.

Carried.

North Memorial School
Playground

Council reviewed this request in camera

183/06 Moved by: Councillor Porter
Seconded by: Councillor Quinn

RESOLVED THAT the Council of the City of Portage la Prairie contribute \$16,000 towards the playground located in the North Memorial School grounds.

Carried.

DEFERRED BUSINESS:

Award of Tender for
Electrical Services

Council is not proceeding with this tender and will be calling for new quotations for Electrical Services.

NEW BUSINESS:

Water & Sewer Rate
Study – By-Law 06-
8326 – 1st Reading

A water and sewer rate study was ordered by the Public Utilities Board (PUB) as part of the 2006 rate increase approval.

In 2005 this study was presented to the PUB at the public meeting held in October 2005. The proposal was to raise water rates by 3% per year and sewer rates by 6.5% per year for the 1st step and 8.5% per year for the 2nd step. Justification to increase the sewer rates at a higher percentage than the water rates was primarily for nutrient removal.

The PUB's report pointed out the low Utility Reserve levels and have ordered the City to raise the levels of the reserve. Contingency allowances are also to be included in rate reviews. The Board issued the order to only raise rates for 2006 with another submission for later years.

The main purpose for the rate increases for 2007 to 2009 inclusive is for the improvement and replacement of the City's aging infrastructure in watermains and sewer mains, and the re-building of the City's Utility Reserve.

The 2006 budget, Utility Reserves and the 10 year capital plan have been significantly impacted by escalating costs in construction and urgent repairs to utility mains. The 2006 budget is being amended in total by an additional \$1.1 M to be withdrawn from the Utility Reserve for the Phoebe utility main project and the Mall lift station's increase in costs. The capital plan increased from the last plan by \$2.9 Million to provide for more utility main repair work and the Saskatchewan Ave utility main cost increases.

The proposed increases to water and sewer rates are as follows:

	Water	Sewer
Proposal	6% Step 1 & 2 8% Step 3 & 4	6% Step 1 8% Step 2

184/06 Moved by: Councillor Robinson
 Seconded by: Councillor Keryluk

RESOLVED THAT By-Law 06-8326 being a by-law to authorize the change in water and sewer rates for 2007 and be given first reading, and

THAT Application be made to the Public Utilities Board for approval of the rates as specified in the By-Law.
 Carried.

Request for Water
 Services – 120 Brandon
 Avenue

Mr. and Mrs. Bob Smith have requested authorization to install a water service to their residence at 120 Brandon Ave, in conjunction with Mr. and Mrs. Ron McRorie. Council previously granted the McRorie's request for a water service from International Dr to their residence at 51 Pelechaty Drive.

Water quality at 120 Brandon Ave. cannot be guaranteed through the winter, and possibly in the summer, due to the length of pipe and the low water consumption.

McRorie's are in agreement with cost-sharing the installation of the line from International Drive to Pelechaty Drive. McRorie has advised that the Fair Board have approved an easement across their property.

One issue that results with a shared service line is the responsibility for maintenance. Typically, when there is more than one consumer connected to a waterline, the City takes ownership of the main line. In this case, a three-party (City, McRorie, Smith) agreement should be signed indicating the share of initial costs and maintenance responsibilities for the line. The agreement should state that the City assumes no responsibility.

185/06 Moved by: Councillor Robinson
 Seconded by: Councillor Keryluk

That the Council of the City of Portage la Prairie approve the request for the installation of a water service line to 120 Brandon Avenue, as an extension of service from 51 Pelechaty Dr, subject to plans being submitted to and approved by the Director of Operations; and

THAT, 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, and that City cannot and does not guarantee the quality of the water supplied to the residence; and

THAT an agreement specifying maintenance responsibilities between the serviced parties and the City be made.
Carried.

Request for Curb Cut
Variation

The Portage School Division has requested a 200 foot wide curb cut on 3rd St SW on the east side of Prince Charles School north of the office entrance and south of the north edge of the building in order to allow for a parking lot.

The original plan to place 13 angled stalls on this side on the building between the fence line and the building does not work since there is inadequate space.

186/06 Moved by: Councillor Keryluk
Seconded by: Councillor Porter
RESOLVED THAT Council deny the request of the Portage School Division for a 200 foot wide curb cut on 3rd St SW.
Carried.

Award of Paving
Contract

The tender for the 2006 Pavement Contract was advertised and bids were opened on Wednesday, July 5, 2006.

The work in the tender includes:

- Overlays:
 - McKay Avenue – 18th Street to 14th Street N.W.
 - 4th Street N.W. – Lorne Ave to Saskatchewan Ave.
- 21st Street N.W. – Saskatchewan Ave. to Gigot Ave. - Paving and Land Drainage Sewer
- 10th St. N.W. – 6th Ave. to 7th Ave. - Paving and Land Drainage Sewer
- Cambridge Street – River Road to Gertrude Ave. Paving and Land Drainage

Overlays

The tendered price for overlays, (\$109,155 net G.S.T.) is approximately \$83,000 under budget.

The tender was issued with only McKay Ave (14th to 18th) and 4th St NW (Sask to Lorne) included, due to the fact that prices were anticipated to be well over budget. The pre-tender estimate for these two overlays was \$154,000. Also, Manitoba Highways pulled their portion of the funding for Tupper St overlay, and this project was removed from the tender.

21st Street NW Local Improvement

The tendered price is \$141,000 over budget. The road construction (\$197,500) and land drainage (\$103,700) portions of the project are both well over the pre-tender estimate.

10th Street NW Local Improvement

The tendered price is \$64,000 over budget. The road construction (\$155,800) and land drainage (\$28,600) portions of the project are both well over the pre-tender estimate.

Cambridge Street

The tendered price is \$5,000 under budget. \$2,500 of this would be the Province's and \$2500 would be available for other work.

Schedule

If the contract is awarded July 10, the work will begin August 1st and should be complete by September 29th.

Local Improvement Budget

Since a significant portion of the Local Improvement project costs are due to land drainage, funds could be drawn from the \$70,000 capital budget for land drainage. This is allocated from the fuel tax grant. Approximately \$60,000 of this budget is available.

The unallocated portion of the overlay budget (\$97,600) could also be applied toward the Local Improvement projects.

The remaining \$58,000 shortfall could be made up from the fuel tax grant allocated to Wilkinson Crescent survey and design (\$50,000), or from any year-end surplus, or from General Reserve.

- 187/06 Moved by: Councillor Keryluk
Seconded by: Councillor Porter
RESOLVED That Council award the 2006 Paving contract, as specified in Tender No. 06-OPS-022, to Maple Leaf Construction Ltd. for the tendered price of \$784,416.32, including GST.
Carried.

By-Law Enforcement
Officer

Council reviewed this report in camera.

- 188/06 Moved by: Councillor Wagner
Seconded by: Councillor Brennan
RESOLVED THAT the Mayor and Manager of Administration be authorized to sign an agreement with the Portage la Prairie Planning District to create and fund a By-Law Enforcement Officer position.
Carried.

Sale of City Owned
Land to Tammy Brown

Council reviewed and discussed this request in camera.

- 189/06 Moved by: Councillor Quinn
Seconded by: Councillor Robinson
RESOLVED THAT the Council of the City of Portage la Prairie accepts the \$1000 offer of Ms. Tammy Brown to purchase City-owned property legally described as S 27 Ft of Lot 1, Block 30, Plan 71 located adjacent to 102-7th Street NE subject to the following conditions:
- The Purchaser pays the GST, and
 - That the Purchaser is responsible for any and all costs related to the sale, survey, transfer of the said land or any other attributable cost related to this sale at the sole discretion of the City.
- Carried.

OLD BUSINESS:

None

ADJOURNMENT:

There being no further business to discuss, the meeting adjourned at 7:34 p.m.

Mayor

Manager of Administration