

MINUTES of a Regular Meeting of Council held in the Council Chambers of City Hall on Monday, June 26, 2006 at 6:10 p.m.

**PRESENT:** Mayor Ian A. MacKenzie, Councillors Brennan, Keryluk, Quinn, Robinson, and Wagner

**ABSENT:** Councillor Porter

**ADOPTION OF MINUTES:** 139/06 Moved by Councillor Wagner  
Seconded by Councillor Quinn  
RESOLVED THAT the Council Minutes of the June 12, 2006, Regular Meeting of Council be approved as circulated.  
Carried.

**DELEGATIONS:** None

**HEARINGS:**

1. Request for Variation, Mellco Developments Ltd., 30, 34, 38, 42, 46, 50, 54, and 58 Jack Cavers Place  
No one appeared in support of or objection to the Variation.

140/06 Moved by Councillor Brennan  
Seconded by Councillor Wagner  
RESOLVED THAT the public hearing for the Request for Variation by Mellco Developments Ltd. for eight properties on Jack Cavers Place now be closed.  
Carried.

The applicant, Mellco Developments Ltd., is applying for a variation order to allow the front yard to be reduced from the required 7.5m varying distances of between 6.0m to 7.15m for the construction of one 6-plex and one duplex unit.

This was approved previously in 2004 under variation PC 24-04. An extension was approved in 2005 under PC 26-05 which will expire June 27, 2006.

These properties are in an R1 – Single family dwelling district.

141/06 Moved by Councillor Brennan  
Seconded by Councillor Wagner  
RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of Mellco Developments Ltd. to vary the front yard to be reduced from the required 7.5m to varying distances of between 6.0m to 7.15m at the properties known as 30, 34, 38, 42, 46, 50, 54, 58 Jack Cavers Place which are legally described as Lot 2, Plan 39872, Parish of Portage la Prairie.  
Carried.

Financial Plan Amendment  
No one appeared in support of or objection to the Financial Plan.

142/06 Moved by Councillor Quinn  
Seconded by Councillor Robinson  
RESOLVED THAT the public hearing for the Financial Plan amendment now be closed.  
Carried.

The 2006 budget calls for \$800,000 for the Sissons Drive Lift Station.

The City's share is currently budgeted at \$466,800 to be funded out of the Utility Reserve with the Canada/Manitoba Infrastructure Program contributing up to \$333,200 for the project.

However, the construction tender plus engineering is approximately \$500,000 more than estimated in the 2006 budget. It is recommended to make an allowance for \$600,000 more to be withdrawn from Utility Reserve for this project to allow for construction, engineering, and contingencies. This additional amount must be funded by the City for the project to take place in 2006.

Including the withdrawal from the Utility Reserve for the Phoebe utility main project and this additional cost for the Sissons Drive Lift Station, the estimated 2006 ending balance in the Reserve would be approximately \$1,934,600.

The Municipal Act requires a public hearing to be held when an amendment to the Financial Plan is made that affects reserve transfers. Upon approval, a copy of the amendment will be sent to the Minister.

- 143/06 Moved by Councillor Quinn  
Seconded by Councillor Robinson  
RESOLVED THAT the 2006 Financial Plan be amended to include \$600,000 from the Utility Reserve to fund the additional requirement for the construction of the Sissons Drive Lift Station.  
Carried.

2. Road Closure –  
McCain Avenue,  
East Road – By-  
Law 06-8320 – 2<sup>nd</sup>/  
3<sup>rd</sup> Readings

No one appeared in support of or objection to the Road Closure.

- 144/06 Moved by Councillor Keryluk  
Seconded by Councillor Robinson  
RESOLVED THAT the public hearing for the closing of part of McCain Avenue and East Road now be closed.  
Carried.

The City constructed a new Industrial Park access road in 2004 and 2005, which is now in use, but not legally open. The new road was constructed on a different alignment than the legal McCain Avenue right-of-way, east of Westco Drive. The City is in the process of registering a new legal plan of subdivision for the area east of Westco Drive.

The existing McCain Avenue and East Road rights-of-way must be closed to allow for the new plan of subdivision.

The by-law provides authorization for the title for the surface rights and the subsurface (mines and minerals) rights of the closed roads to vest in the City of Portage la Prairie. Approval of the Ministers responsible for the Municipal Act and Crown Lands Act will be required.

- 145/06 Moved by Councillor Keryluk  
Seconded by Councillor Robinson  
RESOLVED THAT By-Law No. 06-8320, being a by-law to close a portion of McCain Avenue and East Road, legally described as All that portion of McCain Avenue and of East Road contained within in the limits of Plan No. 24594 PLTO in River Lot 69, Parish of Portage la Prairie, be read a second time.

Carried.

Moved by Councillor Keryluk  
Seconded by Councillor Robinson  
THAT By-Law No. 06-8320 be now read a third time, finally passed, signed and sealed, and forwarded to the Minister of Intergovernmental Affairs for approval.

Carried.

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

4. Public Reserve  
Closure, McMillan  
Industrial Park – By-  
Law 06-8321 – 2<sup>nd</sup>/3<sup>rd</sup>  
Readings

No one appeared in support of or objection to the Public Reserve Closure.

146/06 Moved by Councillor Keryluk  
Seconded by Councillor Robinson

RESOLVED THAT the public hearing for the closing of part of the public reserve in McMillan Industrial Park now be closed.

Carried.

This By-Law received first reading on May 23, 2006. It is now ready to receive 2<sup>nd</sup> and 3<sup>rd</sup> reading.

On the advice of the District Registrar, Portage Land Titles Office, it was noted that the preamble required a reference to the new Planning Act, Section 139(1). The intent of the meaning and requirement has not changed, only the reference number.

147/06 Moved by Councillor Keryluk  
Seconded by Councillor Robinson

RESOLVED THAT By-Law No. 06-8321, being a by-law to close a Public Reserve, be amended by changing the preamble to read as follows:

“WHEREAS Section 139(1) of the Planning Act provided, in part, as follows:

‘Subject to subsection (2), a municipality may close public reserve land by

- (a) passing a by-law to close the public reserve land;
- (b) obtain written approval of the by-law from the minister; and
- (c) register the approved by-law and, if required by a district registrar, a plan in the appropriate land titles office.”

RESOLVED THAT By-law No. 06-8321 be given second reading as amended.

Carried.

Moved by Councillor Keryluk  
Seconded by Councillor Robinson

RESOLVED THAT By-Law No. 06-8321 be now read a third time, finally passed, signed and sealed and forwarded to the Minister responsible for the Planning Act for approval.

Carried.

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

**COMMITTEES:**

**Finance, Legislative  
& Property  
Committee:**

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

**Unpaid Water, Sewer  
and Solid Waste to  
Taxes for May, 2006,  
By-Law 06-8301 –  
2<sup>nd</sup>/3<sup>rd</sup> Readings**

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

148/06

Moved by Councillor Quinn  
Seconded by Councillor Robinson

RESOLVED THAT By-Law No. 06-8301 being a by-law authorizing unpaid water, sewer and solid waste charges for May to be added to taxes, be read a second time.  
Carried.

Moved by Councillor Quinn  
Seconded by Councillor Robinson

RESOLVED THAT By-Law No. 06-8301 be now read a third time, finally passed, signed and sealed.  
Carried.

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

**2007 Budget  
Guidelines**

Council reviewed a report on the proposed budget guidelines for 2007. The draft budget will be prepared for the beginning of November 2006.

149/06

Moved by Councillor Quinn  
Seconded by Councillor Robinson

1. THAT the modified program budgeting approach be utilized to set the 2007 budget.
2. THAT all discretionary items over \$1,500 and all staffing increases be presented separately for Committee's consideration.
3. THAT the net effect of all proposed new/additional services and capital items be presented separately for the Committee's consideration.

Carried.

**Amendment to  
Municipal  
Assessment – City  
Owned Halls – By-  
Law 06-8323**

Since 2005 the Municipal Assessment Act requires municipalities to list by 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.

150/06

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 1<sup>st</sup> reading.  
Carried.

**Lease of City Land to Farmers Market**

The Portage la Prairie Farmers Market wishes to enter into another agreement for use of property located in Heritage Square to house their 2006 Farmer's Market. Council had previously authorized a similar agreement for the 2005 season. All terms and conditions of the agreement remain the same.

The Portage la Prairie Farmers Market is also required to submit the appropriate liability insurance coverage.

151/06

Moved by Councillor Quinn  
Seconded by Councillor Robinson

RESOLVED THAT the Council of the City of Portage la Prairie approve the lease agreement between the City of Portage la Prairie and the Portage la Prairie Farmer's Market as presented and further that the Mayor and Manager of Administration be authorized to sign the agreement on behalf of the City.  
Carried.

**Award of Land Lease Tenders**

The leases for Areas A, E, F, and G expire in 2006. A tender was issued for these areas for the term of December 1, 2006 to November 30, 2011.

152/06

Moved by Councillor Quinn  
Seconded by Councillor Robinson

1. RESOLVED THAT the Council of the City of Portage la Prairie authorize the lease of City-owned land to the following:

		<b>Annual Base Rent</b>
Area A	Douma Farms	\$6,125.00/year plus G.S.T.
Area E	Sissons Farms	\$ 826.00/year plus G.S.T.
Area F	Sissons Farms	\$ 885.75/year plus G.S.T.
Area G	S.B. Vegetable Growers	\$3,000.00/year plus G.S.T.

for the period of December 1, 2006 to November 30, 2011,

2. AND FURTHER THAT the Mayor and Manager of Administration be authorized and directed to execute the leases on behalf of the City of Portage la Prairie and to affix the corporate seal of the City thereto, and to do such further and other things necessary or incidental to carry out the terms of the agreement.

Carried.

**Driving Range Lease Agreement Amendment**

Council reviewed in camera a request from the Portage Family Fun Centre Ltd. to reduce the annual rent for the term of this agreement, and the amount of leased land.

153/06

Moved by Councillor Quinn  
Seconded by Councillor Robinson

1. THAT Council counter agree to annual rent reduction request of Portage Family Fun Centre Ltd. to \$1,000/year for 2006, and that the lease terminate December 31, 2006.  
2. THAT the outstanding rent balance of \$1,444.28 for 2005 be waived.  
3. THAT the City agrees to reduce the amount of land from the lease agreement as requested and assume full responsibility for grass cutting of this area effective July 01, 2006.

Carried.

**Monthly Activity  
Reports for May –  
For Information Only**

Council reviewed the Activity Reports for May, 2006.

**City Planning &  
Economic  
Development  
Committee:**

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

**Encroachment – 2  
LaVerendrye  
Crescent, Darren and  
Alison Kerchak**

The building, which is a single storey dwelling located at 2 LaVerendrye Crescent and owned by Darren Michael Kerchak and Alison Dawn Kerchak, is contained entirely within the limits of the land. The deck located on the land encroaches onto the adjoining property owned by the City which is on Bridge Road as much as 0.8 feet. The owner has requested the City to allow the encroachment to remain for the life of the deck.

154/06

Moved by Councillor Brennan  
Seconded by Councillor Wagner

RESOLVED THAT Council of the City of Portage la Prairie enter into an agreement with Darren Michael Kerchak and Alison Dawn Kerchak to allow the deck situated on the land legally described as being Lot 1, Plan 1986 in RL 91, 92 and 93 Parish of Portage la Prairie, to encroach onto the property owned by the City of Portage la Prairie which is on Bridge Road, as much as 0.8 feet for the life of the deck.

AND FURTHER THAT if the deck is removed, an application for a sideyard variation should be filed if the owner wishes to replace the deck.

Carried.

**Monthly Activity  
Reports for May – For  
Information Only**

Council reviewed the monthly Activity Reports for May, 2006.

**Public Safety  
Committee**

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

**Monthly Activity  
Reports for May – For  
Information Only**

Council reviewed the monthly Activity Reports for May, 2006.

**Waterworks  
Committee**

**The Waterworks Committee respectfully submits the following reports.**

**Award of Tender –  
Sissons Drive Lift  
Station**

The tender was advertised, and the opening held on Thursday, June 8, 2006.

The proposed lift station will be located on the south side of Sissons Dr. across from the aging and corroded buried steel sewage pumping station on the north side of Sissons Dr., which it is replacing.

The total net cost of the low bid with GST rebate is \$1,219,985.98. With approximately \$75,000 allocated for engineering services, less the Infrastructure grant, the City's net cost with the GST rebate will be approximately \$961,785.98. This represents a funding shortfall for the City of approximately \$494,986.00.

Engineering firms have indicated that construction costs have gone up between 35% and 60% in the last two years depending upon the type of work. Due to the fact that the project is expected to be nearly \$500,000 over budget, the City must withdraw funds from the Utility Reserve to cover the extra cost.

- 155/06 Moved by Councillor Robinson  
Seconded by Councillor Keryluk  
RESOLVED THAT the Council of the City of Portage la Prairie award the tender 06 OPS 020 for the construction of Sissons Drive Lift Station, to Arnason Industries Ltd. for the tendered price of \$1,303,915.30 including taxes and contingency.  
Carried.

**Monthly Activity  
Reports for May –  
For Information Only**

Council reviewed the monthly Activity Reports for May, 2006.

**Transportation  
Committee**

**The Transportation Committee respectfully submits the following reports:**

**Traffic By-Law  
Amendment, By-Law  
06-8310 – 2<sup>nd</sup>/3<sup>rd</sup>  
Readings**

This by-law to amend Schedule “T” of the Traffic By-Law by changing the speed limits on specified roads was given first reading on June 12<sup>th</sup>.

- 156/06 Moved by Councillor Keryluk  
Seconded by Councillor Robinson  
RESOLVED THAT By-Law No. 06-8310 being a by-law to amend Schedule “T” of Traffic By-Law 01-8105, be now read a second time.  
Carried.

Moved by Councillor Keryluk  
Seconded by Councillor Robinson  
RESOLVED THAT By-Law No. 06-8310 be now read a third time, finally passed, signed and sealed, AND FURTHER THAT By-Law 06-8310 be forwarded to the Highway Traffic Board for approval.  
Carried.

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

**Monthly Activity  
Reports for May –  
For Information Only**

Council reviewed the monthly Activity Reports for May, 2006.

**Community Services  
Committee**

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

**Award of Tender –  
Provision of  
Plumbing & Heating  
Services**

This tender was advertised and closed on May 31, 2006. The contract is to provide plumbing & heating services and maintenance to specified City of Portage la Prairie owned buildings for a three-year term, commencing August 1, 2006 to July 31, 2009.

Knox Plumbing has been the City's plumbing, heating and ventilation contractor for 16 years. The current rate for Knox Plumbing since 2003 is \$34.00 per hour.

Provincial Construction Legislation has mandated an increase of 30% for the plumbing and heating tradesmen working within their trades; 15% June 1, and 15% October 1.

157/06

Moved by Councillor Quinn  
Seconded by Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie award the tender for the Provision of Plumbing & Heating Services to Knox Plumbing & Heating for the journeyman hourly rate of \$52.44 including G.S.T. & P.S.T.  
Carried.

**Award of Tender –  
Provision of  
Electrical Services**

Administration has further reviewed this tender and has an additional report for Committee on this.

**Lions Club - Request  
for School Patrol Pool  
Passes**

The City has previously partnered with the Lions Club and the Portage School Division to provide pool passes to School Patrols for the Lions Memorial Pool/Splash Island.

The Portage Lions Club has requested to once again partner with the City and the Portage School Division to provide pool passes to School Patrols. The value for a child's ten-visit pass is \$27.00 for a total value of \$3,267 for 121. The City's contribution would amount to \$1,089 or 1/3 of the actual cost.

158/06

Moved by Councillor Quinn  
Seconded by Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie agree to provide \$1,089, as their total contribution (1/3 of total value of \$3,267) towards the purchase of 121 ten-visit City Aquatic Child Passes for the purpose of providing recognition towards School Patrols in partnership with the Portage Lions Club and the Portage la Prairie School Division.  
Carried.

**Young Parents  
Resource Centre -  
Request for Swim  
Passes**

This summer, the Young Parents' Resource Centre (YPRC) would like 30 adult and 50 child complimentary admissions for two separate outings to Splash Island, one in July and one in August. The value of the request is \$300.

159/06

Moved by Councillor Quinn  
Seconded by Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie grant a maximum of 30 adult admissions and 50 child admissions to the Young Parents' Resource Centre for use during public swim at Splash Island during the summer of 2006.  
Carried.

**Big Brothers Big Sisters of Portage la Prairie - Splash Island Request**

Big Brothers Big Sisters of Portage la Prairie, Inc. is a non-profit organization whose main purpose is to match responsible adults with children from a single parent home.

This summer, the organization would like to provide the volunteers, the participating children and those children waiting for a match the opportunity for a free swim at Splash Island.

160/06 Moved by Councillor Quinn  
Seconded by Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie grant a maximum of two hours rental time at Splash Island for the Big Brothers Big Sisters of Portage la Prairie, Inc. during the 2006 season.

Carried.

**2nd Annual Sport & Recreation Expo Final Report – For Information Only**

The City of Portage la Prairie's 2<sup>nd</sup> Annual Sport and Recreation Expo took place on Saturday, May 13 from 11 am until 4 pm at the Portage Centennial Arena. The goal of the expo was to showcase the variety of activities, programs and services available for all ages in the areas of sport, recreation, art/culture and leisure opportunities.

**Summer Programs Update – New Pre Teen Program and Teen Warehouse Drop In Program**

Council reviewed a report outlining the activities that will be provided to children ages 8 to 12 through the new pre-teen program named, "*Sun Forever Summer Weeks*", and to children ages 13 to 17 through the Teen Warehouse Drop In Program.

**Monthly Activity Reports for May – For Information Only**

Council reviewed the Activity Reports for May, 2006.

**DEFERRED BUSINESS:**

None.

**NEW BUSINESS:**

**Award of Tender – Phoebe Street Rear Lane Watermain and Wastewater Sewer Renewal Contract**

The tender was advertised in The Daily Graphic and on the City's web page. The tender opening was Wednesday, June 14, 2006, with one bid received.

Both the watermain and the wastewater sewer have experienced several breaks in the past few years. The breaks have caused basement flooding to several residents in the area. The existing watermain is unreliable therefore has been taken out of service and the residents are receiving water service through a temporary overland water system.

The City's net cost with the GST rebate is approximately \$441,965.00. Funding for this project is from the utility reserve.

161/06 Moved by Councillor Robinson  
Seconded by Councillor Keryluk

RESOLVED THAT the Council of the City of Portage la Prairie award the tender of 06 OPS 021 to Towle Construction Ltd. for the tendered price of \$472,902.55 including taxes.

Carried.

**By-Law Enforcement Officer Agreement**

Council reviewed and discussed this agreement In Camera.

162/06 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 hire a By-Law Enforcement Officer with the terms as specified in the agreement until December 15, 2009.

Carried.

**OLD BUSINESS:**

None.

**ADJOURNMENT:**

There being no further business, the meeting adjourned at 6:47 p.m.

\_\_\_\_\_  
Mayor

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