

Minutes of a Regular Meeting of Council held at City Hall in the City of Portage la Prairie on Monday, June 25, 2007 at 6:00 p.m.

PRESENT: Mayor Ken Brennan, Councillors Bereza, Quinn, Ferris, Keryluk, Shindle and Wagner

ABSENT: None

ADOPTION OF MINUTES 198/07 Moved by: Councillor Quinn
Seconded by: Councillor Wagner
RESOLVED THAT the Minutes of the Regular Meeting of Council held at City Hall on June 11, 2007 be approved as circulated.
Carried.

DELEGATIONS: Governor General of Canada – 20 Years of Exemplary Service Presentation

Mayor Brennan presented Exemplary Medals to the following five members of the Portage Fire Department:

George Kerr
Larry Dimmery
Doug Blight
Dave Green
Tim Verwey (absent)

Mr. Robert K. Froese – Crescent Villa Apartments

Mr. Froese spoke in objection to the re-design of the intersection at River Road and Crescent Road and how it effects the properties of Crescent Villa Apartments.

Ms. Arlene Spence of River Road expressed concerns in regards to the negative impact the re-design of the Intersection on River Road and Crescent Road East will have on her properties.

Mr. John Boehm – Multiplex & Hospital Funding

Mr. Boehm encouraged Council to move forward in lobbying the Provincial and Federal Government for funding on these two projects.

Mr. Kurt Reimer – MTS Allstream Networking

Mr. Reimer presented the high speed cabinet project coming to Portage la Prairie to Council.

HEARINGS:

Variation – Tim & Faye Marks – 434 Caledonia

Public Hearing

199/07 Moved by: Councillor Bereza
Seconded by: Councillor Wagner
RESOLVED THAT the public hearing for the variation request of Tim & Faye Marks now be closed.
Carried.

The applicants, Tim & Faye Marks, are applying for a variation order. This building is in an R1-60 – Single family dwelling district.

The application has been circulated to the various City Departments with one concern being expressed regarding elevations. Operations department recommends that a new lot grading plan be provided for approval.

200/07 Moved by: Councillor Bereza
Seconded by: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of Tim and Faye Marks to vary the

- 1) side yard, when no attached garage or carport, to be reduced from the required 5m down to .76m;
- 2) west side yard for an accessory building to be reduced from the required 1.5m down to .76m.
- 3) east side yard to be reduced from the required 1.5m down to 1.46m

at the property known as 434 Caledonia Street which is legally described as Lot 2, Block 1, Plan 1867, Parish of Portage la Prairie with the condition that a new lot grading plan be provided for approval.

Carried.

Conditional Use – 3177701 Manitoba Ltd. - 2200 Saskatchewan Avenue West

Public Hearing

201/07 Moved by: Councillor Bereza

Seconded by: Councillor Wagner

RESOLVED THAT the hearing for the Conditional Use application for 3177701 Manitoba Ltd. now be closed.

Carried.

The applicant, 3177701 Manitoba Ltd., has applied for a conditional use to allow for office space.

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

202/07 Moved by: Councillor Bereza

Seconded by: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie approve the conditional use application of 3177701 Manitoba Ltd. to allow for an accessory use for office space in a C3 – Highway Commercial Zoning District at the property 2200 Saskatchewan Ave. W., which is legally described as Parcel A Plan 38794 PLTO in RL 56, Parish of Portage la Prairie.

Carried.

Local Improvement – 9th Street N.W. – By-Law 07-8364 – 1st Reading

On May 28, 2007 Council heard from a delegation representing the 9th Street N.W. Local Improvement. At that meeting a motion was passed to defer the hearing to this meeting of Council.

Public Hearing for 1st Reading By-Law 07-8364

Letters of objection were received from the following 11 home owners:

1. Mr. Kyle Klyne – 855-9th Street NW
2. Mr. Kevin Ross McRae – 887-9th Street NW
3. Ms. Londa Gail Green – 859-9th Street NW
4. Mr. Thuy Thu Nguyen – 875-9th Street NW
5. Ms. Rhea Debra Krawetz – 879-9th Street NW
6. Mr. Sangkhom Keomisy Sangkhom – 883-9th Street NW
7. Mr. Philip Oliver Miller – 890-9th Street NW
8. Ms. Doreen Lenora Henry – 886-9th Street NW
9. Mr. Albert Horatio Jones – 878-9th Street NW
10. Mr. Larry Herbert Edinger – 874-9th Street NW
11. Ms. Tanis Leanne Durnin – 854-9th Street NW

Ms. Janette Helen Brooks of 870-9th Street NW gave a verbal objection to this Local Improvement.

Ms. Christine Aymont requested clarification on alternate payment arrangements available to homeowners.

203/07 Moved by: Councillor Wagner
Seconded by: Councillor Bereza

RESOLVED THAT the Public Hearing for 1st reading of By-Law 07-8364 now be closed.
Carried.

The 2007 budget includes a local improvement project to pave 9th St. N.W. between Scanlan Avenue and 9th Avenue NW.

There are 22 owners including the City of Portage for the Scanlan lift station. Eleven written objections and one verbal objection have been received to date which now means the Municipal Board will hold a public hearing if Council gives the by-law 1st reading. If 15 or more objections are received, the project is not able to take place for two years.

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 \$202,000 plus \$28,000 for engineering work. The cost is estimated at \$201.20 per frontage foot.

The budget for the City's share was \$10,000 but the revised estimate is \$32,192.60. The additional amount of \$22,192.60 is proposed to be funded by the Fuel Tax Reserve.

City Council has further discussed the request that the City directly subsidize this Local Improvement. Council has determined that they must continue the practice of requiring property owners to pay the initial estimated cost for road construction and paving.

204/07 Moved by: Councillor Wagner
Seconded by: Councillor Keryluk

RESOLVED that By-Law 07-8364 being the by-law for the Local Improvement Plan No RD07-01-V1 to construct and pave 9th Street NW be given first reading, and
THAT By-Law 07-8364 be sent to the Municipal Board for approval.
Defeated.

Ms. Londa Green expressed her desire for Council to continue to search for alternate funding for this project as the neighbourhood does want the street to be paved, however, the current cost is too high.

COMMITTEES:

Finance, Legislative & Property Committee

By-Law 07-8347 – Unpaid Water & Sewer to Taxes for May – 2nd & 3rd Reading

The Finance, Legislative and Property Committee respectfully submits 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.

205/07 Moved by: Councillor Quinn
Seconded by: Councillor Shindle

RESOLVED THAT BY-Law 07-8347 being a by-law to authorize unpaid water, sewer and solid waste charges be added to taxes be read a second time.
Carried.

Moved by: Councillor Quinn
Seconded by: Councillor Shindle

RESOLVED THAT By-Law 07-8347 be read a third time, finally passed, signed and sealed.
Carried.

In Favour: Councillors Shindle, Bereza, Wagner, Quinn, Ferris, Keryluk & Mayor Brennan

2008 Budget Guidelines

Council reviewed the report on the proposed budget guidelines for 2008. Budget preparations week begins in September 2007 using the modified program budget approach.

Council will meet on August 27th for strategic planning.

206/07 Moved by: Councillor Quinn
 Seconded by: Councillor Shindle

RESOLVED THAT the modified program budgeting approach be utilized to set the 2008 budget.

AND THAT all discretionary items over \$1,500 and all staffing increases be presented separately for Committee's consideration.

AND FURTHER THAT the net effect of all proposed new/additional services and capital items be presented separately for the Committee's consideration.
 Carried.

Land Lease Tenders

The leases for Areas known as H, I, K expire on November 30, 2007.

A tender was issued for these areas for the term of December 1, 2007 to November 30, 2012. The tenders were sent to the previous lessees as well as advertised in the Daily Graphic on April 28, and May 12. The following tenders were received:

	Area H (57.93Acres)	Area I (160.3Acres)	Area K (6.3Acres)
MB Crop Diversification Centre	\$75.00/acre= \$4,344.75/yr		
Arnold Bachalo Farms		\$9,800.00/yr	
			No Bids Received

207/07 Moved by: Councillor Quinn
 Seconded by: Councillor Shindle

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

Area H – MB Crop Diversification Centre \$75.00/acre or \$4,344.75/yr
 Area I – Arnold Bachalo Farms \$9,800.00/yr
 for the period of December 1, 2007 to – November 30, 2012, and,

That the Mayor and Manager of Administration be authorized and directed to execute lease agreements on behalf of and to the sole satisfaction of the City of Portage la Prairie and to affix the corporate seal of the City thereto, and further to do such further and other things necessary or incidental to carry out the terms of the agreement.
 Carried.

18th Street Road Closure –
 By-Law 07-8368 – 2nd and
 3rd Reading

This By-Law will close a portion of the 18th Street N.W. Boulevard, 125 feet x 33 feet and transfer the property to 5160197 Manitoba Ltd. The By-Law received first reading on June 11, 2007 and is now ready for second and third reading.

208/07 Moved by: Councillor Quinn
 Seconded by: Councillor Shindle

RESOLVED THAT By-Law No. 07-8368 being a by-law to close a portion of 18th Street N.W. Boulevard and to transfer the property to 5160197 Manitoba Ltd for the price of \$8,976, be now read a second time.
 Carried.

Moved by: Councillor Quinn
Seconded by: Councillor Shindle

RESOLVED THAT By-Law No. 07-8368 be now read a third time, finally passed, signed and sealed and forwarded to the Minister of Intergovernmental Affairs and Trade for approval.

Carried.

In Favour: Councillors Bereza, Ferris, Shindle, Wagner, Keryluk, Quinn & Mayor Brennan

Monthly Activity Reports

Council reviewed the Monthly Activity Reports for May 2007.

City Planning & Economic Development

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

Monthly Activity Reports

Council reviewed the monthly activity reports for May 2007.

Public Safety Committee

The Public Safety Committee respectfully submits the following reports:

Monthly Activity Reports

Council reviewed the monthly activity reports for May 2007.

Waterworks Committee

The Waterworks Committee respectfully submits the following reports:

Monthly Activity Reports

Council reviewed the monthly activity reports for May 2007.

Transportation Committee

The Transportation Committee respectfully submits the following reports:

Regional Landfill Annual Report & Budget Approval

In accordance with the Landfill Authority Scheme and the Regional Waste Management Authorities Act, the City and RM receive a copy of the annual report for information as well as the Minister.

The 2006 year for the Landfill Authority generated a surplus of \$152,622 after transfers to the various reserves were made.

The Landfill Authority scheme requires the 2007 budget to be approved by the City and RM by resolution. It calls for \$370,000 in operating expenditures and an equal amount in projected revenues.

209/07 Moved by: Councillor Wagner
Seconded by: Councillor Keryluk

RESOLVED That Council approve the 2007 budget for the Portage la Prairie Regional Landfill.

Carried.

Monthly Activity Reports

Council reviewed the monthly activity reports for May 2007.

Community Services Committee

The Community Services Committee respectfully submits the following reports:

Summer Youth Programs – For Information Only

Council reviewed the following Summer Youth Programs:

- Teen Warehouse – for children ages 13-17 at the Portage Centennial Arena
- Sun Forever Summer Weeks – for children ages 8-12

Splash Island Rental Waiver Request

Both the Young Parent's Resource Centre and the Big Brothers Big Sisters of Portage la Prairie, Inc. are non-profit organizations whose main purpose is to support the healthy development of children and families in the community.

These organizations would like to provide the volunteers, the participating children and families the opportunity for a free swim at Splash Island. The outing at Splash Island provides a recreation opportunity that many of these children may not otherwise have been able to afford.

210/07 Moved by: Councillor Shindle
Seconded by: Councillor Bereza

RESOLVED THAT the Council of the City of Portage la Prairie grant a maximum one hour rental time at Splash Island for the Young Parents' Resource Centre and Big Brothers Big Sisters of Portage la Prairie, Inc. during the 2007 season.
Carried.

Monthly Activity Reports

Council reviewed the monthly activity reports for May 2007.

**DEFERRED
BUSINESS:**

None

NEW BUSINESS:

Closure of a Portion of
Lane Between 20th & 21st
Street NW – By-Law 07-
8369 – 1st Reading

A request has been received from the owner of the Hi-Way Motel, Kimberly Kraut, to purchase a portion of the west half of the east-west lane located between 20th Street N.W. and 21st Street N.W. directly north of their property.

Ms. Kraut appeared before Council as a delegation on January 22, 2007 to express her concerns about the vandalism and excessive speeding vehicles in the lane to the north of their property, Hi-Way Motel. To curb this activity Ms. Kraut requested that the lane be closed. Adjacent landowners have been notified and given the opportunity to purchase a portion on the lane adjacent to their properties. No other property owners are interested in purchasing a portion of the lane; therefore, Ms. Kraut would like to purchase the entire 88 x 14 foot portion of the lane directly to the north of the Motel. The City has no required use for this lane.

At the February 26, 2007 regular meeting of council resolution 67/07 was passed, which indicated that Council authorize, in principle the closure and sale of the west portion of the east-west lane between 20th Street N.W. and 21st Street N.W. subject to:

1. Water and Sewer easement agreements being negotiated, approved and registered;
2. Hydro, natural gas, telephone, and cable TV easements be negotiated, as necessary;
3. The buyer being responsible for all costs to close the lane and register the easements;
4. That the Lane be sold at a price in accordance with City Policy.

In accordance with requirements of The Municipal Act, By-Law 07-8369 provides for the closing of a portion of the street and the transfer of the property to Kimberly Kraut.

211/07 Moved by: Councillor Quinn
Seconded by: Councillor Shindle

RESOLVED THAT By-Law No. 07-8369 being a by-law to close a portion of the west half of the east-west lane located between 20th Street N.W. and 21st Street N.W., and to transfer said property for \$544.40 plus all applicable costs, including easement costs, to Kimberly Kraut, owner of the Hi-Way Motel, be now introduced and read a first time and advertised.
Carried.

PR240 Crescent Road
Intersection – Award of
Tender

The pre-tender estimate for this work was \$865,025.00. The work includes road base construction, asphalt pavement, raised concrete medians on River Road, drainage culverts, landscaping and the installation of signal wiring and signals. The purchase of signals is not included in the bid price, as these are supplied by Manitoba Highways.

The Total Project estimate is approximately \$1.2 Million. The Minister of Infrastructure and Transportation has agreed to fund 50% of the project, with

their share being up to \$600,000. The City has budgeted \$500,000.

The revised total estimated project cost is \$1,080,000, net of GST rebate, if Hydro and MTS costs are as estimated. This is approximately \$40,000 over the City budget.

A legal plan for the area must be completed in order to open the new Crescent Road E right-of-way and close the old road rights-of-way. The old rights-of-way should not be closed until the new road is constructed and the new right-of-way is opened.

212/07 Moved by: Councillor Wagner
Seconded by: Councillor Keryluk

RESOLVED That the contract for the Construction of PR 240 Intersection, 07 OPS 012, be awarded to Borland Construction Inc. for the tendered price of \$739,022.50, plus GST.
Carried.

Opening of Road – Ten
Feet Perpendicular of
Crescent Road East – By-
Law 07-8373 – 1st
Reading

By-Law 7581 closed this portion of the road in 1993 when a cul-d-sac was created in this area. Currently the intersection at River Road and Crescent Road East is being re-designed and this ten foot portion is required to be re-opened to complete the plan.

Section 289 of the Municipal Act requires Council to open the road by passing a by-law. Following third reading the by-law and survey plan must be submitted to the Land Titles Office for registration.

213/07 Moved by: Councillor Wagner
Seconded by: Councillor Ferris

RESOLVED THAT By-Law No. 07-8373 being a by-law of the City of Portage la Prairie to open the ten feet perpendicular of Crescent Road East, Plan 402 PLTO in PL 90 and 91, Parish of Portage la Prairie; which was closed by By-Law 7581, as detailed on the attached map, schedule “A”; be now introduced and read a first time.
Carried.

FCM Green Fund
Application – Nutrient
Removal

The City of Portage la Prairie has been advised by Manitoba Conservation that it must communicate to the Department by January 2008 with preliminary costs and implementation schedule for nutrient removal in the wastewater effluent discharged to the Assiniboine River from the Water Pollution Control Facility.

The City of Portage la Prairie recently completed Grant Application-Part A for a Municipal Green Fund Grant in the amount of \$100,000. As of June 15, 2007, we are advised that we have been accepted.

214/07 Moved by: Councillor Keryluk
Seconded by: Councillor Quinn

RESOLVED That the City of Portage la Prairie apply to the Federation of Canadian Municipalities Green Municipal Fund for 50% of \$200,000 (\$100,000) for the Nutrient Removal Feasibility Study and that Council draft a letter of support for the grant application and confirm the City of Portage la Prairie’s contribution to the study.
Carried.

Paving Tender Award

The work in the tender includes:

Overlays:

- Lorne Avenue – 14th Street N.W. to 9th Street N.W.
- 7th Street S.W. – Saskatchewan Ave. to Crescent Road
- 3rd Street N.E. – Saskatchewan Ave. to Lorne Ave.
- Island Park Bridge & Crescent Road Intersection Reconstruction

The 2007 City budget is \$215,000 plus \$30,000 grant in aid for a total of \$245,000. The tender price less the GST rebate is \$333,495.00. Therefore the

contract is over budget by \$88,495.00.

In order to stay within budget it is recommended to remove 7th Street S.W. from the contract. The estimated cost to overlay 7th Street S.W. is \$86,900.00.

215/07 Moved by: Councillor Wagner

Seconded by: Councillor Ferris

RESOLVED That Council award the tender for the 2007 Pavement Contract, as specified in tender 07-OPS-011, with the removal of 7th Street S.W. to Maple Leaf Construction Ltd. for the tendered price of \$261,390.70 including taxes.

Carried.

Kelly K Subdivision

The parcel of land has Residential Designation, and Policy 5.6 states that "Redevelopment and infill shall be encouraged since this type of development utilizes existing city services".

The zoning for this parcel is residential "R1-60", "R2" and "R3". It will be necessary to rezone the proposed subdivision to "R1" Single-Family Dwelling District.

Portage Land Titles Office requires a plan. All streets in Plan 21286 PLTO will have to be closed. MTS requires an easement. They have asked for 4m on all frontages. The Planning District recommends approval.

Manitoba Intergovernmental Affairs recommends that approval of this subdivision be conditional upon approval of the above noted rezoning and road closing by-law 07-8367. Also, a public hearing is required for the creation of a new public road as per Section 125(2) of The Planning Act.

Manitoba Hydro did not comment, but they will require an easement on the frontages. Any easement agreed to should be a common easement shared by the utilities: Hydro, Natural Gas, and MTS.

216/07 Moved by: Councillor Bereza

Seconded by: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie approve the application for subdivision of Blocks 1, 2 and 4, Plan 21286 PLTO, from 44 lots into 46 lots, conditional upon:

- 1) Approval of the required rezoning;
- 2) Approval of the road closing by-law 07-8367;
- 3) Holding a public hearing for the creation of a new public road as per Section 125(2) of The Planning Act; and
- 4) Negotiation of easement agreements with Manitoba Hydro and MTS Allstream Inc.

Carried.

Kelly K Infrastructure
Tender

The City has acquired the subdivision commonly referred to as Kelly K Street and at the direction of Council, Administration retained Genivar to prepare pre-design and detailed design work in relation to the tendering of local improvements into the area so the lots could hit the open market.

The design of the property allows for 46 lots to be built with 22 lots being done as Phase I.

The City received two bids in total from the following:

- E F Moon Construction - \$612,550 *
(price includes \$43,025 for Co-op infrastructure inclusions)
- Nelson River - \$744,988.75

The work that would be completed in this Phase by a Contractor would include:

- Roadways and Earthwork excluding paving
- Watermains
- Wastewater Sewer
- Land Drainage Sewer

Utilities such as hydro, street lighting, gas, telephone, and cable are not part of this price along with landscaping (trees).

Based on the pre-tender revised estimates for Phase I from our engineering consultants (\$345,350), and that the actual attributable costs to the City that came in as part of the tender process were considerably higher (\$569,525) possibly based on the short time frame to complete the work and the timing of the tender.

Due to the Coop construction adjacent to the City development, the City is committed to extending its land drainage system from Kelly K Street and is currently seeking costing for this element outside of this tender process. Operations Department will be providing further information on this matter as soon as costing and sourcing is completed.

217/07 Moved by: Councillor Quinn
Seconded by: Councillor Shindle
RESOLVED THAT Council award the tender to EF Moon Construction.
Defeated.

Mellco Developments
Subdivision – Jack
Cavers Place

The parcel of land has Residential Designation, and Policy 5.7 states that “Multiple-family dwellings are permitted in the Residential designation”.

The zoning for this parcel is residential “R3”, Multiple-family Dwelling District. Portage Land Titles Office requires a plan. Centra Gas will require an easement agreement if serviced with natural gas.

Canada Post requires a mutually agreeable suitable location for the establishment of a Community Mailbox site and preliminary groundwork built to Canada Post specifications. They also require information when the residential buildings will be constructed and what civic addresses will be assigned.

The Planning District recommends approval. Manitoba Intergovernmental Affairs recommends that approval of this subdivision be conditional upon the applicant obtaining written confirmation from Canada Post that satisfactory arrangements have been made for establishing a Community Mailbox site.

218/07 Moved by: Councillor Bereza
Seconded by: Councillor Wagner
RESOLVED THAT the Council of the City of Portage la Prairie approve the application of Mellco Developments Ltd. to subdivide Lot 2, Plan 39872 (1 acre) into 6 bareland condominium lots, conditional upon the establishment of an approved Community Mailbox site.
Carried.

Mrs. Nickart advised Council the conditions have been met and she will provide written documentation of them.

Lions Club Request for
School Patrol Passes

The City has previously partnered with the Lions Club and the Portage School Division to provide pool passes to volunteer School Patrols for the Lions Memorial Pool. Last year, Council supported a similar request for 121 ten-visit Child Passes at a cost of \$1,170 (1/3 of the total).

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 \$2,700 for 100

passes. The City's contribution would amount to \$900 or 1/3 of the actual cost.

The provision of City Aquatic Child Passes would be an appropriate award of recognition to the School Patrol students for their contribution to the safety of the community.

219/07 Moved by: Councillor Shindle
Seconded by: Councillor Bereza

RESOLVED THAT the Council of the City of Portage la Prairie agree to provide \$900, as their total contribution (1/3 of total value of \$2,700) towards the purchase of 100 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.

OLD BUSINESS

None

ADJOURNMENT

There being no further business to discuss, Council adjourned at 7:30 p.m.

Mayor

Manager of Administration