

Minutes of a Regular Meeting of Council held at City Hall in the City of Portage la Prairie on Monday, January 14, 2008 at 6:00 p.m.

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

ABSENT: None

ADOPTION OF MINUTES 04/08 Moved by: Councillor Quinn
Seconded by: Councillor Wagner
RESOLVED THAT the Minutes of the Regular Meeting of Council held at City Hall on December 10, 2007, and the Special Meeting Minutes of January 2, 2008 be approved as circulated.
Carried.

DELEGATIONS: None

DEFERRED BUSINESS:

Variation – James Steuart James Steuart appeared in favour of this variation request
Vincent Hart appeared with concerns regarding this variation request.

05/08 Moved by Councillor Quinn
Seconded by Councillor Bereza
RESOLVED THAT the hearing for the variation request of James Steuart now be closed.
Carried.

Council deferred this item to the January 14, 2008 Council Meeting. At the December 10th, 2007 Council Meeting Vincent Hart from 109 16th Street NW appeared with concerns regarding water damage, noise/privacy, and fire and re-sale value.

The applicant, James Richard Steuart, is applying for a variation order to allow the

- 1) South side yard to be reduced from the required 1.5m to .381m and;
- 2) Reduce the north side yard from 1.5m to 1.23m

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

The application has been circulated to the various City Departments with one concern being expressed regarding the spatial separation. Applicant will be required to meet current requirements for residential spatial separations as per the Manitoba Building Code before building permit is issued.

In response to questions posed by the Committee, the Portage Planning District Development Officer advised as follows:

- “1) The building code does not give a definite spatial separation. It does say if you are within certain distances you have to construct the wall accordingly to ensure fire will not spread. In this case the applicant wishes to build .381m from the property line. This means that they will have to construct the wall with no openings (ie: windows and doors), and the wall has to be built so there is a 45 minute fire resistance rating on it. This can be accommodated by installing vinyl siding directly over 12.7mm drywall, as long as the vinyl siding has a flame spread of not more than 25 and is not more than 2mm thick. Another alternative is to install stucco over the drywall.
- 2) The .381m (1'- 3") is to be from the wall. This will also mean they can only have a 6" overhang.
- 3) I am not aware of any topographical info on this property. The only thing I would say to the issue of drainage is that the applicant has to make sure the drainage is onto their property and carried away to the street. IE:

make the applicant install eaves trough with the downspout at the street side and draining down their own driveway to the street.”

06/08 Moved by: Councillor Bereza
Seconded by: Councillor Shindle

RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of James Richard Steuart to vary the south side yard to be reduced from the required 1.5m to .381m and reduce the north side yard from 1.5m to 1.23m at the property known as 111 16th St NW which is legally described as Lot 505, Plan 33, Parish of Portage la Prairie.

07/08 Moved by Councillor Wagner
Seconded by Councillor Keryluk

RESOLVED THAT Resolution No. 06/08 regarding the James Steuart Variation be amended by deleting .381m and replacing it with .681m.
Carried.

08/08 Moved by Councillor Quinn
Seconded By Councillor Keryluk

RESOLVED THAT the Council of the City of Portage la Prairie request this application be revised based on his commitment outlined in a letter sent to the City December 30, 2007;
AND FURTHER that this variation be tabled until the next regular Council meeting scheduled for January 28, 2008.
Carried.

HEARINGS:

Variation – Natasha Baker

Natasha Baker appeared in favour of this variation request.
Jim Brands appeared in favour of this variation request.

09/08 Moved by: Councillor Wagner
Seconded by: Councillor Bereza

RESOLVED THAT the public hearing for the variation request of Natasha Baker now be closed.
Carried.

The applicant, Natasha Baker, is applying for a variation order to allow a 2m high fence in the front yard. The civic address is the front yard and this house has a front yard of 9th Street. The house sits on a corner lot and faces south to 6th Avenue. There is no back yard because of the way the house sits on the lot. The applicant wishes to fence in the yard for children’s safety.

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

A site visit to the property revealed that the property to the north has a row of high trees that extend out to 9th St. as far as the proposed fence is. This means that at this point in time the fence will not block the view more than what it is now.

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.

10/08 Moved by: Councillor Bereza
Seconded by: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of Natasha Baker to allow a 2m high fence in a portion of the front yard at the property known as 604 9th St NW which is legally described as Lots 20/21, Block 11, Plan 100, Parish of

Portage la Prairie.
Carried.

**COMMITTEES:
Finance, Legislative &
Property Committee**

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

By-Law 07-8353 – Unpaid
Water, Sewer & Solid Waste
to Taxes for November 2007 –
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.

11/08 Moved by: Councillor Quinn

Seconded by: Councillor Shindle

RESOLVED That By-Law No. 07-8353 being a by-law to authorize unpaid water, sewer and solid waste charges be added to taxes be read a 2nd time.

Carried.

Moved by: Councillor Quinn

Seconded by: Councillor Shindle

RESOLVED That By-Law 07-8353 be read a third time, finally passed, signed and sealed.

Carried.

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

By-Law 07-8354 – Unpaid
Water, Sewer & Solid Waste
to Taxes for December – 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.

12/08 Moved by: Councillor Quinn

Seconded by: Councillor Shindle

RESOLVED THAT By-Law 07-8354 being a by-law to allow unpaid water, sewer and solid waste charges be added to taxes be read a first time.

Carried.

By-Law 07-8380 – Unpaid
Trailer License to Taxes – 2nd
& 3rd Reading

The Fees & Charges By-Law 07-8380 states “THAT any unpaid fees or charges owed to the City by any taxpayer including any penalties related thereto as well as any fines imposed on the tax payer by the court for contravention of the City By-Laws may be added to the taxes of the said tax payer and may be collected or enforced in the same manner as a tax as defined by the Municipal Act, L.M. 1996 c.58”

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.

13/08 Moved by: Councillor Quinn

Seconded by: Councillor Shindle

RESOLVED That By-Law 07-8380 being a by-law to authorize the unpaid January to June 2007 trailer license fees as per schedule “A” be added to taxes, be read a second time.

Carried.

Moved by: Councillor Quinn

Seconded by: Councillor Shindle

RESOLVED THAT By-Law 07-8380 be read a third time, finally passed, signed and sealed.

Carried.

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

Short Term Borrowing By-
Law – By-Law 07-8381 – 2nd
& 3rd Reading

A by-law for short term financing is established for every fiscal year. Cash inflows appear to be sufficient to provide funding for City operations. However, there may be requirements for interim financing until debenture debt is issued for any capital projects in 2008, such as the Water Treatment Plant upgrades.

By-Law No. 07-8381 will set up a line of credit for 2008, at no cost to the City, which can be drawn on only in the event it is required, with interest charges applying from that time on.

Since first reading was given to the by-law, the bank requested an amendment to the by-law to include the use of letter of credit of up to one million dollars within the credit maximum of three million.

14/08 Moved by: Councillor Quinn

Seconded by: Councillor Shindle

RESOLVED THAT By-Law No. 07-8381 to set up a line of credit with the city's financial institution be amended in Clause 1 to read "That the Mayor and Director of Finance of the Corporation be and they are hereby authorized to borrow under the seal of the Corporation from The Bank of Montreal the sum of up to Three Million Dollars, (\$3,000,000.00) (which may include borrowing by way of Letter of Credit to a maximum of \$1,000,000.00) for the purpose aforesaid and to pay or agree to pay interest therein, either in advance or at maturity and in either in advance or at maturity and in either case after maturity, at the rate of prime interest rate less point 5 (.5) basis points."

Moved by: Councillor Quinn

Seconded by: Councillor Shindle

RESOLVED That By-Law No. 07-8381 be given 2nd Reading as amended,
Carried.

Moved by: Councillor Quinn

Seconded by: Councillor Shindle

RESOLVED That By-Law No. 07-8381 be given 3rd Reading finally passed and sealed
Carried.

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

Online Payment Service

The City currently offers payment plans for customers to pay their utility and tax bills through their banks or TelPay or through the City's preauthorized bank account withdrawal plans. Parking tickets may also be paid through TelPay.

The City regularly receives requests for payments to be made with credit cards. The City is ready to take this next step in payment collection through the phone or the internet.

15/08 Moved by: Councillor Quinn

Seconded by: Councillor Shindle

RESOLVED THAT the Mayor and the Director of Finance be authorized to sign the agreement with Paymentus to provide real-time bill payment services.
Carried.

Debenture Series A – PR 240
and Crescent Road East
Intersection – By-Law 07-

The Debenture by-law for the design and construction of the PR240 and Crescent Road East intersection allows for debenture issues for this project to a maximum of \$600,000.

8379 – 2nd & 3rd Reading

The project is estimated at a cost of \$1.2 million dollars and cost shared between the City and the Province of Manitoba. The City's share is estimated at \$600,000 and borrowing is required for work completed up to date.

Series A is to borrow \$150,000 from the Portage & District Community Foundation. The debt term is for five years, with the principal and interest to be paid with future Fuel Tax revenues in each of the five years.

The borrowing by-law received 1st reading from Council and has been approved by the Municipal Board. It is now ready for 2nd & 3rd reading to release the funds.

16/08 Moved by: Councillor Quinn

Seconded by: Councillor Shindle

RESOLVED That By-Law 07-8379 authorizing debentures Series A in the amount of \$150,000 for partial works for the design and construction of the PR 240 and Crescent Road East Intersection be given 2nd reading.

Carried.

Moved by: Councillor Quinn

Seconded by: Councillor Shindle

RESOLVED THAT By-Law No. 07-8379 be given 3rd reading, finally signed sealed and passed.

Carried.

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

Cancel Un-Issued Borrowing
– By-Law 07-8382 – 1st
Reading

In 2001 Council passed a by-law authorizing \$6,587,000 of debt towards the upgrading of the water treatment and wastewater treatment systems to update and expand the systems as well as accommodate the Simplot's processing facility.

Borrowing for the project actually amounted to \$6,000,000, leaving a remaining balance of \$587,000 to be cancelled. A by-law is required to cancel the balance.

17/08 Moved by: Councillor Quinn

Seconded by: Councillor Shindle

RESOLVED THAT By-Law No. 07-8382 authorizing the cancellation of the un-issued borrowing authorized by By-Law No. 01-8093 be given first reading.

Carried.

Monthly Activity Reports

Council reviewed the monthly activity reports.

**City Planning & Economic
Development**

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

Mr. Peter Martens a resident of Kelly K. Street was present and suggested various options that would allow the street name not to be changed.

Street Naming – Kelly K
Subdivision

On August 11, 1986 City Council passed Resolution No. 476/86 authorizing Northland Homes and Apartments Ltd. to name one street in this subdivision "Keith Street", after Keith Lamb and one street in this subdivision to be named "Kelly K Street" after Kelly Kornaker. Kelly Kornaker was the son of Lawrence Kornaker who was a developer of the area. Keith Lamb was the son of Merlin and Audrey Lamb.

There are a number of options that City Council can consider in the naming of the Crescent:

1. Leave the portion of Kelly K up to Sunset Drive the same with the Crescent beginning after Sunset being named Keith Street or Crescent.
2. Rename the whole Crescent with one of the following:
 - a. Keith Kelly K Crescent
 - b. Kelly K Keith Crescent
 - c. Kelly Keith Crescent
 - d. Keith Kelly Crescent

Renaming it would affect approximately 8 residences who will need to change their mailing addresses. The cost to change the addressing is approximately \$25 - \$50 per household.

18/08 Moved by: Councillor Bereza

Seconded by: Councillor Wagner

RESOLVED That the Council of the City of Portage la Prairie name the whole Bay created by the closure of Kelly K Street and Keith Street to Kelly Keith Bay;

Further that Kelly K. Street from Crescent Road to the edge of the new Bay be re-named Kelly Keith Bay and;

Further that Keith Street from Sunset Drive to the edge of the new Bay be re-named Kelly Keith Bay; and

Further that the City provide assistance to current residents located on Kelly K Street and Keith Street by providing 25 postage paid change of address cards in the amount of approximately \$13.00/household.

Defeated.

19/08 Moved by: Councillor Quinn

Seconded by: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie name the whole street from Crescent Road all the way around to Sunset Drive Kelly K. Street;

AND FURTHER that the City provide reasonable assistance to the current resident on Keith Street for address changing in an amount up to \$75.00.

Carried.

20/08 Moved by: Councillor Quinn

Seconded by: Councillor Wagner

RESOLVED that the name of Keith Street be added to the Street Naming Policy as a priority of Council.

Carried.

Portage la Prairie International
Committee Vacancies

The Portage la Prairie International Committee terms of reference allow for ten members and the Mayor. Currently the Committee has two vacancies. One is an outstanding vacancy from the Portage & District Chamber of Commerce and the other is a member at large.

Carlos Villagran, a recent Newcomer to Portage la Prairie has been brought forth as a possible replacement for the member at large vacancy on the Committee. Carlos is originally from Chili. He has been successfully hired at Sobey's in Portage la Prairie and moved to the community in September.

21/08 Moved by: Councillor Bereza

Seconded by: Councillor Wagner

RESOLVED THAT Council of the City of Portage la Prairie appoint Mr. Carlos Villagran as a Member at Large to the Portage la Prairie International Committee for a two-year term ending December 31, 2010.
Carried.

Monthly Activity Reports

Council reviewed the monthly activity reports.

Public Safety Committee

The Public Safety Committee respectfully submits the following

reports:

Mayor Brennan took this time to formally welcome the Inspector Gerry Locke of the RCMP to Portage la Prairie.

Monthly Activity Reports

Council reviewed the monthly activity reports.

Councillor Quinn reviewed a letter received from Kathy Angst of Winnipeg who had been involved in an accident. The letter commended the local Ambulance and Fire Services for their actions on the accident scene.

Waterworks Committee

The Waterworks Committee respectfully submits the following reports:

Monthly Activity Reports

Council reviewed the monthly activity reports.

Transportation Committee

The Transportation Committee respectfully submits the following reports:

TransCanada Yellowhead Highway Association – Infrastructure Impact Study

Council reviewed information on the Infrastructure Impact Study the TransCanada Yellowhead Highway Association is proposing.

Monthly Activity Reports

Council reviewed the monthly activity reports.

Community Services Committee

The Community Services Committee respectfully submits the following reports:

Monthly Activity Reports

Council reviewed the monthly activity reports.

Policy Manual Updates

Council reviewed several Policy Manual Updates from the Community Services Department.

22/08 Moved by: Councillor Shindle

Seconded by: Councillor Wagner

THAT THE Council of the City of Portage la Prairie adopt the following:

- a. Policy RLS-AH titled “Outdoor Rink Grant Policy”
- b. Policy RLS-AD titled “Arena Facility Security Policy”
- c. Policy RLS-AE titled “Portage Centennial Arena Accounting”
- d. Policy RLS-AL titled “Provision of Pictures in Arena”
- e. Policy RLS-AI titled “Vehicle Access Permit Policy”

THAT the Council of the City of Portage la Prairie cancel Policy ECD-CD-AG titled “Transportation Policy”.

Carried.

NEW BUSINESS

None

Rezoning Application – Odd Fellows Towers Inc. – By-Law 08-8383 – 1st Reading

The property in question, Lots 466/471, Plan 12, Parish of Portage la Prairie, is presently zoned R1 – Single Family Dwelling. The applicants, Odd Fellows Towers Inc., wish to rezone this property to R3 - Multiple Family Dwelling District. The applicant wishes to construct a garage for the tenants of Odd Fellows Towers, on the property being rezoned.

The application has been circulated to the various City Departments with no concerns being expressed. The application will be circulated to the Province for review and comment after first reading.

As per section 74 (1) 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 section 168.

The first reading of By-Law No. 08-8383 will commence the process as defined in “The Planning Act” in considering this application.

23/08 Moved by: Councillor Bereza

Seconded by: Councillor Wagner

RESOLVED That the Council of the City of Portage la Prairie give By-Law No. 08-8383 First Reading and provide public notices as defined in Section 168 of “The Planning Act”.

Carried.

Rezoning Application –
Stronghold Self Storage – By-
Law 08-8396 – 1st Reading

The property in question, Lots 233/244, Plan 29 and Lots 231/232 & 245/246, Plan 29 and portion of Cervantes Avenue, Parish of Portage la Prairie, is presently zoned C2 – Central Commercial. The applicant, Stronghold Self Storage Portage Ltd., wish to rezone this property to M1 – Light Industrial District. The applicant wishes to construct self storage buildings on the property being rezoned.

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

As per section 74 (1) 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 section 168.

The first reading of By-Law No. 08-8396 will commence the process as defined in “The Planning Act” in considering this application.

24/08 Moved by: Councillor Bereza

Seconded by: Councillor Wagner

RESOLVED That the Council of the City of Portage la Prairie give By-Law No. 08-8396 first reading and provide public notices as defined in Section 168 of “The Planning Act”.

Carried.

Award of Engineering
Services – Reconstruction of
Wilkinson

In 2007, JR Cousin completed the detailed design and provided cost estimates for the construction of the Wilkinson Crescent Pavement and Land Drainage construction. The plans were completed and phasing options were provided to Council to consider during the 2008 budget deliberations.

Council authorized administration to proceed with the construction of the entire project in the 2008 construction season. A quotation for engineering services was obtained from JR Cousin as they were the Consultant that provided engineering services for the detailed design drawings. Engineering services cannot be provided in house due to a vacant engineering technologist position.

The scope of work includes all engineering services such as:

- Tendering and Tender Administration
- Administer construction meetings
- Non-resident contract administration (office)
- Resident Engineering services
- Warranty and final completion certificates
- Record drawings

Because of the nature of the work, a fixed price from the Engineer is not appropriate. On site Engineering work will be time-based. The fee for engineering services is estimated at \$150,000 (taxes not included).

It is anticipated that the tender for the construction work will be issued by the end of January, with the recommendation for the award of the work being presented to Council in March.

25/08 Moved by: Councillor Wagner
Seconded by: Councillor Bereza

RESOLVED That the contract for engineering services for the Construction of Wilkinson Crescent Pavement and Land Drainage be awarded to JR Cousin Consultants Ltd. for the estimated cost of \$150,000, plus GST.

Carried.

Appointment to
Neighbourhoods Alive
Program Steering Committee

In June of 2000 the Provincial Government launched the Neighbourhoods Alive program as its long-term social and economic strategy to support and encourage community-driven revitalization efforts in neighbourhoods in Manitoba communities. The idea was to help build healthy communities by providing local residents with the tools they need to make a difference in their own environments.

Councillor Janet Shindle is a member of the Portage la Prairie Neighbourhoods Alive Steering Committee and has been asked to submit a name of a person at large who could serve on the committee. Councillor Shindle has submitted the name of Sherri Morgan as the City appointed person at large.

26/08 Moved by: Councillor Shindle
Seconded by: Councillor Wagner

RESOLVED That Council of the City of Portage la Prairie appoint Ms. Sherri Morgan to the Portage la Prairie Neighbourhoods Alive Steering Committee.

Carried

ADJOURNMENT

There being no further business to discuss, Council adjourned at 7:07 p.m.

Mayor

Manager of Administration