

Minutes of a Regular Meeting of Council held at City Hall in the City of Portage la Prairie on Monday, June 23, 2008 at 6:00 p.m.

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

ABSENT: None

ADOPTION OF MINUTES 172/08 Moved by: Councillor Wagner
Seconded by: Councillor Bereza
RESOLVED THAT the Minutes of the Regular Meeting of Council held at City Hall on June 9 be approved as circulated.
Carried.

DELEGATIONS: Save the Island Committee – Mr. Charlie Clifford spoke on behalf of the Save the Island Committee with some pointed questions and presented a petition to Council with over 1300 signatures.

Mrs. Cynthia Jordan spoke with concerns regarding the choice of location.

Mrs. Mary Kohut spoke regarding her concerns regarding the heritage value of the bridge and the exhibition grounds to be destroyed.

Mr. Lorne Jordan reiterated that the location is the issue and the support surrounding their concerns with respect to the location.

John Boehm spoke regarding his concerns related to the Multiplex project.

Mayor Brennan assured the delegation that the questions presented to Council will be answered in a timely manner.

HEARINGS:

Variation – Mike Neill Public Hearing

No one appeared in favour or in objection to this variation request.

173/08 Moved by: Councillor Bereza
Seconded by: Councillor Wagner
RESOLVED THAT the public hearing for the Conditional Use Hearing of Mike Neill now be closed.
Carried.

The applicant, Mike Neill, is applying for a variation order to allow the
1) front yard to be reduced from the required 7.5m down to 6.4m;
2) east side yard to be reduced from the required 1.5m down to .823m.
The applicant wishes to build an attached garage.

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 lot drainage.

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

174/08 Moved by: Councillor Bereza
Seconded by: Councillor Wagner
RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of Mike Neill to vary the

- 1) front yard requirement of 7.5m down to 6.4m;
- 2) east side yard to be reduced from the required 1.5m down to .823m

at the property known as 440 Caledonia St. which is legally described as Lot 1, Block 1, Plan 1867, Parish of Portage la Prairie with the condition that positive drainage is to

be maintained and will not affect any surrounding properties.
Carried.

COMMITTEES:

**Finance,
Legislative &
Property
Committee**

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

By-Law 08-8388 –
Unpaid Water,
Sewer & Solid
Waste to Taxes for
May – 2nd & 3rd
Reading

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

175/08 Moved by: Councillor Quinn

Seconded by: Councillor Shindle

RESOLVED THAT By-Law 08-8388 being a by law to authorize unpaid water, sewer and solid waste charges be added to taxes be read a 2nd time.
Carried.

176/08 Moved by: Councillor Quinn

Seconded by: Councillor Shindle

RESOLVED THAT BY-Law 08-8388 be read a third time, finally passed, signed and sealed.
Carried.

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

By-Law 08-8400 –
Cancel Un-Issued
Borrowing – 2nd &
3rd Reading

In 2003 Council passed a by-law authorizing \$1,000,000 of debt towards the construction of the North East Transportation Route.

Borrowing for the project actually amounted to \$645,000, leaving a remaining balance of \$355,000 to be cancelled. By-Law 08-8400 to cancel the balance was approved by the Municipal Board and is ready for final reading.

177/08 Moved by: Councillor Quinn

Seconded by: Councillor Shindle

RESOLVED THAT By-Law 08-8400 authorizing the cancellation of the un-issued borrowing authorized by By-Law 03-8199 be given second reading.
Carried.

178/08 Moved by: Councillor Quinn

Seconded by: Councillor Shindle

RESOLVED THAT BY-law 08-8400 be given third reading, finally passed, signed and sealed.
Carried.

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

2009 Budget
Guidelines

The modified program budget approach is designed to allow the Budget Committee to focus on the net cost of programs offered by the City and on those new/additional services and capital items that Council deems to be necessary.

As a result the Budget Committee is presented with an operating budget that includes the net cost required to provide the same level of service as was provided in the previous year. This allows the Budget Committee to focus less on individual line items and more on the underlying value of a program and whether or not the program is worthwhile.

At the organizational meeting for 2008, Council appointed all members of Council to

the Budget Committee. This approach is promoted to

- increase the knowledge of all members of Council on how the budget was developed,
- to have their participation so that all members take ownership of the final document,
- to assist the members to look at the operation of the City as a whole rather than by Departments, and
- for communication so that all members are included in formulating the municipal program for the upcoming year.

179/08 Moved by: Councillor Quinn

Seconded by: Councillor Shindle

RESOLVED THAT the modified program budgeting approach be utilized to set the 2009 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.

TIPP By-Law
Amendment

The Tax Instalment Payment Plan By-Law was established in 2000 to authorize the payment of taxes by monthly instalments.

The application (Schedule A of the by-law) was updated in 2003 and has since been simplified for easier completion. This requires a by-law to amend the 2003 by-law.

For information, there are currently 528 TIPP participants.

180/08 Moved by: Councillor Quinn

Seconded by: Councillor Shindle

RESOLVED THAT By-Law No. 08-8403 being a by-law to amend By-Law 03-8197, the Tax Installment Plan Amendment By-Law” 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:

Monthly Activity
Reports

Council reviewed the monthly activity reports.

**Public Safety
Committee**

The Public Safety Committee respectfully submits the following reports:

Monthly Activity
Reports

Council reviewed the monthly activity reports.

**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.

Monthly Activity
Reports

Council reviewed the monthly activity reports.

Community

The Community Services Committee respectfully submits the following reports.

**Services
Committee**

Splash Island
Complimentary
Swim Pass Request
– Potato Festival

The City of Portage la Prairie currently supports this event by providing an operating grant of \$7500.00. In 2007 the average revenue generated at Splash Island on Saturday was \$2100.00 To provide these services the City of Portage la Prairie would lose the revenue on this date and would incur the cost of staff wages with no offsetting revenue. Other community groups such as the Rotary Club purchase admission passes to distribute during their events. On that basis, Administration recommends this request be denied.

181/08 Moved by: Councillor Shindle
Seconded by: Councillor Bereza

RESOLVED THAT the Council of the City of Portage la Prairie deny the request to offer free public swim from noon to 6:00 p.m. on Saturday, August 16, 2008. Carried.

Monthly Activity
Reports

Council reviewed the monthly activity reports.

**DEFERRED
BUSINESS**

None

NEW BUSINESS

Purchase of
Property

In 1993 the City of Portage la Prairie passed By-Law No. 7515 to close the lane located on Countess Avenue and sold the land to adjacent property owners. It has been determined that there is water, sewer and gas lines located in the closed lane that is now part of the property at 215 Countess Avenue. The water and sewer lines run through the property at an angle that would make building a structure impossible. At the time of the closure the appropriate easement agreements were not obtained for the infrastructure that runs through the property.

This property is now vacant and is up for sale. It is recommended that the City of Portage la Prairie purchase this property for a price of \$28,000.00 to obtain the appropriate easements and install a proper sewer line and then sell this property at a future date. The property is currently assessed at \$20,300.

182/08 Moved by: Councillor Quinn
Seconded by: Councillor Shindle

RESOLVED That the City of Portage la Prairie purchase the property known as 215 Countess Avenue, legally described as Lot A, Plan 31177 for the amount of \$28,000.00 from Clayton Holdings Ltd with the funds coming from the Utility Operating Fund. Carried.

Fire Fighter
Requirement to
Reside in
Proximity to the
City of Portage la
Prairie

When on call or available to be on call, it would be advantageous to require the full time fire fighters to live within a 2 mile radius of the City of Portage la Prairie. This is based on response time and the limits that the City's paging system works.

When there is a large fire or incident requiring all members of the department, it is critical to have them respond in a timely fashion.

A legal opinion has been obtained on the City's ability to institute a residency requirement for fire fighters. The legal opinion quoted a variety of labour arbitration cases including the following:

“Though addressing the issue under the rubric of public order, Baudouin J.A. agreed with this view. He stated, at p. 2571:

[Translation] [B]ecause of the demands of their occupations, such persons as police officers, firefighters and ambulance workers may be required to live in the municipality that employs them, or possibly within a specific area inside or outside the municipality, so that they can be reached quickly and be immediately available in an emergency.”

Arbitration law has provided the basis for residency requirements for emergency services workers provided the following steps are followed:

1. It must not be inconsistent with the collective agreement.
2. It must not be unreasonable.
3. It must be clear and unequivocal.
4. It must be brought to the attention of the employee affected before the company can act on it.
5. The employee concerned must have been notified that a breach of such rule could result in his discharge if the rule is used as a foundation for discharge.
6. Such rule should have been consistently enforced by the company from the time it was introduced.

It is proposed that the full-time fire fighter job description be amended to require any new fire fighters hired by the City to live within 2 miles of City limits.

183/08 Moved by: Councillor Ferris

Seconded by: Councillor Keryluk

RESOLVED THAT the full time Fire Fighter job description be amended by adding the following:

Any full time fire fighter hired after July 1, 2008 shall, as a condition of continued employment, establish a permanent residence where (s)he regularly resides within 2 miles (3.2 km) of the City of Portage la Prairie's corporate limits.

Carried.

OLD BUSINESS:

None

ADJOURNMENT

There being no further business to discuss, Council adjourned at 7:10 p.m.

Mayor

Manager of Administration