

Minutes of a Regular Meeting of Council held at City Hall in the City of Portage la Prairie on Monday, May 12, 2008 at 6:00 p.m.

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

**ABSENT:** None

**ADOPTION OF MINUTES** 133/08 Moved by: Councillor Quinn  
Seconded by: Councillor Bereza  
RESOLVED THAT the Minutes of the Regular Meeting of Council held at City Hall on April 28, 2008 be approved as circulated.  
Carried.

**DELEGATIONS:** John Boehm appeared to discuss the causeway and the recreation multiplex

**HEARINGS:**

Request for Variation – Bryan & Marlene Panko  
Marlene and Bryan Panko appeared in support of this variation request.

134/08 Moved by; Councillor Bereza  
Seconded by: Councillor Ferris  
RESOLVED THAT the public hearing for the Variation request of Bryan & Marlene Panko now be closed.  
Carried.

The applicant, Bryan and Marlene Panko, are applying for a variation order to allow  
1) the front yard to be reduced from the required 15.2m down to 9.02m  
2) north side yard to be reduced from the required 4.5m down to 1.6m.  
The applicants had a house fire with the house being destroyed. They are planning on using the existing foundation to build a new house. If the engineers report does not allow them to use the existing foundation, they would still like to build a new house in the same location.

This building is in an RR – Rural Residential 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.

135/08 Moved by; Councillor Bereza  
Seconded by: Councillor Wagner  
RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of Bryan and Marlene Panko to vary

- 1) the front yard to be reduced from the required 15.2m down to 9.02m
- 2) north side yard to be reduced from the required 4.5m down to 1.6m

at the property known as 428 Old Bridge Road which is legally described as Lot 3, Plan 1186, Parish of Portage la Prairie.  
Carried.

**COMMITTEES:**

**Finance,  
Legislative &  
Property  
Committee**

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

By-Law 08-8387 –  
Unpaid Water,  
Sewer & Solid  
Waste to Taxes for  
April – 1st Reading

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

136/08 Moved by: Councillor Quinn  
Seconded by: Councillor Shindle  
RESOLVED THAT By-Law 08-8387 being a by law to authorize unpaid water, sewer and solid waste charges be added to taxes be read a 1st time.  
Carried.

By-Law 08-8401 –  
Unpaid Trailer  
License to Taxes –  
2<sup>nd</sup> & 3<sup>rd</sup> Reading

The Fees & Charges Bylaw #08-8401 states: “THAT any unpaid fees or charges owed to the City by any tax payer 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 licence 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.

137/08 Moved by: Councillor Quinn  
Seconded by: Councillor Shindle  
RESOLVED THAT By-law No. 08-8401 being a by-law to authorize the unpaid July to December 2007 trailer license fees as per schedule “A” be added to taxes, be read a second time.  
Carried.

138/08 Moved by: Councillor Quinn  
Seconded by: Councillor Shindle  
RESOLVED THAT By-Law 08-8401 be read a third time, finally passed, signed and sealed.  
Carried.

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

**City Planning & Economic Development**

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

7<sup>th</sup> Annual Youth Career Opportunity Expo Evaluation.

Council reviewed the report on the 7<sup>th</sup> Annual Youth Career Opportunity Expo.

**Public Safety Committee**

**The Public Safety Committee has nothing to report.**

Wayne Christie

Mayor Brennan took a moment to extend condolences to the family of former Fire Chief Wayne Christie on his recent passing.

Regional Library

Council Ferris read a letter from the Regional Library thanking Council for the 2008 Budget Allocation.

**Waterworks Committee**

**The Waterworks Committee has nothing to report.**

**Transportation Committee  
Community Services Committee**

**The Transportation Committee has nothing to report.**

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

Hydro Servicing for PCU Centre

Manitoba Hydro has provided a quote of \$38,223.22 to move hydro poles and reroute under ground and above ground hydro lines to service the PCU Centre. The Project Manager, Tower Engineering and Stantec Architecture recommend proceeding with this work.

139/08 Moved by: Councillor Shindle  
Seconded by: Councillor Bereza

RESOLVED THAT the Mayor and Manager of Administration be authorized to sign an electric service agreement with Manitoba Hydro for \$38,223.22, including GST, for the purpose of relocating hydro lines to service the PCU Centre on condition that the RM of Portage la Prairie also approve this work as part of the PCU Centre construction costs.

Carried.

Manitoba  
Infrastructure &  
Transportation –  
Tree Planting

The Beautification Committee has submitted a plan to the Department of Infrastructure and Engineering for the proposed plantings along PR 240 for the 2008 planting season. This property is public right-of-way under the jurisdiction of the Department of Infrastructure and Transportation, and as such requires permission from that Department to plant trees or erect structures.

The Manitoba Infrastructure and Transportation Department has provided the City with an agreement that will allow the plantings to be placed in accordance with their requirements. The agreement with the Department provides for the City to assume maintenance and liability for the park and provides the Province with a 60 day notice clause for the City to vacate the property if they ever require the property.

140/08 Moved by: Councillor Shindle  
Seconded by: Councillor Bereza

RESOLVED THAT Council of the City of Portage la Prairie authorize the Mayor and Manager of Administration to sign the agreement with the Province of Manitoba Department of Infrastructure and Transportation to allow the planting of trees in the Vicinity of the TCH 1 and PR 240 Interchange South of Portage la Prairie.  
Carried.

**DEFERRED  
BUSINESS**

None

**NEW BUSINESS**

Zoning  
Amendment –  
Portage Daycare –  
By-Law No. 08-  
8402 – First  
Reading

The applicants are required to have a playground in conjunction with a Day Care Facility. The applicants, Portage Day Care Centre Inc., wish to amend Table 5-2 to allow playgrounds, tot lots and similar uses including buffer strips, public reserves and public walkways as a conditional use in a C-2 Central Commercial District.

The City of Portage la Prairie Development Plan 4.4.2 policies .1 and .2 states:

- 1 In particular, the Downtown policies of the Plan will shape The Portage la Prairie Planning District's future by accommodating development that builds on the strength of Downtown as a retail, residential, cultural and employment centre within the region;
- 2 The commercial and residential policies of the Plan guide infill development and intensification of uses in the Downtown to achieve a liveable Downtown that meets the needs of varying age groups in combination with a choice of housing types and conveniently located shopping.

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. 08-8402 will commence the process as defined in "The Planning Act" in considering this application.

141/08 Moved by: Councillor Bereza  
Seconded by: Councilor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie give By-Law No. 08-8402 First Reading and provide public notices as defined in Section 168 of "The Planning Act".  
Carried.

Award of Tender –  
 Causeway

The tender for the Temporary Causeway to Island Park was advertised in the Daily Graphic, at Construction Data, at Winnipeg Construction Association and on the city web page. The tender closed and bids were opened on Friday, May 9, 2008.

The work in the tender includes construction of a single lane gravel road from Crescent Road to the International Drive/Royal Road intersection on top of the existing partial causeway on the west side of the Island Bridge. It includes installation of a significant volume of crushed rock, two 48” diameter culverts, and guardrails across the area that is open water between the two existing peninsulas of land. The access to the causeway will be right-turn in and left-turn out at Crescent Road. The work is to be done by June 27.

The purpose of the causeway road is to carry large vehicles that exceed the load rating of the wooden pile bridge for a period of 4 to 5 years, until the bridge is scheduled to be replaced.

There is \$100,000 in budget from General Reserve and \$130,000 available from the Fuel Tax Grant. The additional \$38,000 is proposed to come from the general operating fund surplus from anticipated savings in other cost centres. Some adjustments to estimated tender quantities will be made in an attempt to reduce the overall cost of the project.

142/08 Moved by: Councillor Wagner

Seconded by: Councillor Ferris

RESOLVED THAT Council award the tender for the construction of a Temporary Causeway to Island Park to EF Moon Construction Ltd. for the tendered price of \$268,800.00, excluding GST; and

THAT \$130,000 of the project be funded by the Fuel Tax Reserve  
 Carried.

Award of Tender -  
 Paving

The tender for the 2008 Pavement Contract was advertised in the Daily Graphic, Construction Data, and Winnipeg Construction Association and on the city web page. The tender closed and bids were opened on Tuesday, March 11, 2008. The delay in awarding this tender was due to pending approval from the Minister of Infrastructure and Transportation.

The work in the tender includes:

Overlays:

Seventh St SW - Saskatchewan Avenue to Crescent Road

Tupper Street N – Fifth Avenue to Seventh Avenue

Lorne Avenue East – Tupper Street to Royal Road

			FUNDING SOURCES FROM BUDGET		
Project	Tender Price**	Budget Estimate	Grant In Aid	Overlay Program	Manitoba Infrastructure and Transportation
7 <sup>th</sup> Street SW	\$98,647.50	\$101,300.00		\$98,647.50	
Tupper Street N	\$143,403.75	\$116,600.00		\$90,541.25	\$52,862.50
Lorne Avenue E	\$ 44,493.75	\$ 30,000.00	\$16,419.00	\$28,074.75	
Total	\$286,545.00	\$247,900.00	\$16,419.00	<b>\$217,263.50</b>	\$52,862.50

\* Above costs include G.S.T.

Tupper Street N.

Tupper Street N. is a provincial road; however the province will only fund the maintenance of the travel lanes, not the parking lanes. The City and the MIT regional office cost share these projects so that the end result is a complete overlay built to City standards. The work is included in the City tender, and, therefore administered by the City. Approval for this project was received from Minister Ron Lemieux in a letter dated April 30, 2008.

### Overlays

The tendered price allocated to the overlay program, (\$206,917.62 net G.S.T.) is approximately \$6,918 over the 2008 budget of \$200,000. The estimated quantities in the contract are calculated with some allowance for over run therefore we expect to remain within the 2008 budget.

### Lorne Avenue E.

The City of Portage la Prairie has applied for Grant In Aid funding for the Lorne Avenue E. overlay. The original request was for \$15,000, later revised to \$16,419.00 after the tendered prices came in. This also includes \$3,000 for engineering services provided by the City of Portage la Prairie. The Grant In Aid request has not been approved yet.

It is proposed to complete Lorne Avenue with or without Grant-in-Aid funding due to the fact that it is in serious need of repair. If Grant-in-Aid is not received and Lorne Avenue was completed, it would result in the paving program being over budget by approximately \$22,555.00.

Some adjustments to estimated tender quantities will be made in an attempt to reduce the overall cost of the program; however, it will still be over budget.

143/08 Moved by: Councillor Wagner  
Seconded by: Councillor Ferris

RESOLVED THAT Council award the tender for the 2008 Pavement Contract, as specified in tender 08 OPS 003 to Maple Leaf Construction Ltd. for the tendered price of \$286,545.00 including taxes, with the scope of work to include Lorne Avenue regardless of the status of the Grant-in-Aid, and that the funds in excess of budget required to complete the work come from the Per Capita Grant and General Operating Surplus.  
Carried.

Funding  
Agreement – FCM,  
Municipal Green  
Fund

In June 2007, the Council of the City of Portage la Prairie approved an application to the Green Municipal Fund for funding of the Nutrient Removal Feasibility Study, and subsequent pilot studies. At that time the City drafted a letter of support and confirmed the City's contribution to the study.

The City of Portage la Prairie has been advised that the Federation of Canadian Municipalities National Board of Directors has completed a review of the City's application to the Green Municipal Fund and would like to enter into a Grant Agreement with the City. This agreement will contain the terms and conditions upon which the grant will be extended. The City's application has been approved for a grant amount of up to \$109,000. The agreement will require public announcement of the Grant and will make the information contained in the study available to other Canadian Municipalities.

The GMF is intended to fund innovative municipal works and studies that can be applied in other municipalities.

144/08 Moved by: Councillor Keryluk  
Seconded by: Councillor Wagner

RESOLVED That the City of Portage la Prairie enter into a Grant Agreement with the Federation of Canadian Municipalities Green Municipal Fund for the Nutrient Removal Feasibility Study.  
Carried.

Dakota Tipi First  
Nation – Eagles  
Landing Driving  
Range

Over the past several years, the City has leased property in the Republic of Manitobah Park to Portage Family Fun Center Ltd. (PFFC)

In 2007, PFFC sold their interests in their assets to Dakota Tipi First Nation who intends to operate the business in 2008 under the name – O-A Eagles Landing Driving Range (ELDR)

In December 2007, we received a letter from ELDR indicating that they would like their lease to be under the same terms and conditions offered to PFFC – 5 year term with an option to renew for another 5 years with a rental fee to the City in the amount of \$1000/year.

In February 2008, under the direction of Council, ELDR was offered a lease agreement based on the above noted conditions. In May 2008, ELDR accepted the lease agreement and provided proof of insurance, as stated in Clause 13 of the agreement.

145/08 Moved by: Councillor Quinn  
Seconded by: Councillor Shindle

RESOLVED THAT the Council of the City of Portage la Prairie approve the lease agreement between the City of Portage la Prairie and the Eagles Landing Driving Range 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 Tender –  
Island Park  
Bandstand

On April 23, 2008, at 2:00 p.m., the tendered bid was opened for the Design and Construction of a Bandstand at Island Park as specified in tender 08 OPS 016. The tender was advertised in the Daily Graphic and local contractors were notified by telephone.

The tender is for the design and construction of a new bandstand at Island Park. The bandstand is 30' by 30' square with a concrete floor and four concrete corner pillars and a roof. The work does NOT include the installation of electrical circuits.

The Ukrainian Connection Inc. had committed to assisting the City of Portage la Prairie in an amount of up to \$15,000 or 50% of the original construction cost estimate. The City was committed to covering the other 50% up to \$15,000. The original cost estimate from Ellwood-McRorie Ltd., based upon plans prepared by the Ukrainian Connection, was \$30,000, including electrical servicing.

The tender came in at \$51,569.70 mainly due to the high cost of the steel frame, roof trusses and sheet steel, along with increasing costs of material such as concrete. This amount was \$11,569.70 over budget.

The City asked Ellwood-McRorie Ltd. for a revised price to construct the bandstand with a wooden roof truss, plywood and asphalt shingles instead of the specified steel truss and sheet steel roof. A revised price of \$44,152.55 including GST and PST was provided (\$42,114.00 net of GST).

Through communication with the Ukrainian Connection, they have verbally committed an extra \$6,000.00 to the project for a total of \$21,000.00. This leaves the City \$6,114.00 short of funds for the bandstand construction. Another \$3000 (estimated) is necessary to complete the electrical servicing.

The Ukrainian connection is committed to making this project happen to expand the services and facilities that the City offers to the visitors to Island Park.

The budget for the new band stand was for \$15,000.00. Another \$9,114.00 from the General Operating Surplus is needed to construct the bandstand and complete the electrical servicing.

146/08 Moved by: Councillor Shindle  
Seconded by: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie award the Tender 08 OPS 016, for the construction of the Island Park Bandstand, to Ellwood-McRorie Ltd. for the revised price of \$44,152.55 including all taxes, with the additional funds for construction and electrical servicing to come from the General Operating Surplus.  
Carried.

Councillor Keryluk abstained from this vote indicating a conflict of interest.

**OLD BUSINESS:** None

**ADJOURNMENT**

There being no further business to discuss, Council adjourned at 6:35 p.m.

\_\_\_\_\_  
Mayor

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