

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

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

ABSENT: None

ADOPTION OF MINUTES 282/08 Moved by: Councillor Wagner
Seconded by: Councillor Quinn
RESOLVED THAT the Minutes of the Regular Meeting of Council held at City Hall on September 22, 2008 be approved as circulated.
Carried.

DELEGATIONS:

- John Boehm spoke regarding concerns about the Multiplex and apologized for any accusations he has made regarding this process.

HEARINGS:

Variation – Pat And
Shermana MacNeill
– PC56/08

No one appeared.

283/08 Moved by: Councillor Bereza
Seconded by: Councillor Wagner
RESOLVED THAT the public hearing for the Pat and Shermana MacNeill Variation request now be closed.
Carried.

The applicants, Pat and Shermana MacNeill, are applying for a variation order to allow, when there is no attached garage or carport, one side yard from 5m to be reduced to 1.5m. The applicant wishes to convert the existing garage to living space. This building is in an R1 – Single family dwelling district.

284/08 Moved by: Councillor Bereza
Seconded by: Councillor Wagner
RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of Pat and Shermana MacNeill to vary, when there is no attached garage or carport, one side yard from 5m to be reduced to 1.5m at the property known as 150 9th St NW which is legally described as Lots 31/32, Block 3, Plan 100, Parish of Portage la Prairie.
Carried

Variation – Andy
And Irene Landry –
PC58/08

Andy Landy appeared in support of this application.

285/08 Moved by: Councillor Bereza
Seconded by: Councillor Wagner
RESOLVED THAT the public hearing for the Andy and Irene Landry Variation request now be closed.
Carried.

The applicants, Andy and Irene Landry, are applying for a variation order to allow, when there is no attached garage or carport, one side yard from 5m to be reduced to 3.65m. The applicant wishes to build an addition the same width as the existing house. This building is in an R1 – Single family dwelling district.

286/08 Moved By: Councillor Bereza
Seconded By: Councillor Wagner
RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of Andy & Irene Landry to vary, when there is no attached garage or carport, one side yard from 5m to be reduced to 3.65m at the property known as 252 4th Avenue NE which is legally described as Lot 253, Plan 29, Parish of Portage la Prairie.
Carried.

Variation - 4671954
MB LTD. –
PC59/08

Randy Murray appeared in favour of this application.

287/08 Moved by: Councillor Bereza
Seconded by: Councillor Wagner

RESOLVED THAT the public hearing for the 4671954 MB. Ltd. Variation request now be closed.
Carried.

There is currently a seven suite building on site that has Fire Code issues and the owner has been told to rectify before allowing tenants back in. Owner has chosen to demolish the existing building and wishes to construct a new apartment building.

This building is in an R3 – Multiple family dwelling district. The application has been circulated to the various City Departments with one concern being expressed regarding paved parking in front yard.

As per 4.7.1) d) of Portage la Prairie zoning bylaw #7680 parking spaces are regulated as per Part 3. There is no regulation as to where parking spaces are to be in an R-3 zoning district. Public notices have been sent to all property owners within a 100 meter radius.

288/08 Moved By: Councillor Bereza
Seconded By: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie approve the variation request of 4671954 Manitoba Ltd. to vary the following:

1. rear yard to be reduced from the required 7.5m down to 4.67m
2. side yards (north & south) to be reduced from the required 4.5m down to 3.63m
3. parking stalls reduced from the required 12 down to 8
4. parking stall width reduced from the required 3m down to 2.95m
5. parking stall length to be reduced from the required 6m down to 5.74m
at the property known as 51 1st St. SW which is legally described as Lots 75/77, Plan 12, Parish of Portage la Prairie.

Carried.

Conditional Use –
MicJean
Investments &
5481016 Manitoba
Ltd. – PC60/08

Craig Groombridge appeared in favour of this application.

289/08 Moved by: Councillor Bereza
Seconded by: Councillor Wagner

RESOLVED THAT the public hearing for the MicJean Investments & 5481016 Manitoba Ltd. Conditional Use request now be closed.
Carried.

The applicant, Craig Groombridge, has applied for a conditional use to allow automobile and recreational vehicle sales and vehicle safety and repairs as a Conditional Use.

290/08 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 Craig Groombridge to allow automobile and recreational vehicle sales and vehicle safety and repairs in a C2 – Central Commercial Zoning District at the property 602 Saskatchewan Ave. W., which is legally described as Lots A,B,C,D Plan 34, Parish of Portage la Prairie.
Carried.

COMMITTEES:

Finance,
Legislative &

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

**Property
Committee**

By-Law 08-8392 –
Unpaid Water,
Sewer & Solid
Waste to Taxes for
September 2008 –
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.

291/08 Moved by: Councillor Quinn

Seconded by: Councillor Shindle

RESOLVED THAT By-Law No. 08-8392 being a by-law to authorize unpaid water, sewer and solid waste charges be added to taxes be read a first time.
Carried.

Debenture Series B
– PR 240 And
Crescent Road E.
Intersection – By-
Law No. 08-8410 –
1st Reading

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 \$600,000.00.

The project was estimated at a cost of \$1.2 million dollars cost shared between the City and the Province of Manitoba. The City's share was estimated at \$600,000.00 but is now estimated to be approximately \$475,000 which results in a savings of \$125,000 in the Fuel Tax Reserve. To date \$150,000 has been issued and there is a requirement for an additional \$305,000 to be borrowed at this time. The final costs estimated at \$20,000 to come in will be paid by the Fuel Tax Reserve.

Series B is set up to borrow \$305,000 from the Portage & District Hospital Foundation. The debt term is for 5 years, with the principal and interest to be paid with future Fuel Tax revenues in each of the 5 years.

The borrowing by-law requires 1st reading and this is sent to the Municipal Board for approval before 2nd & 3rd reading take place and funds are released.

292/08 Moved by: Councillor Quinn

Seconded by: Councillor Shindle

RESOLVED THAT By-Law No. 08-8410 authorizing debentures Series B in the amount of \$305,000.00 for partial works for the design and construction of the PR240 and Crescent Road East intersection be given 1st Reading; and
FURTHER THAT By-Law No. 08-8410 be sent to the Municipal Board for approval.
Carried.

**City Planning &
Economic
Development**

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

Application For
Subdivision/
Consolidation

The applicant, Dr Lou Antonissen, wishes to subdivide Lot 222, Plan 12 PLTO in half and consolidate the south half with the adjacent lot 223, owned by Davis Management Ltd. and Dr. Mike Sullivan, and the north half with lots 220 and 221 owned by 2786037 Manitoba Ltd. (Portage Clinic and Portage Physiotherapy).

293/08 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 Lot 222, Plan 12 PLTO in half and consolidation of the south half with the adjacent lot 223, owned by Davis Management Ltd. And Dr. Mike Sullivan, and the north half with lots 220 and 221 owned by 2786037 Manitoba Ltd. (Portage Clinic and Portage Physiotherapy), on condition that a plan of subdivision is filed with the Portage la Prairie Land Titles Office.
Carried.

**Public Safety
Committee**

The Public Safety Committee respectfully submits the following reports:

Nothing to report.

Waterworks Committee

The Waterworks Committee respectfully submits the following reports:

Utility Rates for
2009

On Monday, November 27, 2006 the Public Utilities Board released its Order approving rate increases for the City. The PUB's order approved rate increases per year for 2007, 2008, 2009 as follows:

- 6% increase per year for the first two steps of the City's water rate structure and the first step of the sewer rate structure (low to mid volume customers including residential)
- 8% increase per year for the remaining two steps of the water rate structure and the second step of the sewer rate structure (high volume customers)
- Service charges will increase by 6% in each of the three years

The following quotes from the report are worth noting:

The Board will provide the City with discretionary authority to increase sewer rates by up to 2.5% as of July 1, 2007, up to a further 5% as of January 1, 2008, and up to a further 5% as of January 1, 2009. These discretionary increases will be provided to further the City's developing plans and responsibilities with respect to nutrient removal."

294/08 Moved by: Councillor Keryluk

Seconded by: Councillor Quinn

RESOLVED THAT By-Law No. 08-8408 being a by-law to authorize the change in water and sewer rates effective January 1, 2009 be read a first time.

Carried.

BFI Leachate
Disposal Request

Until recently, BFI was delivering their landfill leachate to the City of Selkirk. With Selkirk's relatively low municipal flow, the leachate represented a significant shock load to the Selkirk wastewater treatment plant that resulted in treatment process control problems. Selkirk has decided not to renew the contract with BFI.

BFI has provided several representative analyses of the leachate. The test results indicate that the wastewater characteristics are variable from sample to sample, but a detailed review of these samples has not been done.

One concern is the heavy metal concentration in the leachate, and its' potential impact on the land application of biosolids program. There is also a concern about how the leachate changes over time as the landfill contents degrade. Although phosphorus levels are relatively low, there is a concern that the immediate triggering of nutrient removal upgrading might occur.

The Committee instructed that the resolution is to be changed to deny the recommendation.

/08 Moved by: Councillor Keryluk

Seconded by: Councillor Quinn

RESOLVED THAT the request from BFI to accept and treat landfill leachate at the City of Portage la Prairie's Wastewater Treatment Plant be denied.

Carried.

Transportation Committee

The Transportation Committee respectfully submits the following reports:

Solid Waste
Collection Contract
- BFI

BFI's contract for the collection of residential solid waste began August 1, 2007. The contract states that an adjustment to prices shall be made annually (August 1, 2008 and 2009) equivalent to the change in CPI year over year.

The CPI increase for July for the previous 12 months was 2.6%.

BFI has requested an increase of 4.9% which is equivalent to the increase in the

Transportation sector of the CPI for July. Their stated justification is that nobody could have predicted the 30%+/- increase in fuel prices in the last year.

Council has the authority to adjust the prices to an amount greater than what is stated in the contract, however, this can be seen by other bidders on this contract as unfair, or that Council is willing to negotiate pricing after a tender close. Other bidders might have included large price increases for fuel in their bid submissions for last year's tender.

295/08 Moved by: Councillor Wagner
Seconded by: Councillor Ferris

RESOLVED THAT the City of Portage la Prairie confirm the calculation of the 2008 CPI increase for BFI for the Residential Solid Waste Contract at Manitoba CPI of 2.6%; and

THAT the request by BFI for a further increase in the residential Solid Waste Collection Contract be denied.

Carried.

Street Light – River
Road

A suggestion, from a local resident, to install additional streetlights on River Road was received. There are several streetlights located along river road at various distances of separation, with a notable absence of lighting north of the new Crescent Rd. E. Intersection. There are three other existing poles without lights, while all other poles on River Road have lights. The proposed locations for four additional lights are shown on the included image.

The installation cost for one new 100 watt streetlight on an existing pole is approximately \$593.00 and the monthly operating costs are estimated at \$20.00. There is \$2,000 designated in the 2008 budget for additional street lighting.

296/08 Moved by: Councillor Wagner
Seconded by: Councillor Ferris

RESOLVED THAT the Council of the City of Portage la Prairie authorize the installation of four 100 watt streetlights on River Road.

Carried.

By-Law 08-8409 –
Amend to Fees and
Charges By-Law –
Parking Meter
Rates – 1st Reading

First Reading of this By-law was given on September 22, 2008 as follows:

That By-Law 08-8409 to amend parking meter rates in Fees and Charges By-Law No. 07-8377 be read a first time and that the by-law is to show 25¢ for 30 minutes.

Council also discussed the use of the parking meter revenues due to the rate increase. Prior to 2007 (before the reduced number of meters in service) normal meter revenues averaged \$53,672 per year. Council expressed an interest in using any additional revenue to pay for the new meters (approximately \$32,000) as well as setting up a reserve for downtown revitalization in areas where parking meters are in existence.

The Committee Chair recommends:

That a baseline for the parking meter revenue be established at \$53,672 being also the average annual parking meter revenue from 2004 to 2006; and

That the baseline be adjusted each year in accordance with the annual CPI for Manitoba; and

That 50% of the annual parking meter revenue in excess of the baseline be transferred to the General Reserve up to an accumulated total of \$32,000 to pay for the cost of the new meters; and

That 50% of the annual parking meter revenue in excess of the baseline (and 100% after the cost of the parking meters is recovered in full) be transferred to a special reserve fund for the purpose of providing assistance to downtown revitalization and or development in areas where parking meters are in existence.

It has been determined that the coin slot mechanisms were not part of the purchase for the Winnipeg meters, therefore, making it necessary to use the existing ones. This will result in the use of nickels, dimes and quarters. The mechanisms will be modified to accept nickels for every 6 minutes or a quarter for 30 minutes.

This will require an amendment to the resolution giving first reading to the by-law as follows:

- 297/08 Moved by: Councillor Wagner
Seconded by: Councillor Ferris
That Resolution No. 276/08 be amended to read “that the by-law is to show .05¢ for 6 minutes”.
Carried.
- 298/08 Moved by: Councillor Wagner
Seconded by: Councillor Ferris
RESOLVED THAT a baseline for the parking meter revenue be established at \$53,672 being also the average annual parking meter revenue from 2004 to 2006; and
That the baseline be adjusted each year in accordance with the annual CPI for Manitoba; and

THAT 50% of the annual parking meter revenue in excess of the baseline be transferred to the General Reserve up to an accumulated total of \$32,000 to pay for the cost of the new meters; and

THAT 50% of the annual parking meter revenue in excess of the baseline (and 100% after the cost of the parking meters is recovered in full) be transferred to a special reserve fund for the purpose of providing assistance to downtown revitalization and or development in areas where parking meters are in existence; and

THAT By-law No 08-8409 to amend parking meter rates in Fees and Charges By-law No. 07-8377 be given second reading as amended;
Carried.
- 299/08 Moved by: Councillor Wagner
Seconded by: Councillor Ferris
RESOLVED THAT By-law No. 08-8409 be given third reading , finally passed, signed and sealed.
Carried.
In Favour: Councillors Bereza, Ferris, Keryluk, Quinn, Shindle, Wagner and Mayor Brennan.

**Community
Services
Committee**

The Community Services Committee respectfully submits the following reports.

Community Event
Permit Request –
Portage Terriers

The Portage and District Terriers have requested an occasional liquor permit for their annual hockey game to be held on December 31, 2008.

The Manitoba Liquor Control Commission requires authorization from the City of Portage la Prairie as owners of the facility, before issuing a liquor permit to the organizers.

The City of Portage la Prairie is granted six community event permits each year of which two have been granted to date. Administration recommends approval of this request.

- 300/08 Moved by: Councillor Shindle
Seconded by: Councillor Bereza
RESOLVED THAT the Council of the City of Portage la Prairie approve the request of the Portage & District Terriers to obtain a community event liquor permit through the Manitoba Liquor Control Commission for the Wednesday, December 31, 2008 hockey game to be held at the Portage Centennial Arena.
Carried

**DEFERRED
BUSINESS**

None

NEW BUSINESS

Request for
Extension of
Variation – Chaske
- PC66/08

The applicant has requested an extension to their original Variation order, which was passed by Resolution No. 292/07 on October 9, 2007, for an additional 12 months. The Planning Act, Section 101 states: “(1) A variance order will expire and cease to have any effect if it is not acted upon within 12 months of the date of decision. (2) A board, council or planning commission may extend the deadline under subsection (1) for an additional period not longer than 12 months if an application is received before the initial deadline.”

Administratively, there are no concerns with the application for an extension to the original variation order and as such, would recommend approval.

301/08 Moved by: Councillor Bereza
Seconded by: Councillor Shindle

RESOLVED THAT the Council of the City of Portage la Prairie approve the request of David Chaske to extend the original variation order (PC 61-07) at the property at 36 5th St NW which is legally described as Lot 54, Plan 17, Parish of Portage la Prairie.

Carried.

Award of Tender –
5th Street S.E.
Wastewater Sewer
Renewal Contract

The tender was advertised in The Daily Graphic and on the City’s web page. The tender opening was Wednesday, September 30, 2008, with one bid received.

The wastewater sewers in this area are very old - the construction date is estimated to be 1930. This trunk sewer line services much of the southeast sector of the City, and therefore breaks can disrupt service to a large number of homes. The wastewater sewers have had several breaks and service disruptions in this area. The City and the Highways Department would like to partner in repaving 5th Street S.E. sometime in the next few years. Therefore, the wastewater sewer must be replaced prior to paving.

The City’s net cost with the GST rebate is approximately \$170,309.70. The preliminary budget estimate was \$193,000 therefore the project is approximately \$22,700 under budget. This is the second project tendered from the 2008 Utility Renewal budget.

302/08 Moved by: Councillor Keryluk
Seconded by: Councillor Quinn

RESOLVED THAT the Council of the City of Portage la Prairie award the 5th Street S.E. Wastewater Sewer Renewal Contract, as specified in tender 08 OPS 028, to Towle Construction Ltd. for the tendered price of \$178,825.18, including taxes.

Carried.

Engineering
Plotter/Scanner

The 2008 budget includes \$12,000 for the purchase of a drawing plotter, with \$6000 from General Fund and \$6000 from the Utility Fund, to replace the existing plotter. At the time the budget was prepared, it was intended to replace the existing plotter with a similar but newer unit. That unit is no longer available. Manufacturers now offer new drawing plotter/scanner devices. The Finance Department has expressed interest in having some drawings scanned into digital format and placed on the City’s web page. The scanner would replace the City’s current blueprint copier.

The existing blueprint machine is 18 years old and prints are very poor quality. The existing plotter is 7 years old and will still have a fairly good trade in value.

The quoted cost of a new plotter/scanner is \$27000, and, with the trade, the net cost is estimated at \$23000.

There is \$16,000 in the Utility budget for the purchase of a GPS signal receiving survey rod. This has not been purchased, since the price of a new unit is well over budget. It is proposed to utilize this budget amount with the plotter budget to purchase a plotter/scanner device.

303/08 Moved by: Councillor Quinn
Seconded by: Councillor Shindle

RESOLVED THAT Council authorize the reallocation of funds in the General Fund and Utility Fund budgets to delete the purchase of a GPS receiver and to provide for the purchase of a combination drawing plotter and scanner device.

Carried.

Commercial
Insurance for PCU
Centre

Horizon Insurance, Pallister Insurance and MIG Insurance were each asked to provide a quote on the commercial insurance requirements for the PCU Center. Commercial Insurance includes Builders Risk which is a type of property insurance that indemnifies against damage to the building while under construction, and Wrap Up Liability insurance which provides primary coverage for all parties involved in the project including owners, consultants, contractors and subcontractors to ensure effective and efficient coverage.

MIG Insurance and Horizon Insurance both submitted proposals and offered similar coverage. Horizon's quote was the lowest quote at \$87,285.

304/08 Moved by: Councillor Shindle
Seconded by: Councillor Bereza

RESOLVED THAT the Council of the City of Portage la Prairie approve the Horizon Insurance proposal for Builders Risk and Wrap Up Liability insurance at a premium of \$87,285 over a 13 month term and on the condition that the RM of Portage la Prairie also approves the proposal from Horizon Insurance and that this forms part of the PCU Centre project costs.

Carried.

WTP Phosphoric
Acid Supply
Contract

The current contract for the supply of chemical to the water treatment plant began March 1, and is in effect until February 28, 2010. The tender closed February 20, 2008 and was awarded in March.

The low bid for Phosphoric Acid from Univar was \$1.181 per kg excluding taxes, for 10,880 kg for a two year supply. There was no allowance for a CPI or any other market adjustment on the prices for the term of the contract in the tender. (Administration will be investigating market adjustment pricing options for the next tender.)

Univar provided correspondence from their supplier indicating that price increases, totaling \$1.58/kg, have been assessed following the tender close as follows: 1) \$0.18/kg effective April 1; 2) \$0.44/kg effective April 15; 3) \$0.52/kg effective June 1; and 4) \$0.44/kg effective August 1. Univar has requested a price adjustment of \$1.669/kg to \$2.85/kg, or a 141% increase.

It is understood by Administration that there have been significant increases in commodity, including phosphorus, prices over the past several months. Council has the authority to adjust the prices to an amount greater than what is stated in the contract, however, this can be seen by other bidders on this contract as unfair, or that Council is willing to negotiate pricing after a tender close.

On the contrary, it is reasonable for the City to expect a contractor to make a reasonable profit for work performed.

If a price adjustment is denied by Council, Univar might decide to default on the contract. The City would then have to negotiate supply and pricing with another supplier.

There were two other bidders for the original contract.

February price bids:

2nd bid Canada Colors \$1.51/kg – only a 4 month firm price, since the market is volatile.

3rd bid Brenntag \$1.74/kg – a firm two-year price. Brenntag indicated that their bid anticipated price increases, and they were going to buy the entire 2 year inventory at the outset of the contract, and supply it as the City needed it.

Both of these suppliers confirmed that there have been huge price increases which could not have been anticipated.

One option is to cancel the contract with Univar and obtain new quotes for the supply

of Phosphoric Acid. Unit prices in the order of \$3 per kg can be anticipated.

This could be a problem since the wholesalers are providing allocation lots to the companies that the City deals with, and supply of phosphoric acid is very limited. Canada Colors has indicated that they might not be able to provide a bid since their phosphoric acid allocation is established. Brenntag believes they can make arrangements to supply the product and therefore provide a bid.

305/08 Moved by: Councillor Keryluk
Seconded by: Councillor Quinn

RESOLVED THAT That this matter be deferred to the next meeting of Council on October 27 pending further information.
Carried.

Manitoba
Opportunities Fund

Administration applied for funding through the Manitoba Opportunities division of MAFRI (Manitoba Agriculture, Food and Rural Initiatives). The City of Portage la Prairie was approved for funding by the Province of Manitoba in the amount of \$59,000 to complete five immigration related projects. The projects consist of:

1. Conducting a Survey of Portage la Prairie Businesses to determine available and needed skilled labour.
2. Providing "Hands-On" Employer Direct Workshops that will be developed and delivered with the support from the Manitoba Provincial Nominee Program as well as interaction with Service Canada and the "Labour Market Opinion."
3. Upgrading the immigration website to assist newcomers and people intending to immigrate to Portage la Prairie and area to find all tools necessary to assist in their successful transition to the community.
4. Development of immigration marketing materials and folders to enhance the recruitment and appeal of Portage la Prairie and area to potential Newcomers who would like to immigrate to Manitoba.
5. Creation of an "Aftercare" program to assist in the integration of Newcomers to their new community with inputs from actual businesses they are working for.

The City intends to hire a contractor with the funds to assist in the completion of projects with the Economic and Community Development Department providing support and guidance. There is no direct cost to the City other than staff time assisting in the completing of the five identified projects. The project will conclude by March 31, 2009 with Project #1 being started immediately.

306/08 Moved by: Councillor Bereza
Seconded by: Councillor Wagner

RESOLVED THAT the Council of the City of Portage la Prairie approve the signing of the funding contribution agreement with the Province of Manitoba and further that the Mayor and Manager of Administration be authorized to sign on behalf of the City of Portage la Prairie.
Carried.

OLD BUSINESS: NONE

ADJOURNMENT There being no further business to discuss, Council adjourned at 7:02 p.m.

Mayor

Manager of Administration