

**MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY,
AUGUST 20, 2007 AT 7:30 PM IN THE COUNCIL CHAMBER, CIVIC ADMINISTRATION
BUILDING, BRANDON, MANITOBA**

PRESENT: Mayor D. Burgess in the Chair, Councillor V. Barletta, Councillor E. Black, Councillor M. Blight, Councillor M. Campbell, Councillor K. Fitzpatrick, Councillor J. Harwood, Councillor D. Jessiman, Councillor D. Paterson, Councillor G. Rice, Youth Councillor Greg Bailey

ABSENT: Councillor J. McCrae

ADOPTION OF AGENDA:

312 Rice-Fitzpatrick
That the Agenda for the Regular Meeting of City Council to be held on Monday, August 20, 2007 be adopted as presented. CARRIED.

CONFIRMATION OF MINUTES:

313 Jessiman-Harwood
That the Minutes of the Regular Meeting of City Council held on Monday, July 23, 2007 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

HEARING OF DELEGATIONS:

(A) STEPHEN MONTAGUE - BRANDON YOUTH COUNCIL

Stephen Montague appeared before City Council on behalf of the Brandon Youth Council to provide an update on the Youth Council from the previous year, suggest amendments to the structure for the upcoming year and request a one month extension to the current trial period, to allow a seamless transition for the next Council.

314 Barletta-Harwood
That the presentation and report from Stephen Montague on behalf of the Brandon Youth Council be received and referred to the Administration for subsequent report;

and further, that the trial period for the appointment of a youth member to sit on City Council be extended to September 30, 2007. CARRIED.

PUBLIC HEARINGS:

Nil

COMMUNICATION & PETITIONS:

PETITION IN OPPOSITION TO MALATHION SPRAYING - DR. DI BRANDT

Submitted for consideration was a petition from Dr. Di Brandt on behalf of the concerned citizens of Brandon dated August 8, 2007, in opposition to malathion spraying.

315 Barletta-Black
That the petition in opposition to malathion spraying submitted by Dr. Di Brandt on behalf of the concerned citizens of Brandon, be received. CARRIED.

COMMITTEE REPORTS:

(A) RENAISSANCE BRANDON VERBAL REPORT AUGUST 20, 2007

Brandon, Manitoba
August 20, 2007

Mayor and Councillors
City of Brandon

Councillor Barletta provided a verbal report on the recent meeting held by Renaissance Brandon. He reported on the research undertaken on other communities in North America with respect to initiatives and organization and thanked the committee members for their involvement, energy and diligence. He concluded by stating that a report would be submitted to City Council for its September 10, 2007 meeting.

(B) GENERAL MUSEUM ADVISORY COMMITTEE VERBAL REPORT AUGUST 20, 2007

Brandon, Manitoba
August 20, 2007

Mayor and Councillors
City of Brandon

Councillor Black provided a verbal report on the activities of the General Museum Advisory Committee and its subcommittees. He noted that facility tours were being arranged and a public meeting would be held in conjunction with the Brandon Municipal Heritage Committee.

Blight-Harwood

316 That the verbal reports by Councillors Barletta and Black with respect to Renaissance Brandon and the General Museum Advisory Committee, be received. CARRIED.

ENQUIRIES:

(205) MALATHION SPRAYING IN THE CITY OF BRANDON

Councillor Barletta referred to recent reports on malathion spraying and enquired if a report could be requested from the Province of Manitoba on the effectiveness of malathion spraying on the mosquito population as well as on other insects and any ill effects same may have on residents.

His Worship the Mayor advised that regular updates were received from the Province of Manitoba on the matter, but a more detailed report could be requested.

(206) PEDESTRIAN/CYCLIST UNDERPASS AT 34TH STREET AND PACIFIC AVENUE

Councillor Harwood enquired if information could be provided with respect to the establishment of a pedestrian/cyclist underpass at the train tracks located at 34th Street and Pacific Avenue.

His Worship the Mayor agreed to take this matter under advisement.

(207) HAZARDOUS WASTE DISPOSAL

Councillor Harwood noted that residents had raised concerns with respect to the disposal of hazardous waste at the landfill site, if they had missed the Hazardous Waste Disposal Days in May and/or October. He asked if the Environmental Committee could review the feasibility of having a drop off spot located at the landfill site all year around to avoid that type of material finding its way into the general landfill.

His Worship the Mayor agreed to take this matter under advisement.

(208) REQUIREMENT TO HAVE WARNING DEVICE ON BICYCLES

Councillor Paterson reported that the City of Vancouver, BC had regulations in place which required cyclists to have a warning device, such as a bell or horn, attached to their bicycle in order to notify pedestrians of their approach. He enquired if the City had ever considered such a requirement for safety reasons, or if additional education could be provided to cyclists with respect to this matter.

His Worship the Mayor agreed to take this matter under advisement.

(209) INTEGRATION OF IMMIGRANTS INTO BRANDON

Councillor Paterson referred to a response he had received from the Economic Development Officer with respect to the integration of immigrants into Brandon. He enquired if same could be made public, via the City's web page or through a presentation to City Council.

His Worship the Mayor agreed to take this matter under advisement.

(210) INFRASTRUCTURE IN THE 500 BLOCK OF 14TH STREET

Councillor Rice advised that he had raised an enquiry with respect to the aging infrastructure in the 500 Block of 14th Street whereby he noted that same was being reviewed by Mr. S. Hayward of the City's Engineering Department.

(211) RENTAL PROPERTY REGISTRY

Councillor Rice advised that he had raised an enquiry with respect to rental property registration and same was being addressed by the City's Economic Development Officer.

(212) SIMPLOT MILLENIUM PARK

Councillor Fitzpatrick enquired if an update could be provided on the status of the Simplot Millenium Park.

His Worship the Mayor advised that the \$30,000 loan for the Park had been forgiven, through the Grants Review Committee process, however the requirement to tax the facility was still in place, as the property was owned by a private corporation. He further advised that payment of taxes was up-to-date and applications for annual grants to reimburse those taxes could be applied for through the normal Grants Review process.

(213) GRADING OF BACK LANES

Councillor Jessiman noted that following heavy rains, there was always the need to grade back lanes and he enquired if there was a schedule in place for such maintenance.

His Worship the Mayor agreed to take this matter under advisement.

(214) CURLING ICE AT THE RECREATION CENTRE

Councillor Jessiman advised that he had received enquiries with respect to the operation of the curling ice at the Recreation Centre and he enquired if the ice was going to be installed for the 2007/2008 season and if so, who was going to operate same.

His Worship the Mayor agreed to take this matter under advisement.

(215) PROPOSED RECREATION HUB

Councillor Jessiman enquired if an information meeting could be held to provide information to residents in the south east corner of the City on the proposed “recreation hub” in that location.

His Worship the Mayor agreed to take this matter under advisement.

(216) FREE DOWNTOWN PARKING FOR OUT OF PROVINCE VISITORS

Councillor Black noted that the City of Moose Jaw, SK, provided free parking in its downtown region to out of province visitors and he enquired if the City of Brandon had ever contemplated a similar approach.

His Worship the Mayor agreed to take this matter under advisement.

(217) AFFORDABLE HOUSING INITIATIVES

Councillor Black referred to a recent announcement by the Province of Manitoba with respect to programs to assist in the development of housing for low income families and he enquired whether or not the City's efforts would correspond with same.

His Worship the Mayor advised that this matter was being addressed later in the meeting under the Order of By-laws.

(218) BRANDON UNIVERSITY/YMCA WELLNESS CENTRE

Councillor Black referred to the proposed Brandon University/YMCA wellness centre and enquired if an update could be provided on same, inclusive of any fiscal implications should the centre be located outside the downtown area.

His Worship the Mayor agreed to take this matter under advisement.

(219) POLICE COMMISSION

Councillor Black noted that some centres were revamping the “Police Commission” system and he enquired if a report could be provided by the City Clerk's Department with respect to background on the City's previous Commission, how the responsibilities were addressed once the Commission was disbanded, and the reason for the disbandment.

His Worship the Mayor agreed to take this matter under advisement.

(220) TRAFFIC FLOW - WOODLAND SUBDIVISION

Councillor Campbell noted the extensive new developments south of 9th Street in the Woodland Subdivision and she enquired if the City could review the possibility of diverting traffic from that development onto 1st Street via Maryland Avenue, rather than onto 9th Street.

His Worship the Mayor agreed to take this matter under advisement.

(221) WALKWAY - 9TH STREET DEVELOPMENT

Councillor Campbell referred to her previous enquiry with respect to construction of a walkway on Patricia Avenue from 9th to 18th Streets whereby a response had been received indicating a preliminary cost of \$315,000. She enquired if a more detailed estimate could be provided and whether or not same could be included in the 2008 budget for consideration.

His Worship the Mayor agreed to take this matter under advisement.

(222) WALKWAY - 18TH TO 20TH STREETS ON MARYLAND AVENUE

Councillor Campbell referred to a previous enquiry with respect to the construction of a walkway from 18th to 20th Streets on Maryland Avenue whereby she noted that even though funds had been allocated in previous years for the project, the City had been unsuccessful in its attempt to acquire the necessary property from the owners of the Jewish Cemetery. She enquired if it was feasible to pursue same now, given the need to construct a corner alignment.

His Worship the Mayor agreed to take this matter under advisement.

ANNOUNCEMENTS:

WEST NILE VIRUS

Councillor Paterson announced that an article had recently been published in the Globe and Mail newspaper with respect to the increased number of West Nile Virus cases and provided a copy of the article to the City Clerk.

ASSINIBOINE WARD MEETING

Councillor Paterson announced that he would hold a ward meeting at 7:30 p.m. on August 21, 2007 at the Riverbank Discovery Centre. The matters to be discussed included the former Burns Plant, flood claims, Sportsplex, road network study and train noise, along with any other ward issues.

ENVIRONMENTAL STRATEGIC PLAN COMMITTEE OPEN HOUSE

Councillor Paterson announced that the City's Environmental Strategic Plan Committee would host an Open House on September 6, 2007 at 7:00 p.m. in the main foyer of City Hall and he invited interested members of the public to attend.

RESURFACING OF RICHMOND AVENUE EAST

Councillor Jessiman announced that the resurfacing of Richmond Avenue East from 1st Street to Highway No. 110 had been completed any many cyclists were enjoying the new paved shoulders.

DRAINAGE ISSUES ON ELDERWOOD DRIVE

Councillor Jessiman announced that the heavy rains earlier in the day had once again resulted in drainage issues along Elderwood Drive onto 1st Street.

ACCOLADES TO ADMINISTRATION

Councillor Fitzpatrick announced that he had held a ward meeting on August 7, 2007 and he extended his thanks to the members of the Administration who had been in attendance. He also noted that he had received comments from many residents on the excellent customer service they had received from staff of the City of Brandon and asked that these accolades be passed along.

ACCOLADES TO THE PUBLIC AND MEDIA

Councillor Black extended his appreciation to the public and members of the media for bringing forward issues of importance and for stimulating debate on same.

GENERAL BUSINESS:

(A) MEMORANDUM OF UNDERSTANDING - 1ST STREET AND ROSSER AVENUE SITE REMEDICATION AND LONG TERM MANAGEMENT AGREEMENT

Considered was a report from Manager of Design and Inspection dated August 7, 2007 with respect to the above.

Black-Rice

317 That the City of Brandon enter into the memorandum of understanding with the Province of Manitoba attached to the report of the Manager of Design and Inspection dated August 7, 2007 with respect to both parties negotiating and finalizing a site remediation and long term management agreement to be made between both parties regarding the former Brandon Scrap Ironworks properties at 9 - 1st Street and 17 Pacific Avenue and the former Imperial Oil site at 218 and 308 Pacific Avenue and 123 Rosser Avenue in the City of Brandon. CARRIED.

(B) RIVERVIEW CURLING CLUB LAND ACQUISITION

City Council considered a report from the General Manager of Development Services dated July 31, 2007 with respect to the above.

Campbell-Jessiman

318 That the City of Brandon purchase 75' of property from the Riverview Curling Club, 420 Maryland Avenue, (Lots 23 to 25 and Lots 48 to 50, Block 6, Plan 300 BLTO) for the sum of \$10,000.00 to construct a storm water drainage ditch in the southern portion of the City whereby said funds shall be expended from the Land Acquisition Reserve. CARRIED.

(C) RECONSIDERATION OF LIGHT BY-LAW NO. 6874 - COUNCILLOR BLACK

Submitted for consideration was a report from Councillor E. Black dated July 30, 2007 with respect to the above in accordance with his notice of motion given at the July 23, 2007 meeting of City Council.

Black-Rice

319 That City Council reconsider the vote on Motion No. 285 of the meeting of City Council held June 25, 2007 to give first reading to By-law No. 6874 to establish rules and regulations pertaining to the control of lighting on private property within the City of Brandon. LOST.

Following a statement by His Worship the Mayor with respect to other by-laws that had been defeated at first reading, Councillor Black requested documentation be provided on same.

(D) FINANCIAL SUPPORT FOR HOSTING A FEDERATION OF CANADIAN MUNICIPALITIES MEETING - COUNCILLOR JESSIMAN

At the request of Councillor Jessiman, this item had been withdrawn.

BY-LAWS:

NO. 6870 - TO CREATE AN AFFORDABLE HOUSING FINANCIAL ASSISTANCE PROGRAM AMENDMENT, 2ND AND 3RD READINGS

It was noted that this by-law had received first reading at the June 25, 2007 meeting of City Council.

Rice-Paterson

320 That By-law No. 6870 to create an Affordable Housing Financial Assistance Program to encourage new construction of affordable rental multi-family units in the City of Brandon be amended by:

1. adding in Section 1., the following subsections:
 - “(g) ELIGIBLE UNIT means a rental residential unit contained within a building of 3 or more rental units and renting for a maximum of median market rent established annually by Canada Mortgage and Housing Corporation) plus 10% inclusive of all utilities; and
 - (h) QUALIFYING UNIT means an eligible unit that is rented by a tenant whose annual household income does not exceed the current second quintile established by Statistics Canada.”;
2. deleting Section 2 in its entirety and substituting the following therefor:
 2. That a financial assistance program be established for newly constructed affordable multi-family rental units whereby eligible property owners shall receive a tax credit equal to 50% of the municipal portion of the tax bill on qualifying units for a period of twenty (20) years commencing in the year the building is first assessed for taxation purposes.”
3. adding in Sub-section 3.(a), after the words: “established annually”, the words: “by Canada Mortgage and Housing Corporation”;
4. adding the following as Sub-section 3.(b):

“3. (b) the annual household income of the tenant shall not exceed the current second quintile established by Statistics Canada;”
5. re-numbering Sub-sections 3.(b) and (c) to Sub-sections 3.(c) and (d) respectively;
6. adding in Sub-section 3.(c), before the words: “residential units”, the word: “eligible”;

7. adding the following as Sections 6, 7 and 8:

- “6. Rental rates for each residential unit eligible for the real property tax credit and appearing on the annual assessment roll shall be verified annually whereby an income/rent declaration signed by the tenant of each eligible rental unit shall be provided by the landlord/property owner to the Treasury Department prior to April 1 of each calendar year.
7. For newly constructed qualifying residential units that are not recorded on the annual assessment roll of the City of Brandon, application for the real property tax credit must be made to the Treasury Department of the City of Brandon along with the required tenant income/rent declarations no later than 30 days from the date of issue of their supplementary tax bill.
8. The Affordable Housing Financial Assistance Tax Credit shall be applied against the taxes due in each qualifying year.”;

8. re-numbering Section 7 to Section 9; and

9. deleting Schedule A and substituting therefor Schedule A attached to the report of the City Clerk's Office dated August 9, 2007. CARRIED.

Rice-Paterson

321 That this by-law, as amended, be read a second time. CARRIED.

Rice-Barletta

322 That this by-law be read a third and final time. CARRIED.

FOR

His Worship Mayor Burgess
Councillor Barletta
Councillor Black
Councillor Blight
Councillor Campbell
Councillor Fitzpatrick
Councillor Harwood
Councillor Jessiman
Councillor Paterson
Councillor Rice

AGAINST

Nil

NO. 6872 - TO REGULATE THE POSSESSION OF KNIVES IN PUBLIC PLACES
2ND AND 3RD READINGS

It was noted that this by-law had received first reading at the July 23, 2007 meeting of City Council.

Black-Campbell

323 That By-law No. 6872, to regulate the wearing of knives in plain view in public places within the City of Brandon, be read a second time. CARRIED.

Black-Paterson

324 That this by-law be read a third and final time. CARRIED.

FOR
His Worship Mayor Burgess
Councillor Barletta
Councillor Black
Councillor Blight
Councillor Campbell
Councillor Fitzpatrick
Councillor Harwood
Councillor Jessiman
Councillor Paterson
Councillor Rice

AGAINST
Nil

NO. 6873 - TO CREATE A HOME RENOVATION TAX ASSISTANCE PROGRAM
AMENDMENT, 2ND AND 3RD READINGS

It was noted that this by-law had received first reading at the June 25, 2007 meeting of City Council.

325 Burgess-Paterson
That By-law No. 6873 to establish a home renovation tax assistance program in the City of Brandon be amended by:

1. deleting, in Sections 6 and 7 respectively, before the words: “eligible renovation”, the word: “proposed”;
2. adding the following to Section 9: “Should the eligible residential unit be sold, the new owner shall be entitled to the remaining approved real property tax credit payable as per the terms outlined in this by-law provided they complete and provide to the Treasury Department of the City of Brandon, a new Home Renovation Tax Credit Application Form and meet the eligibility requirements for the tax credit within sixty (60) days of the closing date of the purchase.”;
3. adding the following as Sub-section 10.(e):

 “10. (e) the maximum approved tax credit has been applied to the eligible residential tax bill.”;
4. deleting Schedules A and B to the by-law and substituting therefor Schedules A and B attached to the report of the City Clerk's Office dated August 9, 2007. CARRIED.

326 Burgess-Fitzpatrick
That this by-law, as amended, be read a second time. CARRIED.

327 Burgess-Paterson
That this by-law be read a third and final time. CARRIED.

FOR
His Worship Mayor Burgess
Councillor Barletta
Councillor Black
Councillor Blight
Councillor Campbell
Councillor Fitzpatrick
Councillor Harwood
Councillor Jessiman
Councillor Paterson
Councillor Rice

AGAINST
Nil

NO. 6876 - TO REZONE 1324 AND 1330 - 1ST STREET NORTH FROM CAR COMMERCIAL ARTERIAL ZONE TO CG COMMERCIAL GENERAL ZONE (JIMARCO DEVELOPMENT INC./SAMSON HOLDINGS LTD./SWANSON/STANGER)
1ST READING

Considered was a report from the General Manager of Development Services dated August 9, 2007.

Paterson-Black
328 That By-law No. 6876 to rezone property located at 1324 and 1330 1st Street North (Lots 6/9, Block 1, Plan 848 BLTO) from CAR Commercial Arterial Zone to CG Commercial General Zone be read a first time. CARRIED.

GIVING OF NOTICE:

Nil

ADJOURN:

Paterson-Blight
That the meeting do now adjourn. (9:13 p.m.) CARRIED.

MAYOR

CITY CLERK