

**MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY,  
JANUARY 23, 2017 AT 7:00 PM IN THE COUNCIL CHAMBER, CIVIC  
ADMINISTRATION BUILDING, BRANDON, MANITOBA**

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PRESENT: Mayor Rick Chrest, Councillor Shawn Berry, Councillor Ron W. Brown, Councillor Jan Chaboyer, Councillor Barry Cullen, Councillor Kris Desjarlais, Councillor Jeff Fawcett, Councillor Jeff Harwood, Councillor John LoRegio, Councillor Glen Parker, Councillor Lonnie Patterson

ABSENT: Nil

ADOPTION OF AGENDA:

891 Harwood-Chaboyer  
That the Agenda for the Regular Meeting of City Council to be held on Monday, January 23, 2017 be adopted as read. CARRIED.

CONFIRMATION OF MINUTES:

892 Parker-Chaboyer  
That the Minutes of the Regular Meeting of City Council, held on Monday, January 9, 2017 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

HEARING OF DELEGATIONS:

(A) GEORGE HAGGERTY – FRIENDS OF HMCS BRANDON

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George Haggerty, Chair of the Friends of HMCS Brandon Committee appeared before City Council with respect to the dissolution of the committee. Mr. Haggerty informed City Council that the original purpose of the Friends of HMCS Brandon Committee to provide gifts to the ship and crew on behalf of the City of Brandon, could no longer be performed as The Department of National Defense had ruled that gifts could no longer be received. He advised that all secondary purposes of the Friends of HMCS Brandon Committee, such as arranging City visits for crew members, could be performed by Brandon Salutes. Mr. Haggerty noted that he had met with Brandon Salutes and received their agreement to adopt all responsibilities and remaining funds of the Friends of HMCS Brandon Committee.

893 Harwood-LoRegio  
That the presentation by George Haggerty, on behalf of the Friends of HMCS Brandon with respect to dissolving the committee, be received. CARRIED.

894 LoRegio-Harwood  
That the HMCS Brandon Commissioning Committee (Friends of HMCS Brandon) established by Brandon City Council (Motion No. 2289 - November 10, 1997 meeting of City Council) be dissolved whereby any further responsibilities for and/or commitments to the HMCS Brandon by the City of Brandon shall be delegated to Brandon Salutes. CARRIED.

(B) RICHARD BRUCE AND SANDY DONALD - 2017 WESTMAN  
MULTICULTURAL FESTIVAL COMMUNITY EVENT DESIGNATION

Richard Bruce and Sandy Donald appeared before City Council on behalf of the Westman Multicultural Festival with respect to the upcoming festival and to request designation as a Community Event. Mr. Bruce advised that the 14th Annual Festival would take place January 26 – 28, 2017 and had been renamed the Westman Multicultural Festival.

Desjarlais-LoRegio

895 That the presentation by Richard Bruce and Sandy Douglas with respect to obtaining Community Event Designation for the 2017 Westman Multicultural Festival to be held January 26 - 28, 2017 be received. CARRIED.

Patterson-Chaboyer

896 That the Westman Multicultural Festival to be held January 26 - 28, 2017 be hereby designated as a Community Event in the City of Brandon whereby said festival shall include the following pavilions at the listed locations:

- English Pavilion – Victoria Inn Hotel, 3550 Victoria Avenue
  - Mauritius Pavilion – St. Mathew's Church, 403 – 13th Street
  - Honduran Pavilion – Knox United Church, 451 – 18th Street
  - Scottish Pavilion- Victoria Inn Hotel, 3550 Victoria Avenue
  - Irish Pavilion – Royal Oak Inn & Suites, 3150 Victoria Avenue
  - Philippine Pavilion – Ukrainian National Home, 1133 Stickney Avenue
  - Ukrainian Pavilion – Ukrainian Reading Association Hall, 1005 Assiniboine Avenue
- CARRIED.

(C) JACKIE NICHOL, BRANDON FIRST – FEDERATION OF CANADIAN  
MUNICIPALITIES FALL 2019 BOARD OF DIRECTORS MEETING

Jackie Nichol, on behalf of Brandon First, appeared before City Council with respect to a potential bid to host the Federation of Canadian Municipalities Fall 2019 Board of Directors Meeting. Ms. Nichol noted that the event would be held September 10 – 13, 2019, would involve over 150 delegates, and was expected to generate approximately 450 - 500 hotel room nights. She also advised that there was a mandatory expectation that the host community would be responsible for all expenses associated with shuttle service for delegates, hosting a welcome reception and banquet dinner. Ms. Nichol confirmed that this event would meet the requirements for an Accommodation Tax Grant and that it was the intent of Brandon First to assist with an application for funding in the amount of approximately \$12,500 to \$15,000 for consideration under the program.

LoRegio-Chaboyer

897 That the presentation by Jackie Nichol, on behalf of Brandon First with respect to the Federation of Canadian Municipalities" Fall 2019 Board of Directors Meeting, be received. CARRIED.

Parker-LoRegio

898 That the City of Brandon, with the support of Brandon First, submit a bid to host the 2019 FCM Board of Directors Meeting whereby the associated expenses to be incurred by the host municipality shall be assumed by the City of Brandon. CARRIED.

PUBLIC HEARINGS:

Nil

COMMUNITY QUESTION PERIOD:

STEVE MCMILLAN, VBJ DEVELOPMENTS - MARYLAND AVENUE IMPROVEMENT CONTRIBUTIONS

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Steve McMillan of VBJ Developments appeared before City Council with respect to the application to subdivide part of 1955 – 34th Street and the requirement that VBJ Developments must contribute to the upgrade of Maryland Avenue from 26th Street to 34th Street.

Mr. McMillan stated the approved secondary plan for the area and the neighborhood plan showed Maryland Avenue extending to Marquis Drive, not to 34th Street and enquired why VBJ Developments was required to pay for this additional portion of the road that was not approved to be constructed. He further noted that the housing development and road network had been designed without the road in that location, and the development would not benefit from the road in the additional area.

His Worship the Mayor advised that this matter would be discussed further under General Business.

COMMITTEE REPORTS:

Nil

ENQUIRIES:

(223) CITIZEN ENGAGEMENT RECOMMENDATIONS

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Councillor Patterson noted that the recommendations made by the Citizen Engagement Committee to improve voter turnout and increase candidates in the next municipal election were to be discussed at an informal meeting of City Council and enquired when that meeting was to take place.

At the request of His Worship the Mayor, the City Manager responded that this issue would be discussed at an informal meeting of City Council to take place on February 7, 2017.

(224) IMPACT OF FEDERAL CANNABIS LEGALIZATION AND REGULATIONS AT MUNICIPAL LEVEL

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Councillor Patterson referred to the recent Federal Government Task Force on Cannabis Legalization and Regulations report and enquired as to the impact of the proposed legislation on the City of Brandon.

At the request of His Worship the Mayor, the City Manager responded that a preliminary review of the Task Force's report had been completed to identify the issues that municipalities may face when the legalization and regulation of cannabis occurs. He advised that while many of the key initiatives would be regulated at a national level, areas such as the minimum age of purchase; a tax regime that includes equitable distribution of revenues; oversight and approval with respect to personal cultivation as well as restrictions on places of public use and overall public safety would need to be addressed at the provincial and municipal levels. The City Manager advised that policies and regulations would continue to be reviewed in preparation of the release of the proposed legislation and agreed to keep City Council updated on this issue.

(225) UPDATE ON THE ASSESSMENT OF THE WATER TOWER

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Councillor Parker requested an update on the status of the structural assessment of the water tower.

At the request of His Worship the Mayor, the City Manager responded that the Engineering Department had received the report with the results of the study to be presented at the February 6, 2017 City Council meeting.

ANNOUNCEMENTS:

COMMUNITY MEETING REGARDING THE HERITAGE INCENTIVE PROGRAMS

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Councillor Desjarlais announced that a community meeting to discuss the Heritage Incentive Programs was scheduled for January 24, 2017 from 6:30 p.m. to 8:30 p.m. at the Brandon Design Studio, 638 Princess Avenue. He invited everyone to come out and share their thoughts on the Heritage Incentive Programs and any changes they would like to see take place.

WESTMAN MULTICULTURAL FESTIVAL

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His Worship Mayor Chrest encouraged everyone to take in the Westman Multicultural Festival to be held January 27-29, 2017. He advised that information on the Festival was available at [www.gotothepavilions.com](http://www.gotothepavilions.com).

GENERAL BUSINESS:

(A) SALE OF PART OF 1001 – 22ND STREET TO ATOM JET INDUSTRIES (2002) LTD.

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City Council considered a report from the Manager of Property Administration dated January 13, 2017 with respect to the above.

LoRegio-Harwood

899 That the sale of Pt. 1001 – 22nd Street (Parcel A, Plan 39977 BLTO, and portions of Lots 61/62, Block 2, Plan 148 BLTO; 21st Street and Southern Avenue, [now closed]) to Atom-Jet Industries (2002) Ltd. for the sum of \$25,830.00 plus G.S.T. be approved. CARRIED.

(B) APPLICATION TO SUBDIVIDE 1955 – 34TH STREET (BELLAFIELD DEVELOPMENT)

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Considered was a report from the Planning, Property and Buildings Department dated January 9, 2017 with respect to the above.

Berry-LoRegio

900 That the application to subdivide 1955-34th Street (Pt. SW1/4 10-10-19 WPM), Phase I, Stage II to create one lot and a public right-of-way (Chipperfield Drive) to establish a 76 unit bareland condominium development (Attachment B-2) be approved subject to the owner or successor:

1. submitting written confirmation to the City of Brandon Planning, Property and Buildings Department that the Brandon School Division has received a cash-in lieu contribution for school purposes.
2. submitting written confirmation to the City of Brandon Planning, Property and Buildings Department that arrangements have been made for a joint use easement agreement and Plan of Easement to the satisfaction of Manitoba Hydro and Centra Gas Inc. and registering the easement agreement along with the easement plan, if required, in series with the plan subdivision.
3. entering into a development agreement with the City of Brandon subject to the following supplementary conditions:
  - (a) That the agreement be specific to the site plan (Attachment B-3) submitted for the construction of 76 bare land condominium units and any variation of the plan may require the Developer to obtain approval from Brandon City Council who may request additional public input and amendment to the agreement.
  - (b) To provide written confirmation that necessary arrangements have been made for postal service and that the pick-up / drop off location of the community mail box has been determined between the Developer and Canada Post; to the approval of Canada Post. The location of the community mail box must be indicated on the design construction drawings submitted to the City Engineer for review. Such location is to be approved by the City Engineer prior to the issuance of any development and/or building permits. The Developer also agrees to design for an appropriately sized sidewalk section and/or concrete pad as per municipal and Canada Post Corporation Standards, to place the Community Mailbox on. The developer must contact Canada Post for concrete pad specifications. Any required curb depression for wheelchair access must have a 1.6m wide opening and no more than a 20-degree grade per site.
  - (c) To remit a one-time monetary contribution, to the supply, installation, general maintenance and warranty of twelve (12) trees to be located on the City's right-of-way. The amount of payment for such trees will be calculated at the time of execution of this development agreement and based upon the City's tree contract pricing for the current year. Payment in full will be required prior to the issuance of any development and/or building permit.

- (d) To contribute \$1,800.00 per unit for 76 units as proposed to be developed as per Phase 1, Stage 2 totaling \$137,349.00. This contribution will be held in a Reserve Account and applied to sanitary sewer upgrades required for the downstream domestic sewer.
- (e) To contribute \$796.00 per unit for 126 units as per Phase 1, Stage 1.a, Stage 1.b and Phase 1, Stage 2 totaling \$100,296.00. This contribution will be held in a Reserve Account and applied towards the extension of Maryland Avenue from 26th Street to 34th Street. This contribution is taken as per requirements of Phase 1, Stage 2 as well as retroactively from Phase 1, Stage 1a. & b. as per the agreement between the City of Brandon and the Developer.
- (f) To legally open, extend and construct the public right-of-way commonly known as Chipperfield Drive and as such extend all below and above ground municipal services. The Developer will be required to submit design drawings as prepared by a professional engineer; such design is subject to review and acceptance by the City Engineer.
- (g) To construct a temporary turnaround at the dead end extension of Chipperfield Drive. Such turnaround must be designed according to TAC Standards and Brandon Fire and Emergency Services requirements. Such turnaround will be required to exist until such time as the public right-of-way is extended.
- (h) The Developer will be required to submit a Site Servicing Plan to the City Engineer indicating how the Developer wishes to service the condominium development. The Site Servicing Plan will be subject to review and acceptance by the City Engineer. Should the Developer wish to service the site by way of private services, the Developer will be required to enter into a Private Sewer and Water Agreement with the City of Brandon.
- (i) That should any servicing within the condominium development be held privately by the condominium corporation, the Developer acknowledges and agrees that those above and below ground improvements are the sole responsibility of the condominium corporation. The Developer also agrees to have City owned water metres installed in a location approved by the City Engineer.
- (j) That should any private hydrants be installed on private property, that all costs associated with the general maintenance and up keep are the sole responsibility of the condominium corporation. The Developer further agrees that only City employees and those people with written authorization from the City Engineer, will operate said hydrant(s).
- (k) That should the Developer propose to jointly drain any residential lots, the Developer will be required to provide evidence of all joint drainage easements registered on the property.
- (l) That should the Developer wish to drain the west side of the development by way of split drainage to the rear of the lots, the Developer will be required to amend the existing drainage easement registered on affected titles of Phase 1, Stage 1.

- (m) To provide evidence of receipt of a License to Construct Water Control Works with Manitoba Conservation and Water Stewardship for Phase 1, Stage 2. The Developer is to provide cumulative runoff calculations for the entire development as per the required drainage plan.
  - (n) To provide the City with a Detailed Cost Estimate for all work proposed to be completed within the City's right-of-way. The Detailed Cost Estimate is to be prepared by the Developer's Consulting Engineer and is submit to review and acceptance by the City Engineer.
  - (o) To provide to the City a Letter of Credit in the amount of 15% of the total cost of the detailed cost estimate; the total of which must be approved by the City Engineer.
- NOT VOTED ON.

Berry-LoRegio

901 That consideration of the application to subdivide part of 1955 - 34th Street be tabled and the application be referred to Administration for further clarification on the proposed extension of Maryland Avenue . CARRIED.

BY-LAWS:

NO. 7149 TO REZONE PART OF 1955 – 34TH STREET FROM AG AGRICULTURAL GENERAL ZONE TO RLD RESIDENTIAL LOW DENSITY ZONE

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It was noted that this by-law was read a first time on July 18, 2016.

Berry-Desjarlais

902 That By-law No. 7149 to rezone 1955-34th Street (Pt. SW1/4 10-10-19 WPM) from AG Agricultural General Zone to RLD Residential Low Density Zone be read a second time. CARRIED.

NO. 7167 PARKING ENFORCEMENT BY-LAW

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It was noted that this by-law was read for a first time at the January 9, 2017 Regular Meeting of City Council.

Desjarlais-Harwood

903 That By-law No. 7167 to establish, in accordance with The Municipal By-law Enforcement Act, an internal process for managing parking related penalty notices be read a second time. CARRIED.

Harwood-Patterson

904 That the by-law be read a third and final time. CARRIED.

In accordance with Section 137 of The Municipal Act, a recorded vote was taken on the motion to give By-law No. 7167 third reading.

FOR

Mayor Rick Chrest  
Councillor Shawn Berry  
Councillor Ron W. Brown  
Councillor Jan Chaboyer  
Councillor Barry Cullen  
Councillor Kris Desjarlais  
Councillor Jeff Fawcett  
Councillor Jeff Harwood  
Councillor John LoRegio  
Councillor Glen Parker  
Councillor Lonnie Patterson

AGAINST

Nil

NO. 7168

TO CLOSE AND CONVEY A PORTION OF 30TH AND 31ST STREETS, SHAW AVENUE AND THE NORTH/SOUTH LANE LOCATED SOUTH OF DURUM DRIVE AND WEST OF MARQUIS CRESCENT

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Considered was a report from the Planning, Property and Buildings dated January 13, 2017 in respect to the above.

905

Berry-Desjarlais

That By-law No. 7168 to close and convey those portions of 30th Street, 31st Street, Shaw Avenue and the North/South lane in Block 16, Plan 291 BLTO located south of Durum Drive and west of Marquis Crescent (Parcel A) to the property owner of 1700 – 30th Street (Block 16, Plan 291 BLTO) at a purchase price of \$60,680.00 plus G.S.T. and that portion of 30th Street (Parcel B) to the property owner of 62 Marquis Crescent (Lot 1, Block 11, Plan 1896 BLTO) at a total purchase price of \$2,750.00 plus G.S.T. be read first time. CARRIED.

GIVING OF NOTICE:

Nil

ADJOURN:

Berry-Chaboyer

That the meeting do now adjourn (8:33 p.m.) CARRIED.

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MAYOR

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CITY CLERK