

**MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON TUESDAY, APRIL 18, 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 Jeff Fawcett, Councillor Jeff Harwood, Councillor John LoRegio, Councillor Glen Parker, Councillor Lonnie Patterson

ABSENT: Councillor Kris Desjarlais

ADOPTION OF AGENDA:

Harwood-Chaboyer

978 That the Agenda for the Regular Meeting of City Council to be held on Tuesday, April 18, 2017 be adopted as presented. CARRIED.

PRESENTATIONS:

(A) DANIELLE HUBBARD - NATIONAL POETRY MONTH

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Danielle Hubbard presented a poetry reading entitled "The Penitentiary Cycle" in recognition of National Poetry Month.

CONFIRMATION OF MINUTES:

Patterson-Chaboyer

979 That the Minutes of the Regular Meeting of City Council, held on Monday, April 3, 2017 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

HEARING OF DELEGATIONS:

(A) PAUL ZIESMANN AND DREW COLLINS, BRANDON ENVIRONMENTAL COMMITTEE - TEAM UP TO CLEAN UP

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Paul Ziesmann and Drew Collins, representatives of the Brandon Environmental Committee, appeared before City Council with respect to the Team Up To Clean Up community event. Mr. Collins advised that the Team Up To Clean Up community event, formally known as Community Clean Sweep, would take place on Saturday, May 13, 2017 with registration starting at 10:00 a.m. at Princess Park. Mr. Collins thanked City Council for their ongoing support of the event and encouraged community members to come out and support the Team Up To Clean Up community event. Mr. Ziesmann challenged City Council to encourage residents to volunteer for the event, offering a trophy for the member of City Council who enlisted the largest amount of participants from their respective ward.

Harwood-LoRegio

980 That the presentation by Paul Ziesmann and Drew Collins of the Brandon Environmental Committee with respect to the Team Up to Clean Up event, be received. CARRIED.

(B) HAMID MUMIN AND HOPE SWITZER - PUSH FOR CHANGE

Hamid Mumin and Hope Switzer, members of Push for Change organizing committee, appeared before City Council with respect to their upcoming event. Mr. Hamid stated that the Push for Change national campaign was an awareness effort started by Mr. Joe Roberts, who was pushing a shopping cart across Canada to raise funds for youth homelessness. Mr. Hamid informed City Council that Mr. Roberts would be in Brandon on Saturday, April 29, 2017 and would participate in a fundraising gala dinner, BBQ, and community parade.

Fawcett-Chaboyer

981 That the presentation by Hamid Mumin and Hope Switzer with respect to the Push for Change event, be received. CARRIED.

PUBLIC HEARINGS:

(A) VARIANCE APPLICATION - 1430 - 1ST STREET NORTH (LEE CHOY LTD.)

City Council sat to receive representation on the appeal of the Planning Commission's decision to approve the variation application of Arlene Johnston on behalf of Lee Choy Ltd. for 1430 - 1st Street North.

Ryan Nickel, Chief Planner with the City of Brandon, provided an overview of the variance request for 1430 - 1st Street North noting that the intent of the application was to increase the intensity of a lawfully non-conforming use mobile home park use in the Commercial Arterial (CAR) Zone. He advised that the applicant proposed to place 3 additional mobile homes on the site.

Mr. Nickel clarified that the Planning Commission had previously approved the application subject to a number of conditions, however a letter of appeal had been received in accordance with the requirements of The Planning Act. He noted that the additional of mobile homes to the west of the internal roadway would reduce Fire Services to the existing mobile homes east of the site because of access issues.

Arlene Johnston appeared on behalf of the applicant and spoke in favour of the variance. She noted that Lee Choy Ltd. Had originally purchased the property in 1983 and consisted of 10 lots for mobile homes, and a building which housed office space, 7 apartments and a highway tractor garage. This building was subsequently demolished and the open space was currently used for a display area for mobile home sales. Ms. Johnston stated that the owner had no plans to sell or develop the property to commercial or high-density residential, and that his goal was to provide affordable housing on an underutilized space.

Ken Templeton, owner of White Swan Mobile Home Park, appeared in opposition to the application. He stated that the area was experiencing commercial growth and noted that there was the potential that property would be sold and become available for further commercial development. Mr. Templeton further stated that he did not believe there was a shortage of mobile home lots in Brandon and approval of the application could set a precedent to allow reduced services to an area.

LoRegio-Chaboyer

982 That the Public Hearing for Variance Application V-02-17-B at 1430 - 1st Street North be concluded. CARRIED.

Berry-Fawcett

983 That the Variance Application V-02-17-B to expand a non-conforming use in the CAR Commercial Arterial Zone at 1430 – 1st Street North (Lot A, Block 2, Plan 45700) be approved whereby such approval is granted in accordance with the intent of the application (Attachment A), the attached letter of intent (Attachment C) and the attached site plan (Attachment B), subject to the following condition(s):

- (a) That the agreement be specific to the site plan submitted for the construction of three (3) mobile home 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) That no permanent and/or accessory structures will be located or constructed on the site. Such structures will include, however not be limited too, sheds, garages and additions. Further, by execution of this development agreement, the owner or successor undertakes to disclose the aforementioned to all potential mobile homeowners prior to entering into any legal agreement in which would bind ownership and/or rental agreement. Should an application for a building permit for any type of structure be made to Development Services, such application would not be accepted nor issued to the applicant.
- (c) That all garbage pick-up for the development will be along Glen Avenue as the City of Brandon Sanitation Department will not enter the site as the site design does not meet the minimum standard for a cul-de-sac turnaround as per City of Brandon specifications. All residents of the development will be required to bring their garbage bins out to the approved location and remove the bins from the right-of-way on the designated garbage day for the development. Further, the developer will be required to install a “No Parking” sign along the south side of Glen Avenue approximately 30 feet west of the approach to accommodate for the locating of all garbage bins.
- (d) That by executing this development agreement, the owner or successor assumes all liability and risk should a fire or emergency arise within the development and emergency services is unable to access the site by way of the proposed access off Glen Avenue as per the General Operating Guideline (GOG 107.10 Tactical Guideline) in which states emergency vehicles should not be placed or operate in a back lane.
- (e) To construct barrier curb bordering the internal roadway as per the accepted for construction site plan. Such barrier curb is required as access onto the Manitoba Hydro utility right-of-way located at the southerly end of the internal roadway is strictly prohibited.
- (f) To design and construct the northerly approach proposed at Glen Avenue. Such work shall conform to the latest edition of the City of Brandon, Standard Construction Specifications, the work shall be completed by a bonded contractor with the City of Brandon and the work shall be at the sole cost of the owner or successor.

- (g) That should any hydro poles, light standards or trees located in the City boulevard be relocated or removed at the time of site servicing, the responsibility and cost of same will be solely borne by the developer and as such, all restoration to the City boulevard resulting from the work shall conform to the latest edition of the City of Brandon, Standard Construction Specifications.
- (h) That the approval of this variance is granted as a long-term temporary measure and as such, will expire 30 years from the date as executed on the Variance Order granting approval by the Planning Commission. Upon expiry of the variance, the use of mobile homes in the Commercial Arterial Zone will no longer be permitted under the Zoning By-Law and therefore, the owner or successor will be required to remove the three (3) mobile homes located upon 1430 – 1st Street North. Further, by execution of this development agreement, the owner or successor undertakes to disclose the aforementioned to all potential mobile homeowners prior to entering into any legal agreement in which would bind ownership and/or rental agreement. By failing to disclose such terms to all potential mobile homeowners, the owner or successor would be considered to be in default of this development agreement thereby rendering the variance approval void. LOST.

Fawcett-LoRegio

984 That Variance Application V-02-17-B to expand a non-conforming use in the CAR Commercial Arterial Zone at 1430 - 1st Street North (Lot A, Block 2, Plan 45700) be rejected. CARRIED.

COMMUNITY QUESTION PERIOD:

Nil

COMMITTEE REPORTS:

(A) BRANDON MUNICIPAL HERITAGE ADVISORY COMMITTEE  
VERBAL APRIL 18, 2017

April 18, 2017  
Brandon, Manitoba

Mayor and Councillors  
City of Brandon

Councillor Harwood provided a verbal report from the Brandon Municipal Heritage Advisory Committee. He noted that the Committee had received a presentation by Leanne Petrin from the Brandon Neighbourhood Renewal Corporation (BNRC) regarding potential partnerships between the Committee and the BNRC. Councillor Harwood reported that the Committee had made progress with amendments to the Heritage Conservation By-law and was working on an application to Manitoba Heritage Resources for funding to repair the stone fence on 17th Street.

Councillor Harwood also informed City Council that the Committee was in the process of hiring a Heritage Marketing Coordinator to start on May 1<sup>st</sup>, whereby the new Coordinator would assist with the Plaque program, the Heritage Sites list, and the organization of the Doors Open event which occurred in mid-July.

(B) BRANDON GENERAL MUSEUM & ARCHIVES INC.  
VERBAL

APRIL 18, 2017

April 18, 2017  
Brandon, Manitoba

Mayor and Councillors  
City of Brandon

Councillor Harwood provided a verbal report on the recent activities of the Brandon General Museum & Archives Inc. Board. He advised that the Museum had hosted a Curling Exhibit that was on display until the end of March, and had recently hired a University Student on a part-time basis to work on cataloguing the archive. Additionally, Councilor Harwood reported that several members of the Board would be attending a workshop offered by the Conservator and Cultural Stewardship Association of Manitoba and Museums to learn practical training on the care and handling of artifacts and other conservation issues.

Councillor Harwood stated that a new exhibit saluting the 150th Anniversary of Confederation and the 135th Anniversary of the City of Brandon would be opening on May 15 and running until the end of October. He invited the general public to call the museum to learn more about the hours of operation and book tours at 204-717-1514.

Harwood-Cullen

985 That the reports of the Municipal Heritage Advisory Committee and Brandon General Museum and Archives Inc. be received. CARRIED.

ENQUIRIES:

(236) CONDITION OF MEMORIAL CRESCENT

Councillor LoRegio advised that he had received complaints from residents with respect to the poor condition of Memorial Crescent and enquired if any work was planned for this street.

Councillor LoRegio also enquired as to the process for determining which streets were scheduled for resurfacing during the year.

At the request of His Worship the Mayor, the Acting City Manager responded that a Pavement Management Analysis was conducted on all roadways in the City of Brandon in 2014 with the data collected used to calculate an overall Pavement Condition Index (PCI) score. He advised that maintenance was performed on the streets with the lowest PCI first. Mr. Sage advised that Memorial Crescent had been identified as having a low PCI, however, the condition of base and sub-base suggested that more than a typical mill and overlay was required at this location. He confirmed that test holes had been drilled at this site in March and the results were currently being reviewed. Mr. Sage further advised that, should these results indicate that reconstruction is required, same would be budgeted for with the next 1-2 years and agreed to keep City Council updated on this situation.

(237) CANADA 150 AND BRANDON 135 CELEBRATIONS

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Councillor Harwood requested an update on the activities planned for the Canada 150 and Brandon 135 Celebrations in 2017.

His Worship the Mayor responded that \$50,000 had been allocated in the 2017 City of Brandon Budget for these Celebrations. He advised that a portion of those funds were to be used to enhance the Canada Day Celebrations hosted by Brandon Riverbank Inc. with the remainder to be accessible for other organizations requesting financial assistance for events planned in the community.

(238) PARTNERSHIPS WITH COMMUNITY ORGANIZATIONS FOR CANADA 150/BRANDON 135 EVENTS

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Councillor Harwood enquired if there was an opportunity for the City of Brandon to partner with local organizations such as Daly House Museum, the Brandon General Museum and Archives Inc. or the Commonwealth Air Training Plan Museum to host activities/events within the community.

His Worship the Mayor responded that as noted above, there were funds available for any local organizations wanting to partner with the City of Brandon in creating special events to celebrate Canada 150 or Brandon 135. He confirmed that, to date, there had been no inquiries received, however, it was still early in the year.

ANNOUNCEMENTS:

JOINT WARD MEETING - VICTORIA, UNIVERSITY AND MEADOWS-WAVERLY WARDS

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Councillor Cullen announced that a joint Victoria, University and Meadows-Waverly Ward meeting would take place on Monday, April 24, 2017 from 7:00 p.m. to 9:00 p.m. at the Victoria Inn. He advised that Administration would be in attendance to discuss various ward issues, inclusive of street and road repairs, recreation plans and infrastructure improvements. He invited residents from all wards to come out and share their thoughts with the group.

WESTMAN SAFETY CONFERENCE

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Councillor Chaboyer announced that she had been pleased to bring greetings on behalf of City Council at the Westman Safety Conference held recently at the Clarion Hotel. She advised that the event hosted by SAFE Work Manitoba and the Construction Safety Association of Manitoba saw approximately 150 construction workers from across Westman participate in workshops throughout the day.

GENERAL BUSINESS:

(A) SOUTH BRANDON PROPOSAL FOR ANNEXATION

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City Council considered a report from the Chief Planner dated April 4, 2017 with respect to the above.

Brown-Berry

986 That the proposal to annex lands from the Rural Municipality of Cornwallis attached to the report of the Chief Planner as "Attachment A", be submitted to The Municipal Board and that Administration initiate consultations in accordance with Section 71(1) of The Municipal Act. CARRIED.

(B) REQUEST FOR DISASTER FINANCIAL ASSISTANCE

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Submitted for consideration was as report from the Director of Risk and Emergency Management dated April 12, 2017 with respect to the above.

Fawcett-Parker

987 WHEREAS the City of Brandon took measures to protect residents and business from the forecasted flood, and;

WHEREAS the Assiniboine River did exceed floodstage and caused some minor damage to recreational property;

NOW THEREFORE BE IT RESOLVED that Manitoba Emergency Measures Organization be requested to provide disaster financial assistance to the City of Brandon and its citizens. CARRIED.

BY-LAWS:

NO. 7146 TO ESTABLISH A BRANDON HERITAGE CONSERVATION BY-LAW AND REPEAL BY-LAW NO. 6644

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It was noted that this by-law was read for a first time on April 3, 2017.

Harwood-Patterson

988 That By-law No. 7146 to establish a Heritage Conservation By-law and repeal By-law No. 6644 be read a second time. CARRIED.

Harwood-Patterson

989 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. 7146 third reading.

<u>FOR</u>	<u>AGAINST</u>
Mayor Rick Chrest	Nil
Councillor Shawn Berry	
Councillor Ron W. Brown	
Councillor Jan Chaboyer	
Councillor Barry Cullen	
Councillor Jeff Fawcett	
Councillor Jeff Harwood	
Councillor John LoRegio	
Councillor Glen Parker	
Councillor Lonnie Patterson	

NO. 7170      2017 TAX LEVY BY-LAW

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It was noted that this by-law was read for a first time on April 3, 2017.

990      Fawcett-LoRegio  
That By-law No. 7170 to impose and levy property taxes for the fiscal year 2017 be read a second time. CARRIED.

991      Fawcett-Chaboyer  
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. 7170 third reading.

<u>FOR</u>	<u>AGAINST</u>
Mayor Rick Chrest	Nil
Councillor Shawn Berry	
Councillor Ron W. Brown	
Councillor Jan Chaboyer	
Councillor Barry Cullen	
Councillor Jeff Fawcett	
Councillor Jeff Harwood	
Councillor John LoRegio	
Councillor Glen Parker	
Councillor Lonnie Patterson	

NO. 7174      TO AMEND ORGANIZATIONAL BY-LAW NO. 6650 - MEMBERSHIP OF MUNICIPAL HERITAGE ADVISORY COMMITTEE

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It was noted that this by-law was read for a first time on April 3, 2017.

992      Harwood-Parker  
That By-law No. 7174, to amend Organizational By-law No. 6650 with respect to the membership of the Brandon Municipal Heritage Committee, be read a second time. CARRIED.

993      Harwood-Parker  
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. 7174 third reading.

FOR

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

AGAINST

Nil

GIVING OF NOTICE:

Nil

ADJOURN:

Berry-Chaboyer

That the meeting do now adjourn (9:35 p.m.) CARRIED.

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MAYOR

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CITY CLERK