

**MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY, JUNE 5, 2017 AT 7:00 PM IN THE COUNCIL CHAMBER, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA**

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

**ABSENT:** Councillor Jeff Harwood

**ADOPTION OF AGENDA:**

**Chaboyer-Cullen**

1015 That the Agenda for the Regular Meeting of City Council to be held on Monday, June 5, 2017 be adopted as presented. CARRIED.

**CONFIRMATION OF MINUTES:**

**Parker-Patterson**

1016 That the Minutes of the Regular Meeting of City Council, held on Monday, May 15, 2017 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

**HEARING OF DELEGATIONS:**

(A) **MIREILLE SAURETTE – RENEWAL OF FAIR TRADE TOWN STATUS**

Mireille Saurette, on behalf of the Fair Trade Steering Committee, appeared before City Council with respect to the Fair Trade City Recognition Program. Ms. Saurette highlighted the continued strong community support from the City of Brandon to remain a Fair Trade City and noted that the City had won the national title of Fair Trade Town of the Year for three years in a row. She reviewed the Committee's goals for 2017 that included increasing public awareness about Fair Trade products and encouraging local restaurants to carry more Fair Trade products. Additionally, Ms. Saurette requested City Council consider raising a Fair Trade flag in May of 2018 to signify their support of Fair Trade practices. Ms. Saurette presented an award to City Council from Fair Trade Manitoba recognizing the City of Brandon as a Fair Trade leader in the province.

**Patterson-LoRegio**

1017 That the presentation by Mireille Saurette with respect to the renewal of Fair Trade Town status be received. CARRIED.

(B) **DREW COLLINS AND HOPE SWITZER – INCREDIBLE, EDIBLE GARDEN ROUTE**

Drew Collins and Hope Switzer appeared before City Council with respect to the Incredible Edible Brandon Project. Mr. Collins provided some background on the Incredible Edible movement that encouraged education on food security, community cooperation, and local economic activity. Mr. Collins advised that 13 garden planters boxes had been distributed around Downtown Brandon and would be maintained by volunteers throughout the summer.

Citizens were encouraged to visit the gardens and help themselves to the produce when available. Mr. Collins thanked the City of Brandon and the numerous non-profit and business partners that supported the Incredible Edible Gardens Project.

Chaboyer-Cullen

1018 That the presentation by Drew Collins and Hope Switzer with respect to the Incredible, Edible Garden Route be received. CARRIED.

PUBLIC HEARINGS:

(A) PROPOSED DEVELOPMENT CONCEPT – 21 WILLOWCREST AVENUE

City Council sat to hear representation on the above noted matter.

Ryan Nickel, Chief Planner City of Brandon, provided an overview of the proposed revised development plan for 21 Willowcrest Avenue. Mr. Nickel gave a synopsis of the amended development agreement and concept plan, which focused on the southern portion of the property only. Mr. Nickel explained that the changes to the property layout required amendments to the development agreement previously approved by City Council which included modification of the drainage plan and an emergency access/egress. He emphasized this secondary emergency access, was a safety requirement of the Brandon Fire and Emergency Services Department. Mr. Nickel stated that due to the layout of the development, Kelsey Bay served as the most viable secondary egress from the property. Mr. Nickel reviewed the amended clauses in the original development agreement and confirmed that proposal met City of Brandon development and zoning requirements.

Barb Jay, 42 Kelsey Bay, presented her concerns to City Council regarding the proposed secondary access to Kelsey Bay. Mrs. Jay expressed her objections regarding the consultation process with local residents on this development and was opposed to secondary access to Kelsey Bay due to safety reasons.

Daniel Burns, representative of the developer, provided a presentation to City Council reviewing the reasons for changes to the development plan and highlighted the need for a secondary access to Kelsey Bay. Mr. Burns explained that due to the site layout, the developer had few options for a secondary access, which was required by the City of Brandon.

Deb Walker, 21 Kelsey Bay, presented her concerns about the proposed secondary access to Kelsey Bay. Mrs. Walker highlighted her objections to the secondary access to Kelsey bay citing inconstant information from the developer, safety concerns, and increased pedestrian traffic.

Sharon Hoemsen, 3 Kelsey Bay, presented a petition to City Council containing 29 signatures from Kelsey Bay residents opposing the secondary access from the proposed development to Kelsey Bay. Mrs. Hoemsen, also expressed her concerns regarding increased pedestrian traffic, community safety, and the impact of on housing values the secondary access may cause.

Richard Wharf, 26 Kelsey Bay, spoke against the secondary access to Kelsey Bay. Mr. Wharf expressed his concerns on residents safety, increased pedestrian traffic, and lowered local property values.

Lori Jean Carr, 4 Kelsey Bay, expressed her concerns regarding the impact of the secondary access on safety, increased pedestrian traffic, and diminishing the privacy of the neighbourhood.

Debbie Folk, 6 Kelsey Bay, spoke against the development of a secondary access to Kelsey Bay due to concerns about increased pedestrian traffic.

Stephen Montague, representative of VBJ Holdings, expressed his concerns to City Council about drainage changes in the development plan and the impact that may have on the removal trees in the public greenspace.

Written correspondence was received from Dennis and Brenda Bercier, 6 Birchwood Drive stating concerns with the fluff from the cottonwood trees on the site and requesting the removal of same.

No further written or verbal representation was put forward with respect to the proposed development.

Brown-Chaboyer

1019 That the Public Hearing with respect to the Proposed Development Concept for 21 Willowcrest Avenue be concluded. CARRIED.

COMMUNITY QUESTION PERIOD:

Nil

COMMITTEE REPORTS:

Nil

ENQUIRIES:

(247) FIRE PIT REGULATIONS AND POSSIBLE ESTABLISHMENT OF BUFFER ZONE

Councillor Patterson advised that she had received complaints from residents with respect to the amount of smoke generated from backyard fire pits. She enquired as to what regulations were in place to try and limit the amount of smoke generated from back yard fires, and further, whether or not the establishment of a buffer zone system with regards to same had ever been considered.

At the request of His Worship the Mayor the Acting City Manager responded that the size and type of fuel for back yard fire pits was regulated in City of Brandon Open Air Fire By-law No. 6746 which ensured clean burning results with very little smoke. He advised that if a complaint was received, the Fire Department attended the site immediately and, if there was a violation of the by-law, the fire was extinguished immediately. The Acting City Manager noted that residents who were non-compliant or repeat offenders would have their permits revoked and a possible fine issued. With respect to the buffer zone, the Acting City Manager responded that with typically few complaints received, the need for a buffer zone had not been considered.

(248) SCHEDULED RECREATION HUBS AND REASSESSMENT OF PRIORITY FOR PLAYGROUND REPLACEMENTS

Councillor Desjarlais noted that, during budget deliberations, moving up the scheduled recreation hubs and reassessing the priority for playgrounds had been discussed. He requested an updated on the status of both these issues.

At the request of His Worship the Mayor, the Acting City Manager responded that the Capital budgets had been reviewed with some modifications having been made. He advised that the improvements to Crocus Playground, Park Community Common and the Wascana Drive Park were currently out for tender. The Acting City Manager confirmed that the Valleyview Recreation Hub was expected to be completed in 2018. He added that smaller park amenities were to be added to Patricia Heights Park and the North End Community Centre Park over the summer months with a full update to City Council on this issue expected to be provided by the end of summer.

(249) TIMELINE OF DEMOLITION OF 8TH STREET BRIDGE AND SAFETY ISSUES/TRANSIT CONCERNS

Councillor Desjarlais requested an update on the timelines for the demolition of the 8th Street Bridge, inclusive of the communications efforts being made and how safety issues and transit concerns were being addressed.

At the request of His Worship the Mayor, the Acting City Manager responded that work continued on dismantling the structure, with final completion no later than October 2017. He noted that concurrently, the Engineering & Planning Departments had been gathering and compiling feedback from two public consultation sessions regarding the conceptual design of an Active Transportation Connection with the conceptual design to be presented to Council as well as the community in the Fall of 2017 for consideration and direction on next steps.

Mr. Sage stated that communication efforts included multiple public media releases since the New Year, when the tender opportunity was advertised and awarded and the timelines became more certain. He also noted that prior to the demolition commencing, letters were sent to all properties on 8th Street North and 9th Street North between Assiniboine Avenue and Stickney Avenue.

The Acting City Manager advised that safety concerns continued to be at the forefront. He noted that with the commencement of the bridge demolition, pre-existing trespassing issues had been compounded. The Contractor had fenced off the demolition site to protect the public from unsafe conditions during the demolition and the Engineering Department continued to work with Canadian Pacific Rail Police regarding ways to prevent trespassing.

Mr. Sage advised that hourly bus service via the Assiniboine route remained in place during the demolition and that Transit was currently reviewing all routes in the City and welcomed input from the public. To date, Transit had received just one emailed concern regarding this area and no one from the Stickney area attended the first public consultation held May 31, 2017. He indicated that the second consultation was scheduled for Thursday, June 8, 2017 and encouraged all residents to attend the presentation and provide their feedback.

(250) PLAN FOR BACKLANE REHABILITATION

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Councillor Desjarlais requested an update on the City's plans for establishing a process to deal with back lane rehabilitation.

His Worship the Mayor agreed to take this matter under advisement whereby a detailed response would be provided to City Council within one month.

(251) POTENTIAL IMPACT OF REDUCED PROVINCIAL FUNDING TO TRANSIT/POLICE

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Councillor Desjarlais noted the Provincial Government had announced it was reducing funding of Winnipeg for Transit and Police and enquired if the City of Brandon would be affected by similar funding cuts.

His Worship Mayor Chrest stated that any change in funding from the Province for 2017 had not been confirmed at this time. He advised that through the Association of Manitoba Municipalities, a meeting with provincial officials had been requested to discuss any concerns and that he would advise Council of any developments.

(252) UPDATE ON SPRAYING OF TENT CATERPILLARS IN CITY OF BRANDON

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Councillor Fawcett requested an update on spraying for tent caterpillars throughout the City of Brandon.

At the request of His Worship the Mayor, Acting City Manager, Rod Sage informed Council that the Parks staff had attempted to spray since May 24, noting that all guidelines must be followed which included no rain within 24 hours, or winds over 20 km/h. He advised that staff was unable to spray due to these guidelines, however the caterpillars were now in the cocoon stage, eliminating the need to spray.

ANNOUNCEMENTS:

ATTENDANCE AT EVENTS ON BEHALF OF THE CITY OF BRANDON

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Councillor Chaboyer announced that she and Councillor Cullen had attended a number of events on behalf of the City of Brandon over the past week including the Navy League ceremonial parade and awards on Thursday, June 1, 2017 at the Armories; the Brain Injury Awareness Walk at East End Community Center on Saturday, June 3, 2017; the Relay for Life at the Keystone Grounds on Saturday, June 3, 2017; and the Assiniboine Community College Graduation on Thursday, June 1, 2017.

BRANDON UNIVERSITY (BU) ALL NATIONS GRADUATION POW WOW

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Councillor Desjarlais announced that he had been pleased to represent the City of Brandon at the Brandon University All Nations Graduation Pow Wow on Saturday, May 29, 2017 to honour all BU aboriginal graduates.

KIWANIS KAR DERBY

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Councillor Desjarlais announced that he had attended the Kiwanis Kar Derby on June 3, 2017 held on Rideau Street Hill next to Rideau Park. He noted that over 300 people had attended the event and stated it was a great experience.

FEDERATION OF CANADIAN MUNICIPALITIES CONVENTION – OTTAWA, ONTARIO

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Mayor Chrest announced that he along with Councillors Parker, Hardwood and Berry had attended the Federation of Canadian Municipalities Annual Convention held June 1-4 in Ottawa. He advised that the convention was a great learning experience and a chance to network with delegates from coast to coast.

GENERAL BUSINESS:

(A) NEW DEVELOPMENT CONCEPT - 21 WILLOWCREST AVENUE

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City Council considered a report from the Acting Chief Planner dated May 23, 2017 with respect to the above.

Brown-Chaboyer

1020 That the concept plan (Attachment B-1) attached to the report of the Acting Chief Planner dated May 23, 2017 be approved with respect to the development of 21 Willowcrest Avenue (Parcel A/B, Plan 1269 BLTO, Parcels 1/2, Plan 1287 BLTO, Parcel B, Plan 1547 BLTO, and Parcel 1, Plan 1592 BLTO) subject to the following:

1. That the Developer be required to enter into a development agreement with the City containing all of the conditions included in the previous development agreement, dated February 20, 2014 with the following changes:
  - (a) Construct a secondary emergency access off Kelsey Bay
    - (1) The Kelsey Bay access will be gated and locked for the sole use of Brandon Fire and Emergency Services if their vehicles cannot access the development through Willowcrest Avenue
    - (2) To accommodate this access, the developer will need to acquire a property along Kelsey Bay and apply to the City of Brandon to purchase and legally close a portion of the Public Reserve immediately north of the Kelsey Bay property
  - (b) Landscape the existing Public Reserve along the south side of the subject site to create a buffer between the development and the residences of Kelsey Bay
  - (c) Enter into an easement agreement with the City of Brandon to protect the private land drainage system to be constructed within the Public Reserve from the southeast corner of the subject site to Tracey Street
  - (d) Contribute \$634.00 per dwelling unit for future upgrades to the wastewater system
  - (e) Recalculate all contributions in accordance with the new development concept.

2. Upon execution and registration of the new development agreement, discharge the development agreement dated February 20, 2014 from Certificate of Title Nos. 2040440/2, 2040441/2, 2040444/2 and 2040445/2. NOT VOTED ON.

Chaboyer-LoRegio

1021 That the proposed development concept for 21 Willowcrest Avenue be referred back to Administration for further review and investigation of possible locations for the required emergency access, with report back to City Council no later than July 17, 2017. CARRIED.

(B) TENDER - VALLEYVIEW COMMUNITY CENTRE REMEDIATION

Considered was a report from the Planning, Property and Buildings Department dated May 25, 2017 with respect to the above.

LoRegio-Parker

1022 That the bid of Premier Commercial Builders Ltd. to carry out basement remediation of the Valleyview Community Centre as per tender and specifications at a cost of \$189,860.23 (net of GST) be accepted and further that the funding be as follows:

- \$100,000 included in the 2017 Financial Plan as an additional allocation to Community Centres
  - \$50,000 contribution from Central Council of Community Centres
  - \$50,500 from the Municipal Building Maintenance Reserve
- CARRIED.

(C) TENDER - CONTRACT D CONCRETE WORKS

Councillor Berry declared a conflict of interest due in this matter to his employment and left the Council Chamber prior to any discussion.

City Council considered a report from the Director of Engineering Services and Water Resources dated May 25, 2017 with respect to the above.

LoRegio-Patterson

1023 That the low bid from Zenith Paving Ltd. to carry out the Contract D – Concrete Works as per tender and specifications at a cost of \$631,843.78 (net of GST) be accepted. CARRIED.

Following the vote on the above motion, Councillor Berry re-entered the Council Chamber.

(D) AMENDMENT TO DEVELOPMENT AGREEMENT FOR 1620 BRAECREST DRIVE

Submitted for consideration was a report from the Director of Engineering Services and Water Resources dated May 25, 2017 with respect to the above.

Fawcett-Desjarlais

1024 That VBJ Developments or its successor be required to enter into a development agreement with the City of Brandon containing all of the conditions included in the draft development agreement approved by City Council on June 20, 2016 for the Phase II development of 18 condominium units at 1620 Braecrest Drive (Lot 1, Plan 60982 BLTO in NW ¼ 26-10-19 WPM) with the following changes:

- Deleting Clause 6 d)
  - Deleting Clause 6 f)
  - Adding the following conditions:
    - o Re-dedicate a portion of the sewer main located on Grand Valley Church property.
    - o Extend a new water main from Braecrest Drive along the proposed condominium common element.
    - o Enter into a Statutory Easement Agreement to protect public infrastructure located on private property.
    - o Landscape the public reserve in lieu of monetary contribution required as per Phase I. All landscaping of the public reserve must be completed as per the approved Phasing Plan.
    - o Submit a Letter of Credit totaling 15% of construction costs for public infrastructure.
- CARRIED.

(E) COMMEMORATIVE NAMING OF VETERANS' MEMORIAL

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City Council considered a report from the Manager of Parks Operations dated May 25, 2017 with respect to the above.

Berry-Patterson

1025 That the commemorative naming of the memorial and park located at 1010 Victoria Avenue as "Memorial Park" be approved. CARRIED.

(F) PROVINCIAL COMMITMENT TO KEYSTONE CENTRE CAPITAL FUNDING

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Submitted for consideration was a report from Councillor Lonnie Patterson dated May 30, 2017 with respect to the above and in accordance with her notice of motion given at the regular meeting of City Council held May 15, 2017.

Patterson-Berry

1026 That City Council request the Mayor to write a letter to the Province of Manitoba to reiterate the importance of the Keystone Centre to the economy, and to request an expedient opportunity to pursue partnership discussions concerning the Keystone Centre capital funding and governance model considerations. CARRIED.

BY-LAWS:

NO. 7176 TO PROVIDE FINANCIAL ASSISTANCE IN THE FORM OF AN INTEREST FREE LOAN TO THE BRANDON RIVERBANK INC. FOR THE PURPOSES OF COMPLETING THE "FESTIVAL PARK" PROJECT

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It was noted this by-law was read a first time on May 15, 2017.

1027 Fawcett-Cullen  
That By-law No. 7176, to provide financial assistance in the form of an interest free loan to Brandon Riverbank Inc. for the purposes of completing the “Festival Park” project, be read a second time. CARRIED.

1028 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. 7176 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 Kris Desjarlais	
Councillor Jeff Fawcett	
Councillor John LoRegio	
Councillor Glen Parker	
Councillor Lonnie Patterson	

NO. 7177 TO REZONE PROPERTY LOCATED AT 1890 – 65TH STREET EAST FROM DR DEVELOPMENT RESERVE ZONE TO IH INDUSTRIAL HEAVY ZONE

City Council considered a report from the Planning, Property and Buildings Department dated May 19, 2017 with respect to the above.

1029 Chaboyer-Parker  
That By-law No. 7177 to rezone property located at 1890 – 65th Street East (Lot 2, Plan 22346 BLTO) from DR Development Reserve to IH Industrial Heavy be read a first time. CARRIED.

NO. 7178 TO AMEND WATER AND WASTEWATER CONTROL BY-LAW NO. 5957/114/91

Submitted for consideration was a report from the Director of Legal Services dated May 25, 2017 with respect to the above.

1030 LoRegio-Patterson  
That By-law No. 7178, to amend Water and Wastewater Control By-law No. 5957/114/91 with respect to addressing fees which are in conflict with related fees included in the Annual Schedule of Fees or Water & Sewer Rates By-law, and clarifying language with respect to fire hydrant connections, be read a first time. CARRIED.

NO. 7179 TO AMEND ANNUAL SCHEDULE OF FEES BY-LAW NO. 7159

Considered was a report from the Director of Legal Services dated May 25, 2017 with respect to the above.

1031 Parker-Patterson  
That By-law No. 7179, to amend Annual Schedule of Fees By-law No. 7159 with respect to addressing conflicting fees set out in other City by-laws, to correct the 2017 Learn to Skate lesson fee, and to remove reference to specific by-law clauses in the Parking Fine Schedule, be read a first time. CARRIED.

GIVING OF NOTICE:

Nil

ADJOURN:

Berry-Patterson  
That the meeting do now adjourn (10:33 p.m.) CARRIED.

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MAYOR

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CITY CLERK