

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY, JUNE 19, 2017 AT 7:00 PM IN THE COUNCIL CHAMBER, CIVIC ADMINISTRATION BUILDING, BRANDON, MANITOBA

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 Jeff Harwood, Councillor John LoRegio, Councillor Glen Parker, Councillor Lonnie Patterson

ABSENT: Nil

Prior to the start of the meeting, Prairie Blend Men's Choir sang a special performance of "O Canada" in recognition of Canada's 150 Birthday.

ADOPTION OF AGENDA:

Harwood-Chaboyer
1032 That the Agenda for the Regular Meeting of City Council to be held on Monday, June 19, 2017 be adopted as presented. CARRIED.

CONFIRMATION OF MINUTES:

Parker-Chaboyer
1033 That the Minutes of the Regular Meeting of City Council held Monday, June 5, 2017 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

HEARING OF DELEGATIONS:

(A) DEBBIE STEVENS, BRANDON FIRST BAPTIST CHURCH - SERVE PROJECT

Debbie Stevens appeared before City Council on behalf of Brandon First Baptist Church to provide information on SERVE. Ms. Stevens explained that SERVE was expected to bring 200 youth and their leaders from across Western Canada to Brandon July 2-8, 2017. She advised that the youth would be volunteering with various community groups to complete odd jobs throughout the City of Brandon. Ms. Stevens noted that, if time allowed, the youth would be conducting a community clean-up and requested that safety vest be provided by the City of Brandon for that initiative.

LoRegio-Harwood
1034 That the presentation by Debbie Stevens of Brandon First Baptist Church with respect to SERVE be received. CARRIED.

(B) BLAINE FALLIS - PROVINCIAL ASSESSMENT SERVICES - IMPACT OF 2018 REASSESSMENT

Blaine Fallis, District Supervisor for Provincial Assessment Services, appeared before City Council to provide information on the impact of the 2018 property reassessment. He reviewed a written report provided by Manitoba Municipal and Indigenous Relations entitled: "Impact of Reassessment 2018 - City of Brandon", a copy of which was retained on file.

Mr. Fallis informed City Council that since the last assessment conducted in 2016, property values on average had increased by 2% in Brandon, compared to the Provincial average of 6%. Mr. Fallis noted that if a resident's property assessment increased by less than a 1.6%, they would likely see no impact on the amount of taxes they would pay due to the new valuation. He advised that residents who had questions regarding their property assessment could contact Provincial Assessment Services at (204) 726-6001, or visit www.gov.mb.ca/assessment and noted that the deadline for assessment appeal applications was September 18, 2017.

Patterson-Chrest

1035 That the presentation by Blaine Fallis of Provincial Assessment Services with respect to the tax impact of the 2018 property reassessment on the City of Brandon be received. CARRIED.

(C) DEVERYN ROSS - DERELICT VEHICLE BY-LAW NO. 6481

Deveryn Ross appeared before City Council with respect to Derelict Vehicle By-law No. 6481. Mr. Ross raised concerns that derelict vehicles were also covered in two other City of Brandon by-laws, and that there needed to be a better definition of "derelict". He shared a personal story regarding a citizen who had been cited under this by-law for a vehicle that was in fact road-worthy but was not registered under Manitoba Public Insurance and noted the difference between that vehicle and a vehicle that was being sold off for parts and obviously not road-worthy.

Mr. Ross stated that the situation he had referred to was not as a result of a complaint but rather random checks by City of Brandon By-law Officers on vehicles parked on private property. Mr. Ross requested that Derelict Vehicle By-law No. 6481 along with Nuisance By-law No. 5806 and Building Safety & Property Standards By-law No. 6060 be reviewed by Administration and offered his assistance in that regard.

Chaboyer-Desjarlais

1036 That the presentation by Deveryn Ross with respect to Derelict Vehicle By-law No. 6481 be received and the matter referred to Administration for further consideration. CARRIED.

(D) AARON DUBOIS AND DANIEL BURNS - PROPOSED DEVELOPMENT AT 21 WILLOWCREST AVENUE

Aaron Dubois and Daniel Burns appeared before City Council with respect to the proposed development at 21 Willowcrest Avenue. Mr. Dubois reviewed the proposed residential development known as "The Woods". He advised that the development included the construction of one hundred and ninety-six 2, 3 or 4 bedroom town homes, condos and rental apartments and had been in the works in one form or another for over 4 years.

Mr. Dubois confirmed that the project was consistent with the City of Brandon's Development Plan, was properly zoned as Residential High Density (RHD) and conformed with city policies regarding a mix of housing options in a neighbourhood. He confirmed that in an effort to mitigate as many concerns as possible raised by Kelsey Bay residents and members of City Council, the lot on Kelsey Bay would be donated to the City of Brandon as a Public Reserve. Mr. Dubois explained that, as a Public Reserve, all enforcement rights were the under the control of the City of Brandon, with the understanding that it would be operated only as an emergency access and maintained by The Woods Condo Corporation.

Mr. Dubois stated that given the regulatory compliance of the development, its alignment with the city's infill and residential policies, the high value and low financial impact for the City of Brandon, the developer's ability to address most of the Kelsey Bay residents' concerns and the need for affordable housing in the City of Brandon, he hoped the project could proceed.

Chrest-Chrest

1037 That the presentation by Aaron Dubois and Daniel Burns with respect to the proposed development at 21 Willowcrest Avenue be received. CARRIED.

PUBLIC HEARINGS:

Nil

COMMUNITY QUESTION PERIOD:

PROPOSED DEVELOPMENT AT 21 WILLOWCREST AVENUE

Earl Dyck, 4 Kelsey Bay appeared before City Council with respect to the proposed development at 21 Willowcrest Avenue. Mr. Dyck stated that the original project, which included the land at 1640 Sycamore Drive, had not proceeded. He enquired why City Council was still considering a high density residential development at this property.

Sharon Hoemsen, 3 Kelsey Bay enquired what impact the emergency access to the proposed development would have on the residents of Kelsey Bay. She outlined a number of parking issues in the area and stated several concerns with the maintenance of the emergency access.

COMMITTEE REPORTS:

(A) AUDIT AND FINANCE COMMITTEE
VERBAL

JUNE 19, 2017

June 19, 2017
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Councillor Fawcett reported on the Audit and Finance Committee meeting held June 13, 2017. He noted that the topics discussed included the yearly Audit and Finance schedule, the budget review process, and the April budget review. Councillor Fawcett advised that the budget review was undertaken five times a year to ensure that city departments were adhering to their budgets and that the operating and utility accounts were not in a deficit position by year end. He noted that there were no concerns with pending deficits and that the Audit and Finance Committee would meet in the near future to review the 2016 year-end financial statements.

(B) MUNICIPAL HERITAGE ADVISORY COMMITTEE
VERBAL

JUNE 19, 2017

June 19, 2017
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Councillor Harwood reported on the Municipal Heritage Advisory Committee meeting held June 14, 2017. He advised that a representative from Development Services had made a presentation regarding the 8th Street Bridge its connection of the bridge to Brandon's history. Councillor Harwood provided an update on the progress being made on the stone fence and the restoration that will be taking place in the near future.

(C) BRANDON GENERAL MUSEUM AND ARCHIVES LTD.
VERBAL

JUNE 19, 2017

June 19, 2017
Brandon, Manitoba

Mayor and Councillors
City of Brandon

Councillor Harwood provided a verbal report to City Council on the Brandon General Museum and Archives. He noted that 167 visitors had attended the museum so far this year and provided information on the exhibits, location, and contact details for the museum.

Harwood-Patterson

1038 That the reports of the Audit and Finance Committee, the Municipal Heritage Advisory Committee and Brandon General Museum Inc. be received. CARRIED.

ENQUIRIES:

(253) APPROVAL OF TRANSIT ROUTE RESTRUCTURING

Councillor LoRegio requested an update on the changes to the Brandon Transit System routes, and enquired if City Council approval was required for same.

At the request of His Worship the Mayor, the Acting City Manager responded that the proposed changes were based on usage, whereby route times remained the same and there were no changes to the hours of service. Mr. Sage confirmed that as the transit route restructuring did not require additional funding, the conditions approved by City Council in the City of Brandon Financial Plan had been met, and City Council approval of the proposed changes was not required.

(254) UPDATE ON SOIL TESTING ON MEMORIAL CRESCENT

Councillor LoRegio requested an update on the status of the soil testing on Memorial Crescent.

At the request of His Worship the Mayor, the Acting City Manager responded that the review of the test hole logs had been completed and the data collected had not indicated that a full reconstruction was warranted. He advised that milling and overlay was expected to be completed in the 2018 construction season.

(255) UPDATE ON CONDITIONAL ASSESSMENT AND PENDING WORK FOR WATER TOWER

Councillor Parker noted that City Council had approved the recommendations of structural engineers with respect to necessary repairs for the water tower and requested an update on the status of same.

At the request of His Worship the Mayor, the Acting City Manager responded that the recommended short term improvements including the removal of protruding foundation anchor bolts, removal of overflow stand pipe, and replacement of two diagonal braces would be completed by 2018. He advised that a structural assessment was to be conducted every 5 years and the recoating of the structure every 10-15 years as necessary, had been budgeted for accordingly in the Utilities Capital Budget.

ANNOUNCEMENTS:

DOORS OPEN BRANDON

Councillor Desjarlais announced that the annual Doors Open Brandon Heritage Event would take place July 15-16, 2017 from 1:00 p.m. to 5:00 p.m. on both days. He advised that 21 properties were on this year's tour, volunteers were still needed, and further information was available by contacting Riley Morningstar at (204) 729-2117 or r.morningstar@brandon.ca.

HERITAGE PLAQUE UNVEILING - JOHNSTON ESTATE

Councillor Desjarlais announced that a short Heritage Plaque Unveiling Ceremony would take place at 10:00 a.m. on July 6, 2017 at 547 - 13th Street (the Johnston Estate) and invited everyone to come to this event.

VOLUNTEERS FOR 2017 ROYAL CANADIAN LEGION NATIONAL YOUTH TRACK AND FIELD CHAMPIONSHIPS

Councillor Berry announced that volunteers were still needed for the 2017 Royal Canadian Legion National Youth Track and Field Championships to be held August 11-13, 2017 at the Canada Games Sportsplex. He noted that this event was expected to bring 900 youth athletes to the City of Brandon and encouraged anyone who had time to volunteer to contact Jackie at (204) 729-2156 or via email at jackie@brandonfirst.com.

2017 FIREFIT CHALLENGE

Councillor Fawcett congratulated City of Brandon Firefighters who had participated in the Manitoba & Northwestern Ontario Regional FireFit Competition held June 17 & 18, 2017 in Winnipeg, Manitoba. He congratulated the Brandon competitors who had done very well in events based on firefighting tasks commonly performed in emergency situations

GENERAL BUSINESS:

(A) NEW DEVELOPMENT CONCEPT - 21 WILLOWCREST AVENUE

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

Brown-Chaboyer

1039 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 of Brandon 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. CARRIED AS AMENDED.

AMENDMENT

LoRegio-Chaboyer

1040

That the above motion be amended by:

(1) deleting clauses (a) and (b) in their entirety and substituting the following therefor:

"(a) The developer submit a plan for a secondary emergency access to be constructed by the developer concurrently with the first phase of development off Kelsey Bay identifying at a minimum:

- The material, width and location of the access route;
- The location and details of bollards preventing vehicle access;
- Landscaping details (e.g. tree, shrubs);
- The location and details of fencing and a fence/gate preventing vehicle and pedestrian access from the development;
- Any amenities (e.g.: bench, picnic table)

(b) To accommodate the secondary access, the developer shall dedicate to the City of Brandon a lot on Kelsey Bay as a public reserve on the plan of subdivision";

(2) adding the following as clause (c):

"(c) the developer shall fence, landscape and maintain all Public Reserve areas south of 21 Willowcrest Avenue"

(3) deleting existing clause (d) in its entirety and substituting the following therefor:

"(e) the developer contribute to sanitary sewer contributions for future upgrades to the wastewater system in the amount of \$634.00 per unit"

(4) renumbering existing clauses (c) through (e) as (d) through (f). CARRIED.

(B) TENDER - EASTVIEW LANDFILL CELL 16 CONSTRUCTION

City Council considered a report from the Public Works Department dated June 7, 2017 with respect to the above.

Cullen-Parker

1041

That the low bid from Tri Wave Construction Ltd. for the Eastview Landfill Cell 16 Construction, as per tender and specifications, at a cost of \$1,073,187.50 (net of GST) be accepted. CARRIED.

(C) TENDER - CONTRACT B UNDERGROUND WORKS

Considered was a report from the Director of Engineering Services and Water Resources dated June 9, 2017 with respect to the above.

Parker-Chaboyer

1042

That the bid of E.F. Moon Construction Ltd. to carry out the Contract B – Underground Works as per tender and specifications at a cost of \$1,075,015.00 (net of GST) be accepted and that the additional funding requirements of \$55,000 from the Water Distribution Reserve, \$20,000 from the Wastewater Reserve and \$305,000 from the Storm Sewer Reserve be approved. CARRIED.

(D) TENDER - CONTRACT C PAVING WORKS

Submitted for consideration was a report from the Director of Engineering Services and Water Resources dated June 8, 2017 with respect to the above.

Harwood-LoRegio

1043 That the bid of Maple Leaf Construction Ltd. to carry out the Contract C – Paving Works as per tender and specifications at a cost of \$1,593,791.00 (net of GST) be accepted. CARRIED.

(E) DEVELOPMENT COST CHARGES

Considered was a report and presentation from the Development Services Department dated June 13, 2017 with respect to the above.

Patterson-Chaboyer

1044 That the report from Development Services dated June 13, 2017 with respect to proposed development charges in the City of Brandon be received. CARRIED.

BY-LAWS:

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

It was noted this by-law was read a first time on June 5, 2017.

Fawcett-Patterson

1045 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 second time. CARRIED.

Fawcett-Patterson

1046 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. 7178 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. 7179 TO AMEND ANNUAL SCHEDULE OF FEES BY-LAW NO. 7159

It was noted this by-law was read a first time on June 5, 2017.

Fawcett-Patterson

1047 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 second time. CARRIED.

Fawcett-Desjarlais

1048 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. 7179 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. 7175 TO ESTABLISH A DEVELOPMENT CHARGES BY-LAW

Submitted for consideration was a report from the Development Services Department dated June 13, 2017.

Chaboyer-Harwood

1049 That By-law No. 7175 to adopt Development Charges be read a first time. CARRIED.

NO. 7180 TO ESTABLISH A WASTEWATER TREATMENT RESERVE

City Council considered a report from the Development Services Department dated June 13, 2017 with respect to the above.

Desjarlais-Parker

1050 That By-law No. 7180, to establish a Wastewater Treatment Reserve, be read a first time. CARRIED.

NO. 7181 TO ESTABLISH A WATER TREATMENT RESERVE

Considered was a report from the Development Services Department dated June 13, 2017 with respect to the above.

Harwood-Chaboyer

1051 That By-law No. 7181, to establish a Water Treatment Reserve, be read a first time. CARRIED.

NO. 7182 TO ESTABLISH A TRANSPORTATION NETWORK INFRASTRUCTURE RESERVE

City Council considered a report from the Development Services Department dated June 13, 2017 with respect to the above.

Patterson-Cullen

1052 That By-law No. 7182, to establish a Transportation Network Infrastructure Reserve, be given first reading. CARRIED.

NO. 7183 TO ESTABLISH A WASTEWATER NETWORK INFRASTRUCTURE RESERVE

Submitted for consideration was a report from the Development Services Department dated June 13, 2017 with respect to the above.

Parker-Brown

1053 That By-law No. 7183, to establish a Wastewater Network Infrastructure Reserve, be given first reading. CARRIED.

NO. 7184 TO ESTABLISH A WATER NETWORK INFRASTRUCTURE RESERVE

City Council considered a report from the Development Services Department dated June 13, 2017 with respect to the above.

Chaboyer-Patterson

1054 That By-law No. 7184, to establish a Water Network Infrastructure Reserve, be given first reading. CARRIED.

NO. 7185 TO ESTABLISH A STORM SEWER NETWORK INFRASTRUCTURE RESERVE

Considered was a report from the Development Services Department dated June 13, 2017 with respect to the above.

Brown-Chaboyer

1055 That By-law No. 7185, to establish a Storm Sewer Network Infrastructure Reserve, be given first reading. CARRIED.

NO. 7186 TO AMEND PLANNING COMMISSION BY-LAW NO. 6843 TO DESIGNATE THE PLANNING COMMISSION AS THE APPEAL BODY FOR DEVELOPMENT CHARGES

Submitted for consideration was a report from the Development Services Department dated June 13, 2017 with respect to the above.

Patterson-Chaboyer

1056 That By-law No. 7186, to amend Planning Commission By-law No. 6843 to designate the Planning Commission as the appeal body for development charges, be given first reading. CARRIED.

GIVING OF NOTICE:

(A) FUNDING OF KEYSTONE CENTRE CAPITAL PLAN

In accordance with Rule 60 of City Council Procedure By-law No. 6634, Councillor Berry gave notice of his intent to introduce at the July 17, 2017 meeting of City Council an amendment to Motion No. 847, adopted at the January 21, 2017 meeting, to delete the following words: "conditional upon matching funds from the Province of Manitoba".

ADJOURN:

Berry-Chaboyer

That the meeting do now adjourn (10:49 p.m.) CARRIED.

MAYOR

CITY CLERK