

REGULAR COUNCIL MEETING

MONDAY, JULY 16, 2018 AT 7:00 PM

COUNCIL CHAMBER, CIVIC ADMINISTRATION BUILDING

AGENDA

RECOMMENDATIONS

Please note that all recommendations contained in this agenda have been put forward by members of City Council or the Administration for City Council's consideration and debate.

1. Roll Call
2. Adoption of Agenda
3. Presentations
4. Confirmation of Minutes

REGULAR

JUNE 18, 2018

- [Minutes - June 18, 2018.pdf](#)

5. Hearing of Delegations

(A) BRANDON ISLAMIC CENTRE INC. – POTENTIAL PLACES OF WORSHIP

That the presentation by the Brandon Islamic Centre Inc. with respect to potential places of Worship in the City of Brandon be received.

- [Delegation Request - Brandon Islamic Centre Inc.pdf](#)

(B) NOEL HARDING - BRANDON BOXING CLUB

That the presentation by Noel Harding with respect to the Brandon Boxing Club be received.

- [Delegation Request - Brandon Boxing Club.pdf](#)

(C) KELVIN ORR, HORIZON BUILDERS – DEVELOPMENT AGREEMENT FOR 3500 MCDONALD AVENUE

That the presentation by Kelvin Orr on behalf of Horizon Builders with respect to the Development Agreement for 3500 McDonald Avenue be received.

- [Delegation Request - Horizon Builders - Kelvin Orr.pdf](#)

6. Public Hearing

7. Community Question Period

The public is invited to come forward to the podium to ask questions on any item appearing on the agenda for this evening's meeting. A total of 15 minutes will be allowed for this question period.

8. Committee Reports

(A) AUDIT AND FINANCE COMMITTEE
VERBAL

JULY 16, 2018

9. Enquiries

10. Announcements

11. General Business

(A) ACCOMMODATION TAX GRANT FOR ANNUAL EVENT OF SIGNIFICANT ECONOMIC IMPACT -
PROVINCIAL EXHIBITION OF MANITOBA

That a grant of \$21,133 be provided to The Provincial Exhibition of Manitoba for hosting the 2018 Royal Manitoba Winter Fair with said funds to be transferred from the Accommodation Tax Reserve to the Tourism Initiatives operating cost centre.

- [Accommodation Tax Grant - Annual Event of Economic Significance - Prov. Exhibition of Manitoba.pdf](#)

(B) REQUEST FOR REFUND OF SURPLUS FUNDS – CENTRAL COUNCIL OF COMMUNITY CENTRES

That \$20,583.94 be returned to the Central Council of Community Centres, with said funds to come from the Municipal Building Maintenance Reserve.

- [Valleyview Community Centre - Request for Surplus Funds.pdf](#)

(C) APPLICATION TO SUBDIVIDE 1660 – 34TH STREET (WAVERLY DEVELOPMENTS LTD.)

That the application to subdivide the property at 1660 - 34th Street (Lot 45, Plan 60653 BLTO) to create 71 lots and three public roads (Fieldstone Crescent, Meadow Drive extension and Plateau Drive extension) in the Residential Single Detached (RSD) Zone be approved subject to the owner or successor:

- A. Entering into a development agreement with the City of Brandon with the following conditions:
1. The Developer agrees to construct 71 residential units as per the proposed site plan.
 2. The Developer agrees 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.
 3. The Developer agrees to pay a contribution towards one hundred and one (101) boulevard trees. The amount of payment for such trees will be calculated at the time of execution of the development agreement and based upon the City's tree contract pricing for the current year. Payment in full will be required at the time of execution of the development agreement.
 4. The Developer agrees to provide a landscaping plan showing the location of the one hundred and one (101) boulevard trees. Tree species will be determined by the City of Brandon at the time of planting.
 5. The Developer agrees to contribute towards off-site infrastructure, based on the upgrades identified in the Brookwood Park General Planning Study in the amount of \$1,190.62/unit for 71 units totaling \$84,553.69. This contribution will be held in a Reserve Account and applied towards future infrastructure upgrades. Payment in full will be required at the time of execution of the development agreement.
 6. The Developer agrees to contribute towards the twinning of 34th Street between Richmond Avenue and the southern boundary of Brookwood Park in the amount of \$819.29/unit for 71 units totaling \$58,169.29. This contribution will be held in a Reserve Account and applied towards the upgrade of 34th Street. Payment in full will be required at the time of execution of the development agreement.
 7. The Developer agrees to dedicate a 12.0m wide strip of land, east of the proposed residential lots on Fieldstone Crescent to the City for the purpose of public reserve land.
 8. The Developer agrees to develop the public reserve by constructing a 3.0m wide asphalt multi-use walking path, including but not limited to sod, trees and ditching. The design and landscaping of the public reserve is to be reviewed and accepted by the City Engineer.
 9. The Developer agrees to legally open, extend and construct all public rights-of-way proposed as per the site plan and to 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.
 10. The Developer agrees 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 subject to review and acceptance by the City Engineer.
 11. The Developer agrees 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 accepted by the City Engineer.

- B. Submitting written confirmation to the City of Brandon Planning & Buildings Department that taxes for the property to be subdivided, for the current year plus any penalty, interest and arrears, have been paid in full or arrangements must be made satisfactory to Brandon City Council.
- C. Submitting written confirmation to the City of Brandon Planning & Buildings Department that arrangements have been made for a joint use easement agreement and Plan of Easement to the satisfaction of Manitoba Hydro; Central Gas Manitoba Inc.; Bell MTS Inc.; and Westman Communications Group, and registering the easement agreement along with the easement plan, if required, in series with the plan subdivision.
- D. Submitting written confirmation to the City of Brandon Planning & Buildings Department that the Brandon School Division has received a cash-in lieu contribution for school purposes.
 - [Application to Subdivide 1660 - 34th Street.pdf](#)

(D) 8TH STREET ACTIVE TRANSPORTATION BRIDGE PRELIMINARY DESIGN

That a Request for Proposals for consulting services to complete a preliminary design of the preferred option (Appendix A) for the 8th Street Active Transportation Bridge as attached to the report of Engineering Services dated July 6, 2018 be issued; and that Administration continue to pursue opportunities for funding partnerships.

- [8th Street Active Transportation Bridge Preliminary Design \(Report\).pdf](#)
- [Appendix A - Administration Preferred Conceptual Design.pdf](#)
- [Appendix B - Public Consultation Report - City of Brandon.pdf](#)
- [Appendix C - Conceptual Design Report 8th Street Bridge 20180528.pdf](#)

(E) TENDER – CONTRACT A ROAD BUILDING WORKS

That the bid from Zenith Paving Ltd. to carry out 2018 Contract A – Roadbuilding Works as per tender and specifications at a cost of \$1,115,629.46 (exclusive of GST) be accepted.

- [Tender - Contract A Roadbuilding Works.pdf](#)

12. By-Laws

NO. 7188 TO REZONE 3500 MCDONALD AVENUE FROM AGRICULTURAL AND PARKS AND RECREATION ZONE TO COMMERCIAL GENERAL ZONE
2ND READING

That By-law No. 7188 to rezone part of the property located at 3500 McDonald Avenue (Pt. N 1/2 Sec 21, Twp. 10, Range 19 WPM & Parcel F, Plan 31788 BLTO) from Agricultural (A) and Parks & Recreation (PR) Zones to Commercial General (CG) Zone be read a second time.

That third reading of this by-law be held in abeyance pending the owner or successor entering into a development agreement with the City of Brandon subject to the following conditions:

1. The Developer agrees to develop the Lands in two phases as per the two lots on the attached Subdivision Application Map as per Schedule A:

Phase 1 – Residential Development on Lot 1

Phase 2 – Commercial Development on Lot 2

2. The Developer agrees to submit written confirmation by an Architect duly licensed to practice in Manitoba, demonstrating aspects of the FCM Railway Design Guidelines have been reviewed and incorporated into the design of the residential buildings to mitigate impacts from railway activities.
3. The Developer agrees to submit a Slope Stability Report prepared by a Geotechnical Engineer duly licensed to practice in Manitoba. All recommendations of the report must be followed when designing and developing the Lands. The final report and design are subject to review and acceptance of the City Engineer
4. The Developer agrees to the registration of a Plan of Easement over the public portion of the new water main to be located within the Lands, with exact alignment and coverage to be determined at the time of detailed design. Preparation of the Plan of Easement will be at the sole cost of the City and registered in series with the Plan of Subdivision.
5. The Developer agrees to the registration of a Plan of Easement over the public portion of the new land drainage main located within the Lands, with exact alignment and coverage to be determined at the time of detailed design. Preparation of the Plan of Easement will be at the sole cost of the City and registered in series with the Plan of Subdivision.
6. The Developer agrees to enter into a shared drainage agreement between the proposed Lot 1, Lot 2 and the golf course lands.
7. The Developer agrees to enter into a cross access agreement between the proposed Lot 1, Lot 2 and the golf course lands. All public access will be permitted, including but not limited to, the golf course, the clubhouse, the Pro Shop, the parking lot, the maintenance shop and sanitation services.
8. The Developer agrees to design and construct any storm water infrastructure upgrades that may be required due to development of the Lands. Construction of the upgrades will be the sole cost of the Developer.
9. The Developer agrees the Lands are located within the flood plain and to save harmless the City.
10. The Developer agrees to obtain all approvals from any applicable governing agencies, including but not limited to Fisheries and Oceans Canada and Manitoba Sustainable Development, and to provide evidence of such approvals to the City of Brandon prior to the issuance of a development permit for Phase 1.

11. The Developer agrees to submit a Detailed Cost Estimate, prepared by their Consulting Engineer for all municipal improvements. The cost estimate is subject to review and approval by the City Engineer prior to the issuance of a development permit for either Phase 1 or Phase 2, whichever shall commence first.
12. The Developer will be responsible to submit an Irrevocable Letter of Credit totaling 15% of the Detailed Cost Estimate. Submission of the Letter of Credit is required prior to the issuance of a development permit for either Phase 1 or Phase 2, whichever shall commence first.

PHASE 1 – Residential Development

1. The Developer agrees the minimum elevation of the proposed structures' lowest storey will be 362.67m.
2. The Developer agrees to reconfigure and construct a portion of the golf cart pathway from the parking lot to the existing golf cart pathway at the 1st hole as per Schedule B prior to the issuance of a building permit for Phase 1. All costs associated with the construction will be at the sole cost of the Developer.
3. The Developer agrees to contribute the materials for a new putting green due to the relocation of the current putting green. The standard of the materials must be to the satisfaction of the Director of Community Services and provided prior to the issuance of a development permit for Phase 1. The City of Brandon agrees to design and construct the new putting green.
4. Should it be determined a portion of the 34th Street right-of-way north of the McDonald Avenue and 34th Street intersection be needed to accommodate the slope of the embankment required, the Developer agrees to enter into an Agreement with the City regarding the proposed use of the right-of-way.
5. The Developer agrees to design and construct an amenity space between the proposed condominium buildings. Construction of the amenity space will be at the sole cost of the Developer.
6. The Developer agrees that secondary access to the Lands is to be completed prior to the issuance of an occupancy certificate for either of the residential condominiums.
7. The City agrees, subject to Council approval of the budget, to complete construction of the 34th Street extension from Pacific Avenue to McDonald Avenue by December 31, 2019.
8. The Developer agrees to remove and relocate the existing water main currently servicing the clubhouse. Design of the servicing plan is subject to review and acceptance by the City Engineer with the development permit for Phase 1. Construction of removing and relocating the water main will be at the sole cost of the Developer.

9. The Developer agrees to remove and relocate the existing land drainage system main. Design of drainage plan is subject to review and acceptance by the City Engineer with the development permit for Phase 1. Construction of removing and relocating the land drainage main will be at the sole cost of the Developer

PHASE 2 – Clubhouse & Commercial Development

1. The Developer agrees to construct a 1.8m fence along the south property line of the Lands adjacent to the Canadian Pacific Railway (CP) right-of-way to ensure no work, storage or encroachment on CP property except for the portion of the CP lands leased to the City of Brandon. Construction of the fence must be completed concurrently with the development and building permits for Phase 2.
2. The Developer agrees to design and construct 70 parking stalls for exclusive use of the golf course concurrently with development and building permits for Phase 2.
3. The Developer agrees to construct a permanent roadway connection from 34th Street to the golf course lands as per Schedule B. The design of the roadway is subject to the review and acceptance of the Director of Community Services and the City Engineer. Completion of the roadway will be required prior to the issuance of a building permit to extend the existing commercial/recreation building closer to the southern property as per Schedule B. Construction will be at the sole cost of the Developer.
4. The Developer agrees to design and construct a minimum of 186 parking stalls for Phase 2. Should the parking stalls lot be located off-site on a property not owned by the Developer, evidence of a shared parking agreement will be required. Construction of the parking stalls must be completed concurrently with development and building permits for Phase 2. The standard for construction of the parking stalls shall be in accordance with Zoning By-Law standards for the applicable zone.

and that Administration be authorized to prepare a Development Agreement containing all conditions and requirements to protect the City's interests in accordance with any procedures, policies, by-laws and Acts.

- [By-law No. 7188 - to rezone 3500 McDonald Avenue.pdf](#)

NO. 7208 TO REZONE 1700 – 30TH STREET FROM DEVELOPMENT RESERVE ZONE TO RESIDENTIAL SINGLE FAMILY DETACHED, RESIDENTIAL LOW DENSITY, AND OPEN SPACE ZONE
2ND READING

That By-Law No. 7208 to rezone property at 1700 - 30th Street (Lots 1/48, Block 16, Plan 291 BLTO and Parcel A, Plan 616439 BLTO in NW 1/4 10-10-19 WPM) from Development Reserve (DR) to Residential Single Detached (RSD), Residential Low Density (RLD) and Open Space (OS) Zones be read a second time;

and further, that third reading of this by-law be held in abeyance pending objectors to the by-law be given notice, pursuant to Section 76(3) of The Planning Act, of their right to file a further objection.

- [By-law No. 7208 - to rezone 1700 - 30th Street.pdf](#)

NO. 7209 EAST BRANDON INDUSTRIAL SECONDARY PLAN
1ST READING

That By-law No. 7209 to adopt the East Brandon Industrial Secondary Plan be read a first time.

- [By-law No. 7209 - to adopt the East Brandon Industrial Secondary Plan.pdf](#)

NO. 7211 TO AMEND TRAFFIC BY-LAW NO. 5463 REGARDING THE ENCROACHMENT OF TREES AND SHRUBS INTO STREETS AND SIDEWALKS
2ND & 3RD READINGS

That By-law No. 7211 to amend Traffic By-law No. 5463 respect to addressing the encroachment of trees and shrubs into streets and sidewalks, for the protection of City equipment, vehicles and workers, be read a second time.

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

- [By-law No. 7211 - to Amend Traffic By-law No. 5463.pdf](#)

NO. 7213 TO DESIGNATE PROPERTY LOCATED AT 1043 ROSSER AVENUE AS A MUNICIPAL HERITAGE SITE
1ST READING

That By-law No. 7213 to designate 1043 Rosser Avenue (Parts of Lots 24/26, Block 78, Plan 2 BLTO) as a municipal heritage site be read a first time.

- [By-law No. 7213 - to Designate 1043 Rosser Avenue as a Municipal Heritage Site.pdf](#)

NO. 7214 TO REZONE 700 MARYLAND AVENUE FROM OPEN SPACE ZONE TO EDUCATIONAL AND INSTITUTIONAL ZONE
1ST READING

That By-law No. 7214 to rezone 700 Maryland Avenue (Lots 1/21 and 26/46, Blocks 3/4 and Part Lots 1/21 and 26/46, Block 5, Plan 300 BLTO, and Part Parcels B/H, Plan 37279 BLTO) from OS Open Space to EI Educational & Institutional be read a first time.

- [By-law No. 7214 - to rezone 700 Maryland Avenue.pdf](#)

NO. 7215 TO ESTABLISH THE A.R. MCDIARMID BUILDING RESERVE
1ST READING

That By-law No. 7215 to establish the A. R. McDiarmid Building Reserve for significant repairs or capital improvements to the building known as the A. R. McDiarmid Building located at 638 Princess Avenue, be read a first time.

- [By-law No. 7215 - to establish the A.R. McDiarmid Building Reserve.pdf](#)

NO. 7212 TO AMEND ZONING BY-LAW NO. 7124 – TO INCREASE EFFICIENCY OF LAND USES AND
PROCESSING DEVELOPMENT APPROVALS
1ST READING

That By-law No.7212 to amend Zoning By-law No. 7124 to incorporate general updates be read a first time.

- [By-law No. 7212 and 7216 - to amend Zoning By-law No. 7124 - general updates and rezone 609 - 39th Street.pdf](#)

NO. 7216 TO REZONE PROPERTY LOCATED AT 609 – 39TH STREET FROM DEVELOPMENT RESERVE TO
RESIDENTIAL SINGLE DETACHED ZONE
1ST READING

That By-law No. 7216 to rezone property located at 609 - 39th Street (Lots 37/38, Block 8, Plan 269) from DR Development Reserve Zone to RSD Residential Single Detached Zone be read a first time.

- [By-law No. 7212 and 7216 - to amend Zoning By-law No. 7124 - general updates and rezone 609 - 39th Street.pdf](#)

13. Giving of Notice

14. Adjournment

Original Signed By
H. Ewasiuk

H. Ewasiuk
City Clerk