

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY, AUGUST 10, 2020 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 Shaun Cameron, Councillor Jan Chaboyer, Councillor Barry Cullen, Councillor Kris Desjarlais, Councillor Jeff Fawcett, Councillor John LoRegio, Councillor Bruce Luebke, Councillor Glen Parker

ABSENT: Nil

It was noted that in accordance with Section 109 of Procedure By-law No. 6634, Councillors Desjarlais and LoRegio participated in the meeting electronically.

ADOPTION OF AGENDA:

Cullen-Luebke
754 That the Agenda for the Regular Meeting of City Council to be held Monday, August 10, 2020 be adopted as presented. CARRIED.

CONFIRMATION OF MINUTES:

Cameron-Parker
755 That the Minutes of the Regular Meeting of City Council held on July 13, 2020 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

HEARING OF PRESENTATIONS:

(A) BRIAN KAYES, DIRECTOR OF RISK & EMERGENCY MANAGEMENT - COVID 19 UPDATE

Brian Kayes, Director of Risk and Emergency Management appeared before City Council to provide a further update regarding Corona Virus (Covid-19), the Grand Valley Dike, and the impacts of the recent significant rain event on the City of Brandon. Mr. Kayes noted the increase in Covid-19 cases in July to 558 with 124 cases within the Prairie Mountain Health Region and reminded citizens to follow the Public Health guidelines to wash your hands, keep your hands off your face, cover your cough, practice 2-meter separation from others, continue to disinfect anything you touch, and to stay home if ill. He indicated citizens should use www.manitoba.ca/covid19 as the reliable source of information on changes to the guidelines regarding Covid-19.

Mr. Kayes advised that the plug at the Grand Valley dike would remain in place until the water receded and the River's Dam structure had been inspected. He noted that should the structure fail, the water would reach Brandon in 4 to 6 hours, and be 6 feet over the Grand Valley Road. Those residents or businesses within this area were still on short notice for evacuation.

In conclusion, Mr. Kayes encouraged residents impacted by the significant rain event to go online to www.gov.mb.ca/emo/recover/home/dfa for information on a Provincial Disaster Financial Assistance (DFA) program and the application process.

Chaboyer-Cameron

756 That the presentation by Brian Kayes, Director of Risk & Emergency Management with respect to an update on Covid-19, the Assiniboine River Dike, and overland flooding due to the heavy rains within the City of Brandon be received. CARRIED.

COMMUNITY COMMENTS/FEEDBACK:

Nil

HEARING OF DELEGATIONS:

Nil

PUBLIC HEARINGS:

Nil

COMMUNICATIONS & PETITIONS:

Nil

COMMITTEE REPORTS:

(A) KEYSTONE CENTRE (VERBAL) AUGUST 10, 2020

Councillor Luebke provided a verbal update on the financial situation of the Keystone Centre. He noted that due to the recent increase in Covid-19 cases, events such as the Dakota Winterfest had been cancelled and the start of the Western Hockey League 2020-2021 season postponed to December 4, 2020. He indicated the Keystone Centre remained in a relatively healthy cash position at this time, due to receipt of both the City of Brandon and the Province of Manitoba's operating grants.

Councillor Luebke concluded by noting on July 24, 2020, the Province announced they were providing \$150,000 to hire a consultant to develop a long-term sustainability action plan for the Keystone Centre.

Parker-Berry

757

That the report of the Keystone Centre be received. CARRIED.

ENQUIRIES:

(138)

MANAGEMENT OF SOCIAL DISTANCING AT THE SPORTSPLEX

Councillor Fawcett advised that he had received complaints from residents with respect to large gatherings outside the City of Brandon Sportsplex prior to scheduled events. Noting that systems were in place inside the facility, he enquired if two meter markings could be placed outside the entrance.

At the request of His Worship the Mayor, the Acting City Manager, Mr. Todd Burton, responded that this weekend marked the first game/tournament play since the venue reopened and agreed that there were noted challenges. Mr. Burton confirmed that there were two meter markings outside as well as signage with respect to social distancing and where to line-up.

The Acting City Manager advised that all individuals who booked the arena were required to sign the Sportsplex Return to Play Policy which outlined all the requirements for ice bookings, inclusive of the limited number of people in the arena (37 on ice and 37 spectators), and in the dressing rooms and players' boxes. He confirmed that teams were not allowed into the building until 15 minutes prior to their booking time with Sportsplex staff screening to ensure only those on the pre-submitted roster were given access. The Acting City Manager conceded that there were issues this past weekend that would be discussed and rectified prior to future tournament play.

(139)

REPAIRS TO THE INTERSECTIONS OF 10TH STREET & COLLEGE AVENUE AND 15TH STREET & PARK AVENUE

Councillor Luebke advised that sinkholes had developed at the intersections of 10th Street & College Avenue and 15th Street & Park Avenue and enquired when same were expected to be repaired.

At the request of His Worship the Mayor, the Acting City Manager responded that the repairs to the 10th Street & College Avenue were scheduled to be completed August 18, 2020 followed by the 15th Street & Park Avenue location the week of August 24, 2020.

(140) PROVINCE OF MANITOBA EMERGENCY MEDICAL SERVICES (EMS) REVIEW

Councillor Luebke enquired when the Province of Manitoba Emergency Medical Services review was expected to be completed.

At the request of His Worship the Mayor, the Acting City Manager responded that the EMS review, inclusive of service delivery models, inter-facility transfers, funding and technology, as well as many other services was expected to be completed in 2020, however, Covid-19 had seriously impacted the entire health care system, inclusive of the completion of this review. Mr. Burton confirmed that Brandon Fire & Emergency Services continued to participate in meetings regarding the review and agreed to keep City Council apprised of any new developments with respect to same.

(141) BROOKWOOD DRIVE AND AURORA CRESCENT ROAD REPAIRS

Councillor Berry noted that the heaves in the roadway continued to be a problem at the entrances to Brookwood Drive and Aurora Crescent and enquired when same were expected to be repaired.

At the request of His Worship the Mayor, the Acting City Manager responded that the warranty work on Brookwood Drive, Plateau Drive and Aurora Crescent had begun. He confirmed that several segments of sidewalk, curb, and gutter had been replaced with asphalt repairs expected to be completed in the fall.

(142) PEDESTRIAN CROSSWALK BEACON - LAKEVIEW DRIVE & 34TH STREET INTERSECTION

Councillor Berry enquired if the pedestrian beacon leading up to the crosswalk at the intersection of Lakeview Drive & 34th Street was expected to be installed before school was back in session.

At the request of His Worship the Mayor, the Acting City Manager responded that the Request for Proposals for a Rectangular Rapid Flashing Beacon for this location was to be issued this week. He advised that the equipment was anticipated to be received in September 2020 with installation to be completed immediately thereafter.

(143) CLEAN-UP OF WILLOWDALE DITCH BETWEEN 26TH & 34TH STREETS

Councillor Berry referred to previous enquiries with respect to clean-up of the Willowdale Ditch between 26th Street and 34th Streets. He reminded everyone that area residents had provided a presentation to City Council on July 13, 2020 whereby they requested this area be cleaned up and regularly maintained to ensure better water flow. Councillor Berry advised that to date, nothing had been done to clean up the area. He noted that residents were concerned about a back-up of water in their basements again and enquired when grass cutting, cleaning and clearing debris from culverts was expected to be completed.

At the request of His Worship the Mayor, the Acting City Manager responded that the 34th Street culvert had been cleared of debris and silt and advised that same was to be inspected monthly with appropriate work to be completed as necessary. He confirmed that the clearing of vegetation from culvert ends and the mowing of ditches was currently underway in that area and same would be inspected immediately should a major rainstorm be expected.

Councillor Berry expressed concern that the culvert at 26th Street had not been cleared out, vegetation had not been removed at the culvert ends and the grass needed to be cut on both sides of Willowdale Crescent between 26th & 34th Street. He advised that this had been requested numerous times both by himself and area residents without a response. He further noted that this issue had been raised by two area residents at the July 13, 2020 City Council meeting whereby a meeting to further discuss the issue was yet to be arranged.

(144) PROTECTION OF LADY'S SLIPPER ORCHID

Councillor Chaboyer referred to the endangered Lady's Slipper Orchids located in the southeast corner of the Green Acres ward and enquired how same were being protected with the new development happening in that area.

At the request of His Worship the Mayor, the Acting City Manager responded that the Lady's Slipper Orchids had been identified by the Province of Manitoba and were protected under The Endangered Species and Ecosystems Act. He confirmed that the City of Brandon's Secondary Plan for the Southeast Growth Area was designed to create a framework for development while ensuring compliance with The Act. Mr. Burton encouraged residents with questions to contact the Project Manager Andrew Mok at a.mok@brandon.ca or 204-729-2115.

(145) 300 BLOCK OF ABERDEEN AVENUE REPAIRS TO SIDEWALK

Councillor Chaboyer advised that the sidewalk in the 300 Block of Aberdeen Avenue had been broken up to enable repairs to a watermain. She noted that after three months, the sidewalk remained crumbled up in that area and enquired if same could be repaired as soon as possible.

His Worship the Mayor agreed to take this matter under advisement.

(146) LIGHTING ALONG BIKE PATHS AND WALKWAYS

Councillor Cameron advised that he had received complaints from area residents with respect to the need for lighting along the bike path/walkway from Pacific to Richmond Avenues. He enquired if funds for augmented lighting along this pathway could be added to the 2021 Capital Budget requests.

Councillor Parker echoed Councillor Cameron's comments and noted that he had requested additional lighting along bike paths/walkways throughout the City of Brandon numerous times.

At the request of His Worship the Mayor, the Acting City Manager responded that funds were not available in this year's budget for lighting of pathways, however, same would be added to the list of capital projects considered for 2021.

(147) UPDATE ON REPAIR OF POTHOLES

Councillor Cameron noted that potholes continued to be a problem throughout the City of Brandon and requested an update on the status of repairs as well as how problem areas could be reported.

At the request of His Worship the Mayor, the Acting City Manager responded that pothole repairs were ongoing throughout the City of Brandon. He advised that problem areas could be reported on the City of Brandon website or by calling the Pothole Hotline at (204) 729-2200.

(148) COVID-19 BRANDON TRANSIT LOSS OF REVENUE

Councillor LoRegio requested an update on the loss of revenue for Brandon Transit as a result of Covid-19.

His Worship the Mayor agreed to take this matter under advisement.

(149) VEHICLES DRIVING ON THE DIKE

Councillor Luebke advised that vehicles driving on the dike continued to be a safety concern and enquired if this situation could be addressed by signage and enforcement.

His Worship the Mayor agreed to take this matter under advisement.

ANNOUNCEMENTS:

LINDEN LANES WARD MEETING - AUGUST 17, 2020

Councillor Berry announced that a Linden Lanes ward meeting was planned for August 17, 2020 in the MNP Hall at the Keystone Centre starting at 6:30 p.m. He advised that agenda items included infrastructure, overland flooding, public safety and other city/ward issues. He reminded residents that Covid-19 protocols were being followed and room capacity would be limited.

Councillor Berry cautioned that given the current Covid-19 outbreak, this meeting may be cancelled on very short notice. He confirmed that social media and the City of Brandon website would be updated accordingly as soon as possible should cancellation be necessary.

SOUTH CENTRE WARD MEETING - SEPTEMBER 3, 2020

Councillor Luebke announced that a South Centre Ward meeting was scheduled for September 3, 2020 in the Assembly Hall at the Keystone Centre starting at 7:00 p.m. He advised that agenda items included crime statistics, overland flooding, Fire Hall No. 2 staffing and other city/ward issues. He reminded residents that Covid-19 protocols were being followed and room capacity would be limited.

Councillor Luebke cautioned that given the current Covid-19 outbreak, this meeting may be cancelled on very short notice. He confirmed that social media and the City of Brandon website would be updated accordingly as soon as possible should cancellation be necessary.

SOFTBALL MANITOBA CHAMPIONSHIPS

Councillor Luebke congratulated the Brandon Heat U10 and U14 Teams on having won the Softball Manitoba Championships held this past weekend.

Councillor Luebke also announced that the 16A Girls Manitoba Softball Championships were to be held August 20-23, 2020 at the Ashley Neufeld Softball Complex.

PRAIRIE TOYOTA REELS ON WHEELS EVENT

Councillor Luebke announced that the Prairie Toyota Reels on Wheels, an outdoor drive-in movie event, would be held August 14, 2020 on the grounds of the Keystone Centre with gates opening at 7:30 p.m. Councillor Luebke explained that admission to the event was by donation of \$20 per car with 350 tickets available and all proceeds donated to Westman Dreams for Kids. He noted that the event was sold-out.

ENVIRONMENTAL INITIATIVES CHALLENGE

Councillor Chaboyer referred to a previous challenge by the Environmental Initiatives Coordinator whereby His Worship the Mayor and Councillors were asked to "plant" a pair of white underwear to test their soil. She explained that after having been planted for a length of time, if the soil was healthy, only the elastic waistband should be left in the soil. Councillor Chaboyer presented the elastic waistband and stated she was pleased to announce her soil was good and she had succeeded with the challenge.

GENERAL BUSINESS:

(A) CITY OF BRANDON ANTENNA SYSTEMS UPDATE

Considered was a report from the Planning & Buildings Department dated July 29, 2020 with respect to the above.

Chaboyer-Parker

758 That the Antenna Systems Protocol be updated to better facilitate an expedited review process for Antenna System siting proposals and to better serve the interests of the City of Brandon. CARRIED.

(B) REQUEST FOR FUNDING ASSISTANCE - MANITOBA WATER SERVICES BOARD CORE INFRASTRUCTURE FUND

City Council considered a report from Engineering Services dated July 28, 2020 with respect to the above.

Brown-Luebke

759 That an application be made to the Manitoba Water Services Board (MWSB) for technical and financial assistance with respect to the following projects: Water Distribution Model Rebuild; and New Watermain - 1st Street between Maryland Avenue and Portola Drive. CARRIED.

(C) APPLICATION TO SUBDIVIDE - 1640 SYCAMORE DRIVE

Submitted for consideration was a report from the Planning & Buildings Department dated July 31, 2020 with respect to the above.

Brown-Berry

760 That the application to subdivide 1640 Sycamore Drive (Parcel A, Plan 1547 BLTO) be approved subject to the owner or successor 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 and BellMTS, and registering the easement agreement along with the easement plan, if required, in series with the plan of subdivision. CARRIED.

(D) AMENDMENT OF THE DEVELOPMENT AGREEMENT FOR 1901 AND 1955 - 34TH STREET (BELLAFIELD HOLDINGS LTD.)

City Council considered a report from Engineering Services dated August 6, 2020 with respect to the above.

Berry-Cullen

761 That development agreement condition 1(a) of subdivision conditional approval 4500-20--701 at 1901 & 1955 - 34th Street to create seventy five (75) lots and public roads in the Residential Single Detached (RSD) and Parks and Recreation (PR) zones be amended by removing Clause 6(a) of the Development Agreement in its entirety and inserting the following:

"6(a) Developer is required to oversize land drainage infrastructure and retention areas as outlined in the Southwest Brandon Secondary Plan. In accordance with the Secondary Plan, Oversized Infrastructure & Developer Reimbursement Parameter, and Standard Operating Procedure, the applicant is entitled to the following estimated reimbursements: Engineering Design \$226,435, Supply and Installation of Materials \$1,509,565, and Loss of Developable Land \$1,046,500. The estimated reimbursement values will be finalized (total recovery costs) upon the City accepting the actual unit prices, design and construction costs and record drawings for oversizing benefit. The developer will be entitled to receive payment by the City in accordance with the Parameter and Standard Operating Procedure, and no earlier than the issuance of a Construction Completion Certificate.";

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

BY-LAWS:

NO. 7271 TO REZONE PROPERTY LOCATED AT 400 -17TH STREET FROM OPEN SPACE TO COMMERCIAL ARTERIAL ZONE

Submitted for consideration was a report from the Legislative Services Department dated July 15, 2020 with respect to the above.

Cameron-Cullen

762 That By-law No. 7271 to rezone 400 - 17th Street North (Lots 1/16, Block 2, Plan 325 BLTO) from Open Space (OS) to Commercial Arterial (CAR) zone be read a second time. CARRIED.

Cameron-Cullen

763 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. 7271 third reading.

FOR

Mayor Rick Chrest
Councillor Shawn Berry
Councillor Ron W. Brown
Councillor Shaun Cameron
Councillor Jan Chaboyer
Councillor Barry Cullen
Councillor Kris Desjarlais
Councillor Jeff Fawcett
Councillor John LoRegio
Councillor Bruce Luebke
Councillor Glen Parker

AGAINST

Nil

NO. 7275 TO REZONE PROPERTY LOCATED AT 1504 - 10TH STREET FROM RESIDENTIAL LOW DENSITY TO RESIDENTIAL MODERATE DENSITY ZONE

City Council considered a report from the Legislative Services Department dated July 16, 2020 with respect to the above.

Brown-Chaboyer

764 That By-law No. 7275 to rezone a property at 1504 - 10th Street (Lots 1/3, Block 1, Plan 289 BLTO) from Residential Low Density (RLD) zone to Residential Moderate Density (RMD) zone, be read a second time. CARRIED.

Brown-Chaboyer

765 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 construct a 6-unit residential building in general consistency with the attached site and elevation plans.
2. The Developer agrees to remove and relocate the Hydro service located within the property to the streetlight pole.
3. The Developer agrees to remove the existing access to the property on 10th Street and restore the ditch and boulevard with sod.
4. The Developer agrees to contribute \$5,452.84 for Network Infrastructure Development Charges (in the Emerging Area) as per the 2020 Fee Schedule. This calculation is based on the submitted site plan and the total net area being developed. This contribution is due in full upon execution of the development agreement.
5. The Developer agrees to contribute \$372.71 for cash in lieu of land dedication of public reserve. This contribution is due in full upon execution of the development agreement.
6. The Developer agrees to contribute \$1,215.00 to the Brandon School Division for cash in lieu purposes. Payment is to be made to the Brandon School Division with proof of payment submitted to the City of Brandon.
7. The Developer agrees to submit an Irrevocable Letter of Credit totaling 15% of the Detailed Cost Estimate.

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. CARRIED.

NO. 7277 ROAD OPENING – REALIGNED INTERSECTION OF 1ST STREET AND PACIFIC AVENUE

Considered was a report from the Planning & Buildings Department dated July 10, 2020 with respect to the above.

Cameron-Luebke

766 That By-Law No. 7277, to legally open the realigned intersection of Pacific Avenue and 1st Street (Pt. Lot 9, Lots 10-14, Pt. Lots 15-18, Block 69, Plan 2), be read a first time. CARRIED.

NO. 7278 TO REZONE PROPERTY LOCATED AT 135, 141, 143 AND 147 - 18TH STREET FROM COMMERCIAL RESTRICTED TO DOWNTOWN MIXED USE ZONE

City Council considered a report from the Legislative Services Department dated July 16, 2020 with respect to the above.

Cameron-Parker

767 That By-law No. 7278 to rezone a property at 135, 141, 143 and 147 - 18th Street (part of Lots 1 and 11, and Lots 2/10, Block 52, Plan 2 BLTO) from Commercial Restricted (CR) zone to Downtown Mixed Use (DMU) zone, be read a second time. CARRIED.

Cameron-Chaboyer

768 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 construct a mixed-use building in general consistency with the attached site and elevation plans.
2. The Developer agrees to contribute \$1,843.76 for cash in lieu of land dedication of public reserve. This contribution is due in full upon execution of the development agreement.
3. The Developer agrees to contribute \$6,277.50 to the Brandon School Division for cash in lieu purposes. Payment is to be made to the Brandon School Division with proof of payment submitted to the City of Brandon prior to the issuance of a development permit.
4. The Developer agrees to pay a contribution towards eleven (11) boulevard trees. 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 at the time of execution of the development agreement.

5. The Developer agrees to provide a landscaping plan prior to the issuance of a development permit showing the location of the eleven (11) boulevard trees in the boulevards of 18th Street, 17th Street and Princess Avenue. Tree species will be determined by the City of Brandon at the time of planting.
6. The Developer agrees to disconnect and remove any existing services to the properties that they will not be utilizing for the development. The Developer further agrees to restore the curb and boulevard with sod as per City of Brandon Standard Construction Specifications. All work performed in the right-of-way shall conform to the City of Brandon Standard Construction Specifications.
7. The Developer agrees that any servicing that is proposed to be constructed under the Stone Fence Heritage Site is to be directionally drilled and housed in a casing pipe.
8. The Developer agrees to remove any existing access to 17th Street that they will not be utilizing for the development as per the attached site plan. The Developer further agrees to restore the curb and boulevard with sod as per City of Brandon Standard Construction Specifications. All work performed in the right-of-way shall conform to the City of Brandon Standard Construction Specifications.
9. The Developer agrees to endeavour to enter into a Construction Conforming Agreement (CCA) with the property owners to the north (131 – 18th Street and 1712 Rosser Avenue) for shared access among the 3 properties. The CCA is to be registered on all affected titles prior to the issuance of a development permit. Should the Developer not be able to secure a CCA with all 3 parties, the Developer agrees to construct a commercial grade access, with a minimum width of 7.3m, to their property from 18th Street. The location and design of such access shall be approved by the City Engineer.
10. The Developer agrees to provide the same amount of on-site parking as required in the Zoning By-law for a non-downtown zoned site.
11. The Developer agrees to amend the existing Heritage Agreement registered on title to include the following amendments:
 - Reduction of the easement along the easterly site line from 6.0m to 4.0m;
 - Addition of 2.2m easement along the south property line; and
 - The Heritage Agreement amendment is to be registered on title prior to the issuance of a development permit.

12. The Developer agrees to consolidate Certificate of Title Nos. 2695545/2, 2695548/2, 2695552/2 & 2695553/2 and to provide proof of consolidation prior to the issuance of a development permit.
13. The applicant will be responsible to submit a Detailed Cost Estimate, prepared by their Consulting Engineer for all work proposed within the right-of-way. The cost estimate is subject to review and approval by the City Engineer.
14. The applicant will be responsible to submit an Irrevocable Letter of Credit totaling 15% of the Detailed Cost Estimate.

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. CARRIED.

NO. 7279 TO AMEND BUILDING SAFETY & PROPERTY STANDARDS BY-LAW NO. 6060

Considered was a report from the Planning & Buildings Department dated March 26, 2020 with respect to the above.

Luebke-Berry

769 That By-law No. 7279, to amend Building Safety and Property Standards By-law No. 6060 to relocate clauses to the Community Standards By-law and updating content of the by-law be read a first time. CARRIED.

GIVING OF NOTICE:

Nil

ADJOURN:

Berry-Chaboyer

That the meeting now adjourn at (8:31 p.m.) CARRIED.

MAYOR

CITY CLERK