

MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY, MAY 17, 2021 AT 7:00 PM, BRANDON, MANITOBA

PRESENT: Mayor Rick Chrest In The Chair, Councillor Shawn Berry, Councillor Shaun Cameron, Councillor Jan Chaboyer, Councillor Barry Cullen, Councillor Kris Desjarlais, Councillor Jeff Fawcett, Councillor Sunday Frangi, Councillor Bruce Luebke, Councillor Glen Parker

ABSENT: Nil

It was noted that in accordance with Section 109 of Procedure By-law No. 6634, all members of Council listed as present participate in the meeting electronically.

DECLARATION OF CIVIC OFFICE:

Prior to the commencement of the meeting, Councillor-Elect Sunday Frangi, representing the Meadows-Waverly Ward, was sworn into office by City Solicitor Rex Osivwemu, LL.B.

Councillor Frangi thanked the Meadows-Waverly residents for the support, and stated that he was looking forward to working on their behalf.

ADOPTION OF AGENDA:

Cullen-Luebke

1081 That the Agenda for the Regular Meeting of City Council to be held Monday, May 17, 2021 be adopted as presented. CARRIED.

CONFIRMATION OF MINUTES:

Cameron-Chaboyer

1082 That the Minutes of the Regular Meeting of City Council held on May 3, 2021 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

HEARING OF PRESENTATIONS:

Nil

COMMUNITY COMMENTS/FEEDBACK:

(A) STEVE MCMILLAN, VBJ DEVELOPMENTS LTD. - DEVELOPMENT AGREEMENT FOR 1501 MORELAND AVENUE

Steve McMillan, on behalf of VBJ Developments Ltd., addressed City Council with respect to the conditions of the development agreement for 1501 Moreland Avenue.

He acknowledged that three of the items of contention in the development agreement had been resolved with Administration, however the matter of the contribution requirement for development costs was still outstanding.

HEARING OF DELEGATIONS:

Nil

PUBLIC HEARINGS:

Nil

COMMUNICATIONS & PETITIONS:

Nil

COMMITTEE REPORTS:

Nil

ENQUIRIES:

(202) MITIGATION OF SPEED ALONG 22ND STREET

Councillor Cameron raised concerns with respect to the speed of vehicles along 22nd Street between Lorne and Victoria Avenues. He enquired if a four-way stop sign could be considered for the intersection of Lorne Avenue and 22nd Street as a mitigation of speed along 22nd Street.

At the request of His Worship the Mayor, the City Manager responded that a traffic study, inclusive of vehicle turning and pedestrian crossing wait times, would be conducted in this area with consideration given to the installation of a four-way stop sign if necessary. He advised that the data collected would be shared with the Brandon Police Service for enforcement of the speed limits.

(203) DUST CONTROL FROM CONSTRUCTION AT 34TH STREET AND MCDONALD AVENUE

Councillor Cameron advised that dust from the construction site at 34th Street and McDonald Avenue was causing problems for area residents. He enquired if watering efforts in this area could be considered.

At the request of His Worship the Mayor, the City Manager responded that, given the hot, dry conditions, watering the site was only a temporary solution. He agreed that this situation would be monitored and the Engineering Department would work with the contractors on a more permanent solution to the dust issues.

(204) WATER RETENTION DURING DROUGHT CONDITIONS

Councillor Chaboyer referred to the current drought conditions in the City of Brandon and enquired as to what programs or information was available to citizens to assist them with water retention on their property.

At the request of His Worship the Mayor, the City Manager responded that a messaging campaign was planned in the near future to advise residents on surface water drainage and water conservation measures that could be undertaken. He noted that rain barrels were one of the best ways to conserve water for later use and encouraged residents to purchase same from local retailers, or learn how to build their own by visiting the website at www.brandonenvironment.ca. The City Manager advised that the City of Brandon, in partnership with the Central Assiniboine Watershed District, was set to launch a Residential Rain Garden Pilot Program with details on same to be provided at a City Council meeting in the near future.

(205) BURNING POLICY/RESTRICTIONS IN DROUGHT CONDITIONS

Councillor Luebke noted that with the current dry conditions across the Province of Manitoba, many municipalities had implemented burning restrictions. He enquired as to the current City of Brandon policies with respect to burning, whether or not a burning ban had been considered for the city, and who could be contacted should residents have concerns.

At the request of His Worship the Mayor, the City Manager responded that pursuant to the City of Brandon Fire Prevention By-law No. 7200, open air fires were prohibited without a permit, and further, that environmental conditions and proposed safety plans were taken into consideration prior to the issuance of same. He advised that permits were also required for outdoor burning appliances with same to be inspected and approved by Brandon Fire and Emergency Services prior to usage. The City Manager advised that complaints or concerns with respect to burning within city limits should be directed to (204) 729-2400.

(206) UPDATE ON CHANGES TO PROPERTY TAX BILLS WITH RESPECT TO THE PROVINCIAL EDUCATION LEVY

Councillor Berry enquired if an update could be provided on how the changes to the Provincial Education Levy affected local property owners and their tax bills.

At the request of His Worship the Mayor, the City Treasurer, Mr. Dean Hammond, provided an overview of the property taxes inclusive of the changes to the Provincial Education Tax Levy.

Mr. Hammond confirmed that, with the exception of those on the monthly tax installment payment plan, taxes were due by 5:00 p.m. June 30, 2021 to avoid penalty. He noted that all tax bills had been mailed and encouraged property owners who had not received their bill by June 1, 2021 to contact the Tax Department at (204) 729-2228 or email taxes@brandon.ca. The City Treasurer advised that pertinent information, including the various payment options for property taxes, could be found in a pamphlet that was included with the property tax bills or on the City website.

With respect to the Provincial Education Tax Levy, the City Treasurer explained that the education property taxes were being phased out by the Province of Manitoba. For 2021, residential and farm property owners would see a net reduction of 25% in school taxes, and other property types would see a net reduction of 10% in school taxes. The overall reduction would be administered through a combination of the Education Property Tax Credit Advance listed on the property tax bill and through Province of Manitoba Rebate Cheques, which were expected to arrive before taxes were due at the end of June. Mr. Hammond noted that while the property tax amount may appear to have increased from last year, the receipt of the rebate cheque would offset the increase to achieve the overall net reduction. The City Treasurer further explained that for those residents paying monthly via the tax installment payment plan, the monthly amount would increase; however, the one-time rebate cheque would offset the increase. He also noted that information from the Province of Manitoba on this issue was provided with the property tax bills. Should further clarification be required, residents could contact the Tax Department at (204) 729-2228.

ANNOUNCEMENTS:

APPLICATIONS TO THE GRANTS REVIEW COMMITTEE FOR 2022

Councillor Luebke, on behalf of the Grants Review Committee, advised community groups that grant applications were now being accepted from not-for-profit organizations who wished to be considered for grant funding for 2022 and that applications would be accepted until June 30, 2020. He advised that applications could be found on the city's website at www.brandon.ca or by contacting the Legislative Services Department at (204) 729-2296.

BRACELETS FOR CHILDREN'S HOSPITAL FOUNDATION - VALLEYVIEW GRADE 3 AND 4 STUDENTS

Councillor Cameron announced that Valleyview Grade 3 and 4 students successfully raised \$566 in donations to the Children's Hospital Foundation of Manitoba. The students, with support of staff and families, assembled and sold elastic loom bracelets.

Councillor Cameron, on behalf of City Council, expressed pride and appreciation for the students' charitable leadership and hard work, as well as for the encouragement provided by school staff and families.

BRANDON WHEAT KINGS - EAST DIVISION CHAMPIONS

His Worship Mayor Chrest congratulated the Brandon Wheat Kings on having won the East Division Championship of the Western Hockey League, who had played out its season in Regina, Saskatchewan. He noted that the players and league faced unique circumstances and challenges this year, and commended the Wheat Kings for their victory.

GENERAL BUSINESS:

(A) INTERIM COUNCIL APPOINTMENTS TO BOARDS AND COMMITTEES

City Council considered a report from the Legislative Services Department dated May 12, 2021 with respect to the above.

Berry-Cameron

1083 That in accordance with Subsections 15(c) and (d) of Organizational By-law No. 6650, the following interim appointments be and are hereby made to the following boards and committees with terms of office to expire November 15, 2021:

Building Standards & By-law Compliance Committee

Councillor Sunday Frangi (Alternate)

Grants Review Committee

Councillor Sunday Frangi

Taxi Appeal Committee

Councillor Barry Cullen

Councillor Sunday Frangi

Mayor Rick Chrest (Alternate)

Brandon General Museum & Archives Inc. Board

Councillor Shawn Berry

Councillor Sunday Frangi

Western Manitoba Regional Library Board

Councillor Jeff Fawcett

Age Friendly Committee
Councillor Barry Cullen
CARRIED.

BY-LAWS:

NO. 7269 TO REZONE PROPERTY LOCATED AT 1501 MORELAND AVENUE FROM DEVELOPMENT RESERVE TO RESIDENTIAL MODERATE DENSITY, PARKS AND RECREATION AND OPEN SPACE ZONES

Considered was a report from Legislative Services dated May 13, 2021 with respect to the above.

1084 Fawcett-Cameron
That By-law No. 7269 to rezone 1501 Moreland Avenue (Parcels 1/2, Plan 1694 BLTO) be amended as follows:

1. under Section 1, deleting the words “RMD Residential Moderate Density and PR Parks and Recreation” and substituting therefor the words “RMD Residential Moderate Density, PR Parks and Recreation, and OS Open Space”; and
2. by replacing Schedule A with Schedule A of By-law No. 7269 as attached to the report by Andrew Mok dated April 21, 2021. CARRIED.

1085 Fawcett-Cameron
That By-law No. 7269, as amended, be read a second time. CARRIED.

1086 Fawcett-Desjarlais
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 rezone and subdivide 62 residential lots, a public road and public reserve in general consistency with the attached site plan and plan of subdivision. The development will consist of two phases, Phase 1 of 34 lots and Phase 2 of 28 lots as identified on the attached phasing plan.
2. The Developer agrees, in accordance with the City of Brandon Oversized Infrastructure & Developer Reimbursement Parameter, to contribute towards the oversizing of future downstream land drainage infrastructure. Such payment is based on typical Public Sector Accounting Board unit prices for supply of materials,

earthworks and engineering design costs. Calculation for loss of developable land area is determined using approved values as per the 2021 Fee Schedule for Money in Lieu of Public Reserve (Emerging Area). The total contribution is calculated below using a Class D estimate.

Materials	\$220,256.00
Earthworks	\$8,288.00
Engineering design costs	\$11,265.00
Loss of developable land area	\$1,885.00
Total contribution	\$241,694.00

Such payment in the amount of \$241,694.00 shall be due in full at the time of execution of the development agreement.

The Developer understands that as the oversized land drainage pond is not scheduled to be constructed in the City's 10-year Capital Plan that they will not be responsible to pay for as constructed material costs as stipulated in the Oversized Infrastructure & Developer Reimbursement Parameter.

3. The Developer agrees to construct an interim drainage pond and all associated ditching. The pond may be located on City property at a location to be approved by the City Engineer. The Developer will be required to submit design drawings as prepared by a professional engineer with such design being subject to review and acceptance by the City Engineer. The Developer will be responsible for all costs associated with design and construction of the interim drainage pond and associated ditching. Should the Developer wish for their interim pond earthworks to contribute towards their earthworks oversizing contribution, they are to submit a written request to the City Engineer for review and acceptance. If it is determined that the interim pond earthworks contribute towards the ultimate oversizing earthworks, the developer is to be issued a proportional refund of their earthworks oversizing contribution. Refund may not exceed the contribution amount.
4. The Developer agrees that all easements are to be registered on all rear yard swales in series with the plan of subdivision; width of easement is to be to the acceptance of the City Engineer. Upon registration, the City requires a copy of the registered easement for record purposes.
5. The Developer agrees to dedicate, design and construct the public reserve lands, including a leisure greenspace and 3m treed buffer to the North of the Clare Ave right-of-way in accordance with the plan of subdivision. Completion of the public reserve lands shall include walkways, grading, sodding, trees, additional landscaping, and a play structure within the leisure greenspace. The design of all public reserve land shall be subject to the review and acceptance of the Director of Parks & Recreation.

6. The Developer agrees legally open, extend and construct a new public right-of-way as proposed as per the plan of subdivision and to extend all below and above ground municipal services for the right of way. 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.
7. The Developer agrees to complete a loop of Moreland Avenue, for both road and watermain, from the existing dead end of Moreland Avenue to the intersection of Clare Avenue and Mockingbird Drive.
8. The Developer agrees that in order to service the Lands with sewer service, the public sewer main extension must be made to a downstream private sewer main owned by the Monterrey Estates Mobile Home Park and as such, acknowledges the connection will be an interim measure until such time as the domestic wastewater trunk sewer identified in the North Brandon Gateway Secondary Plan is constructed. The Developer further agrees that prior to the connection, permission must be obtained from the property owner of the downstream private sewer main by way of a statutory easement agreement. The Developer will be responsible to facilitate execution of a statutory easement agreement between the City and the property owner and thereafter, to register the statutory easement agreement on all properties affected by the easement. Evidence of registration will be required prior to the issuance of the accepted construction drawings.
9. The Developer agrees to provide a sealed technical memorandum from the consulting engineer confirming the downstream private sewer is sufficient to handle the proposed increase in wastewater discharge.
10. The Developer agrees to plant all boulevard trees and provide to the City a landscape plan identifying the location of all proposed boulevard trees to be planted by the Developer on the Lands as per the City of Brandon Urban and Landscape Design Standards Manual. The Developer further agrees to adhere to the approved landscaping plan and is required to notify the City at the end of each planting season to inspect the trees and commence the warranty process.
11. 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.
12. The Developer acknowledges the site will be subject to development charges. Network Infrastructure charges of \$89,761.93 (2021 rate) are due upon the execution of the development agreement in accordance with Schedule B-3 of the Development Charges By-law. Additional development charges will be charged against any future buildings and will be applied at the time of issuance of a building permit.

13. The Developer agrees, prior to the issuance of the subdivision certificate of approval to contribute to the Brandon School Division in lieu of land dedication.
14. The Developer agrees to complete a Heritage Resources Impact Assessment through a qualified archaeological consultant to the satisfaction of Manitoba Historic Resources Branch.
15. 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 submit to review and acceptance by the City Engineer.
16. The Developer will be responsible to submit an Irrevocable Letter of Credit totalling 15% of the Detailed Cost Estimate. Submission of the Letter of Credit is required prior to the issuance of a development permit.

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 AS AMENDED.

AMENDMENT

Parker-Chaboyer

1087

That the above motion be amended by:

- (1) deleting the third paragraph in Clause 2 in its entirety and substituting the following therefor: "The developer shall be responsible for payment in the amount of \$60,423.50, being 25% of the total contribution which shall be due in full at the time of execution of the development agreement."; and
- (2) deleting in Clause 3 the following sentences: "Should the Developer wish for their interim pond earthworks to contribute towards their earthworks oversizing contribution, they are to submit a written request to the City Engineer for review and acceptance. If it is determined that the interim pond earthworks contribute towards the ultimate oversizing earthworks, the developer is to be issued a proportional refund of their earthworks oversizing contribution. Refund may not exceed the contribution amount." CARRIED.

NO. 7293

TO REZONE PROPERTY LOCATED AT 733 – 17TH STREET EAST FROM DEVELOPMENT RESERVE TO INDUSTRIAL GENERAL ZONE

City Council considered a report from the Director of Planning & Buildings dated May 5, 2021 with respect to the above.

Chaboyer-Parker

1088

That By-law No. 7293 to rezone property located at 733 - 17th Street East (Lots 13 to 18 both inclusive, Block 17, Plan 285 BLTO, and Parcel "A", Plan 65155 BLTO) from DR Development Reserve to IG Industrial General be read a third and final time. CARRIED.

In accordance with Section 130 of The Municipal Act, a recorded vote was taken on the motion to give By-law No. 7293 third reading.

FOR

Mayor Rick Chrest
Councillor Shawn Berry
Councillor Shaun Cameron
Councillor Jan Chaboyer
Councillor Barry Cullen
Councillor Kris Desjarlais
Councillor Jeff Fawcett
Councillor Sunday Frangi
Councillor Bruce Luebke
Councillor Glen Parker

AGAINST

Nil

NO. 7303

TO REZONE PROPERTY BEING THE CLOSED PUBLIC LANE LOCATED AT THE PERIMETER OF 25 – 20TH STREET FROM RESIDENTIAL LOW DENSITY TO RESIDENTIAL MODERATE DENSITY ZONE

Submitted for consideration was a report from the Planning and Buildings Department dated May 5, 2021 with respect to the above.

Cameron-Parker

1089

That By-law No. 7303 to rezone property located at the closed lane Block 10 Plan 15 BLTO (Title No. 2569948) from Residential Low Density (RLD) to Residential Moderate Density (RMD) be read a first time. CARRIED.

NO. 7306

TO REZONE PROPERTY LOCATED AT PART OF 1901 – 34TH STREET, 1906 – 26TH STREET AND 1955 – 34TH STREET FROM AGRICULTURAL GENERAL TO RESIDENTIAL LOW DENSITY ZONE

Considered was a report from the Planning and Buildings Department dated May 5, 2021 with respect to the above.

Berry-Parker

1090

That By-law No. 7306 to rezone property located at part of 1955 - 34th Street, 1906 - 26th Street, and 1901 - 34th Street (Pt. SW ¼ 10-10-19 WPM and Parcel A, Plan 1618 BLTO, and Lots 2&4, Plan 1731 BLTO) from Agricultural General (AG80) to Residential Low Density (RLD) be read a first time. CARRIED.

GIVING OF NOTICE:

Nil

ADJOURN:

Berry-Chaboyer

That the meeting do now adjourn (9:17 p.m.) CARRIED.

MAYOR

CITY CLERK