

**MINUTES OF THE REGULAR MEETING OF CITY COUNCIL HELD ON MONDAY, JULY 17, 2023
AT 7:00 PM IN THE COUNCIL CHAMBER, CIVIC ADMINISTRATION BUILDING, BRANDON,
MANITOBA**

PRESENT: Mayor Jeff Fawcett In The Chair, Councillor Shawn Berry, Councillor Shaun Cameron, Councillor Barry Cullen, Councillor Greg Hildebrand, Councillor Heather Karrouze, Councillor Bruce Luebke, Councillor Glen Parker, Councillor Jason Splett, Councillor Tyson Tame

ABSENT: Councillor Kris Desjarlais

ADOPTION OF AGENDA:

397 Cameron-Splett
That the Agenda for the regular meeting of City Council to be held on Monday, July 17, 2023 be amended by adding under the Order of General Business, Back Lane Lighting Program. CARRIED.

398 Cameron-Splett
That the Agenda for the Regular Meeting of July 17, 2023, as amended, be adopted. CARRIED AS AMENDED.

CONFIRMATION OF MINUTES:

399 Cullen-Splett
That the Minutes of the Special Meeting of City Council held Monday, June 19, 2023 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

400 Cameron-Luebke
That the Minutes of the Regular Meeting of City Council held Monday, June 19, 2023 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

401 Splett-Parker
That the Minutes of the Special Meeting of City Council held Monday, June 26, 2023 be taken as read and so adopted, all statutory requirements having been fulfilled. CARRIED.

HEARING OF PRESENTATIONS:

(A) JAMES EPP - COMMUNITY STANDARDS BY-LAW

James Epp, Ward 5 resident, appeared before Council with respect to opposition to the proposed Community Standards By-law. He provided an overview of his concerns regarding the purpose, enforcement and legality of the by-law, raising issue with how the by-law appeared to contain provisions already addressed in the Criminal Code. Mr. Epp asserted that by-laws were not necessary for compliance and suggested that instances of non-compliance would be so infrequent that the City should instead utilize small claims court as a means of enforcement.

Mr. Epp further voiced concerns with the proposed exemption of the City from sections related to snow clearing on sidewalks. He questioned why the City would implement a standard that it also could not meet. Additionally, he outlined where he perceived the proposed by-law infringed on the Charter of Rights and Freedoms. Mr. Epp concluded by asking for an outline of where the fees collected from fines under the by-law would be spent, that giving of third reading to the by-law be reconsidered and that Council respect the Charter in their deliberations.

Cameron-Karrouze

402 That the presentation by James Epp regarding opposition to By-law No. 7282 be received. CARRIED.

COMMUNITY COMMENTS/FEEDBACK:

(A) LORRAINE HACKENSCHMIDT - BRANDON PRIDE VISIBILITY

Lorraine Hackenschmidt, area resident, questioned the merit of granting a permanent place of representation for LGBTQ+ visibility, as requested by the Brandon Pride delegation, when there are numerous minority and identity groups in the community. She voiced opposition to the City creating a permanent Pride display in Brandon unless consideration was given to other groups as well.

(B) JACKIE WRIGHT - COMMUNITY STANDARDS BY-LAW & OTHER SUGGESTION

Jackie Wright, area resident, raised concerns with sections pertaining to snow clearing in the proposed Community Standards By-law. She asked Council to consider residents who would be unable to fulfill the time requirement, such as the elderly or those who work multiple jobs, before imposing a deadline.

Ms. Wright further spoke with respect to the request by Brandon Pride for a permanent display in Brandon. She suggested using unused greenspace available to the City to provide display spaces that could be available to Pride as well as any other community groups that may wish to be represented.

(C) ELLIOT OLESON - COMMUNITY STANDARDS BY-LAW

Elliot Oleson, area resident, spoke in opposition to the proposed Community Standards By-law by raising concerns regarding justice for vulnerable individuals. He stated that the proposed wording of the by-law would in effect criminalize homelessness in Brandon and that the issuance of fines for many offenses was problematic for already vulnerable individuals. He noted that wording the by-law too broadly would result in situations where the provisions could be enforced arbitrarily with too subjective of interpretation. Mr. Oleson raised further issues with the enforceability of the by-law within the jurisdiction as well as what would constitute a lawful request.

Mr. Oleson urged Council not to proceed with passing the Community Standards By-law due to the various associated issues, noting that doing so risked opening the City of Brandon to legal challenge.

(D) DEBBIE KYNOCH - SNOW REMOVAL CONCERNS

Debbie Kynoch, resident of Ward 10, raised concerns with provisions in the proposed Community Standards By-law regarding snow removal. She advised that seniors and physically disabled residents were unable to remove snow within the time allowed in the proposed by-law. Further to this, Ms. Kynoch spoke to the issue being compounded by the snow that collected along sidewalks and driveways following street plowing. She noted that the street plows cleared her area beyond the time proposed in the by-law and in the process would push snow onto areas that had already been cleared.

HEARING OF DELEGATIONS:

(A) ALY WOWCHUK - BRANDON PRIDE

Aly Wowchuk, on behalf of Brandon Pride, appeared before City Council with respect to an update on Pride Week 2023 as well as a request for a permanent and visible Pride display within the city. She provided an overview of the Brandon Pride committee, the events it organized, and advocacy efforts Brandon Pride participated in with the 2SLGBTQIA+ community. She noted that Brandon Pride worked within the community but also actively worked with Pride organizations throughout the province.

Ms. Wowchuk outlined some of the sixteen unique events that had occurred throughout Pride Week 2023, noting that the theme had been "Growing Pride on the Prairies". The events ranged from entertainment to educational workshop sessions available to the public. She spoke to the growth of Pride Week events throughout the years, stating that the Pride March destination had changed to Rideau Park to accommodate larger crowds in attendance. She thanked the community for showing up to the events and for the volunteers who made it a success. Ms. Wowchuk concluded by requesting City Council consider creating a permanent display of support for the 2SLGBTQIA+ community and outlined suggestions for the accomplishment of same.

Splett-Karrouze

403 That the presentation by Aly Wowchuk on behalf of Brandon Pride with respect to Pride Week 2023 and 2SLGBTQIA+ visibility be received. CARRIED.

(B) LOIS HORTON & ALEXIA WALTERS - RIBFEST 2023 COMMUNITY EVENT DESIGNATION

Submitted for consideration was a report from the Legislative Services Department dated June 30, 2023 with respect to the above.

Luebke-Parker

404 That the presentation by Lois Horton and Alexia Walters with respect to Ribfest 2023 Community Event designation be received. CARRIED.

Luebke-Parker

405 That Ribfest 2023 to be held August 11 - 13, 2023 at the Riverbank Discovery Centre be designated as a Community Event in the City of Brandon.

And further that the City of Brandon Operations Department provide assistance to the event organizers in the form of the provision of garbage and recycling bins, as well as, delivery and pick-up as needed, at an estimated cost of \$1,200.

That the above noted gift-in-kind for sanitation services be considered as the City of Brandon's donation to the event, and the request for \$3,000 for sponsorship for music be declined. CARRIED.

PUBLIC HEARINGS:

Nil

COMMUNICATIONS & PETITIONS:

Nil

COMMITTEE REPORTS:

(A) KEYSTONE CENTRE VERBAL JULY 17, 2023

Councillor Luebke provided a verbal report from the meeting of the Keystone Centre held on June 21, 2023. Topics of discussion included the passing of the 2022-2027 Five-Year Capital Plan, post-pandemic resurgence efforts, and projected operating losses that continued to increase due to inflation and other uncontrollable costs. He outlined plans for the Keystone Centre 50th Anniversary celebration and other upcoming events to be held throughout the summer.

Councillor Luebke noted that discussions were held regarding summer ice at the Keystone Centre to make up for the shut-down of ice at the Sportsplex. He advised that the Keystone Centre intended to have one arena with ice available following the Canadian High School Finals Rodeo in August. However, Councillor Luebke noted the costs associated with maintaining ice during summer months and past decisions not to have summer ice due to same.

(B) BRANDON URBAN ABORIGINAL PEOPLES' COUNCIL VERBAL JULY 17, 2023

Councillor Luebke provided a verbal report from the meeting of the Brandon Urban Aboriginal Peoples' Council held on June 22, 2023. Topics of discussion focused on reviewing the land acknowledgment for the City of Brandon, a review of National Indigenous Peoples' Day events, and an update on Truth and Reconciliation Week funding.

Councillor Luebke advised that Michele LeTourneau, BUAPC's Community Coordinator, had submitted her resignation in late-June to pursue a professional opportunity elsewhere. He announced that a replacement was already being sought, however for the interim a term contract had been awarded to Aly Wowchuk to ensure the planning for 2023 Truth and Reconciliation Week would be unaffected by the vacancy.

(C) BRANDON GENERAL MUSEUM AND ARCHIVES VERBAL JULY 17, 2023

Councillor Splett provided a verbal report for the meeting of the Brandon General Musuem and Archives held on July 4, 2023. He noted that discussion focused on staff reports, the Cultural Centre idea, and grants received. He announced that the speaking

series would be replaced over the summer with walking-tours of Brandon offered throughout July and August. He further noted that the BGMA had a summer student that would be working with the museum on various Truth and Reconciliation items.

(D) AUDIT & FINANCE VERBAL JULY 17, 2023

Councillor Parker provided a verbal report from the meeting of the Audit and Finance Committee held on June 28, 2023. He noted that topics of discussion included the 2022 audited financial statements, the April budget review results, and the Municipal Operating Grant increase received by the City for 2023. He further noted upcoming changes to the Public Sector Accounting Standards that were expected but would not have significant effects to the City's overall reporting of financial performance.

Councillor Parker concluded by advising that the City was projecting a General Fund deficit of \$1.05 million and a Utility Operating Fund deficit of \$1.35 million. The deficits were considered normal for early projections and did not take into consideration the unbudgeted \$2.3 million increase to the Municipal Operating Grant. He noted that the committee had chosen to leave the additional funds in the General Fund and not allocated into reserves so as to allow Council flexibility in the use of same.

(E) COMMITTEE OF THE WHOLE VERBAL July 17, 2023

The City Clerk advised that City Council had met in a closed Committee of the Whole meeting earlier in the evening to consider a report from the Planning and Buildings Department with respect to a land sale whereby a recommendation was made by Councillor Parker and agreed upon by City Council.

Parker-Tame

406 That the City of Brandon sell lands located at 803 Franklin Street, and 802, 803 & 824 Percy Street, as shown in green on Attachment A to 10137335 Manitoba Ltd. for \$13,740.00 plus GST; sell right-of-ways of part College Avenue East, Rideau Street, Franklin Street, Percy Street, and Park Street East, and the public lanes in Blocks 26, 27, 28 and 40, Plan 9 BLTO, as shown in yellow on Attachment A to the 10137335 Manitoba Ltd., with a portion transferring to CN Railway, for \$47,150.00 plus GST; and purchase Lots 16/22 Block 21, Plan 9 BLTO and Lot 20 Block 22, Plan 9 BLTO for \$8,200.00 plus GST, as shown in blue on Attachment A.

And further, that Administration be authorized to execute the associated agreements required to protect the City's interests in accordance with any procedures, policies, by-laws and Acts. CARRIED.

Luebke-Berry

- 407 That the verbal reports from the Keystone Centre Board, Brandon Urban Aboriginal Peoples' Council, Brandon General Museum and Archives, Audit & Finance Committee and Committee of the Whole be received. CARRIED.

ENQUIRIES:

(72) CROSSWALK CONCERNS PRINCESS AVENUE AND 12TH STREET

Councillor Desjarlais advised that with Section 6 Brewery now open there had been a significant increase in pedestrian traffic crossing Princess Avenue to go between Section 6 and the Dock. He noted that there had been some near misses with vehicles at the crosswalk at 12th Street and Princess Avenue and enquired if increased signage could be installed to encourage traffic to slow down or stop in this area.

At the request of His Worship the Mayor, the City Manager responded that a site analysis of the established crosswalk at 12th Street determined that the crosswalk did not warrant any enhancement at this time. He confirmed that the crosswalk would continue to be evaluated for service levels and if need be, added to the priority list of 18 pedestrian crossings where improvements were currently warranted. The City Manager advised that, while there was not a demonstrated need for crosswalk enhancements, the installation of corner bulb-outs through the use of delineators would push the sidewalk closer to the driving lanes and provide better visibility of pedestrians.

(73) OVERLAND FLOODING IN WARD 3

Councillor Cullen advised that increased overland flooding had occurred in the Riverheights area during the most recent rain with Confederation Bay, Centennial Boulevard, Lynx Crescent and the intersection of Regent Crescent and E. Fotheringham Drive being the most affected. He enquired if these locations had been listed as hotspots and if a conditional assessment of the storm water infrastructure, inclusive of a video scope in this area could be considered.

At the request of His Worship the Mayor, the City Manager responded that staff had begun monitoring these areas using CCTV cameras with the information captured being shared with the Development Services Department to follow-up on. Mr. Bowles confirmed that Confederation Bay and the intersection of Regent Crescent and E. Fotheringham Drive were the areas of first concern, however, both Centennial Boulevard and Lynx Crescent would be reviewed as well.

(74) ELVISS CRESCENT 34TH STREET LAND EXCHANGE AND SITE CLEAN-UP - UPDATE

Councillor Cameron referred to the recent land swap whereby the City of Brandon had taken over the property at the corner of Elviss Crescent and 34th Street. He noted that residents had expressed concern over condition of the site and enquired if an update could be provided on both the process of the land swap as well as the timeframe for site clean-up.

At the request of His Worship the Mayor, the City Manager responded that the City of Brandon was in the final stages of registration with the Brandon Land Titles Office for this land transfer. With respect to site clean-up the City Manager confirmed that the site would be cleaned up by the end of the week.

(75) UPDATE ON BACK LANE GRADING

Councillor Cameron requested an update on the status of the back lane grading efforts.

At the request of His Worship the Mayor, the City Manager responded that, with the exception of two lanes that required tree trimming prior to maintenance, the annual Spring Maintenance Program, inclusive of calcium application, had now been completed.

(76) PARKING ON MARYLAND AVENUE BETWEEN 26TH STREET AND FALCON CRESCENT

Councillor Splett advised that vehicles parking along the north side of Maryland Avenue between 26th Street and Falcon Crescent while accessing the Community Gardens continued to be a concern as Maryland Avenue as it essentially caused Maryland Avenue to be reduced to one lane. He enquired if this situation could be addressed as soon as possible.

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

ANNOUNCEMENTS:

18U A PROVINCIAL BASEBALL CHAMPIONS

Councillor Hildebrand extended congratulations to the Brandon 18U A baseball team for winning the 2023 Provincials Championship held in Winnipeg for their respective zone. He gave recognition to the players and coaches that were a part of the recent achievement.

CHILDREN'S BUSINESS FAIR

Councillor Tame announced that he was honoured to be a judge at the second annual Community Futures Westman Children's Business Fair that was to be held on Saturday, July 22, alongside the farmer's market at the Riverbank Discovery Centre from 10 am to 2 pm. He spoke to the positive opportunity the event provided for young entrepreneurs and encouraged everyone to attend.

2023 SOFTBALL CHAMPIONSHIPS

Councillor Luebke announced that the Ashley Neufeld Softball complex was to host the Softball Manitoba U15 Girls AAA Championships from July 27th to 30th. He added that eight teams were to compete, three of which would qualify for the Softball Canada U15 Girls AAA Championships also to be held at the Ashley Neufeld Softball complex from August 9th to 13th. He noted that the Canada-wide championships would have representation from every province at the event and was the first softball championship to be held in Brandon in over twenty-years.

KEYSTONE SUMMER EVENTS

Councillor Luebke invited residents to attend upcoming summer events taking place at the Keystone Centre. These events included the 2023 World Clydesdale Show from July 19th to 23rd and the High School Rodeo Championship from August 3rd to 5th.

STANLEY CUP VISIT

Councillor Luebke announced that the Stanley Cup would be available for public viewing in the Manitoba Room of the Keystone Centre from 9 am to 1 pm on July 21, 2023.

SALAMANDER FESTIVAL

Councillor Parker reminded everyone that the Salamander Music Festival was to take place the following weekend of July 14th to 16th at Rideau Park.

MULTICULTURAL FESTIVAL

Mayor Fawcett announced that the Westman Multicultural Festival was to take place on Saturday, July 29, 2023 at the Riverbank Discovery Centre from 10 am to 10 pm. He noted that eight groups were participating with food and entertainment throughout the day and encouraged everyone to attend.

GENERAL BUSINESS:

(A) TRANSIT CONSULTING SERVICES BID AWARD

City Council considered a report from the Transportation Services Department dated July 12, 2023 with respect to the above.

Cameron-Hildebrand

408 That the bid submitted by Watt Consulting Group to conduct a comprehensive transit review and long-term plan for Brandon Transit as per Proposal and specifications for the cost of \$138,853.90 (net of GST) be accepted.

And further that the additional funding requirements of \$78,853.90 be committed from the Transit Equipment Reserve in 2023 and the matter be referred to the 2024 budget deliberations. CARRIED.

(B) TAX OFFSETTING GRANT FOR JOHN HOWARD SOCIETY OF BRANDON -
TRANSITIONAL HOUSING

City Council considered a report from the Planning & Buildings Department dated June 30, 2023 with respect to the above.

Luebke-Parker

409 That as per Section 2.2 of the Affordable Housing By-law No. 7294, the City of Brandon provide an annual tax off-setting grant to the John Howard Society of Brandon Inc. (JHSB) equal to 100% of the general municipal portion of the annual taxes for a period not to exceed 10 years to support the development of a transitional housing project at 353-16th Street North, subject to the JHSB entering into a funding agreement with the City. CARRIED.

(C) WITHDRAWAL OF PUBLIC HEARING REQUEST TO PUBLIC UTILITIES BOARD FOR
PROPOSED UTILITY RATES

Submitted for consideration was a report from the Utility Services Department dated July 6, 2023 with respect to the above.

Splett-Cameron

410 That the City of Brandon's request that the Public Utilities Board hold a public hearing for utility rates as proposed in By-Law No. 7342 be withdrawn. LOST.

(D) SUBDIVISION - 803 FRANKLIN STREET, 802, 803, 812, & 824 PERCY STREET, CN LANDS, STREETS AND LANES

City Council Considered a report from the Planning & Buildings Department dated June 26, 2023 with respect to the above.

Parker-Splett

411 That subdivision application 4500-23-733 to create three (3) lots at 803 Franklin Street, 802, 803, 812 and 824 Percy Streets, the nearby CN lands, and adjacent Streets and Lanes (Lots 16/20, Block 21; Lots 1/16, 21/40, Port Lots 17/20, and Public Lane [to be closed], Block 26; Lots 1/7, 30/40, Part Lots 8/11 and 26/29, and Public Lane [to be closed], Block 27; Lots 39/40, Part Lots 1/3 and 35/38, and Public Lane [to be closed], Blocks 28 and 40; and College Avenue, Percy Street, Franklin Street, Rideau Street, and Park Avenue [all to be closed], Plan 9 BLTO) be approved, subject to the owner or successor:

1. Entering into a development agreement with the City of Brandon, to be registered in series with the subdivision, with the following conditions:

1. Prior to any development or building permits being issues for this site, the Developer is to enter into an amending development agreement with the City. The City reserves the right to consult with external commenting agencies at the time of development agreement amendment preparation; and
2. The Developer is to mitigate increased stormwater runoff from site providing storage for a 100-year post-development event while limiting discharge to that of a 5-year pre-development event; and

2. Submitting written confirmation to the City of Brandon Planning and Buildings Department that arrangements have been made for a joint use easement agreement and Plan of Easement to the satisfaction of Manitoba Hydro and Westman Communications Group, and registering the easement agreement along with the easement plan, if required, in series with the plan subdivision. CARRIED.

(E) BACK LANE LIGHTING PROGRAM

Luebke-Hildebrand

412 That City Council defer this matter to the August 21, 2023 Regular Council Meeting. CARRIED.

BY-LAWS:

NO. 7365 TO CLOSE AND CONVEY PARTS OF COLLEGE AVENUE EAST, RIDEAU, FRANKLIN, PERCY,
AND PARK AVENUE EAST
1ST READING

City Council considered a report from the Planning & Buildings Department dated July 6, 2023 with respect to the above.

Parker-Splett

413 That By-law No. 7365 to close and convey a part of the streets located south of College Avenue East including parts of College Avenue East, Rideau Street, Franklin Street, Percy Street and Park Avenue East, and the public lanes in Blocks 26, 27, 28 and 40, Plan 9 BLTO, be read a first time. CARRIED.

NO. 7282 COMMUNITY STANDARDS BY-LAW
3RD READING

Submitted for consideration was a report from the Legislative Services Department dated July 10, 2023 with respect to the above

Luebke-Cameron

414 That Community Standards By-law No. 7282 be amended by:

Deleting Section 2.3.2 in its entirety and substituting therefore the following:

"2.3.2 Every owner and/or occupant of a property shall clear away and remove, or cause to be cleared away and removed, any and all snow or ice from sidewalks adjacent to their property to a condition to provide safe passage by pedestrians." CARRIED.

Luebke-Tame

415 That By-law No. 7282 be further amended by:

Deleting from the definition of loitering the words: "move slowly about" and substitute therefor: "wait around idly". CARRIED.

Karrouze-Cameron

416 That By-law No. 7282 be further amended by deleting Sections 3.3 and 3.4 in their entirety. LOST.

Berry-Cullen

417 That By-law No. 7282 be further amended by:

Deleting from the definition on "PROPERTY" the words "including any buildings" and substitute therefor the words "whether it has building structures or not and regardless of zoning designation that resides within the City limits". CARRIED.

Luebke-Cameron

418 That By-law No. 7282, as amended, be read a third and final time. CARRIED AS AMENDED.

In accordance with Section 137 of The Municipal Act, a recorded vote was taken on the motion to give By-law No. 7282 third reading.

NO. 7279 TO AMEND BUILDING SAFETY AND PROPERTY STANDARDS BY-LAW NO. 6060
3RD READING

Submitted for consideration was a report from the Planning and Buildings Department dated May 10, 2023 with respect to the above.

Luebke-Splett

419 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 update content of 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. 7279 third reading.

FOR

AGAINST

Mayor Jeff Fawcett
Councillor Shawn Berry
Councillor Shaun Cameron
Councillor Barry Cullen
Councillor Greg Hildebrand
Councillor Heather Karrouze
Councillor Bruce Luebke
Councillor Glen Parker
Councillor Jason Splett
Councillor Tyson Tame

NO. 7362 ACCOMMODATION TAX AMENDING BY-LAW
2ND & 3RD READING

Considered was a report from the Legislative Services Department dated June 12, 2023 with respect to the above.

Berry-Luebke

420 That By-law No. 7362 to amend Accommodation Tax By-Law No. 7014 to correct the Accommodation Tax Reserve Fund allocations be read a second time. CARRIED.

Berry-Luebke

421 That By-law No. 7362 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. 7362 third reading.

FOR

AGAINST

Mayor Jeff Fawcett
Councillor Shawn Berry
Councillor Shaun Cameron
Councillor Barry Cullen
Councillor Greg Hildebrand
Councillor Heather Karrouze
Councillor Bruce Luebke
Councillor Glen Parker
Councillor Jason Splett
Councillor Tyson Tame

NO. 7364 TO BORROW FUNDS FOR THE PURPOSE OF UPGRADING AND EXPANDING THE CITY'S
WATER TREATMENT FACILITY
1ST READING

City Council considered a report from the Utilities Services Department dated July 5, 2023 with respect to the above.

Cameron-Cullen

422 That By-law No. 7364 to provide for the borrowing and expenditure of funds for the purpose of upgrading and expanding the City's Water Treatment Facility be read a first time. CARRIED.

GIVING OF NOTICE:

Nil

ADJOURN:

Berry-Luebke

That the meeting do now adjourn (10:23 p.m.) CARRIED.

MAYOR

CITY CLERK