

Minutes of the Regular Meeting of Council held at City Hall in the City of Portage la Prairie on Tuesday, October 15, 2013 at 7:00 p.m.

**PRESENT:** Mayor Earl Porter, Chair; Councillors Brent Budz, Ryan Espey, Irvine Ferris, Brent Froese, and Diane Stasiuk

**ABSENT:** Councillor Liz Driedger

**ADOPTION OF MINUTES:** 256/13 Moved by: Councillor Budz  
Seconded by: Councillor Ferris  
RESOLVED THAT the minutes of the Regular Meeting of Council held at City Hall on Monday, September 23, 2013 be adopted as circulated. Carried.

**DELEGATIONS:**

1. Luc Imperiali – Rotary Exchange Student  
Mayor Porter welcomed Luc Imperiali to Portage la Prairie who is a Rotary exchange student from Switzerland. Luc reviewed his activities and has enjoyed being in Portage la Prairie. The Mayor presented Luc with a City keepsake. Luc thanked Council for the opportunity to be here. Councillor Froese reviewed the school activities that Luc will be participating in and that he is staying at their home for a few months.

**HEARINGS:**

1. Conditional Use  
PC 69-13, Curry,  
2519  
Saskatchewan  
Ave W  
Mr. Curry was present to answer any questions.

257/13 Moved by: Councillor Budz  
Seconded by: Councillor Ferris  
RESOLVED THAT the Public Hearing for Conditional Use PC 69-13, Brent and Cindy Curry, at the property 2519 Saskatchewan Avenue West, which is legally described as Lot 4 Plan 31535, Parish of Portage la Prairie, now be closed.  
Carried.

Brent and Cindy Curry have applied for a conditional use to allow for daycare in a 'C3' Avenue Commercial zone. Applicants wish to have a licensed home daycare within their existing home.

The application was circulated to the various City Departments, with no concerns. Public notices have been sent to all property owners within a 100 meter radius.

258/13 Moved by: Councillor Ferris  
Seconded by: Councillor Stasiuk  
RESOLVED THAT the Council of the City of Portage la Prairie approve the conditional use application of Brent and Cindy Curry to allow for a daycare in a 'C3' Avenue Commercial at the property 2519 Saskatchewan Avenue West, which is legally described as Lot 4 Plan 31535, Parish of Portage la Prairie.  
Carried.

**FINANCE,  
LEGISLATIVE,  
AND  
PROPERTIES  
COMMITTEE:**

1. By-law 13-8605  
Accommodation  
Tax – 2<sup>nd</sup> & 3<sup>rd</sup>  
Reading  
Administration was directed by Council to explore the ability for the City of Portage la Prairie to exercise an Accommodation Tax. The Municipal Taxation and Funding Act allow municipalities by bylaw to tax on hotel and motel accommodations. The by-law also requires approval from the Lieutenant

Governor in Council. Currently there are 4 municipalities in Manitoba who impose an Accommodation Tax – Thompson, Brandon, The Pas and Winnipeg.

Rate

In meetings with Council and the RM, there was a consensus to set the accommodation tax at 5% of revenues. Meetings have been held with the hoteliers in July and in August to discuss the rate and use of the tax. PRED (Portage Regional Economic Development) prepared an estimate, showing that at 5%, the additional annual revenues for the City would be \$174,211.

Use of Funds

Council has set the use of the funds as follows:

50% towards economic development, tourism and marketing

50% towards Saskatchewan Avenue upgrades and development

Implementation Assistance

The by-law also includes the provision for \$500 in the first quarter retainer by the hotelier for set up fees of the tax (to be noted on the first claim as a credit).

Implementation Date

A bylaw is required to legislate the tax which must also be approved by the Lieutenant Governor in Council. There must also be ample time for approval by the Lieutenant Governor in Council and for the hoteliers to change their systems to accommodate the new tax. An effective date of April 1, 2014 is set out in the by-law.

The attached by-law provides the details of the administration of the tax which will go to the Lieutenant Governor in Council for approval after the by-law receives third and final reading.

259/13 Moved by: Councillor Budz  
Seconded by: Councillor Ferris

RESOLVED THAT Council give second reading to By-Law 13-8605, being a by-law of the City of Portage la Prairie to impose a tax on accommodations of short duration within the City of Portage la Prairie.

Carried.

260/13 Moved by: Councillor Budz  
Seconded by: Councillor Ferris

RESOLVED THAT By-Law 13-8605 be read a third time, finally passed, signed and sealed; and that Administration forward By-Law 13-8605 to the Lieutenant Governor in Council for approval.

Carried.

In Favour: Councillors Budz, Espey, Ferris, Froese, Stasiuk, and Mayor Porter.

2. By-law 13-8586,  
Water, Sewer, &  
Solid Waste to  
Taxes for  
September, 2013 –  
1st Reading

This is part of the normal monthly procedure to allow unpaid water, sewer and solid waste accounts to be added to property taxes.

261/13 Moved by: Councillor Budz  
Seconded by: Councillor Ferris

RESOLVED THAT By-Law No. 13-8586 being a by-law to authorize unpaid water, sewer and solid waste charges be added to taxes be read a first time.

Carried.

3. By-law 13-8607,  
Alarm Bylaw  
Amendments – 1st  
Reading

The City's current alarm by-law regulates burglary alarm systems. Permits are required for monitored alarms. False alarms tie up valuable resources and charging an excessive alarm fee helps property owners maintain better control of their alarm systems. The by-law defines excessive false alarms as 3 or more false alarms in 12 calendar months.

It is recommended that the by-law be expanded to include fire alarms. The Fire Department responds to numerous false fire alarms each year and tracking these false alarms, and charging when they become excessive, will help reduce the unnecessary call outs of these professionals. Another benefit to the Fire Department will be the ability to contact key holders from the information provided on the alarm permit application if needed.

It is proposed that the inclusion of the fire alarms in the alarm by-law become effective January 1, 2014. The proposed by-law shows the changes to the current alarm by-law including the effective date of January 1, 2014. A clean copy of the proposed by-law is attached.

The 2013 Fees & Charges includes an excessive fee of \$50 for false burglary alarms. It is proposed that the 2014 fee for fire and burglary excessive false alarms be increased to \$100 per false alarm subsequent to 2 false (whether fire or burglary or both) alarms in 12 calendar months. Below is a comparison of a few other municipalities and their excessive alarm fees:

False Alarm Fees	Fire	Police
City of Dauphin	2 <sup>nd</sup> alarm \$300 3 <sup>rd</sup> alarm \$500 Thereafter \$800	3 <sup>rd</sup> alarm \$100 4 <sup>th</sup> alarm \$200 Thereafter \$300
Town of Ste. Anne	4 <sup>th</sup> and thereafter \$300	
City of Brandon	3 <sup>rd</sup> alarm \$200 4 <sup>th</sup> alarm \$300	\$100

The changes to the by-law will be advertised and posted on the City's website. Direct mail will also be issued to a select group identified by the Fire Department to advise them of the upcoming change.

262/13 Moved by: Councillor Budz  
 Seconded by: Councillor Ferris

RESOLVED THAT Council give first reading to By-Law 13-8607, being a By-Law of the City of Portage la Prairie to regulate fire and burglary alarms within the City of Portage la Prairie, and;

THAT the 2014 Fees & Charges By-Law increase the excessive false alarm fee from \$50.00 to \$100.00.

Carried.

**CITY PLANNING  
 & ECONOMIC  
 DEVELOPMENT  
 COMMITTEE**

1. Kin Hall Lease Agreement

In 2001 Council authorized Administration to negotiate a lease with Central Plains Alcoholics Anonymous for the use of the old Kin Hall building. The lease agreement was for a five year term from September 2001 – August 2006. The next lease agreement signed was for a shorter two year term from September 2006 – August 2008, which reflected the fact that the building was aging and required some capital investment, which could have affected the availability of the facility to the organization. Another two year lease was signed in September 2010 and expired August 31, 2012. A one year lease was signed in September 2012 and expired on August 31, 2013

The proposed lease is for another one year term to commence September 1, 2013 and expire August 31, 2014. The Alcoholics Anonymous Portage Plains Group has reviewed the lease and agreed to the conditions.

263/13 Moved by: Councillor Ferris  
 Seconded by: Councillor Stasiuk

THAT the Council of the City of Portage la Prairie authorize the lease of the old Kin Hall to the Alcoholics Anonymous Portage Plains Group; and

THAT the Mayor and Manager of Administration be authorized and directed to execute the lease on behalf of the City of Portage la Prairie.  
Carried.

**PUBLIC SAFETY  
COMMITTEE:**

1. RCMP Reports Council reviewed the reports.

**WATERWORKS  
COMMITTEE:**

1. WTP July & August Activity Reports Council reviewed the reports.

**TRANSPORT-  
ATION  
COMMITTEE:**

1. Construction Access at Portage Clinic  
The City of Portage la Prairie has received a request from a representative of the Portage Clinic on 9<sup>th</sup> St SE, to allow a temporary gravel access road to be constructed over the City land north of the Clinic in order to facilitate access to the parking lot on the east side of the Clinic while the construction of a building addition is underway in 2014. The access road could be for construction vehicles or for public access to the parking lot, depending upon the configuration of the building addition.

Administration would consult with the Project Manager to ensure adequate drainage is maintained. If the road is to be used for public access to the parking lot, certain standards of construction for the road would have to be met, including road width and depth of structure. The Project Manager would be responsible to obtain clearances from other utilities.

The gravel road would be removed and the land would be returned to its current grassed state at the end of construction, at the City's discretion.

- 264/13 Moved by: Councillor Froese  
Seconded by: Councillor Stasiuk

RESOLVED THAT the Council of the City of Portage la Prairie authorize the request to allow the construction and use of a temporary access road east of 9<sup>th</sup> St SE and north of the Portage Clinic, subject to the road being constructed to standards acceptable to the Director of Operations; and subject to the removal of the road and restoration of the land, to the satisfaction of the Director of Operations, within 1 month of the issuance of the occupancy permit, or by May 31, if the occupancy permit is issued between November 1 and April 30.  
Carried.

**COMMUNITY  
SERVICES  
COMMITTEE:**

Nothing to report.

**DEFERRED  
BUSINESS:**

None

**NEW BUSINESS:**

1. SBR Pumping Station Engineering  
Following a significant number of design changes, and changes to incorporate the MWSB specifications, the SBR Pumping Station was tendered in August, 2013. The budget approved by City council was \$1.8 million plus the additional

Contract

\$900,000 grant from Manitoba Water Services Board, for a total project budget of \$2.7 million dollars. Two construction bids were received with the low (irregular) bid being \$3.5 million, plus engineering costs of \$267,000 (estimated at that time); for a total project cost estimate of \$3.77 million. The decision was made to not award the tender to either of the bidders and to retender at a later date.

It was determined that few bids were received due to the time of year that the tender was released and the subsequent start date of construction. It was also determined that the narrow time frame of the tender release to closing date restricted contractors from sourcing subcontractors and preparing competitive bids. The decision was made to not accept either bid but review the specifications of the lift station design and re-tender at a later date.

AECOM Engineering was tasked with reviewing the design of the lift station to ensure the most cost effective functional design had been prepared. Foundation and structural changes were examined but discounted due to uncertainties with settling and other associated additional expenses.

There was also a need to amend the original tender documents to clarify a number of questions that were presented in the first tender process, resulting in AECOM conducting additional design and revisions of the documents before release for the second tender date. The complete break-down of cost increases is shown in the table, and is based upon the actual number of extra hours spent on the project and the estimated number of hours following the tender issuance (at \$120/hr).

Councillor Ferris reviewed the cost of \$61,506.

265/13 Moved by: Councillor Ferris  
Seconded by: Councillor Budz

RESOLVED THAT the Council of the City of Portage la Prairie approve the increase in engineering costs estimated at \$61,506 (including PST) for the revision of design drawings, tender documents, design review and re-tendering for the construction of the SBR Pumping Station.  
Carried.

2. Award of Tender:  
Gate Valves for  
SBR Lift Station

If approved, the proposed SBR pumping station is scheduled to begin construction in the late fall of 2013, with completion in June of 2014. One aspect of this construction is to tie in new piping from the new structure to the existing piping, requiring two 600mm diameter gate valves to be installed. For this to occur, a co-ordinated shutdown between all industries is required to reduce flow to allow sufficient time for the tie-in to take place. Due to varying production schedules, there is a very narrow window of time for this to occur over the Christmas break, or during a long weekend in February.

Due to the anticipated long delivery time for the gate valves, it is more efficient for the City to purchase the gate valves in advance of the award of the tender for construction of the pumping station. This will ensure the gate valves are on site and available on the date identified for the tie in, reducing the impact to the contractor's schedule. By pre-purchasing the gate valves, separate from the tender, there will also be no mark up from the contractor, resulting in a lower purchase price.

Bids:

a) Flocor	\$38,646.00 (GST & PST included)
b) Corix	\$40,404.63 (GST & PST included)
c) EMCO	\$40,616.11 (GST & PST included)
d) BA Robinson	\$42,544.50 (GST & PST included)

The low bidder's product meets specifications and the delivery time specified meets requirements.

266/13 Moved by: Councillor Ferris  
 Seconded by: Councillor Stasiuk

RESOLVED THAT the Council of the City of Portage la Prairie award Tender 13 OPS 023- Supply of Gate Valves for the City of Portage la Prairie Water Pollution Control Facility to Flocor for the tendered price of \$38,646.00 (including GST & PST).  
 Carried.

3. Land Sale to  
 CHB  
 Developments

Mr. Chris Bures of CHB Developments submitted an offer to purchase the following city owned property at the price indicated below for development into housing. The 2013 Assessed Value of this property is also listed below.

Property	CHB Development Offer	2013 Assessed Value
Roll 291400 (Lots 8/9, Block 2, Plan 366)	\$3,712.50	\$11,800.00
Roll 291500 (Lots 10/11, Block 2, Plan 366)	\$5,900.00	\$11,800.00
Closed Lane (to the south and east of rolls 291400/291500)	\$1,971.00	
Roll 333800 (portion of closed road)	\$8,400.00	\$16,800.00
Roll 333100 (Lots 1 to 14)	6,750.00	13,500.00
<b>TOTAL</b>	<b>\$26,733.50</b>	<b>\$53,900.00</b>

The assessed value of Lots 8/9, Block 2, Plan 366 is considered high as these lots are undevelopable and would require an easement due to sewer and water lines running through them. The water lines run through a portion of lot 10 as well as the closed lane to the south of lots 8/9 and portion of lot 10.

According to policy *ADM-AN Sale of Public Lanes and Undevelopable Areas*, closed lanes and undevelopable lots shall be sold at a rate of 45 cents per square foot plus all costs. Based on these calculations, the cost of Roll 291400 and the closed lane would be as follows:

Property	Area	@ \$0.45 per sq ft.
Roll 291400 (Lots 8/9, Block 2, Plan 366)	8250 sq ft (50'x165')	\$3,712.50
Closed Lane (to the south and east of rolls 291400/291500)	4380 sq ft. (15'x100' + 16'x180')	\$1,971.00

Administration met with Mr. Bures regarding this offer to purchase. During discussion it was noted that in February 2011 CHB Developments purchased various properties from the City in the area of Fisher and 6<sup>th</sup> Street NE. One of these lots (Lot 1, Plan 24390) is not suitable for building a house on and should be returned to the City Land Inventory. Due to the location of this lot in proximity to a bend in the road, the headlights of all eastbound traffic on Fisher would likely shine directly into a residence built on that property. It was discussed that this property could be converted into a green space in order to prevent further development on this land. This property was purchased by CHB Developments from the City on February 14, 2011 for \$6,050.00. Mr. Bures is offering to sell the property back to the City for half of the assessed value or \$7,400.

The City had acquired these through a previous tax sale and have costs as follows that the revenues gained from the sale would be applied to:

Roll #	Tax Title costs
291400	580.00
291500	2,903.58

333100	5,242.37
333800	600.00
	9,325.95

267/13 Moved by: Councillor Budz  
 Seconded by: Councillor Ferris

RESOLVED THAT Council of the City of Portage la Prairie approve the sale of the properties as described below for a price of \$47,683.50 plus GST; and that the property described as Lot 1, Plan 24390 be returned to the City owned property inventory for the price originally paid by CHB Development of \$6,050; for a total transaction of \$41,633.50 plus GST. Finally, that the City would file for an easement on lots 8, 9, portion of lot 10 of Block 2, Plan 366, as well as the portion of the closed lane adjacent to these lots.

<b>Property</b>	<b>Sale Price</b>
Roll 291400 (Lots 8/9, Block 2, Plan 366)	\$3,712.50
Roll 291500 (Lots 10/11, Block 2, Plan 366)	\$11,800.00
Closed Lane (to the south and east of rolls 291400/291500)	\$1,971.00
Roll 333800 (portion of closed road)	\$16,800.00
Roll 333100 (Lots 1 to 14)	\$13,400.00
Less the purchase price of Lot 1, Plan 24392	<u>(\$6,050.00)</u>
<b>TOTAL</b>	<b>\$41,633.50 + GST</b>

Carried.

4. Island Park  
 Bridge Repairs

The inspection of the Island Park Bridge on October 9 revealed a rotting wooden pile cap beam had failed, and one wooden pile had pushed up through the beam. The southbound lane of the bridge was closed on Friday, October 11.

The plan is to replace a 3 meter long section of pile cap beam with a salvaged wooden beam, if a full width steel beam cannot be obtained in a reasonable period of time. The proposed repair will have to be approved by an Engineer, and then inspected once the installation is complete. It is recommended to engage AECOM to do this work, at an estimated cost of \$3000.

EF Moon can start the work in the week of October 21, and they have estimated that the work could take up to 5 days. The cost could be in the order of \$20,000.

The funds would come from the anticipated General Surplus.

268/13 Moved by: Councillor Froese  
 Seconded by: Councillor Stasiuk

RESOLVED THAT Administration be authorized to engage AECOM Canada Ltd. to provide engineering services, and to contract EF Moon Construction Ltd. for the remedial structural repair of a pile cap beam on the Island Park Bridge.

Carried.

**OLD BUSINESS:** None

**ADJOURNMENT:** There being no further business to discuss, Council adjourned at 7:34 p.m.

\_\_\_\_\_  
 Mayor

\_\_\_\_\_  
 Manager of Administration