

Regular Meeting of City Council held on Monday, April 22, 2013 in Council Chambers, City Hall.

PRESENT: Mayor Higgins
Coun. Luhnig
Coun. Swanson
Coun. Mitchell
Coun. Boyle
Coun. Kirkpatrick
Coun. Eby

CALL TO ORDER

Mayor Higgins called the meeting to order at 6:30 p.m.

PUBLIC ACKNOWLEDGEMENTS

Mayor Higgins rose to acknowledge the passing of Mr. Dave McDonald, a former employee of the Moose Jaw Police Service who passed away on April 3, 2013 at the age of 69 years. A moment of silence was observed for Mr. McDonald.

Mayor Higgins rose to acknowledge the passing of Mr. Merv Ellingson, a former employee of the Moose Jaw Police Service who passed away on April 2, 2013 at the age of 76 years. A moment of silence was observed for Mr. Ellingson.

Councillor Eby rose to acknowledge the Moose Jaw Business Excellence Awards (MJBEX) that was held on April 17, 2013 at the Heritage Inn, hosted by the Moose Jaw Chamber of Commerce. She thanked the organizers of the event for their hard work in making it a success and congratulated the award recipients. She gave a special acknowledgement to Yvette Moore for receiving the Business Woman of the Year Award.

Councillor Boyle rose to acknowledge the hard work of the volunteer's for the 2013 JUNO Awards held in Regina this past weekend and associated activities held in Moose Jaw during JUNO week.

ADOPTION OF MINUTES OF THE LAST REGULAR MEETING

**Re: Adoption of Minutes of April 8, 2013
Regular Meeting of City Council**

Moved by Coun. Swanson, seconded by Coun. Luhnig
THAT the minutes of the regular meeting of City Council held on Monday, April 8, 2013, be approved and adopted.

Carried.

MOTION TO GO INTO COMMITTEE OF THE WHOLE

261 Moved by Coun. Boyle, seconded by Coun. Eby
THAT we now go into the Committee of the Whole to deal with original communications, delegations and petitions.
Carried.

Deputy Mayor Mitchell reported that Committee of the Whole considered the following communications, delegations and petitions:

Communication #42 – Notice of Motion – Financial Statements of the Moose Jaw Cultural Centre, Moose Jaw Museum & Art Gallery and the Moose Jaw Public Library

Considered was a report (Communication #42) dated April 13, 2013 from the Financial Services Department to provide City Council with background information on the Notice of Motion in respect to Third Party Financial Statements.

262 Moved by Coun. Swanson
THAT report (Communication #42) dated April 13, 2013 from the Financial Services Department, be received and filed.
Carried.

Communication #43 – Mosaic Place and Yara Centre – Monthly Update

Considered was a report (Communication #43) dated April 16, 2013 from the Director of Parks and Recreation to submit to City Council the monthly update on Mosaic Place and Yara Centre.

263 Moved by Coun. Boyle
THAT report (Communication #43) dated April 16, 2013 from the Director of Parks and Recreation, be received and filed.
Carried.

Communication #44 – Citizen Nominations to the Environment Advisory Committee

Considered was a report (Communication #44) dated April 16, 2013 from the City Clerk/Solicitor's Department to present City Council with the names of individuals who have expressed an interest in being appointed as citizens-at-large to the Environment Advisory Committee.

264 Moved by Coun. Eby
THAT Clayton Clysdale-Finnell and Kenneth Hawkes be appointed as citizens-at-large to the Environment Advisory Committee for a term of office to commence immediately and to conclude August 31, 2014.
Carried.

**Communication #45 – Temporary Street Closure Request for Farmer’s Market
Saturdays – June 1 to October 12, 2013
(7:00 a.m. to 1:30 p.m.)**

Considered was an email (Communication #45) dated April 16, 2013 from Mr. Todd Gray, River Street Farmer’s Market, requesting permission to temporary close a portion of River Street West from Main Street to the back lane to accommodate a Farmer’s Market on Saturdays commencing June 1 and concluding October 12, 2013 from 7:00 a.m. to 1:30 p.m.

265 Moved by Coun. Luhning
THAT Mr. Todd Gray, River Street Farmer’s Market representative be allowed to address members of City Council respecting the proposed street closures request.

Carried.

Mr. Todd Gray, River Street Farmer’s Market representative, addressed members of City Council.

265a Moved by Coun. Luhning
THAT permission be granted to the Farmer’s Market to be held every Saturday, commencing June 1, 2013 through to October 12, 2013 from 7:00 a.m. until 1:30 p.m. and subsequently to close the 0 Block of River Street West from Main Street to the back lane, subject to the following specific conditions:

- (a) The Farmer’s Market is responsible for ensuring that all intersections are properly barricaded and manned for traffic control and that all barricades are properly setup, manned and promptly removed following the event; and
- (b) The Farmer’s Market must ensure that all abutting businesses are aware of the event and the temporary closure of affected streets; and
- (c) The Farmer’s Market is responsible for directing vehicular traffic and controlling the affected intersections and complying with any additional requirements that may be imposed by the City Engineer and the Chief of Police regarding traffic safety; and
- (d) The Farmer’s Market must provide access for emergency vehicles; and
- (e) The Farmer’s Market is responsible for street cleaning and garbage/debris pick up prior to the street being reopened for vehicular traffic; and
- (f) The Farmer’s Market obtaining all required approvals from Public Health; and
- (g) The Farmer’s Market must obtain public liability insurance at a minimum of two million dollars, with a deductible satisfactory to the City of Moose Jaw. Evidence of insurance must be provided to the Engineering Department a minimum of 2 weeks prior to the event; and

(h) All costs must be borne by the promoters; and further

THAT the Engineering Department be authorized to proceed with any action deemed necessary to facilitate the event.

Carried.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

Moved by Coun. Eby, seconded by Coun. Kirkpatrick

266 THAT the report of the Committee of the Whole be taken as read, received and adopted.

Carried.

REPORTS OF STANDING COMMITTEES OF CITY COUNCIL

Budget Committee

Moved by Coun. Eby, seconded by Coun. Boyle

267 THAT the report of the Budget Committee dated April 3, 2013 be taken as read.

Carried.

Budget Committee

Moved by Coun. Kirkpatrick, seconded by Coun. Boyle

268 THAT the report of the Budget Committee dated April 15, 2013 be taken as read.

Carried.

Executive Committee

Moved by Coun. Boyle, seconded by Coun. Eby

269 THAT the report of the Executive Committee dated April 15, 2013 be taken as read.

Carried.

The reports of the Budget Committee dated April 3, 2013 and April 15, 2013 and the report of the Executive Committee dated April 1, 2013 follow:

MATTERS ARISING FROM REPORTS OF STANDING COMMITTEES

Report of the Budget Committee

289 Moved by Coun. Boyle, seconded by Coun. Mitchell
THAT the report of the Budget Committee dated April 3, 2013 be received and adopted.

Carried.

Report of the Budget Committee

290 Moved by Coun. Eby, seconded by Coun. Kirkpatrick
THAT the report of the Budget Committee dated April 15, 2013 be received and adopted.

Vote Delayed by Procedure.

Councillor Swanson requested that a second vote be taken on the following motion from the April 15, 2013 Budget Committee meeting:

291 *“THAT the \$1.5 million be dedicated for capital project enhancements to Mosaic Place and Yara Centre; and*

THAT City Administration consult with the Moose Jaw Downtown Facility and Soccer/Field-House Facility Board of Directors and report back to City Council with recommended enhancements by June 15, 2013.”

Councillor Swanson requested a recorded vote on the motion.

Present: Mayor Higgins, Coun. Eby, Coun. Luhning, Coun. Mitchell, Coun. Swanson, Coun. Kirkpatrick, Coun. Boyle

FOR

Coun. Eby
Coun. Boyle
Mayor Higgins
Coun. Kirkpatrick

AGAINST

Coun. Swanson
Coun. Mitchell
Coun. Luhning

The Motion was Carried.

Councillor Swanson requested that a second vote be taken on the following motion from the April 15, 2013 Budget Committee meeting:

292 *“THAT \$200,099 (one per cent taxation/year) be allocated to WW17 (cast iron water main replacement) on an ongoing basis.”*

Councillor Luhning left the meeting at 7:38 p.m.
Councillor Luhning returned to the meeting at 7:40 p.m.
Councillor Boyle left the meeting at 7:44 p.m.
Councillor Boyle returned to the meeting at 7:46 p.m.

Councillor Mitchell requested a recorded vote on the motion.

Present: Mayor Higgins, Coun. Eby, Coun. Luhning, Coun. Mitchell, Coun. Swanson, Coun. Kirkpatrick, Coun. Boyle

FOR

AGAINST

Coun. Swanson
Coun. Eby
Coun. Boyle
Mayor Higgins
Coun. Kirkpatrick
Coun. Mitchell
Coun. Luhning

The Motion was Carried.

Councillor Swanson requested that a second vote be taken on the following motion from the April 15, 2013 Budget Committee meeting:

“THAT rugby field rehabilitation PR68 be deleted from the Capital Budget.”

Defeated.

Councillor Swanson requested that a second vote be taken on the following motion from the April 15, 2013 Budget Committee meeting:

293 *“THAT the 2013 – 2017 Capital Budget be approved as amended; and*

THAT City Administration be authorized to tender and award the capital projects set forth in year 2013 of the 2013 – 2017 Capital Budget as amended subject to the limitations set forth in:

- a) The City’s Purchasing Policy; and*
- b) The City’s Administration Bylaw.”*

Carried.

The balance of the minutes were received and adopted.

Report of the Executive Committee

294 Moved by Coun. Kirkpatrick, seconded by Coun. Boyle
THAT the report of the Executive Committee dated April 15, 2013 be received and adopted.

Vote Delayed by Procedure.

Councillor Swanson requested reconsideration of the following matter from the April 15, 2013 Executive Committee meeting:

Re: Buffalo Pound Water Treatment Plant – Capital Cost Allocation

Moved by Coun. Swanson, seconded by Coun. Luhning
THAT a report be presented to Executive Committee outlining the reasons for the delay in the Buffalo Pound Water Treatment Plant Upgrades; and

THAT the report be an item for Executive Committee to consider the possibility of renegotiating the agreement.

After discussions with the Chair, the motion was not voted on and replaced with the following motion:

295 Moved by Coun. Swanson, seconded by Coun. Luhning
THAT the matter of the Buffalo Pound Water Treatment Plant – Capital Cost Allocation, be referred back to Executive Committee.

Carried.

The balance of the minutes were received and adopted.

REPORTS OF ADVISORY AND OTHER COMMITTEES

Environment Advisory Committee

296 Moved by Coun. Mitchell, seconded by Coun. Kirkpatrick
THAT Mr. Don McKenzie, Chair of the Environment Advisory Committee, be allowed to present the minutes of the Environment Advisory Committee meeting dated April 9, 2013.

Carried.

Mr. Don McKenzie, Chair of the Environment Advisory Committee, presented the minutes of the Environment Advisory Committee dated April 9, 2013.

297 Moved by Coun. Mitchell, seconded by Coun. Kirkpatrick
THAT the report of the Environment Advisory Committee meeting held on April 9, 2013 be received as presented.

Carried.

Transportation Services Advisory Committee

Councillor Kirkpatrick reported on the minutes of the Transportation Services Advisory Committee meeting held on April 10, 2013.

**Re: Part 6.1 – Request for Residential Paratransit Loading Zone
367 Lillooet Street West**

- 298 Moved by Coun. Kirkpatrick, seconded by Coun. Boyle
THAT approval be granted to the installation of a 7.6 metre Special Needs Loading Zone in front of 367 Lillooet Street West commencing at a point 20 metres from the intersection of 4th Avenue S.W. and Lillooet Street West; and
- THAT all costs for the signage be borne by the applicant; and further
- THAT the City Clerk/Solicitor be authorized to prepare the necessary amendment to Bylaw No. 4230, the Traffic Bylaw.

Carried.

Disposition of Report

- 299 Moved by Coun. Kirkpatrick, seconded by Coun. Luhning
THAT the report of the Transportation Services Advisory Committee meeting held on April 10, 2013 be received as presented.

Carried.

Cultural Diversity Advisory Committee

Councillor Mitchell reported on the minutes of the Cultural Diversity Advisory Committee meeting held on April 17, 2013.

- 300 Moved by Coun. Mitchell, seconded by Coun. Luhning
THAT the report of the Cultural Diversity Advisory Committee meeting held on April 17, 2013 be received as presented.

Carried.

Special Needs Advisory Committee

Councillor Swanson reported on the minutes of the Special Needs Advisory Committee meeting held on April 17, 2013.

- 301 Moved by Coun. Swanson, seconded by Coun. Luhning
THAT the report of the Special Needs Advisory Committee meeting held on April 17, 2013 be received as presented.

Carried.

GIVING NOTICE

Nil.

MOTIONS

Re: Financial Statements of the Moose Jaw Cultural Centre, Moose Jaw Museum & Art Gallery and the Moose Jaw Public Library

Moved by Coun. Swanson, seconded by Coun. Luhning
THAT revenues and expenditures associated with all utilities and building maintenance paid by the City of Moose Jaw be included as revenues and expenditures in the annual financial statements of the MJ Cultural Centre, the MJ Museum and Art Gallery, and MJ Public Library.

Defeated.

Re: Appointment of Deputy Mayor

302 Moved by Coun. Eby, seconded by Coun. Luhning
THAT Councillor Swanson be appointed Deputy Mayor for the ensuing two (2) months effective May 1, 2013 to June 30, 2013 and/or until a successor is appointed.

Carried.

**Re: Appointment of Chairperson
Executive Committee**

303 Moved by Coun. Kirkpatrick, seconded by Coun. Boyle
THAT Councillor Boyle be appointed Chairperson of the Executive Committee for the ensuing two (2) months effective May 1, 2013 to June 30, 2013 and/or until a successor is appointed.

Carried.

**Re: Appointment of Chairperson
Personnel Committee**

304 Moved by Coun. Mitchell, seconded by Coun. Boyle
THAT Councillor Kirkpatrick be appointed Chairperson of the Personnel Committee for the ensuing two (2) months effective May 1, 2013 to June 30, 2013 and/or until a successor is appointed.

Carried.

BYLAWS

Introduction of Bylaw:

#5441 – Sanitary Sewer Right of Way Expropriation Bylaw

305 Moved by Coun. Eby, seconded by Coun. Boyle
THAT the Deputy Mayor, Councillor Mitchell, be allowed to introduce **Bylaw No. 5441, SANITARY SEWER RIGHT OF WAY EXPROPRIATION BYLAW.**

Carried.

305a Moved by Coun. Boyle, seconded by Coun. Eby
THAT Bylaw No. 5441 be now read a first time.

Carried.

305b Moved by Coun. Eby, seconded by Coun. Boyle
THAT Bylaw No. 5441 be now read a second time.

Carried.

305c Moved by Coun. Boyle, seconded by Coun. Eby
THAT we now go into Committee of the Whole under the Chairmanship of Deputy Mayor, Coun. Mitchell to consider Bylaw No. 5441.

Carried.

Mr. David Chow, Legal Counsel for Blanchard Holdings Inc., addressed members of City Council respecting proposed Bylaw No. 5441.

305d Moved by Mayor Higgins
THAT clause by clause consideration of the Bylaw be and is hereby dispensed with and that the said Bylaw be approved in its entirety.

Carried.

Your Committee of the Whole to consider **Bylaw No. 5441, SANITARY SEWER RIGHT OF WAY EXPROPRIATION BYLAW**, begs to report that the Bylaw passed this Committee without amendment.

(Sgd). Coun. Mitchell
Chairperson

305e Moved by Coun. Eby, seconded by Coun. Boyle
THAT the report of the Committee of the Whole be received and adopted.

Carried.

305f Moved by Coun. Boyle, seconded by Coun. Eby
THAT Bylaw No. 5441 be submitted for Third reading forthwith.

Vote Delayed by Tabling Motion.

305g Moved by Coun. Swanson, seconded by Coun. Luhning
THAT Bylaw No. 5441 – Sanitary Sewer Right of Way Expropriation Bylaw, be tabled to the May 6, 2013 regular meeting of City Council to allow for further consultations and negotiations with the developer.

The Tabling Motion was Carried.

Introduction of Bylaw:

#5443 – Zoning Amendment Bylaw 2013 (No. 4)

306 Moved by Coun. Kirkpatrick, seconded by Coun. Swanson
THAT the Deputy Mayor, Councillor Mitchell, be allowed to introduce **Bylaw No. 5443, ZONING AMENDMENT BYLAW 2013 (NO. 4)**.

Carried.

306a Moved by Coun. Swanson, seconded by Coun. Kirkpatrick
THAT Bylaw No. 5443 be now read a first time.

Carried.

306b Moved by Coun. Kirkpatrick, seconded by Coun. Swanson
THAT Bylaw No. 5443 be now read a second time.

Carried.

306c Moved by Coun. Swanson, seconded by Coun. Kirkpatrick
THAT we now go into Committee of the Whole under the Chairmanship of Deputy Mayor, Coun. Mitchell to consider Bylaw No. 5443.

Carried.

306d Moved by Coun. Eby
THAT clause by clause consideration of the Bylaw be and is hereby dispensed with and that the said Bylaw be approved in its entirety.

Carried.

Your Committee of the Whole to consider **Bylaw No. 5443, ZONING AMENDMENT BYLAW 2013 (NO. 4)**, begs to report that the Bylaw passed this Committee without amendment.

(Sgd). Coun. Mitchell
Chairperson

306e Moved by Coun. Kirkpatrick, seconded by Coun. Swanson
THAT the report of the Committee of the Whole be received and adopted.

Carried.

306f Moved by Coun. Swanson, seconded by Coun. Kirkpatrick
THAT Bylaw No. 5443 be submitted for Third reading forthwith.

Carried But Not Unanimously.

ENQUIRIES

Councillor Mitchell asked a verbal enquiry regarding the call for proposals from the Saskatchewan Housing Corporation, which was answered by City Administration.

Councillor Swanson submitted the following written enquiry:

14 – 2013: Fundraising

How much money has now been received by the City of Moose Jaw from fundraising for the Multiplex?

Councillor Boyle asked a verbal enquiry regarding an update on the status of the Kinsmen Sportsplex pool closure and concession agreement, which was answered by City Administration.

RESPONSES TO WRITTEN “ANSWERS TO ENQUIRIES”

Nil.

The meeting adjourned at 9:02 p.m.

MAYOR

CITY CLERK