

Regular Meeting of City Council held on Monday, April 8, 2013 in Council Chambers, City Hall.

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

ABSENT: Coun. Eby

CALL TO ORDER

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

PUBLIC ACKNOWLEDGEMENTS

Councillor Mitchell rose to acknowledge the passing of Phyllis Eagle-Boadway, a long term member of the Cultural Diversity Advisory Committee. She was a leader and contributor both in her role as an aboriginal councillor at SIAST mentoring and supporting students and in her role with the Cultural Diversity Advisory Committee and promotion of cross cultural awareness and respect. A moment of silence was observed.

Councillor Mitchell rose to acknowledge the role and support of the City and SIAST in sponsoring the sustainable communities forum at SIAST this past weekend. A combination of themes around sustainability brought in speakers from Edmonton, Calgary, Saskatoon, Regina as well as local presenters. He thanked the members of the Environment Advisory Committee, Housing Advisory Committee, Cultural Diversity Advisory Committee and the Heritage Advisory Committee who actively supported the planning and delivery as well as members of City Administration.

ADOPTION OF MINUTES OF THE LAST REGULAR MEETING

**Re: Adoption of Minutes of March 25, 2013
Regular Meeting of City Council**

234 Moved by Coun. Mitchell, seconded by Coun. Swanson
THAT the minutes of the regular meeting of City Council held on Monday, March 25, 2013, be approved and adopted.

Carried.

MOTION TO GO INTO COMMITTEE OF THE WHOLE

235 Moved by Coun. Luhnig, seconded by Coun. Kirkpatrick
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 #38 – Mayor’s Poetry City Challenge

Considered was a letter (Communication #38) dated February 5, 2013 from Mayor Michael Fougere, City of Regina, to advise of the Mayor’s Poetry Challenge.

236 Moved by Coun. Kirkpatrick
Tonight we’re asked to relax and listen,
to poet person Jessy Saas.
Moose Jaw’s choice for poetry challenge,
An invitation we could not pass.
So listen up Regina,
our expertise we need not prove.
Now Shoeless to be read by Jessy Lee
and that Deputy Mayor I’ll move.

Carried.

237 Moved by Coun. Luhnig
THAT the poem be entered into the formal minutes of City Council as a permanent record of the event.

Carried.

Communication #39 – Request for Liquor Permitted Premises to be able to Operate until 4:00 a.m. from Friday, April 19th to Sunday, April 21st, 2013 for the 2013 JUNO’s

Considered was an undated letter (Communication #39) from Mr. Mike MacNaughton, President of the Regina JUNO Awards 2013, requesting an extension to the hours of operation for liquor permitted premises in the City of Moose Jaw.

238 Moved by Mayor Higgins
THAT the City of Moose Jaw recommend to the Saskatchewan Liquor and Gaming Authority that the request from the 2013 Juno Awards Committee to extend the hours of operation for permitted liquor establishments from 2:00 a.m. to 4:00 a.m. for the period April 19 to 21, 2013 be approved.

Carried.

Communication #40 – Dust Control Program for 2013

Considered was a report (Communication #40) dated March 26, 2013 from the City Clerk/Solicitor’s Department to advise City Council as to the status of the 2013 Dust Control Program.

239 Moved by Coun. Kirkpatrick
THAT City Administration be authorized to proceed with the 2013 Dust Control Program with the exceptions of Grandview Street West from 9th Avenue South West to 10th Avenue South West and Aldersgate Street from 7th Avenue South East to WPL of Lot 3, Block 1.

Carried.

Communication #41 – Designation of Delegates to the Saskatchewan Assessment Management Agency (SAMA) Annual Meeting – Regina – April 16, 2013

Considered was a report (Communication #41) dated April 4, 2013 from the City Manager to appoint Ms. Brenda Hendrickson, City Treasurer/Acting City Assessor as a non-voting delegate to the Saskatchewan Assessment Management Agency's (SAMA) annual meeting.

Moved by Coun. Swanson

240 THAT Ms. Brenda Hendrickson, City Treasurer/Acting City Assessor, be appointed as the City of Moose Jaw's non-voting delegate to the Saskatchewan Assessment Management Agency's annual meeting being held on Tuesday, April 16, 2013.

Carried.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

Moved by Coun. Boyle, seconded by Coun. Swanson

241 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. Boyle, seconded by Coun. Kirkpatrick

242 THAT the report of the Budget Committee dated April 1, 2013 be taken as read.

Carried.

Executive Committee

Moved by Coun. Luhning, seconded by Coun. Boyle

243 THAT the report of the Executive Committee dated April 1, 2013 be taken as read.

Carried.

The report of the Budget Committee dated April 1, 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

249 Moved by Coun. Boyle, seconded by Coun. Mitchell
THAT the report of the Budget Committee dated April 1, 2013 be received and adopted.

Carried.

Report of the Executive Committee

250 Moved by Coun. Kirkpatrick, seconded by Coun. Boyle
THAT the report of the Executive Committee dated April 1, 2013 be received and
adopted.

Carried.

REPORTS OF ADVISORY AND OTHER COMMITTEES

Municipal Planning Commission

Councillor Mitchell reported on the minutes of the Municipal Planning Commission meeting held on March 26, 2013.

**Re: Part 2 – Discretionary Use Application
Proposed “One Unit Dwelling”
Lot 45, Block 6, Plan 99MJ15800
53 River Street East
C2 Commercial District (High Density Commercial)
(Ms. Kim Walton)**

251 Moved by Coun. Mitchell, seconded by Coun. Swanson
THAT the Discretionary Use Application for a “One Unit Dwelling” on Lot 45, Block 6,
Plan 99MJ15800, civically known as 53 River Street East, Moose Jaw, Saskatchewan, as
submitted by Ms. Kim Walton, be approved; and

THAT all expenses incurred with respect to this application be borne by the applicant.

Carried.

**Re: Part 3 – Proposed Subdivision of
Part of SE ¼ 3-17-26-W2M
Moose Jaw, Saskatchewan**

252 Moved by Coun. Mitchell, seconded by Coun. Kirkpatrick
THAT the Proposed Plan of Subdivision of Part of SE ¼ 3-17-26-W2M be approved
subject to the following conditions:

1. That the subdivision review process be completed by City Administration and that no negative comments are received; and

2. That a monetary settlement be received from the applicant prior to final approval to satisfy the 5% Municipal Reserve Requirement under *The Planning and Development Act, 2007*; and
3. That all water, sanitary, storm and traffic related infrastructure be designed and constructed to the satisfaction of the Director of Engineering Services; and
4. That a Servicing Agreement be entered into between the Developer and the City of Moose Jaw including but not limited to the following: the future paving of Paice Road; the engineering designs for future water and sanitary sewer; the upgrade of Paice Road to City Standards; and the development of the lane to City Standards; and
5. That an interest be registered on each property adjacent to Paice Road outlining their future financial obligation regarding pavement construction upon completion of offsite infrastructure; and
6. That an interest be registered on each property within the subdivision outlining their future financial obligation regarding sanitary sewer and water looping construction.

THAT upon satisfaction of the above conditions, the Mayor and City Clerk be authorized to endorse the Proposed Plan of Subdivision and issue a Certificate of Approval, all in accordance to *The Planning and Development Act, 2007*; and further

THAT all costs incurred by this application be borne by the applicant.

Carried.

**Re: Part 4 – Discretionary Use Application
Proposed “Communication Antenna Support Structure”
West of Lots 25 and 26, Block 17, Plan K2802 within the
Elgin Avenue Right-of-Way
Parks District
(Mr. Jason Bartsch, SaskTel)**

Moved by Coun. Mitchell, seconded by Coun. Kirkpatrick

253

THAT the Discretionary Use Application for a “Communication Antenna Support Structure” on a 14.9 metre high Stealth Pole west of Lots 25 and 26, Block 17, Plan K2802, within the Elgin Avenue Right-of-Way within Elgin Park (20 metres south of Hall Street within the Elgin Avenue Right-of-Way), Moose Jaw, Saskatchewan, as submitted by Mr. Jason Bartsch, SaskTel, be approved subject to entering into a Development Agreement addressing landscaping such as fencing and trees and/or other shrubs surrounding the pole and cabinets; and

THAT all expenses incurred with respect to this application be borne by the applicant.

Carried.

**Re: Part 5 – Discretionary Use Application
Proposed “Light Industrial” Building
Lot 9, Block 5, Grayson Business Park, Plan 102005367
6 McKenzie Lane
C3 Commercial District (Vehicle-Oriented Commercial)
(Mr. Doug Maes, Winmar Property Damage Specialists)**

254 Moved by Coun. Mitchell, seconded by Coun. Boyle
THAT the Discretionary Use Application for a “Light Industrial” business on Lot 9, Block 5, Grayson Business Park, Plan 102005367, as submitted by Mr. Doug Maes, Winmar Property Damage Specialists, be approved subject to a Development Agreement addressing matters such as:

- A description of the specific type of business
- Paving and/or other approved surfacing
- Lighting
- No storage of equipment or materials in the front of the property. All storage must be in the side yard, if fenced, or rear of the property; and further

THAT all expenses incurred with respect to this application be borne by the applicant.
Carried.

**Re: Part 6 – Proposed Subdivision
Lot 60, Block 111, Plan 99MJ01400
1210 Athabasca Street West
Moose Jaw, Saskatchewan**

255 Moved by Coun. Mitchell, seconded by Coun. Kirkpatrick
THAT the Proposed Plan of Subdivision of Lot 60, Block 111, Plan 99MJ01400, civically known as 1210 Athabasca Street West, be approved subject to the following conditions:

- a) That the subdivision review process be completed by City Administration and that no negative comments are received;
- b) That each dwelling have its own separate water and sewer connection and water metre installed at the owner’s cost; and

THAT upon satisfaction of the above conditions, the Mayor and City Clerk be authorized to endorse the Proposed Plan of Subdivision and issue a Certificate of Approval, all in accordance with *The Planning and Development Act, 2007*; and further

THAT all costs incurred by this application be borne by the applicant.
Carried.

**Re: Part 7 – Proposed Subdivision
Part of Block 3, Plan M4531 in the NW-26-16-27-W2M
R.M. of Moose Jaw No. 161
(Proposed Residential Subdivision)**

256

Moved by Coun. Mitchell, seconded by Coun. Boyle

THAT the Mayor and City Clerk be authorized to forward to the Approving Authority for Rural Subdivisions (The Director of Community Planning, Ministry of Municipal Affairs) that the City of Moose Jaw has comments pertaining to the approval of the subdivision of part of the NW ¼ Section 26-Twp. 16-Rge. 27-W2M within the Rural Municipality of Moose Jaw No. 161:

1. There is an existing feedlot within 200 metres of the proposed residential subdivision which may be incompatible with the proposed residential use.
2. No City of Moose Jaw water and sewer service connections will be provided for the proposed subdivision.
3. The City will accept the dumping of sewage from the proposed subdivision as per rates and conditions established by the City of Moose Jaw.

Vote Delayed by Amendment.

Amendment Moved by Coun. Swanson, seconded by Coun. Luhning

THAT the motion be amended by deleting the word “connections” in section #2.

The Amendment was Defeated.
The Main Motion was Carried.

Re: Part 8 – Proposed Housekeeping Amendments to Zoning Bylaw No. 5346

257

Moved by Coun. Mitchell, seconded by Coun. Kirkpatrick

THAT City Administration commence procedures to amend the Zoning Bylaw No. 5346 as follows:

1. That the Side Yard Requirement for the use “Light Industrial” be amended in Section 7.4.1 in the C3 Commercial District (Vehicle-Oriented) from 6m to 1.2m but with a subscript 5 for Notes to Development Standards added as follows:
 - a. Where a light or heavy industrial use abuts a residential, commercial or Community Service/Institutional District or lots without the intervention of a street or lane, an abutting side yard shall be provided of not less than 3m in width.
 - b. On a corner site where the side yard adjoins the street, the side yard setback shall be a minimum 1.5m; and
2. That the “Type 1 Custodial Care Homes” be removed from the Permitted Uses in Section 6.8.2 R3 High Density Residential District Permitted Uses and added to the Discretionary Uses in Section 6.8.2 in the R3 High Density Residential District.

- 3. That the “Type 3 Custodial Care Homes” be removed from Section 6.8.2 High Density Residential District Permitted Uses.

THAT all necessary changes to the Table of Contents sections and repaginating of the Bylaw be completed where necessary to maintain continuity; and

THAT all costs incurred by these amendments be borne by the City of Moose Jaw.

Carried.

Disposition of Report

258 Moved by Coun. Mitchell, seconded by Coun. Boyle
 THAT the report of the Municipal Planning Commission meeting held on March 26, 2013 be received as presented.

Carried.

GIVING NOTICE

Councillor Swanson rose to give notice that at the next regular meeting of City Council to be held on April 22, 2013, he intends to introduce the following motion:

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

“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.”

MOTIONS

Nil.

BYLAWS

Consideration/3rd Reading of Bylaw:

#5440 – 2013 Traffic Bylaw Amendment (No. 2)

259 Moved by Coun. Luhnig, seconded by Coun. Kirkpatrick
 THAT Bylaw No. 5440 – 2013 Traffic Bylaw Amendment (No. 2) be lifted from the table.

Carried.

259a Moved by Coun. Kirkpatrick, seconded by Coun. Luhnig
 THAT Bylaw No. 5440 be now read a third time, adopted, signed by the Mayor and City Clerk, dated and sealed.

Carried.

ENQUIRIES

Councillor Mitchell submitted the following written enquiry:

12 – 2013: Hazardous Goods Accepted into Moose Jaw Landfill

“During city capital budget discussions I inquired with the public works supervisor about information I had heard about asbestos waste material being accepted at the local Land Fill from locations outside of Moose Jaw, including some U.S. points of origin. Acceptance of asbestos materials was confirmed but the city management had no knowledge of U.S. origins. Saskatoon was mentioned as a source and it was also mentioned that Saskatoon Land Fill does not accept asbestos.

My further inquiry is as follows:

What is the provincial role in regulating asbestos disposal. Do provincial officials approve of and/or regulate local land-fills in the proper handling and storage of these materials?

Are all urban landfills authorized, or obliged to accept these materials? Are there requirements for handling and storage of asbestos waste? Do workers who may face exposure to the asbestos materials have requirements for safety masks, gloves, etc.?

Is the Moose Jaw Land fill accepting hazardous waste materials, including asbestos, from destinations outside of Saskatchewan? What other materials do we accept that would be classified as hazardous?

Is asbestos collected through the annual hazardous household waste collection day in October?”

Councillor Mitchell asked a verbal enquiry regarding the condition of the Kinsmen Sportsplex pool, which was answered by City Administration.

Councillor Boyle asked a verbal enquiry regarding accommodating community groups that use the Kinsmen Sportsplex pool, which was answered by City Administration.

Councillor Boyle submitted the following written enquiry:

13 – 2013: Sale of Farmland surrounding the Municipal Airport

Would the administration prepare a report regarding the feasibility of the sale of the 678 acres of farmland surrounding the municipal airport.

RESPONSES TO WRITTEN “ANSWERS TO ENQUIRIES”

Councillor Swanson acknowledged receipt of Enquiry #9 of 2013.

The meeting adjourned at 7:30 p.m.

MAYOR

CITY CLERK

P:\Clerks\2006\CITY COUNCIL - 400\400 - CITY COUNCIL\Minutes\Regular Meeting\2013\Cc Min April 8.13.Doc