

Regular Meeting of City Council held on Monday, January 14, 2013 in Council Chambers, City Hall.

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

**CALL TO ORDER**

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

**PUBLIC ACKNOWLEDGEMENTS**

Councillor Mitchell rose to acknowledge the Wakamow Aboriginal Association that took leadership locally to identify issues and organize support rallies on December 21, 2012 and January 1, 2013 respecting the “Idle No More” movement.

Councillor Boyle rose to acknowledge the renaming of the Moose Jaw Fieldhouse to Yara Centre. He acknowledged Yara Belle Plaine for investing in the Fieldhouse and Wow Factor Media for their involvement with the event.

**ADOPTION OF MINUTES OF THE LAST REGULAR MEETING**

**Re: Adoption of Minutes of December 17, 2012  
Regular Meeting of City Council**

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Moved by Coun. Eby, seconded by Coun. Boyle

1 THAT the minutes of the regular meeting of City Council held on Monday, December 17, 2012, be approved and adopted.

Carried.

**MOTION TO GO INTO COMMITTEE OF THE WHOLE**

Moved by Coun. Swanson, seconded by Coun. Kirkpatrick

2 THAT we now go into the Committee of the Whole to deal with original communications, delegations and petitions.

Carried.

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

**Communication #1 – Appointments to the Moose Jaw Public Library Board and Palliser Regional Library Board**

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Considered was a report (Communication #1) dated January 3, 2013 from the City Clerk/Solicitor’s Department to make the annual appointments to the Moose Jaw Public Library Board and the Palliser Regional Library Board pursuant to The Public Libraries Act, 1996 and The Public Libraries Regulations, 1996.

Moved by Coun. Eby

3 THAT, with respect to the Moose Jaw Public Library Board, City Council appoint Councillor Dawn Luhnig, as Council representative; and Walt Yakiwchuk, Terry Gabel, Doris Dunphy, Charles Neumann, Ron Cork, Janice Lamb, Gordon (Eddy) Moore, Sharon Toupin, Gayle Jones, Rae Trites and Stirling Millar as Citizens-at-Large, to the Moose Jaw Public Library Board for a term of office to expire December 31, 2013; and

THAT, with respect to the Palliser Regional Library Board, City Council appoint Terry Gabel, Janice Lamb, Ron Cork and Stirling Millar, to the Palliser Regional Library Board for a term of office to expire December 31, 2014.

Carried.

**Communication #2 – Notice of Motion – Hospital Levy**

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Considered was a report (Communication #2) dated December 18, 2012 from the Financial Services Department to provide City Council with background information on the Notice of Motion in respect to the Hospital Levy.

Moved by Coun. Mitchell

4 THAT report (Communication #2) dated December 18, 2012 from the Financial Services Department, be received and filed.

Carried.

**Communication #3 – Notice of Development Appeals Board Meeting**

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Considered was a report (Communication #3) dated January 8, 2013 from the Secretary, Development Appeals Board, giving notice that the Development Appeals Board for the City of Moose Jaw will hear the following appeals at a public meeting to be held in the Mayor’s Conference Room, City Hall at 5:00 p.m. on Tuesday, January 15, 2013 in accordance with the requirements of Sections 213 to 227 of The Planning and Development Act, 2007 and the City of Moose Jaw’s Zoning Bylaw No. 5346.

Moved by Coun. Eby

5 THAT Communication #3 dated January 8, 2013 from the Secretary, Development Appeals Board, being a Notice of Development Appeals Board meeting, be received and filed.

Carried.

**Communication #4 – 2013 Dust Control Rate & Dust Control Program**

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Considered was a report (Communication #4) dated January 7, 2013 from the Engineering Department to obtain City Council approval to undertake a Dust Control Program in 2013 and to set the rates to be levied against the benefiting property owners.

Moved by Coun. Mitchell

6 THAT City Council approve, in principle, conducting a Dust Control Program in 2013 for the streets and roads set forth in Schedule “A”; and

THAT City Council approve the following rates for the 2013 Dust Control Program to be levied against abutting property owners based on frontage of benefiting property:

\$25.92/metre, in the case of payment in full made prior to November 15, 2013; or  
\$27.48/metre, in the case charges are levied against the property;

THAT the City Solicitor be authorized to prepare a special tax bylaw in accordance with the provisions of *The Cities Act* authorizing the conduct of a Dust Control Program in 2013, subject to notification of affected property owners and a right for property owners to petition against such works; and further

THAT City Administration give public notice of the time and date when the special tax bylaw shall be considered by City Council.

Carried.

**Communication #5 – Administrative Review Officer Year End Report - 2012**

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Considered was a report (Communication #5) dated January 8, 2013 from the City Clerk/Solicitor’s Department to advise City Council of the activities of the Administrative Review Officer for the year 2012.

Moved by Coun. Kirkpatrick

7 THAT Communication #5, being a report dated January 8, 2013 from the City Clerk/Solicitor’s Department, be received and filed.

Carried.

**ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE**

8 Moved by Coun. Boyle, seconded by Coun. Mitchell  
THAT the report of the Committee of the Whole be taken as read, received and adopted.

Carried.

**REPORTS OF STANDING COMMITTEES OF CITY COUNCIL**

**Executive Committee**

9 Moved by Coun. Eby, seconded by Coun. Boyle  
THAT the report of the Executive Committee dated December 17, 2012 be taken as read.

Carried.

The report of the Executive Committee dated December 17, 2012 follows:

**MATTERS ARISING FROM REPORTS OF STANDING COMMITTEES**

**Report of the Executive Committee**

16 Moved by Coun. Mitchell, seconded by Coun. Boyle  
THAT the report of the Executive Committee dated December 17, 2012 be received and adopted.

Vote Delayed by Procedure.

Councillor Mitchell requested the following motion from the December 17, 2012 Executive Committee meeting be considered again:

*“THAT the request to waive the Development Levies as per the December 29, 2009 Servicing and Development Agreement between the City of Moose Jaw and Spring Creek Properties Ltd. be denied.”*

17 Moved by Coun. Mitchell, seconded by Coun. Kirkpatrick  
THAT the following motion:

*“THAT the request to waive the Development Levies as per the December 29, 2009 Servicing and Development Agreement between the City of Moose Jaw and Spring Creek Properties Ltd. be denied.”*

be referred back to Executive Committee for further consideration.

Carried.

The balance of the minutes were received and adopted.

**REPORTS OF ADVISORY AND OTHER COMMITTEES**

**Parks and Recreation Advisory Committee**

Councillor Eby reported on the minutes of the Parks and Recreation Advisory Committee meeting held on December 12, 2012.

**Re: Part 4 – Resignation of Kristian Sjoberg**

18 Moved by Coun. Eby, seconded by Coun. Boyle  
THAT Kristian Sjoberg’s resignation from the Parks and Recreation Advisory Committee be accepted, effective immediately, and that a letter of thanks be sent to Mr. Sjoberg.

Carried.

**Re: Part 7 – Recreational Facilities & Sportsgrounds Fees & Charges Annual Rate Review Report dated December 7, 2012**

19 Moved by Coun. Eby, seconded by Coun. Mitchell  
THAT a 5% increase to fees and charges for recreational facilities and sportsgrounds in the year of 2013, and a 5% fee increase in the year 2014 be approved, as outlined in the spreadsheets attached to the December 12, 2012 minutes of the Parks and Recreation Advisory Committee; and

THAT these rate increases shall be effective June 1 in each of these years; and further

THAT the Learn to Swim lesson fee be maintained at the current rate of \$58.00 and the Kinsmen Sportsplex family membership fee be based on the formula (2 children & 1 adult) effective June 1, 2013.

Carried.

**Disposition of Report**

20 Moved by Coun. Eby, seconded by Coun. Boyle  
THAT the report of the Parks and Recreation Advisory Committee meeting held on December 12, 2012 be received as presented.

Carried.

**Environment Advisory Committee**

Councillor Mitchell reported on the minutes of the Environment Advisory Committee special meeting held on December 18, 2012.

21 Moved by Coun. Mitchell, seconded by Coun. Eby  
THAT the report of the Environment Advisory Committee special meeting held on December 18, 2012 be received as presented.

Carried.

**Heritage Advisory Committee**

22 Moved by Coun. Swanson, seconded by Coun. Luhning  
THAT Mr. Ira Dales, Chair of the Heritage Advisory Committee be allowed to present the minutes of the Heritage Advisory Committee meeting dated December 19, 2012.

Carried.

Mr. Ira Dales, Chair of the Heritage Advisory Committee presented the minutes of the Heritage Advisory Committee meeting dated December 19, 2012

23 Moved by Coun. Swanson, seconded by Coun. Kirkpatrick  
THAT the report of the Heritage Advisory Committee meeting held on December 19, 2012 be received as presented.

Carried.

**Youth Advisory Committee**

Councillor Luhning reported on the minutes of the Youth Advisory Committee meeting held on December 20, 2012.

24 Moved by Coun. Luhning, seconded by Coun. Boyle  
THAT the report of the Youth Advisory Committee meeting held on December 20, 2012 be received as presented.

Carried.

**GIVING NOTICE**

Councillor Mitchell rose to give notice that at the next regular meeting of City Council to be held on January 28, 2013, he intends to introduce the following motion:

**Re: Housing Sell-Off**

*“WHEREAS the public housing units available to Moose Jaw families were financed and constructed over the past 60 years through tripartite agreements with the city, provincial and federal government;*

*AND WHEREAS there has been no consultation with the city of Moose Jaw about disposing of this vital shared community resource;*

*AND WHEREAS these housing rental units have rents related to income and are made affordable to lower income families, including single parent families;*

*AND WHEREAS there is currently and continuously a long waiting list of families wishing to access these homes;*

*AND WHEREAS these family rental units are located in established neighbourhoods throughout the city with nearby services, including schools;*

*THEREFORE BE IT RESOLVED that the Mayor and council of the city of Moose Jaw express opposition and concern over the announced plans to sell 114 of 124 of the existing family housing units in Moose Jaw to be replaced by apartment projects at undisclosed and undeveloped locations.”*

**MOTIONS**

**Re: Hospital Levy**

Moved by Coun. Mitchell, seconded by Coun. Kirkpatrick

25

THAT effective budget year 2013 the provincial requirement for municipal sharing of new hospital funding be calculated and collected as a common percentage surcharge added to the municipal tax assessment on all commercial and residential properties in the City of Moose Jaw.

Defeated.

**BYLAWS**

**Introduction of Bylaw:**

**Bylaw No. 5434 – Zoning Amendment Bylaw 2013 (No. 1)**

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Moved by Coun. Mitchell, seconded by Coun. Boyle

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THAT the Deputy Mayor, Councillor Luhning, be allowed to introduce **Bylaw No. 5434, ZONING AMENDMENT BYLAW 2013 (NO. 1).**

Carried.

26a Moved by Coun. Boyle, seconded by Coun. Mitchell  
THAT Bylaw No. 5434 be now read a first time. Carried.

26b Moved by Coun. Mitchell, seconded by Coun. Boyle  
THAT Bylaw No. 5434 be now read a second time. Carried.

26c Moved by Coun. Boyle, seconded by Coun. Mitchell  
THAT we now go into Committee of the Whole under the Chairmanship of Deputy  
Mayor, Coun. Luhning to consider Bylaw No. 5434. Carried.

Mr. Jan Radwanski, citizen, addressed members of City Council respecting the proposed  
Bylaw No. 5434.

26d 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. 5434, ZONING AMENDMENT  
BYLAW 2013 (NO. 1)**, begs to report that the Bylaw passed this Committee without  
amendment.

(Sgd). Coun. Luhning  
Chairperson

26e Moved by Coun. Mitchell, seconded by Coun. Boyle  
THAT the report of the Committee of the Whole be received and adopted. Carried.

26f Moved by Coun. Boyle, seconded by Coun. Mitchell  
THAT Bylaw No. 5434 be submitted for Third reading forthwith.

Carried But Not Unanimously.

**Introduction of Bylaw:**

**#5435 – 2013 Traffic Bylaw Amendment**

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27 Moved by Coun. Swanson, seconded by Coun. Eby  
THAT the Deputy Mayor, Councillor Luhning, be allowed to introduce **Bylaw No. 5435,  
2013 TRAFFIC BYLAW AMENDMENT**. Carried.

27a Moved by Coun. Eby, seconded by Coun. Swanson  
THAT Bylaw No. 5435 be now read a first time. Carried.

27b Moved by Coun. Swanson, seconded by Coun. Eby  
THAT Bylaw No. 5435 be now read a second time. Carried.



27d Moved by Coun. Eby, seconded by Coun. Swanson  
THAT we now go into Committee of the Whole under the Chairmanship of Deputy Mayor, Coun. Luhning to consider Bylaw No. 5435.

Carried.

27e Moved by Coun. Kirkpatrick  
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. 5435, 2013 TRAFFIC BYLAW AMENDMENT**, begs to report that the Bylaw passed this Committee without amendment.

(Sgd). Coun. Luhning  
Chairperson

27f Moved by Coun. Swanson, seconded by Coun. Eby  
THAT the report of the Committee of the Whole be received and adopted.

Carried.

27g Moved by Coun. Eby, seconded by Coun. Swanson  
THAT Bylaw No. 5435 be submitted for Third reading forthwith.

Carried Unanimously.

27h Moved by Coun. Swanson, seconded by Coun. Eby  
THAT Bylaw No. 5435 be now read a third time, adopted, signed by the Mayor and City Clerk, dated and sealed.

Carried.

### **ENQUIRIES**

Councillor Luhning submitted the following written enquiry:

#### **1 – 2013: Juno's**

Would it be possible to be provided an update on the planning for the Junos which the City contributed \$50K to?

Councillor Mitchell asked a verbal enquiry regarding the recycling bin location, which was answered by City Administration.

Councillor Swanson submitted the following written enquiries:

#### **2 – 2013: Fundraising**

As of December 31, 2012 how much of the fundraising commitment to the Multiplex had been received by City Hall? How does this amount correspond to the schedule of fundraising envisioned by the City whereby the City pays the interest on outstanding pledges? What amount of collected pledges by the City is scheduled for December 31, 2013?

Councillor Swanson asked the following verbal enquiry:

Could copies of the consultant reports with respect to the potential for housing on 9<sup>th</sup> N.E. and Caribou E. (east of 11<sup>th</sup> Ave. N.E.) be included in our next package?

Councillor Boyle asked a verbal enquiry regarding the Yara Centre naming rights funding, which was answered by City Administration.

**RESPONSES TO WRITTEN “ANSWERS TO ENQUIRIES”**

Councillor Mitchell acknowledged receipt of Enquiry #15 of 2012.

The meeting adjourned at 8:09 p.m.

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MAYOR

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CITY CLERK