

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

PRESENT: Mayor Higgins
Coun. Luhning
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

Coun. Mitchell rose to acknowledge the passing of Leith Knight, local resident who has contributed incredibly to the community over the past 45 to 50 years. A moment of silence was observed in recognition of an outstanding citizen.

Coun. Boyle rose to acknowledge and congratulate those who participated in the Saskatchewan Softball Association under 14 B girls South Provincial Championships that were held at Optimist Park on the weekend. Coun. Boyle also acknowledged the Sidewalk Days Committee for their work in organizing the event.

Mayor Higgins rose to acknowledge Coun. Luhning's very successful Moose Jawg Charity Road Race that Coun. Luhning has organized for 12 years. The event was very successful with over 650 people registered.

ADOPTION OF MINUTES OF THE LAST REGULAR MEETING

**Re: Adoption of Minutes of June 24, 2013
Regular Meeting of City Council**

472 Moved by Coun. Eby, seconded by Coun. Swanson
THAT the minutes of the regular meeting of City Council held on Monday, June 24, 2013, be approved and adopted. Carried.

MOTION TO GO INTO COMMITTEE OF THE WHOLE

473 Moved by Coun. Mitchell, 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 Boyle reported that Committee of the Whole considered the following communications, delegations and petitions:

Communication #65 – Request for Temporary Exemption to Bylaw No. 4922, the City of Moose Jaw Noise Bylaw, as Amended by Bylaw No. 5449

Considered was a letter (Communication #65) dated May 13, 2013 from Robert Haakenson, owner of Bobby's Place, requesting a temporary exemption to the City of Moose Jaw's Noise Bylaw No. 4922, as amended, to hold an outdoor event that would include a beer garden and live music at Bobby's Place on Saturday, July 27, 2013 from 5:00 p.m. to 12:00 a.m.

Coun. Mitchell declared a conflict of interest and left the meeting at 6:39 p.m.

Moved by Coun. Eby

474 THAT Kevin and Robert Haakenson, owner's of Bobby's Place, be allowed to address members of City Council regarding their request for an exemption to the City of Moose Jaw's Noise Bylaw No. 4922, as amended.

Carried.

Mr. Kevin Haakenson, owner of Bobby's Place, addressed members of City Council.

Moved by Coun. Luhning

475 THAT the request from Kevin Haakenson, owner of Bobby's Place, for an exemption to the Noise Bylaw No. 4922, as amended, be approved to allow for live music to be played at Bobby's Place, 63 High Street East from 5:00 p.m. on July 27, 2013 until 12:00 a.m. on July 28, 2013.

Carried.

Coun. Mitchell returned to the meeting at 6:48 p.m.

Communication #66 – Notice of Development Appeals Board Meeting

Considered was a report (Communication #66) dated July 2, 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 Scoop Lewry Room, City Hall at 5:00 p.m. on Tuesday, July 16, 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

476 THAT Communication #66 dated July 2, 2013 from the Secretary, Development Appeals Board, being a Notice of Development Appeals Board meeting, be received and filed.

Carried.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

477 Moved by Coun. Luhning, seconded by Coun. Eby
THAT the report of the Committee of the Whole be taken as read, received and adopted.
Carried.

REPORTS OF STANDING COMMITTEES OF CITY COUNCIL

Personnel Committee – June 24, 2013

478 Moved by Coun. Eby, seconded by Coun. Kirkpatrick
THAT the report of the Personnel Committee dated June 24, 2013 be taken as read.
Carried.

Executive Committee – June 24, 2013

479 Moved by Coun. Boyle, seconded by Coun. Mitchell
THAT the report of the Executive Committee dated June 24, 2013 be taken as read.
Carried.

The reports of the Personnel Committee and Executive Committee dated June 24, 2013 follow:

MATTERS ARISING FROM REPORTS OF STANDING COMMITTEES

Report of the Personnel Committee

490 Moved by Coun. Boyle, seconded by Coun. Kirkpatrick
THAT the report of the Personnel Committee dated June 24, 2013 be received and adopted.
Carried.

Report of the Executive Committee

491 Moved by Coun. Boyle, seconded by Coun. Kirkpatrick
THAT the report of the Executive Committee dated June 24, 2013 be received and adopted.
Vote Delayed by Procedure.

Councillor Swanson requested that a second vote be taken on the following motions from the June 24, 2013 Executive Committee meeting:

“THAT City Council authorize City Administration to proceed with the following enhancements as detailed in this report, plus the contingency noted to Mosaic Place and Yara Centre:

- | | | | | |
|-----|----|---|-------------------|----------|
| 492 | 1. | <i>Safety Enhancements</i> | <i>\$225,000”</i> | Carried. |
| 493 | 2. | <i>“Event Hosting Enhancements</i> | <i>\$191,700”</i> | Carried. |
| 494 | 3. | <i>“Communications and Marketing Enhancements</i> | <i>\$253,800”</i> | Carried. |
| 495 | 4. | <i>“Escalator</i> | <i>\$770,000”</i> | Carried. |
| 496 | 5. | <i>“Contingency on projects above</i> | <i>\$ 59,500”</i> | Carried. |

“THAT City Administration be authorized to sole source Hockey Capital Moose Jaw Ltd. for the completion of the following projects:

- Escalator*
- Event Power Upgrade*
- Rope Lighting on the corporate box level”*

Vote Delayed by Procedure.

Councillor Swanson requested a recorded vote on the motion.

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

FOR

Mayor Higgins
Coun. Eby
Coun. Boyle

AGAINST

Coun. Swanson
Coun. Kirkpatrick
Coun. Luning
Coun. Mitchell

The Motion was Defeated.

The balance of the minutes were received and adopted.

REPORTS OF ADVISORY AND OTHER COMMITTEES

Cultural Diversity Advisory Committee

Coun. Mitchell reported on the minutes of the Cultural Diversity Advisory Committee meeting held on June 19, 2013.

Re: Part 5.1 – SIAST Palliser Campus Representation – Cultural Diversity Advisory Committee

Moved by Coun. Mitchell, seconded by Coun. Luning

497

THAT Isabelle Hanson be appointed as the SIAST, Palliser Campus representative on the Cultural Diversity Advisory Committee for a term of office to commence immediately and to conclude August 31, 2014.

Carried.

Disposition of Report

Moved by Coun. Mitchell, seconded by Coun. Kirkpatrick

498

THAT the report of the Cultural Diversity Advisory Committee meeting held on June 19, 2013 be received as presented.

Carried.

Municipal Planning Commission

Coun. Mitchell reported on the minutes of the Municipal Planning Commission meeting held on June 25, 2013.

**Re: Part 2 – Proposed Subdivision of
NE 17-26-27-W2M
R.M. of Moose Jaw No. 161
(Proposed Pipeline Easement)**

499 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 no comments pertaining to the approval of the pipeline easement in the N.E. Section 17-Twp. 26-Rge. 27-W2M within the Rural Municipality of Moose Jaw No. 161.

Carried.

**Re: Part 3 – Discretionary Use Application
Proposed “Communication Antenna Support Structure”
Lot 23, Block 4, Plan E5228
Corner of Caribou St. E. and 13th Ave. N.E.
R6 Mobile Home Residential District
(Ms. Barb Addie, Scott Land & Lease Ltd.)**

500 Moved by Coun. Mitchell, seconded by Coun. Kirkpatrick
THAT the Discretionary Use Application for a “Communication Antenna Support Structure” or 25m high Stealth Pole on Lot 23, Block 4, Plan E5228, Moose Jaw, Sask. as submitted by Ms. Barb Addie, Scott Land and Lease Ltd., be approved subject to entering into a Development Agreement addressing landscaping such as fencing and trees and/or shrubs surrounding the pole and cabinets; and

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

Vote Delayed by Tabling Motion.

Moved by Coun. Swanson
THAT the Discretionary Use Application for a “Communication Antenna Support Structure” or 25m high Stealth Pole on Lot 23, Block 4, Plan E5228, Moose Jaw, Sask. as submitted by Ms. Barb Addie, Scott Land and Lease Ltd., be tabled.

The Tabling Motion was Defeated.
The Main Motion was Carried.

Re: Part 4 – Proposed Housekeeping Amendments to Zoning Bylaw No. 5346

501

Moved by Coun. Mitchell, seconded by Coun. Eby

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

1. That “Type 1 Residential Care Home” be added to the list of Permitted Uses in Section 6.7.1 R2 Medium Density Residential District with Site Regulations similar to the Type 1 Residential Care Homes in the R1.
2. That Section 4.21 Permitted Obstructions in Required Yards be amended and replaced with the following to clarify the requirements for decks.
 - a. The following shall not be considered to be obstructions in any required yards, and shall not be considered in the determination of yard dimensions or site coverage in any required yard:
 - i. steps 1.6 metres or less above grade level which are necessary for access to a permitted building or for access to a site from a street or lane;
 - ii. trees, shrubs, walkways, trellises, or flag poles.
 - b. The following shall not be considered to be obstructions in any required front yard, and shall not be considered in the determination of yard dimensions or site coverage in any required front yard:
 - i. lighting fixtures, and lamp posts;
 - ii. patios and decks not more than 0.4 metres above grade;
 - iii. overhanging eaves and gutters projecting not more than 1.0 metre into a required front yard;
 - iv. patios and decks more than 0.4 metres above grade, projecting not more than 1.8 metres into a required front yard;
 - v. canopies or balconies projecting not more than 1.8 metres into a required front yard;
 - vi. architectural features and chimneys projecting not more than 0.7 metres into a required front yard.
 - c. The following shall not be considered to be obstructions in any required rear yard, and shall not be considered in the determination of yard dimensions or site coverage in any required rear yard, unless otherwise stated in this Bylaw:
 - i. patios and decks measuring not more than 0.6 metres above grade, provided they are located at least 3.0 metres from the rear site line on interior sites and 1.5 metres from the rear site line on corner sites;
 - ii. patios and decks measuring more than 0.6 metres above grade, projecting not more than 3.0 metres into a required rear yard, provided they are located at least 3.0 metres from the rear site line;
 - iii. canopies and balconies projecting not more than 3.0 metres into a required rear yard provided they are located at least 3.0 metres from the rear site line;
 - iv. accessory buildings, subject to all other requirements of this Bylaw;

- v. overhanging eaves and gutters, architectural features and chimneys, projecting not more than 1.0 metre into a required rear yard;
 - vi. on interior sites, enclosed private swimming pools when attached to the principal building, projecting not more than 3.0 metres into a required rear yard;
 - vii. laundry drying equipment, recreational equipment, and private swimming pools and tennis courts, when open to the sky.
- d. The following shall not be considered to be obstructions in any required side yard, and shall not be considered in the determination of yard dimensions or site coverage in any required side yard, unless otherwise stated in this Bylaw:
- i. patios and decks not more than 0.6 metres in height above grade;
 - ii. patios and decks more than 0.6 metres in height above grade, and canopies and balconies, provided they do not project more than 1.8 metres into a required side yard, nor into more than 25% of the width of a required side yard, whichever is the lesser;
 - iii. architectural features, eaves and chimneys, projecting not more than 0.5 metres into a required side yard;
 - iv. accessory buildings, subject to all other requirements of this Bylaw;
 - v. laundry drying equipment, recreational equipment, and private swimming pools and tennis courts, when open to the sky;
 - vi. notwithstanding clause iii, eaves may project up to 0.75 metres into a required side yard, where a required side yard is greater than 1.0 metre.
3. That the term “Junked Vehicle” and its definition be removed from Section 2 Definitions as the term is not utilized anywhere in the bylaw; and

THAT all necessary changes to the Table of Contents sections and re-paginating 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

502 Moved by Coun. Mitchell, seconded by Coun. Kirkpatrick
THAT the report of the Municipal Planning Commission meeting held on June 25, 2013 be received as presented.

Carried.

Heritage Advisory Committee

503 Moved by Coun. Swanson, seconded by Coun. Boyle
THAT Mr. Ira Dales, Chair of the Heritage Advisory Committee, be allowed to present the minutes of the Heritage Advisory Committee dated June 26, 2013.

Carried.

Mr. Ira Dales, Chair of the Heritage Advisory Committee, addressed members of City Council.

504 Moved by Coun. Swanson, seconded by Coun. Luhning
THAT the report of the Heritage Advisory Committee meeting held on June 26, 2013
be received as presented.

Carried.

GIVING NOTICE

Nil.

MOTIONS

Nil.

BYLAWS

Introduction of Bylaw:

#5451 – Zoning Amendment Bylaw, 2013 (No. 8)

505 Moved by Coun. Mitchell, seconded by Coun. Swanson
THAT the Deputy Mayor, Councillor Boyle, be allowed to introduce **Bylaw No. 5451,**
ZONING AMENDMENT BYLAW, 2013 (NO. 8).

Carried.

505a Moved by Coun. Swanson, seconded by Coun. Mitchell
THAT Bylaw No. 5451 be now read a first time.

Carried.

505b Moved by Coun. Mitchell, seconded by Coun. Swanson
THAT Bylaw No. 5451 be now read a second time.

Carried.

505c Moved by Coun. Swanson, seconded by Coun. Mitchell
THAT we now go into Committee of the Whole under the Chairmanship of Deputy
Mayor, Coun. Boyle to consider Bylaw No. 5451.

Carried.

505d 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. 5451, ZONING
AMENDMENT BYLAW, 2013 (NO. 8)**, begs to report that the Bylaw passed this
Committee without amendment.

(Sgd). Coun. Boyle
Chairperson

505e Moved by Coun. Mitchell, seconded by Coun. Swanson
THAT the report of the Committee of the Whole be received and adopted. Carried.

505f Moved by Coun. Swanson, seconded by Coun. Luhnig
THAT Bylaw No. 5451 be submitted for Third reading forthwith. Carried But Not Unanimously.

Introduction of Bylaw:

#5453 – Zoning Amendment Bylaw, 2013 (No. 10)

506 Moved by Coun. Kirkpatrick, seconded by Coun. Eby
THAT the Deputy Mayor, Councillor Boyle, be allowed to introduce **Bylaw No. 5453, ZONING AMENDMENT BYLAW, 2013 (NO. 10)**. Carried.

506a Moved by Coun. Eby, seconded by Coun. Kirkpatrick
THAT Bylaw No. 5453 be now read a first time. Carried.

506b Moved by Coun. Kirkpatrick, seconded by Coun. Eby
THAT Bylaw No. 5453 be now read a second time. Carried.

506c Moved by Coun. Eby, seconded by Coun. Kirkpatrick
THAT we now go into Committee of the Whole under the Chairmanship of Deputy Mayor, Coun. Boyle to consider Bylaw No. 5453. Carried.

Moved by Coun. Mitchell
THAT Bylaw No. 5453 be tabled to the August 19, 2013 Council meeting to invite written comments or submissions from the Prairie South and Holy Trinity Roman Catholic Separate School Divisions, Five Hills Health Region, South Central Regional Intersectoral Committee, local area residents, Moose Jaw Family Housing tenants and citizens at large. Defeated.

506d Moved by Coun. Swanson
THAT Bylaw No. 5453 be tabled pending notification from the Province with respect to the status of the potential project. Carried.

Your Committee of the Whole to consider **Bylaw No. 5453, ZONING AMENDMENT BYLAW, 2013 (NO. 10)**, begs to report that the Bylaw was tabled pending notification from the Province on approval to the potential housing project in the area.

(Sgd). Coun. Boyle
Chairperson

Tabled Matter:

507 Moved by Coun. Luhning, seconded by Coun. Eby
THAT proposed Bylaw No. 5447 – Zoning Amendment Bylaw, 2013 (No. 6) be lifted
from the table.

Carried.

Consideration/3rd Reading of Bylaw:

#5447 – Zoning Amendment Bylaw, 2013 (No. 6)

508 Moved by Coun. Eby, seconded by Coun. Luhning
THAT Bylaw No. 5447 be now read a third time, adopted, signed by the Mayor and
City Clerk, dated and sealed.

Defeated.

ENQUIRIES

Councillor Luhning submitted the following written enquiries:

20 – 2013: Juno Letter

Has the letter included in our package this week from the Juno Committee been
addressed at the Multiplex Operating Board level?

Being that City Council was included in the cc: of this letter, an update on any action
on this committee's concerns would be appreciated.

21 – 2013: Visual Aesthetics of the City from All Angles

What rules/regulations and authority does the City have for property owners who own
property on the outskirts of the City to ensure the maintenance of their property and
land does not affect the visual aesthetics of the City's entrances?

RESPONSES TO WRITTEN “ANSWERS TO ENQUIRIES”

Councillor Swanson acknowledged receipt of Answer to Enquiry #17 of 2013.
Councillor Luhning acknowledged receipt of Answer to Enquiry #19 of 2013.

The meeting adjourned at 8:13 p.m.

MAYOR

CITY CLERK