

Regular Meeting of City Council held on Monday, March 11, 2013 in Council Chambers, City Hall.

PRESENT: Mayor Higgins
Coun. Luhnig
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

Nil.

ADOPTION OF MINUTES OF THE LAST REGULAR MEETING

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

130 Moved by Coun. Swanson, seconded by Coun. Eby
THAT the minutes of the regular meeting of City Council held on Monday, February 25, 2013, be approved and adopted. Carried.

MOTION TO GO INTO COMMITTEE OF THE WHOLE

131 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 #25 – Request to Address City Council regarding the Citizens All Association

Considered was a letter (Communication #25) dated March 4, 2013 from Mr. Jordan Varey, Program Coordinator, Citizens All Association, requesting permission to address members of City Council regarding the affect of “group homes” in the community.

132 Moved by Coun. Eby
THAT Mr. Jordan Varey, Program Coordinator, Citizens All Association, be allowed to address members of City Council regarding the affect of group homes in the community. Carried.

Mr. Jordan Varey, Program Coordinator for Citizens All Association, addressed members of City Council.

Councillor Boyle joined the meeting at 6:38 p.m.

Moved by Coun. Eby

133 THAT letter dated March 4, 2013 from Mr. Jordan Varey, Program Coordinator, Citizens All Association, be received and filed.

Carried.

Communication #26 – Appointment of One (1) Individual to the Development Appeals Board

Considered was a report (Communication #26) dated February 28, 2013 from the City Clerk/Solicitor's Department to nominate one (1) individual for appointment to the Development Appeals Board for a term of office to commence immediately and to conclude December 31, 2015.

Moved by Coun. Eby

134 THAT Mr. Gord Borycki be appointed to the Development Appeals Board for a term of office to commence immediately and to conclude December 31, 2015.

Carried.

Communication #27 – Councillor Appointment to the Moose Jaw Board of Police Commissioners

Considered was a report (Communication #27) dated March 4, 2013 from the City Clerk/Solicitor's Department to appoint a member of City Council to the Moose Jaw Board of Police Commissioners.

Moved by Coun. Kirkpatrick

135 THAT Councillor Patrick Boyle be appointed to the Moose Jaw Board of Police Commissioners for a term of office to commence immediately and to conclude December 31, 2013.

Carried.

Communication #28 – Mosaic Place and Yara Centre – Monthly Update

Considered was a report (Communication #28) dated March 4, 2013 from the Director of Parks and Recreation to submit to City Council the monthly update on Mosaic Place and Yara Centre.

Moved by Coun. Boyle

136 THAT report (Communication #28) dated March 4, 2013 from the Director of Parks and Recreation be received and filed.

Carried.

Communication #29 – Request to Defer the Payment for Exempted Parking Spaces for 12 High St. E.

Considered was a report (Communication #29) dated March 5, 2013 from the Business Development Division to transmit to City Council a request from Mr. Ethan Hunter, Zarkor Group of Companies, to defer the required cash-in-lieu payment for the off-street parking.

- 137 Moved by Coun. Luhning
THAT the request from Mr. Ethan Hunter, Zarkor Group of Companies, to defer a portion of the off-street parking requirement cash-in-lieu for Lot 51, Block 2, Old96, Plan 99MJ15800, civically known as 12 High St. E. as outlined in their request letter dated March 1, 2013 be denied.
- Carried.

ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE

- 138 Moved by Coun. Boyle, seconded by Coun. Luhning
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

- 139 Moved by Coun. Eby, seconded by Coun. Luhning
THAT the report of the Budget Committee dated January 28, 2013 be taken as read.
- Carried.

Budget Committee

- 140 Moved by Coun. Eby, seconded by Coun. Boyle
THAT the report of the Budget Committee dated February 19, 2013 be taken as read.
- Carried.

Budget Committee

- 141 Moved by Coun. Kirkpatrick, seconded by Coun. Boyle
THAT the report of the Budget Committee dated February 20, 2013 be taken as read.
- Carried.

Budget Committee

- 142 Moved by Coun. Boyle, seconded by Coun. Eby
THAT the report of the Budget Committee dated March 4, 2013 be taken as read.
- Carried.

Executive Committee

143 Moved by Coun. Luhning, seconded by Coun. Kirkpatrick
THAT the report of the Executive Committee dated March 4, 2013 be taken as read.

Carried.

The reports of the Budget Committee dated January 28, 2013, February 19, 2013, February 20, 2013, March 4, 2013, and the report of the Executive Committee dated March 4, 2013 follow:

MATTERS ARISING FROM REPORTS OF STANDING COMMITTEES

Report of the Budget Committee

184 Moved by Coun. Eby, seconded by Coun. Kirkpatrick
THAT the report of the Budget Committee dated January 28, 2013 be received and adopted.

Carried.

Report of the Budget Committee

185 Moved by Coun. Boyle, seconded by Coun. Luhning
THAT the report of the Budget Committee dated February 19, 2013 be received and adopted.

Carried.

Report of the Budget Committee

186 Moved by Coun. Eby, seconded by Coun. Boyle
THAT the report of the Budget Committee dated February 20, 2013 be received and adopted.

Vote Delayed by Procedure.

Councillor Eby requested that a second vote be taken on the following motion from the February 20, 2013 Budget Committee meeting:

“THAT City Council approve the establishment of an Infrastructure Deficit Reserve with initial funding to come from \$393,000 to be transferred from the accumulated surplus account to this reserve.”

Defeated.

Councillor Swanson requested that a second vote be taken on the following motion from the February 20, 2013 Budget Committee meeting:

“THAT the Moose Jaw Downtown and Soccer/Field-House Facility Operating Budget be amended to \$466,390.”

Defeated.

Councillor Swanson requested that a second vote be taken on the following motion from the February 20, 2013 Budget Committee meeting:

“THAT the actual 2013 funding for the Moose Jaw Downtown and Soccer/Field-House Facility be the 2013 budgeted amount minus the amount of surplus funds as detailed in the 2012 Audited Financial Statement of the Moose Jaw Downtown and Soccer/Field-House Facility.”

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. Luhning
Coun. Swanson

AGAINST

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

The Motion was Defeated.

Councillor Swanson requested that a second vote be taken on the following motion from the February 20, 2013 Budget Committee meeting:

187 *“THAT \$2,000,000 be added to the 2013 Operating Budget for infrastructure renewal.”*

Vote Delayed by Amendment.

187a Amendment Moved by Coun. Eby, seconded by Coun. Mitchell
THAT the motion be amended by deleting the amount of “\$2,000,000” and replacing it with “\$200,099”.

Councillor Eby requested a recorded vote on the amendment.

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

FOR

Coun. Swanson
Coun. Eby
Mayor Higgins
Coun. Mitchell

AGAINST

Coun. Boyle
Coun. Kirkpatrick
Coun. Luhning

The Amendment was Carried.

Councillor Eby requested a recorded vote on the motion, as amended.

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

FOR

Coun. Swanson
Coun. Eby
Mayor Higgins
Coun. Mitchell

AGAINST

Coun. Boyle
Coun. Kirkpatrick
Coun. Luhning

The Motion, as Amended, was Carried.

The Motion, as Amended, reads as follows:

“THAT \$200,099 be added to the 2013 Operating Budget for infrastructure renewal.”

The balance of the minutes were received and adopted.

Report of the Budget Committee

188 Moved by Coun. Kirkpatrick, seconded by Coun. Eby
THAT the report of the Budget Committee dated March 4, 2013 be received and adopted.

Vote Delayed by Procedure.

Councillor Luhning requested that a second vote be taken on the following motion from the March 4, 2013 Budget Committee meeting:

“THAT a second City Planner position be added to the Business Development Division at a cost of no more than \$100,000.”

Defeated.

Councillor Mitchell requested that a second vote be taken on the following motion from the March 4, 2013 Budget Committee meeting:

189 *“THAT \$12,240 from the Miscellaneous Third Party Funding be transferred to the Cultural Centre program funding; and*

THAT \$37,760 in new funding be provided to the Cultural Centre on an ongoing basis for total additional funding of \$50,000 to the Cultural Centre.”

Vote Delayed by Amendment.

Amendment Moved by Coun. Mitchell, seconded by Coun. Kirkpatrick
THAT the motion be amended by:

1. Adding the words *“for 2013”* to the first part of the motion after the words *“Cultural Centre program funding”*; and
2. Deleting the words *“on an ongoing basis”* in the second part of the motion and replacing them with the words *“for 2013”*.

The Amendment was Defeated.
The Main Motion was Carried.

Councillor Luhning requested that a second vote be taken on the following motion from the March 4, 2013 Budget Committee meeting:

190 *“THAT the Economic Development Officer position be funded from a half-time position to a full-time position in the amount of \$50,000.”*

Carried.

Councillor Eby left the meeting at 9:06 p.m.

191 Moved by Coun. Mitchell, seconded by Coun. Boyle
THAT funding of up to \$100,000 in the 2013 Budget be allocated for Planning and Land Development effective June 30, 2013 and based on a review of staff and resource needs in this Division.

Carried.

Councillor Eby returned to the meeting at 9:08 p.m.

Councillor Swanson requested that a second vote be taken on the following motion from the March 4, 2013 Budget Committee meeting:

192 *“THAT the 2013 Operating Budget be approved, as amended, resulting in a mill rate increase of 3.59% which will generate an additional \$717,966 for the City’s Operating Budget.”*

Vote Delayed by Amendment.

192a Amendment Moved by Coun. Eby, seconded by Coun. Boyle
THAT the motion be amended by replacing “3.59%” with “4.59%” and replacing “\$717,966” with “918,065”.

Councillor Boyle left the meeting at 9:35 p.m.
Councillor Boyle returned to the meeting at 9:36 p.m.

Councillor Swanson requested a recorded vote on the amendment.

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

FOR

AGAINST

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

Coun. Luhning
Coun. Swanson

The Amendment was Carried.
The Motion, as Amended, was Carried.

The Motion, as Amended, reads as follows:

“THAT the 2013 Operating Budget be approved, as amended, resulting in a mill rate increase of 4.59% which will generate an additional \$918,065 for the City’s Operating Budget.”

The balance of the minutes were received and adopted.

Report of the Executive Committee

193 Moved by Coun. Boyle, seconded by Coun. Eby
THAT the report of the Executive Committee dated March 4, 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 February 26, 2013.

**Re: Part 2 – Discretionary Use Application
Proposed “Type 2 Residential Care Home”
Lots 40 & 41, Block 11, Westheath, Plan 78MJ08458
188 & 192 Wellington Drive
R1A Residential District (Low Density Residential)
(Ms. Darlinda McEwen, Wellington Place Inc.)**

194 Moved by Coun. Mitchell, seconded by Coun. Kirkpatrick
THAT the Discretionary Use Application for a “Type 2 Residential Care Home” on Lots 40 & 41, Block 11, Westheath, Plan 78MJ08458 as submitted by Ms. Darlinda McEwen, Wellington Place Inc., be approved; and

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

Carried.

**Re: Part 3 – Proposed Subdivision
SE ¼ 10-17-26-W2M
R.M. of Moose Jaw No. 161
(Proposed Other Subdivision)**

195 Moved by Coun. Mitchell, seconded by Coun. Kirkpatrick
THAT the Mayor and City Clerk be authorized to forward to the Approving Authority for Rural Subdivisions (The Director of Community Planning, Ministry of Government Relations) that the City of Moose Jaw has comments pertaining to the approval of the subdivision of the SE ¼ Section 10-Twp. 17-Rge. 26-W2M within the Rural Municipality of Moose Jaw No. 161:

No direct City of Moose Jaw water and sewer service connections will be provided for the proposed subdivision.

Vote Delayed by Amendment.

195a Amendment Moved by Coun. Swanson, seconded by Coun. Luhning
THAT the motion be amended by deleting the word “*direct*” in the second part of the motion.

The Amendment was Carried.
The Motion, as Amended, was Carried.

The Motion, as Amended, reads as follows:

“THAT the Mayor and City Clerk be authorized to forward to the Approving Authority for Rural Subdivisions (The Director of Community Planning, Ministry of Government Relations) that the City of Moose Jaw has comments pertaining to the approval of the subdivision of the SE ¼ Section 10-Twp. 17-Rge. 26-W2M within the Rural Municipality of Moose Jaw No. 161:

No City of Moose Jaw water and sewer service connections will be provided for the proposed subdivision.”

Disposition of Report

Moved by Coun. Mitchell, seconded by Coun. Eby

196 THAT the report of the Municipal Planning Commission meeting held on February 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 March 25, 2013, he intends to introduce the following motion:

Re: Property Acquisition – 105 High St. W. and 122 – 1st Avenue N. W.

“THAT any negotiations with respect to resolutions 651b and 652 dated September 17, 2012 be discontinued and the matter closed with no further action taken.”

MOTIONS

Nil.

BYLAWS

Introduction of Bylaw:

#5438 – Zoning Amendment Bylaw 2013 (No. 3)

Moved by Coun. Luhning, seconded by Coun. Boyle

197 THAT the Deputy Mayor, Councillor Mitchell, be allowed to introduce **Bylaw No. 5438, ZONING AMENDMENT BYLAW 2013 (NO. 3).**

Carried.

Moved by Coun. Boyle, seconded by Coun. Luhning

197a THAT Bylaw No. 5438 be now read a first time.

Carried.

Moved by Coun. Luhning, seconded by Coun. Boyle

197b THAT Bylaw No. 5438 be now read a second time.

Carried.

197c Moved by Coun. Boyle, seconded by Coun. Luhning
THAT we now go into Committee of the Whole under the Chairmanship of Deputy Mayor, Coun. Mitchell to consider Bylaw No. 5438.

Carried.

197d Moved by Coun. Luhning
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. 5438, ZONING AMENDMENT BYLAW 2013 (NO. 2)**, begs to report that the Bylaw passed this Committee without amendment.

(Sgd). Coun. Mitchell
Chairperson

197e Moved by Coun. Luhning, seconded by Coun. Boyle
THAT the report of the Committee of the Whole be received and adopted.

Carried.

197f Moved by Coun. Boyle, seconded by Coun. Luhning
THAT Bylaw No. 5438 be submitted for Third reading forthwith.

Carried But Not Unanimously.

ENQUIRIES

Councillor Eby submitted the following written enquiries:

11 – 2013: Flooding Preparation

What preparations and controls do we currently have in place given the recent and obvious flood forecast.

What ramifications are possible given the current state of the CPR Dam if we do experience flooding this spring?

RESPONSES TO WRITTEN “ANSWERS TO ENQUIRIES”

Councillor Eby acknowledged receipt of Enquiry #3 of 2013.

Councillor Eby acknowledged receipt of Enquiry #5 of 2013.

Councillor Mitchell acknowledged receipt of Enquiry #6 of 2013.

Councillor Swanson acknowledged receipt of Enquiry #8 of 2013.

The meeting adjourned at 10:31 p.m.

MAYOR

CITY CLERK