

Regular Meeting of City Council held on Monday, May 6, 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**

Councillor Eby rose to acknowledge the Moose Jaw Festival of Dance “Dance Inspirations”. The Festival had over 800 dancers perform over 1000 routines over 5 days and wrapped up this past weekend. She congratulated and thanked the committee, volunteers, parents and out of town visitors for making the event a success.

Councillor Eby rose to acknowledge former Police Chief Dale Larsen who has recently taken a new post with the provincial government. On behalf of City Council and the City of Moose Jaw, she thanked him for his dedication to the community and wished him all the best in his new post.

Councillor Boyle rose to acknowledge Mosaic Place on their recent Business of the Year Award at the Saskatchewan Tourism Awards and Excellence Gala. He congratulated Mosaic Place for winning Top Business of the Year for Employees over 50.

Mayor Higgins rose to acknowledge the 100th Anniversary of the Lieutenant-Colonel D.V. Currie Armoury in Moose Jaw. A number of citizens took the opportunity to tour the facility, view the historical artifacts and memorabilia from both world wars and various regimental keepsakes. The Armoury is currently home to the Saskatchewan Dragoons and has over its 100 years been home to the 95<sup>th</sup> Saskatchewan Rifles, the 60<sup>th</sup> Rifles, the King’s Own Rifles of Canada, the 77<sup>th</sup> Battery, Royal Canadian Artillery, the 19<sup>th</sup> Medical Company, Royal Canadian Army Medical Corp., and the 142<sup>nd</sup> Transport Company, Royal Canadian Army Service Corp. The celebration will continue on May 11<sup>th</sup> with a Freedom of the City ceremony in front of City Hall at 2:00 p.m.

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

**Re: Adoption of Minutes of April 22, 2013  
Regular Meeting of City Council**

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Moved by Coun. Eby, seconded by Coun. Swanson  
THAT the minutes of the regular meeting of City Council held on Monday, April 22, 2013, be approved and adopted.

Carried.

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

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

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

**Communication #46 – City Department Quarterly Reports**

Considered was a report (Communication #46) dated May 2, 2013 from the City Manager to provide City Council with information respecting activities of the various City Departments for the period January 1 to March 31, 2013.

309 Moved by Coun. Mitchell  
THAT the City Department Quarterly Reports for the period January 1 to March 31, 2013, be received and filed.  
Carried.

**Communication #47 – Notice of Development Appeals Board Meeting**

Considered was a report (Communication #47) dated May 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, May 21, 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.

310 Moved by Coun. Luhnig  
THAT Communication #47 dated May 2, 2013 from the Secretary, Development Appeals Board, being a Notice of Development Appeals Board meeting, be received and filed.  
Carried.

**Communication #48 – Masonic Lodges – Clean-Up Day and City of Moose Jaw's Community Clean-Up Week**

Considered was a report (Communication #48) dated April 30, 2013 from the Engineering Department to advise City Council of the Masonic Lodges Clean-Up Day tentatively scheduled for the weekend of Sunday, May 12, 2013 and the City of Moose Jaw's Community Clean-Up Week scheduled for May 5 to May 11, 2013.

311 Moved by Coun. Eby  
THAT City Council endorse the Masonic Lodges of Moose Jaw "Clean-Up Day" initiatives tentatively scheduled for Sunday, May 12, 2013.  
Carried.

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

312 Moved by Coun. Luhning, seconded by Coun. Boyle  
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**

313 Moved by Coun. Eby, seconded by Coun. Boyle  
THAT the report of the Personnel Committee dated April 22, 2013 be taken as read.  
Carried.

**Executive Committee**

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

**Personnel Committee**

315 Moved by Coun. Kirkpatrick, seconded by Coun. Eby  
THAT the report of the Personnel Committee dated April 29, 2013 be taken as read.  
Carried.

**Executive Committee**

316 Moved by Coun. Boyle, seconded by Coun. Kirkpatrick  
THAT the report of the Executive Committee dated April 29, 2013 be taken as read.  
Carried.

The reports of the Personnel Committee dated April 22, 2013 and April 29, 2013 and the reports of the Executive Committee dated April 24, 2013 and April 29, 2013 follow:

**MATTERS ARISING FROM REPORTS OF STANDING COMMITTEES**

**Report of the Personnel Committee**

336 Moved by Coun. Mitchell, seconded by Coun. Eby  
THAT the report of the Personnel Committee dated April 22, 2013 be received and adopted.

Carried.

**Report of the Executive Committee**

337 Moved by Coun. Eby, seconded by Coun. Boyle  
THAT the report of the Executive Committee dated April 24, 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 24, 2013 Executive Committee meeting:

338 *“THAT the City of Moose Jaw be revenue neutral by the major groupings of Residential and Commercial property classes.”*

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**

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

**AGAINST**

Coun. Swanson  
Coun. Luhning

The Motion was Carried.

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

339 *“THAT the allowance for assessment appeals for commercial properties be set at a rate of 5% for 2013 and be revisited annually and adjusted for the expected appeal losses in each subsequent year; and THAT the mill rate factors be adjusted to account for the lost revenue due to assessment appeals in the commercial property class each year.”*

Carried.

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

*“THAT Condominium Property Class be treated the same in comparison to the single family residential class as in 2012.”*

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. Swanson  
Coun. Luhning

**AGAINST**

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

The Motion was Defeated.

Councillor Swanson rose on a Point of Privilege regarding the right of members of Council to close debate on a motion. Mayor Higgins ruled on the Point of Privilege.

The balance of the minutes were received and adopted.

**Report of the Personnel Committee**

340 Moved by Coun. Kirkpatrick, seconded by Coun. Mitchell  
THAT the report of the Personnel Committee dated April 29, 2013 be received and adopted.

Carried.

**Report of the Executive Committee**

341 Moved by Coun. Boyle, seconded by Coun. Eby  
THAT the report of the Executive Committee dated April 29, 2013 be received and adopted.

Carried.

**REPORTS OF ADVISORY AND OTHER COMMITTEES**

**Youth Advisory Committee**

Coun. Luhning reported on the minutes of the Youth Advisory Committee meeting held on April 18, 2013.

342 Moved by Coun. Luhning, seconded by Coun. Boyle  
THAT the report of the Youth Advisory Committee meeting held on April 18, 2013 be received as presented.

Carried.

**Municipal Planning Commission**

Councillor Mitchell reported on the minutes of the Municipal Planning Commission meeting held on April 23, 2013.

**Re: Part 2 – Discretionary Use Application  
Proposed “Golf Course” Extension  
Parcel 21, Plan 101991708  
1375 Manitoba Expressway  
CS Community Service/Institutional  
(Ms. Kyla Dilling, Grayson & Company)**

343 Moved by Coun. Mitchell, seconded by Coun. Kirkpatrick  
THAT the Discretionary Use Application for a “Golf Course” Extension on Parcel 21, Crescent Heights, Plan 101991708, as submitted by Ms. Kyla Dilling, Grayson & Company, be approved subject to a Development Agreement addressing matters such as:

- Shrubberies being planted around the old tee box to prevent golfers from using it.
- A 75’ x 12’ fence being erected from the area of the new tee box to the southwest corner of Block 21 preventing misdirected balls from entering neighbouring lands.
- A similar fence being constructed on the east end of Block 21 to protect the lands on that side from flying golf balls.
- A hedge or trees being planted along Rushton Street.

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

Carried.

**Re: Part 3 – Discretionary Use Application  
Legalize “Service Station”  
Lot 29, Block 265, Plan 72MJ07499  
1135 - 9<sup>th</sup> Avenue S.W.  
C1 Commercial District (Neighbourhood Commercial)  
(City of Moose Jaw)**

344 Moved by Coun. Mitchell, seconded by Coun. Eby  
THAT approval be granted to a proposed amendment to the City of Moose Jaw’s Zoning Bylaw by removing the word “gasoline” from Section 2 – Definitions - Service Station; and

THAT the Discretionary Use Application for a “Service Station” be approved, subject to no sale of gasoline, on Lot 29, Block 265, Plan 72MJ07499, civically known as 1135 - 9<sup>th</sup> Avenue S.W.; and further

THAT all expenses incurred with respect to this application be borne by the City of Moose Jaw.

Carried.

**Re: Part 4 – (1) Proposed Amendment to the Official Community Plan – Future Land Use Map  
(2) Proposed Subdivision of Part of Block A, Plan 74MJ00968 and Lots 7-9, Block 2, Plan 81MJ08260  
(3) Proposed Zoning Bylaw Amendment - Rezoning Part of Parcel A, Plan 74MJ00968 from CS Community Service/Institutional District to M3 Mixed Use Business Park Industrial District and Lots 7-9, Block 2, Plan 81MJ08260 from C3 Vehicle-Oriented Commercial to M3 Mixed Use Business Park Industrial District**

345 Moved by Coun. Mitchell, seconded by Coun. Eby  
1. THAT the Proposed Plan of Subdivision respecting Part of Block A, Plan 74MJ00968 and Lots 7-9, Block 2, Plan 81MJ08260 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; and
- b) All water, sanitary, storm and traffic be designed and constructed to the satisfaction of the Director of Engineering Services and all associated costs being the responsibility of the applicant; and

THAT 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 expenses incurred by this application be borne by the City of Moose Jaw.

2. THAT City Administration be authorized to commence rezoning procedures respecting:

- a) A Part of Parcel A, Plan 74MJ00968 from CS Community Service/Institutional District to M3 Mixed Use Business Park Industrial District and Lots 7-9, Block 2, Plan 81MJ08260 from C3 Vehicle-Oriented Commercial to M3 Mixed Use Business Park Industrial District as shown on the sketch attached to the April 23, 2013 minutes of the Municipal Planning Commission; and

THAT the City Solicitor be authorized to prepare the necessary amendments to Bylaw No. 5346, the Zoning Bylaw; and further

THAT all expenses incurred by this application be borne by the City of Moose Jaw.

3. THAT City Administration be authorized to commence procedures to amend the Official Community Plan – Future Land Use Map as in the sketch attached to the April 23, 2013 minutes of the Municipal Planning Commission; and

THAT the City Solicitor be authorized to prepare the necessary amendments to Bylaw No. 5345, the Official Community Plan; and further

THAT all expenses incurred by this application be borne by the City of Moose Jaw.

Carried.

**Disposition of Report**

Moved by Coun. Mitchell, seconded by Coun. Kirkpatrick

346 THAT the report of the Municipal Planning Commission meeting held on April 23, 2013 be received as presented.

Carried.

**Heritage Advisory Committee**

Councillor Swanson reported on the minutes of the Heritage Advisory Committee meeting held on April 24, 2013.

Moved by Coun. Swanson, seconded by Coun. Mitchell

347 THAT the report of the Heritage Advisory Committee meeting held on April 24, 2013 be received as presented.

Carried.

**GIVING NOTICE**

Nil.

**MOTIONS**

Nil.



**BYLAWS**

**Introduction of Bylaw:**

**#5442 – Election Campaign Disclosure and Spending Limits Bylaw**

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348 Moved by Coun. Mitchell, seconded by Coun. Luhning  
THAT the Deputy Mayor, Councillor Swanson, be allowed to introduce **Bylaw No. 5442, ELECTION CAMPAIGN DISCLOSURE AND SPENDING LIMITS BYLAW.**

Carried.

348a Moved by Coun. Luhning, seconded by Coun. Mitchell  
THAT Bylaw No. 5442 be now read a first time.

Carried.

348b Moved by Coun. Mitchell, seconded by Coun. Luhning  
THAT Bylaw No. 5442 be now read a second time.

Carried.

348c Moved by Coun. Luhning, seconded by Coun. Mitchell  
THAT we now go into Committee of the Whole under the Chairmanship of Deputy Mayor, Coun. Swanson to consider Bylaw No. 5442.

Carried.

Mr. Robert Thomas, citizen, addressed members of City Council respecting proposed Bylaw No. 5442.

348d 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. 5442, ELECTION CAMPAIGN DISCLOSURE AND SPENDING LIMITS BYLAW**, begs to report that the Bylaw passed this Committee without amendment.

(Sgd). Coun. Swanson  
Chairperson

348e Moved by Coun. Mitchell, seconded by Coun. Luhning  
THAT the report of the Committee of the Whole be received and adopted.

Carried.

348f Moved by Coun. Luhning, seconded by Coun. Mitchell  
THAT Bylaw No. 5442 be submitted for Third reading forthwith.

Carried Unanimously.

348g Moved by Coun. Mitchell, seconded by Coun. Luhning  
THAT Bylaw No. 5442 be now read a third time, adopted, signed by the Mayor and City Clerk, dated and sealed.

Carried.

**Introduction of Bylaw:**

**#5444 – 2013 Property Tax Bylaw**

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349 Moved by Coun. Mitchell, seconded by Coun. Boyle  
THAT the Deputy Mayor, Councillor Swanson, be allowed to introduce **Bylaw No. 5444, 2013 PROPERTY TAX BYLAW.**

Carried.

349a Moved by Coun. Boyle, seconded by Coun. Mitchell  
THAT Bylaw No. 5444 be now read a first time.

Carried.

349b Moved by Coun. Mitchell, seconded by Coun. Boyle  
THAT Bylaw No. 5444 be now read a second time.

Carried.

349c Moved by Coun. Boyle, seconded by Coun. Mitchell  
THAT we now go into Committee of the Whole under the Chairmanship of Deputy Mayor, Coun. Swanson to consider Bylaw No. 5444.

Carried.

349d Moved by Coun. Mitchell  
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. 5444, 2013 PROPERTY TAX BYLAW**, begs to report that the Bylaw passed this Committee without amendment.

(Sgd). Coun. Swanson  
Chairperson

349e Moved by Coun. Mitchell, seconded by Coun. Boyle  
THAT the report of the Committee of the Whole be received and adopted.

Carried.

349f Moved by Coun. Boyle, seconded by Coun. Mitchell  
THAT Bylaw No. 5444 be submitted for Third reading forthwith.

Carried But Not Unanimously.

**Introduction of Bylaw:**

**#5445 – 2013 PROPERTY TAX PHASE-IN BYLAW**

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350 Moved by Coun. Eby, seconded by Coun. Kirkpatrick  
THAT the Deputy Mayor, Councillor Swanson, be allowed to introduce **Bylaw No. 5445, 2012 PROPERTY TAX PHASE-IN BYLAW.**

Carried.

350a Moved by Coun. Kirkpatrick, seconded by Coun. Eby  
THAT Bylaw No. 5445 be now read a first time.

Carried.

350b Moved by Coun. Eby, seconded by Coun. Kirkpatrick  
THAT Bylaw No. 5445 be now read a second time.

Carried.

350c Moved by Coun. Kirkpatrick, seconded by Coun. Eby  
THAT we now go into Committee of the Whole under the Chairmanship of Deputy Mayor, Coun. Swanson to consider Bylaw No. 5445.

Carried.

350d Moved by Coun. Boyle  
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. 5445, 2013 PROPERTY TAX PHASE-IN BYLAW**, begs to report that the Bylaw passed this Committee without amendment.

(Sgd). Coun. Swanson  
Chairperson

350e Moved by Coun. Eby, seconded by Coun. Kirkpatrick  
THAT the report of the Committee of the Whole be received and adopted.

Carried.

350f Moved by Coun. Kirkpatrick, seconded by Coun. Eby  
THAT Bylaw No. 5445 be submitted for Third reading forthwith.

Carried But Not Unanimously.

**Consideration/3<sup>rd</sup> Reading of Bylaws:**

**#5441 – Sanitary Sewer Right of Way Expropriation Bylaw**

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351 Moved by Coun. Eby, seconded by Coun. Swanson  
THAT Bylaw No. 5441 be tabled.

Carried.

**Consideration/3<sup>rd</sup> Reading of Bylaw:**

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

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352 Moved by Coun. Kirkpatrick, seconded by Coun. Boyle  
THAT Bylaw No. 5443 be now read a third time, adopted, signed by the Mayor and City  
Clerk, dated and sealed.

Carried.

**ENQUIRIES**

Councillor Luhning asked a verbal enquiry regarding the Kinsmen Sportsplex Pool closure and maintenance, which was answered by City Administration.

Councillor Swanson asked a verbal enquiry regarding the procedure for street closure requests, which was answered by City Administration.

Councillor Luhning asked a verbal enquiry regarding the procedure for street closure requests, which was answered by City Administration.

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

Councillor Mitchell acknowledged receipt of Enquiry #12 of 2013: Hazardous Goods Accepted into Moose Jaw Landfill

Councillor Swanson acknowledged receipt of Enquiry #14 of 2013: Fundraising

The meeting adjourned at 8:09 p.m.

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MAYOR

\_\_\_\_\_  
CITY CLERK