

XVIII Minutes of the Regular Meeting of Council of the City of Winkler held Tuesday, September 27<sup>th</sup>, 2011, commencing at 6:30 PM in the Winkler Council Chambers. Present were Mayor Martin Harder, Councillors Henry Siemens, Marvin Plett, Ron Neisteter, Herb Dick, Ken J. Wiebe, Don Friesen, City Manager Dave Burgess and Kathy Bueckert.

Media: Chris Sumner - CFAM/CKMW  
Peter Cantelon - Winkler/Morden Voice  
Don Radford - Winkler Times

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**INVOCATION**

Invoc. 476. Ron Neisteter read the invocation entitled The Will of God. It spoke about how we can be sure that we are in the will of God and not just following our own will. He then led in prayer.

**ADOPT AGENDA**

Agenda 477. Henry Siemens, Marvin Plett:  
BE IT RESOLVED THAT the Agenda for the regular Council meeting of September 27, 2011 be adopted.

CARRIED

Additions: K2 - Recreation Committee minutes September 23<sup>rd</sup>  
N1 - Resolution to approve travel of Mayor Martin Harder to the Country of the Ukraine which is funded by FCM.  
In Camera Additions- Affordable housing  
Stanley Ag property

Sept 13 min. 478. Ron Neisteter, Ken Wiebe:  
BE IT RESOLVED THAT the minutes of the regular Council meeting of September 13, 2011 be adopted as circulated.

CARRIED

**CORRESPONDENCE**

Corres. 479. Received for information.  
Letter from Jeff Doerksen regarding Conditional Use Application for 850 Main Street.  
Proclamation of Breast Cancer Awareness Month - October 2011

**FINANCE**

Accounts 480. Don Friesen, Henry Siemens:  
BE IT RESOLVED THAT accounts payable in the amount of \$380,337.47 as approved by the Finance Committee be approved for payment.

CARRIED

481. Don Friesen, Henry Siemens:  
Salary Inc. BE IT RESOLVED THAT Council approve a salary increase for Stephanie Janz, Planning & Engineering Department Administrative Assistant, from Level 12 Step 1 to Level 12 Step 3 effective September 20, 2011.  
CARRIED

### POLICE & FIRE

482. Ron Neisteter, Henry Siemens:  
Pol. Min. BE IT RESOLVED THAT the Police Committee Minutes of September 20<sup>th</sup> be adopted.  
CARRIED

483. Ken Wiebe, Don Friesen:  
Fire Min. BE IT RESOLVED THAT the Fire Committee Minutes of September 14<sup>th</sup> be adopted.  
CARRIED

### TRANSPORTATION & UTILITIES

484. Ron Neisteter, Don Friesen:  
Water Report BE IT RESOLVED THAT the City of Winkler Waterworks report for the quarter ending September 15, 2011 be received as information.  
CARRIED  
Very impressive water loss percentage, enviable number for most communities.

485. Herb Dick, Ken Wiebe:  
PVWC BE IT RESOLVED THAT the Pembina Valley Water Cooperative Board minutes of September 16, 2011 be received as information.  
CARRIED

### PLANNING

486. Ken Wiebe, Marvin Plett:  
B/L 2046-11 BE IT RESOLVED THAT Zoning By-Law No. 2046-11 be read a first time.  
CARRIED

487. Ken Wiebe, Marvin Plett  
C. Use Corr BE IT RESOLVED THAT Deposit #1119/2008 on Conditional Use Order No. 965-08 under the applicant of 2117983 Manitoba Ltd be corrected to read Deposit #1351/2008 Plan #51767.  
CARRIED  
Explanation: This number was not sufficient for what should be on the register and the adjusted number was given to us to correct. No problems, just making sure it is legal.

488. Marvin Plett, Ken Wiebe:  
B/L 2053-11 BE IT RESOLVED THAT Street Naming By-Law No. 2053-11 be read a second time.

CARRIED

489. Ken Wiebe, Marvin Plett:  
B/L 2053-11 BE IT RESOLVED THAT Street Naming By-Law No. 2053-11 be read a third and final time.

CARRIED

490. Henry Siemens, Ken Wiebe:  
B/L 2050-11 BE IT RESOLVED THAT the Building Permit By-Law No. 2050-11 be read a second time.

CARRIED

491. Don Friesen, Ron Neisteter:  
B/L 2050-11 BE IT RESOLVED THAT the Building Permit By-Law No. 2050-11 be read a third and final time.

CARRIED

492. Ken Wiebe, Marvin Plett:  
B/L 2052-11 BE IT RESOLVED THAT the Land Sale By-Law No. 2052-11 be read a second time.

CARRIED

493. Henry Siemens, Marvin Plett:  
B/L 2052-11 BE IT RESOLVED THAT the Land Sale By-Law No. 2052-11 be read a third and final time.

#### **RECREATION & CULTURE**

494. Herb Dick, Don Friesen:  
Conc. Hall BE IT RESOLVED THAT the Concert Hall/Promotions Committee minutes of September 19, 2011 be adopted.

CARRIED

495. Henry Siemens, Marvin Plett:  
Rec Min BE IT RESOLVED THAT the Rec Committee Minutes of September 23<sup>rd</sup>, 2011 be adopted.

CARRIED

## DELEGATIONS & HEARINGS

### 496. WSED BUDGET

WSED

Colin circulated the budget to Council with.

- Biggest contributor to the variance was the Senior Housing project.
- The incubator mall income is steady; expenses from the mall are accounted for. Discussion of common fees could be added to new tenants signing a new lease.
- WSED will invest \$80,000.00 on a repayable loan basis in to the Senior housing cost. It is an investment as it is not guaranteed.
- The question was posed as to the length of the EDO position.
- Colin's participation is an offsetting grant for training of Economic Development.
- The incubator mall is not running at a deficit? No. Currently Common fees are being collected from the newest tenant. WSED was encouraged to not be too aggressive in charging fees to give these new businesses every opportunity.

CARRIED

### 497. Marvin Plett, Ron Neisteter:

Pub. Hearing BE IT RESOLVED THAT the public hearing for Conditional Use Application No 1045-11 be now closed.

CARRIED

Kevin Steckley representing developer. Kevin presented an aerial view of the site.

- The single family units are not duplexes. Some concerns regarding drainage. Intention is to take as much water directly off site.
- Drain tile is below crawl space? Yes.
- This new sewer would assist with the present drainage issues.
- Insulated sewer line? Is that common? When they are shallow yes. There is one on South Railway.
- Is the pipe under private property? An Easement would have to be reached.
- Drainage will be split so half of the water goes east and half west. Water meter will have to be moved.

Margaret Wall - Apt 8 - raised concerns about drainage issues and are not in agreement with it being beside their house as there is only 5 feet of space to the property line. Do not want all of that piping beside their house. Walkway is there and do not want it disturbed - Developer said he would remove it and replace it all again. Were told a 6 -7 foot trench would need to be dug.

Kevin Steckley - There is a 6" pipe there right now, plan to increase size. Undisturbed on the surface - directional drill could be done if that is what would be required.

Abe Wiebe on Behalf of Sun Vista I - concern about drainage being insufficient. Building was built at a time where it was not mandatory to put drainage there. Concern that new development will be higher than Sun Vista I and could cause flooding. Concrete areas will make absorption even more difficult. He read a letter distributed to Council written by Sun Vista I residents.

- Want written assurances: provide with engineered plan of development, elevations to show how they compare with Sun Vista I
- Drainage
- Agreement or Caveat about any necessary repairs that may be needed
- Assurance that no permits be granted before Sun Vista residents have had a chance to review and accept
- Looking for a guarantee that it will be done right. Have tried to make new road to help with drainage.
- Want to make very sure that the rear part of the property will not negatively affect the property.

Is it mandatory to put in drain tile for new construction? No.

Council - Do you think these are undo requests?

Kevin - No. These can be addressed. Should drain tile be considered for new development? Yes.

Mayor - Both sides must agree on any development. The Development agreement that would be put in place that will address issues here. Kevin was encouraged to address as many issues as possible.

Don - How much higher is new area compared to rest of the area?

About the same as Sun vista II and I. East side grade will be the same as Sun Vista I.

Mayor - Does it need to be the same height? For sewer yes.

Kevin - Sun Vista I was designed to drain to the North. It does not.

Sheds are an issue.

Don - Approve use? And then things weren't done the way they were last time Could Gerald and Kevin meet with owners to satisfy them then bring it back to us?

Ron - Monies could be put in trust/bond to cover anything that may not be done correctly to ensure it could be repaired.

It was decided at the September 8<sup>th</sup> Planning Committee Meeting that a performance bond will be required. A bond is not refunded until all requirements are met.

Concerns were expressed that unit 8 levels which are 25 ft from adjacent property lines are 3 - 4 feet higher elevations. Visibility will be limited to only foundation of proposed units.

Mrs. Wall – if other part is built up as much as theirs, will the dirt just be pushed against the fence as done previously? The neighbours complained that it was pushing their fence over. Had to build retaining wall.

Ella Zacharias – Were told unit 8 was not going to be built and it was.

Ken – Developer and residents need to get together but City needs to be involved due to the current drainage issues to ensure these are corrected.

498. Marvin Plett, Don Friesen:  
C/U 1045-11 BE IT RESOLVED THAT the application for Conditional Use No. 1045-11 be Approved.

DEFEATED

A lot of issues still need to be addressed. Suggest to work with homeowners to ensure they are satisfied.

499. Ron Neisteter, Marvin Plett:  
Pub. Hearing BE IT RESOLVED THAT the public hearing for Conditional Use No. 1046-11 be now closed.

CARRIED

Ron Warkentine - Sign Conditional Use. Erect an electronic sign to advertise for 3<sup>rd</sup> party businesses.

Same application as before, only change would be to put own advertising on this sign as well.

Ken – Back of lot there is parking spaces, sign would be placed in such a way that people coming onto property could see ads as well.

Mayor – After reading the letter, understanding was that it was for public advertising. Ron Warkentine would send a letter stating that the sign would be used for Warky's purposes and the remaining space for other businesses.

Ron W – 50/50 for other businesses since Warky's is closed 4 months of the year.

Dave – Understood that there was no dialog between Mr. Doerksen and Ron Warkentin.

Ron – Offered free advertising to Mr. Doerksen and was turned down.

Want to get the customers going through Tim Horton's drive thru that is why they don't want the sign in front.

Herb – At the last hearing, he voted against sign. Council received a letter from Jeff Doerksen for reasons why he was against.

- Could cause potential safety issues.
- Many boards on left side of property for customers.

Everybody that is coming through Tim Horton's drive thru is there to purchase Tim's products. Nobody will look at the sign and go to Warky's instead.

Neil Reimer – will the sign be seen from the street? No, just from the drive thru.

Henry – At a Tim Horton's in Steinbach, Canadian Tire sign was directed at drive thru.

All ads would not be food related.

500. Ken Wiebe, Herb Dick:  
C/U 1046-11 BE IT RESOLVED THAT the application for Conditional use No. 1046-11 be approved.

CARRIED

501. Ron Neisteter, Henry Siemens:  
Adj. BE IT RESOLVED THAT Council adjourn the regular meeting and convene into Variation Board.

CARRIED

502. Marvin Plett, Ron Neisteter:  
Pub. Hearing BE IT RESOLVED THAT the public hearing for Variation Application No. 1044-11 be now closed.

CARRIED

Bill Reimer - opposed. How close to the border can the 4-plex be built. Narrow lot, would like to put new house on this property and a duplex right next to the border. Very little room on that block for a 4-plex? Parking? Street parking is always dangerous. Southview Drive at night always has 10 - 12 vehicles parked on that street.

Is there a By-Law against mobile homes in that part of the city? What else could be put up there?

Ken - Building must be 5 feet from property line. According to plan will build 6 feet from property line. 6 parking spaces on back alley to alleviate some street parking.

503. Ken Wiebe, Herb Dick:  
1044-11 BE IT RESOLVED THAT the Variation Application No. 1044-11 be approved.

CARRIED

The option to build an 8-plex would not preclude that if this was approved.

The variation request is for a 10% variance for the square footage of this lot. The distance being given is more than what is legally required.

Does the City do snow removals of back lanes? No, not normally.

Developer could haul snow from parking places in alley throughout the winter to ensure parking is available.

504. Ron Neisteter, Ken Wiebe  
Ajd. Var BE IT RESOLVED THAT Council adjourn Variation Board and reconvene into regular Council Meeting.

**OTHER BUSINESS**

Ukraine 505. Marvin Plett, Ron Neisteter:  
BE IT RESOLVED THAT Council approves the travel by Mayor Martin Harder to the Country of Ukraine which will be funded by the Federation of Canadian Municipalities.

CARRIED

Mayor Martin Harder abstained.

Marvin Plett - Tremendous opportunity to be part of this in assisting in Economic Development in other countries to meet with different levels of government to help them to get out from under their old systems. They were very excited to try to work this out. As a result of that and in their interaction with us, the leader asked if Mayor Harder would consider going out there to meet with them. It is fully funded by FCM. A further thing as a result of this is to set up a meeting for immigration possibilities. Marvin is one of the FCM Board Members.

It was a real joy to meet with that group. One of the things was how to partner with their neighbouring communities.

**Media Questions**

Med. Quest. Chris Sumner - what are the dates of the trip to the Ukraine? November 4<sup>th</sup> - 12<sup>th</sup>.

**ADJOURN**

Adjourn 506. Henry Siemens, Ken Wiebe:  
8:13 pm BE IT RESOLVED THAT this regular meeting of Council be adjourned.  
CARRIED

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Mayor Martin Harder

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City Manager Dave Burgess