

XV Minutes of the Regular Meeting of Council of the City of Winkler held Tuesday, August 9th, 2011, commencing at 6:30 PM in the Winkler Council Chambers. Present were Deputy Mayor Henry Siemens, Councillors Marvin Plett, Ron Neisteter, Herb Dick, Ken J. Wiebe, Don Friesen, City Manager Dave Burgess and Tracy Friesen.

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

INVOCATION

Invoc. 393. Councillor Herb Dick read a chapter from "The 21 Irrefutable Law of Leadership." He then led in prayer.

ADOPT AGENDA

Agenda 394. Ken J. Wiebe, Marvin Plett:
BE IT RESOLVED THAT the Agenda for the regular Council meeting of August 9, 2011 be adopted.

CARRIED

July 26 min. 395. Ron Neisteter, Herb Dick:
BE IT RESOLVED THAT the minutes of the regular Council meeting of July 26, 2011 be adopted as circulated.

CARRIED

CORRESPONDENCE

Corres. 396. Received for information.
Letter from Winkler Lions Club
Letter from Manitoba Ombudsman

DELEGATIONS & HEARINGS

397. Vehicle Weight Restrictions in residential areas -
Mary Harder
- Mary Harder is a truck driver for GDT Enterprises in Notre Dame.
- They bring their truck home for the weekends to clean and plug it in for winter.
- She lives on Bonneville Bay and sees loaded trucks, garbage trucks, excavators, etc. on Prairieview Drive. Are any of these vehicles being weighed or ticketed?
- She asks that trucks be allowed to park on their own driveways at least in winter.
- She thinks there should be signs marking the approved truck routes and weight restrictions.

Councillor Siemens stated that the City has recently acquired a By-Law Enforcement Officer and this person has been tasked to start enforcing by-laws. This by-law is consistent with other communities. Steps going forward from here

will be to send this to the Transportation Committee and make recommendations on reviewing by-laws.

City Manager Dave Burgess commented that the by-law is for commercial vehicles, not trailers or RV's. The approved truck routes were passed at a recent council meeting and will be going out to trucking/training companies and police will be enforcing. This by-law has been in place for a long time but is only being enforced as of lately.

Councillor Siemens thanked Mary for her presentation and understands it is something that affects people. The condition of the streets is a significant concern and it's a combination of a lot of things, not one particular group.

398. Herb Dick, Don Friesen:
Convene BE IT RESOLVED THAT Council adjourn the regular meeting and convene into Variation Board.

CARRIED

399. Ken J. Wiebe, Ron Neisteter:
Pub. Hearing BE IT RESOLVED THAT the public hearing for Variation Application No. 1041-11 be now closed.

CARRIED

Public notice has been circulated as required under The Planning Act. No objections have been received by the Administration Office. No objectors were present.

Applicants Ken & Eleanor Fehr were present.

This lot backs up onto a municipal road? City owned green space.

400. Ken J. Wiebe, Ron Neisteter:
App 1041-11 BE IT RESOLVED THAT Variation Application No. 1041-11 on Lot 6, Plan 48018 (11 Jasper Bay) be approved.

CARRIED

401. Marvin Plett, Herb Dick:
Pub. Hearing BE IT RESOLVED THAT the public hearing for Variation Application No. 1039-11 be now closed.

CARRIED

Public notice has been circulated as required under The Planning Act. No objections have been received by the Administration Office. No objectors were present.

Applicants Jason & Mandi Hildebrand were present.

Which way does it drain, out the front or the back? Towards the front. There's no problem with drainage? No.

Is it two feet on the eaves or the wall? The wall. The eave would be up to the property? Yes. Is there anything close by on the neighboring property? No.

Any reason why you wouldn't leave a little more room in case the neighbor wants to build? It's his brother and he wants to build a fence on the side one day.

402. Herb Dick, Don Friesen:
App. 1039-11 BE IT RESOLVED THAT Variation Application No. 1039-11 on Lot 4, Plan 24122 (220 Pembina Avenue East) be approved.

CARRIED

403. Don Friesen, Ken J. Wiebe:
Reconvene BE IT RESOLVED THAT Council adjourn the Variation Board and reconvene into regular Council meeting.

CARRIED

404. Don Friesen, Ron Neisteter:
Pub. Hearing BE IT RESOLVED THAT the public hearing for the Conditional Use No. 1040-11 for Lot 12/13, Plan 879 (850 Main Street) be now closed.

CARRIED

Applicant Ron Warkentin was present.

- What is the height of the sign? 4x8 sign will be mounted on the building, 10 feet off the ground. On the rear of the building? Yes. Overtop of the peak? Under the peak.

- Is this an electronic reader sign? Yes.

Jeff Derksen, Owner/Operator of Tim Hortons was present

- Location of sign is directed at drive-thru traffic.

- Safety is a concern, the sign will be very bright and drive-thru is bumper to bumper and pedestrians are crossing all the time.

- Another concern is that the sign could slow down the drive-thru. He has worked hard to speed up the drive-thru & reduce congestion. He thinks it could add 1 or 2 seconds per car and throughout the day can add up.

- Do find the two other signs on the west side a distraction? Yes.

- Ron Warkentin thinks Jeff's staff move people through the drive thru very efficiently and the sign is there for people waiting in line.

- Will there be a hearing with the Highway Traffic Board? Because it is on the building, there doesn't need to be.

- On average, how many cars are waiting to go through the drive thru? It is set up for 12 to 13 from window to access point.

- Does the electronic sign turn? No, there will be 35 pages in total. Each renter will rent 5 pages; messages will rotate with 7 seconds per page. In a 24 hour period, each message will come up 1200 times.

- City Manager Dave Burgess commented that the sign is meant for Tim Horton's drive thru customers and if the owner is not supportive of it, what happens if they end up putting trees in that area on his own property that block the sign?

- Mr. Warkentin says he is here to resolve the situation and thinks they can both benefit from the sign.

- Have the two of you had a conversation in this regard? No.

- Mr. Derksen stated that his position is fairly clear; he is not in favor of it. He does not see any benefit to his business, he sees it affecting business rather than enhancing.

- Councillor Siemens senses from council that they have some misgivings as of now. He believes in the good neighbor policy and suggests the two of them have coffee and arrive at a mutually agreeable decision.
- Councillor Plett stated that any decision made today will be in favor of one or the other and he would agree that the issue should be tabled until the two come to an agreement.
- Mr. Derksen said that pushing this off to a later date will result in nothing. The conversation would have happened before the application if it was going to happen. He has been through a similar situation in Morden and he stands on his position.
- Councillor Dick asked Jeff is he is objecting to a sign in general or the fact that it's a rotating sign? He is objecting to any sign. When a customer comes in, he wants to give them their undivided attention and he would like the same from them. He pays a lot of taxes and needs a lot of business to support that. He understands others are in business to make a living but if he was in favor of a sign, he would put his own up.
- Councillor Dick admits that he never reads electronic signs because they move too fast and finds them distracting to drivers. He doesn't see a lot of benefit to the advertiser.
- Mr. Warkentin commented that each message will be short and stays on for at least 7 seconds. Anything over 9 words most people can't read the whole message.
- Councillor Friesen thinks this is no different than the reader board signs across the city. We don't have a hearing every time a board comes up.
- Councillor Siemens replied that a conditional use is required based on where the sign is and because it's for general advertising.
- The only reason to put up the sign is to sell advertising. Because the neighbor is not in agreement, is there a place in Winkler where you could rent 4 feet of space that would be just as advantageous for advertising? Mr. Warkentin doesn't think so. The drive-thru cars at Tim Horton's are a captive audience and he could fill up the board within a week with long term advertisers.
- Councillor Friesen commented that if businesses are going to restrict other businesses from advertising, it's difficult. There are two 4x8 signs on the other side and he would like to read something while he's waiting in line.
- Did the other two signs not need a conditional use? They have been in place for a while and could legally be forced to be taken down because they did not ask permission.
- Technically the reader board signs on the highway should all have conditional uses? Yes, they are off site.
- What would it cost to put up a sign in the front to target the Main Street traffic? He would have to go through the Highway Traffic Board and is much more difficult to do.
- Councillor Dick finds it difficult to vote either way because Mr. Warkentin has brought this issue forward knowing that it would be met with objections. If he was a businessman, he wouldn't want to do something that he knew would antagonize his neighbor.

- Councillor Neisteter also finds it difficult to make a decision. He doesn't think the sign would slow down the drive thru that much but it seems like the cooperation between the two businesses is one sided. In the winter, Warky's has let Tim Horton's customer cars park on his lot. He would feel better if the advertising was mostly for Jeff's own business.
- Councillor Friesen thinks this will open up a can of worms. Now, if his competition was advertising on a reader board sign on the highway, he could oppose it because there is no conditional use permit.
- Councillor Siemens commented that temporary signs have specific rules that are not being effectively enforced. This is the issue that is in front of council today and a decision needs to be made. There has never been a situation like this one.

405. Don Friesen, Ron Neisteter:

App. 1040-11 BE IT RESOLVED THAT the Conditional Use Application No. 1040-11 for Lot 12/13, Plan 879 (850 Main Street) be approved.

DEFEATED

PLANNING

406. Ron Neisteter, Ken J. Wiebe:

B/L 2045-11 BE IT RESOLVED THAT By-Law No. 2045-11 providing for the sale of land to Bueckert Landscaping be read a second time.

CARRIED

407. Marvin Plett, Don Friesen:

B/L 2045-11 BE IT RESOLVED THAT By-Law No. 2045-11 providing for the sale of land to Bueckert Landscaping be read a third and final time.

CARRIED

408. Ken J. Wiebe, Herb Dick:

B/L 2047-11 BE IT RESOLVED THAT By-Law No. 2047-11 providing for the sale of land to Ironmen Industries be read a first time.

CARRIED

409. Marvin Plett, Don Friesen:

B/L 2084-11 BE IT RESOLVED THAT By-Law No. 2048-11 providing for the sale of land to John Giesbrecht, Henry Wall and Pete Dyck be read a first time.

CARRIED

FINANCE

410. Don Friesen, Ken J. Wiebe:

Accounts BE IT RESOLVED THAT accounts payable in the amount of \$456,493.92 as approved by the Finance Committee be approved for payment.

CARRIED

411. Ron Neisteter, Marvin Plett:
Cancel BE IT RESOLVED THAT Council approve tax cancellations to the 2011 tax roll as per list attached.

CARRIED

412. Ron Neisteter, Herb Dick:
Salary BE IT RESOLVED THAT the City of Winkler approve a salary increase for Joan Heide, Police Services Clerk I, from Level 10 Step 3 to Level 10 Step 4 effective July 30, 2011.

CARRIED

QUESTIONS FROM THE MEDIA/PUBLIC

Don Radford asked what kind of land the City has left in inventory. 3 properties on Embassy ranging from \$44,000-\$67,000. 6 properties in a row to the north from \$57,000-\$73,000. Plus a 5 acre and 10 ½ acre parcel.

Don Radford asked about the billboard on Highway 14 that says Eastview Industrial Park Phase 3, is there an unserviced area where that sign is? The area fronting on the highway is not serviced.

ADJOURN

413. Marvin Plett, Herb Dick:
Adjourn BE IT RESOLVED THAT this regular meeting of Council be adjourned.
8:00pm CARRIED

Deputy Mayor Henry Siemens

City Manager Dave Burgess