# REPORT OF THE

# COMMITTEE ON FINANCE AND ADMINISTRATION

# DATED JANUARY 3, 1996

On motion of Councillor Steek, the Report of the Committee on Finance and Administration, dated January 3, 1996, was considered clause by clause.

Moved by Councillor Steek,

That the Consent Agenda, Clauses 1,2,3,4,5,6 and 7 be adopted.

Councillor Prystanski requested that Clause 4 be pulled from the Consent Agenda.

Councillor Clement requested that Clause 6 be pulled from the Consent Agenda.

**290 -** Councillors Golden and Lazarenko asked to be recorded as having voted against Clause 7, in accordance with Rule 50.7 of the Procedure By-law.

The motion to adopt the Consent Agenda, Clauses 1,2,3,5 and 7 was put and declared carried.

Her Worship the Mayor and Councillors:

**Autobins - Damage to Properties at 98 Hallet Street, 832 Magnus Avenue, 1550 Pritchard Avenue**
**Files WT-1.2 (Vol. 11) and FI (Vol. 2)**

**291 -** 1. Council at its meeting held on September 27, 1995, ruled automatic referral of the following motion to your Committee, under Rule 16.1 of the Procedure By-law No. 5400/90:

*Moved by Councillor Prystanski,*
*Seconded by Councillor Silva,*

*WHEREAS the City of Winnipeg has implemented the automated garbage collection program;*

*AND WHEREAS only approximately one in five houses will have the autobin placed behind their property;*

*AND WHEREAS the autobin is meant to benefit everyone, and not cause financial hardship to the property where the autobin is placed;*

*AND WHEREAS the autobin has the potential to be a hazard to the home owner because of the placement adjacent to fences, garages and other yard amenities;*

*AND WHEREAS only the homes which have the autobin behind the property are subjected to a potential hazard, such as broken fences, damaged eavestroughs and fires;*

*AND WHEREAS the autobin has prevented emergency vehicles from attending emergencies where the autobin has been the cause of the problem;*

*AND WHEREAS the autobin has created substantial damage to garages at 98 Hallet Street, 832 Magnus Avenue, and 1550 Pritchard Avenue;*

*THEREFORE BE IT RESOLVED THAT the City of Winnipeg pay claims caused by fires in autobins to the properties;*

*AND BE IT FURTHER RESOLVED THAT damages caused by the autobins to eavestroughs at 1550 Pritchard Avenue also be paid.*

**Report of the Committee on Finance and Administration dated January 3, 1996**

The Committee on Finance and Administration has requested additional information which has not been received to date and therefore requests a 60-day extension of time within which to report back to Council.

Adopted by consent.

**1996 Local Improvement Interest Rates**
**File SL-1 (Vol. 19)**

**292 -** 2. Section 357 of The City of Winnipeg Act states that when local improvements are financed by means other than issuing debentures, the City Treasurer shall determine the appropriate rates of interest and the interest rates are to be authorized by resolution of Council.

Section 380 of The City of Winnipeg Act states that the City may establish the interest rates for local improvement assessment at up to 1% above the City's cost of funds to cover the costs of assessment and collection.

For many years all local improvements have been financed through the General Reserve Fund.

The Committee on Finance and Administration recommends:

I. That the interest rates for local improvements in 1996 be established as follows:

| Term | Current Market Interest Rate | Amount Added for Assessment and Collection | Total Interest Rate for Assessment |
|---|---|---|---|
| 2 - 5 years | 7% | 1% | 8% |
| 6 - 15 years | 7 3/4% | 1% | 8 3/4% |
| 16 - 20 years | 8 1/4% | 1% | 9 1/4% |

II. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents related thereto.

Adopted by consent.

**Appointment of One Alternate - Riverbank Management Committee**
**Files E-5.1 (Vol. 14) and GC-7 (Vol. 25)**

**293 -** 3. Council at its Organizational Meeting held on November 8, 1995, referred to the Committee on Finance and Administration the matter of the appointment of one member and an alternate from the Committee on Finance and Administration to the Riverbank Management Committee.

On November 29, 1995, Council appointed the following Councillors to the Riverbank Management Committee, namely: Councillors Golden, Prystanski, Lubosch, Vandal and Lazarenko; and as alternate members, Councillors Murray, Phillips and Thomas.

The Committee on Finance and Administration recommends that Councillor Steek be appointed as Committee's alternate on the Riverbank Management Committee.

Adopted by consent.

**Report of the Committee on Finance and Administration dated January 3, 1996**

**St. James Presbyterian Church - Grant-in-Lieu of Outstanding Taxes**
**File FG-2(Vol. 8)**

**294 -** 4. Council on August 10, 1995 ruled automatic referral of the following motion to the Committee on Finance and Administration, under Rule 16.1 of the Procedure By-law No. 5400/90 namely:

*Moved by Councillor Eadie,*
*Seconded by Councillor Fraser,*

*WHEREAS Council, at its meeting held on August 10, 1995 authorized the payment of a grant-in-lieu of taxes to Young United Church for taxes and accumulated penalties owing, brought about by a change in tax status on their property at 222 Furby Street; and,*

*WHEREAS St. James Presbyterian Church is in tax arrears going back to January 1, 1993 due to the change in tax status on their property located at 1911 Portage Avenue; and,*

*WHEREAS the small congregation of St. James Presbyterian Church is unable to raise the funds to pay the tax arrears and are seeking relief of same from the City;*

*THEREFORE BE IT RESOLVED that the Committee on Finance and Administration review the issue of outstanding taxes from St. James Presbyterian Church, and consider providing that church with a grant-in-lieu of outstanding taxes.*

The Committee on Finance and Administration has been advised that generally, churches are exempt from municipal and school taxation when owned by a religious denomination and are occupied and used by the denomination for religious worship, instructional purposes or retreat houses. A change in these conditions has the potential of triggering liability to taxation.

In the Young United Church situation, tax liability was caused by the destruction of the complex by a fire and until completion of its reconstruction on the same site, remained liable to taxation. Young United Church was given several years of grace period before it became taxable and was only classified taxable due to the long delay in rebuilding the church. The grant which was given only covered several years of taxes during the period when it was classified taxable (after the fire) and until the new church was built.

St. James Presbyterian Church, on the other hand, elected to move from their existing premises at 1913 Portage Avenue to their new building at 1476 Portage Avenue. Once their relocation had been completed, they chose to demolish their church building which triggered that liability to taxation at their former location. The land was listed for sale and continues to be for sale. There is no intention to use this land for future church purposes but rather to utilize the proceeds of the sale to pay down the mortgage on the new property. The land is taxable and will remain that way until its use changes or it is sold.

The Committee on Finance and Administration has considered this matter and recommends that a grant-in-lieu of taxes not be approved to the St. James Presbyterian Church inasmuch as Committee is of the opinion that the circumstances surrounding the change in tax status for the St. James Presbyterian Church are not the same as the Young United Church.

The Committee on Finance and Administration therefore recommends that the above motion be filed.

Moved by Councillor Steek,
Adoption of the clause.

The Speaker called the Deputy Speaker, Councillor Prystanski, to the Chair in order to participate in the debate.

The motion for the adoption of the clause was put.

**Report of the Committee on Finance and Administration dated January 3, 1996**

Councillor Golden called for the yeas and nays, which were as follows:-

Yea: Councillors Clement, Lubosch, Murray, Phillips, Silva, Steek, Thomas, Timm-Rudolph, Vandal, Her Worship Mayor Thompson and Councillor Angus. 11

Nay: Councillors Golden, Lazarenko, O'Shaughnessy, Deputy Mayor Eadie and Councillor Prystanski. 5

and the motion for the adoption of the clause was declared carried.

**Recommendations for Amusement Tax Exemption File FL-6 (Vol. 12)**

**295 -** 5. The Committee on Finance and Administration has considered recommendations received from the Winnipeg Arts Advisory Council for exemption to the Amusement Tax By-law.

The Committee on Finance and Administration submits draft by-law and recommends:

I. That the following list of exemptions be added to subsection 7(6) of the Amusement Tax By-law No. 3107/81, namely:

India School of Dance, Music and Theatre for:
Bharata Natyam & Odissi at the Gas Station theatre on February 23, 1996

The Gilbert and Sullivan Society of Winnipeg Inc. for:
Ruddigore on March 27 - 30, 1996 at the Pantages Playhouse Theatre

Rusalka Ukrainian Dance Ensemble for:
Rusalka - Past, Present and Future on February 1 - 2, 1996 at the Centennial Concert Hall

II. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents related thereto.

Adopted by consent.

**Proposed Management Agreement for the Springers Gymnastics Club of Marj Edey Park File PR-2 (Vol. 81)**

**296 -** 6. On November 24, 1994, the Committee on Protection, Parks and Culture authorized the Springers Gymnastics Club to construct an amateur gymnastics facility within Marj Edey Park and to subsequently enter into a Management Agreement for the development, use and management of a portion of Marj Edey Park.

On September 27, 1995, Council approved a Loan Guarantee to finance the construction of the subject facility for an amount up to $240,000.00.

During the period of September, 1995 to December, 1995, the Springers Gymnastics Club has reviewed program requirements, financing offers and terms and conditions for a Management Agreement with the City of Winnipeg for the development and management of a portion of the Marj Edey Park Site as outlined in the Management Agreement, identified on Schedule "A". The Club intends to begin construction of the facility in January, 1996. The Parks and Recreation Department, Land and Development Services Department and Legal Services Branch have reviewed the proposed terms and conditions and are of the joint opinion that the Agreement provides a beneficial agreement to allow the proposed development and activity to be located on City lands.

**Report of the Committee on Finance and Administration dated January 3, 1996**

On January 3, 1996, the Committee on Finance and Administration considered and concurred in a request from the Director of Parks and Recreation, that Condition No. 14 identified on Schedule "A" be deleted and replaced with the following:

> "14. The Assessment Department would consider the aforementioned property exempt from taxation from school taxes pursuant to s.23(1)(i) Municipal Assessment Act, S.M., 1989-90, c.24-Cap. M226, provided the property meets the requirements of same."

The Committee on Finance and Administration recommends:

I. That the use of the subject lands be approved in accordance with the terms and conditions of a proposed Management Agreement outlined on Schedule "A" as amended and in a form satisfactory to the City Solicitor/Manager of Legal Services.

II. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents related thereto.

Copy of Schedule "A" is on file in the office of the City Clerk.

Pursuant to Section 156(2) of The City of Winnipeg Act, the approval of at least two-thirds majority of Council is required on the lease (or in this case a Management Agreement) of property designated or acquired for park purposes.

Moved by Councillor Steek,
Adoption of the clause.

In amendment,

Moved by Councillor Clement,
Seconded by Councillor Prystanski,
THAT Schedule "A" of the clause be amended as follows:

1. That Subsection 5 be amended by removing the words "Director of Parks and Recreation" and replaced with "Assiniboia Community Committee";

2. That a new Subsection 17 be added to read as follows:

> "That all construction vehicles related to this project must use Wilkes Avenue and Fairmont Road from Wilkes to Ridgewood and Ridgewood Avenue to the site".

The amendment was put and declared carried.

The motion for the adoption of the clause, as amended, was put and declared carried.

**Richardson Concourse Agreement**
**File FI-2.12 (Vol. 9)**

**297 -** 7. On January 3, 1996, the Committee on Finance and Administration considered Clause 3 of Report "A" of the Executive Policy Committee dated December 13, 1995, as outlined in Exhibit "A", which was referred to it from Council on December 20, 1995.

The Executive Policy Committee recommended therein:

I. That Council approve the extension of the term of the Richardson Concourse Agreement by twenty (20) years from 1999 to 2019 on the same terms and conditions, subject to the provision that the agreement be amended to expressly permit the City to allow surface pedestrian crossing of the Portage and Main intersection.

**Report of the Committee on Finance and Administration dated January 3, 1996**

II. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing, including the execution of any documents related thereto.

The Committee on Finance and Administration concurs in the recommendations of the Executive Policy Committee, subject to confirmation that the Concourse Agreements for each of the four corporations which own the land on the corner of Portage Avenue and Main Street are otherwise the same in all other detail except for the reference to the allowance of surface traffic.

Adopted by consent.

(See Minute No. 290 for opposition recorded by Councillors Golden and Lazarenko)

## COMMITTEE ON FINANCE AND ADMINISTRATION

## CONSIDERATION OF BY-LAWS

**298 -** On motion of Councillor Steek, the rule was suspended and By-law No. 6772/96, a by-law of The City of Winnipeg to amend the Amusement Tax By-law No. 3107/81, was read a first, second and third time, the rule being suspended for the third reading, and was passed and ordered to be signed and sealed.
File FL-6 (Vol. 12)

## COMMITTEE ON FINANCE AND ADMINISTRATION

## MOTIONS

Moved by Councillor Steek,
Seconded by Councillor Lazarenko,
**299 -** WHEREAS:

(a) Pursuant to its By-law No. 6619/95, The City of Winnipeg authorized the expropriation of the land described therein and executed a Declaration of Expropriation, dated the 29th day of November, A.D. 1995; and

(b) Notice of Intended Expropriation was served by The City of Winnipeg upon all owners and interested parties in the land intended to be expropriated and published in the newspapers, pursuant to Section 1 of Schedule A to The Expropriation Act; and

(c) No Notices of Objection to the intended expropriation have been received by the Confirming Authority;

BE IT RESOLVED THAT the Declaration of Expropriation, dated the 29th day of November 1995, executed pursuant to By-law No. 6619/95, and expropriating respectively the following lands:

SP LOT 43, PLAN 31547, WLTO,
IN RL 39 AND 54 TO 56 PARISH OF SAINT JOHN

is hereby confirmed.

The aforesaid lands are expropriated free and clear of all encumbrances except mines, minerals and named substances which are excepted from or not included in the Certificate of Title of the registered owner of the surface under the Real Property Act or are not owned by the owner of the surface under the Registry Act, and except reservations in favour of the Crown as excepted from the Title of the owner of the surface, or to which Title is subject by implication under the provisions of the Real Property Act.

Carried.

**Committee on Finance and Administration - Motions (continued)**

Moved by Councillor Murray,
Seconded by Councillor Thomas,

**300 -** WHEREAS the Standing Committee on Works and Operations has been waiting for the better part of the last year for a report on the acquisition of land for the purposes of establishing a combined Fire, Ambulance and Police station and to provide land for the implementation of the recommendations of the "Complex Study" (Corydon, Osborne, and Pembina interchange study);

AND WHEREAS over the year, only the Streets and Transportation Department has provided the information requested;

AND WHEREAS the sale of the existing Fire and Ambulance facilities would generate the cost of construction of a new facility;

AND WHEREAS the response time for number four fire station would enhance according to Fire Chief Barrie Lough;

AND WHEREAS the operations costs of these services would be reduced without a reduction in service, in fact service would be improved;

AND WHEREAS three or four valuable commercially zoned City owned properties currently not on the tax roles would generate hundreds of thousands of dollars in business reality taxes as well utility revenues;

AND WHEREAS older business districts would be enhanced by new private investment and opportunity;

AND WHEREAS a report on the acquisition of land on this was requested last summer and the Commission of Works and Operations has again promised the report on these properties for February 9, 1996;

THEREFORE BE IT RESOLVED that clause ten of the EPC report dated January 17, 1996 be amended to add sub clause three, that the report on amalgamation of Ambulance, Fire, Police and Public Health offices at this location be submitted to Council within thirty days with specific recommendations on land acquisition required for such a joint use facility.

Automatic referral to Committee on Finance and Administration in accordance with Rule 16.1 of the Procedure By-law

## COMMITTEE ON FINANCE AND ADMINISTRATION

## QUESTION PERIOD

**301 -** Councillor Angus referred to the 1996 Current Estimates and questioned whether there was a deficit being carried over from 1995.

Councillor Steek stated that the information would be available when the Executive Policy Committee budget recommendations were tabled.

Councillor Murray requested clarification of the policy on churches and other non-taxable properties, during periods of construction or fire, and under what conditions they may be tax exempt.

Councillor Steek indicated he would take the matter under review.

Councillor Golden stated that tax exemptions are not dealt with by the Committee on Finance and Administration and that the Committee Chairperson cannot answer a question about tax exemptions as it is not within their jurisdiction, but provincial regulation contained within the City of Winnipeg Act, and requested that Councillor Steek confirm this.

Councillor Steek noted that the statements were accurate, and that the Finance Committee would be discussing the matter further.