REPORT OF THE

COMMITTEE ON FINANCE AND ADMINISTRATION

DATED AUGUST 29, 1994

On motion of Councillor Eadie, the Report of the Committee on Finance and Administration, dated August 29, 1994, was considered clause by clause.

Moved by Councillor Eadie,
That the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16 and 17 be adopted.

Councillor Eadie requested that Clause 14 be pulled from the Consent Agenda.

Councillor Clement requested that Clause 16 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9,10,11,12,13,15 and 17 was put and declared carried.

Her Worship the Mayor and Councillors:

Task Force to monitor, advise and report on the operation of the assessment system in the City of Winnipeg
File AB-2 (Vol. 7)

1033 - 1. Council, on June 22, 1994, did not adopt Clause 6 of the Report of the Executive Policy Committee dated June 8, 1994, (Exhibit "A") with respect to the formation of a Task Force to monitor, advise and report on the operation of the assessment system and referred the clause to the Committee on Finance and Administration for further consideration along with the following resolution:-

Moved by Councillor Golden
Seconded by Councillor Hyman

THAT the resolution contained within Clause 6 of the Report of the Executive Policy Committee dated June 8, 1994, be amended in order that the resolve paragraph read as follows:

NOW THEREFORE BE IT RESOLVED that Council set up a Task Force, which would include representation of Council, to study and to advise and report to Council through the Committee on Finance and Administration on the operation of the assessment system in the City of Winnipeg;

AND THAT the Task Force be comprised of Councillors Murray, Golden and O'Shaughnessy.

Inasmuch as the Committee on Finance and Administration has laid over consideration of this matter to its next meeting pending receipt of Terms of Reference which are to be submitted by the Task Force, an extension of time of 60 days is requested within which to report back to Council on the resolution referred, in accordance with Section 16.4 of the Procedure By-law.

For the information of Council, Councillor Murray has advised that he wishes to be removed as a member of the Task Force and has tendered his resignation.

Adopted by consent.

Report of the Committee on Finance and Administration dated August 29, 1994

License By-law No. 4007/85 - Massage Therapists
File EL-1.35 (Vol. 4)

1034 - 2. Council, on March 24, 1993, adopted Clause 8 of Report "A" of the Committee on Finance and Administration dated March 1, 1993, with respect to amendments to the License By-Law No. 4007/85 relating to the licensing of massage therapists. Effective September 1, 1993, massage therapists are distinguished from the general license category of "massagists" by providing evidence that the applicant has successfully completed the requirements of a training program in massage therapy and has received accreditation from a registered educational facility named in the by-law. That clause recognized that additional schools over and above those initially identified likely existed and stated that "minor amendments to the by-law may be necessary in future to address such situations".

An individual has made application to The City of Winnipeg for licensing as a "massage therapist". The applicant has supplied the necessary documentation indicating successful completion of a program of study in massage therapy from an educational institution recognized with the respective state government as outlined below.

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

I. That License By-Law No. 4007/85 with respect to massage therapists be amended by adding the following school to the list of registered educational institutions recognized under the License By-law, namely the Postgraduate Massage Therapy Training Course, Department of Health, Transcarpathian Provincial Executive Committee, in Berehovo, Transcarpathia, Ukraine.

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.

Business License in Lieu of Business Tax for Home-Based Businesses - By-law No. 201/72
File FL-1 (Vol. 9)

1035 - 3. Council, on December 15, 1993, adopted the following system for setting the amount of the annual fee for business licenses in lieu of business tax for home-based businesses in order that the amount of the fee is calculated to be similar to the business tax that would be levied if individual premises were assessed for business tax:

Prior year's average annual rental value per square foot X maximum square footage of 400 square feet permitted for home occupations X prior year's business tax rate, adjusted by approved phase-in calculations, if applicable.

The City of Winnipeg currently charges a business license in lieu of business tax under By-Law No. 201/72 to businesses conducted from residential dwellings. The authority to levy this charge is provided under Section 183.1 of The City of Winnipeg Act. In 1993, the City issued 3,276 licenses under the provisions of this by-law for revenue of $304,880.00. Based on preliminary figures, it is estimated that approximately 3,300 licenses will be issued in 1994 with revenue of approximately $315,000.00.

Due to the fact that decisions affecting business tax such as the amount of the rate and so forth are generally approved in conjunction with the budget process, the adopted formula uses prior year's information to calculate the license fee in lieu of business tax as these licenses cover a calendar year and historically have been mailed in December with payment due January 1 of the following year. The use of prior year's information is similar to the policy adopted by Council for setting mobile home license fees. The variables of the business tax calculation include annual rental values, business tax rates and any approved phase-in calculations.

The Committee on Finance and Administration is recommending a rate of $120.00 for 1995 (from $105.00 in 1994) based on the above-mentioned formula. The fee of $120.00 is an increase of $15.00 per annum or 14.3% and may generate an additional $45,000.00 in revenue in 1995 for total revenue of approximately $360,000.00.

Report of the Committee on Finance and Administration dated August 29, 1994

Changes in annual rental values caused by reassessment or changes in the uniform business tax rate, as well as changes in approved phase-in calculations, will be reflected in the calculation of the fees for subsequent years. These recommended fees will require a by-law amendment and, therefore, will be brought forward to Council on an annual basis for approval. For the information of Council, it is the intention of the Committee on Finance and Administration to re-examine this entire issue.

A small number of home-based businesses (approximately seven) take advantage of the reduced annual fee of $10.00 for persons registered with a qualified organization for the physically handicapped or disabled. This amount was not based on a formula and the $10.00 amount has been in place since January 1, 1992. If this fee was increased by 14.3%, the same percentage increase being recommended for other home-based businesses, the annual fee would be increased to $11.43 or $12.00 if rounded up to the nearest dollar.

The Committee on Finance and Administration recommends:

I. That By-Law No. 201/72 be amended to increase the annual license fee in lieu of business tax for home-based businesses from $105.00 to $120.00 effective January 1, 1995 based on the Council adopted system for calculating these fees.

II. That the reduced fee for persons registered with a qualified organization for the physically handicapped or disabled be increased from $10.00 per annum to $12.00 per annum effective January 1, 1995.

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

Adopted by consent.

1995 License Fees for Mobile Homes
File EL-8 (Vol. 3)

1036 - 4. Council, on June 19, 1991, adopted a System of Taxing Mobile Homes in Winnipeg as well as a method of annually updating mobile home license fees for future years.

In subsequent years, license fees for mobile homes were increased by 5.13% in 1992, 2.4% in 1993, and 1.2% in 1994 using the method to calculate the fees approved by Council in 1991.

The method of calculating the mobile home license fees is based on the following formula: the assessed average square foot value of mobile homes X the portion share for the class X square footage X the average city wide mill rate for the prior year.

The license fees for mobile homes are to be adjusted by new assessment information (from $16.00 per square foot to $18.60), the change in the average city wide mill rate (from $65.348 to $56.829), and the reassessment phase-in calculation. Mobile home fees are based on the prior year's mill rates and assessment values.

The recommended license fees for mobile homes for 1995 reflect a 2.3% increase over the 1994 license fees for mobile homes, an average increase of $9.93 per annum for mobile home owners. At present, approximately 620 mobile homes are being licensed, therefore, the revised fees should generate approximately $277,620.00 in 1995, an increase of approximately $6,158.00 over anticipated 1994 revenues.

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

Report of the Committee on Finance and Administration dated August 29, 1994

That Schedule "A" to By-law No. 821/74 be repealed and that the following schedule be substituted therefor effective January 1, 1995:

LICENSE FEES FOR MOBILE HOMES		
Size of Mobile House (based on exterior dimensions)	Present Monthly Fee	Proposed Monthly Fee
400 square feet or less	$15.68	$16.03
Over 400 square feet • First 400 square feet • Each addition 100 square feet or part thereof	 $15.68 $3.92	 $16.03 $4.01

Adopted by consent.

Appointment of the City's Banker for a Five Year Term Commencing January 1, 1995 File FI-1 (Vol. 1)

1037 - 5. The current banking arrangement between the City of Winnipeg and the Royal Bank of Canada covering banking services will expire on December 31, 1994. The Royal Bank of Canada has been the City's principal banker since 1975 and is in the final year of a two year extension which expires on December 31, 1994.

On March 21, 1994 the City invited the six major chartered banks to respond to its request for proposal to provide banking services. Detailed responses were received from the Bank of Montreal, the Royal Bank of Canada and Canadian Imperial Bank of Commerce (CIBC). Scotia Bank and the Toronto Dominion Bank responded to say that they would not be submitting detailed submissions and there was no response from the National Bank of Canada.

The request for proposal also requested an alternative method of handling Social Services payments to recipients be submitted other than the one presently in use which includes direct deposits, cheques, and direct cash payments at a limited service branch operated by the Royal Bank. In response, the Bank of Montreal and CIBC stated that both would operate one limited cheque cashing service branch and the remainder of the payments through their normal branches. The Royal Bank proposed to operate three limited cheque cashing service branches and have all Social Service payments processed through them.

The Bank of Montreal would charge the City 75% of the operating costs of the limited service branch, while the CIBC and the Royal Bank would charge the City 100% of the operating costs.

Based on the responses to the requests for proposal, the following amounts have been calculated for the first five year term:

	BMO	CIBC	ROYAL
VARIOUS ACTIVITY FUNCTIONS	$789,240.00	$1,166,496.00	$1,026,416.00
SOCIAL SERVICES COSTS	$607,980.00	$797,496.00	$2,280,284.00
	$1,397,220.00	$1,963,992.00	$3,306,700.00
CHANGE OVER COSTS	$33,200.00	$33,200.00	-
CHANGE OVER COSTS CREDIT	($30,000.00)	($37,972.00)	-
TOTAL COST	$1,400,420.00	$1,959,200.00	$3,306,700.00

In summary, based on a thorough review of the three proposals and interviews with the three banks, the Committee on Finance and Administration is satisfied that the Bank of Montreal's proposal is the best, as it will meet all of the City of Winnipeg's banking requirements at the lowest overall cost. The Bank of Montreal was the City of Winnipeg's banker for many years prior to 1975 and Committee is confident that they will once again be able to provide the City with excellent banking services.

Report of the Committee on Finance and Administration dated August 29, 1994

The Committee on Finance and Administration recommends:

I. That the Bank of Montreal be appointed as the City's Banker for a five year term, commencing January 1, 1995 in accordance with its submission of a Proposal for Banking Services to the City Treasurer dated May 9, 1994.

II. That the Board of Commissioners be authorized to negotiate a five year extension to the banking arrangement with the Bank of Montreal, prior to the expiry of the initial five year term, provided that the cost increases, if any, do not exceed the rate of inflation over the five year period.

III. That, notwithstanding recommendation II. above, the City shall always be in a position, after the initial five year term, to call for banking proposals, should it be deemed to be in the best interests of the City.

IV. That the Proper Officers of the City be authorized to formalize whatever may be necessary to ensure implementation of the banking arrangement with the Bank of Montreal.

Adopted by consent.

Proposed Amendments to By-law No. 3107/81 - Amusement Tax Exemptions
File FL-2.5 (Vol. 9)

1038 - 6. The Committee on Finance and Administration has considered recommendations received from the Winnipeg Arts Advisory Council for exemptions 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:

Manitoba Opera Association:
The following concerts: "Carmen" on November 12, 15 and 18, 1994 and "Rigoletto" on April 22, 25 and 28, 1995, at the Concert Hall; "The Abduction From the Seraglio" on February 4, 7 and 10, 1995, at the Pantages Playhouse Theatre.

Manitoba Theatre Centre:
The following 1994-95 productions: "Oleanna" on October 20 to November 12, 1994, "The Sisters Rosensweig" on November 24 to December 17, 1994, "Six Degrees of Separation" on February 9 to March 4, 1995, "If We Are Women" on March 16 to April 8, 1995, and, "Homeward Bound" on April 13 to May 6, 1995, at the Mainstage, Manitoba Theatre Centre; "Fonteras Americanas" on October 26 to November 12, 1994, "Poor Super Man" on January 4 to 21, 1995, and,"The Monument" on February 1 to 18, 1995, at the Warehouse Theatre.

Manitoba Theatre For Young People:
The following 1994-95 productions: "A Tale of Day and Night" on November 11, 1994, at the Centre Culturel Franco-Manitobain; "Comet in Moominland" on April 1 to 30, 1995, at the Chinese Cultural Centre; "Peter and the Wolf" on October 13 to 23, 1994, "Naomi's Road" on December 9 to 18, 1994, "Evening at the Improv" on February 17 and 18, 1995, and, "Little Sister" on March 17 and 18, 1995, at the Gas Station Theatre.

Royal Winnipeg Ballet:
1994-95 season performances to be held from October 3 to 5, October 19 to 30, December 26 to 31, 1994; March 1 to 14, May 10 to 21, 1995, at the Centennial Concert Hall.

Winnipeg Male Chorus:
A concert entitled "75 Years of Male Choir Singing in Winnipeg" on October 15, 1994, at Bethel Mennonite Church.

Report of the Committee on Finance and Administration dated August 29, 1994

Manitoba Chamber Orchestra:
1994-95 season concerts to be held on September 27, October 18, November 30, December 6, 1994; February 8, February 21, March 8, March 21 and April 26, 1995, at Westminister Church.

Harpisichord Association of Manitoba:
1994-95 season concerts to be held on October 2, November 3, December 13, 1994; January 22, March 5, April 2 and April 4, 1995, at Bethel Mennonite Church.

Dance Collective:
1994 season performances to be held from November 24 to 27, 1994, at Centre Cultural Franco-Manitobain; February 23 to 26, 1995, at Gas Station Theatre; April 25 to 30, 1995, at Venue VIII.

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 Special Constable - Operations Department
File GF-2.3 (Vol. 5)

1039 - 7. The Committee on Finance and Administration has been advised by the Law Department that the Technical Supervisor, South West District of the Operations Department has requested that Edwin Ho-Wing Yeung who is employed by the Operations Department and will be required to perform by-law enforcement duties, be sworn in as a Special Constable.

The Committee on Finance and Administration recommends that the Acting City Solicitor be authorized to make the necessary application to the Attorney-General's Department to have the above-named employee from the Operations Department sworn in as a Special Constable.

The Committee also recommends that the Proper Officers of the City be authorized to execute the required Forms of Indemnity of whatsoever kind or nature arising out of the acts and conduct of anything done, said or written by the said Special Constable when he functions as a Special Constable under the said appointment.

Adopted by consent.

Amusement Tax By-law
File FL-2.5 (Vol 9)

1040 - 8. Prior to 1984, amusement tax was collected upon admissions to all places of amusement which were defined as including grounds, fields, buildings and facilities used for athletic or sporting games, contests or other activities. In 1984, the by-law was amended to provide that amusement tax would no longer be collected upon fees or charges paid by or collected from a person to participate in an athletic sport.

One of the survival game facilities which is operated in the City has discontinued collection of amusement tax on the basis that the fees which it collects are "fees or charges paid to participate in an athletic sport" and as such fall outside the scope of the Amusement Tax By-law.

The amendments to the Amusement Tax By-law which were passed in 1984 provided that "athletic sport" includes ice skating, roller skating, bowling, golf, tobogganing and the use of the skate board facilities but does not include dancing, miniature golf or the use of go-karts.

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

I. That the City of Winnipeg Amusement Tax By-law No. 3107/81 be amended to clarify that paintball, laser and other survival games fall outside the definition of an athletic sport and are therefore subject to the collection of amusement tax.

Report of the Committee on Finance and Administration dated August 29, 1994

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.

Exemption for Not-For-Profit Clubs from Licensing of Billiard or Pool Tables, Bowling Alleys, Games and Amusement Devices - License By-law No. 4007/85
File EL-1 (Vol. 28)

1041 - 9. The power to license under paragraph 524(1)(t) of The City of Winnipeg Act includes the power to exempt any club from licensing requirements under the License By-Law 4007/85 for any billiard or pool table, bowling alley, game or amusement device.

The main reasons why exemptions are sought by these non-profit clubs are to avoid:

1. payment of the license fees;
2. the restricted hours of operation (for billiard parlours); and
3. the public hearing process (for billiard parlours).

Concern had been expressed by members of Council that the exemption should not apply to non-profit clubs where there is a fee or charge for the use of the billiard or pool table, bowling lane, game or amusement device. The Committee on Finance and Administration was advised that the City could allow exemptions from licensing only for not-for-profit clubs where no fee or charge is made for the use of their pool tables, games and so forth. Concern was expressed regarding the impact this change would have on some not-for-profit clubs such as Branches of the Royal Canadian Legion or other small clubs where the fees raised merely covered costs. Besides the requirement for payment of license fees, for those clubs with billiard tables, the clubs' hours of operation would be affected, and clubs which may have been in operation for a number of years would now require approval by their respective Community Committee with the risk of possible rejection resulting in a requirement to cease operations.

A survey was conducted of the 54 not-for-profit clubs currently named as exempt in the by-law and sixty-three percent or 34 clubs responded.

The majority of respondents (27 out of 34 or 79%) charged for the use of their pool tables, bowling lanes, amusement devices and/or shuffleboards, but none charged for the use of their dart boards. The majority of respondents used coin-operated equipment or light timers, many of which were also coin-operated. Therefore, if the availability of an exemption was removed for those clubs that charge a fee, as well as those clubs that charge a fee via a coin-operated mechanism, the majority of clubs would require licensing.

All respondents indicated that their premises were not open to the general public. Access was generally controlled by the requirement for members to sign in guests.

The survey identified several clubs that have closed or moved, and these clubs are recommended for deletion. From the information provided, it appears that all of the other not-for-profit clubs continue to be eligible for the exemption.

It should be noted that the majority of the clubs' hours of operation fall outside the restricted hours of operation and any change to the exempt status would result in the requirement to reduce hours of operation.

The information gleaned from the survey does not lend itself to a clear solution to the issues raised. If exemptions continue to be available to not-for-profit organizations where a fee is charged, concerns will likely continue to be raised with respect to these clubs' exempt status. On the other hand, if the exempt status is removed, complaints from the majority of not-for-profit clubs can be anticipated due to the removal of an exemption enjoyed for perhaps a number of years, removal of which will result in the requirement for payment of license fees, and possibly the imposition of new restrictions on hours of operation, and a new requirement for Community Committee approval, etc. Many of these clubs charge a fee merely to cover costs, and the majority operate problem free in their communities. Any change to their exempt status may result in a financial burden for these organizations.

Report of the Committee on Finance and Administration dated August 29, 1994

The Committee on Finance and Administration is recommending that an exemption process continue, but that additional controls be placed on new applications as follows:

1. Review by Community Committee. For billiard parlours only, the process include review and recommendation by the respective Community Committee of all new applications for exemption for not-for-profit clubs, similar to the process followed with licensed billiard parlour operations.

   Currently these applications for exemption are reviewed by the Committee on Finance and Administration with a recommendation to Council to approve a by-law amendment. While the majority of the clubs do not present a problem, some complaints have been received, particularly in the City Centre Community Committee area. Review by Community Committee will result in a heavier workload for civic staff, members of Council and the clubs themselves. The Community Committee would have the authority to recommend that the exemption be approved or refused. Under the present system, it is the Committee on Finance and Administration that makes recommendations to Council with respect to exemptions. All approvals for exemption would continue to be approved by way of a by-law amendment by Council. The License Branch will attempt to provide more information in reports recommending exemptions as to the number of tables, devices and so forth, as well as other information which may be helpful in reviewing these requests. With the process changed to allow for Community Committee review, criteria would have to be developed, likely based on issues related to land use and financial hardship.

2. Certificate from the Review Board of The Winnipeg Police Service. For billiard parlours only, the exemption process require that the applicant file a certificate from the Review Board of The Winnipeg Police Service stating that the applicant had not been convicted of an offence which, in the opinion of the Review Board, indicates that the carrying on of the trade would be injurious to the public interest. In the event that the applicant is a corporation, the certificate could take into account convictions of the corporation itself, all directors and officers, and the manager. If the said certificate were to be subsequently revoked, the administration would automatically prepare a report recommending that the exemption be repealed. This would provide an opportunity for the Community Committee to reassess the application, based on a history of operations.

   It is proposed that clubs must advise the License Branch any time a new director, officer or manager is appointed or hired in order that The Winnipeg Police Service has the opportunity to review the certificate.

   Currently, license applicants for billiard parlour operations must file a Certificate of Good Character from the Character Review Board of The Winnipeg Police Service, and therefore, the recommended process would be similar to that used for a licensed billiard parlour operation.

3. Certificate of the Chief of the Fire Department. For bowling alleys only, no application for exemption would be approved unless the applicant filed a Certificate of the Chief of the Fire Department that the premises in respect of which the exemption would apply, have been examined and found in a fit condition and suitable for the purpose of carrying on such trade. This process would be similar to that used for licensed bowling alleys, the difference being that the fire inspection would be required on initial application only and there would be no formal requirement for an annual inspection as is the case for other licensed businesses of this type.

Several applications for exemption currently being held will be processed utilizing these recommended procedures.

Housekeeping amendments are also proposed in order to clarify existing practice. The only amendment which would result in a change in practice is a recommendation to discontinue the requirement for licensing of non-electric dart boards where no fee or charge is made for the use of the dart board.

Licensing, on the whole, only applies to trades or activities conducted for gain, however, Subsection 3(6) of the by-law deems certain amusement devices and games to be for gain whether or not a fee is charged, primarily to assist in enforcement. The License Branch concurs that few, if any, complaints are received from the general public with respect to dart boards, and, therefore, would not be opposed to this change.

As dart boards are not licensed in a separate license category, it is difficult to estimate the anticipated revenue loss from this change, however, it is not expected to be significant, as many of the clubs where dart boards are used are currently exempt from licensing and, therefore, do not pay license fees.

Report of the Committee on Finance and Administration dated August 29, 1994

The Committee on Finance and Administration recommends:

I. That an exemption process be retained in the provisions of the License By-Law with respect to exemptions of not-for-profit clubs from licensing of billiard or pool tables, bowling alleys, games, and amusement devices, whether or not a fee is charged, to avoid causing financial hardship to the majority of not-for-profit clubs currently exempt under the provisions of the by-law;

II. That additional controls be built into the exemption process for new applications as follows:

(A) for billiard parlours only, that all applications for exemption be referred to the respective Community Committee and that the Community Committee recommend to the Committee on Finance and Administration that the application be refused, or that exemptions be given;

(B) for billiard parlours only, the exemption process require that the applicant file a certificate from the Review Board of The Winnipeg Police Service stating that the applicant has not been convicted of an offence which, in the opinion of the Review Board, indicates that the carrying on of the trade would be injurious to the public interest;

Note: In the event that the applicant is a corporation, the certificate could take into account convictions against the corporation itself, all directors and officers and the manager. If the said certificate were to be subsequently revoked, the administration would automatically prepare a report recommending that the exemption be repealed.

(C) for bowling alleys only, that no application for exemption be approved unless the applicant files a certificate of the Chief of the Fire Department that the premises in respect of which the exemption would apply have been examined and found in a fit condition and suitable for the purpose of carrying on such trade;

Note: All exemptions will continue to be subject to approval of a by-law amendment by Council.

III. That The City of Winnipeg License By-law No. 4007/85 be amended as follows:

(A) That the following not-for-profit clubs listed as exempt in the by-law be deleted, as the clubs are no longer at the premises listed in the by-law:
Union Centre, 570 Portage;
Ritz Club Inc., 640 Notre Dame;
Pinoy Social Club Inc., 9 - 794 Sargent Avenue;
The Eritrean Community in Winnipeg, Inc., 403 Notre Dame Avenue;
Lisbon Recreation Club Inc., 696 Sargent Avenue; and
Club Dos Acoreanos Inc., 558 Ellice Avenue.

(B) That the housekeeping amendments noted in Exhibit 1 attached be made to clarify existing practice and to discontinue the requirement for licensing non-electric dart boards where there is no fee or charge made for the use of the dart board.

IV. 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.

Renewal of Leave and License Agreement - Kildonan Crossing Shopping Centre Ltd
File FI-2.2(33) (Vol. 1)

1042 - 10. Council, on March 8, 1989, granted leave and license to Kildonan Crossing Shopping Centre Ltd. to use a portion of Lagimodiere Boulevard (Misc. Plan No. EKT 7282/1), for parking purposes. The Agreement was for a five year term which expired March 31, 1994, at an annual rental of $6,825.00.

Also, Council on March 24, 1993, approved an amendment to the agreement to permit the erection of two identification signs within the lands at a rental of $1.00 per square foot of sign face per annum.

Report of the Committee on Finance and Administration dated August 29, 1994

The Streets and Transportation Department has advised that it has no objections to a renewal of the leave and license for a further five year term, April 1, 1994 to March 31, 1999.

The negotiated terms and conditions of renewal provide for the following:

Term	Five (5) years, April 1, 1994 to March 31, 1999
Purpose	Parking and maintenance of two double-faced pylon signs
Rental	$7,000.00 per annum, plus as additional rental an amount equivalent to realty taxes. Plus, rental for signs being $330.00 per annum
Insurance	Public liability insurance of at least $1,000,000.00 naming the City of Winnipeg as additional insured and containing a cross-liability clause
Cancellation	90 days notice by either party

The Committee on Finance and Administration recommends:

I. That renewal of leave and license to Kildonan Crossing Shopping Centre Inc. be granted in accordance with the terms and conditions outlined herein, and in a form satisfactory to the Acting City Solicitor.

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 Misc. Plan No. EKT 7282/1 is on file in the office of the City Clerk.

Adopted by consent.

Proposed Exchange of Property situated North of Storie Road for the North and South Sides of Court Avenue - Manitoba Hydro File FI-2(34) (Vol. 2)

1043 - 11. A section of Court Avenue (Misc. Plan No. LSWK 8541/1), was proposed to be widened to a standard right-of-way width as a result of a requirement to install local improvement servicing. On May 7, 1992, a building permit was issued for the development of a Manitoba Hydro Substation Facility and Control building on the North side of Court Avenue, within Manitoba Hydro's transmission line right-of-way. The District's requirements included local improvement advertising and levies for municipal services, and a land transfer from Manitoba Hydro on both sides of Court Avenue for the purpose of widening the street right-of-way from 10.241m to 20.117m so as to permit the municipal service installations in the subject section of Court Avenue.

A Local Improvement advertising on November 13, 1992, for the installation of a land drainage sewer, wastewater sewer and watermain in Court Avenue was successfully advertised. However, the underground local improvements were not installed, since Manitoba Hydro's lands were not available for the road. Manitoba Hydro stated that the required lands would be transferred upon agreement to either an outright purchase or a land exchange.

At its meeting held on June 2, 1994, the Board of Commissioners authorized the Director of Land Surveys and Real Estate Department to negotiate a land exchange with Manitoba Hydro, relative to City-owned land on the north side of Storie Road or alternatively, to negotiate a land acquisition with Manitoba Hydro for the subject street widening on Court Avenue. The Corporation has agreed to an exchange of City-owned lands on the north side of Storie Road.

The Land Surveys and Real Estate Department considers the proposed exchange to be equitable. The associated terms and conditions are considered reasonable and are consistent with other land exchanges negotiated by the City.

The Waterworks, Waste and Disposal Department has advised that there is a 24” diameter feedermain lying within the City-owned parcel which must be protected by an easement agreement upon transfer of title to Manitoba Hydro.

Report of the Committee on Finance and Administration dated August 29, 1994

The Lord Selkirk-West Kildonan Community Committee has been requested to concur in the proposed disposition of the Storie Road property at its meeting scheduled for Tuesday, September 13, 1994.

The Budget Bureau, on May 2, 1994, certified that adequate funding has been committed for the aforementioned property acquisition from the Land Acquisition for General Unspecified Purposes account.

The Committee on Finance and Administration recommends:

I. That an exchange of lands with Manitoba Hydro be approved in accordance with the terms and conditions identified on Schedule "A", and subject to the inclusion of the following additional proposed term:

> "The transfer of Site No. 1 as shown on Misc. Plan No. LSWK 9167 as Parcel "C" be subject to any easements which may be required by the City for the maintenance or construction of facilities together with right-of-entry."

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.

Copies of Misc. Plan Nos. LSWK 8541/1 and LSWK 9167 and Schedule "A" are on file in the office of the City Clerk.

Adopted by consent.

Proposed Sale of a Portion of Bunn's Creek Park Adjoining 39 Parkway Place
File FI-2.4.2(33) (Vol. 1)

1044 - 12. A request has been received from the owners of 39 Parkway Place to purchase a 4.5 metre wide portion of Bunn's Creek Park (Misc. Plan No. EKT 8632/1) as an addition to their holding to enhance rear yard and accessibility around the dwelling.

The Parks and Recreation Department advised it is not supportive of selling the subject property, however, would entertain a lease of same.

The North East District Operations Department advised of a land drainage system installed in Parkway Place under the terms of Development Agreement #5099. A section of sewer between two manholes provides drainage for the entire 16 lot subdivision. Due to its status, it was deemed important to ensure maintenance accessibility to the sewer at all times. Consequently one manhole was located in the right-of-way and the other specifically located within the Park, rather than privately owned property. The proposed lease of the subject property would enclose the manhole located in the Park within a private fence and defeat careful engineering considerations, and therefore, the Department was not supportive of a lease.

At its meeting held on November 17, 1992, the East Kildonan - Transcona Community Committee concurred with the comments of the Operations Department and recommended that the lands not be sold or leased.

The Applicant then consulted with the Operations Department concerning modifications to the existing municipal works within the subject property. The Department agreed to construct the modifications (excluding the construction of a swale within the property, which would be done by the Applicant) and therefore had no objections to the proposed lease provided the Applicant paid all costs. The Applicant agreed to the lease proposal, and was prepared to pay all costs involved which have been estimated at approximately $5,400.00. The lease was to have been for a period of twenty years with rent based on a 10% return to market value plus taxes.

The Committee on Finance and Administration at its July 7, 1994 meeting, considered the lease and recommended that the subject property be instead offered for sale to Mr. Baranyk at fair market value.

Report of the Committee on Finance and Administration dated August 29, 1994

Briefly, negotiated terms and conditions of sale are as follows:

Purchase Price:	$4,400.00 plus applicable GST.
Applicant Responsible For:	All costs associated with the sale, including all legal fees; Land Titles Office charges; consolidation fees and costs to prepare a Plan of Survey to facilitate the issuance of transfer; and all costs as may be incurred by the City in constructing modifications to the municipal works existing within the land (estimated to be $5,400.00).
Sale Subject to:	Any easements which may be required by any Public Utility and/or the City of Winnipeg for the maintenance or construction of facilities together with right of entry.
Possession/ Adjustment Date:	To be mutually agreed upon.

The Land Surveys and Real Estate Department is of the opinion that the foregoing terms and conditions are fair and reasonable.

This most recent proposal is being considered by the East Kildonan - Transcona Community Committee at its meeting on September 13, 1994.

Pursuant to Section 156(2) of The City of Winnipeg Act, approval of at least two-thirds of the members of Council is required on the sale of any property that has been designated or acquired for park purposes.

The Committee on Finance and Administration recommends:

I. That the subject property be declared surplus.

II. That the sale of the property be approved in accordance with the terms and conditions outlined herein, and in a form satisfactory to the Acting City Solicitor.

III. 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 Misc. Plan No. EKT 8632/1 is on file in the office of the City Clerk.

Adopted by consent.

Proposed Leave and License for Use of a Portion of Murchison Drive
File FI-2.2(35) (Vol. 2)

1045 - 13. Qualico Developments (Winnipeg) Ltd., on behalf of its subsidiary company, Star Building Materials Ltd., has applied to lease by way of leave and license a portion of Murchison Drive (Misc. Plan No. RIEL 4908/3) for the purpose of expanding the Company's lumber storage area and fencing the perimeter of the right-of-way to secure the material to be stored.

The Streets and Transportation Department has no objection to a Leave and License to a maximum of five (5) years.

The South East District Operations Department has advised it has no objections providing the City reserves the right to enter upon the lands for the purpose of maintaining its utilities.

On May 16, 1994, the Riel Community Committee indicated it had no objections to the proposal on condition that the lumber and building materials stored on the lands will not be visible from Lagimodiere Boulevard.

Report of the Committee on Finance and Administration dated August 29, 1994

Briefly, negotiated terms and conditions of the proposed Leave and License provide for the following:

Term	Maximum of five (5) years
Purpose	Outside storage of lumber and building materials in conjunction with adjoining business operations
Rental	$2,000.00 per annum, plus as additional rental an amount equivalent to realty taxes
Applicant	Star Building Materials Ltd.
Insurance	Public liability insurance of at least $1,000,000.00 naming the City as additional insured and containing a cross-liability clause
Cancellation	90 days notice by either party

The Committee on Finance and Administration recommends:

I. That Leave and License to Star Building Materials Ltd. be granted in accordance with the terms and conditions outlined herein, and in a form satisfactory to the Acting City Solicitor.

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 Misc. Plan No. RIEL 4908/3 is on file in the office of the City Clerk.

Adopted by consent.

Proposed Expansion Luxton Community Centre - Proposed Acquisition - 80 & 84 Inkster Boulevard File FI-2(34) (Vol. 2)

1046 - 14. On September 12, 1992, the Committee on Finance and Administration authorized the Director of the Land Surveys and Real Estate Department to negotiate for the acquisition of several properties including 80 and 84 Inkster Boulevard in order to expand Luxton Community Centre.

On February 3, 1994, the subject properties were offered for sale to the City. The owner has advised that both houses are rental units and has agreed to sell for a total purchase price of $52,000.00. The proposed purchase price of $27,000.00 for 80 Inkster Boulevard and $25,000.00 for 84 Inkster Boulevard are supported by an independent appraisal. The Land Surveys and Real Department considers that it is in the best interest of the City to settle in accordance with the terms and conditions contained herein.

On August 8, 1994, the Parks and Recreation Department advised that the expansion of the Luxton Community Centre is not scheduled immediately and therefore requested that the Land Surveys and Real Estate Department take possession of the houses with the existing tenancies in place and continue to rent until such time as the project commences. The owner has requested that closing and possession be set at October 3, 1994.

The Administration has recommended that funding for this acquisition be charged to the Land Acquisition for General Unspecified Purposes Account. The Committee on Finance and Administration does not concur and recommends that funding for this acquisition be allocated from the Lord Selkirk-West Kildonan Community Land Dedication Reserve Account.

The Committee on Finance and Administration recommends:

I. That the acquisition of 80 and 84 Luxton Boulevard be approved at a total purchase price of $52,000.00 in accordance with the terms and conditions identified as Schedule "A".

II. That funding be approved from the Lord Selkirk-West Kildonan Community Land Dedication Reserve Account.

Report of the Committee on Finance and Administration dated August 29, 1994

III. 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.

Moved by Councillor Eadie,
Adoption of the clause.

In amendment,

Moved by Councillor Eadie,
Seconded by Councillor Golden,
WHEREAS the clause recommends that funding for the acquisition of the properties at 80 and 84 Inkster Boulevard for the expansion of the Luxton Community Centre be approved from the Lord Selkirk-West Kildonan Community Land Dedication Reserve Account;

AND WHEREAS the Finance Department has advised that there are no funds available in that account as at August 31, 1994;

AND WHEREAS the Administration had recommended that funding for this acquisition be charged to the Land Acquisition for General Unspecified Purposes Account;

THEREFORE BE IT RESOLVED that the clause be amended to provide that funding for the acquisition of 80 and 84 Inkster Boulevard be charged to the Land Acquisition for General Unspecified Purposes Account.

The amendment was put and declared carried.

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

Proposed Acquisition of C.B.C. Property at 4051 Pembina Highway for the Expansion of La Barriere Park
File FI-2(35) (Vol. 2)

1047 - 15. The City was advised on March 5, 1991, by the Canadian Broadcasting Corporation that its property at 4051 Pembina Highway was surplus and was available for sale.

On November 15, 1991, the Board of Commissioners considered a report from the Committee on Protection, Parks and Culture and subsequently instructed that the Director of Land Surveys and Real Estate enter into negotiations for the acquisition of the referenced property.

The Parks and Recreation Department supports acquisition of the referenced property to: firstly, provide an alternative entrance to La Barriere Park from Pembina Highway and enhance the visual profile of La Barriere Park; and secondly, to provide additional regional recreation space and thirdly, to preserve the wood lot area situated along the riverbank on the west limit of the property.

The proposed purchase price of $100,000.00 and the associated terms and conditions are deemed to be acceptable by the Land Surveys and Real Estate Department. The price, in the Department's view, lies at the upper limit of the range of values and is influenced by its special location insofar as the broadcasting/communications industry is concerned. Rogers Broadcasting Limited (RBL) has advised that the site is desirable for broadcasting purposes because there is access to hydro-electric service and to Pembina Highway; the existing building may serve well for part of a planned facility; the site is close to the City; the Department of Transport will permit a higher than normal tower because of this sites' relationship to flight paths. Furthermore, RBL has advised that "there is a strong possibility this site could become a combined FM transmission facility (this would eliminate some of the existing FM transmitter sites inside the Perimeter Highway)."

Report of the Committee on Finance and Administration dated August 29, 1994

There is a distinct possibility that a sale or lease of a portion on the property could be negotiated and that those revenues could be used to offset the acquisition costs. The Parks and Recreation Department supports the proposal of a sale or lease as long as the use of the property does not interfere or diminish the utility of the site for Parks' purposes.

The Land Surveys and Real Estate Department is concerned that there may be contamination on the property and in the building arising out of the former existence of transformers and other equipment. The Department recommends that the Parks and Recreation Department undertake a Phase II Environmental Site Assessment prior to finalizing the proposed acquisition.

Adequate funding for the proposed acquisition has been identified in Budget Bureau Certificate RB 94-01, chargeable to the Riverbank Land Acquisition Account and the Land Acquisition for General Unspecified Purposes Account.

The Committee on Finance and Administration recommends:

I. That the acquisition of the land identified as "Canadian Broadcasting Corporation Property" on Misc. Plan No. RIEL 8214/4 be approved at a price of $100,000.00 and in accordance with the terms and conditions identified on Schedule "A".

II. That the Parks and Recreation Department and the Land Surveys and Real Estate Department be instructed to investigate the feasibility of selling and or leasing a portion of the site.

III. 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.

Copies of Misc. Plan No. RIEL 8214/4 and Schedule "A" are on file in the office of the City Clerk.

Adopted by consent.

Sale by Public Tender - Highlander Sportsplex File F-5 (Vol. 18)

1048 - 16. Council, on October 15, 1975, approved the acquisition of the Highlander Curling Club, 1871 Ellice Avenue, for $1,300,000.00. On September 15, 1982, Council approved an agreement with Winnipeg Enterprises Corporation for the maintenance, operation and control of the Highlander. Said agreement contains a cancellation clause as follows:

"(b) the Corporation understands and agrees . . .
(iii) upon receiving thirty (30) days' notice in writing from the City requiring it to do so, to transfer and convey to the City or its nominee the said Curling Club and Hockey Rink and all assets, funds, contracts and undertakings of the Corporation as a going concern and to turn over possession thereof to the City or its nominee without receiving any consideration therefor."

On February 21, 1994, Council considered a report relative to the Winnipeg Enterprises' continued operation of the Highlander, as outlined in Clause 2 of the Report of the Executive Policy Committee dated February 16, 1994, outlining alternative conversions to the Highlander Sportsplex, and recommended the conversion of the curling surface to two soccer pitches, at a projected capital cost of $296,780.00, to be funded from unused borrowing authority.

Subsequently, Council at its special meeting on February 25, 1994 to consider the 1994 Current Estimates, directed as follows:

That an amount of $2,000,000.00 be placed in a contingency account in the 1994 budget, said money to be secured through the sale of the Highlander Sportsplex.

Report of the Committee on Finance and Administration dated August 29, 1994

Pursuant to the most recent decision of Council dated February 25, 1994, the Land Surveys and Real Estate Department advertised a Call for Tenders for the sale of the Highlander Sportsplex.

One of three offers was received from Ormskirk Investment Limited/CANLAN Investment Corp., (CANLAN) a Vancouver based real estate development and investment company listed on the Toronto Stock Exchange, which operates rink complexes in Victoria, Burnaby, North York, Saskatoon, and Bellingham, Washington.

CANLAN's offer was conditional upon non-acceptance of the City's Union Agreement which applies to employees at the Highlander Sportsplex who are represented by C.U.P.E. Local 500, however, the Director of Personnel has negotiated a Collective Agreement between the Local 500 bargaining unit and CANLAN Investment Ltd.

The net sale price of the Highlander Sportsplex to CANLAN has been negotiated at $1,309,750.00, after deduction of real estate costs and an employee benefits package.

The Committee on Finance and Administration is recommending that six employees that will be transferred to CANLAN's group benefit program, be provided a separate pension plan administered by the Employee Benefits Board for the provision of pension benefits for retirement.

The Committee on Finance and Administration therefore recommends:

I. That Council's decision of February 21, 1994, relative to converting the Highlander Curling wing to two soccer pitches at a cost of $296,780.00, be rescinded.

II. That the lease for the management of the Highlander with Winnipeg Enterprises Corporation be cancelled in accordance with the thirty (30) days cancellation clause contained in the Agreement.

III. That the sale of the Highlander Sportsplex be approved to Ormskirk Investment Ltd/CANLAN Investment Corporation, in accordance with the negotiated terms and conditions.

IV. That a pension plan administered by the Employee Benefits Board be provided for six employees transferred to CANLAN's group benefit program.

V. 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.

Moved by Councillor Eadie,
Adoption of the clause.

Carried.

Sale of Northeast and Northwest Corners of Taylor Avenue and Waverley Street to Akman Consolidated Inc
File FI-2.4(32) (Vol. 1)

1049 - 17. Council, on May 26, 1993, approved the sale of properties located on the northeast and northwest corners of Taylor Avenue and Waverley Street (shown respectively on Misc. Plan No. APFG 7004/3 and CC 7004/2B) to Akman Consolidated Inc.

Council, on November 17, 1993, at the request of the Purchaser, waived the requirement that the Purchaser first construct a foundation of the building/s for Transfer of Land to issue.

Council, on January 26, 1994, passed rezoning By-law No. 6306/94. The balance of the purchase price, interests and adjustments, therefore became due on February 25, 1994.

Report of the Committee on Finance and Administration dated August 29, 1994

On May 25, 1994, Council approved the following:

1. The Purchaser be allowed to close on Parcel 1 independent of Parcel 2, the deposit in the prorated amount of $22,500.00 to be applied to the purchase price, with interest payable in accordance with the Agreement.

2. The Purchaser be granted an extension to February 25, 1995, to pay the balance of the purchase price, interest and adjustments on Parcel 2 with no interest on the purchase price until August 24, 1994, and thereafter, interest payable in accordance with the Sale Agreement.

A request to increase the density (number of units) on either parcels without additional charges was not granted.

Taylor McCaffrey, solicitors for the Purchaser, have recently requested that Clause 15 of the Agreement (which reserves to the City the option to require reconveyance of the lands should the Purchaser fail to construct the housing development) be deleted.

The Committee on Finance and Administration advised that the Purchaser had originally intended to register an ordinary Condominium Plan with respect to the development of the property, which would have necessitated a substantial investment up-front for services and construction of all of the bungalows before registration of the Condominium Plan. Since the development is composed of individual bungalows and not a high rise building, it is possible under the provisions of the Condominium Act to register a Bare Land Condominium Plan, which is in effect similar to a Plan of Subdivision since the condominium units are defined by delineating of their horizontal boundaries without reference to any buildings on the plan. This would permit the Condominium Plan to be registered prior to the construction of the bungalows and permit the sale of each unit to be completed and title to be conveyed on a one by one basis so that the developer will receive funds as construction of the project proceeds The Purchaser, therefore, has decided to proceed with the development as Bare Land Condominium Projects.

For the information of Council, as aforesaid, the Purchaser after registration of the Bare Land Condominium Plan, may sell-off individual bungalows upon their construction. Should the Purchaser default in completing construction of all the units (29) and should the City decide to exercise its right for reconveyance, the City will recover only those units which are still vacant. The City, in effect, will thereafter assume membership in the Condominium Corporation with all the obligations and rights as any of the other members.

The Committee on Finance and Administration recommends:

I That Clause 15 of the Agreement dated October 12, 1993, made between the City and Akman Consolidated Inc. be deleted.

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.

Copies of Misc. Plan Nos. APFG 7004/3 and CC 7004/2B are on file in the office of the City Clerk.

Adopted by consent.

COMMITTEE ON FINANCE AND ADMINISTRATION

CONSIDERATION OF BY-LAWS

1050 - On motion of Councillor Eadie, the rule was suspended and the following By-laws were read a first, second and third time, the rule being suspended for the third reading of each by-law, and were passed and ordered to be signed and sealed, namely:

By-law No. 6483/94, a By-law of The City of Winnipeg to amend By-law No. 4007/85, being The City of Winnipeg License By-law. File EL-1.35 (Vol. 4)

By-law No. 6484/94, a By-law of The City of Winnipeg to amend By-law No. 201/72, being a By-law to impose a license fee in lieu of business tax upon certain persons carrying on business in The City of Winnipeg. File FL-1 (Vol. 9)

By-law No. 6485/94, a By-law of The City of Winnipeg to amend By-law No. 821/74, being a By-law relating to mobile houses, tourist camps and trailer parks. File EL-8 (Vol. 3)

By-law No. 6486/94, a By-law of The City of Winnipeg to amend the Amusement Tax By-law No. 3107/81. File FL-2.5 (Vol. 9)

By-law No. 6487/94, a By-law of The City of Winnipeg to amend the Amusement Tax By-law No. 3107/81. File FL-2.5 (Vol. 9).