REPORT OF THE

COMMITTEE ON FINANCE AND ADMINISTRATION

DATED JANUARY 6, 1994

On motion of Councillor Eadie, the Report of the Committee on Finance and Administration, dated January 6, 1994, was considered clause by clause.

Moved by Councillor Eadie,
That the Consent Agenda Items, Clauses 1,2,3,4,5,6,7,8,9,10 and 11 be adopted.

Carried.

Her Worship the Mayor and Councillors:

Citizen Appointment to the Civic Charities Endorsement Bureau
File GL-5.2 (Vol. 12) (c/r GC-7 (Vol. 23))

337 - 1. Council at its Organizational Meeting held on November 3, 1993, referred appointment of a second citizen member to the Riel Community Committee, replacing Mrs. Louise Trudel who resigned.

Your Committee on Finance and Administration has considered the recommendation from the Riel Community Committee and therefore recommends the appointment of Helen Jenner to the Civic Charities Endorsement Bureau for the balance of the three year term expiring on December 31, 1995.

Adopted by consent.

Amusement Tax Exemptions
File FL-2.5

338 - 2. Council on September 22, 1993, adopted as amended by Executive Policy Committee, Clause 8 of the Report of the Committee on Finance and Administration dated September 3, 1993, to enact amendments to the Amusement Tax By-law in order to change the exemption process and eliminate the perceived abuse in the current amusement tax system.

Under the aforesaid amendments to the Amusement Tax By-law, applications for exemption require review by the Winnipeg Arts Advisory Council in light of newly developed criteria, subsequent consideration by the Committee on Finance and Administration and implementation through a by-law of Council for recommended approvals.

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

I. That subsection 7(6) of By-law No. 3107/81 be amended by adding the following at the end of the list of exemptions contained therein:

"An Annual Spring Concert held by Winnipeg Male Chorus Inc. on April 9, 1994, at Westminster United Church; and,

A 'Manitoba Sings' Choral Concert held by Manitoba Choral Association Inc. on February 20, 1994, at the Pantages Playhouse Theatre."

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.

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Amendment to the City of Winnipeg License By-law No. 4007/85 - Massage Therapists
File EL-1.35 (Vol. 4)

339 - 3. Council at its meeting held 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 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 a license as a "massage therapist" and has provided evidence that a course of study in the principles of Scientific Massage from the Anderson School of Scientific Massage, Princeton, Illinois has been completed, as well as documentation from the Illinois State Board of Education which confirms that this school, which is now closed, was an approved Private School.

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

I. That License By-Law No. 4007/85 with respect to massage therapists be amended by adding the Anderson School of Scientific Massage, Princeton, Illinois, to the list of registered educational institutions recognized under the License By-law.

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 Amendment to License By-law 4007/85 - "Carnival" and "Amusement Parlour" **File EL-1.2 (Vol. 13)**

340 - 4. Carnivals and amusement parlours are licensed under the City of Winnipeg License By-law 4007/85. No new carnival or amusement parlour license may be issued until the application has been approved by the respective Community Committee for the area or upon appeal, by the Committee on Planning and Community Services. The by-law requires a public hearing including a 14-day posting period. Community Committee meetings are generally held once a month and these Committees prorogue during the summer which results in licensing turnaround times of up to 2 months in the peak summer period for carnivals, street festivals and special events of this nature.
The License By-law definitions of these two trades are as follows:

> "carnival" means a collection of side shows, rides, ball, dart, disc throwing games, or any of them, operating at the same time and place but does not include a collection consisting of five or fewer rides designed and operated to be used by children ten years of age and younger;
>
> "amusement parlour" means a store, shop, room, building or place conducted or operated as a place of amusement wherein five or more amusement devices, shooting galleries, automatic slot machines, photo studios, automatic devices, strength testing machines or all or any of them are kept or operated for amusement and to which the public is admitted.

These events are generally of short duration and do not cause an adverse effect on the interests of occupants or owners of property in the vicinity. Generally, these events are looked upon favourably by the members of the community and in fact are often sponsored and organized by community groups.

As some of these events are planned on short notice, existing licensing requirements including the requirement for the public hearing process, may hinder or prevent special events, festivals, and promotional activities from taking place in

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Winnipeg. Although it is recommended that the public hearing process at the Community Committee level be deleted for carnivals and amusement parlours which operate for 5 consecutive days or less to promote special events occurring in Winnipeg, Community Committee approval would still be required for all carnivals and amusement parlours which operate for more than 5 days. As well, all carnivals and amusement parlours, even those of 5 days or less would remain subject to other licensing requirements as outlined in Exhibit "A", as well as existing zoning regulations, therefore, land use controls would remain in place.

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

I. That The City of Winnipeg License By-law No. 4007/85 be amended by deleting the public hearing process at Community Committee for temporary carnivals and amusement parlours which operate for 5 consecutive days or less at one location, to promote the occurrence of special events and festivals in Winnipeg.

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 Exhibit "A" regarding license requirement for carnivals and amusement parlours is on file in the office of the City Clerk.

Adopted by consent.

Chamber of Commerce Appointment to the Winnipeg Parking Authority
File ST-8.1 (Vol. 8)

341 - 5. Council at its Organizational Meeting held on November 3, 1993, requested your Committee on Finance and Administration to recommend the appointment of a representative of the Chamber of Commerce to the Winnipeg Parking Authority.

Your Committee on Finance and Administration has considered a recommendation from the Winnipeg Chamber of Commerce and therefore recommends the appointment of Mr. David Hicks to continue to represent the Winnipeg Parking Authority for a three year term expiring November, 1996.

Adopted by consent.

Proposed Amendment to Amusement Tax By-law 3107/81 - Requirement for Audited Financial Statement
File FL-2.5 (Vol. 8)

342 - 6. Council, on September 22, 1993, enacted By-law 6238/93, a by-law of The City of Winnipeg to amend the Amusement Tax By-law No. 3107/81 and the City Organization By-Law No. 4444/86. These amendments changed the process for exemptions from amusement tax, including outlining reporting requirements for exempt events. The by-law currently requires an audited financial statement from all organizations receiving an exemption from amusement tax which may be too stringent for some organizations.

Subsection 7(7) of the Amusement Tax By-law No. 3107/81 relating to financial reporting requirements for non-profit cultural and athletic organizations exempt from amusement tax states:-

"Organizations operating the amusement or places of amusement listed in subsection (6) shall:

a) Within 30 days following the amusement or event(s) or at such time as may be directed by the Chief License Inspector, file:

i) a completed financial statement, certified by the officers of the organization or by a member of a body of professional accountants incorporated by a statute of the Province of Manitoba, on a

form provided by the Chief License Inspector;

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ii) where a part of the revenue from the amusement or event(s) was or is to be paid to a promoter, proprietor, member, officer or director, a completed financial statement indicating a final breakdown of such payments on a form provided by the Chief License Inspector.

b) Within 90 days following the end of the organization's fiscal year or at such times as may be directed by the Chief License Inspector, file an annual audited financial statement, certified by a member of a body of professional accountants incorporated by a statute of the Province of Manitoba, sufficient to indicate the value of the amusement tax exemption and to demonstrate compliance with the criteria set forth in Schedule "C", copy of which is on file in the office of the City Clerk.

During the review of the new provisions of the Amusement Tax By-law with representatives of the Winnipeg Arts Advisory Council, the issue of the requirement for audited financial statements was discussed. It was felt that the requirement for an external audit may pose an unnecessary financial burden for some organizations.

The proposed deletion of the requirement for an annual audited financial statement for organizations receiving exemptions from amusement tax with an estimated value of $5,000 or less per calendar year would not eliminate the requirement for financial reporting 30 days following the event. Inasmuch as the by-law permits certification of financial documentation to be made by officers of the organization, the unaudited financial statements would be submitted 30 days following the event, however the organization would avoid the cost of an external audit. The by-law also contains provision that the City Auditor or any persons appointed by him may enter at any time, any place of amusement, and audit the books, records and accounts of the owner for the purpose of ascertaining the amount of tax to be collected and remitted.

Your 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 by deleting the requirement for an annual audited financial statement for non-profit cultural and/or athletic organizations which receive exemptions from amusement tax where the value of the exemption is $5,000 or less per calendar year.

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.

Redemption of 27 Leeds Avenue from Tax Sale by Instalments
File FL-2.4 (Vol. 11)

343 - 7. On January 6, 1994, your Committee on Finance and Administration considered a report dated November 24, 1993, from the Commissioner of Finance and Administration with respect to the above-referenced request for redemption from Tax Sale by instalment payments.

The City of Winnipeg Act Section 255(4) states the following:-

> Notwithstanding section 245 and subsection (1), but subject to subsection (5), the city, if authorized by by-law, may enter into an agreement in writing with an owner of, or a person who has an interest or estate in, or a charge on, land that has been sold for taxes, for the redemption of the land from the tax sale and the payment of all taxes payable in respect of the land subsequently accrued to the date of the agreement and during the currency of the agreement, by instalments.

On October 4, 1993, Debby Vlahos, by way of letter to a Solicitor of the City of Winnipeg Law Department, requested to be allowed to redeem her property at 27 Leeds Avenue from Tax Sale by instalment payments.

The payment plan proposed by Mrs. Vlahos includes a down payment of $698.50 and monthly payments of $500.00. The application of such a proposal, which falls within the framework of previous agreements approved by Council, would retire the present indebtedness of $10,049.54 plus future years projected taxes in approximately 43 months, as outlined in Exhibit "A".

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Your Committee on Finance and Administration therefore recommends:-

I. That a redemption from Tax Sale of 27 Leeds Avenue by consecutive monthly instalments of $500.00 be granted.

II. That the Acting City Solicitor be requested to prepare the necessary by-law authorizing the agreement on a one year conditional basis.

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 Exhibit "A" regarding this proposal is on file in the office of the City Clerk.

Adopted by consent.

Redemption of 71 Ada Street from Tax Sale by Instalments
File FL-2.4 (Vol. 11)

344 - 8. On January 6, 1994, your Committee on Finance and Administration considered a report dated December 6, 1993, from the Commissioner of Finance and Administration with respect to the above-referenced request for redemption from Tax Sale by instalment payments.

The City of Winnipeg Act Section 255(4) states the following:

> Notwithstanding section 245 and subsection (1), but subject to subsection (5), the city, if authorized by by-law, may enter into an agreement in writing with an owner of, or a person who has an interest or estate in, or a charge on, land that has been sold for taxes, for the redemption of the land from the tax sale and the payment of all taxes payable in respect of the land subsequently accrued to the date of the agreement and during the currency of the agreement, by instalments.

On October 21, 1993, Sherwood Foods Inc. through their Solicitor, J. H. Dixon of the law firm of Monk, Goodwin, requested to be allowed to redeem their property at 71 Ada Street from Tax Sale by instalment payments.

The payment plan negotiated includes a down payment of $4,000.00 and monthly payments of $1,750.00. The application of such a proposal, which falls within the framework of previous agreements approved by Council, would retire the present indebtedness of $42,183.43, plus future years projected taxes in approximately 49 months, as outlined in Exhibit "A".

Your Committee on Finance and Administration therefore recommends:-

I. That a redemption from Tax Sale of 71 Ada Street by consecutive monthly instalments of $1,750.00 be granted.

II. That the Acting City Solicitor be requested to prepare the necessary by-law authorizing the agreement on a one year conditional basis.

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 Exhibit "A" regarding this proposal is on file in the office of the City Clerk.

Adopted by consent.

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Tax Sale 95/10 - 233 Wellington Crescent
File FL-2.4 (Vol. 11)

345 - 9. Your Committee on Finance and Administration has been advised that the Law Department has negotiated a settlement of the competing claims of the City and Federal Government as instructed by your Committee on Protection, Parks and Culture on September 8, 1992.

The property located at 233 Wellington Crescent was sold in tax sale on February 27, 1991, for arrears of taxes for the years 1988, 1989 and 1990 which then totalled $24,857.63. At the date of tax sale the property contained a placarded dwelling unit.

In 1991, the City demolished the building located on the property at a cost of approximately $9,000.00 after the owner failed to comply with an Order to Demolish issued by the Medical Health Officer. Those costs were subsequently added to the 1991 Tax Roll.

The subject property has been considered by the Parks and Recreation Department for use in the establishment of a riverbank parkway between the Midtown and Maryland bridges along the Assiniboine River. At its meeting of September 8, 1992, the Committee on Parks, Protection and Culture heard a representation from Councillor G. Murray concerning the use of the property as a riverbank park and directed as follows:

> "That the City not pursue acquisition of a riverbank property situated at Wellington Crescent and Daly Avenue (Lot 18, Plan 304) for riverbank parkway purposes; but rather the Assistant City Solicitor be instructed to negotiate with the Federal Government for reimbursement of back taxes owed to the City for the property."

The subject property is subject to four registrations in favour of Her Majesty The Queen registered in 1984, 1989 and 1990 to secure indebtedness to Revenue Canada Taxation in the amount of $530,455.99.

There is no reported Court decision which definitively establishes the priority between municipal taxes and claims by the Federal Crown.

Section 216(1) of The City of Winnipeg Act provides as follows:

> "the taxes accrued on land shall be a special lien on such land, having preference over any claim, lien, privilege or encumbrance of any party except the Crown, and shall not require registration to preserve it"

and could well be interpreted as giving the Crown priority over the City's claim for taxes. The City's claim in this situation is further weakened by the fact that the claim by the Federal Government predates the majority of the years for which taxes are unpaid.

The Department of Justice has obtained a transfer of the property from the registered owner and has pursued a sale of the property with a number of parties. By letter dated December 8, 1993, Senior Counsel for the Department of Justice advised that he is very close to finalizing an option to purchase this property, conditional upon resolution of the City's claim for taxes. The contemplated sale would be based on an option whereby, if exercised within six months, the price would be $325,000.00 and if the option period was extended for a further six months and the option exercised within that period, the price would be $365,000.00.

In order to avoid litigation over the priority of the two government claims, the Department of Justice has proposed that the net proceeds of sale (after payment of agent's commission, legal costs and an unpaid builders' lien) be divided rateably between the Federal Government and the City, based on the respective amount of these claims. This distribution is expected to provide approximately $38,000.00 towards the City's claim.

The Parks and Recreation Department was consulted during this process by the Law Department, and advised that on December 2, 1993, a representative from the Parks and Recreation Department met with the local area councillor to discuss the subject property matter. Councillor Murray advised that he had contacted the Federal Government Member of Parliament and discussed the property. The Member suggested that the City could submit a proposal to the Federal Department of Justice including proposed terms of settlement. It was suggested that a proposal should include a plan identifying the proposed use of the property and its linkage to the riverbank parkway project.

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The Law Department has no instructions concerning the preparation of a proposal to the Federal Department of Justice for the City to attempt to obtain this property for use as a park. The Law Department's discussions with the Department of Justice suggest that if the resolution of the tax claim is delayed by the City, the potential sale of the property will be jeopardized.

Your Committee on Finance and Administration therefore recommends:-

I. That the City of Winnipeg settle outstanding tax arrears in the amount of $75,114.53 relating to the property located at 233 Wellington Crescent upon payment by Her Majesty The Queen in Right of Canada of a sum representing a pro-rata distribution of the net proceeds of sale of the property as between the City of Winnipeg and Federal Government. (The amount of the payment is estimated to be approximately $38,000.00).

II. That upon payment by Her Majesty The Queen of the above amount:

a) The Acting City Solicitor allow the tax sale proceedings affecting this property to lapse, thereby permitting removal of the tax sale returns from the certificate of title to the property;

b) City Council enact a by-law pursuant to Section 242 of the City of Winnipeg Act cancelling any amounts remaining upon the tax roll.

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.

Adopted by consent.

Acquisition - Expansion of the Brady Road Landfill Site
File FI-2(35) (Vol. 1)

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346 - 10. On July 31, 1985, City Council approved the expansion of the Brady Road landfill to a 40 year site with transfer facilities.

On June 2, 1992, the Committee on Works and Operations recommended that negotiations be undertaken for the acquisition of adjoining property, legally described as Part Lot 75/78 St. Norbert O.T.M., for the Brady Road Landfill site expansion.

The subject property is required in its entirety for the proposed expansion of the Brady Road Landfill Site. The Waterworks, Waste and Disposal Department has advised that the property, which is situated immediately south of and adjoining the Brady Road Landfill Site, will act as a further buffer to adjoining properties. Although the subject property was not designated as part of the 40 year site it consolidates a larger parcel of land south of the Manitoba Hydro Transmission Line right-of-way creating the potential for a larger hill height thus increasing the site life. The subject property will also increase the life of the landfill by an approximate additional five (5) years based on today's generation rates and a one landfill site system.

Continuing negotiations have resulted in the proposed settlement as set out in the terms and conditions, as outlined on Schedule "A" and Schedule "CC", which documents were executed by the owners on September 20, 1993.

The proposed settlement, in the all-inclusive amount of $204,250.00 ($947.00/acre) (Condition No. 1), is supported by the market analysis as prepared by the independent appraiser retained by the City.

The proposed terms of purchase as identified in Condition Nos. 2 to 12 and including 14 are standard conditions in the proposed purchase of a privately-owned property by the City.

With respect to Condition No. 13, the owners have agreed to enter into a leaseback arrangement for a term of five (5) years in accordance with the City's terms and conditions as prescribed within the (draft) Lease Agreement, outlined in Schedule "CC". The terms and conditions of lease are consistent with other leases of City-owned land slated for agricultural use.

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To proceed with the proposed purchase on the City's recommended terms and conditions as now accepted by the property owners, the City will be in possession of the subject property and will not have to concern itself with market conditions in future years which could potentially increase the acquisition cost. Its purchase by private parties for speculation purposes will also be eliminated as will potential expropriation costs and litigation.

The Waterworks, Waste and Disposal Department and Land Surveys and Real Estate Department are of the opinion that it would be in the best interests of the City to settle this matter on the basis of the proposal as specified herein.

The proposed acquisition and costs associated therewith are to be funded from Capital Account Number 03-118117-5386010701.

Your Committee on Finance and Administration therefore recommends:-

I. That the purchase of the subject property for the all-inclusive sum of $204,250.00, in accordance with the terms and conditions as outlined on Schedule "A", be approved.

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 Schedules "A", "CC", "B", "C" and Misc. Plan No. RIEL 8626/2 regarding this proposal are on file in the office of the City Clerk.

Adopted by consent.

Donation of Vacant Land - South of 168 Young Street - Expansion of the Broadway Optimist Community Club
File FI-2(32) (Vol. 1)

347 - 11. Your Committee on Finance and Administration has considered Item No. 1 of Report No. 1A of the Technical Advisory Committee on City Properties dated December 17, 1993, (File 40/240) with respect to the donation of vacant land located south of 168 Young Street in the City Centre Community.

By letter dated April 26, 1993, Gopher Enterprises Ltd. offered to donate the subject property outlined on Misc. Plan No. CC 8846/1 to the City in exchange for a tax receipt in the amount of $10,000.00.

On September 16, 1993, the Board of Commissioners considered a report from the Acting General Manager of the Parks and Recreation Department and authorized the Director of the Land Surveys and Real Estate Department to enter into negotiations with the owner of the above referenced property for the purpose of obtaining the property by donation in exchange for a tax receipt.

The subject property is to be incorporated with the Broadway Optimist Community Centre and may be utilized for a variety of purposes including the improvement of vehicular and pedestrian access to the building and site, and additional on-site parking. Council on October 20, 1993, authorized the closing of that part of the public lane adjacent to the subject property shown on Misc. Plan No. CC 8782/2. The closing plan has been held up pending the determination of the acquisition of the subject property. Should the subject property be acquired, it is the intention of the Parks and Recreation Department to pursue a closing of the adjacent streets and lanes generally as shown on Misc. Plan No. CC 8846/1 in order to consolidate the subject property with the Broadway Optimists Community Centre.

The Finance Department advised that the City's policy, prior to accepting the donation, is to have the property owner obtain an appraisal. The property owners had this appraisal completed at a total cost of $434.42 which estimated the market value of the subject land to be $16,500.00.

The Income Tax Act states that the amount of the tax receipt is to be determined by an appraisal. Therefore, in this instance the receipt should be issued in the amount of $16,500.00. The Land Surveys and Real Estate Department has reviewed the independent appraisal and is satisfied that the appraised value is reasonable.

As part of this donation, the property owners have requested that the City pay the full cost of the appraisal and that the

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possession and adjustment date be December 31, 1993. The Parks and Recreation Department is supportive of paying the appraisal fee.

The Budget Bureau issued its Certificate on August 26, 1993, committing suitable funding against the 'Land Acquisition for General Unspecified Purposes' to finance this acquisition.

Your Committee on Finance and Administration therefore recommends:-

I. That the acquisition, by donation, of the Gopher Enterprises Ltd. Property as shown on Misc. Plan No. 8846 and payment to the donor of the appraisal fees in the total amount of $434.42 be approved.

II. That the City Treasurer be authorized to issue to the donor a tax receipt in the amount of $16,500.00.

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

Copies of Misc. Plans CC 8846/1 and CC8782/2 are on file in the office of the City Clerk.

Adopted by consent.

Proposed Acquisition - South of rue des Trappistes, west of Pembina Highway - Genstar Development Company
File FI-2(35) (Vol. 1)

Note: This clause has been laid over by Executive Policy Committee to a special In Camera meeting to be held on January 26, 1994, at 8:30 a.m.

348 - 12. Clause 1 of Report "A" of the Committee on Finance and Administration, dated December 9, 1993, as amended by Executive Policy Committee recommendation, was amended and adopted by Council on December 17, 1993, with respect to the proposed acquisition of lands located south of rue des Trappistes, west of Pembina Highway, as outlined in Exhibit "A".

On January 6, 1994, your Committee on Finance and Administration considered the following Council adopted amendments:-

Amendment No. 1
That the financing be referred back to the Committee on Finance and Administration to find a conventional method of financing for the proposed acquisition of the subject property.

Amendment No. 2
WHEREAS Schedule "A" of Clause 1 of Report "A" of the Committee on Finance and Administration dated December 9, 1993, contains therein Clause 4 which calls for the issuance of an Environmental License prior to registration of the Plan of Subdivision;

AND WHEREAS the value of the lands has been determined in accordance with the determination of the availability of said Environmental License;

AND WHEREAS City Council is opposed to the issuance of said Environmental License and is entering into this purchase only if said License would be issued (in order to prevent development of a Golf Course on these lands);

NOW THEREFORE BE IT RESOLVED that the City of Winnipeg shall complete this purchase subject to the terms of Schedule "A" with the exception that the Province of Manitoba need only indicate in writing that it intends to issue an Environmental License as opposed to actually issuing said License.

On January 6, 1994, your Committee heard representation from Mr. G. Yude Henteleff, Buchwald Asper Gallagher Henteleff, Barristers and Solicitors, on behalf of a coalition of groups, accompanied with Christine Singh and Louise Loewen, in support of preserving the riverbank forest lands. Your Committee also heard representation from Mr. R. Klassen, Genstar Development Company accompanied by Mr. R. McGowan, McGowan Design Group Inc., with

respect to Genstar's position on the matter.

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Your Committee on Protection, Parks and Culture again considered this matter on January 10, 1994, and heard Mr. Henteleff, Ms Singh and Ms Loewen in delegation. Committee reconfirmed its previous decision that the property be acquired and remain parkland, and concurred in the recommendations of the Committee on Finance and Administration, as outlined below.

Your Committee on Finance and Administration is aware that the Genstar Development Company's application for an Environmental License for the subject lands is still currently being considered by the Province of Manitoba. Inasmuch as the December 31, 1993, possession and adjustment date for the proposed acquisition has passed, and as Genstar Development Company has indicated its willingness to extend the date of possession and adjustment to February 1, 1994, your Committee on Finance and Administration submits for favourable consideration the following recommendations:-

I. That the amendments set out above to Clause 1 of Report "A" of the Committee on Finance and Administration dated December 9, 1993, adopted by Council on December 17, 1993, be rescinded.

II. That prior to the date of closing of the transaction, the Province of Manitoba, Department of Environment need only indicate in writing that it intends to issue an Environmental License as opposed to actually issuing said license.

III. That upon receipt of the written communication referred to in Recommendation II. above, the Commissioner of Finance and Administration be authorized to conclude the transaction with the Genstar Development Company for acquisition of the subject lands, in accordance with the conditions set out in the revised Schedule "A" to the Report of the Committee on Finance and Administration dated January 6, 1994, and in accordance with Recommendation IV. below. Upon successful acquisition of the subject lands by the City of Winnipeg, Genstar shall be required to withdraw its application for an Environmental License.

IV. That the Commissioner of Finance and Administration be directed to find a more conventional funding formula for the proposed acquisition, for consideration by the Committee on Finance and Administration on January 31, 1994.

V. That Item 3 outlined in Schedule "A" of Clause 1 of Report "A" of the Committee on Finance and Administration dated December 9, 1993, relative to the deadline date for possession and adjustment date of the subject property, be amended from December 31, 1993, to February 1, 1994, or to such a later date as may be mutually agreed upon by the Commissioner of Finance and Administration and the Genstar Development Company.

VI. That Item 9 outlined in Schedule "A" of Clause 1 in Report "A" of the Committee on Finance and Administration dated December 9, 1993, be deleted in its entirety, and the remainder of Schedule "A" be renumbered accordingly.

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

Copies of attachments referred to in the above clause are on file in the office of the City Clerk.

LAID OVER BY EXECUTIVE POLICY COMMITTEE ON JANUARY 19, 1994

(For disposition of Clause 12, see Minute No. 352)

Report of the Committee on Finance and Administration dated January 6, 1994

City Lands located in West St. Paul at the Northeast corner of Main Street and the Perimeter Highway

File FI-2.4 (Vol. 4)

Note: This clause has been referred back by Executive Policy Committee to the Committee on Finance and Administration.

349 - 13. Council, on April 28, 1993, adopted Clause 4 of the Report of the Committee on Protection, Parks and Culture dated April 8, 1993 which declared the 45-acre City-owned property, situated to the north-east of Main Street and the north Perimeter Highway, within the Rural Municipality of West St. Paul, surplus to the City of Winnipeg's needs. In addition, Council directed that all steps necessary be taken to dispose of this property during 1993 with the proceeds of the sale to be utilized to increase the contribution from Current to Capital.

On January 6, 1994, your Committee on Finance and Administration considered a report dated November, 1993 from the Land Surveys and Real Estate Department recommending that an Application and Agreement for Option to Purchase the above-referenced property be accepted.
Committee was of the opinion that in order to discourage another "bedroom community" development on the outskirts of the City, the subject lands not be sold.

Your Committee on Finance and Administration therefore recommends:-

I. That the 45-acre City-owned property, situated to the north-east of Main Street and the north Perimeter Highway, within the Rural Municipality of West St. Paul, **not** be declared surplus to the City's needs and therefore not be disposed of.

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

REFERRED BACK BY EXECUTIVE POLICY COMMITTEE TO THE COMMITTEE ON FINANCE AND ADMINISTRATION

COMMITTEE ON FINANCE AND ADMINISTRATION

MOTIONS

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

Moved by Councillor Eadie,
Seconded by Councillor

350 - WHEREAS Council has enacted amendments to the Amusement Tax By-law to change the exemption process in order to eliminate the perceived abuse in the current amusement tax system;

AND WHEREAS under the proposed amendments, applications for exemptions will require review by the Winnipeg Arts Advisory Council, consideration by the Committee on Finance and Administration, and implementation through a by-law of Council;

AND WHEREAS several applications for amusement tax exemptions have been received which require consideration in order that the organizations may offer tickets for sale;

THEREFORE BE IT RESOLVED that The City of Winnipeg Amusement Tax By-law No. 3107/81 be amended by inserting the following at the end of Subsection 7(6) thereof, to approve the following exemptions:

"Concert held by the School of Music, University of Manitoba on February 10, 1994, at the Franco-Manitobain Culture Centre;

Museum operations by the Manitoba Historical Society (Dalnavert) from February 1 to March 31, 1994, at 61 Carlton Street;

Concert held by the Winnipeg Philharmonic Choir on March 30, 1994, at 190 rue de la Cathedrale;

The "Diary of Anne Frank" play held by the Winnipeg Jewish Theatre from April 14 to May 1, 1994, at the MTC Warehouse Theatre;

The "Iolanthe" play held by the Gilbert and Sullivan Society of Winnipeg Inc. from May 11 to 14, 1994, at the Pantages Playhouse Theatre."

The Deputy Speaker ruled automatic referral to the Committee on Finance and Administration in accordance with Rule 16.1 of the Procedure By-law.

Moved by Councillor Eadie,
That the rule be suspended to allow consideration of the motion at this time.

Carried.

The motion was put and declared carried.

Moved by Councillor Golden,
Seconded by Councillor Eadie,

351 - WHEREAS the Committee of Finance and Administration dealt with the administrative recommendation relative to the sale of a portion of lands adjacent to 91 Kingston Row;

AND WHEREAS at the request of the area Councillor this matter was laid over for further consideration;

AND WHEREAS any delay in the closing of this agreement would adversely affect the interests of the City of Winnipeg, as indicated in the report;

NOW THEREFORE BE IT RESOLVED that Council accept the administration recommendation to "waive the requirement to acquire rearage at 91 Kingston Row for future public walkway purposes."

Committee on Finance and Administration - Motions (continued)

The Deputy Speaker ruled automatic referral to the Executive Policy Committee in accordance with Rule 16.1 of the Procedure By-law.

Moved by Councillor Eadie,

That the rule be suspended to allow consideration of the motion at this time.

Carried.

The motion was put and declared carried.

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

Moved by Councillor Angus,
Seconded by Councillor Duguid,

352 - WHEREAS the Committee on Finance and Administration and Council have approved the acquisition of the Genstar property in St. Norbert at a price that reflects the property being licensed for a golf course;

AND WHEREAS Council approved the receipt of a letter from the Minister indicating the Province's intention to license the property for a golf course;

AND WHEREAS there is every indication that the Provincial Government will, in part or in whole, issue a golf course license for the said property;

AND WHEREAS the complete package negotiated by the Land Surveys and Real Estate Department includes linkage along the La Salle River from Pembina Highway through to La Barriere Park, and other benefits to the acquisition;

AND WHEREAS the property located (most specifically in the vicinity of the former Trappistes Monastery) may have some historical significance, and most certainly there is riverbottom forest worth protecting;

AND WHEREAS the Parks and Recreation Department has strongly recommended the acquisition of this property and this position has been supported by the Committee on Protection, Parks and Culture;

AND WHEREAS the acquisition is consistent with Plan Winnipeg;

THEREFORE BE IT RESOLVED THAT the Genstar Development Corporation property shown as Subject Property on the Land Surveys and Real Estate Department's Misc. Plan No. Riel 9021/6 be acquired at a price of $484,800.00 and in accordance with the terms and conditions as identified on Schedule "A";

AND THAT the Commissioner of Finance and Administration be directed to find a conventional funding formula for the proposed acquisition, for consideration by the Committee on Finance and Administration on January 31, 1994;

AND FURTHER THAT the Land Surveys and Real Estate Department be instructed to pursue the subdivision of the property at the south west corner of rue du Monastere and rue des Trappistes and that the net sale proceeds therefrom and also from the subdivision and sale of lots to be created on rue St. Pierre (Lots 23 and 24, Plan 4507) be designated to fund the construction of a bridge at the subject property;

AND FURTHER 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.

Committee on Finance and Administration - Motions (continued)

The Acting Speaker ruled automatic referral to the Committee on Finance and Administration in accordance with Rule 16.1 of the Procedure By-law.

Moved by Councillor Angus,
That the rule be suspended to allow consideration of the motion at this time.

Carried.

Moved by Councillor Lazarenko,
That the question be now put.

Carried.

Councillor Reese requested a recorded vote.

The Acting Speaker ruled that the motion to put the question had already been declared carried and that her request for a recorded vote had been received too late.

Councillor Reese challenged the ruling of the Chair.

The question "Shall the ruling of the Chair be sustained?" was put and declared sustained.

Councillor Golden asked to be recorded as having voted against the ruling of the Chair, in accordance with Rule 50.7 of the Procedure By-law.

The motion was put and declared carried.

Councillor Golden asked to be recorded as having voted against the motion, in accordance with Rule 50.7 of the Procedure By-law.

(Note:See Minute No. 353 for attachment)

The Speaker here resumed the Chair.

The Speaker acknowledged that Clause 7 of the Report of the Committee on Finance and Administration, dated January 6, 1994, would be filed, in accordance with the intent of the motion just passed.

353 - Schedule "A" referred to in Minute No. 352

SCHEDULE "A"

1) A Purchase Price of $484,800.00 calculated on the basis of $4,000.00 per acre for 121.2 acres. Genstar will dedicate one additional acre to bring the total acreage to 122.2 acres. This price is subject to change and is dependent on a determination of the area to be calculated by a Manitoba Land Surveyor.

2) The subject property to be conveyed to the City free and clear of any liens and/or encumbrances except: for any normal easements for public utilities; and for an amended access easement serving the lands owned by the Province of Manitoba and by the St. Norbert Historical and Community Services Inc. as referred to in term No. 11, hereunder.

3) The possession and adjustment date will be February 1, 1994, or to such a later date as may be mutually agreed upon by the Commissioner of Finance and Administration and the Genstar Development Company.

4) Twenty-five percent of the purchase price, in the approximate amount of $121,200.00 (subject to the adjustments as specified in term No. 3) will be paid on the possession and adjustment date. The balance of the purchase price in the approximate amount of $363,600.00 (to be adjusted for the precise area calculation) will be paid without interest on the date that a Plan of Subdivision will be registered in the Winnipeg Land Titles Office.

5) Genstar will at its cost and initiative be responsible for undertaking the preparation and registration of the Plan of Subdivision (which is necessary to convey title to the City) as referred to in item 5 preceding which plan will be registered in the Winnipeg Land Titles Office no later than July 1st, 1994.

6) The City will waive any dedication payable arising out of the subdivision referred to term Nos. 5 and 6 preceding.

7) The City will accelerate payment of development costs owed to Genstar arising out of Development Agreements in the total amount of $411,865.09 and covering Shoreline, Muys, Kildonan Meadows, and Ambertrails Parks. Of this amount $205,932.55 will be paid in 1994 and $205,932.54 will be paid in 1995, both after Council's approval of the budget in each respective year.

8) Genstar will, in consultation with the Commissioner of Works and Operations, be responsible for the construction of the relocated access so as to intersect with the existing private road right-of way generally as shown on Schedule "B" attached. Genstar's contribution will be limited to $25,000.00 for this construction. The construction of the relocated access will be accomplished prior to July 1st, 1994.

9) This transaction will be subject to Genstar obtaining, prior to the possession and adjustment date, the approval of the beneficiaries of the private right-of-way to the relocation of the access referred to in item 10 preceding. The City can waive this term at its sole discretion.

10) The Vendor declares that:

a) the subject property complies with all applicable environmental laws, regulations and by-laws;

b) there are no outstanding governmental orders or requests for information;

c) there are no existing, pending or threatened actions of an environmental nature;

d) there are no waste disposal sites on the property, nor has the property ever been used as a landfill or waste disposal site, or for temporary storage or special wastes on an interim basis pending treatment or fill;

e) further acknowledges and accepts that should the City determine that there are environmental concerns or contamination it may elect to cancel the proposed purchase.

Schedule "A" referred to in Minute No. 352 (continued)

11) Any real estate commissions or appraisal fees payable on this transaction are the responsibility of the Vendors.

12) Each party hereto shall be responsible for their own legal costs.

13) The Vendor shall not remove any top soil or allow any dumping on the Subject Property.

14) The Owner agrees to enter into an appropriate Sales Agreement with the City by January 31, 1994 embodying the within terms and conditions and in a form satisfactory to the City Solicitor; it is further acknowledged that the Sales Agreement will be filed as a Caveat against the Owner's Title pending finalization of this transaction.

15) The Owner agrees that the subject property will not be conveyed, disposed of or encumbered in any manner whatsoever, except subject to this agreement.

16) The Owner agrees to consent on a Real Owner Application form to add The City of Winnipeg as the Real Owner of the subject property to the Assessment Rolls of the City.

17) The Owner agrees to declare whether or not they are "Registrants" for the purposes of the "Goods and Services Tax" and if so, to provide their G.S.T. Registration number.

18) The City will self-assess any Goods and Services Tax owing on this transaction. Its G.S.T. Registration No. is 121792967.

19) This proposal is subject to approval by the City of Winnipeg Council or its delegated authority prior to February 1, 1994.

20) That the Commissioner of Planning and Community Services be requested to immediately proceed with the rezoning of the said subject property from "AR" to "PR" zoning excluding the one (1) acre donated by Genstar which is suitable for subdivision.

COMMITTEE ON FINANCE AND ADMINISTRATION

CONSIDERATION OF BY-LAWS

354 - On motion of Councillor Eadie, By-law No. 6301/94, a By-law of the City of Winnipeg to enter into an agreement with Ronald Emerie Stock and Rita Pat Stock to redeem certain property from tax sale by instalments in accordance with Section 255 of The City of Winnipeg Act, 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-2.4 (Vol. 10)

On motion of Councillor Eadie, the rule was suspended and By-law No. 6302/94, a By-law of the City of Winnipeg to acquire land lying south of Deniset Street, west of Evans Street, north of Cote Street and east of the Seine River, for the purpose of river bank stabilization of the Seine River, 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 FI-2(35) (Vol. 1)

On motion of Councillor Eadie, the rule was suspended and the following by-laws were each 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. 6314/94, a By-law of the City of Winnipeg to amend the Amusement Tax By-law No. 3107/81. File FL-2.5 (Vol. 8)

By-law No. 6315/94, 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. 6316/94, 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-1.2 (Vol. 13)

By-law No. 6317/94, a By-law of the City of Winnipeg to amend the Amusement Tax By-law No. 3107/81. File FL-2.5 (Vol. 8)

By-law No. 6318/94, a By-law of the City of Winnipeg to amend the Amusement Tax By-law No. 3107/81. File FL-2.5 (Vol. 8)

COMMITTEE ON FINANCE AND ADMINISTRATION

QUESTION PERIOD

355 - Councillor Hyman requested an update on the process regarding the Winter Cities bid and when Members of Council would be made aware of any plans regarding such.

Councillor Eadie noted that funding arrangements for Winters Cities are accommodated through corporate accounts which are dealt with by Executive Policy Committee as part of the budget process.