

Council Chamber
City Hall, Saskatoon, Sask.
Monday, April 6, 1998
at 7:00 p.m.

MINUTES OF REGULAR MEETING OF CITY COUNCIL

PRESENT: His Worship Mayor Dayday in the Chair;
Councillors Atchison, Birkmaier, Harding, Heidt, Langford, Maddin,
McCann, Roe, Steernberg, and Waygood;
A/City Commissioner Richards;
City Solicitor Dust;
City Clerk Mann;
A/City Councillors' Assistant Holmstrom

Moved by Councillor Heidt, Seconded by Councillor Atchison,

THAT the minutes of the regular meeting of City Council held on March 23, 1998 be approved.

CARRIED.

HEARINGS

- 2a) Development Plan Amendment
Residential to Neighbourhood Commercial
3501 - 11th Street West
Block 537, Plan 64-S-07550
Montgomery Place
Proposed Bylaw No. 7739
(File No. CK. 4110-3)**

REPORT OF THE CITY CLERK:

“Attached is a copy of Clause 2, Report No. 3-1998 of the Municipal Planning Commission which was adopted by City Council at its meeting held on February 23, 1998.

A copy of the Notice which appeared in the local press under dates of March 14 and 21, 1998, is attached.

Council, at this meeting, is to hear and determine any submissions with respect to the proposed amendments prior to its consideration of Bylaw No. 7739, copy attached.”

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His Worship Mayor Dayday opened the hearing and ascertained whether there was anyone present in the gallery who wished to address Council with respect to the matter.

Mr. Burton Zorb, owner, requested that Council approve the Development Plan Amendment.

Moved by Councillor Heidt, Seconded by Councillor Langford,

THAT the hearing be closed.

CARRIED.

Moved by Councillor Atchison, Seconded by Councillor Langford,

THAT Council consider Bylaw No. 7739.

CARRIED.

COMMUNICATIONS TO COUNCIL

The following communications were submitted and dealt with as stated:

A. REQUESTS TO SPEAK TO COUNCIL

**1) Bryon Kidd and Darren Morris
By-Mor Restaurants Inc., dated March 18**

Requesting permission to address Council regarding the entrances/exits at Burger King at 402 - 22nd Street West. (File No. CK. 6320-5)

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RECOMMENDATION: that Mr. Kidd and/or Mr. Morris be heard.

Moved by Councillor Heidt, Seconded by Councillor Birkmaier,

THAT Mr. Kidd and Mr. Morris be heard.

CARRIED.

Mr. Bryon Kidd and Mr. Darren Morris, By-Mor Restaurants Inc., indicated that the parking lot would not be functional without both driveways and requested that Council approve the installation of two driveways on Avenue D North.

Moved by Councillor Steernberg, Seconded by Councillor Langford,

THAT the matter be referred to the Planning and Operations Committee for a report.

CARRIED.

**2) Les Horseman and Ken Hughes, Team Representatives
The Desperados Slow-Pitch Team, dated March 31**

Requesting permission to address Council regarding a extension to the noise bylaw for two upcoming events. (File No. CK. 205-1)

RECOMMENDATION: that Mr. Horseman and/or Mr. Hughes be heard.

Moved by Councillor Langford, Seconded by Councillor Atchison,

THAT Mr. Hughes be heard.

CARRIED.

Mr. Ken Hughes, Team Representative, the Desperados Slow-Pitch Team, requested an extension to the Noise Bylaw for May 22, 23, and 24 and July 3, 4, and 5, 1998 until 2:00 a.m.

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Moved by Councillor Langford, Seconded by Councillor Atchison,

- 1) *that permission be granted to the Desperados Slow-Pitch Team to extend the time during which a Slow-Pitch Tournament may be conducted at Gordon Howe Park until 2:00 a.m. for Friday, May 22, Saturday, May 23, Friday, July 3 and Saturday, July 4, 1998 and until 11:00 p.m. for Sunday, May 24 and Sunday, July 5, 1998 for a beer garden/concession;*
- 2) *that the speakers be turned away from the residential area; and*
- 3) *that the request be approved subject to Administrative conditions.*

CARRIED.

**3) Andrea Holmes, President
South Nutana Park Community Association, dated March 31**

Requesting permission to address Council regarding reserve funds for park redevelopment being used for pest control. (File No. CK. 1704-1)

RECOMMENDATION: that Items AA.4 to AA.13 of “Communications” be brought forward for consideration and that a representative be heard.

Moved by Councillor Harding, Seconded by Councillor Roe,

THAT Items AA.4 to AA.13 of “Communications” be brought forward for consideration and that a representative be heard.

CARRIED.

**“AA4) Jackie Coad
2702 Estey Drive, dated April 1**

Submitting comments regarding the delay in developing Harold Tatler Park as reserve funds are allocated for pest control. (File No. CK. 1704-1)

RECOMMENDATION: that the information be received and considered with Item A.3 of “Communications”.

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**AA5) Linda Snell
2502 Paul Crescent, dated April 1**

Submitting comments regarding the delay in developing Harold Tatler Park as reserve funds are allocated for pest control. (File No. CK. 1704-1)

RECOMMENDATION: that the information be received and considered with Item A.3 of “Communications”.

AA6) Elaine Stroeder, dated March 31

Submitting comments regarding the delay in developing Harold Tatler Park as reserve funds are allocated for pest control. (File No. CK. 1704-1)

RECOMMENDATION: that the information be received and considered with Item A.3 of “Communications”.

AA7) L. V. Mortin., dated March 31

Submitting comments regarding the delay in developing Harold Tatler Park as reserve funds are allocated for pest control. (File No. CK. 1704-1)

RECOMMENDATION: that the information be received and considered with Item A.3 of “Communications”.

**AA8) Camille Ells
2602 Preston Avenue, dated April 1**

Submitting comments regarding the delay in developing Harold Tatler Park as reserve funds are allocated for pest control. (File No. CK. 1704-1)

RECOMMENDATION: that the information be received and considered with Item A.3 of “Communications”.

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**AA9) Derek and Shauna Barss, Members-at-Large
South Nutana Park Community Association, dated March 31**

Submitting comments regarding the delay in developing Harold Tatler Park as reserve funds are allocated for pest control. (File No. CK. 1704-1)

RECOMMENDATION: that the information be received and considered with Item A.3 of “Communications”.

**AA10) Melanie Ward
2724 Jarvis Drive, dated undated**

Submitting comments regarding the delay in developing Harold Tatler Park as reserve funds are allocated for pest control. (File No. CK. 1704-1)

RECOMMENDATION: that the information be received and considered with Item A.3 of “Communications”.

**AA11) Angie Smith
2505 Woodward Avenue, dated April 1**

Submitting comments regarding the delay in developing Harold Tatler Park as reserve funds are allocated for pest control. (File No. CK. 1704-1)

RECOMMENDATION: that the information be received and considered with Item A.3 of “Communications”.

**AA12) Dave Toth
2708 Jarvis Drive, undated**

Submitting comments regarding the delay in developing Harold Tatler Park as reserve funds are allocated for pest control. (File No. CK. 1704-1)

RECOMMENDATION: that the information be received and considered with Item A.3 of “Communications”.

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**AA13) Bruce Jackson, Treasurer
South Nutana Park Community Association, dated April 1**

Submitting comments regarding the delay in developing Harold Tatler Park as reserve funds are allocated for pest control. (File No. CK. 1704-1)

RECOMMENDATION: that the information be received and considered with Item A.3 of “Communications”.

Mr. Derek Barss, South Nutana Park Community Association, spoke against the steps taken by the Budget Committee to fund the Pest Control Program.

Moved by Councillor Langford, Seconded by Councillor Atchison,

THAT the information be received.

CARRIED.

COMMUNICATIONS - CONTINUED

**4) Shirley Ryan, Executive Director
North Saskatoon Business Association, dated April 1**

Requesting permission to address Council regarding the 1998 budget. (File No. CK. 1704-1)

RECOMMENDATION: that Ms. Ryan be heard.

Moved by Councillor Birkmaier, Seconded by Councillor Harding,

THAT Ms. Ryan be heard.

CARRIED.

Ms. Shirley Ryan, Executive Director, North Saskatoon Business Association, requested that Council maintain a zero increase in the mill rate. She submitted copies of her presentation to Council.

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Moved by Councillor Atchison, Seconded by Councillor Steernberg,

THAT the information be received.

CARRIED.

**5) Shirley Ryan, Executive Director
Combined Business Group, dated April 1**

Requesting permission for Wayne Wilson to address Council regarding the 1998 budget. (File No. CK. 1704-1)

RECOMMENDATION: that Mr. Wilson be heard.

Moved by Councillor Atchison, Seconded by Councillor Maddin,

THAT Mr. Wilson be heard.

CARRIED.

Mr. Wayne Wilson, Combined Business Group, requested that Council maintain a zero increase to the mill rate. He submitted an outline of his presentation to Council.

Moved by Councillor Atchison, Seconded by Councillor Roe,

THAT the information be received.

CARRIED.

**6) Bernie Cruikshank, President
Friends of the Forestry Farm House, dated March 31**

Requesting permission to address Council regarding property taxation on the Superintendent's Residence. (File No. CK. 4205-8-4)

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RECOMMENDATION: that Ms. Cruikshank be heard.

Moved by Councillor Waygood, Seconded by Councillor Atchison,

THAT Ms. Cruikshank be heard.

CARRIED.

Ms. Bernie Cruikshank, President, Friends of the Forestry Farm House, requested a tax abatement under the provisions of the Heritage Property Act.

Moved by Councillor McCann, Seconded by Councillor Roe,

THAT the matter be referred to the Administration and Finance Committee for a report to Council on April 20, 1998.

CARRIED.

**7) Max Haiven
1410 Cairns Avenue, dated March 18**

Requesting permission to address Council regarding the Multilateral Agreement on Investment. (File No. CK. 277-1)

RECOMMENDATION: that Mr. Haiven be heard.

CITY CLERK INDICATED TO COUNCIL THAT MR. MAX HAIVEN WAS NOT ABLE TO ADDRESS COUNCIL AT THIS TIME.

**8) Alan Myers
2017 St. Henry Avenue, dated April 3**

Requesting permission to address Council regarding the proposed land sale of surplus land on St. Henry Avenue. (File No. CK. 4214-1)

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RECOMMENDATION: that Clause A.5, Report No. 7-1998 of the City Commissioner be brought forward for consideration and that Mr. Myers be heard.

Moved by Councillor Atchison, Seconded by Councillor Maddin,

THAT Clause A.5, Report No. 7-1998 of the City Commissioner be brought forward for consideration and that Mr. Myers be heard.

CARRIED.

“REPORT NO. 7-1998 OF THE CITY COMMISSIONER

**A5) Sale of Part of Parcel A, Registered Plan No. 62-S-03373
Part of Original Parcel used for Park Land
(File No. 4214-1)**

- RECOMMENDATION:**
- 1) that City Council consider the sale of “All that portion of Parcel A, Registered Plan No. 62-S-03373, lying to the east limit of St. Henry Avenue, Registered Plan No. 66-S-07385 and to the north of the westerly production of the south limit of Lot 7, Block 479, Plan 62-S-03373”; and
 - 2) that, if approved, the land be sold for \$43.06 per square metre and all monies received from the sale be paid to the Dedicated Lands Account.

Report of the City Solicitor, March 26, 1998:

“City Council, at its meeting of February 9, 1998, considered a report of the General Manager, Planning and Building Department regarding the sale of ‘All that portion of Parcel A, Registered Plan No. 62-S-03373, lying to the east limit of St. Henry Avenue, Registered Plan No. 66-S-07385 and to the north of the westerly production of the south limit of Lot 7, Block 479, Plan 62-S-03373’ which had been dedicated as park lands. A copy of the report is attached.

Section 168(3) of *The Urban Municipality Act, 1984* requires that an urban municipality must publish a notice of its intention to dispose of lands used for park purposes in a newspaper circulating in the municipality once a week for two successive weeks prior to authorizing the disposal. Notice of intention to sell the subject land has been published in the Saskatoon StarPhoenix on Saturday, March 14, 1998, and Saturday, March 21, 1998.”

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ATTACHMENT

1. Clause B3, Report No. 3-1998 of the City Commissioner.”

Mr. Alan Myers raised some concerns regarding the proposed sale of park land and the process in which it is being done.

Moved by Councillor Atchison, Seconded by Councillor Roe,

THAT that the matter be referred to the Land Bank Committee.

CARRIED.

COMMUNICATIONS - CONTINUED

- 9) **P. J. O'Lain**
431 Collins Crescent, dated April 2

Requesting permission to address Council regarding concerns regarding Building Codes. (File No. CK. 530-1)

RECOMMENDATION: that Clause 2, Report No. 6-1998 of the Planning and Operations Committee be brought forward for consideration and that Mr. and Mrs. O'Lain be heard.

Moved by Councillor Atchison, Seconded by Councillor Roe,

THAT Clause 2, Report No. 6-1998 of the Planning and Operations Committee be brought forward for consideration and that Mr. and Mrs. O'Lain be heard.

CARRIED.

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“REPORT NO. 6-1998 OF THE PLANNING AND OPERATIONS COMMITTEE”

2. Communications to Council

**From: Dallas G. O’Lain
431 Collins Crescent
Date: undated
Subject: Concerns regarding building codes
(File No. CK. 530-1)**

RECOMMENDATION: 1) that the information be received; and
2) that Mr. O’Lain be advised accordingly.

City Council, at its meeting held on February 9, 1998, received the above-noted communication and resolved that the matter be referred to the Planning and Operations Committee for a report.

Your Committee, at its meeting held on March 17, 1998, considered the above-noted communication and received a further presentation from Mr. O’Lain regarding the matter. Your Committee referred several issues to the City Solicitor for a report.

Report of the City Solicitor, dated March 27, 1998:

“1. Are the legal and other remedies of an aggrieved purchaser/owner limited by the refusal of the City to inspect and/or certify an allegedly deficient construction item?

Briefly, the fact that the City, as the local authority having jurisdiction over the *National Building Code of Canada*, has not inspected or issued an order respecting any allegedly deficient construction item does not impact on the legal and other remedies available to an aggrieved purchaser/owner. Regardless of the state of inspection or non-inspection by the City, an aggrieved purchaser/owner is free to advance his claim either at law or pursuant to the provisions of the New Home Warranty Program of Saskatchewan (NHWP).

The NHWP is complaint driven, and is not dependent in any way upon the inspection or other activities of the City. The NHWP operates by way of referring disputes between a vendor/builder and a purchaser/owner to binding conciliation. Essentially, an independent expert (usually a Professional Engineer) investigates the complaint, hears representations from the concerned parties, and produces a written report which is to be final and binding on the parties. In the event that the vendor/builder refuses to comply with the Conciliator’s award, the NHWP itself will repair and rectify all deficiencies as per the Conciliator’s award. It is a condition of

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conciliation that the award be final and binding upon the parties, and, thusly, any aggrieved purchaser/owner choosing conciliation under the NHWP is likely precluded from pursuing further remedies which may be available at law.

In the specific case of 431 Collins Crescent, the purchaser/owner has already participated in the NHWP and a variety of complaints have been pursued through the conciliation process. The specific complaint respecting the application of stucco to the premises has not been referred to conciliation, however, the NHWP confirms that upon the request of the purchaser/owner this avenue would be available to them.

In the event that an aggrieved purchaser/owner does not wish to avail himself of the remedies offered by the NHWP, they are, of course, free to pursue their claims at law. That is, any aggrieved purchaser/owner is free to commence legal action relating to allegedly deficient construction practices or materials in contract, negligence, or both. Should an aggrieved purchaser/owner decide to proceed in this fashion, the benefit of the NHWP would not subsequently be available with respect to the item(s) so litigated. Once again, any legal action which may be contemplated is not in any way abridged by the inspection or other activities of the City.

In short, and regardless of the inspection activities of the City, an aggrieved purchaser/owner is free to pursue his claim at law, or under the provisions of the NHWP, but likely not both.

2. What are the implications of the City undertaking a 'technical' assessment of a construction item which is outside of the established building inspection program?

The parameters of the current building inspection program have been established by the City as a matter of policy having regard to the fiscal and other resources available to it. Should additional resources become available, the City may, as a matter of policy, expand the program. Should such be the case, and the program be expanded, it would be legally incumbent upon the City to discharge such enlarged role with due care and diligence.

Absent such a change in policy, and inherent increase in resources, we are advised that the requisite level of care and diligence cannot be brought to any 'technical' assessment or inspection which is outside of the currently established program. The undertaking of such assessments on a piecemeal basis, and without the necessary resources and expertise, could well expose the City to liability.

With respect to any 'technical' assessment of stucco, among other things, certain sampling and laboratory testing would be required, all of which are beyond the

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capability of the current program. Accordingly, and absent some change in policy and resources, we cannot recommend that the City undertake any after-the-fact or other 'technical' assessments of stucco, or any other construction item which is outside of the currently established building inspection program.

3. The building inspection program generally.

As noted above, the parameters of the current building inspection program have been established by the City as a matter of policy having regard to the fiscal and other resources available to it. In this regard, the inspection program has been designed to focus upon the key health, safety and structural integrity components of construction activity. It goes without saying that many items of less critical importance are not inspected. Any dispute regarding such items needs be resolved between the purchaser/owner and the vendor/builder. We believe that the policy decisions taken by the City in this regard have been properly made. It should be expressly stated that anyone aggrieved by the extent of the City's building inspection program is free to legally challenge its validity."

Having considered the above-noted communication and the report of the City Solicitor with respect to the issues raised, your Committee has determined that it would be contrary to the City's policy to carry out any further inspection of 431 Collins Crescent. Your Committee is therefore recommending that the information be received and that Mr. O'Lain be so advised."

Mr. O'Lain, submitted information to Council on building code standards.

Moved by Councillor Roe, Seconded by Councillor McCann,

THAT the information be received.

CARRIED.

COMMUNICATIONS - CONTINUED

AA. ITEMS WHICH REQUIRE THE DIRECTION OF CITY COUNCIL

**1) Ken Wood, General Manager
Saskatchewan Place, dated March 19**

Submitting recommendation from the Board of Directors of Saskatchewan Place that Saskatchewan Place be authorized to fund 1997 capital expenditures from its Revenue Stabilization Reserve in the amount of \$99,884.

RECOMMENDATION: that the Saskatchewan Place Board of Directors be authorized to draw \$99,884 from its Revenue Stabilization Reserve to fund 1997 capital expenditures.

Moved by Councillor Heidt, Seconded by Councillor Birkmaier,

THAT the Saskatchewan Place Board of Directors be authorized to draw \$99,884 from its Revenue Stabilization Reserve to fund 1997 capital expenditures.

CARRIED.

**2) Jayden Stephens, President, Board of Directors
The Shakespeare on the Saskatchewan Festival, dated March 22**

Expressing appreciation for supporting the Shakespeare on the Saskatchewan Festival and for being selected for the Tourism Saskatchewan's Business of the Year Award of Excellence - 1997. (File No. CK. 205-1)

RECOMMENDATION: that the information be received.

Moved by Councillor McCann, Seconded by Councillor Langford,

THAT the information be received.

CARRIED.

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**3) The Honourable Paul Martin
Minister of Finance, dated March 24**

Submitting a response to a resolution submitted by Council regarding a pre-budget suggestion to increase funding for research and development. (File No. CK. 150-1)

RECOMMENDATION: that the information be received.

Moved by Councillor Atchison, Seconded by Councillor McCann,

THAT the information be received.

CARRIED.

**4) Jackie Coad
2702 Estev Drive, dated April 1**

DEALT WITH EARLIER. SEE PAGE NO. 4.

**5) Linda Snell
2502 Paul Crescent, dated April 1**

DEALT WITH EARLIER. SEE PAGE NO. 4.

6) Elaine Stroeder, dated March 31

DEALT WITH EARLIER. SEE PAGE NO. 4.

7) L. V. Mortin., dated March 31

DEALT WITH EARLIER. SEE PAGE NO. 4.

**8) Camille Ells
2602 Preston Avenue, dated April 1**

DEALT WITH EARLIER. SEE PAGE NO. 4.

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- 9) **Derek and Shauna Barss, Members-at-Large**
South Nutana Park Community Association, dated March 31

DEALT WITH EARLIER. SEE PAGE NO. 4.

- 10) **Melanie Ward**
2724 Jarvis Drive, dated undated

DEALT WITH EARLIER. SEE PAGE NO. 4.

- 11) **Angie Smith**
2505 Woodward Avenue, dated April 1

DEALT WITH EARLIER. SEE PAGE NO. 4.

- 12) **Dave Toth**
2708 Jarvis Drive, undated

DEALT WITH EARLIER. SEE PAGE NO. 4.

- 13) **Bruce Jackson, Treasurer**
South Nutana Park Community Association, dated April 1

DEALT WITH EARLIER. SEE PAGE NO. 4.

B. ITEMS WHICH HAVE BEEN REFERRED FOR APPROPRIATE ACTION

- 1) **Dan Bichel, President Business Agent**
Amalgamated Transit Union, Local 615, dated March 20

Submitting grievance on behalf of the Amalgamated Transit Union local 615. **Referred to the Administration and Finance Committee (In-Camera).** (File No. CK. 4705-1)

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**2) Jae Eadie, President
Federation of Canadian Municipalities, dated March 16**

Submitting information on the Canadian Post unaddressed admail policy. **Referred to the Administration.** (File No. CK. 265-1)

**3) Dennis Felgate, Chief Electrical Inspector
Gas and Electric Inspection Division, SaskPower, dated March 23**

Submitting comments regarding Saskatoon's Portable Sign Rules and Regulations. **Referred to the Planning and Operations Committee.** (File No. CK. 4350-1)

**4) Ken Jackson, Chairman
Parks and Land Use Committee, dated March 23**

Submitting a request to participate in the Communities in Bloom program. **Referred to the Administration.** (File No. CK. 4200-1)

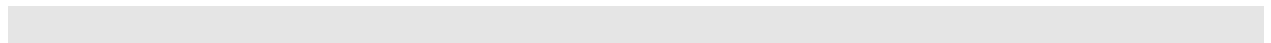
**5) Barry Prokop
Barry J.M. Prokop Architect Ltd., dated March 27**

Requesting a response to a letter regarding proposed setback for detached garages on rear lanes in the Plan Saskatoon Project - New Zoning Bylaw. **Referred to the Administration.** (File No. CK. 4110-10)

**6) Noble Dave Fairlie, Chairman
Saskatoon Shrine Circus, dated February 20**

Requesting exemption from amusement tax for the 1998 Saskatoon Shrine Circus to be held on May 8, 9 and 10, 1998. **Referred to the Administration and Finance Committee.** (File No. CK. 1965-1)

RECOMMENDATION: that the information be received.



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Moved by Councillor Atchison, Seconded by Councillor Langford,

THAT Item B.5) of "Communications" be submitted to the Planning and Operations Committee.

CARRIED.

Moved by Councillor McCann, Seconded by Councillor Heidt,

THAT the information be received.

CARRIED.

C. PROCLAMATIONS

**1) Darren Boser, Director of Community Development
M.D. Ambulance Care Ltd., dated March 23**

Requesting Council to proclaim the week of May 17 to 23, 1998 as EMS (Emergency Medical Services) Week in Saskatoon. (File No. CK. 205-5)

**2) Don Archibald, Building Inspection Engineer
Saskatchewan Building Officials Association, dated March 25**

Requesting Council to proclaim April 5 - 11, 1998 as Building Safety Week in Saskatoon. (File No. CK. 205-5)

**3) Carol Cisecki, President
Saskatoon and District Labour Council, dated March 25**

Requesting Council to proclaim April 28, 1998 as a Day of Mourning in Saskatoon. (File No. CK. 205-5)

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**4) Judith Heminger, Executive Director
Elizabeth Fry Society of Saskatchewan, dated March 20**

Requesting Council to proclaim May 4 to 10, 1998 as Elizabeth Fry Week in Saskatoon. (File No. CK. 205-5)

**5) Terry Akister,
Saskatchewan Coalition for Organ Donor Awareness, dated March 27**

Requesting Council to proclaim the week of April 19 to 25, 1998 as Organ Donor Awareness Week in Saskatoon. (File No. CK. 205-5)

**6) Mark Keller, Manager
Water Treatment & Meters, dated April 16**

Requesting Council to proclaim May 3 to 9, 1998 as Drinking Water Week in Saskatoon. (File No. CK. 205-5)

**7) Bob Morin, Immediate Past President, Saskatchewan Chapter
Association of Records Managers and Administrators Inc., dated March 31**

Requesting Council to proclaim the week of April 6 to 10, 1998 as Records and Information Management Week in Saskatoon. (File No. CK. 205-5)

**8) Phyllis Hailatt, President
Child Find Saskatchewan, dated March 31**

Requesting Council to proclaim the month of May, 1998 as Missing Children's Month in Saskatoon. (File No. CK. 205-5)

RECOMMENDATION: 1) that City Council approve all proclamations as set out in Section C; and

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- 2) that the City Clerk be authorized to sign the proclamations on behalf of City Council.

Moved by Councillor Langford, Seconded by Councillor Harding,

- 1) *that City Council approve all proclamations as set out in Section C; and*
- 2) *that the City Clerk be authorized to sign the proclamations on behalf of City Council.*

CARRIED.

REPORTS

Mr. G. Grismer, Chair, submitted Report No. 5-1998 of the Municipal Planning Commission;

A/City Commissioner Richards submitted Report No. 7-1998 of the City Commissioner;

Councillor Roe, Chair, presented Report No. 6-1998 of the Planning and Operations Committee;

Councillor Birkmaier, Chair, presented Report No. 6-1998 the Administration and Finance Committee; and

Councillor Waygood, Member, presented Report No. 1-1998 of the Board of Trustees of Defined Contribution Plan for Seasonal and Non-Permanent Part-time Employees.

Moved by Councillor Langford, Seconded by Councillor McCann,

THAT Council go into Committee of the Whole to consider the following reports:

- a) *Report No. 5-1998 of the Municipal Planning Commission;*
- b) *Report No. 7-1998 of the City Commissioner;*
- c) *Report No. 6-1998 of the Planning and Operations Committee;*

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- d) *Report No. 6-1998 of the Administration and Finance Committee; and*
- e) *Report No. 1-1998 of the Board of Trustees of Defined Contribution Plan for Seasonal and Non-Permanent Part-time Employees.*

CARRIED.

His Worship Mayor Dayday appointed Councillor Langford as Chair of the Committee of the Whole.

Council went into Committee of the Whole with Councillor Langford in the Chair.

Committee arose.

Councillor Langford, Chair of the Committee of the Whole, made the following report:

THAT while in Committee of the Whole, the following matters were considered and dealt with as stated:

Moved by Councillor McCann, Seconded by Councillor Birkmaier,

THAT the regular Order of Business be suspended and Clause 3, Report No. 6-1998 of the Administration and Finance Committee be brought forward for consideration.

CARRIED.

“REPORT NO. 6-1998 OF THE ADMINISTRATION AND FINANCE COMMITTEE

**3. Indoor Soccer Facility - Adjacent to Lawson Civic Centre
Saskatoon Soccer Centre Inc.
(Files No. CK. 610-6, CK. 4225-1 and PL 610-2)**

- RECOMMENDATION:**
- 1) that the proposal submitted by the Saskatoon Soccer Centre to lease a certain portion of Parcel MR1, Plan No. 77-S-13019 (Umea Park) for the purpose of building and operating a Public Recreation Facility for a lease period not to exceed 40 years and at an annual lease fee of \$1.00 be approved, in principle, subject to the terms and conditions as

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outlined in the (attached) report of the General Manager, Planning and Building Department, dated March 10, 1998;

- 2) that the Planning and Building Department be requested to commence the process to create a leasehold parcel;
- 3) that the City Solicitor be requested to do all things necessary to finalize a lease agreement and transfer of the leasehold parcel to Saskatoon Soccer Centre Inc.; and
- 4) that, in addition to the above-noted terms and conditions respecting the lease agreement with the Saskatoon Soccer Centre Inc., the lease agreement contain a clause which would state that consent cannot be unreasonably withheld by the lessor for long-term public recreation uses.

Your Committee has reviewed the following report of the General Manager, Planning and Building Department, dated March 23, 1998, with representatives of the Saskatoon Soccer Centre Inc., and supports the lease of a portion of Umea Park adjacent to the Lawson Civic Centre for a public recreation facility (and will report further on the request for exemption from taxation for this facility):

“BACKGROUND

At its March 16, 1998 In-Camera Meeting the Administration and Finance Committee, considered the attached March 10, 1998 report of the General Manager, Planning and Building Department. During discussion on the matter, the Committee was notified by the A/City Commissioner that he had just received information that the Saskatoon Credit Union was prepared to provide mortgage financing for the Indoor Soccer Facility subject to conditions. One of those conditions related to the lease agreement with the City of Saskatoon having suitable provisions respecting future long-term uses of the facility. Subsequently, the report was tabled with the Committee pending further discussion with Saskatoon Soccer Centre Inc. and the Administration concerning the long-term use provisions of the proposed lease arrangements.

DISCUSSION

Your Administration informed the Saskatoon Soccer Inc. of this issue, and subsequently received the attached March 17, 1998 letter from John Riggs, Treasurer of Saskatoon Soccer Centre Inc. The letter requests that with respect to the City's intended requirement of the lease that prior permission be obtained for long term public recreation uses other than

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soccer related uses, the lease agreement should state that 'consent cannot be unreasonably withheld' by the City of Saskatoon.

A meeting was held March 20, 1998, with representatives of the Saskatoon Soccer Centre Inc. at which time their request and other issues were discussed. These issues were as follows:

1. Other Long-Term Public Recreation Uses

The request to provide a statement in the proposed lease that 'consent cannot be unreasonably withheld' was reviewed by the City Solicitor. It was concluded that this clause would be suitable for inclusion in the lease agreement. This wording is similar to clauses found in commercial leases where the lessor may wish to pursue other business interests or extend an option to renew a lease which the lessor may wish to consider before agreeing to.

The Saskatoon Soccer Centre Inc. representatives were advised that the Administration would not object to the suggested clause in the agreement and that the reason for the requirement for 'prior permission' was to ensure that any public recreation programs to be established at the Indoor Soccer Facility would not unduly compete with existing or future recreation programming delivered by the City of Saskatoon and other recreation service providers. The City of Saskatoon does not want to be in the position of enabling or subsidizing such recreation services in a competitive market situation. The General Manager, Leisure Services Department indicated that 'prior permission' would require the Soccer Centre to submit specific long-term public recreation use proposals together with sufficient information/analysis for review of impact on other recreation programs and services. The examples contained in the letter of Mr. Riggs were discussed in light of the current situation. For today's marketplace, a request to use the facility for in-line hockey, ball hockey, lawn bowling, walking track would be viewed favourably since such services are not presently provided or contemplated by the City or provided by any other recreation service provider on a fee for service basis. On the other hand, use of the facility as a fitness centre would not be supported at this time.

As to the process required for the submission of requests for long-term public recreation uses, it was indicated that such requests should be directed to the General Manager, Leisure Services Department who would then review same and submit a report and recommendation for consideration by City Council.

Following this discussion the Saskatoon Soccer Centre Inc. representatives were satisfied with this explanation and appeared to understand the need to require prior permission for other public recreation uses.

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2. Other Short-Term Uses

The process for requests for other short-term uses was discussed. The General Manager, Leisure Services Department indicated that a process needs to be established to respond for such requests in a timely manner. One suggestion was to establish a pre-approved list of short term uses (e.g. venue for Folkfest). Other requests not included on the list would be presented to the General Manager, Leisure Services Department for consideration and either added to the pre-approved list or approved on an ad-hoc basis. The representatives of Saskatoon Soccer Centre agreed with this approach.

3. Payment of Property Taxes

This issue was identified by the Administration as an outstanding matter. An occupant of tax exempt property is required under Section 276(1) of *The Urban Municipality Act 1984* to pay annual property taxes for both land and buildings. Furthermore, Section 274(2) of *The Urban Municipality Act 1984*, states that a 'Council may, by bylaw, exempt from taxation in whole or in part for the current year any land, improvements on business designated in the bylaw'.

Based on a review of the proposed leasehold parcel and preliminary building plans, the City Assessor estimates an assessment/tax as follows:

land assessment	=	\$364,400
building assessment	=	\$1,439,400
property tax payable	=	\$1,803,800 @ 47.10 mills = \$85,000 +/-

In order to address this matter in a timely manner, the Saskatoon Soccer Centre Inc. was advised to submit a request directly to the Administration and Finance Committee for consideration and recommendation to City Council.

4. Timing of Project

It was indicated by representatives of Saskatoon Soccer Centre Inc. that they are gearing up for the commencement of construction within the next 6-8 weeks subject to Council's approval of a lease agreement. Your administration indicated that given the current and expected volume of building permit applications that they should proceed to submit their building plans as soon as possible for the required review of same and that the subdivision process to create the leasehold parcel should commence now. It was agreed that a land surveyor would be commissioned at their expense to commence this process.

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ATTACHMENTS

1. March 10, 1998 Report of the General Manager, Planning and Building Department
2. March 17, 1998 letter from Saskatoon Soccer Centre Inc.”

IT WAS RESOLVED:

- 1) *that the proposal submitted by the Saskatoon Soccer Centre to lease a certain portion of Parcel MR1, Plan No. 77-S-13019 (Umea Park) for the purpose of building and operating a Public Recreation Facility for a lease period not to exceed 40 years and at an annual lease fee of \$1.00 be approved, subject to the terms and conditions as outlined in the (attached) report of the General Manager, Planning and Building Department, dated March 10, 1998;*
- 2) *that the Planning and Building Department be requested to commence the process to create a leasehold parcel;*
- 3) *that the City Solicitor be requested to do all things necessary to finalize a lease agreement and transfer of the leasehold parcel to Saskatoon Soccer Centre Inc.;*
- 4) *that City Council authorize His Worship the Mayor and the City Clerk to execute the appropriate documents; and*
- 5) *that, in addition to the above-noted terms and conditions respecting the lease agreement with the Saskatoon Soccer Centre Inc., the lease agreement contain a clause which would state that consent cannot be unreasonably withheld by the lessor for long-term public recreation uses.*

REPORT NO. 5-1998 OF THE MUNICIPAL PLANNING COMMISSION

Composition of Commission

Mr. Glen Grismer, Chair
Ms. Ann March, Vice-Chair
Councillor P. Roe (shared position)
Councillor K. Waygood (shared position)
Mr. Ron Mantyka
Mr. Ken Rauch
Ms. Leslie Belloc-Pinder
Mr. Gregory Kitz
Ms. Georgia Bell Woodard
Ms. Lina Eidem
Mr. Paul Kawcuniak
Ms. Sheila Denysiuk
Mr. Nelson Wagner
Mr. Ken McDonough

**1. Proposed Amendment to Zoning Bylaw Text
Revised Requirements for Discretionary Uses
(Files CK. 4350-1 and 4355-1)**

- RECOMMENDATION:**
- 1) that City Council approve the advertising respecting the proposal to amend Section 19(2) and add Section 19(5) to Zoning Bylaw No. 6772 revising the requirements for the consideration and approval of discretionary use applications;
 - 2) that the General Manager, Planning and Building Department be requested to prepare the required notice for advertising the proposed amendment;
 - 3) that the City Solicitor be requested to prepare the required Bylaw; and,

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- 4) that at the time of the public hearing Council consider the Commission's recommendation that the rezoning be approved.

ADOPTED.

Your Commission has considered and concurs with the following report of the Planning and Building Department dated February 25, 1998:

“B. PROPOSAL

The Planning and Building Department is requesting that City Council amend the Zoning Bylaw to permit the approval of discretionary use applications in situations where certain requirements of the Zoning Bylaw may not be met.

C. REASON FOR PROPOSAL

Section 19(2) of the Zoning Bylaw presently requires that any discretionary use shall conform to the yard, open space and any other yard requirements of the district in which such discretionary use is located.

D. JUSTIFICATION

1. Planning and Building Department Comments

Section 19(2) of Zoning Bylaw No. 6772 currently states as follows:

‘19(2) Discretionary uses and accessory uses thereto shall conform to the yard, open space, and any other requirements of the district in which such discretionary use is located.’

The Planning and Building Department has recently noted a number of situations involving existing buildings where a current requirement of the Zoning Bylaw may not be met, although the situation may be legal non-conforming or legal as a result of a Development Appeal decision, and as a result, the City is unable to approve the application. In addition, there may be situations where a proposed development, which requires discretionary use approval, does not meet some requirement of the Zoning Bylaw, but which may be appropriately resolved through the development appeal process. The strict application of this requirement often serves no planning purpose, is a deterrent to the adaptive re-use of existing buildings in established areas in the City, and is seen to be overly restrictive.

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Thus, it is proposed that Section 19(2) of the Zoning Bylaw be amended by adding a second sentence to this section stating that discretionary use applications conform to the yard, open space and other requirements of the district where such requirements are met by virtue of a decision of the Development Appeal Board or Saskatchewan Municipal Board, Planning Appeals Committee, or where the building comes within the provisions of Section 116 or Section 134(10) of the *Planning and Development Act, 1983*.

2. Development Plan Policy

The City of Saskatoon Development Plan is intended to 'control development in the City of Saskatoon to ensure that such development takes place in an orderly and rational manner.....'. The Development plan relies on the Zoning Bylaw to control development on specific sites for the benefit of the citizens of Saskatoon. The proposed amendment to the Zoning Bylaw will further ensure that development is orderly and rational.

3. Conclusion

It is the opinion within the Planning and Building Department that the above noted amendment to the Zoning Bylaw will provide Council with greater flexibility in considering discretionary use applications. Additionally, the amendment will enable property owners to seek approval of discretionary use proposals which do not satisfy the minimum prescriptive requirements of the Zoning Bylaw provided that the existing site and building conditions are legal non-conforming or the requirement has been varied by a decision through the Development Appeal process.

E. COMMUNICATION PLAN

If this application is approved for advertising by City Council, a notice will be placed in the Star Phoenix once a week for two consecutive weeks. City Council will then hold a public hearing to consider any submissions from the public.

F. ATTACHMENTS

None"

2. **Proposed Amendment to the Zoning Bylaw Text
Discretionary Use Procedures
(Files CK. 4350-1 and 4355-1)**

- RECOMMENDATION:**
- 1) that City Council approve the advertising respecting the proposal to amend Section 19 of Zoning Bylaw No. 6772 by adding the procedures for making and processing discretionary use applications and for providing notice to the public of a discretionary use application;
 - 2) that the General Manager, Planning and Building Department be requested to prepare the required notice for advertising the proposed amendment;
 - 3) that the City Solicitor be requested to prepare the required Bylaw; and,
 - 4) that at the time of the public hearing City Council consider the Commission's recommendation that the rezoning be approved.

ADOPTED.

Your Commission has reviewed and supports the following report of the Planning and Building Department dated February 26, 1998:

“B. PROPOSAL

The Planning and Building Department is requesting that City Council amend the Zoning Bylaw to outline the procedures required in the consideration of discretionary use applications.

C. REASON FOR PROPOSAL

Recent amendments to *The Planning and Development Act, 1983* require that the Zoning Bylaw contain provisions prescribing the procedures for making and processing discretionary use applications and for providing notice to the public of a discretionary use application

D. JUSTIFICATION

1. Planning and Building Department Comments

Section 74(1) of *The Planning and Development Act, 1983* was recently amended and states as follows:

‘ Where a zoning bylaw provides for a discretionary use or discretionary form of development, the bylaw shall contain provisions:

- (a) prescribing the procedures for making and processing an application for a discretionary use or discretionary form of development; and,
- (b) prescribing the procedures for providing notice to the public of an application made pursuant to this section.’

The Planning and Building Department is of the opinion that the current procedures related to the administration of discretionary use applications remain appropriate and should be incorporated into the Zoning Bylaw. The procedure which would be reflected in the Zoning Bylaw is as follows:

- i) Application form, site plan, application fee of \$450.00 and other necessary information are submitted to the Planning and Building Department.
- ii) Application is examined by the Planning and Building Department staff for conformance with the Development Plan, Zoning Bylaw and any other applicable policies and regulations. Comments of other civic departments may be requested. Conditions of approval may be applied in accordance with Section 74 of *The Planning and Development Act*.
- iii) A notice of the application is sent to the relevant community association.
- iv) Report is prepared by the Planning and Building Department and is forwarded to the Municipal Planning Commission who consider the report and make a recommendation to City Council.
- v) The Planning and Building Department sets a date for the public hearing and advertises the proposal by mailing notices to all property owners within 60 metres of the subject site and to the applicable

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community association. On site notification posters are prepared by the Planning and Building Department and placed on the site by the applicant.

- vi) The applicant is required to pay the public hearing fee of \$150.00 in advance of the public hearing.
- vii) At the scheduled public hearing, Council considers the application, together with the reports of the Planning and Building Department and the Municipal Planning Commission, and any written or verbal submissions from interested persons or groups. City Council may deny, approve or approve subject to conditions. The applicant is informed of Council's decision by the City Clerk.

E. COMMUNICATION PLAN

If this application is approved for advertising by City Council, a notice will be placed in the Star Phoenix once a week for two consecutive weeks. City Council will then hold a public hearing to consider any submission from the public.

G. ATTACHMENTS

None"

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REPORT NO. 7-1998 OF THE CITY COMMISSIONER

Section A - Administration and Finance

A1) Routine Reports Submitted to City Council

RECOMMENDATION: that the following information be received.

ADOPTED.

<u>SUBJECT</u>	<u>FROM</u>	<u>TO</u>
Schedule of Accounts Paid \$1,556,626.94	March 18, 1998	March 23, 1998
Schedule of Accounts Paid \$1,077,013.12	March 19, 1998	March 25, 1998
Schedule of Accounts Paid \$841,076.57	March 25, 1998	March 30, 1998
Schedule of Accounts Paid \$4,911,108.63	March 11, 1998	March 26, 1998
Schedule of Accounts Paid \$530,877.24 (File No. 1530-2)	March 26, 1998	March 31, 1998

**A2) Board of Revision
(File No. CK. 1615-2)**

RECOMMENDATION: that the information be received.

ADOPTED.

Report of the City Clerk, March 26, 1998:

“City Council, at its meeting held on February 23, 1998, considered a report from the City Commissioner regarding the funding of the costs associated with the introduction of the new reassessment process in 1997 and resolved, in part, that a report be submitted regarding the activities of the Board of Revision.

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Hearings before the Board of Revision have become more important. Changes to *The Urban Municipality Act, 1984* enacted in 1996 and recent decisions from the Saskatchewan Court of Appeal have clearly established that the Board of Revision is the tribunal of record in the assessment appeal process. Persons wishing to appeal their assessments must present evidence before the Board of Revision to show that an error has been made. Appellants are precluded from presenting evidence before the Saskatchewan Municipal Board except in very limited circumstances. Appeals before the Saskatchewan Municipal Board are now based upon the 'record' of the hearings before the Board of Revision. As a result, hearings before the Board of Revision have become longer and more complex.

The Board of Revision received 747 notices of appeal in 1997. Of these, 33 were determined to be insufficient and were dismissed or the appellant chose to withdraw the appeal.

Following the thirty-day appeal period and the determination of the adequacy of the appeal notices, 714 records were entered onto the computer system. These were all records that met the criteria set out in the legislation. Following the scheduling of the appeals and up until the date of the hearing, a total of 216 appeals (30%) of the 714 were withdrawn by the appellant/agent. For the majority of the 216 withdrawn appeals, all preparation for the appeal had been completed by both the Board of Revision Office and the Assessment Branch prior to withdrawal.

Hearings commenced on August 11, 1997 and finished on November 25, 1997. During this period, hearings were held for a total of 75 days. Residential appeals were completed on September 25, 1997 with a total of 26 hearing days and Commercial appeals finished on November 25, 1997, with a total of 49 hearing days.

The Board was divided into four panels with three members each. Two panels were assigned to residential and two were assigned to commercial. Each panel was scheduled to hold hearings for 2 days each week, commencing at 9:00 a.m. and adjourning by 5:00 p.m.. The scheduling of hearings 2 days each week allowed for Board members to prepare for hearings (1/2 day), deliberate (1/2 day), and write decisions (2 days). This also allowed the Assessor's staff and the Board of Revision staff time to prepare and do the required follow-up for each appeal.

During the preliminary scheduling of appeals the goal was to schedule 12 appeals per day per panel. While this quota was attainable for the most part (under some difficulty at times) for the residential panels, it was very difficult for the commercial panels to achieve. For example, one particular commercial appeal took 3.5 days alone.

Following the completion of the residential hearings (September 25th), a panel consisting of the Board Chair, two Panel Chairs and one Board member was formed to hear the remainder of the commercial appeals. This panel sat for a total of 19 days and heard approximately 50 appeals which included the major malls in Saskatoon.

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The total amount of time spent by the 15 Board members was 741.5 days, with an average of 52.9 days per person. The above figure is based on the following:

Total hearing days:	259	Average: 18.5 days/person *
Total deliberation days:	129.5	Average: 9.3 days/person*
Total writing days:	229.5	Average: 16.4 days/person*
Total training days:	123.5	Average: 8.2 days/person**

* based on 15 members

**based on 14 members

Written decisions ranged anywhere from 4 - 25 typed pages.

Following receipt of the decisions of the Board of Revision, 39 appellants (9 residential; 2 condominium; 28 commercial) provided notice of appeal to the Saskatchewan Municipal Board, Assessment Appeals Committee.

The following is a breakdown of the number of appeals, type and results:

Total Appeal Records	714
Total Withdrawn appeals	216 (30%)
Total Appeals with assessment sustained	243 (34%)
Total Appeals with assessment adjusted	255 (36%)
Total Residential Appeals	280 (39.0%)
Total Commercial Appeals	369 (52.0%)
Total Condominium/Multi-Res Appeals	63 (8.8%)
Total Elevator Appeals	<u>2</u> (.2%)
Total Appeals	714 (100.0%)
Total Residential Appeals with Assessment Adjusted	125 (45.0%)
Total Residential Appeals with Assessment Sustained	113 (40.0%)
Total Residential Appeals withdrawn by Appellant/Agent	<u>42</u> (15.0%)
Total Residential Appeals	280 (100.0%)

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Total Comm./Multi-Res./Condo/Elevator Appeals with Assessment Adjusted	130 (30.0%)
Total Comm./Multi-Res./Condo/Elevator Appeals with Assessment Sustained	130 (30.0%)
Total Comm./Multi-Res./Condo/Elevator Appeals withdrawn	<u>174 (40.0%)</u>
Total Commercial Appeals	434 (100.0%).”

**A3) Vehicle and Equipment Purchases
(File No. 1390-1)**

RECOMMENDATION: that the information be received.

ADOPTED.

Report of the General Manager, Finance Department, March 24, 1998:

“At its meeting held on November 4, 1996, City Council received a report of the City Commissioner dealing with the purchase of a front fork refuse collection vehicle. At its meeting, City Council resolved:

- ‘1) that the purchase of one Front Fork Refuse Collection Vehicle from Wittke Waste Equipment (Saskatoon, SK) be accepted in the amount of \$193,766.40 including G.S.T. and P.S.T.;
- 2) that the Purchasing Services Branch be authorized to issue the appropriate purchase order; and,
- 3) that the Administration provide a report validating the claim that the unit is 30% more efficient.”

The following is provided in response to Resolution #3.

A study comparing the daily tonnage of solid waste collected by the new unit to the amount collected by one of the older units was done during the month of September 1997. The study results showed the new style packer averaged 8.32 tonnes per load while the older style packer averaged 5.88 tonnes per load. The difference is 2.44 tonnes per load more for the new style packer, an increase in productivity of approximately 41%.

The increase in load capacity is due to the higher compacting force of the packing mechanism as well as the increased amount which can legally be carried on the unit. The productivity gain from

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the increased load capacity will also result in other efficiency gains. Because of the increased capacity, there will be a reduction in the number of times the packer leaves the route to travel to the landfill and empty its load.”

**A4) Incentive Application - WaveCom Electronics Inc.
(File No. CK. 3500-13)**

RECOMMENDATION: that City Council consider Bylaw No. 7741.

ADOPTED.

Report of the City Solicitor, March 23, 1998:

“City Council, at its meeting on May 12, 1997, instructed this Office to prepare the necessary Bylaw and Agreement to provide a business incentive to WaveCom Electronics Inc. City Council at its meeting on February 23, 1998, passed Bylaw No. 7737 which provided for a five-year abatement for the property at 166 Cardinal Place. It has now come to the City’s attention that the abatement should also have applied to the property at 174 Cardinal Place and 202 Cardinal Cres. In 1997, WaveCom constructed a 15,000 square foot production facility. The building is located partially at 202 Cardinal Crescent and partially at 174 Cardinal Place. The building actually straddles the common property line between the two parcels. The value of the building was added to the assessment roll on October 10, 1997.

The proposed agreement calls for an abatement of 100% in the first year. In order to provide WaveCom with the full benefit of the abatement, it is proposed that the abatement on the land and existing building begin in 1998.

City Council, at its meeting on February 9, 1998, granted WaveCom a further five-year tax abatement on the expanded portion of its building at 202 Cardinal Crescent. WaveCom plans to construct a 12,000 square foot addition to the building. Construction has started recently and is expected to be completed by June of this year. It should be noted that the expansion covers parts of both 202 Cardinal Crescent and 174 Cardinal Place.

Our Office has prepared one agreement to cover both incentives. The first five-year abatement applies to the land and building as it existed on January 1, 1998. The abatement will begin in the 1998 taxation year. The second five-year abatement applies to the increase in taxes resulting from the building expansion this year. This abatement will begin in the taxation year immediately following the year the value of the expansion is added to the assessment roll. It is anticipated that the expansion will be completed in 1998 and that the abatement will begin in 1999.

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In accordance with City Policy No. C09-014 on Business Development Incentives, the Agreement provides that the abatements are subject to the following conditions:

- (a) the Applicant must carry on a manufacturing business which utilizes advanced technology throughout the entire term of this Agreement;
- (b) the Applicant must create a minimum of 5 new, long-term skilled or semi-skilled jobs within one year of receiving the City's approval for the incentive. In this Agreement, 'long-term jobs' refer to jobs which are expected to remain in existence for at least 3 years;
- (c) the Applicant must make a minimum investment of \$100,000 in land, buildings or equipment;
- (d) the Applicant must demonstrate an equity level of at least 20% for the entire term of this Agreement. In this Agreement, 'equity' is defined as consisting of (i) share capital; (ii) earned, contributed or other surpluses; and (iii) loans to the corporation by the shareholders if the loans are subordinated to all other liabilities for the entire term of this Agreement;
- (e) the Applicant must derive a minimum of 40% of its revenue from sales outside of the City of Saskatoon for the entire term of this Agreement;
- (f) the Applicant must maintain all its accounts with the City in good standing for the entire term of this Agreement. For the purposes of this Agreement, 'accounts' include taxes, including local improvement special assessments, school taxes and all other taxes, licence fees, and sums payable for any public utility service and all rates and costs imposed by bylaw as a special charge.

The proposed Agreement has been reviewed by WaveCom Electronics Inc. and is acceptable as drafted. WaveCom has also agreed to pay all applicable 1997 property taxes on 202 Cardinal Crescent, 166 Cardinal Place and 174 Cardinal Place."

ATTACHMENT

1. Proposed Bylaw No. 7741 with attached Schedule "A".

**A5) Sale of Part of Parcel A, Registered Plan No. 62-S-03373
Part of Original Parcel used for Park Land
(File No. 4214-1)**

DEALT WITH EARLIER. SEE PAGE NO. 9.

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**A6) 1998 Business Improvement District (BID) Levies
(File Nos. 1680-2, 1680-3 and 1680-4)**

- RECOMMENDATION:**
- 1) that the 1998 levy for the Downtown Business Improvement District (BID) be established at 0.15% of the assessment of all land and improvements, within the BID boundary, used or intended to be used for business purposes;
 - 2) that the 1998 levy for the Riversdale Business Improvement District (BID) be established at 0.12% of the assessment of all land and improvements, within the BID boundary, used or intended to be used for business purposes;
 - 3) that the 1998 levy for the Broadway Business Improvement District (BID) be established at 0.38% of the assessment of all land and improvements, within the BID boundary, used or intended to be used for business purposes; and
 - 4) that the City Solicitor be directed to prepare the necessary bylaws to establish the BID levies for 1998.

ADOPTED.

Report of the General Manager, Finance Department, March 31, 1998:

“The Administration, in consultation with each Business Improvement District (BID), has determined the levy required for each BID for 1998. The rate specified in each bylaw is sufficient to raise the amount required for the purposes of the proposed expenditures of each BID in 1998. The table below summarizes the information used to establish the 1998 BID levies, as well as the levy that was established for 1997.

	1998 Requirement	Applicable Assessment	1998 BID Levy	1997 BID Levy
Downtown BID	405,000	279,517,600	0.15%	0.15%
Riversdale BID	23,000	18,938,700	0.12%	0.10%
Broadway BID	68,889	18,044,200	0.38%	0.37%

The 1998 budget for each BID is included as an attachment. The 1997 audited financial statements, once they are all received, will be tabled with the Administration and Finance Committee for information.

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ATTACHMENTS

1. Downtown Business Improvement District 1998 Operating Budget
2. Riversdale Business Improvement District 1998 Operating Budget
3. Broadway Business Improvement District 1998 Operating Budget

**A7) 1996 Contract Negotiations
International Association of Firefighters Local 80
(File No. 4720-7)**

- RECOMMENDATION:**
- 1) that City Council approve the proposed changes set out in the report of the General Manager of Human Resources dated April 1, 1998, with respect to the 1996 contract with the International Association of Firefighters, Local 80; and,
 - 2) that City Council authorize completion of the revised contract incorporating all the changes for execution by His Worship the Mayor and the City Clerk under the Corporate Seal.

ADOPTED.

Report of the General Manager, Human Resources Department, April 1, 1998:

“Attached is a report dated April 1, 1998, detailing conditions agreed upon by the bargaining team of the City and the International Association of Firefighters, Local 80.

The report is marked ‘Confidential Until Tabled at a Meeting of City Council’ and is only distributed to members of City Council. A wider distribution will be effected at 7:00 p.m. on Monday, April 6, 1998.”

ATTACHMENT:

1. Report dated April 1, 1998.

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Section B - Planning and Operations

**B1) The Naming of Two New Parks in Arbor Creek
(File No. PL4205-3-3)**

- RECOMMENDATION:**
- 1) that the following Municipal Reserve land: MR4 of Registered Plan No. 95-S-02474; MR5 of Registered PLAN No. 96-S-28730; MR6 of Registered Plan No. 96-S-39944; MR7 of Registered Plan No. 96-S-28729; and MR8 of Registered Plan No. 96-S-28729 be named Arbor Creek Park; and,
 - 2) that the Municipal Reserve MR9 of Registered Plan No. 96-S-28730 be named Budz Green.

ADOPTED.

Report of the General Manager, Planning and Building Department, March 16, 1998:

“Under City Council Policy C09-008, Naming of Civic Property and Development Areas, the Planning and Building Department, after consultation with the Leisure Services Department and the Parks Branch of Public Works, shall select and recommend to City Council for approval, the appropriate name for each park.

The names selected and referred to in this report are location specific names. This will allow for the general public to easily identify parks and the park names will bear more significance to the residents in the immediate area.

Explanations for the respective selected names are:

1. The proposed name Arbor Creek Park for the Municipal Reserves listed under recommendation 1) above, was selected because the largest parcel, MR7, is the Neighbourhood Park for Arbor Creek. The smaller parcels, MR4, MR5, MR6, and MR8, are Linear Parks attached to MR7 and shall be considered in name as Arbor Creek Park.
2. The proposed name Budz Green for the Municipal Reserve MR9 of Registered Plan No. 96-S-28730 was selected because the Pocket Park is surrounded by the small local street named Budz Green. The term ‘Green’ is a traditional term often used to describe a small Pocket Park.”

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ATTACHMENT

1. A plan showing the above-mentioned parcels to be named.

**B2) The Naming of Three (3) New Parks in Lakewood
(File No. PL4205-3-2)**

- RECOMMENDATION:**
- 1) that MR3 of Registered Plan No. 97-S-49157 be named Heritage Park;
 - 2) that MR4 of Registered Plan No. 97-S-49157 be named Heritage Green; and,
 - 3) that MR5 of Registered Plan No. 97-S-49157 be named Lakewood Park.

ADOPTED.

Report of the General Manager, Planning and Building Department, April 3, 1998:

“Under City Council Policy Number C09-008, Naming of Civic Property and Development Areas, the Planning and Building Department, after consultation with the Leisure Services Department and the Parks Branch of Public Works, shall select and recommend to City Council for approval, the appropriate name for each park.

The names selected and referred to in this report are location specific names. This will allow for the general public to easily identify parks and the park names will bear more significance to the residents in the immediate area.

Explanations for the respective selected names are:

1. The proposed name Heritage Park for the Municipal Reserve MR3 of Registered Plan No. 97-S-49157 was selected because the Park fronts on to Heritage Crescent and is virtually surrounded by townhouse developments that contain the word ‘Heritage’ in their names.
2. The proposed name Heritage Green for the Municipal Reserve MR4 of Registered Plan No. 97-S-49157 was selected because the Pocket Park is surrounded by the small local street named Heritage Green. The term ‘Green’ is a traditional term often used to describe a small Pocket Park.

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The proposed name Lakewood Park for the Municipal Reserve MR5 of Registered Plan No. 97-S-49157 was selected because the Park is adjacent to the Lakewood Civic Centre and it is a focal point for the Lakewood Suburban Development Area.”

ATTACHMENT

1. A plan showing the above-mentioned parcels to be named.

**B3) Proposed Disabled Person’s Loading Zone
3230 Mountbatten Street
(File No. 6120-4)**

RECOMMENDATION: that a Disabled Person’s Loading Zone be installed in front of 3230 Mountbatten Street.

ADOPTED.

Report of the General Manager, Transportation Department, March 10,1998:

“The Transportation Department has received a request from the resident of 3230 Mountbatten Street for the installation of a Disabled Person’s Loading Zone in front of his residence. The resident operates a private care home and occupants of the care home require direct access to the home. The Saskatchewan Abilities Council will utilize this Disabled Person’s Loading Zone.

The loading zone conforms to City guidelines with respect to Disabled Person’s Loading Zones and no fee is assessed for its installation.”

**B4) Enquiry - Councillor Waygood (March 9, 1998)
Location of Communication Towers
(File No. 4000-1)**

RECOMMENDATION: that the General Manager, Planning and Building Department, be requested to prepare for Council’s approval, a policy outlining a public consultation process required for radiocommunication

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operators prior to the application for a federal license to construct and operate a radiocommunication tower in, or adjacent to, residential areas.

ADOPTED.

At Council's meeting of March 9, 1998, the following enquiry was made by Councillor Waygood:

"In response to the situation that developed over the monopole/tower that was erected by Sasktel in a residential neighbourhood, and the subsequent decision by Sasktel to agree to the removal of the monopole/tower, would Administration.

1. Ascertain from SaskTel any plans that they may have for any similar communication towers in the City of Saskatoon.
2. Report to Council as soon as possible about the issues concerning the control of the location of any and all communication towers and similar structures.
3. Advise Council about the feasibility of regulating such activities."

Report of the General Manager, Planning and Building Department, March 26, 1998:

- "1. SaskTel Mobility has indicated that they currently have no plans for any new construction of monopoles or similar radiocommunication towers in Saskatoon. However, there have been recent inquiries by other radiocommunication operators with regard to the construction of tower facilities in Saskatoon. The Planning and Building Department has requested further information from the proponents respecting the specific locations of these facilities.
2. Industry Canada, pursuant to *The Radiocommunication Act*, has sole jurisdiction and responsibility for the licensing of radiocommunication towers and facilities. The City Solicitor's Office advises that municipal bylaws may not operate to prohibit the siting of towers and facilities as this has to do with the primary federal jurisdiction of radiocommunications. However, where reasonable and necessary, municipalities may establish requirements regarding incidental matters such as requiring building permits where the tower is affixed or mounted on a building or structure, regulating safety (unrelated to radiofrequency exposures and operational communication matters) and requiring accommodations regarding aesthetics where a strong and compelling interest to do so exists (e.g. screening, fencing and landscaping).
3. In recognition of the importance of local concerns with regard to licensing of radiocommunication facilities, Industry Canada has stated in its Client Procedures Circular

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entitled 'Environmental Process, Radiofrequency Fields and Land-Use Consultation' that local concerns related to land use are important to the community, and that municipal and other land use authorities should have the opportunity to make their views known with regards to radiocommunication antenna towers within their boundaries. The document further states that applicants intending to install significant antenna structures notify and consult with appropriate authorities. This consultation is intended to provide an opportunity to have land use concerns addressed while respecting Federal jurisdiction for the installation and operation of radiocommunication systems. Both the City of Edmonton and the City of Calgary have recently adopted policies for public consultation respecting proposed radiocommunication tower facilities in their communities.

Accordingly, the Planning and Building Department recommends Council consider adopting a policy which would outline a public consultation process required for radiocommunication operators prior to their application for a federal license to construct and operate a facility within or abutting a residential area in Saskatoon. Development of such a policy would be established in co-operation with Industry Canada, representatives from radiocommunication operators, and other identified interest groups.

In the interim, any applications received by the Planning and Building Department for the construction of radiocommunication towers within or abutting a residential area will be referred to the relevant Community Association for information and to City Council for further direction.”

**B5) Application for Registration of Condominium Plan
256 - 3rd Avenue South and 314 - 20th Street East - B6 District
Lots 1, 2, 3, 4, 7, & 8, Block 156, Plan Q2
Applicant: Gaby Akl
(File No. PL 4132- 3/98)**

RECOMMENDATION: 1) that City Council authorize the issuance of the Certificate required under Section 10(1)(b) of *The Condominium Property Act, 1993* to Gaby Akl (350 - 103rd Street East Saskatoon, S7N 1Z1) for the condominium development at 256 - 3rd Avenue South and 314 - 20th Street East; and,

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- 2) that the City Clerk be authorized to prepare and forward the Certificate to the applicant.

ADOPTED.

Report of the General Manager, Planning and Building Department, March 25, 1998:

“An application for registration of a condominium plan involving a development on Lots 1, 2, 3, 4, 7, & 8, Block 156, Plan Q2 (256 - 3rd Avenue South and 314 - 20th Street East) has been received from Gaby Akl, on behalf of Victory Construction Ltd. The proposal is for 32 units in one building located on Lots 1, 2, 3, & 4, Block 156, Plan Q2. Twenty parking spaces have been provided on Lots 7 & 8, Block 156, Plan Q2 (314 - 20th Street East) as provided by an agreement between the applicant and the City of Saskatoon registered by caveat at Land Title’s.

The proposal has been examined under the provisions of the Zoning Bylaw. Deficiencies in the required side yard, rear yard, recreation area, and parking were noted and resolved through the Development Appeal Board. The proposal in all other regards complies with the requirements of the Zoning Bylaw. The site is situated within a B6 Zoning District.

A copy of the construction plans, together with the requisite survey plans, have been forwarded to the City Clerk’s Department for review, if necessary, by members of City Council.

In view of the above-noted considerations, the Planning and Building Department advises that:

- a) separate occupancy of the units will not contravene the requirements of the Zoning Bylaw;
- b) the approval required under the Zoning Bylaw has been given in relation to the separate occupancy of the units;
- c) the buildings and the division of the buildings into units of separate occupancy, as shown on the plans which have been submitted and as constructed, will not interfere with the existing or likely future amenities of the neighbourhood; and,
- d) the requirements to designate at least one parking space as an exclusive use area for each unit has been met as at least one parking space has been provided for each unit on Lots 7 & 8, Block 156, Plan Q2 (314 - 20th Street East).”

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**B6) Proposed Stop Sign
Sutherland Industrial Area
(File No. 6280-1)**

RECOMMENDATION: that the installation of stop signs on Packham Avenue and the removal of stop signs on 103rd Street, as shown on Plan No. N7-1D (S.P.), be approved.

ADOPTED.

Report of the General Manager, Transportation Department, March 30, 1998:

“The Transportation Department has reviewed the intersection of Packham Avenue and 103rd Street, as the result of concerns expressed to the Department by the public.

This is the intersection of two local streets in an industrial area with a private road entering the intersection on the east side. It is currently controlled with stop signs for eastbound and westbound traffic. To date, there has been one accident. Traffic counts at this intersection have shown the volume on 103rd Street and the east private road is approximately three times higher than the traffic volume on Packham Avenue. As such, it is proposed that the existing stop signs for eastbound and westbound traffic be changed to stop signs for Packham Avenue as shown on Attachment 1, Plan No. N7 - 1D (S.P.).

The proposed installation conforms to City Policy C07-007, Traffic Control - Use of Stop and Yield Signs, for the installation of stop and yield signs.”

ATTACHMENT

1. Plan No. N7 - 1D (S.P.)

**B7) Application for Registration of Condominium Plan
702 Victoria Avenue - RM.4 District
Lots 32 & 33 Block 41 Plan 97-S-33889
Applicant: W.C. Soroski
(File No. PL 4132 - 6/98)**

RECOMMENDATION: 1) that City Council authorize the issuance of the Certificate required under Section 10(1)(b) of *The Condominium Property Act, 1993* to W.C. Soroski, (2 - 3210 Millar Avenue, Saskatoon, S7K 5Y2) for the condominium development at 720 Victoria Avenue; and,

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- 2) that the City Clerk be authorized to prepare and forward the Certificate to the applicant.

ADOPTED.

Report of the General Manager, Planning and Building Department, March 26, 1998:

“An application for registration of a condominium plan involving a development on Lots 32 & 33 Block 41, Plan 97-S-33889 has been received from W.C. Soroski, on behalf of Remai Ventures Inc. The proposal is for eight units in one building. Fourteen parking spaces have been included on the site, ten of which are enclosed.

The proposal has been examined under the provisions of the Zoning Bylaw and as such, complies with the requirements of this Bylaw in all respects. The site is situated within an RM.4 District.

A copy of the construction plans, together with the requisite survey plans have been forwarded to the City Clerk’s Department for review, if necessary, by members of City Council.

In view of the above-noted considerations, the Planning and Building Department advise that:

- a) separate occupancy of the units will not contravene the requirements of the Zoning Bylaw;
- b) the approval required under the Zoning Bylaw has been given in relation to the separate occupancy of the units;
- c) the buildings and the division of the buildings into units of separate occupancy, as shown on the plans which have been submitted and as constructed, will not interfere with the existing or likely future amenities of the neighbourhood; and,
- d) the requirements to designate at least one parking space as an exclusive use area for each unit has been met as at least one enclosed parking space has been designated to each unit.”

**B8) Subdivision Application #12/98
867 - 58th Street East
(File No. PL4300-12/98)**

RECOMMENDATION: that Subdivision Application #12/98 be approved, subject to the payment of \$50.00 being the required approval fee.

ADOPTED.

Report of the General Manager, Planning and Building Department, March 25, 1998:

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“The following subdivision application has been submitted for approval:

Subdivision Application: #12/98
Applicant: Don V. Franko for the City of Saskatoon
Legal Description: Lot 9, Block 142, Plan 79-S-18673
Location: 867 - 58th Street East”

ATTACHMENT

1. March 20, 1998 Subdivision Report

**B9) Subdivision Application #13/98
235 Lochrie Crescent
(File No. 4300-13/98)**

RECOMMENDATION:

- 1) that City Council resolve, in connection with the approval of Subdivision Application #13/98, that it would be impractical and undesirable to require full compliance with Section 15(1)(a) of Subdivision Bylaw No. 6537 for the following reasons:
 - a) the proposed lots will each have a site area and site frontage which exceeds the minimum requirement of the Zoning Bylaw;
 - b) the variances are minor and will not affect surrounding properties in any negative way; and,
 - c) the proposal represents a good opportunity for infill development as other similar severances have been approved on this street in the past; and,
- 2) that Subdivision Application #13/98 be approved, subject to the payment of \$50.00 being the required approval fee.

ADOPTED.

Report of the General Manager, Planning and Building Department, March 25, 1998:

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“The following subdivision application has been submitted for approval:

Subdivision Application: #13/98
Applicant: Mr. Robert Fulford
Legal Description: Lot 14, Block 148, Plan 80-S-18197
Location: 235 Lochrie Crescent”

ATTACHMENT

1. March 23, 1998 Subdivision Report

**B10) Subdivision Application #14/98
207 Keevil Way
(File No. PL 4300 - 14/98)**

RECOMMENDATION: that Subdivision Application #14/98 be approved, subject to:

- a) the payment of \$50.00 being the required approval fee;
- b) the prospective owner submitting a servicing plan for water and sewer for the complete complex to the satisfaction of the General Manager of Public Works; and,
- c) the prospective owner of the newly created parcel agreeing in writing to the granting of an easement in favour of The City of Saskatoon Public Works Department for electrical distribution purposes as described in this report.

ADOPTED.

Report of the General Manager, Planning and Building Department, March 26, 1998:

“The following subdivision application has been submitted for approval:

Subdivision Application: #14/98
Applicant: Jastek Master Builder for the City of Saskatoon
Legal Description: Parcel G, Plan 96-S-55464
Location: 207 Keevil Way.”

ATTACHMENT

1. March 25, 1998 Subdivision Report

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1. Plan of Proposed Subdivision No. 11/98

REPORT NO. 6-1998 OF THE PLANNING AND OPERATIONS COMMITTEE

Composition of Committee

Councillor P. Roe, Chair
Councillor D. Atchison
Councillor H. Harding
Councillor P. McCann
Councillor R. Steernberg

1. **Communications to Council**
From: Maureen Popplewell
Save the Gordon Howe Bowl Lights Committee
Date: February 10, 1998
Subject: Gordon Howe Bowl Lights
AND
Communications to Council
From: Terry Hein, 110 Wark Place
Date: September 3, 1997
Subject: High School Football, Gordie Howe Bowl
(Files CK. 4205-7-2 and 4205-7-3)

- RECOMMENDATION:**
- 1) that the contract to replace the field lighting system at the Gordon Howe Bowl be awarded at a cost of \$140,703;
 - 2) that the existing press box at the Gordon Howe Bowl be renovated at a cost of \$40,000;
 - 3) that \$140,703 (\$100,703 for the installation of field lights and \$40,000 for the renovation of the press box) be allocated from the Civic Building's Comprehensive Maintenance Reserve to undertake 1) and 2) above;

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- 4) that the General Manager of the Leisure Services Department continue to negotiate with the Saskatoon Board of Education and report further on the funding shortfall of \$40,000; and,
- 5) that Terry Heins and Maureen Popplewell be advised accordingly.

ADOPTED.

Your Committee has considered and supports the following joint report of the General Manager, Leisure Services Department and General Manager, Asset Management Department dated March 25, 1998:

“BACKGROUND

During its September 2, 1997, meeting, the Planning and Operations Committee considered the attached report (Attachment 1) from the General Manager, Leisure Services Department, which recommended, in part, the removal of the field lights at the Gordon Howe Football Bowl. Replacement of the lighting system, considered to be obsolete, was estimated (1995) to be in excess of \$400,000. The Planning and Operations Committee referred this matter back to the Administration for further review and discussion with the Saskatoon Football Club, the Public School Board, and the City.

The following communications in support of retaining the lighting at the Gordon Howe Bowl were forwarded to the Planning and Operations Committee for consideration:

- Communications to Council
From: Terry Heins, dated September 3, 1997
- Communications to Council
From: Maureen Popplewell
Save the Gordon Howe Bowl Lights Committee, dated February 10, 1998

DISCUSSION

Subsequent to the September 2, 1997, meeting, staff from the Asset Management Department met with the Engineering Consultant to review the 1995 (\$400,000) estimate for replacing the field lights at the Bowl. The review noted the following items:

1. The initial estimate was based on a request for 50 foot candles of light intensity across the field. This is television standard lighting, which is not required on a game by game basis at the Bowl. Twenty foot candles of illumination are deemed to

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be, by the International Illumination Engineering Society, an acceptable standard for fields with a capacity of less than 5,000 spectators. This change lowered the estimated number of fixtures from 104 to 42 with parallel decreases for catwalks, wiring, aiming, and mounting costs.

2. The cost of replacing the City's 40 year old power feed to the Bowl and the terminating transformer. This work will now be funded from Public Works' Electrical Branch replacement reserve funds as part of the infrastructure upgrading happening in the area.
3. The removal of the existing lighting system (poles, fixtures, wiring) would have been done and funded from the Civic Building's Comprehensive Maintenance Reserve and should not have been included in the project estimate given to the committee.
4. Substantial contingency (14%) and design costs (10%) were included in the initial estimates and do not need to be as large in a project which now has a well defined scope.

These items lowered the original estimate to approximately \$200,000, including reasonable design costs and contingencies. However, the estimate was still based on compiling necessary components and assembling them on site.

As a result of the review, your staff felt that future discussions needed to be predicated on having firm costs as opposed to estimates. Subsequently, a Request for Proposals (RFP) was sent to local contractors in February, 1998 with performance specifications outlining lighting levels, field use, expected number of poles, and available power, etc. The responses to the Request for Proposals varied, but were generally lower than \$175,000, with the lowest being \$140,703 received from Triad Power Ltd. The supplier is in the business of lighting sports fields. They manufacture, assemble, and install the equipment themselves and pre-aim and focus the fixtures in their plant. Design, which by the nature of the business is limited to choice of fixture type and pole heights, is included in the cost. The expense of removing the existing poles and fixtures is also covered in the contract proposal.

JUSTIFICATION

The field lighting at the Gordon Howe Bowl is over thirty years old and has reached its life expectancy. In 1994, an assessment of existing structures at the Gordon Howe Bowl was completed. This assessment revealed the following:

- The lighting system is obsolete. Manufacturer's do not make the lamps anymore.
- The light poles are at the end of their useful life and dangerously unsafe.

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- Field lighting levels are very low for the calibre of football played. (Light intensity ranges from 5 to 22 foot candles with an approximate 9 foot candle average.)
- The City's power supply to the Bowl is antiquated and due for replacement.
- The Press Box needs refurbishment and updating.

The Gordon Howe Football Bowl is used primarily to accommodate the Saskatoon high school and junior (Saskatoon Hilltops) football programs. In 1997, forty-nine high school games were played at the facility, requiring the use of the lights for the majority of days booked. The Saskatoon Hilltops played six games during the 1997 season and traditionally schedule two evening games each year. The provision of fields lights and refurbishing of the press box will ensure that the program service requirements are maintained, thereby contributing to the overall success of the respective football programs.

OPTIONS

The one option is to remove the existing lighting and not replace it. This option would have a negative impact on the High School Football Program.

POLICY IMPLICATIONS

There are no policy implications. However, the current agreement between the City of Saskatoon and the Saskatoon Board of Education for the Board's use of the Bowl for its athletic activities was signed in 1982 and remains in effect until the year 2017. The agreement to lease Gordon Howe Bowl was part of the consideration for the City to purchase Albert School from the Saskatoon Board of Education.

FINANCIAL IMPACT

In order to maintain the structural integrity of the Gordon Howe Bowl, an annual provision (\$11,900 in 1997) is allocated to the Civic Building's Comprehensive Maintenance Reserve from the facilities operating budget. The cost of renovating the existing press box is projected to be \$40,000 and the cost of installing new lights is \$140,703. Based on past provisions and future demands on the Civic Building's Comprehensive Maintenance Reserve, the Asset Management Department is satisfied that a contribution of approximately \$100,000 towards the lighting project will not effect the long-term viability and sufficiency of this reserve. Contributions to the project in excess of this amount could result in future shortfalls for other leisure facilities. However, use of the reserve to finance the \$40,000 shortfall over a period of five years would be acceptable.

The Administration has contacted the Saskatoon Board of Education inviting the Board to pay for a portion of replacing the field lighting (See Attachment 2). A contribution of \$40,000 has been suggested with the option of making a one-time payment, pending

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availability of funds or alternatively making annual payments funded through a surtax (\$1) on game admission prices. The Board of Education is currently reviewing this request. Any funding received will be credited to the Civic Building's Comprehensive Maintenance Reserve.

ATTACHMENTS

1. Report of the General Manager, Leisure Services Department, dated August 12, 1997
2. Letter to Saskatoon Board of Education, dated March 25, 1998"

Moved by Councillor Steernberg,

THAT the issue of the cross-charge to Albert Community Centre regarding the Gordon Howe Bowl be referred to the Administration and Finance Committee.

CARRIED.

2. **Communications to Council**
From: Dallas G. O'Lain
431 Collins Crescent
Date: undated
Subject: Concerns regarding building codes
(File No. CK. 530-1)

DEALT WITH EARLIER. SEE PAGE NO. 11.

REPORT NO. 6-1998 OF THE ADMINISTRATION AND FINANCE COMMITTEE

Composition of Committee

Councillor D.L. Birkmaier, Chair
Councillor M. Heidt
Councillor A. Langford
Councillor J. Maddin
Councillor K. Waygood

**1. 1998 Assistance to Community Groups
Cash Grant Program - Recreation Component
(File No. CK. 1871-4)**

RECOMMENDATION: that the Recreation Component of the 1998 Assistance to Community Groups - Cash Grant Program be approved, as outlined in Appendix 1 of this report.

ADOPTED.

Your Committee has reviewed the following report of the General Manager, Leisure Services Department, dated March 20, 1998, and supports the allocation of the Recreation Component of the 1998 Assistance to Community Groups - Cash Grant Program, as outlined in Appendix 1:

“JUSTIFICATION

Staff in the Leisure Services Department have reviewed the applications received under the Recreation Component of the Assistance to Community Groups Cash Grant Program. Available funding for 1998 is \$9,800, the same level as 1997. The recommendations of the Leisure Services Department staff regarding the allocation of grant funds are listed in the attached summary chart. (See Appendix 1)

This year, only three applications were received in this category. Two applicants are recommended for the full amount requested. The Boys and Girls Clubs of Saskatoon are recommended for \$5,000 and the Saskatoon Regional Zoological Society is recommended for \$4,000. The Saskatchewan Elocution and Debate Society is recommended for \$800 for a Saskatoon project. Recommended amounts total \$9,800.

OPTIONS

Not applicable.

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POLICY IMPLICATIONS

None.

FINANCIAL IMPACT

Total grant recommendation of \$9,800 will be funded through the Recreation Component of the Assistance to Community Groups Cash Grant Program.

ATTACHMENTS

1. Assistance to Community Groups Cash Grant - Recreation Client Profile 1998-Summary Report.”

**2. Amusement Tax Exemption
Saskatoon Folkfest
(File No. CK. 1910-2)**

RECOMMENDATION: that Saskatoon Folkfest Inc. be exempted from Amusement Tax for Folkfest 1998 to be held August 13 - 15, 1998, inclusive.

ADOPTED.

Your Committee has reviewed the following report of the General Manager, Finance Department, dated March 12, 1998, regarding the application from Saskatoon Folkfest Inc. for exemption of Amusement Tax for Folkfest 1998, and supports this application:

“Correspondence requesting exemption from Amusement Tax has been received from Saskatoon Folkfest Inc. The organization's Audited Financial Statement for the year ended October 31, 1997 is available in the City Clerk's Office.

Significant figures from the Financial Statement are as follows:

	<u>1997</u>	<u>1996</u>
Total Assets	135,944	138,153
Total Liabilities	10,073	15,707
Accumulated Surplus	125,871	122,446

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Estimated amount of amusement tax $\$226,000 \times 9\% = \$20,340$.

According to the applicant, surplus earnings are used to further the development and promotion of culture and folk arts within the Province of Saskatchewan.

City Council has the authority under The Amusement Tax Bylaw to exempt this event from amusement tax on the grounds that it is an 'entertainment, the receipts of which are for charitable purposes.' Similar requests in previous years have received favourable consideration."

**3. Indoor Soccer Facility - Adjacent to Lawson Civic Centre
Saskatoon Soccer Centre Inc.
(Files No. CK. 610-6, CK. 4225-1 and PL 610-2)**

DEALT WITH EARLIER. SEE PAGE NO. 22.

**4. Enquiry - Councillor Birkmaier (October 6, 1997)
Formula for Sewer Charges
(File No. CK. 7820-1 and CK. 1720-1)**

RECOMMENDATION: that the information be received and considered at the time rate changes are being proposed.

ADOPTED.

At the Budget Committee meeting held on March 30, 1998, it was requested that this report (which had been considered by the Administration and Finance Committee earlier that day) be submitted direct to City Council.

"BACKGROUND

At City Council's meeting of October 6, 1997, Councillor Birkmaier raised the following enquiry; which was subsequently placed before the Administration and Finance Committee's January 12, 1998 meeting for further clarification:

'Would the Administration and Finance Committee review and report on the appropriateness of the formula for sewer charges and report to the Budget Committee prior to the 1998 Budget Review.'

REPORT

The enquiry, as it is stated, is a simplification of a complex issue. The appropriateness of sewer rates cannot be evaluated in isolation of water rates and the infrastructure levy. The appropriateness of sewer rates cannot be evaluated in isolation of the impact of the sewage treatment upgrade which has resulted in the current sewer rate formulas. Each year when rate changes are proposed by the Administration, Council has the opportunity to debate the appropriateness of the rates. A discussion paper was presented to both the Planning and Operations Committee and the Administration and Finance Committee in 1995 in order to facilitate debate on the appropriateness of the conversion of the rate structure to a two-tiered structure. In 1996, Council received for debate and approved the Environmental Services Department's 'Ends Directives' which clearly outlined the Utilities' rate policies. In 1997, the conversion to the two-tiered structure was approved by Council. Clearly, Council has the opportunity each year to decide whether the utilities rate structures are appropriate; therefore, it is difficult to answer the enquiry as it stands, and the following report can only summarize the basis for the existing rate structure.

Design Criteria

Rate design is a continual balancing act among divergent perspectives of the utility, consumers, and politicians. There are many criteria which can be used as the basis for rate formulas. The following criteria are considered, within the industry, to be a sound basis for rate design and are the basis for the City's rate structure:

Full cost recovery - All costs of the utility should be recovered through properly structured user charges.

Stability - The rate structure must generate adequate revenues regardless of variations in consumption. Large rate increases in any one year are avoided.

Economic efficiency - The rate structure should encourage appropriate levels of production and consumption and discourage the mis-allocation of community resources.

Equity - The rate structure should result in charges to customer classes that are based on the costs to serve those customers.

The degree to which each of these criteria is met has been determined by the practicality of implementation, the acceptability of the rate structure to the public, and Council's direction each year that rate changes are approved.

Full Cost Recovery

Both sewer and water rates are set to recover all utility costs (operating and capital) less infrastructure costs, fire charges, and a surcharge for high strength sewage. Infrastructure

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costs are recovered through prepaid services and the infrastructure levy. The infrastructure levy is designed to generate revenues equal to the annual rehabilitation costs established by the General Manager of Public Works. Hydrant installation, maintenance, and usage costs, which result in benefits to the public at large, are recovered by a flat charge to the Fire Department. The cost to treat above residential strength sewage is recovered from industries by the application of an industry-typical surcharge formula.

Stability

In 1997, Council approved the implementation of a two-tiered rate structure for both the sewer and water utility. A two-tiered structure improves revenue stability by dampening the variations caused by extremely dry or extremely wet years. A two-tiered structure includes a service charge and a volumetric charge. The service charge is designed to recover customer-related costs and some capacity-related costs associated with 'readiness to serve'. The service charge is graduated by the size of the customer's meter. Meter size can be considered an indicator of a customer's demands or the degree of 'readiness to serve'. The current ratio of the service charge to volumetric charge will be increased gradually over coming years until the charge generates enough revenue to provide an acceptable measure of revenue stability.

Economic Efficiency

The current sewer and water rate formulas utilizes declining block charges on the volumetric portion of the bill. Declining rate structures results in larger volume users obtaining services at the lowest rates—sometimes lower than the cost to produce—which certainly does not support water conservation. This can result in a cross subsidization of customers or inappropriate uses of the low priced resource. Over the past few years, sewer and water rates have been adjusted to compress the amount of decline from block to block and thereby minimize the negative aspects of a declining structure. In addition, it should be understood that declining block rates are not simply quantity discounts, but also provide a mechanism for recovering costs from residential and commercial customers based on the differing demand characteristics associated with each.

Equity

In seeking equity in charges to different customers, the basic premise is that appropriate rate formula should reflect the cost of providing service to those customers. For example, a customer with a high peak rate of use requires larger capacity pumps, pipes, and treatment facilities than a customer who has an equal total volume of use, but at a uniform rate. A rate model based on cost-to-serve, commonly used within the industry, has been used to carry out an analysis of the City's current rate structure. That analysis showed that there is a cross subsidization between residential and commercial customers in each of the sewer,

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water and infrastructure charges, however, the total revenue generation from each customer class is appropriate. The Administration will, however, continue to make small corrections in each of the individual charges to correct the imbalance and at the same time maintain the existing overall split.

Points of Contention

As with any rate structure or formula the City's existing structure has points that are questioned by the public and Councillors. Four points are worthy of comment at this time:

- In the early years of the sewer charge the formula was based on water usage however the percentage was relatively low. In the early 90's, when it became necessary to raise funds for a much higher level of sewage treatment and in that the water rates were not increasing significantly the percentage had to increase significantly. Currently, that percentage is approximately 96% and the practise of basing residential sewer charges on water consumption is challenged most frequently. Customers using large volumes of water in the summer contend the practice is inappropriate. It has been suggested a better approach would be to use only winter water consumption volumes. If this approach was used, less revenue would be generated by the residential sector and the utility's annual operating costs could not be met without increasing the rates for the commercial sector or instituting a residential volumetric rate for which winter flows would generate the same residential revenue. The implications of these changes would be:
 - i) It has been pointed out that, based on a cost-to-serve analysis, there is a cross subsidization in the sewer rates. Currently in the sewer utility, the residential sector subsidizes the commercial sector. Increasing the rates to the commercial sector would be a move in the right direction, however, if equity, on the basis of cost-to-serve, is to remain a guiding principle, a similar correction in the opposite direction would be required in both the water rates and the infrastructure levy.
 - ii) The implementation of a residential sewage rate to produce the same total annual revenues from winter consumption volumes only, would likely be perceived by customers as simply a 'smoke and mirrors' move. A change of this nature would also shift some revenue generation from the larger volume users to the smaller users. While the existing residential sewer formula is perceived to be inappropriate, it does encourage efficient use of water and, in that the metering of sewage is entirely impractical, the practice of basing the sewer charge on the water meter reading is followed by virtually all municipalities.

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- Debate on the 1998 rate increases raised a question with respect to whether the current minimum charge was appropriate. The current service charge on both the sewer and water utility was implemented to recover 'readiness to serve' costs. The service charges, on a 5/8" metre are currently in the order of \$1.75 to \$2.50 per month, which are only a fraction of what they should be, will be gradually increased. The current minimum charges of \$6.00 for water and \$5.83 for sewerage are closer to what the service charges should be. Any increase in the minimum charge will impact small volume users who regularly use less than 400 cu.ft. per month.
- Questions have been raised as to the appropriateness of the grant-in-lieu of taxes and the administrative cross charges that are funded by the water and sewer rates. Well established formulas for calculating these charges do not appear to be available. Well established formulas for hydrant charges, which are allocated to the Fire Department, are available. Formulas presented by the Canadian Water and Wastewater Association and the American Water Works Association, indicate the Fire Department charges, which are mill rate supported, are not appropriate and should be higher.
- The Infrastructure Levy is a volumetric charge that generates revenues for the rehabilitation of both the water and sewer utilities' infrastructure. Infrastructure repair projects or their costs are not, however, a function of the volume of water consumed by a customer. A fixed charge would be more appropriate. The current volumetric charge is the result of a recommendation by Deloitte and Touche. The recommendation was made following a study by the firm in response to a request by Council to address the issue of double taxation caused by concurrently charging a local improvement levy and an infrastructure levy.

Summary

These four points of contention indicate that the current rate structure could be improved. Changes can be made to address the points, however, the benefits must be weighed against all the implications of the changes. As discussed in the body of the report, it should be kept in mind that based on a cost-to-serve model, the combined total of the revenues currently generated from sewer rates, water rates, and infrastructure levy is appropriate for both the residential and commercial sector. The spread in rates within the individual sectors has been compressed which assists in reducing inequalities within the sectors."

**REPORT NO. 1-1998 OF THE BOARD OF TRUSTEES OF DEFINED CONTRIBUTION
PLAN FOR SEASONAL AND NON-PERMANENT PART-TIME EMPLOYEES**

Composition of Committee

Mr. M. Sorensen, Chair
Mr. S. Macala
Councillor K. Waygood
Mr. P. Michie
Ms. L. Olson
Mr. W. Wallace

**1. Appointment of New Trustee
(File No. CK. 175-40)**

RECOMMENDATION: that Mr. Stan Macala be appointed a Trustee of the Defined Contribution Plan for Seasonal and Non-Permanent Part-Time Employees in place of Mr. Matt Baraniecki.

ADOPTED.

Attached is a copy of a letter dated February 6, 1998, from Dave Taylor, President, C.U.P.E. Local 59, advising that C.U.P.E. Local 59 has appointed Mr. Stan Macala as its representative to be a Trustee on the Board of Trustees of Defined Contribution Plan for Seasonal and Non-Permanent Part-Time Employees in place of Mr. Matthew Baraniecki. The Trust Deed under which the Plan is constituted provides that appointments of successor Trustees are to be made by Council.

**2. Bylaw Amendment
Plan Enrollment
(File No. CK. 175-40)**

RECOMMENDATION: that Council consider Bylaw No. 7740.

ADOPTED.

In July of 1997 the Plan Trustees received a report concerning an employee who, although eligible to join the Defined Contribution Plan, had refused to do so. Membership in the Plan is considered a term or condition of employment for all seasonal and permanent part-time employees who meet the eligibility requirements of 24 months of service and earnings of at least 35% of the Y.M.P.E.

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The present wording of the Plan led to some difficulty in dealing with this situation. Although membership is compulsory for eligible employees, the relevant sections of the Plan set up a system whereby the employee would fill out an application to enroll in the Plan. This system appears to give an element of choice as to whether or not to join the Plan, which is not the case.

In view of the foregoing situation, the Trustees requested that an amendment to the Plan be made to remove any confusion as to membership in the Plan. Proposed Bylaw No. 7740 amends the relevant sections of the Plan to delete the provisions setting out that the employee is to fill out and file an application for enrollment and to substitute provisions that the employee will simply be enrolled in the Plan upon meeting the eligibility requirements in terms of length of service and earnings.

The wording of proposed Bylaw No. 7740 was reviewed and approved by the Trustees at their meeting held on February 26, 1998.”

Moved by Councillor Langford, Seconded by Councillor Steernberg,

THAT the report of the Committee of the Whole be adopted.

CARRIED.

ENQUIRIES

Councillor D. Atchison
Levies - Neighbourhood and District Parks
(File No. CK. 4216-1)

Would the City Administration please report back to Council as to when levies were put in place for neighbourhood or district parks.

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**Councillor D.L. Birkmaier
Communication Policy Campaign
(File No. CK. 230-1)**

Would the Administration please report on the policy used when advertising an event, etc.

In particular, who decides the format of a campaign, type of media and funding level.

Please address the recent campaign on "Let's Talk Trash".

INTRODUCTION AND CONSIDERATION OF BYLAWS

Bylaw No. 7739

Moved by Councillor Langford, Seconded by Councillor Steernberg,

THAT permission be granted to introduce Bylaw No. 7739, being "*The Development Plan Amendment Bylaw, 1998 (No. 1)*" and to give same its first reading.

CARRIED.

The bylaw was then read a first time.

Moved by Councillor Langford, Seconded by Councillor McCann,

THAT Bylaw No. 7739 be now read a second time.

CARRIED.

The bylaw was then read a second time.

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Moved by Councillor Langford, Seconded by Councillor Heidt,

THAT Council go into Committee of the Whole to consider Bylaw No. 7739.

CARRIED.

Council went into Committee of the Whole with Councillor Langford in the Chair.

Committee arose.

Councillor Langford, Chair of the Committee of the Whole, made the following report:

That while in Committee of the Whole, Bylaw No. 7739 was considered clause by clause and approved.

Moved by Councillor Langford, Seconded by Councillor Roe,

THAT the report of the Committee of the Whole be adopted.

CARRIED.

Moved by Councillor Langford, Seconded by Councillor Maddin,

THAT permission be granted to have Bylaw No. 7739 read a third time at this meeting.

CARRIED UNANIMOUSLY.

Moved by Councillor Langford, Seconded by Councillor Waygood,

THAT Bylaw No. 7739 be now read a third time, that the bylaw be passed and the Mayor and the City Clerk be authorized to sign same and attach the corporate seal thereto.

CARRIED.

The bylaw was then read a third time and passed.

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Bylaw No. 7740

Moved by Councillor Langford, Seconded by Councillor Steernberg,

THAT permission be granted to introduce Bylaw No. 7740, being "*A bylaw of The City of Saskatoon to amend Bylaw No. 7262 entitled, 'A bylaw of The City of Saskatoon to establish a Defined Contribution Pension Plan for seasonal and non-permanent part-time employees of The City of Saskatoon'*" and to give same its first reading.

CARRIED.

The bylaw was then read a first time.

Moved by Councillor Langford, Seconded by Councillor McCann,

THAT Bylaw No. 7740 be now read a second time.

CARRIED.

The bylaw was then read a second time.

Moved by Councillor Langford, Seconded by Councillor Heidt,

THAT Council go into Committee of the Whole to consider Bylaw No. 7740.

CARRIED.

Council went into Committee of the Whole with Councillor Langford in the Chair.

Committee arose.

Councillor Langford, Chair of the Committee of the Whole, made the following report:

That while in Committee of the Whole, Bylaw No. 7740 was considered clause by clause and approved.

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Moved by Councillor Langford, Seconded by Councillor Roe,

THAT the report of the Committee of the Whole be adopted.

CARRIED.

Moved by Councillor Langford, Seconded by Councillor Maddin,

THAT permission be granted to have Bylaw No. 7740 read a third time at this meeting.

CARRIED UNANIMOUSLY.

Moved by Councillor Langford, Seconded by Councillor Waygood,

THAT Bylaw No. 7740 be now read a third time, that the bylaw be passed and the Mayor and the City Clerk be authorized to sign same and attach the corporate seal thereto.

CARRIED.

The bylaw was then read a third time and passed.

Bylaw No. 7741

Moved by Councillor Langford, Seconded by Councillor Steernberg,

THAT permission be granted to introduce Bylaw No. 7741, being "*The WaveCom Electronics Inc. Incentives Bylaw, 1998 (No. 2)*" and to give same its first reading.

CARRIED.

The bylaw was then read a first time.

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Moved by Councillor Langford, Seconded by Councillor McCann,
THAT Bylaw No. 7741 be now read a second time.

CARRIED.

The bylaw was then read a second time.

Moved by Councillor Langford, Seconded by Councillor Heidt,
THAT Council go into Committee of the Whole to consider Bylaw No. 7741.

CARRIED.

Council went into Committee of the Whole with Councillor Langford in the Chair.

Committee arose.

Councillor Langford, Chair of the Committee of the Whole, made the following report:

That while in Committee of the Whole, Bylaw No. 7741 was considered clause by clause and approved.

Moved by Councillor Langford, Seconded by Councillor Roe,

THAT the report of the Committee of the Whole be adopted.

CARRIED.

Moved by Councillor Langford, Seconded by Councillor Maddin,

THAT permission be granted to have Bylaw No. 7741 read a third time at this meeting.

CARRIED UNANIMOUSLY.

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Moved by Councillor Langford, Seconded by Councillor Waygood,

THAT Bylaw No. 7741 be now read a third time, that the bylaw be passed and the Mayor and the City Clerk be authorized to sign same and attach the corporate seal thereto.

CARRIED.

The bylaw was then read a third time and passed.

Moved by Councillor Langford,

THAT the meeting stand adjourned.

CARRIED.

The meeting adjourned at 9:30 p.m.

Mayor

City Clerk