

THE CORPORATION OF THE DISTRICT OF BURNABY

16 April 1971

MANAGER'S REPORT NO. 27, 1971

His Worship, the Mayor,
and Members of the Council.

Gentlemen:

Your Manager reports as follows:

1. Re: Burnaby Horsemen's Association
Lease of property at the East end of Burnaby Lake known as
a portion of Lot 4, Block 3, D.L. 14, Gp. 1, Plan 3047, N.W.D.

The Secretary of the Parks and Recreation Commission has advised that the Commission has agreed to lease the above property to the Burnaby Horsemen's Association and to permit them to construct stables thereon. Apparently a lease was prepared by the Legal Department some time ago and the Association wished to have some changes made in it. The lease has now been returned to the Legal Department with a request that a new lease be drawn incorporating certain amendments of which the Commission has approved.

The Commission now wishes to request Council to authorize the commencement of construction of the first stable pending execution of the lease.

Your Municipal Manager has the following concerns in this connection:

- (1) We are not aware that the Association has, in writing, accepted the new terms. i.e. (There does not appear to be a letter of commitment or understanding by the Association.
 - (2) The land in question is not dedicated as a park and is still in the name of the Corporation which means that there could be a liability problem. It has been set aside as Park Site Reserve and is zoned "P3" though.
 - (3) We are not aware of any insurance that the Association may have to protect the municipality from any claims since the land is still in the name of the Corporation.
 - (4) We are not aware of what additional clauses the Legal Department may or may not recommend be included in the lease after the department has seen the proposed amendments.
2. Re: Rezoning Reference #53/70
Lot 19, D.L. 125, Plan 3520
5429 Loughheed Highway

Attached you will find a report from the Planning Department regarding the above, the contents of which are self-explanatory. May we have Council's direction?

3. Re: Sanitary Sewer Pumping Station - Copley Pump Area #1
South 33' of Lot "A", D.L. 118, Plan 3067 (Link-Belt Ltd.)
Item 2, Manager's Report No. 8, 1971 (In Camera).

On February 1, 1971, Council authorized the acquisition of the south 33 feet of the above described property at an agreed-upon price which is required for sewer purposes and for the widening of Still Creek Street.

The necessary documents have not yet been completed and the Contractor wishes to go on the property to install the sewer line under the direction of the Municipal Engineer.

A "Save Harmsless" Agreement was prepared on December 17, 1970, (see attached) which was prior to the acquisition but it was not acted upon because we thought we would have the transaction completed prior to the Contractor going on to the site. We now find that we have to have the Agreement signed on it

Continued...

3. Re: Sanitary Sewer Pumping Station - Copley Pump Area #1 (Cont'd)

will take some time to conclude the necessary survey work involved and so it is recommended that the Agreement be signed between Link-Belt Limited and the Corporation which protects Link-Belt Limited while the Contractor is working on their property at this point in time. The Agreement should be dated December 17, 1970.

4. Re: 1971 Annual Budget.

Statutorily the Council is required to pass the annual Rating Bylaw on or before May 15th of each year and if we try to coincide with a Council meeting the last date on which the Bylaw can be finally adopted is May 10th. This means that the Bylaw would have to be given three readings on May 3rd, again if we were to coincide with a normal Council meeting date.

Keeping these dates in mind, it is requested that Council establish further meeting dates to complete the Budget discussions.

5. Re: Lots 3 and 4, Block "B", D.L. 90, Plan 9287
Subdivision Reference #20/70
Item 9, Manager's Report No. 32, 1970
Council Meeting May 11, 1970.

It is noted that Mr. J.F. Friesen has written to the Mayor and Council concerning the above Subdivision.

A summary of the events involved in this particular instance are as follows:

1. On April 6, 1970, the Planning Director wrote to Mr. Friesen and stated amongst other things in his letter that
"3. At the time of the earlier Preliminary Approval, a recommendation was made to the Manager that the Corporation share the servicing costs for Berkley Street. The Manager's reply on September 3, 1969, confirmed that because the Corporation property on the southerly side of Berkley Street is ear-marked for Park purposes, there would be no opportunity to offset the cost of servicing by the subsequent sale of land and that sharing the costs could, therefore, not be considered. However, in a later discussion with the Manager, he suggested the possibility of the applicant acquiring both Lots 6 and 7 which are formed largely by the Sixth Street right-of-way since the Corporation is not in a position to share construction costs for Berkley Street."

Mr. Parr then advised Mr. Friesen that when he had confirmed his intention to proceed with the Subdivision, steps could be taken to obtain approval for the Manager's suggestion in Item 3. Again he commented that other steps would be required.

2. On May 11, 1970, the Manager submitted a report from the Planning Department dated May 8, 1970, in connection with the above subject. (See attached.) In brief, the Planning Director recommended the following:
 - a) That the applicant be permitted to have both proposed Lots 6 and 7.
 - b) That the Corporation contribute towards the cost of road and water service on Morley Street with respect to future Lots (a) and (b) on the understanding that the cost to the Corporation of providing road and water to serve Lots (a) and (b) was approximately \$1,000.00.
3. The decision reached by Council on May 11, 1970, varied from the Planning Director's recommendation in that Council decided that the Corporation would share in the costs of road and water services on Morley Street to the amount of \$1,000.00 and that negotiations be undertaken with the owner to effect an arrangement whereby he would become the owner of Lot 6 and the Corporation of Lot 7. (See attached sketches.)

5. Re: Lots 3 and 4, Block "B", D.L. 90, Plan 9287
Subdivision Reference #20/70 (Cont'd)

4. We would recommend that consideration be given to the Planning Director's original submission, namely that
- a) The applicant, Mr. Friesen, be permitted to have both Lots 6 and 7.
 - b) The Corporation share in the costs of services on Morley Street to the amount of \$1,000.00.

6. Re: Overnight Parking.

An inquiry was raised in Council on April 5, 1971, to ascertain if it is possible to issue an annual permit to allow parking on the sides of streets between midnight and 6:00 a.m.

The Solicitor's reply is as follows:

"Council has the power by by-law to regulate, control and prohibit parking. Therefore it may make regulations concerning street parking between the hours of midnight and 6:00 a.m. If parking is prohibited on any street between those hours Council may not, in my opinion, grant an exemption permit. If Council has in mind issuing parking permits and charging a fee there is, in my opinion, no authority to support this action. Since streets are public highways for the use of the public it would require specific authority to deny the use of streets for parking unless a fee were paid for the privilege. At present the only power to prescribe parking fees is by use of parking meters."

7. Re: Century Gardens.

At the request of the Parks and Recreation Commission, Justice and Webb, Landscape Architects, were commissioned to prepare a Master Plan for the Century Gardens Complex. A preliminary plan has been received by the Commission and it advises that it is evident that a final plan cannot be completed until the future road pattern in this area is resolved.

The Commission, therefore, wishes to request Council to authorize the Municipal Planner to prepare a detailed study and cost estimate regarding any future road affecting the Century Gardens Complex. The Commission further requests that this study be done with full consultation with the Parks Planner and that it be based on the premise that any future roads must be so designed, engineered or directed as to retain the Park and Public Use environment currently available to the Public.

8. Re: Fish - Deer Lake.

By Item 6 of the Municipal Manager's Report No. 21, 1971, Council was advised that the Health Department was continuing with its investigation as to the dead fish being found on the shore of Deer Lake.

The Medical Health Officer has now provided the following progress report:

"Further to our report of March 25, 1971, we would submit the following information.

On Monday, March 29, 1971, four gold fish were taken from Deer Lake and delivered by a Fisheries official to Dr. Bell of the Fisheries Research Board at Nanaimo, B.C.

Upon examination, Dr. Bell was of the opinion that these fish were infected with a protozoa, Chilodanella-cypryni. This is a skin parasite that produces a heavy slime growth on fish and usually occurs in winter. This protozoa has caused death to carp in Russia and has been known to occur in trout. Secondary bacterial and fungi infections were also present.

We do not know how long this condition will persist but are presently discussing the situation with the Federal Department of Fisheries. We will advise you of further developments in this particular matter."

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9. Re: Proposed Church Site -
Morley at Buckingham Avenue
D.L. 86.

At its March 8, 1971 meeting Council authorized the taking of a number of steps towards the creation of the above church site. One of the steps authorized was the preparation of a report on the rezoning of the site and the advancing of this rezoning proposal to a Public Hearing. Attached herewith is the Planning Department's report on this matter for Council's consideration.

10. Re: Mobile Home Park Standards.

The Planning Department was requested by Council to prepare a report concerning the development of appropriate standards for the establishment of a new zoning category that would allow Mobile Home Parks to locate in Burnaby, and a copy of the Planning Director's report of April 14, 1971, in this connection is attached.

11. Re: Opportunities for Youth - Federal Government Plan.

The Canadian Government has attempted to stimulate the employment of students in work and activities during the summer of 1971 and the program which is shown on the attached "Notes for Applicants" outlines the plan.

Also attached is a copy of a letter dated April 15, 1971, from the Personnel Director to the Municipal Manager outlining the discussions that he has had with the various departments in this connection.

The program is being paid for entirely by Federal monies.

The portion of the program covering the Parks and Recreation Department has been prepared with the knowledge of the Commission and we will have to seek concurrence of the Commission as we do not have the Commission's final approval at this point in time.

A summary of the program recommended is as follows:

	<u>Students</u>	<u>Months</u>	<u>Cost</u>
1. Teens Help	4	3.5	\$ 7,187
2. Trails Restoration	6	1.5	6,965
3. Brunette Creek	6	1.5	7,875
4. Student Housing	2	3	3,117
5. Senior Citizens Housing	2	3	3,117
6. Citizen Participation	2	3	3,117
7. Urban Planning Data Study	<u>2</u>	3	<u>3,117</u>
	24		\$34,495

This program should provide 56 man-months of work.

Because of the deadlines imposed on us we have had to submit the program without Council's approval but there is no commitment by submitting the application. If Council does not wish to take advantage of the program then of course we can withdraw any part of all of the application. It goes without saying that we are not sure that any or all of the applications that we have submitted will be accepted because they may, or may not, be deemed by Ottawa to be within the reference terms of the program. It is unfortunate that the time allotted was not sufficient to give this program more thought but, as you can see from the comments made by the Personnel Director, it has been extremely difficult to get the information that we wanted before we made any decisions in this respect.

In summary it is recommended that

1. The projects submitted to the Department of State be ratified by Council.
2. The approved expenditures for the projects accepted by the Department of State be authorized on an interim basis from Municipal reserves pending reimbursement by the Federal Government and subject to the approval of the Department of Municipal Affairs in Victoria.

12. Re: Stadium Feasibility Study.

On April 14, 1971, I reported to Mr. G. Suart, Vice-President Administration, Simon Fraser University, regarding Council's decision in connection with the above and I have now received a letter from Mr. Suart which reads as follows:

"Further to our telephone conversation this morning, the University has decided to study the feasibility of a recreational stadium on our own. We hope that the results of this study will be available in a couple of months. We sincerely believe that any such project, in order to be feasible, will have to have the interest of the broader community, and we hope that when the study is finalized we shall be in a position to discuss it with you further.

Thank you for your interest in the project."

It is therefore recommended that no further action take place on this study as far as the Municipality is concerned except for the fact that we will be expected to answer questions and provide certain data as the study progresses.

13. Re: Bonding on Engineering Contracts.

As a result of an enquiry from Alderman Drummond at last Tuesday's Council meeting, the following is submitted which is the result of a telephone enquiry from neighbouring cities and municipalities regarding bonding requirements:

1. District of North Vancouver require a 50% performance bond and a 50% labour and material bond on general engineering contracts, with a 50% performance bond on paving contracts and apparently they require no labour and material bond on paving contracts as it is a standard requirement that before each monthly payment is made to the contractor, he must submit a certificate to the effect that he has paid all his outstanding and labour and material accounts.
2. New Westminster require 50% performance bond and 50% labour and material bond.
3. The City of Vancouver require 50% performance bond.
4. The Greater Vancouver Sewerage and Drainage District require 50% performance bond and a 50% labour and material bond.

From the foregoing it would seem that our requirements of 100% performance bond and 100% labour and materials bond are quite high compared to the neighbouring cities.

This matter has been reviewed by the Municipal Engineer, Treasurer, and Solicitor, and they are unanimous in their opinion that we should reduce our requirements to 50% bonds in each case providing that we maintain the 15% holdback provisions. Your Municipal Manager therefore recommends that effective immediately these requirements be reduced as noted above.

14. Re: CD Proposal - Halifax Street-Rosser Avenue
Rezoning Reference #61/70.

Attached you will find a copy of a report from the Planning Director dated April 15, 1971, regarding the above, in which he recommends that Council endorse the proposed CD concept in principle so as to permit further discussion on the subject with the developers with the understanding that a detailed report will be submitted to Council in due course together with the conditions which it is recommended be attached to the rezoning of this site.

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15. Re: Sanitary Sewer Service
5045 Deer Lake Avenue (Baker).

With reference to Mr. Baker's letter 8 April, 1971, we would advise that Mr. Baker owns one of four privately-owned homes on the west side of Deer Lake Avenue, south of Canada Way. These remaining homes in the James Cowan consolidation area do not have sanitary sewer service. On each occasion during the past few years, when we have reported on outstanding pockets of unsewered areas, this small piece of sewer on Deer Lake Avenue has been included as Area #5, and on the schedule estimated at approximately \$10,000.00 in cost. On each occasion, when considering the proposed sewer work for each year, the construction on this street has been passed over in favour of more urgent problems.

Mr. Baker has made representation to the Engineering Department several times regarding the lack of sanitary sewer, and on each occasion he has been advised that the sewer for his street has been amongst those being considered for sewer construction by the Municipal Council.

In addition to more urgent problems requiring sewer in other locations, it should be pointed out that the remaining four properties have been almost entirely surrounded by Corporation acquisition in connection with land consolidation for the James Cowan Centre. Although the time of acquisition has not been indicated, the Planner has advised that these properties should also eventually be considered for acquisition.

In the second last paragraph of Mr. Baker's letter, he quotes from an Engineering Department letter that it was not feasible to extend the lateral to serve the property. The term not feasible was an unfortunate term, as of course it is feasible, but not recommended at this time in view of all other considerations.

In the second paragraph on the second page, Mr. Baker states that he had been advised that it would cost approximately \$1,780.00 per lot to service these properties, whereas the normal cost is between \$500.00 and \$600.00. This \$1,780.00 figure was quoted as an estimate of the cost of extending the main line from the Sewer Board Trunk to the south as far as the Baker property and to construct a connection into his property line from the main line. This unusual cost to construct sewer service to one lot arises from the need to extend the sewer across the frontage of his neighbours property, a distance of approximately 125 feet. His neighbour does not need the sewer extension in front of his property as he already has a connection to the existing Greater Vancouver Sewer Board Trunk, which abuts his south property line. This connection is located 3 feet east of the west property line, and extension across his neighbours property would not be recommended, as it would involve an easement acquisition.

If the properties were to receive sanitary sewer service, an extension on Deer Lake Avenue would be the recommended location because of the slope of land, and as a result of the recent proposal to connect the two existing recently acquired park buildings to the sewer on Canada Way, a revised estimate of providing sanitary sewer service to the remaining houses on Deer Lake Avenue would be approximately \$7,000.00 rather than the \$10,000.00 figure which had been originally quoted in the sewer pocket reports. It would not be prudent however, to recommend even this expenditure if it is the intention of the Corporation to acquire the properties for eventual consolidation in the James Cowan complex.

Further, the Health Department advises that there is no evidence of ponding or the direct discharge of sewage or effluent to the yard or front street. According to an interview held with Mr. Baker's wife on March 17, 1971, the septic tank has not been pumped and cleaned in some 13 years. The Department is of the opinion that there is sufficient land available for the adequate control of sewage by septic tank and tile field disposal methods. We have suggested to Mr. Baker that if he is desirous of installing further fixtures and if he feels that this increase could cause a future problem, that he should carry out the following procedure:

- (a) Have the septic tank opened, pumped and cleaned.
- (b) Provide two test holes on the north side of the property, above the

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15. Re: Sanitary Sewer Service
5045 Deer Lake Avenue (Baker). (Cont'd)

tile disposal field, so that the ingress of sub-surface water from the next property can be ascertained. (If excessive quantities of this drainage is evident, then an intercepting drain may have to be installed.)

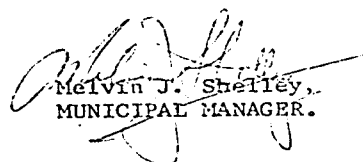
- (c) Observe the depth of septic tank installation as there has been some filling on this portion of the property.
- (d) Be prepared to enlarge the tile disposal system as solids could have carried into the field due to the lack of periodic cleaning of the septic tank.

16. Re: Revenue & Expenditures.

Submitted herewith for your approval is the Municipal Treasurer's report covering Revenue and Expenditures for the period 1 January to 28 March, 1971.

It is recommended that the expenditures be approved as submitted.

Respectfully submitted,


Melvin J. Shelley,
MUNICIPAL MANAGER.

MJS:ep

Attachs.

17. Re: Proposed Equestrian Centre at the east end of Burnaby Lake
on property known as a Portion of Lot 4, Block 3, D.L. 14,
Group 1, Plan 3047, N.W.D.
Item 1, Manager's Report No. 27, 1971.

In connection with the above we have today been advised by the Secretary,
Parks and Recreation Commission, that the Commission has approved the
following recommendations put forward by its Equestrian Complex Committee:

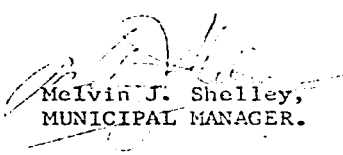
- "1. That the Burnaby Parks and Recreation Commission request the Municipal
Council (Engineering Department) to increase the water service along
Avalon Avenue from 2" to 6" at no cost to the Commission or the
Horsemen's Association.
2. That the Commission request the Municipal Council to set the taxes on
the property in keeping with those set on other non-profit recreational
developments.
3. That the Commission request the Engineering Department to rough grade
a road on the Christie road allowance."

We have been requested to place these matters before Council for its con-
sideration and approval.

Incidentally, assessments are based on market value, not on whether or not
an organization which owns the property is profit or non-profit. As soon
as Corporation property is leased it becomes taxable and when this lease
is completed the property will be shown on the taxable side of the tax roll.
Then property taxes would have to be paid. Council can, of course, give a
grant annually equivalent to the value of the taxes if it so desires.

We have not had an opportunity to investigate the costs involved in items
1, 2 or 3.

Respectfully submitted,


Melvin J. Shelley,
MUNICIPAL MANAGER.

MJS:ep