

**MUNICIPAL DISTRICT OF BIGHORN NO. 8**

Minutes of the Regular meeting of Council held at 9:00 a.m. on Tuesday, August 12th, 2008 in the Council Chambers, MD office, with the following persons present:

**COUNCIL:**

DENE COOPER	REEVE
MARIA DUNKI	DEPUTY REEVE
PAUL ADAMS	COUNCILLOR
HUGH PEPPER	COUNCILLOR
PAUL RYAN	COUNCILLOR

**ADMINISTRATION:**

MARTIN BUCKLEY	CHIEF ADMINISTRATIVE OFFICER
NATALIE GERMANN	EXECUTIVE ASSISTANT
HUGH PETTIGREW	DIRECTOR OF OPERATIONS
KATHERINE VAN KEIMPEMA	DIRECTOR OF FINANCE
GREG BIRCH	COMMUNITY PLANNER
EMILY SMITH	COMMUNITY SERVICES PLANNER

**CALL TO ORDER**

Reeve Cooper called the meeting to order at 9:01 am.

**A. APPROVAL OF AGENDA**

The following additions and amendments were made to the agenda:

- Bylaw item G.3: Bylaw 14/08 Land Use Bylaw Consolidation
- New Business item H.11: Request for Waiver of late tax payment
- New Business item H.12: Move Correspondence J. 20 to New Business:  
Letter from Mountainview County Reeve Albert Kemmere Re: Highway 579
- New Business item H.13: Letter to Minister Ouellette, Alberta Transportation, re Highways 1A/22 intersection

Moved by Councilor Adams that the agenda be adopted with the above-noted amendments.

**CARRIED**

**B. MINUTES**

Councillor Pepper requested Council's permission to replace Schedule "A" from the draft 14 July 08 Council minutes, being his hand-written notes, with typed notes that he had completed after that meeting. He distributed the typed notes.

Moved by Deputy Reeve Dunki that the adoption of the 14 July 08 regular Council meeting minutes be tabled until after lunch, so that Councillors have an opportunity to read Councillor Pepper's typed notes as submitted.

Reeve Cooper called  
mtg. to order at 9:00  
am

R: 191/08  
Aug 08 Council  
Agenda adopted as  
amended

Deputy Reeve Dunki withdrew her tabling motion, after it was indicated that the M.D. Council Procedural Bylaw required that every Councillor have an opportunity to comment on the matter at hand. Council then discussed Councillor Pepper's request at length, and determined Councillor Pepper's typed notes should be brought forward at the Business Arising section of the meeting agenda.

R: 192/08  
14 July 08 Council  
meeting minutes be  
approved as presented

1. Moved by Councillor Adams that the 14 July 08 Regular Council Meeting Minutes be adopted as circulated.

**CARRIED**

### **C. COUNCILLOR'S REPORTS**

- Councillor Pepper: The Bow River Basin Council's Headwaters work shop is set to take place on Nov. 5 – 6 at the Cochrane RancheHouse. The conference will be "invite only" with 3 invitations extended to each community, though they have no plans of turning anyone away.  
Regarding the cumulative effects study, BRBC representative, Hugh Pepper met with Rick Butler of the Calgary Regional Partnership, Brad Stelfox of the cumulative effects study team and Minister of Sustainable Resource Development Ted Morton, to ask for \$300,000.00 for the project. SRD is paying for the first phase, which is underway, while to next two phases are set to begin.
- Reeve Cooper noted that he is part of the PM Ozone Management program, but is acting as a member of CRAZ, not on behalf of the M.D., which is not participating.
- Councillors Adams Dunki and Ryan: nothing to report

### **D. BUSINESS ARISING FROM MINUTES/NOTES**

- Councilor Pepper submitted a typed copy of the hand-written notes (schedule "A" of July 2008 minutes) for the sake of clarity.
- Moved by Councillor Pepper that his typed notes regarding taxation practices be accepted as information and added to the minutes as Schedule "A".

**CARRIED**

### **E. DELEGATIONS**

No delegations at this meeting

### **F. UNFINISHED BUSINESS**

There was nothing to report at this time.

R:193/08  
Councilor Pepper's  
hand-written notes be  
added to the agenda.



**G. BYLAWS**

1. Councillor Adams asked the Assistant Municipal Manager if the MPC's regular process will continue with the appointment of two new Development Officers; the Assistant Manager indicated it would

Reeve Cooper asked if the lines of authority would remain the same, and the Assistant Manager confirmed the lines would remain the same.

R: 194/08  
First Reading of  
Bylaw 13/08

Moved by Deputy Reeve Dunki that Council give first reading to Bylaw 13/08, to appoint Janice Thompson and Tracy Woitenko as Development Officers.

**CARRIED**

R:195/08  
Second Reading of  
Bylaw 13/08

Moved by Councilor Ryan that Council give second reading to Bylaw 13/08.

**CARRIED**

R:195(a)/08  
Consent for 3<sup>rd</sup>  
reading

Moved by Councillor Pepper that consent be given to proceed with third reading of Bylaw 13/08.

**CARRIED UNANIMOUSLY**

R: 196/08  
Third reading of  
Bylaw 13/08

Moved by Councilor Adams that Council give third and final reading to Bylaw 13/08.

**CARRIED**

R 197/08  
Delay first reading of  
Draft Bylaw 09Z/08

2. Moved by Councillor Ryan that Council delay further consideration of proposed Bylaw 09-Z/08 – Land Use Bylaw Amendment (Kananaskis Guest Ranch) until such time as an area structure plan or concept plan is provided by Kananaskis Guest Ranch for the lands in question.

**CARRIED**

3. Moved by Councilor Adams that first reading be given to Bylaw 14/08, to authorize the consolidation of the Land Use Bylaw with the following amendment:

- change to read "AND WHEREAS Land Use Bylaw 19/96 has never been officially consolidated;".

R: 198/08  
First reading of  
Bylaw 14/08 with  
amendment

**CARRIED**

R:199/08  
Second Reading of  
Bylaw 14/08

Moved by Deputy Reeve Dunki that Council give second reading to Bylaw 14/08

**CARRIED**

R:200/08  
Consensus be given  
for third reading

Moved by Councillor Adams that consent be given for a third reading of Bylaw 14/08.

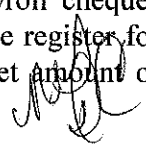
**CARRIED, BUT NOT UNANIMOUSLY**

Councilor Ryan Opposed

**H. NEW BUSINESS**

1. Moved by Councillor Pepper that Council accepts for information, the payroll cheques issued report for EFT numbers 612 - 680 in the amount of \$78,489.47 and the register for A/P cheques issued and voided cheques, numbers 23757 to 23873 in the net amount of \$212,971.76 for the month of July 2008.

R:201/08  
Cheques Issued  
Report for July, 2008



R: 202/08  
Budget vs Actual  
June 2008 accepted  
and approved.

2. Moved by Deputy Reeve Dunki that Council review and accept the Balance Sheet and Budget vs. Actual Spending Report to July 30, 2008 as information before adjustments and review by the auditor.

**CARRIED**

R: 203/08  
Officially name road  
allowance connecting  
residence to  
Jameison Road

3. Moved by Deputy Reeve Dunki that the road allowance located between sections 29 and 30, TWP 26. Rge 6, W5M be named Great Gray Owl Trail and that a standard MD Bighorn road name sign be installed at the point where the road allowance intersects with Jamieson Road; further, that the sign and its installation be paid for by the MD Bighorn Community Enhancement Fund

**CARRIED**

R: 204/08  
Future status of  
Exshaw Riding  
Association

4. Moved by Deputy Reeve Dunki that Council reiterate, to the Exshaw Riding Association, the direction given to the Association following their 7 Nov 06 delegation to M.D. Council:
- the Exshaw Riding Association prepare a list of needs for the M.D. to review and consider;
  - that the Ward 1 Councillors be invited to a meeting with the Exshaw Riding Association's full membership;
  - that the Exshaw Riding Association meet with the Community Services Board and the Community Services Coordinator to discuss the Riding Association's recreational needs and long term goals;

**CARRIED**

R: 205/08  
Ghost River Stop  
Order

5. Moved by Councilor Pepper that Council, pursuant to Section 4.1.13 of the Land Use Bylaw No. 19/96, as amended, hereby authorize the Development Officer and the Bylaw Enforcement Officer to take action as necessary to enforce the Land Use Bylaw regulations with regards to unauthorized camping in the Ghost River Subdivision (ptn. NE 1-27-7-W5M), and in particular on Lots 16, 31 and 32 in that subdivision.

**CARRIED**

R: 206/08  
September 2008  
Newsletter articles

6. Moved by Councilor Pepper that Council reviews the draft newsletter articles for the September 2008 newsletter and approves them for publication.

**CARRIED**

R: 207/08  
possibility of  
offering Olympic  
hopeful, Haakon  
James Lenes  
financial support

7. Council discussed the possibility of offering Olympic hopeful, Haakon James Lenes financial support to aid him in reaching his goal of competing in the 2010 and 2014 Winter Olympics.  
Councilor Pepper expressed that though the MD wished Haakon James Lenes every success in his future competitions, he felt that Council could not consider offering financial support as Council has not offered this type of support to area residents in the past.

Moved by Deputy Reeve Dunki that Council decline financial support to Haakon James Lenes.

After discussion, Deputy Reeve Dunki withdrew her motion.

Moved by Councilor Adams that Council indicate that the M.D. is unable to consider financial support to Haakon Lenes, but wish him every success in his future competitions.



**CARRIED**

R: 208/08  
Coyote Creek Trail  
encroachment  
removal

8. Moved by Deputy Reeve Dunki that Council direct Administration to undertake enforcement action to remove trail encroachments from the municipal reserve lands in the Coyote Creek subdivision that form the basis of the Coyote Creek Trail System, including notification of affected landowners with a timeline to remove any fencing, gates and other structures, and confirmation that non-compliance will result in the removal by M.D. staff or contractors with costs for removal billed to applicable residents.

**CARRIED**

9. The Community Services Coordinator indicated that the Coyote Creek recreational (walking) trail, has become overgrown and bridges on the trail are in need of repair.

Council discussed at length, considering such factors as signage, original trail standards, and other concerns.

R: 209/08  
Coyote Creek  
Inspection

Moved by Deputy Reeve Dunki that Council direct staff to undertake the re-establishment of Coyote Creek Trail System so that a viable walking trail is available for use by late spring 2009, and that trail use be subsequently monitored on an informal basis, for a year to determine whether or not the Trail System should be maintained for use in subsequent years. The cost of the project will not exceed \$3,000.00.

**CARRIED**

10. Council discussed the issue of providing liability insurance coverage assistance to various community groups within the M.D. Noted concerns were determination on which groups would be eligible for coverage and which wouldn't ("where do you draw the line?"), M.D. representation on the various groups' boards of directors, and other matters.

Moved by Councilor Pepper that Council direct Administration to prepare a draft policy that would provide guidelines for the provision of M.D. assistance to community associations and similar groups that require liability insurance, with the intention that Council move towards the provision of this type of assistance in the 2009 budget year.

R: 210/08  
Community  
Association  
Insurance Assistance


Moved by Deputy Reeve Dunki that Councillor Pepper's motion be amended by deleting the wording "with the intention that Council move towards the provision of this type of assistance in the 2009 budget year."

**DEFEATED**

Councillor Pepper revised his motion to read "...Council not move towards the provision of any type of assistance until the 2009 budget year, at the earliest."

Council voted on Councillor Pepper's revised motion.

**CARRIED**  
(Deputy Reeve Dunki opposed)



R: 211/08  
Request for waiver of  
late tax payment  
penalty

11. Moved by Deputy Reeve Dunki that Council deny the ratepayer's request to waive the \$94.43 of penalties assessed on tax roll #2541171 for payment of the 2008 Property Taxes after the June 30<sup>th</sup>, 2008 due date.

**CARRIED**

12. Council discussed the 8 July 08 letter from Mountainview County Reeve Kemmere, regarding the M.D.'s position on Highway 579 through the County and the M.D.; the C.A.O. noted that he had copied the M.D.'s recent letter to Minister Ouellette, on this Highway, to the Mountainview Reeve.

13. Moved by Deputy Reeve Dunki that Council direct Administration to send a letter to Minister Ouellette requesting that upgrades to the intersection of Highways 1A and 22 be completed, to facilitate improved traffic flow and enhance safety.

**CARRIED**

R212/08  
Letter to Minister  
Ouellette requesting  
an upgrade to the  
1A/Hwy  
intersection

**I. ENQUIRIES OF ADMINISTRATION FROM COUNCIL**

Councillor Ryan requested the Director of Operations update Council on the Lime Project; the Director noted that the test results are back and indicate a total pathogen kill and all heavy metals levels are well below CCME standards, except for selenium. He further noted that Graymont and himself would be making a joint presentation on this pilot project to the Alberta Recycling Council convention in October.

Deputy Reeve Dunki extended her thanks to the Environmental Fieldman for the Agriculture Services 2007 annual report, and to the Community Services Coordinator for her monthly reports which contain explanations, making them easier to understand.

Reeve Cooper thanked the Fire Chief for submitting his first Emergency Services report.

Reeve Cooper asked the Director of Operations when the electricity would be connected to the waste-water pump system at the Exshaw Industrial Park. The Director responded that the system was operational now, but an electrical panel needs to be installed inside the pump building.

Councillor Ryan Asked the Director if the Industrial Park Road was being built with recycled material; the Director indicated; the sub-base was being made of recycled concrete.

**J. INFORMATION**

Moved by Councillor Ryan that items J.1 to J.19, J.21 to J.25 all be accepted as information.

**CARRIED**

R:213/08  
Items J.1 – J.19, J.21  
– J.25 all be  
approved as info

Moved by Councillor Adams that Council go in camera at 1:00 pm

**CARRIED**

R: 214/08  
Council go into In  
Camera at 1:00 pm

**K. IN CAMERA**

Moved by Councillor Pepper that Council come out of camera at 1:05 p.m.

R:215/08



Council to come out  
of Camera at 1:05 pm

**R:216/08**  
Council to adjourn  
mtg at 1:05 pm

**CARRIED**

**ADJOURNMENT**

Moved by Councillor Ryan that the 12 August 08 Regular Council Meeting be adjourned at  
1:05 pm. **CARRIED**



\_\_\_\_\_  
REEVE

\_\_\_\_\_  
EXECUTIVE ASSISTANT

SCHEDULE "A"  
August 12, 2008 Council Meeting Minutes  
Councilor Pepper Comments  
RE: Farming Operations  
Page 1 of 2

The following thoughts are in response to the proposal to change the basis of farm tax assessment:

The principle which underlies provincial policy with respect to farm tax assessment is simply this: **the land must be used for agricultural purposes**, as defined by the MGA, namely: **the growing or producing of agricultural products**.

Income derived is not relevant. In fact, provincial Appeal Boards have permitted bartering and they have not insisted on extraordinary income standards.

Taxing every square meter of land at Fair Market Value is unfair and unnecessary. Most small parcels already generate a high tax return. To tax them at an even higher rate will lead to a collapse of this vital market, thereby lowering the assessment value of this real estate.

More importantly, however, in the short run, because it is a regressive tax (bearing no relationship to a person's ability to pay) it will drive out residents who are either young or old, people on fixed incomes, or people who simply can't afford the exorbitantly high tax which will result. Is this the kind of community we want?

Let's look at the typical process. A large landowner sells his land which on Day One was taxed at farmland rates (Productive Value). This land would certainly not be able to generate a income to pass an imposed threshold. Perhaps it could while it was still part of the bigger ranch or farm. But not now that it is an isolated parcel,

It can still be used as farm land, however, with much reduced income potential. It is very likely that these small farms will grow in numbers and, cumulatively, will produce an increasing amount of food. This practice should be promoted, and not discouraged with regressive taxing practices.

If small landowners are required to meet an income at an unreasonably high income threshold to comply with tax standards, the landowners will be forced to sell and move to land which is zoned as residential. Alternatively, they might request subdivision of their property below 40 acres simply as a means of deriving an income from their land to enable them to stay living in their existing homes.

It should be noted that very little of the farm land in this area can generate enough income to make farming viable, without having access to Crown leases and Allotments. Our seven working ranches now struggle to survive in markets which are not always favorable, and in the face of diseases which have threatened their herds and flocks. Staying financially afloat has led many of these businesses to sell part of their least productive land to buyers who are not professional agriculturalists. These new buyers, many of whom have been on their land for decades, are preserving the land for wild animals, and, more importantly, are protecting vital watersheds. In other areas they are rewarded for this service, not penalized as would be the case if their land was taxed at FMV, as though it was residential land.

SCHEDULE "A"  
August 12, 2008 Council Meeting Minutes  
Councilor Pepper Comments  
RE: Farming Operations  
Page 2 of 2

**SUMMARY:**

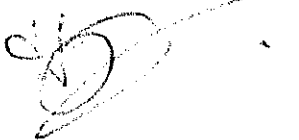
Small landowners are a vital part of this and every other community. They pay their fair share of taxes and often receive minimal municipal services. Typically they will not be able to pay taxes two or three times higher than at present. This will force them to sell in a restrictive market, thereby lowering property values and assessments.

Provincial standards do not now require an income standard. So long as the land is being used for farming purposes, big or small, as defined by the MGA, the land is assessed at its productive value, that is as farmland for which it has been zoned. This practice is **logical, reasonable and fair**.

Should a change in this practice be mandated, it would be reasonable to allow the landowner to subdivide so as to generate an income. This would be a necessary step, since the higher taxes would be unaffordable by most people, and since the income derived from grazing will never be high enough to pass the threshold proposed.

Submitted to Council on August 12, 2008

Hugh Pepper (Councilor)

A handwritten signature in black ink, appearing to be "H. Pepper", written over a horizontal line.