

MUNICIPAL DISTRICT OF BIGHORN NO. 8

Minutes of the Regular meeting of Council held at 11:35 a.m. on Tuesday, October 13, 2009 in the Council Chambers, MD office, with the following persons present:

COUNCIL:

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

ADMINISTRATION:

MARTIN BUCKLEY	CHIEF ADMINISTRATIVE OFFICER
GREG BIRCH	ASSISTANT MUN. MANAGER
NATALIE GERMANN	EXECUTIVE ASSISTANT
HUGH PETTIGREW	DIRECTOR OF OPERATIONS
KATHERINE VAN KEIMPEMA	DIRECTOR OF FINANCE

Mtg. called to
order at 11:35 am

CALL TO ORDER

Reeve Cooper called meeting to order at 11:35 am.

A. APPROVAL OF AGENDA

The following additions were made to the agenda:

- Unfinished Business Item F.2- Fire Truck Contract Awarding
- New Business Item H.3. moved to Unfinished Business Item F.3- Correction re: resolution 179/09, re: West Jumpingpound Roads
- New Business Item H.11 – Shell Response re: West Jumpingpound
- New Business Item H. 12: Suncor/Shell Synergy Conference

R:275/09
October 13,
2009 Council
Agenda adopted
as amended.

Moved by Councillor Pepper that the October 13th, 2009 agenda be adopted as amended.

CARRIED

B. MINUTES

R: 276/09
Sept. 09
'09 Council mtg
mins adopted

1. Moved by Councillor Pepper that the September 09, 2009 Council meeting minutes be adopted as circulated.

CARRIED

R: 277/09
Sept. 28. 20
'09 Special
Council mtg mins
adopted

2. Moved by Councillor Ryan that the September 28, 2009 Special Council meeting minutes be adopted as circulated

CARRIED

R: 278/09
Sept. 15 public
hearing mins
adopted

3. Moved by Councillor Adams that the September 15, 2009 Public Hearing Minutes be adopted as circulated.

CARRIED

R: 279/09
Jul 15, '09 MPC
mins accepted.

4. Moved by Councillor Adams that the July 15, 2009 MPC meeting minutes be accepted as information.

CARRIED

C. COUNCILLOR'S REPORTS

- Councillor Pepper reported the work of the BRBC has recommenced and is working on strategies for watershed practices with a diverse number of indices to gauge this and come up with a health of the watershed. They are in collaboration with the U of C to establish "eco-values" on eco services, then put pressure on law makers to preserve them.

He will also be sitting on a panel dealing with water issues which will culminate with a 2010 mid-November conference in Banff.

Councillor Pepper also reported The Ghost Watershed alliance held a "Walk in the Watershed." While the Trail Association clean up was a success with 40 – 50 people participating.

- Deputy Reeve Dunki reported her attendance at the Aquality Course at the MD and said it was informative and well worthwhile.
- Councillor Ryan reported he attended a Southern Alberta Waste to Energy facility tour session in Burnaby, BC. There are three technologies available, using solid waste for power generation, and one of them has just been approved for use in Edmonton. There is a symposium coming in Lethbridge and invitations are on the way.

Councillor Ryan reported the Composting Council of Canada Conference in Vancouver was educational and interesting to see the technologies

- Councillor Adams had nothing to report.
- Reeve Cooper reported that he and the C.A.O. had attended the Central zone AAMD&C conference in Acadia Valley on October 9th, and that it had went well.

D. BUSINESS ARISING FROM MINUTES/NOTES

E. DELEGATIONS

F. UNFINISHED BUSINESS

Councillor Ryan declared that he may have a pecuniary interest in New Business item F.1 as his property is in close proximity to the municipal reserve land involved; he vacated the Council chambers at 1:00 p.m., and was absent during the discussions/voting on this item.

1. Moved by Councillor Adams that, in response to the 30 Sept letter from the affected owners in Block 1 Plan 8610481 Exshaw, regarding the deadline to remove encroachments from Lot MR15 Block 1 Plan 8610481, Council agree to extend the deadline for removal of encroachments from the MR, to April 30th, 2010.

CARRIED

Councillor Ryan returned to the Chambers at 1:05 p.m. (following discussion on Item F.1)

2. Moved by Councillor Pepper that Council approve the purchase of a 2010 Rosenbauer Fire Truck from Rocky Mountain Phoenix of Red Deer, for the Ghost River Fire Hall, at a cost not to exceed \$300,000.

CARRIED

R: 280/09
MR 15 extension
granted

R:281/09
Fire truck
purchase
approved

R:282/09
Resolution
179/09 amended

3. Moved by Deputy Reeve Dunki that Council amend Resolution 179-09, July 14th, 2009, to include the conditions contained within the 6 July 09 Staff Report, being:

“...subject to the conditions as outlined below:

- All costs of construction to be borne by the developer;
- The developer to obtain all necessary Provincial and/or Federal permits (or written confirmation from the applicable federal and provincial authorities that permitting is not required for this project);
- The developer shall obtain registered back-sloping agreements, where/if necessary, with affected landowners, prepared by an Alberta Legal Surveyor, and showing the M.D. as a Party/signatory to the agreements prior to registration on titles;
- The developer shall provide financial security in accordance with M.D. policy in an amount equal to 100% of the M.D.’s engineers’ project cost estimate and subject to Bighorn’s acceptance of these estimates.
- The developer enter into a road construction agreement with the MD and that the road construction agreement include (but not be limited to) the following provisions, all to the sole and absolute satisfaction of the MD:
 - Environmental monitoring be conducted by a qualified professional during critical phases of construction;
 - quality control testing and reporting;
 - provision of a scheduling plan;
 - a construction safety plan;
 - traffic/haulage plan, including identification of any borrow-pits/marshalling/storage sites;
 - public liability insurance requirements;
 - a warranty period for M.D. acceptance of two (2) years following the issuance of a Construction Completion Certificate (CCC);
 - full time construction supervision/inspection services at the developer’s expense, during the critical clearing/grubbing, stripping, common excavation, and any environmental sensitive stages of the construction phase;
- Any and all third party professional costs incurred by the M.D. in the design review process to date and in future (including, but not limited to, engineering fees, legal fees, etc.) shall be reimbursed to the M.D. by the developer;
- No physical on-site road construction (i.e. clearing, ground disturbance, etc.) shall commence until the Construction agreement is executed by the MD.
- Clarification and agreement on the upgrades to be undertaken to the existing developed access & connecting road to Highway 68;

if Shell commits to construction of Option #2 road (on the same conditions as outlined above) and completing construction of said Option #2 road by December 31st, 2010, then the approval to

construct the Option #1 road shall be rescinded. ”

CARRIED

G. BYLAWS

1. The C.A.O. explained the borrowing requirements under Bylaw 10-08, for funding of the Exshaw Water System, indicating that borrowing would be needed to cover off the Municipal Sustainability Grant portion and the Local Improvement/Contributions portion parts of the project (\$5,300,000.00 and \$1,856,642.00 respectively, totaling approximately \$7,160,000.00). The Municipal pre-payments portion and the Alberta Municipal Water/Waste-Water Partnership Program grant portion (\$463,181.00 and \$5,373,122.00 respectively, totaling approximately \$5,840,000.00) would be paid up front.

R:283/09
Bylaw 10-08
Second reading.

Moved by Councillor Adams that Council give second reading to Bylaw 10-08, to authorize borrowing needed for the Exshaw water system.

CARRIED

R:284/09
Bylaw 10-08
third reading

Moved by Deputy Reeve Dunki that Council give third reading to Bylaw 10-08, to authorize borrowing needed for the Exshaw water system.

CARRIED

R: 285/09
Bylaw 08-z/09 –
2nd reading

2. Moved By Councillor Adams that Council give second reading to Bylaw 08-Z/09, to amend the Land Use Bylaw as it pertains to subdivision on Ptn. SW Section 1-31-6-W5M.

CARRIED

R: 285(a)/09
Bylaw 08-Z/09 –
3rd reading

Moved By Councillor Dunki that Council give third and final reading to Bylaw 08-Z/09.

CARRIED

H. NEW BUSINESS

R:286/09
Payroll cheques
issued report
accepted as
information.

1. Moved by Councillor Ryan that Council accepts for information, the payroll cheques issued report for the September payroll EFT payments in the total amount of \$83,356.93 and the register for A/P cheques issued, numbers 242919 to 24304 and 00001-0001 in the net amount of \$601,464.39 for the month of September 2009.

CARRIED

R: 287/09
Balance Sheet
and Budget vs.
Actual Spending
Report accepted
as information.

2. Moved by Councillor Adams that Council review and accept the Balance Sheet and Budget vs. Actual Spending Report to September 30th, 2009 as information before adjustments and review by the auditor.

CARRIED

R:288/09
Five-year five
Agreement with
Cremona
approved

4. Moved by Deputy Reeve Dunki that Council authorize M.D. Administration to enter into a new five year Agreement with the Cremona & District Emergency Services, for the provision of “first response” fire suppression and emergency rescue services, effective 1 Jan 09.

CARRIED

R: 289/09
Five-year five
Agreement with
Stoney Nakoda
approved

5. Moved by Councillor Ryan that Council authorize M.D. Administration to enter into a new five year Agreement with the Stoney Nakoda Nations for the provision of “first response” fire suppression and emergency rescue services to the Stoney Nakoda (Mini Thni Casino Corp.) Entertainment Centre, effective 9 June 09.

CARRIED

R:290/09
Development
Agreement with
Pat MacMillan
approved

6. Moved by Deputy Reeve Dunki that Council enter into a Development Agreement with Pat MacMillan pursuant to the requirements of Development Permit No. 19/07, and authorize the Reeve and Executive Assistant to sign the agreement on Council's behalf.

CARRIED

R:291/09
Development
Agreement with
the King's Fold
Foundation

7. Moved by Councillor Pepper that Council enter into a Development Agreement with the King's Fold Foundation pursuant to the requirements of Development Permit No. 19/07, and authorize the Reeve and Executive Assistant to sign the agreement on Council's behalf.

CARRIED

R: 292/09
St. Bernard's
church
preservation to be
investigated.

8. Moved by Councillor Ryan that Council direct Administration to undertake a process to determine whether or not it is feasible to preserve the 1905 portion of the old Saint Bernard's Catholic Church in Exshaw, this process to include an evaluation of the building's structural condition and dialogue with the public to assess community interest in any preservation initiative.

CARRIED

R: 293/09
Torch Relay
celebration
approved

9. Moved by Councillor Adams that Council that Council approve the plans to hold a community celebration in association with the passing of the Olympic Torch Relay through Exshaw on January 20, 2010 and that an amount of \$2,500.00 be approved to support the costs associated with holding the celebration.

CARRIED

R: 294/09
Playground
inspection report

10. Moved by Councillor Ryan that Council accept the Fall 2009 Playground Inspections Report as information.

CARRIED

R:295/09
West
Jumpingpound
Consortium Road
construction
conditions
approved.

11. Moved by Deputy Reeve Dunki that the 2 October 09 letter from Shell Canada Energy on the South West Jumping Pound road, whereby Shell advises that the company will not pursue an alternate road (to the proposed Consortium road) in the south WJP area, be accepted as information, and that the following condition be forwarded to the Consortium, as an additional condition for their ability to construct the proposed east-west road on the road allowance lying between S ½ of Section 1-25-6-W5M and N ½ of Section 36-24-6-W5M:

The Consortium may not proceed with construction activities across Shell's pipeline right-of-way until Shell has obtained the approvals necessary to relocate its pipelines and other facilities and has completed the relocation work.

CARRIED

R:296/09:
Shell to be
reqesyted to
relocate pieplines

Moved by Councillor Adams that Shell Canada formally be requested to relocate their pipelines and line-break valve lying in or near the road allowance between S ½ of Section 1-25-6-W5M and N ½ of Section 36-24-6-W5M, in order to permit the construction of a municipal standard road on said road allowance; said request to include any applications necessary to the Provincial agencies (e.g. the Energy Resources Conservation Board) to approve the relocations, with the applications to be submitted to those agencies no later than December 15th, 2009.

CARRIED

R:297/09
Dep. Reeve
Pepper to attend
the Synergy
Conference in

12. Moved by Councillor Adams that Council endorse Deputy Reeve Pepper's request to attend the Suncor/Shell Synergy in Red Deer on November 26 – 27.

CARRIED

Red Deer.

I. ENQUIRIES OF ADMINISTRATION FROM COUNCIL

- Deputy Reeve Dunki asked if there were plans for the CAO or a member of Council to attend any of the Minister of Municipal Affairs' Regional Consultation Session. It was indicated the CAO and Reeve would be attending the 14 Oct session in Chestermere.

- Councillor Ryan asked for an update of the biosolids pilot project, noting that the Town of Canmore is looking for options on disposal sites for their waste-water treatment plant biosolids: and a Canmore councillor had requested information on the status of the M.D.'s pilot project. There was also a question regarding the availability of supply of lime kiln dust (LKD), used in the treatment of biosolids: there were concerns that the supply may be limited.

The Operations Manager indicated the pilot project is still on-going, with research taking place on the treated biosolids material at the University of Alberta, but final test results would not be available until the spring. He also indicated there was no problem with supply of LKD, as Graymont had indicated its willingness to ensure a supply to Bow Valley Waste Management Commission members.

- Councillor Pepper noted the current MD Council has not had a photo taken of themselves for Council Chambers.

- Reeve Cooper asked Administration if Canmore Emergency Services has been called to respond to any emergency situations within the M.D., within the past few months, and (if so), has the M.D. been invoiced for the response. The CAO indicated the M.D. had called for Canmore Emergency Services on at least one occasion, the M.D. had subsequently been invoiced, and the invoice had been paid.

J. INFORMATION

R:298/09
That items J.1-
J.20. be accepted
as information

Moved by Councillor Adams that items J.1- J.20. be accepted as information.

CARRIED

K. IN CAMERA

R: 299/09
Council go
incamera at 2:40
pm

Moved by Deputy Reeve Dunki that Council go incamera at 2:40 pm.

CARRIED

R: 300/09
Council come out
of camera a at
3:15 pm

Moved by Deputy Reeve Dunki that Council come out of camera at 3:15 p.m

CARRIED

ADJOURNMENT

R:301/09
October 13, 2009
Regular Council
Meeting be
adjourned at 3:16
pm

Moved by Councillor Adams that the October 13th, 2009 Regular Council Meeting be adjourned at 3:16 pm.

CARRIED

REEVE

EXECUTIVE ASSISTANT