

MUNICIPAL DISTRICT OF BIGHORN NO. 8

Minutes of the Regular meeting of Council held at 9:00 a.m. on Tuesday, July 14, 2009 in the Council Chambers, MD office, with the following persons present:

COUNCIL:

DENE COOPER	REEVE
HUGH PEPPER	DEPUTY REEVE
MARIA DUNKI	COUNCILLOR
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
KATHERINEVAN KEIMPEMA	DIRECTOR OF FINANCE

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

CALL TO ORDER

Reeve Cooper called the meeting to order at 9:00 a.m.

A. APPROVAL OF AGENDA

The following additions were made to the agenda:

- Business Arising from the Minutes Item D.1: move Correspondence/Information Item J. 20 to Business Arising;
- Correspondence/Information Item J.21 RCMP Quarterly Report January 2009 – March 2009;
- Incamera Item K.4 Legal

Moved by Deputy Reeve Pepper that the July 14th, 2009 agenda be adopted as amended.

CARRIED

B. MINUTES

R: 175/09
Jun. 9, 09
Council minutes adopted as amended

1. Moved by Councillor Adams that the June 9, 2009 Council meeting minutes be adopted as amended:

Page 8- I. Enquiries made to Administration from Council, the first paragraph the second sentence change to read: "...after some preliminary testing, the soil base was found unsuitable for the type of bridge..."

CARRIED

R: 176/09
Community Services Board
Jan. 22, 09 and
Nov. 5, 09 mtg. minutes adopted

2. Moved by Councillor Dunki that the Community Services Board Minutes – January 22, 2009 and November 5, 2008 Minutes be received as information.

CARRIED



C. COUNCILLOR'S REPORTS

- Deputy Reeve Pepper recognized that Lafarge recently received an Emerald Award for industries, for work done converting a quarry into a wetland in Fish Creek Park.
- Councillor Ryan's report is attached to these minutes as "Schedule A"
- Councillor Adams reported that as a result of the discontinuation of the Canmore/Exshaw Communities Services agreements he will no longer be a member of the Canmore Economic Development Authority board or the Canmore Community Enrichment Advisory Committee.

Councillor Adams also reported the Bow Valley Regional Housing Commission appointed Ian Wilson of Banff as its new Assistant CAO.

- Councillor Dunki had nothing to report.
- Reeve Cooper reported that he attended a Waste to Energy meeting with Councillor Ryan where they heard a presentation by a Toronto engineer who indicated that some things should be incinerated but some things should not be incinerated, particularly in cement kilns in the Bow Valley. He is eager to support the Southern Alberta Waste to Energy group.

Reeve Cooper also reported that he attended meetings with Shell at West Jumping Pound, Lafarge, Burnco and Graymont regarding MD taxes. The Reeve will be also be meeting with Shell at the Burnt Timber plant, and it was suggested that he also consider the Spray Lakes Sawmills.

Reeve Cooper also met with the Exshaw Fire Department to discuss the M.D./Canmore Mutual Aid Agreement, and had attended a Harvie Heights Community Association board meeting, with Councillor Adams, regarding the same issue.

D. BUSINESS ARISING FROM MINUTES/NOTES

Councillor Ryan's notes regarding items D.1 and D.2 are attached to these minutes as "Schedule B"

1. Moved by Councillor Ryan that Administration consider the possibility of establishing a first response firehouse in either Harvie Heights or Dead Man's Flats and advise Council at the September regular Council Meeting.

CARRIED

2. Moved by Councillor Ryan that Administration consider the possibility of establishing a business registry for the MD of Bighorn with a fee structure and advise Council at the September meeting.

CARRIED

E. DELEGATIONS

Bow Valley Wildsmart's Melanie Watt and Kim Tichener made a presentation to Council on



R:177/09
Possible first
response fire
house in DMF or
HH.

R:178/09
Possibility of
establishing a
business registry
for the MD of
Bighorn.

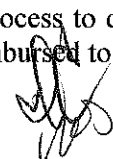
WildSmart and reported that, thanks to educational programs, negative human to wildlife reports have been dropping. They also thanked the MD for all their support. Councillor Dunki requested that Wildsmart ensure they process information more widely so eastern parts of the MD could participate in opportunities as well.

F. UNFINISHED BUSINESS

Moved by Councillor Dunki that, unless a firm commitment to construct a public road from highway 68 to the north east corner of 36-24-6-W5M is received from Shell Canada Ltd. by September 15th, 2009, Council approve the development of the "Option 1" road, on the road allowance running east-west between SW Section 1-25-6-W5M and NW Section 36-24-6-W5M in West Jumpingpound 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

R: 179/09
West Jumping
Pound Road
development
commitment.



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.

1.

R:180/09
Didsbury Search & Rescue complete and submit a grant application.

2. Moved by Councillor Dunki that Council suggest that Didsbury Search & Rescue complete and submit a grant application for grant funding towards any capital needs the organization might have, instead of seeking financial assistance with specific operating costs for the May long weekend Burnt Timber camp program.

CARRIED

R: 181/09
Council approve the "Wildlife Corridor/Habitat Patch Development Guidelines Review

3. Moved by Councillor Adams that Council approve the "Wildlife Corridor/Habitat Patch Development Guidelines Review, Terms of Reference – December 11, 2008", and the MD of Bighorn's participation in this Review.

CARRIED

R:182/09
Contribution towards Wildlife Corridor review

4. Moved by Councillor Adams that Council provide an amount of \$2,500 as a contribution towards the cost of undertaking a review of the "Wildlife Corridor and Habitat Patch Guidelines for the Bow Valley" contingent upon confirmation of funding from Alberta Sustainable Resource Development .

Moved by Councillor Dunki that Councillor Adams' motion be amended by reducing the M.D. contribution from "\$2,500" to "\$1,500".

DEFEATED

R: 182(a)/09
Amendment to Coun. Adams' motion

Moved by Councillor Ryan that Councillor Adams' motion be amended to read "...upon confirmation of \$15,000 in funding from Alberta Sustainable Resource Development."

CARRIED

Council voted on Councillor Adams' original motion as amended.

CARRIED

R:183/09
Agent's Letter Of Appointment re: Bylaw 08-Z/09 received as information.

5. Moved by Councillor Dunki that the copy of the Agent's Letter of Appointment re: Bylaw 08-Z/09 be received as information.

CARRIED

G. BYLAWS

R: 184/09
Private Sewage
Disposal Systems
Maintenance
Bylaw, given
second reading

1. Moved by Councillor Adams that Bylaw 14/07, the proposed Private Sewage Disposal Systems Maintenance Bylaw, be given second reading with the following amendments:

- the bylaw be renamed the "Harvie Heights Private Sewage Disposal Systems Maintenance Bylaw", and that the bylaw be further amended to reflect its applicability to the one hamlet (Harvie Heights);
- that the bylaw be amended to indicate "maintenance" to be performed, instead of "inspections", but retain "inspections" within certain parameters of the bylaw;
- the definitions of "authorized person" and "maintenance" be added to the bylaw;
- the definitions of "chief inspector" and "inspection" be deleted from the bylaw;
- the definition of "Private Sewage System" be changed to read "means an approved system for the on-site treatment and/or disposal of sewage and includes all components downstream of a point starting at 1800 mm (6 ft.) or less, upstream of any septic tank, packaged sewage treatment plant, sewage holding tank or the berm of a sewage lagoon but does not include a building drain.";
- a specified penalty section be added to the bylaw;
- a new Schedule "A", Maintenance Schedule – Timelines be added to the bylaw, while the existing Schedule "A", Penalties, become Schedule "B", Specified Penalties;
- under Section 2, *Definitions, Interpretations and Applications* changed to read: "The word "shall" is always mandatory and not merely directing";
- under Section 4, *Penalties* changed to read: "...on summary conviction a fine of not less than Two Hundred and Fifty Dollars (\$250.00) and no more than Two Thousand Five Hundred Dollars (\$2,500.00);
- other minor and sundry amendments be completed

CARRIED

H. NEW BUSINESS

R: 185/09
June payroll EFT
payments in A/P
cheques issued
accepted as
information

1. Moved by Councillor Ryan that Council accepts for information, the payroll cheques issued report for the June payroll EFT payments in the total amount of \$87,259.92 and the register for A/P cheques issued, numbers 242465 to 242609 in the net amount of \$327,310.09 for the month of June 2009.

CARRIED

R: 186/09
Balance Sheet
and Budget vs.
Actual Spending
Report accepted

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

CARRIED

R: 187/09
Year 2008
Financial
Statements
accepted as
amended.

3. Moved by Councillor Ryan that Council accepts the Year 2008 Financial Statements, as prepared by M.D. Administration and audited by the accounting firm of Chengkalath Van Eyck, Chartered Accountants with the following amendments:

- Under Section 12 Salary and Benefits subsection (1) the words "bonuses, overtime, lump sum payments, gross honoraria, contract fees, retiring allowances" be removed as the 12 officers shown are not eligible for or receive such payments.
- Under section 12 Salary and Benefits column (1) will be spit into two columns titled (1)



Salaries and (2) Per Diems.

CARRIED

R: 188/09
Bill 202 letter
signed by Reeve.

4. Moved by Councillor Ryan that Council authorize the Reeve to sign and submit the draft 15 July 09 letter re proposed Bill 202, the Municipal Auditor General, to the Standing Committee on Community Services.

CARRIED

R: 189/09
contract
agreement with
1045908 Albert a
Ltd.

5. Moved by Councillor Adams that Council Authorize Administration to enter into a contract agreement with 1045908 Albert a Ltd. operating as Bow Valley Property Valuers VPV (BVPV), for assessment services, with the following conditions:

1. A four year term beginning July 15, 2009, with a two year renewal option.
2. Annual base fees of \$50,000 for July 2009 through June 2010, \$51,500 for July 2010 through June 2011, \$53,000 for July 2011 through June 2012, and \$54,590 for July 2012 through June 2013.
3. Preparation work and hearing attendance fees for Appeal Hearings of \$500 per day.
4. Fees to prepare supplemental assessments of \$1,500 for the first 100, then \$20 for each residential and \$30 for each non-residential supplemental over the initial 100.
5. Any work provided outside of the contact will be billed at \$60 per hour.
6. All other provisions remain the same as in the previous contract.

CARRIED

R: 190/09
road closure
bylaw in NW
Section 28-31-6-
W5M

6. Moved by Councillor Dunki that Council direct Administration to prepare the necessary road closure bylaw for the newly-created road in NW Section 28-31-6-W5M, excluding thereout the first thirty metres of said new road, as per the request from the subdivision applicant, for Council's conditional acceptance.

CARRIED

Councillor Ryan declared that he may have a pecuniary interest in New Business item H.7 as his property is in close proximity to the land mentioned in these items; he vacated the Council chambers at 2:45 p.m., prior to, and was absent during, discussions/voting on this item.

R: 191/09
Owners of Lots 1
and 3-10
(Windridge
Road) to remove
any non-
structural
encroachments.

7. Moved by Councillor Dunki that Council request Administration to direct owners of Lots 1 and 3-10 (Windridge Road) in Block 1 Plan 8610481 to remove any non-structural encroachments on Municipal Reserve Lot MR-15 that abuts these properties, by August 31, 2009.

CARRIED (4:1)
Reeve Cooper opposed

Councillor Ryan returned to the Chambers at 3:15 p.m. (following discussion on Item H.7)

R: 192/09
Water System
Update accepted
as information.

8. Moved by Councillor Ryan that Council accept the 8 July 09 Exshaw Municipal Water System Update as information.

CARRIED

R: 193/09
Council to review

9. Moved by Councillor Ryan that Council review the draft Trail Management Guidelines and provide



the draft Trail Management Guidelines.

feedback to staff.

CARRIED

R: 194/09
2008 Chairman's Annual Report and Financials accepted as information.

10. Moved by Deputy Reeve Pepper that Council review and accept as information the 2008 Ghost Waiparous Trails Association Chairman's Annual Report and Financials, and approve the project plans outlined in the Chairman's Report.

CARRIED

R: 195/09 MD
withdrawing from Alberta Zone Regional Gravel Management Partnership

11. Moved by Councillor Adams that the MD of Bighorn withdraw from discussions on the Central Alberta Zone Regional Gravel Management Partnership initiative at this time (as per Resolution 314/08, 9 Dec 08).

CARRIED

R: 196/09
contract agreement with A&A Paving Ltd

12. Moved by Councillor Adams that Council authorize Administration to enter into a contract agreement with A&A Paving Ltd., for a sum not to exceed \$97,780.00 plus applicable taxes for the work identified in the "2009 Burnt Timber Road Improvements", as tendered.

CARRIED

R:197/09
contract agreement with D&D Enterprises and Construction Ltd

13. Moved by Councillor Ryan that Council authorize Administration to enter into a contract agreement D&D Enterprises and Construction Ltd., for a sum of \$39,827.00 plus applicable taxes for the work identified in the "2009 Paver Patching" request for quotation.

CARRIED

ENQUIRIES OF ADMINISTRATION FROM COUNCIL

J. INFORMATION

R:198/09
Items J.1- J.24. accepted as information

Moved by Councillor Adams that items J.1- J.19, J.21 be accepted as information.

CARRIED

K. IN CAMERA

R: 199/09
Council incamera at 3:41 pm

Moved by Councillor Ryan That Council go incamera at 3:41 pm.

CARRIED

R: 200/09
Council out of camera ay 5:15 pm

Moved by Councillor Ryan that Council come out of camera at 5:15 p.m.

CARRIED

R: 201/09
Gordon Robert Halliday appointed as temporary Bylaw Enforcement/Safety Codes Officer

3. Moved by Councillor Adams that Council appoint Gordon Robert Halliday as a temporary Bylaw Enforcement/Safety Codes Officer for the M.D. of Bighorn No. 8, said appointment to be effective 15 July 09 to 30 September 09.

CARRIED

R: 202/09
July 14, 09
Regular Council

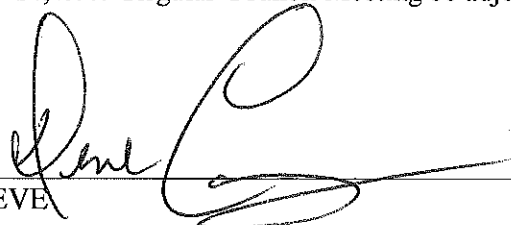
ADJOURNMENT



Meeting
adjourned at 5:16
pm

Moved by Councillor Ryan that the July 14, 2009 Regular Council Meeting be adjourned at 5:16 pm.

CARRIED



REEVE



EXECUTIVE ASSISTANT