

MUNICIPAL DISTRICT OF BIGHORN NO. 8

Minutes of the Regular meeting of Council held Tuesday, February 8, 2005
in the Council Chambers, M.D. offices, with the following persons present:

COUNCIL:

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

STAFF:

MARTIN BUCKLEY	CHIEF ADMINISTRATIVE OFFICER
GREG BIRCH	ASSISTANT MUNICIPAL MANAGER
BRENDA GOERES	ACTING MUNICIPAL SECRETARY
CHERYL MICKELSON	MUNICIPAL SECRETARY
HUGH PETTIGREW	DIRECTOR OF OPERATIONS
HELENE HESSE	MUNICIPAL FINANCE OFFICER

CALL TO ORDER

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

A. APPROVAL OF AGENDA

Moved by Councillor Adams that the agenda for the February 8, 2005 Regular Council meeting be adopted with the following amendments:

- | | |
|-----------------------------|---|
| - Meeting Notes item C.4: | Spray Lakes Sawmill added as verbal report |
| - New Business item H.18 | Spring AAMD&C Convention |
| - New Business item H.19 | Meetings with Departments at Spring AAMD&C Convention |
| - New Business item H.20 | Resolution RE: Harvie Heights Lot 18 |
| - New Business item H.21 | Water Conservation through Development Permits |
| - Corresp./Information J.15 | Letter received Feb. 4/05 from Canadian Rockies Regional School Division re Exshaw School |
- CARRIED

B. MINUTES

1. Moved by Councillor Dunki that the minutes of the January 11, 2005 Council meeting be adopted with the correction to the spelling of "Callaghan" in the second paragraph on Page 9 and to renumber a section of the minutes if necessary.

CARRIED

C. MEETING NOTES/COMMUNITY MINUTES

3. In response to a question from Councillor Adams, Reeve Ryan suggested he

R: 032/05
Approve Feb
8/05 agenda.as
amended

R: 033/05
Approve. Jan
11/05 Council
minutes as
amended

communicate any highway signage concerns to the ECEC Trucking Sub Committee through the Director of Operations.

Reeve Ryan noted Item 6. (c) in the 20 Jan 05 ECEC Trucking Sub Committee minutes which discusses safety concerns with increasing tourism commercial traffic on Highway 1A, e.g. tour buses, vans, etc. Alberta Transportation will be meeting with stakeholders to consider solutions, as there is a need for properly designated pull-off areas and signage. The Chief Administrative Officer noted that in the M.D.'s Municipal Development Plan, existing heavy industry is prioritized over tourism activities, on the north side of the Bow River in the M.D.

4. Councillors attended the recent Spray Lakes Sawmill Detailed Forest Management Plan (DFMP) meeting and a DVD provided on the DFMP is available for review. Councillors discussed the importance of ongoing monitoring and stewardship when logging operations start up. Reeve Ryan suggested that M.D. representatives make a presentation to SRD staff at the April AAMC&D convention to request inclusion of ongoing plan monitoring and research. Research issues include environmental, demographic, climate, pine beetle infestation, and recreational use. Funding for such research may be made available from the province. It is important that the M.D., having municipal jurisdiction, is aware of activities, enforcement issues, etc. Another very important issue is the Ghost/Waiparous watershed which provides 20% of the City of Calgary water. Reeve Ryan will also discuss this next week on the Calgary Regional Partnership agenda.

Moved by Councillor Dunki that Council acknowledge that the following minutes have received approval:

1. Municipal Planning Commission – December 15, 2004
2. Subdivision/Development Appeal Board (DP 65/04) – January 20, 2005
and to receive as information:
3. ECEC Trucking Sub Committee – January 20, 2005 Unadopted Minutes.

CARRIED

D. BUSINESS ARISING FROM THE MINUTES/NOTES

1. a) Ratepayers' meeting dates will be established following completion of the Roads Task Force process. (Tentative dates include March for Benchlands & June for Lac des Arcs.)

Moved by Councillor Cooper that Council Table Item 1.a) Ratepayers meetings, to the March 8, 2005 Council meeting.

CARRIED

The Assistant Municipal Manager noted that the regional mobility group is arranging a tentative meeting date of March 16.

R:034 /05
Received as
info approved
committee
minutes

R: 035/05
TABLE
Ratepayers'
meetings to
Mar. 8

E. DELEGATIONS

1. Ram Chengkalath and Craig Van Eyck of Chengkalath Mahajan Van Eyck, Chartered Accountants presented the 2004 M.D. of Bighorn Financial Statements, which are attached to these minutes as Schedule "A".

The Municipal Finance Officer noted and replied to specific information sheets in the statements (net equity, deferred expense, M.D. Investment Policy, cash flow, tax recovery, requisition costs, surplus/reserves, capital assets sub-ledger/depreciation, linear assessments). Council may revisit the Investment Policy regarding capital funding.

2. Marvin Phillips and Albert Holthuis of the Bow Valley Community Foundation presented background information on the proposed Foundation and its structure. The formation of the proposed Foundation was initiated in the Fall of 2003 and the legal documents are currently undergoing final editing. It is to be presented as a bill by MLA Janis Tarchuk in the Spring sitting of the legislature.

The Foundation has requested that the M.D., represented by the Reeve as one of six governors, in turn appoint a Director who would function with five other Directors and six community members-at-large, forming a total board of 11.

The purpose of the Foundation is mainly to provide a structure for various endowments to be accepted, and then reinvested for charitable purposes. Funding is done through various avenues: individuals can set up specific project endowments, and/or the Foundation can build funds and allocate at a later date. Investment would initially occur through a professional investment manager.

Council expressed two concerns:

- meeting and per diem expenses incurred in sending a representative to Foundation meetings;
- need for extension of the Foundation boundaries to include the entire M.D. area.

Reeve Ryan thanked Messrs. Phillips and Holthuis for their informative presentation.

F. UNFINISHED BUSINESS

2. The Assistant Municipal Manager advised that Administration is compiling public comments on the Benchlands workshop held in December, will forward to same Councillors on completion and also place the item on the March or April Council Meeting.
3. Reeve Ryan vacated the Chair and Council Chambers (11:38 a.m.), during discussion on Item F.3, due to a conflict of interest as a neighbour in this matter. Deputy Reeve Pepper chaired the meeting during discussion on F.3.

Administration advised that a meeting had been held on January 18th with

approximately 14 affected Exshaw landowners to determine issues regarding their possible interest in purchasing portions of a Municipal Reserve area. Administration suggested to them that the landowners meet to determine who is specifically interested in this lot. The process would involve removal of the MR, subdivision, appraisal, etc. Administration has subsequently sent a letter out to the landowners and is waiting for a response from them.

Reeve Ryan returned to Council Chambers (11:48 a.m).

- R:036/05
Approved
easement for
teachorage
property
pending
transfer via
subdivision
4. Moved by Councillor Dunki that Council allow an easement to be registered across Lot 3, Block 2, Plan 8610479 in Exshaw so that access to the municipal road system from Lot 1, Block 2, Plan 8610479, the property commonly referred to as the “teachorage property”, can be ensured once land currently part of the north side of Lot 1, Block 2, Plan 8610479 is transferred through subdivision to the adjacent Exshaw School property.

CARRIED

5. The Benchlands signage and guard rail request is pending until a meeting of the community association is held. Issues include access, littering, gating. Administration was directed to write a letter to the community association to provide some direction on the issues and to request whether they wish the M.D. to proceed with solutions.

G. BYLAWS

- R: 037/05
Recess
1. Moved by Councillor Cooper to recess Council at 1:00 p.m., until the Public Hearing on proposed Bylaw 22-z/04 is held.

CARRIED

The Public Hearing closed at 1:15 p.m.; following the Public Hearing, Council reconvened the Regular meeting, and considered Bylaw 22-z/04 further.

R: 038/05
2nd Reading
given to
BL 22-Z/04

Moved by Councillor Dunki that Council give second reading to Bylaw 22-Z/04, a bylaw amending the Land Use Bylaw to redesignate SW 1-29-6-W5M from R District to AC District.

CARRIED

R: 039/05
3rd Reading
given to
BL 22-Z/04

Moved by Deputy Reeve Pepper that Council give third and final reading to Bylaw 22-Z/04.

CARRIED

- R: 040/05
TABLE Item
G2 until after
Item H20
2. Moved by Councillor Adams to table Item G2 – Bylaw 02/05 (Bylaw Consolidation) until Item H.20, the issue of Harvie Heights Lot 18, is dealt with.

CARRIED

After discussion on Item H.20, Council considered proposed Bylaw 02/05:

R: 041/05

Moved by Councillor Adams that Council give 1st Reading to Bylaw 02/05, a bylaw

1st Reading
 given to BL
 02/05

removing inoperative, obsolete, expired, spent or otherwise ineffective bylaws from the bylaw register in accordance with the MUNICIPAL GOVERNMENT ACT, Chapter M-26, RSA 2000, as amended, with the following change:

- remove Bylaw 03/95 from the Schedule "A" listing.

CARRIED

R: 042/05
 2nd Reading
 given to BL
 02/05

Moved by Deputy Reeve Pepper that Council give 2nd Reading to Bylaw 02/05.

CARRIED

R: 043/05
 Consent given
 to go to 3rd
 Reading of BL
 02/05

Moved by Councillor Dunki that Council give consent to proceed with third and final reading of Bylaw 02/05 at this meeting.

CARRIED UNANIMOUSLY

R: 044/05
 3rd Reading
 given to BL
 02/05

Moved by Councillor Adams that Council give third and final reading to Bylaw 02/05.

CARRIED

H. NEW BUSINESS

R:045/05
 Cheques issued
 report accepted
 as information

1. Moved by Councillor Cooper that Council accept for information, the report of A/P cheques issued, number 18202 to 18329 in the amount of \$415,763.52 and payroll cheques issued, number 3967 to 4013, in the amount of \$37,265.44

CARRIED

R: 046/05
 Balance Sheet,
 Budget/Actual
 Spending
 reports
 accepted as
 information

2. Moved by Councillor Cooper that Council review and accept the Balance Sheet, Budget vs. Actual Spending Reports and the summary on capital projects to January 31, 2005 as information.

CARRIED

Administration answered questions from Council on various expenditures, and as directed, will change all references to "Recreation Board", to read "Community Services Board."

R:047/05
 Approve
 Council
 Expense
 payment

3. Moved by Councillor Adams that Council consider approval of payment for the following meeting expense claims, from the Contingency Allowance:

7 Jan	Reeve Ryan	Meeting w/ B. Shellian, CHR	\$130.00
	Coun. Dunki		\$130.00
			+ Mileage
18 Jan	Coun. Dunki	Mtg. 2/Shell Oil re WJP roads.	\$130.00

CARRIED

R:048/05
 Accept Curtis
 Eng report and
 authorize
 payment of
 invoice

4. Moved by Councillor Cooper that Council accept the December 2004 Curtis Engineering Associates Ltd. report on the geotechnical investigation and percolation testing for Lot 18 Block 3 Plan 6402HX; and authorize payment of costs to ISL Engineering Ltd., in the amount of \$1,815.00 plus GST.

CARRIED

R:049/05
Feb 20-26
declared as
Freedom to
Read Week

5. Moved by Deputy Reeve Pepper that Council declare the week of February 20 - February 26, 2005 Freedom to Read week, authorize the Reeve to sign the proclamation and that the proclamation be posted in the entrance way to the M.D. office.

CARRIED

Motion to
approve Howling
Dogs/MD
agreement

6. Moved by Councillor Dunki that Council approve the Development Agreement between Richard and Dana Bittner of Howling Dog Tours and the M.D. of Bighorn, and authorize the Reeve and the Municipal Secretary to sign the agreement on Council's behalf.

Following discussion on kennel waste disposal concerns, Councillor Dunki withdrew her motion.

WITHDRAWN

R:050/05
TABLE
Howling
Dogs/MD agr
until Admin
report returns

Moved by Councillor Dunki to table Item H6 Richard and Dana Bittner – Development Agreement, until Administration returns with a report.

CARRIED

R: 051/05

7. Moved by Councillor Dunki that Council authorize Reeve Paul Ryan to attend the June 4 – 8 Mountain Communities Conference at the Banff Centre, at M.D. expense

Moved by Deputy Reeve Pepper to amend to allow more than one Councillor to attend the June 4 – 8 Mountain Communities Conference at the Banff Centre.

DEFEATED 4-1

DEFEATED 4 - 1

OPPOSED:

Reeve Ryan
Councillor Cooper
Councillor Dunki
Councillor Adams

IN FAVOUR:

Dep Reeve Pepper

Council then voted on Councillor Dunki's original motion.

CARRIED

R:052/05
Greencover
referred to Ag
Board for
recommend'n

8. Moved by Councillor Cooper to refer Item H8 to the Agricultural Services Board, to discuss grant funding and make a recommendation back to this Council.

CARRIED

R:053/05
Auditors
appointed for
2004

9. Moved by Councillor Dunki that Council appoint the firm of Chengkalath Mahajan Van Eyck as auditors for the accounting year 2004.

CARRIED

R: 054/05
2004 Fin
Statements
accepted

10. Moved by Councillor Adams that Council accept the Year 2004 Financial Statements, as prepared by M.D. Administration and audited by the accounting firm of Chengkalath Mahajan Van Eyck.

CARRIED

Council commended the Municipal Finance Officer for all her work on this year's financial statements.

R: 055/05
2002 Munic
Sponsorship
funds approved
for Harvie Hts
Trail

11. Moved by Councillor Adams that Council authorize the use of the 2002 Municipal Sponsorship funds, as managed by the Town of Canmore, for the construction of the Canmore/Harvie Heights Trail, to be built upon the Harvie Heights waterline right-of-way.

CARRIED

R: 056/05
Reeve Ryan
and Dir. Of
Operations
approved to
visit Squamish
facilities

12. Moved by Councillor Cooper that Council authorize Reeve Paul Ryan and the Director of Operations to attend the Bow Valley Waste Management Commission-organized tour of the organic composting facilities in Squamish B.C; and accept the Reeve's per-diem expenses and the Director of Operations' travel and accommodation expenses for the trip.

CARRIED

R: 057/05
members
appointed to
SDAB (1) and
Exshaw Env
Committee (2)

13. Moved by Councillor Cooper that Council appoint Garry Coulter as the second alternate member-at-large to the Subdivision & Development Appeal Board and further that Clifford Hansen and Lynda Grischkat be appointed as members-at-large to the Exshaw Community Environment Committee and further that these appointments be for the 2004/2005 term.

CARRIED

R: 058/05
March MD
Newsletter
approved with
amendments

14. Moved by Councillor Cooper that Council approve the printing and subsequent distribution of the draft March 2005 newsletter based on the material contained in the February 8, 2005 Council agenda package, and revisions noted by Council during the meeting as follows:
 - Capitalize "Bow Valley at the bottom of Page 191
 - Include or attach an updated M.D. recycling brochure
 - Edit the wording for weed control on Page 196, to make it more user friendly.

CARRIED

Regarding Agenda Item D. 1. a) discussed above, the ratepayers' meeting schedule will be included in the next Newsletter.

15. Administration provided lease versus purchase options to Council for a new garbage truck and bins which will be used for M.D. waste management. There is some time pressure to decide on this equipment, due to a three-month delivery timeline for the vehicle.

Moved by Deputy Reeve Pepper to direct Administration to enter a purchase/lease agreement for a HyPak International Garbage Truck from Haul-All Equipment (per specifications outlined in the Administration report) and to return with a detailed financial report to the next Finance and Economic Development Committee meeting.

CARRIED

R: 059/05
Garbage Truck
purchase/lease
approved;
Admin to report
to next F&EDC

R: 060/05

Garbage bin
acquisition
approved;
Admin to report
to next F&EDC

Moved by Councillor Cooper to acquire 14 bins from Haul-All Equipment and to return with a detailed financial report to the next Finance and Economic Development Committee meeting, with a breakdown on the acquisition

CARRIED

R: 061/05
W Jumping-
pound Roads
Master Plan
received as info

16. The Chief Administrative Officer noted that Lisa Best of the Alberta Utilities Board, should be included in the "Communication" section of the Administration report, on the West Jumpingpound Roads Master Plan.

Moved by Councillor Dunki that Council accept the December 2004 West Jumpingpound Roads Master Plan, as prepared by Infrastructure Systems Ltd., as information at this time.

CARRIED

R: 062/05
Disposal of
surplus office
items approved

17. Moved by Councillor Cooper that Council authorize Administration to dispose of the following items:

- old greenish couches, chairs (6 of each) and coffee tables (2) that were provided with the M.D. Administration building at time of purchase;
- old metal office desks (3);
- old lighting fixtures;
- old front counter;

that were deemed surplus, after recent office renovations; and that Administration be allowed to dispose of these items as Administration sees fit.

CARRIED

R: 063/05
Councillors
approved to
attend AAMD&C
convention &
receive per diems
per policy

18. Moved by Councillor Dunki that Council authorize all Councillors and direct Administration to register the delegates authorized to attend the Spring A.A.M.D. & C. Convention which is to be held on April 4 - 6, 2005; and further that those delegates receive per-diems, in accordance with the Council & Committee Remuneration Policy.

CARRIED

R: 064/05
Admin to
arrange
meetings at
AAMD&C
convention

19. Moved by Councillor Adams that Council direct staff to arrange the following meetings for Councillors attending the A.A.M.D. & C. Spring Convention;

- a meeting with Alberta Transportation to discuss Highway 40, Highway 68, Birdcage intersection in Harvie Heights and the exit to Dead Man's Flats;
- a meeting with Sustainable Resource Development to discuss the Ghost/ Waiparous and farmland consolidation issues;
- a meeting with the Justice Department to discuss the policing issue with the Ghost/Waiparous area during the peak times; and
- a meeting with Community Development to discuss the issue from previous years regarding trail closures (trails in areas surrounding the M.D. were closed during high fire risk times, but trails in the M.D. were not);

and further that Council decide if any more meetings are needed and specify topics for discussion.

CARRIED

20. Councillor Adams distributed background documents regarding Lot 18 in Harvie Heights which is the subject of current land negotiations with the province and which is raising the concerns of residents in this hamlet. He then made the following motion:

Motion to register H Hts Lot 18 as Municipal Reserve:

Moved by Councillor Adams that Council register Harvie Heights Plan 6402 HX, Lot 18, Block 3 with the Alberta Land Titles Office as Municipal Reserve; and that this piece of property not be included in any discussions with the Alberta Government concerning land swaps at Dead Man's Flats area.

R: 065/05
TABLED
pending Admin report to March 8 Council

Moved by Councillor Cooper to table Councillor Adams' motion until Administration has brought a report back to the March Council meeting.

CARRIED
COUNCILLOR ADAMS OPPOSED

Councillor Adams' materials will return to Council at that time.

21. Moved by Deputy Reeve Pepper to direct Administration to return a Council report on implementation of water conservation fixtures in new development.

R: 066/05
Admin to report on water conservation

CARRIED

I. ENQUIRIES OF ADMINISTRATION FROM COUNCIL

Following a suggestion by Councillor Dunki, Administration will return a report for Item J.10, 2004 Utilities Department Year in Review, so that interpretation of the various statistics is presented in a summary format.

Councillor Dunki also acknowledged the work of the ASEAB members who attended the Agricultural Services Board annual conference, and shepherded the M.D.'s motion on the Farm Holdings Consolidation Program through the resolution process.

J. INFORMATION

Moved by Deputy Reeve Pepper that items J.1 to J.15 be accepted as information.

R: 067/05
J.1 to J.15.
accepted as info

CARRIED

K. IN CAMERA

Moved by Councillor Cooper that Council go in camera at 3:20 p.m. to discuss Confidential Matters.

R: 068/05
In camera @
3:20 pm

CARRIED

Moved by Councillor Deputy Reeve Pepper that Council go out of Camera at 4:10 p.m.

R: 069/05
Revert to open mtg @4:10 pm

CARRIED

R: 070/05
Admin to
negotiate
purchase with
BHB; discuss
wastewater
treatment

1. Moved by Councillor Adams to authorize the M.D. to negotiate a purchase agreement with BHB per the terms outlined in the letter of February 9, 2005, and to authorize Administration to proceed with discussions with various (potentially) affected parties regarding wastewater treatment at Dead Man's Flats.

CARRIED

R: 071/05
BHB appraisal
costs to be
jointly shared
for exchanged
lands

2. Moved by Councillor Cooper that Council agree to jointly share appraisal costs on the Provincial lands proposed for exchange for the excess lands involved in the proposed BHB development at Dead Man's Flats.

CARRIED

R: 072/05
Adm to prepare
response letter
on industrial lot
prices

3. Moved by Councillor Dunki that Council direct Administration to prepare a response letter indicating a counter offer of \$6.50 per square foot for industrial lots.

CARRIED

ADJOURNMENT

R: 073/05
Adjournment
@4:14 pm

Moved by Deputy Reeve Pepper that the February 8, 2005 Regular Council Meeting be adjourned at 4:14 p.m.

CARRIED

REEVE

ACTING MUNICIPAL SECRETARY