

MUNICIPAL DISTRICT OF BIGHORN NO. 8

Minutes of the Regular meeting of Council held at 9:00 a.m. on Tuesday, December 13, 2005
in the Council Chambers, M.D. offices, with the following persons present:

COUNCIL:

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

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

CALL TO ORDER

Reeve Dunki called the meeting to order at 9:00 a.m. and presented the Acting Municipal Secretary with a gift in appreciation for her one year contract which ends with the upcoming return of the Municipal Secretary from parental leave.

Kristi Beunder then presented the Assistant Municipal Manager, Greg Birch, with a certificate of recognition for his work with the Alberta Association, Canadian Institute of Planners.

A. APPROVAL OF AGENDA

Moved by Councillor Pepper that the agenda for the December 13, 2005 Regular Council meeting be adopted with the following amendments:

- Business Arising Item D.2	Move to become K.3
- New Business Item H.17	TransAlta Work (Councillor Pepper)
- In Camera Item K.2	Seebe (Councillor Ryan)
- In Camera Item K.4	Clean Air Strategic Alliance (Councillor Cooper)

CARRIED

B. MINUTES

1. Moved by Councillor Ryan that the minutes of the November 8, 2005 Council meeting be adopted with the following wording change in Item H.13: “due to concerns over wells not operating efficiently,…”

CARRIED

R: 362/05
Agenda. adopted
as amended

R: 363/05
Nov 8/05
Council minutes
adopted

R: 364/05
Meeting Notes
received as
information

C. MEETING NOTES/COMMUNITY MINUTES

1. Moved by Councillor Ryan that Council acknowledge that the following minutes have received approval:
 - a) Municipal Excellence Committee (August 18, 2005)
 - d Exshaw Community Environment Committee (September 7, 2005)
 - c) Agricultural Services & Environmental Advisory Board (September 30, 2005)
 - d) Municipal Planning Commission (October 19, 2005)
 - e) Community Services Board (October 19, 2005)
 - f) Roads Task Force (April 28, 2005)

CARRIED

D. BUSINESS ARISING FROM THE MINUTES/NOTES

1. Future Meeting Dates
The Jamieson Road Ratepayers' Meeting will be held at Beaupre Hall, if space is available, on Thursday, January 26, 2006 from 7:00 to 9:00 p.m.
2. Moved to K3
3. Harvie Heights Lot 18 MR to ER Designation
The 7 Dec e-mail from L. Ferguson, Sustainable Resource Development, regarding the proposed agreement on Lot 18 Block 3 in Harvie Heights, was reviewed. The CAO advised that the funds from the Harvie Heights Community Association are being held in trust with the Community Association's legal counsel pending conclusion of this matter.

E. DELEGATIONS

1. Exshaw School – Eagle Pride Project
Speakers: Debra Anstey –Principal, Carla Pauls – Counselor, and Therese Deschamps - Grade 6 Student and part of Leadership Group
Also present: Canadian Rockies School Division Superintendent Brian Callaghan
 - ∅ The speakers outlined in a powerpoint presentation, the components of this new student “character education program” which will address a range of issues from bullying to positive behaviour through three pillars of respect (self, others, property). The program will reach its objectives through education, community involvement, special events and behaviour programs. Other activities – such as a recent student bake sale - encourage literacy, mentorship, leadership, volunteerism & sustainability.
 - ∅ Council is invited to the program kick off on Thursday, January 19, 2006 at the school.
 - ∅ Ms. Anstey thanked the MD, their Community Services Coordinator Emily Smith for their support and ongoing involvement in this cooperative program.

F. UNFINISHED BUSINESS

1. Draft Bylaw 18-Z-04 – LUB Amendment, Benchlands
Administration will set a meeting in January 2006 for input from residents.
2. Exshaw Laneway
Councillor Ryan declared a conflict of interest and vacated Council Chambers during this issue, due to his interest in property in the affected area.

Administration reported that a recent meeting of residents adjoining the laneway in Block 6 Plan 7921GP Exshaw was well attended, and indicated mixed reactions as to how to handle residents' building encroachments into the MD laneway. Some residents with out-buildings in good condition are interested in purchasing the land on which they currently encroach; some wanted "things left the way they were". Administration will compile meeting comments and report back to Council in January. Considerations include not only encroachment of out-buildings, but also utility locations, future allowance for a water line, and lane deliveries.

Councillor Ryan returned to Council Chambers.

G. BYLAWS

1. On proposed Bylaw 08/05, the Solid Waste Management Bylaw, Councillor Ryan proposed wording changes that would indicate that no waste is to be disposed of that is not generated within the MD of Bighorn; following discussion on specific wording, it was indicated the matter should be tabled until the CAO could return with a proposed wording amendment.

Moved by Deputy Reeve Adams to table further discussion of Bylaw 08/05 until after the lunch break. **CARRIED**

Following lunch, discussion continued on the proposed Bylaw.

Moved by Deputy Reeve Adams:

1. That Council amend draft Bylaw 08/05, the proposed Solid Waste Management Bylaw by changing Definition item 2(a), "Animal Waste", to read as follows:

"Animal Waste" means all forms of waste from animals or the treatment of animals, and shall include animal carcasses or parts. The following shall not be considered to be Animal Waste, under this Bylaw:

- Pet Feces: provided such material is double-bagged and securely tied, before disposal in a Solid Waste Container;
- Livestock manure: which is handled and used in an acceptable and normal fashion as part of a bona-fide agricultural operation, or is handled in accordance with an approved manure management plan."

R: 365/05
Bylaw 08/05
discussion table
till later in
meeting

R: 366/05
Bylaw 08/05
amended

2. That the following clauses be added to Section 9:

(a) (xvi) dispose of any waste that has been generated from outside of the M.D., with the exception of waste acceptable at a regional landfill facility; and

(d) No person, other than a resident or ratepayer of the M.D., shall be permitted to dispose of any Waste whatsoever in a Solid Waste Container within the M.D; and

3. That the first line of Schedule "C" now read, "...locations, where appropriate containers are provided:" CARRIED

Moved by Deputy Reeve Adams that Council give second reading to Solid Waste Management Bylaw 08/05, as amended. CARRIED

Moved by Deputy Reeve Adams that Council give third reading to Solid Waste Management Bylaw 08/05. CARRIED

Moved by Deputy Reeve Adams that Council waive solid waste collection fees for the McDougall Stoney Morley Mission, for the McDougall Church site at Morley Settlement, Block A Plan 8411089 and Block M Plan 9310835. CARRIED

2. In October, Council directed specific changes be made to the Rafter Six Area Structure Plan before further readings would proceed on the bylaw. A revised plan was provided for the 13 Dec 05 Council meeting, but did not arrive in sufficient time for Councillors to review thoroughly. The Assistant Municipal Manager distributed his response comments on the Plan at the meeting, suggesting that second reading could proceed, pending further changes before the plan returns for third reading.

Ø He cautioned that, in his opinion, proposed Phase 2 as outlined in the ASP could be developed in spite of a wildlife study, so in the absence of a formal MD policy, Council must decide if a wildlife corridor is an important issue in the approval of this plan (referencing point numbers 3, 5, and 8 in his comments).

Ø Depending on the wildlife study outcome for Phase 2, the MD can then specify better wildlife mitigation for future Phases 3 and 4.

Ø Councillors also discussed the difference between livestock practices for the resort facility component versus the true agricultural component, regarding numbers of animals and whether there is adequate grazing for the livestock.

Ø Councillors also raised concerns with the effect on surface and ground water from the combination of both the agricultural and the resort activities.

Moved by Councillor Ryan that Council give second reading to Rafter Six Area Structure Plan Bylaw 13/05 with the following issues to be addressed before third reading is considered:

- animal/livestock treatment
- Phase II wildlife issue

R: 367/05
Bylaw 08/05
given 2nd
Reading

R: 368/05
Bylaw 08/05
given 3rd
Reading

R: 369/05
McDougal
waste fee
waived

R: 370/05
2nd Reading
given to BL
13/05, with

changes to occur
before 3rd
Reading

- Building heights and number of stories in buildings
- wording for Criteria/Terms of Reference for a wildlife impact study
- effects of the proposed development on surface water
- sewage treatment

CARRIED

Ø Rafter Six consultant Kristi Beunder was present and added that she will provide a detailed list to Council, on changes to the plan, which she had previously provided to the Assistant Municipal Manager, for Council's assistance in reviewing changes to the ASP.

R: 371/05
BL 17/05 given
2nd Reading.

3. Moved by Deputy Reeve Adams that Council give second reading to Bylaw17/05, a bylaw establishing an off-site levy for the commercial area in Harvie Heights.

CARRIED

Administration noted the intent of the report was to defeat this bylaw, as levies are no longer considered necessary in Harvie Heights, given the pending water utility rates.

R: 372/05
BL 17/05 3rd
Reading
defeated

Moved by Councillor Cooper that Council give third reading to Bylaw17/05, a bylaw establishing an off-site levy for the commercial area in Harvie Heights. DEFEATED

R: 373/05
B/L 18/05 –
1st rdg.

4. Moved by Deputy Reeve Adams that Council give first reading to Bylaw 18/05, the Harvie Heights Water System Bylaw. CARRIED

H. NEW BUSINESS

R: 374/05
Cheques issued
report received
as information

1. MOVED by Councillor Ryan that Council receive for information, the report of A/P cheques issued, number 19414 to 19548 in the amount of \$631,675.28 and payroll cheques issued, number 4495 to 4544, in the amount of \$43,530.26. CARRIED

Council noted that one payment was to a private contractor so similar future payments need not be "FOIPd" (information struck for confidentiality) in future.

R: 375/05
Revised Roads
Policy T-16
adopted

2. Moved by Councillor Pepper:
- a) That Council adopt revised Policy T-16, the Roads Policy, as reviewed/prepared by the Roads Task Force, and as circulated; and
 - b) That Council also adopt the Release/Indemnity/Hold Harmless Agreement, as circulated, as an acceptable alternative to private development of municipal road allowance (in some circumstances), in conjunction with development/ subdivision, where application of Road Policy T-16 is determined to cause a hardship.

CARRIED

R: 376/05
Membership in
Prairies to Peak
approved

3. Moved by Councillor Cooper that the M.D. join the Prairies to Peaks Tourism Association as a full municipal member; but defer any comments on the "municipal investment/regional support/full-time Tourism Coordinator" concept, until such time as a more equitable funding formula is agreed upon. CARRIED

R: 377/05
Hamlet slogan
signs approved;

4. Moved by Deputy Reeve Adams that Council authorize Administration to contact the

Admin to advise
community
assocns.

community associations in the hamlets of Benchlands, Dead Man's Flats, Exshaw, Harvie Heights and Lac Des Arcs, seeking a brief community "slogan" message for a sign to be added to the hamlet "Welcome To" signs, located at the entrance to each hamlet.

CARRIED

Lac Des Arcs residents have already run a contest and the winning slogan for their signs is "Home is Where the Heart Is". Councillor Cooper will soon be referring this issue to the Exshaw Community Association for their decision on Exshaw signage.

R: 378/05
Revised
Remuneration
Policy F-11
adopted

5. Moved by Deputy Reeve Adams that Council adopt revised Policy F-11, Council & Committee Remuneration, as circulated. CARRIED

It was noted that the "Financial Implications" section of the cover report should read \$500 for clothing and not \$1,200.

R: 379/05
Revised Benefits
Policy H-4
adopted

6. Moved by Councillor Ryan that Council adopt revised Policy H-4, Vacation/Leave/Benefits Policy, as circulated. CARRIED

7. Councillors discussed whether to support a proclamation requested by CUPW which would discourage closure of a Quebec postal sorting plant and encourage initiatives to maintain Canada's postal network.

R: 380/05
MD to write to
Canada Post re
postal service

Moved by Councillor Ryan that the M.D. write to John McCallum, the Minister Responsible for Canada Post, and request that the federal government instruct Canada Post:

1. To stop the closure of the mail sorting plant in Quebec City and proposed closures in other locations;
2. To consult with the public, postal unions and other major stakeholders to develop a uniform and democratic process for making changes to the Canada Post's network; and
3. To maintain, expand and improve our public postal network.

Ø Councillors then discussed whether they support closure of the Quebec City plant.

Moved by Reeve Dunki to amend the prior motion by deleting Part #1 referring to the Quebec City plant closure. CARRIED

The vote followed on the main motion as amended. CARRIED

R: 381/05
Bow-Kor permit
approved

8. Moved by Councillor Ryan that Council approve the 15 Nov 05 lessee development application permit from Bow-Kor Excavating Ltd. on Lot 5 Block 1 Plan 9913384 for the following uses:

- outside storage industry (permitted use)
- sand and gravel operation (discretionary use)
- storage and handling of trucks, construction equipment, or building materials

(discretionary use)

on the conditions as outlined in the draft letter from the C.A.O dated 15 Dec 05.
CARRIED

9. A letter was distributed from TransAlta regarding the designation of buildings at TransAlta's Seebe settlement.

Moved by Councillor Ryan that Council direct that notice be given by Administration to TransAlta Utilities Corporation, stating that Council is considering adoption of a bylaw to designate the Superintendent's House and the School House in Seebe as Municipal Historical Resources pursuant to s.26 of the Historical Resources Act, and that, notwithstanding TransAlta's suggestion as to the expiry date of this notice, it is Council's position that a reasonable amount of time should be allowed to discuss the bylaw and hence the 120-day time period set out in s.26(8) of the Historical Resources Act be maintained.
CARRIED

Administration was directed to set up a site inspection in early January with TransAlta for the three committee members and the remaining two Councillors will be notified should they be able to attend as well.

10. Moved by Councillor Cooper that Council endorse the Agricultural Services & Environmental Advisory Board's Decision to attend the Annual ASB Conference February 1st - 3rd of 2006.
CARRIED

11. Councillor Cooper thanked the Agricultural Services & Environmental Advisory Board for their good work, and moved the following motion:

Moved by Councillor Cooper that Council endorse the Agricultural Services & Environmental Advisory Board's Strategic Business Plan for the year 2006.
CARRIED

12. Moved by Councillor Ryan that Schedule "G", Fees for Sewage Services, of the M.D.'s Fee Schedule be amended by increasing all rates shown by 10%, effective January 1st, 2006.
CARRIED

13. Moved by Councillor Ryan that Council deny the request for cancellation of penalty charges on Roll 185899, Lot 4, Block 3, Plan 1370JK.
CARRIED

14. Moved by Councillor Pepper that Council adopt the Year 2006 operating and capital budgets, as reviewed on November 28, 2005 by the Finance and Economic Development Committee with the following amendments:

1. Legislative Services: increase of \$3,000 in 11-212 Reimbursements of Councillors expenses re communications costs

R: 382/05
Give notice to
TransAlta re
historic resource
120-day period

R: 383/05
Ag. Board
endorse to
attend '06 ASB
conference

R: 384/05
Ag Board '06
Business Plan
endorsed

R: 385/05
Amended
Schedule "G" of
Sewage Fees
adopted

R: 386/05
Request denied
for penalty
cancellation on
Roll 185899

R: 387/05
2006 Operating
& Capital
Budgets adopted
as amended

2. Legislative Services: increase of \$8,000 in 11-201 Municipal Excellence re Volunteer Gala
3. Legislative Services: increase of \$15,000 (grant revenue \$15,000; project cost \$30,000) for Heritage Resources survey.

CARRIED

15. Councillor Ryan proposed that the hamlet of Exshaw should receive a dedicated 50% of the annual hosting fees paid to the M.D. from Bow Valley Waste Management Commission, due to the high amount of industry and trucking activity through the hamlet. This type of compensation is intended to cover off activities from operators resulting in such negative impacts as potential ground water contamination, noise, odours, garbage, general unsightliness, etc.

Moved by Councillor Ryan that 50 percent of the annual hosting fees collected from the Bow Valley Waste Management Commission be set aside for the exclusive use of the Hamlet of Exshaw, to be administered by MD Council through the Community Services Board.

Moved by Deputy Reeve Adams to table the prior motion until Administration investigates and reports to Council on the ramifications on how the Community Services Board would administer such funds.

CARRIED

16. Moved by Councillor Cooper that Council, pursuant to s.657 (6) of the Municipal Government Act, grant an extension to the usual one-year endorsement period that would apply to subdivision No. 2409-23NE(6)E, the subdivision of Lot 4, Block 1, Plan 9913384 in the Exshaw Industrial Park, and allow endorsement until September 24, 2006.
- CARRIED

17. Councillor Pepper asked that Administration acknowledge TransAlta's recent work in the upper Ghost and Benchlands areas, by forwarding a letter of appreciation.

I. ENQUIRIES OF ADMINISTRATION FROM COUNCIL

- Ø The Director of Operations advised that the grand opening for the Benchlands Firehall will likely occur in February.
- Ø The Director of Operations will investigate a downed fence beside the CPR Right of Way, all along the Industrial Park Road (Diamond Drive)
- Ø The Director of Operations will consider adding a bleeder to an exposed line beside the Knowlerville bridge, until such time that the line is buried.
- Ø Councillor Cooper relayed a message that Lafarge would be interested in a \$10,000 donation towards erection of a new bridge; the Director of Operations will follow up on this offer. Administration is still waiting for a letter forthcoming from Lafarge for permission for use of their land adjacent to the bridge damaged from floods, so the decision on repairing, or replacing this bridge is still pending
- Ø The Director of Operations advised that the Harvie Heights commercial water line will be completed over the winter but that he has no timing concerns because the hotel

R: 388/05
Motion that MD
receive 50% of
waste hosting
fees TABLED

R: 389/05
Above motion
TABLED
pending more
info re CSB

R: 390/05
Subdivision of
Lot 4 granted
time extension

operators do not want to draw water until Spring when they can hook up under better ground conditions.

- Ø The Director of Operations advised that the Roads Foreman is trying to locate a D-8 cat to use for starting up the Jura Creek repairs.
- Ø Administration will notify Public Lands of illegal garbage dumping occurring next to Pitt Road, south of the 1A, east of 1X.
- Ø Administration will prepare a report on transfer services for West Jumping Pound in the New Year (after February).
- Ø The Director of Operations will investigate a ditching situation on Jamieson Road (near McGregor's) which could create a driving hazard, and will consider softening this curb, or bringing fill in, which are less expensive alternatives to adding a guard rail around this curve.

J. INFORMATION

Moved by Councillor Pepper that items J.1 to J.17 be accepted as information. CARRIED

R: 391/05
J.1 - J.17
accepted as info

K. IN CAMERA

Moved by Deputy Reeve Adams that Council go in camera at 3:26 p.m. CARRIED

R: 392/05
In camera @
3:26 pm

Moved by Councillor Adams that Council go out of camera at 4:26 p.m. CARRIED

R: 393/05
Revert to open
mtg @ 4:26
Pm

2. It was requested that Administration arrange, with Transalta, an inspection of the old Seebe settlement, to view the condition of the buildings (residential structures, school/community hall, curling rink, etc.) with respect to the state of security and any vandalism/damages that may have occurred.

ADJOURNMENT

Moved by Councillor Adams that the December 13, 2005 Regular Council Meeting adjourn at 4:28 p.m. CARRIED

R: 394/05
Adjournment @
4:28 pm

REEVE

MUNICIPAL SECRETARY