

MUNICIPAL DISTRICT OF BIGHORN NO. 8

Minutes of the Regular meeting of Council held at 9:00 a.m. on Tuesday, July 12, 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
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. and responded to Deputy Reeve Pepper's Point of Order raised at the June meeting, regarding the order of speakers during debate, and his concern that all speakers are given equal opportunity. Reeve Ryan noted that this issues has arisen before. Reeve Ryan stated that he has reviewed the order and frequency of past debates and feels he has been consistent in allowing discussion by all Councillors before calling the question. Reeve Ryan noted that the Chair's decision on Points of Order can be challenged by an appeal motion requiring one other Councilor to second the Motion. Deputy Reeve Pepper made a Motion to Appeal. No other Councilor offered to second the Motion.

A. APPROVAL OF AGENDA

Moved by Councillor Cooper that the agenda for the July 12, 2005 Regular Council meeting be adopted with the following amendments:

- | | | |
|-----------------------------------|--|-----------------|
| - Meeting Notes/Community Minutes | | |
| Item C.2 | Clean Air Strategic Alliance | (verbal report) |
| Item C.3 | Fuel Protocol | (verbal report) |
| Item C.4 | Bow River Basin | (verbal report) |
| Item C.5 | Southern East Slopes Task Force | (verbal report) |
| - Business Arising Item D.3 | Planning Workshop for Council | (verbal report) |
| - Delegations Item E.1 | Bow Valley Waste Management Commission | |
| - Bylaws Item G.4 | Bylaw 16/05 "ME First" Borrowing Bylaw
(3 Readings) | |
| - New Business Item H.7 | Include discussion of Benchlands Berm & Future Flooding &
Highway 40 Request | |
| - New Business Item H.13 | Planning Referrals to Other Jurisdictions | |
| - New Business Item H.14 | RE: <i>Canmore Leader</i> July 6 paper | (verbal report) |
| -Correspondence./Information | Municipal Sponsorship Program Application | |
| | Move Item J.10 to K.1: Letter from Town of Canmore Director
of Corporate and Protective Services RE: Termination of
Municipal Enforcement Services to M.D. | |

CARRIED

R: 205/05
Jun 14/05
Council minutes
adopted

R: 206/05
Jun 16/05 Pub
Hrg minutes
adopted

R: 207/05
Meeting Notes
received as
information

B. MINUTES

1. Moved by Councillor Adams that the minutes of the June 14, 2005 Council meeting be adopted with the removal of wording "and the Road Approach Issue (Jamieson Road)" in Item F.2. CARRIED
2. Moved by Councillor Cooper that the minutes of the June 16, 2005 Public Hearing (Bylaw 12-Z/05) be adopted as circulated. CARRIED

C. MEETING NOTES/COMMUNITY MINUTES

1. Moved by Deputy Reeve Pepper that Council acknowledge that the following minutes have received approval:
 - a) Emergency Services Committee - April 18, 2005
 - b) Community Services Board - April 27, 2005
 - c) Municipal Planning Commission - May 18, 2005 CARRIED
2. Clean Air Strategic Alliance (verbal report): Councillor Cooper reported that a larger number of M.D.s attended the most recent meeting of the Calgary Health Region – Clean Air Strategic Alliance workshop; and that a new Chair has been appointed, who has a strong technical background which will be beneficial for the environmental assessment process. Other issues on Clean Air Strategic Alliance's table continue to be boundaries, funding and operational definitions.
3. Fuel Protocol (verbal report): Councillor Cooper noted that this new committee met yesterday with Occupational Health & Safety representatives attending from Lafarge. First Nations representatives were noticeably absent. This committee has been established to formulate a protocol for consideration of approval for any fuel sources to be used in the Lafarge kilns. Alberta Health and Calgary Health Region also attend the meetings.
4. Bow River Basin (verbal report): Deputy Reeve Pepper reported that through the Basin group, he has been asked to sit (as a Municipal District Councillor) on a steering committee of BRB representatives, that will strike a further committee to advise the Minister on planning and water issues. Council requested a copy of the Bow River Basin report, and Administration will request that Bow River Basin board minutes be forwarded to the M.D. for distribution as well.
5. Southern East Slopes Task Force (verbal report): Deputy Reeve Pepper recently attended an M.D. of Pincher Creek Council meeting to encourage their continued participation in the Southern East Slopes Municipalities Task Force, and also to meet with the Minister of Sustainable Resource Development.

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D. BUSINESS ARISING FROM THE MINUTES/NOTES

1. Dates remaining for Ratepayers' Meetings are:
 - Jamieson Road (held at Beaupre Hall) – to occur after Roads Task Force is complete
 - West Jumping Pound (Location TBA) – to occur after Roads Task Force is complete
 - North Ranchlands (held at Water Valley Community Hall) – Thursday, September 15, 7:00 p.m. (Note: This is a change from previous date of September 14)
2. Council discussed a letter from Alberta Infrastructure & Transportation, indicating that Alberta Community Development will be handling the Highway 1A parking area issues at Rat's Nest Cave and Grotto Pond. Additionally, Reeve Ryan distributed pictures of a tour bus being towed from the Rat's Next Cave pull-off after becoming stuck.

There are currently no parking or informational signs at either of the above parking areas. Access to the Rat's Nest Cave by a local tourism operator is done via a lease agreement. Councillors discussed their ongoing safety and liability concerns, particularly if an accident were to occur when traffic pulls off into these areas. The lots are currently on an M.D. Road Allowance. The CAO noted that since the M.D. has acknowledged ownership of this road allowance, it must then act on any liability concerns, which could result in going so far as to close access to the lot.

Moved by Councillor Dunki that Administration be directed to examine the current potential safety situation regarding Highway 1A "parking lots" between Canmore and Exshaw; and determine a recommendation regarding same. **CARRIED**

Moved by Deputy Reeve Pepper that Administration continue to work with Alberta Infrastructure and Transportation, and Alberta Community Development [regarding Highway 1A safety] for an ongoing solution, on the "parking lots", acceptable to all parties involved. **CARRIED**

Councillors need clarification on the liability issues, the future plans for these two areas and the planning process.

3. Planning Workshop for Council (verbal report): The CAO has been investigating a "Planning 101" introductory seminar for Council and the consultant is available in August. Councillors noted they are particularly interested in information on planning trends, identifying good and bad planning/design projects, and would like as much advance literature as possible. Training in planning issues is timely due to the number of developments starting up this year in the M.D.

E. DELEGATIONS

1. Bow Valley Waste Management Commission: Al Tinholt provided a power point presentation, informing Council of the Bow Valley Waste Management Commission

R: 208/05
Admin to
recommend
safety solutions
for Hwy 1A

R: 209/05
Administration
to seek Hwy 1A
Safety solutions
with province

activities, and reported on a recent tour of Squamish, B.C.'s organics composting facilities. He emphasized the concept of waste as a resource, and discussed topics such as: international tourists' expectations of our waste management, diversion target statistics, portable recycling, educational programs, and a discussion on the challenges to users' comprehension of recycling. Mr. Tinholt noted that the Commission provides the recycling bins and municipalities run the educational programs, provide literature, etc.

The information collected on the B.C. tour indicated that the Squamish facility processes 50 tonnes/day (facility cost: \$8 million). A Bow Valley facility would process approximately 10-15 tones/day. With transportation costs high and landfill costs increasing, the ideal goal is to handle all our waste regionally. Another consideration is whether the compost created out of the processing is of the highest grade: Class A (all uses), or whether it's Class B (can only be used as landfill cover). Mr. Tinholt stated that the Town of Banff facility should be producing Class A compost by next year.

F. UNFINISHED BUSINESS

1. The Assistant Municipal Manager will ensure that Offsite Levy Bylaw 17/03 was initiated no more than the time limit of two years ago, and if still valid will proceed with including the water component now that the Exshaw Ratepayers' Meeting has occurred.
2. The Benchlands Land Use Bylaw amendment bylaw (18-Z/04) will be presented to Council in August.
4. Moved by Councillor Dunki to accept as information the Watershed and Basin Management Conference, and that Council not support attendance at this conference.

CARRIED

G. BYLAWS

1. Moved by Councillor Dunki that Council give 2nd Reading to Bylaw 12-Z/05, to amend the Land Use Bylaw with respect to allowing a private kennel on Block 4 Plan 9612563.
DEFEATED UNANIMOUSLY

The CAO noted that if a proposed bylaw is defeated at 2nd Reading, it is removed from the bylaw registry and 1st Reading is rescinded automatically, so the proposed bylaw in fact "dies".

2. Proposed Bylaw 15/05, Water Conservation Fixtures, provides for low water use plumbing fixtures to be installed in new developments using M.D. water or sewer systems. Councillors noted that the entire M.D. utilizes water, regardless of the source; and whether the bylaw should include all M.D. areas, not just the hamlet of Exshaw where the water/sewer connection will occur. The Assistant Municipal Manager noted that enforcement could become problematic if rural areas do not comply. To encourage compliance, some municipalities provide incentives through plumbing kits and price reductions on low flow fixtures. Incentives tend to result in higher compliance rates.

R: 210/05
Decision to not
attend
conference

R: 211/05
2nd Reading
BL 12-Z/05
DEFEATED

Before first Reading, therefore, Section 2 of the proposed bylaw was changed to read, "Effective September 1, 2005, where a new residential, commercial or industrial building is being constructed in the Municipal District of Bighorn, the buildings shall have low water use plumbing fixtures as follows.....".

Moved by Councillor Adams that Council give 1st Reading to Bylaw 15/05, for the purpose of requiring installation of low water use plumbing fixtures in new developments in the M.D. of Bighorn. CARRIED

R: 212/05
 1st Reading
 given to BL
 15/05

3. Moved by Councillor Dunki that Council give 1st Reading to Bylaw 13/05, a bylaw to adopt the Rafter Six Resort Area Structure Plan, and set Monday, September 12, 2005 as the Public Hearing date, to be held at 7:00 pm at the Exshaw Community Hall. CARRIED

R: 213/05
 1st Reading
 given to BL
 13/05, Pub Hrg
 date Sep 12/05

4. ME First Borrowing Bylaw:

Moved by Deputy Reeve Pepper that Council give 1st Reading to Bylaw 16/05, a bylaw to amend Bylaw 11/05, the Ghost Firehall "Me First" Bylaw. CARRIED

R: 214/05
 1st Rdg given to
 BL 16/05

Moved by Councillor Adams that Council give 2nd Reading to Bylaw 16/05.

CARRIED

R: 215/05
 2nd Rdg given to
 BL 16/05

Moved by Councillor Dunki that consent be given to proceed with third and final reading to Bylaw 16/05. CARRIED UNANIMOUSLY

R: 216/05
 Consent given to
 go to 3rd Rdg of
 BL 16/05

Moved by Councillor Dunki that Council give 3rd Reading to Bylaw 16/05.

CARRIED

R: 217/05
 3rd Rdg given to
 BL 16/05

H. NEW BUSINESS

1. **MOVED** by Councillor Adams that Council receive for information, the report of A/P cheques issued, number 18817 to 18938 in the amount of \$395,123.27 and payroll cheques issued, number 4220 to 4277, in the amount of \$46,311.46. CARRIED

R: 218/05
 Cheques issued
 report received
 as information

2. Moved by Councillor Cooper that Council accept the Balance Sheet and Budget vs. Actual Spending Report to June 30, 2005 before adjustments and review by the auditor. CARRIED

R: 219/05
 Budget/Actual
 Spending
 reports received
 as information

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

R: 220/05
 Council
 Expense
 payments
 approved

16 Mar	Coun. Adams Coun. Cooper	Regional Transportation Strategy implementation	\$130.00 + mileage \$130.00 + mileage
9 May	Coun. Cooper	CHR-CASA meeting in Calgary	\$130.00+ mileage
11 Apr	Coun. Cooper	CHR-CASA meeting in Calgary	\$130.00 + mileage

26 Apr	Coun. Dunki	Mtg w/Shell re WJP roads	\$130.00 + mileage
19 May	Coun. Dunki Reeve Ryan	UDI luncheon	\$130.00 + mileage \$130.00 + mileage
17 May	Reeve Ryan	Cochrane Recycling Ctr sod-turn.	\$130.00 + mileage
21 Apr	Reeve Ryan	Premiers' Dinner in Calgary	\$130.00 + mileage
9 Apr	B. Weerstra P. MacMillan	GAMP session in Calgary GAMP session in Calgary	\$130.00 + mileage \$130.00 + mileage
14 May	B. Weerstra P. MacMillan	GAMP workshop in Cochrane GAMP workshop in Cochrane	\$130.00 + mileage \$130.00 + mileage
1 June	B. Weerstra	ECEC meeting in Exshaw	\$130.00 + mileage
11 June	B. Weerstra	LaFarge fuel protocol in Exshaw	\$130.00 + mileage

CARRIED

Regarding attendance by citizens at large and other representatives, Council will discuss a possible policy on same at their July 18 Finance & Economic Development Committee meeting.

R: 221/05
 Admin to request engine retarder brake signage if at no M.D. cost

4. MOVED by Councillor Adams that, on the condition there is no cost to the M.D., Council request Alberta Infrastructure & Transportation install Engine Retarder Brake signs ("Truckers: Please avoid the use of Engine Retarder Brakes") at appropriate locations on Highway 1X; and also request AIT review the speed limits along Highway 1X, given the number of accesses onto and the level of activity along this highway.
CARRIED

It was noted that Pages 2 and 3 of Alberta Transportation's bulletin contradict each other regarding municipal responsibility to install signs.

R: 222/05
 Municipal Infrastructure grant agreement authorized

5. MOVED by Councillor Adams that Council authorize the signing of the 4 May 05 Memorandum of Agreement between the M.D. and the Province on the Alberta Municipal Infrastructure Program.
CARRIED

R: 223/05
 Admin to award contract to flush gravity mains

6. MOVED by Councillor Dunki that that Council direct staff to award flushing of gravity mains to Thuro Inc. for all gravity mains in Exshaw, Dead Man's Flats and Harvie Heights and to video portions of the sewer piping as directed by the utilities foreman, for the price of \$18,705.
CARRIED
7. The Director of Operations reported on estimated expenses to repair recent flood damage through the municipality; it was noted that the M.D. of Bighorn was more

fortunate, overall, than other areas in the Province. Roads in the northern region of the M.D. are near gravel sources so timing on those road repairs occurred fairly quickly. Council commended staff on their hard work and good decisions during the flooding. Administration was directed to determine who is responsible for Jura Creek banks, given the danger of well contamination if a future flood were to result in flooding of Exshaw's sewer station, which would result in well contamination. Engineering advice is needed for this location.

R: 224/05
Administration
to complete
flood repairs &
to apply to
province for
cost recovery

Moved by Councillor Dunki that Council

- a) authorize staff to complete repairs and rehabilitation to the municipal roads, bridges damaged or impaired by the recent floods, at a sum initially estimated to come in at approximately \$60,000 (as per attached cost estimate breakdown); and
- a. authorize staff to apply under the Alberta Government Disaster Recovery Program (for Municipalities) for cost recovery of the above expenses incurred. CARRIED

Other discussion

- Further to Deputy Reeve Pepper's concerns, Administration has already requested an engineering inspection of the dyke at the upper part of the berm at Benchlands. Deputy Reeve Pepper would like future discussions on the uplands meadows areas of Benchlands which are deteriorating due to use, loss of habitat, etc.
- Administration has also advised Lafarge of the closure of their bridge.
- Operations will be replacing rocks and other material around the Heart Creek Bridge.
- Operations also advised there will be trail amendments to the upper Heart Trail bridges and some bridges may require changes.

Councillor Adams raised a Point of Privilege, asking under what circumstances information is provided to one Councillor but not copied to all others. The Reeve and CAO clarified that any requested financial information is automatically distributed to all Councillors, but the CAO has discretion, on specific requests from individual Councillors, as to whether that needs to go to other Councillors (for example, it may be information specific to only one Councillor's Ward, so it need not go to others).

R: 225/05
Emerg Invoicing
Policy E-14
approved

8. Moved by Councillor Adams that Council approve draft Policy E-14, Invoicing for Emergency Services. CARRIED

R: 226/05
Admin to apply
for LDA
FireSmart
funding

9. Moved by Councillor Adams that Council authorize Administration to submit an application to the FireSmart Community Grant Program, for a Forest Fire Fuel Reduction project in Lac Des Arcs, and allocate the sum of \$9,000 towards the project, from the Parks – Purchased Services budget. CARRIED

R: 227/05
Admin to invite
Min. Oberg for
M.D. road tour
& discussions

10. Moved by Councillor Cooper that Council extend an invitation to the Minister of Infrastructure & Transportation, the Hon. Lyle Oberg, to tour the provincial highways within the M.D., to view the condition of these highways and to determine the level of priority for repairs/upgrading of same. CARRIED

Council expressed concern with the condition of Highway 40 in regards to its safety implications and directed Administration to request a professional inspection/assessment of Highway 40.

11. The M.D. has been approached by Alberta Community Development to determine if it has an interested in designating the Seebe Superintendent's house as a heritage building. Councillors noted that Alberta Community Development did not initiate protection of several other Seebe buildings - the last remaining single room school house in Alberta, and the world's only single sheet curling rink. (Other Exshaw resources include kilns, old park gates, etc.)

Moved by Councillor Adams to table to the August Council meeting, the "Municipal Historic Resource Designation" report, subject to receipt of the detailed TransAlta report. CARRIED

R: 228/05
Seebe historic
designation
TABLED to
August

Moved by Councillor Dunki that Administration express the M.D.'s interest in the possible historic value of a variety of buildings in Seebe townsite, and that they request a copy of the Alberta Community Development report on historical resources. CARRIED

R: 229/05
Admin to
investigate
Seebe historical
resources

Moved by Councillor Dunki to request Administration for a decision report as to how to establish a process to investigate a historical resource inventory. CARRIED

R: 230/05
Admin to report
on historical
inventory
process

12. Reeve Ryan and the Director of Operations recently attend a conference in Calgary where they heard of untreated sewage sludge that would be processed at Lafarge for use in land reclamation. The concerns include change of use, transport, and environmental impact. Administration will contact Lafarge to investigate.
13. Planning Referrals to Other Jurisdictions (verbal report): Councillor Adams and members of Council and Administration expressed dissatisfaction with recent media comments attributed to Town of Canmore officials, indicating that Dead Man's Flats could become part of the Town of Canmore, and that the Town of Canmore is concerned with development at Dead Man's Flats regarding impact on wildlife corridors. Annexation of Dead Man's Flats is highly unlikely, since the M.D. has given 30-40 years worth of developable land to the Town of Canmore in the past, through the annexation process.

14. Municipal Sponsorship Program Application:
Moved by Councillor Dunki that the M.D. of Bighorn complete a joint application (with the Town of Canmore) for 2005 Municipal Sponsorship grant funds, for one of two projects:
-Paving of the Canmore/Harvie Heights trail;
-Purchase of a Geomatics Emergency Notification system CARRIED

R: 231/05
Joint
application
approved for
H.Hts paving or
Geomatics

I. ENQUIRIES OF ADMINISTRATION FROM COUNCIL
J. INFORMATION

R: 232/05
J.1 - J.16/18/19
accepted as info

Moved by Deputy Reeve Pepper that items J.1 to J.16 be accepted as information, and that agenda item J.10 be discussed in camera [contractual issue]. **CARRIED**

K. IN CAMERA

R: 233/05
In camera @
3:35 pm

Moved by Councillor Cooper that Council go in camera at 3:35 p.m.(for Item J.10). **CARRIED**

R: 234/05
Revert to open
mtg @ 3:50 pm

Moved by Councillor Adams that Council go out of camera at 3:50 p.m. **CARRIED**

ADJOURNMENT

R: 235/05
Adjournment @
3:51 pm

Moved by Deputy Reeve Pepper that the July 12, 2005 Regular Council Meeting adjourn at 3:51 p.m. **CARRIED**

REEVE

ACTING MUNICIPAL SECRETARY