

MUNICIPAL DISTRICT OF BIGHORN NO. 8

Minutes of the Regular meeting of Council held at 9:00 a.m. Tuesday, June 14, 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.

A. APPROVAL OF AGENDA

Moved by Deputy Reeve Pepper that the agenda for the June 14, 2005 Regular Council meeting be adopted with the following amendments:

- | | |
|--------------------------|--|
| - Meeting Notes Item C.5 | Organics & Biosolids Conference Report |
| - Meeting Notes Item C.6 | Governance in Mountain Communities Conference Report |
| - New Business Item H.11 | Move to K3 |
| - New Business Item H.16 | Lafarge Alternative Fuel Protocol |
| - New Business Item H.17 | Councillor Cooper Conflict of Interest |
| - In Camera Item K.2 | Strategic Planning |
| - In Camera Item K.3 | Utility Charges Transfer to Tax (H.11) CARRIED |

B. MINUTES

1. Moved by Councillor Cooper that the minutes of the May 10, 2005 Council meeting be adopted with the notation that in Item H.3, Reeve Ryan raised the concern about replacing the fire vehicle. CARRIED

C. MEETING NOTES/COMMUNITY MINUTES

1. Future Meeting Dates

The Exshaw Ratepayers' Meeting was set for Tuesday, June 28, 2005 at 7:00 pm, at the Community Hall, if available. This meeting was pending finalization of the now completed Exshaw Water Master Plan; Administration will provide copies of the plan to Council and have handouts for the Ratepayers' meeting. The meeting will be publicized for discussion of the Water Master Plan and Ratepayers' issues.

R: 170/05
June 14/05
agenda adopted
as amended

R: 171/05
May 10/05
Council minutes
adopted

Other 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) – Wednesday, September 14, 7:00 p.m.

In response to Councillor Adams, the CAO explained that informal meeting notes from the Ratepayers' Meetings are provided to Councillors, who can then opt to formally bring forward items from their Wards to Council, but that otherwise, there is not (necessarily) any action generated as a result of these notes.

R: 172/05
Watershed
confer. info
TABLED

2. Moved by Councillor Dunki to table information on the Watershed and Basin Management Conference to the July Council Agenda. CARRIED

3. Reeve Ryan placed the draft May 24th Exshaw Community Environment Committee Trucking Sub-Committee minutes on today's agenda to raise awareness of issues discussed. He indicated that Alberta Community Development appears to be in the initial phases of planning a trailhead/parking lot near Harvie Heights where such facilities currently do not exist. Other areas where dangerous, illegal pull-off parking is occurring, are along the 1A Highway, at Rat's Nest and Grotto, but the Provincial government has not yet addressed those areas.

R: 173/05
Admin to
prepare letter to
AB Community
Development re
parking lots

Moved by Councillor Cooper that Administration prepare a letter to Alberta Community Development suggesting the M.D. of Bighorn has grave concerns regarding the placement of parking lots where they are not needed, in consideration of safety issues already expressed by the M.D. CARRIED

Discussion followed on the Rat's Nest/Grotto highway safety concerns.

R: 174/05
Admin to
prepare letter to
MLA re
meetings

Moved by Councillor Cooper that Administration prepare a letter to the MLA requesting that the inter-departmental meeting the MLA planned to arrange, be called as soon as possible and that the M.D. be one of the parties at that table. CARRIED

R: 175/05
Meeting Notes
received as
information

4. Moved by Councillor Dunki that Council acknowledge notification that the following minutes have received approval:
 - a) ECEC Trucking Sub-Committee - January 20, 2005
 - b) Exshaw Community Environment Committee - March 2, 2005
 - c) Agricultural Services & Environmental Advisory Board - March 18, 2005
 - d) Municipal Planning Commission - April 20, 2005
 - e) Subdivision/Development Appeal Board - April 27, 2005 CARRIED

5. Reeve Ryan reported on his recent attendance at an Organics & Biosolids conference.

The M.D.'s proximity to the Bow River and its location over a large aquifer, requires that the M.D. be stewards of the watershed in managing our waste-water/biosolids.

6. Reeve Ryan reported on his recent attendance at a Governance in Mountain Communities conference; noting that many other municipalities are going through the same growth challenges as the M.D. of Bighorn. The Reeve requested that Administration investigate some workshops for Council, possibly led by economic development or planning consultants, which would provide information on development processing from the Municipal Development Plan stage through to variances and approvals. This would help Councillors understand the planning process, be aware of loopholes, and understand the developers' perspective from the other side of the process.

The Reeve had also been invited, by the Mayor of Aspen, Colorado, to visit Aspen and see the growth management issues that community has had to deal with; the Reeve requested that the CAO return to Council with a proposed agenda for an informational tour of Aspen (to observe planning, social services, etc. practices in that community).

D. BUSINESS ARISING FROM THE MINUTES/NOTES

1. Moved by Councillor Dunki that Council, based on the June 9, 2005 proposal from Infrastructure Systems Limited (ISL), authorize Administration to proceed with pre-design work sufficient to resolve outstanding design issues and prepare for detailed design and environmental approvals for:
 - a sanitary sewage collection system for the Exshaw Industrial Park properties,
 - water mains and distribution lines to serve the Exshaw Industrial Park properties,
 - and to determine the preliminary design details and locations for water sources, treatment system and reservoir characteristics in Exshaw based on the recently completed water servicing master plan.

CARRIED

E. DELEGATIONS

1. Frank Lotz & John Chan of Alberta Environment, and Greg Thibeault of the Calgary Health Region provided Power Point presentations (on file) outlining information sources, jurisdictional roles, regulations, and enforcement pertaining to the regulation of water systems throughout Alberta. This included reference to the Water Act (Alberta) and the EPEA (Environmental Protection and Enhancement Act). They noted that individual private homes and true groundwater (e.g. campgrounds) are not regulated by EPEA, nor are storm drainage systems. Mr. Chan's presentation outlined the enforcement aspect: Compliance Assurance, Inspections (frequency, process), Non-Compliance, Prevention & Education, Release Reporting and Investigations.

Greg Thibeault indicated that the M.D. is not required to install a water system but the CHR (Calgary Health Region) is very wary of the independent water systems in small developments within the M.D. He noted that some mortgage companies now require a certificate for the water system in use. Some titles still have boil water advisories on

them, after many years.

Discussion and questions followed:

- The Reeve noted that the Exshaw Industrial Area design process was approved just today, and that caveats can be placed on certain developments to ensure water quality is maintained.
- The CHR is increasing its activity so that boil water advisories don't remain in perpetuity and remedies are indeed undertaken.
- M.D. Council can play a strong role through educating developers and encouraging improvements to water systems.
- A challenge to the CHR is in monitoring new development and being kept aware of existing developments that have increased use and demand over time. CHR will provide educational literature to the M.D. Also, Alberta Environment will comment on any consultant reports submitted to it by the M.D.
- For such developments as the current five-lot subdivision proposal in Lac des Arcs, the M.D. does request a certification from an accredited agency for private sewage treatment systems.
- Purchasers should also be made aware of water/sewage requirements.
- If a residential property's well-water is tested and shows contamination, EPEA legislation comes into play, but neighbouring properties are not notified, under the current legislation. Only if the contamination runs off-site is the neighbour notified.
- Councillor Cooper quoted a statistic noting that over 600,000 Alberta have untreated water systems. Mr. Thibeault responded that this number is decreasing through his agency's efforts to resolve and remove boil water advisories as the highest priority. Once new problems are identified, the follow-up process is weekly water testing.
- Regarding groundwater inventories, Deputy Reeve Pepper noted that the flow of Bow River water to Calgary is decreasing by 1% per year.
- Mr. Chan added that although there are provincial statistics on well drilling, they are incomplete, and without a requirement for private developers and residents to report, the statistics are incomplete. Also, there are many abandoned wells, logging, and uncontrolled areas throughout the province.
- Alberta Environment plans to report this Fall on the recommended closure of some water basins.
- Regarding the Industrial Compound design approved today, Alberta Environment approval takes from one to six months, depending on the technical information provided and the results of the hydrology study. A pump test is also needed to ensure a water supply will be available for 20 years.

Moved by Councillor Dunki to receive the Alberta Environment presentations as information. CARRIED

2. Jeff Williams of Jeff Williams Log & Timberframe Structures appeared to ask Council if, and when, they are committed to developing the Exshaw Industrial Park into something more than a storage area, with water and sewage service. Councillors indicated that since last Fall, they have been committed to enhancing the park, but there is a timeline issue of up to six months for approval as mentioned above, and funding

being dependent on lot sales and other revenue sources. The issue, with respect to commitment and timelines, was discussed further, and Mr. Williams indicated satisfaction that the M.D. was moving forward on the issues.

3. Pierre Chassat, general manager for the Graymont (Exshaw) plant, accompanied by Wayne Bill, the company's communications consultant, provided a powerpoint presentation outlining Graymont's operations and processes, its environmental initiatives, production statistics and its future plans. He noted that traffic safety is also a top concern for Graymont, as it is for the M.D.

In response to questions from Council, Mr. Chassat will provide information on the fuel pellet and lime pellet production (for asphalt, fertilizer use) projects that Graymont is initiating. Graymont strives to do continual plant upgrades, is a proactive Exshaw Community Environment Committee member and considers alternate fuel use such as coal and wood chips in its vertical kiln. Graymont also plans to improve its staff accommodation east of the plant, as demand and housing prices increase.

F. UNFINISHED BUSINESS

1. The Assistant Municipal Manager noted that Bylaw 17/03, the proposed Exshaw Off-Site levy bylaw, can be considered after the June 28th Exshaw Ratepayers' Meeting.
2. The Assistant Municipal Manager hopes to present Bylaw 18-Z/04 (Land Use Bylaw Amendment, Benchlands) to the July Council meeting.
4. Regarding Rafter Six Area Structure Plan Bylaw 13/05, the Assistant Municipal Manager advised that the developer is taking more time to plan their sewage treatment facility and that this bylaw will therefore not return until July or August.

G. BYLAWS

1. Moved by Councillor Dunki that Council give 1st Reading to Bylaw 09/05, a bylaw for the purpose of controlling activities on and the use of municipally-owned reserve lands within hamlets in the M.D. **CARRIED**

The CAO recommended that the bylaw be referred to the community associations noted in the Decision Report, for their comment, before further readings occur.

2. The CAO will prepare a Memorandum of Understanding, to designate a lot in the Hamlet of Harvie Height as Environmental Reserve.

Moved by Councillor Adams that Council give 1st Reading to Bylaw 14/05, a bylaw for the purpose of titling a lot in the hamlet of Harvie Heights as Environmental Reserve. **CARRIED**

Administration reminded Councillors that redesignating this lot to Environmental Reserve is irreversible; the designation is more restrictive than a Municipal Reserve

R: 178/05
1st Reading
given to BL
09/05

R: 179/05
1st Reading
given to BL
14/05

designation, as the MR designation is reversible, following a public process.

H. NEW BUSINESS

R: 180/05
Cheques issued
report received
as information

1. Moved by Councillor Dunki that Council receive for information, the report of A/P cheques issued, number 18683 to 18816 in the amount of \$361,945.91 and payroll cheques issued, number 4166 to 4219, in the amount of \$45,076.85. **CARRIED**

R: 181/05
Budget/Actual
Spending
reports received
as information

2. Moved by Deputy Reeve Pepper that Council review and accept the Balance Sheet and Budget vs. Actual Spending Report to May 31, 2005. **CARRIED**

R: 182/05
Exshaw Comm.
Assocn granted
BP fee waiver

3. Moved by Councillor Cooper that Council grant a waiver to the Exshaw Community Association from the usual building permit application fee as it would apply to two proposed fire-pit shelters to be constructed at the ball diamond and campground in Exshaw. **CARRIED**

It was noted that the fire pits are located on land owned by the Exshaw Community Association, sold to them several years ago, on the proviso that this area is open to the public.

R: 183/05
Allocate \$1,200
to Harvie Hts
tennis court
repair

4. Moved by Councillor Adams that Council allocate a maximum of \$1,200 to the Harvie Heights Community Association as special funding to help repair the tennis court fencing damaged by the tree blow-down, and that this money be paid to the Association upon submission of appropriate receipts. **DEFEATED**

DEFEATED

The defeat of the above motion followed a debate on various issues:

- whether the tennis courts are locked or whether they are readily available to the public by the community association, because they are owned - and maintained - by the M.D.
- whether this access and funding question should be referred to the Community Services Board
- the reason for the timing of the funding request, because the Harvie Height Community Association does not meet again until the Fall.

During discussion, Deputy Reeve Pepper raised a Point of Order raising a concern that the Reeve was debating only with Members speaking in favour of the motion. In response to the Point of Order, Administration will provide information to Council regarding the Procedural Bylaw and Robert's Rules of Order.

R: 184/05
Refer Harvie
Hts. Tennis
court repair
funding request
to the CSB

Moved by Councillor Cooper that the Harvie Heights Community Association request for funding be forwarded to the Community Services Board and that the M.D. provide the Community Services Board with the requested funding, provided that the board is satisfied with access and repairs to the tennis court facility. **CARRIED**

R: 185/05
Reeve to send
letter to
MunAff re
capping of
education tax

5. Moved by Councillor Dunki that Council authorize the Reeve to sign and forward the draft 3 June 05 letter to the Minister of Municipal Affairs, re the renewal of Variance Regulation AR364/2003, on the “capping” of the education tax (Alberta School Foundation Fund). CARRIED

R: 186/05
Waste Mgmt
Grant Agreem
approved

6. Moved by Councillor Cooper that Council approve the revised Waste Management Assistance Grant Agreement No. 98-GRAOW05, for the Bow Valley Waste Management Commission, as circulated. CARRIED

Should the default situations occur (as noted in the agreement), the M.D. cost portion, based on population or share of total tonnage, is estimated to be 4-6% of the total. The CAO noted that Clause 3 of Schedule "D" is new (grant funds for recycling and organics collection infrastructure).

R: 187/05
Admin to
negotiate
ambulance
agreem for N.
Ranchlands

7. Moved by Deputy Reeve Pepper that Council authorize Administration to negotiate an agreement with Mountain View Regional Emergency Services for ambulance service provision for the North Ranchlands area of the M.D. CARRIED

R: 188/05
Admin to
purchase fire
truck

8. Moved by Councillor Cooper that Council authorize the purchase of a previously-owned 2000 GMC model 2500 Crew Cab 4X4 truck, serial number 1GTGK23R8YF516114, from Can-Bow Motors in Canmore, for a utility vehicle for the Exshaw Fire Department, at a cost of \$18,315.00 plus GST. CARRIED

9. The Assistant Municipal Manager provided an informational report outlining Administration research, to date, on low flow plumbing fixtures and the ability, if any, for the M.D. to require such fixtures to be installed in new developments within the M.D. Administration has forwarded the issues of jurisdiction and compliance to legal counsel as to whether a bylaw is advisable and enforceable. Similar to the Fire Smart fuel reduction program, developers could also be encouraged to use such plumbing fixtures, and there could be a rebate program or other financial incentives offered if a certain minimum number of low flow fixtures are installed.

R: 189/05
Admin to
prepare Water
Conservation
Bylaw

Moved by Councillor Dunki that Council accept the Water Conservation Regulation report as information and request that Administration prepare a Water Conservation Bylaw, depending on legal advice received. CARRIED

R: 190/05
Planning to
advise on low
flow fixtures

Moved by Councillor Dunki that Council authorize the Planning Department to advise new developers to install low flow fixtures in their projects. CARRIED

R: 191/05
Disposal of old
equipment
authorized

10. Moved by Councillor Cooper that Council authorize the disposal of old/obsolete office equipment by sale or removal. CARRIED

R: 192/05
Agenda
amended; move
H12 to K3

11. Moved by Councillor Cooper that Agenda Item H.12 be Moved to the In Camera section of the agenda. CARRIED

R: 193/05
Sundre
Contracting
awarded gravel
contract

12. Moved by Deputy Reeve Pepper that Administration be authorized to award the 2005 gravelling contract to Sundre Contracting Co. (a Division of Harders Trucking Ltd.) for the contract sum of \$39,774.20, G.S.T excluded. CARRIED

R: 194/05
ISL approved to
prepare DMF
Water Master
Plan

13. Moved by Councillor Dunki that the MD of Bighorn engage Infrastructure Systems Ltd. (ISL) to prepare a Water Servicing Master Plan for the Hamlet of Dead Man's Flats based on the June 7, 2005 ISL proposal. CARRIED

Mr. Thibealt of the Calgary Health Region was asked to comment on this proposed service; he encouraged the M.D. to pursue, as soon as possible, grant and infrastructure funding currently available. Both the Calgary Health Region and Alberta Environment will write letters of support, if requested, on behalf of the M.D.

R: 195/05
Admin to
finalize school
joint use
agreement

14. Moved by Councillor Adams that Council accept, in principle, the June 7th draft of a Joint Use Agreement between the Municipal District of Bighorn No. 8 and Canadian Rockies Public Schools, and authorize Administration to finalize the agreement with the school division for signing by the Reeve and Acting Municipal Secretary. CARRIED

The Canadian Rockies Public Schools will be further reviewing the document before Administration finalizes and signs it.

R: 196/05
Community
Svcs
Coordinator
agreement
approved

15. Moved by Councillor Dunki that Council enter into an agreement with Emily Smith to perform the services of Community Services Coordinator, and authorize the Reeve and Acting Municipal Secretary to sign the agreement. CARRIED

R: 197/05
Cnr Adams
appointed as Alt
to Lafarge Fuel
Protocol mtgs

16. Reeve Ryan noted that the Lafarge Alternative Fuel Protocol initiative is currently establishing the ground rules for assessing the use of alternate fuels in the Lafarge Canada kilns. An Alternate member to Reeve Ryan is required, to attend the Fuel Protocol initiative meeting in the Reeve's absence; the Alternate should be kept informed of the protocol activities.

Moved by Councillor Cooper to appoint Councillor Adams as the Alternate for the Lafarge Alternative Fuel Protocol meetings if Reeve Ryan is unavailable. CARRIED

17. Councillor Cooper served notice to Council that as an adjacent landowner to a current subdivision application across from his residence in Lac des Arcs, he stated that he will declare a Conflict of Interest on that issue, due to the potential of the subdivision approval being appealed to the Subdivision/Development Appeal Board, of which he is a member. He has also submitted a letter to Administration regarding this conflict, for the subdivision file.

I. ENQUIRIES OF ADMINISTRATION FROM COUNCIL

- As stated above, Administration will provide Reeve Ryan with information on the Point of Order raised by Deputy Reeve Pepper.
- Administration will provide a summary of project and grant funding, per Councillor Adam's

request, for the next Finance & Economic Development Committee.

- Administration will also provide for the next Finance & Economic Development Committee meeting, current information on M.D. investments, and provide a copy of the Investment Policy.
- Councillors thanked Administration for the tour of the M.D. last week, which greatly increased Councillors' understanding of M.D. issues in areas outside their own Wards.

J. INFORMATION

Moved by Deputy Mayor Pepper that items J.1 to J.18 be accepted as information. CARRIED

Reeve Ryan would like follow-up information on dogs at large complaints.

K. IN CAMERA

Moved by Councillor Adams that Council go in camera at 3:05 p.m. CARRIED

Moved by Councillor Adams that Council go out of camera at 3:35 p.m. CARRIED

1. Land Matter

MOVED by Councillor Adams to authorize acceptance of the Letter of Intent of BHB Canmore Ltd., with dates amended to reflect Council direction, and subject to agreement on the date changes by BHB Canmore Ltd. CARRIED

2. Strategic Planning

The Strategic Planning document will be discussed at the next Finance & Economic Development Committee meeting which was set for 9:00 a.m. on Monday, July 18th.

3. Utility Charges Transfer to Tax (Moved from H.11 above)

MOVED by Councillor Cooper that Council approve the transfer of outstanding utility charges to respective tax accounts. CARRIED

ADJOURNMENT

Moved by Councillor Cooper that the June 14, 2005 Regular Council Meeting adjourn at 3:39 p.m. CARRIED

R: 198/05
Items J.1 - J.18
accepted as info

R: 199/05
In camera @
3:05 pm

R: 200/05
Revert to open
mtg @ 3:35 pm

R: 201/05
Accept BHB
Letter of Intent,
pending their
approval of date
changes

R: 202/05
Transfer of
utility charges
to tax accounts
approved

R: 203/05
Adjournment @
3:39 pm

REEVE

ACTING MUNICIPAL SECRETARY