

## MUNICIPAL DISTRICT OF BIGHORN NO. 8

Minutes of the Regular meeting of Council held at 9:00 a.m. on Tuesday, December 12, 2006  
in the Council Chambers, M.D. offices, with the following persons present:

### COUNCIL:

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

<b>STAFF:</b> MARTIN BUCKLEY	CHIEF ADMINISTRATIVE OFFICER
GREG BIRCH	ASSISTANT MUNICIPAL MANAGER
CHERYL MICKELSON	MUNICIPAL SECRETARY
HUGH PETTIGREW	DIRECTOR OF OPERATIONS
HELENE HESSE	MUNICIPAL FINANCE OFFICER

### CALL TO ORDER

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

### A. APPROVAL OF AGENDA

Moved by Councillor Dunki that the agenda for the December 12, 2006 Regular Council meeting be adopted with the following amendments:

- |                             |   |
|-----------------------------|---|
| - Unfinished Business F.2.: | Municipal Historic Resource Designation – Seebe |
| - Unfinished Business F.3.: | Construction Waste Management Plan              |
| - New Business Item H.3:    | Remove off the Agenda                           |
| - New Business Item H.14:   | Move Agenda Item J.14 to New Business           |
| - New Business Item H.15:   | Electronic Council Packages                     |
| - In-Camera Item K.3.:      | Move Agenda Item H.13 to In-Camera              |
| - In-Camera Item K.4.:      | Legal/land mater                                |

CARRIED

Reeve Cooper questioned about electronic media recording of the Council meeting and Council discussed the matter. It was noted that the MD presently does not have a policy on this; all of Council agreed, however, that they did not want any of electronic recording of the regular meeting.

### B. MINUTES

1. Moved by Councillor Adams that the minutes of the November 7, 2006 Council meeting be adopted with the following amendment:

- Page 5, Item H.1., first paragraph, change the word ‘clarify’ to ‘clarity’.

CARRIED

R: 378/06  
Dec 12/06  
Agenda adopted  
as amended

R: 379/06  
Nov. 7/06  
Council min.  
adopted with  
amendment

# U n a d o p t e d

R: 380/06  
Nov3/06 Special  
Council minutes  
adopted with  
amendment

2. Moved by Councillor Ryan that the minutes of the November 3, 2006 Special Council meeting be adopted with the following amendment:  
- under Adjournment, change 'Reeve Dunki' to 'Councillor Adams'. CARRIED

R: 381/06  
Nov.21/06 Spec  
Council minutes  
adopted as circ.

3. Moved by Councillor Ryan that the minutes of the November 21, 2006 Special Council meeting be adopted as circulated. CARRIED

R: 382/06  
Nov.7/06 PH –  
Bylaw 15/06  
adopted as circ

4. Moved by Councillor Pepper that the minutes of the November 7, 2006 Public Hearing meeting on Bylaw 15/06 be adopted as circulated. CARRIED

R: 383/06  
Acknowledge  
Committee/  
Board minutes  
that received  
approval

## C. MEETING NOTES/COMMUNITY MINUTES

1. Moved by Councillor Dunki that Council acknowledge that the following minutes have received approval:  
a) Municipal Planning Commission - October 25, 2006 CARRIED

## D. BUSINESS ARISING FROM THE MINUTES/NOTES

- 1.a) Councillor Adams asked when the Historic Resources Committee would be meeting, requesting that a meeting be scheduled in the beginning of the new year.

## E. DELEGATIONS

1. Dave Nielson from Alberta Community Development out of Canmore was in attendance to update Council on the Bow Corridor Ecosystem Advisory Group: his presentation is attached to the Agenda package. Councillor Pepper questioned about whether BCEAG has looked into surface and ground water concerns: Mr. Nielson advised the Group has not, to date. Councillor Adams questioned if the Horseshoe Lands development will be included into the area of BCEAG and it was noted that it will have impacts but BCEAG area ends at the 1X Highway. Councillor Adams questioned about recreational trails and the parking lot at Heart Creek Trail, stating that he did not know about the parking lot being constructed until it was started; Mr. Nielson indicated that the decision went through the Trails Group and noted that communication needs to be improved. Councillor Dunki commended BCEAG on its work to date but indicated that all of the M.D. should be included, not just the Banff Park Gates to 1X Highway portion. Councillor Ryan questioned about the trails and trailheads, noting that when trails are closed west of the MD, it increases the volumes of people in the MD using the trails. Councillor Ryan noted that there is a major concern with people entering onto the 1A Highway from illegal parking lots: the problem area is from the 1X Highway all the way to the Town of Canmore limits along the 1A Highway. Reeve Cooper stated that there are safety and health concerns from visitors using the MD trailheads. Reeve Cooper expressed appreciation in BCEAG work and stated that there are skilled/creative people who are involved with the committee.

2. The Municipal Finance Officer noted that the auditors are introducing a new procedure. Reeve Cooper questioned about grants for the wells and it was noted that they will be applied for once the MD has a full water master plan in place.

Moved by Councillor Dunki that Council accept the November 15, 2006 letter from Chengkalath Van Eyck and the third quarter reports as information. **CARRIED**

3. Reeve Cooper showed Council a plaque that was presented to the MD of Bighorn from the School Division in recognition of the MD's contribution to the Exshaw School.

Exshaw Principal Debra Anstey was in attendance with the Exshaw Leadership Group members: Keysha Dixon, Carrie House, Dylan Twoyoungmen (Powderface), Lynelle Poucette, Tammi Hunter, Colene Beaver and Starla House. The Exshaw Leadership Group members explained their activities, noting that they met every Tuesday to do fun things, plan spirit building activities like crazy hat day, popcorn day and pajama day in January; there will also be a beach day. The Group is donating Christmas stockings for the Exshaw, Morley and Canmore Spirit of Christmas; the stockings were purchased by fund-raising \$170.00 in one day by selling popcorn. It was noted that, in the Leadership Group, the members learn about community and donating to others (community and school): they enjoy helping others, but best of all they have fun. The Group thanked Council for letting them talk and for supporting Exshaw School.

## **F. UNFINISHED BUSINESS**

1. Moved by Councillor Dunki that Council amend draft Bylaw 05/05, a bylaw to close a portion of a road allowance in the Hamlet of Dead Man's Flats, by replacing Schedule 'A' attached to that bylaw, which incorrectly illustrates the relevant quarter sections adjacent to the road as being SE ½ - 18-24-9 W5M and SW ¼ - 19-24-9 W5M, with a revised Schedule 'A', which shows the proposed road closure as a survey plan; and further, that the wording of draft Bylaw 05/05 be amended to refer to this survey plan.

**CARRIED**

Deputy Reeve Pepper left the Council Chambers at 9:25 a.m.

2. Moved by Councillor Ryan that Council direct that, in order to continue to protect the buildings during the on-going discussion's between TransAlta, Moondance Land Company Ltd. and 991021 Alberta Ltd. regarding the Seebe lands, notice again be given by Administration to TransAlta Utilities Corporation stating that Council is considering adoption of a bylaw to designate the Superintendent's Residence and the school house in Seebe as municipal historic resources pursuant to s.26 of the Historical Resources Act.

**CARRIED**

(Deputy Reeve Pepper was absent to vote on this issue)

3. Councillor Ryan stated that he would like the MD to look into implementation of a Construction Waste Management Plan for the MD of Bighorn. He stated that this will insure that construction waste will be recycled and handled properly. Councillor Dunki suggested an incentive program and that Administration should look into the Calgary

R: 384/06  
Amend Draft  
Bylaw 05/05

R: 385/06  
Ltr of intent to  
TA for historic  
resources

## Home Builders Program.

R: 386/06  
Table Const.  
Waste Mang.  
Plan until later in  
the agenda

Moved by Councillor Dunki that Council table the discussion on Construction Waste Management Plan until later in the agenda to give Administration time to research the minutes for more information. **CARRIED**

(Deputy Reeve Pepper was absent to vote on this issue)

Deputy Reeve Pepper returned back to the Council Chambers at 9:50 a.m.

R: 387/06  
Remove tabling  
motion

Moved by Councillor Dunki that the tabling motion for the Construction Waste Management Plan be removed. **CARRIED**

R: 388/06  
Staff to draft a  
Const. Waste  
Manag. Plan

Moved by Councillor Ryan that Council direct Administration to work on a draft Construction Waste Management Plan to bring back to Council for review. **CARRIED**

## **G. BYLAWS**

1. The Municipal Finance Officer noted that Administration recommended only second reading be given to the Community Aggregate Payment Levy Bylaw 04/06 so that Administration has a chance to meet with the affected Industries before the bylaw receives final consent.

R: 389/06  
2<sup>nd</sup> Reading  
Bylaw 04/06

Moved by Councillor Dunki that Council give second reading to Bylaw 04/06, the proposed Community Aggregate Payment Levy bylaw. **CARRIED**

R: 390/06  
1<sup>st</sup> Reading  
Bylaw 17/06

2. Moved by Deputy Reeve Pepper that give first reading to Bylaw 17/06, to amend Bylaw 10/06 to authorize the rates of taxation to be levied against assessable property within the MD of Bighorn No. 8 for the 2006 Taxation year. **CARRIED**

R: 391/06  
2<sup>nd</sup> Reading  
Bylaw 17/06

Moved by Councillor Adams that Council give second reading to Bylaw 17/06. **CARRIED**

R: 392/06  
Consent  
Bylaw 17/06

Moved by Councillor Dunki that Council give consent to proceed with third and final reading of Bylaw 17/06 at this meeting.

**CARRIED UNANIMOUSLY**

R: 393/06  
3<sup>rd</sup> reading  
Bylaw 17/06

Moved by Councillor Ryan that Council give third and final reading to Bylaw 17/06. **CARRIED**

R: 394/06  
1<sup>st</sup> Reading  
Bylaw 18/06

3. Moved by Councillor Adams that Council give first reading to Bylaw 18/06, to amend Bylaw 09/04, the Harvie Heights Commercial Waterline Local Improvement Bylaw. **CARRIED**

R: 395/06  
2<sup>nd</sup> Reading  
Bylaw 18/06

Moved by Councillor Cooper that Council give second reading to Bylaw 18/06. **CARRIED**

# U n a d o p t e d

R: 396/06  
Consent  
Bylaw 18/06

Moved by Councillor Ryan that Council give consent to proceed with third and final reading of Bylaw 18/06 at this meeting.

CARRIED UNANIMOUSLY

R: 397/06  
3<sup>rd</sup> reading  
Bylaw 18/06

Moved by Deputy Reeve Adams that Council give third and final reading to Bylaw 18/06.

CARRIED

4. Reeve Cooper noted to all in attendance that there will be no electronic recording of the meeting allowed and further that there will be no latitude in speaking allowed from the audience except if Council has a question to one of the persons present.

Councillor Ryan noted the following concerns with the proposed Area Structure Plan: no firm plans for water & sewer servicing, letter of consent from TransAlta to include all the lands (the Assistant Municipal Manager noted that there is a letter from TransAlta), protection of the two historic resources buildings, guaranteed access, sustainability of the development, implantation of development of commercial properties, affordable housing plan, second round of public meetings and agreement for the MD to hire consultants to review plans which were provided. It was noted that the Area Structure Plan would become the Policy for development of the area and all aspects of development needs to be detailed with regards to infrastructure, servicing, etc. It was stated that access to the information for the public is at the MD office, Exshaw Library, Canmore Library, Biosphere Institute and Moondance Office. Deputy Reeve Pepper stated that the Area Structure Plan needs to address aquifers, whether shallow or ground water. Councillor Dunki noted that the public involvement meeting for the east end is being held on December 13, 2006 at Beaupre Hall. Reeve Cooper questioned if the entire Stoney First Nation is the numbered company and were in agreement with this development. Reeve Cooper also noted concerns with the water supply and sewer service for this development, industrial development, and usage of the Bow Valley parkway as there are rare plants and animals. Reeve Cooper also noted that he has received a letter from Tom Jacklin from UMA which is attached to the Council Agenda package. Councillor Ryan questioned if the developers have adequately addressed all the Federal Government regulations regarding the development. Trez McCaskill, Chief Operating Officer for the Stoney Tribal Administration noted that they are undertaking meetings for the Provincial Consultation Policy and the documents are being translated into the Stoney language. Mr. McCaskill suggested the MD write a letter to the Chiefs regarding the process. Mr. McCaskill also noted that this development is a business opportunity for First Nations.

Moved by Councillor Ryan that Council give first reading to the Bylaw 19/06, a bylaw to adopt the Horseshoe Lands Area Structure Plan.

CARRIED 4 - 1

IN FAVOUR:

Reeve Cooper  
Deputy Reeve Pepper  
Councillor Ryan  
Councillor Adams

OPPOSED:

Councillor Dunki

R: 398/06  
1<sup>st</sup> reading  
Bylaw 19/06

Carried 4-1

# U n a d o p t e d

R: 399/06  
PH date for  
Bylaw 19/06  
March 1/07 at  
1pm at Exshaw  
Com. Hall

Moved by Councillor Ryan that Council set the Public Hearing date for Bylaw 19/06 on March 1, 2007 commencing at 1:00 p.m. to be held at the Exshaw Community Hall and further that if the hearing needs to be extended to another day, the extension be at the direction of the Reeve. CARRIED

## **H. NEW BUSINESS**

R: 400/06  
Cheques Issued  
Report for  
October &  
November

1. Moved by Councillor Ryan that Council accept for information, the payroll cheques issued reports for cheque number 5093 to 5150 in the amount of \$52,138.06 and cheque number 5151 to 5205 in the amount of \$48,836.90; and the registers for A/P cheques issued, number 20964 to 21091 in the amount of \$467,390.41 and number 21092 to 21220 in the amount of \$537,467.04 for the months of October and November.

CARRIED

R: 401/06  
Budget vs.  
Actual for Oct-  
Nov/06 accepted

2. Moved by Councillor Dunki that Council accept the Balance Sheets and Budget vs. Actual Spending Reports for the months of October and November 2006, before adjustments and review by the auditor.

CARRIED

R: 402/06  
1 Nov 06 list of  
MD Fire Trucks  
as info.

4. Moved by Deputy Reeve Pepper that Council accept for information the 1 Nov 06 list of M.D. Fire Trucks, with the anticipated replacement schedule, as circulated.

CARRIED

R: 403/06  
\$450 funding for  
Sports equip. for  
Exshaw Comm.  
for Drop-In  
sports night

5. Moved by Deputy Reeve Pepper that Council provides \$450 in funding for the purchase of sports equipment to be used by the Exshaw Community "Drop-In Sports Nights" at the Exshaw School.

CARRIED

R: 404/06  
½ of the request  
amount to  
GWTA with  
them to request  
other ½ from  
Waiparous

6. Moved by Deputy Reeve Pepper that Council allocate \$1,050.00, ½ of the requested amount, through the Community Services Board mandate, from the revenue generated through seismic exploration on recreation lease REC950011, to the Ghost Waiparous Trails Association to undertake communications strategies to enhance use of the lease area; further that the Association be directed to request the remaining half from the Summer Village of Waiparous, and further that the remaining amount/revenue (\$1,396.26) be put into a reserve account for future use in the recreation lease area.

CARRIED

R: 405/06  
Deny request of  
cancel penalty  
charges on Roll  
2540879

7. Moved by Councillor Dunki that Council deny the request for cancellation of penalty charges applied on Roll 2540879, Lot 20 Plan 9812401 jointly owned by Joseph Annad and Joseph Ramani.

CARRIED

R: 406/06  
Approve amend  
of Policy T-16

8. Moved by Councillor Dunki that Council approve the recommended amendments to Policy T-16, Roads Policy, being the deletion of existing wording for Section D.5 ("Council approval for private development of roads on municipal road allowances and will be contingent upon the developer signing an indemnity agreement similar to Schedule V or VI, as applicable, with the Municipality. This agreement shall be registered on title for the affected property/ies, so that successive landowners are legally

# U n a d o p t e d

aware of the obligations”), and the addition of a new Section D, Release/Hold Harmless Agreements (with the present Section D, Road Approaches, becoming new Section E).

CARRIED

R: 407/06  
Dec5/06 CRP  
Spec. Trans Init.  
Update as info.

9. Moved by Councillor Ryan that Council accept as information the Information Report dated December 5, 2006 on the Calgary Regional Partnership (CRP) Specialized Transportation Initiative-Update. CARRIED

Councillor Dunki expressed kudos’s to MLA Doug Griffith for his involvement on this project.

R: 408/06  
1 year ext. for  
Sub. No. 2906-  
01SW(2)R until  
Nov. 30/07

10. Moved by Deputy Reeve Pepper that pursuant to s. 657 of the Municipal Government Act, Council grant a one year time extension to Randy Bates (Subdivision File No.: 2906-01SW(2)R) in order to allow subdivision endorsement to occur up until November 30, 2007. CARRIED

R: 409/06  
Amend Schedule  
E of Bylaw  
32/96

11. Moved by Councillor Dunki that Council amend Schedule “E” of Bylaw 32/96, the Fee Schedule Bylaw, to increase planning and development department fees as they relate to compliance assessments, documents, subdivisions, appeals, development permits, and building permits, all as shown on the revised Schedule “E”. CARRIED

R: 410/06  
Approve \$2,500  
donation to BV  
WildSmart

12. Moved by Councillor Adams that Council provide a \$2,500 donation to Bow Valley WildSmart, in recognition of their ongoing effort to reduce negative human-wildlife interactions. CARRIED

14. Reeve Cooper expressed great concern with the December 4, 2006 Calgary Regional Airshed Zone (CRAZ) Feasibility Assessment Report. He noted that two of the scenario’s being recommended is for the air monitoring system to be portable which will mean that it moves back and forth in the corridor with 6 months being in the MD and 6 months being in Canmore. He noted that the MD has the greatest amount of emissions and that if the air monitoring station is not in the MD all the time they will not be able to tell when there is a problem as the problems are not scheduled to happen in a certain time frame. He stated that Lafarge produces more than 9/10 of the emissions while Baymag and Graymont together produce less than 1/10. Reeve Cooper stated that it would not be acceptable to put the ratepayers who are affected the most in the position of having the air monitor system only for half a year.

Moved by Councillor Dunki that Council direct Administration to prepare a letter summarizing the MD’s concerns regarding the Feasibility Assessment Report recommendations to the Chair and Vice Chair of the Calgary Regional Airshed Zone Committee and further copy the letter to all board members and council members.

CARRIED

R: 411/06  
Admin to prepare  
ltr. RE: concerns  
on CRAZ  
Feasibility  
Assessment Rpt.

15. Councillor Ryan questioned if the Council packages could come in an electronic file format and wondered if each Councillor would like paper or on disc. Deputy Reeve Pepper and Councillor Dunki stated that they would like to continue getting in paper form and Reeve Cooper, Councillor Adams and Councillor Ryan stated that they would like to receive on disc.

**I. ENQUIRIES OF ADMINISTRATION FROM COUNCIL**

Council had no inquires of Administration at this meeting.

**J. INFORMATION**

Moved by Deputy Reeve Pepper that items J.1 to J.12. and J.14.. be accepted as information. CARRIED

R: 412/06  
J.1-.11.&J.14.  
accepted as info

**K. IN CAMERA**

Moved by Councillor Adams that Council go in camera at 2:50 p.m. CARRIED

R: 413/06  
In Camera @  
2:50pm

Moved by Councillor Adams that Council go out of camera at 4:15 p.m. CARRIED

R: 414/06  
Revert to open  
mtg. @ 4:15 pm

1. Moved by Councillor Ryan that Council table the decision on the Purchase Agreement closing date and the Subdivision Agreement - BHB Canmore Ltd. pending legal advice on the matter. CARRIED

R: 415/06  
Pur. Agree  
closing date &  
Sub Agree on  
BHB tabled  
pending legal

**ADJOURNMENT**

Moved by Deputy Reeve Adams that the December 12, 2006 Regular Council Meeting adjourn at 4:16 p.m. CARRIED

R: 416/06  
Adjournment @  
4:16pm

\_\_\_\_\_  
REEVE

\_\_\_\_\_  
MUNICIPAL SECRETARY