

MUNICIPAL DISTRICT OF BIGHORN NO. 8

Minutes of the Regular meeting of Council held at 9:00 a.m. on Tuesday, September 12, 2006
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
CHERYL MICKELSON	MUNICIPAL SECRETARY
HUGH PETTIGREW	DIRECTOR OF OPERATIONS
HELENE HESSE	FINANCE OFFICER

CALL TO ORDER

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

A. APPROVAL OF AGENDA

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

- Unfinished Business F.6.: Parking in Knowlerville
 - New Business Item H.6.: Additional Information
 - New Business Item H.8.: Suncor Conference
 - New Business Item H.9.: Exshaw Industrial Park
 - New Business Item H.10.: Marigold Library Proclamation -
 - In Camera Item K.2.: 2nd Page of letter
 - In Camera Item K.3.: Legal Issue
 - Page 100 should be taken out of the public/press packages (letter from legal advisors)
- CARRIED**

B. MINUTES

1. Moved by Councillor Ryan that the minutes of the August 8, 2006 Council meeting be adopted with the following amendment:
 - Page 2, item D.2., change the wording 'Lafarge will be doing a...' to 'Lafarge has completed a...';
 - Page 4, item G.1., change the wording 'Carried 3-1' to 'Carried 2-1';
 - Page 5, item H.6., change the word 'perspective' to 'prospective';
 - Page 8, under I fourth paragraph, delete the wording 'to do with an area within the Bow Valley be placed in placed in the Air Quality Management Zone'.

CARRIED

R: 270/06
Aug 8/06
Agenda adopted
as amended

R: 271/06
August 8/06
Council min.
adopted with
amendment

R: 272/06
Acknowledge
Committee/
Board minutes
that received
approval

C. MEETING NOTES/COMMUNITY MINUTES

1. Moved by Councillor Ryan that Council acknowledge that the following minutes have received approval:
 - a) Municipal Planning Commission - July 19, 2006

CARRIED

D. BUSINESS ARISING FROM THE MINUTES/NOTES

- 1.a) Reeve Dunki noted that the AAMD&C Convention will be held from November 13 to 16, 2006.

Moved by Councillor Ryan that Council change the November 14th, 2006 Council meeting to November 7th, 2006 due to the AAMD&C Fall Convention. CARRIED

Deputy Reeve Adams noted that the Municipal Planning Commission meeting in November should also be changed due to the AAMD&C Conventions. The Assistant Municipal Manager noted that he will put this on the upcoming September Municipal Planning Commission Agenda.

It was noted that the next Finance and Economic Development Committee meeting is set for September 18, 2006 commencing at 9:00 a.m.

Councillor Cooper noted that the next CASA meeting will be October 11, 2006 also the final report will be presented at this meeting. Councillor Cooper stated that Councillor Ryan, Deputy Reeve Adams, Councillor Cooper and the CAO attend this meeting.

Deputy Reeve Adams requested that he has been requested by a resident in Harvie Heights to hold a ratepayers meeting regarding hooking up to the Harvie Heights water system. Administration was requested to find a suitable date and location for a meeting.

F. DELEGATIONS

1. Robin Slater from Lac des Arcs was in attendance to speak about person living with disabilities. Ms. Slater noted that it is time that the Bow Valley became more aware of its disabled persons, how to help them and integrate them more fully into society. She stated that she has suffered from a brain injury since 1984 and that all people should be treated the same. She noted that people with disabilities act different and need to be listened to. Ms. Slater's shared her experiences with her disability in an effort to help the municipality understand how to better interact and communicate with disabled MD residents. Ms. Slater pointed out that access to the MD's Administration building for people in wheelchairs could be improved. Ms. Slater requested that a committee be formed to discuss how to better deal and serve people with disabilities and Council noted that they may consider one of the existing MD's Committees to look at this issue.

R: 273/06
Nov. Council
mtg. Nov 7/06

F. UNFINISHED BUSINESS

1. Council questioned about the status of the Community Aggregate Payment Levy Bylaw and it was noted that Administration is waiting for written recommendations from a August 29, 2006 Heavy Road Building Committee.
2. Council questioned about the status of the Dead Man's Road Closure Bylaw and it was noted that the Bylaw was sent to the Minister of Transportation who requested that the legal description used in the bylaw be changed.
3. Moved by Deputy Reeve Adams that Council approve the payment for the following meeting expense claims, from the Contingency Allowance.

May 24	Coun. Pepper	Watershed Planning Group	\$130 + mileage CARRIED
--------	--------------	--------------------------	----------------------------

4. It was noted that the amendment to the Reserve Funds Policy F-10, RE: Community Enhancement Program Reserve Account will come back to the October Council meeting.
5. With respect to the minimum property tax issue, the Municipal Finance Officer noted she had talked to Municipal Affairs personnel, regarding the separation of leased versus deeded (freehold) lands: their interpretation of the Municipal Government Act was that a municipality can not create a sub-class within the Farmland assessment classification, and suggested that the municipality seek their own legal opinion on the matter.

Reeve Dunki noted that the ranching community appreciated the MD spending the time investigating this issue and questioned if there could be a subcommittee created to review this matter with some of the ranchers being members of this subcommittee.

Moved by Councillor Ryan that Council implement the minimum tax rate at a phased in rate starting at \$20.00 per parcel/roll, for Year 2006, with the rate to increase by increments of \$5.00 per year until the minimum tax payable figure equals the direct expenses of the cost incurred by the MD, in producing tax notices. CARRIED

Moved by Councillor Ryan that Council direct Administration to prepare a resolution for the Fall AAMD&C Convention that the Province pay the mandatory assessment of the leasehold lands. CARRIED

6. Councillor Ryan noted that parking at the trailhead in the Knowlerville area is still an issue and that commercial operations are parking their vans in the area, instead of using the Mount Allen Drive parking lot. He noted that there is only one sign which says 'No parking in the laneway'. Council discussed this issue and suggested that the local Councillors work with staff to bring back any recommendations that could help this situation.

R: 274/06
Council Expense
mtg. May 24

R: 275/06
Minimum tax
rate starting at
\$20 with \$5.
increments per
year until direct
expenses are met

R: 276/06
Res. to AAMD&
C Fall Con. Re:
Province pay the
mandatory asses.
leasehold lands

G. BYLAWS

1. The Reeve requested the Municipal Secretary to take detailed minutes of the discussion on this matter.

Moved by Councillor Ryan that Council give second reading to Bylaw 8-Z/06, a bylaw amending the SH District of the Land Use Bylaw to add “Kennel (private)” as a Discretionary Use on one property near Courville Road.

DEFEATED 5 - 0

OPPOSED: IN FAVOUR:

Reeve Dunki
Deputy Reeve Adams
Councillor Ryan
Councillor Cooper
Councillor Pepper

In accordance with the ruling from Mde. Justice Kent, Councillors gave their reasons as follows:

Councillor Ryan noted the reason for his decision is that at the Public hearing the vast majority of the people in attendance were opposed to amendment.

Deputy Reeve Adams stated the following three reasons for his decision; 1. The proposed use does not fit the Land Use Bylaw, 2. The majority of opinion in opposition is based on more than the noise issue, 3. Dog kennels on a small parcel of land is not desirable for that community.

Councillor Pepper noted that his decision was based on the low acceptance of the project from the community and that the proposal is in conflict with the intent for the area.

Councillor Cooper stated that his decision is ‘Human health is a concept greater than physical injury, in this case hearing loss. Human health includes the concept of emotional well being. In this light, the emotional well being of individuals may well be a factor at decibel levels much lower than those levels that would cause physical harm. I find that the link between human emotional well being and decibel level was not adequately established by the sound report and other testimony on the matter. This being so, the issue is not dismissed and the neighbours’ reports regarding their continuing discomfort with the existing sound levels is upheld as being a significant impairment to the peaceful enjoyment of their properties.’

Reeve Dunki stated the reasons for her decision are ‘Good planning principles are informed by the each landowner’s right to have freedom of activity and enjoyment of his/her property however, fundamental to that principle is that such activities shall not unduly reduce the enjoyment of the neighbors enjoyment of their property. Section 617 of the Municipal Government act is clear on that point. Bylaws are the result of a process defined by the Municipal Government Act and put in place for the orderly governance of a municipality. Revision of bylaws requires the same orderly process.

R: 277/06
2nd Reading
Bylaw 8-Z/06
Defeated 5-0

Bylaw 08-Z/06 must be denied because sound planning principles and the rigor of process have been applied and the current bylaw limiting the number of dogs is determined to be satisfactory. The following points(reasons) provide clarification: 1. Those submissions to the public hearing that reflect satisfaction with the current by-law provide rational which reflects common values across the community, values which are deemed to be compromised by a multi-dog facility. Those submissions which support changing the bylaw are centered on the values of one landowner and do not reflect similarity with the rest of the community. From the latter group, most submissions are in the nature of a form letter which provides insufficient insight to be of much assistance in decision-making. Therefore it is concluded that the majority view supports the current bylaw restricting the number of dogs. 2. Rigor of process is evident in the hearing having been duly advertised and held on two days (with an intervening recess) to accommodate all who wish to contribute their views. 3. The greater public interest (MGA Section 617) is not well served by the addition of additional multi-dog facility(s). The core values of the community as identified in the public hearing submissions include peace, quiet, serenity and safety of wildlife habitat and children. Most of the submissions indicate that these values can be maintained under the current bylaw that cannot be maintained with the addition of more multi-dog facility(s). The experience of those with current or previous experience living adjacent to such facilities described issues of noise, safety of livestock/pets and other violations to valued lifestyle amenities. Those not living near such facility(s) indicate they do not wish acquire such problems and therefore support the existing bylaw, believing that quiet enjoyment of their properties would be compromised by proposed changes. 4. The noise mitigation measures as submitted to the public hearing are untested and short on detail in relation to both effectiveness and humane treatment of the dogs. Little comment on the noise mitigation was received from community members because this information not available for public review until the close of the hearing. 5. The future of Jamieson Road community as outlined in the Municipal Development Plan and Land Use Bylaw anticipate substantial additional residential development. Given the problems from the current facility(s) as evidenced by public hearing submissions, it would be an error in planning to further compound the problem by providing for more multi-dog facilities amid the residences.'

It was indicated that Administration would provide the aforesated reasons in written format, for ratification, at the October 2006 regular Council meeting.

2. Moved by Deputy Reeve Adams that Council give second reading to Bylaw 13/06, a bylaw to change Lot 2ER, Block 1, Plan 0410611 from its current status as an Environmental Reserve parcel to an Environmental Reserve Easement on a larger, private parcel in order to correct an error in the certificate of title.

CARRIED

Moved by Councillor Cooper that Council give third and final reading to Bylaw 13/06.

CARRIED

R: 278/06
2nd reading
Bylaw 13/06

R: 279/06
3rd reading
Bylaw 13/06

H. NEW BUSINESS

R: 280/06
Cheques issued reports for August accepted as info

1. Moved by Councillor Cooper that Council accept for information, the payroll cheques issued for cheque number 4973-5034, in the amount of \$54,377.55; and the register for A/P cheques issued, number 20734 to 20835 in the amount of \$280,746.26 for the month of August. **CARRIED**

R: 281/06
August/06 bud vs actual as info

2. Moved by Councillor Ryan that Council review and accept the Budget vs. Actual Spending Reports and the Balance Sheets for August 2006 as information. **CARRIED**

R: 282/06
Council expense payments approved

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

July 15	Dep. Reeve Adams	Lazy H Trail Co. annual barbeque	\$130 + mileage
July 25	Dep. Reeve Adams	C.A.O. evaluation work/interviews	\$130 + mileage
July 28	Coun. Cooper	Lafarge 100 Anniversary Retirees' banquet	\$130
Aug 9	Adams, Cooper, Ryan, Dunki	R. Arendt session re rural planning	\$520 + mileage
Aug 12	All	Council "Minimum Tax Tour"	\$650 + mileage

CARRIED

R: 283/06
Tabled until after Sept 18/06
F&EDmtg.

4. Moved by Councillor Ryan that Council table the Amendment to Fee Schedule "E" until after the September 18, 2006 Finance and Economic Development meeting to allow Administration to create a chart showing the rates in other municipalities. **CARRIED**

R: 284/06
Approve purchase of 83 GMC fire truck for Jamieson Fire Hall

5. Moved by Councillor Cooper that Council authorize Administration to purchase a 1983 GMC (s/n 1GDL7DIE8DV510286) fire truck for Jamieson Fire Hall, from Phoenix Emergency Vehicles in Red Deer AB, at a cost not to exceed \$35,000; the purchase to be funded from the proceeds acquired from the sale of the 1979 GMC Fire Truck (\$5,000) and the Vehicle & Equipment Reserve. **CARRIED**

R: 285/06
Rds. Dept to remove overhead gateway structure at Coyote Creek

6. Moved by Councillor Ryan that Council authorize the Roads Department to remove and dispose of the Overhead Gateway structure at the entrance to the Coyote Creek subdivision, just off Jamieson Road. **CARRIED**

R: 286/06
Auth. Dev. Agree Copperstone Resort Hotel

7. The Assistant Municipal Manager indicated that the wording " , at least prior to construction of any second floor" would be added to section 2.2.5 of the draft development agreement for the proposed Copperstone Resort Hotel.

Moved by Deputy Reeve Adams that Council agree to enter into a development agreement with 1060899 Alberta Ltd., owner of proposed Copperstone Resort Hotel property in Dead Man's Flats, pursuant to Development Permit No. 29/05, and authorize the Reeve and Municipal Secretary to sign the agreement on Council's behalf.

CARRIED

R: 287/06
Pepper attend
Oct 29-31/06
Synergy
Conference

8. Councillor Pepper requested that he would like to attend the Synergy conference in Red Deer on October 29 to 31, 2006. He noted that the hotel rooms will be paid for, by the conference sponsors, but honoraria and travel expense will not.

Moved by Deputy Reeve Adams that Council approve Councillor Pepper's attendance at the October 29 – 31, 2006 Synergy Conference and further that the honoraria and travel expense be paid from the contingency allowance. CARRIED

Council requested that Councillor Pepper provide a written report regarding this conference at the Council meeting following the conference.

9. Councillor Cooper noted that, with the numerous break-ins in the Exshaw Industrial Park, a meeting had been held with the owner of one of the properties, the RCMP, Exshaw Community Association and M.D. representatives. Councillor Cooper stated that there may be a need for a more collective meeting with all the Exshaw Industrial Park owners, at some future date. Councillor Cooper also noted that the Exshaw Industrial Park owners have brought up the issue of lack of street lights in the industrial park.

R: 288/06
Oct.06 declared
Canadian Library
Month

10. Moved by Deputy Reeve Adams that Council declare the month of October 2006 as Canadian Library Month, authorize the Reeve to sign the proclamation and that the proclamation be posted in the entrance way to the MD office. CARRIED

I. ENQUIRIES OF ADMINISTRATION FROM COUNCIL

Deputy Reeve Adams noted that, as discussed earlier, that a Harvie Heights ratepayers meeting should be held to discuss possible residential utility (water and sewer) servicing. Staff noted that the attendance for this meeting may be too large for the Harvie Heights Community Hall to handle, and that the local Environmental Health Officer should be invited to attend as well.

Councillor Cooper noted that there are a number of street/traffic signs at the entrance to South Exshaw and wondered if there is a way to combine all the signs into one. Councillor Cooper noted that the asphalt crumb which was put on the road to Sandy Beach to keep the dust down did an excellent job. Councillor Cooper questioned if the Wildsmart logo could be placed on all the garbage bins.

Reeve Dunki requested the Operations department to look into getting more bins at the Jamieson Road transfer station. Reeve Dunki thanked the Roads Department for doing a great job on Porkchop Hill.

J. INFORMATION

R: 289/06
J.1-.13 accepted
as info

Moved by Councillor Ryan that items J.1 to J.13. be accepted as information.

CARRIED

Reeve Dunki requested that Agenda Item J.11 be brought back to the October Council meeting (correspondence re Highway 1A/Highway 22 intersection, from the Town of Cochrane).

K. IN CAMERA

Moved by Deputy Reeve Adams that Council go in camera at 2:20 p.m. CARRIED

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

ADJOURNMENT

Moved by Deputy Reeve Adams that the September 12, 2006 Regular Council Meeting adjourn at 3:51 p.m.

CARRIED

REEVE

MUNICIPAL SECRETARY

R: 290/06
In Camera @
2:20pm

R: 291/06
Revert to open
mtg. @ 3:50 pm

R: 292/06
Adjournment @
3:51pm