

MUNICIPAL DISTRICT OF BIGHORN NO. 8

Minutes of the Regular meeting of Council held at 9:00 a.m. on Tuesday, March 14, 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	MUNICIPAL FINANCE OFFICER

CALL TO ORDER

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

A. APPROVAL OF AGENDA

Moved by Councillor Pepper that the agenda for the March 14, 2006 Regular Council meeting be adopted with the following amendments:

- | | |
|---------------------------------|--|
| - Business Arising Item D.3. | Oil & Gas Exploration (Coun. Pepper); |
| - Unfinished Business Item F.5. | Exshaw Pedestrian Bridge; |
| - By-Laws Item G.2. | Additional amendment to proposed Bylaw 18/05; |
| - New Business Item H.13. | Municipal Affairs Facilitation Skills for Public Input
Workshop March 23 & 24 , 2006; |
| - New Business Item H.14. | Coal-Bed Methane Conference (Coun. Pepper); |
| - New Business Item H.15. | 2006 Alberta Environment Conference – May 2 to5,
2006; |
| - New Business Item H.16. | Updates on CASA (Coun. Cooper); |
| - New Business Item H.17. | Update on WildSmart in Canmore (Coun. Cooper); |
| - New Business Item H.18. | Town of Canmore FCSS Request for Letters of
Support for Grant Applications |
| - New Business Item H.19. | Spray Lakes Sawmill Weed Control |
| - In Camera Item K.4. | Personnel |
| - In Camera Item K.5. | Personnel |

CARRIED

B. MINUTES

1. Moved by Councillor Ryan that the minutes of the February 14, 2006 Council meeting be adopted as circulated.

CARRIED

R: 64/06
Mar.14/06
Agenda
adopted as
amended

R: 65/06
Feb. 14/06
Council min.
adopted

R: 66/06
Feb. 21/06
Spec. Council
min adopted

2. Moved by Councillor Ryan that the minutes of the February 21 2006 Special Council meeting be adopted as circulated.

CARRIED

R: 67/06
Acknowledge
Committee/
Board minutes
that received
approval

C. MEETING NOTES/COMMUNITY MINUTES

1. Moved by Councillor Cooper that Council acknowledge that the following minutes have received approval:
 - a) Municipal Planning Commission - January 18, 2006
 - d Finance and Economic Development Committee - January 11, 2006
 - c) Exshaw Community Environment Committee- December 7, 2005
 - d) Community Services Board - January 25, 2006

CARRIED

R: 68/06
CAAMD&C
report as info.

2. Moved by Councillor Ryan that Council accept the March 3, 2006 CAAMD&C Zone meeting report taken by Reeve Dunki as information.

CARRIED

D. BUSINESS ARISING FROM THE MINUTES/NOTES

1. a) Council agreed on the following ratepayers' meeting dates, depending on hall availability:
 - South Ranchlands Area & Benchlands & Richards Road – June 7, 2006, 7:00 pm, Beaupre Hall
 - Harvie Heights - June 28, 2006, 7:00 pm, Harvie Heights Community Hall
 - North Ranchlands area – September 5, 2006, 7:00 pm, Water Valley Community Hall
 - Dead Man's Flats/Lac des Arcs/Rafter Six Ranch – May 31, 2006, 7:00 pm, Rafter Six Guest Ranch
- b) August Council Meeting
Councillor Pepper questioned if the August Council Meeting could be changed, due to vacation schedules: Council discussed an alternate date but were unable to come up with one. The CAO suggested that Council wait until closer to August to see how the August Agenda shapes up, to determine if the meeting could be cancelled.

R: 69/06
Tabled until
after in-camera
session

2. Moved by Deputy Reeve Adams that Council table the Information Report regarding Municipal Historical Resources – Seebe until after the In Camera session scheduled for later today. CARRIED
3. Councillor Pepper questioned about the feasibility of requiring oil companies to hold public meetings in areas in which they are drilling in, what the current protocols are for oil companies, and what the respective municipal/provincial roles are. Administration was directed to investigate and report back to Council on this matter.

E. DELEGATIONS

1. Barrie Clayton, Jerry Brunen and Tracy Tarves from Western Sky Land Trust were in attendance. They provided Council with a background of the organization noting that

they accept donations, voluntary transfers of land, conservation easements and other agreements. They noted that a land trust is an entity established for the purpose of conserving land. Western Sky Land Trust holdings, at this time, consist of land in the MD of Foothills, City of Calgary and MD of Rocky View, but the Trust has been approached by residents of the MD. They noted that a land trust is not restricted by parcel size and some land does not meet the criteria of the land trust.

2. Diane Berreth from the Calgary Regional Partnership and Patti-Jay Callaghan from Business Development Centre West were in attendance. Their powerpoint presentation is attached to the Agenda Package. Ms. Berreth provided a general briefing on the Calgary Regional Partnership and its functions to date. Councillor Cooper noted that the Clean Air Strategic Alliance task force should be invited to the Calgary Regional Partnership.

F. UNFINISHED BUSINESS

1. It was noted that the meeting to discuss Draft Bylaw 18-Z/04 was held on March 8, 2006 at Beaupre Hall and that a report will be going to the April Council meeting. The Assistant Municipal Manager noted that the meeting was well attended.
2. Councillor Ryan declared a conflict of interested on the Exshaw Laneway Encroachment issue and left the Council Chambers at 10:48 a.m. The Assistant Municipal Manager handed out a letter that he had received from one of the affected ratepayers (letter attached to the Agenda package).

Moved by Councillor Cooper that Council direct staff to work with the owners of Lots 1 – 12, Block 6, Plan 7921 GP to either have all fences, buildings and similar encroachments removed from the laneway west of those lots (consisting of the remainder of the government road allowance and Lot 3, Block 2, Plan 8610479) by December 31, 2006, or develop encroachment agreements with those property owners that: establish the MD's ownership or control of the land; prevent further private development on the laneway; require the removal of fences, buildings or other structures as they fall into a state of disrepair and would have to be rebuilt; ultimately require the removal of all fences and similar smaller, less valuable encroachment by September 30, 2016, and garages or similar larger, more expensive structures by September 30, 2021; and further require the removal of all encumbrances within 270 days of official notice if the MD of Bighorn Council determines that the land is needed for municipal purposes prior to 2021.

CARRIED

Councillor Ryan returned to the Council Chambers at 11:00 a.m.

3. The CAO note that he has sent an e-mail to the President of the Harvie Heights Community Association, regarding the issue of Harvie Heights Lot 18MR; the response indicated the issue has not been dealt with yet, by the Association.
4. Moved by Councillor Cooper that Council remove the tabling the matter of Hosting Fees from the Bow Valley Waste Management Commission - Table Agreement and bring it

R: 70/06
Admin to work
with owners of
Block 6, Plan
7921 GP
regarding the
encroachment
issue

R: 71/06
Remove
Tabling motion

back to Council.

CARRIED

R: 72/06
Table until after
lunch

Moved by Councillor Adams that Council table the matter of Hosting Fees from the Bow Valley Waste Management Commission until after lunch so Administration can bring the previous tabling motion back to Council for clarification. CARRIED

R: 73/06
Tabled until
April

Moved by Councillor Ryan that Council table the matter of Hosting Fees from the Bow Valley Waste Management Commission until the April Council meeting. CARRIED

R: 74/06
Authorize
Banff General
Construction
for supply &
installation of
pedestrian
bridge

5. Moved by Councillor Ryan that Council authorize, Administration to negotiate and enter into a design build contract/agreement with Banff General Construction, for the supply and installation of a pedestrian bridge, located at the West end of Mt. Lorette Drive crossing Exshaw Creek in Exshaw, for a sum not to exceed \$97,000.00, pending obtaining all necessary Provincial and Federal permits for construction over a water course.

Carried 4-1

CARRIED 4 - 1

IN FAVOUR:	OPPOSED:
Deputy Reeve Adams	Reeve Dunki
Councillor Cooper	
Councillor Pepper	
Councillor Ryan	

G. BYLAWS

R: 75/06
a) consider
additional info.
b) amend draft
Bylaw 05/05
c) send revised
Bylaw 05/05 to
Minister of AB
Inf. & Trans
d) work with
Fortis to
register an
easement on the
title.

1. Moved by Deputy Reeve Adams that Council
- consider the additional information the MD has received (from Alberta Infrastructure and Transportation, Alberta Sustainable Resource Development, Fortis Alberta, Altalink, and Telus Communications Inc.) regarding proposed Bylaw 05/05, a bylaw to close a portion of a road allowance in Dead Man's Flats;
 - amend draft Bylaw 05/05, as suggested by Alberta Transportation and Utilities;
 - request that staff send the revised Bylaw 05/05 to the Minister of Alberta Infrastructure and Transportation for approval; and
 - direct staff to work with Fortis Alberta to register an appropriate easement on the title created once the road allowance is closed.

CARRIED

R: 76/06
Amend Bylaw
18/05

2. Moved by Deputy Reeve Adams that Council amend Bylaw 18-05, the Harvie Heights Water System Bylaw, by the following:

1(d): Add new Section 1(d) to read: "All developed premises serviced by the water service at Harvie Heights, being those authorized premises as outlined in Schedule "A" attached to this Bylaw, shall be required to connect to said water system within six (6) months of the being notified of the water services' availability. For the purposes of this section, "developed premises" shall be defined as those lands with a valid commercial operation/development already existing and conducting business on site.";

5(i): Add new Section (5)(i) to read: “Notwithstanding any condition or clause in this Bylaw, requiring an individual water meter for every Lot, the Director may accept a different provision for water metering, as specific premises, subject to the affected owners entering into a written agreement with the M.D., as per Schedule “E” to this Bylaw.”;

16: Add to Section 16: “Schedule “E”:- Release/Indemnity/Hold Harmless Agreement”

Schedule “E”: Add Schedule “E” to the Bylaw

2.3: Additional wording to Schedule “E” to read: 2.3 The Corporation agrees that the M.D. shall charge and invoice for water services on a per condominium unit basis, with a capacity and billing charge levied as if each unit were serviced individually.

CARRIED

R: 77/06
2nd Reading
Bylaw 18/05

Moved by Councillor Ryan that Council give second reading to Bylaw 18/05.

CARRIED

R: 78/06
3rd Reading
Bylaw 18/05

Moved by Councillor Pepper that Council give third and final reading to Bylaw 18-05.

CARRIED

R: 79/06
1st Reading
Bylaw 01/06
ARB

3. Moved by Councillor Cooper that Council give first reading to draft Bylaw 01/06, to establish the Bighorn Corridor Environment Committee and the terms of reference for same.

CARRIED

R: 80/06
2nd Reading
Bylaw 01/06

Moved by Deputy Reeve Adams that Council give second reading to Bylaw 01/06.

CARRIED

R: 81/06
Consent for 3rd
Reading
Bylaw 01/06

Moved by Councillor Pepper that Council give consent to proceed with third and final reading to Bylaw 01/06 at this meeting.

CARRIED UNANIMOUSLY

R: 82/06
3rd Reading
Bylaw 01/06

Moved by Councillor Pepper that Council give third and final reading to Bylaw 01/06.

CARRIED

Council directed Administration to distribute future Bighorn Corridor Environment Committee agenda packages to the alternate BCEC Council representative.

R: 83/06
1st Reading
Bylaw 04/06

4. Moved by Councillor Cooper that Council give first reading to Bylaw 04/06, the proposed Community Aggregate Payment Levy bylaw, and request that the bylaw be advertised and circulated to aggregate mining operators for comments, prior to consideration of further reading.

CARRIED

H. NEW BUSINESS

R: 84/06
Jan.06 Cheques
Issued Rpt.
accepted as info

1. Moved by Deputy Reeve Adams that Council receive for information, the report of A/P cheques issued, number 19843 to 19994 in the amount of \$697,794.31 and payroll cheques issued, number 4649 to 4699, in the amount of \$44,998.51.

CARRIED

R: 85/06
Feb/06 Bud/
Act as info

2. Moved by Councillor Ryan that Council accept as information the Balance Sheets and Budget vs. Actual Spending Reports to January 31, 2006 as information.

CARRIED

R: 86/06
Approval of
payment for
mtg. exp.
claims

3. Moved by Councillor Cooper that Council approve the payment for the following meeting expense claims, from the Contingency Allowance.

Feb 10	Reeve Dunki	Emcee-Living in Natural Environment	\$130 + mileage
Feb 16	Reeve Dunki	Mtg. with Banff/Canmore Mayors/CAO's	\$130 + mileage
Feb 6	Coun. Adams	Banff Affordability workshop	\$130 + mileage
Feb 25	Coun. Adams	Official opening, Cochrane Recycling Centre	\$130 + mileage
Feb 25	Coun. Adams	Action for Agriculture workshop	\$130 + mileage

CARRIED

R: 87/06
06 Spring
Street Sweep.
To CleanTech
Sweeping

4. Moved by Deputy Reeve Adams that Council authorize Administration to award the 2006 Spring clean-up street sweeping work, for the Bow Corridor and Benchlands areas, to CleanTech Sweeping.

CARRIED

R: 88/06
Approve ltr. To
MP for weed
control in BNP

5. Moved by Councillor Cooper that Council approve, as per the ASEAB recommendation, a letter be sent to the M.P. for Wild Rose, copied to the Ministers of Canadian Heritage/Status of Women and the Environment, regarding funding for weed control in the Banff National Park.

CARRIED

R: 89/06
auth. signatory
page of Sept
20/05 CEDA

6. Moved by Councillor Ryan that Council authorize the execution of the signatory page acknowledging the September 20, 2005 amendments to the Canmore Economic Development Authority's Bylaw.

CARRIED

R: 90/06
Req. Altalink to
install Transmi.
Pwrlne catchers
on Blue Jay
Drive in HH

7. Moved by Deputy Reeve Adams that Council approve that the M.D. formally request that Altalink Management Ltd. install transmission powerline "catchers" on the powerpoles located near the intersection with Blue Jay Drive in Harvie Heights.

CARRIED

R: 91/06
MFO to repres.
& vote at An.
Gen. mtg of
ACFA on Mar
29/06 in Edm.

8. Moved by Deputy Reeve Adams that Council authorize that Helene Hesse, Municipal Finance Officer, be appointed to represent and vote the shares of the Municipal District of Bighorn No. 8 at the Annual General Meeting of the Alberta Capital Finance Authority to be held on March 29th, 2006, in Edmonton.

CARRIED

R: 92/06
Enter into Feb
23/06 Agree w/
AB Ecn. Dev.
For Banff/HH/
Canmore Trail

9. Moved by Councillor Ryan that Council enter into the February 23, 2006 agreement with Alberta Economic Development for funding of a multi-jurisdictional feasibility and route selection study for a Banff – Harvie Heights – Canmore Trail, and authorize the Reeve and Municipal Secretary to sign the agreement on Council's behalf.

CARRIED

R: 93/06
1. Ops. Dept to
obtain names &
addr. For
residence requ.
Additional
brush load
pickup for 06
schedule.
2. Ops. Dept to
offer 1 year
enhanced clean-
up service
provided at full
cost recovery

10. Moved by Councillor Ryan that Council authorize:
- 1) the Operations department to obtain the names and addresses of those hamlet residences requesting an additional brush load pickup for the 2006 spring clean-up schedule.
 - 2) the Operations department to offer a one-year (Spring 2006) trial enhanced spring clean-up service program, provided that a full cost recovery be applied to those who wish to participate, and that Operations retain the right to deliver this program either by using MD forces or via a third party contractor.

CARRIED 4 - 1

IN FAVOUR:

OPPOSED:

Reeve Dunki

Deputy Reeve Adams

Councillor Cooper

Councillor Pepper

Councillor Ryan

Carried 4-1

R: 94/06
No objection to
TofCanmore
Bylaw
07(Z)2006

12. Moved by Councillor Ryan that Council respond to the Town of Canmore's referral of Canmore Bylaw 07(Z)-2006 by indicating that the MD of Bighorn has no objection to the redesignation of approximately 19.5 hectares of land to allow commercial and residential development south of the Three Sisters Interchange as set out in the proposed Bylaw.

CARRIED

R: 95/06
Accept 05
Financial
Statements

12. Moved by Councillor Pepper that Council accept the Year 2005 Financial Statements, as prepared by M.D. Administration and audited by the accounting firm of Chengkalath Mahajan Van Eyck.

CARRIED

R: 96/06
Ryan to attend
Fac. Skills for
Public Input
Workshop on
Mar.23-24/06
& perdiems inc.

13. Moved by Councillor Adams that Council approve Councillor Ryan to attend the Facilitation Skills for Public Input Workshop which is to be held on March 23 & 24, 2006 in Edmonton and further that Councillor Ryan receive per-diems, in accordance with the Council & Committee Remuneration Policy.

CARRIED

R: 97/06
Admin to set up
a system for in-
camera reports

Moved by Councillor Cooper that Council direct Administration to set up a system in which the in-camera reports could be kept for each Councillor until the information is not needed.

CARRIED

14. Councillor Pepper noted that he had attended a seminar in Camrose on March 7, 2006 held by the Alberta Surface Rights Federation regarding Coal Bed Methane. Councillor Pepper noted that the seminar was well attended, with about 250 people in the audience. He noted that increased methane exploration activities are affecting people's water sources in other parts of Alberta. Councillor Pepper stated that the MD is in one of the

zones and that there are threats to ground and surface water. Councillor Pepper suggested that the MD take a proactive stand with respect to the drilling activities in the MD. Councillor Pepper stated that the next step is to support the ideal of rules governing what happens to the land and that this matter should be taken to the Fall AAMD&C convention. Reeve Dunki noted that this was talked about the CAAMD&C Spring Zone meeting held recently.

15. Councillor Pepper indicated that he would like to attend the 2006 Alberta's Environment Conference held on May 2 to 5 in Edmonton. Reeve Dunki noted that Council is registered for an Assessment Review Board Training on May 3 in which he needs to attend. It was suggested that Councillor Pepper look at the Agenda of the Conference and bring it back to the April Council meeting.
16. Councillor Cooper requested to postpone the verbal update on CASA until the April Council meeting.
17. Councillor Cooper requested to postpone the verbal report on 'WildSmart in Canmore' until the April Council meeting.
18. Moved by Councillor Adams that Council provides a letter of support for the following:
 1. Canmore's FCSS department's application to the Alberta Alcohol and Drug Abuse Commission (AADAC) Community Grant Fund to fund a Bow Valley wide Young Adult Prevention of Binge Drinking, Bar Violence and Date Rape Initiative.
 2. Canmore's FCSS department's application to Alberta Children's Services Community Project Grant Funding for the Calgary West Rural Quality Childcare Capacity Building Project.

CARRIED

19. Moved by Councillor Cooper that Council authorize that the AS&EAB recommendation that the matter of weed control in the Forest Management Area of Spray Lakes Sawmills be brought up with the Hon. David Coutts at his meeting with the Southern East Slopes Task Force on the 29th of March 2006.

CARRIED

I. ENQUIRIES OF ADMINISTRATION FROM COUNCIL

Councillor Cooper questioned if the Exshaw Beach project was held up due to the winter and if the project will continue now that the weather is improving.

J. INFORMATION

Moved by Councillor Ryan that items J.1. to J.11. be accepted as information.

CARRIED

R: 98/06
Ltrs of support
for:
1. AADAC for
binge drinking,
bar violence &
date rape
2. Childcare
Capacity
Building
Project

R: 99/06
AS&EAB rec.
of weed control
in FMA of
Spray Lakes be
discussed with
Hon. Coutts on
March 29/06

R: 100/06
J.1-.11 accepted
as info

K. IN CAMERA

R: 101/06
In camera @
2:25 pm

Moved by Councillor Cooper that Council go in camera at 2:25 p.m. **CARRIED**

Don Lee (Moondance Land Company Ltd.), Phil Dack (UMA), Hearther Carnathan (991021 Alberta Ltd.), Trex McCaskill (Stoney Tribal Administration), Tom Jacklin (UMA) and one other UMA Engineering representative arrived at 3:10 p.m. to discuss a land issue.

R: 102/06
Revert to open
mtg @ 5:45 pm

Moved by Councillor Cooper that Council go out of camera at 5:45 p.m. **CARRIED**

R: 103/06
Accept rec.
from Justice
Kent & move
forward with a
new LUB
amend & PH
and admin to
prepare a Press
Release

2.a) Moved by Councillor Cooper that, upon review and consideration of the 27 Feb 06 ruling of Honourable Madam Justice C.A. Kent, on the matter of J. & R. Craig v. Bighorn No. 8, while Council feels it has acted appropriately within regards to Land Use Bylaw amendment sought by the Craigs, that Council accept the recommendation from Justice Kent, that MD of Bighorn Council, move forward with a new Land Use Bylaw amendment and public hearing, and that the decision arising on that amendment (and from that new hearing) will have stated reasons for the decision, and that Council direct Administration to prepare a Press Release on this matter. **CARRIED**

R: 104/06
Admin to write
to TA to renew
120 day period
on Seebe S.I.
house and
school

3. Moved by Deputy Reeve Adams that Council direct Administration to write to TransAlta stating the intent of the MD of Bighorn to renew the 120 day period as the current 120 day period will be reached on April 12, 2006 as there has been no resolution on the Superintendent's house and the School in Seebe. **CARRIED**

R: 105/06
Admin to enter
into 1 yr
grazing lease
agree with E.
Rose for S1/2 9-
31-6

3.b) Moved by Deputy Reeve Adams that Council authorize that the MD enter into a one year grazing lease agreement with Mr. E. Rose for the S ½ Section 9, Township 31, Range 6 W5M, provided Mr. Rose pays lease fees equivalent to the Provincial rate, property taxes, and provides insurance coverage (general comprehensive liability, in an amount not less than \$2 million), with the MD listed as an additional named insured. **CARRIED**

ADJOURNMENT

R: 106/06
Adjournment @
5:50 pm

Moved by Councillor Cooper that the March 14, 2006 Regular Council Meeting adjourn at 5:50 p.m. **CARRIED**

REEVE

MUNICIPAL SECRETARY