

MUNICIPAL DISTRICT OF BIGHORN NO. 8

Minutes of the Regular meeting of Council held at 9:00 a.m. on Tuesday, October 10, 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

STAFF: MARTIN BUCKLEY	CHIEF ADMINISTRATIVE OFFICER
GREG BIRCH	ASSISTANT MUNICIPAL MANAGER
CHERYL MICKELSON	MUNICIPAL SECRETARY
HUGH PETTIGREW	DIRECTOR OF OPERATIONS

CALL TO ORDER

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

Reeve Cooper thanked Councillor Dunki for the past year as being Reeve, indicating that her work was appreciated and noted.

A. APPROVAL OF AGENDA

Moved by Councillor Adams that the agenda for the October 10, 2006 Regular Council meeting be adopted with the following amendments:

- | | |
|----------------------------|--|
| - New Business Item H.17.: | Move Agenda Item J.12 to New Business |
| - New Business Item H.18.: | Women in Politics Workshop in January |
| - New Business Item H.19.: | FCSS Conference in November |
| - New Business Item H.20.: | Disposal of animal carcass within the MD |
| - Information Item J.14.: | Report on Nitrogen Conference |
| - In Camera Item K.2.: | Personnel Issue |

CARRIED

B. MINUTES

1. Moved by Deputy Reeve Pepper that the minutes of the September 12, 2006 Council meeting be adopted with the following amendment:
- Page 7, item I., second paragraph, change the word 'combined' to 'combine'.

CARRIED

2. Moved by Deputy Reeve Pepper that the minutes of the September 18, 2006 Special Council meeting be adopted as circulated.

CARRIED

R: 307/06
Oct. 10/06
Agenda adopted
as amended

R: 308/06
Sept.12/06
Council min.
adopted with
amendment

R: 309/06
Sept.18/06 Spec.
Council adopted

R: 310/06
Sept.12/06 Spec.
PH minutes
adopted

3. Moved by Deputy Reeve Pepper that the minutes of the September 12, 2006 Public Hearing regarding Bylaw 13/06 be adopted as circulated. CARRIED

R: 311/06
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 - August 16, 2006
 - b) Bighorn Corridor Environment Committee - June 6, 2006

CARRIED

D. BUSINESS ARISING FROM THE MINUTES/NOTES

- 1.a) Councillor Dunki questioned about a Budget meeting and Council agreed to have a budget meeting on November 8, 2006.
- b) It was noted that there is a Harvie Heights ratepayers meeting on October 13, 2006 commencing at 7:00 at the Canmore Recreation Centre to discuss water supply to residents.
- c) It was noted that Lafarge is hosting a wine and cheese event on October 12, 2006 commencing at 4:00 pm at the MD office in regards to their 100th year.

F. UNFINISHED BUSINESS

1. There was no new information on the Community Aggregate Payment Levy Bylaw.
2. It was noted that with regards to the Dead Man's Road Closure Bylaw the MD is waiting for call back from Alberta Infrastructure and Transportation.
3. Moved by Councillor Ryan that Policy F-10, the M.D.'s Reserve Funds Policy, be amended by adding a new section entitled "Community Enhancement Program Reserve Account", with wording as circulated. CARRIED

R: 312/06
Amend Policy F-
10

4. Moved by Councillor Ryan that Council rescind Resolution #276/06 which states as follows '...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

R: 313/06
Rescind R276/06

Moved by Councillor Dunki that direct Administration to seek a meeting with the Minister of Municipal Affairs and staff regarding assessment of grazing leases.

CARRIED

R: 314/06
Mtg with Min. of
MA re grazing
leases

G. BYLAWS

1. Moved by Councillor Ryan that Council give first reading to Bylaw 15/06, a bylaw to allow Lot 11ER, Block 1, Plan 9913384 to be used for the purpose of procuring a water

R: 315/06
Bylaw 15/06
1st Reading

source for a proposed municipal water system.

CARRIED

Moved by Councillor Dunki that Council hold a Public Hearing for Bylaw 15/06 on November 7, 2006 commencing at 1:00 pm at the MD office.

CARRIED

H. NEW BUSINESS

R: 316/06
PH for Bylaw
15/06 Nov. 7/06
@1pm

1. Moved by Councillor Adams that Council accept for information, the payroll cheques issued for cheque number 5035-5092, in the amount of \$50,943.97; and the register for A/P cheques issued, number 20836 to 20963 in the amount of \$397,235.12 for the month of September. CARRIED

R: 317/06
Cheques issued
reports for
September
accepted as info

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

R: 318/06
Sept/06 bud vs
actual as info

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

R: 319/06
Council expense
payments
approved

Sept 19 M. Dunki FCSS Cochrane Annual Dinner Mtg. \$130 + mileage
CARRIED

4. Moved by Deputy Reeve Pepper that Council table the September 2006 Economic Development Strategic Plan until the November 7, 2006 Council meeting to give staff time to amend the plan. CARRIED

R: 320/06
Tabled until
Nov. 7/06 for
amendments

5. Moved by Councillor Adams that Council authorize Administration to further discuss and negotiate the option of a Four (4) year Contract extension (to July 15, 2011), as per section 5.2 of the existing agreement with 1045908 Alberta Ltd. operating as Bow Valley Property Valuers, jointly with the Towns of Banff and Canmore, based on the revised 2007-2011 rates as provided. CARRIED

R: 321/06
4 year Contract
extension with
1045908 for
assessment
services

Councillor Dunki requested that Administration provide an explanation of the 15% increase within the first year.

6. Moved by Councillor Dunki that Council authorize Administration to apply for 2006 Municipal Sponsorship Program grant funds, for a basic grant (\$14,086.00) for the purchase of a quad/weed-spraying equipment, for the Agricultural Services/Operations department usage. CARRIED

R: 322/06
Apply for 06
Mun. Sponsor
Grant for quad
for AG/Ops. Dept

7. Moved by Reeve Dunki that Council approve the recommendation of the Community Services Board, and agree to reallocate the \$600 operational grant previously provided specially to the Beaupre Buckaroos toward, more generally, preschool programming and early child development projects in the Beaupre area as identified by Bighorn's Community Services Department.

R: 323/06
CSB to reallocate
grant to Beaupre
area

CARRIED

R: 324/06
Submit the
Multi-Year
Capital
Improvement
Plan

8. Moved by Councillor Adams authorize Administration to submit the draft 27 Sept 06 list of projects for the Multi-Year Capital Improvement Plan, thus meeting the requirements of the Provincial Government, for the Alberta Municipal Infrastructure Program.. CARRIED

R: 325/06
Apply for auth.
to employ
Special
Constables

9. Moved by Councilor Ryan that Council authorize Administration to prepare the necessary paperwork to apply for Authorization to Employ Special Constables, from the Solicitor General. CARRIED

R: 326/06
Approve Reeves
Sept 22/06 letter
to Min. of Infr &
Trans

10. Moved by Deputy Reeve Pepper that Council authorize the forwarding of the Reeve's 22 Sept letter to the Minister of Infrastructure & Transportation, in support of the Town of Cochrane's 28 Aug letter regarding the intersection of Highways 1A and 22. CARRIED

R: 327/06
Oct 16 to 22
Waste Reduction
Week

11. Moved by Councillor Adams that Council declare the week of October 16th to October 22nd, 2006 Waste Reduction Week, authorize the Reeve to sign the proclamation and that the proclamation be posted in the entrance way to the MD office. CARRIED

R: 328/06
Agreement with
903485 AB Ltd.

12. Moved by Deputy Reeve Pepper that Council authorize Administration to enter into an agreement, with 903485 Alberta Ltd., for the use of a road across the gravel pit which is within SML No. 890025 in SE-27-30-6-W5M. CARRIED

R: 329/06
All five
Councillors to
Fall AAMD&C

13. Moved by Deputy Reeve Pepper that Council authorize all five Councillors, and direct Administration, to register the delegates authorized to attend the Fall A.A.M.D. & C. Convention which is to be held on November 13 – 16, 2006 and further that those delegates authorized to attend receive per-diems, in accordance with the Council & Committee Remuneration Policy. CARRIED

R: 330/06
Mtgs with
Ministers of MA,
Transportation &
Community
Development

14. Moved by Councillor Adams that Council direct Administration to set up the following meetings with Ministers at the Fall A.A.M.D.& C. convention:
- Municipal Affairs (grazing leases)
 - Transportation (1A Highway)
 - Community Development

CARRIED

R: 331/06
Approve the list
as the official
collation of
reasons for
Bylaw 08-Z/06

15. Moved by Councillor Ryan that Council approve the following list as the official collation of the reasons provided by Council members regarding their individual, September 12th, 2006 votes on the motion for second reading of Bylaw 08-Z/06:
- The vast majority of the people in attendance at the public hearing were opposed to the amendment.
 - The majority of opinions in opposition were based on more than the noise issue.
 - Having additional dog kennels on small parcels of land is not desirable for that community.
 - The proposed use is in conflict with the intent for the area set out in the Municipal Development Plan, that being more Small Holdings development.
 - Speaking to the noise assessment that was presented at the hearing, it should be noted that human health, which includes the concept of emotional well being, is a

concept greater than physical injury; in this case hearing loss. The neighbours' reports regarding their continuing discomfort with the existing sound levels are a significant impairment to the peaceful enjoyment of their properties. The emotional well being of individuals may well be a factor at decibel levels much lower than those levels that would cause physical harm, and the link between human emotional well being and decibel level was not adequately established by the sound report or other testimony on the matter.

- Good planning principles establish each landowner's right to have freedom of activity, use and enjoyment of his or her property. However, fundamental to that idea is that such activities shall not unduly reduce the neighbours' 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. Revisions to bylaws require the same orderly process. 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.
- Those submissions received at the public hearing that reflected satisfaction with the current by-law provide rational which demonstrate common values across the community, values which are deemed to be compromised by a kennel facility. Those submissions received which supported 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.
- 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 wished to contribute their views.
- The greater public interest (MGA Section 617) is not well served by the addition of an additional kennel facility. 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 but cannot be maintained with the addition of more multi-dog facilities. The experience of those with current or previous experience living adjacent to such facilities described issues of noise, safety of livestock and pets, and other violations to valued lifestyle amenities. Those not living near such facilities indicated they do not wish to acquire such problems and, therefore, support the existing bylaw, believing that quiet enjoyment of their properties would be compromised by proposed changes.
- 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 was not available for public review until the close of the hearing.
- 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 facilities as evidenced by public hearing

submissions, it would be an error in planning to further compound the problem by providing for more kennel facilities amid the residences.

CARRIED

16. Dan Brown from Golder Associates and Wes Stambaugh from ISL Engineering were in attendance to discuss the cost overruns for the Exshaw well water project. Mr. Brown noted that the water quality from the well is excellent, that manganese (which is similar to iron) levels are slightly elevated but within guidelines, and also the water is hard. He stated that the quantity is beyond expected. Reeve Cooper noted that this well would need minimum coloration and filtration. Mr. Brown stated that the well has been tested at 250 gal./minute which is well above the 107/minutes requirement from Alberta Environment and that in a 72 hour period there was 26 feet of draw down. Council questioned about the first well which was dry and Mr. Brown noted that the river went left and that first well was drilled to the right of the Alberta Environment well. Councillor Adams questioned if a backup well is needed. Councillor Ryan stated that the cost of the well in Exshaw is 400% over budget and that one third of the bill is in Golder's expenses. Mr. Brown noted that Golder's responsibilities included supervision of drilling activities, to ensure the driller did not overcharge for the project. The costs increased by drilling a dry hole the first time and that some of the issues included difficulties with casings and the drilling process. Councillor Ryan questioned about the Firehall and Knowlerville wells and wondered if they could be used as a secondary supply and also if the Alberta Environment well could be used. It was noted that these would have to be sleeved. The Assistant Municipal Manager noted that the MD is looking into using the shallow wells as backup but shallow wells are risky. Councillor Ryan wondered about servicing future development from this water supply. The Assistant Municipal Manager noted that the MD expects recover a significant portion of the costs from this project through grants from Alberta Infrastructure and Transportation.

R: 332/06
Additional
\$110,000 for
drilling &
completion of
Exshaw Water
well

Moved by Councillor Adams that Council approve an additional \$110,000 for drilling and completion of the water well in Exshaw.

CARRIED

17. Councillor Dunki questioned what service the Bow Valley Victim Services Association provides to the MD residents and to how many residents.

R: 333/06
Inquire how
many MD
residents were
assisted by
BVVSA prior to
the CSB mtg. Oct
17/06

Moved by Councillor Dunki that Council direct Administration to inquire as to how many MD residents were assisted by Bow Valley Victim Services Association services, and that this information be provided prior to the next Community Services Board meeting on October 17, 2006.

CARRIED

Later in the meeting, the Assistant Municipal Manager provided the following information 'Eleven MD residents received direct assistance from the BVVSA program over the past year, involving 9 occurrences of domestic abuse, an assault and one theft. Other residents may have received direct assistance from our program, attended out educational programs and/or critical incident stress debriefings but did not identify themselves as MD residents.'

R: 334/06
Woman in
Politics Jan 07
workshop info. In
Dec. MD
newsletter

18. Councillor Dunki noted that there is a Municipal Affairs workshop in January 2007 regarding “Women in Politics”, which may benefit any women in the MD who are thinking about running for elected office.

Moved by Councillor Ryan that the Woman in Politics workshop to be held in January of 2007 information be put into the December MD newsletter. **CARRIED**

R: 335/06
Adams to attend
FCSS Annual
Conference Nov.
23-25/06

19. Moved by Deputy Reeve Pepper that Council approve Councillor Adams to attend the FCSS Annual Conference on November 23 – 25, 2006 in Red Deer and further that Councillor Adams receive per-diems, in accordance with the Council & Committee Remuneration Policy. **CARRIED**

20. Councillor Ryan noted that animal carcass are being dumped within MD boundary’s between two recreational areas and questioned about public safety. Councillor Ryan questioned if this was allowed and who gave permission for this. The CAO stated that he will look into this issue.

I. ENQUIRIES OF ADMINISTRATION FROM COUNCIL

Councillor Dunki noted that that there are some roads issues on Porkchop Hill on Jamieson Road: the Director of Operations noted that there is a re-paved section that is not binding properly, and the contractor will be addressing the issue. Coun. Dunki noted that there are potholes on the dip around the corner: it was noted that the Road Foreman will look into this issue.

Deputy Reeve Pepper noted that hot mix paving was done on the upper part of Richard Road, but there are some potholes ½ km south of this work: it was noted that the Road Foreman will look into this issue.

Councillor Adams thanked the Operations Department for the pickup of the downed branches in Lac des Arcs; but noted that, on the trail from the Heart Creek bridge to the Bow River by the stairs, there are additional branches down. It was indicated that the Operations Department would look into this matter.

Councillor Ryan noted that there is a safety issue at the condo development in the Exshaw on Windridge Road: there was a window frame on the side of the road, which is now gone but there are shards of glass on the ground. Councillor Ryan questioned about the parking on 1A Highway and it was noted that BCEAG wants to meet with the MD to discuss these issues. The Director of Operations noted that the ‘No parking’ signs for Knowlerville arrived today. Councillor Ryan questioned about the issue of the waste reduction bylaw.

Reeve Cooper noted that the brush hauling from the Operation Department was appreciated. He stated that he was received complements on the new garbage collections system. Reeve Cooper noted that all those who had worked on the volunteer banquet held in September had done a great job. He questioned about the combined signed issue in little Italy and it was noted that this is being looked into. Reeve Cooper questioned about the overhead structure on Coyote Creek Road and it was noted that this has been removed by the

Operations Department. He wondered about the fire truck for Jamieson Road and it was noted that the truck has been purchased. Reeve Cooper stated that the parking issues at sandy beach and in Knowlerville have improved and have less congestion. Reeve Cooper stated that with the lighting issue in the Industrial Park it might be worthwhile to have a meeting and also discuss the issue of water and sewer.

J. INFORMATION

Moved by Councillor Ryan that items J.1 to J.11., J.13. and J.14. be accepted as information.

CARRIED

R: 336/06
J.1-11., J.13 &
J.14 accepted as
info

K. IN CAMERA

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

CARRIED

R: 337/06
In Camera @
2:20pm

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

CARRIED

R: 338/06
Revert to open
mtg. @ 3:50 pm

2. Moved by Councillor Adams that Council authorize the Reeve to sign and forward the draft 26 Sept 06 letter to the C.A.O., on his annual performance appraisal/evaluation, and that the completed appraisal and a copy of the aforementioned letter be placed in the personnel file.

CARRIED

R: 339/06
Sept 26/06 ltr to
CAO re annual
performance
appraisal

ADJOURNMENT

Moved by Deputy Reeve Adams that the October 10, 2006 Regular Council Meeting adjourn at 3:45 p.m.

CARRIED

R: 340/06
Adjournment @
3:45pm

REEVE

MUNICIPAL SECRETARY