

MUNICIPALITY OF CROWSNEST PASS

TUESDAY, OCTOBER 6, 2009

A regular meeting of the Council of the Municipality of Crowsnest Pass was held in the Council Chambers on Tuesday, October 6, 2009.

PRESENT: **MAYOR:** Dr. J. Irwin

COUNCILLORS: D. Cole, I. MacLeod, L. Mitchell, J. Salus, D. Ward

Absent: Councillor Gary Taje

Also present:

Chief Administrative Officer
Director of Finance and Systems
Joe Filipuzzi
Cam Mertz
Confidential Secretary

Gordon O. Lundy
Marion Vanoni
Public Works Assistant Superintendent
Community Services Director
Lynne Cox

CALL TO ORDER

Mayor J. Irwin called the meeting to order at 7:05 pm.

PUBLIC HEARING

Bylaw 782, 2009 – Electrical Distribution Tariff

No one spoke in opposition or in favor of the proposed Tariff changes

Mayor J. Irwin declared the Public Hearing concluded.

ADOPTION OF AGENDA

ADDITIONS:

Other Business

6. Council Minutes, Transcripts, Recording Devices (Councillor D. Ward)
7. BearSmart (Councillor D. Ward)

Notice of Motion

1. Legal Costs (Councillor L. Mitchell)

DELETIONS:

In Camera

4. BearSmart (Councillor D. Ward)

M#5112-09: Councillor Salus moved that the agenda be adopted as amended.

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

It was requested to have the vote count numbers after the following motions removed:

M#5102-09, M#5106-09, M#5109-09

M#5113-09: Councillor Ward moved that the minutes of the Regular Council meeting of Tuesday, September 15th, 2009 be adopted as amended.

CARRIED UNANIMOUSLY

EXCUSED

Councillor MacLeod, Council representative on the Subdivision and Development Appeal Committee, excused himself for the delegation's presentation.

DELEGATIONS

Jim Tooker, Residential Issue

Mr. Jim Tooker, a Hillcrest resident, was in attendance to discuss a residential issue and to challenge the \$200.00 Development Appeal fee. His presentation included:

- Opposed to a neighbor's variance application for a garage, which was approved
- Feels there is a lack of consistency and continuity within the Municipal Office
- Stated there should be standardization and uniformity in rules and regulations for constructing buildings
- Felt the variance board should have contacted him, so him could have been present at the variance meeting
- Noted there was an ad in the newspaper after the fact, but felt not much information was provided
- It is now necessary to spend \$200.00 to appeal this decision
- Felt better communication from the Municipal Office could have prevented issues
- Stated it was a rude awakening to find out the Municipality does not contact neighbors when a variance is proposed
- Enjoyed living in the community, but disappointed with lack of professionalism

Mayor Irwin thanked Mr. Tooker for his presentation.

Councillor Ward requested a list of the people contacted by mail regarding this variance.

ADMINISTRATIVE AND AGENCY REPORTS

Chief Administrative Officer

Mr. Gordon O. Lundy, Chief Administrative Officer, provided a written report and reviewed same with Council. Said report will be maintained on file and contained information on the following:

- ▶ Mountain Pine Beetle, FireSmart and Logging
- ▶ Sustainable Resource Development and Spray Lakes Sawmills
- ▶ 2008/09 Mountain Pine Beetle Program Grant
- ▶ Supplementary Hydrogeological Investigation of the Sentinel Well

Council questioned the time frame for the Sentinel Well Appeal, and the Chief Administrative Office advised he will check with legal council.

ADMINISTRATIVE AND AGENCY REPORTS (Cont'd)

Director of Finance & Systems

Ms. Marion Vanoni, Director of Finance and Systems, provided written reports and reviewed same with Council. Said reports will be maintained on file and contained information on the following:

- ▶ Short Term Financing for Capital Infrastructure Programs – Bylaw #783, 2009
 - December 31, 2009 Negative Cash Flow Position
 - Bylaw #783,2009
- ▶ Water Management Strategy
 - Chief Administrative Officer Report on Water Meters – October 30, 2007
 - Council Resolutions for Water Meter Implementation – November 6, 2007
 - Letter to developers Re: Installation of Water Meters – January 2, 2008
- ▶ Statement of Surplus and Loss as at September 20, 2009
 - Including Functional Centre Financial Statements

Council questioned regarding Capital Expenditures if the \$53,000.00 for the Coleman Seniors will be expended this year, and the Director of Finance and Systems will provide the information.

Director of Community Services

Mr. Cam Mertz, Community Services Director, was in attendance and reported the department is conducting business as usual, preparing the budget, and asked if Council had any questions. Discussion included:

- Acoustics at MD McEachern Community Center

Public Works Assistant Superintendent

Mr. Joe Filipuzzi, Public Works Assistant Superintendent, provided a written report and reviewed same with Council. Said report will be maintained on file and contained information on the following:

- ▶ Sewer Lagoon Upgrade
- ▶ Infrastructure Replacement Projects
- ▶ Asphalt Patch Work
- ▶ New Sand Truck
- ▶ 2008 Adanac Road Damage
- ▶ 2008 ATV Trail Damage
- ▶ Coleman Tennis Court Project
- ▶ Public Works Crews

Council questioned if any temporary workers are still being employed, and Mr. Filipuzzi explained employment had been extended by two weeks, and would supply Council with the exact date.

ADMINISTRATIVE AND AGENCY REPORTS (Cont'd)

Road Use Agreement with Spray Lakes

M#5114-09: Councillor Ward moved to extend the Atlas road use agreement with Spray Lakes Sawmills to October 31, 2009.

CARRIED UNANIMOUSLY

Engineering Request for Proposal

M#5115-09: Councillor Ward moved to request Administration prepare a Request for Proposal for engineering services for a three year period.

CARRIED UNANIMOUSLY

Statement of Surplus and Loss and Financial Statements

M#5116-09: Councillor Cole moved to approve the Statement of Surplus and Loss and Financial Statements for each cost center as at September 20, 2009 as reported.

CARRIED

ACCEPT ADMINISTRATIVE AND AGENCY REPORTS

M#5117-09: Councillor Mitchell moved to accept the Administrative and Agency Reports as presented.

CARRIED UNANIMOUSLY

BUSINESS ARISING FROM THE MINUTES

Regional Council Meeting – October 28, 2009

A Regional Council Meeting will be held on October 28, 2009 at 7:00 pm in the M.D. of Pincher Creek.

BUSINESS ARISING FROM THE MINUTES (Con'td)

Joint Meeting with the MD of Ranchland

A Joint Meeting with the M.D. of Ranchland will be held on October 26, 2009 at 7:00 pm. The Chief Administrative Officer will advise Council of the location.

CORRESPONDENCE

Honourable Yvonne Fritz – Senior Housing Ministerial Order

Correspondence was received from Honourable Yvonne Fritz, Minister of Housing and Urban Affairs, thanking Council for advising that they had endorsed Crowsnest Pass Senior Housing's Management body's request to increase the number of board members from five to seven. An amendment reflecting this request is being processed, and will be forwarded to Mr. Nestor Chorney, Chairman of Crowsnest Pass Senior Housing.

Council requested a Thank You letter be forwarded to the Honourable Yvonne Fritz.

Received as information.

Chinook Arch Regional Library System 2009 – 2011 Budget

Correspondence was received from the Chinook Arch Regional Library System advising of revisions to the 2009 – 2011 Budget due to subsequent provincial budget increases in library operating grants for all public libraries and regional library systems. The Chinook Arch will be able to enhance services to member libraries, due to the increase in provincial grants.

Received as information.

COMMITTEE REPORTS

Corporate Services Committee – September 22, 2009

The minutes of the September 22, 2009 meeting of the Corporate Services Committee were provided for Council's review. The minutes were received as information and will be maintained on file.

COMMITTEE REPORTS (Cont'd)

Community Development Committee – September 10, 2009

The minutes of the September 10, 2009 meeting of the Community Development Committee were provided for Council's review. The minutes were received as information and will be maintained on file.

Police Advisory Committee – September 14, 2009

The minutes of the September 14, 2009 Police Advisory Committee Meeting were provided for Council's review. The minutes were received as information and will be maintained on file.

NOTICE OF MOTIONS

Councillor Larry Mitchell provided the following Notice of Motion:

“Request Information Re: Crowsnest Centre and Municipality of C.N.P.

Would like the following information for the Oct. 20th, 2009 regular council meeting.

1. Legal costs already incurred.
2. Estimation of future legal costs.
3. Will the Municipal Insurance cover current and future legal costs to the Municipality concerning litigation between the Municipality and the Chinook Educational Consortium?
4. Cost to repair and maintain old boiler. Who was billed for this --- Municipality?? or Crowsnest Centre???”

Legal Costs

M#5118-09: Councillor Ward moved to request a breakdown of legal costs related to:

1. The Plebiscite
2. The injunction sought by the Crowsnest Centre Society to stop the Plebiscite
3. The lease agreement between the Crowsnest Centre Society and the Chinook Educational Consortium

CARRIED

NOTICE OF MOTIONS (Cont'd)

Legal Costs

- M#5119-09:** Councillor Mitchell moved to request the following information for the October 20th, 2009 Regular Council Meeting:
1. Legal costs already incurred
 2. Estimation of future legal costs
 3. Will the Municipal insurance cover current and future legal costs to the Municipality concerning litigation between the Municipality and the Chinook Educational Consortium?
 4. Cost to repair and maintain the old boiler, and whether the Municipality of Crowsnest Pass or the Crowsnest Centre was billed for this cost.

CARRIED

OTHER BUSINESS

Community Development Recommendations – Civic Addressing

M#5120-09: Councillor Salus moved that Highway 40 be named Kananaskis Trail.

M#5121-09: Councillor Cole moved to table the Kananaskis Trail recommendation until verification is received from the Province regarding numbering of highways or roads.

CARRIED UNANIMOUSLY

M#5122-09: Councillor Mitchell moved to accept the Community Development Committee's Civic Addressing and signage recommendations as presented excluding the Kananaskis recommendation. Recommendations accepted include:

- New Passburg addressing as amended
- The roadway and loop throughout the Campbell Heights subdivision be reflected as 26th Avenue
- Better signage on the top of the 17th Avenue and 134th Street hill

CARRIED UNANIMOUSLY

OTHER BUSINESS (Cont'd)

Community Development Recommendations – Policy Review (Leases; Working Alone)

M#5123-09: Councillor Mitchell moved to accept the Working Alone Policy as presented.

CARRIED UNANIMOUSLY

M#5124-09: Councillor Mitchell moved to accept the Signing Authority – Leases Policy as presented.

CARRIED UNANIMOUSLY

Councillor Request to move November Council Meetings

M#5125-09: Councillor Cole moved to hold Council Meetings on November 3rd and November 24th, and a Council Committee Meeting on November 10th.

CARRIED

Coleman Legion – Request for Participation – November 11, 2009

Remembrance Day Services will be attended as follows:

- Mayor Irwin – Community Ceremony – Crowsnest Consolidated High School
- Councillor Cole – Bellevue Legion at 2:00 pm
- Councillor MacLeod – Blairmore Legion
- Councillor Salus – Coleman Legion

Crowsnest Pass Lions Club - Request to Lease

M#5126-09: Councillor Ward moved to accept the Corporate Services Committee's recommendation that Council rent the former Blairmore Seniors Building to the Crowsnest Pass Lions Club, subject to the following conditions:

1. That the former Blairmore Seniors Building be rented at a rate of \$100 per month on a month-to-month basis by way of a standard lease agreement;
2. That the renter provide the necessary support to the foundation on the north east wall of the structure to the satisfaction of the building inspector at no cost to the municipality;
3. That the Municipality continues to pay the insurance premium on the structure.

CARRIED UNANIMOUSLY

OTHER BUSINESS (Cont'd)

2009 Minister's Regional Consultation Sessions

The Lethbridge session will be held on Wednesday, October 14, 2009:

- The Chief Administrative Officer will attend, if two Councillors are not able to attend, in order to question the reason MSI is taking so long to reach the communities, and what will happen to the grant program in future years
- Mayor Irwin – Possibly attending
- Councillor Mitchell - Attending

Council Minutes, Transcripts, Recording Devices

Councillor Ward noted a transcript of part of the last Council Meeting was released, prior to the minutes being passed, and questioned where that is authorized in the Procedural Bylaw. Councillor Ward noted the word “inaudible” appeared 62 times in the transcript which may indicate Council is not speaking loud enough or the recording equipment is not working properly. He questioned if transcripts should be released before they are approved by Council.

- Mayor Irwin felt a policy may need to be established for relaying meeting information to the press and community after resuming the regular meeting after “In Camera” sessions
- Councillor Ward suggested moving “In Camera” earlier in the Agenda
- The Chief Administrative Officer agreed there should be a policy on the release of information, and noted the transcript contains the exact words stated in the Council Meeting, and would not change upon the acceptance of minutes
- The Chief Administrative Officer noted if Council wishes to change the order of business, the Procedural Bylaw can be bought back to Council to deliberation
- Councillor MacLeod felt transcripts should not be released until reviewed by Council
- Councillor Ward requested a policy be reviewed by the Community Development Committee, that the Procedural Bylaw be bought back to Council for review, and Administration look at replacing the recording equipment
- The Chief Administrative Officer noted staff are looking at suggestions for replacing the equipment in the upcoming budget, reiterated that everyone should speak up, and would eventually like to have Council consider individual microphones
- Administration will provide Council with the costs for the different types of recording equipment

BearSmart

M#5127-09: Councillor Ward moved to approve the proposal by Alberta Fish and Wildlife to locate the BearSmart Sign adjacent to the fence across 20th Avenue from the Post Office.

CARRIED

COUNCIL MEMBER REPORTS

Council members provided the following reports:

Councillor Dean Ward

- Women's Resource Center 25th Anniversary
- Harvest of Memories Museum Fundraiser

Councillor Ian MacLeod

- Corporate Services Meeting
- Culture and Recreation Meeting
- Spray Lakes
- Heritage Board Meeting

Councillor Salus

- Chamber After Hours Tour of Devon Canada Plant
- Frank Slide Arts Day
- Library Board Meeting
- Walking Trails Fund Presentation
- Harvest of Memories Museum Fund Raiser
- SRD and Spray Lakes Tour

Councillor Cole

- Turtle Mountain Preplanning Meeting
- SRD and Spray Lakes Meeting

Councillor Mitchell

- York Creek Meeting
- Interpretive Centre Arts Day
- Chain Lake Water Mapping
- Culture and Recreation
- SRD and Spray Lake Tour
- Trails Cheque Presentation
- Women's Resource 25th Anniversary
- Chamber After Hours Tour of Devon Canada Plant
-

Mayor Irwin

- Fall Workshop of Regional AAMDC
- Chaired the Alberta South West Regional Alliance Board Meeting
- Windy Slopes Foundation Dinner
- Combined South West and South East Alberta Mayors and Reeves Meeting in Taber
- Same events as Councillors

BYLAWS

Bylaw No. 782, 2009 – Distribution Tariff Rate Schedules

M#5128-09: Councillor MacLeod moved Second Reading of Bylaw No. 782, 2009.

CARRIED UNANIMOUSLY

M#5129-09: Councillor Cole moved Third and Final Reading of Bylaw No. 782, 2009.

CARRIED UNANIMOUSLY

Bylaw No. 783, 2009 – Short Term Borrowing Bylaw for Capital Infrastructure Expenditures

M#5130-09: Councillor Cole moved First Reading of Bylaw No. 783, 2009.

CARRIED UNANIMOUSLY

M#5131-09: Councillor Cole moved to proceed with Second and Third Readings of Bylaw No. 783, 2009.

CARRIED UNANIMOUSLY

M#5132-09: Councillor MacLeod moved Second Reading of Bylaw No. 783, 2009.

CARRIED

M#5133-09: Councillor Cole moved Third and Final Reading of Bylaw No. 783, 2009.

CARRIED UNANIMOUSLY

PUBLIC INPUT

No questions were presented.

IN CAMERA

M#5134-09: Councillor Cole moved that Council go In Camera at 9:15 pm. to discuss legal, personnel, and land matters.

CARRIED UNANIMOUSLY

RECESS/RECONVENE

Mayor Irwin declared a ten minute break.

Mayor J. Irwin recessed the meeting at 9:15 pm and reconvened at 9:25 pm.

OUT OF CAMERA

M#5135-09: Councillor MacLeod moved that Council come Out of Camera at 10:35 pm.

CARRIED UNANIMOUSLY

Crowsnest Centre Society Notification

M#5136-09: Councillor Ward moved that the Crowsnest Centre Society be notified that their services are no longer required as of December 31, 2009.

A recorded vote was requested

In favor: Councillors Cole, Salus, MacLeod, and Ward
Opposed: Councillor Mitchell, and Mayor Irwin

CARRIED

Crowsnest Centre Society Insurance

M#5137-09: Councillor Ward moved that the Crowsnest Centre Society be removed from the Municipality of Crowsnest Pass' insurance effective as of December 31, 2009.

A recorded vote was requested

In favor: Councillors Cole, Salus, MacLeod, and Ward
Opposed: Councillor Mitchell, and Mayor Irwin

CARRIED

OUT OF CAMERA (Cont'd)

Operational Budget Cap

M#5138-09: Councillor Ward moved that the Municipality hold the operational side of the budget to a 3% increase and to deal with capital expenditures and infrastructure budgets as separate issues from the operational side.

CARRIED UNANIMOUSLY

Mohawk Excavating Lease of Municipal Property

M#5139-09: Councillor Ward moved that Council proceed with the request by Bill Ogertschnig of Mohawk Excavating to lease the portion of municipal property legally described as part of the NW 21-7-3-W5 and east of the MDM facility ball diamonds for the parking of his excavating equipment subject to the following conditions:

1. That an area of up to 1500 square feet be defined in the South East corner of the 1.88 acre parcel to be used for parking
2. That permission to park on the site be granted by way of a standard annual lease with a 30 day termination clause
3. That the annual lease fee be \$365 dollars per year
4. That the area be kept neat and tidy with the grass cut and the snow plowed
5. That the land surface be undisturbed by excavation, but may be graveled to prevent ruts in wet weather
6. That all adjacent landowners within 200 feet of the proposed site be notified of the proposal

CARRIED UNANIMOUSLY

Service Connection on 222 Street - Bellevue

M#5140-09: Councillor Ward moved that Council authorize the necessary water and sewer service connections to be installed in five proposed lots on the north side of 222 Street, Bellevue, while the road is currently open, so that the road does not have to be reopened later to install them; and that Council authorize the preparation of a land use amendment by-law to re-designate that portion of Lot A Plan 386JK adjacent to 222 Street in Bellevue from P-1 Public to R1-A Residential.

CARRIED UNANIMOUSLY

OUT OF CAMERA (Cont'd)

Municipal Land Exchange with Tiegen Enterprises

M#5141-09: Councillor Ward moved that Council proceed with a proposal by Tiegen Enterprises Ltd. to exchange a portion of Lot 15MR Block 5 Plan 8311587 of approximately 470 square meters, for a utility easement and walkway of approximately 320 square meters to service the MDM facility with water and sewer; allowing the developer to service one additional lot in the subdivision with an additional 22 meters of utility and road construction; and that:

1. Council remove the MR designation from that portion of lot 15MR that would be part of the exchange
2. Council enter into an “Endeavor to Assist” agreement to allow the developer to recover some of the cost of the additional servicing in the event that two additional lots are created that would connect to the existing services

CARRIED UNANIMOUSLY

Sale of Municipal Lot to ABC Day Care

M#5142-09: Councillor Ward moved that Council authorize the sale of a public utility lot, approximately 2474 square feet in size, behind ABC Day Care, located at 12726-16 Avenue, Blairmore, to Donna Parkins, owner of the day care subject to the following conditions:

1. That the purchase price be \$3.00 per square foot payable over three years with three equal payments of \$2474 per year
2. That the transaction be secured against the new title of the property by way of a mortgage
3. That the purchaser pay all current survey, legal and subdivision costs associated with this transaction
4. That the property be consolidated with the current title by plan of survey

CARRIED UNANIMOUSLY

In Camera Reports – Moving Earlier in the Agenda

Councillor MacLeod asked Administration to give Council guidance about moving In Camera Reports earlier in the Agenda so that the press can still be here when the In Camera sessions are concluded. Mayor Irwin reminded Council that such an action requires a change to the Procedural Bylaw.

OUT OF CAMERA (Cont'd)

2010 Budget Meetings – Planning Dates

Council agreed to schedule Saturday, November 28th and Sunday, November 29th for full day budget sessions; and agreed that they would begin the process with a budget orientation at the November 10th Committee of the Whole meeting.

ADJOURN

M#5143-09: Councillor MacLeod moved to adjourn the meeting at 10:55 pm.

CARRIED UNANIMOUSLY

JOHN IRWIN
MAYOR

GORDON O. LUNDY
CHIEF ADMINISTRATIVE OFFICER

Minutes edited and approved by LYNNE COX

Lynne Cox, Confidential Secretary