

MUNICIPALITY OF CROWSNEST PASS

TUESDAY, FEBRUARY 16, 2010

A regular meeting of the Council of the Municipality of Crowsnest Pass was held in the Council Chambers on Tuesday, February 16, 2010.

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

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

Also present:

Chief Administrative Officer
Director of Finance and Systems
Community Services Director
Public Works Superintendent
Municipal Tax Assessor
Confidential Secretary

Gordon O. Lundy
Marion Vanoni
Cam Mertz
Ray Mahieux
Glen Snelgrove
Lynne Cox

CALL TO ORDER

Mayor J. Irwin called the meeting to order at 7:00 pm.

PUBLIC HEARING

No Public Hearing was held.

ADOPTION OF AGENDA

ADDITIONS:

In Camera
3. Land

M#5312-10: Councillor Taje moved that the agenda be adopted as amended.

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

M#5313-10: Councillor Ward moved that the minutes of the Regular Council meeting of Tuesday, February 2, 2010 be adopted as written.

CARRIED UNANIMOUSLY

DELEGATIONS

Mayor's Prayer Breakfast – Ray Block

Mr. Ray Block was in attendance to propose hosting a Mayor's Prayer Breakfast.

- Hosted this event successfully in Lethbridge
- The Prayer Breakfast would be hosted by the Christian faith community, and would include the business community and dignitaries of the community
- A time to honor community officials, mayor and councillors
- Opportunity for a prayer of thanks for the work they have done
- Agenda would include:
 - Grace
 - Breakfast
 - Greetings from the business community
 - Prayer for the mayor and honored dignitaries
 - Welcome remarks from the Mayor
 - Singing of O Canada
 - Closing remarks
- With Council's approval, would like to proceed in April
- Will offer tickets at a reasonable price to the community

Mayor Irwin thanked Mr. Block for his presentation.

Crowsnest Mountain Resort – Wolfgang Wendrich & Philip North

Mr. Phil North was in attendance on behalf of Crowsnest Mountain Resort to request an extension for the Development Agreement for Crowsnest Mountain Resort, and to provide a general overview and address questions that have arisen. His comments included:

- The project is still underway, 60% complete, and operating
- In reference to the project not being completed the following information was provided:
 - Water – Original planned source was Mr. Wendrich's own well, but it does not provide sufficient capacity for expansion
 - Looked at other options for water sources including a reservoir and the Sentinel Well
 - Sewer – Pending without knowing the water source
 - Water and sewer line installation in the twenty-four lot subdivision has commenced, is substantially completed, but there are deficiencies and delays
 - There is a dispute between the contractor and the developer before the courts
 - There has been no pressure from the lot owners; feels the lot owners are in no rush to commence construction as only one building plan has been submitted to the developer for approval
 - Economic downturn – Had to decide the best use of existing funds

DELEGATIONS - Crowsnest Mountain Resort – Wolfgang Wendrich & Philip North - Continued

- A one year extension is being requested, and during this time they expect to:
 - Complete the water and sewer lines together with a water source and sewage disposal
 - Install the shallow services – electricity, gas and telephone
 - Possibly complete the road

Mr. North addressed the following legal points arising from the submissions by lot owners to Council:

- Request to change the Restrictive Covenant
 - The Restrictive Covenant is part of the purchase contract and once in place is registered against the land and requires a Court Order to be changed
- Development Agreement
 - The Development Agreement is a contract between the Municipality and the Developer, and any changes are between these parties, not the lot owners

Mr. Wendrich's comments included:

- A reservoir will require an investment of approximately \$200,000.00
- Asphaltting of the road is delayed due to deficiencies in the road not yet repaired by the contractor
- Settling and compacting of the road need to be addressed before asphaltting
- Ditches will be lower than adjacent properties
- Estimated that \$300,000.00 to \$400,000.00 dollars is required to complete the project including the road

Further discussion included:

- Mr. North stated they want to speak to the Planning Commission about changes to the road to eliminate curbs and gutters
- Council discussed funding of the subdivision with Mr. Wendrich

Mayor Irwin thanked the delegation for their presentation.

Bruce Nimmo – Southmore Development

Mr. Bruce Nimmo was in attendance to provide an update on the status of the Southmore development. Mr. Nimmo explained he was the original founder of Southmore, and folded into a company which he is now an employee of and is responsible for the project. His presentation included:

- Southmore is now a part of the IGRI Company
- There is a 1.4 million dollar Letter of Credit with the Municipality
- 90% of the way through servicing; roads, curbs, electrical, and sewer hook ups are installed
- The pump house for the water is approximately 90% complete; requires a series of tests to confirm all systems are working and geotechnical work needs to be done
- Tendering should be going out for the pump house in the next couple of weeks
- Some landscaping remains to be done

DELEGATIONS - Bruce Nimmo – Southmore Development - Continued

Further discussion included:

- The proposed sales office located near the Forestry Office was questioned, and Mr. Nimmo advised the focus on building a sales center has shifted, and the focus is now on building an office building due to the current market
- Imperative to get geotechnical processes completed in May

Mayor Irwin thanked Mr. Nimmo for his presentation.

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:

Miscellaneous Issues

- ▶ Brownlee Law Seminar
- ▶ Mountain Pine Beetle Survey and Control
- ▶ Blairmore Stimulus Project
- ▶ Damaged Water Main Under Crowsnest River to the Lagoons
- ▶ Emergency Site Management Course – Public Works Superintendent Attending
- ▶ Hiring Freeze

Community Services

- ▶ Meeting with Lethbridge College

An update on the Allison Creek Bridge, the bridge across the Crowsnest River at the west end of Willow Drive, and the replacement of the wooden bridge over Lyons Creek was provided.

In reference to questions regarding costs associated with the Allison Creek Bridge, the Chief Administrative Officer will provide Council with costs associated.

In reference to questions regarding the Crowsnest Centre, the Chief Administrative Officer advised that due to the short time frame, the date of March 15, 2010 was allowed for the Crowsnest Centre to remove items sold at the auction, and will inquire as to when the Municipality could expect payment of debts from the Crowsnest Centre Society and provide Council with this information.

Council questioned if the Sikh Retreat organization was made aware of the building's amenities and conditions that will be available in September, and the Chief Administrative Officer advised they are aware and are making provisions for catering, aware rooms will be empty, and that there will be bathroom facilities available.

The Chief Administrative Officer will follow up and notify Council on whether a written contract is in place with the Sikh Retreat organizers.

BUSINESS ARISING FROM THE MINUTES

Delegation Request – Mohawk Excavating Parking

Council requested that the Bylaw Officer investigate to determine if Mohawk Excavating is following the conditions of using an area of up to 1500 square feet for parking.

Concern was expressed over a resident reporting that dump truck boxes are left raised, as this could be a safety issue for children.

The Mayor advised these would be appropriate issues for the Bylaw Officer to review.

It was suggested to review creating a parking bylaw to deal with large trucks and equipment.

CORRESPONDENCE

Sharon Marthaller – New Chair for the Crowsnest Senior Housing Board

Correspondence was received from Sharon Marthaller, Chief Administrative Officer, Crowsnest Pass Senior Housing, to advise that the new Chairperson for the Crowsnest Pass Senior Housing Board is Ms. Pat Lundy. Mr. Nestor Chorney is the Vice-Chairperson.

Honourable Hector Goudreau – Special Funding Request

Correspondence was received from the Honourable Hector Goudreau, Minister of Municipal Affairs, in reference to the Municipality's request for special funding for flood prevention measures on the Crowsnest River in Coleman. Minister Goudreau advised to submit a project application under the MSI Capital Program to enable the ministry staff to better assess the eligibility of the project. The project would be subject to conditions as outlined in the MSI capital guidelines.

Honourable Hector Goudreau – Municipal Sustainability Finding for 2010

Correspondence was received from the Honourable Hector Goudreau, Minister of Municipal Affairs, announcing the availability of the 2010 Municipal Sustainability Initiative capital and operating allocations, program guidelines, and project application forms. The Municipality of Crowsnest Pass' allocation is \$1,910,538.00 which includes capital project funding of \$1,714,617.00, and conditional operating funding of \$195,921.00.

COMMITTEE REPORTS

Governance and Priorities Committee – February 9, 2010

The minutes of the February 9, 2010 Governance and Priorities Committee Meeting were provided for Council's review. The minutes were received as information and will be maintained on file.

M#5314-10: Councillor Ward moved to accept the February 9, 2010 Governance and Priorities Committee Minutes as presented.

CARRIED UNANIMOUSLY

NOTICES OF MOTION

No Notices of Motion were presented.

OTHER BUSINESS

Leave of Absence – Councillor MacLeod

M#5315-10: Councillor Taje moved that Councillor MacLeod be excused with permission from meetings commencing February 17, 2010 to March 17, 2010.

CARRIED UNANIMOUSLY

Crowsnest Mountain Resort – New Street Names

M#5316-10: Councillor Ward moved to accept the proposal presented for renaming the streets at the Crowsnest Mountain Resort which include the street names of Wolfstone Drive and Wolfstone Terrace.

CARRIED UNANIMOUSLY

Spring Cleanup Policy

Council's consensus was in Policy Item 8

“If residential lanes are **10 feet or less** in width, residents **can** put material on the boulevard”

- the word **can** be changed to **will**
- the words **10 feet or less** be replaced with **less than 20 feet**
- The amended sentence should read: “**If residential lanes are 20 feet or less in width, residents will be requested to put the material on the boulevard at the front of the residence.**”

OTHER BUSINESS - Spring Cleanup Policy - Continued

M#5317-10: Councillor Cole moved that vehicles, snowmobiles, motorcycles, and car parts be removed from the Spring Cleanup Policy.

WITHDRAWN

The Public Works Superintendent clarified that cars were taken out of the Spring Cleanup last year, and vehicles are directed to a local salvage company for pick up. Only car parts are picked up.

M#5318-10: Councillor Taje moved to accept the Spring Cleanup Policy as amended.

CARRIED UNANIMOUSLY

Development of Curfew Bylaw

M#5319-10: Councillor Cole moved to accept the Curfew Bylaw.

A recorded vote was requested.

In favor: Councillors Cole, Mitchell, Salus, MacLeod, Ward

Opposed: Councillor Taje
Mayor Irwin

CARRIED

Utility Bylaw Review

The Utility Bylaw will be reviewed under Bylaw section of Agenda.

Advanced Metering Infrastructure

M#5320-10: Councillor Ward moved to accept the letter to the Minister of Energy as presented by Administration and forward it on to the relevant parties.

CARRIED

OTHER BUSINESS - Continued

Municipal Surplus Allocation Questions

M#5321-10: Councillor Ward moved to direct Administration to put a minimum of \$200,000.00 into the 2010 Budget for surplus allocation in order to start rebuilding the reserves.

M#5322-10: Councillor Mitchell moved that any surplus in the electrical department stay in the electrical department for the rebuilding and repair of the system.

DEFEATED

M#5323-10: Councillor Ward moved to direct Administration to put a minimum of \$200,000.00 into the 2010 Budget for surplus allocation in order to start rebuilding the reserves.

M#5324-10: Councillor Cole moved to table the motion to direct Administration to put a minimum of \$200,000.00 into the 2010 Budget for surplus allocation in order to start rebuilding the reserves until the next Council Meeting.

CARRIED

Borrowing Request 17th Avenue Water Loop

The Chief Administrative Officer advised the quote from the contractor is good only until May, and it may take time to receive approval from MSI for grant applications.

The Public Works Superintendent will confirm the date the written quote from the contractor expires for the installation of the 17th Avenue Water Loop in South East Blairmore at the next Council Meeting.

MDM Acoustical Remedy

M#5325-10: Councillor Ward moved to proceed with the recommendation as presented by Administration to reallocate funding (\$11,760) from Pete's Park Project to the MD McEachern Community Centre Acoustic Upgrade as well as \$11,028 from the 2008 CIP Grant and \$10,000 from the Land Reserve, and award the project to ASA Contracting.

CARRIED

OTHER BUSINESS - Continued

Spray Lake Crowsnest Pass Public Advisory Committee Appointment

M#5326-10: Councillor Cole moved to appoint Councillor Larry Mitchell to the Spray Lake Crowsnest Pass Public Advisory Committee Board.

CARRIED UNANIMOUSLY

Senior Housing Board Appointment

M#5327-10: Councillor Cole move to approve the appointment of Sharon Groat as a Community Member at Large to the Crowsnest Pass Senior Housing Board.

CARRIED

COUNCIL MEMBER REPORTS

Council members provided the following reports:

Councillor Ward

- No Report

Councillor MacLeod

- No Report

Councillor Salus

- Teck Coal Line Creek Presentation
- Lethbridge College Meeting

Councillor Cole

- Teck Coal Line Creek Presentation
- Lethbridge College Meeting
- York Creek Lodge Meeting
- Spray Lake Sawmill Meeting

Councillor Mitchell

- Teck Coal Line Creek Presentation
- York Creek Lodge Meeting
- Governance and Priorities Meeting
- Trails Open House
- South West Alberta Trails Meeting
- Spray Lake Sawmill Meeting

COUNCIL MEMBER REPORTS - Continued

Councillor Taje

- No Report

Mayor Irwin

- University of Lethbridge Donor Recognition Meeting
- Teck Coal Line Creek Meeting
- Lethbridge College Meeting
- Mayors and Reeves Meeting
- Mayor's Caucus

BYLAWS

Bylaw No. 786, 2010 – Off-site Levy Bylaw

1. (h) – suggested this item should not identify the “Engineering Report” **dated March 31, 2009**; the “Engineering Report” should only be identified as the **most recent** Crowsnest Pass Off-site levy Report prepared for the Municipality of Crowsnest Pass, deleting reference to any particular report

2. 4 A. Suggested this item should be rephrased to reflect the intention

The Chief Administrative Officer advised the bylaw must be specific in identifying the “Engineering Report” attached to the Bylaw, and therefore the Bylaw must be changed each time off-site levies are reviewed.

M#-5328-10: Councillor Cole moved to table Bylaw No. 786, 2010.

CARRIED

Bylaw No. 787, 2010 – Land Use Amendment – Sharma Property Rezoning

M#-5329-10: Councillor Cole moved First Reading of Bylaw No. 787, 2010.

CARRIED UNANIMOUSLY

Bylaw No. 788, 2010 – Utility Rate Bylaw

M#-5330-10: Councillor Cole moved First Reading of Bylaw No. 788, 2009.

CARRIED

BYLAWS - Bylaw No. 788, 2010 – Utility Rate Bylaw - Continued

M#-5331-10: Councillor MacLeod moved Second Reading of Bylaw No. 788, 2009.

CARRIED UNANIMOUSLY

M#-5332-10: Councillor Mitchell moved Bylaw No. 788, 2009 to Third Reading.

CARRIED UNANIMOUSLY

M#-5333-10: Councillor Mitchell moved Third and Final Reading of Bylaw No. 788, 2009.

CARRIED UNANIMOUSLY

Bylaw No. 789, 2010 – Curfew Bylaw

M#-5334-10: Councillor Cole moved First Reading of Bylaw No. 789, 2010.

CARRIED

M#-5335-10: Councillor Ward moved Second Reading of Bylaw No. 789, 2010.

CARRIED

M#-5336-10: Councillor MacLeod moved to consider Bylaw No. 789, 2010 for Third Reading.

NOT CARRIED

PUBLIC INPUT

Mr. Wolfgang Wendrich requested a copy of the picture of the Fire Truck in Council Chambers. A copy will be provided.

IN CAMERA

M#5337-10: Councillor Ward moved that Council go In Camera at 8:50 pm.

CARRIED

RECESS/RECONVENE

Mayor Irwin declared a recess at 8:50 pm and reconvened at 8:55 pm.

OUT OF CAMERA

M#5338-10: Councillor Mitchell moved that Council come Out of Camera at 9:58 pm.

CARRIED UNANIMOUSLY

M#5339-10: Councillor Ward moved to extend the Wolfstone Development Agreement to April 30, 2010 subject to providing increased security and setting time frames for water, sewer and road construction.

CARRIED

M#5340-10: Councillor MacLeod moved to accept the offer of \$18,186.00 from Mr. Suresh for a portion of Lots 1 and 2, Block 33, Plan 3661I, subject to the condition that he combine the parcel with Lot OT Plan 3661I which is the adjacent road allowance with a fifteen foot easement on top of the bank.

CARRIED

ADJOURN

M#5341-10: Councillor MacLeod moved to adjourn the meeting at 10:00 pm.

CARRIED UNANIMOUSLY

JOHN IRWIN
MAYOR

GORDON O. LUNDY
CHIEF ADMINISTRATIVE OFFICER

Minutes edited and approved by *LYNNE COX*

Lynne Cox, Confidential Secretary