

Council Minutes - Regular Meeting of October 9, 2007

Minutes of the Regular Meeting of the Council of the Town of Fox Creek, scheduled for Tuesday October 9, 2007 at 6:30 P.M. in the Council Chambers with the following being present:

PRESENT:	Mayor:	Leora MacKinnon
	Councillors:	Bernie Hornby Kirk Holtet Paul Marinus Keith Cook
Chief Administrative Officer:		Farrell O'Malley
Director of Operations:		Owen Farnel
Director of Finance:		Florrie MacLeod
Assistant Development Officer:		Cindy Nielson
Director of Community Services:		Catherine Cole
Executive Secretary:		Leslie Thorn

1. CALL TO ORDER

Mayor Leora MacKinnon called the Regular Meeting of Council for Tuesday, October 9, 2007 to order at 6:30 P.M.

2. ADOPTION OF AGENDA

Mayor Leora MacKinnon asked if there were any amendments to the Agenda.

There were two (2) additions to the Agenda:

- 6.1.5 Bylaw 666-2007, Naming Advisory Committee; CAO Farrell O'Malley
- 7.1 Letter from Marvin Moore, Chair, Board of Governors, Peace Country Health; October 1, 2007; CAO Farrell O'Malley

219-07 Councillor B. Hornby moved to adopt the Agenda for the October 9, 2007 Regular Meeting of the Council of the Town of Fox Creek, as amended.

CARRIED UNANIMOUSLY

3. PUBLIC HEARING; REZONING BYLAW 665-2007

Mayor Leora MacKinnon opened the Public Hearing for Rezoning Bylaw 665-2007 at 6:32 P.M.

Assistant Development Officer Cindy Nielson presented Council with Bylaw 665-2007, "Bylaw to amend Land Use Bylaw 665-2007 authorizing the re-zoning of Lot 25, Block 13, Plan 6640 N.Y. to Residential Single Family (Class A) (R-1A) and the Development Permit Application presented by Lyndon Iddings."

Ms. Nielson informed Council the Bylaw 665-2007 received First (1st) Reading at the August 27, 2007 Regular Meeting of Council and that a Public Hearing was initially scheduled for September 9, 2007 however, due to an error in the advertising of the Public Hearing, the Public Hearing was subsequently rescheduled to October 9, 2007.

Ms. Nielson informed Council she had received two (2) inquiries about the Rezoning Bylaw, but after she provided information there were no concerns.

Mayor Leora MacKinnon received one (1) inquiry and after she discussed the Rezoning Bylaw with the individual there were no concerns.

CAO Farrell O'Malley also briefed one citizen on the Rezoning Bylaw and there were no concerns.

Councillor K. Holtet informed Council that the Municipal Planning Commission reviewed the Rezoning Bylaw and had no problems with it.

Mayor MacKinnon invited comments from the Gallery. As no there was no further discussion, Mayor MacKinnon closed the Public Hearing at 6:35 P.M.

4. **MINUTES OF PREVIOUS MEETING**

4.1 Minutes of the Regular Meeting of Council held September 24, 2007.

There was one amendment to the Minutes of the Regular Meeting of Council held September 24, 2007.

7.5 *Letter to Mayor and Council RE: Norm's Planet Burger, September 19, 2007 paragraph 2*

....Mayor Leora MacKinnon met with Ms. Rahal regarding this matter.

220-07 Councillor B. Hornby moved to accept the Minutes of the Regular Meeting of Council held September 24, 2007, as amended.

CARRIED UNANIMOUSLY

5. **DELEGATION**

5.1 **Municipal Peace Officer, Al Carroll**

Peace Officer Al Carroll provided a written Report to Council regarding Bylaw Activities for the Month of September 2007.

Highlights included:

- Monitoring school zone to remind drivers to slow down and use seat belts.
- Addressed five barking dog complaints. A \$50 fine was levied for a second offence.
- Addressed one complaint of quads and dirt bikes tearing up the turf at the end of the airstrip. R.C.M.P. was informed of the complaint.
- Signage for the fire lanes at the Foxwood Inn and the Arena have been addressed.
- Damage to the Tourist Information Centre sign on the weekend of September 8 and 9, 2007 was investigated and Officer Carroll located a vehicle with damage consistent with the damage to the sign. The R.C.M.P. was notified.
- Three abandoned camper units were seized and removed from the Town's RV Park and are being stored at the Public Works yard.
- Letters will be sent to the owners of properties where recreational vehicles are being used as residences in the Industrial Park, advising them this is in contravention of the Land Use Bylaw.
- Three animal control and three traffic tickets were issued during this period.

Officer Carroll updated Council on the last meeting of the Protective Services Committee. The Committee discussed resigning in the Town. The Committee will bring recommendations to Council after their next meeting.

Several Yield signs will be replaced by Stop signs at busy intersections. Flashing Stop signs have been recommended for both entrances into the Town.

Mayor Leora MacKinnon thanked Officer Carroll for his work. Officer Carroll informed Council that he has enjoyed working with Council during the past two years.

CAO Farrell O'Malley asked Council to clarify how they wish Officer Carroll to handle the issue with deliveries to the Grizzly Hotel which block access to the

downtown core. Mr. O'Malley suggested a letter be written to the Grizzly Hotel by Council regarding this matter. Mayor MacKinnon suggested that blocking the downtown core could prevent necessary access for emergency vehicles and agreed that a letter explaining this practice is not acceptable must be written.

221-07 Councillor K. Cook moved that Council direct Administration to write a letter for the Mayor's signature to the Grizzly Hotel requesting their cooperation in this matter.

CARRIED UNANIMOUSLY

6. STANDING COMMITTEES

6.1 Finance, Legislative & Intergovernmental Affairs

6.1.1 Portfolio Chair Report

Nothing to report.

6.1.2 Yellowhead East Community Futures

CAO Farrell O'Malley informed Council he attended the last meeting on September 19, 2007. General business and programs were discussed.

6.1.3 Chamber of Commerce

Councillor B. Hornby informed Council he has not been to a meeting recently because the Chamber of Commerce has been scheduling meetings the same time as Town Council.

6.1.4 Amendment to Resolution 060-07 to Provide for Vote by Special Ballot

Director of Finance Florrie MacLeod discussed the Report to Council from Returning Officer Jamie Stone, regarding the Amendment to Resolution 060-07, which provides for Vote by Special Ballot for the upcoming 2007 Municipal Election as per Section 77.1 (2) of the Local Authorities Election Act. The application for special ballots may be made by any one or more of the following methods:

1. in writing;
2. by telephone;
3. by telecopy;
4. in person;
5. by e-mail.

222-07 Councillor B. Hornby moved that Council amend resolution 060-07 to include the five methods of application for Vote by Special Ballot as per Section 77.1 (2) of the Local Authorities Election Act.

CARRIED UNANIMOUSLY

6.1.5 Bylaw 666-2007, Naming Advisory Committee Bylaw

CAO Farrell O'Malley presented Bylaw 666-2007, Naming Advisory Committee Bylaw to Council for their review.

The Finance, Legislative and Intergovernmental Affairs Committee met to discuss a policy for the Town of Fox Creek that would help to address requests for dedicating Town property as a means to recognize the contributions of individuals to the Town of Fox Creek. The Bylaw 666-2007 was drafted to address this issue.

Mr. O'Malley explained that Council could appoint a Committee charged with reviewing requests of this sort and make recommendations to Council, for their approval.

BYLAW 666-2007 1. a. "The Naming Advisory Committee is hereby established for the purpose of recommending to the Town of Fox Creek Council, the adoption of specific names for:

- (i) *Areas*
- (ii) *Roads*
- (iii) *Parks*
- (iv) *Municipal Facilities”*

223-07 Councillor B. Hornby moved that Council give Bylaw 666-2007 First (1st) Reading.

CARRIED UNANIMOUSLY

224-07 Councillor K. Cook moved that Council give Bylaw 666-2007 Second (2nd) Reading.

CARRIED UNANIMOUSLY

225-07 Councillor P. Marinus moved that Bylaw 666-2007 receive Third (3rd) Reading.

CARRIED UNANIMOUSLY

226-07 Councillor B. Hornby moved that Council give Bylaw 666-2007 Third (3rd) and Final Reading.

CARRIED UNANIMOUSLY

6.1.6 Facility/Development Area Naming Policy 041-2007

CAO Farrell O'Malley provided Council with a written report to respectfully request Council to approve Policy No. P041-2007 (Appendix "A")

The Municipal Naming Policy is being proposed to assist the Municipal Council when requests are made by the public or internal to the organization to name roads, facilities, areas or developments. The Municipal Naming Policy No. 041-2007 outlines the particular Municipal spaces, buildings equipment, signage and the criteria that must be met in order for Council to consider when individuals, groups or organizations should be recognized for their value to the Fox Creek Community.

The policy is based on a similar policy adopted by the Town of Slave Lake and was reviewed by the Finance, Legislative and Intergovernmental Affairs Committee at their September 19, 2007 meeting.

227-07 Councillor B. Hornby moved that Council approve Policy No. 041-2007 as presented.

CARRIED UNANIMOUSLY

6.1 Community Services

6.2.1 Portfolio Chair Report

Nothing to report.

6.2.2 Cultural Services Board

Nothing to report.

6.2.3 Heart River Foundation

Councillor B. Hornby informed Council the Foundation will meet October 25, 2007. There has been no response from the Provincial Government on the Town's application for a grant for Affordable Seniors' Housing.

6.2.4 Municipal Library Board

Councillor B. Hornby informed Council the Municipal Library Board will meet October 24, 2007.

6.2.5 Peace Library Board

Councillor B. Hornby informed Council the Peace Library Board will meet for their annual Christmas Party on November 30, 2007.

6.2.6 Fox Creek Silent Auction Committee

Mayor Leora MacKinnon reviewed a letter from the Fox Creek Playschool Silent Auction Committee requesting a donation for their auction. CAO Farrell O'Malley informed Council that the Town has provided swim passes and/or arena time for this purpose in the past.

228-07

Councillor K. Cook moved that Council approve a donation to the Fox Creek Playschool Auction of arena time and instruct Administration to write the Fox Creek Playschool Silent Auction Committee and inform them of the Town's contribution.

CARRIED UNANIMOUSLY

6.3 Protective Services

6.3.1 Portfolio Chair Report

Councillor K. Cook informed Council the Protective Services Committee met and discussed street signage and the Fire Department's Level of Service Agreement.

6.3.2. Disaster Services Committee

Nothing to report.

6.3.3 Fire Department – Level of Service Agreement

Fire Chief Tim Pratt explained the Draft Fox Creek Fire Department Level of Service Agreement.

The Level of Service Agreement includes the following:

- Firefighting
- Rescue
- Hazmat
- Training
- Equipment

In addition to the Draft Level of Service Agreement, five points were presented to Council for consideration:

- Change of organization name to "Fox Creek Fire Department" and all other documents that apply to the organization.
- Medical co-responder under the rescue section requires training from Peace Country Health. The cost of this course should be the responsibility of Peace Country Health.
- Future talks with the MD of Greenview should include what the MD expects in the mutual aid agreement. To date the MD has only supplied equipment that would allow for Defensive attack for fire fighting.
- A decision in regards to inspection services has to be made as a business need for the Town of Fox Creek. It should be a chargeable service to the customer requesting the service.
- Fire investigation will be done as required either by the Fire Service or outside experts to meet the requirement of the Province of Alberta.

There was discussion with respect to liability issues, updating the Town's Fire Fighting Bylaw, coordination of emergency services, ice rescue and aircraft rescue.

229-07

Councillor K. Cook moved that Council instruct Administration to work with the Fire Department Chief Tim Pratt to draft a new Fire Protection Bylaw.

CARRIED UNANIMOUSLY

6.3.4 Street Signage Update

This issue was covered under Agenda Item 5.1 by Municipal Peace Officer Al Carroll.

6.4 Property Services

6.4.1 Portfolio Chair Report

Nothing to report.

6.4.2 Municipal Planning Commission

Councillor K. Holtet informed Council the Municipal Planning Commission met the previous week and all issues discussed are on the Agenda.

6.4.3 Subdivision and Development Appeal Board

Nothing to report.

6.4.4 Greenview Regional Waste Management Commission

Councillor B. Hornby informed Council the GRWMC met October 9, 2007 at 10:00 A.M. in Valleyview. The GRWMC reviewed water quality studies. A User Agreement was reviewed governing product disposal and hauling routes.

CAO Farrell O'Malley informed Council that Administration was still waiting for the Province to sign and return the amendment to the leasing agreement between the Province and the Town of Fox Creek, which the Town had forwarded over a year and a half ago in order to increase space to allow for the set up of the transfer bins at the transfer station.

Mayor Leora MacKinnon suggested another letter be sent to the Province regarding the Town's offer to purchase crown land. Mr. O'Malley will try to contact Brad Pickering, Assistant Deputy Minister of Sustainable Resource Development by November 1, 2007 to discuss this issue.

6.4.5 Rezoning Bylaw 665-2007; Second and Third Readings

230-07 Councillor K. Holtet moved that give Rezoning Bylaw 665-2007 Second Reading.

CARRIED UNANIMOUSLY

231-07 Councillor P. Marinus moved that Council give Rezoning Bylaw 665-2007 Third and Final Reading.

CARRIED UNANIMOUSLY

6.4.6 Days Inn Development Permit; 070-2007

Assistant Development Officer Cindy Nielson provided a written report to Council to present a Development Permit Application 070-2007 that 0711320 B.C. Ltd. has presented to the Town of Fox Creek for the construction of a 93 suite hotel (Days Inn) in the 2A Subdivision, including the Development Permit Application (Appendix "A"), Usual Development Conditions for Consideration (Appendix "B") and a site map.

The Municipal Planning Commission (MPC) reviewed the Permit. Councillor K. Holtet informed Council that the MPC discussed concerns with traffic and advised there should not be parking on 1st Avenue, Main Street or Kaybob Drive. The MPC suggested the original site for the garbage enclosure be changed and the developer agreed.

CAO Farrell O'Malley added that there had been discussion regarding a suitable location for their signs. Councillor Holtet made the comment that signage would be addressed by the Town's sign Bylaw.

Councillor B. Hornby commented that the development of the Days Inn is a plus for the community.

232-07

Councillor K. Holtet moved that Council approve the application with the recommendations of MPC that no parking be allowed on 1st Avenue, Main Street or Kaybob Drive and that the garbage enclosure shown on the edge of the property at the Kaybob Drive side of the development should be moved to the area around Stall 19 to reduce unsightliness of the area, and the usual development conditions.

CARRIED UNANIMOUSLY

233-07

Councillor K. Holtet moved that Council set the fee for Development Permit Application No. 070-2007 in the amount of \$535.00.

CARRIED UNANIMOUSLY

6.4.7 Memorandum to Council – Norm’s Planet Burger

Assistant Development Officer Cindy Nielson provided Council with a written report to present the Municipal Planning Commission’s (MPC) recommendations in regard to Norm’s Planet Burger.

At the Regular Meeting of Council on September 24, 2007 Council reviewed a letter of request from Norma Rahal in regards to a \$5,000.000 Hard Surfacing deposit on hold at the CIBC Bank for Norm’s Planet Burger Restaurant. Council deferred making a decision until the MPC had the opportunity to review the letter from Ms. Rahal and offer their recommendation on her request to release the \$5,000.00 deposit.

MPC reviewed the request at its September 26, 2007 meeting. Administration reviewed the files of other developments in the area that have the appearance of not being hard surfaced and found there were letters of guarantee on file for some of the developments and that the letters have long since expired. Due to the fact that the Town is not holding any deposits for hard surfacing on other properties in the Town, the MPC recommended that Council release the \$5,000.00 deposit to Ms. Rahal and that the Town work with all of the businesses in the area to come up with an agreeable solution to the hard surfacing problem.

234-07

Councillor B. Hornby moved that Council release the \$5,000.00 deposit for the Hard Surfacing of Norm’s Planet Burger that is on hold at the CIBC bank.

CARRIED UNANIMOUSLY

235-07

Councillor K. Holtet moved that Council direct Administration to provide suggestions to Council that may help address the hard surfacing issue in the downtown area at a future meeting.

CARRIED UNANIMOUSLY

6.4.8 Regional Waterline/Supply Update – Report from DCL Siemens

CAO Farrell O’Malley provided Council with a copy of a letter from DCL Siemens, dated October 5, 2007. DCL Siemens reviewed the groundwater assessment report prepared by Hydrogeological Consultants Ltd. (HCL) for the Town September 17, 2007. The assessment by HCL accounted for all existing Town wells including abandonments and high fluoride producers, Prime West wells, assuming they were available, and test wells if developed. DCL pointed out concerns with HCL’s assessment and made two recommendations:

- the Town obtain ownership and tie in as many Prime West wells as possible for a short term solution and,
- immediately begin assessing other options for a long term solution.

There was discussion with regards to drafting a letter to the Town of Valleyview and the MD of Greenview to discuss a regional solution,

identifying the options and the Town of Fox Creek's preference.

- 236-07** Councillor B. Hornby moved that Council direct Administration to draft letters to the Town of Valleyview and the MD of Greenview inviting them to discuss a regional partnership AND that Administration enter into discussions with Prime West and obtain ownership and tie into their wells.

CARRIED UNANIMOUSLY

6.4.9 Purchase of Replacement Vehicle

Director of Operations Owen Farnel provided Council with a written report regarding the replacement of a Town vehicle that was involved in an accident in August 2007. The Insurance company has settled the claim. The truck was a total loss and after the Town's deductible, the payout was \$6,875.00

Two options were presented to Council.

- 237-07** Councillor K. Holtet moved that Council approved the replacement of the vehicle with a new 2007 F 150 4 X 4 extended cab with full warranty priced at \$32,908.00 and direct the funds to come from the equipment reserve.

CARRIED UNANIMOUSLY

At this point Councillor K. Holtet requested that Administration follow up with the Royal Canadian Legion in Fox Creek regarding their grant from the Town.

7. MAYOR'S CORNER

7.1 Correspondence for Council Information:

- Insight into Government; September 21 & 28, 2007 editions.
- Fox Creek R.C.M.P. Detachment Occurrences; September 21 – 27, 2007.
- Letter from Marvin Moore, Chair, Board of Directors, Peace Country Health; October 1, 2007.

At this point Mayor Leora MacKinnon extended personal thanks to each of the members of Council and Administration during the last three years. She closed with the following:

“Remember, what lies behind us and what lies before us are small matters compared to what lies within us.

May our adversities make us strong. May our victories make us wise. May our actions make us proud.”

Mayor Leora MacKinnon called a brief recess at 7:55 P.M.

Mayor Leora MacKinnon called the meeting back to order at 8:00 P.M.

8. IN CAMERA SESSION

- 238-07** Councillor B. Hornby moved that Council move “In Camera” at 8:02 P.M. and that CAO Farrell O'Malley and the Director of Operations Owen Farnel be invited to attend.

CARRIED UNANIMOUSLY

The Director of Operations Owen Farnel left the meeting at 8:18 P.M.

- 239-07** Councillor K. Holtet moved that Council leave the “In Camera” session at 9:00 P.M.

CARRIED UNANIMOUSLY

RESOLUTIONS MADE BY COUNCIL:

- 240-07** Councillor B. Hornby moved that Council approve moving ahead with the Treated Clear Well Storage Project pending Vanderspoel Construction Ltd.'s agreement to proceed with the project under the original terms, conditions and costs they tendered with the understanding that the Town would cover the \$180,000 funding shortfall outlined by John Engleder of Alberta Infrastructure in his letter dated to the Town of Fox Creek October 5, 2007.
CARRIED UNANIMOUSLY
- 241-07** Councillor K. Holtet moved that Administration draft a policy regarding the location of municipal water and sewer lines that focuses on the Town's operations staff completing the work in accordance with an established fee schedule at a time that is mutually agreeable.
CARRIED UNANIMOUSLY
- 242-07** Councillor K. Holtet moved that Administration defer dealing with the Town's amended Personnel Policies at this time and present the revised policies to the incoming Council for its consideration.
CARRIED UNANIMOUSLY
- 243-07** Councillor B. Hornby moved that Council approve an upset amount of \$3,000 for the development of the Town's Website using The Happy Boy Company to complete the work.
CARRIED UNANIMOUSLY
- 9. ADJOURNMENT**
- 244-07** Councillor K. Holtet moved to adjourn the Regular Meeting of Council for Tuesday, October 9, 2007 at 9:04 P.M.
CARRIED UNANIMOUSLY

Leora MacKinnon
Mayor

Farrell O'Malley
Chief Administrative Officer