

REGULAR COUNCIL MEETING MINUTES
Held on Monday, March 23, 2009 at the
Town of Bowden Administration Building

Call to Order

Mayor Cody Berggren called the meeting to order at 7:06 p.m.

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| PRESENT | Mayor | Cody Berggren |
| | Councillor | Sheila Church |
| | Councillor | Bernice Willsie |
| | Councillor | Lloyd Lane |
| | Councillor | Sandy Gamble |
| | Councillor | Wayne Milaney |

ABSENT NONE

STAFF Lori Conkin, Chief Administrative Officer
Andy Weiss, Manager of Administrative Services

DELEGATIONS Community members for Bylaw 01-2009 Public Hearing

Additions/Deletions to the Agenda & Adoption of the Agenda

Motion 2.a Moved by Councillor Lloyd Lane that Council approves the March 23, 2009 Regular Council Meeting Agenda as presented.

MOTION CARRIED

Adoption of the Previous Minutes

Motion 3.a Moved by Councillor Sheila Church that Council approves the March 9, 2009 Regular Council Meeting Minutes as presented.

MOTION CARRIED

Public Hearings

Mayor Cody Berggren called the meeting to order at 7:06 p.m.

Andy Weiss; Manager of Administrative Services outlines the notices given for this Public Hearing and the general effects if this bylaw is passed. Town of Bowden resident Cory Jasper asks for clarification of Schedule B, Section 2(2) (d). Andy Weiss explains that this section is intended to only address commercial vehicles and that the wording should be changed prior to bylaw passage. Mr. Jasper also expressed concern about Schedule B, Section 2(2) (b)(ii) as his RV unit may not meet the proposed regulations regarding unit setbacks from the curb. Mayor Cody Berggren explains that the proposed RV parking regulations are in place for safety & neighborhood aesthetics. Town of Bowden resident Don Heit asks Council for clarification on existing graveled RV pads. He expresses concern that these will suddenly become illegal. Mr. Weiss outlines that all Land Use Bylaws are fluid documents, meaning that they are revised and updated on a regular basis. Any development that was lawfully constructed and met the criteria of the Land Use Bylaw regulations of the day is considered as being Existing Non-Conforming under new rules and can remain in place until new development occurs and at that time, must meet regulations that are in place at the time of permit application. Town of Bowden resident

Kerry Kelm expressed concern that some residents have more than one RV unit and why can't you park more than one unit in your front yard. He asks if this proposed bylaw addresses safety or does it also address aesthetics. Mayor Berggren explains that the bylaw does address safety as a primary concern, but that neighborhood aesthetics concerns are also being addressed. Mayor Berggren explained that under the present regulations, there are to be no RV units parked in the front yards and that this bylaw is intended to strike a balance between the existing regulations and resident concerns. Mr. Kelm wondered if contravention was addressed at all in the existing regulations. As well, he expressed concern that the proposed fines are expensive and would contradict the small-town atmosphere of Bowden. Mr. Weiss explained that Council and Town of Bowden's Administration have been very proactive in utilizing education as the first tool of bylaw enforcement in the community. Mr. Kelm suggests that the bylaw be amended to reflect this enforcement methodology. Mr. Jasper agrees that the bylaw enforcement staff last year were very good about educating residents about the regulations and giving warnings first prior to any other enforcement actions being taken. He asks Council if exceptions can be made for specific residences relating to RV parking in the front yards as he lives in a Cul-d-Sac. Mayor Berggren outlines that bylaws are intended to serve the entire community and that enforcement is addressed on a case by case basis. Mayor Berggren thanks the members of the public who attended the Public Hearing. He explains that this proposed bylaw is not cast in stone. Council takes the comments received tonight into serious consideration and the bylaw can be revised, taking into account these comments prior to passage.

Mayor Cody Berggren closes the Public Hearing at 7:47 p.m.

Mayor Cody Berggren calls for a short break at 7:47 p.m.

Mayor Cody Berggren calls the Council Meeting back to order at 8:07 p.m.

Business Arising Out of the Minutes

Item 6.a Council Donation to the Innisfail Community Bus Society

Mayor Cody Berggren welcomes Heather Taylor, President of the Innisfail Community Bus Society to the meeting. He outlines that Council is pleased to be able to provide a donation of \$20,000.00 towards the purchase of a new bus. Various residents of Bowden have utilized the Innisfail Community Bus for years and this is a very worthwhile project.

Heather Taylor states that at the last Council meeting that she attended, Town of Bowden Council members asked that consideration be given to naming the bus as the Innisfail and District Community Bus as the new name would more accurately reflect the actual usage of it. Ms. Taylor is pleased to be able to announce that the Innisfail Community Bus Society has decided to support the new name. She thanks Council for their donation and indicates that they are getting closer to their target financial goals for the bus purchase.

Bylaws & Policies

Item 8.a Bylaw 01-2009 (Land Use Bylaw Amendment # 9)

Council members expressed that it was nice to see a good turnout by community members for the Public Hearing relating to this bylaw. Amending the bylaw to specifically identify a written warning as the first step in addressing bylaw infractions is necessary. Council members support the following amendments to the bylaw:

1. Change the wording of Schedule B, Section 2(2)(d) as follows: Other than one tractor truck unit which may be parked in a rear yard, no commercial motor vehicle exceeding 5,897 kg (13,000 lbs GVW) or commercial trailer exceeding 6.5 m (21.3ft) in length may remain or be parked in a residential district for longer than is necessary to load or unload.
2. Change Schedule D: Specified Penalties for Offences under the Land Use Bylaw as follows:
 - First Offence: Written Warning*
 - Second Offence: \$250.00*
 - Third Offence: \$500.00*
 - Fourth Offence: \$1,000.00*

Motion 8.a.i Moved by Councillor Bernice Willsie that Council gives Second Reading to Bylaw #01-2009 (Land Use Bylaw Amendment # 9) as amended. **MOTION CARRIED**

Motion 8.a.ii Moved by Councillor Sandy Gamble that Council gives Third and Final Reading to Bylaw #01-2009 (Land Use Bylaw Amendment # 9). **MOTION CARRIED**

Item 8.b Bylaw 04-2009 (To Rescind Bylaw 11/2007 & Bylaw 002/2008)

Andy Weiss outlined that this bylaw will rescind two bylaws, both of which identify utility rates in Schedule A of the Rate Bylaw # 03/2007. Section 3 of this bylaw states that the Schedules attached to the Rate Bylaw may be modified and amended from time to time, as Council desires, by a resolution of Council. As such, in preparation for proposed rate changes to Schedule A – Utility rates, these bylaws must be rescinded to avoid duplication of rates.

Motion 8.b.i Moved by Councillor Sheila Church that Council gives First Reading to Bylaw #04-2009 (To Rescind Bylaw 11/2007 & Bylaw 002/2008). **MOTION CARRIED**

Motion 8.b.ii Moved by Councillor Lloyd Lane that Council gives Second Reading to Bylaw #04-2009 (To Rescind Bylaw 11/2007 & Bylaw 002/2008). **MOTION CARRIED**

Motion 8.b.iii Moved by Councillor Wayne Milaney that Council grants unanimous consent for Third and Final Reading to Bylaw #04-2009 (To Rescind Bylaw 11/2007 & Bylaw 002/2008). **MOTION CARRIED UNANIMOUSLY**

Motion 8.b.iv Moved by Councillor Bernice Willsie that Council gives Third and Final Reading to Bylaw #04-2009 (To Rescind Bylaw 11/2007 & Bylaw 002/2008). **MOTION CARRIED**

Item 8.c Bylaw 03/2007 Schedule “A” – Utility Rates

Motion 8.c Moved by Councillor Lloyd Lane that Council approves the attached Schedule “A” – Utility Rates of Bylaw 03/2007. **MOTION CARRIED**

Item 8.d Personnel Policy 12-05 (Schedule A revision)

Motion 8.d Moved by Councillor Lloyd Lane that Council approves the attached Schedule “A” – revision to the Town of Bowden Personnel Policy 12-05. **MOTION CARRIED**

Item 10 Correspondence & Information

a) March 18, 2009 Municipal By-Election results

Andy Weiss, Town of Bowden Returning Officer announces to Council the following By-Election results:

- Earl Wilson – 53 Votes (Declared Elected)
- Robb Stuart – 51 Votes
- Allison Lund – 23 Votes

Motion 10 Moved by Councillor Sheila Church that Council receives the attached correspondence for information.

MOTION CARRIED

Mayor Cody Berggren calls for a short break at 8:49 p.m.

Mayor Cody Berggren calls the Council Meeting back to order at 8:55 p.m.

Item 11 Committee of the Whole

Moved by Councillor Lloyd Lane that in accordance with Section 197(2) of the Municipal Government Act, the Council meeting go temporarily in camera to discuss a legal issue at 8:55 p.m.

Moved by Councillor Sandy Gamble that the Council meeting come out of camera at 9:15 p.m.

Adjournment

Motion 12 Moved by Councillor Sheila Church that the March 23, 2009 Regular Council Meeting adjourns at 9:15 p.m.

MOTION CARRIED

Mayor Cody Berggren

Lori Conkin, Chief Administrative Officer