

TOWN OF CRESTON
REGULAR COUNCIL MEETING MINUTES - FEBRUARY 28, 2005

Minutes of a Regular Meeting of Council held on Monday, February 28, 2005 at 6:30 p.m. in the Town of Creston Council Chambers, 238 - 10th Avenue, North.

- PRESENT:** Mayor Snopek
Councillors Folkman, Lavender, Mueller, Sadler, Thomas, Vondracek
Wm. F. Hutchinson, Chief Administrative Officer
Gwen Mason, Director of Corporate Administration
- MEDIA** Lorne Eckersley, Creston Valley Advance
- GALLERY:** Ten members of the public
- CALL TO ORDER** The Mayor called the Regular Meeting to order at 6:30 p.m.
- 126-05
MOVE TO CLOSED MEETING Moved by Councillor Sadler, seconded by Councillor Vondracek
THAT by authority of the Community Charter, this meeting is closed from the public and/or news media pursuant to Sub-Section 90(1)(c) and (k).
CARRIED
- RECONVENE** The Regular Meeting reconvened at 7:00 p.m.
- 127-05
AGENDA Moved by Councillor Thomas, seconded by Councillor Sadler
THAT the Agenda for the Regular Meeting of February 28, 2005, be adopted.
CARRIED
- INVOCATION** Reverend Harry Habershtock, Redeemer Lutheran Church, delivered the Invocation.
- 128-05
MINUTES Moved by Councillor Vondracek, seconded by Councillor Mueller
THAT the minutes of the Regular Meeting held February 14, 2005, be adopted.
CARRIED
REGULAR FEB.14
- 129-05
COMMITTEE Moved by Councillor Lavender, seconded by Councillor Sadler
THAT the minutes of the Regular Committee Meeting held February 21, 2005, be received.
CARRIED
FEB. 21ST
- 130-05
CORRESPONDENCE FOR INFORMATION Moved by Councillor Folkman, seconded by Councillor Sadler
THAT Ltr #278 from the Director of Corporate Administration, listing Correspondence for Information, be received and filed for information.
CARRIED
- 131-05
FINANCE WARRANTS Moved by Councillor Folkman, seconded by Councillor Sadler
THAT Finance Warrant No. 7 in the amount of \$24,843.91 and No. 8 in the amount of \$90,166.96, be received.
CARRIED
7 AND 8
- COUNCIL COMMITTEE** Moved by Councillor Vondracek, seconded by Councillor Sadler
THAT Council Committee Recommendations 1 to 4, from the February 21, 2005 Regular Committee Meeting, be adopted as follows:
RECOMMENDATION NO. 1:
THAT Ltr #227 from the Canadian Association of Municipal Administrators, regarding submissions for the 2005 Awards of Excellence for Municipal Workplace Literacy Achievement, be received; AND FURTHER, THAT Administration forward a copy of Ltr #227 to Ms. Linda Steward, Co-ordinator, Creston Community Planning Committee, Literacy Now, for information and nominations, if any.
- SPECIAL ADVISOR REPORT RE SCHOOL DIST. #8 DEFICIT & REPAYMENT ISSUES** **RECOMMENDATION NO. 2:**
THAT Ltr #234 from Fleming Consulting Ltd., being a "Report of the Special Advisor Concerning Deficit and Repayment Issues in School District No. 8 (Kootenay Lake)"; be received and filed for information.
- MOT REST AREA & INFO. KIOSK PROGRAM** **RECOMMENDATION NO. 3:**
THAT Ltr #192 from Patrick Spinks, regarding the Ministry of Transportation Rest Area Information Kiosk Program, be received; AND FURTHER, THAT Administration forward a copy of Ltr #192 to the Creston Valley Community Economic Development Society.

☞ DRAFT AGT. RE
CAEDS

RECOMMENDATION NO. 4:

THAT Ltr #214 from the Regional District of Central Kootenay, requesting review and comments on the draft agreement between the Regional District and the Creston Area Economic Development Society, be received; AND FURTHER, THAT the Chief Administrative Officer request representatives of the Regional District of Central Kootenay meet with Council to discuss terms of the draft agreement between the Regional District and the Creston Area Economic Development Society. **CARRIED**

GENERAL GOV'T
133-05
☞ FEBRUARY 21ST
RECOMMENDATIONS
☞ RURAL
COMMUNITIES
SUMMIT

Moved by Councillor Folkman, seconded by Councillor Lavender
THAT General Government and Finance Committee Recommendations 5 to 8, from the February 21, 2005 Regular Committee Meeting, be adopted as follows:

RECOMMENDATION NO. 5:

THAT Ltr #218 from the City of Merritt, regarding the 3rd Annual Rural Communities Summit, be received; THAT Mayor Snopek is authorized to attend the 3rd Annual Rural Communities Summit, to be held in Merritt, BC from June 16th to 18th, 2005, with expenses paid as per Policy; AND FURTHER, THAT Administration forward a copy of Ltr #218 to the Creston Valley Community Economic Development Society, for information.

☞ NATIONAL DENIM
DAY

RECOMMENDATION NO. 6:

THAT Ltr #247 from the CURE Foundation, requesting participation in National Denim Day on May 10th, 2005, and a donation to assist with the fight against breast cancer; be received and filed for information.

☞ AKBLG ANNUAL
GENERAL MTG. &
CALL FOR
RESOLUTIONS

RECOMMENDATION NO. 7:

THAT Ltr #101 from the Association of Kootenay and Boundary Local Governments, regarding notice of the Annual General Meeting and a second call for resolutions; be received and filed for information.

☞ APPOINTMENT OF
2005 ELECTION
OFFICIALS AND
WAGES

RECOMMENDATION NO. 8:

THAT Ltr #149 from the Director of Corporate Administration, regarding the November 19th, 2005 Local Government Election and the request for appointment of the Chief Elections Officer and Deputy Elections Officer, be received; AND FURTHER, THAT Gwen Mason be appointed Chief Elections Officer and Donna Cassel be appointed Deputy Elections Officer for the 2005 Local Government Election, with salaries as outlined in Ltr #149, which is attached to and forms a part of these minutes as Appendix "I". **CARRIED**

134-05
☞ RQST DONATION
CV BUS. ASC.

Moved by Councillor Folkman, seconded by Councillor Mueller
THAT Ltr #251 from Sue Thomas, Creston Valley Business Association, requesting a donation towards the 2005 Home and Garden Show, be received; AND FURTHER, THAT Administration forward 100 Lapel pins, 1 hat and 1 shirt to the Creston Valley Business Association for their 2005 Home and Garden Show. **CARRIED**

135-05
☞ UBCM ENVIRON-
MENT CONFERENCE

Moved by Councillor Folkman, seconded by Councillor Sadler
THAT Ltr #263 from the Union of BC Municipalities, regarding the registration deadline for the UBCM Environment Conference on March 3rd and 4th, be received and filed for information. **CARRIED**

136-05
☞ RQST FOR OFFICE
SPACE (138 10TH AVE)

Moved by Councillor
THAT Ltr #271 from Jim Steen, Creston Community Radio, regarding approval and licensing to operate at 97.7 FM and a request to occupy office space at 138 - 10th Avenue, be received; AND FURTHER, THAT the Chief Administrative Officer research available office space and report back to Council on same. **CARRIED**

137-05
☞ BC COMMUNITY
WATER
IMPROVEMENT
PROGRAM FUNDING

Moved by Councillor Folkman, seconded by Councillor Sadler
THAT Ltr #275 from the Chief Administrative Officer, requesting authorization to apply for BC Community Water Improvement Program funding, for (1) Town of Creston "Water Treatment System for Well Water"; and (2) Town of Creston "Alice Siding Trunk Sewer", be received; AND FURTHER, THAT Administration is authorized to forward applications for funding, to the BC Community Water Improvement Program for (1) Town of Creston "Water Treatment System for Well Water"; and (2) Town of Creston "Alice Siding Trunk Sewer". **CARRIED**

138-05 Moved by Councillor Folkman, seconded by Councillor Sadler
 UBCM RESOLUTION THAT Ltr #277 from the Union of BC Municipalities, regarding process and
 SUBMISSIONS procedures for submitting Resolutions to the annual UBCM Convention, be
 received and filed for information. CARRIED

LAND USE Moved by Councillor Mueller, seconded by Councillor Vondracek
 139-05 THAT Land Use Committee Recommendations 9 and 10, from the February 21,
 FEBRUARY 21ST 2005 Regular Committee Meeting, be adopted as follows:
 RECOMMENDATION NO. 9:
 ALR APPLICATION THAT Ltr #230 from the Agricultural Land Commission, regarding arrangements
 #F-35839 for a meeting to review Application #F-35839, to remove District Lots 16037 and
 10772, Kootenay District, from Agricultural Land Reserve designation; be
 received and filed for information.

DEVELOPMENT **RECOMMENDATION NO. 10:**
 COST CHARGE THAT the Chief Administrative Officer contact Dayton & Knight to prepare a
 STUDY Development Cost Charge Study for vacant land north of Fortis, and vacant
 lands between 16th and 20th Avenues, below Devon Street. CARRIED

DVP-02/05 HEARING Councillor Mueller asked for comments from the public, regarding DVP-02/05 to
 (CUL-DE-SAC AT 1146 vary Part B - Highways, Subsection 2(2) of Works and Services Bylaw 1170, by
 & 1152 HWY 21) increasing the length of a cul-de-sac from 150 metres (492 feet) to 250.5 metres
 (822 feet), for the properties legally described as Lots 1 & 2, District Lot 9554,
 Kootenay District, Plan NEP73550 (1146 & 1152 Hwy 21), and the following
 comments were received:

- 1) Janet Holder of 1218 Hilton Street
 - live on the corner of Hilton Street and Hwy 21;
 - questioned notice given for the rezoning to R-1 Single family and was advised that property has been zoned R-1 for a long time. Notice was given in July 2002 for the rezoning from R-1 to P-1 Community Use, for a portion of the said property;
 - concerned about safety as the access is currently too narrow;
 - increased traffic to 14 lots will only increase the risk of an accident;
 - increases the density by 50%;
 - will the access accommodate emergency fire protection; and
 - infrastructure should be in place prior to approving this subdivision.
- 2) Helen McMichael of 1214 Hwy 21
 - distributed photos to Council and read from prepared text, which is attached to and forms a part of these minutes as Appendix "1";
 - explained the access issues and the need to improve roads prior to approving this subdivision; and
 - concerned about safety.
- 3) Mr. Stewart of 1210 Hwy 21
 - questioned the time frame for upgrading the access road and was advised that the upgrades must occur prior to obtaining a building permit which could be a year or two; and
 - questioned maintenance of the road and was advised that the Town will maintain the road.
- 4) Mrs. Stewart of 1210 Hwy 21
 - owners have been working on the subject property for two years now with no maintenance to the access;
 - questioned the owner's on maintenance to the access road and were told to live with it;
 - questioned Administration on when the access road would be paved and was advised that the upgrades must occur prior to obtaining a building permit; and
 - questioned Administration on ensuring the road is up upgraded first and was advised the Town will stop construction if the road is not upgraded.

The Chief Administrative Officer reported that the property has been R-1 Single Family Residential for some time now; we can't stop development; and the intersection will need review for stop signs, etc.

Councillor Mueller asked for further comments from the public and there were none.

- 140-05
 ☞ DVP-02/05
 (CUL-DE-SAC AT 1146 & 1152 HWY 21)
 ☞ APPROVED
- Moved by Councillor Mueller, seconded by Councillor Lavender
 THAT further to the receipt of public submissions, Council authorizes issuance of Development Variance Permit DVP-02/05 to Mr. & Mrs. Loetkeman and Mr. & Mrs. Friesen, to vary Part B - Highways, Subsection 2(2) of Works and Services Bylaw 1170, by increasing the length of a cul-de-sac from 150 metres (492 feet) to 250.5 metres (822 feet), for the properties legally described as Lots 1 & 2, District Lot 9554, Kootenay District, Plan NEP73550 (1146 & 1152 Hwy 21); AND FURTHER, THAT Administration is directed to process the said Permit.
- 141-05
 ☞ DVP-03/05
 (SIGN AT 1023 IBBITSON ST)
 ☞ APPROVED
- Moved by Councillor Mueller, seconded by Councillor Vondracek
 THAT further to no receipt of public submissions, Council authorizes issuance of Development Variance Permit DVP-03/05 to Susan Schafer for the property legally described as Lot A, District Lot 891, Plan 19273 (1023 Ibbitson Street), to vary ,the provision of Sign Development and Regulations Bylaw 1581, Section 6.12(e), by increasing the maximum size of a home occupation sign from 5,575 cm² to 7,432 cm²; AND FURTHER, THAT Administration is directed to process the said Permit. CARRIED
- 142-05
 ☞ DVP-04/05
 (SIGNS AT 132 NW BLVD)
 ☞ APPROVED
- Moved by Councillor Mueller, seconded by Councillor Vondracek
 THAT further to no receipt of public submissions, Council authorizes issuance of Development Variance Permit DVP-04/05 to Creston Brake & Muffler, for the property legally described as Lot 1, District Lot 525, Kootenay District Plan 60508 (132 Northwest Boulevard), to vary the provision of Sign Development and Regulations Bylaw 1581, Section 6.10(d), by increasing the number of fascia signs on a business frontage from a maximum of three (3) to a maximum of five (5); AND FURTHER, THAT Administration is directed to process the said Permit. CARRIED
- 143-05
 ☞ DVP RQST
 (FRONTAGE AT 1621 MURDOCH ST)
 ☞ PROCEED
- Moved by Councillor Mueller, seconded by Councillor Lavender
 THAT Ltr # 253 from William G. Brown, requesting a Development Variance Permit for the property located at 1621 Murdoch Street, be received; THAT Council will consider issuance at the Regular Meeting to be held on March 14, 2005, of Development Variance Permit DVP-05/05 to vary Zoning Bylaw 1123, Section R-1 Single Family Residential, 2.5 Minimum Frontage, from the required 15 metres (49.22 feet) to 13.168 metres (43.20 feet), for the property legally described as Lot 3, District Lot 891, Kootenay Land District, Plan NEP20088, Except Plan NEP20918 and NEP22001 (1621 Murdoch Street), as the current frontage onto Alder Street will be lost with the pending subdivision of the south portion of the said property; AND FURTHER, THAT Administration is directed to proceed with the required public notice for this application. CARRIED
- 144-05
 ☞ DVP RQST
 (SIGN AT 1204 NW BLVD)
 ☞ REJECTED
- Moved by Councillor Mueller, seconded by Councillor Vondracek
 THAT Ltr # 267 from Cecil Barter, Lighthouse Lighting, requesting a Development Variance Permit for the property located at 1204 Northwest Boulevard, be received; THAT Council will consider issuance, at the Regular Meeting to be held on March 14, 2005, of Development Variance Permit DVP-6/05 to vary the provision of Sign Development and Regulations Bylaw 1581, Section 3.4(a) *No person shall erect, construct, place, alter, paint or post: (a) a sign with flashing, oscillating or moving lights;* to allow a rotating light within a freestanding lighthouse sign, to be located on the property legally described as the South ½ of Parcel A (Reference Plan 62847I), Lot 16, District Lot 892, Kootenay District, Plan 698, except part included in Plan R255, (1204 Northwest Boulevard); AND FURTHER, THAT Administration is directed to proceed with the required public notice for this application. DEFEATED
- PARKS, YOUTH AND CULTURE**
- 145-05
 ☞ FEBRUARY 21ST RECOMMENDATIONS
 ☞ RQST WAIVE MILLENNIUM PARK BOOKING FEE (CV GARDEN FESTIVAL)
- Moved by Councillor Lavender, seconded by Councillor Vondracek
 THAT Parks, Youth and Culture Committee Recommendations 11 to 14, from the February 21, 2005 Regular Committee Meeting, be adopted as follows:
RECOMMENDATION NO. 11:
 THAT Ltr #216 from Lea Brocklesby, Creston Valley Garden Festival Chair, requesting the Millennium Park booking fee be waived, and extension of time limits from 4 to 15 hours, to accommodate a 6:00 a.m. to 9:00 p.m. booking by the Creston Valley Garden Festival on July 9th, 2005, be received; AND FURTHER, THAT Administration advise the Creston Valley Garden Festival that Council waives the Millennium Park booking fee and extends the permitted time limits from 4 to 15 hours (6:00 a.m. to 9:00 p.m.), for their Creston Valley Garden Festival to be held on July 9th, 2005.

- ☞ RQST REPAIRS TO WATER STAND-PIPE (COMM. GARDEN) **RECOMMENDATION NO. 12:**
THAT Ltr #228 from Dianne Grant, requesting repairs to a water stand-pipe in the Community Garden on 11th Avenue North, be received; AND FURTHER, THAT the Chief Administrative Officer follow up on repairs required to the water stand-pipe located in the Community Garden on 11th Avenue North.
- ☞ CANADA DAY YOUTH AWARD NOMINATIONS **RECOMMENDATION NO. 13:**
THAT Administration place an ad in the Creston Valley Advance, soliciting nominations for the Canada Day Youth Award.
- ☞ 801 VANCOUVER ST.; SPRAY FREE ZONES; AND POST OFFICE CLOCK **RECOMMENDATION NO. 14:**
THAT Ltr #213, being issues from the February 9th, 2005 Community Pride Meeting, i.e. Yard & Garden Show, non-profit group profile, 1133B Canyon Street, white grain elevator, 801 Vancouver Street structure, spray free zone and the clock on the Post Office building, be received; THAT the Chief Administrative Officer write the owner of property located at 801 Vancouver Street, regarding safety of the structure; THAT Administration survey other orchard communities regarding spray free zones; AND FURTHER, THAT Councillor Vondracek contact Mr. Tony Mulder regarding repairs to the clock on the Post Office building. **CARRIED**
- PROTECTION AND POLICING**
146-05
☞ FEBRUARY 21ST RECOMMENDATIONS
☞ COMMUNITY WILDFIRE FUNDING
147-05
☞ THANK YOU LTR
148-05
☞ ANIMAL CONTROL SERVICES
149-05
☞ FEBRUARY 21ST RECOMMENDATIONS
☞ TRASH TO TREASURE EVENT
☞ WATER CONSERVATION
☞ BC COMMUNITY WATER IMPROVEMENT PROGRAM
- Moved by Councillor Vondracek, seconded by Councillor Sadler
THAT Protection and Policing Committee Recommendation No. 15, from the February 21, 2005 Regular Committee Meeting, be adopted as follows:
RECOMMENDATION NO. 15:
THAT Ltr #236 from the Union of BC Municipalities, regarding available funding for 2005 Community Wildfire Protection Plans; be received and filed for information. **CARRIED**
- Moved by Councillor Vondracek, seconded by Councillor Sadler
THAT Ltr #270 from the Kootenay Community Centre Society, thanking Council for funding the 'Older Women's Safe Home', Provincial pilot project and noting Creston's recognition as a featured community based on self funding, its foresight and can do attitude, be received and filed for information. **CARRIED**
- Moved by Councillor Vondracek, seconded by Councillor Sadler
THAT Ltr #272 from the Technical Planning Committee, regarding no responses being received for the Request for Proposals for Animal Control; and further, keeping the Animal Control Services in-house with the Bylaw Enforcement Officer, be referred to the Protection and Policing Committee for further review and recommendation. **CARRIED**
- Moved by Councillor Sadler, seconded by Councillor Folkman
THAT Utilities and Cemeteries Committee Recommendations 16 to 18, from the February 21, 2005 Regular Committee Meeting, be adopted as follows:
RECOMMENDATION NO. 16:
THAT Ltr #238 from the Regional District of Central Kootenay, requesting participation in a Trash to Treasure event on April 23rd, 2005, be received; AND FURTHER, THAT Administration advise the Regional District of Central Kootenay that the Town of Creston will participate in a Trash to Treasure event on April 23rd, 2005.
- RECOMMENDATION NO. 17:**
THAT Ltr #106 from the Chief Administrative Officer, regarding water conservation practices and goals; be received and filed for information.
- RECOMMENDATION NO. 18:**
THAT Ltr #171 from the Ministry of Community, Aboriginal and Women's Services, regarding funding from the BC Community Water Improvement Program, for projects that improve drinking water and waste water management, be received; AND FURTHER, THAT the Director of Municipal Services is authorized to make application under the BC Community Water Improvement Program, for funding assistance with the Town's water meter program. **CARRIED**

- REGIONAL DISTRICT DIRECTOR**
150-05
GRANT RQST (ARES)
Moved by Councillor Vondracek, seconded by Councillor Sadler THAT Ltr #256 from Adam Robertson Elementary School, Grade 6 and 7 classes, requesting a donation to assist with the cost of a field trip to Calgary on May 25th and 26th, be received; AND FURTHER THAT the Regional District Director be authorized to allocate a grant-in-aid in the amount of \$300 to Adam Robertson Elementary School, to assist the Grade 6 and 7 classes with the costs of a field trip to Calgary, this Spring; and further, that a report on their trip, be provided to Council. CARRIED
- 151-05
GRANT RQST (CV MINOR BASEBALL)
Moved by Councillor Thomas, seconded by Councillor Vondracek THAT Ltr #266 from Creston Valley Minor Baseball, requesting a grant-in-aid to assist with 2005 league expenses, be received; AND FURTHER THAT the Regional District Director be authorized to allocate a grant-in-aid in the amount of \$400 to Creston Valley Minor Baseball, to assist with 2005 league expenses. CARRIED
- BYLAWS**
152-05
BYLAW 1463 (3RD READING)
Moved by Councillor Sadler, seconded by Councillor Folkman THAT third reading of Development Cost Charges Bylaw 1463, be TABLED. CARRIED
- 153-05
SPECIAL MEETING
Moved by Councillor Thomas, seconded by Councillor Lavender THAT a Special Meeting be held on Monday, March 7, 2005 at 11:00 a.m. to deal with Development Cost Charges Bylaw 1463. CARRIED
- 154-05
BYLAW 1615 (ADOPTION)
Moved by Councillor Thomas, seconded by Councillor Mueller THAT Officers and Employees Amendment Bylaw 1615, be adopted. CARRIED
- 155-05
BYLAW 1616 (ADOPTION)
Moved by Councillor Sadler, seconded by Councillor Vondracek THAT Indemnification of Municipal Officials Bylaw 1616, be adopted. CARRIED
- NEW BUSINESS:**
156-05
LTR OF SUPPORT
Moved by Councillor Lavender, seconded by Councillor Mueller THAT Mayor Snopek forward a letter to Health Canada in support of Interior Health's Development Assets for Youth Proposal. CARRIED
- REPORTS OF REP'S**
CLR VONDRACEK
Councillor Vondracek reported on his attendance at the Chamber of Commerce and Blossom Festival meetings.
- CLR MUELLER
Councillor Mueller reported on his attendance at the Cherry Growers' meeting.
- CLR LAVENDER
Councillor Lavender reported on his attendance at the Trails , FACIT and Community Pride meetings, as well he reported that a delegation will be coming from Kaminoho, again this summer.
- CLR FOLKMAN
Councillor Folkman reported on his attendance at the IHA, Pioneer Villa; Kootenay/Creston Foundation and Cherry Growers' meetings, as well he reported on the Solicitor General's visit.
- MAYOR SNOPEK
Mayor Snopek reported on the AKBLG convention planning; BC Community Forest, RCMP Detachment and Cherry Growers' meetings.
- 157-05
RECEIVE REPORTS
Moved by Councillor Thomas, seconded by Councillor Vondracek THAT the verbal Reports of Representatives, be received for information. CARRIED
- GIVING OF NOTICES**
1. Committee Meetings (1st & 3rd Mondays) (**March 7th & 21st**)
2. Council Meetings (2nd & 4th Mondays) (**March 14th & 29th (Tues.)**)
3. April 14 to 16, 2005 - AKBLG Annual General Meeting - Invermere
4. April 18th - Budget Meeting after Committee Meeting (lunch served)
5. April 21st - Cherry Pickers meeting at 2:00 p.m.
- 158-05
ADJOURNMENT
Moved by Councillor Thomas, seconded by Councillor Folkman THAT the Regular Meeting of February 28, 2005, be adjourned at 8:32 p.m. CARRIED

CERTIFIED CORRECT:

Mayor Joe Snopek_____
Deputy or Director of Corporate Administration