

TOWN OF CRESTON
REGULAR COUNCIL MEETING MINUTES - MAY 9, 2005

Minutes of a Regular Meeting of Council held on Monday, May 9, 2005 at 6:30 p.m. in the Town of Creston Council Chambers, 238 - 10th Avenue, North.

- PRESENT:** Mayor Snopek
Councillors Folkman, Lavender, Mueller, Thomas, Vondracek
Wm. F. Hutchinson, Chief Administrative Officer
Gwen Mason, Director of Corporate Administration
- ABSENT:** Councillor Sadler
- MEDIA** Lorne Eckersley, Creston Valley Advance
- GALLERY:** Marlene Nash and Francis Peace, Business Licence Hearing
90 members of the public
- CALL TO ORDER** The Mayor called the Regular Meeting to order at 6:30 p.m.
- 286-05
MOVE TO CLOSED MEETING Moved by Councillor Mueller, 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.
- 287-05
AGENDA Moved by Councillor Folkman, seconded by Councillor Mueller
THAT the Agenda for the Regular Meeting of May 9, 2005, be adopted.
CARRIED
- 288-05
MINUTES Moved by Councillor Mueller, seconded by Councillor Thomas
THAT the minutes of the Regular Meeting held April 25, 2005, be adopted.
CARRIED
☞ REGULAR MTG
APRIL 25TH
- 289-05
SPECIAL MTG Moved by Councillor Vondracek, seconded by Councillor Lavender
THAT the minutes of the Special Meeting held May 2, 2005, be adopted.
CARRIED
MAY 2ND
- 290-05
COMMITTEE MTG Moved by Councillor Mueller, seconded by Councillor Thomas
THAT the minutes of the Regular Committee Meeting held May 2, 2005, be received.
CARRIED
MAY 2ND
- 291-05
INTRODUCTION OF LATE ITEMS Moved by Councillor Vondracek, seconded by Councillor Mueller
THAT Ltr #606 from Joanna Wilson, in support of the operation of Tree House Ice Cream; and Ltr #607 from Marlene Nash, Owner/Operator of Tree House Ice Cream, being an appeal to Council regarding the suspension of the Business Licence for Tree House Ice Cream, be received and form a part of this Agenda under Business Licence Hearing, subsection 2 and 3 respectively; and Ltr #619 from the Agricultural Land Commission, regarding a meeting on May 12, 2005 at the Land fill site, form a part of this Agenda under the Land Use Committee.
CARRIED
- BUSINESS LICENCE HEARING** Mayor Snopek welcomed everyone to the Gallery and he explained the Hearing procedures regarding suspension of the Tree House Ice Cream Business Licence. He reviewed the Home Occupation regulations from Zoning Bylaw 1123; the Business Licence application and declaration to agree to the Home Occupation regulations, as signed by Marlene Nash; and the notice for suspension of the Business Licence on May 2nd. He also noted that there are currently 159 Business Licences operating as Home Occupation and he is only aware of 3 previous suspensions, in the past 8 years.
CARRIED
☞ 237 - 11TH AVE, N.
(MARLENE NASH)
- The Mayor then invited Ms. Marlene Nash and Mr. Francis Peace to present their Appeal.
- Ms. Nash thanked the Mayor and Council for the opportunity to present their Appeal and she read from prepared text, which is attached to and forms a part of these minutes as Appendix "1". In closing she asked Francis to read a poem about the Tree House Ice Cream shop and then asked if Council would consider reinstating her Business Licence.

The Mayor asked if there were any questions from Council and there were none.

Doreen Taite asked if she could read a short letter and her letter supporting Tree House Ice Cream was read. The Mayor noted that 5 other letter of support were received, prior to the hearing.

Councillor Lavender stated that if Ms. Nash and Mr. Peace could not live with the current regulations for Home Occupation, they are welcome to address changes to same, with Council. He also noted that Marlene did not have to apologize to the Council and he inquired as to whether or not she had apologized to the Bylaw Enforcement Officer. Ms. Nash advised that she had not, but she would apologize to the Bylaw Enforcement Officer for her behaviour.

The Mayor closed the Business Licence Hearing by noting that Council will deliberate in Closed Meeting and contact Ms. Nash and Mr. Peace tomorrow, with the decision. All but three members of the Gallery (Sandy Scholofield, Peter Chambers and Don Root), left the Council Chambers at 7:27 p.m.

292-05
**CORRESPONDENCE
 FOR INFORMATION**

Moved by Councillor Folkman, seconded by Councillor Thomas
 THAT Ltr #601 from the Director of Corporate Administration, listing Correspondence for Information, be received and filed for information.
CARRIED

293-05
FINANCE WARRANTS
 17 AND 18

Moved by Councillor Folkman, seconded by Councillor Mueller
 THAT Finance Warrant No. 17 in the amount of \$14,616.79 and No. 19 in the amount of \$108,728.50, be received.
CARRIED

COUNCIL COMMITTEE
 294-05
 1 RQST STREET
 CLOSURE (12TH AVEN)

Moved by Councillor Vondracek, seconded by Councillor Lavender
 THAT Ltr #594 from the Creston Valley Blossom Festival Association, regarding a request for a street closure on May 21, 2005 from 10:00 a.m. to 4:00 p.m. on 12th Avenue from Canyon to Vancouver Street, be received; AND FURTHER, THAT Administration advise the Creston Valley Blossom Festival Association that Council approves the street closure for May 21, 2005 from 10:00 a.m. to 4:00 p.m. from Canyon Street to 124 12th Avenue, only.
CARRIED

295-05
 1 RDCK LETTER OF
 CONSENT

Moved by Councillor Mueller, seconded by Councillor Folkman
 THAT Ltr #590 from the Regional District of Central Kootenay, requesting a letter of consent for adoption of the "Erickson Water Distribution Service Establishment Amendment Bylaw No. 1748, 2005", be received; AND FURTHER, THAT the Council of the Town of Creston, hereby consents to the Board of the Regional District of Central Kootenay adopting Bylaw No. 1748, being Erickson Water Distribution Service Establishment Amendment Bylaw No 1748, 2005, which provides for an amendment of the Erickson Water Distribution Service Establishment Bylaw No. 1562, 2002, in order to reduce the boundaries of the Service Area.
CARRIED

GENERAL GOV'T
 296-05
 1 MAY 2ND
 RECOMMENDATIONS
 1 TRAVEL EXPENSES
 POLICY AMENDMENT

Moved by Councillor Folkman, seconded by Councillor Vondracek
 THAT General Government and Finance Committee Recommendation No. 1, from the May 2, 2005 Regular Committee Meeting, be adopted as follows:
RECOMMENDATION NO. 1:
 THAT Ltr #544 from the Chief Administrative Officer, regarding a review of the Administrative Policy for Travel Expenses, be received; THAT Administrative Policy for Travel Expenses be amended as follows:
 Section .2(a) Transportation be deleted in it's entirety and replaced with:

(a) for use of a member's personal vehicle, mileage will be paid as per the following scale:

Gas Pump Price <i>in Creston</i> Cents / Litre	Mileage Rate Paid Cents / Kilometre
71.0 - 74.9	0.48
75.0 - 78.9	0.49
79.0 - 82.9	0.50
83.0 - 86.9	0.51
87.0 - 90.9	0.52

91.0 - 94.9	0.53
95.0 - 98.9	0.54
99.0 - 102.9	0.55
103.0 - 106.9	0.56
107.0 - 110.9	0.57
111.0 - 114.9	0.58 and so forth

AND, FURTHER, THAT Administrative Policy for Travel Expenses .6 Parade Float Entries, be amended by deleting "mileage at 50¢/km", and replaced with "mileage at 15¢ over and above the mileage rate paid under Travel Expenses .2(a) Transportation of the Administrative Policy". CARRIED

297-05
 ☞ BYLAW 1593
 REVISIONS

Moved by Councillor Folkman, seconded by Councillor Lavender THAT Ltr #602 from the Director of Corporate Administration, regarding amendments to "Tenth Avenue North Multi-Use Corridor Loan Authorization Bylaw 1593", be received and filed for information. CARRIED

LAND USE
 298-05
 ☞ MAY 2ND
 RECOMMENDATIONS
 ☞ OCP & ZONING
 AMENDMENT
 APPLICATION (142
 VALLEYVIEW DR.)

Moved by Councillor Mueller, seconded by Councillor Vondracek THAT Land Use Committee Recommendations 6 and 7, from the May 2, 2005 Regular Committee Meeting, be adopted as follows:

RECOMMENDATION NO. 2:

THAT Ltr #558 from Kootenay Industries Ltd., being a rezoning application for 142 Valleyview Drive, be received; THAT Administration prepare the necessary Official Community Plan and Zoning Bylaw amendments to designate and rezone the existing non-conforming property legally described as Lot 1, District Lot 9554, Kootenay District, Plan 2762 (142 Valleyview Drive), from "R-1 Single Family Residential" to "HSC Highway Service Commercial", subject to all legal requirements, so the building can be used as a warehouse for processed dairy products; THAT Council consider two readings of Official Community Plan Amendment Bylaw 1625 and Zoning Amendment Bylaw 1627 at the May 9, 2005 Regular Meeting; THAT Administration advise the applicant that the fees are to be paid by the applicant; AND FURTHER, THAT a Public Hearing for Bylaws 1625 and 1626 will be held on Monday, May 24th at 7:00 p.m. in Council Chambers at 238 - 10th Avenue North. CARRIED

299-05
 ☞ PEP FUNDS

Moved by Councillor Mueller, seconded by Councillor Folkman THAT Ltr #588 from the Provincial Emergency Program, regarding funds available from the 2005/06 Natural Hazard Mitigation Fund, be referred to the Chief Administrative Officer for further review and recommendation. CARRIED

300-05
 ☞ OFFER TO
 PURCHASE (330 - 11TH
 AVE, S/1412-14
 CEDAR STREET)

Moved by Councillor Mueller, seconded by Councillor Vondracek THAT Ltr #559 from Home Hardware Stores Limited, being an Offer to Purchase the property legally described as Lot 1, District Lot 891, Plan NEP19963; Lot 1, District Lot 891, Plan 1011; and Lots A & B, District Lot 891, Kootenay District, Plant NEP72899, located at 330 - 11th Avenue South and 1412 and 1414 Cedar Street, as opened at this Regular Meeting, be referred to Closed Meeting for further review and recommendation. CARRIED

301-05
 ☞ CONCERNS RE
 SALE OF PROPERTY

Moved by Councillor Mueller, seconded by Councillor Lavender THAT Ltr #582 from John Jorgensen, regarding concerns of the sale of property located at 330 - 11th Avenue South, be received and filed for information. CARRIED

302-05
 ☞ ALC MTG AT
 LANDFILL SITE

Moved by Councillor Mueller, seconded by Councillor Vondracek THAT Ltr #619 from the Agricultural Land Commission, regarding a meeting on May 12, 2005 at the Land fill site, be received; AND FURTHER, THAT the Chief Administrative Officer and Council, attend. CARRIED

**PARKS, YOUTH
AND CULTURE**

303-05

MAY 2ND

RECOMMENDATIONS

AMEND PARK

REGULATIONS

BYLAW 1600 RE

MILLENNIUM PARK

Moved by Councillor Lavender, seconded by Councillor Mueller
THAT Parks, Youth and Culture Committee Recommendation No. 3, from the
May 2, 2005 Regular Committee Meeting, be adopted as follows:

RECOMMENDATION NO. 3:

THAT Ltr #573 from the Director of Corporate Administration, regarding
amendments to Park Regulations Bylaw 1600, to allow Closed and Open
bookings at Millennium Park, be received; AND FURTHER, THAT Council
consider three readings of Park Regulations Amendment Bylaw 1622 at the May
9th, 2005 Regular Meeting.

304-05

SPRAY PARK
PROJECT

Moved by Councillor Lavender, seconded by Councillor Mueller
THAT Parks, Youth and Culture Committee Recommendation No. 4, from the
May 2, 2005 Regular Committee Meeting, be adopted as follows:

RECOMMENDATION NO. 4:

THAT Administration advise Mr. Kemle of the Creston Rotary Club, that the
Town will partner with the Creston Rotary Club on the Spray Park project; THAT
the Town will provide the following: property at Centennial Park, excavation of
the site, preparation of the site, including gravel, sand, etc.; construction
expertise from Town employees, architectural and mechanical drawings,
financial assistance, maintenance and operational costs; AND FURTHER, THAT
the Budget be amended accordingly. CARRIED

**PROTECTION AND
POLICING**

305-05

MAY 2ND

RECOMMENDATIONS

COMPLAINT RE

HOME OCCUPATION

Moved by Councillor Vondracek, seconded Thomas
THAT Protection and Policing Committee Recommendations 5 to 7, from the
May 2, 2005 Regular Committee Meeting, be adopted as follows:

RECOMMENDATION NO. 5:

THAT Ltr #575 from Dianne and Brian Grant, regarding violations of the Home
Occupation Business Licence at 237 - 11th Avenue North, be received and filed
for information.

BUSINESS
LICENCE
SUSPENSION**RECOMMENDATION NO. 6:**

THAT the Chief Business Licence Inspector suspend the Home Occupation
Business Licence for Tree House Ice Cream, located at 237 - 11th Avenue
North; AND FURTHER, THAT notice be given to the owner of 237 - 11th Avenue
North that a Hearing will be held on May 9th, 2005 at Council's Regular Meeting,
commencing at 7:00 p.m., for a submission to Council regarding the suspension
of this business licence.

PARKING METER
FEES**RECOMMENDATION NO. 7:**

THAT Ltr #537 from Norman Long, requesting clarification on parking meter
fees, be received; AND FURTHER, THAT the Chief Administrative Officer write
Mr. Long, clarifying the Town's parking fee structure. CARRIED

TRANSPORTATION

306-05

MAY 2ND

RECOMMENDATIONS

AIRPORT GATE

Moved by Councillor Thomas, seconded by Councillor Mueller
THAT Transportation Committee Recommendation No. 8, from the May 2, 2005
Regular Committee Meeting, be adopted as follows:

RECOMMENDATION NO. 8:

THAT Ltr #576 from the Chief Administrative Officer, regarding the Pilot's
Association's request to install an automatic gate at the ground side entrance
to the hangar area, at the Creston Valley Airport, be received; AND FURTHER,
THAT the Chief Administrative Officer advise the Pilot's Association that
permission is granted for the Association, at their cost, to install an automatic
gate at the ground side entrance to the Airport hangar area, and that the Town
will assume the cost of electricity to operate the gate. CARRIED

**UTILITIES AND
CEMETERIES**

307-05

ROADSIDE

GARBAGE

RECEPTACLES

Moved by Councillor Thomas, seconded by Councillor Folkman
THAT Ltr #599 from Ashlene Chadburn, regarding roadside garbage
receptacles, be received; AND FURTHER, THAT Administration forward Ltr
#599 to the Regional District of Central Kootenay, Local Commission for action.
CARRIED

**REGIONAL DISTRICT
DIRECTOR**

308-05

MAY 2ND

RECOMMENDATIONS

CRESTON CURLING

CLUB BUDGET

Moved by Councillor Mueller, seconded by Councillor Vondracek
THAT the Regional District Director's Recommendation No. 9, from the May 2,
2005 Regular Committee Meeting, be adopted as follows:

RECOMMENDATION NO. 9:

THAT Ltr #574 from the Creston Curling Club, providing an actual budget as
followup to a grant in aid issued for the 2005 Mixed Provincials Curling
Championships; be received and filed for information. CARRIED

BYLAWS

309-05 Moved by Councillor Folkman, seconded by Councillor Lavender
 ☞ BYLAW 1593 THAT third reading as given on May 10, 2004, of Tenth Avenue North Multi-Use
 (RESCIND 3RD RDG) Corridor Loan Authorization Bylaw 1593, be rescinded. CARRIED

310-05 Moved by Councillor Vondracek, seconded by Councillor Mueller
 ☞ BYLAW 1593 THAT Tenth Avenue North Multi-Use Corridor Loan Authorization Bylaw 1593
 (AMEND) be amended by deleting the third paragraph in its entirety and replacing it with
 the following: "*AND WHEREAS the estimated cost of extending Tenth Avenue
 North, including expenses incidental thereto is the sum of Three Million One
 Hundred Sixty-eight Thousand Six Hundred Fifty-two Dollars (\$3,168,652.00),
 of which One Million Fifty-six Thousand Two Hundred Seventeen Dollars
 (\$1,056,217.00) is the amount of debt created by this bylaw; and Two Million
 One Hundred Twelve Thousand Four Hundred Thirty-five Dollars
 (\$2,112,435.00) is to be funded through infrastructure grant funds;*"; and by
 deleting from subsection 2.(a) "Nine Hundred Thirty-four Thousand Four
 Hundred Twenty-one (\$934,421) Dollars;" and replacing it with "*One Million Fifty-
 six Thousand Two Hundred Seventeen Dollars (\$1,056,217.00);*". CARRIED

311-05 Moved by Councillor Lavender, seconded by Councillor Vondracek
 ☞ BYLAW 1593 THAT Tenth Avenue North Multi-Use Corridor Loan Authorization Bylaw 1593,
 (3RD RDG AS be read a third time as amended. CARRIED
 AMENDED)

312-05 Moved by Councillor Mueller, seconded by Councillor Lavender
 ☞ BYLAW 1622 THAT Millennium Park Regulations Amendment Bylaw 1622, be read a first time
 (1ST AND 2ND RDG) by title and second time by content. CARRIED

313-05 Moved by Councillor Mueller, seconded by Councillor Folkman
 ☞ BYLAW 1622 THAT Millennium Park Regulations Amendment Bylaw 1622, be read a third
 (3RD RDG) time. CARRIED

314-05 Moved by Councillor Vondracek, seconded by Councillor Folkman
 ☞ BYLAW 1625 THAT Official Community Plan Amendment Bylaw 1625, be read a first time by
 (1ST AND 2ND RDG) title and second time by content. CARRIED

315-05 Moved by Councillor Folkman, seconded by Councillor Vondracek
 ☞ BYLAW 1626 THAT Zoning Amendment Bylaw 1626, be read a first time by title and second
 (1ST AND 2ND RDG) time by content. CARRIED

316-05 Moved by Councillor Lavender, seconded by Councillor Mueller
 ☞ BYLAW 1623 THAT Five Year Financial Plan (2005-2009) Bylaw 1623, be adopted. CARRIED
 (ADOPTION)

317-05 Moved by Councillor Mueller, seconded by Councillor Folkman
 ☞ BYLAW 1624 THAT Tax Rates - 2005 Bylaw 1624, be adopted. CARRIED
 (ADOPTION)

REPORTS OF REP'S Councillor Vondracek reported on his attendance at the Search and Rescue,
 ☞ CLR VONDRACEK Forestry Interface, Downtown Revitalization, new radio station and Focus on
 Youth meetings, as well as his participation in judging at the Heritage Fair.

☞ CLR LAVENDER Councillor Lavender reported on his attendance at a Focus on Youth meeting
 and his continued work on the Trails Committee.

☞ CLR FOLKMAN Councillor Folkman reported on his attendance at a Focus on Youth meeting.

☞ MAYOR SNOPEK Mayor Snopek reported on his attendance at the Focus on Youth meeting and
 Heritage Fair.

318-05 Moved by Councillor Mueller, seconded by Councillor Vondracek
 ☞ RECEIVE REPORTS THAT the verbal Reports of Representatives, be received for information.
 CARRIED

GIVING OF NOTICES

1. Committee Meetings (1st & 3rd Mondays) (**May 16th, June 6th**)
2. Council Meetings (2nd & 4th Mondays) (**May 24th (Tuesday), June 13th**)
3. May 8th - 14th - **Clean Up Week - Saturday May 14th - Clean Up Day**
4. May 21st - Blossom Festival VIP Reception
5. June 4th - Relay For Life
6. June 22nd - BC Hydro Lunch Meeting.

QUESTION PERIOD There was an inquiry regarding the status of the CPR crossing at Cedar Street and the Chief Administrative Officer reported that the issue is pending action from CPR; a proposed mural painting which is being considered by Community Pride and the removal of the house, destroyed by fire at 618 Cedar Street.

319-05
MOVE TO CLOSED MEETING Moved by Councillor Thomas, seconded by Councillor Mueller THAT by authority of the Community Charter, Council reconvene to Closed Meeting at 7:54 p.m., pursuant to Sub-Section 90(1)(c) and (k). CARRIED

CERTIFIED CORRECT:

Mayor Joe Snopek

Deputy or Director of Corporate Administration