

MINUTES OF A REGULAR MEETING OF THE COUNCIL OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO HELD IN THE COUNCIL CHAMBERS AT THE MUNICIPAL OFFICES IN FORT McMURRAY, ON TUESDAY, AUGUST 24, 2004, COMMENCING AT 6:00 P.M.

PRESENT:

MAYOR	D. FAULKNER
DEPUTY MAYOR	S. GERMAIN
COUNCILLORS	M. BLAKE M. CADDEN J. CARBERY J. CHADI P. MEAGHER J. RIGNEY C. SLADE J. VYBOH T. WEBER
REGIONAL MANAGER	D. PUTZ
CHIEF LEGISLATIVE OFFICER	K. GREIG
LEGISLATIVE COORDINATOR	A. ROGERS

CALL TO ORDER

The Mayor called the meeting to order at 6:06 p.m.

1. PRAYER

The Mayor asked everybody to join him in the Prayer.

2. ADOPTION OF AGENDA

The Mayor asked if there were any additions or deletions to the Agenda.

MOVED by Councillor Meagher:

- THAT the Agenda be amended by deleting Items 5-B. and 8-B. (Public Hearing & Bylaw) - Bylaw No. 04/035 – Land Use Bylaw Amendment – Lots 1-3, Block 11, Plan 792 0314 (Anzac);
- THAT the Public Hearing for Bylaw No. 04/035 – Land Use Bylaw Amendment – Lots 1-3, Block 11, Plan 792 0314 (Anzac) be re-scheduled to take place on September 14, 2004; and
- THAT the Agenda be adopted as amended.

CARRIED UNANIMOUSLY

3. PRESENTATIONS

3-A. MRS. OLIVE WOODEN, WOOD BUFFALO HOSPITALITY RE: VIDEO LOTTERY TERMINALS

04/227

Ms. Wooden advised that she is the owner and operator of the Duck Inn, and is representing the Wood Buffalo Hospitality Group. The Wood Buffalo Hospitality Group is requesting that Council consider placing the following question on the ballots during the upcoming General Municipal Election: “Are you in favour of allowing Video Lottery Terminals (VLTs) in licensed facilities in the Regional Municipality of Wood Buffalo?”

Mrs. Wooden noted that the time has come to bring this issue back to citizens’ attention. Seven years ago, Regional Council allowed a question to be placed on ballots for the spring By-Election, and the Hospitality Group is simply asking for the same consideration. Mrs. Wooden noted that the population has changed quite significantly in the past seven years and it is quite possible that a shift may have occurred with respect to opinions on this matter.

Mrs. Wooden advised that in 2003, 97 VLTs were removed from the Municipality after a six-year vigilance challenge between operators, the Alberta Gaming and Liquor Commission and Alberta Government. In 1997, citizens of this Municipality voted to remove both VLTs and slot machines; however only VLTs were removed. Since that time, slot machines have increased from approximately 25 to 200 machines at only one establishment. The casino, which houses the slot machines, offers gambling, as well as alcohol, food and live entertainment, as did the businesses which housed the VLTs. Mrs. Wooden indicated her belief that the citizens’ wishes were not granted and local businesses were made victims of discrimination.

Mrs. Wooden concluded by asking that the question be placed on ballots so that all businesses have an opportunity to offer the recreation of gambling, which is presently not equally distributed.

3-B. BUSINESS ARISING OUT OF PRESENTATION

04/228

A lengthy discussion took place, during which Mrs. Wooden advised that no discussion has taken place with the Provincial Government at this point, as a decision has to be made at a municipal level, through a vote of the citizens. The Chief Legislative Officer noted that the Municipality’s legal counsel has advised that the issue of gaming is legislated by the Provincial Government; therefore, only the Province can bring about any change on the matter. If a question were to be placed on the ballot, the Municipality could not bind the Province to its results.

Mrs. Wooden pointed out that there never would have been a question and subsequent removal of the VLTs had the Municipality not gathered information on its ballots in 1997 and reported its findings to the Province. It was at that point that the Province stepped in and terminated the VLT contracts. Mrs.

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Wooden advised that the Hospitality Group is asking for an opportunity to ask a question, as the Ministerial Association did in 1997. It was this action that resulted in the removal of the VLTs in 1997.

It was noted that the region's population has changed significantly, although this does not indicate that the beliefs and values of the population have changed. Proceeding with placing a question on the ballots would be an exercise in futility, as any decision regarding the reinstatement of VLTs is up to the Provincial Government.

The Chief Legislative Officer confirmed that Council has the authority to place a question on any matter under its jurisdiction on a ballot to seek the opinion of its electors; however, in this instance the issue is clearly not within the Municipality's jurisdiction. He further indicated that even if a petition were to be submitted, the Municipality would have to investigate whether or not a question could be placed on a ballot. In 1997, Council acted with the best information available at the time. As a result of placing the question on a ballot, it was determined through subsequent legal challenges that jurisdiction clearly rests with the Province.

The Mayor advised that in 1997, Council felt that it had to honour the citizens request; however, the subsequent court challenges have made it clear that this matter is not a municipal issue. The issue of gaming falls within the jurisdiction of the Government of Alberta and any vote conducted by a municipality would have no legal effect. Further, municipalities have no authority to regulate gaming; therefore a vote on a question would not have a binding impact on the Provincial Government, but would likely cost taxpayers a significant amount of dollars. It was then suggested that Mrs. Wooden submit her comments directly to the Province on this matter.

MOVED by Councillor Vyboh that Council decline the request of the presenter to submit a vote on a question relating to the matter of gaming; and that the presenter be directed to address any gaming concerns with the Government of Alberta.

CARRIED UNANIMOUSLY

4. MINUTES OF PREVIOUS MEETINGS

A. REGULAR MEETING – JULY 13, 2004

The Minutes of the Regular Council Meeting held on July 13, 2004 were submitted for consideration.

MOVED by Councillor Meagher that the Minutes of the Regular Meeting held on July 13, 2004 be approved as presented.

CARRIED UNANIMOUSLY

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4-B. PUBLIC HEARING – JULY 13, 2004

The Minutes of the Public Hearing held on July 13, 2004 were submitted for consideration.

MOVED by Councillor Meagher that the Minutes of the Public Hearing held on July 13, 2004 be approved as presented.

CARRIED UNANIMOUSLY

4-C. BUSINESS ARISING OUT OF MINUTES

There was no business arising out of the Minutes.

5. PUBLIC HEARINGS

MOVED by Councillor Meagher that the Regular Meeting move into the Public Hearing at 6:38p.m.

CARRIED UNANIMOUSLY

RECONVENE

The regular meeting reconvened at 6:42 p.m.

6. UPDATES

A. REPORTING OF COUNCILLORS ON VARIOUS BOARDS/COMMITTEES (DEPUTY MAYOR GERMAIN, COUNCILLORS CADDEN, MEAGHER, RIGNEY & SLADE)

Deputy Mayor Germain reported on the following:

- Wood Buffalo Sport & Wellness Centre Steering Committee
- Pakistani Independence Day Celebration
- Future Leaders Program – Fort Chipewyan

Councillor Cadden reported on the following:

- Activities as Deputy Mayor
- Update on status of Secondary Highway 881

Councillor Meagher reported on the following:

- Heritage Day Celebrations
- Upcoming Terry Fox Run
- Communities In Bloom Committee

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Councillor Rigney reported on the following:

- New Fort Chipewyan Landfill facility
- Annual Denesuline Gathering in 2005
- Audit/Budget Standing Committee

Councillor Slade reported on the following:

- Audit/Budget Standing Committee
- Various fundraising activities and events that take place through the summer months

Councillor Carbery reported on the following:

- Fort McMurray Regional Airport Commission

6-B. MAYOR'S UPDATE

Mayor Faulkner reported on the following:

- Municipal Float Achievements
- Treaty 8 Elders Conference
- McMurray Newfoundlanders Club Fundraising Event
- Appointment of Manager of the Operations & Maintenance Department.

7. REPORTS

7-A. AGENDA BILL # 04-127 - REMOVAL OF HOUSEBOAT FROM FORMER SHIPYARD SITE

04/229

Reference was made to Agenda Bill #04-127, being Report No. PD-064-2004, dated August 17, 2004 and prepared by Russell Dauk, Planning & Development, regarding the Removal of Houseboat from Former Shipyard Site.

MOVED by Councillor Meagher that the removal of the M.V. Echo 122299 Houseboat by Derald Stone, free of charge, in exchange for ownership of the boat, be approved.

Mr. Dauk clarified that the owner of the houseboat didn't respond within the timeframe when he could have taken the houseboat and removed it. He has since indicated that there is value attached to the houseboat; however, a marine appraisal was conducted and it has been determined that the cost of removing the boat exceeds its value.

CARRIED UNANIMOUSLY

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7-B. AGENDA BILL # 04-129 - 2003-2005 RATIFICATION OF COLLECTIVE AGREEMENT - CUPE LOCAL 1505 AND MACDONALD ISLAND PARK
04/230

Reference was made to Agenda Bill # 04-129, dated August 18, 2004 and prepared by Stephen Clarke, Community Services, regarding 2003-2005 Ratification of Collective Agreement CUPE Local 1505 and MacDonald Island Park.

MOVED by Councillor Vyboh that the collective agreement between MacDonald Island Park and CUPE 1505 (MacDonald Island) be approved. The agreement includes the following terms:

- Salary increases of 3% effective October 1, 2003 and a further 3% increase effective October 1, 2004.
- The term of the contract will be from October 1, 2003 to September 30, 2005.

Ms. Susan Laurin advised that funds have been set aside in anticipation of the proposed increases. She noted that the increase is for CUPE staff only, and is only retroactive for those individuals who were employed with MacDonald Island on August 3, 2004.

CARRIED UNANIMOUSLY

8. BYLAWS

8-A. BYLAW NO. 03/034 - BOREALIS ROAD CLOSURE BYLAW (AGENDA BILL # 04-123)
04/231

Reference was made to Agenda Bill #04-123, being Report No. PD-040-2004, dated July 5, 2004 and prepared by Russell Dauk, Planning and Development, regarding the Borealis Road Closure Bylaw.

Bylaw No. 04/034, BEING A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO FOR THE PURPOSE OF CLOSING PORTIONS OF A PUBLIC ROADWAY IN THE URBAN SERVICE AREA, was submitted to receive second and third readings.

MOVED by Councillor Blake that Bylaw No. 04/034 be given second reading.

CARRIED UNANIMOUSLY

MOVED by Councillor Meagher that Bylaw No. 04/034 be given third and final reading.

CARRIED UNANIMOUSLY

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8-B. BYLAW NO. 04/035 - LAND USE BYLAW AMENDMENT - LOTS 1-3, BLOCK 11, PLAN 792 0314 (ANZAC) (AGENDA BILL # 04-124)
04/232

This Item was removed from the Agenda.

8-C. BYLAW NO. 04/036 - DEBENTURE BORROWING BYLAW - MUNICIPAL ENERGY FIRST PROGRAM (AGENDA BILL # 04-125)
04/233

Reference was made to Agenda Bill # 04-125, being Report No. FM04-09, dated June 23, 2004 and prepared by Wesley Holodniuk, Engineering & Public Works, regarding the Debenture Borrowing Bylaw - Municipal Energy First Program.

Bylaw No. 04/036, BEING A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO AUTHORIZE THE COUNCIL OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO INCUR AN INDEBTEDNESS BY THE ISSUANCE OF DEBENTURES IN THE AMOUNT OF FOUR HUNDRED THIRTY THOUSAND (\$430,000.00) FOR THE PURPOSE OF THE THICKWOOD HEIGHTS ARENA EXTERIOR WALLS, was presented to receive second and third readings.

MOVED by Councillor Chadi that Bylaw No. 04/036 be given second reading.

It was questioned as to whether opportunity exists to utilize other grant funding in addition to the Municipal Energy First grant. The Regional Manager advised that the traditional criteria of provincial programs is that a municipality is eligible for only one grant per project. The Municipality has applied for other grant funding which can be applied for other projects.

CARRIED UNANIMOUSLY

MOVED by Councillor Meagher that Bylaw No. 04/036 be given third and final reading.

CARRIED UNANIMOUSLY

8-D. BYLAW NO. 04/038 - EMERGING ISSUES RESERVE - FUNDING CRITERIA AND ALLOCATION APPROVAL PROCESS (AGENDA BILL # 04-130)
04/234

Reference was made to Agenda Bill # 04-130, dated June 24, 2004 and prepared by Marcel Ulliac, Corporate Services, regarding the Emerging Issues Reserve - Funding Criteria and Allocation Approval Process.

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Bylaw No. 04/038, BEING A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO TO AMEND BYLAW NO. 02/078, BEING THE EMERGING ISSUES RESERVE BYLAW, was presented to receive first reading.

MOVED by Councillor Blake that Bylaw No. 04/038 be given first reading.

CARRIED UNANIMOUSLY

8-E. BYLAW NO. 04/039 - SWANSON LANE ROAD CLOSURE (AGENDA BILL # 04-131)
04/235

Reference was made to Agenda Bill # 04-131, dated August 17, 2004, and prepared by Russell Dauk, Planning & Development, regarding the Swanson Lane Road Closure.

Bylaw No. 04/039, BEING A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO FOR THE PURPOSE OF CLOSING PORTIONS OF A PUBLIC ROADWAY IN THE URBAN SERVICE AREA, was presented to receive first reading.

MOVED by Councillor Germain that Bylaw No. 04/039 be given first reading and a Public Hearing scheduled to take place on September 14, 2004.

Mr. Dauk advised that no signage was posted onsite in this instance. This is a highly unusual situation wherein the developer was going to proceed in two separate phases, which would have necessitated the turnaround. Since the demand was so high, the developer opted to proceed with both phases, thereby eliminating the need for the turnaround.

CARRIED UNANIMOUSLY

8-F. BYLAW NO. 04/040 - CLOSURE OF UNDEVELOPED ROAD ALLOWANCES FOR CNRL LEASE (AGENDA BILL # 04-132)
04/236

Reference was made to Agenda Bill # 04-132, prepared by Russell Dauk, Planning & Development, regarding the Closure of Undeveloped Road Allowances for CNRL Lease.

Bylaw No. 04/040, BEING A BYLAW OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO FOR THE PURPOSE OF CLOSING AND CREATING TITLE TO UNDEVELOPED GOVERNMENT ROAD ALLOWANCES IN ACCORDANCE WITH SECTION 22 OF THE MUNICIPAL GOVERNMENT ACT, CHAPTER M26, REVISED STATUTES OF ALBERTA, 2000, AS AMENDED, was presented to receive first reading.

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MOVED by Councillor Chadi that Bylaw No. 04/040 be given first reading and a Public Hearing be scheduled for September 28, 2004 for the closure of only those road allowances that fall within Township 96 as listed on the attached bylaw.

CARRIED UNANIMOUSLY

9. NOTICE OF MOTION

There was no Notice of Motion.

10. NEW AND UNFINISHED BUSINESS

- A. MOTION TO RECONSIDER - MIKISEW TECHNICAL SERVICES REQUEST FOR TAX RELIEF ON TAX ACCOUNT 8260001960 (PLAN 5642NY, BLOCK 11, LOT 6) (AGENDA BILL #04-113)**
04/237

Reference was made to correspondence dated August 19, 2004, from the Chief Legislative Officer to Mayor & Council, regarding Motion to reconsider - Agenda Bill #04-113 - Mikisew Technical Services Request for Tax Relief on Tax Account 8260001960 (Plan 5642NY, Block 11, Lot 6).

Councillor Rigney advised that at the July 13th Council Meeting, Council debated a motion to forgive tax penalties on a property in Fort Chipewyan. Since that time, he has spoken with the Band Manager, landowner and other representatives, and they have all agreed that this isn't a major issue for the company, but could result in significant financial cost and confusion to the Municipality. As such, Councillor Rigney advised that he would like Council to reconsider its decision of July 13th.

MOVED by Councillor Rigney that Council reconsider the following Motion, which was defeated at the July 13, 2004 regular Council Meeting: *“THAT the request for cancellation of the penalties in the amount of \$3,405.84 owed against Property Tax Account 8260001960 (Plan 5642NY, Block 11, Lot 6) be denied.”*

CARRIED UNANIMOUSLY

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MOVED by Councillor Meagher that the request for cancellation of the penalties in the amount of \$3,405.84 owed against Property Tax Account 8260001960 (Plan 5642NY, Block 11, Lot 6) be denied.

CARRIED

For: Blake, Cadden, Chadi, Faulkner
Germain, Meagher, Vyboh, Weber
Opposed: Carbery, Rigney, Slade

**10-B. COUNCILLOR CADDEN - NOTICE OF MOTION RE: FORGIVING OF PENALTIES
& FEES IN RURAL HAMLETS**

04/238

Reference was made to the correspondence dated July 30, 2004, and prepared by Kevin Greig, Chief Legislative Officer, regarding the Notice of Motion – Forgiving of Penalties & Fees in Rural Hamlets.

Councillor Cadden advised that the following Notice of Motion was brought forward as a result of the precedent set on July 13, 2004 regarding the Mikisew Technical Services Request for Tax Relief: “THAT this Council take this opportunity to build relationships and build the honour of our Regional Municipality in the eyes of the rural hamlets by forgiving all penalties and fees, excluding taxes, that have accumulated in the rural areas as a result of amounts owing prior to amalgamation.”

Councillor Cadden indicated that the Mikisew Tax Relief matter was brought forward for reconsideration, and subsequently approved as presented, thereby reversing the precedent set. As a result, Councillor Cadden advised that he did not wish to proceed with the Notice of Motion.

11. ADJOURNMENT

MOVED by Councillor Meagher that the meeting adjourn at 7:36 p.m.

CARRIED UNANIMOUSLY

MAYOR

CHIEF LEGISLATIVE OFFICER

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PRESENT:	MAYOR	D. FAULKNER
	DEPUTY MAYOR	S. GERMAIN
	COUNCILLORS	M. BLAKE M. CADDEN J. CARBERY J. CHADI P. MEAGHER J. RIGNEY C. SLADE J. VYBOH T. WEBER
	REGIONAL MANAGER	D. PUTZ
	CHIEF LEGISLATIVE OFFICER	K. GREIG
	LEGISLATIVE COORDINATOR	A. ROGERS

1. CALL TO ORDER

The Mayor called the Public Hearing to order at 6:38 p.m.

- A. PUBLIC HEARING RE: BYLAW NO. 04/034 – BOREALIS ROAD CLOSURE
BYLAW (AGENDA BILL # 04-123)
04/239**

2-A. OPENING STATEMENT

MR. RUSSELL DAUK, MANAGER, PLANNING & DEVELOPMENT, REGIONAL MUNICIPALITY OF WOOD BUFFALO

Mr. Dauk advised that on March 23, 2004, Regional Council gave third and final reading to a Bylaw to close the subject road. A minor adjustment was made to the map at the time of the Public Hearing to ensure that the road closure didn't affect the turnaround; however, the text of the Bylaw was not changed to reflect the proper legal description. This error was brought to light out when the Municipality tried to register the change with Land Titles. A new bylaw is being brought forward to correct the oversight.

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3-A. WRITTEN PRESENTATIONS

There were no written presentations.

4-A. ORAL PRESENTATIONS

No requests were received.

5-A. OTHER PRESENTATIONS, TIME PERMITTING, WITH APPROVAL OF COUNCIL

There were no other requests to address Council.

6-A. CLOSING STATEMENT

The proponent did not wish to make a closing statement.

- B. PUBLIC HEARING RE: BYLAW NO. 04/035 – LAND USE BYLAW AMENDMENT – LOTS 1-3, BLOCK 11, PLAN 792 0314 (ANZAC) (AGENDA BILL # 04-124)**
04/240

This Item was removed from the Agenda.

- C. PUBLIC HEARING RE: BYLAW NO. 04/037 – CLOSURE OF UNDEVELOPED ROAD ALLOWANCES FOR OPTI/NEXEN LEASE (AGENDA BILL # 04-126)**
04/241

2-C. OPENING STATEMENT

MR. RUSSELL DAUK, MANAGER, PLANNING & DEVELOPMENT, REGIONAL MUNICIPALITY OF WOOD BUFFALO

Mr. Dauk advised that OptiNexen wishes to close a number of undeveloped road allowances within the property being leased to them by Alberta Sustainable Resource Development. The Municipality is the road authority, but is not the owner of the land. In order to facilitate the oil sands development that has been approved, the Municipality must close the road allowances, thereby removing its jurisdiction and allowing the roads to be incorporated into the lease.

3-C. WRITTEN PRESENTATIONS

There were no written presentations.

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4-C. ORAL PRESENTATIONS

No requests were received.

5-C. OTHER PRESENTATIONS, TIME PERMITTING, WITH APPROVAL OF COUNCIL

There were no other requests to address Council.

6-C. CLOSING STATEMENT

The proponent did not wish to make a closing statement.

7. ADJOURNMENT

MOVED by Councillor Vyboh that the Public Hearing adjourn at
6:42 p.m.

CARRIED UNANIMOUSLY

MAYOR

CHIEF LEGISLATIVE OFFICER