

THE CORPORATION OF THE CITY OF ROSSLAND

Minutes of a Regular Open Meeting of Council Held Monday, April 14, 2008

Present Mayor A.G. Smith
Councillor L. Charlton
Councillor J.K. Drysdale
Councillor L.D. Doell
Councillor L.G. McLellan
Councillor D.J. Spearn

Absent Councillor S.E. Knox

Staff in attendance CAO – R.W. Campbell
Deputy City Clerk – T. Butler
Manager of Planning and Development – M. Maturo
City Engineer – M. Thomas
Manager of Finance – D. Timm

Mayor Smith called the meeting to order at 7:30 pm

Agenda

Moved by Councillor Spearn / Seconded by Councillor Doell

THAT the agenda for the Regular Meeting of Council held April 14, 2008 be amended by **removing**, as requested by the developer, item:

(8) NEW BUSINESS

(b)(vi) – Subdivision referral – Brydon Lands

AND FURTHER by **adding**:

(6) MATTERS REFERRED

(I) Recommendation from the April 8, 2008 Planning Meeting re:
Schedule meeting to discuss economic development.

CARRIED

Minutes

Moved by Councillor McLellan/ Seconded by Councillor Spearn

THAT the minutes of the Regular meeting of Council held March 25, 2008 be adopted as amended.

CARRIED

Minutes

Moved by Councillor McLellan / Seconded by Councillor Spearn

THAT the minutes of the Audit Committee meeting of Council held April 3, 2008 be received.

CARRIED

Minutes

Moved by Councillor Charlton / Seconded by Councillor Drysdale

THAT the minutes of the Planning Committee meeting held April 8, 2008 be received.

CARRIED

Minutes

Moved by Councillor McLellan / Seconded by Councillor Doell

THAT the minutes of the Finance Committee meeting held April 9, 2008 be received.

CARRIED

Minutes

Moved by Councillor Doell / Seconded by Councillor Spearn

THAT the minutes of the Design Review Panel meeting held April 9, 2008 be received.

CARRIED

Receipt of Public Hearing Record

Moved by Councillor Drysdale / Seconded by Councillor McLellan

THAT the record of the Public Hearing of Bylaw 2408 held March 25, 2008, in regards to the Zoning Amendment to CD Zone-4 to increase density be received.

CARRIED

GENERAL MATTERS - Delegations

Mr. D. Johnstone – Annual Audit Rep

Mr. Doug Johnstone, CA, Yule Anderson Johnstone presented the 2008 Audit Report and 2007 Financial Statements.

Committee for Responsible Development

Mr. Bob Bechaud and Bill Micklethwaite, Committee for Responsible Development, read from prepared statement regarding their concerns about the need for a water shed management plan.

Rossland Chamber of Commerce

Ms. Maritza Reilly, Rossland Chamber of Commerce updated Council on Chamber activities.

MATTERS REFERRED

Tracey Saxby – Plastic Bag Free

Matter referred from the March 25, 2008 Regular Council Meeting re: Ms. Tracey Saxby update on Plastic Bag Free initiative. Ms. Saxby requested Council pass a resolution similar to the one passed in Maple Ridge to be forwarded to the UBCM Convention in 2008.

Moved by Councillor Charlton / Seconded by Councillor Spearn

THAT Council submit a resolution to the AKBLG for late consideration regarding Plastic Bag Free Initiative similar to the one passed in Maple Ridge.

CARRIED with Councillor Drysdale voting opposed

**Notice of Motion –
Councillor
Charlton**

Matter referred from the March 25, 2008 Regular Council Meeting re: Notice of Motion from Councillor Charlton;

Moved by Councillor Drysdale / Seconded by Councillor McLellan

THAT the following motion be amended to read Staff be directed to prepare a report explaining how charges will be allocated under the Ophir Reservoir Local Area Service Bylaw as large land parcels are subdivided as well as late entry situations.

CARRIED

Moved by Councillor Charlton / Seconded by Councillor Spearn

THAT Staff be directed to prepare a report explaining how charges will be allocated under the Ophir Reservoir Local Area Service Bylaw as large land parcels are subdivided, and explaining the discrepancies between the allowed number of Equivalent Units reported in the memo dated January 31, 2005 from the Planning Department, the summary table prepared by the Planning Department, and the PLR issued March 5, 2008.

DEFEATED with Councillor Charlton voting in favour

**Notice of Motion –
Councillor
Charlton**

Matter referred from the March 25, 2008 Regular Council Meeting re: Notice of Motion from Councillor Charlton;

Moved by Councillor Charlton / Seconded by Councillor Doell

THAT Staff be directed to prepare a report explaining why setbacks of only 7.5 meters were required from streams in the Caldera Subdivision in the PLR issued by the Planning Department on March 5, 2008 when the OCP requires setbacks of 15 meters and, further, explain how the riparian reserve zone around the streams will be permanently protected as required by the OCP.

DEFEATED

**Notice of Motion –
Councillor
Charlton**

Matter referred from the March 25, 2008 Regular Council Meeting re: Notice of Motion from Councillor Charlton;

THAT Staff be directed to prepare a report explaining why the owners of the Butt property were informed by the Planning Department, in the PLR issued December 4, 2007, that they would be assessed fees under the Ophir Creek Reservoir Local Area Service Bylaw when their property is not included in the bylaw.

Item dealt with in previous motion regarding charges allocated under the Ophir Reservoir Local Area Service Bylaw.

**Notice of Motion –
Councillor
Charlton**

Matter referred from the March 25, 2008 Regular Council Meeting re: Notice of

Motion from Councillor Charlton;

Moved by Councillor Charlton / Seconded by Councillor Doell

THAT any requests from Staff to the City's lawyer for a legal opinion be submitted to the lawyer in writing specifying the question being asked and listing all the facts and other relevant information being provided on which the lawyer is to base his/her opinion.

DEFEATED with Councillor Charlton voting in favour

**Emergency
Program Co-
ordinator**

Matter referred from the April 9, 2008 Finance Committee Meeting;

Moved by Councillor Doell / Seconded by Councillor Spearn

THAT Council add \$5,000 to the 2008 Financial Plan for a stipend for the Emergency Program Co-ordinator.

CARRIED

**Community Wild
Fire Protection
Plan Agreement –
D. Mortimer**

Matter referred from the April 9, 2008 Finance Committee Meeting;

Moved by Councillor McLellan / Seconded by Councillor Spearn

THAT Council enter into an agreement with Mr. Don Mortimer of Fire Line Consulting for the provision of the City of Rossland Community Wildfire Protection Plan at a cost of \$29,975.00.

CARRIED

Rossland Museum

Matter referred from the April 9, 2008 Finance Committee Meeting;

Moved by Councillor McLellan / Seconded by Councillor Charlton

THAT Council approve the request from the Rossland Historical Museum Association that the \$15,000.00 in capital grant funding budgeted by the City of Rossland be used to replace wiring in the LeRoi Mine rather than for museum upgrades.

CARRIED

**2167 Columbia
Ave. – Façade
Improvement**

Matter referred from the April 9, 2008 Design Review Panel Meeting;

Moved by Councillor Doell / Seconded by Councillor Charlton

THAT the Development Permit #04-2008 for Mr. Joe Bye at 2167 Columbia Avenue be approved by Council with the following recommendations:

1. That the main body colour for the building be a shade lighter to create more contrast between the body and the trim.
2. That the profile of the cornice should be similar to the bandline and similar to the existing building (ie: 3-4 stepbacks)
3. That the bandline is moved so it is equidistant to the window above and door opening below.
4. That the trim, banding and cornice have a smoother finish

producing the appearance of traditional detailing materials.

CARRIED

2063 Washington St. – New Signage

Matter referred from the April 9, 2008 Design Review Panel Meeting;

Moved by Councillor Spearn / Seconded by Councillor Drysdale

THAT the Development Permit Application #05-2008 for new signage on the building located at 2063 Washington Street be approved by Council.

CARRIED.

2104 Columbia Avenue – New Sign

Matter referred from the April 9, 2008 Design Review Panel Meeting;

Moved by Councillor Drysdale / Seconded by Councillor Spearn

THAT the Development Permit Application #06-2008 for a new sign on the building located at 2104 Columbia Avenue be approved by Council with the following recommendations:

1. That the letters are widened for more visibility.
2. That the top of the sign line up with the top of the window on the upper floor.

CARRIED

Planning and Development Meeting

Matter referred from the April 8, 2008 Planning Meeting;

Moved by Councillor Drysdale / Seconded by Councillor Charlton

THAT a Planning and Development Meeting be scheduled to discuss economic development.

DEFEATED

UNFINISHED BUSINESS

Iron Horse Park Holdings – Lease and Statutory Right Of Way

Copy of the Iron Horse Park Holdings lease and Statutory Right of Way re: water tower site;

Moved by Councillor Charlton / Seconded by Councillor McLellan

THAT Staff be authorized by Council to enter into the Lease and Statutory Right of way between the City of Rossland and Iron Horse Park Holdings.

CARRIED

NEW BUSINESS

Correspondence

Lower Columbia Community

March 14, 2008 letter from the LCCDT regarding proposal for a project for

Development Team Tourism Funds: Phase 2 (UBCM Grant).

Correspondence received. Mayor Smith to respond.

UBCM Community Tourism Phase 2 Grant Application

Copy of the proposed application form for the UBCM Community Tourism Phase 2 grant opportunity re: Council resolution in support of the application;

Moved by Councillor McLellan / Seconded by Councillor Spearn

THAT Council supports the Community Tourism Phase 2 application as presented at the April 14, 2008 Regular Meeting of Council.

AND FURTHER that Council accepts the terms and conditions as outlined in 6.4 of the program guide.

CARRIED

RDKB – CBT Community Initiatives Program

April 8, 2008 memorandum from the CAO with attached April 2, 2008 letter from the Regional District of Kootenay Boundary re: Columbia Basin Trust Community Initiatives Program.

Moved by Councillor Doell / Seconded by Councillor Charlton

THAT \$2000.00 from Rossland's grant allocation be set aside initially for administrative costs.

CARRIED

RDKB – Rescue Boat

April 3, 2008 letter from the Regional District of Kootenay Boundary re: request for donation towards a Rescue Boat for Regional Fire Service.

Moved by Councillor Spearn / Seconded by Councillor Doell

THAT the City of Rossland contribute \$500 towards the Regional Fire Service Rescue Boat.

CARRIED with Councillor McLellan voting opposed

UBCM – BC Climate Action Charter

September 6, 2007 letter from Brenda Binnie, UBCM President with attached copy of the BC Climate Action Charter between the Province, UBCM and Signatory Local Governments.

Moved by Councillor Charlton / Seconded by Councillor Spearn

THAT the City of Rossland sign the BC Climate Action Charter.

CARRIED

Reports

Visions to Actions

Ms. Erin McGuigan, Visions to Actions, summarized the priority items identified at the Working Meeting of Council held March 6, 2008.

Meeting has been scheduled for April 24, 2008 to present the Strategic Sustainability Plan.

2008 Parcel Tax Roll Review Panel

April 2, 2008 memorandum from the Manager of Finance re: 2008 Parcel Tax Roll Review Panel;

Moved by Councillor McLellan / Seconded by Councillor Charlton

THAT Council appoint all members of Council to the 2008 Parcel Tax Roll Review Panel.

CARRIED

Appointment of Election Officials

April 3, 2008 memorandum from the Deputy City Clerk re: appointment of the Chief Election and Deputy Chief Election Officers for the 2008 Municipal Election;

Moved by Councillor Spearn / Seconded by Councillor Charlton

THAT pursuant to Section 41(1) of the Local Government Act, Tracey Butler be appointed Chief Election Officer for conducting the 2008 General Local Elections with power to appoint other election officials as required for the administration and conduct of the 2008 General Local Election;

AND THAT Kathy Smith be appointed Deputy Chief Election Officer for the 2008 General Local Election.

CARRIED

Topping Creek Grant Application Renewal

April 10, 2008 memorandum from the City Engineer regarding Council approval of the Topping Creek Grant Application Renewal;

Moved by Councillor McLellan / Seconded by Councillor Doell

THAT Council instruct Staff to apply for a Towns for Tomorrow Grant in the amount of \$400,000 for the upgrade of Topping Creek Intake, with an estimated project cost of \$625,000.

CARRIED

Miners' Hall Long Range Plan

March 27, 2008 memorandum from the CAO re: Miners' Hall Long Range Plan;

Moved by Councillor Drysdale / Seconded by Councillor Spearn

THAT Council establish a task force to discuss long rang planning for the Miners' Hall and that Staff draft terms of reference and membership for further consideration by Council.

CARRIED

Subdivision Referral – Mann

April 2, 2008 report from the Planning Assistant re: Subdivision Referral- Mann Road;

Road

Moved by Councillor McLellan/ Seconded by Councillor Doell

THAT Council recommend to Ministry of Transportation not to approve the subdivision for the property legally described as Lot 4, Township 28, Kootenay District Plan NEP 79653; and Lot 2, Township 28, Kootenay District Plan 15135, Except Plans NEP74388 and NEP79653 located on Mann Road for the following reasons:

- a) It promotes sprawling development that is not supported by Rossland's Strategic Sustainability Plan.
- b) A new OCP is needed in this area that considers limits to growth and impacts on the City of Rossland.
- c) The proposal represents additional piggy-backing by extra-peripheral settlements on Rossland's hard and soft infrastructure, but without any financial benefit to the City.

AND THAT if the subdivision is approved then the application is subject to the following conditions:

- (a) That the easement identified as "future" on the map for the extension of the Centennial Trail through to BlackJack Cross Country Ski Area be registered at the time of this subdivision.
- (b) The properties will not be permitted to connect to the City of Rossland Services as per policy 11.2.5 and 11.2.10 in the Official Community Plan
- (c) That the blanket easement on the property for water lines remains on the subdivided properties.

Moved by Councillor Spearn / Seconded by Councillor Drysdale

THAT the item be referred back to Staff or clarification.

CARRIED

**Subdivision
Referral – Findlay
Creek Ranch**

April 3, 2008 report from the Planning Assistant re: Subdivision Referral-Findlay Creek Ranch;

Moved by Councillor Charlton / Seconded by Councillor Spearn

THAT Council not support the subdivision application for the property legally described as Lot C, Section 23, Township 9A, Kootenay District Plan 17164 located on Malde Creek Road for the following reasons:

- a) It promotes sprawling development which is not supported by Rossland's Strategic Sustainability Plan.
- b) A new OCP is needed in this area that considers limits to growth and impacts on the City of Rossland.
- c) It will impact Rossland's hard and soft infrastructure but has no obvious advantage for the City.

AND THAT if the subdivision is approved, then the application is subject to the following conditions:

- a) That an Urban Fire Interface Plan is developed for the strata development area, which provides a Network Management Plan and Brush Fire Risk Management Plan for the proposed development and adjacent lands.
- b) The developer must conduct a Traffic Impact Assessment and document the on and off site traffic impacts, along with appropriate mitigation measures (if required), to accompany the subdivision application; and

document the analysis in a report that meets the requirements of the Ministry of Transportation and the City of Rossland.

- c) The developer is to provide for a Spokane Street 'Major Road' rebuild that upgrades Spokane Street to an improved standard which meets the requirements of the City of Rossland to the parcel line of Parcel 11, Plan X62, Township 9A, Kootenay Land District, Except Plan REF PL 81324I.
- d) The strata development must fund annual costs related to road maintenance to the southerly City limits along Spokane Street which meets the requirements of the City of Rossland.
- e) The developer must ensure the proposed road systems and drainage from the development will generate zero added water run-off to the nearby creeks under post development conditions, as compared with the pre development character of the land.
- f) The proposed development must meet Interior Health Authority (IHA) and Land and Water British Columbia (LWBC) standards for sewage disposal and water systems on common lands.
- g) That trails in the area are enhanced and connected to the existing trails within the City of Rossland Trail network.
- h) The properties will not be permitted to connect to the City of Rossland Services as per policy 11.2.5 and 11.2.10 in the Official Community Plan.

CARRIED with Councillor McLellan opposed

Road Closure and purchase – 2111 Park Street

April 3, 2008 report from the Planning Assistant re: Road Closure and purchase – 2111 Park Street;

Moved by Councillor McLellan / Seconded by Councillor Doell

That City Council approve the request to purchase a portion of City road allowance adjacent to the lot legally described as Lot A, Section 35, Township 9A, Kootenay District Plan 17604, located at 2111 Park Street.

The conditions of sale will be:

- 1) THAT the price of the land be determined once the legal-survey is completed outlining the exact area;
- 2) THAT the cost of the property be a price per square meter and it will be based on the average assessed land value of adjoining properties, and acceptable to the City of Rossland, Manager of Finance;
- 3) THAT the purchaser be responsible for all related survey, legal, road closure, advertising and Land Title Office (LTO) registration costs, as well as any other costs involved in the purchase;
- 4) THAT all requirements of Road Closure Policy #0621, and the Community Charter be adhered to during the sales process.

CARRIED

Emcon Site

Oral report from the CAO updating the status of the Emcon Site. CAO requested Council consider allowing Staff to go out for an expression of interest for the Emcon Site.

Moved by Councillor Doell / Seconded by Councillor Spearn

THAT Staff be authorized to advertise for expressions of interest for the Emcon Site.

CARRIED

LEGISLATIVE MATTERS

**Bylaw #2410 –
Local Government
Election
Procedure Bylaw
2008**

Bylaw #2410 – Local Government Election Procedure Bylaw, 2008 re: a bylaw to establish voting procedures and requirements.

Moved by Councillor Charlton / Seconded by Councillor Spearn

THAT Bylaw #2410, Local Government Election Procedure Bylaw, 2008 be read a first and second time.

CARRIED

Moved by Councillor McLellan / Seconded by Councillor Drysdale

THAT Bylaw #2410, Local Government Election Procedure Bylaw, 2008 be read a third time.

CARRIED

**Bylaw #2411 –
2008 Parcel Tax
Bylaw for Water
Service**

Bylaw #2411 – 2008 Parcel Tax Bylaw For Water Service re: a bylaw to impose a parcel tax on water service.

Moved by Councillor Charlton / Seconded by Councillor Doell

THAT section 6 of the 2008 Parcel Tax Bylaw for Water Service be deleted

CARRIED

Moved by Councillor Doell / Seconded by Councillor Spearn

THAT Bylaw #2411, 2008 Parcel Tax Bylaw for Water Service, be read a first and second time as amended.

CARRIED

Meeting Extension

Moved by Councillor Charlton / Seconded by Councillor Spearn

THAT the April 14, 2008 Regular Meeting be extended past 10:00 pm

CARRIED

**Bylaw #2412 –
2008 Parcel Tax
Bylaw for Sewer
Service**

Bylaw #2412 – 2008 Parcel Tax Bylaw For Sewer Service re: a bylaw to impose a parcel tax on sewer service.

Moved by Councillor Charlton / Seconded by Councillor Drysdale

THAT Bylaw #2412, 2008 Parcel Tax Bylaw for Sewer Service, be read a first and second time as amended by removing section 6.

CARRIED

**Tree Retention
Bylaw# 2389**

April 2, 2008 memorandum from the CAO re: updated Tree Retention Bylaw.

Moved by Councillor Charlton / Seconded by Councillor Drysdale

THAT the Tree Retention Bylaw #2389 be referred to a Planning and Development Meeting

CARRIED

MEMBER REPORTS

**Councillor
Charlton – Notice
of Motion**

Notice of Motion by Councillor Charlton:

THAT Staff be directed to prepare a report explaining why the majority of parcel sizes in the Caldera Subdivision covered by the Development Permit approved by Council on February 25, 2008 are smaller than the minimum parcel size of 1200 square metres specified in the zoning bylaw.

Mayor Smith

Mayor Smith read a letter from the Rossland Legion regarding a request for a letter of support re: grant funding for a feasibility plan. Council concurred with the request.

**Councillor
Drysdale – Notice
of Motion**

Notice of Motion by Councillor Drysdale:

THAT Council request the RSS Grad Class to clean up the bank below the Prestige in return for a \$400 donation.

Close

Mayor Smith closed the meeting at 10:34 pm

CARRIED

I hereby certify the preceding to be a true and correct account of the Regular Meeting of Council held on April 14, 2008.

Mayor

Corporate Officer