

**MINUTES OF THE REGULAR COUNCIL MEETING OF THE TOWN OF  
BLACK DIAMOND, IN THE PROVINCE OF ALBERTA, HELD  
SEPTEMBER 2, 2009 AT 7:30 P.M. IN THE TOWN OFFICE**

**PRESENT**

Mayor Sharlene Brown  
Councillors Bill Price, Michel Jackson, Tyler Bray, Sharon  
Hart, Mike Ross and Judy Thomson  
Town Manager Joanne Irwin, Administrative Assistant Verna  
Staples, Public Works Manager Andy Pfeifer, Development  
Officer Rod Potrie  
Approximately 7 people including but not limited to: Ally  
Rutherford (Eagle), Tamara Neely (Western Wheel), Todd  
Curran (Gateway Gazette), Gordon Tomte, Rusty Davidson,  
Claire Goddard and 1 unidentified male.

**ORDER**

Mayor Sharlene Brown called the meeting to order at 7:32p.m.

She opened by thanking staff for the hard work over the  
summer and noted that the Town's new website is up, the new  
Town Directory signs are up, the community garden is  
blooming, the ice is going in right now at the rink, and roads  
are being gravelled. All of this is due to the dedication of the  
staff and volunteers in the Town of Black Diamond. She  
requested that thank you's be sent out to all involved.

**15-MINUTE  
QUESTION &  
ANSWER  
PERIOD**

Mayor Sharlene Brown declared the 15-minute question &  
answer period open at 7:35 p.m. Gordon Tomte, 16 Valley  
Ridge Place, questioned the rationale of placing a Doggipot  
dispenser in the Valley Ridge Place green space instead of at  
the entrance to the off-leash dog area. He then questioned the  
Town of Turner Valley taking charge of the library project,  
and the fact that this Council has not yet been consulted about  
the Library moving to Turner Valley. He stated that he  
understood that this was to be a joint project. He observed  
that the efforts of the Centre 78 group seem to have "gone for  
have not", and wanted to know where the funding is expected  
to come from, as budgets for 2009 have been concluded. He  
further noted that no public consultation has happened yet,  
and he would like to see some. Mayor Sharlene Brown  
assured Mr. Tomte that, at this time, Council for the Town of  
Black Diamond has not yet pledged any finances towards this  
project, only letters of support, and that Council would  
forward his message that the public have some consultation on  
this matter. As there were no further questions forthcoming,  
Mayor Sharlene Brown declared the 15-minute question &  
answer period closed at 7:38 p.m.

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**AGENDA**

**Res. 2009-262**

Moved by Councillor Michel Jackson that Council agree to accept the agenda, with the following addendum items: 7a)(i) MD of Foothills Circulation Memorandum, 7c)(v) Community Garden; funding for fence, 7e)(iii) Request for letter of support for proposed affordable housing project, and 10 In Camera Session to discuss a possible legal issue.

**UNANIMOUSLY CARRIED**

**MINUTES**

**Res. 2009-263**

Moved by Councillor Tyler Bray that Council agree to adopt the Minutes of the Regular Council Meeting held June 17, 2009, as amended to include Mayor Sharlene Brown's participation at the Clay Olympics.

**UNANIMOUSLY CARRIED**

**BYLAWS**

**a) Bylaw 09-07: Lane Closure, Plan 8985 FM**

Development Officer Rod Potrie offered a Powerpoint presentation regarding Bylaw 09-07 (as attached).

**Res. 2009-264**

Moved by Councillor Bill Price that Council agree to give Bylaw 09-07 first reading and to set a Public Hearing for October 7, 2009.

**UNANIMOUSLY CARRIED**

**ACTION ITEMS**

**a) Core Strategy: Flexibility**

**(i) MD of Foothills Circulation Memorandum**

**Res. 2009-265**

Moved by Councillor Michel Jackson that Council agree to send a letter to the MD of Foothills stating that Council has no objection to the re-zoning of the property, but including strongly worded concerns expressed by Council regarding potential water, wastewater and environmental issues which could arise from the project, including any impact caused by septic systems to local aquifers.

**UNANIMOUSLY CARRIED**

**b) Core Strategy: Provide Safe and Effective Service -  
no items to discuss**

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**c) Core Strategy: Partnerships**

**(i) 2008 Financial Report from the Sheep River Library**

**Res. 2009-266**

Moved by Councillor Mike Ross that Council agree to accept the Sheep River Library's 2008 Financial Report for information purposes.

**UNANIMOUSLY CARRIED**

**(ii) Regional Indoor Field House**

**Res. 2009-267**

Moved by Councillor Judy Thomson that Council agree not to support the financial commitment, as presented by scenarios 1-4, for the Regional Indoor Field House as council has local efforts and projects that need to be supported at this time.

**MOTION DEFEATED**

**Res. 2009-268**

Moved by Mayor Sharlene Brown that Council agree to send a letter noting Council's concerns that it is unable support the funding amounts as requested, but that Council agrees to continue to support the Regional Indoor Field House in principle, and is interested in continuing to investigate future funding possibilities.

**UNANIMOUSLY CARRIED**

**(iii) Centre 78 Society Advisory Committee**

Councillor Tyler Bray spoke, in his capacity as Chair of the Centre 78 Society, noting that the draft meeting minutes being discussed here were taken at a meeting of an ad hoc committee and do not represent the Centre 78 Advisory Committee.

**Res. 2009-269**

Moved by Mayor Sharlene Brown that Council agree to forward this item to the September 14, 2009 Committee of the Whole meeting for discussion.

**UNANIMOUSLY CARRIED**

**(iv) MD of Foothills Municipal Development Plan**

**Res. 2009-270**

Moved by Councillor Michel Jackson that Council agree to accept the Municipal Development Plan prepared by the MD of Foothills No. 31 for information purposes.

**UNANIMOUSLY CARRIED**

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**RECESS**

**Res. 2009-271**

Moved by Mayor Sharlene Brown that Council agree to recess the meeting at 8:18 p.m.

**UNANIMOUSLY CARRIED**

**RECONVENE**

**Res. 2009-272**

Moved by Mayor Sharlene Brown that Council agree to reconvene the meeting at 8:29 p.m.

**UNANIMOUSLY CARRIED**

**Res. 2009-273**

Moved by Councillor Michel Jackson that Council agree to take the agenda out of order at this time to permit Development Officer Rod Potrie time to research item 7c)(v).

**UNANIMOUSLY CARRIED**

**d) Core Strategy: Improve Communication**

**(i) Digital Red Book (Flash Drives) Report**

Councillor Michel Jackson requested to view the section of the Freedom of Information and Privacy Protection Act that prohibits the full record of the complaints being put on flash drives to be distributed to Council. It was noted by Councillor Sharon Hart that the upcoming installation of a keyless entry system in the Town Office would increase the ease of access to the hard copy of the Red Book. Councillor Tyler Bray noted the time constraints still in place, due to employment and Council commitments, which make it difficult to find the time to come to the office to read the Red Book.

**Res. 2009-274**

Moved by Mayor Sharlene Brown that Council agree to purchase 7 - 16 GB flash drives, one for each member of Council, that funds are to come from Council's Goods budget, and that in addition to providing a digital copy of the Red Book items to each Council member, Administration is to also maintain a hard copy of the Red Book.

**UNANIMOUSLY CARRIED**

**(ii) Letter from Alberta Capital Finance Authority  
(ACFA)**

**Res. 2009-275**

Moved by Councillor Michel Jackson that Council agree to accept the request for anticipated borrowing from ACFA for information purposes.

**UNANIMOUSLY CARRIED**

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**e) Core Strategy: Positive Leadership**

**(i) AUMA attendance and group reservations**

Councillors Bill Price, Judy Thomson, Tyler Bray and Mayor Sharlene Brown have committed to attend the AUMA, at this time. It was requested that each participating Council member fill out registration forms and return them to Administrative Assistant Verna Staples by September 15, 2009, also noting the nights that accommodations will be required.

**(ii) 2009 Municipal Census Results**

**Res. 2009-276**

Moved by Councillor Michel Jackson that Council agree to accept the 2009 Municipal Census results as presented and attached, and to send a letter to the Census takers and to staff thanking them for their excellent work.

**UNANIMOUSLY CARRIED**

**(iii) Request for Letter of Support for affordable housing project**

Development Officer Rod Potrie spoke on behalf of Dave Brown, who entered Council Chambers near the end of the presentation, at 8:55pm.

**Res. 2009-277**

Moved by Councillor Sharon Hart that Council agree to send a letter of support in principle, for the overall affordable housing project concept presented by Mr. Dave Brown of 961481 Alberta Ltd. (as provided).

**UNANIMOUSLY CARRIED**

**f) Miscellaneous Items**

**(i) Town Manager Report Decisions – as required**

None required.

**Res. 2009-278**

Moved by Councillor Michel Jackson that Council agree to accept the Town Manager's Report for information purposes.

**UNANIMOUSLY CARRIED**

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**(ii) Year End Entries**

**Res. 2009-279** Moved by Councillor Bill Price that Council agree to transfer \$40,000.00 of the general operating surplus for 2008 into the Contingency Reserve for future use.  
**UNANIMOUSLY CARRIED**

**Res. 2009-280** Moved by Councillor Mike Ross that Council agree to transfer the unexpended amount of \$36,238.80 from the Scott Seaman Sports Rink from 2008 into reserves and authorize the transfer of the unexpended funds from reserves in 2009 in order to complete the project.  
**UNANIMOUSLY CARRIED**

**Res. 2009-281** Moved by Councillor Judy Thomson that Council agree to transfer the Affordable Housing Grant funds in the amount of \$1,372,000.79 (2008 principal plus interest) into reserves for 2008 and further agree to transfer the entire reserved Affordable Housing Grant funds out of reserves (\$1,372,000.79) in 2009 so that the final accounting can be completed and residual funds forwarded to the Foothills Foundation in due course.  
**UNANIMOUSLY CARRIED**

**Res. 2009-282** Moved by Councillor Sharon Hart that the agreement between the Town of Black Diamond and the Foothills Foundation dated July 8, 2009 and the Assignment Agreement between the Minister of Housing and Urban Affairs, the Town of Black Diamond and the Foothills Foundation dated July 24, 2009 be accepted as presented and as attached.  
**UNANIMOUSLY CARRIED**

**(iii) Letter from Canadian Union of Postal Workers**

**Res. 2009-283** Moved by Councillor Michel Jackson that Council agree to send a letter of support, as presented, to Ted Menzies, MP and to the Canadian Postal Services with a cc to Canadian Union of Postal Workers.  
**UNANIMOUSLY CARRIED**

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**Res. 2009-284** Moved by Councillor Michel Jackson that Council agree to approve the use of the area requested (as attached) for the Oilfields Curling Club 50<sup>th</sup> Anniversary event “Frosty Rocks”, subject to the recommendations from the Parks and Recreation Manager and the Fire Chief.

**UNANIMOUSLY CARRIED**

It was requested by Mayor Sharlene Brown that item 8f) 2009 Volunteer of the Year Award be forwarded to the Committee of the Whole meeting of September 14, 2009.

**Res. 2009-285** Moved by Councillor Michel Jackson that Council agree to send a letter to Peace Officers Berry & Wiebe thanking them for their efforts and to keep up the good work.

**UNANIMOUSLY CARRIED**

**CORRESPONDENCE  
AND INFORMATION**

**Res. 2009-286** Moved by Mayor Sharlene Brown that Council agree to accept the following correspondence for information purposes only:

- a) Town Manager’s Report
- b) Public Works Report
- c) FCSS Report
- d) “Frosty Rocks” curling event
- e) FCSS Joint Services Information Presentation
- f) 2009 Volunteer of the Year
- g) Letter from the Village of Longview thanking Peace Officers for assisting with their parade
- h) Email from resident commending Peace Officers
- i) Municipal Affairs / AAMDC workshop “Finding Agreement”
- j) Thank You card from Black Diamond Gospel Church
- k) Mayor’s Quarterly Report
- l) Certificate of Appreciation from 2009 Foothills Beaverree
- m) Letter from Minister of Culture and Community Spirit regarding Alberta Art Days

**UNANIMOUSLY CARRIED**

At this time, item 7c)(v) Community Garden Fence was re-introduced to the agenda. Development Officer Rod Potrie quoted a section of the Land Use Bylaw which indicated that the 8 foot high fencing proposal requested by the Community Garden exceeds the height restrictions set in place by the Land Use Bylaw 98-14.

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**Res. 2009-287**

Moved by Mayor Sharlene Brown that Council agree to approve the request from the Parks & Recreation Board to lend \$4,022.00 at a rate of 1.757% (the current lending rate set by the ACFA) from their reserve funds to their Community Garden sub-committee which is to be repaid over a two year period as requested, to facilitate the purchase and installation of a fence for the Community Garden, and further agree that the fence must meet current Land Use Bylaw standards, or application must be made for a site specific Land Use Bylaw amendment if it does not meet the Land Use Bylaw standards.

**UNANIMOUSLY CARRIED**

**Res. 2009-288**

Moved by Mayor Sharlene Brown that Council agree that the Parks & Recreation committee is to decide on the necessity of an 8 foot fence, and if necessary to make application, for a site-specific Land Use Bylaw amendment as required.

**UNANIMOUSLY CARRIED**

**RECESS**

**Res. 2009-289**

Moved by Mayor Sharlene Brown that Council agree to recess the meeting at 9:27 p.m.

**UNANIMOUSLY CARRIED**

**RECONVENE**

**Res. 2009-290**

Moved by Mayor Sharlene Brown that Council agree to reconvene the meeting at 9:44 p.m.

**UNANIMOUSLY CARRIED**

**IN CAMERA**

**Res. 2009-291**

Moved by Mayor Sharlene Brown that Council agree to go In Camera at 9:44 p.m. to discuss a possible legal matter and a personnel matter.

**UNANIMOUSLY CARRIED**

**IN CAMERA**

**Res. 2009-292**

Moved by Mayor Sharlene Brown that Council agree to re-open the meeting to the public at 10:21 p.m.

**UNANIMOUSLY CARRIED**

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**Res. 2009-293** Moved by Mayor Sharlene Brown that Council agree not to approve the easement requested by the owner of Lot 20, Block 5, Plan 5503 EH as due process of the requested lane closure must be followed and Ministerial approval of the closure of 8985 FM is required prior to any further action being taken.  
**UNANIMOUSLY CARRIED**

**Res. 2009-294** Moved by Councillor Bill Price that Council agree to support staff and Council in the Intermunicipal function being held September 18, 2009 and that the cost be allocated to the appropriate departmental budgets.  
**UNANIMOUSLY CARRIED**

**ADJOURNMENT**

**Res. 2009-295** Moved by Councillor Bill Price that Council agree to adjourn the meeting at 10:38 p.m.  
**UNANIMOUSLY CARRIED**

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MAYOR

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TOWN MANAGER