



## COUNCIL OF THE CITY OF CASTLEGAR

### Regular Meeting Minutes

Minutes of the regular meeting of the Council of the City of Castlegar held Monday, July 14, 2008, at 7:00 p.m. in the Community Forum, 445 – 13<sup>th</sup> Avenue, Castlegar, B.C.

**MEMBERS  
PRESENT:**

Mayor Lawrence Chernoff  
Councillor Kirk Duff  
Councillor Russ Hearne  
Councillor Raymond Koehler  
Councillor Deb McIntosh

**MEMBERS ABSENT:**

Councillor Kevin Chernoff  
Councillor Gordon Turner

**ALSO PRESENT:**

John Malcolm, Chief Administrative Officer  
Andre Buss, Director of Finance  
Phil Markin, Director of Development Services  
Chris Cochran, Director of Transportation and Civic Works  
Pat Mawhinney, Director of Corporate Services  
Gerry Rempel, Fire Chief  
Public and Media

**CALL TO ORDER:**

There being a quorum present, the Mayor called the meeting to order at 7:08 p.m.

**AGENDA:  
407-08**

Moved and seconded,  
that the agenda be approved as amended by adding under Planning and Development the Development Permit Application DP-3/08, (701 Paulson Place – Lordco) Report No. 08-142, the Rezoning Application R-5/08, (2224 and 2228 Columbia Avenue) Report No. 08-156, under Correspondence, Letter 1230 from the Union of B.C. Municipalities Healthy Communities Committee regarding Resource Guide on Food Secure Communities, Letter 1231 from the Real Estate Foundation regarding Rural Revitalization Conference Information – Reversing the Tide, and Bylaw 1091, Zoning Amendment Bylaw (2224 and 2228 Columbia Avenue) for consideration of two readings. Carried.

**DELEGATIONS:  
- UPDATE ON  
ZELLSTOFF CELGAR'S  
GREEN ENERGY  
PROJECT**

Mr. Jim McLaren and Ms. Fiona McKay of Zellstoff Celgar, appeared before Council to provide an update on Zellstoff Celgar's Green Energy Project.

Mr. McLaren advised that since the Mercer acquisition of Celgar in 2005, \$28 million in capital upgrades have been made to increase pulp production, lower chemical costs and reduce energy purchases. Mercer is now investing \$55 million with the goal of exporting 25 to 35 MW of surplus green electricity. Key components of the project are a new 48 MW condensing steam turbine and generator, upgrades to the woodwaste boiler and reduction in process steam use by 15%.

Mr. McLaren advised that this is a green project because natural gas usage will be reduced by 10%, green house gases will be reduced by 118,000 tonnes per year, sulphur dioxide emissions will be reduced by 75% and there will be reduced venting of odorous gases and a lower effluent temperature. Mr. McLaren stated that current combined effluent and clean cooling water temperature is 40 degrees C and it is proposed that this will remain at 40 degrees C following project completion.

Benefits to the community are reduced community odour, job security at the pulp mill, woodwaste purchases from local sawmills and less venting noise from surplus steam.

Mr. McLaren reviewed the Green Energy Project schedule which began in January 2008 with completion anticipated in March 2010.

**- TWIN RIVERS  
DEVELOPMENT**

Mr. Ike Braga appeared before Council on behalf of the 5<sup>th</sup> Avenue residents to express concern about the Twin Rivers Estates Development.

Mr. Braga stated that the residents of 5<sup>th</sup> Avenue were in favour of the development. They did, however, want emergency access only along 5<sup>th</sup> Avenue. Earlier, residents of 5<sup>th</sup> Avenue had been promised access along 5<sup>th</sup> Avenue would be for emergency purposes only. It is now understood that the developer is experiencing difficulties with the access from Columbia Avenue and that 5<sup>th</sup> Avenue is being considered for primary access.

On behalf of the 5<sup>th</sup> Avenue residents, Mr. Braga asked that the City not approve any further development or infrastructure until access to the development has been agreed upon by the City, the Developer and the residents of 5<sup>th</sup> Avenue.

408-08

Moved and seconded,  
that the report number 08-149, Twin River Estates Update, the motion regarding 5<sup>th</sup> Avenue Residents' Concerns and any questions from the public pertaining to access to the Twin Rivers Estates Development from 5<sup>th</sup> Avenue be moved prior to the approval of the Minutes of June 23, 2008 on the agenda. Carried.

**QUESTION PERIOD:**

**- IKE BRAGA**

Mr. Ike Braga asked:

- a) Who was the approving officer for the City?
- b) Why the City was paying for the upgrade of 5<sup>th</sup> Avenue?
- c) Why residents of 5<sup>th</sup> Avenue were not notified of the change (of access from Columbia Avenue to Twin Rivers Estates) in January?
- d) Will this subdivision be approved?
- e) For clarification of statements given by Mayor Chernoff and Councillor Russ Hearne in January of 2008.
- f) Have any members of Council purchased property in the Twin Rivers Estates development?

**- PHIL MARKIN**

Mr. Phil Markin, Director of Development Services responded that:

- a) He is the Approving Officer for the City of Castlegar.
- b) The City will consider the upgrade of 5<sup>th</sup> Avenue south of 32<sup>nd</sup> Street during the 2009 budget deliberations. Water service pressure may be improved at that time with servicing through Twin Rivers Estates, supplied from the Park Zone.
- c) In January of 2008, the City was still discussing access to the Twin Rivers Estates with the Ministry of Transportation.
- d) This subdivision will be approved if all the conditions are met.

Councillor Russ Hearne responded that:

- e) Statements given by both Mayor Chernoff and Councillor Hearne in January 2008 were correct. Mayor Chernoff's statement was that the City was awaiting preliminary approval from the Ministry of Transportation for access to the Twin Rivers Estates. Councillor Hearne's statement was an expression of concern that halting or cancelling the development may put the City into litigation.

f) No members of Council responded that they were owners of property in the Twin Rivers Estates development.

- BILL FUREY

Mr. Bill Furey asked why an alternate route, crossing the railway tracks at 39<sup>th</sup> Street, turning right and continuing parallel to Columbia Avenue until a 2% grade was met, then access onto Columbia Avenue, had not be considered?

- COUNCILLOR  
HEARNE

Councillor Hearne responded that this will be discussed with CPR and the Ministry of Highways.

- TOM KOLLER

Mr. Tom Koller expressed concern that, with increased traffic along 5<sup>th</sup> Avenue, residents would have to fence their yards and this would totally change the area. Residents have invested time and money in their homes. This project has been going on for 15 years. Why hasn't access been figured out?

- ANN GODDERIS

Mrs. Ann Godderis requested additional copies of report #08-149, Twin Rivers Estates Update. Can it be a requirement that something as contentious as access be approved by all parties prior to approval of the development?

- PHIL MARKIN

Mr. Phil Markin responded that he doubted this could be done. As the Approving Officer, he must view concerns of the City as a whole.

409-08  
- TWIN RIVER  
ESTATES UPDATE

Moved and seconded,  
that the Twin River Estates Report Number 08-149, dated July 8, 2008, from the Director of Development Services, be received for information. Carried.

Moved  
that Council suspend further approvals or Development Permits to the Developers of the Twin River Estates property until such time as an agreement is reached between the Developer, the 5<sup>th</sup> Avenue residents, the City of Castlegar and the Ministry of Transportation and Highways, regarding the access to the development from Columbia Avenue/Highway 22. Motion not Seconded.

Moved and seconded,  
that a 15 minute recess be taken prior to continuing with the meeting agenda. Carried.

The regular meeting of Council reconvened at 8:22 p.m.

**MINUTES:**

410-08  
- PUBLIC HEARING  
- APRIL 22, 2008

Moved and seconded,  
that the minutes of the public hearing held April 22, 2008, be approved as presented. Carried.

411-08  
- PUBLIC HEARING  
- JUNE 9, 2008

Moved and seconded,  
that the minutes of the public hearing held June 9, 2008, be approved as presented. Carried.

412-08  
- REGULAR MEETING  
- JUNE 23, 2008

Moved and seconded,  
that the minutes of the regular meeting held June 23, 2008, be approved as presented. Carried.

**REPORTS:  
COMMUNITY  
WELLNESS & SOCIAL  
SERVICES:**

Nil

**CULTURAL AND CIVIC**

**PRIDE:**

- 413-08
- KOOTENAY DOUKHOBOR HISTORICAL SOCIETY MINUTES
- MAY 8, 2008

Moved and seconded,  
that the minutes of the Kootenay Doukhobor Historical Society meeting held May 8, 2008, be received for information. Carried.

**FINANCE AND CORPORATE SERVICES:**

- 414-08
- 2008 LOCAL GOVERNMENT ELECTION – APPOINTMENT OF CHIEF ELECTION OFFICER (#08-140)

Moved and seconded,  
that Carolyn Rempel be appointed Chief Election Officer for the 2008 Local Government Election with power to appoint other election officials as required for the administration and conduct of the 2008 Election and that John Malcolm be appointed Deputy Chief Election Officer for the 2008 Local Government Election;

and that the election officials shall be compensated as follows:

- a) Chief Election Officer ..... \$700.00
- b) Deputy Chief Election Officer..... \$450.00
- c) Presiding Election Officials ..... \$300.00
- d) Poll Clerks ..... \$225.00

and further that the City provide lunch and dinner meals for all election staff in attendance at the voting place on election day.

Carried.

Opposed: Councillor Koehler

Moved,

that the resolution 414-08, appointing the Chief Election Officer, Deputy Chief Election Officer, establishing election staff compensation and provision of meals on general election day, be amended to state that the benefit of refreshments paid to election officials will also be paid to other volunteers who are working as scrutineers. Motion not Seconded.

- 415-08
- GRANT APPLICATION – CASTLEGAR MIDGET GIRLS FASTBALL TEAM (#08-147)

Moved and seconded,  
that Council approve a \$800 grant to the Castlegar Rush – Female Midget Rep Fastball Team, out of the City's grants line item, to assist with the travel costs for the team to travel to Victoria, B.C. to participate in the 2008 Female Midget C Fastball Provincial Championships. Carried.

- 416-08
- GRANT APPLICATION – LET'S FIND A WAY SOCIETY (#08-154)

Moved and seconded,  
that the applications for funding from the Let's Find a Way Society, received June 11, 2008, be denied based on Section A(1)(g) of the City's Grants Policy 3-2, and that the Society be encouraged to submit an application for funding in the 2009 calendar year. Carried.

Abstained: Councillor Koehler

- 417-08
- SPIRIT SQUARE & CITY HALL CELEBRATION (#08-149)

Moved and seconded,  
that Council authorize staff to provide for Opening Celebrations of the new Spirit Square and City Hall on August 16, 2008 with a budget allocation of \$10,000. Carried.

Mr. John Malcolm, Chief Administrative Officer, provided a verbal report regarding the proposed events scheduled for the Grand Opening of the Spirit Square and the new City Hall Celebration, including a delegation from our Sister-City of Embetsu, Japan and activities from 10 a.m. to 9 p.m. on August 16, 2008, including entertainment, refreshments and a street dance.

**FINANCE AND  
CORPORATE  
SERVICES:**

418-08  
- MINISTRY OF  
FORESTS AND RANGE  
- SUPPLEMENTARY  
AGREEMENT AERIAL  
FOREST PROTECTION  
AND AIR OPERATIONS  
PROGRAM (#08-153)

Moved and seconded,  
that Council approve the supplementary agreement with the Ministry of Forests and Range to amend the term of the lease for the Ministry's aerial forest protection and air operations program to a twenty (20) year period from September 1, 2008 to August 31, 2008 and, that the Mayor and Director of Corporate Services be authorized to execute the necessary documents. Carried.

**PLANNING AND  
DEVELOPMENT:**

419-08  
- ADVISORY PLANNING  
COMMISSION  
MEETING MINUTES  
- JUNE 17, 2008

Moved and seconded,  
that the minutes of the Advisory Planning Commission meeting held June 17, 2008, be received for information. Carried.

420-08  
- BUSINESS LICENCE  
REPORT – JUNE, 2008  
(#08-143)

Moved and seconded,  
that the Business Licence Report for June, 2008, be received for information. Carried.

421-08  
- BUILDING PERMIT  
REPORT – JUNE, 2008  
(#08-144)

Moved and seconded,  
that the Building Permit Report for June, 2008, be received for information. Carried.

422-08  
- DEVELOPMENT  
SERVICES MONTHLY  
ACTIVITY REPORT  
- JUNE, 2008  
(#08-145)

Moved and seconded,  
that the Development Services Monthly Activity Report for June, 2008, be received for information. Carried.

423-08  
- PLANNING AND  
DEVELOPMENT  
COMMITTEE MEETING  
MINUTES (#08-148)  
- JUNE 19, 2008

Moved and seconded,  
that the Planning and Development Committee Meeting minutes for June 19, 2008, be received for information. Carried.

424-08  
- DEVELOPMENT  
PERMIT APPLICATION  
DP-3/08 (701 PAULSON  
PLACE – LORDCO)  
(#08-142)

Moved and seconded,  
that once the conditions in Report No. 08-142 are met, the Mayor and Director of Corporate Services be authorized to issue Development Permit DP-3/08 to allow the construction of a Lordco Auto Parts building at 701 Paulson Place, with 43 parking spaces and with an interior side lot line setback of approximately 3.6 meters (12 feet). Carried.

425-08  
- REZONING  
APPLICATION R-5/08,  
(2224 AND 2228  
COLUMBIA AVENUE)  
(#08-156)

Moved and seconded,  
that Council amend Schedule "A" of Zoning Bylaw 800, being the zoning map, by changing the zoning destination of lots 18 and 19, District Lot 7174 Kootenay District Plan 2041 (2224 and 2228 Columbia Avenue) from R-1 (Single Residential) to R-4B (Medium Density Multiple Residential – B Zone); and

that Zoning Bylaw amendment application R-5/08 be referred to the Advisory Planning Commission for its review and recommendation; and

that staff be authorized to undertake the necessary notification on scheduling of a public hearing. Carried.

**PUBLIC SAFETY:**

426-08  
- TRAFFIC AND BYLAW  
ENFORCEMENT  
MONTHLY ACTIVITY  
REPORT – JUNE, 2008  
(#08-146)

Moved and seconded,  
that the Traffic and Bylaw Enforcement Monthly Activity Report for  
June 2008, be received for information. Carried.

427-08  
- EMERGENCY  
SERVICES MONTHLY  
REPORT – MAY, 2008  
(#08-139)

Moved and seconded,  
that the Emergency Services Monthly Report for May, 2008, be  
received for information. Carried.

428-08  
- EMERGENCY  
SERVICES MONTHLY  
REPORT – JUNE, 2008  
(#08-152)

Moved and seconded,  
that the Emergency Services Monthly Report for June, 2008, be  
received for information. Carried.

**TRANSPORTATION  
AND CIVIC WORKS:**

429-08  
- CASTLEGAR  
AIRPORT REPORT –  
JUNE, 2008

Moved and seconded,  
that the Castlegar Airport monthly report for June, 2008, be received  
for information. Carried.

430-08  
- TRANSPORTATION  
AND CIVIC WORKS  
COMMITTEE MEETING  
MINUTES  
– JULY 8, 2008

Moved and seconded,  
that the minutes of the Transportation and Civic Works Committee  
meeting held July 8, 2008, be received for information. Carried.

431-08  
- COLUMBIA  
AVE./HIGHWAY 22  
SPEED LIMIT –  
PROPOSED  
REDUCTION

Moved and seconded,  
that staff be directed to contact the Minister of Transportation and  
Infrastructure regarding reduction of the speed limit from 32<sup>nd</sup> Street  
to the 100<sup>th</sup> Street entrance to Blueberry. Carried.

432-08  
- OOTISCHENIA  
IMPROVEMENT  
DISTRICT – REQUEST  
TO CONSTRUCT WELL  
ON CITY LAND  
(#08-141)

Moved and seconded,  
that Council permit creation of a statutory right-of-way on City  
owned land at the airport in favour of the Ootischenia Improvement  
District (OID) subject to the conditions outlined in Report No. 08-141  
for the purposes of constructing a domestic water well and that  
Council authorize staff to execute the necessary documents. Carried.

433-08  
- RESIDENTIAL  
CURBSIDE RECYCLING  
UPDATE (#08-150)

Moved and seconded,  
that the report dated July 11, 2008, from the Director of  
Transportation & Civic Works, regarding implementation of the  
Residential Curbside Recycling Program, be received for  
information. Carried.

**R.D.C.K. REPORT:**

434-08  
- REGIONAL DISTRICT  
OF CENTRAL  
KOOTENAY MINUTES  
OF THE BOARD  
MEETING – JUNE 21,  
2008

Moved and seconded,  
that the minutes of the Regional District of Central Kootenay Board  
meeting held June 21, 2008, be received for information. Carried.

**CORRESPONDENCE:**

435-08

Moved and seconded,  
that the appreciation letter from Mr. Ron Armbruster, President of the Castlegar Festival Society regarding Sunfest 2008; the letter from Mr. George Abbott, Minister of Health regarding Interim Residential Care Beds at Castleview Care Centre; and the letter from Mr. Robert Hennessy, Intermountain International Bicycle Racing Association regarding the International Bike Race, be received for information. Carried.

436-08

- CONFERENCE ON  
SENIORS' HEALTH,  
HOUSING AND  
INCOME IN A GLOBAL  
AGE-FRIENDLY  
COMMUNITY

Moved and seconded,  
that the letter dated May 11, 2008 from the Council of Senior Citizens' Organizations of BC regarding the Conference on Seniors' Health, Housing and Income in a Global Age-Friendly Community, be received for information and that staff send a letter to the Castlegar Seniors' Association in regards to assisting them in taking part in this conference. Carried.

437-08

- 2009 FORESTS  
CAPITAL OF BC  
NOMINATION

Moved and seconded,  
that the letter dated June 25, 2008 from Ms. Brenda Martin, Communications Coordinator and Editor, Association of BC Forest Professionals regarding the 2009 Forest Capital of BC Nomination, be received for information and that a letter be forwarded to the Cultural and Civic Pride Committee for consideration. Carried.

438-08

- U.B.C.M. RE:  
RESOURCE GUIDE ON  
FOOD SECURE  
COMMUNITIES

Moved and seconded,  
that the memorandum from the Union of B.C. Municipalities dated June 25, 2008 regarding the Resource Guide on Food Secure Communities, be received for information and referred to the Planning and Development Committee to determine the impacts on the community. Carried.

439-08

- RURAL  
REVITALIZATION  
CONFERENCE  
INFORMATION –  
REVERSING THE TIDE

Moved and seconded,  
that the e-mail correspondence from the Real Estate Foundation dated July 8, 2008 regarding the Rural Revitalization Conference Information – Reversing the Tide, be received for information and that Council authorize a member of Council to attend this conference. Carried.

**REPORTS OTHER:**

440-08

- SELKIRK COLLEGE'S  
OPERATIONAL  
FINANCIAL STABILITY

Moved and seconded,  
that Council receive the attached Background Document and authorize staff to schedule a meeting of elected officials from concerned local municipalities to meet with Honourable Murray Coell, Minister of Advanced Education and respectfully request that financial support to provide Selkirk College, and all other community colleges, with a 5 year funding allocation which recognizes the inflationary operational costs of running a post secondary educational institution. Carried.

441-08

- FRESH AIR CINEMA

Moved and seconded,  
that Council authorize up to \$3,000 to sponsor the Fresh Air Cinema event, an outdoor movie organized by the Castlegar & District Heritage Society and scheduled for July 28, 2008 at the Millennium Walkway. Carried.

Abstained: Councillor Koehler

**MAYOR'S REPORT:**

442-08

- MAYOR CHERNOFF'S  
VERBAL REPORT

Moved and seconded,  
that the Mayor's Report on events he attended from June 24 – July 14, 2008 inclusive, as well as those events attended on his behalf by other members of Council, be received for information. Carried.

**NEW & UNFINISHED  
BUSINESS:**

443-08  
- PROCESSES &  
PROTOCOL FOR  
PUBLIC INPUT TO  
COUNCIL DECISION  
MAKING

Moved and seconded,  
that Council prepare and publish periodically specific guidelines for the residents of Castlegar, regarding the avenues available to the public to participate in City decision making, such as correspondence, delegations, question period, public meetings, via post (mail), e-mail, city web site, hand delivery to City Hall, together with protocol requirements such as name, address, telephone number, time frames for processing and any other means and that this resolution be referred to the Finance and Corporate Services Committee to choose the method that is most appropriate. Carried.

- USE OF PESTICIDES  
AND HERBICIDES IN  
CITY OF CASTLEGAR

Moved,  
that Council suspend the use of pesticides and herbicides in the City of Castlegar parks, playgrounds, playing fields and picnic areas. Motion not Seconded.

- "MOSQUITO" –  
ULTRA-SONIC ANTI-  
SOCIAL YOUTH  
DETERRANT SYSTEM

Moved,  
that Council suspend the operation and further implementation of the "Mosquito" – Ultra-Sonic Anti-Social Youth Deterrant System, until such time as Stakeholders have been consulted, and the possible negative side effects have been examined.

Motion not Seconded.

**BYLAWS:**

444-08  
- BYLAW 1089  
- ZONING AMENDMENT  
BYLAW  
(605 – 20<sup>TH</sup> STREET)  
- 3<sup>RD</sup> READING

Moved and seconded,  
that Bylaw 1089, Zoning Amendment Bylaw (605 – 20<sup>th</sup> Street), be read a third time. Carried.

445-08  
- BYLAW 1091  
- ZONING AMENDMENT  
BYLAW (2224 & 2228  
COLUMBIA AVENUE)  
- 1<sup>ST</sup> READING

Moved and seconded,  
that Bylaw 1091, Zoning Amendment Bylaw (2224 & 2228 Columbia Avenue), be read a first time by title. Carried.

446-08  
- BYLAW 1091  
- ZONING AMENDMENT  
BYLAW (2224 & 2228  
COLUMBIA AVENUE)  
- 2<sup>ND</sup> READING

Moved and seconded,  
that Bylaw 1091, Zoning Amendment Bylaw (2224 & 2228 Columbia Avenue), be read a second time by content. Carried.

447-08  
- BYLAW 1092  
- SUBDIVISION AND  
DEVELOPMENT  
AMENDMENT BYLAW  
- ADOPTION

Moved and seconded,  
that Bylaw 1092, Subdivision and Development Amendment Bylaw, be adopted. Carried.

**NEXT MEETINGS:**

Regular Meeting, August 11, 2008, 7:00 p.m. at the Community Forum, 445 – 13<sup>th</sup> Avenue, Castlegar, B.C.

**NOTICE OF MOTION:**

448-08  
- MORATORIUM ON  
WATER LICENCES

Moved and seconded,  
that the Notice of Motion regarding the Moratorium on Water Licenses be brought forward to the regular meeting of Council on August 11, 2008. Carried.

**QUESTION PERIOD:**

- MEL MCMULLEN

Mr. Mel McMullen referred to the presentation by representatives of Zellstoff Celgar regarding the Green Project and stated that this presentation was not adequate in lieu of a public hearing and asked other questions.

- JOHN MALCOLM

Mr. John Malcolm, Chief Administrative Officer, stated that question period was to present questions to members of Council and recommended that Mr. McMullen submit his questions to staff in writing.

- RUDIGER KLAUS

Mr. Rudiger Klaus asked a number of questions about real estate and driving issues.

- KEITH SIMMONS

Mr. Keith Simmons advised Council that he frequently rides his bicycle along Columbia Avenue, travelling to and from work at Celgar. His daughter cycled to and from work at Celgar also until she was hit by a car in front of Tim Horton's last summer and seriously injured. Mr. Simmons stated he was pleased to hear about the City's bike and pedestrian cycle plan and encouraged Council to find funding to put signage in place along Columbia Avenue to remind drivers that there are cyclists on the road.

Mayor Chernoff responded that the City should be able to place some signage fairly soon.

- BUD GODDERIS

Mr. Bud Godderis asked what the City was doing with respect to pesticides and Mayor Chernoff responded that staff would provide a copy of this information to Mr. Godderis.

**ADJOURNMENT:**

448-08

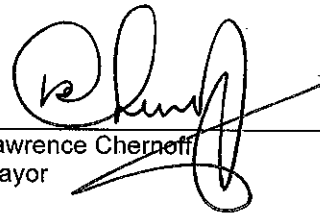
Moved and seconded,  
that the meeting adjourn at 9:51 p.m.

Carried.

**CERTIFIED CORRECT:**



John Malcolm,  
Chief Administrative Officer



Lawrence Chernoff  
Mayor

