

**COUNCIL OF THE TOWN OF FORT SMITH  
REGULAR MEETING 07-09  
THE FIRST MEETING OF COUNCIL FOR  
THE MONTH OF JULY AND THE  
SEVENTH FOR THE YEAR 2009**

**PRESENT:** D/M P. Burke Cr. B. Linaker  
Cr. B. Johnson Cr. T. McDonald

**ABSENT:** Mayor P. Martselos, Cr. F. Daniels, Cr. M. Berls

**STAFF:** D. Webb, A/Senior Administrative Officer  
A. Sebert, Executive Assistant

**GALLERY:** Samantha Stokell, Marie Swanson, Glen Freund, Sydney O'Sullivan, Denise Yuhas, Don Jaque, Sean Bell and Dennis Bevington

Meeting 07-09  
July 21, 2009

7 PM  
Council Chambers

(i) **CALL TO ORDER**

Deputy Mayor Burke called the meeting to order at 7:00 pm. Deputy Mayor Burke welcomed the guests and was pleased to see the MP Dennis Bevington in attendance.

(ii) **ADOPTION OF AGENDA**

**148-09** Moved by: Cr. Johnson  
Seconded by: Cr. Linaker

"THAT the agenda be adopted as presented."

MOTION CARRIED

(iii) **DECLARATION OF CONFLICT OF INTEREST**

There were no declarations of conflict of interest.

(iv) **DELEGATIONS**

There were no delegations.

(v) **ADOPTION OF THE ACCOUNTS**

**149-09** Moved by: Cr. Linaker  
Seconded by: Cr. Johnson

"THAT the Accounts Paid for the period ending July 17, 2009 totaling \$458,440.95 be adopted."

MOTION CARRIED

**150-09** Moved by: Cr. Linaker  
Seconded by: Cr. Johnson

"THAT the Accounts Payable for the period ending July 17, 2009 totaling \$21,731.01 be approved."

MOTION CARRIED

(vi) **ADOPTION OF MINUTES FROM PREVIOUS MEETINGS**

**151-09** Moved by: Cr. Linaker  
Seconded by: Cr. McDonald

"THAT the minutes of Regular Meeting 06-09 of June 30, 2009, be adopted as presented."

MOTION CARRIED

(vii) **BUSINESS ARISING FROM THE MINUTES**

Cr. Johnson stated that she had requested a list of accounts receivables to be included in the meeting packages as well as quarterly financial reports as recommended by the auditors. Administration would follow up on this. Cr. Johnson also requested a meeting to discuss the auditor's recommendations. D/M Burke asked Administration to set up a meeting.

(viii) **INTRODUCTION AND CONSIDERATION OF COMMITTEE REPORTS**

**Committee of the Whole Meeting July 14, 2009 - Recommendation Report- Cr. Linaker**

Thank you Mr. Chair, the Committee of the Whole met on July 14, 2009 at 4:00 p.m. in the Council Chambers. I am pleased to present the Report of the Committee, a copy of which is attached to the Council meeting agenda.

As a result of the items reviewed and discussed I would like to present the following recommendations to Council for consideration and adoption:

**1. Curling Club Request to Use Ice Surface:**

Cr. McDonald wondered why the request was being denied. D/M Burke advised that alcohol was a concern. Cr. Johnson noted that it was a private function and could be held elsewhere. Cr. Linaker requested information about the Curling Club's liquor license. She noted that the fundraiser was solely for the Curling Club and they did not wish to rent out the facilities as concerns arose over setting precedents. D/M Burke noted that the arena had been offered as an alternative. Cr. Linaker stated that the Club felt that the arena was too big. Cr. McDonald understood that the Club was experiencing financial difficulties and agreed that he did not like the idea of alcohol at the Recreation Center.

**152-09** Moved by: Cr. Linaker  
Seconded by: Cr. McDonald

That the Curling Club be denied use of the ice surface to hold a licensed fundraiser and further that the Club be advised that the arena could be used as an alternate location to hold their function.

TWO AGAINST  
ONE ABSTENTION  
MOTION DEFEATED

**2. Budget Transfers and Reallocation Procedures Policy:**

**153-09** Moved by: Cr. Linaker  
Seconded by: Cr. Johnson

"That Policy 4.16.1 of the Personnel, Policy and Procedures Manual, establishing the Budget Transfers and Reallocation Procedures be approved."

MOTION CARRIED



**3. Required Amendment to the Council Procedures Bylaw 804**

**154-09** Moved by: Cr. Linaker  
Seconded by: Cr. Johnson

"That Bylaw 811 amending the Council Procedures Bylaw 804 be introduced and given first and second reading, at the appropriate time, with the inclusion of the following amendments:

That paragraphs (i) to (xi) of subsection 17 (b) be repealed and replaced as follows:

- (i) commercial information that, if disclosed, would likely be prejudicial to the municipal corporation or the persons involved;
- (ii) information received in confidence that, if disclosed, would be prejudicial to the municipal corporation or the persons involved;
- (iii) personal information, including personal information about employees;
- (iv) the salary, benefits or performance record of an employee;
- (v) a matter still under consideration and on which council has not yet publicly announced a decision, if discussion in public would likely prejudice the municipal corporation's ability to carry out its activities or negotiations;
- (vi) the acquisition or disposition of property by or on behalf of the municipal corporation;
- (vii) the setting of minimum tax sales prices under the *Property Assessment and Taxation Act*;
- (viii) the conduct of existing or anticipated legal proceedings;
- (ix) the conduct of an investigation under, or enforcement of, an enactment or bylaw;
- (x) information, the disclosure of which could prejudice public security or the maintenance of law and order;
- (xi) the security of documents or premises.

MOTION CARRIED

**4. Acting Senior Administrative Officer Appointment**

**155-09** Moved by: Cr. Linaker  
Seconded by: Cr. Johnson

That the Director of Public Works and Planning Don Webb be appointed Acting Senior Administrative Officer for the period of July 11 to July 31, 2009, in accordance with the SAO Establishment Bylaw 803 Section 3 (g).

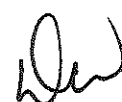
MOTION CARRIED

**5. Review of Policy 4.5.1 Signing Authority**

**156-09** Moved by: Cr. Linaker  
Seconded by: Cr. McDonald

That Policy 4.5.1, of the Personnel, Policy and Procedures Manual, establishing the Signing Authorities for the Town of Fort Smith be approved.

MOTION CARRIED



**6. South Slave Friendship Festival Motions**

**157-09** Moved by: Cr. Linaker  
Seconded by: Cr. Johnson

"That the afternoon of Friday, August 14, 2009, be declared a half day civic holiday in conjunction with the South Slave Friendship Festival activities,

And that further the section of Portage Avenue from the corner of McDougal Road to Lacey's Bar and Grill be closed to traffic on the evening of August 13 and the afternoons of August 14, 15 and 16, 2009, for festival activities between the hours of 12 noon and 6 pm with the permission of the adjacent property owners."

MOTION CARRIED

**7. New Home Occupation Business License Applications**

**158-09** Moved by: Cr. Linaker  
Seconded by: Cr. McDonald

"That the following new home occupation business license applications be approved provided they comply with the provisions of the Town of Fort Smith Zoning Bylaw #794:

<u>License No</u>	<u>Business Name</u>
HO-09-99	Bruce & Son Construction
HO-09-100	Twisted Thistle Jewelry
HO-09-101	Katz Communications

MOTION CARRIED

**8. Amendment to the Senior Citizens and Disabled Persons Tax Relief By-Law**

**159-09** Moved by: Cr. Linaker  
Seconded by: Cr. McDonald

"That By-Law 807 amending the Senior Citizens and Disabled Persons Tax Relief By-Law 439 be introduced and given first and second reading, at the appropriate time, with the inclusion of the following amendments:

That Subsection 3 (1) be amended by deleting the words "up to a maximum of \$600.00 in any taxation year."

That Schedule "A" Application and Statutory Declaration be amended by deleting the words "a disabled person" and substitute the words "senior citizen or disabled person."

MOTION CARRIED

**9. Policy 1.3.1 Standing Committee on Personnel – Policy Amendment**

**160-09** Moved by: Cr. Linaker  
Seconded by: Cr. McDonald

"That Policy 1.3.1., of the Personnel, Policy and Procedures Manual Standing Committee on Personnel be approved with the inclusion of the following amendments:

Section 2 (A) The Committee shall be comprised of the following members:

1. Chairperson; and
2. Four Council members appointed by Council motion."

MOTION CARRIED



**10. Fire Smart Program – Request for Proposals**

**161-09** Moved by: Cr. Linaker  
Seconded by: Cr. Johnson

“That the Fire Smart Protection Plan Contract be awarded to Montane Forest Management at a total bid of \$16,900.00 plus travel disbursements of \$4,550.00.”

MOTION CARRIED

**11. Towering Pines Lift Station**

**162-09** Moved by: Cr. Linaker  
Seconded by: Cr. Johnson

“That Council directs the Water Works Department to proceed with the upgrade of the Towering Pines Lift Station and further that funding be identified from the Utility Reserve Fund.”

MOTION CARRIED

**12. Spending Authorities By-Law**

**163-09** Moved by: Cr. Linaker  
Seconded by: Cr. McDonald

“That the Spending Authorities By-Law 809 be introduced and given first and second reading, at the appropriate time.”

MOTION CARRIED

**13. Paving Aggregate**

**164-09** Moved by: Cr. Linaker  
Seconded by: Cr. McDonald

“That Council directs Administration to proceed with the aggregate production delivery and tender process.”

MOTION CARRIED

(ix) **CORRESPONDENCE**

Council was provided with a list of correspondence.

**Deputy Mayor Burke called for a break at 7:25 pm. He called the meeting back to order at 7:35 pm**

(x) **ENACTMENT OF BY-LAWS**

**By-Law 807 to Amend the Senior Citizens and Disabled Persons Tax Relief By-Law 439 – 1st Reading**

**165-09** Moved by: Cr. Linaker  
Seconded by: Cr. McDonald

“THAT By-Law 807, to Amend the Senior Citizens and Disabled Persons Tax Relief By-Law 439 be introduced and given first reading”

MOTION CARRIED



**By-Law 807 to Amend the Senior Citizens and Disabled Persons Tax Relief By-Law 439 – 2nd Reading**

**166-09** Moved by: Cr. Linaker  
Seconded by: Cr. McDonald

“THAT By-Law 807, to Amend the Senior Citizens and Disabled Persons Tax Relief By-Law 439 be given second reading by title only.”

MOTION CARRIED

**By-Law 809 – the Spending Authorities By-Law – 1<sup>st</sup> Reading**

**167-09** Moved by: Cr. Linaker  
Seconded by: Cr. McDonald

“THAT By-Law 809, the Spending Authorities By-Law be introduced and given first reading.”

MOTION CARRIED

**By-Law 809 – the Spending Authorities By-Law – 2<sup>nd</sup> Reading**

**168-09** Moved by: Cr. Linaker  
Seconded by: Cr. Johnson

“THAT By-Law 809, the Spending Authorities By-Law be given second reading by title only.”

MOTION CARRIED

**By-Law 810 – to Appoint a Senior Administrative Officer – 1<sup>st</sup> Reading**

**169-09** Moved by: Cr. Linaker  
Seconded by: Cr. McDonald

“THAT By-Law 810, to Appoint John Holland as Senior Administrative Officer be introduced and given first reading.”

MOTION CARRIED

**By-Law 810 – to Appoint a Senior Administrative Officer – 2<sup>nd</sup> Reading**

**170-09** Moved by: Cr. Linaker  
Seconded by: Cr. McDonald

“THAT By-Law 810, to Appoint John Holland as Senior Administrative Officer be given second reading by title only.”

MOTION CARRIED

**By-Law 811 – to Amend the Council Procedures By-Law 804 – 1<sup>st</sup> Reading**

**171-09** Moved by: Cr. Linaker  
Seconded by: Cr. Johnson

“THAT By-Law 811, to Amend the Council Procedures By-Law 804 be introduced and given first reading.”

MOTION CARRIED

**By-Law 811 – to Amend the Council Procedures By-Law 804 – 2<sup>nd</sup> Reading**

**172-09** Moved by: Cr. Linaker  
Seconded by: Cr. Johnson

“THAT By-Law 811, to Amend the Council Procedures By-Law 804 be given second reading by title only.”

MOTION CARRIED

(xi) **NEW BUSINESS**

1. Mayor

**Taiga Adventure Camp** Deputy Mayor Burke noted that it was uplifting to see so many young people in the community and commended the camp organizers.

2. Councilors

**Kaeser’s Canal** Cr. Johnson requested that the Kaeser’s Canal be included on the next agenda. She noted that the canal had been included in prior budgets and had its own line item. She wanted to discuss canal maintenance.

**Auditor’s Recommendations** Cr. Johnson requested that a meeting be set up to discuss the auditor’s recommendations.

**Personnel Matter** Cr. Johnson requested an in camera session to discuss a personnel matter. She distributed information to Councilors.

**Trail to the Rapids of the Drowned** Cr. McDonald wondered whether it was feasible to install a trail to the Rapids. Administration had spoken briefly to the Town’s insurance agent. The insurance agent would provide a written response upon his return from holidays. Cr. McDonald noted use of the sliding hill and felt that it would be less risky with a proper path. He suggested developing the area to promote tourism. Administration noted that the insurance agent seemed to have a lot of concerns.

**Boardwalk at the Lookout** Cr. McDonald asked for an update on replacing the rotting boards. Administration advised that the work was completed.

**Slide Zoning Fencing** Cr. Johnson wondered whether the slide area fencing project would be re-tendered. Administration had received no response from Municipal and Community Affairs or about the engineering study.

3. Administration

**Policy Number 1.3 – Committees – Duties and Responsibilities**

**173-09** Moved by: Cr. Linaker  
Seconded by: Cr. McDonald

“THAT Policy 1.3, of the Personnel, Policy and Procedures Manual, respecting Committee – Duties and Responsibilities be repealed.”

MOTION CARRIED

**Hiring New Senior Administrative Officer**

**174-09** Moved by: Cr. Linaker  
Seconded by: Cr. McDonald

“THAT Mr. John Holland be hired as Senior Administrative Officer for the Town of Fort Smith, effective July 31, 2009, with a Salary Range of \$117,622 to \$138,293, representing Pay Level I of the S.A.O. Salary Grid approved January 1, 2009.”

MOTION CARRIED

Land Sale

**175-09** Moved by: Cr. Linaker  
Seconded by: Cr. McDonald

"THAT the Town of Fort Smith sell Lot 1334, Plan 1788 to Trevor Tordiff for \$5,000.00 plus GST and that Administration prepare a Land Disposal Bylaw for this purpose."

MOTION CARRIED

(xii) **ABSENCE OF COUNCIL MEMBERS**

1. Approval of Absence

**176-09** Moved by: Cr. Linaker  
Seconded by: Cr. Johnson

"THAT Mayor Peter Martselos and Councilors Fred Daniels and Marion Berls be excused from meeting 07-09 of July 21, 2009."

MOTION CARRIED

2. Notice of Future Absences

Cr. McDonald and Cr. Johnson advised they would be away for both meetings in August as they were both on holidays for most of the month.

(xiii) **FIX DATE FOR NEXT COUNCIL MEETING**

**177-09** Moved by: Cr. Linaker  
Seconded by: Cr. McDonald

"That the Regular Meeting of Council for the month of August be held on Tuesday, August 18, 2009,

And further that the Committee of the Whole meeting for August be held on Tuesday August 11, 2009, in accordance with the Council Procedures Bylaw."

MOTION CARRIED

The Meeting Move In Camera to Discuss a Personnel Issue

**178-09** Moved by: Cr. Linaker  
Seconded by: Cr. McDonald

"That Council move in camera to discuss a personnel issue."

MOTION CARRIED

The Meeting Move Out of Camera

**179-09** Moved by: Cr. McDonald  
Seconded by: Cr. Linaker

"That Council move out of camera."

MOTION CARRIED

(xiv) **ADJOURNMENT**

**180-09** Moved By: Cr. McDonald  
Seconded By: Cr. Linaker

"THAT we do now adjourn: Time: 9:35 P.M."

MOTION CARRIED

Minutes adopted this 18 day of August, 2009.

P. Martselos  
Mayor Peter Martselos

Alan Will  
Certified Correct by  
A/SAO