

MINUTES
OF A REGULAR MEETING OF THE COUNCIL OF
THE VILLAGE OF FERINTOSH
IN THE PROVINCE OF ALBERTA, HELD
WEDNESDAY AUGUST 19th, 2009
IN THE VILLAGE OFFICE
COMMENCING AT 7:00 PM

Present Mayor Marvin Jassman
Councillor Ron Dyck
Councillor Bernice Westfall
CAO Ray Hook

1. Order Mayor Jassman called the meeting to order at 7:00 p.m.

2. Agenda

Res. 074/09 Moved by Mayor Jassman that the agenda be adopted.

Carried

3. Delegations Representatives from Midwest Consulting (Al Nelson and Blair Art) attended the meeting to brief Council on the engineering proposal for the MacQuarrie Ave Water Main replacement project. Test Holes will need to be done to establish base line soil conditions before proceeding to tender. Midwest will consult with the Village re additional costs before proceeding.

4. Previous Minutes

Res. 075/09 Moved by Mayor Jassman that the Minutes of the Regular Meeting held on Wednesday, 15 July 2009, be approved.

Carried

5. Financial Report

CAO Hook presented the Monthly Statement of Income & Expenditures for the period ending July 31 2009.

Res. 076/09 Moved by Councillor Westfall that the financial statements be accepted as presented.

Carried

6. Unfinished Business

a. Quotes for the purchase of pallet forks for the Montana tractor were presented to Council.

Res. 077/09 Moved by Mayor Jassman that the Village purchase lockable pallet forks from the Montana dealer in Lacombe for \$949.00 plus GST.

Carried

- b. The Heritage Status of the B & B has been resolved, in that the owners do not wish to pursue this status any longer.
- c. The power line and pole to the Rec Centre needs to be protected from high bodied RVs. The CAO was directed to obtain cement barricades to prevent trailer/RV drive thru under the wire.
- d. CAO provided a written briefing note updating Council on the status of the pending lawsuit from Brent Anderson. The Defendant's Rebuttal Fire Report has completely exonerated the Ferintosh Volunteer Fire department. Council directed CAO to brief the Fire Chief. See attachment to these minutes.

7. Correspondence

Information Items:

- a. The prohibitive cost (\$12,000) for cost of a Coin Operated Water Meter at the Rec Centre was discussed. A decision was taken to not incur that expense.
- b. A copy of the County / Mayors letter of objection to the last minute changes to the MSI Grant program for 2009 was given to all.
- c. Municipal Sustainability Planning for the Village will continue with a follow-up meeting, scheduled for September 16th at 7:00 in the Rec Centre. A copy of the County Consultant's draft report from the initial Town Hall meeting was provided to Council. CAO will make this report available for Village residents.
- d. The next Mayors Caucus, sponsored by AUMA, is set for September 2 at the River Cree Resort. And the Annual AUMA Convention is in Calgary in November. Council has decided not to send any delegates this year.
- e. Following a meeting earlier today with the AEMA Emergency Field Officer, CAO Hook and Councillor Westfall briefed Council on meeting basic Provincial requirements for the Village Emergency plan.
- f. The Campground Attendant will be briefed by the CAO as to the contents of the letter of complaint.
- g. Although Village Policy states that developers/landowners are responsible for all costs in hooking up water and sewer services, the Village is considering whether they (Village) should be responsible for a share of infrastructure costs (i.e. cost of pipes, curb stop and sewer coupling) on Village property. CAO to investigate further with County officials and bring back to next meeting.

8. New Business

- a. In response to the letter from the owners of the B & B, Council directed that no further action be taken. The situation regarding the B & B's fence on Village property was reviewed and no action was deemed necessary at this time.
- b. CAO Hook presented several options regarding the possible parceling of Village owned lots (to reduce annual assessment fees), the establishing of a minimum value property tax vice a vacant land tax, and a suggestion for the next revision of the MYCIP for water and sewer services in the north end of the Village.
- c. The list of official paid meetings (honorariums) was reviewed and amended. The CAO was directed to bring the amended list back to next meeting for approval
- d. The Village's minimum property tax was clarified, in that this tax is designed to be a minimum tax on property, based on assessed property values and not whether it is a vacant lot or not. CAO to ensure that property owners are aware of the intent of the tax next year.
- e. Council approved the creation of the Village of Ferintosh Subdivision and Appeal Board, which will consist of Councilor Dyck, a member at large from the Community (Ian Wallis has volunteered, if he is available) and the CAO (as Recording Secretary). Training will be sought for all members.

Res. 078/09

Moved by Mayor Jassman that the Ferintosh and District Subdivision and Appeal Board for 2009 be created, consisting of the following - Councilor Dyck, a member at large from the Community (Ian Wallis has volunteered) and the CAO (as Recording Secretary)

Carried

- f. A date for the Council Staff Christmas Dinner was set for Tuesday Dec 1st at the same location as last year (Lefse House). Funding to come from the Mayor's Honorarium account, as per the approved budget.

9. **In Camera Session**

The Mayor moved Council In Camera at 9:30 p.m.

The Mayor moved Council Out of Camera at 10:00 p.m.

10. **Adjournment**

There being no further business for Council to address, Mayor Jassman adjourned the meeting at 10:05 p.m.

Approved 23 September 2009

Mayor Marvin Jassman

CAO Ray Hook

Attachment to Minutes of 19 August 2009 – Agenda Item 6d

Briefing to Council – Brent Anderson Lawsuit re Fire

In a telecon with our solicitor today (Aug 19), I was advised that the rebuttal report from our lawyer's expert found that the Ferintosh Volunteer Fire department's actions were completely acceptable and well within what is considered proper response actions with respect to fighting the fire at Mr. Anderson's property. This is complete exoneration of the fire department's actions and speaks well of their training and commitment. This report was received in July.

Based on this report, the Village insurers authorized our lawyer to offer a settlement to the plaintiff in the amount of \$25,000 plus costs about two weeks ago. This offer was countered by the Plaintiff's lawyer at \$150,000 plus costs. Our lawyer is countering with a final offer of \$75,000 plus costs, today (Aug 19). If this is rejected by the plaintiff, then our lawyer will attempt to seek a Judicial Dispute Resolution process, which can be binding, but they don't recommend that to protect us from a bad decision. The earliest dates available are not until Jan/Feb 2010.

If the JDR fails to reach a settlement, or if the Plaintiff declines this process, we are left with trial.

In an aside, it was revealed to me by our lawyer that the Plaintiff's lawyer realizes that he a very weak case, so this may not get to trial. His job is to try to convince his client to accept a settlement....