

Regular Meeting – P.M.April 25, 2005

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Council Chamber, 1435 Water Street, Kelowna, B.C., on Monday, April 25, 2005.

Council members in attendance were: Mayor Walter Gray, Councillors R.D. Cannan, B.A. Clark, C.B. Day, B.D. Given, R.D. Hobson, E.A. Horning and S.A. Shepherd.

Council members absent: Councillor A.F. Blanleil.

Staff members in attendance were: Acting City Manager/Director of Planning & Corporate Services, R.L. Mattiussi\*; Acting City Clerk, S.C. Fleming; Manager of Development Services, A.V. Bruce\*; Financial Planning Manager, K. Grayston\*; Revenue Supervisor, G. Davidson\*; Wastewater Manager, W.J. Berry\*; Wastewater Engineer, J. Shaw\*; Recreation Manager, R. Oddleifson\*; Sports & Facilities Manager, J. Gabriel\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 1:40 p.m.

2. Councillor Hobson was requested to check the minutes of the meeting.

3. PUBLIC IN ATTENDANCE

3.1 Kelowna Immigrant Society – Presentation of Centennial Birthday Card

A group of Parents and Tots from the Kelowna Immigrant Society sang Happy Birthday to the City of Kelowna and presented the Mayor with a 100<sup>th</sup> Anniversary banner signed by 20 different immigrants in 20 different languages.

4. UNFINISHED BUSINESS

**(BYLAWS PRESENTED FOR ADOPTION) – Deferred from April 18, 2005 Regular Meeting**

Mayor Gray altered the order of business and advised that agenda item No. 4.2 would be deferred to the end of the agenda.

4.1 Bylaw No. 9396 – Parcel Tax Bylaw – Local Area Service (Sewer Specified Area) No. 28A - Okaview

Mayor Gray explained that Council can deal with this bylaw now rather than deferring it to the end of the agenda, because the bylaw is unaffected by agenda item No. 4.2.

Moved by Councillor Horning/Seconded by Councillor Given

**R388/05/04/25** THAT Bylaw No. 9396 be adopted.

Carried

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- 4.2 (a) Correspondence dated April 20, 2005 from Sterling Park Sewer Committee re: Extension of Sewer to Chute Lake Crescent Area
- (b) Report from Wastewater Manager, dated April 19, 2005 re: Sewer Service Connection Costs for Okaview (5340-09-28)
- (c) Bylaw No. 9398 – Amendment No. 16 to Sewer Connection Charge Bylaw No. 8469

Deferred to the end of the agenda.

5. DEVELOPMENT APPLICATIONS

- 5.1 Development Permit Application No. DP05-0035 – Boyd Bare – 814 Stockwell Avenue
- (a) Memo dated April 20, 2005 from Acting City Clerk
- (b) Report dated April 7, 2005 from Planning & Corporate Services Dept.

Boyd Bare, applicant:

- Presented the reasons why in his view the decision to deny his application was unfair.

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R389/05/04/25** THAT Council authorize the issuance of Development Permit No. DP05-0035 for Lot 15, District Lot 138 ODYD Plan 1319, located on Stockwell Avenue, Kelowna, B.C., subject to the following:

- a) The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
- c) Landscaping to be provided on the land be in general accordance with Schedule "C";
- d) The side property lines are to be fenced with 2 m opaque fencing prior to occupancy of the secondary suite;
- e) The applicant be required to provide a railing on the exterior stairwell and a 1 m roof overhang over the doorway to the secondary suite and stairwell.

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- 5.2 Planning & Corporate Services report, dated April 15, 2005 re: Development Permit Application No. DP04-0020 – Navjot & Jas Kandola – 1335 Dilworth Crescent

Staff:

- The applicant is proposing to develop the site with a 2-storey 4-plex.

Moved by Councillor Shepherd/Seconded by Councillor Cannan

**R390/05/04/25** THAT Council authorize the issuance of Development Permit No. DP04-0020 for Lot 3, Section 20, Township 26, ODYD Plan KAP60338, located on Dilworth Crescent, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

Carried

- 5.3 Rezoning Application No. Z04-0091 – Pier Mac Petroleum Installation (Hank Neufeld) – 5220 Highway 97 North (BL9412)

- (a) Planning & Corporate Services report dated April 5, 2005

Staff:

- The application is to rezone approximately 1.275 ha (3 acres) of the site to the I-3 zone, the balance would remain zoned P4 until it is rolled into the future development plans for the rest of their property.
- The applicant has provided a concept plan that indicates that the portion of the property being rezoned would be used for a satellite ready mix station and indicates that a landscape buffer would be provided along Highway 97 and along the internal road.
- The Advisory Planning Commission recommends support.

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Moved by Councillor Hobson/Seconded by Councillor Cannan

**R391/05/04/25** THAT Rezoning Application No. Z04-0091 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of part of Lot 1, Sec. 11, Twp. 23, ODYD, Plan 34113, located on Highway 97 North, Kelowna, B.C., from the P4-Utilities zone to the I3-Heavy Industrial zone, as shown on Map "A" attached to the report of Planning and Corporate Services Department dated April 5, 2005, be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered following Ministry of Transportation approval;

AND FURTHER THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit on the subject property.

Carried

Councillor Clark opposed.

**BYLAW PRESENTED FOR FIRST READING**

- (b) Bylaw No. 9412 (Z04-0091) – Pier Mac Petroleum Installation (Hank Neufeld) – 5220 Highway 97 North

Moved by Councillor Hobson/Seconded by Councillor Shepherd

**R392/05/04/25** THAT Bylaw No. 9412 be read a first time.

Carried

Councillor Clark opposed.

6. **BYLAWS (ZONING & DEVELOPMENT)**

**(BYLAWS PRESENTED FOR ADOPTION)**

- 6.1 Bylaw No. 9375 (Z05-0006) - McIntosh Properties Ltd. – 2120 & 2130 Leckie Place

Moved by Councillor Shepherd/Seconded by Councillor Clark

**R393/05/04/25** THAT Bylaw No. 9375 be adopted.

Carried

- 6.2 Bylaw No. 9379 (TA05-0002) – City of Kelowna – A bylaw to amend the I4 – Central Industrial Zone Minimum Front Yard

Moved by Councillor Day/Seconded by Councillor Shepherd

**R394/05/04/25** THAT Bylaw No. 9379 be adopted.

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7. NON-DEVELOPMENT APPLICATION REPORTS

- 7.1 Sports & Facilities Manager, dated April 12, 2005 re: Okanagan Military Museum Lease Agreement (0810-20)

Moved by Councillor Clark/Seconded by Councillor Cannan

**R395/05/04/25** THAT City Council approve the lease agreement with the Okanagan Military Museum Society as attached to the report dated April 12, 2005 from the Sports and Facilities Manager;

AND THAT the Mayor and City Clerk be authorized to execute the lease agreement.

Carried

- 7.2 Manager of Inspection Services, dated April 19, 2005 re: Removal of a Notice Filed Against Title – 2820 Quesnel Road (3800-01)

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R396/05/04/25** THAT Council authorize the City Clerk to remove a notice against the title, of Lot 6, Registered Plan 18974, 2820 Quesnel Road, in the Land Registry Office.

Carried

- 7.3 Revenue Supervisor, dated April 18, 2005 re: Downtown Kelowna Association 2005 Budget (1950-08)

Moved by Councillor Hobson/Seconded by Councillor Cannan

**R397/05/04/25** THAT Council approve the Downtown Kelowna Association 2005 Budget;

AND THAT Council approve a grant to the Downtown Kelowna Association for 2005 in the amount of \$422,000 that will be funded by a levy on Class 5 and Class 6 properties located within the boundaries of the local service area.

Carried

- 7.4 Financial Planning Manager, dated April 20, 2005 re: Conventional & Custom Transit – Annual Operating Agreements (8501-01)

Moved by Councillor Shepherd/Seconded by Councillor Hobson

**R398/05/04/25** THAT Council approve the 2005/2006 Annual Operating Agreements for conventional and custom transit services for the City of Kelowna;

AND THAT the Mayor and City Clerk be authorized to execute the Operating Agreements between BC Transit, the City of Kelowna and Farwest Transit Services Inc. covering the period April 1, 2005 to March 31, 2006.

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- 7.5 Wastewater Manager, dated April 20, 2005 re: Fisher Road Area – Sewer and Water Grant Application (5340-09-26)

Moved by Councillor Hobson/Seconded by Councillor Day

**R399/05/04/25** THAT the Fisher Road Water and Sewer Local Service Area be declared as the top priority for consideration of a B.C. Water Improvement Program Grant;

AND THAT staff be directed to apply for and pursue Grant funding for this project.

Carried

- 7.6 Wastewater Manager, dated April 20, 2005 re: Award of Construction Contract TE05-04 – Southwest Rutland Local Sewer Service Area No. 23 – Zone A (5340-09-23)

Moved by Councillor Given/Seconded by Councillor Horning

**R400/05/04/25** THAT the Contract for the construction of Local Sewer Service Area No. 23 – **Zone A** be awarded to O K Excavating for the amount of \$3,465,930.09, which includes GST that will be fully rebated,

AND THAT the Mayor and City Clerk be authorized to execute the Contract on behalf of the City.

Carried

Mayor Gray advised that agenda item No. 4.2(a) would be dealt with next.

- 4.2 (a) Correspondence dated April 20, 2005 from Sterling Park Sewer Committee re: Extension of Sewer to Chute Lake Crescent Area

Moved by Councillor Shepherd/Seconded by Councillor Horning

**R401/05/04/25** THAT Council hear from the residents of the Sterling Park area of Okaview.

Carried

Ron Erickson, representing the Sterling Park Sewer Committee:

- Presented his argument why they should be allowed to proceed separate from the rest of the Okaview area.

Staff:

- If the Sterling Park neighbourhood was to proceed on its own, they would have to pay the true costs or otherwise the rest of the Okaview area would be subsidizing them.
- Sanitary sewer could be extended to the Sterling Park area next year if the residents were willing to pay the full costs of the sewer, without a grant.

Council:

- Agreed to adhere to the policy that the overall area would pay equitably.
- Suggested the Sterling Park residents petition the City for a Sewer Specified Area to give the property owners the option of putting the costs of the servicing on their taxes rather than having to cash commute the full cost.

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- (b) Report from Wastewater Manager, dated April 19, 2005 re: Sewer Service Connection Costs for Okaview (5340-09-28)
- (c) Bylaw No. 9398 – Amendment No. 16 to Sewer Connection Charge Bylaw No. 8469

Moved by Councillor Given/Seconded by Councillor Horning

**R402/05/04/25** THAT Bylaw No. 9398 be adopted.

Carried

## 8. RESOLUTIONS

- 8.1 Draft Resolution re: May 10, 2005 Council Meeting (0550-01)

Moved by Councillor Given/Seconded by Councillor Shepherd

**R403/05/04/29** THAT a Special Meeting be scheduled for May 10, 2005 to allow Council to deal with the bylaws from the May 10, 2005 Public Hearing.

Carried

## 9. BYLAWS (OTHER THAN ZONING & DEVELOPMENT)

### **(BYLAWS PRESENTED FOR ADOPTION)**

- 9.1 Bylaw No. 9409 – Sterile Insect Release Program Parcel Tax Bylaw 2005

Moved by Councillor Cannan/Seconded by Councillor Day

**R404/05/04/29** THAT Bylaw No. 9409 be adopted.

Carried

- 9.2 Bylaw No. 9411 – Amendment No. 2 to Five Year Financial Plan, 2004-2008, Bylaw No. 9220

Moved by Councillor Day/Seconded by Councillor Cannan

**R405/05/04/25** THAT Bylaw No. 9411 be adopted.

Carried

## 10. COUNCILLOR ITEMS

- (a) Bridge Traffic on Event Nights at Prospera Place

Councillor Shepherd expressed concern about traffic heading west across Okanagan Lake bridge only having one lane of travel on event nights at Prospera Place. Councillor Shepherd was informed that the Ministry of Transportation is willing to provide the staff for lane control on the bridge but MOT is not willing to pay the employee's salary.

Council agreed that a letter be sent to Prospera Place suggesting that they ask the Ministry of Transportation to have a staff person working on event nights in order to ensure there are two lanes for traffic heading to the Westside.

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(b) Skyline Extension/Clifton Road Closure

Councillor Shepherd commented that she does not agree with the decision to close Clifton Road when the Skyline connector is opened and asked whether the decision can still be debated by Council. Council was informed that an OCP amendment would be required to change the plans; and further that staff were not long ago authorized by Council to proceed in accordance with the OCP. Staff to update Council on the plans for the Skyline/Clifton road connection.

11. TERMINATION

The meeting was declared terminated at 4:46 p.m.

Certified Correct:

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Mayor

Acting City Clerk

BLH/am