



## CITY OF WEST KELOWNA

MINUTES OF THE REGULAR MEETING OF COUNCIL  
HELD AT THE CITY OF WEST KELOWNA COUNCIL CHAMBERS,  
2760 CAMERON ROAD, WEST KELOWNA, BC  
ON TUESDAY, JANUARY 23, 2018

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**MEMBERS PRESENT:** His Worship Mayor Doug Findlater

Councillor Rusty Ensign  
Councillor Duane Ophus  
Councillor Bryden Winsby  
Councillor Carol Zanon  
Councillor Rick de Jong  
Councillor Rosalind Neis

**Staff Present:**

Jim Zaffino, CAO  
Tracey Batten, Deputy CAO  
Nancy Henderson, GM of Development Services  
Allen Fillion, GM of Engineering and Public Works  
Rob Hillis, Engineering Manager  
Shelley Schnitzler, Legislative Services Manager  
Bob Dargatz, Development Services/Approving Officer  
Brent Magnan, Planning Manager  
Lisa Siavashi, Revenue, Reporting, and Risk Manager  
Stacey Harding, Parks & Fleet Manager  
Bob Kusch, Parks, Recreation & Culture Manager  
Chris Anderson, Public Works Manager  
Mark Roberts, Flood Remediation Supervisor  
Kyle Reese, Roads & Drainage Supervisor  
Mike Cain, Sr. Bylaw Enforcement Officer  
Elizabeth Anderson, City External Counsel, Young, Anderson  
Neil Wyatt, IT Support Services

1. **CALL THE COUNCIL MEETING TO ORDER:**

The meeting was called to order at 6:16 p.m.

This meeting is open to the public and all representations to Council form part of the public record. This meeting is being webcast live and will be archived on the City's website.

2. **INTRODUCTION OF LATE ITEMS:**

- 2.1 PowerPoint Presentation, Overview of Assessment and 2018 Assessment Roll (see Item 6.2 under Presentations)
- 2.2 Replacement Page 89, Soccer Dome Decision Points (see Item 10.1.2 under Division Reports)

3. **ADOPTION OF AGENDA:**

It was moved and seconded

**THAT** the agenda be adopted as amended.

C091/18 CARRIED UNANIMOUSLY

4. **ADOPTION OF MINUTES:**

4.1 **Minutes of the regular Council Meeting held January 9, 2018 at the City of West Kelowna Council Chambers**

It was moved and seconded

**THAT** the Minutes of the regular Council Meeting held January 9, 2018 at the City of West Kelowna Council Chambers be adopted.

C092/18 CARRIED UNANIMOUSLY

5. **MAYOR AND COUNCILLOR'S REPORTS:**

5.1 **Mayor Findlater**

5.1.1 Regional District of Central Okanagan Highlights from the January 11, 2018 Regional Board Meeting

6. **PRESENTATIONS:**

6.1 **Dustin Khadikin, Corporate Contract Manager, Emcon Services Inc.**

Mr. Khadikan provided Council with information on the West Kelowna snow removal program.

6.1.1 **Notice of Motion - Councillor Neis**

It was moved and seconded

Be it that during any snow removal event, the City or contracted crews performing this work WILL NOT pile snow in front of residential or commercial driveways, nor will they be allowed to pile snow at corners of intersections impeding safety by blocking visibility.

The method chosen to ensure that this is complied with will be up to the snow removal and or engineering departments.

C093/18 DEFEATED Opposed: Councillors Winsby, Ophus, de Jong, Zanon, Ensign and Mayor Findlater

6.2 **Tracy Wall, Acting Assessor, BC Assessment**

Ms. Wall and Mr. Jay Walker, Acting Deputy Assessor provided Council with a presentation titled "Overview of Assessment & 2018 Assessment Roll".

The meeting recessed at 7:14 p.m.  
The meeting reconvened at 7:20 p.m.

7. **DELEGATIONS:**

8. **BUSINESS LICENCE - APPEAL:**

Pursuant to Section 100 of the *Community Charter*, Councillor Neis declared a conflict of interest regarding item 8 Business License Appeal as she owns stock in a Medical Marihuana business.

Councillor Neis left the meeting at 7:21 p.m.

8.1 **Business License Refusal Appeals – Black Crow Herbals Association Society and Okanagan Cannabis Solutions Society**

8.2 **Application To Grant 2018 Business Licenses to Black Crow Herbals Association and Okanagan Cannabis Solutions Society**

**Business License Refusal Hearing**

The hearing convened at 7:21 p.m.

The Mayor read the opening statement.

"This hearing is convened under section 60(1)(5) of the *Community Charter* to consider whether the Business License Inspector's refusal of the application for business licenses by Black Crow Herbals Association Society and Okanagan Cannabis Solutions Society to operate marihuana dispensaries at #4 – 1515 Westgate Road and 2440 Main Street, respectively, should be upheld or overturned. It is up to Council to determine if the license application should have been approved or if there was a "reasonable" basis to refuse the license application. I will Chair this hearing and will say a few words relating to procedure before we commence."

The Mayor provided information on the hearing procedure.

Council reviewed the report from the Deputy CAO/Corporate Officer dated January 18, 2018.

The Mayor asked if there were any questions from Council. There were no questions. The Licence Applicant's representative, Stan Tessmer, made his submission to Council.

The Mayor asked if there were any questions from Council. Councillors Winsby, de Jong, Ophus and Ensign asked questions to Mr. Tessmer.

External counsel for the City, Elizabeth Anderson, made comment on the legal aspects of the Licence Applicant's submissions.

The Mayor asked if there were any questions from Council. Councillor Zanon asked a question to Ms. Anderson.

The Licence Applicant's representative was given an opportunity to reply to the external counsel's comments.

The Mayor asked if there were any questions from Council to the Licence Applicant or External Counsel. There were no questions.

Council deliberated the information before it.

It was moved and seconded

**THAT** Council uphold the refusal of the business licenses to Black Crow Herbals Association and Okanagan Cannabis Solutions Society; and,

**THAT** Council direct staff to provide written confirmation to the license applicant of its decision.

C094/18 CARRIED

The hearing adjourned at 8:24 p.m.

Councillor Neis returned to the meeting at 8:24 p.m.

9. **UNFINISHED BUSINESS:**

10. **DIVISION REPORTS:**

10.1 CHIEF ADMINISTRATIVE OFFICER

10.1.1 City of Kelowna Prisoner Cells

It was moved and seconded

**THAT** Council amend the 2017-2026 Financial Plan by \$188,251.00 to help fund the City of Kelowna prisoner cell capital project; and,

**THAT** the prisoner cells be classified as a prepaid expensed and amortized over a 25-year period.

C095/18 CARRIED UNANIMOUSLY

10.1.2 **Soccer Dome**

It was moved and seconded

**THAT** Council direct staff to proceed with the soccer dome project, which has been estimated to cost \$3,780,471 with WYSA donation of \$666,667 for a net municipal funding of \$3,113,804 and that it be constructed at 1506 Rose Meadow Drive.

C096/18 **CARRIED UNANIMOUSLY**

It was moved and seconded

**THAT** Council direct staff to construct Soccer Dome and not phase it in.

C097/18 **CARRIED UNANIMOUSLY**

It was moved and seconded

**THAT** Council funds the project using municipal reserve, using the philosophy that projects in the ten year plan that were to benefit directly or indirectly soccer activities be delayed beyond the ten year financial plan, so that the funds that were to be used to fund the projects will be directed to the soccer dome.

C098/18 **CARRIED UNANIMOUSLY**

It was moved and seconded

**THAT** Council direct staff to add the Soccer Dome project to the 2018 capital plan; and,

**THAT** the funding for 2018 be as follows:

- Capital \$2,135,181
- Gas Tax \$45,290
- Reserves for Future Expenditures \$600,00; and,

**THAT** the 2017 funding for this project not change; and,

**THAT** Council direct staff to delete projects numbered 97 (Multi-User Fields), 104 (Memorial Park-Stage, Pathways, Grove), 114 (Kinsmen Park Construction), 121 (CNB Washrooms/Concession), 124 (Soccer Field Lighting) and 125 (New Field Development-Grass) from the ten year capital plan.

C099/18 **CARRIED UNANIMOUSLY**

The meeting recessed at 9:13 p.m.

The meeting reconvened at 9:18 p.m.

10.1.3 **Federation of Canadian Municipalities 2018 Conference and Trade Show  
May 31 - June 3, 2018, Halifax Convention Centre, Halifax, NS**

It was moved and seconded

**THAT** Council approves the attendance of three (3) Councillors to represent the City of West Kelowna at the Federation of Canadian Municipalities (FCM) 2018 Conference and Trade Show.

C100/18 **CARRIED UNANIMOUSLY**

10.2 **DEVELOPMENT SERVICES**

Bylaws for Consideration of First Reading

10.2.1 **OCP 17-03, Official Community Plan amendment, 3060 Seclusion Bay**

It was moved and seconded

**THAT** Council give first reading to Official Community Plan Amendment Bylaw No. 0100.50 (File: OCP 17-03).

Delegation Request: Mr. Trent Kitsch and Mr. Kevin Johnson, Agents, Sky High Metals addressed Council on the application.

C101/18 **CARRIED UNANIMOUSLY**

It was moved and seconded

**THAT** the ending time of the meeting be extended to 11:30 p.m.

C102/18 **CARRIED UNANIMOUSLY**

10.2.2 **Westbank Centre DCC Reduction Amendment Bylaw No. 0179.01, 2018**

It was moved and seconded

**THAT** Council give first, second and third reading to “City of West Kelowna Westbank Centre Development Cost Charges Reduction Amendment Bylaw No. 0179.01, 2018” with the amendment to a three month extension (June 1, 2018-Section 5 of the bylaw).

C103/18 **CARRIED UNANIMOUSLY**

Planning

10.2.3 **DVP 17-21, Development Variance Permit, 1105 Menu Road**

Delegation Request: Garrett Millsap, Owner addressed Council on the application.

It was moved and seconded

**THAT** Council support the issuance of a Development Variance Permit (DVP 17-21) for 1105 Menu Road to vary S.10.4.5(g).1 of Zoning Bylaw No. 0154 to reduce the minimum front parcel boundary setback for a structure with a garage having vehicular entry from 6.0m to 1.0m for the construction of an addition to the existing single-detached dwelling; and,

**THAT** Council exempt the property from Section 7.5 of Traffic Bylaw No. 0092 (Crossing Design Requirement No. 7 in Schedule "A" of the Traffic Bylaw to allow for the issuance of a crossing permit for an 18.0 m crossing).

C104/18 CARRIED UNANIMOUSLY

10.3 ENGINEERING AND PUBLIC WORKS

10.3.1 Gellatly Waterfront Seasonal Transit Service

It was moved and seconded

**THAT** Council direct BC Transit to provide seasonal service to the Gellatly waterfront to and from Gellatly Road South using Whitworth Road at Pebble Beach as a turnaround.

C105/18 CARRIED Opposed: Councillors Ophus and de Jong

10.3.2 Rose Valley Water Treatment Plant Design Update

Information Only Report from the Engineering Manager

Pursuant to Section 100 of the *Community Charter*, Councillor Ensign declared a conflict of interest regarding item 10.3.3 Contract Award-Powers Creek Water Treatment Plant Reservoir Material Extraction due to his company potentially submitting a bid on the project.

Councillor Ensign left the meeting at 11:11 p.m.

10.3.3 Contract Award - Powers Creek Water Treatment Plant Reservoir Material Extraction

It was moved and seconded

**THAT** Council award the construction contract in the amount of \$1,024,551.08 (excluding GST) to QM Environmental for the Powers Creek Water Treatment Plant Reservoir Material Extraction.

C106/18 CARRIED

Councillor Ensign returned to the meeting at 11:12 p.m.

10.3.4 **Contract Award: Stantec Consulting Services**

It was moved and seconded

**THAT** Council award the consulting services contract in the amount of \$138,000 (excluding GST) to Stantec Consulting Ltd for the 2017 Freshet Event Smith Creek / Keefe Creek Recovery Works; and,

**THAT** Council award the consulting services contract in the amount of \$218,500 (excluding GST) to Stantec Consulting Ltd for the 2017 Freshet Event Lower Powers Creek Recovery Works.

C107/18 **CARRIED UNANIMOUSLY**

10.3.5 **Bike BC Grant Application**

It was moved and seconded

**THAT** Council direct staff to apply to BikeBC, seeking up to 50% of eligible costs of installing cycling infrastructure along the Boucherie Road Wine Trail Phase 2 Upgrade; and,

**THAT** Council authorize the Mayor and City Clerk to execute the necessary agreements.

C108/18 **CARRIED UNANIMOUSLY**

10.4 **FINANCE, ADMINISTRATIVE AND PROTECTIVE SERVICES**

10.4.1 **Local Area Water Service, Rose Valley Water System, Mt. Boucherie**

It was moved and seconded

**THAT** "City of West Kelowna Rose Valley Water System Merger Amendment Bylaw No. 0239.01, 2018" be adopted.

C109/18 **CARRIED UNANIMOUSLY**

10.4.2 **Inter-Community Business Licence (ICBL) Bylaw – Amendment to include City of Revelstoke**

It was moved and seconded

**THAT** "City of West Kelowna Inter-Community Business Licence Amendment Bylaw No. 0081.01, 2018" be adopted.

C110/18 **CARRIED UNANIMOUSLY**



10. **CORRESPONDENCE AND INFORMATION ITEMS:**

- 11.1 Letter from Alison Slater, Executive Director, SILGA dated December 14, 2017  
re Call for Resolutions for 2018 Convention

It was moved and seconded

**THAT** Council strike a SILGA resolutions committee and appoint Mayor Findlater and Councillor Zanon to the committee.

C1111/18 CARRIED UNANIMOUSLY

- 11.2 Letter from Alison Slater, Executive Director, SILGA dated December 14, 2017  
re SILGA Convention – Call for Nominations 2018

- 11.3 SILGA Community Excellence Awards, Call for Nominations

11. **NOTICE OF MOTION:**

12. **OTHER BUSINESS:**

13. **ADJOURNMENT OF THE REGULAR MEETING:**

The meeting adjourned at 11:18 p.m.

'Doug Findlater'

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M A Y O R

CERTIFIED CORRECT:

'Tracey Batten'

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DEPUTY CAO/CORPORATE OFFICER