

A special meeting of the District of Wells Council was held Tuesday, June 21, 2010 at 7:00 P.M. in Council Chambers, 4243 Sanders Avenue, Wells, BC V0K 2R0

MINUTES

PRESENT: Mayor Jay Vermette and Councillors Judy Campbell, Aleta Wallace, Virginia Wilkins and Richard Wright

ALSO PRESENT: Gary Champagne, C.A.O. and Sundance Topham, Deputy Clerk

PUBLIC GALLERY: 9 People

A. CALL TO ORDER AND AGENDA ADOPTION:

10-152 MOVED Councillor Wright Seconded Councillor Wilkins **THAT** the Agenda be adopted as circulated.

Carried Unanimously

B. ADOPTION OF MINUTES:

1. Minutes of Regular Council Meeting, June 15, 2010

10-153 MOVED Councillor Wilkins Seconded Councillor Wright **THAT** Council approve the Minutes of the Regular Council Meeting June 15, 2010.

Carried Unanimously

C. DELEGATIONS AND PETITIONS:

1. Presentation by owners of Highway 26 Businesses regarding Gateway Park Concession Stand.

Dave Jorgenson, a Highway 26 business owner, spoke in regards to the Gateway Park Concession Stand, noting that he believed there needed to be a more competitive usage fee charged by the District of Wells for rental of the Gateway Park Concession Stand land. Dianne Andreesen, a Highway 26 business owner noted that she was concerned with the District of Wells entering into a contract with a supplier at the Gateway Park Concession Stand that included a non-competition clause. She also noted that further food-borne illness insurance might be necessary to run an outdoor concession. Councillor Wilkins noted that there were no complaints from local business owners when the previous businesses located at the Gateway Park Concession Stand were running and it has only become an issue recently. Dave Jorgenson said that he was unhappy with the operation of a concession stand at Gateway Park from the beginning and now had an opportunity to comment since the issue with the contract had come up. General discussion took place in regards to the roll District of Wells administration played in negotiations to open a concession stand at the Gateway Park. Councillor Wallace asked the Highway 26 business owners for clarification on their objections to the proposal for the Gateway Park Concession Stand.

10-154 MOVED Councillor Wilkins Seconded Councillor Wright **THAT** the presentation by the owners of Highway 26 businesses regarding the Gateway Park Concession Stand be received.

Carried Unanimously

2. Presentation by Mr. Mark Dawson regarding Gateway Park Concession Stand. Mark Dawson noted that it was his belief that he had already received a commitment from Council at the previous Council meeting in regards to the four contract points brought forward to the District of Wells. He also said that based on this commitment he had put forward an offer to purchase the Smilin' Jack Concession Stand which had been accepted. Mr. Dawson then went over the four points in his letter that was previously agreed upon by Council for the Gateway Park Concession Stand, providing more information on each of the points. Councillor Wright asked for more clarification in regards to the exclusivity clause in his Concession Stand. Councillor Wilkins asked for more clarification on the water situation at the Gateway Park Concession Stand. Mark Dawson provided more clarification on both of these points. Mayor Vermette asked Mr. Dawson if he had been in touch with the health inspector - he noted that he had. Councillor Wallace asked Mr. Dawson to look into food-borne illness insurance; he said that he would.

10-155 **MOVED** Councillor Wilkins Seconded Councillor Wallace **THAT** the presentation by Mark Dawson regarding the Gateway Park Concession Stand be received.
Carried Unanimously

D. BUSINESS ARISING FROM MINUTES/UNFINISHED BUSINESS:

1. Gateway Park Concession Stand

The Administrator provided an overview of the history of businesses operating at the Gateway Park Concession Stand and reviewed the four points in Mr. Dawson's letter to Council. Councillor Campbell said that she wasn't aware that resolutions could be rescinded. The Administrator noted that a resolution could be rescinded if certain protocols were followed. Councillor Campbell said that the District of Wells should be more proactive in the future use of the District of Wells land at the Gateway Park Concession Stand. Councillor Wright commented on the proposed agreement with Mark Dawson and the Gateway Park Concession Stand noting that in his opinion the agreement is substantially different from what had previously been agreed to with past businesses at the Gateway Park. Councillor Wright also noted that if a three-year license was being offered then that is what should be honoured, regardless of any 30 day cancellation clauses in the license and unless there was a major breach of contract. Mayor Vermette noted that he was opposed to the exclusivity clause in the agreement and was not sure if fair market value was being offered. Councillor Campbell said that she was opposed to bringing the motion back on the table as she believes it is in bad faith. Councillor Wallace noted that she believed it was better to have a business operating at the Gateway Park Concession Stand than for the existing business to sit empty. Councillor Wallace and Councillor Wilkins spoke about their rationale in agreeing to the original points in the Gateway Park Concession letter. General discussion took place in regards to the original motion.

10-156 **MOVED** Mayor Vermette Seconded Councillor Wright **THAT** motion 10-147 in regards to future lease agreements for commercial space at Gateway Park be rescinded.

Defeated 3-2

Councillor Wallace, Councillor Wilkins, Councillor Campbell - Opposed

10-157 **MOVED** Councillor Campbell Seconded Councillor Wallace **THAT** when the license agreement with Mark Dawson for rental of District of Wells land for the Gateway Park Concession has run its course that Council have further discussions on the Gateway Park to determine which activities they would like to see at the Gateway Park Concession.

Carried Unanimously

10-158 **MOVED** Councillor Wright Seconded Councillor Wallace **THAT** staff ensure that the Procedural Bylaw in regards to late items be followed.

Carried Unanimously

E. NEW BUSINESS: NIL

F. CORRESPONDENCE: NIL

G. BYLAWS AND RESOLUTIONS: NIL

H. REPORTS: NIL

I. CONSENT CALENDAR: NIL

J. INFORMATION AND ANNOUNCEMENTS:

1. Council Members:

Councillor Wright thanked the Administrator and Public Works Superintendent for their help in getting a sewage problem resolved.

Mayor Vermette noted that there is a huge mess at Wendle Lake Park and that staff should look into finding out how it can be cleaned up. Mayor Vermette gave some clarification in regards to the mess, noting that it was caused by danger tree falling in the winter time.

2. Staff:

The Administrator noted that the Annual Town BBQ was taking place on June 25, 2010 at 5:00 PM at the Wells Community Hall.

3. Public Gallery:

Ron Dunn, a member of the Public Gallery, asked a question in regards to barking dogs. Mark Norman, a member of the Public Gallery asked a question in regards to tax due dates. The Administrator provided an overview on the legal requirements behind tax collection due dates.

K. ADJOURNMENT:

10-159 **MOVED** Councillor Campbell Seconded Councillor Wallace **THAT** the meeting adjourn at 8:18 PM.

Carried Unanimously

John P.S. Vermette, Mayor

Gary Champagne, CAO