

**MUNICIPAL DISTRICT OF MACKENZIE NO. 23  
COUNCIL MEETING**

**Council Chambers of the Mustus Lake Centre, La Crete, Alberta**

**Tuesday, December 10, and Wednesday, December 11, 1996**

**DECEMBER 10, 1996**

**PRESENT:**

Reuben Derksen	Reeve
Betty Bateman	Councillor
Frank Rosenberger	Councillor
Elmer Derksen	Councillor
Ernest Dyck	Councillor
Jake L. Peters	Councillor
Bill Neufeld	Councillor

**ABSENT:**

Bill Fedeyko	Councillor
Walter Sarapuk	Councillor
Reg Scarfe	Councillor

**ALSO PRESENT:**

Dennis Litke	Chief Administrative Officer
Eva Schmidt	Recording Secretary
Paul Driedger	Development Officer
Dale Freitag	Planner, Mackenzie Municipal Services Agency

**GALLERY:**

Abe Harder	Subdivision and Development Appeal Board
Maarten Braat	Subdivision and Development Appeal Board
Bryce Longard	Subdivision and Development Appeal Board

Peter H. Enns	William Dyck
Isaac Dyck	C.F. Driedger
Raymond Knelsen	Jake Harder
Phil Schlamp	Walter Derksen
Frank Derksen	Sarah Schmidt
Wilhelm I. Klassen	Martin Peters
Helen Bergen	Pete Bergen
Ann Marie Fehr	William Z. Derksen
Jacob T. Wolfe	Peter F. Peters
John Neudorf	Isaak Klassen
Anna Klassen	Margaret Peters
George Boehlig	Henry H. Klassen
Samuel Nafziger	John Klassen
Henry P. Peters	Peter B. Harder
Frank Goertzen	Dean Buhler
Henry K. Wall	

**PUBLIC HEARING**

**CALL TO ORDER:**

1 a) **Call to Order**

Reeve Derksen called the Public Hearing to order at 10:02 a.m.

Council, Staff, and Subdivision and Development Appeal Board Members introduced themselves.

**PLANNING &  
DEVELOPMENT:**

- 7 a) **Bylaw 070/96 To Amend the M.D. General Municipal Plan**  
b) **Bylaw 071/96 - To Amend the M.D. Land Use Bylaw  
To Add Specific Land Use Policies**

Development Officer, Paul Driedger read Bylaw 070/96 To Amend the Municipal District of Mackenzie No. 23 General Municipal Plan. Paul Driedger stated that the general purpose of the proposed bylaw is to amend the Municipal District of Mackenzie No. 23 General Municipal Plan in the following order: the addition of policies related to the General Municipal Plan's development strategy in relation to community and commercial development; to allow for the development of multi-lot country residential subdivisions in certain locations, and to establish policies related to forest-based industrial activity.

Reuben Derksen asked if Bylaw 070/96 had been advertised.  
Paul Driedger said Bylaw 070/96 was advertised as required by legislation.

Reeve Derksen asked if there was anyone present who would like to speak on behalf of, or against, Bylaw 070/96.

The public seemed to confuse Bylaw 070/96 with Bylaw 071/96 so Reeve Derksen asked Paul Driedger to read Bylaw 071/96 to avoid confusion.

Development Officer, Paul Driedger, read Bylaw 071/96 To Amend the Municipal District of Mackenzie No. 23 Land Use Bylaw To Add Specific Land Use Policies.

Warren Ferguson, Reporter, Northern Pioneer, entered the meeting at 10:17 a.m.

Reuben Derksen asked if Bylaw 071/96 had been advertised and Paul Driedger said yes, it was advertised as required by legislation.

Corny Driedger asked why the people attending this meeting could not have a copy of the Bylaws in question.

Reuben Derksen responded that the Bylaws had been advertised and the public had the opportunity to view them at the M. D. office, however, the Reeve asked Paul Driedger to make copies for the public.

Paul Driedger left the meeting at 10:19 a.m. to make photocopies of Bylaw 071/96 for the public attending the Hearing, and re-entered the meeting at 10:20 a.m.

Peter F. Peters read his proposed amendment to Schedule "A" of Bylaw 071/96. Mr. Peters informed Council that he was speaking as an individual and as a member of the community. Mr. Peters concern was with sections (3) and (4) of Schedule "A". Mr. Peters referred to section (3) Council shall issue development permits. He stated it appears that Council can not refuse a development permit, or issue the permit at their discretion, and asked Council to reconsider. Mr. Peters referred to Section (4) There is no appeal. Mr. Peters said this absolute authority in favour of Council is not warranted and he asked that section 4 be deleted entirely.

Peter F. Peters read his proposed amendment to Schedule "B" of Bylaw 071/96, stating that the permitted uses should include a Mobile Home, a greenhouse, and at least two dwellings per parcel. Mr. Peters felt that a restriction on the minimum total floor area was unwarranted. Paragraph (3) restricting the maximum number of horses to two for the first 3 acres was too severe, and he asked why the restriction was only on horses not on cattle and hogs. Mr. Peters said the objectives for a Country Residential District should be to conserve the rural and rural residential character and lifestyle and to encourage greater self sufficiency.

Reeve Derksen thanked Peter F. Peters and asked if anyone else present wished to speak.

Dean Buhler stated he was speaking on behalf of the La Crete Christian Fellowship and read a letter written by Peter Janzen of La Crete Christian Fellowship. The letter asked for clarification of the reason for grouping a Pawn Shop and Funeral Home under the same regulations as a Liquor store. The letter expressed concern about Special Provision number 4 and asked for clarification of "no appeal" stated in that section.

Dale Freitag said the municipality was trying to take into account the various communities within its jurisdiction, which is the reason for the proposal to create Direct Control Districts, allowing Council to make the decision since they know their community.

Dean Buhler stated that his church appreciated what Council was attempting to accomplish stating his concern was that if there is no room for appeal by the applicant, there is also no room for appeal by the community.

Dale Freitag replied that the community would have an opportunity to stop the development through a Public Hearing for rezoning.

Councillor Bateman stated that liquor outlets were not the only problem, Fort Vermilion had a concern about a funeral home built in the residential area.

Councillor Neufeld commented that when a Direct Control District was applied for a Public Hearing must be held at which time the public would be heard. Councillor Neufeld advised the public to trust Council to protect their interest.

Reeve Derksen stated that a Direct Control District does give the public more control.

Jake T. Wolfe asked why the liquor store issue is being discussed again, the community doesn't want a liquor store and that is why they are at this meeting.

Corny Driedger stated he would like a process to be put in place where the public had a say before the development permit was approved.

Peter Enns said that if the Council personnel changed the public might be at risk.

Reeve Derksen stated that the reason Public Hearings are held is to ensure the public has a say in development.

Councillor Bateman added that Public Hearings give the public more control over controversial development.

Councillor Rosenberger commented that the Uses mentioned in Bylaw 071/96 would require a Direct Control District, namely adult entertainment, liquor store, pawn shop, funeral home (morgue), and all uses that require approval from the Alberta Liquor and Gaming Commission, are all lumped together because they are all important issues.

Pete Peters asked Council how they proposed to deal with a Development Permit application on the mentioned uses.

Councillor Neufeld said that in order to get a Development Permit for the mentioned uses the area must be rezoned, therefore, it must be advertised.

Paul Driedger stated that before anyone can apply for a Development Permit for a Direct Control District a Public Hearing must be held for the rezoning.

Pete Peters asked why the draft copy of the Bylaw is not worded that way.

Councillor Neufeld stated that the Municipal Government Act 1994, states any development subject to a Direct Control District must be rezoned before a Development Permit can be issued.

Paul Driedger stated that an application for rezoning to a Direct Control District must be received before, or together with, an application for a Development Permit.

Maarten Braat stated that these issues are covered by the Municipal Government Act and therefore does not need to be spelled out in the Bylaw, this Bylaw covers the entire M.D. of Mackenzie No. 23.

Abe Harder stated that the uses subject to a Direct Control District do not mean businesses cannot be approved only that they must first pass all the hurdles.

Councillor Rosenberger said that if this Bylaw had been in place before the Development Permit for the liquor store was applied for, it would not have been approved.

Corny Driedger asked if there is any action that could be taken to ensure that a liquor store would never be allowed in this community.

Paul Driedger said the issue would have to be dealt with by the community and the Alberta Gaming and Liquor Commission.

William Dyck said then that is what should be done.

Peter Enns asked if the Public Hearings would be open to the entire M.D. and if so would the issue be decided on a popularity vote.

Councillor Neufeld said Council would have to look at the issue objectively.

Simon Froese asked if Council could approve a Development Permit application for any one of the mentioned uses within the next week.

Reeve Derksen replied that Council would be unable to approve a Development Permit requiring a Direct Control District Zoning before the property is rezoned if Bylaw 071/96 was passed.

Councillor Bateman said just for clarification, Zama does not care if La Crete has a liquor store and they would not have input to a Public Hearing concerning La Crete, but they would have input if the Direct Control District was applied for in Zama.

Dean Buhler asked about the time frame involved from the time of the application of a rezoning to the Public Hearing. He now understood that the public would have their say before the rezoning takes effect.

Paul Driedger said that currently it takes about three weeks before a Development Permit is in effect, and that involves a two week appeal period. If a Direct Control District was applied for the application would be taken to Council. It would then be advertised in two issues of the local paper with the last advertisement being at least five days prior to the Public Hearing.

Peter Harder stated that there are some communities where liquor is totally prohibited and asked if it would be possible to do that here.

Councillor Neufeld said that would have to be taken up with the Alberta Gaming and Liquor Commission.

Manager Litke said the M.D. asked the Alberta Gaming and Liquor Commission about prohibiting liquor in the community but apparently they have no control over that anymore, so this is the best the M.D. could do.

Phil Schlamp said he still has a concern about the wording and asked if the community will have a say in those Development Permits requiring a Direct Control District.

Councillor Rosenberger answered yes they will.

Dale Freitag said that any one of the uses mentioned in Bylaw 071/96 can be turned down by Council.

Reeve Derksen said if Bylaw 071/96 is passed, the responsibility will not be on just one person anymore. Councillor Bateman stated that the public will have the control not the Development Officer, as the Development Officer has to follow the Land Use Bylaw. Councillor Rosenberger said the M.D. Council is working with the public.

Wilhelm Klassen asked if the provincial government was approached a second time on the issue of prohibiting liquor in the community could they be made to understand that is what the public wants.

Reeve Derksen said that would only solve one part of the problem and just for the La Crete area. Council needs to consider the entire M.D.

Councillor Neufeld stated if Council talked to the provincial government again it would slow down the process whereas the passing of this Bylaw would be dealing with the problem as quickly as possible.

John Neudorf said he was not clear on what was meant by rezoning and asked for a definition.

Paul Driedger said there are various zones for the M.D. such as residential zoning, commercial zoning, agricultural zoning, etc. Each zoning has different types of development allowed for that specific area.

Corny Driedger asked if he applied for a rezoning to a Direct Control District what would stop him then from getting a development permit.  
Paul Driedger said any type of rezoning must have a Public Hearing, so the public would have a chance to voice their concerns.

Samuel Nafziger asked that the wording used to define a pawn shop be sharpened up a bit, the present wording could include a second hand store.

Isaac Dyck asked what was meant by the five mile radius of a Direct Control District as mentioned in Schedule "B".

Paul Driedger said that Country Residential is not a Direct Control District. A multi residence zoning would have to be located within a five mile radius of a Direct Control District. This was included for the forest base industry.

Frank Goertzen asked why the entire country residential issue is not being discussed at this time. Paul Driedger said the Country Residential issue will be heard at a later date, when the current Land Use Bylaw is reviewed.

Isaac Dyck asked why it is not all being done at the same time. Councillor Neufeld said that the entire Land Use Bylaw is being amended and the Country Residential issue will be heard at that time.

Reeve Derksen said the Direct Control District is proposed to be implemented for a specific industry like the proposed aspen plant. Other issues will be addressed when the Land Use Bylaw is brought forward.

Reeve Derksen asked if there were any more questions or comments on Bylaw 070/96 or Bylaw 071/96 and there were none.

c) **Bylaw 072/96 - To Amend the M.D. Land Use Bylaw To Rezone Pt. of NW-10-106-15-W5M (La Crete) from Agriculture District 2 to Hamlet Commercial District 2**

Development Officer, Paul Driedger read Bylaw 072/96 To Amend the Municipal District of Mackenzie No. 23 Land Use Bylaw to rezone Pt. of NW 10-106-15-W5M (La Crete) from Agriculture District 2 to Hamlet Commercial District 2.

Dale Freitag read a submission from Mackenzie Municipal Services Agency, advising the M.D. of Mackenzie Council to consider land use compatibility, municipal servicing, and access, and future planning. Mr. Freitag advised Council that the proposed amendment to the Municipal District of Mackenzie No. 23 Land Use Bylaw conforms to the Municipal District of Mackenzie No. 23 General Municipal Plan and appears to be compatible with current and future surrounding land use and that adequate access can be provided.

Reeve Derksen asked if Bylaw 072/96 had been advertised and Paul Driedger said yes, it was advertised as required by legislation..

Reeve Derksen asked if there was anyone present who wished to speak in opposition or in favour of the proposed Bylaw 072/96. There were no questions or comments.

**MOTION 96-728**

**MOVED** by Councillor Neufeld to adjourn the Public Hearing at 11:24 a.m.

**CARRIED**

**CALL TO ORDER:**

1 a) **Call to Order**

Reeve Derksen called the regular Council meeting to order at 11:32 a.m.

**1 b) Adoption of Agenda**

The following items were added to the agenda:

- 11 a) Community Reports
- 2 b) Walter Lizotte's Water Disconnection
- 8 g) Truck Fill Card Lock Change Order
- 8 h) Fencing on Road Allowances

**MOTION 96-729**

**Councillor Peters moved** that the agenda be adopted with additions.

**CARRIED**

**MINUTES:**

**2. a) Minutes of November 21, and 22, 1996 Council Meeting**

**MOTION 96-730**

**MOVED** by Councillor Dyck that the Minutes of the November 21, and 22, 1996 Council Meeting be adopted as presented.

**CARRIED**

**MOTION 96-731**

**MOVED** by Councillor E. Derksen to go in camera at 11:36 a.m.

**CARRIED**

**MOTION 96-732**

**MOVED** by Councillor Bateman to come out of camera at 12:05 p.m.

**CARRIED**

Reeve Derksen recessed the meeting for lunch at 12:05 p.m.

Reeve Derksen reconvened the meeting at 1:00 p.m.

**PLANNING &  
DEVELOPMENT:**

**7 a) Bylaw 070/96 - To Amend the M.D. General Municipal Plan**

In paragraph 1 of Bylaw 070/96 "added" shall be replaced with "added or amended". Paragraph 3.8 (c) of Bylaw 070/96 shall be added "Shall not allow multi-lot Country Residential Development on better Agricultural land."

Councillor Peters entered the meeting at 1:06 p.m.

**MOTION 96-733**  
Bylaw 070/96  
First Reading

**Councillor Neufeld moved** that first reading be given to Bylaw 070/96 To Amend the Municipal District of Mackenzie No. 23 General Municipal Plan.

**CARRIED**

**MOTION 96-734**  
Bylaw 070/96  
Second Reading

**MOVED** by Councillor Rosenberger that second reading be given to Bylaw 070/96 To Amend the Municipal District of Mackenzie No. 23 General Municipal Plan.

**CARRIED**

**MOTION 96-735**

**MOVED** by Councillor Rosenberger to go to third reading of Bylaw 070/96 To Amend the Municipal District of Mackenzie No. 23 General Municipal Plan, at this meeting.

**CARRIED UNANIMOUSLY**

**MOTION 96-736**  
Bylaw 070/96  
Third and Final  
Reading

**Councillor Peters moved** that third and final reading be given to Bylaw 070/96 To Amend the Municipal District of Mackenzie No. 23 General Municipal Plan, at this time.

**CARRIED**

**7      b)      Bylaw 071/96 - To Amend the M.D. Land Use Bylaw To Add Specific Land Use Policies**

In Bylaw 071/96 the following definition shall be added to define "Pawn Shop": "Pawn Shop means a shop that lends money at interest in exchange for goods."  
All references to "Alberta Liquor Control Board" shall be replaced with "Alberta Gaming and Liquor Commission".  
Municipal Government Act 1994 Section 641 shall be quoted in Bylaw 071/96 Schedule "A" paragraph 4.  
Bylaw 071/96 Schedule "A" paragraph 3 shall be amended to read "Council shall be the development permit approving authority."

Bylaw 071/96 Schedule "B" paragraph J(3) that reads "The maximum number of horses will be two for the first 3.0 acres (1.2 hectares) of land and one additional horse for each additional 2.0 acres (0.8 hectares of land." shall be removed entirely.  
The following statement shall be added to Bylaw 071/96 Schedule "B" paragraph J(4):  
"Any country residential development for this district which locates within five miles of the nearest property boundary of a Settlement, Hamlet or Town, must connect the country residential development to the nearest Settlement, Hamlet or Town's municipal sewer and water system."

A definition for forest based industry shall be added to Bylaw 071/96 as follows: "Forest-based industry means an industrial operation that manufactures or produces forest products and generally includes lumber remanufacturing facilities, oriented strand board plants, pulp mills and saw mills.  
Bylaw 071/96 Schedule C section 7.25 A shall have paragraphs 1, 3, and 4 deleted.  
Bylaw 071/96 Schedule C all references to "Development Officer" shall be replaced with "Council".

**MOTION 96-737**  
Bylaw 071/96  
First Reading

**Councillor E. Derksen moved** that first reading be given to Bylaw 071/96 To Amend the Municipal District of Mackenzie No. 23 Land Use Bylaw to Add Specific Land Use Policies.

**CARRIED**

**MOTION 96-738**  
Bylaw 071/96  
Second Reading

**Councillor Rosenberger moved** that second reading be given to Bylaw 071/96 To Amend the Municipal District of Mackenzie No. 23 Land Use Bylaw to Add Specific Land Use Policies.

**CARRIED**

**MOTION 96-739**

**MOVED** by Councillor Bateman to go to third reading of Bylaw 071/96 To Amend the Municipal District of Mackenzie No. 23 Land Use Bylaw to Add Specific Land Use Policies, at this meeting.

**CARRIED      UNANIMOUSLY**

**MOTION 96-740**  
Bylaw 071/96  
Third and Final  
Reading

**MOVED** by Councillor Dyck that third reading be given to Bylaw 071/96 To Amend the Municipal District of Mackenzie No. 23 Land Use Bylaw to Add Specific Land Use Policies, at this time.

**CARRIED**

7 c) Bylaw 072/96 - To Amend the M.D. Land Use Bylaw  
To Amend Pt. of NW-10-106-15-W5M (La Crete) from  
Agriculture District 2 to Hamlet Commercial District 2

**MOTION 96-741**  
Bylaw 072/96  
First Reading

**MOVED** by Councillor Neufeld that first reading be given to Bylaw 072/96 - To Amend the Municipal District of Mackenzie No. 23 Land Use Bylaw To Amend Pt. of NW-10-106-15-W5M (La Crete) from Agriculture District 2 to Hamlet Commercial District 2.

**CARRIED**

**MOTION 96-742**  
Bylaw 072/96  
Second Reading

**Councillor E. Derksen moved** that second reading be given to Bylaw 072/96 - To Amend the Municipal District of Mackenzie No. 23 Land Use Bylaw To Amend Pt. of NW-10-106-15-W5M (La Crete) from Agriculture District 2 to Hamlet Commercial District 2.

**CARRIED**

**MOTION 96-743**

**MOVED** by Councillor Rosenberger to go to third reading of Bylaw 072/96 - To Amend the Municipal District of Mackenzie No. 23 Land Use Bylaw To Amend Pt. of NW-10-106-15-W5M (La Crete) from Agriculture District 2 to Hamlet Commercial District 2, at this meeting.

**CARRIED UNANIMOUSLY**

**MOTION 96-744**  
Bylaw 072/96  
Third and Final  
Reading

**Councillor Bateman moved** that third and final reading be given to Bylaw 072/96 - To Amend the Municipal District of Mackenzie No. 23 Land Use Bylaw To Amend Pt. of NW-10-106-15-W5M (La Crete) from Agriculture District 2 to Hamlet Commercial District 2, at this time.

**CARRIED**

7 d) Time Extension on Subdivision Application 95MK031

**MOTION 96-745**

**MOVED** by Councillor Rosenberger that a time extension be granted to Subdivision Application 95MK031 to May 15, 1997.

**CARRIED**

7 e) Appointing Members at Large to the Subdivision and  
Development Appeal Board

**MOTION 96-746**

**Councillor Rosenberger moved** that Municipal District of Mackenzie No. 23 appoint Maarten Braat, Abe Harder, Bryce Longard, Richard Marshall, and George Bueckert as members of the Subdivision and Development Appeal Board.

**CARRIED**

7 f) E-911 Call Answering

**MOTION 96-747**

**Councillor Neufeld moved** that Municipal District of Mackenzie No. 23 enter into an agreement with Telus Communications to provide Provincial E-911 services to Municipal District of Mackenzie No. 23.

**CARRIED**



**MOTION 96-748**

**MOVED** by Councillor Peters that Municipal District of Mackenzie No. 23 enter an agreement with Telus Communications to collect municipal charges for Provincial E-911 Service from the residents of Municipal District of Mackenzie No. 23.

**CARRIED**

**MOTION 96-749**

**MOVED** by Councillor E. Derksen that Municipal District of Mackenzie No. 23 accept the joint proposal from Aeromedical Emergency Services and Peace Region Emergency Medical Services to provide E-911 service to Municipal District of Mackenzie No. 23.

**CARRIED**

Reeve Derksen called a recess at 2:01 p.m.

Reeve Derksen reconvened the meeting at 2:08 p.m.

**ADMINISTRATIVE:**

**3 a) Set Council Meeting Dates for January 1997**

**MOTION 96-750**

**MOVED** by Councillor E. Derksen that the Council Procedural Bylaw be brought forward to amend regular Council meetings to be on the second Tuesday of every month and the last Thursday and the Friday following the last Thursday of every month.

**CARRIED**

**MOTION 96-751**

**Councillor Neufeld moved** that Municipal District of Mackenzie No. 23 set the Council meeting dates for 10:00 a.m. on Tuesday, January 14, 1997 to be held in the Council Chambers of the Provincial Building in High Level and 10:00 a.m. on Thursday, January 30, 1997 and Friday, January 31, 1997 to be held in the Fort Vermilion Library Meeting Room in Fort Vermilion.

**CARRIED**

**MOTION 96-752**

**MOVED** by Councillor Peters that Municipal District of Mackenzie No. 23 set the Council meeting dates for 10:00 a.m. on Tuesday, February 11, 1997 to be held in the Zama Community Hall in Zama; 10:00 a.m. on Thursday, February 27, 1997 and Friday, February 28, 1997 in the Council Chambers of the Mustus Lake Centre in La Crete; 10:00 a.m. on Tuesday, March 11, 1997 in the Council Chambers of the Provincial Building in High Level; and 10:00 a.m. on Wednesday, March 26, 1997 and Thursday, March 27, 1997 in the Fort Vermilion Library Meeting Room in Fort Vermilion.

**CARRIED**

**3 b) Vehicle Policy**

Manager Litke presented the Vehicle Policy for Council's consideration. Section 1(a) shall be eliminated and section 1(b) shall be named 1(a). Section 2(b) shall include the following addition "unless special authorization is received from the Chief Administrative Officer."

**MOTION 96-753**

**Councillor Rosenberger moved** that Municipal District of Mackenzie No. 23 adopt the Vehicle Policy as amended.

**CARRIED**

Council instructed Administration to draft a lunch policy for staff.

**MOTION 96-754**

**MOVED** by Councillor Neufeld that the Manager's Report be received as information.

**CARRIED**

**BYLAWS:**

4. a) **By-Law No. 065/96 - To Establish a Fee Schedule for Services and Rescind By-Law 062-96**

Manager Litke informed Council that grader operators will be provided with a map of their grader beat showing which residents have an approved Seniors/Handicapped Snowplow Agreement with Municipal District of Mackenzie No. 23.

Handicapped persons will be identified with a handicapped card that they receive from the government.

Bylaw 065/96 shall be amended to read "Rental deposits for water meters".  
The Snowplow flag rate of Bylaw 065/96 shall be changed to \$15 per flag.

**MOTION 96-755**

Bylaw 065/96  
First Reading

**MOVED** by Councillor Bateman that first reading be given to Bylaw 065/96 To Establish a Fee Schedule for Services.

**CARRIED**

**MOTION 96-756**

Bylaw 065/96  
Second Reading

**MOVED** by Councillor Dyck that second reading be given to Bylaw 065/96 To Establish a Fee Schedule for Services.

**CARRIED**

**MOTION 96-757**

**MOVED** by Councillor E. Derksen to go to third reading of Bylaw 065/96 To Establish a Fee Schedule for Services, at this meeting.

**CARRIED UNANIMOUSLY**

**MOTION 96-758**

Bylaw 065/96  
Third and Final  
Reading

**MOVED** by Councillor Peters that third reading be given to Bylaw 065/96 To Establish a Fee Schedule for Services, at this time.

**CARRIED**

**MOTION 96-759**

**Councillor Bateman moved** that the Senior/Handicapped snowplow flag issue be reviewed at budget time and be included on the agenda for the 1997 Ratepayers meetings together with a breakdown of the cost to the Municipal District of Mackenzie No. 23 for supplying the Seniors and Handicapped persons with driveway snowplowing services at no charge.

**CARRIED**

4 c) **By-Law No. 074/96 - Borrowing of Funds**

**MOTION 96-760**

Bylaw 074/96  
First Reading

**MOVED** by Councillor Neufeld that first reading be given to Bylaw 074/96 being a Borrowing Bylaw.

**CARRIED**

**MOTION 96-761**

Bylaw 074/96  
Second Reading

**MOVED** by Councillor Rosenberger that second reading be given to Bylaw 074/96 being a Borrowing Bylaw.

**CARRIED**

**MOTION 96-762**

**MOVED** by Councillor Peters to go to third reading of Bylaw 074/96, Borrowing of Funds, at this meeting.

**CARRIED UNANIMOUSLY**

**MOTION 96-763**  
Bylaw 074/96  
Third and Final  
Reading

**MOVED** by Councillor Rosenberger that third reading be given to Bylaw 074/96 being a Borrowing Bylaw, at this time.

**CARRIED**

**FINANCIAL**

**5 a) Cheque Listing for November, 1996**

**MOTION 96-764**

**Councillor Rosenberger moved** that the cheque listing for November 1996 be accepted as presented.

**CARRIED**

**5 b) Payments on Debentures**

**MOTION 96-765**

**Councillor Rosenberger moved** that Municipal District of Mackenzie No. 23 amend Motion 96-718 to instruct Administration to use the money received from ratepayers for the prepayment of Local Improvements to pay down the appropriate debentures, at approximately \$120,000 and secondly, that \$95,060.27 plus interest and penalty be paid against debentures from operating reserves.

**CARRIED**

**OLD BUSINESS:**

**9 a) Fort Vermilion Fire Department Nomination of Fire Chief**

**MOTION 96-766**

**MOVED** by Councillor Rosenberger that Municipal District of Mackenzie No. 23 appoint Martin Stanners to the position of Fire Chief for the Fort Vermilion Fire Department, Fort Vermilion, Alberta.

**CARRIED**

A list of Volunteer Firemen for the Fort Vermilion Fire Department was presented for information.

**9 b) Municipal District of Northern Lights No. 22  
Update on Smoky Railway at Watino-Culp Crossing**

**MOTION 96-767**

**MOVED** by Councillor Neufeld that Municipal District of Mackenzie No. 23 write a letter of response to Municipal District of Northern Lights No. 22 indicating that M.D. 23 supports the Northern Alberta Development Council in that the railroad company be responsible to repair the Watino crossing bridge and that no funding will be forthcoming from M.D. 23.

**CARRIED**

Motion 96-767 was amended by Motion 96-777.

**MOTION 96-768**

**Councillor Dyck moved** that the meeting be recessed at 3:19 p.m. to reconvene at 10:00 a.m. on Wednesday, December 11, 1997 in the Council Chambers of the Mustus Lake Centre in La Crete.

**CARRIED**

**DECEMBER 11, 1997**

**PRESENT:**

Reuben Derksen	Reeve
Betty Bateman	Councillor
Frank Rosenberger	Councillor
Reg Scarfe	Councillor
Elmer Derksen	Councillor
Ernest Dyck	Councillor
Jake L. Peters	Councillor
Bill Neufeld	Councillor
Walter Sarapuk	Councillor

**ABSENT:**

Bill Fedeyko	Councillor
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**ALSO PRESENT:**

Dennis Litke	Chief Administrative Officer
Eva Schmidt	Recording Secretary
Roger Borchert	Public Works Manager

**CALL TO ORDER:**

**1 a) Call to Order**

Reeve Derksen reconvened the meeting at 10:03 a.m.

Manager Litke asked Council to add Walter Lizotte to the agenda as a delegation for 1:00 p.m.

Councillor Neufeld added the Watino bridge to the agenda as 9 b).

**5 b) By-Law No. 073/96 - Assessment Adoption**

**MOTION 96-769**  
Bylaw 073/96  
First Reading

**MOVED** by Councillor Neufeld that first reading be given to Bylaw 073/96 being an Assessment Adoption bylaw.

**CARRIED**

**MOTION 96-770**  
Bylaw 073/96  
Second Reading

**MOVED** by Councillor Rosenberger that second reading be given to Bylaw 073/96 being an Assessment Adoption bylaw.

**CARRIED**

**MOTION 96-771**

**MOVED** by Councillor Bateman to go to third reading of Bylaw 073/96 Assessment Adoption, at this meeting.

**CARRIED UNANIMOUSLY**

**MOTION 96-772**  
Bylaw 073/96  
Third and Final  
Reading

**MOVED** by Councillor Peters that third and final reading be given to Bylaw 073/96 being an Assessment Adoption bylaw, at this time.

**CARRIED**

**PUBLIC WORKS:**

**8 a) High Level South Flood Control**

**MOTION 96-773**

**MOVED** by Councillor Bateman that Municipal District of Mackenzie No. 23 enter into a cost sharing agreement with the Government of Alberta, Department of Environmental Protection, for the construction of the High Level South Flood Control project.

**CARRIED**

Councillor Neufeld advised that in the past the split in funding was always 75%/12.5%/12.5% on Flood Control Projects with 12.5% M.D. and 12.5% owner for clearing.

Roger Borchert stated that the split in funding was now at 75%/25%.

Council instructed Public Works Manager, Roger Borchert, to research the possibility of splitting funding for Flood Control Projects at 75%/12.5%/12.5% and advise Council of the results.

**8 b) Aegis Mechanical  
Water Supply Improvements - Hamlet of La Crete**

Roger Borchert reported that the water supply improvements project for La Crete is ahead of schedule.

Council instructed Public Works Manager, Roger Borchert, to research why the electrical heat system was installed when natural gas heat was applied for at the Raw Water Truck Fill in La Crete, and bring the results back to Council.

**8 c) La Crete Sawmills Temporary Turn Out Lane**

Roger Borchert reported that La Crete Sawmills has requested a temporary winter access for log trucks to access the mill. This item was presented as information.

Councillor Neufeld instructed Mr. Borchert to add a permanent access for La Crete Sawmills to the list of road requests.

**8 d) Zama Road Project 2 Engineering Proposals**

**MOTION 96-774**

**Councillor Bateman moved** that Municipal District of Mackenzie No. 23 recommend to Alberta Transportation and Utilities to award the Engineering for the Zama Access Road Improvements Project II to Torchinsky Engineering at a total cost of \$245,747.50.

**CARRIED**

**8 e) Fort Vermilion Waterline Replacement Post Office Loop**

**MOTION 96-775**

**MOVED** by Councillor Rosenberger that the 1996 Fort Vermilion Waterline Replacement contract be awarded to the low tender, Wayne's Trenching subject to their securing satisfactory security in lieu of bonding and insurance coverage as required by the Contract Documents, and that the project be completed in the spring of 1997.

**CARRIED**

**8 f) 1997 Road Requests**

Roger Borchert presented the 1997 Road Requests as information.

Council determined to defer all road requests to the next Council meeting and that the Road Requests be prioritized during the road tour.

**8 g) La Crete Raw Water Truck Fill Card Lock System**

Roger Borchert reported that the La Crete Raw Water Truck Fill presently has a 30 key key lock board but that more people are expected to be using it. Mr. Borchert proposed a 1-100 card Card Lock System for the Raw Water Truck Fill.

Roger Borchert was asked by Council to continue his research into the card lock system and present the information to Council.

8 h) Fencing on Road Allowance

Administration was instructed to investigate the policy on fencing road allowances.

MOTION 96-776

**Councillor Neufeld moved** that Municipal District of Mackenzie No. 23 reimburse those persons that purchased a snowplow flag at \$30 per flag with an additional flag at no cost.

Councillor Bateman requested a recorded vote:

**IN FAVOUR:**

Reeve Derksen  
Councillor Neufeld  
Councillor Peters  
Councillor Dyck  
Councillor E. Derksen  
Councillor Scarfe  
Councillor Sarapuk

**OPPOSED:**

Councillor Bateman  
Councillor Rosenberger

**CARRIED**

9 b) Municipal District of Northern Lights No. 22  
Update on Smoky Railway at Watino-Culp Crossing

MOTION 96-777

**MOVED** by Councillor Neufeld that Motion 96-767 be amended to read: that Municipal District of Mackenzie No. 23 write a letter of response to Municipal District of Northern Lights No. 22 indicating that M.D. 23 supports all six of the Northern Alberta Development Council's recommendations as follows: 1. That CN retain and rebuild the route over the Watino Bridge. 2. That BC Rail upgrade the rail line between Dawson Creek and Chetwynd. 3. That the Governments of Canada and British Columbia facilitate a process that creates competitive rates for shipments between the Peace region and Prince Rupert. Governments may need to review legislation on common running rights and implement measures to encourage common carrier access. 4. That an alliance between the Canadian Wheat Board, CN Rail and PRG Terminal be formed to implement measures to ensure a long term, stable supply of grain to the port. 5. That CN and northern shippers work together to seek greater efficiencies in the Peace region. 6. That Prince Rupert Port Corporation take the lead in examining the potential for inbound ocean freight for back hauls and container opportunities. And that no funding will be forthcoming from Municipal District of Mackenzie No. 23.

**CARRIED**

9 c) Pearl Calahasen, Minister  
Highway 58 Extension

This item was presented as information.

9 d) Fort Vermilion Airport Fees

Manager Litke reported that he and Councillor Rosenberger met with the manager of Little Red Air and where told that Little Red Air will prepare a proposal for Municipal District of Mackenzie No. 23. Little Red Air will be invoiced immediately from July 31, 1996 for everything except the fuel flow which will be invoiced from August 1995. The leases that Little Red Air signed with the province will be honored.

Reeve Derksen asked Manager Litke to report back to Council on the Little Red Air issue at the next meeting.

MOTION 96-778

**MOVED** by Councillor Neufeld that Municipal District of Mackenzie No. 23 invoice Little Red Air for the rates as presented.

**CARRIED**

**NEW BUSINESS:**

10 a) **Agreement with Stickney Veterinary Services Limited**

**MOTION 96-779**

**MOVED** by Councillor Sarapuk that Municipal District of Mackenzie No. 23 enter into an agreement with Stickney Veterinary Services Ltd. to supply veterinary services to Municipal District of Mackenzie No. 23.

**CARRIED**

**COMMITTEE REPORTS:**

11 a) **Community Reports**

Councillor Dyck asked Administration to investigate the options available for turning lane southeast of La Crete on Highway 697 and bring recommendations to Council at the next meeting.

*Brian Clark started Oct 97*

11 b) **Land of the Mighty Peace Tourist Association**

Councillor Scarfe reported on the meeting he attended in Peace River with the Land of the Mighty Peace Tourist Association. He reported that the Land of the Mighty Peace Tourist Association and Tourism Destination are experiencing some difficulties in working together to serve the north. Tourism Destination is comprised of business groups.

11 c) **Nova Corporation**

Councillor Neufeld reported on a Nova Corporation meeting he attended and asked administration to invite Larry Badry of Nova Corporation to make a presentation at a future M.D. 23 Council meeting.

11 d) **Veterinary Services Incorporated Meeting**

Councillor Sarapuk reported that at the latest Veterinary Services Incorporated meeting he attended, veterinarians asked for a raise of fees since they have not received a raise in the last five years.

Reeve Derksen recessed the meeting for lunch at 11:54 a.m.

Reeve Derksen reconvened the meeting at 12:55 p.m.

**DELEGATIONS:**

6. a) **Walter Lizotte**

Reeve Derksen welcomed Walter Lizotte to the meeting and introductions were made.

Walter Lizotte informed Council that on October 22, 1996 he faxed a letter to the Municipal District of Mackenzie No. 23 office in Fort Vermilion, to notify them that the water had not been turned off in July when he applied for a water disconnection. When the weather turned cold the water lines froze in the house. Mr. Lizotte said he had discussed the matter with Dennis Litke and Frank Rosenberger. He then talked to an insurance adjuster in Edmonton who advised him to go ahead with cleaning up the house, but to keep all the bills. Mr. Lizotte then thawed out the house and had a carpet cleaner come in to suck up the water.

Reeve Derksen asked Mr. Lizotte if the insurance adjuster gave him a response as to what would be done.

Walter Lizotte said he talked with the insurance adjuster once and was told it would take some time to sort everything out.

Reeve Derksen asked Mr. Lizotte if the house was back to it's former condition.  
Mr. Lizotte said the house has been dried out.

Reeve Derksen asked Mr. Lizotte if he received a letter from Baldwin and Associates.  
Walter Lizotte said yes, he had.

Reeve Derksen asked Mr. Lizotte if he had responded to that letter.  
Mr. Lizotte said no, he had not.

Reeve Derksen asked Mr. Lizotte if he had read the last sentence of the letter from Baldwin and Associates where it says "on behalf of the municipality of M.D. 23 liability is respectfully denied."  
Walter Lizotte said he had not read that.

Councillor E. Derksen said his opinion would be that the M.D. fully restore the house to its original condition.

Councillor Rosenberger stated that the water was pumped out of the house then the issue was turned over to the insurance company and the insurance company is indicating that the M.D. is not responsible.

Councillor Neufeld asked Mr. Lizotte if he took any responsibility to ensure that the water lines would not freeze up.  
Walter Lizotte said he did not think it was his responsibility.  
Councillor Neufeld asked if Mr. Lizotte checked to make sure the water was shut off.  
Walter Lizotte said no, he did not think that was his responsibility.

Councillor Rosenberger asked Mr. Lizotte how many dollars worth of damage had occurred to the house.  
Walter Lizotte placed a number of papers on the table and said it was all there.

Reeve Derksen asked Mr. Lizotte if he had any renovations done to the house after the water was turned off.  
Walter Lizotte said no.

Councillor E. Derksen said Mr. Lizotte told him the rugs in the house smelled after the water had been pumped out.  
Walter Lizotte responded that the carpet cleaners told him they could not get rid of the smell. The new rugs were put into the house in the fall of 1995.

Manager Litke added up the receipts that were submitted by Mr. Lizotte.

Walter Lizotte said he had not picked up the rug yet. The amounts quoted for the furnace, hot water tank, and carpet were estimated amounts.

Councillor E. Derksen asked if installation was included in the estimates.  
Walter Lizotte said yes.

Reeve Derksen asked if there were any other comments or questions.  
Councillor Rosenberger stated that it must be determined if the M.D. was negligent and the M.D. pays the insurance for the adjusters work. *so the insurance should pay for damages.*

Councillor E. Derksen asked Mr. Lizotte how far apart the two houses are.  
Walter Lizotte said they are about 100 feet apart and the day the Utility Officer shut the water off Mr. Lizotte was at home.

Councillor Rosenberger asked if at that time the Utility Officer thought the valve worked.  
Roger Borchert said yes, the Utility Officer thought the valve was in working condition.

Manager Litke said the M.D. received a copy of the November 27, 1996 letter from the insurance adjuster to Mr. Lizotte's lawyer and asked if Mr. Lizotte had discussed that letter with his lawyer.  
Walter Lizotte said no, not really.

Manager Litke asked Mr. Lizotte what he expected from the M.D. Council.  
Walter Lizotte said the damages must be paid one way or the other but he would like to settle it with Council rather than take legal action. The insulation in the outside walls might be soaked plus the underlay must be removed but he would be willing to settle without those items being considered.



Councillor Rosenberger said that the M.D. of Mackenzie turned this issue over to the insurance company and they say Mr. Lizotte is responsible for the damages. The correct procedure must be followed.

Manager Litke asked Mr. Lizotte if he has insurance on the house in question and Mr. Lizotte said no, not at this time.

Manager Litke asked Mr. Lizotte if he had house insurance at the time of the flood. Walter Lizotte said no, he cancelled the insurance last spring.

Manager Litke asked if the house is being heated now. Walter Lizotte said the house is being heated by a space heater only.

Councillor Sarapuk asked Mr. Lizotte why he had requested that the water be turned off. Walter Lizotte said he was making renovations to the house and then wanted to sell it.

Councillor Rosenberger asked Mr. Lizotte if the insurance adjuster has seen the house. Walter Lizotte said no, they said there was no point.

Reeve Derksen thanked Walter Lizotte and Mr. Lizotte left the meeting at 1:30 p.m.

**MOTION 96-780**

**MOVED** by Councillor Rosenberger to go in camera at 1:30 p.m.

**CARRIED**

**MOTION 96-781**

**MOVED** by Councillor Scarfe to come out of camera at 2:58 p.m.

**CARRIED**

**MOTION 96-782**

**Councillor Rosenberger moved** that the recommendations of the ~~Council~~ <sup>Councillors on the staff committee of Staff/Council Committee</sup> be approved in regards to the Chief Administrative Officer's salary review and employee performance bonuses.

**CARRIED**

**MOTION 96-783**

**Councillor Rosenberger moved** that payout of an additional 88 hours of overtime to Floyd Lafferty be approved.

**CARRIED**

**MOTION 96-784**

**MOVED** by Councillor E. Derksen to adjourn the meeting at 3:05 p.m.


**CARRIED**

These minutes were adopted this 14<sup>th</sup> day of January, 1997.

  
~~Reuben Derksen~~, Reeve

DEPUTY -

BETTY BATEMAN

  
Dennis Litke, C.A.O.