

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

**Zama Hall, Zama, Alberta**

**Tuesday, October 08, 1996**

**PRESENT:**

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

**ABSENT:**

Bill Fedeyko	Councillor
Walter Sarapuk	Councillor

**ALSO PRESENT:**

Dennis Litke	Chief Administrative Officer
Eva Schmidt	Municipal Secretary, Recording Secretary
Roger Borchert	Public Works Manager
Paul Driedger	Development Officer

**GALLERY:**

Lisa Wardley  
George Wardley  
Murray Wardley  
Jacquie Scouler

Minutes of the regular meeting of the Council for the Municipal District of Mackenzie No. 23, held on Tuesday, October 08, 1996 in the Zama Hall, Zama, Alberta.

**CALL TO ORDER:**

**1. a) Call to Order**

Reeve Neufeld called the Council meeting to order at 10:10 a.m.

**1 b) Adoption of Agenda**

- 8 e) La Crete House Constructed over Sewer Line
- 10 e) Ernst & Young 1996 Audit Planning
- 12 e) M.D. Promotion
- 12 b) Lead Hand South Wages
- 12 c) SDAB Council Members Established Practice - Letter
- 12 d) Letter from Tom Thurber, Minister of Alberta Municipal Affairs
- 11 b) Fort Smith Road Report

**MOTION 96-575**

**MOVED** by Councillor Scarfe to adopt the agenda with additions.

**CARRIED**

Reeve Neufeld recessed the Council meeting at 10:19 a.m. to go to a Public Hearing.

**PUBLIC HEARING**

**CALL TO ORDER:**

1 a) **Call to Order**

Reeve Neufeld called the Public Hearing to order at 10:19 a.m.

2 a) **Bylaw 066/96 - To Amend the M.D. No. 23 Land Use Bylaw**

Development Officer, Paul Driedger, submitted Bylaw 066/96 To Amend the Municipal District of Mackenzie No. 23 Land Use Bylaw to rezone Pt. NW 09-106-15-W5M from Hamlet Residential 1-A (HR1A) to Hamlet Residential 1 (HR1).

Paul Driedger read a brief submitted by the Mackenzie Municipal Services Agency.

Paul Driedger read a letter received from Harvey and Annie Derksen in opposition of the proposed rezoning. Mr. and Mrs. Derksen purchased and built a house on a lot adjacent to the property mentioned in Bylaw 066/96 with the understanding that the area was zoned for houses only, therefore, they are opposed to the rezoning of Pt. NW 09-106-15-W5M.

Manager Litke read a letter received from developer, Henry Jay Enns, stating there is little market for lots zoned for houses but there is a market for lots zoned for Mobile Homes. Therefore, he is asking the M.D. to recommend rezoning Pt. NW 09-106-15-W5M.

Reeve Neufeld asked if there were any other submissions in favour or in opposition of Bylaw 066/96 To Amend the Municipal District of Mackenzie No. 23 Land Use Bylaw to rezone Pt. NW 09-106-15-W5M from Hamlet Residential 1-A (HR1A) to Hamlet Residential 1 (HR1) and there were none.

**MOTION 96-576**

**MOVED** by Councillor Bateman to adjourn the Public Hearing at 10:27 a.m.

**CARRIED**

The Regular Council meeting reconvened at 10:27 a.m.

**PLANNING &  
DEVELOPMENT:**

7. a) **Bylaw 066/96 - Rezone Pt. NW 09-106-15-W5M  
HR-1A to HR-1**

**MOTION 96-577**

**MOVED** by Councillor Bateman that Bylaw 066/96 To Amend the Municipal District of Mackenzie No. 23 Land Use Bylaw to rezone Pt. NW 09-106-15-W5M from Hamlet Residential 1-A (HR1A) to Hamlet Residential 1 (HR1) be refused.

**CARRIED**

12 b) **Letter from Brownlee Fryett  
Re: Subdivision and Development Appeal Board Council Members  
Established Practice**

Manager Litke read a letter received from Brownlee Fryett regarding Subdivision and Development Appeal Board Council members established practice to leave the room when subdivision and development issues are discussed. Municipal Government Act Section 627(3) indicates that councilor's may in fact be members of the Subdivision and Development Appeal Board, although they must not form a majority of the board. Section 183 of the Municipal Government Act indicates that Councillors have a duty to vote on a matter put to a vote at the meeting of Councillors unless the Councillor is required or permitted to abstain from voting. Section 174(1)(f) of the Municipal Government Act indicates that if a councillor does not vote on a matter at council unless the councillor is required or permitted to abstain from voting, he is disqualified, although a genuine error in judgment is an arguable defence to the disqualification. Therefore, neither the Chief Administrative Officer nor Councillors who sit on the Subdivision and

Development Appeal Board should be excluded from planning decisions made in Council meetings on that basis.

7        b)        Subdivision Application 96MK066 - NE 23-107-14-W5M

Development Officer, Paul Driedger, informed Council that Hillcrest Community School is located on NE 23-107-14-W5M as well as a farm residence, thereby making Subdivision Application 96MK066 the third parcel subdivision out of the quarter section. Council determined that Hillcrest Community School is a public parcel and does not count as a second division of property. Therefore, Subdivision Application 96MK066 is a request to create a second subdivision of the farm parcel.

**MOTION 96-577**

**MOVED** by Jake L. Peters that approval be recommended for a 5 acre subdivision to be located within the 10 acre parcel as proposed in Subdivision Application 96MK066.

**CARRIED**

7        c)        Subdivision Application 96MK067 - SW 14-107-13-W5M

Development Officer, Paul Driedger, explained to Council that the 14.2 acres requested in Subdivision Application 96MK067 was to accommodate an existing farmstead 4.5 miles south of Fort Vermilion. The only conflict to the Land Use Bylaw in the application is the size of the parcel requested. Mackenzie Municipal Services Agency did not perform a site inspection on this location.

**MOTION 96-578**

**MOVED** by Councillor R. Derksen that Subdivision Application 96MK067 be tabled until Development Officer, Paul Driedger, has completed a site inspection on the property and the information be brought back to Council.

**CARRIED**

**DELEGATION:**

6        Walk In Delegation - Hi North Trucking

Reeve Neufeld welcomed Lisa Wardley, George Wardley, Murray Wardley, and Jacquie Scoular of Hi North Trucking to the meeting.

The delegation asked when the upgrading of the Zama Water Treatment Plant will commence. Public Works Manager, Roger Borchert, said the M.D. has advertised the project and are waiting for the expiry of the time frame in the advertisement before construction can commence, everything else is a go.

Lisa Wardley said Hi North Trucking has to haul potable water from the Town of Rainbow Lake and the Town of High Level whenever they cannot haul from the Zama Water Treatment Plant so they need to know how the upgrade will affect the water quality and supply during the construction phase. Roger Borchert said that has not yet been determined but they will be informed at a later date.

Ms. Wardley asked if the upgrade will double the production of water at the plant. Roger Borchert said it will not double the production but the increase should be substantial. Mr. Borchert said at this stage the M.D. will be upgrading the treated water portion of the plant, a larger water reservoir is scheduled for construction in 1997 increasing the capability to reserve more water.

Ms. Wardley said they must have enough water to supply the camps that are coming into the area this fall and, since Hi North Trucking has the only licensed water trucks in town, they would like to make an agreement with the M.D. that Hi North Trucking would be the last to be asked to stop hauling water.

Roger Borchert suggested they meet with people of the camps and recommend they not use treated water for everything.

Reeve Neufeld thanked the Hi North Trucking delegation for attending the meeting and they left at 11:00 a.m.

6 c) Leonard McFarland - Gulf Canada

Leonard McFarland entered the meeting at 11:00 a.m. Reeve Neufeld welcomed Mr. McFarland to the meeting and introductions were made.

Leonard McFarland said he is new to the area but is impressed with the productivity, there is tremendous potential here. Mr. McFarland said this is a key production area for Gulf Canada, probably the largest core area in the province. Gulf Canada is projecting a positive growth, between 30 to 40 wells in the area as well as running seismic lines this winter, and will bring in a lot of people. Mr. McFarland said Gulf Canada now has an office at the old Pennzoil office location which they are planning to expand.

Councillor Bateman asked if Gulf Canada will do an expansion on the well sites and Mr. McFarland said not at this point.

Reeve Neufeld asked if Gulf Canada is mainly drilling for gas and Mr. McFarland said they are drilling mainly for oil but gas is definitely a major area. Mr. McFarland said their production will impact the activity in the area significantly, but most of the people they bring in will stay in camps so the impact on the Hamlet of Zama will not be too great.

Mr. McFarland asked who is grading the Zama Access Road, he said Gulf is grading the Meander 2 Road to Assumption. Roger Borchert said the first 21 kilometers of the Zama Access Road has been turned over to the M.D., however, the M.D. has not received the other portion yet although the deal is complete except for the paper shuffle.

Council asked Mr. McFarland if Gulf would be hauling potable water from Zama for the camp and Mr. McFarland answered the camp has a well they will use.

Reeve Neufeld thanked Leonard McFarland for attending the meeting and he left at 11:15 a.m.

**PUBLIC WORKS:**

8. a) High Level South Flood Control

Roger Borchert gave Council an update on the High Level South Flood Control issue. Mrs. Peitsch has voiced concerns that if the M.D. does not provide flood control this year she will plug off the drainage ditch. Mr. Borchert said the possibility of re-routing the water around the property is still being pursued. A letter was mailed to Mrs. Peitsch seeking her signature for an intent for easement.

Manager Litke talked with Mrs. Peitsch, she said she would call the RCMP and report anybody entering her property. After Mrs. Peitsch phoned the High Level RCMP detachment, the RCMP phoned Manager Litke and the Manager explained the situation to them.

Roger Borchert said Mrs. Peitsch contacted the Lieutenant General's office, they in turn contacted the M.D. wanting to know what had changed in this situation causing Mrs. Peitsch to contact the Lieutenant's office. Roger Borchert told them nothing had changed and explained the situation to them.

**MOTION 96-580**

**MOVED** by Councillor Rosenberger that the High Level South Flood Control issue be tabled to the next meeting of Council when Councillor Fedeyko will be present, because the issue concerns Councillor Fedeyko's Ward.

**CARRIED**

8 b) Proposed La Crete Lift Station #4

Roger Borchert reported that a letter was received from Barry Pape, P. Eng., Grants and Administration Department in regards to the M.D.'s application to Alberta Transportation and Utilities for funding of La Crete Lift Station #4. Mr. Pape indicated

that a large portion of the project cost is not eligible for funding and that the application will be held for review in the 1997/98 program year. Siemens Engineering sent a letter to Alberta Transportation and Utilities requesting reconsideration of the application. Lift Station No. 4 would service the industrial area and become the main lift station for the Hamlet of La Crete.

Mr. Borchert suggested that the M.D.'s concern about the Lift Station No. 4 project be brought up at the Alberta Association of Municipal Districts and Counties convention in Edmonton in November. Manager Litke said arrangements would be made for a meeting on this issue at the convention.

**8 c) River Road Erosion Control**

Roger Borchert reported that the landowners adjoining that part of the River Road north of La Crete that is affected by erosion, have changed their mind about the road closure and want the road to remain open.

Council said the M.D. has no choice but to keep the road closed because it is a hazard to the public. Roger Borchert said the closure of the River Road was a temporary solution and that a more permanent solution needs to be investigated.

Councillor R. Derksen suggested that if all the residences and farms have access to their property he sees no reason to open the road. Councillor E. Derksen disagreed saying the River Road has been there a long time and needs to be preserved.

Roger Borchert said application can be made to the province for a 75/25 split in funding to re-establish the River Road. If the funding is not approved the M.D. would lose the \$20 000 engineering fees. The M.D. might also apply for funding for the river bank reclamation project if Council chooses to go that route. If the M.D. does not re-establish the road the river bank must be brought back to its original state.

**MOTION 96-581**

**MOVED** by Councillor E. Derksen that Municipal District of Mackenzie No. 23 seek the the assistance of a geotechnical consultant towards a plan to correct the river erosion along River Road, north of the Hamlet of La Crete, and that the costs and information be brought back for Council consideration.

**CARRIED**

Lisa Wardley and Jacquie Scoular re-entered the meeting at 11:36 a.m.

**8 d) 1997 Road and Drainage Requests**

Roger Borchert was given direction by Council to advertise that the M.D. is now accepting requests for new roads. Drainage requests will not be advertised this year and the M.D. will not build convenience roads.

Reeve Neufeld suggested the M.D. look at the road building policy to determine if there are changes to be made.

Council asked Roger Borchert to plan the annual Road Tour for Friday, November 1, 1996, the location of departure to be determined at a later date.

**DELEGATION:**

**6 d) Assumption R.C.M.P.**

Sergeant Bernie House and Corporal Rick Henderson of the Assumption R.C.M.P. detachment entered the meeting at 11:58 a.m. and Reeve Neufeld welcomed them to the meeting.

Sergeant House told Council they are trying to meet with all local councils to keep them informed of what the R.C.M.P. are doing. The Assumption R.C.M.P. are determined to spend more time in Zama.

The R.C.M.P. have entered into an agreement with the Zama Nursing Clinic to set up an office in their building. They are planning the office to be open one day a week for a

couple of hours, the dates will be advertising in the Zama Mud Puddle. They are looking for a volunteer to run the office when the R.C.M.P. are not there. Sergeant House said they are having a phone installed in their Zama office that is connected to the R.C.M.P. station in Assumption.

Councillor Bateman said there have been a number complaints of big trucks carrying dangerous goods on board, coming through the Hamlet of Zama. Councillor Bateman said Zama needs more policing between the Department of Transport and the R.C.M.P. There are too many people hauling dangerous goods that have no respect for the local residents and children.

Sergeant House said not all R.C.M.P. have dangerous goods training. Rainbow Lake has one person trained in dangerous goods in addition to Corporal Henderson and the policing will be increased.

Reeve Neufeld thanked Sergeant Bernie House and Corporal Rick Henderson for attending the meeting and they left at 12:20 p.m.

Reeve Neufeld called a recess for lunch at 12:20 p.m.

Reeve Neufeld reconvened the meeting at 1:12 p.m.

**GALLERY:**

Lisa Wardley  
Jacquie Scoular  
Ron Arnason, Husky Oil  
Jack Scott

**DELEGATIONS:**

6. a) **Ron Arnason, Husky Oil - Rainbow Lake Emergency Vehicles**

Reeve Neufeld welcomed Jack Scott and Ron Arnason to the meeting and introductions were made.

Ron Arnason informed Council that the Town of Rainbow Lake is preparing a 4X4 rescue vehicle for the area and since a number of emergencies handled are within the M.D. they are requesting that Municipal District of Mackenzie No. 23 provide some funding.

Reeve Neufeld said the funding would have to wait until the 1997 budget is in place. Councillor Bateman said the oil companies and logging companies should take responsibility for emergency services on the lease roads. Councillor Scarfe asked if helicopters were used in emergency/rescue situations and Mr. Arnason said if the situation warrants helicopters are used.

Mr. Arnason reported that Husky Oil now has 17 wells scheduled to drill for the winter drilling program. Production outlook is fairly positive for the coming year.

Councillor Scarfe asked if Husky Oil will be setting up any camps and Mr. Arnason responded their camps would be set up close to the Town of Rainbow Lake.

Reeve Neufeld thanked Ron Arnason and Jack Scott for attending the meeting and they left at 1:25 p.m.

Lisa Wardley and Jacquie Scoular left the meeting at 1:27 p.m.

8 e) **La Crete House Sewer Line** - this item was received for information.

**ADMINISTRATIVE:**

3. a) **Managers Report**

Councillor Rosenberger asked to move the meeting dates from October 24 and 25, 1996. Manager Litke said these dates have already been advertised and the public hearing has

been advertised. Councillor Rosenberger said in that case the meeting dates could be left as advertised but he would be unable to attend.

Manager Litke reminded Council of the upcoming Alberta Association of Municipal Districts and Counties Convention in Edmonton from November 11 to 14, 1996.

3 b) Set November and December Council Meeting Dates

Council determined not to hold the first meeting of November as scheduled because of the Alberta Association of Municipal Districts and Counties Convention and set the only November Council meeting date for November 21 and 22, 1996 to be held in the Fort Vermilion Library Meeting Room.

Council set the December Council meeting dates for December 10 and 11, 1996 to be held in the Council Chambers of the Mustus Lake Centre in La Crete, and determined not to hold a Council meeting towards the end of December because of the Christmas holidays.

Lisa Wardley and Jacquie Scoular re-entered the meeting at 1:40 p.m.

3 c) Set Organizational Meeting Date and Location

Council suggested the Organizational Meeting date for 10 a.m. on Tuesday, October 29, 1996 to be held in the Fort Vermilion Library Meeting Room.

3 d) Letter from Tom Thurber, Minister  
- this item was received for information.

Maurice Despins entered the meeting at 1:44 p.m.

BYLAWS:

4 a) Bylaw 039/96 - Council Organizational Bylaw

MOTION 96-582

**MOVED** by Councillor Peters that third and final reading be given to Bylaw 039/96 being a Council Organizational Bylaw.

**CARRIED**

4 b) Bylaw 061/96 - To establish an Energy Disposition Fee

MOTION 96-583

**MOVED** by Councillor Bateman that Bylaw 061/96 being a bylaw To Establish an Energy Disposition Fee be tabled to the next Council meeting and have the Treasurer and Taxation and Assessment Clerk attend the meeting.

**CARRIED**

FINANCIAL

5. a) Cheque Listings for September 1996

MOTION 96-584

**MOVED** by Councillor E. Derksen that the Cheque Listings for September 1996 be accepted as information.

**CARRIED**

Brenda Scott entered the meeting at 1:45 p.m.

**DELEGATION:**

b) **Maurice Despins - RE: Trucks in Hamlet Residential**

Reeve Neufeld welcomed Maurice Despins to the meeting and introductions were made.

Maurice Despins said he has given Council a proposal that he is willing to trade his residential lot for a commercial lot if that is what the M.D. wants. Lot 29 is a two acre lot which the M.D. could split up into three lots. The M.D. could do an environmental check on the property to ensure there is no oil in the ground from leaks. Mr. Despins pointed out that he parks his truck approximately 100 yards from the nearest neighbour, therefore, does not think it should present a problem.

Mr. Despins said he has receipts at home showing he paid Alberta Forestry for that property, this shows he was there before the zoning was in place. Mr. Despins said his legal advisors in Edmonton said that if he was on that property since the time he has been there he would be covered by the Grandfather clause. However, Mr. Despins said he wants to work with the M.D. and therefore brought this proposal for Council's consideration.

Reeve Neufeld said Council would have to discuss the proposal.

Reeve Neufeld thanked Maurice Despins and he left the meeting at 1:57 p.m.

**NEW BUSINESS:**

10 a) **Letter from Ridgeview Central School**  
- this item was received for information.

10 b) **Letter from Bill Neufeld, Chairman, M.M.S.A.**  
- this item was received for information.

10 c) **Letter from Rick Wojtkiw, CMA, Financial Advisor**

**MOTION 96-585**

**MOVED** by Councillor Rosenberger that the letter from Rick Wojtkiw, CMA, Financial Advisor with Alberta Municipal Affairs be tabled to the next Council meeting.

**CARRIED**

10 d) **Letter from Martin E. Donnelly, Nova Gas Transmission**  
- this item was received for information.

10 e) **Ernst & Young 1996 Audit Planning**

**MOTION 96-586**

**MOVED** by Councillor Bateman that Ernst & Young 1996 Audit Planning be tabled to the next meeting of Council.

**CARRIED**

**COMMITTEE  
REPORTS:**

11. a) **Forestry Liaison Committee Meeting- Oct. 1, 1996**  
- this item was moved for discussion under 12e).

11 b) **Fort Smith Road Report**

Manager Litke and Councillor Scarfe informed Council the Mustus Lake Road Society is sending people to Ottawa to meet with the Prime Minister. The Mustus Lake Road Society is asking for the committee members or stakeholders to contribute to some of the upcoming costs although a dollar amount was not mentioned. A letter requesting funds will be forthcoming and Council will consider it at that time.



**MOTION 96-587**      **MOVED** by Councillor Rosenberger to go into camera at 2:05 p.m.

**CARRIED**

**MOTION 96-588**      **MOVED** by Councillor Scarfe to come out of camera at 3:02 p.m.

**CARRIED**

**MOTION 96-589**      **MOVED** by Councillor Bateman to rescind Motion 96-543.

**CARRIED**

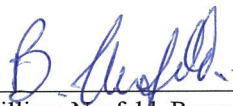
**MOTION 96-590**      **MOVED** by Councillor E. Derksen to approve the Road Lead Hand South to a permanent position, at the same rate of pay as the Road Lead Hand North.

**CARRIED**

**MOTION 96-591**      **MOVED** by Councillor Bateman to adjourn the Council meeting at 3:08 p.m.

**CARRIED**

These minutes were adopted this 24 day of October, 1996.

  
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William Neufeld, Reeve

  
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Dennis Litke, C.A.O.