

**MACKENZIE COUNTY
REGULAR COUNCIL MEETING**

**Tuesday, October 8, 2013
10:00 a.m.**

**Fort Vermilion Council Chambers
Fort Vermilion, Alberta**

PRESENT:

Bill Neufeld	Reeve
Walter Sarapuk	Deputy Reeve
Jacque Bateman	Councillor
Peter F. Braun	Councillor
Elmer Derksen	Councillor
Dicky Driedger	Councillor
John W. Driedger	Councillor
Odell Flett	Councillor
Eric Jorgensen	Councillor
Lisa Wardley	Councillor

REGRETS:

ADMINISTRATION:

Joulia Whittleton	Chief Administrative Officer
William (Bill) Kostiw	Director of Infrastructure Development & Government Relations
John Klassen	Director of Environmental Services & Operations
Ron Pelensky	Director of Community Services & Operations
Byron Peters	Director of Planning & Development
Grant Smith	Agricultural Fieldman
Carol Gabriel	Manager of Legislative & Support Services

ALSO PRESENT: Members of the public and the media.

Minutes of the Regular Council meeting for Mackenzie County held on October 8, 2013 in the Fort Vermilion Council Chambers.

CALL TO ORDER: **1. a) Call to Order**

Reeve Neufeld called the meeting to order at 10:05 a.m.

AGENDA: **2. a) Adoption of Agenda**

MOTION 13-10-687 **MOVED** by Councillor J. Driedger

That the agenda be approved with the following additions:

- 10. d) Wilson Prairie Drainage
- 10. e) New Roads/Drainage
- 11. c) 279-DP-13 La Crete Car & Truck Wash Ltd.
(Temporary Enviro-Tank and Fuel Pumps in
"HC2") (La Crete)
- 13. c) REDI Regional Collaboration Grant
- 13. d) Silvacom FRIAA
- 15. a) Legal – Engineers/Contracts

CARRIED

**ADOPTION OF
PREVIOUS MINUTES:**

- 3. a) Minutes of the September 24, 2013 Regular Council Meeting**

MOTION 13-10-688

MOVED by Councillor Wardley

That the minutes of the September 24, 2013 Regular Council meeting be adopted as presented.

CARRIED

GENERAL REPORTS:

- 5. a) CAO Report**

MOTION 13-10-689

MOVED by Councillor Jorgensen

That administration prepare a Site C Strategy and invite involved parties.

CARRIED

MOTION 13-10-690

MOVED by Councillor Flett

That the CAO report for September 2013 be accepted for information.

CARRIED

TENDERS:

- 6. a) None**

**COMMUNITY
SERVICES:**

- 8. a) Photo Radar Costs**

MOTION 13-10-691

MOVED by Councillor Wardley

That the photo radar costs report be received for information.

CARRIED

**ENVIRONMENTAL
SERVICES:**

9. a) None

OPERATIONS:

**10. a) Policy PW039 Rural Road, Access Construction and
Surface Water Management Policy**

MOTION 13-10-692

MOVED by Councillor Wardley

That PW039 Rural Road, Access Construction and Surface
Water Management Policy be approved as amended.

CARRIED

Reeve Neufeld recessed the meeting at 11:03 a.m. and
reconvened the meeting at 11:18 a.m.

OPERATIONS:

10. b) Acquisition of Meander River Gravel Pits

MOTION 13-10-693

MOVED by Councillor Wardley

That administration be instructed to continue pursuing taking
over the lease for the Meander North and Meander South
gravel pits from Environment & Sustainable Resource
Development (ESRD) and negotiate with ESRD to fund
reclamation and survey costs.

CARRIED

OPERATIONS:

10. c) Proposed Lowering Culverts & Procedure Policy

MOTION 13-10-694

MOVED by Councillor Jorgensen

That the proposed lowering culverts and procedure policy be
received for information.

CARRIED

OPERATIONS:

10. d) Wilson Prairie Drainage (ADDITION)

OPERATIONS:

10. e) New Roads/Drainage (ADDITION)

MOTION 13-10-695

MOVED by Councillor Derksen

That the Wilson Prairie Drainage concerns be referred to the Agricultural Service Board.

CARRIED

**PLANNING &
DEVELOPMENT:**

11. a) Bylaw 919-13 Technical Amendment to Bylaw 880-12 being a Partial Road Closure

MOTION 13-10-696

MOVED by Councillor Bateman

That first reading be given to Bylaw 919-13, being a technical amendment to Bylaw 880-12.

CARRIED

MOTION 13-10-697

MOVED by Councillor Derksen

That second reading be given to Bylaw 919-13, being a technical amendment to Bylaw 880-12.

CARRIED

MOTION 13-10-698

Requires Unanimous

MOVED by Councillor D. Driedger

That consideration be given to proceed to third reading of Bylaw 919-13, being a technical amendment to Bylaw 880-12.

CARRIED UNANIMOUSLY

MOTION 13-10-699

MOVED by Councillor Braun

That third reading be given to Bylaw 919-13, being a technical amendment to Bylaw 880-12.

CARRIED

**PLANNING &
DEVELOPMENT:**

11. b) Municipal Development Plan (MDP) Open House Dates

MOTION 13-10-700

MOVED by Councillor Braun

That the open houses for the Municipal Development Plan amendments take place during the week of October 28th, in each community as follows and that the Municipal Planning Commission members and local Councillors be authorized to attend:

- La Crete – October 31, 2013
- Fort Vermilion – October 30, 2013
- High Level Rural – October 29, 2013
- Zama – October 28, 2013

CARRIED

**PLANNING &
DEVELOPMENT:**

**11. c) 279-DP-13 La Crete Car & Truck Wash Ltd.
(Temporary Enviro-Tank and Fuel Pumps in “HC2”
(La Crete) (ADDITION))**

Councillor J. Driedger declared himself in conflict and left the meeting.

MOTION 13-10-701
Requires Unanimous

MOVED by Councillor Braun

That Development Permit 279-DP-13 on Plan 762 0383, Block 15, Lot 3 in the name of La Crete Car & Truck Wash Ltd. be APPROVED with the following conditions:

Failure to comply with one or more of the attached conditions shall render this permit Null and Void

1. Temporary Permit shall expire on October 31, 2014.
2. Minimum tank setbacks: 30.5 meters (100 feet) front (west) 100 street yard; 3.1 meters (10 feet) rear (east) yard; from the property lines.
3. Mackenzie County has granted permission that a Double Walled Enviro Tank may be placed on Mackenzie County Property (Formally Known as 100A Street), the Fueling Dispensing Station (Pumps) shall be located on Plan 762 0383, Block 15, Lot 3.
4. Concrete Blocks shall be placed all around the Double Walled Enviro Tank, and a liner shall be installed to prevent soil contamination. The applicant shall be responsible for all cleanup costs (as per existing agreement).
5. All conditions set out by the Petroleum Tank Management Association of Alberta shall be adhered to.
6. The Fueling tanks and Gas Pump shall meet all applicable Alberta Safety Code and Fire code requirements and any other requirements specified by Superior Safety Codes.

Failure to do so shall render this permit Null and Void.

7. The architecture, construction materials and appearance of buildings and other structures shall be to accepted standards and shall compliment the natural features and character of the site to the satisfaction of the Development Authority.
8. The Municipality has assigned the following address to the noted property (9605-100A Street). You are required to display the address (9605) to be clearly legible from the street and be on a contrasting background. The minimum size of the characters shall be four inches in height.
9. PRIOR to installation of a new access or changing location of existing access, complete a Request for Access form by contacting the Operational Services Department for Mackenzie County at 780-928-3983. Access to be constructed to Mackenzie County standards and at the developers' expense.
10. The total site area (lot) shall have a positive surface drainage without adversely affecting the neighbouring properties.
11. The Developer shall at all times comply with all applicable Federal, Provincial and Municipal legislation and regulations and County Bylaws and resolutions relating to the development of the lands.

CARRIED UNANIMOUSLY

Reeve Neufeld recessed the meeting at 12:16 p.m. and reconvened the meeting at 1:03 p.m. with all members present.

PUBLIC HEARINGS:

7. a) **Bylaw 916-13 Land Use Bylaw Amendment to Rezone Plan 852 1770, Block 6, Lot 37 (4806 - 50th Street) from Hamlet Commercial District 1 "HC1" to Direct Control District "DC" (Fort Vermilion)**

Reeve Neufeld called the public hearing for Bylaw 916-13 to order at 1:04 p.m.

Reeve Neufeld asked if the public hearing for proposed Bylaw 916-13 was properly advertised. Byron Peters, Director of Planning & Development, answered that the bylaw was

advertised in accordance with the Municipal Government Act.

Reeve Neufeld asked the Development Authority to outline the proposed Land Use Bylaw Amendment. Byron Peters, Director of Planning & Development, presented the Development Authority's submission and indicated that first reading was given on September 10, 2013.

Reeve Neufeld asked if Council has any questions of the proposed Land Use Bylaw Amendment. The following questions/comments were made by Council to the Planning Department:

- How far is the playground from the site? Right behind the property, we are proposing that a fence be installed along the backside of the property.
- Currently there is no fence behind the property.

Reeve Neufeld asked if any submissions were received in regards to proposed Bylaw 916-13. No written submissions were received.

Reeve Neufeld asked if there was anyone present who would like to speak in regards to the proposed Bylaw 916-13.

Darren Young, an adjacent landowner, was present to speak in opposition to the proposed land use bylaw amendment and presented the following:

- Property (Lot 25) borders the park.
- The park has become a hangout for vagrants and therefore, does not allow his child to go to the park.
- There is a lot of littering in the park (beer bottles, etc.) and has spoken to the CAO regarding moving the location of a picnic table.
- A lady was assaulted in the park a couple of weeks ago.
- Does not feel that approving another liquor store will help the situation.
- In support of business competition, however does not think that cheaper liquor is the answer.
- How many liquor stores do we need for a town of 700 people.
- Doesn't want it in his backyard.
- Property value will decrease.
- A fence may help.
- Currently the store closes at 6 pm with low activity.
- There will be increased activity in the summer months.

- It is Council's decision, however he will be opposing it with the liquor commission as well.

Council asked the following questions of Mr. Young:

- What if we restrict the sale time? Don't know if that's fair.

Mr. Young stated that he appreciated the opportunity to speak.

Other questions/comments from Council and Administration:

- Mackenzie County is not responsible for law enforcement.
- Current zoning of the property already allows the store to be open until 11 pm.
- When the County recently learned about the park issues the RCMP was notified. The County does not have a bylaw for public intoxication. It is not the County's responsibility.
- There is a liquor store across the street from the proposed development.
- There will be no access to the park with the proposed 6 foot fence. Traffic should not increase with the fence.

Council asked the following questions of Mr. Young:

- Did you oppose the liquor store on Lot 38? The liquor store was already there and was happy when they shut down.
- Have you discussed your concerns with the applicant? No, and he hasn't approached any landowners either.

Reeve Neufeld closed the public hearing for Bylaw 916-13 at 1:16 p.m.

MOTION 13-10-702

MOVED by Councillor Wardley

That second reading be given to Bylaw 916-13, being the rezoning of Plan 852 1770, Block 6, Lot 37 from Hamlet Commercial District 1 "HC1" to Direct Control District "DC" to accommodate a liquor store in the Hamlet of Fort Vermilion.

DEFEATED

DELEGATIONS:

4. a) Mackenzie Library Board

MOTION 13-10-703

Requires 2/3

MOVED by Councillor Bateman

That the Mackenzie Library Board recommendation to convert to a Regional Partnership with future node designation be approved and that the conversion costs of \$40,000 be included in the 2014 budget.

MOTION 13-10-704

MOVED by Councillor Jorgensen

That Motion 13-10-703 be TABLED.

DEFEATED

MOTION 13-10-703

Requires 2/3

MOVED by Councillor Bateman

That the Mackenzie Library Board recommendation to convert to a Regional Partnership with future node designation be approved and that the conversion costs of \$40,000 be included in the 2014 budget.

CARRIED

MOTION 13-10-705

MOVED by Councillor Braun

That the 2013 budget be amended to include the Mackenzie Library Board recommendation to convert to a Regional Partnership with future node designation in the amount of \$39,270 from the general operating reserve.

Councillor Jorgensen requested a recorded vote.

In Favor

Councillor Derksen
Councillor J. Driedger
Councillor Wardley
Reeve Neufeld
Deputy Reeve Sarapuk
Councillor Bateman
Councillor D. Driedger
Councillor Braun

Opposed

Councillor Jorgensen
Councillor Flett

CARRIED

Reeve Neufeld recessed the meeting at 2:22 p.m. and reconvened the meeting at 2:39 p.m.

**CORPORATE
SERVICES:**

12. a) None

ADMINISTRATION:

**13. a) Bylaw 920-13 Agricultural Service Board – Authority
to Make Administrative Decisions**

MOTION 13-10-706

MOVED by Councillor D. Driedger

That the term of office for Agricultural Service Board members
be set for 4 years.

DEFEATED

MOTION 13-10-707

MOVED by Councillor Jorgensen

That the term of office for Agricultural Service Board members
be set as follows:

- Councillors – 2 year term
- Members at Large – 2 year term

CARRIED

MOTION 13-10-708

MOVED by Councillor Braun

That first reading be given to Bylaw 920-13 being a bylaw to
authorize the Agricultural Service Board to make administrative
decisions as amended.

CARRIED

MOTION 13-10-709

MOVED by Councillor Jorgensen

That second reading be given to Bylaw 920-13 being a bylaw
to authorize the Agricultural Service Board to make
administrative decisions.

CARRIED

MOTION 13-10-710

Requires Unanimous

MOVED by Deputy Reeve Sarapuk

That consideration be given to go to third reading of Bylaw
920-13, being a bylaw to authorize the Agricultural Service
Board to make administrative decisions, at this meeting.

DEFEATED

ADMINISTRATION: 13. b) Emergency Management Review

MOTION 13-10-711 **MOVED** by Deputy Reeve Sarapuk

That the Emergency Management Review be accepted for information and that administration proceed with implementation of the proposed recommendations and subject to 2014 budget deliberations.

CARRIED

ADMINISTRATION: 13. c) REDI Regional Collaboration Grant (ADDITION)

MOTION 13-10-712 **MOVED** by Councillor Bateman
Requires Unanimous

That Mackenzie County participate in the REDI Regional Collaboration Grant for the purpose of updating the investment statistics for the region with the Town of Rainbow Lake being the managing partner.

CARRIED UNANIMOUSLY

ADMINISTRATION: 13. d) Silvacom – FRIAA (ADDITION)

MOTION 13-10-713 **MOVED** by Councillor Jorgensen
Requires Unanimous

That Mackenzie County send a letter to FRIAA, MLA Frank Oberle, MD of Opportunity and Northern Sunrise County requesting their support of Silvacom's funding application.

CARRIED UNANIMOUSLY

**INFORMATION/
CORRESPONDENCE: 14. a) Information/Correspondence**

MOTION 13-10-714 **MOVED** by Councillor Flett

That the information/correspondence items be accepted for information purposes.

CARRIED

IN-CAMERA SESSION:

MOTION 13-10-715 **MOVED** by Councillor Bateman

That Council move in-camera to discuss issues under the Freedom of Information and Protection of Privacy Regulations 18 (1) at 3:17 p.m.

- 15. a) Legal
- 15. b) Labour
- 15. c) Land

CARRIED

MOTION 13-10-716

MOVED by Councillor J. Driedger

That Council move out of camera at 4:04 p.m.

CARRIED

15. a) Legal – Regional Service Sharing Agreement

MOTION 13-10-717

MOVED by Councillor Jorgensen

That the Regional Service Sharing Agreement update be received for information.

CARRIED

15. a) Legal – Hazmat Unit Agreement

MOTION 13-10-718

MOVED by Deputy Reeve Sarapuk

That administration proceed with the hazmat unit agreement as discussed.

CARRIED

15. a) Legal – Water Supply Agreement (Ainsworth)

MOTION 13-10-719

MOVED by Councillor Derksen

That the water supply agreement update be received for information.

CARRIED

15. a) Legal – Mortgage of Lease – Airport Properties

MOTION 13-10-720

MOVED by Councillor Braun

That the mortgage of lease for airport properties update be received for information.

CARRIED

15. a) Legal – Engineers/Contractors

MOTION 13-10-721

MOVED by Councillor Bateman

That the engineers and contractors update be received for information.

CARRIED

15. b) Labour

15. c) Land

NOTICE OF MOTION:

16. Notices of Motion

**NEXT MEETING
DATE:**

17. a) Organizational Council Meeting
Wednesday, October 23, 2013
10:00 a.m.
Fort Vermilion Council Chambers

Regular Council Meeting
Wednesday, October 30, 2013
10:00 a.m.
Fort Vermilion Council Chambers

ADJOURNMENT:

18. a) Adjournment

MOTION 13-10-722

MOVED by Councillor D. Driedger

That the council meeting be adjourned at 4:07 p.m.

CARRIED

These minutes were approved by Council on October 30, 2013.

(original signed)

Bill Neufeld
Reeve

(original signed)

Julia Whittleton
Chief Administrative Officer

