

MINUTES OF THE REGULAR COUNCIL MEETING OF THE COUNTY OF STETTLER NO. 6 HELD ON WEDNESDAY, JULY 10, 2019 AT 10:02 A.M. IN THE COUNCIL CHAMBERS OF THE COUNTY OF STETTLER NO. 6 ADMINISTRATION BUILDING, STETTLER, ALBERTA

PRESENT: Reeve Larry Clarke
Councillor Ernie Gendre
Councillor Dave Grover
Councillor Cheri Neitz
Councillor James Nibourg
Councillor Wayne Nixon
Councillor Les Stulberg
Chief Administrative Officer Yvette Cassidy
Director of Communications Niki Thorsteinsson
Legislative Services Advisor Shawna Benson
Director of Technology Services Andrew Brysiuk
Executive Assistant Marlene Hanson

CALL TO ORDER

The meeting was called to order at 10:02 a.m., Wednesday, July 10, 2019 by Reeve Clarke.

AGENDA APPROVAL

210.07.10.19 Moved by Councillor Grover

“that the agenda for the July 10, 2019 Regular County of Stettler No. 6 Council Meeting be approved with the following additions:

1. Committee Reports - Stettler and District FCSS
2. In-Camera Session at 10:00 a.m.
FOIPP Act Section 27: Privileged Information - Land Use Bylaw
3. Alberta Lake Management Society (ALMS) Conference
4. Dust Reduction on Twp. Rd. 40-2 (Ernie Gendre).”

Carried Unanimously

MINUTES APPROVAL

Moved by Councillor Grover

211.07.10.19 “that the June 12, 2019 Regular County of Stettler No. 6 Council Meeting minutes be approved as presented.” Carried Unanimously

IN-CAMERA SESSION

212.07.10.19 Moved by Councillor Grover

“that the County of Stettler No. 6 enter into an in-camera session at 10:05 a.m. to discuss items exempt from disclosure in the *Freedom of Information and Protection of Privacy Act* as:

Section 27: Privileged Information - Land Use Bylaw.”

In Favour: Councillors Stulberg, Grover, Nibourg, Neitz, Gendre
and Reeve Clarke

Opposed: Councillor Nixon

Carried

Those in the Gallery left the meeting.

213.07.10.19 Moved by Councillor Grover

“that the County of Stettler No. 6 Council exit out of in-camera at 11:15 a.m.” Carried Unanimously

The meeting recessed at 11:15 a.m.
The meeting reconvened at 11:20 a.m.

DELEGATIONS

None

NEW BUSINESS

Award Byemoor Watermain Replacement:

- 214.07.10.19 Moved by Councillor Stulberg**
"that the County of Stettler No. 6 award the Byemoor Watermain Replacement to Action Plumbing & Excavating (1998) Ltd., Stettler, Alberta for \$44,400.00 plus GST, with funds being drawn from Operating and/or Reserves." Carried Unanimously

County Shop Solar Proposals:

- 215.07.10.19 Moved by Councillor Nibourg**
"that the County of Stettler No. 6 proceed with the County Shop Solar project by Council reviewing the 4 submitted proposals/business plans and interviewing proponents to establish best value and provide direction to proceed with the project." Carried Unanimously

Purchase of Dump Box – Unit 367:

- 216.07.10.19 Moved by Councillor Nixon**
"that the County of Stettler No. 6 Council approve the purchase of a dump box tool box combination for Public Works unit 367 from Commercial Truck Equipment Co., Calgary, Alberta, for \$10,095.53 plus GST." Carried Unanimously

Purchase – Park Mower:

- 217.07.10.19 Moved by Councillor Gendre**
"that the County of Stettler No. 6 Council approve the purchase of a F3990 Kubota 72" Front Discharge Diesel Mower from Future Ag. Inc. of Stettler, Alberta, for \$31,916.00 plus GST."
In Favour: Councillors Grover, Gendre and Reeve Clarke
Opposed: Councillors Nibourg, Neitz, Nixon and Stulberg
Motion Defeated

- 218.07.10.19 Moved by Councillor Gendre**
"that the County of Stettler No. 6 Council approve the purchase of a 2019 F2690 Kubota 72" 4WD Commercial 25.5 HP Diesel Front Mower from Future Ag. Inc. of Stettler, Alberta, for \$25,916.00 plus GST." Carried Unanimously

Shawna Benson left the meeting at 11:52 a.m.

Rochon Sands ~~Estates-Heights~~ Road:

- 219.07.10.19 Moved by Councillor Nixon**
"that the County of Stettler No. 6 Council authorize Public Works to lift, apply light oil, re-spread and compact the existing material throughout the Rochon Sands ~~Estates-Heights~~ subdivision; and that communication should be held with Rochon Sands prior to any work commencing."
In Favour: Councillors Stulberg, Nixon, Grover, Neitz, Gendre and Reeve Clarke
Opposed: Councillor Nibourg
Carried

COUNCIL'S REQUEST FOR INFORMATION

Dust Reduction on Twp. Rd. 40-2 (Councillor Gendre):

Councillor Gendre requested that dust control be placed to address safety issues, at the 4 way stop intersection going West on Twp. Rd. 40-2 and HWY 835. Rick Green indicated that this could be completed as a test area. Council directed Public Works to assess the road and fix as required.

The meeting recessed at 12:06 p.m.

The meeting reconvened at 1:02 p.m. with Shawna Benson, Jacinta Donovan and Cara McKenzie joining the meeting.

PUBLIC HEARING

Call To Order:

Larry Clarke as Chairperson opened the Public Hearing for Bylaw 1611-19 – Amendments to the County of Stettler's Land Use Bylaw 1443-10 at 1:02 p.m.

All Councillor Members and members of the Gallery introduced themselves.

Reeve Clarke stated the Rules of Conduct to be followed during the Public Hearing.

Purpose of Public Hearing:

To hold a Public Hearing for Bylaw 1611-19 – Amendments to the County of Stettler's Land Use Bylaw 1443-10.

Notice of Intention:

Bylaw 1611-19's notice of intention was published in the May 30 and June 6, 2019 editions of the Stettler Independent.

Shawna Benson read out loud the nature of the proposed amendment as advertised.

Written Notice of Intention Responses:

In Support:

Jacinta Donovan read out loud the Notice of Intention responses that were received from: Lynda Daniluk, Kathy and Kirby Meyer, Barrie and Linda McFalls, Gerald and Marilyn Handy, Jim and Susan Anderson, Kath Rothwell and Ed Swain, Neil and Cheryl Luipasco, Lori-Lynn Berry, Garry and Gail Plitt, Carola and Chris Dovbniak, Sheryl Joseph and Barry Tschetter, Janet Chaney, Brian and Judy Knodel, Ron Fadden, John Duddy and Margaret McCaughey, Ken and Elaine Partsch, Igor Dugonjic, and Al Stephens.

In Opposition:

Cara McKenzie read out loud the Notice of Intention responses that were received from: Robert Schuett on behalf of 2066052 Alberta Ltd., Brian Hosler, John Smith, Milosz Karpinski, Tracey Peters, Graham Adams on behalf of Rochon Sands Heights Community Association, Ivan and Margaret Purdy, and Carolyn Guichon and Robert Pearce

Verbal Presentations:

In Support:

Lynda Daniluk identified:

- Consider grandfathering in the 4 remaining RV lots in Scenic Sands as the RVs are less than 10 years old; 3 are permanently hidden from the road; the other is willing to move his RV so it is not seen from the road; and neighbors are in support as well
- Caveat is 37 years old and states that you must build, however, there is no timeframe stated – lawyer has pointed this out to them
- Market value – a negative effect on the value – some house(s) have been for sale many times and it is a flat market at the moment. Purdy residence has been for sale and there are no trailers around that location – market is flat.
- Scenic Sands is the only subdivision that does not allow RVs; present RVs are not visible; and do not bring property value down.

Questions from Councillors: None

In Opposition:

David Delamont identified:

- Opposed to section 16 – parcels of 10 acres or less – as he moved to a 3 acre parcel by Gadsby and noted that this section does not seem consistent with values of the County – not fitting as it could stifle an opportunity for someone that does not have the opportunity to step into a larger parcel of land.

Questions from Councillors: None

Doug Wilson identified:

- Has an interest in Paradise Shores and supports a lot of the presented letters. Is seeking a better partnership. There are leaseholders, and in order for the County to allow the development to go forward, they must meet agreements that cover safety and requirements. Specifically, Paradise Shores does have a permitted application in process and request that the Council delay any effecting items on that list until the next month's meeting so that this permit can run without the changes that may come into effect.

Questions from Councillors:

- Councillor Nibourg – how does it affect you by splitting the two applications up?
Doug Wilson replied: Going from 1,000 to 750 units, then the Appeal that brought the number of units down to 168. The number of units being down 90% in the Business Plan makes it impossible to meet requirements. Splitting of the applications is a new approach. Will work towards an approach to use the County's bylaws to try and fill the gap and with the Appeal through the Subdivision and Development Appeal Board (SDAB) having an unknown timeframe for a decision to be made, they wish to get on the property and keep the project moving forward – have leaseholders on the property and come to an agreement. Long term goal – courts and other avenues that will allow the project to continue to move forward with all parties being heard.
- Councillor Grover – SDAB approved 168 lots, have permits and those lots can house leaseholders?
Doug Wilson replied: Paradise Shores is in the process of developing 300+ lots, problem is with how to break-up those lots and organize into 168 lots, being 13% of balance that they were financially considering. Want to put 168 lots together, however, with the 21 plus 42 conditions that the SDAB placed on Paradise Shores, and with the lower density are all the conditions really still required?

Would like the 318 lot level to be permitted. Gives them, as a small business, more viability to move ahead.

- Councillor Gendre – Is the new permit for a waterpark or recreational park? If people with trailers, where will they be going? The neighboring communities may appeal the numbers again if lot numbers exceed 168. How would you handle?

Doug Wilson replied: Don't know that we can assume the process of what is appealable, have worked with members of the Council to put this approach together. It may be that another SDAB ruling is needed again. Cannot assume an agreement at this point. There are 3 pieces: us, the County and SDAB making a ruling. They are working on ways that will allow for a solution to allow the development to move forward.

- Councillor Neitz – The IDP and Land Use Bylaw are continuing/living documents that are amended when not workable (people are welcome to meet and discuss issues regarding the bylaw and suggest changes). Which revisions do not work for you?

Doug Wilson replied: Does not have that list with him – can supply if that would assist.

- Councillor Stulberg – Would a month give them sufficient time to move forward?

Doug Wilson replied: Yes, that would be sufficient.

Through questions the Municipal Planning Commission personnel indicated:

- *With the new bylaw, the conditions would be reviewed and if no longer required they would be removed. This is a new application, so would likely be the same as what is in place at the moment.*
- *There are other applications that this could affect, however, those have gone through MPC and there are no outstanding issues on these at this time.*

Presentations from Resource Person(s): None

220.07.10.19 Reeve Clarke declared

“that the Public Hearing for Bylaw 1611-19 – Amendments to the County of Stettler's Land Use Bylaw 1443-10 be adjourned at 2:27 p.m.”
Carried Unanimously

COUNCIL'S REQUEST FOR INFORMATION

Shared-Use Recreation Fields Funding (Councillor Gendre):

Councillor Gendre identified that the Shared-Use Recreation Fields have replaced the track and the rubber surface has been remove. Project cost is approximately \$400,000 and have received funding in the amount of \$385,000. It was noted that the County has passed a motion to contribute, however, expressed concern regarding contributed a similar amount, therefore, requests that the County contributes an additional \$15,000.

221.07.10.19 Moved by Councillor Gendre

“that the County of Stettler No. 6 Council table contributing an additional \$15,000 toward the Shared-Use Recreation Fields Project in order to research funding that could support, and report at the August 14, 2019 County of Stettler No. Council Meeting. “

Carried Unanimously

NEW BUSINESS continued . . .

Red Deer River Municipal Users Group – Charter Approval:

222.07.10.19 Moved by Councillor Stulberg

“that the County of Stettler No. 6 endorse the Red Deer River Municipal Users Group’s Charter by selecting at least three tools and amend the Charter document to revise the proposed implementation date from August 31, 2020 to September 30, 2021.”

In Favour: Councillors Stulberg and Nixon

Opposed: Councillors Grover, Nibourg, Neitz, Gendre and Reeve Clarke

Motion Lost

223.07.10.19 Moved by Councillor Nibourg

“that the County of Stettler No. 6 Council send a letter to Red Deer River Municipal Users Group regarding endorsing the Charter and identify concerns related to financial liability, staff commitments and costs associated with the work load; and that upon those concerns being addressed the Red Deer River Municipal Users Group – Charter approval can be discussed during future Budget Meetings.”

Carried Unanimously

Sharon Larsen joined the meeting at 2:58 p.m.

Forgiveness for a Portion of 2019 Taxes:

224.07.10.19 Moved by Councillor Nixon

“that the County of Stettler No. 6 Council forgive a portion of the residence’s taxes on Roll 405201 in the amount of \$422.67.”

In Favour: Councillor Nixon, Grover, Nibourg, Neitz, Gendre
and Reeve Clarke

Opposed: Councillor Stulberg
Carried

Sharon Larsen left the meeting at 3:01 p.m.

Sponsorship Request – Big Valley Bust-Out Rodeo:

CAO Cassidy declared a conflict of interest and left the meeting at 3:02 p.m.

Niki Thorsteinsson made the Big Valley Bust-Out Rodeo presentation.

225.07.10.19 Moved by Councillor Grover

“that the County of Stettler No. 6 sponsor a Timed Event or a Bucking Chute in the amount of \$500.00 for the Big Valley Bust-Out Rodeo, with funds being drawn from the Rural Development Fund.”

Carried Unanimously

The meeting recessed at 3:04 p.m.

The meeting reconvened at 3:08 p.m.

Sponsorship Request: Jr. and Sr. High School Rodeo:

Councillor Grover declared a conflict of interest and left the meeting at 3:09 p.m.

226.07.10.19 Moved by Councillor Nixon

“that the County of Stettler No. 6 donate \$500.00 to the Stettler Junior/High School Rodeo, with funds being drawn from the Rural Development Fund.”

Carried Unanimously

Councillor Grover rejoined the meeting at 3:10 p.m.

Sponsorship Request: Taste of the Heartland:

- 227.07.10.19 Moved by Councillor Grover**
“that the County of Stettler No. 6 support the 2019 VIP Bus Tour and Long Table Supper event hosted with Stettler Board of Trade by purchasing 14 full ticket packages which include attending the Farm Tours, Long Table Supper and Street Dance, with funds being drawn from the Rural Development Fund.” Carried Unanimously

Sponsorship Request: Antique Tractor Club:

- 228.07.10.19 Moved by Councillor Nixon**
“that the County of Stettler No. 6 donate \$500.00 to the Stettler Antique Tractor Club’s 2019 activities, with the funds being drawn from the Rural Development Fund.” Carried Unanimously

Policy CN 1.9 – Broadcasting and Recording Public Meetings:

- 229.07.10.19 Moved by Councillor Neitz**
“that the County of Stettler No. 6 receive for information the Policy CN 1.9 – Broadcasting and Recording Public Meetings item.” Carried Unanimously

Alberta Lake Management Society (ALMS) Conference:

- 230.07.10.19 Moved by Councillor Grover**
“that the County of Stettler No. 6 authorize sending the County of Stettler No. 6 Representative Councillor Neitz, and a Lake (Scenic Sands or Rochon Sands ~~Estates Heights~~) representatives to the Alberta Lake Management Society (ALMS) Conference scheduled for September 18-19, 2019 at Chestermere Lake, Alberta.” Carried Unanimously

UNFINISHED BUSINESS (None)

AGENDA ITEMS (None)

BYLAWS

Bylaw 1609-19 – Village of Big Valley Intermunicipal Development Plan:
Jacinta Donovan identified when the 1st and 2nd reading took place and noted confined feeding and annexation were the only changes that have been made to the Bylaw.

- 231.07.10.19 Moved by Councillor Grover**
“that Bylaw 1609-19 – Village of Big Valley Intermunicipal Development Plan, be given third reading.” Carried Unanimously

Bylaw 1610-19 – Village of Donalda Intermunicipal Development Plan:
Jacinta Donovan identified when the 1st and 2nd reading took place and noted that there were no changes to the Bylaw. Sand and Gravel extractions clause was added after Public Meetings.

- 232.07.10.19 Moved by Councillor Nixon**
“that Bylaw 1610-19 – Village of Donalda Intermunicipal Development Plan, be given third reading.” Carried Unanimously

Bylaw 1611-19 – Amendments to the Land Use Bylaw:

- 233.07.10.19 Moved by Councillor Grover**
“that Bylaw 1611-19 being amendments to Land Use Bylaw 1443-10, as amended, be given second reading.”

In Favour: Councillors Grover, Neitz, Gendre, and Reeve Clarke
Opposed: Councillors Nibourg, Nixon and Stulberg
Carried

- 234.07.10.19 Moved by Councillor Nibourg**
 “that the County of Stettler No. 6 Council table third reading of Bylaw 1611-19 being amendments to the Land Use Bylaw 1443-10, as amended, for Administration to provide additional information on Section 57.1 - waste issues, Section 16(c) and Section 16.1(w) – comments not being consistent with other areas in Alberta, until the August 14, 2019 County of Stettler No. 6 Council Meeting.”
 In Favour: Councillors Stulberg, Nixon and Nibourg
 Opposed: Councillors Grover, Gendre, Neitz and Reeve Clarke
 Motion Defeated

IN-CAMERA SESSION

- 235.07.10.19 Reeve Clarke declared**
 “that the County of Stettler No. 6 enter into an in-camera session at 5:02 p.m. to discuss items exempt from disclosure in the *Freedom of Information and Protection of Privacy Act* as:
 Section 23: Local Public Body Confidences – Draft Resolution.”
- 236.07.10.19 Reeve Clarke declared**
 “that the County of Stettler No. 6 Council exit out of in-camera at 5:30 p.m.”

- 237.07.10.19 Moved to Reconsider by Councillor Nixon**
 “that the County of Stettler No. 6 Council table third reading of Bylaw 1611-19 being amendments to the Land Use Bylaw 1443-10, as amended, for Administration to provide additional information on Section 57.1 - waste issues, Section 16(c) and Section 16.1(w) – comments not being consistent with other areas in Alberta, until the August 14, 2019 County of Stettler No. 6 Council Meeting.”
 In Favour: Councillors Stulberg, Nixon, Gendre, Neitz, Nibourg and Reeve Clarke
 Opposed: Councillor Grover,
 Carried

Amendments to the General Traffic Bylaw 1615-19:

- 238.07.10.19 Moved by Councillor Nibourg**
 “that Bylaw 1615-19 being amendments to the General Traffic Bylaw 1600-19, be given first reading, as amended.” Carried Unanimously
- 239.07.10.19 Moved by Councillor Nixon**
 “that Bylaw 1615-19 being amendments to the General Traffic Bylaw 1600-19, be given second reading, as amended.”
 In Favour: Councillors Stulberg, Nixon, Grover, Neitz, Nibourg and Reeve Clarke
 Opposed: Councillor Gendre
 Carried
- 240.07.10.19 Moved by Councillor Nibourg**
 “that Bylaw 1615-19 being amendments to the General Traffic Bylaw, be presented for third reading.” Carried (Unanimously)
- 241.07.10.19 Moved by Councillor Stulberg**
 “that Bylaw 1615-19 being amendments to the General Traffic Bylaw, be given third reading, as amended.”
 In Favour: Councillors Stulberg, Nixon, Grover, Nibourg, Neitz and Reeve Clarke
 Opposed: Councillor Gendre
 Carried

Bylaw 1616-19 – Franchise Agreement for the Hamlet of Botha:

- 242.07.10.19 Moved by Councillor Nibourg**
“that Bylaw 1616-19 being a Franchise Agreement for the Hamlet of Botha, be given first reading.” Carried Unanimously
- 243.07.10.19 Moved by Councillor Stulberg**
“that Bylaw 1616-19 being a Franchise Agreement for the Hamlet of Botha, be given second reading.” Carried Unanimously
- 244.07.10.19 Moved by Councillor Nibourg**
“that Bylaw 1616-19 being a Franchise Agreement for the Hamlet of Botha, be presented for third reading.” Carried (Unanimously)
- 245.07.10.19 Moved by Councillor Gendre**
“that Bylaw 1616-19 being a Franchise Agreement for the Hamlet of Botha, be given third reading.” Carried Unanimously

REPORTS

Chief Administrative Officer’s Report:

- 246.07.10.19 Moved by Councillor Grover**
“that the July 10, 2019 Chief Administrative Officer’s Report be received for information.” Carried Unanimously

Financial Reports:

- 247.07.10.19 Moved by Councillor Nixon**
“that the Accounts Payable Cheque Register (cheque 24982 to 25056); Accounts Electronic Funds Transfer for the period ending June 30, 2019; Accounts Visa for the period ended of June 30, 2019; the Bank Reconciliation for the period ending May 31, 2019; Reserves for the period ending May 31, 2019; and the Year To Date Budget for the month ending May 31, 2019 (all attached and forming part of these minutes) Reports to be approved as presented.” Carried Unanimously

Councillor Fee Sheet Reports:

- 248.07.10.19 Moved by Councillor Neitz**
“that the Councillor Fee Sheet Reports for the month of June, 2019, with the addition of mileage for the SWMA Meeting for Councillor Nixon, be accepted for information.” Carried Unanimously

Councillor Committee Reports:

1. Battle River Research Group (Dave Grover)
2. Community Advisory/Rural Crime Prevention Committee (Cheri Neitz/Wayne Nixon)
3. Physician Recruitment and Retention Committee (Larry Clarke/Dave Grover)
4. Stettler Town and Country Museum (Wayne Nixon)
5. Stettler and District FCSS (James Nibourg)

- 249.07.10.19 Moved by Councillor Grover**
“that the County of Stettler No. 6 Committee Reports for the July 10, 2019 Council Meeting be received for information.” Carried Unanimously

CONSENT AGENDA ITEMS

- 250.07.10.19 Moved by Councillor Grover**
“that the following County of Stettler No. 6 Consent Agenda Items for the July 10, 2019 Council Meeting be received for information:
1. Stettler District Ambulance Association
RE: Draft – June 16, 2019 Meeting Minutes
 2. Stettler Waste Management Authority
RE: Draft – June 21, 2019 Meeting Minutes.”
- Carried Unanimously

COUNCIL INFORMATION

- 251.07.10.19 Moved by Councillor Grover**
“that the following County of Stettler No. 6 items presented for the July 10, 2019 Council Meeting be received for information:
1. Byemoor School Staff and Students
RE: Thank You from Byemoor School.”
- Carried Unanimously

IN-CAMERA SESSION

- 252.07.10.19 Moved by Councillor Nibourg**
“that the County of Stettler No. 6 enter into an in-camera session at 5:46 p.m. to discuss items exempt from disclosure in the *Freedom of Information and Protection of Privacy Act* as:
Section 25: Disclosure harmful to economic and other interests of a public body – Land and Gravel Purchase.”
- Carried Unanimously

- 253.07.10.19 Moved by Councillor Nibourg**
“that the County of Stettler No. 6 Council exit out of in-camera at 5:58 p.m.”
- Carried Unanimously

Gravel Testing – New Pit Prospect:

- 254.07.10.19 Moved by Councillor Nixon**
“that the County of Stettler No. 6 award testing services to MPE Engineering Ltd. as quoted for \$38,700.00 plus contingency of \$10,000.00 for total of \$48,700.00 with the funds being drawn from Operations and/or the General Operations Reserve.”
- Carried Unanimously

NEXT MEETING

The next regular Meeting of County of Stettler No. 6 Council will be held on Wednesday, August 14, 2019 at 10:00 a.m.

ADJOURNMENT

- 255.07.10.19 Moved by Councillor Neitz**
“that the County of Stettler No. 6 Regular Meeting of Council be adjourned at 5:59 p.m.”
- Carried Unanimously

Reeve

Chief Administrative Officer