

MINUTES OF THE REGULAR COUNCIL MEETING OF THE COUNTY OF STETTLER NO. 6 HELD ON WEDNESDAY, SEPTEMBER 11, 2019 AT 10:00 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
Director of Technology Services Andrew Brysiuk
Executive Assistant Marlene Hanson

CALL TO ORDER

The meeting was called to order at 10:00 a.m., Wednesday, September 11, 2019 by Reeve Clarke.

AGENDA APPROVAL

287.09.11.19 Moved by Councillor Nibourg

“that the agenda for the September 11, 2019 Regular County of Stettler No. 6 Council Meeting be approved with the following additions:

1. Waterline Service Connection
2. Stettler Board of Trade
RE: Awards Gala Invitation
3. Starland County
RE: Highway 855 Rehabilitation, Support Letter
4. Municipal Affairs
RE: Highway 855 Rehabilitation, Response
5. 9/11 18th Year Anniversary
RE: Moment of Silence
6. Councillor Attendance to Seniors Symposium – November 12-14, 2019
7. Councillor Attendance to October 24-26, 2019 Recreation Conference
8. Update on Roads Twp. Rd. 40-4 and Rge. Rd. 20-2
9. Removal of the Incamera Session." Carried Unanimously

MINUTES APPROVAL

Moved by Councillor Grover

288.09.11.19 “that the August 14, 2019 Regular County of Stettler No. 6 Council Meeting minutes be approved as presented.” Carried Unanimously

PUBLIC HEARING

None

COUNCIL'S REQUEST FOR INFORMATION

Highway 835 Crosswalk (Councillors Nibourg and Neitz):

Councillor Neitz explained that a crosswalk is being requested on Highway 835 at the Lake Road and Alberta Avenue in Erskine, Alberta, as many vehicles speed through this area. CAO Yvette Cassidy has called and forwarded a map to Alberta Transportation for their consideration.

Rick Green joined the meeting at 10:18 a.m.

Update on Roads Twp. Rd. 40-4 and Rge. Rd. 20-2:

Rick Green reported that several complaints have been received. Twp. Rd. 40-4 (White Sands Road off of Highway 56) will receive a combination of gravel and stabilization in the near future. Normally May long weekend and Labour Day are times when this road receives the most traffic, with this year being different with all the moisture.

CAO Cassidy noted that this road receives gravel every year and is on the list for extensive gravelling next year. Rick Green noted that the large amount of the traffic is lake related; and that they are going back to ordinary grader blades – using a sharp/straight blade which should keep the gravel from breaking-up.

- 289.09.11.19 Moved by Councillor Nietz**
"that the County of Stettler No. 6 receive for information the Update on Roads Twp. Rd. 40-4 and Rge. Rd. 20-2 item." Carried Unanimously

NEW BUSINESS

Award Emergency Management Plan Proposal:

It was noted that Black Gold Emergency Planners Inc. bid being \$15,260.00 was missing on the RFD.

- 290.09.11.19 Moved by Councillor Stulberg**
"that the County of Stettler No. 6 award the Emergency Management Plan to The Response Team Inc. of Airdrie, Alberta for \$16,380.00 plus GST." Carried Unanimously

Organizational Meeting Date:

- 291.09.11.19 Moved by Councillor Grover**
"that the County of Stettler No. 6 Council set the date for the 2019 Organizational Meeting and CAO Cassidy's Review as Wednesday, September 25, 2019 at 10:00 a.m." Carried Unanimously

Support Resolution for Tax Collection Recourse:

- 292.09.11.19 Moved by Councillor Grover**
"that the County of Stettler No. 6 Council second the resolution presented by Starland County to lobby for unpaid municipal taxes to be a grounds for which the Alberta Energy Regulator may deny a license to operate being:

WHEREAS municipalities rely on property tax revenue to provide essential services and core infrastructure to support economic development, including that of the energy industry.

AND WHEREAS some solvent energy companies have started to refuse to pay municipal taxes or have threatened to do so in order to extract concessions from municipalities.

AND WHEREAS municipalities lack effective and pro-active tools needed to recover unpaid property taxes from oil and gas companies.

AND WHEREAS the Alberta Energy Regulator is responsible for ensuring that energy companies operate in a responsible manner with regards to their environmental, legal and financial responsibilities.

AND WHEREAS the refusal of an energy company to pay its municipal taxes is not currently grounds for the AER to suspend or revoke an energy company's eligibility to hold well and pipeline licences.

THEREFORE BE IT RESOLVED that the Rural Municipalities of Alberta lobby the Government of Alberta to direct the Alberta Energy Regulator to add unpaid municipal taxes to the grounds for which a company may be denied a licence to operate in the province of Alberta.

Background Information:

Following the downturn in the energy industry in 2014 expenses have consistently come under pressure in the energy industry. Beginning with layoffs and contract negotiations in 2015 and 2016 the industry has move to aggressively cut costs and with this new project have nearly ground to a halt in many areas of the province. Due to this the assessment base of many municipalities has also been on a steady decline forcing many municipalities to raise taxes on the remaining ratepayers and reduce expenditures.

Reductions in assessment, while not desirable, are a normal part of running a municipality and the extent to which taxes will either be raised or expenditures cut is the purview of Council. The effects of these changes, be they good or bad, are the responsibility of Council. This is the law as it is written in the Municipal Government Act and whether a ratepayer agrees with the decision or not they must abide by it. If a farmer disagrees and refuses to pay their taxes the MGA has several prescriptions for recovering the lost revenue with the ultimate one being the seizure and sale of property.

The MGA provides for no such prescription when dealing with the energy industry. The Alberta Government, through the Alberta Energy Regulator, has the ability to licence energy companies to operate. As stated in Directive 67 of the Alberta Energy Regulator:

Acquiring and holding a licence or approval for energy development in Alberta is a privilege, not a right. This directive ensures that this privilege is only granted to responsible parties. It sets out requirements for applying for, maintaining, and amending licence eligibility. It also identifies the circumstances in which the AER may revoke or restrict licence eligibility.

With regards to the circumstances for which the AER would revoke a licence Section 9 states:

- 1) *failure to provide complete and accurate information and ensure that information remains complete and accurate by advising the AER of material changes within 30 days;*
- 2) *after consideration of the factors in section 4, a finding by the AER that, as a result of a material change or compliance history, the licensee poses an unreasonable risk; or*

- 3) *the licensee fails to acquire or hold licences or approvals within one year following granting of licence eligibility.*

Section 4 lists a number of factors which, taken together, are meant to give a picture of the company as a responsible operator that is able to meet its environmental, financial and legal obligations:

In assessing whether the applicant poses an unreasonable risk, the AER may consider any of the following factors:

- *the compliance history of the applicant, including its directors, officers, and shareholders, in Alberta and elsewhere, including in relation to any current or former AER licensees that are directly or indirectly associated or affiliated with the applicant or its principals;*
- *the compliance history of entities currently or previously associated or affiliated with the applicant or its directors, officers, and shareholders;*
- *experience of the applicant, including its directors, officers, and shareholders;*
- *corporate structure;*
- *the financial health of the applicant;*
- *outstanding debts owed by the applicant or current or former AER licensees that are directly or indirectly associated or affiliated with the applicant or its directors, officers, or shareholders;*
- *outstanding non-compliances of current or former AER licensees that are directly or indirectly associated or affiliated with the applicant or its directors, officers, or shareholders;*
- *involvement of the applicant's directors, officers, or shareholders in entities that have initiated or are subject to bankruptcy or receivership proceedings or in current or former AER licensees that have outstanding non-compliances; and*
- *naming of directors, officers, or shareholders of current or former AER licensees under section 106 of the Oil and Gas Conservation Act.*

While it almost certainly implies in this section that not paying debts, such as property taxes, are grounds for the termination of licenses, it does not say so explicitly. We now have a situation where companies are using the lack of a specific threat to either seize their property or shut them down to extort municipalities into favourable tax treatment over their fellow businesses operating in the community. It is important to remember that this resolution is referring to solvent companies. It would be difficult to imagine this situation if the threat were directed at federal and provincial business taxes or royalties."

Carried Unanimously

Councillor Attendance at Recycling Conference:

293.09.11.19 Moved by Councillor Nibourg

"that the County of Stettler No. 6 authorize our Stettler Waste Management Authority representative, Councillor Wayne Nixon to attend the 2019 RCA Conference scheduled for October 2-4, 2019 in Jasper, Alberta; and that the County be responsible for the travel, per diems and accommodation expenses." Carried Unanimously

Councillor Attendance at Public Engagement Course:

294.09.11.19 Moved by Councillor Neitz

"that the County of Stettler No. 6 approves sending Reeve Clarke and Councillor Nibourg to the October 18, 2019 "Public Engagement for

Decision Makers” course held by Emerge Solutions, Inc. in Edmonton, Alberta.”

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

295.09.11.19 Moved by Councillor Nixon

“that the County of Stettler No. 6 approves sending any other Councillors wishing to attend the October 18, 2019 “Public Engagement for Decision Makers” course held by Emerge Solutions, Inc. in Edmonton, Alberta.”

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

Light the Night:

296.09.11.19 Moved by Councillor Nibourg

“that the County of Stettler No. 6 participate in the Stettler Town and County Museum's annual '*Light the Night*' Community Display up to the amount of \$500.00 plus staff time.” Carried Unanimously

Public Participation Policy:

297.09.11.19 Moved by Councillor Grover

“that the County of Stettler No. 6 Council amends County of Stettler No. 6 Council Policy Manual’s AF Policy 6.21 – Public Participation, as presented.” Carried Unanimously

Letter to Municipal Affairs:

298.09.11.19 Moved by Councillor Neitz

“that the County of Stettler No. 6 send the letter to the Minister of Municipal Affairs Honorable Kaycee Madu, and our MLA for Drumheller-Stettler Nate Horner, requesting a delay or discontinuance of the requirement of municipalities to complete Intermunicipal Collaboration Frameworks and Intermunicipal Development Plans with geographical neighbors, as spelled out by our previous government, under the Modernized *Municipal Government Act*, as presented.”

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

DELEGATIONS

Nate Horner, MLA for Drumheller-Stettler RE: Local Advocacy:

Nate Horner and James Klassen joined the meeting at 11:05 a.m. with introductions being competed

NEW BUSINESS continued . . .

9/11 18th Year Anniversary RE: Moment of Silence:

Reeve Clarke declared "a moment of silence" honoring the victims of the September 11 terrorist attacks.

DELEGATION Continued . . .

Nate Horner noted that the Minister of Energy is in Lethbridge and has been vocal regarding the Shallow Gas release and feels that the

resolution is a good way to keep the conversation regarding the impacts that are on Municipalities. He has attended various meetings to keep the conversations balanced.

The meeting recessed at 11:46 a.m.

The meeting reconvened at 12:53 p.m.

NEW BUSINESS continued . . .

Award Tender for Botha Westside Stormwater Infrastructure:

299.09.11.19 Moved by Councillor Nibourg

“that the County of Stettler No. 6 award the tender for Botha Westside Stormwater Infrastructure Improvements to ROHI Engineering Ltd. of Ponoka, Alberta, for \$59,524.00 plus GST and a project contingency of \$5,000.00 for a total project value of \$64,524.00.”

Carried Unanimously

Award Tender for Cold Storage Building:

300.09.11.19 Moved by Councillor Stulberg

“that the County of Stettler No. 6 award the tender for construction of a cold storage building at the Public Works facility to The Wright Builders of Stettler, Alberta, for \$52,431.81 plus GST.”

Carried Unanimously

Award Quote for Paving:

301.09.11.19 Moved by Councillor Nixon

“that the County of Stettler No. 6 award the tender for paving the base for the future sand shed at the Public Works Facility and Twp. Rd. 38-4 apron immediately east of Rge. Rd. 19-4 to TJ Paving of Red Deer, Alberta, for \$80,600.00 plus GST.”

In Favour: Councillors Stulberg, Nixon, Nibourg, Neitz
and Reeve Clarke

Opposed: Councillors Grover and Gendre
Carried

Waterline Service Connection:

302.09.11.19 Moved by Councillor Stulberg

“that the County of Stettler No. 6 authorize administration to construct a water service connection for the SW 35-37-18 W4M with expenses up to \$15,000 to be funded from revenue for water service connections.”

Carried Unanimously

Councillor Attendance to Seniors Symposium – November 12-14, 2019:

303.09.11.19 Moved by Councillor Nixon

“that the County of Stettler No. 6 Council authorize Councillor Nibourg to attend the Grey Matters Conference – Vision 2030 for Seniors Services Symposium scheduled for November 13-14, 2019 in Edmonton, Alberta.”

Carried Unanimously

Councillor Attendance to October 24-26, 2019 Recreation Conference:

304.09.11.19 Moved by Councillor Nibourg

“that the County of Stettler No. 6 Council authorize Councillor Stulberg to attend the 2019 Alberta Recreation and Parks Association's Conference scheduled for October 24-26, 2019 in Lake Louise, Alberta.”

Carried Unanimously

UNFINISHED BUSINESS

Ag Society's Fall Fair Proposal:

305.09.11.19

Moved by Councillor Neitz

“that the County of Stettler No. 6 support the 2019 Fall Fair Festival with the Stettler Ag Society by providing a donation of \$300.00; and to plan on participating further next year.” Carried Unanimously

DELEGATIONS Continued . . .

Kelly Soucy, Magnum Cement and Kevin Kisiloski, Lafarge Canada RE:

Soil Stabilization:

Kelly Soucy and Kevin Kisiloski joined the meeting at 1:17 p.m. with introductions being completed.

Kelly Soucy and Kevin Kisiloski made a presentation on behalf of Magnum Infrastructures regarding roadway soil stabilization.

Kelly Soucy and Kevin Kisiloski left the meeting at 1:55 p.m.

AGENDA ITEMS

Vehicle Fleet Hail Damage:

Rick Green distributed a vehicle insurance spreadsheet and noted major damage occurred during the July 30, 2019 hail storm. It has presented an opportunity, to reduce fleet size (20%) by purchasing heavier vehicles for the work tasks and turning over the light vehicles that are not put into service area(s) that they are not best suited for. Proposing that we use the cash available from vehicles deemed not repairable due to damages exceeding value to right size the fleet.

306.09.11.19

Moved by Councillor Nixon

“that the County of Stettler No. 6 Council authorize Administration to accept the insurance company's cash value for hail damaged vehicles that are deemed not repairable, as presented.” Carried Unanimously

Central East Transfer Out Project Stance:

Asked if Council wishes to develop an official stance on this project, noting that Paintearth County has made such a stance.

307.09.11.19

Moved by Councillor Nibourg

“that the County of Stettler No. 6 Council has no official stance on the Central East Transfer Out (CETO) Project and that the County of Stettler No. 6 concerns have been dealt with at the Open Houses.”

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

Opposed: Councillor Grover
Carried

BYLAWS

Bylaw 1621-19 – Intermunicipal Library Board Agreement:

308.09.11.19

Moved by Councillor Stulberg

“that Bylaw 1621-19 being an Intermunicipal Library Board Agreement, authorizing administration to enter into an agreement with the Town of Stettler to establish an official Intermunicipal Library Board, be given first reading.” Carried Unanimously

309.09.11.19 Moved by Councillor Nixon
“that Bylaw 1621-19 being an Intermunicipal Library Board Agreement, authorizing administration to enter into an agreement with the Town of Stettler to establish an official Intermunicipal Library Board, be given second reading.” Carried Unanimously

310.09.11.19 Moved by Councillor Gendre
“that Bylaw 1621-19 being an Intermunicipal Library Board Agreement, authorizing administration to enter into an agreement with the Town of Stettler to establish an official Intermunicipal Library Board, be presented for third reading.” Carried (Unanimously)

311.09.11.19 Moved by Councillor Stulberg
“that Bylaw 1621-19 being an Intermunicipal Library Board Agreement, authorizing administration to enter into an agreement with the Town of Stettler to establish an official Intermunicipal Library Board, be given third reading.” Carried Unanimously

REPORTS

Chief Administrative Officer’s Report:

312.09.11.19 Moved by Councillor Gendre
“that the September 11, 2019 Chief Administrative Officer’s Report be received for information.” Carried Unanimously

Financial Reports:

313.09.11.19 Moved by Councillor Stulberg
“that the Accounts Payable Cheque Register (cheque 25141 to 24174 and 25178 to 25193); Accounts Electronic Funds Transfer for the period ending August 31, 2019; Accounts Visa for the period ended of August 31, 2019; the Bank Reconciliation for the period ending July 31, 2019; Reserves for the period ending July 31, 2019; and the Year To Date Budget for the month ending July 31, 2019 (all attached and forming part of these minutes) Reports to be approved as presented.” Carried Unanimously

Councillor Fee Sheet Reports:

314.09.11.19 Moved by Councillor Gendre
“that the Councillor Fee Sheet Reports for the month of August, 2019 be accepted for information.” Carried Unanimously

Councillor Committee Reports:

1. Battle River Research Group: (Dave Grover)
2. Stettler and District Ambulance Association: (Wayne Nixon)

315.09.11.19 Moved by Councillor Stulberg
“that the County of Stettler No. 6 Committee Reports for the September 11, 2019 Council Meeting be received for information.” Carried Unanimously

CONSENT AGENDA ITEMS

Kneehill County RE: 75th Anniversary Celebration:

316.09.11.19 Moved by Councillor Neitz
“that the County of Stettler No. 6 authorize Councillor Grover's attendance, representing the County of Stettler, at Kneehill County’s 75th Anniversary Celebration on September 13, 2019.” Carried Unanimously

317.09.11.19 Moved by Councillor Stulberg

“that the following County of Stettler No. 6 Consent Agenda Items for the September 11, 2019 Council Meeting be received for information:

1. RCMP K Division
RE: Fall RMA Meeting
(Topics that were put forward: Rural Crime, Reduction in RCMP, and Protective Services stance on communication with RCMP and patrol on government highways. All Councillors to attend the meeting.)
2. Town and County Airport Board Minutes - August 9, 2019
3. National Energy Board
RE: Forestburg Lateral Loop/Forestburg East Sales Meter Station Project
4. Special Areas Board
RE: Highway 855 Rehabilitation, Support Letter
5. Alberta Justice and Solicitor General
RE: Peace Officer Program Review
6. Stettler Board of Trade
RE: Awards Gala Invitation – October 24, 2019
7. Starland County
RE: Highway 855 Rehabilitation, Support Letter
8. Municipal Affairs
RE: Highway 855 Rehabilitation, Response.”

Carried Unanimously

COUNCIL INFORMATION

None

IN-CAMERA SESSION

None

NEXT MEETING

The next regular Meeting of County of Stettler No. 6 Council will be held on Wednesday, October 9, 2019 at 10:00 a.m.

ADJOURNMENT

318.09.11.19 Moved by Councillor Grover

“that the County of Stettler No. 6 Regular Meeting of Council be adjourned at 2:53 p.m.”

Carried Unanimously

Reeve

Chief Administrative Officer