

MINUTES

Yellowhead County Council held a council meeting on November 10, 2009 at 9:30 a.m. in the Council Chambers, at the Yellowhead County Administration Building in Edson, Alberta.

COUNCILLORS PRESENT:

Gerald Soroka, Mayor
Jay Lowe, Deputy Mayor & Councillor, Division No. 3
George Webster, Councillor, Division No. 1
Ewald Kwirant, Councillor, Division No. 2
Larry Richter, Councillor, Division No. 4
William Velichko, Councillor, Division No. 6
Roxanne Scherger, Councillor, Division No. 7
Lavone Olson, Councillor, Division No. 8

COUNCILLORS ABSENT:

Vacant – Councillor, Division No. 5

ADMINISTRATION PRESENT:

Jack Ramme, Chief Administrative Officer
Tracy Parker, Executive Assistant/ Recording Secretary
Don O'Quinn, Director of Infrastructure Services
Debbie Charest, Director of Community and Protective Services
Cory Chegwyn, Fire Chief
Barb Lyons, Director of Corporate and Planning Services
Brent Shepherd, Planning and Development Manager
Kelly Jensen, Planning and Subdivision Officer
Charles Wells, Development Officer

Mayor Soroka called the council meeting to order at 9:30 a.m.

1.1 ADOPTION OF THE NOVEMBER 10, 2009 REGULAR COUNCIL MEETING AGENDA

RES 365-11-10-09 MOVED BY Councillor Scherger that Council adopts the November 10, 2009 regular council meeting agenda as presented.

CARRIED UNANIMOUSLY

2.1 ADOPTION OF THE OCTOBER 27, 2009 REGULAR COUNCIL MEETING MINUTES

RES 366-11-10-09 MOVED BY Councillor Webster that Council adopts the October 27, 2009 regular council meeting minutes as presented.

CARRIED UNANIMOUSLY

2.2 ADOPTION OF THE OCTOBER 27, 2009 ORGANIZATIONAL COUNCIL MEETING MINUTES

RES 367-11-10-09 MOVED BY Councillor Kwirant that Council adopts the October 27, 2009 organizational council meeting minutes as presented.

CARRIED UNANIMOUSLY

Mayor Soroka recessed the council meeting at 9:31 a.m. in order to conduct a Public Hearing for Bylaw No. 25.09, being a bylaw to redistrict Plan 1187CL, Block E, SE 30-53-07-W5M from HER – Hamlet Estate Residential District to HR – Hamlet Residential District
AND

Bylaw No. 27.09, being a bylaw to redistrict part of SE 07-53-19-W5M from RD – Rural District to CR – Country Residential District.

Mayor Soroka reconvened the council meeting at 9:54 a.m.

As per Council Bylaw No. 29.07, debate concerning matters raised during public presentations would take place at the next regular meeting of Council unless a report from Administration was prepared that offered a recommendation, or Council unanimously agreed to debate the issue.

4.1 ALBERTA ASSOCIATION OF MUNICIPAL DISTRICTS AND COUNTIES FALL RESOLUTIONS

Administration advised that attached to the agenda package for Council review was the Alberta Association of Municipal Districts and Counties Fall Convention Resolutions package. The fall convention had nineteen resolutions submitted which Council reviewed and debated.

RES 368-11-10-09 MOVED BY Councillor Velichko that Council reviews the resolution package attached to the agenda for preparation for the fall 2009 Alberta Association of Municipal Districts and Counties convention scheduled for November 16 to 19, 2009.

CARRIED UNANIMOUSLY

4.2 CITY OF EDMONTON BID TO HOST THE 2017 EXPO

Administration advised that the City of Edmonton was preparing a bid to host the 2017 EXPO.

Such an initiative would be a very positive event not only for the City of Edmonton, but for the Province as a whole.

As part of the bid process, Edmonton was seeking Letters of Support to submit with their bid application.

RES 369-11-10-09 MOVED BY Councillor Scherger that Council endorses a Letter of Support for Edmonton in support of their application to host the 2017 EXPO.

CARRIED UNANIMOUSLY

4.3 EDSON/ YELLOWHEAD COUNTY WASTE MANAGEMENT AGREEMENT

Administration advised that over previous years, the Town of Edson and Yellowhead County (Formerly I.D. 14 and M.D. 94) had partnered via agreements on the cost sharing of the Edson Landfill, reclamation costs, and on the recycling centre.

Many of these agreements had expired (in the late 1990's) and new or revised amending agreements were not drafted. There were however, letters of understanding outlining fees and other obligations expected of the respective parties.

Attached to the agenda, for council review and endorsement was a revised cost share agreement with the Town of Edson and Yellowhead County with respect to funding as follows:

- Construction of the Edson Transfer station
- Cost share of reclamation of the old landfill site
- Cost share for the operation and capital of the Recycle center.

This agreement was for 10-year duration unless amended and or terminated per the provisions of the agreement.

RES 370-11-10-09 MOVED BY Councillor Olson that Council approves entering into the Edson/ Yellowhead County Waste Management Agreement;

AND THAT the Edson/Yellowhead County Waste Management Agreement will remain in force and effect until December 31, 2020, unless otherwise terminated as per the terms of the Agreement.

CARRIED UNANIMOUSLY

5.1 AWARD OF TENDER – ROSEVEAR FERRY OPERATIONS

Administration advised that Tenders for the operation of the Rosevear Ferry were received on October 29, 2009 at 2:00 p.m. at the Yellowhead County Administration office in Edson. Two tenders were received as follows:

- 1267102 Alberta Ltd. - \$1,000 per day for the 2010 season; \$1050 per day for the 2011 season and \$1,100 per day for the 2012 season.
- Raybo Well Control Ltd. - \$1,500 per day for the 2010, 2011 and 2012 seasons.

The tender submitted by Raybo Well Control Ltd. did not meet all the tender requirements as they did not provide proof of pleasure craft operator, MED A3 training and their security check was not certified.

1267102 Alberta Ltd. was the contractor that operated the ferry for the past two seasons and the previous contract rate was \$1,100 per day.

The operation of the Ferry was funded 100% by Alberta Infrastructure & Transportation and required their approval. Alberta Infrastructure & Transportation had reviewed the daily rate and had no concerns as the rate was in line with rates for other ferries around the province.

RES 371-11-10-09 MOVED BY Councillor Richter that Council awards the tender for the operation of the Rosevear Ferry to 1267102 Alberta Ltd. in the amount of \$1,000 per day for the 2010 season; \$1050 per day for the 2011 season and \$1,100 per day for the 2012 season.

CARRIED UNANIMOUSLY

6.1 FIRST, SECOND AND THIRD READING OF BYLAW NO. 29.09, BEING A BYLAW TO REGULATE THE SALE, POSSESSION, STORAGE AND USE OF EXPLOSIVES IN YELLOWHEAD COUNTY

Administration advised that Council had given first reading to Bylaw No. 33.08 to regulate the Possession, Storage, Use or Sale of any Explosive within Yellowhead County. Administration was then asked and had explored a possible alternative to allow the sale, possession, storage and use of fireworks under the bylaw by permit.

Administration amended Bylaw No. 33.08 in order to allow for the sale, possession and use of low hazard fireworks and presented the amendments to Council on October 27, 2009 to receive second and third reading, the bylaw was subsequently defeated. As Bylaw No. 33.08 which allowed permitting of low hazard fireworks was defeated, the next logical step was to present a bylaw which prohibited the use, storage, possession and sale of low hazard fireworks.

Bylaw No. 29.09, being a bylaw to regulate the possession, storage, sale or use of any explosive within Yellowhead County was presented to Council for first reading. Bylaw No. 29.09 effectively banned the sale, possession and use of low hazard fireworks within Yellowhead County. Use of high hazard performance grade fireworks by a licensed pyrotechnician was permitted under this bylaw.

FIRST READING

RES 372-11-10-09

MOVED BY Councillor Webster that Council gives Bylaw No. 29.09, being a bylaw to regulate the possession, storage, sale or use of any explosive within Yellowhead County, first reading.

CARRIED

SECOND READING

RES 373-11-10-09

MOVED BY Councillor Lowe that Council gives Bylaw No. 29.09 second reading.

CARRIED

RES 374-11-10-09

MOVED BY Councilor Webster that Council presents Bylaw No. 29.09 for third reading at this meeting.

MOTION DEFEATED

Mayor Soroka recessed the meeting 10:14 a.m.

Mayor Soroka reconvened the meeting 10:22 a.m.

7.1 SECOND AND THIRD READING OF BYLAW NO. 25.09, BEING A BYLAW TO REDISTRIC HER – HAMLET ESTATE RESIDENTIAL DISTRICT TO HR – HAMLET RESIDENTIAL DISTRICT IN PLAN 1187CL, BLOCK E, IN A PORTION OF SE 30-53-07-W5M

Administration advised that Council had given first reading to Bylaw No. 25.09, being a bylaw to redistrict Plan 1187 CL, Block E within the Hamlet of Evansburg from HER – Hamlet Estate Residential District to HR – Hamlet Residential District. The existing land use allowed for a single detached dwelling and accessory building on each lot, this amendment allowed for the development of three proposed architecturally controlled duplex condo units with front attached garages on one lot.

The Evansburg Area Structure Plan recognized that a strong interest in retirement homes and buyers seeking good value existed in this area. The proposed units would be marketed as adult living units for persons aged fifty five years and greater.

SECOND READING

RES 375-11-10-09

MOVED BY Councillor Olson that Council gives Bylaw No. 25.09 second reading;

AND THAT third reading of Bylaw No. 25.09 be postpone until December 2009.

CARRIED UNANIMOUSLY

7.2 SECOND AND THIRD READING OF BYLAW NO. 27.09, BEING A BYLAW TO REDISTRIC RD – RURAL DISTRICT TO CR – COUNTRY RESIDENTIAL DISTRICT IN A PORTION OF SE 07-53-19-W5M

Administration advised that Yellowhead County received an application for a subdivision/ boundary adjustment for Plan 952-4600, Block 1, Lot 16 and the remainder of SE 7-53-19-W5M. The majority of this quarter section was within the CR – Country Residential District and a portion remained RD – Rural District. The proposed subdivision/ boundary adjustment increased the size of present Lot 16 and reduced the size of the remainder to that of a typical County Residential parcel for this area. The current land uses conformed to that of the CR – Country Residential District and it was feasible to include both of the proposed parcel areas in the CR – Country Residential District.

SECOND READING

RES 376-11-10-09 MOVED BY Councillor Lowe that Council gives Bylaw No. 27.09 second reading.
CARRIED UNANIMOUSLY

THIRD READING

RES 377-11-10-09 MOVED BY Councillor Richter that Council gives Bylaw No. 27.09 third and final
reading.
CARRIED UNANIMOUSLY

**7.3 FIRST READING OF BYLAW NO. 30.09, BEING A BYLAW TO
REDISTRIC PLAN 842-0326, BLOCK 1, LOT 1 PART SE 16-53-18-W5M
FROM RI – RURAL INDUSTRIAL DISTRICT TO RD – RURAL DISTRICT**

Administration advised that a subdivision application was submitted to adjust the boundary of two lots which were subdivided in 2008. It had been recently revealed to the landowner that the retention of a residence on a portion the subject land which was within the RI - Rural Industrial District had implications for the sale of the land.

The applicant would like to separate the area of the land with the residence on it from the existing RI - Rural Industrial District parcel area in order to complete the sale and to consolidate it with the neighboring parcel in the RD – Rural District.

FIRST READING

RES 378-11-10-09 MOVED BY Councillor Scherger that Council gives Bylaw No. 30.09, being a Bylaw to redistrict Plan 842-0326, Block 1, Lot 1 part SE 16-53-18-W5M from RI – Rural Industrial District to RD – Rural District, first reading;

AND THAT Council forwards Bylaw No. 30.09 to a Public Hearing on December 8, 2009.

CARRIED UNANIMOUSLY

8.1 COUNCIL AND COUNCIL COMMITTEES SCHEDULE

Council reviewed the Council and Council Committees Schedule.

RES 379-11-10-09 MOVED BY Councillor Kwirant that Council accepts for information the Council and Council Committees Schedule as presented.

CARRIED UNANIMOUSLY

**8.2 COUNCIL INFORMATION PACKAGES DATED OCTOBER 29, 2009 AND
NOVEMBER 4, 2009**

Council reviewed the Council Information Packages dated October 29, 2009 and November 4, 2009.

RES 380-11-10-09 MOVED BY Councillor Lowe that Council accepts for information the Council Information Packages dated October 29, 2009 and November 4, 2009 as previously circulated.

CARRIED UNANIMOUSLY

10.0 MAYOR AND COUNCILLOR REPORTS

RES 381-11-10-09 MOVED BY Councillor Scherger that Council accepts for information the reports submitted by Mayor Soroka and Councillors Olson, Scherger and Richter that were presented and discussed at the October 19, 2009 Committee of the Whole meeting.

CARRIED UNANIMOUSLY

11.0 MEDIA ENQUIRIES

The media had no questions.

Mayor Soroka recessed the council meeting at 10:40 a.m.
Mayor Soroka reconvened the meeting at 10:44

12.0 IN-CAMERA SESSION

RES 382-11-10-09 MOVED BY Councillor Scherger that Council enters into an In-Camera Session at 10:44 a.m. to discuss a land issue.

CARRIED UNANIMOUSLY

RES 383-11-10-09 MOVED BY Councillor Olson that Council ends the In-Camera Session at 11:13 a.m.

CARRIED UNANIMOUSLY

Mayor Soroka recessed the council meeting at 11:13 a.m.
Mayor Soroka reconvened the meeting at 11:26 a.m.

RES 384-11-10-09 MOVED BY Councillor Webster that Council directs Administration to approach the landowners to negotiate a Purchase Option Agreement for the land described as PT of NE 3-53-18W5M. The agreement must include:

- The option, if exercised by Yellowhead County, would require the County to purchase the land based upon a value determined by an appraiser, acceptable to Yellowhead County and the landowner,
- The land would be appraised on the basis or assumption that the land had legal access,
- A term of the agreement would require that this option must be exercised within a ten year term.

CARRIED

RES 385-11-10-09 MOVED BY Councillor Scherger that Council directs Administration to advise the Province that Yellowhead County was not interested in assuming the Mercoal leases land base due to excessive liability and environmental concerns raised by the Province;

AND THAT Yellowhead County Council supports the concept that the Province continues the existing leases with the existing leaseholders.

CARRIED UNANIMOUSLY

RES 386-11-10-09 MOVED BY Councillor Velichko that Council adjourns the regular council meeting at 11:33 a.m.

CARRIED UNANIMOUSLY

MAYOR, Gerald Soroka

CHIEF ADMINISTRATIVE OFFICER, Jack Ramme