

## MINUTES

Yellowhead County Council held a meeting on November 25, 2008 at 9:30 a.m. in the Council Chambers, at the Yellowhead County Administration Building in Edson, Alberta.

### COUNCILLORS

#### PRESENT:

Larry Richter, Deputy Mayor & Councillor, Division No. 4  
George Webster, Councillor, Division No. 1  
Ewald Kwirant, Councillor, Division No. 2  
Jay Lowe, Councillor, Division No. 3  
Cheryl Bissell, Councillor, Division No. 5  
William Velichko, Councillor, Division No. 6  
Roxanne Scherger, Councillor, Division No. 7  
Lavone Olson, Councillor, Division No. 8

### COUNCILLORS

#### ABSENT:

Gerald Soroka, Mayor

### ADMINISTRATION

#### PRESENT:

Jack Ramme, Chief Administrative Officer  
Linde Proskow, Council Secretary/ Recording Secretary  
Catherine Adair, Communications Coordinator  
Brent Shepherd, Planning Supervisor  
Tracy Ruskowski, Development Officer  
Barb Lyons, Director of Corporate and Planning Services  
Don O'Quinn, Director of Infrastructure Services  
Debbie Charest, Director of Community and Protective Services

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

#### 1.1 ADOPTION OF THE NOVEMBER 25, 2008 REGULAR COUNCIL MEETING AGENDA

RES 913-11-25-08

MOVED BY Councillor Lowe that Council adopts the November 25, 2008 regular council meeting agenda with the following amendments:

- Add agenda item "5.3 Yellowhead County Service to Mountain Park Properties and Folding Mountain Condominium Association"; and
- Add agenda item "12.2 In-Camera".

CARRIED UNANIMOUSLY

#### 2.1 ADOPTION OF THE OCTOBER 27, 2008 COMMITTEE OF THE WHOLE MEETING MINUTES

RES 914-11-25-08

MOVED BY Councillor Scherger that Council adopts the October 27, 2008 Committee of the Whole meeting minutes as presented.

CARRIED UNANIMOUSLY

#### 2.2 ADOPTION OF THE OCTOBER 28 2008 REGULAR COUNCIL MEETING MINUTES

RES 915-11-25-08

MOVED BY Councillor Kwirant that Council adopts the October 28, 2008 regular council meeting minutes as presented.

CARRIED UNANIMOUSLY

#### 2.3 ADOPTION OF THE OCTOBER 28, 2008 PUBLIC HEARING MINUTES FOR BYLAW NO. 31.08

RES 916-11-25-08

MOVED BY Councillor Webster that Council adopts the October 28, 2008 Public Hearing minutes for Bylaw No. 31.08 as presented.

CARRIED UNANIMOUSLY

#### 2.4 ADOPTION OF THE OCTOBER 28, 2008 COUNCIL ORGANIZATIONAL MEETING MINUTES

RES 917-11-25-08

MOVED BY Councillor Olson that Council adopts the October 28, 2008 council organizational meeting minutes as presented.

CARRIED UNANIMOUSLY

#### 2.5 ADOPTION OF THE NOVEMBER 17, 2008 COMMITTEE OF THE WHOLE MEETING MINUTES

RES 918-11-25-08

MOVED BY Councillor Velichko that Council adopts the November 17, 2008 Committee of the Whole meeting minutes as presented.

CARRIED UNANIMOUSLY

#### **4.1 LEADERSHIP WEST YELLOWHEAD**

Administration advised that Leadership West Yellowhead was currently receiving applications for the 2009 year. In 2008, Yellowhead County Council voted to support one member of Administration through the program.

As Council wished to continue to support applicants in Leadership West Yellowhead, the rate for this year would be \$1,750 plus GST. The applicant was expected to pay 10 per cent of this cost themselves, to show their commitment to the course. Council opted to support a member from the public-at-large based on their involvement with the community. If a suitable public member-at-large was not selected then a member from Administration would be selected.

The Leadership West Yellowhead program recruited students in the public, private and non-profit sectors from Jasper, Edson, Grande Cache, Hinton, Yellowhead County and Woodlands County. Leadership West Yellowhead hoped for a diverse range of students for the 2009 term.

The Leadership West Yellowhead program consisted of two retreats and six learning days based around such leadership skills as communication, nurturing diversity and environmental stewardship. There was a strong focus on local community issues. Also included in the program was a mentor relationship as well as a Community Action Project. The stated mission for the program was to "build community leadership capacity."

Yellowhead County had previously agreed to support the program for the years of 2008, 2009 and 2010 with funding of \$5,000 per year in order to ensure the programs success. Councillor Lowe currently sat on the steering committee for the Leadership West Yellowhead program.

RES 919-11-25-08

MOVED BY Councillor Bissell that Council funds a Yellowhead County resident (public member-at-large) for Leadership West Yellowhead 2009 based on their involvement with their community;

AND THAT if a suitable public member-at-large was not selected then a member from Administration would be selected.

CARRIED UNANIMOUSLY

#### **4.2 FIRST, SECOND AND THIRD READING OF BYLAW NO. 34.08, BEING A BYLAW TO IMPLEMENT HAMLET ADDRESSING**

Administration advised that Yellowhead County had created and implemented a rural addressing system to assist the public and emergency service providers. The County now wished to move forward with a program that would assign addresses within the hamlets of Yellowhead County which would, in addition to assisting emergency service providers, assist the County with identifying land locations for billing and service issues related to water and sewer systems.

Within Yellowhead County some hamlets currently had addressing assigned, however problems were discovered and the problem areas might require amendments. Other hamlets within Yellowhead County had no addressing in place at all.

Attached to the agenda package for council consideration was Bylaw No. 34.08 being a bylaw that empowered Yellowhead County to implement a hamlet addressing system for use in all the hamlets within Yellowhead County.

The basic premise behind Bylaw No. 34.08 was that once Yellowhead County established the property description (house number and street number) and advised the property owner of same, the property owner had 30 days from the date of the notice to affix the number to the dwelling or improvement. Failure to comply would result in a fine and Yellowhead County would affix the number to the property and charge back any incurred costs to the property owner.

Bylaw No. 34.08 rescinded Peers Bylaw No. 1.88, Robb Bylaw No. 1.90, Cadomin Bylaw No. 25.00, Marlboro Bylaw No. 31.06, Evansburg Bylaw No. 187 and Wildwood Bylaw No. 218.

#### **FIRST READING**

RES 920-11-25-08

MOVED BY Councillor Velichko that Council gives Bylaw No. 34.08, being a Bylaw to Implement Hamlet Addressing, first reading;

AND THAT Bylaw No. 34.08 rescinds Bylaw No. 1.88, Bylaw No. 1.90, Bylaw No. 25.00, Bylaw No. 31.06, Bylaw No. 187 and Bylaw no. 218.

CARRIED UNANIMOUSLY

#### **SECOND READING**

RES 921-11-25-08

MOVED BY Councillor Bissell that Council gives Bylaw No. 34.08 second reading.

CARRIED UNANIMOUSLY

RES 922-11-25-08      MOVED BY Councillor Webster that Council presents Bylaw No. 34.08 for third reading at this meeting.

CARRIED UNANIMOUSLY

**THIRD READING**

RES 923-11-25-08      MOVED BY Councillor Lowe that Council gives Bylaw No. 34.08 third and final reading.

CARRIED UNANIMOUSLY

**4.3 HINTON ANNEXATION AGREEMENT**

Administration advised that Yellowhead County supported the annexation proposal put forth by the Town of Hinton. As part of the negotiations, an annexation agreement was developed and subsequently approved by both municipalities.

At the Municipal Government Board Hearing held in Hinton, the board felt the language of clause "b(ii)" required better clarity. Section "b(ii)" stated:

- application is made and approved for a discretionary use;
- the landowner significantly changes the existing land use by adding a significant second main or discretionary use (such as a new industrial use associated with an existing dwelling), to an already developed lot; or"

The above two provisions would be replaced as followed:

- the landowner increases the intensity or density of the overall use of an already developed lot or parcel of land;
- the landowner commences a non-temporary use of the land on a vacant lot or parcel of land."

As such, the amended agreement attached to the agenda package, had been drafted for the approval of both councils. Once the agreement was approved it would be submitted to the Municipal Government Board for information.

RES 924-11-25-08      MOVED BY Councillor Bissell that Council endorses the amended annexation agreement with the Town of Hinton amended as followed:

- the landowner increases the intensity or density of the overall use of an already developed lot or parcel of land;
- the landowner commences a non-temporary use of the land on a vacant lot or parcel of land."

CARRIED UNANIMOUSLY

**5.1 ADOPTION OF LAND ACQUISITION POLICY 3200.11**

Administration advised that historically during the subdivision stage, if Yellowhead County required land for future road roadway construction, the County had requested within the Developers agreement that widening was required and paid the landowner for land taken as well as hired a legal surveyor to prepare the legal road plan. This process incurred an additional cost to Yellowhead County as well as the landowner lost the ownership of that parcel of land even though construction might not occur for several years.

At the November 17, 2008 Committee of the Whole meeting, Council reviewed the draft Land Acquisition for Road Policy 3200.11.

RES 925-11-25-08      MOVED BY Councillor Scherger that Council approves Land Acquisition for Road policy 3200.11 as presented.

CARRIED UNANIMOUSLY

**5.2 REQUEST FOR CONTRACT EXTENSION – RRD WASTE MANAGEMENT INC**

Administration advised that Yellowhead County had received a letter from RRD Waste Management Inc. which requested a contract extension to contract agreement 2006-43-001 - Solid Waste Collection & Disposal for Wildwood and Evansburg. RRD Waste Management Inc. requested an addition to the contract, being a rate increase based on the Consumer Price Index for Alberta for the additional two years.

The current contract expired March 31, 2009 and was for a 3 year term with the option for an extension of an additional 2 years.

RES 926-11-25-08      MOVED BY Councillor Velichko that Council extends the RRD Waste Management Inc. contract agreement 2006-43-001 - Solid Waste Collection & Disposal for Wildwood and Evansburg for an additional two years until 2011;

AND THAT an increase based on the Consumer Price Index for Alberta be added to contract agreement 2006-43-001 - Solid Waste Collection & Disposal for Wildwood and Evansburg for the additional two years.

CARRIED UNANIMOUSLY

**5.3 YELLOWHEAD COUNTY SERVICES TO MOUNTAIN PARK PROPERTIES AND FOLDING MOUNTAIN CONDOMINIUM ASSOCIATION**

Administration advised that at the November 17, 2008 Committee of the Whole meeting Council had discussed the request from Mountain Park Properties and Folding Mountain Condominium Association for Yellowhead County's assistance in the testing and reporting of water quality of their respective water systems. Administration had met with Alberta Environment representatives and representatives of the Condominium associations to discuss the issue. At that meeting Alberta Environment confirmed that the associations would still be required to retain a certified operator for the operation and maintenance of their water treatment and distribution systems. Mountain Park Properties currently had a certified operator and would continue to maintain certification. Folding Mountain currently had no certified operator but were in the process of writing the examination to become certified. Both associations wished to maintain their certification for the operation and maintenance of their systems.

The condominium associations requested assistance as followed:

Mountain Park Properties:

- Take bacterial sample and deliver to health unit for testing once per week.
- Complete monthly and yearly testing reports on line.
- Take water sample for THMs quarterly for a year and once every three years thereafter (cost approximately \$250 per test).
- Take sample for water chemistry annually (cost approximately \$2,500 per sample).
- Provide advice in the creation of their operating and emergency plans.

Folding Mountain:

- Take bacterial sample and deliver to the health unit for testing once per week.
- Complete monthly and yearly testing reports on line.
- Take water sample for THMs quarterly for a year and once every three years thereafter (cost approximately \$250 per test).
- Take sample for water chemistry semi-annually (cost approximately \$2,500 per sample).
- Investigate the possibility of purchasing chlorine, water meters and a meter gun through Yellowhead County in order to take advantage of County pricing.
- Might require that they work under the supervision of Yellowhead County's certified operators should they fail to become certified (might not know until the end of the year).

Administration had investigated the cost of collecting, testing and reporting of the water samples. Yellowhead County's estimate was \$65 to \$95 per day (1 to 2 hours labor plus mileage) times 52 weeks equaled \$3,380 to \$4,940 per year. Water chemistry testing cost would range from \$2,500 to \$6,000 per year.

With regard to liability Yellowhead County would develop an agreement that would hold the County harmless in the event liability issues arose. However there could still be the potential for Yellowhead County to be named in a law suit and could result in legal fees for a defense.

After much debate Committee of the Whole recommended that Council grants Mountain Park Properties and Folding Mountain Condominium Association's request for Yellowhead County to collect, test and report on the water samples on a trial basis for 1 year with a 50-50 cost recovery and Administration develop an agreement to that end.

RES 927-11-25-08

MOVED BY Councillor Olson that the Council grants Mountain Park Properties and Folding Mountain Condominium Association's request that Yellowhead County collect, test and report of water samples on a trial basis for 1 year;

AND THAT the cost recovery would be 50% each to Mountain Park Properties and Folding Mountain Condominium Association and 50% Yellowhead County;

AND THAT Administration would develop an agreement which outlined the above.

CARRIED UNANIMOUSLY

**6.1 FIRST, SECOND AND THIRD READING OF BYLAW NO. 37.08, BEING A BYLAW TO APPOINT AGRICULTURAL INSPECTORS FOR YELLOWHEAD COUNTY**

Administration advised that the Agricultural Service Board Act required that Council, in consultation with the Agricultural Service Board, must appoint a qualified person as agricultural fieldman to implement agricultural policies and programs and to manage the agricultural resources of the municipality. The Act also stated that:

- (3) *An agricultural fieldman is, in the municipality employing that fieldman,*
  - (a) *a municipal inspector under the Weed Control Act,*
  - (b) *an inspector of the municipality under the Agricultural Pests Act, and*
  - (c) *a soil conservation officer of the municipality under the Soil Conservation Act.*

The Weed Control Act, the Agricultural Pests Act and the Soil Conservation Act all required that a municipality appoint any additional inspectors or officers required to carry out the requirements of the respective Acts.

Council, under the Municipal Government Act, Section 203 (1), “...*may by bylaw delegate any of its powers, duties or functions under this or any other enactment or a bylaw to a council committee, the chief administrative officer or a designated officer, unless this or any other enactment or bylaw provides otherwise.*”

Bylaw No. 37.08 provided for the appointment of agricultural fieldman as well as additional agricultural inspectors and officers under the above mentioned Acts to be delegated to the Chief Administrative Officer. The appointments would be done as part of the commencement process for new agricultural staff.

**FIRST READING**

RES 928-11-25-08

MOVED BY Councillor Lowe that Council gives Bylaw No. 37.08, being a Bylaw to appoint agricultural inspectors for Yellowhead County, first reading.

CARRIED UNANIMOUSLY

**SECOND READING**

RES 929-11-25-08

MOVED BY Councillor Bissell that Council gives Bylaw No. 37.08 second reading.

CARRIED UNANIMOUSLY

RES 930-11-25-08

MOVED BY Councillor Webster that Council presents Bylaw No. 37.08 for third reading at this meeting.

CARRIED UNANIMOUSLY

**THIRD READING**

RES 931-11-25-08

MOVED BY Councillor Kwirant that Council gives Bylaw No. 37.08 third and final reading.

CARRIED UNANIMOUSLY

Deputy Mayor Richter recessed the regular council meeting at 10:05 a.m.

Deputy Mayor Richter reconvened the regular council meeting at 10:14 a.m.

**7.1 SECOND AND THIRD READING OF BYLAW NO. 13.08, BEING A BYLAW TO CLOSE A LANEWAY WITHIN PLAN 545KS, BLOCK 13, PART OF SE 30-53-07-W5M IN THE HAMLET OF EVANSBURG**

Administration advised that first reading was given to Bylaw No. 13.08 on April 8, 2008 and that a public hearing was held on May 13, 2008. The Bylaw was circulated to all applicable agencies and no concerns were raised with the closure. The Bylaw was sent to the Minister of Transportation who then approved Bylaw No. 13.08 on October 16, 2008.

**SECOND READING**

RES 932-11-25-08

MOVED BY Councillor Webster that Council gives Bylaw No. 13.08 second reading.

CARRIED UNANIMOUSLY

**THIRD READING**

RES 933-11-25-08

MOVED BY Councillor Kwirant that Council gives Bylaw No. 13.08 third and final reading.

CARRIED UNANIMOUSLY

**7.2 SECOND AND THIRD READING OF BYLAW NO. 17.08, BEING A BYLAW TO CLOSE AN UNDEVELOPED LANE WITHIN PLAN 6052HW, BLOCK 17, PART OF NE 27-53-09-W5M IN THE HAMLET OF WILDWOOD**

Administration advised that first reading was given to Bylaw No. 17.08 on April 22, 2008 and that a public hearing was held on May 27, 2008. The Bylaw was circulated to all applicable agencies and no concerns were raised with the closure. The Bylaw was sent to the Minister of Transportation who then approved Bylaw 17.08 on October 16, 2008.

**SECOND READING**

RES 934-11-25-08

MOVED BY Councillor Kwirant that Council gives Bylaw No. 17.08 second reading.

CARRIED UNANIMOUSLY

**THIRD READING**

RES 935-11-25-08

MOVED BY Councillor Lowe that Council gives Bylaw No. 17.08 third and final reading.

CARRIED UNANIMOUSLY

**7.3 FIRST READING OF BYLAW NO. 36.08, BEING A BYLAW TO REDISTRIBUTE PART OF THE NW AND SW 16-53-22-W5M FROM RI(LS) - RURAL INDUSTRIAL (LIMITED SERVICE) DISTRICT TO FD - FORESTRY DISTRICT**

Administration advised that in 2004 Canadian Crude Separators Energy Services (CCS) applied to amend Yellowhead County Land Use Bylaw No. 7.98 to rezone part of the NW and SW 16-53-22-W5M from FD - Forestry District to RI(LS) - Rural Industrial (Limited Service) District to allow for the development of a Class II Industrial Landfill. In January 2005 second and third reading were given and Bylaw No. 31.04 was officially adopted. On September 4, 2008 Yellowhead County received a request from Canadian Crude Separators Energy Services to amend Yellowhead County Land Use Bylaw No. 2.06 to redistrict the subject property from RI(LS) - Rural Industrial (Limited Service) District back to FD - Forestry District. Canadian Crude Separators Energy Services (CCS) advised that they had not proceeded with the intended development and no longer required the site for a landfill since another more suitable site had been selected.

**FIRST READING**  
RES 936-11-25-08

MOVED BY Councillor Olson that Council gives Bylaw No. 36.08, being a Bylaw to redistrict part of the NW and SW 16-53-22-W5M from RI(LS) - Rural Industrial (Limited Service) District to FD - Forestry District, first reading;

AND THAT Council forwards Bylaw No. 36.08 to a Public Hearing on January 13, 2009.  
CARRIED UNANIMOUSLY

**7.4 ACCOUNTS RECEIVABLE ITEM FOR WRITE-OFF**

Administration advised that Yellowhead County Policy No. 12.27 Accounts Receivable, Collection and Write-Off stated that in order for an outstanding account receivable of greater than \$500.00 to be written off it must be approved by a resolution of Council. No items arose that required this approval for a number of years, however in 2008 Administration requested approval to write off one item as followed:

- Invoice of \$590.00 plus finance charges of ~~\$217.34~~ **\$271.15** for a total outstanding of ~~\$807.34~~ **\$861.15**. This account originated from the Yellowhead County Fire department, was in the name of Grant Stubbe and was for the cost of the clean up of a diesel spill on Highway 16 in May 2006. Repeated attempts to contact Mr. Stubbe, who was not a Yellowhead County resident, were unsuccessful. At this time it was deemed more cost effective to write-off the item rather than pursue alternate collection.

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In addition Policy No. 12.27 Accounts Receivable, Collection and Write-Off required Administration to advise Council of any items written-off with a value in between \$250 and \$500. One such item was written off in 2008 as followed:

- Sequoia Oil & Gas Ltd. ~~\$465.16~~ **\$472.04**. The amount was comprised of finance charges only on oil well drilling and repeated attempts to locate the company were unsuccessful. The company was no longer in operation.

RES 937-11-25-08

MOVED BY Councillor Kwirant that Council approves the following item of \$807.31 for write off as presented:

- Invoice of \$590.00 plus finance charges of ~~\$217.34~~ **\$271.15** for a total outstanding of ~~\$807.34~~ **\$861.15**. This account originated from our Fire department, was in the name of Grant Stubbe and was for the cost of the clean up of a diesel spill on Highway 16 in May 2006. Repeated attempts to contact Mr. Stubbe, who was not a Yellowhead County resident, were unsuccessful. At this time it was deemed more cost effective to write-off the item rather than pursue alternate collection.

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CARRIED UNANIMOUSLY

**7.5 FINANCIAL REPORTS - OCTOBER 2008**

Administration advised that the following financial reports had been reviewed by Council:

- Short Term and Long Term Investment Report to November 14, 2008.
- Financial Summary for October 2008.
- Payroll report for Salary, Council and Wage Staff for October 2008 in the amount of \$249,107.61.
- Salary and Benefit Disclosure to October 31, 2008.
- Listing of paid accounts for October 2008 (Cheques No. 62634 - 62964) in the amount of \$7,682,550.02.

RES 938-11-25-08

MOVED BY Councillor Webster that Council accepts the financial information as presented, being the Short Term and Long Term Investment report to November 14, 2008, the Financial Summary for October 2008, the Payroll report for Salary, Council and Wage Staff for October 2008 in the amount of \$249,107.61, Salary and Benefit Disclosure to October 31, 2008 and a listing of paid accounts for October 2008 (Cheque No's. 62634 - 62964) in the amount of \$7,682,550.02.

CARRIED UNANIMOUSLY

**8.1 COUNCIL AND COUNCIL COMMITTEES SCHEDULE**

Council reviewed the Council and Council Committees Schedule.

RES 939-11-25-08 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 17, 2008 AND NOVEMBER 18, 2008**

Council reviewed the Council Information Packages dated October 17, 2008 and November 17, 2008.

RES 940-11-25-08 MOVED BY Councillor Lowe that Council accepts for information the Council Information Packages dated October 17, 2008 and November 17, 2008 as previously circulated.  
CARRIED UNANIMOUSLY

**10.0 MAYOR AND COUNCILLOR REPORTS**

RES 941-11-25-08 MOVED BY Councillor Webster that Council accepts for information the reports submitted by Councillors Bissell, Lowe, Olson, Scherger, Webster and Mayor Soroka.  
CARRIED

**11.0 MEDIA ENQUIRIES**

The media had no questions.

Deputy Mayor Richter recessed the regular council meeting at 10:39 a.m.  
Deputy Mayor Richter reconvened the regular council meeting at 10:51 a.m.

**12.0 IN-CAMERA SESSION**

RES 942-11-25-08 MOVED BY Councillor Velichko that Council enters into an In-Camera Session at 10:51 a.m. to discuss a land issue.  
CARRIED UNANIMOUSLY

RES 943-11-25-08 MOVED BY Councillor Scherger that Council ends the In-Camera Session at 11:04 a.m.  
CARRIED UNANIMOUSLY

RES 944-11-25-08 MOVED BY Councillor Lowe that Council agrees to the purchase of Plan 062-2250, Block 2, Lot 1, in Wildwood;  
AND THAT the agreed upon price was the appraised value conducted by Slavik McCartney Appraisals Inc. of \$120,000.00.  
CARRIED UNANIMOUSLY

RES 945-11-25-08 MOVED BY Councillor Scherger that Council upholds Meeting Procedures Bylaw No. 29.07; section 9.4.4 and section 7.1;  
AND THAT member-at-large Louise Baudin be removed from the Agriculture Services Board as per section 7.1 which stated that a board member was disqualified if absent from meetings held during any period of eight consecutive weeks.  
CARRIED

RES 946-11-25-08 MOVED BY Councillor Lowe that Council adjourns the regular council meeting at 11:06 a.m.  
CARRIED UNANIMOUSLY

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MAYOR, Gerald Soroka

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CHIEF ADMINISTRATIVE OFFICER, Jack Ramme