

COUNTY OF THORHILD NO. 7
COUNCIL MEETING

MINUTES OF THE MEETING OF THE COUNTY COUNCIL HELD ON
TUESDAY, SEPTEMBER 22, 2009 IN THE COUNCIL CHAMBERS AT THE
COUNTY ADMINISTRATION OFFICE

Call to Order

Reeve Charles Newell called the meeting to order at 9:32 a.m. with Joyce Pierce, Director of Gas and Utilities, in attendance.

The following were in attendance during the course of the meeting on this date:

DIVISION NAME A.M. P.M.
ATTENDANCE

1	CHARLES NEWELL	X	X
2	KEVIN GRUMETZA	X	X
3	Vacant		
4	CORI KUZYK	X	X
5	WAYNE CROSWELL	X	X
6	SHELLY HANASYK	X	X
County Manager	DAN SMALL	X	X
Agriculture & Community Services Director	CINDY OLCHOWY		X
Director of Corporate Services	JANELLE CORNELIUS	X	X
Gas & Utilities Director	JOYCE PIERCE	X	
Public Works Director	RICK NIETUPSKI		X
Recording Secretary	JEANNETTE CHOLACH	X	X

Public Hearing(s)

A Public Hearing has been scheduled for 10:00 a.m.

Agenda Item - In Camera 13. a) Legal – Amend Procedure Bylaw 1082-2007

Councillor Wayne Croswell questioned as to why item. 13. a) Legal – Amend Procedure Bylaw 1082-2007, as listed on the agenda, was to be discussed in camera rather than in the public session.

County Manager Dan Small responded that the matter involves legal advice, and legal advice is in camera.

Councillor Wayne Croswell stated that Council should go in camera first and then the debate should be held in the public portion of the meeting.

Adoption of Agenda

Resolution 386-2009

Moved by Cori Kuzyk that the Agenda for the Council Meeting of September 22, 2009 be adopted with the following amendment:

Addition: 11. 1. Other Business e) Amend Procedure Bylaw 1082-2007

CARRIED

Adoption of Minutes
September 8, 2009 Regular Council and September 15, 2009 Special Council Meeting

Resolution 387-2009

Moved by Shelly Hanasyk that the Minutes of the Special Council Meeting of September 15, 2009, be adopted as circulated; and that the Minutes of the Regular Council Meeting of September 8, 2009 be adopted with the following amendment:

Council Member's Report, Page 148, Councillor Wayne Croswell – Last item

Should read: Been a busier month than usual – phone calls – request for road access, boundary line disputes, noxious weeds, etc. Like to thank county staff, who I directed concerns to, for the prompt manner in which they were dealt.

Rather than: Thanked county staff for expediting request on noxious weeds.

CARRIED

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Delegate Betty Kolewaski, Chair of the Concerned Citizens of Thorhild County, joined the meeting at 9:38 a.m.

Gas and Utilities

Business Arising
Minutes/New Business
and Correspondence

There was no information presented with respect to the Business Arising from the Minutes/ Correspondence sections for this meeting.

Committee Report

Gas and Utilities
Director

Gas and Utilities Director Joyce Pierce reported on the operations of the Gas Division, Newbrook water and regional water contracts.

Resolution 388-2009

Moved by Kevin Grumetza that the Gas and Utilities Director's report be accepted as information.

CARRIED

Delegation:

Concerned
Citizens of Thorhild
County, Betty
Kolewaski re:
Proposed Landfill

Betty Kolewaski, Chair of the Concerned Citizens of Thorhild County, stated that their group has written numerous letters to the Environment Minister, the Honourable Rob Renner, who has requested that their group bring concerns forward to County Council which are as follows:

1. Ground and surface water
2. Traffic and noise
3. Poor compensation for area residents and for County as a whole.
4. Local residents have been unable to receive bank mortgages and operating loans due to the proximity of the proposed landfill and decreasing land values.

The Concerned Citizens of Thorhild County are requesting the following:

1. A one year moratorium and that county ratepayers participate in a plebiscite in conjunction with the 2010 election.
2. Support for an environmental impact assessment with the following:
 - i. County writing a letter to the Honourable Rob Renner, Environment Minister, on the Concerned Citizens' behalf;
 - ii. Signing of a petition
 - iii. Asking for permission to leave a petition at the County Office.

Reeve Charles Newell responded that the Concerned Citizens of Thorhild County bring forward valid documentation pertaining to the mortgage issue. In relation to the matter of an environmental impact assessment, the proposed landfill is classified as a Class 2 landfill and is exempt. There is nothing to assess as an application has not been received to date.

Ms. Kolewaski also requested clarification on two items:

1. Reeve Charles Newell's expense claim in May, 2008; and
2. Councillor Shelly Hanasyk's role in the lodge's beautification process.

Reeve Charles Newell advised Ms. Kolewaski to allow for the opportunity for the two matters to be researched and that a response would be provided.

In closing, Betty Kolewaski questioned as to how Council plans to work with the Concerned Citizens of Thorhild County and whether the County has made recommendations to the current landfill standards review.

Reeve Charles Newell replied that the Council would do their best to work with the Concerned Citizens of Thorhild County.

Councillor Wayne Crosswell asked whether a public meeting could be held within the next month in view of the Environment's minister's recommendation that Council work with the Concerned Citizens group.

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Delegation: Reeve Charles Newell reiterated that Council members are welcome to bring
 Concerned matters forward as notices of motion.
 Citizens of Thorhild
 County, Betty Reeve Charles Newell thanked Betty Kolewaski, Chair of the Concerned
 Kolewaski re: Citizens of Thorhild County, for her presentation and she left the meeting at
 Proposed Landfill 10:04 a.m.

Recess Reeve Charles Newell declared the meeting in recess at 10:04 a.m.

Public Hearing: Reeve Charles Newell called the Public Hearing to order at 10:10 a.m.
 Bylaw 1125-2009 -
 Re-zoning
 Application for
 Plan 168 CL, Block
 2, Lots 8 & 9, (117-
 6th Avenue,
 Thorhild)

Introductions: Council, Administration and participant introductions were made.
 Councillor Shelly Hanasyk declared that she was removing herself from the
 Council table at 10:12 a.m. and would be speaking as a ratepayer during this
 public hearing.

Record of Resolution 389-2009
 Proceedings: Moved by Kevin Grumetza that the proceedings of the Public Hearing be
 recorded.
 CARRIED

Intended Purpose: Cheryl Pasay, Manager of Land Use and Taxes, stated that the County has
 received a request to re-zone Plan 168 CL, Block 2, Lots 8 & 9, (117- 6th
 Avenue), Thorhild, from Central Commercial to Residential (R1) District. Mr.
 John Lamer wishes to rezone to residential use only.

Applicant to Come Forward: The applicant, Mr. John Lamer, explained that the property has been rented
 for the last twenty to thirty years. He cannot understand why after 30 years
 that the property cannot continue to be rented and should be grandfathered.
 Mr. Lamer advised that he wanted to rezone the property as residential so
 that there would no problem renting to tenants. He has changed the roof,
 installed a drop ceiling and windows.

Manager of Land Use and Taxes
 Comments: Cheryl Pasay, Manager of Land Use and Taxes, reported the following:
 Changing the use of a building and/or land requires an amendment to the
 current land use bylaw i.e. rezoning. The building is considered
 non-conforming as there has not been a business on the property within the
 last six months. Mr. Lamer's request for renovation permits and his
 expressed plans for residential rental of the property initiated the rezoning
 process.

The proposed rezoning is not recommended by Administration due to the
 following reasons:

1. The existing Village of Thorhild Land Use Plan indicates a large
 commercial core along the east part of the hamlet directly adjacent to
 the railway which is active with businesses. By changing the zoning to
 residential, development restrictions would be applied to Mr. Lamer's
 properties as well as the adjacent landowners. As a result, existing
 conforming buildings in this commercial zone would not have the
 option to expand. Buildings and fire code changes will mean costs not
 only for Mr. Lamer but also for the adjacent landowners.

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Public Hearing:
 Manager of Land Use and Taxes
 Comments:
 (Continued)

2. The allowance of a residence within the commercial zone may detract from the business environment and possibilities for business revitalization.

Call for Others to Speak:

George Frick:

George Frick, neighbour, stated that he took out a business license as his property serves both as a business and a place to live. He indicated that he is restricted by the residential zoning as the setbacks affect the use of his property.

Gordon Danielson:

Gordon Danielson, renter, stated that there is no problem using the front portion of the building in question as a business.

John Lamer,
 Owner

John Lamer, owner, further stated that if his property is not rezoned, a business could be put in the front of the building.

Manager of Land Use and Taxes
 Response:

Cheryl Pasay, Manager of Land Use and Taxes, replied that the owner could put in a business with a business license with review in a year.

Sharon Christensen:

Sharon Christensen stated that there is not much available in the Hamlet of Thorhild commercially.

Shelly Hanasyk:

Shelly Hanasyk stated that certain restrictions could be enforced as the hamlet commercial area could be jeopardized if the other business owners follow suit.

Applicant's Final Comments:

John Lamer agreed with everyone's comments. He stated that he wished that someone had given him specific details relating to this matter before taking out the permits. He understands if the rezoning application is turned down.

Conclude Hearing:

Reeve Charles Newell declared the Public Hearing closed at 10:46 a.m.

Reconvene

Reeve Charles Newell reconvened the meeting at 11:00 a.m. with Stewart Weir and Co. Ltd. representatives Conrad Kirchner, Project Director, and Pamela Ehrler, Community Infrastructure, Engineering Department, Cindy Olchowy, Director of Agriculture and Community Services, Brett Demary, Emergency Operations Supervisor, and Public Works Director Rick Nietupski in attendance.

Delegation:
 Stewart Weir and Co. Ltd. – Long Lake Emergency Access Road

Stewart Weir Project Director Conrad Kirchner provided Council with an update pertaining to the issues discussed at the Long Lake alternative road consultation open house that was held on August 14, 2009.

Brett Demary, Emergency Operations Supervisor, reported that the wildfire assessment and mitigation options report prepared for the County specifies that the emergency access road should be constructed to ensure firefighter and community safety.

The issues regarding further development applications in the lake area from residents, water restrictions as well as the purpose of the Building Canada grant and its recommendation for unrestricted use of the access road were further discussed.

County Manager Dan Small then circulated copies of comments received from County residents pertaining to the matter of the access road.

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Delegation:
Stewart Weir and
Co. Ltd. – Long
Lake Emergency
Access Road
(Continued)

Public Works Director Rick Nietupski related that it is easier to maintain a road if it is open at all times.

Cindy Olchowy, Director of Agriculture and Community Services, addressed the following matters:

1. Did receive favorable response to Fire Smart Activities - Newbrook and Long Lake
2. Vegetation management
3. Risk management assessment i.e. ATV use
4. Infrastructure in place
5. Water supply
6. Utilities re: power line
7. Report identifies that the lake water will not keep the residents and campers from harm.

Brett Demary, Emergency Operations Supervisor, advised Council that the consultant's report lists the matters to be addressed and strongly recommended that the construction of the Long Lake Emergency Access Road proceed.

In summary, County Manager Dan Small spoke to the issues raised that Council needed to consider in its decision making:

1. Environmental process
2. Restrictions on the proposed road or closure to public traffic
3. County to work with the leaseholders involved
4. Long Lake residents' concerns about future development plans, increased traffic and crime
5. Fire hazards around Long Lake Hamlet
6. The impact on emergency services response if the existing roadway is blocked.
7. Administration has received legal advice on this matter.
8. A decision should be made relatively soon.

Confidential Item:
Legal
Ramifications –
Long Lake
Emergency
Access Road

Resolution 390-2009

Moved by Cori Kuzyk that Council go in camera to discuss the legal ramifications pertaining to the Long Lake Emergency Access Road at 11:40 a.m.

CARRIED

Resolution 391-2009

Moved by Kevin Grumetza that the meeting return to open meeting at 11:55 a.m.

CARRIED

Recess

Reeve Charles Newell declared the meeting in recess at 11:55 a.m.

Reconvene

Reeve Charles Newell reconvened the meeting at 12:41 p.m. with Cindy Olchowy, Director of Agriculture and Community Services, Stewart Weir representatives Conrad Kirchner and Pam Ehrler and Public Works Director Rick Nietupski in attendance.

Agriculture and
Community
Services –
Policy 314, 100
Year Family Farm
Recognition

Cindy Olchowy, Director of Agriculture and Community Services, advised Council that revisions to Policy 314, 100 Year Family Farm Recognition, relate to the plaque which is presented on behalf of the County, road designation and signage in honor of the family and subsequent sign maintenance.

Agriculture and
Community
Services –

Approve Amended
Policy 314, 100
Year Family Farm
Recognition

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Resolution 392-2009

Moved by Shelly Hanasyk that Council approves the amendments to Policy 314, 100 Year Family Farm Recognition, as presented by the Director of Agriculture and Community Services.

CARRIED

Correspondence –
Lac Ste. Anne
County – NW
Regional ASB
Conference

Resolution 393-2009

Moved by Kevin Grumetza that the September 3, 2009 correspondence from Lac Ste. Anne County regarding the NW Regional Agricultural Service Board Conference to be held October 15, 2009 at Alberta Beach Agriplex be received as information.

CARRIED

Committee
Reports

Agriculture and
Community
Services Director's
Report

Cindy Olchow, Director of Agriculture and Community Services, reported to Council pertaining to agriculture, emergency services/bylaw enforcement, occupational health and safety, and family and community services matters for the month of September.

Resolution 394-2009

Moved by Kevin Grumetza that the Agriculture and Community Services Director's Report be accepted as presented.

CARRIED

Agricultural Fieldman Harold Hamilton joined the meeting at 12:47 p.m.

Agricultural
Fieldman's Report

Agricultural Fieldman Harold Hamilton reported on the following matters:

- Completed both the road side and special weed spray programs
- Beaver dam concerns
- Continue to work on crop, grasshopper, drought and weed infestations, collecting data and reporting to Alberta Rural Development
- Received inquiries relating to coyotes, land rentals, drought assistance programs, pumping water, hay bale prices and straw availability, weeds and other agriculture concerns

Resolution 395-2009

Moved by Wayne Crosswell that the Agricultural Fieldman's report be accepted as presented.

CARRIED

Cindy Olchow, Director of Agriculture and Community Services, and Harold Hamilton, Agricultural Fieldman, left the meeting at 1:04 p.m.

Committee Report
Public Works
Director's Report

Public Works Director Rick Nietupski reported on the following matters:

- Roadside mowing
- Radway Hospital Street
- Correction Line Road
- Requested clarification on road building program resolution, August 25, 2009 Council Meeting

COUNCIL MEETING COUNTY OF THORHILD NO. 7 SEPTEMBER 22, 2009Public Works

Approval on Two
Mile Extension:
Correction Line
Road Project

Resolution 396-2009

Moved by Kevin Grumetza that Council directs Administration to proceed with the requirements necessary for the two mile extension, tie in to Highway 63, on the Correction Line Road (Township Road 590) Project under Contract Number T0701/09.

CARRIED

Adoption of Public
Works Director's
Report

Resolution 397-2009

Moved by Cori Kuzyk that the Public Works Director's Report be accepted as presented.

CARRIED

Business Arising
from Minutes/New
Business –
Correction Line
Road Tender

Stewart Weir Project Director Conrad Kirchner briefed Council on the Correction Line Road (Township Road 890) Contract no. T0701/09 tender results. Mr. Kirchner advised that the construction manager has drafted a letter to Mr. Small recommending that the low bidder, 911478 Alberta Ltd. o/a Hart Construction, be accepted.

Opal Road
Funding Update

County Manager Dan Small also provided Council with an update on the Opal Road funding, and specified that the project can be tendered out subject to approval under the Infrastructure Stimulus Fund.

Correspondence
And Bylaws

There was no information presented with respect to the Correspondence and Bylaws sections for this meeting.

Notices of Motion –
Councillor Cori
Kuzyk: By-election
to fill Vacancy in
Division 3

Councillor Cori Kuzyk presented the following notice of motion to be brought forward at the October 13, 2009, Council Meeting:

Council debate and resolve the question as to whether we hold a by-election to fill the vacancy of council representation in County of Thorhild Division 3.

Councillor Wayne
Crosswell: Public
Meeting with the
Concerned
Citizens of Thorhild
County re:
proposed Waste
Management
Landfill

Councillor Wayne Crosswell presented the following notice of motion to be brought forward at the October 13, 2009 Council Meeting:

That Administration arrange a public meeting with the Concerned Citizens of Thorhild County to address concerns and questions re: the proposed Waste Management Landfill.

Recess

Reeve Charles Newell declared the meeting in recess at 1:53 p.m.

Reconvene

Reeve Charles Newell reconvened the meeting at 2:03 p.m. with Stewart Weir representatives Project Director Conrad Kirchner and Pam Ehrler Project Manager for Community Infrastructure, Engineering Department, in attendance.

Other Business

Long Lake
Emergency
Access Road

Councillor Cori Kuzyk stated that Council should try to address some of the concerns of the Long Lake hamlet residents. The implementation of a curfew on the emergency access road (i.e. 10 p.m. – 7 a.m.) and bylaw enforcement to set restrictions would help alleviate some concerns, which would pose less of a threat.

Councillor Wayne Crosswell advised that most residents would be in favour of some restrictions on the road.

COUNCIL MEETING COUNTY OF THORHILD NO. 7 SEPTEMBER 22, 2009Other Business

Long Lake
Emergency
Access Road –
Draft Bylaw to Set
Time Restrictions

Resolution 398-2009

Moved by Cori Kuzyk that Council instruct Administration to draft a bylaw setting out time restrictions on the usage of the Long Lake Emergency Access Road and to defer the decision on building the road.

CARRIED

Pamela Ehrler, Project Manager for Community Infrastructure, Engineering Department and Conrad Kirchner, Project Director, with Stewart Weir and Co. Ltd., left the meeting at 2:12 p.m.

Payroll and Personnel Manager Laurie Andrushchyshyn joined the meeting at 2:14 p.m.

Thorhild
Agricultural
Society Request to
be Added as an
Additional Named
Insured

Subsequent to the Thorhild Agricultural Society's request to be added as an Additional Named Insured under the County of Thorhild's insurance policy, Laurie Andrushchyshyn reported to Council that Administration will advise the Thorhild Agricultural Society that Jubilee Insurance Agencies does not provide insurance to agricultural societies as additional named insureds and that insurance on a stand-alone basis is offered.

Resolution 399-2009

Moved by Kevin Grumetza that the insurance information provided by the Payroll and Personnel Manager be accepted as presented.

CARRIED

Undeveloped
Road Allowances/
County Owned
Properties – Rental
Agreements

Resolution 400-2009

Moved by Shelly Hanasyk that the matter of the Undeveloped Road Allowances/County Owned Properties Rental Agreements be deferred to the October 13, 2009 Council Meeting.

CARRIED

Thorhild Swimming
Pool Project Quote

County Manager Dan Small reported that the quote from Watson Pool and Plumbing Service for the completion of the Thorhild Swimming Pool Project totals \$176,063.00.

Resolution 401-2009

Moved by Cori Kuzyk that Council approves the price quote of \$176,063.00 as presented by the County Manager in order that work on Thorhild Swimming Pool Project may proceed as soon as possible.

CARRIED

Confidential Item:
Legal – Amend
Procedure By-Law
1082-2007

Resolution 402-2009

Moved by Cori Kuzyk that Council go in camera to discuss the legal advice obtained pertaining to amending Procedure By-Law 1082-2007 at 2:27 p.m.

CARRIED

Resolution 403-2009

Moved by Cori Kuzyk that the meeting return to open meeting at 2:45 p.m.

CARRIED

COUNCIL MEETING COUNTY OF THORHILD NO. 7 SEPTEMBER 22, 2009Other Business

Procedure By-Law
1082-2007 –
Permitting of Audio
Taping

Resolution 404-2009

Moved by Wayne Croswell that Council deal with Procedure By-Law 1082-2007 at the October 13, 2009 Council meeting with the inclusion of permitting of audio taping of council meetings by media, staff, Council or any member of the public.

DEFEATED

Amendment to
Procedure By-Law
1082-2007 to
Include Public
Question and
Answer Period

Resolution 405-2009

Moved by Wayne Croswell that Council approves the amendment to Procedure By-Law 1082-2007 to include a public question and answer period.

DEFEATED

Reeve Charles Newell requested that Council members direct any issues and questions to Administration regarding Procedure By-Law 1082-2007.

Amendment to
Procedure By-law
1082-2007 to
include Councillor
Croswell's
Resolution #3 from
Notice of Motion,
September 8, 2009
and Councillor
Debating and
Prohibitions
Sections from the
County of Smoky
Lake Procedure
By-law.

Resolution 406-2009

Moved by Wayne Croswell that Council direct Administration to research whether the following points are included in Procedure By-Law 1082-2007 and to report back at the October 13, 2009 Council Meeting:

- i. Councillors wishing to speak on a matter before the meeting should indicate their intentions by raising their hand and being recognized by the Chair and should not speak more than once until every Councillor has had the opportunity to speak except:
 - A. In the explanation of a material part of the speech which may have been misunderstood.
 - B. In reply, to close debate, after everyone else wishing to speak has spoken, provided that the Councillor presented the motion to the meeting.
- ii. County of Smoky Lake Procedure By-Law sections 14. Councillor Debating and 15. Prohibitions

CARRIED

Request for All
Motions to be
Recorded Votes

Councillor Cori Kuzyk requested a recorded vote with respect to the following resolution.

Resolution 407-2009

Moved by Cori Kuzyk that all motions of Council be recorded votes.

In Favour
Cori Kuzyk
Wayne Croswell

Against
Shelly Hanasyk
Kevin Grumetza
Charles Newell

DEFEATED

Requisitions

There was no information presented with respect to the requisitions section for this meeting.

Confidential Item:
Draft
Correspondence
Related to
Proposed Waste
Management
Landfill

Resolution 408-2009

Moved by Shelly Hanasyk that Council go in camera to discuss the draft correspondence related to the proposed Waste Management Landfill at 3:32 p.m.

CARRIED

COUNCIL MEETING COUNTY OF THORHILD NO. 7 SEPTEMBER 22, 2009

Resolution 409-2009

Moved by Kevin Grumetza that the meeting return to open meeting at 3:46 p.m.

CARRIED

Draft
Correspondence
Related to
Proposed Waste
Management
Landfill

Councillor Cori Kuzyk requested a recorded vote with respect to the following motion.

Resolution 410-2009

Moved by Charles Newell that Council accept the draft correspondence related to the proposed Waste Management Landfill as presented by the County Manager during the in camera session.

In Favour
Shelly Hanasyk
Kevin Grumetza
Charles Newell

Against
Cori Kuzyk
Wayne Croswell

CARRIED

Adjournment

Being that the agenda matters were concluded, the meeting adjourned at 3:47 p.m.