

Minutes of a Regular Council Meeting of Clearwater County, Province of Alberta, held May 24, 2016, in the Clearwater County Council Chambers in Rocky Mountain House.

CALL TO ORDER: The Meeting was called to order at 9:00 A.M. by Reeve Alexander with the following being present:

Reeve:	Pat Alexander
Councillors:	Earl Graham
	John Vandermeer
	Jim Duncan
	Kyle Greenwood
	Theresa Laing
	Curt Maki
Chief Administrative Officer:	Ron Leaf
Recording Secretary:	Tracy Haight
Director, Ag Services & Landcare:	Matt Martinson
Director, Community & Protective Services:	Ted Hickey
Regional Fire Chief:	Cammie Laird
Assistant Communication Coordinator:	Michelle Meatheringham

Media: Helge Nome

**AGENDA
APPROVAL:**

Councillor Duncan added May Long Checkstop – Verbal Report as item H3.

COUNCILLOR MAKI: That the May 24, 2016 Regular Meeting Agenda be accepted as amended.

181/16

CARRIED 7/0

**CONFIRMATION
OF MINUTES:**

1. May 10, 2016 Regular Meeting Minutes

COUNCILLOR DUNCAN: That the Minutes of the May 10, 2016 Regular Meeting are accepted as circulated.

182/16

CARRIED 7/0

**AGRICULTURAL
SERVICES &
LANDCARE:**

1. Appointment of Pest and Weed Inspectors

Matt Martinson requested annual appointments for Agricultural Services and Landcare weed and pest inspectors.

The Alberta Weed Control Act requires yearly appointments of weed inspectors to conduct inspections of deeded properties for noxious and prohibited noxious weeds, as well as performing duties related to administration and enforcement of the legislation within Clearwater County's jurisdiction.

Mr. Martinson also requested additional appointments, as per the Alberta Pest Act, for pest inspectors to mitigate concerns with agricultural pests and conduct surveys regarding clubroot, grasshoppers, and fusarium.

Mr. Martinson requested Council appoint the following staff as both Weed and Pest Inspectors: Lisa Brown; Rianna Follis; Taylor Michalsky; Devlyn Beeman and, Taya Vandervlis.

Mr. Martinson responded to questions and noted that as per provincial legislation, his position as Director assumes automatic appointment.

183/16

COUNCILLOR VANDERMEER: That Council appoints Agricultural Services and Landcare Staff members Lisa Brown, Rianna Follis, Taylor Michalsky, Devlyn Beeman, and Taya Vandervlis as Clearwater County Weed Inspectors for the duration of their employment.

CARRIED 7/0

COUNCILLOR DUNCAN: That Council appoints Agricultural Services and Landcare Staff members Lisa Brown, Rianna Follis, Taylor Michalsky, Devlyn Beeman, and Taya Vandervlis as Clearwater County Pest Inspectors for the duration of their employment.

184/16

CARRIED 7/0

Marshall Morton, Erik Hansen, Laura Button, Sylvana Crosby joined the meeting.

**COMMUNITY &
PROTECTIVE
SERVICES:**

1. Clearwater County/Province of Alberta Fire Bans/Restrictions:

Ted Hickey stated Councillor Graham requested a discussion on the disparity of municipal and provincial boundaries that determine fire ban and off-highway vehicle (OHV) restricted use areas and decide if Council wishes to meet with Minister Carlier, Alberta Agriculture and Forestry, to discuss this issue.

The Province's forest protection area covers most of Clearwater County. Consequently the County follows the Province's lead on declaring, amending, and/or lifting fire bans and restrictions in the area. County residents, tourism vendors, and County departments are concerned and confused with the timing, delivery, and conflicting messaging when the Province establishes fire ban boundaries that are different than municipal boundaries.

Discussion took place on opportunities for meeting and including the Deputy Minister of Agriculture and Forestry in the invitation.

COUNCILLOR GRAHAM: That Council meets with the Alberta Agriculture and Forestry Minister and Deputy Minister to discuss provincial fire ban jurisdictions.

185/16

CARRIED 7/0

Jerry Pratt and Albert Stolte joined the meeting.

COMMUNITY &
PROTECTIVE
SERVICES:

3. Rural Broadband Project

Ted Hickey stated on February 22, 2016, Council accepted the Rural Communications Committee's recommendation for Council to play a role in enhancing broadband internet service within the County. He presented a three-phased approach to assist Council in evaluating whether Council wishes to either construct a fibre optic network to service the majority of residents and businesses in Clearwater County or construct a connecting fibre optic/wireless network to augment under-served or non-served areas.

Phase 1 includes: assessment of the interest and needs for network service; assessment of current and future availability of services; and development of a concept design.

Phase 1 involves: conducting a community survey; hiring independent communications engineers/consultants; presentations from wireless internet service providers; and information sessions on upgrades in satellite internet service and technology.

Phase 2 includes: the development of a detailed engineering design with cost estimates; the evaluation of potential ground routes for infrastructure installation; and the evaluation of the County's role in the project.

Phase 3 includes: the development of detailed engineered construction plans; and obtaining required permits and contract services.

Councillor Vandermeer expressed concerns with the current level of internet service within Clearwater County and that without improved service, the long term cultural, educational, and economic needs of the community won't be met.

Councillor Vandermeer referred to the work completed by the Rural Communications Committee as similar to Phase 1 and recommended Council consider reinstating the committee and develop a pilot project.

Discussion took place on submitting the Committee's findings to industry experts to limit duplication and for use in the development of a concept plan.

Discussion took place on the benefits and risks of running a pilot project at this time.

COUNCILLOR LAING: That Council reinstates the Rural Communications Committee to work with Administration on the broadband study proposal.

186/16

DEFEATED 4/3

COUNCILLOR GREENWOOD: That Council tables Item E3 to accommodate scheduled delegations.

187/16

CARRIED 7/0

Keith McCrae and Marianne Cole joined the meeting.

2. 9:30 a.m. Delegation - Lease Agreement between Clearwater County and Cornerstone Christian Fellowship Church

Ted Hickey provided background information on Council's November 25, 2014 decision to approve leasing 2309.75 square meters of CP Rail right-of-way, NW 09 39 05 W5M, to Cornerstone Christian Fellowship Church (Church) and retaining County ownership of the remaining land. Administration and the Church have discussed the terms and conditions of the lease agreement and resulting amendments regarding long term security of the leased land and first right of refusal.

Albert Stolte, representative from the Cornerstone Christian Fellowship Church, stated that the Church requests: a boundary adjustment to include the 10 meters of rail right-of-way that the Church is currently using, with the Church's existing property; and, the County transfer land title to the Church for said lands.

Keith McCrae responded to questions and explained a boundary adjustment requires sub-division approval. There are legislative requirements for sub-division approval that give specific direction to consider issues of surface drainage, topography, and lot conditions for building sites. An application for sub-division involves the Municipal Planning Commission to ensure compliance with legislative requirements and to address issues. A previous site inspection indicated drainage/low area issues on the land in question that require fill, ditching, and lot contouring to resolve these issues.

COUNCILLOR DUNCAN: That Council tables Item E2 to accommodate scheduled delegations.

188/16

CARRIED 7/0

MUNICIPAL:

1. 9:45 a.m. Delegation – Clearwater County Taxpayers' Association

Marianne Cole, President – Clearwater County Taxpayers' Association (CCTA) expressed concerns with the rational used for the proposed development of a new County agriculture services and operations facility.

Ms. Cole also identified concerns with the presentation of the concept design and confusion with what is approved by Council. She noted concerns with the funding strategy and opportunity for taxpayer feedback on the project.

Ms. Cole requested Council consider the following:

- Review the necessity and scope of the proposed development;
- Assess alternate options, i.e. leasing/renting office space within Rocky Mountain House;
- Compare the proposed development's economic benefits to taxpayers and County sustainability with the provision of improved broadband; and,
- Provide opportunity for taxpayers to vote on the proposed development.

Ms. Cole presented four letters indicating opposition to the proposed development.

COUNCILLOR GREENWOOD: That Council receives the information as presented.

189/16

CARRIED 7/0

Mayor Rachele Peters, Melissa Beebe, and Councillor John Rimmer joined the meeting.

2. 10:00 a.m. Delegation – Village of Caroline Request for Interim Funding

Mayor Rachele Peters, Village of Caroline, provided information on the Village's \$10.5 million capital infrastructure plan that includes paving and replacement of water/wastewater lines and storm drains from 49 Street to 52 Street (Highway 54 Project) for a projected cost of \$3,254,924.00. Alberta Transportation agreed to cover a portion of costs at \$1,150,217, paid out monthly and based on construction progress. The Village has \$1,715,341 on hand for its portion and intends to borrow \$389,366 to cover the shortfall. Tender award date for this project is May 31.

Mayor Peters stated the Village asks the County for:

1. interim funding should Village funds be expended before receipt of Alberta Transportation's funding;
2. funding for traffic accommodation and road maintenance contractor costs during the project construction, estimated at \$40,000 and \$30,000 respectively; and,
3. grant funding to match the Village's borrowing amount of approximately \$400,000.

Mayor Peters responded to questions and explained the Village was unsuccessful in provincial grant applications. Mayor Peters clarified traffic accommodation and road maintenance are Alberta Transportation project requirements and are included in the tendered contract.

Ron Leaf noted Administration will present a legal opinion on lending for Council's consideration later in the meeting.

COUNCILLOR GREENWOOD: That Council receives the information as presented.

190/16

CARRIED 7/0

COUNCILLOR GREENWOOD: That Council lifts Item E3 – Rural Broadband Project from the table.

191/16

CARRIED 7/0

**COMMUNITY &
PROTECTIVE
SERVICES:**

3. Rural Broadband Project

Discussion continued on the proposed Rural Broadband Project and moving forward on a concept design to provide improved service. As outlined in Phase 1, community engagement, assessments on current wireless and fibre services, a business model with estimated return on investment, service level guarantees, project costs and funding strategy is to be considered before moving forward.

COUNCILLOR MAKI: That Council approves proceeding with Rural Broadband Project Phase 1 activities.

192/16

CARRIED 5/2

4. 2016 Graduation Ceremonies

Jerry Pratt advised Council of local graduations ceremonies taking place in June and requested direction regarding attendance.

Discussion followed and Council determined attendance as follows:

- Caroline High School Graduation June 25 – Councillors Vandermeer and Graham.
- St. Dominics High School Graduation June 29 – Councillor Laing.
- West Central High School Graduation June 28 – Reeve Alexander.
- David Thompson High School Graduation June 28 – Councillor Maki.
- Pioneer D.A.R.E. Graduation June 22 – Councillor Greenwood.

COUNCILLOR MAKI: That Council authorizes Councillors attendance at 2016 Graduation Ceremonies as listed above.

193/16

CARRIED 7/0

RECESS:

Reeve Alexander recessed the meeting for lunch at 12:00 P.M.

Reeve Alexander reconvened the meeting at 12:45 P.M. with the following people present: Councillors Maki, Duncan, Vandermeer, Greenwood, Graham, and Laing; Ron Leaf, Ted Hickey, Rudy Huisman, Denniece Crout, Marshall Morton, Michelle Meatheringham, Rhonda Serhan, Laura Button, Sylvana Crosby, and Tracy Haight.

CORPORATE
SERVICES:

1. Bylaw 1016/16 Rocky Rod & Gun Club Municipal Tax Exemption – First Reading

Rudy Huisman presented Bylaw 1016/16 exempting Rocky Rod & Gun Club from municipal taxation on their property, as per Council's previous decision on January 26, 2016. The bylaw does not exempt the education or seniors housing component of property taxes.

COUNCILLOR VANDERMEER: That Council grants first reading of Bylaw 1016/16.

194/16

CARRIED 7/0

2. Tax Revenue at Risk

Rudy Huisman reported that staff monitor the financial status of companies with major assessment values in the County. Recently, one company reported to its shareholders it may be in default on its financial covenants at the end of the second quarter and raised doubts about its ability to continue as a going concern. The company stated it is in talks with lenders on amending its financial covenants, which if successful would reduce the risk of default. The company also indicated it would try to raise money by selling more assets and would seek funding from investors. The tax revenue for 2016 owed to the County \$2 million plus an additional \$1 million in 2016 Education Taxes.

Staff will continue to monitor this situation and will report to Council following the September 15 tax deadline on the status of any unpaid taxes. Staff will also consult with the County's auditors to review the adequacy of current practices in establishing a provision for uncollectable accounts.

COUNCILLOR MAKI: That Council receives the information as presented.

195/16

CARRIED 7/0

Rudy Huisman, Denniece Crout, and Rhonda Serhan left the meeting.

COUNCILLOR DUNCAN: That Council lifts Item E2 – Lease Agreement Between Clearwater County and Cornerstone Christian Fellowship Church from the table.

196/16

CARRIED 7/0

Rick Emmons, Keith McCrae, Helge Nome, D. Durand, Miles Yarschenko, Dan Spongberg, Kelly Spongberg, Hal Campbell, and Patricia Rear joined the meeting.

**COMMUNITY &
PROTECTIVE
SERVICES:**

2. 9:30 a.m. Delegation - Lease Agreement Between Clearwater County and Cornerstone Christian Fellowship Church

Discussion continued on the Church's request to purchase, instead of leasing, land adjacent to the Church property.

Discussion took place on alternatives to the lease agreement. Sale of the land in question would require sub-division approval which in turn would require extensive and costly lot grading, as per legislation, to address drainage issues. Adjusting the Church's existing property boundary would also require sub-division approval. Dedicating the land as a municipal reserve would be unconventional and hinder potential for future lot sales. Leaving the encroachment as is becomes a liability issue, as building structures belonging to the Church are on County land.

Discussion took place on the terms and conditions of the lease agreement to resolve encroachment issues. The terms of the lease is for 10 years at \$1.00 per year with a ten year renewal option. The lease agreement also gives the Church right of first refusal.

COUNCILLOR DUNCAN: That Council confirms the November 25, 2014 decision to lease 25 meters of CP Rail right of way NW 9 39 5 W5M to Cornerstone Christian Fellowship Church and retain remainder of land under County ownership.

197/16

CARRIED 4/3

RECESS:

Reeve Alexander recessed the meeting for a public hearing at 1:15 P.M.

Reeve Alexander reconvened the meeting at 1:33 P.M. with the following people present: Councillors Graham, Maki, Duncan, Vandermeer, Greenwood, and Laing; Ron Leaf, Ted Hickey, Rick Emmons, Keith McCrae, Michelle Meatheringham, Laura Button, Helge Nome, Sylvana Crosby, and Tracy Haight.

PLANNING:

2. Bylaw 1014/16 RMH Airport Development Second and Third Reading

Council reviewed all information presented at the May 24, 2016 Public Hearing for an application to amend the land use bylaw to bring consistency with the recently adopted "Rocky Mountain House Airport (CYRM) Development Plan" and to apply the Public Airport District "PA" to all lands within the current airport boundary described as follows: SE, SW, NW, and west half of NE, 11 40-07-

W5, and the west half of 14 40-07-W5; and, to apply the Public Airport District "PA" to a portion of lands in close proximity to the airport described as follows: A portion of NW 15 40-07-W5; A portion of SE 22 40-07-W5; A portion of NE 15 40-07-W5; SE 15 40-07-W5; NE 10 40-07-W5; A portion of NE 2 40-07-W5; A portion of NW 1 40-07-W5; A portion of SE 2 40-07-W5; A portion of SW 1 40-07-W5.

COUNCILLOR VANDERMEER: That Council grants Second Reading to the Bylaw 1014/16, as amended, to bring consistency with the recently adopted "Rocky Mountain House Airport (CYRM) Development Plan" and to apply the Public Airport District "PA" to all lands within the current airport boundary.

198/16

CARRIED 7/0

COUNCILLOR GRAHAM: That Council grants third reading of amended Bylaw 1014/16.

199/16

CARRIED 7/0

MUNICIPAL:

3. Legal Opinion – Village of Caroline Request for Interim Funding

Ron Leaf provided a summary of a legal opinion from MacPherson Leslie and Tyerman LLP on the Village of Caroline's request for an interim loan to assist with the Highway 54 Project.

He explained legislative requirements, as per the Municipal Government Act Sections 264 and 265, and noted a bylaw authorizing terms and conditions is required should Council agree to lending.

Mr. Leaf responded to questions and noted borrowing will not impact the County's debt limit. Discussion took place on loan amount, recommended at \$1 million, repayment term (due December 31, 2016) and interest rate of 0%.

Mr. Leaf confirmed the loan amount is to allow the Village to meet contractor payment obligations in the event of a delay in their receipt of provincial funds.

Discussion took place on the request to fund \$70,000 for traffic accommodation and road maintenance costs. It is recommended to reimburse the amounts so that the Village maintains supervisory control over contractor responsibilities.

COUNCILLOR GRAHAM: That Council directs Staff to draft a bylaw for an interest free interim financing loan to the Village of Caroline in the amount of \$1,000,000.00 with payment due December 31, 2016 for the purpose of providing funds for the Village of Caroline's Highway 54 Project.

200/16

CARRIED 7/0

COUNCILLOR VANDERMEER: That Council reimburses the Village of Caroline, for up to \$70,000, for contractor traffic accommodation and road maintenance costs for the Village of Caroline's Highway 54 Project.

201/16

CARRIED 7/0

Discussion took place on the request for \$400,000 in grant funding for the Highway 54 Project's replacement of water/wastewater lines and storm drains. It was indicated that further discussion with the Village is needed.

COUNCILLOR VANDERMEER: That Council meets with the Village of Caroline Council to discuss the Village of Caroline's capital infrastructure plan and grant funding request.

202/16

CARRIED 7/0

4. Council Request for Municipal Inspection

Ron Leaf reviewed Section 571(1)(b) of the Municipal Government Act relevant to Council's May 10 request for a municipal inspection of Clearwater County by Alberta Municipal Affairs. He noted timelines for an inspection by the Minister takes approximately eight to twelve months, or longer. He noted an alternative option is a Procedural Audit, which is a legal evaluation that could be completed by the end of September 2016.

Discussion took place on the purpose for conducting a municipal inspection or procedural audit and what will be accomplished. Costs of a municipal inspection are high and although an audit is less, there is question if either action is necessary. Further information on terms of reference for municipal inspections from Municipal Affairs is required.

COUNCILLOR GRAHAM: That Council table Council Request for Municipal Inspection pending receipt of information from Alberta Municipal Affairs.

203/16

CARRIED 7/0

INFORMATION:

Ron Leaf reviewed upcoming events and meetings scheduled for May and June. He noted two meetings for the proposed Joint Development Area and the Town's proposed annexation are scheduled as follows: Landowners Meeting, June 1, 7:00 pm at the Rocky Recreation Centre – Subway Room; and, Public Open House, June 15, 4:30 pm – 8:00 pm at the Rocky Recreation Centre – Lobby.

3. Councillor's Verbal Report – May Long Checkstop

Councillor Duncan reported on the May Long Checkstop and noted that the number of travelers going through were lower this year, possibly due to inclement weather.

COUNCILLOR VANDERMEER: That Council receives the CAO Report, Public Works Director's Report, Councillor's Verbal Report, Accounts Payable listing, and Councillor Remuneration as information.

204/16

CARRIED 7/0

IN CAMERA:

1. In Camera

COUNCILLOR DUNCAN:

That Council meets as a Committee of the Whole to discuss O'Chiese Road at 2:25 P.M.

205/16

CARRIED 7/0

COUNCILLOR VANDERMEER:

That the meeting reverts to an Open Meeting at 2:52 P.M.

206/16

CARRIED 7/0

**ADJOURNMENT:
2:52 P.M.**

COUNCILLOR MAKI:

That the Meeting adjourns.

207/16

CARRIED 7/0


REEVE


CHIEF ADMINISTRATIVE OFFICER