



Regular Council Meeting Minutes

July 12, 2022, 9:00 a.m.

Council Chambers and Through Electronic Communications

Sturgeon County Centre

9613-100 Street, Morinville, Alberta

Members Present:

Dan Derouin, Councillor - Division 1
Kristin Toms, Councillor - Division 2
Matthew McLennan, Councillor - Division 3
Neal Comeau, Councillor - Division 4
Deanna Stang, Councillor - Division 5
Jason Berry, Councillor - Division 6

Members Absent:

Mayor Alanna Hnatiw (joined at 1:34 p.m.)

Administration Present:

Reegan McCullough, County Commissioner - CAO
Scott MacDougall, Chief Operating Officer - COO
Jesse Sopko, General Manager, Corporate Services
Travis Peter, General Manager, Development & Strategic Services
Gary Mayhew, Director, Transportation & Engineering Services
Pat Mahoney, Fire Chief/Manager, Protective Services
Bonnie McInnis, Manager, Planning & Development Services
Sabrina Duquette, Manager, Corporate Finance & Treasury
Angela Veenstra, Manager, Agriculture Services
Michael Klassen, Program Lead, Long Range & Regional Planning
Martyn Bell, Program Lead, Current Planning
Tyler McNab, Program Lead, Development & Safety Codes
Max Adu-Safo, Program Supervisor, Transportation Services
Rachel Davies, Senior Planning Officer, Long Range & Environmental Planning
Jonathan Heemskerk, Planning & Subdivision Officer
Marg Clark, Community Development Coordinator
Lisa Schovanek, Legislative Officer
Dianne Mason, Legislative Officer

1. CALL TO ORDER AND RELATED BUSINESS

1.1 CALL TO ORDER

Deputy Mayor Toms called the July 12, 2022 Regular Council Meeting to order at 9:01 a.m. and acknowledged that Council meets on Treaty 6 Territory, a traditional meeting ground for many Indigenous Peoples, and in particular the Michel Band and Alexander First Nation, and also recognized the Métis and Inuit, whose footsteps have marked these lands and share a deep rooted history.

Deputy Mayor Toms read the proclamation for National Drowning Prevention Week in Sturgeon County, July 17 - 23, 2022.

1.2 ADOPTION OF AGENDA

Motion 281/22

Moved by N. Comeau

That Council adopt the July 12, 2022 Regular Council Meeting Agenda as presented.

Carried Unanimously

1.3 ADOPTION OF MINUTES

1.3.1 June 28, 2022 Regular Council Meeting Minutes

Motion 282/22

Moved by D. Stang

That Council adopt the June 28, 2022 Regular Council Meeting Minutes as presented.

Carried Unanimously

2. CONSENT AGENDA

There were no Consent Agenda items.

5. BUSINESS

5.1 9:05 a.m. Award of 2022 Dale MacMillan Scholarship for Community Leadership

Presented by Marg Clark, Community Development Coordinator, and Shannon Cory, Chair, Calahoo - Villeneuve Sand and Gravel Advisory Committee.

Motion 283/22

Moved by N. Comeau

That Council award the 2022 Dale MacMillan Scholarship for Community Leadership to Kelsey Krywko and Bryn Soetaert.

Carried Unanimously

The meeting was recessed at 9:10 a.m.

The meeting was reconvened at 9:11 a.m. with all those members of Council previously listed in attendance.

3. PUBLIC PRESENTATIONS

3.1 9:20 a.m. Rivière Qui Barre Agricultural Society Presentation - Request for Funding for the Rivière Qui Barre Community Centre Renovation

Presented by Marg Clark, Community Development Coordinator; Kory Perrot, Vice President; Shawn Flynn, President; and Celin Stenner, Business Manager, Rivière Qui Barre Agricultural Society.

Motion 284/22

Moved by N. Comeau

That Council refer the Rivière Qui Barre Agricultural Society's request for \$325,000 to support Phase 2 of renovations to the Rivière Qui Barre Community Centre to 2023 Budget deliberations.

Carried Unanimously

5. BUSINESS

5.4 Contract Award: 2022 Bridge Maintenance

Presented by Gary Mayhew, Director, Transportation and Engineering Services and Max Adu-Safo, Program Supervisor, Transportation Services.

Motion 285/22

Moved by D. Stang

That Council award the contract for the Bridge Maintenance and Other Work tender (2022-080) to Bridgemen Services Ltd. at a contract price of \$537,600 (excluding GST) and authorize the Chief Administrative Officer to execute the contract.

Carried Unanimously

5.5 Contract Awards: July 13 to August 22, 2022

Presented by Gary Mayhew, Director, Transportation and Engineering Services and Max Adu-Safo, Program Supervisor, Transportation Services.

Motion 286/22

Moved by J. Berry

That Council authorize the Chief Administrative Officer to execute contract awards for the Bridge File 2212 (Cunningham Bridge) Rehabilitation Project, the Range Road 220 Collector Rehabilitation Project, Local Roads Stabilization Projects, and the Gravel Supply Meadowview Drive Phase 2 Collector Reconstruction to the respective recommended compliant bidders.

Carried Unanimously

5.6 Cost-share Agreement with Alberta Transportation for Paving of Lamoureux Drive Connection to Highway 15

Presented by Gary Mayhew, Director, Transportation and Engineering Services and Max Adu-Safo, Program Supervisor Transportation Services.

Motion 287/22

Moved by D. Derouin

That Council approve a cost-sharing contribution of \$350,000 to be funded from savings realized from projects identified in Attachment 1 toward the paving of the Lamoureux Drive connection to Highway 15 with the Government of Alberta (Alberta Transportation).

Carried Unanimously

Motion 288/22

Moved by D. Derouin

That Council authorize the Chief Administrative Officer to execute a contract associated with the construction outlined within the cost-share agreement not to exceed a maximum of \$700,000.

Carried Unanimously

The meeting was recessed at 10:00 a.m.

The meeting was reconvened at 10:08 a.m. with all those members of Council previously listed in attendance.

5.2 10:00 a.m. Appeal of Firefighting Costs Hearing – 55227 Range Road 225

Deputy Mayor Toms opened Hearing at 10:08 a.m. and provided an overview of the Hearing process. The parties confirmed that they had no concerns with the hearing process as outlined by the Chair.

The Hearing was held for Council to hear submissions for an appeal of firefighting costs charged to the owners of 55227 Range Road 225.

Scott MacDougall, Chief Operating Officer - COO provided an overview of the appeal.

Pat Mahoney, Fire Chief/Manager, Protective Services was in attendance to answer any questions from Council.

Brian Thompson, Counsel for Liane and Zachary Menzel, made a presentation and answered questions from Council.

Administration had no closing comments.

Mr. Thompson had no closing comments.

Motion 289/22

Moved by D. Derouin

That Council move to a closed session at 10:41 a.m. pursuant to section 197(2) of the Municipal Government Act and in accordance with 17 (privileged information) of the Freedom of Information and Protection of Privacy Act.

Carried Unanimously

The following individuals were also in attendance for the closed session to provide information and/or administrative assistance:

Reegan McCullough, County Commissioner – CAO; Jesse Sopko, General Manager, Corporate Services; and Kelsey Becker Brookes, Reynolds Mirth Richards & Farmer, Legal Counsel.

Motion 290/22

Moved by N. Comeau

That Council move out of the closed session at 11:32 a.m.

Carried Unanimously

The meeting was recessed at 11:32 a.m.

The meeting was reconvened at 11:38 a.m. with all those members of Council previously listed in attendance.

Motion 291/22

Moved by D. Stang

That the closed session discussion of item 5.2 of the July 12, 2022 Council meeting agenda remain confidential in accordance with section 27 (privileged information) of the Freedom of Information and Protection of Privacy Act.

Carried Unanimously

Motion 292/22

Moved by D. Stang

That Council confirm the invoice for firefighting costs for 55227 Range Road 225 in the amount of \$206,087.45 as section 10.1 of Bylaw 1354/15 states that charges and expenses incurred pursuant to that section may be charged to the owner of the land in respect of which action was taken but vary the deadline to pay the invoice to July 12, 2023.

For (4): D. Derouin, K. Toms, N. Comeau, D. Stang

Against (2): J. Berry, M. McLennan

Carried

Deputy Mayor Toms closed the Hearing at 11:40 a.m.

Summary of the Parties' Submissions

County Administration submitted to Council that, on December 15, 2021, Sturgeon County Fire Services were dispatched to 55227 Range Road 225 as a result of an oil/gas well blowout, and that the County contracted Capstone to assist with specialized fire suppression. The costs to extinguish the fire were \$206,087.45, including \$41,422.50 for Sturgeon County fire department costs and \$164,664.95 for specialized contracted services. The invoice was submitted to the builder and drilling company, and both denied liability. Subsequently, the invoice was submitted to the property owners for payment. Section 10.1 of Bylaw 1354/15 states that the County may charge any costs or expenses incurred under the Bylaw to the owner or occupier of the property.

Counsel for the landowners submitted that the landowners are not responsible for the firefighting costs, referencing sections of the *Municipal Government Act* and the *Forest and Prairie Protection Act* to argue that provincial legislation intends for the municipality to recover the costs from the individual who caused the fire, and that Sturgeon County's bylaws must be in accordance with provincial legislation. The landowners did not have a contractual relationship with the drilling company, and pursuant to their purchase agreement with the developer, were prohibited from accessing the lands during the construction of their home. It is the landowners' position that the County does not have the authority to impose these charges, and if they do have the authority, the charges should be imposed on the party that caused the fire or that occupied the property at the time of the fire. The Fire Chief had a representative of the developer complete a Release from Responsibility form releasing the fire department from the scene, which implies that the Fire Chief believed the developer to be the occupant of the property.

Council's Decision

Council confirms the invoice for firefighting costs for 55227 Range Road 225 in the amount of \$206,087.45 as section 10.1 of Bylaw 1354/15 states that charges and expenses incurred pursuant to that section may be charged to the owner of the land in respect of which action was taken.

Reasons for the Decision

In determining the appeal, Council's task is to determine the appropriateness of the Fire Chief's decision to impose fees and charges on the receiving party. Council is satisfied that Sturgeon County has the requisite authority to levy such charges in situations where specialized contracted fire services are required, and there was no dispute as to the calculation of these charges.

Council finds that the fire was the result of an accident and does not find that the landowners' actions contributed in any way to the cause of the fire. Council is not in a position to determine ultimate responsibility for the firefighting costs and section 10.1 of Bylaw 1354/15 is not based on causation.

Notwithstanding the foregoing, section 10.1 of Bylaw 1354/15 states that firefighting charges may be imposed on the owner or the occupant of the land. Council heard that the Menzels owned the property at the time of the fire, although the developer was occupying the property and the drilling company was hired by the developer. In this instance, the Fire Chief had the discretion to levy charges to the owner or occupier of the land benefitting from the firefighting services. Council finds that the Fire Chief properly issued the invoice to the property owners in accordance with section 10.1 of the Bylaw.

Having determined that the firefighting invoice was properly issued to the landowners, Council considered an appropriate length of time for the landowners to pay the invoice. Council finds that section 10.4 of Bylaw 1354/15 requires that such invoices be paid within 60 days. Council deems it appropriate to give the landowners additional time, being 1 year from the date of mailing of the decision of Council on the appeal, to pay the costs in full. This provides the landowners with additional time to seek to recoup the costs from the developer and/or the drilling company, if they so choose.

Pursuant to section 10.3 of Bylaw 1354/15, Council's decision on this matter is final and binding upon the owners of the land and is not subject to any further appeal.

5.3 11:00 a.m. Agricultural Service Board Recommendations

Presented by Angela Veenstra, Manager, Agriculture Services, and Allan Montpellier, Vice Chair, Agricultural Service Board.

Motion 293/22

Moved by N. Comeau

That Council direct Administration to bring forward amendments to Bylaw 1515/20 - Agricultural Service Board Bylaw as recommended by the Agricultural Service Board.

Carried Unanimously

Motion 294/22

Moved by N. Comeau

That Council authorize the Mayor to send a letter to the Federal Minister of Environment and Climate Change outlining considerations identified by the Agricultural Service Board regarding the impacts of an absolute emission reduction target of 30% by 2030 for fertilizer use.

Carried Unanimously

5.7 Bylaw 1571/22 – Amendment to Land Use Bylaw 1385/17 – Redistricting of Lot A Plan 4491MC from AG – Agriculture to DC22 – Direct Control District 22 - Second and Third Reading

Presented by Bonnie McInnis, Manager; Martyn Bell, Program Lead, Current Planning; and Tyler McNab, Program Lead, Development and Safety Codes, Planning and Development Services.

Motion 295/22

Moved by D. Stang

That Council give second reading of Bylaw 1571/22 as amended.

For (5): D. Derouin, K. Toms, N. Comeau, D. Stang, J. Berry

Against (1): M. McLennan

Carried

Motion 296/22

Moved by M. McLennan

That Council direct Administration to schedule a second Public Hearing for Bylaw 1571/22 prior to consideration of third reading of the Bylaw.

For (1): M. McLennan

Against (5): D. Derouin, K. Toms, N. Comeau, D. Stang, and J. Berry

Defeated

Motion 297/22

Moved by N. Comeau

That Council give third reading of Bylaw 1571/22.

For (5): D. Derouin, K. Toms, N. Comeau, D. Stang, and J. Berry

Against (1): M. McLennan

Carried

The meeting was recessed at 12:40 p.m.

The meeting was reconvened at 1:34 p.m. with all those members of Council previously listed in attendance.

Mayor Hnatiw joined the meeting at 1:34 p.m. and assumed the Chair.

4. PUBLIC HEARINGS

4.1 1:30 p.m. Public Hearing - Bylaw 1592/22 - Amendment to Municipal Development Plan Bylaw 1313/13

Mayor Hnatiw opened the Public Hearing at 1:34 p.m. and provided an overview of the Public Hearing process.

The Public Hearing was held for Council to hear any submissions for or against Bylaw 1592/22.

Bylaw 1592/22 received first reading at the June 14, 2022 Regular Council Meeting.

Bonnie McInnis, Manager, Planning & Development Services introduced Bylaw 1592/22.

Rachel Davies, Senior Planning Officer, Long Range & Environmental Planning; Michael Klassen, Program Lead, Long Range & Regional Planning; and Brandy MacInnis, Associate and Planner, Dillon Consulting, provided an overview of Bylaw 1592/22.

The County is the applicant for this matter.

There were no registered speakers.

Legislative Services confirmed there were no written submissions received.

Mayor Hnatiw closed the Public Hearing at 1:48 p.m.

4.2 1:30 p.m. Public Hearing - Bylaw 1593/22 - Amendment to Bylaw 922/01 –Calahoo-Villeneuve Sand and Gravel Extraction Area Structure Plan

Mayor Hnatiw opened the Public Hearing at 1:49 p.m. and provided an overview of the Public Hearing process.

The Public Hearing was held for Council to hear any submissions for or against Bylaw 1593/22.

Bylaw 1593/22 received first reading at the June 14, 2022 Regular Council Meeting.

Bonnie McInnis, Manager, Planning & Development Services introduced Bylaw 1593/22.

Rachel Davies, Senior Planning Officer, Long Range & Environmental Planning; Michael Klassen, Program Lead, Long Range & Regional Planning; and Brandy MacInnis, Associate and Planner, Dillon Consulting provided an overview of Bylaw 1593/22.

The County is the applicant for this matter.

There were no registered speakers.

Legislative Services confirmed there were no written submissions received.

Mayor Hnatiw closed the Public Hearing at 1:56 p.m.

4.3 1:30 p.m. Public Hearing - Bylaw 1594/22 - Villeneuve Airport Area - Area Structure Plan

Mayor Hnatiw opened the Public Hearing at 1:56 p.m. and provided an overview of the Public Hearing process.

The Public Hearing was held for Council to hear any submissions for or against Bylaw 1594/22.

Bylaw 1594/22 received first reading at the June 14, 2022 Regular Council Meeting.

Bonnie McInnis, Manager, Planning & Development Services introduced Bylaw 1594/22.

Rachel Davies, Senior Planning Officer, Long Range & Environmental Planning; Michael Klassen, Program Lead, Long Range & Regional Planning and Brandy MacInnis, Associate and Planner, Dillon Consulting provided an overview of Bylaw 1594/22.

The County is the applicant for this matter.

There were no registered speakers.

Legislative Services confirmed there were no written submissions received following the publication of the Council agenda package.

Mayor Hnatiw closed the Public Hearing at 2:12 p.m.

5. BUSINESS

5.8 Bylaw 1581/22 – Amendment to Land Use Bylaw 1385/17 – Redistricting of Lot 1 Plan 0024376 from I4 – Medium Industrial Serviced District to DC21 – Direct Control District 21 – Second and Third Reading

Presented by Bonnie McInnis, Manager; Martyn Bell, Program Lead, Current Planning; and Tyler McNab, Program Lead, Development & Safety Codes, Planning and Development Services.

Motion 298/22

Moved by D. Derouin

That Council give second reading of Bylaw 1581/22.

Carried Unanimously

Motion 299/22

Moved by D. Derouin

That Council give third reading of Bylaw 1581/22.

Carried Unanimously

5.9 Bylaw 1598/22 – Amendment to Land Use Bylaw 1385/17 – Redistricting of Lot A Plan 7821276 from AG – Agriculture to RVS – Recreational Vehicle Storage - First Reading

Presented by Bonnie McInnis, Manager, and Jonathan Heemskerk, Planning and Subdivision Officer, Planning and Development Services.

Motion 300/22

Moved by K. Toms

That Council give first reading of Bylaw 1598/22.

For (3): K. Toms, N. Comeau, and J. Berry

Against (4): A. Hnatiw, D. Derouin, M. McLennan, and D. Stang

Defeated

6. CLOSED SESSION

6.1 Closed Session - Contractual Matter

Motion 301/22

Moved by K. Toms

That Council move to a closed session at 3:16 p.m. pursuant to section 197(2) of the Municipal Government Act and in accordance with section 24 (advice from officials) and section 25 (disclosure harmful to economic and other interests of a public body) of the Freedom of Information and Protection of Privacy Act.

Carried Unanimously

Presented by Reegan McCullough, County Commissioner - CAO, and Scott MacDougall, Chief Operating Officer - COO.

The following members of Administration were also in attendance to provide information and/or administrative assistance:

Jesse Sopko, General Manager, Corporate Services; Travis Peter, General Manager, Development & Strategic Services; Sabrina Duquette, Manager, Corporate Finance & Treasury; Pat Mahoney, Fire Chief / Manager, Protective Services; Lisa Schovaneck, Legislative Officer; and Dianne Mason, Legislative Officer.

Motion 302/22

Moved by N. Comeau

That Council move out of the closed session at 4:01 p.m.

Carried Unanimously

Motion 303/22

Moved by D. Derouin

That Council direct Administration to take action as identified in the confidential Request for Decision of item 6.1 of the July 12, 2022 Council Meeting Agenda.

Carried Unanimously

Motion 304/22

Moved by D. Derouin

That the Request for Decision and attachments of item 6.1 of the July 12, 2022 Council Meeting Agenda remain confidential in accordance with section 24 (advice from officials) and section 25 (disclosure harmful to economic and other interests of a public body) of the Freedom of Information and Protection of Privacy Act.

Carried Unanimously

6.2 Closed Session - Personnel Matter

Motion 305/22

Moved by K. Toms

That Council move to a closed session at 4:03 p.m. pursuant to section 197(2) of the *Municipal Government Act* and in accordance with section 17 (disclosure harmful to personal privacy) of the *Freedom of Information and Protection of Privacy Act*.

Carried Unanimously

Motion 306/22

Moved by N. Comeau

That Council move out of the closed session at 4:38 p.m.

Carried Unanimously

Motion 307/22

Moved by K. Toms

That Council take action as indicated in the closed session Enclosure of item 6.2 of the July 12, 2022 Council Meeting Agenda.

Carried Unanimously

Motion 308/22

Moved by K. Toms

That the closed session Enclosure and discussion of item 6.2 of the July 12, 2022 Regular Council Meeting Agenda remain confidential in accordance with section 17 (disclosure harmful to personal privacy) of the *Freedom of Information and Protection of Privacy Act*.

Carried Unanimously

7. NOTICES OF MOTION

There were no Notices of Motion.

8. MAYOR AND COUNCIL

There were no Mayor and Council Items.

9. ADJOURNMENT

Motion 309/22

Moved by N. Comeau

That Council adjourn the July 12, 2022 Regular Council Meeting at 4:43 p.m.

Carried Unanimously

Mayor

County Commissioner (CAO)