

**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**