



MINUTES

Cypress County Council Meeting
Administration Building, Dunmore Alberta
August 21st, 2018

COUNCIL PRESENT:

Richard Oster, Reeve
Dan Hamilton, Deputy Reeve
Dustin Vossler, Councillor
Darcy Geigle, Councillor
Robin Kurpjuweit, Councillor
Shane Hok, Councillor
Ernest Mudie, Councillor
Michelle McKenzie, Councillor
Alf Belyea, Councillor

ADMINISTRATION PRESENT:

Peter Tarnawsky, Interim Chief Administrative Officer
John Belanger, Director of Corporate Services
Curtis Richter, Director of Public Works
Jeffrey Dowling, Director of Municipal Services and Acting
Planning Supervisor
LesleyAnn Collins, Executive Assistant

CALL TO ORDER: 10:01 A.M

AGENDA - ADDITIONS, DELETIONS & APPROVAL:

Resolution No. 2018/433

Councillor Vossler moved to accept the agenda with the addition of 10 d) Intermunicipal Recreation Trail Proposal to New Business.

Carried.

***Assistant Planner, Kaylene Simpson joined the meeting at 10:02 A.M.*

PUBLIC HEARING:

Reeve Oster opened the Public Hearing for Bylaw 2018/29 Land Use Amendment and Bylaw 2018/30 Municipal Development Plan.

Purpose of Public Hearing – Bylaw 2018/29

To re-classify a portion of the NE 16-11-4-W4, from Agricultural IDP District 1 “A-1 IDP” to Public and Semi-Public Service District “PS”.

Assistant Planner, Kaylene Simpson explained if the land use amendment is approved, then the applicant’s intent is to apply to the Municipal Planning Commission for approval to subdivide the parcel from the remainder of the agricultural title. The existing title is 64.3 ha (158.99 acres) in size.

The property is located along Range Road 43 and is approximately 2 km south of Township Road 114. Both the proposed reclassification area, as well as the remainder of the agricultural title, have direct and immediate access to Range Road 43.

The proposed reclassification area consists of the applicant’s residence and existing farm yard. A parcel size of 4.07 ha (10.06 acres) has been requested to accommodate the applicant’s private septic disposal field located to the north, and the applicant’s private water well to the south within the proposed reclassification area. The remainder of the agricultural title consists of dry cropland.

If the application were to be approved, the proposed reclassification and subsequent subdivision would result in the first title to be taken out of the quarter section. A residence could still be developed on the remainder of the agricultural title. The proposed parcel is located outside of the Tri-Area Intermunicipal Development Plan boundaries.

The Assistant Planner recommends approval, as the proposal complies with the Agricultural strategy under the Implementation of the Plan of the South Saskatchewan Regional Plan, and Section 3.4 (n) of the County’s Municipal Development Plan.

Applicant’s Comments

None.

Support of the Application

None.

Opposition of the Application

None.

Questions/Comments

None.

Applicant's Final Comments

None.

Purpose of Public Hearing – Bylaw 2018/30

Planning Supervisor, Jeffrey Dowling explained approvals for confined feeding operations come under the authority of the Province's Natural Resources Conservation Board (NRCB). Therefore, a municipality does not have the authority to impose conditions upon the operator for access purposes in the same manner it would when a municipality approves a development permit or a subdivision. Council has expressed concerns of having to pay the increased maintenance costs for local roads resulting from the increase in heavy traffic with confined feeding operations.

The NRCB has stated that the Agricultural Operations Practices Act does not allow their approval officers the authority to address road maintenance and road upgrades since roads are the municipality's responsibility under the Municipal Government Act.

In response, Planning and Development Services requested a legal opinion on this matter. The County's lawyer recommended the County may want to consider amending its Municipal Development Plan to only allow confined feeding operations at locations that are accessed by road infrastructure that meets certain defined road standards (gravel, new high-grade).

The Planning Supervisor recommends approval, as the proposal complies with the South Saskatchewan Regional Plan and would allow the County to comment to the NRCB as to whether the proposed location for a new or expanding confined feeding operation gains access by road infrastructure that meets the gravel, new high-grade standard or not.

Applicant's Comments

None.

Support of the Application

None.

Opposition of the Application

None.

Questions/Comments

None.

Applicant's Final Comments

None.

The Reeve Closed the Public Hearing.

MINUTES:

Resolution No. 2018/434

Councillor Hok moved to approve the minutes of the July 31st, 2018, meeting as presented.

Carried.

MUNICIPAL SERVICES:

**Bylaw 2018/29 –
Land Use Amendment
(NE 16-11-4-W4)**

An application was received from Barry and Patricia Maxwell, to re-classify a portion of the NE 16-11-4-W4 from Agricultural District 2 "A-2 General Agriculture" to Country Residential Farmstead Separation District "CR-FS".

Resolution No. 2018/435

Councillor Vossler moved 2nd reading of Bylaw 2018/29.

Carried.

Resolution No. 2018/436

Deputy Reeve Hamilton moved 3rd reading of Bylaw 2018/29.

Carried.

**Bylaw 2018/30 –
Municipal
Development Plan**

Approvals for confined feeding operations come under the authority of the Province’s Natural Resources Conservation Board (NRCB). Council has expressed concerns of having to bare increased maintenance costs for local roads resulting from the increase in heavy traffic with confined feeding operations.

Resolution No. 2018/436

Councillor Belyea moved 2nd reading of Bylaw 2018/30.

Carried.

Resolution No. 201/437

Councillor McKenzie moved 3rd reading of Bylaw 2018/30.

Carried.

**Bylaw 2018/24 –
Land Use Amendment
(SW-1-12-8-W4)**

An application was received from Rex McCarthy, to re-classify a portion of the SW 1-12-8-W4, from Agricultural District 2 “A-2 General Agriculture” to Country Residential Farmstead Separation District “CR-FS”.

Resolution No. 2018/438

Councillor Kurpjuweit moved 1st reading of Bylaw 2018/24.

Carried.

**Bylaw 2018/31 –
Land Use Amendment
(Ne 32-11-6-W4)**

An application was received from Lorne and Helga Morisseau, to re-classify a portion of the NE 32-11-6-W4, from Agricultural District 2 “A-2 General Agriculture” to Country Residential District “CR”.

Resolution No. 2018/439

Councillor Geigle moved 1st reading of Bylaw 2018/31.

Carried.

***Assistant Planner, Kaylene Simpson left the meeting at 10:28 A.M.*

**Airport Rezoning
Regulation Bylaw**

The City of Medicine Hat passed their Airport Zoning Regulation Bylaw on September 18, 2017. Transport Canada has now signed and returned the "Agreement Respecting The Zoning Of The Use Of Lands Of The City Of Medicine Hat, Alberta Adjacent To Or In The Vicinity Of An Airport/Heliport", and has reviewed the City's Bylaw to ensure it conforms to the Federal requirements. The City requests the County begin the process to pass a similar bylaw to protect the airspace in the County's jurisdiction that is associated with the Medicine Hat Regional Airport.

Resolution No. 2018/440

Councillor Mudie moved to receive the report as information.

Carried.

**Director of
Municipal
Services
Report**

The Director of Municipal Services Report was presented.

Resolution No. 2018/441

Councillor Hok moved to receive the Director of Municipal Services Report as presented.

Carried.

Resolution No. 2018/442

Councillor Vossler moved to direct Administration to place Fire Ban Signage on all numbered Highway signs entering the County.

Carried.

CORPORATE SERVICES:

Policy HR4 – Respectful Workplace

In June of 2018, Alberta Occupational Health and Safety and Alberta Human Rights Act introduced legislation mandating that Employers have a Policy to deal with Workplace harassment and bullying.

Resolution No. 2018/443

Councillor Belyea moved to approve Policy R4 Respectful Workplace as presented.

Carried.

***Councillors Geigle, Hok, McKenzie and Vossler recused themselves from the meeting due to a pecuniary interest that they each have a commercial arrangement with Canadian Natural Resources Limited (CNRL).*

Request from Industrial Tax Payer

Administration and Reeve Oster met with Canadian Natural Resources Limited (CNRL) on July 25th. They requested to reduce CNRL's taxes by 30% in 2018, and every year going forward. CNRL supported the request by suggesting the need to reduce input costs because of projected low natural gas prices and marginal/unprofitable natural gas wells.

Resolution No. 2018/444

Councillor Mudie moved to deny the request for tax reduction and direct administration to respond to Canadian Natural Resources Limited (CNRL).

Carried.

RECESS: 10:56 A.M.

RECONVEINE: 11:08 A.M.

***Councillors Geigle, Hok, McKenzie and Vossler rejoined the meeting at 11:08 A.M.*

DELEGATION:

Fire Underwriters Survey

Michael King, from the Fire Underwriters Survey attempted to give a presentation to Council via electronic means. Due to technical difficulties the presentation was cancelled and will be presented at a future meeting.

Request from Individual Tax Payer

Naturener Resources contacted Cypress County on behalf of Bruce and Wendy Nittel making inquiry regarding commercial taxes charged on Roll 533600. It was found that while a tower had been correctly applied for and constructed on Roll 537700, an adjacent parcel also owned by the Nittel's, a tower had been correctly applied for but never constructed on Roll 533600. The Nittel's were charged taxes on 2 MET towers since the 2010 tax year while only one tower was ever actually constructed.

Resolution No. 2018/445

Councillor McKenzie moved to reimburse Bruce & Wendy Nittel \$3,250.76 for commercial taxes on Roll 533600 relating to a non-constructed tower

Carried.

Director of Corporate Services Report

The Director of Corporate Services Report was presented.

Resolution No. 2018/446

Councillor Vossler moved to receive the Director Corporate Services Report as presented.

Carried.

PUBLIC WORKS:

Bylaw 2018/22 – Road Closure

Tim Krassman, of Krassman Farms Ltd., desires to acquire 1.392 ha (3.4 acres) of undeveloped road allowance located south of his property. In April of this year, the Municipal Planning Commission granted approval for subdivision

application 18CY01. As a condition of subdivision approval, the Municipal Planning Commission imposed that the developer request a formal road closure from Cypress County, affecting the lands described as PN SW 17-16-1-W4, and PN NW 8-16-1-W4.

Resolution No. 2018/447

Councillor McKenzie moved 1st reading of Bylaw 201/22.

Carried.

**Bylaw 2018/32–
Hamlet Public
Roadway**

A Bylaw is required for Hamlet Public Roadways to allow for enforcement. The Bylaw addresses more than vegetation, rocks or debris in Hamlet boulevards, ditches and laneways/alleys. It considers maintenance practices and future construction goals as promoting Hamlets continue to grow.

Resolution No. 2018/448

Councillor Mudie moved 1st reading of Bylaw 2018/32.

Carried.

RECESS: 12:00 P.M.

RECONVEINE: 12:43 P.M.

***Construction Forman, Glenn Mattson joined the meeting at 12:43 P.M.*

**Bylaw 2018/32–
Hamlet Public
Roadway**

Resolution No. 2018/449

Councillor Vossler moved 2nd reading of Bylaw 2018/32.

Resolution No. 2018/450

Deputy Reeve Hamilton moved to table Bylaw 2018/32.

Carried.

Resolution No. 2018/451

Councillor Kurpjuweit moved to direct Administration to hold a Public Hearing for Bylaw 2018/32 Hamlet Public Roadway to educate residents and receive feedback for Council to consider relating to the regulation of vegetation control as well as vehicles or materials on streets parked or stored and approaches in hamlets.

**Twp Rd 162
Bid Price**

In July tender packages were opened for the Twp Rd 162 project. Four submissions were received. The approved capital budget for the project was set at \$525,000. The lowest bid price received was \$1,100,610. This reflects a budget short fall of \$575,610. Council directed Administration to provide a copy of comparison estimates on quantities and unit prices between the County and Contractor bid price.

Resolution No. 2018/452

Deputy Reeve Hamilton move to lift from the table Twp Rd 162 Bid Price.

Carried.

Resolution No. 2018/453

Councillor Belyea moved to receive the report as information.

Carried.

***Construction Forman, Glenn Mattson left the meeting at 1:38 P.M.*

Closed Session:

Peter Tarnawsky, John Belanger, Jeffrey Dowling, Curtis Richter and Glenn Mattson attended to provide advice to Council and LesleyAnn Collins attended for general interest purposes

Resolution No. 2018/454

Councillor Kurpjuweit moved that Council close the meeting to the public for Agenda item 8c) Twp Rd 162 Bid Price under FOIPPA Section 24(1) at 1:39P.M.

Carried.

Resolution No. 2018/455

Councillor Hok moved to open the meeting to the public at 1:44 P.M.

Carried.

Resolution No. 2018/456

Councillor Hok moved to cancel the tender contract for Twp Rd 162 project due to all submissions received were over budget.

Carried.

**Policy R8 –
Road Construction
Fencing**

At the March 5, 2018 Committee of the Whole Policy Review Meeting, Council directed Administration to amend Policy R8 Road Construction Fencing Guidelines to remove a part in Section 2 - if contractor health and safety standards are met.

Resolution No. 2018/457

Councillor Hok moved to approve Policy R8 Road Construction fencing as amended.

Carried.

**Policy R10 –
Construction of
Roads on
Undeveloped
Road Allowances**

At the Committee of the Whole Policy Review Meeting, Council Directed Administration to review Policy R 10. The purpose of the policy is to outline the guidelines for construction of existing undeveloped road allowances for individual landowners (applicants) accessing their parcels.

Resolution No. 2018/458

Councillor Belyea moved to approve Policy R 10 Construction of Roads on Undeveloped Road Allowances as amended.

Carried.

**Policy R 15 –
Closure and
Cancellation
Of Roads**

A review was necessary to identify any changes in processes that may be required as a result of the Municipal Government Act (MGA) update or changes in County processes.

Resolution No. 2018/459

Councillor Vossler moved to approve Policy R 15 Closure and Cancellation of Roads as presented.

Carried.

**Policy R 22 –
Road Allowance
Tree and
Brush Control**

Council directed Administration to bring forward amendments to Policy R22 Road Allowance Tree and Brush Control. The purpose of the policy describes the County's responsibility to control and manage all municipal roadways within its boundaries and to recognize that the control of trees and brush within road rights-of-way of developed roads is important for public safety.

Resolution No. 2018/460

Deputy Reeve Hamilton moved to approve Policy R 22 Road Allowance Tree and Brush Control as presented.

Carried.

**Pre Tender
Construction Costs
Rge Rd 70**

A Pre Tender Construction Estimate was received from WSP Engineering on construction upgrades and re-alignment to Rge Rd 70 between Twp Rd 130 & 13029 Rge Rd 70 at an estimated cost of \$1,394,400.

Resolution No. 2018/461

Deputy Reeve Hamilton moved to authorize the invitation to tender at an estimated cost of \$1,394,400 with funds coming from the Accelerated Rehabilitation Fund.

Carried.

**Crane Replacement
on Sign Truck**

In March of 2018 there was an incident involving the sign truck with a result of the boom being damaged. Initial belief was that the damage resulted from excessive lifting. Further investigation has determined that damage was in fact cause by excessive hydraulic lateral loading, as a result of winter drilling. Original report on July 31, 2018 presented a financial decision. This report presents Operational/Field-level input.

Resolution No. 2018/462

Councillor McKenzie moved to add an additional \$12,600 to purchase the upgraded model crane at a cost of \$38,600 with funds coming from the Vehicle and Equipment Fund.

Carried.

**Director of
Public Works
Report**

The Director of Public Works Report was presented.

Resolution No. 2018/463

Councillor Belyea moved to receive the Director of Public Works Report as presented.

Carried.

Resolution No. 2018/464

Councillor Geigle moved to direct Administration to bring back a report comparing other municipalities process for managing delinquent utility accounts.

Carried.

**OFFICE OF CHIEF
ADMINISTRATOR'S
OFFICE**

**Interim Chief
Administrative
Officer Report**

The Interim Chief Administrative Officer Report was presented.

Resolution No. 2018/465

Councillor Kurpjuweit moved to receive the Interim Chief Administrative Officer Report as presented.

Carried.

NEW BUSINESS:

**Tax Revenue
and Expenses**

A request was received for Administration to bring forward a report showing tax revenue and expenses for Dunmore, Desert Blume, Veinerville and Elkwater for discussion and consideration.

Resolution No. 2018/466

Councillor Mudie moved to direct Administration to bring forward a report showing tax revenue and expenses for Dunmore, Desert Blume, Veinerville and Elkwater for discussion and consideration.

Defeated.

**Twp Rd 51 and
Twp Rd 130 –
Traffic and Dust**

Redirecting traffic from Rge Rd 52A to Twp Rd 130, east onto Rge Rd 51 then south to Hwy 41A has resulted in significant traffic volume and dust concerns expressed by area residents.

Resolution No. 2018/467

Councillor Vossler moved no action.

Carried.

**Delegation Request –
Mr. Don Althen**

This matter was discussed on June 5, 2018 and defeated due to concerns of costs to the County for maintenance and other potential emerging donated memorial parcels.

Resolution No. 2018/468

Deputy Reeve Hamilton moved no action.

Carried.

**Intermunicipal
Recreation
Trail Proposal**

Resolution No. 2018/469

Deputy Reeve Hamilton moved to direct Administration to bring forward a report with funding amount for the trail project involving money in place of municipal reserve to link the City of Medicine Hat and Desert Blume.

Carried.

**COUNCILLOR'S
REPORTS:**

Councillor Geigle attend at Municipal Planning Commission meeting.

Councillor Kurpjuweit attended a Municipal Planning Commission meeting and an Intermunicipal Collaboration Steering Committee meeting.

Deputy Reeve Hamilton attended a Municipal Planning Commission meeting and a Cypress View Foundation meeting.

Councillor McKenzie attended a Cypress View Foundation meeting, and the Transboundary Weeds, Water and Stewardship Tour.

Councillor Mudie attended a Shortgrass Library meeting and a Regional Drainage Committee meeting.

Reeve Oster attended numerous meeting with rate payers.

Resolution No. 2018/470

Councillor Vossler moved to receive the Councillor reports as presented.

Carried.

RECESS: 3:56 P.M.

RECONVEINE: 4:02 P.M.

Closed Session:

Peter Tarnawsky, John Belanger, Jeffrey Dowling, and Curtis Richter attended to provide advice to Council and LesleyAnn Collins attended for general interest purposes

Resolution No. 2018/471

Councillor Vossler moved that Council close the meeting to the public for Agenda item 12a) Dispatch Centre FOIPPA Section 24(1) and 12b) Direction to ICF Steering Committee FOIPPA Section 21(1) at 4:02 P.M.

Carried.

Resolution No. 2018/472

Councillor Hok moved to open the meeting to the public at 4:43 P.M.

Carried.

RECESS: 4:43 P.M.

RECONVEINE: 4:45 P.M.

Discussed during the Closed Session.

Dispatch Centre

Resolution No. 2018/473

Councillor Vossler moved to direct Administration to move forward with Emergency and Protective Services dispatching as discussed in the Closed Session.

Carried.

**Direction to ICF
Steering Committee**

Resolution No. 2018/474

Deputy Reeve Hamilton move to endorse the Proposed Direction to ICF Steering Committee Representatives and Priorities as described in the attachment.

Carried.

ADJOURN: The Reeve declared the meeting adjourned at 4:59 P.M.

REEVE

DESIGNATED OFFICER