



MINUTES OF A REGULAR COUNCIL MEETING
FOR BIRCH HILLS COUNTY HELD
IN THE COUNCIL CHAMBERS
FEBRUARY 13, 2020

Present: Reeve Gerald Manzulenko
Deputy Reeve Terry Carbone
Councillor Albert Poetker
Councillor Deanne Wendland
Councillor Paul Reum
Councillor Mel Duvall
Councillor Denise Joudrey
CAO Hermann Minderlein
Legislative Officer Shawna Schwerdt

Absent

John MacArthur entered meeting at 9:00 a.m.

CALL TO ORDER

Reeve Manzulenko called the meeting to order at 9:00 a.m.

ADOPTION OF AGENDA

RC20-016 Moved by Councillor Poetker that Council adopt the agenda of the February 13, 2020 Regular Council meeting with the following addition:
6.a CAO Report Complete;
8.a Land Use Bylaw Amendment;
9.x Revised Terms of Reference IEDAC;
9.xi NAEL re Alberta Council moved to item 12.d;
9.xii Offer to Purchase Land in Eaglesham;
9.xiii Declaration of February 26th as "Pink Shirt Day";
11.h GSF Invitation;
11.i Letter dated January 6, 2020 from Canadian Red Cross;
12.d Closed Session re NAEL Alberta Council FOIP section 16(1)(b); and
12.e Closed Session re Intermunicipal Collaboration FOIP16 (1)(b); and
12.f Closed Session Land FOIP 17(1).

CARRIED

ADOPTION OF MINUTES

Regular Council Meeting
January 9, 2020

RC20-017 Moved by Councillor Wendland that Council approve the minutes of the January 9, 2020 Regular Council Meeting as presented.

CARRIED

INITIALS: Reeve: _____

CAO: _____



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COUNCILLOR REPORTS

Reeve Manzulenko

No Report.

John Sinkwich entered meeting at 9:02 a.m.

Deputy Reeve Carbone

Deputy Reeve Carbone provided a verbal report to Council on the Water North Coalition meeting he attended via telephone conference in Wanham on January 16, 2020, the Northern Alberta's Elected Leaders meeting in Sexsmith on January 28, 2020 and the Senior Housing G5 announcement he attended in Edmonton on February 6, 2020.

DELEGATIONS

John MacArthur

John MacArthur delivered a verbal presentation to Council that focused on grading of access roads that run through the MD of Sprit River to his grazing leases and also presented on the potential benefits of a FireSmart program.

John MacArthur exited meeting at 9:34 a.m.

RC20-018 Moved by Deputy Reeve Carbone that Council accept the verbal presentation by John MacArthur on grading access and FireSmart program for information.

CARRIED

COUNCILLOR REPORTS

CONTINUED

Councillor Poetker

No report.

Councillor Wendland

No report.

Councillor Reum

Councillor Reum provided a verbal report regarding the Central Peace Regional Waste Management Commission (CPRWMC) meeting he attended on January 13, 2020 in Rycroft and the Provincial Agriculture Service Board Conference he attended in Banff from January 21 to 24, 2020.

Councillor Duvall

Councillor Duvall provided a verbal report regarding the Provincial Agriculture Service Board Conference he attended in Banff from January 21 to 24, 2020 and an update from the M.D. Fairview about the possibility of the Peace Valley Conservation, Recreation and

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Tourism Society's upcoming summer canoeing trip down the Peace River.

Councillor Joudrey

Councillor Joudrey provided a verbal report regarding the Grande Spirit Foundation meeting she attended in Grande Prairie on January 24, 2020.

Orvis Sorgen and Dimitri Boychuck entered meeting at 9:44 a.m.

RC20-019 Moved by Councillor Reum that Council accept the Councillors' Reports for information.

CARRIED

Meeting was recessed at 9:50 a.m.

Meeting was resumed at 10:00 a.m.

Dave Burake, Jenn Webber, Daryl Webber, Dale Murphy, Ag Parlee, Linda Murray, and Ervin Murray entered meeting at 10:00 a.m.

DELEGATIONS
CONTINUED

Orvis Sorgen

Orvis Sorgen delivered a verbal presentation to Council that focused on the Westvale Well and the need for its water.

Dion Hynes Director of Public Works entered meeting at 10:04 a.m.

Dimitri Boychuck

Dimitri Boychuck delivered a verbal presentation to Council that focused on the Westvale Well and the need for its water.

Meeting was recessed at 10:35 a.m.

Dion Hynes DOPW, Orvis Sorgen, Dimitri Boychuck, Dave Burake, Jenn Webber, Daryl Webber,

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Dale Murphy, Ag Parlee,
Linda Murray, and Ervin
Murray exited meeting at
10:35 a.m.

Meeting was resumed at
10:40 a.m.

RC20-020 Moved by Councillor Duvall that Council accept the verbal presentation by Orvis Sorgen on the Westvale Well for information.

CARRIED

RC20-021 Moved by Councillor Reum that Council accept the verbal presentation by Dimitri Boychuck on the Westvale Well for information.

CARRIED

**CHIEF ADMINISTRATIVE
OFFICER'S REPORTS**

CAO Minderlein provided Council with a verbal update to the written report that had been distributed.

RC20-022 Moved by Councillor Joudrey that Council receive the CAO's written report and verbal updates for information.

CARRIED

CAO Action Log

Council reviewed the CAO Action Log updated to February 10, 2020 provided in the Agenda Package.

RC20-023 Moved by Councillor Wendland that Council receive the CAO Action Log for information.

CARRIED

RC20-024 Moved by Deputy Reeve Carbone that Council table the matter related to Westvale Well item 7.b from the February 13, 2020 Regular Council meeting until later in the meeting.

CARRIED

UNFINISHED BUSINESS

Dion Hynes Director of
Public Works entered
meeting at 11:07 a.m.

Policy 37-02-20, the "Road
Use Agreement Policy"

Council was presented with the draft Policy 37-02-19, a policy related to Road Use Agreements, that was originally presented to Council at the December 12, 2019 Regular Council Meeting.

INITIALS: Reeve: _____

CAO: _____



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Delegation John Sinkwich

RC20-025 Moved by Deputy Reeve Carbone that Council add to Agenda 4.c delegation John Sinkwich.

CARRIED

John Sinkwich delivered a verbal presentation to Council that focused on the draft Birch Hills County Policy 37-02-20, the "Road Use Agreement Policy".

RC20-026 Moved by Deputy Reeve Carbone that Council accept the verbal presentation by John Sinkwich on the Policy 37-02-20, the "Road Use Agreement Policy" as information.

CARRIED

John Sinkwich and Dion Hynes DOPW exited meeting at 12:05 p.m.

Meeting was recessed at 12:05 p.m. for lunch.

Meeting was resumed at 12:45 p.m. with no public present.

Dion Hynes Director of Public Works entered meeting at 12:45 p.m.

RC20-027 Moved by Councillor Poetker that Council Direct Administration to amend Policy 37-02-20, the "Road Use Agreement Policy" to change all four (4) trips per day to ten (10) trips per day as discussed.

CARRIED

RC20-028 Moved by Councillor Poetker that Council Direct Administration to amend Policy 37-02-20, the "Road Use Agreement Policy" to include the change that it would apply to arterial roads not main haul roads (routes).

DEFEATED

RC20-029 Moved by Councillor Poetker that Council Direct Administration to make the "Draft Road Use Agreement Policy" Policy 37-02-20 available to the public, and advertise that Council is seeking input and feedback from the public regarding that Policy.

CARRIED

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RC20-030 Moved by Councillor Wendland that Council Direct Administration to bring the Policy 37-02-20, the "Road Use Agreement Policy" and input and feedback received from the public to the Regular Council Meeting on March 26, 2020.

CARRIED

RC20-031 Moved by Councillor Poetker that Council remove from the table the matter related to Westvale Well.

CARRIED

Westvale Well

Council was provided with information regarding the operating conditions of the Westvale Well originally presented to Council on January 9th, 2020.

RC20-032 Moved by Deputy Reeve Carbone that Council direct Administration to make temporary repairs to the Westvale Well required to make it operational.

CARRIED

RC20-033 Moved by Deputy Reeve Carbone that Council direct Administration to bring back estimates for economically feasible options to permanently resolve the aging Westvale Well situation to the February 27, 2020 Regular Council Meeting.

CARRIED

RC20-034 Moved by Deputy Reeve Carbone that Council direct Administration to bring back recommendations for fees and possible low-cost options for ways to charge for the cubes or gallons of non-potable water drawn from the Westvale Well to the February 27, 2020 Regular Council Meeting.

CARRIED

Dion Hynes DPW exited meeting at 1:17 p.m.

BYLAWS

Land Use Bylaw
Amendment 2020-01

Council was presented with Bylaw 2020-01, a bylaw to amend Land Use Bylaw 2019-06.

RC20-035 Moved by Councillor Duvall that Council provide 1st reading to the Land Use Bylaw Amendment Bylaw 2020-01.

CARRIED

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RC20-036 Moved by Councillor Poetker that Council set March 12, 2020 as the date for the public hearing on Land Use Bylaw Amendment Bylaw 2020-01.

CARRIED

RC20-037 Moved by Councillor Joudrey that Council direct Administration to bring back Land Use Bylaw Amendment Bylaw 2020-01 for 2nd and 3rd reading at the March 12, 2020 meeting.

CARRIED

NEW BUSINESS

Request for Forgiveness of Tax Arrears Penalty

Council was presented with a letter delivered by Andrew & Michaela Harnish requesting that Council waive the penalties that were allocated in 2019 to rolls 315615 and 315616 in the amount of \$75.17.

RC20-038 Moved by Councillor Duvall that Council decline the request to waive the penalties assessed in 2019 for Rolls 315615 and 315616 and direct Administration to send a letter to the property owners advising them of Council's decision.

CARRIED

Municipal Office Location

Council was provided with a request to name a place as the Municipal Office location per MGA requirement 204.

RC20-039 Moved by Councillor Reum that Council name the standardized municipal address for Birch Hills County, Box 157 Wanham, Alberta T0H 3P0, Lot 3 Plan 9523066, 4601-50th Street Wanham, Alberta is hereby designated as the place for the Municipal Office for Birch Hills County as per MGA section 204.

CARRIED

Sponsorship Request
Wanham Plowing Match

Council was provided with a Sponsorship Request Application received from the Wanham Plowing Match and Ag. Society requesting support for their 50th year event on June 19-21, 2020.

RC20-040 Moved by Councillor Wendland that Council provide Wanham Plowing Match a grant of \$750.00 from expense account 2-11-10-00-73-5, Council - Grants – Individuals & Organizations to support the Children's Program, Horseshoe Event and

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Exhibits, and \$250.00 to support the 50th year celebration Activities.

CARRIED

RC20-041 Moved by Councillor Joudrey that Council authorize Administration to provide mowing for the campsite and the plowing competition location utilizing the roadside mower and staff time prior to the event and permit the use of heavy equipment by a volunteer staff member in support of the truck pull event.

CARRIED

Request for Letter of Support – Broadband Funding Xplornet 5G Rollout in Rural Alberta

Council was provided with a request to authorize a letter of support being requested by Xplornet related to their application for Broadband Funding for 5G Rollout in Rural Alberta.

RC20-042 Moved by Councillor Poetker that Council direct Administration to draft a letter for the Reeve’s signature indicating support from Birch Hills County for *Xplornet’s* application for Broadband Funding for 5G Rollout in Rural Alberta.

CARRIED

ICF Agreement – M.D. of Fairview No. 136

Council was provided with the ICF Agreement prepared for Birch Hills County and the M.D. of Fairview 136.

RC20-043 Moved by Deputy Reeve Carbone that Council direct that the Reeve and Chief Administrative Officer are authorized to sign the Intermunicipal Collaboration Agreement between Birch Hills County and the Municipal District of Fairview No. 136.

CARRIED

ICF Agreement Northern Sunrise County

Council was provided with the ICF Agreement prepared for Birch Hills County and Northern Sunrise County.

RC20-044 Moved by Councillor Poetker that Council direct that the Reeve and Chief Administrative Officer are authorized to sign the Intermunicipal Collaboration Agreement between Birch Hills County and Northern Sunrise County.

CARRIED

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IDP Exemption M.D. of
Peace No. 135

Council was requested to consider opting out of an Intermunicipal Development Plan with the M.D. of Peace No. 135.

RC20-045 Moved by Councillor Poetker that Birch Hills County Council mutually agrees with Council for the M.D. of Peace No. 135 that an intermunicipal development plan between the two municipalities is not required at this time due to the limited amount of titled land and development along the common border.

CARRIED

ICF Agreement – M.D. of
Peace

Council was provided with the with the ICF Agreement prepared for Birch Hills County and the M.D. of Peace No. 135.

RC20-046 Moved by Councillor Wendland that Council direct that the Reeve and Chief Administrative Officer are authorized to sign the Intermunicipal Collaboration Agreement between Birch Hills County and the Municipal District of Peace No. 135.

CARRIED

Alberta Library
Conference

Council was provided with a request for Councillor Joudrey to attend the Alberta Library Conference in Jasper AB during the period April 23 to 26, 2020 as a representative of the Peace Library System (PLS).

RC20-047 Moved by Councillor Poetker that Council authorize Councillor Joudrey to attend the Alberta Library Conference as a representative of the PLS with honourarium (\$782.32 based on \$195.58 x 4) paid and coded to 2-11-10-00-151 plus any employer expenses that may be appropriate in Jasper from April 23 to 26, 2020.

CARRIED

Revised Terms of
Reference IEDAC

Council was provided with a request to approve changes to the Terms of Reference (TOR) for the Intermunicipal (G5) Economic Development Advisory Committee (IEDAC).

INITIALS: Reeve: _____

CAO: _____



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RC20-048 Moved by Councillor Duvall that Council approve the amended Terms of Reference for the (G5) Intermunicipal Economic Development Advisory Committee with the change of quorum to read "Representation from all five (5) municipalities with four (4) voting members present.

CARRIED

NAEL re Alberta Council

RC20-049 Moved by Councillor Reum that Council table item 9.xi NAEL re Alberta Council until the Closed Session item 12.d.

CARRIED

Offer to Purchase Land in Eaglesham

CAO Minderlein provided Council with a verbal update regarding an offer to purchase that he anticipates receiving for lands described as Lots 1 and 2, Block 4, Plan 3732KS in Eaglesham, AB.

RC20-050 Moved by Councillor Duvall that Council authorize Administration to accept any qualifying offer received for the properties described as Lots 1 and 2, Block 4, Plan 3732KS in Eaglesham, AB provided that the offer is for the appraised value of the properties.

CARRIED

Pink Shirt Day

Council was presented with a request for Council to declare February 26th as Pink Shirt Day in honor of anti-bullying.

RC20-051 Moved by Councillor Joudrey that Council Proclaim February 26th as Pink Shirt Day in Birch Hills County and authorize Reeve Manzulenko to sign a proclamation worded as follows:

WHEREAS Bullying is defined as "a deliberate and repeated hostile activity marked by an imbalance of power, intent to harm, and/or a threat of aggression"; and

WHEREAS Bullying is a major problem in schools, workplaces, homes, and over the Internet; and
WHEREAS Bullying happens once every seven minutes on the playground and once every 25 minutes in the classroom (Pepler et al., 1997); and

WHEREAS In the workplace, one person in six has been bullied and one in five has witnessed a co-worker being bullied (Canada Safety Council);

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CAO: _____



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NOW THEREFORE BE IT RESOLVED THAT we as a society will not tolerate bullying anywhere, and that Reeve and Council for Birch Hills County officially declares February 26th 2020 as Pink Shirt Day in Birch Hills County and call upon all citizens of Birch Hills County to make a difference by creating a culture of support for those impacted by bullying.

CARRIED

Policing Cost

Council was provided with an update on Policing Costs, including budget implications for 2020 through to 2024 based on information received to date.

RC20-052 Moved by Councillor Poetker that Council direct Administration to include 75% of the 2020/2021 Policing Costs estimate as an expense in the Operating and Maintenance Budget for 2020, and to keep Council updated on new information received related to Policing Costs.

CARRIED

FRIAA – FireSmart Grant

Council was requested to authorize Administration to proceed with an Expression of Interest for the Forest Resource Improvement Association of Alberta (FRIAA) FireSmart Grant to conduct Wildfire Hazard & Risk Assessments in Birch Hills County.

RC20-053 Moved by Councillor Reum that Council direct Administration to proceed with the application process for the current Forest Resource Improvement Association of Alberta (FRIAA) FireSmart Program to conduct Wildfire Hazard & Risk Assessments in Birch Hills County.

CARRIED

Meeting was recessed at 2:05 p.m.

Meeting was resumed at 2:09 p.m.

Dion Hynes DOPW entered meeting at 2:09 p.m.

Snow Removal from Driveways

Council was provided with information regarding snow

INITIALS: Reeve: _____

CAO: _____



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clearing of private driveways.

~~RC20-054 Moved by Councillor Reum that Council direct Administration to draft a revised policy governing the "Use of County Graders on Private Land" based on discussions at this meeting, to bring the new policy back to Council for review and/or approval at a future meeting, and to address the following items in the revised policy:~~

- ~~1. the expansion to include Hamlet driveways;~~
- ~~2. the continued requirement for a doctor's note;~~
- ~~3. the addition of a charges for the removal of snow from driveways based on the rates from the Alberta Road Builders for grader and loader operation;~~
- ~~4. methodology for notification that snow clearing is requested, including the possible use of flags;~~
- ~~5. explanation in both the policy and application documents of the priority placed on clearing of snow from driveways as it relates to clearing snow from County roadways;~~
- ~~6. a clause explaining that the County has the right to cancel individual agreements at any time.~~

RC20-085 Moved by Councillor Duvall that Council rescind RC20-054. On Feb. 27, 2020.

CARRIED

Reeve Manzulenko exited meeting at 2:33 p.m.

Deputy Reeve Carbone assumed Chair.

Reeve Manzulenko entered meeting at 2:37 p.m.

Reeve Manzulenko resumed Chair.

Michael Coy Manager of Infrastructure Project entered meeting at 2:37 p.m.

Grader Tender

Council was provided with information regarding the tender bids for a motor grader.

RC20-055 Moved by Councillor Poetker that Council direct Administration to accept the bid from Finning of \$472,600 for a 2019 CAT 140M3 and to seek a consignment deal with a minimum sell price of \$195,000.00 for unit G34, a 2014 CAT 140M2 and accept the URMA offer of \$6.94/hr including buyback

INITIALS: Reeve: _____

CAO: _____



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value of \$172,832.00.

CARRIED

Dion Hynes DOPW and
Michael Coy M. of I. P.
exited meeting at 2:47 p.m.

FOR INFORMATION

Council was provided with a copy of the following documents that had been received by Administration:

1. Signed Minutes of Central Peace Regional Waste Management Commission (CPRWMC) meeting held December 6, 2019;
2. Draft Minutes of CPRWMC meeting held January 13, 2020;
3. Minutes of V.S.I. AGM held November 8, 2019;
4. Minutes of V.S.I. Board of Directors Meeting held November 8, 2019
5. Birch Hills County Library Board Minutes – September 11, 2019;
6. Bank Reconciliation – January 31, 2020; and
7. Notice from Minister of Municipal Affairs re Grants in Place of Taxes (GIPOT) see item 11.e.

RC20-056 Moved by Councillor Wendland that Council accept the items presented for information.

CARRIED

CORRESPONDENCE

Council was provided with copies of the following documents:

- a. Letter to M.D. of Smoky River re Purchase of 1.5 inch Gravel dated, January 6 ,2020;
- b. Letter to Contracts and Programs Supports Children’s Services Northwest Region (CSNR) re Letter of Support dated January 10, 2020;
- c. Letter to Joy McKay re BHC MPC Appointment dated January 10, 2020;
- d. Letter to Northern Alberta Elected Leaders (NAEL) re Appointment of Representatives dated January 10, 2020;
- e. Undated letter received via email February 4, 2020 from Minister Madu of Municipal Affairs re soliciting nominations for Minister’s Awards for Municipal Excellence;
- f. Email from MLA Cici re Growing the North dated
- g. Email from Minister Madu re Minister’s Awards for Municipal Excellence received February 4, 2020;

INITIALS: Reeve: _____

CAO: _____



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- h. Grande Spirit Foundation Invitation email dated February 11, 2020; and
- i. Letter from Canadian Red Cross dated January 6, 2020.

RC20-057 Moved by Councillor Poetker that Council authorize the honourariums and remuneration for attendance of any Councillors who attend the GSF invitation dated February 28, 2020 at the Pleasantview Lodge in Spirit River.

CARRIED

RC20-058 Moved by Councillor Duvall that Council accept the correspondence provided for information.

CARRIED

Shawna Schwerdt
Legislative Officer exited
meeting at 3:00 p.m.

CLOSED SESSION

RC20-059 Moved by Deputy Reeve Carbone that Council move to closed session to discuss advice from officials related to items about Fire Department Billings, as per section 17(1) Freedom of Information and Protection of Privacy Act (FOIP), Sale of land as per section 16(3)(c) FOIP, Personnel matter as per section 17(4)(d) FOIP and Northern Alberta Elected Leaders as per section 16(1)(b) FOIP, Legal matter related to intermunicipal collaboration as per section 16(1)(b) and Land matter as per section 17(1) FOIP at 3:00 p.m.

CARRIED

RC20-060 Moved by Councillor Joudrey that Council move out of closed session at 3:54 p.m.

CARRIED

RC20-061 Moved by Councillor Poetker that Council extend the February 13, 2020 Regular Council Meeting past 4:00 p.m. as required by 4.6 of the Procedural Bylaw No. 2019-15.

CARRIED

RC20-062 Moved by Deputy Reeve Carbone that Council move to closed session to discuss advice from officials related to items about Fire Department Billings, as per section 17(1) Freedom of Information and Protection of Privacy Act, (FOIP), Sale of land as per section 16(3)(c) FOIP, Personnel matter as per section

INITIALS: Reeve: _____

CAO: _____



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17(4)(d) FOIP and Northern Alberta Elected Leaders as per section 16(1)(b) FOIP, Legal matter related to intermunicipal collaboration as per section 16(1)(b) and Land matter as per section 17(1) FOIP at 3:54 p.m.

CARRIED

RC20-063 Moved by Deputy Reeve Carbone that Council move out of closed session at 4:35 p.m.

CARRIED

Meeting was recessed at 4:35 p.m. to allow return of the public.

Meeting was resumed at 4:38 p.m. with no public present.

Fire Billings

RC20-064 Moved by Councillor Wendland that Council for Birch Hills County authorize Administration not to prepare an invoice for the response by the Birch Hills County Fire Department on May 17, 2019 to a fatality accident involving a motorized vehicle on property other than a public roadway.

CARRIED

Sale of Land re Seniors Housing Committee

RC20-065 Moved by Councillor Poetker that Council for Birch Hills County authorize Reeve Manzulenko and Chief Administrative Officer Minderlein to sign the agreement related to the sale of land located in the Town of Spirit River owned by the G5 to the Grande Spirit Foundation for the development and construction of a Supportive Living Facility, but only after confirmation has been received from the other G5 municipalities that they are aware that, and are agreeable to, Birch Hills County not be financially responsible or liable for any of the costs that could be incurred by the G5 should section 8 of that agreement is exercised.

CARRIED

Northern Alberta Elected Leaders

RC20-066 Moved by Councillor Joudrey that Council for Birch Hills County vote in favour of the following motion that came from the January 27, 2020 Northern Alberta Elected Leaders meeting:

“MOVED by Vern Lymburner THAT NAEL review

INITIALS: Reeve: _____

CAO: _____

