

SMOKY LAKE COUNTY

Minutes of the **County Council Meeting** held on Thursday, **November 25, 2010** at 9:10 A.M. in the County Council Chambers.

The meeting was called to Order by the Reeve Mr. Dareld Cholak in the presence of the following persons:

<u>A T T E N D A N C E</u>		
<u>Thursday, November 25, 2010</u>		
<u>Div. No.</u>	<u>Councilors(s)</u>	
1	Dareld Cholak	Present
2	Ron Bobocel	Present
3	Rick Cherniwchan	Present
4	Lori Danyluk	Present
5	Randy Orichowski	Present
C.A.O.	Cory Ollikka	Present
Asst CAO/R.S	Lydia Cielin	Present
Finance Manager	Brenda Adamson	Present

1 Member of the Public in attendance.

Twila Bauman, Planning and Communications Manager entered the Council Chambers at 9:10 a.m.

2. Agenda:

Agenda

107-10: Bobocel

That the Agenda for Thursday, November 25, 2010 County Council meeting, be adopted as amended:

Deletion from the Agenda:

1. Delegation - 7.2: Harold West @ 11:00 a.m. – Re: Letter of Request for Consideration – Land Issue.

Carried Unanimously.

Minutes of October 28, 2010 - County Council Organizational Meeting

108-10: Cherniwchan

That the minutes of the County Council Organizational Meeting held on Thursday, October 28, 2010 be adopted.

Carried.

Minutes of October 28, 2010 – County Council Meeting

109-10: Danyluk

That the minutes of the County Council Meeting held on Thursday, October 28, 2010 be adopted.

Carried.

4. Request For Decision(s):

Bylaw No. 1214-10: Surface Lease of Municipal Owned Properties

110-10: Bobocel

That **Bylaw No. 1214-10:** authorize the Municipal Council of Smoky Lake County to authorize the **Surface Lease of Municipal Owned Properties** pursuant to the provisions of Section 61 of the *Municipal Government Act*, Chapter M-26, be given **FIRST READING.**

Carried.

Moved by Councillor Danyluk that **Bylaw No. 1214-10**: authorize the Municipal Council of Smoky Lake County to authorize the **Surface Lease of Municipal Owned Properties** pursuant to the provisions of Section 61 of the *Municipal Government Act*, Chapter M-26, be given **SECOND READING**.

Carried.

Moved by Councillor Cherniwchan that **Bylaw No. 1214-10**: authorize the Municipal Council of Smoky Lake County to authorize the **Surface Lease of Municipal Owned Properties** pursuant to the provisions of Section 61 of the *Municipal Government Act*, Chapter M-26, be given **PERMISSION FOR THIRD AND FINAL READING**.

Carried Unanimously.

Moved by Councillor Danyluk that **Bylaw No. 1214-10**: authorize the Municipal Council of Smoky Lake County to authorize the **Surface Lease of Municipal Owned Properties** pursuant to the provisions of Section 61 of the *Municipal Government Act*, Chapter M-26, be given the **THIRD and FINAL READING** and that the Reeve and the Chief Administrative Officer are hereby authorized to fix their signatures to all necessary documents and that the corporate seal also be fastened where it is deemed to be necessary.

Carried.

Policy Statement No. 03-16-03: Road Closure or Cancellation

111-10: Bobocel

That **Policy Statement No. 03-16-03** entitled "Road Closure or Cancellation, be amended:

Purpose:	To provide an process to close a Government Road Allowance, or cancel a surveyed Road Plan.
Policy Statement and Guidelines:	
<p>1. DEFINITIONS:</p> <p>1.1 Government Road Allowance – 66 feet wide</p> <p>1.1.1 in a north-south direction, with one mile between each column of sections east to west, commencing on the eastern range boundary. Also know as Range Roads.</p> <p>1.1.2 in an east-west direction, two miles between each 2nd row of sections south to north, commencing on the southern township boundary. Also known as Township Roads.</p> <p>1.2 Road Plan – Surveyed areas acquired for public purposes such as new roads, road widening, diversion and drainage ditches which are undertaken by the municipality under the authority of the <i>Municipal Government Act</i>.</p> <p>When a municipality or the Crown acquires land for a road or other public work by an agreement with the owner, title to the land is vested in the city, or in the case of any other municipality, the Crown in right of Alberta by filing a plan of survey at the Land Titles Office.</p> <p>1.3 Road – means land</p> <p>1.3.1 shown as a road on a plan of survey that has been filed or registered in a Land Titles Office, or</p>	

1.3.2 used as a public road,

1.3.3 as or within a Government road allowance,

and includes a bridge forming part of a public road and any other structure incidental to a public road.

2. TEMPORARY ROAD CLOSURE

2.1 Council, may by resolution or a Designated Officer if authorized by Council resolution, temporarily close the whole or a part of a road at any time that a construction or maintenance project on or adjacent to the road may create a hazard.

3. PERMANENT ROAD CLOSURE / CANCELLATION BY RESOLUTION – *Municipal Government Act, Section 24*

Council may, by resolution, with the approval of the Minister of Transportation, close the whole or any part of a Road described in a surveyed Road Plan that the Council determines is no longer required for use by the travelling public owing to the existence of an alternative route.

PROCEDURE

3.1 A Landowner may request the County to consider cancellation of the whole or any part of an undeveloped Road Plan or the County may initiate the action.

3.2 A Request of Decision (*as per Policy Statement No. 01-27: Request For Decision*) shall be presented to Council for consideration for Road Closure by Resolution, see attached *Schedule "A": Sample Resolution.*

3.3 The road is usually returned to the title from which it was excepted (i.e., the ¼ section). Consolidation with the adjacent land parcels may require a Descriptive Plan or a Plan of Survey. When using a Descriptive Plan, Land Titles should be consulted to ensure that the description is suitable for registration.

3.4 No advertising is necessary, but an agreement or consent must be obtained from the landowner(s) affected. If there is more than one adjacent owner, direction from the municipality as to the disposition of the Road shall be provided to affected landowners, and consent from all affected landowners is required, see attached *Schedule "B": Sample Resolution Letter and Consent.*

3.5 The municipality is responsible for ensuring that all third party interests and the interests of anyone who might be adversely affected are protected.

A letter, as per *Schedule "C": Sample Letter of Referral*, shall be sent to the following Referral Agencies, as per *Schedule "F": Referral List:*

3.5.1 Telecommunications providers (Telus).

3.5.2 Power Authority (ATCO).

3.5.3 The owner/operator of any pipeline or right-of-way which crosses the subject closure area.

3.6 If easements or conditions are required by any of the Referral Agencies, the County must attach the proper documentation to accompany the Resolution when submitted to Alberta Transportation for approval. Easements are granted by the "**Minister of Transportation**".

3.7 The complete package to be sent to Alberta Transportation shall include:

3.7.1 Original or certified copy of the Resolution.

3.7.2 Copies of the Notices sent to all Referral Agencies.

3.7.3 Copies of written consent by affected Landowner(s).

3.7.4 Copies of written responses from all required Referral Agencies.

And shall be sent to:

District Operations Manager, Athabasca Unit
 Alberta Transportation
 Unit #2, Jewell Building
 3603 – 53 Street
 Athabasca, Alberta T9S 1A9

- 3.8 Alberta Transportation will prepare the documentation (Notification to Registrar) to transfer the Road to the appropriate adjacent landowner(s).

4. PERMANENT ROAD CLOSURE / CANCELLATION BY BYLAW – *Municipal Government Act, Section 22*

Council may, by Bylaw, with the approval of the Minister of Transportation, close the whole or any part of a Government Road Allowance (or a surveyed Road Plan), when preferred).

PROCEDURE

- 4.1 Prior to First Reading of the Bylaw, Smoky Lake County shall obtain a correct and acceptable description of the closure area. This information can be obtained from an Alberta Land Surveyor or the Survey Department of the Land Titles Office.
- 4.2 A Request of Decision (*as per Policy Statement No. 01-27: Request For Decision*) shall be presented to Council for consideration for Road Closure by Bylaw, see attached *Schedule “D”: Sample Bylaw*. Council must give First Reading to the Bylaw prior to a Public Hearing and prior to submitting it to Alberta Transportation for approval.
- 4.3 Following First Reading of the Road Closure Bylaw, advertisement requirements, *as per Municipal Government Act – Section 606*, for a Public Hearing must be followed, including the time and place for a Public Hearing, (*as per Policy Statement No. 01-06: Public Hearing Procedures*).
- 4.4 The Bylaw and advertising must state the ultimate purpose of the closure (i.e., to public travel only, for lease or for creation of a title), see attached *Schedule “E”: Sample Advertisement*.
- 4.5 If objections are raised, either in writing or at the Public Hearing, Council should determine whether the objections are valid and whether they wish to continue in spite of the objections. If continuing, the rationale for the closure/cancellation must be clear in the covering letter to Alberta Transportation.
- 4.6 The municipality is responsible for ensuring that all third parties interest and the interests of anyone who might be adversely affected are protected.

A letter, as per *Schedule “C”: Sample Letter of Referral*, shall be sent to the following Referral Agencies, as per *Schedule “F”: Referral List*:

- 4.6.1 Telecommunications providers (Telus).
- 4.6.2 Power Authority (ATCO).
- 4.6.3 Public Lands, Alberta Sustainable Resources, if a Government Road Allowance is for sale, or if adjacent to Crown Lands, or a water body.
- 4.6.4 Rural Utilities Branch, Alberta Agriculture and Rural Development.
- 4.6.5 The owner/operator of any pipeline or right-of-way which crosses the subject closure area.
- 4.7 If easements or conditions are required by any of the Referral Agencies, the County must attach the proper documentation to accompany the Resolution when submitted it to Alberta Transportation for approval. Easements are granted by the “**Minister of Transportation**”.

4.8 The complete package to be sent to Alberta Transportation shall include:

- 4.8.1 Original or certified copy of the Bylaw (after First Reading).
- 4.8.2 Copies of the Notices sent to all Referral Agencies.
- 4.8.3 Copy of the Notice published in the local newspaper.
- 4.8.4 Copies of written consent by affected Landowner(s).
- 4.8.5 Copies of written responses from all required interested parties.
- 4.8.6 Copy of the meeting minutes when the Bylaw received First Reading.

And shall be sent to:

District Operations Manager, Athabasca Unit
Alberta Transportation
Unit #2, Jewell Building
3603 – 53 Street
Athabasca, Alberta T9S 1A9

4.9 Alberta Transportation will review the package and if approved, the Minister of Transportation will sign the Original Bylaw and return to the Municipality.

4.10 The Bylaw will be presented to Council for consideration of Second and Third Readings. Second and Third Readings must be done within two years of First Reading.

4.11 Once given Third and Final Reading, an duplicate original or certified copy of the Bylaw is to be sent to Alberta Land Titles for registration.

4.12 Upon acceptance of the Road Closure Bylaw, Alberta Land Titles will issue a new Certificate of Title for the subject parcel of land, in the name of Smoky Lake County.

4.13 The County may consolidate the parcel of land with an adjacent parcel of land upon a Transfer of Title and Consolidation or Separation of Titles being submitted to Alberta Land Titles.

Schedule "A"
Sample Resolution

Date: _____ Resolution Number: _____

WHEREAS, Smoky Lake County requires a resolution for the purpose of closing to public travel and canceling a public highway accordance with Section 24, of the *Municipal Government Act*, Chapter M26, Revised Statutes of Alberta, 2000, as amended; and

WHEREAS, the lands hereafter described are not longer required for public travel.

NOW THEREFORE BE IT RESOLVED that the Council of Smoky Lake County does hereby close the following described road, subject to rights of access granted by other legislation.

Road Plan _____, within the land(s) legally described as:

_____.

Excepting Thereout All Mines and Minerals.

Chief Elected Official

SEAL

Chief Administrative Officer

Approved this _____ day of _____, 20____.

Minister of Transportation

Schedule "B"
Sample Resolution Letter and Consent

Date:
Name
Address Town, Alberta Postal Code

To Whom It May Concern:

RE: Proposed Road Plan Cancellation
Road Plan XXXXX in XX XX-XX-XX-W4

Enclosed is a copy of the above mentioned Road Plan that is located on land registered in your name. Please be advised that Smoky Lake County proposes to cancel this Road Plan and that all lands from the cancelled road will revert to the Title from which it was exempted.

In order to proceed with the Road Plan cancellation, it is necessary for you to indicate your consent of the cancellation by signing and returning the duplicate of this letter.

Yours truly,
Chief Administrative Officer

I, _____, landowner of _____, hereby certify
Name Section Township Range Median
that I have no objections to the cancellation of road plan _____,
within the _____.
Section Township Range Median

Date: _____ Signature: _____

Schedule "C"
Sample Letter of Referral

Date:
Name
Address Town, Alberta Postal Code

To Whom It May Concern:

RE: Proposed Road Cancellation and Closure

On behalf of Smoky Lake County, this letter serves as Notification that "Smoky Lake County" intends to close to public travel and cancel a portion of public highway or roadway in accordance with Section 22 or 24 of the *Municipal Government Act*, M26, Revised Statutes 2000, and amendments thereto.

To be Cancelled: Road Plan _____, in the _____, as shown on the enclosed sketch.

If an easement is required to protect your interests within this road closure, please advise us. **Alberta Transportation** will be the **GRANTOR** for all easements. They will be registered at the Land Titles Office in conjunction with the other Road Closure documents.

Please return the following to our office by _____, 20__.

- Three fully executed easement documents by your company. These documents will be forwarded to Alberta Transportation for final execution.
- This letter signed, which shall grant approval of the Road Closure and Cancellation.

If you have any concerns or require any further information, please contact the undersigned.

Yours truly,
Chief Administrative Officer

Enclosure(s)

APPROVAL GRANTED (Utility Company)
_____ Signature
_____ Print Name
_____ Date

**Schedule "D"
Sample Bylaw**

A BYLAW OF THE SMOKY LAKE COUNTY IN THE PROVINCE OF ALBERTA FOR THE PURPOSE OF CLOSING PUBLIC TRAVEL AND (*choose which one applies and insert: "creating title to", "disposing of", or "leasing of"*) PORTIONS OF A PUBLIC ROAD IN ACCORDANCE WITH SECTION 22 OF THE *MUNICIPAL GOVERNMENT ACT*, CHAPTER M26, REVISED STATUTES OF ALBERTA, 2000, AS AMENDED.

WHEREAS, the lands hereafter described are no longer required for public travel, and

WHEREAS, a request has been made to Council to have the road closed, and

WHEREAS, the Council of Smoky Lake County deems it expedient to provide for a bylaw for the purpose of closing to public travel certain roads, or portions thereof, situated in the said municipality, and thereafter disposing of same, and

WHEREAS, notice of the intention of Council to pass a bylaw has been given in accordance with Section 606 of the *Municipal Government Act*, and

WHEREAS, Council was not petitioned for an opportunity to be heard by any person claiming to be prejudicially affected by the bylaw.

NOW THEREFORE BE IT RESOLVED that the Council of Smoky Lake County in the Province of Alberta does hereby close to public travel for the purpose of (*choose which one applies and insert: "creating title to", "disposing of", or "leasing of"*) the following described roads, subject to rights of access granted by other legislation:

(insert proper description)

Excepting thereout all mines and minerals

Received first reading this _____ day of _____, 2____.

Chief Elected Official

SEAL

Chief Administrative Officer

Approved this _____ day of _____, 2____.

Minister of Transportation

SEAL

Received second reading this _____ day of _____, 2____.

Received third reading this _____ day of _____, 2____.

PUBLIC NOTICE

**Schedule "E"
Sample Advertisement**

SMOKY LAKE COUNTY

BYLAW No. 1200-09: PUBLIC HEARING

The purpose of **Bylaw No. 1200-09** is to close to public travel for the purpose of disposing of and consolidating the unused portion of road registered as

Road Plan 2463BM within
SE 02-58-13 W4
Excepting thereout all mines and minerals

AREA AFFECTED:

SE 02-58-13 W4 – 2.56 acres (1.036 hectare)

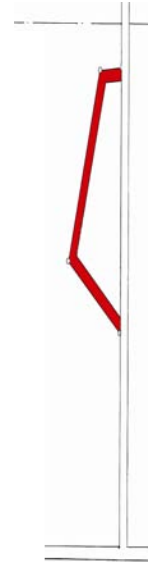
Copy of **Bylaw No. 1200-09** is available at the County Administration Office in Smoky Lake, during regular business hours, for inspection at the following address:

**Smoky Lake County Office
4612 McDougall Drive (Box 310)
Smoky Lake, Alberta T0A 3C0**

Any person wishing to file a letter or comment on the proposed Bylaw is welcome to submit written correspondence prior to the Public Hearing or appear in person at the Public Hearing.

A **Public Hearing** has been scheduled for **October 29, 2009 at 1:00 P.M.**, in the **County Council Chambers**, Smoky Lake, to provide the public with the opportunity to comment on **Bylaw 1200-09** prior to its proposed adoption.

Cory Ollikka
Chief Administrative Officer



**Schedule "F"
Referral List**

Telus Communications Engineering OPS – Right of Ways 16 th Floor, 10020 – 100 Street Edmonton, Alberta T5J 0N5	ATTENTION: Cindy Sparks Real Estate Agreements Assistant III Phone: (780) 493-4619 Phone: (780) 425-0843
ATCO Electric Land & Properties Acquisition 12 th Floor, 10035 – 105 Street Edmonton, Alberta T5J 2V6	ATTENTION: Andy Sharun Phone: (780) 420-3748 Phone: (780) 420-5410
If affecting a water body or adjacent to Crown Land	
Alberta Sustainable Resources Public Lands Division Roadway and Reservation Program 5 th Floor, 9915 – 108 Street South Petroleum Plaza Edmonton, Alberta T5K 2G8	
Only if selling a Government Road Allowance:	
Alberta Sustainable Resource Development Technical and Logistics Unit 3 rd Floor, 9915 – 108 Street Edmonton, Alberta T5K 2G8	
NOTE: Because most Municipalities have a three-month termination clause in their lease agreements, Alberta Environment and Pipeline Companies in the area do not need to be notified of leases on Statutory Road Allowances.	

Carried.

7. **Delegation(s):****Rachynski Survey Project SP 347-10 – Re: Rempel / Bielish
Landowner Mervin Bielish**

Present before County Council at 9:15 a.m. to 9:40 a.m. was Mervin Bielish to address with County Council an issue of concern in regards to the Rachynski Survey Project SP 347-10 – Re: Rempel / Bielish.

Road Closure: Road Plan 796S

112-10: Bobocel

WHEREAS, Smoky Lake County requires a resolution for the purpose of closing to public travel and canceling a public highway accordance with Section 24, of the *Municipal Government Act*, Chapter M26, Revised Statutes of Alberta, 2000, as amended; and

WHEREAS, the lands hereafter described are not longer required for public travel.

NOW THEREFORE BE IT RESOLVED that the Council of Smoky Lake County does hereby close the following described road, subject to rights of access granted by other legislation.

Road Plan 796S within the land(s) legally described as:

Lot 3A, Plan 4486TR; and

Lot 4, Plan 4486TR; and

Lot R4, Plan 4486TR; and

Lot 5, Plan 4486TR; and

SW 04-59-19-W4 and SE 05-59-19-W4.

Excepting Thereout All Mines and Minerals.

Carried.

Sale of Land

113-10: Cherniwchan

That Smoky Lake County agree to sell the portion of undeveloped Road Plan 796S, as surveyed by Rachynski Land Survey (1998) Ltd. in Tentative Plan SP-347-10, to Ken and Cathy Rempel for the amount of **\$1,050.00**, plus GST (based on \$1,000.00 per acre), for the purpose of consolidating 1.050 acres (0.425 hectares) into Lot 5, Plan 4486TR.

Carried.

Purchase Land

114-10: Bobocel

That Smoky Lake County agree to purchase 0.213 acres (0.086 hectares) from Lot 3A, Plan 4486TR and 1.048 acres (0.424 hectares) from Lot 4, Plan 4486TR from Mervin and Patricia Bielish, in the amount of \$1,261.00, plus GST (based on \$1,000.00 per acre), for the purpose of registering the asbuilt road, as surveyed by Rachynski Land Survey (1998) Ltd. in Tentative Plan SP-347-10.

115-10: Orichowski

That Motion #114-10 be deferred to the County Council meeting scheduled for December 17, 2010.

Carried.

Road Project Survey: NW 24-60-17-W4

116-10: Danyluk

That Smoky Lake County prepare a survey for the registration of the as-built Road Allowance – Road Twp 604, as it travels through NW 24-60-17-W4.

Carried.

Road Project Survey: N ½ NE 03-60-14-W4

117-10: Bobocel That Smoky Lake County prepare a survey for the registration of the as-built Road Allowance - Range Road 142, as it travels through N ½ NE 03-60-14-W4 – Road Plan 3214HW.

Carried.

Road Project Survey: NE 24-60-18-W4

118-10: Orichowski That Smoky Lake County prepare a survey for the registration on the as-built Road Allowance - Range Road 180, as it travels through NE 24-60-18-W4 – Road Plan 19CL.

Carried.

Twila Bauman, Planning and Communications Manager left the Council Chambers, time 9:45 a.m.

Dave Kully, Public Works Shop Foreman entered the Council Chambers, time 9:45 a.m.

Bylaw 1213-10: Borrowing Bylaw

119-10: Bobocel That **Bylaw No. 1213-10:** authorize the Municipal Council of Smoky Lake County to provide **operating expenditure borrowing** and short-term **capital property borrowing** as follows: **Operating Line-of-Credit not to exceed \$5,000,000.00 and Corporate MasterCard Account with a credit limit of \$50,000.00**, be given **FIRST READING**.

Carried.

Moved by Councillor Orichowski that **Bylaw No. 1213-10:** authorize the Municipal Council of Smoky Lake County to provide **operating expenditure borrowing** and short-term **capital property borrowing** as follows: **Operating Line-of-Credit not to exceed \$5,000,000.00 and Corporate MasterCard Account with a credit limit of \$50,000.00**, be given the **SECOND READING**.

Carried.

Moved by Councillor Danyluk that **Bylaw No. 1213-10:** authorize the Municipal Council of Smoky Lake County to provide **operating expenditure borrowing** and short-term **capital property borrowing** as follows: **Operating Line-of-Credit not to exceed \$5,000,000.00 and Corporate MasterCard Account with a credit limit of \$50,000.00**, be given **PERMISSION** for **THIRD AND FINAL READING**.

Carried Unanimously.

Moved by Councillor Cherniwchan that **Bylaw No. 1213-10:** authorize the Municipal Council of Smoky Lake County to provide **operating expenditure borrowing** and short-term **capital property borrowing** as follows: **Operating Line-of-Credit not to exceed \$5,000,000.00 and Corporate MasterCard Account with a credit limit of \$50,000.00**, be given the **THIRD and FINAL READING** and that the Reeve and the Chief Administrative Officer are hereby authorized to fix their signatures to all necessary documents and that the corporate seal also be fastened where it is deemed to be necessary.

Carried.

1. A Council on request from a person who is an owner, purchaser or leasee of land may authorize that person to construct a **Livestock Guard** across a Municipal road at the place and according to the specifications and conditions that may be imposed by the Municipality.
2. A **Livestock Guard** shall be constructed as per the *Livestock Guard Conditions* and kept in an excellent state of repair by the person receiving permission to construct it.
3. If that person does not keep the **Livestock Guard** referred to in this Agreement and the referenced Bylaw No. _____ in repair, that person and not the Municipality, is liable for damages sustained by any person by reason of default.

The **Livestock Guard Conditions** that the Applicant must adhere to are as follows:

1. The **Livestock Guard** must be constructed in strict adherence to specifications, forming part of this Agreement:
 - 1.1 with at least a traffic opening to the Municipal road of:

_____ a)	Standard Highway Type	- 6.1 M width	or
_____ b)	Range Type	- 4.50 M width	
2. Warning signs with the wording:
 - 2.1 "LIVESTOCK GUARD 100 METRES" must be installed on either side of the **Livestock Guard**, for traffic approaching the **Livestock Guard**.
 - 2.2 "LIVESTOCK GUARD" at the location.
 - 2.3 The Applicant shall post and maintain "LIVESTOCK AT LARGE" signs on the Municipal road adjacent to the **Livestock Guard** to the satisfaction of the County warning users of the Municipal road that grazing animals are at large.
3. This permission is granted upon the strict adherence that the **Livestock Guard** and/or signs be maintained on a regular basis.
4. The Applicant must, at all times, keep the **Livestock Guard** in good repair.
 - 4.1 Failure of the Applicant to keep the **Livestock Guard** in good repair may result in the County, at its sole discretion, repairing the **Livestock Guard** and invoicing the Applicant for the cost of the same.
 - 4.2 County shall not be liable for any damage sustained by any person by reason of the default of the applicant to keep the **Livestock Guard** in repair.
5. The Applicant shall post signs on the roadway at least 500 feet in each direction from the **Livestock Guard** when the gate is under construction or repair to warn the traveling public.
6. The County Council may rescind this Agreement and Bylaw No. _____ granting permission to construct the **Livestock Guard** if any of the above conditions are not adhered to.
7. The County Council reserves the right at any time to rescind this Agreement and Bylaw No. _____ granting permission to construct the **Livestock Guard** if deemed in the public interest.
8. Should the **Livestock Guard** be requested to be removed by the County, the Applicant must restore the Municipal road to its original condition.
9. It is incumbent on the Applicant to notify the County should he/she cease to own or lease properties adjacent to the **Livestock Guard**. Failure to do so may result in the **Livestock Guard** being removed by the County and restoration of the road to its original condition; all being charged to the Applicant at the discretion of the County.
10. The Applicant shall indemnify and save harmless the County with respect to any costs, claims, damages or causes of action of any kind whatsoever brought by a third party against the County arising out of this Agreement and without restricting the generality of the foregoing with respect to any claims arising out of accidents involving bison, cattle, horses or any other

domestic animal owned by or under the control and supervision of the Applicant grazing on the lands adjacent to the Municipal road where the Livestock Guard is located.

I (We) hereby agree to the provisions and conditions of this Agreement to be enforced and contained in Bylaw No. _____ of the Smoky Lake County and as outlined in this Agreement signed this _____ day of _____, 20__.

WITNESS

APPLICANT

**SPECIFICATIONS
LIVESTOCK GUARDS**

1. **General**
Description

This specification covers the supply and fabrication of devices designed to allow safe passage of any motor vehicle across their width while safety restricting the passage of range cattle.

2. **Design Standards**

This Applicant shall provide full shop drawings showing all materials including specification and grade of steel, all material sizes and/or dimensions, and all connections including grades and sizes of bolts and sizes of weld. Drawings shall be fully dimensioned in metric units.

Designs must be certified by a registered Professional Engineer registered in the Province of Alberta, as to meeting the specified load capacity for each type of livestock guard outlined herein.

In cases where standards are quoted, such as Canadian Standards Association (CSA) or the Canadian Welding Bureau (CWB), the latest edition shall be used.

3. **Materials**

Livestock guards shall be fabricated using new or used quality material as specified and must be painted with one coat of oil alkyd type primer, meeting the requirements of the Canadian General Standards Board (CGSB) Spec. 1-GP-166M. Weathering Steel, which does not require paint, is also acceptable.

Finished products shall be identified with a trademark and also the date of manufacture stamped or welded in an area of the guard that can be easily read after installation.

Fencing detail shown on the drawings is for information only and with the exception of the application fence post sleeves, does not apply to this specification.

4. **Classification**

Livestock guards will be classified according to the following:

4.1 Standard Highway Type

Standard highway livestock guards are used on all other paved and unpaved roads and are designed to carry any legal highway vehicle at various speeds.

4.2 Range Type

Range type livestock guards are designed to be used on lightly or seldom traveled roads with no more than standard farm or ranch vehicles.

5. **Load Rating Applications**

In all load applications, the load shall be placed on the livestock guard in a location causing the greatest stress to the member in question.

5.1 Live Load Requirements

Range Type and Standard Highway Type livestock guards shall meet the live load capacity requirements of CSA bridge design code S6 for design truck: normal loading CS-600 truck (180 kN axle).

<p>5.2 Impact Loading An impact load shall be applied concurrently with the live load. The impact load for all livestock guard types shall be:</p> <ul style="list-style-type: none"> ■ a vertical load equal to 40% of the live load or ■ a vertical load equal to 20% of the live load combined with a horizontal load equal to 20% of the live load. <p>6. Construction</p> <p>6.1 General All livestock guards shall be constructed in accordance with the applicable drawings. Livestock guards shall be 2.44 m wide, edge to edge on the deck surface. Average overall height shall be as shown on the drawings.</p> <p>Welding must be performed by a company approved by the Canadian Welding Bureau to CSA Standard W47.1 with work performed to CSA Standard W59.</p> <p>6.2 Sill and Frame Construction The frame shall be designed to allow even distribution of live loads to the sills.</p> <p>Sills consist of round structural tubing which contacts the ground and forms the base for the structure.</p> <p>The ends of the frame which contact the road surfaces shall include a fill guard to prevent road material falling between the deck and sills. The fill guard shall be welded to the side of the cattle guard.</p> <p>6.3 Deck Construction Deck construction shall consist of round structural tubing with dimensions as shown on the plans arranged perpendicular to traffic. A gusset reinforcement shall be used between each member. This reinforcement shall not permit the build-up of gravel or snow which may allow cattle to cross.</p> <p>Fence post sleeves designed to accept a 60 mm (O.D.) diameter post must be connected through the deck and attached to the frame at an outward 115 degree slant. The top of the sleeve shall not protrude above the deck. Deck members shall be continuous over the length of the guard. Any splices shall develop the full strength of the member and shall be detailed on the drawings.</p> <p>7. Site Plan The Applicant must provide a detailed plan indicating the exact location of the Livestock Guard, in addition:</p> <ul style="list-style-type: none"> 7.1 soil conditions; 7.2 and drainage patterns. 	
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Carried.

7. Delegation(s):

Strongco

Present before County Council at 10:00 a.m. to 10:25 a.m. was Shawn Grykuliak, Territory Manager, Strongco to update County Council on the Strongco Company and Volvo Motor Graders.

Dave Kully, Public Works Shop Foreman left the Council Chambers, time 10:30 a.m.

5. Issues for Information:

Chief Administrative Officer's Report

The Chief Administrative Officer gave an updated report to Council for the period of October 29, 2010 to November 24, 2010.

Legislative / Governance:

- Council needs to choose dates in early January to begin the Strategic Planning process. It looks like the "open" dates are: January 4, 5, 6, and 10 -14, 2011.
- Joyce Peats has indicated a willingness to be re-appointed to the Smoky Lake Heritage Board.

Administrative:

- Participated in a conference call – Re: Internet Towers in follow-up to the survey undertaken last month. Sent an e-mail to the provincial government assuring them that, if approved for the grant, the County will own the internet towers for at least 3 years.
- Completed the briefs for Alberta Environment and Alberta Transportation for AAMD&C Convention.
- Held a meeting with the CAO's of Waskatenau and County of Thorhild along with Shane Pospisil – Re: CN Rail Line abandonment. Next step is to seek information from CN Rail regarding the volumes, economics and salvage value of the line. We have a *Legal*, regulatory deadline of January 5, 2011 to reply to CN.

Financial:

- Interim Audit has been completed. It went very well. We will be developing some new forms to make the auditor's job easier in the future.
- Budget process has started. Thanks to Council and Management for working well together on priority expenditures. Budget meetings to take place November 26, 2010 and November 30, 2010.

Human Resources:

- Completed negotiations with International Union of Operating Engineers – Local 955 and subsequently met with Sheldon McKenna regarding two interpretation issues.

Community:

- Smoky Lake Heritage Board has submitted a first draft of a budget for a plaque-unveiling ceremony for the Victoria District. They emphasize that this budget is a worst-case scenario, and can likely be accomplished for half the cost if the County chooses to host it. Further, it can be done with or without a reception afterwards. This is clearly at Council's full discretion.

Strategic Planning

121-10: Bobocel

That a **Committee of the Whole Meeting** for the purpose of Strategic Planning be scheduled for Monday, **January 17, 2011** at 10:00 a.m. to be held at the County Council Chambers.

Carried.

Smoky Lake Heritage Board

122-10: Danyluk

That Smoky Lake County appoint the public-at-large member Joyce Peats as a board member to the **Smoky Lake Heritage Board**, as per Bylaw 1206-10.

Carried.

Smoky Lake Heritage Board

123-10: Cherniwchan That the Smoky Lake County contribute a maximum amount of **\$4,000.00** from the 2011 Budget to the Smoky Lake Heritage Board for the Plaque Unveiling Ceremony at the Victoria District National Historic Site of Canada.

Carried.

Financial Update:

As annexed to the minutes:

↳ Financial Statement for the Month of **September 2010 and October 2010.**

Action List:

↳ **Action List:**

- **County Council Organizational Meeting: October 28, 2010.**
- **County Council Meeting: October 28, 2010.**

124-10: Orichowski That the updated report for the period of October 29, 2010 to November 24, 2010 by the Chief Administrative Officer, be accepted and filed for information.

Carried.

Finance Manager's Report

Brenda Adamson, Finance Manager provided an updated Finance report for the period of October 19, 2010 to November 18, 2010.

Property Tax Levy: Penalty Cancellation

125-10: Bobocel That Smoky Lake County cancel the November 2, 2010 Property Tax Levy penalties for Tax Roll Account Number 14603140 in the amount of \$6.21; Tax Roll Account Number 14603230 in the amount of \$6.22; Tax Roll Account Number 14603240 in the amount of \$6.04; Tax Roll Account Number 14603330 in the amount of \$6.18; Tax Roll Account Number 14603340 in the amount of \$6.42; Tax Roll Account Number 14610410 in the amount of \$6.09; Tax Roll Account Number 14610420 in the amount of \$6.08; Tax Roll Account Number 14610430 in the amount of \$6.43; Tax Roll Account Number 14610440 in the amount of \$6.42; Tax Roll Account Number 14610510 in the amount of \$6.29; Tax Roll Account Number 14610910 in the amount of \$6.52; Tax Roll Account Number 14610920 in the amount of \$6.43; Tax Roll Account Number 14610930 in the amount of \$6.43; Tax Roll Account Number 14610940 in the amount of \$6.57; for a total amount of **\$88.33.**

Carried.

Property Tax Levy: Penalty Cancellation

126-10: Cherniwchan That Smoky Lake County cancel the November 2, 2010 Property Tax Levy penalty for Tax Roll Account Number 30190202 in the amount of \$4.31.

Carried.

Property Tax Levy: Penalty Cancellation

127-10: Danyluk That Smoky Lake County cancel the November 2, 2010 Property Tax Levy penalty for Tax Roll Account Number 12600340 in the amount of \$4.48.

Carried.

Property Tax Levy: Penalty Cancellation

128-10: Orichowski That Smoky Lake County cancel the November 2, 2010 Property Tax Levy penalty for Tax Roll Account Number 33220126 in the amount of \$67.52.

Carried.

Property Tax Levy: Penalty Cancellation

129-10: Danyluk That Smoky Lake County take no action to cancel the November 2, 2010 Property Tax Levy penalty for Tax Roll Account Number 18612441 in the amount of \$70.74; and for Tax Roll Account Number 18612430 in the amount of \$10.25.

Carried.

130-10: Danyluk That the Finance Manager's Report received by Brenda Adamson for the period of October 19, 2010 to November 18, 2010, be accepted and filed for information.

Carried.

Reeve's Report

Reeve Dareld Cholak presented the following report:

- Issues will be addressed during the Committee Task Force and Board reporting.

131-10: Orichowski That the Reeve's report received, be accepted.

Carried.

Councillor's Report

Councillor Lori Danyluk and Councillor Rick Cherniwchan presented the following report:

- Discussed issues presented at the Municipal Governance Workshop attended on November 18 and 19, 2010.
- Issues to be addressed at the scheduled County Strategic Planning Session in January 2011.

132-Bobocel That the Councillor's Report received by Councillor Danyluk and Councillor Chernwchan, be accepted for information.

Carried.

Management Reports

133-10: Bobocel That the management reports received for the period of October 29, 2010 to November 18, 2010 from Doug Ponich, Public Works Manager; Bob Novosiwsky, Public Works Road Foreman; Dave Kully, Public Works Shop Foreman; Ed English, Peace Officer; Twila Bauman, Planning and Communications Manager; and Trevor Tychkowsky, Safety Officer, be accepted and filed for information.

Carried.

Committee Task Forces and Boards: Reports**Alberta Care**

- No report.

Alberta HUB

- No report.

Community Futures Corporation: St. Paul / Smoky Lake Region

- No report.
- Meeting scheduled for December 2, 2010 at 1:00 p.m.

Corridor Communications Incorporated

- Agreement signed for Five General Service Area with Industry Canada.
- Construction will start soon on the two towers in the County. Waiting for Atco to install the Power.
- Canada Broadband Grant application in process should have an answer in December.
- Spectrum Licence – Year 2012.

Doctor Retention & Recruitment Committee

- No report.

Evergreen Regional Waste Management Commission

- No report.

Family Community Support Services Committee

- No report.

Family-School Liaison Committee

- No report.

Fire and Rescue Committee**Vilna:**

- No report.

Waskatenau:

- Waskatenau Memorial Unveiling – December 3, 2010.

Smoky Lake:

- Meeting scheduled for December 13, 2010 at 7:00 p.m.

134-10: Bobocel

That County Council and administration who can attend – attend the Waskatenau Fire Department Memorial Unveiling for the Fallen Fire Fighters scheduled for December 3, 2010 at the Waskatenau Fire Hall Station.

Carried.

Government Liaison Committee

- 2010 Fall AAMD&C Convention: Attended the meetings Scheduled with Alberta Transportation and Alberta Environment.
- Attended a meeting at the Legislature Building in regards to a possible construction of a Bio-Diesel Plant in the Province.
- Attended meeting with County of Thorhild and Municipal Affairs – regarding Water Commission approval. Was advised that this is very close to the approval stage.

Highway 28/63 Regional Water Group Steering Committee

- No report.

In-House Safety Committee

- Meeting: November 23, 2010.
- Committee Chair: Kurt Holdis.
- Vice-Chair: Jim Zukowsky.
- Grader Operator Training: Spring 2011.
- Skid Steer Operator Course: Re-scheduled to 2011.
- Plow Truck Operators Course: Six employees completed – very informative on the Safety aspect and the hand-on training.
- Chain Saw Training: 13 employees completed – 10 employees to completed.
- Internal Audit will soon be completed.
- Next meeting scheduled for December 20, 2010 at 10:30 a.m.

Joint Economic Development Initiative (JEDI) Committee

- Meeting held on November 4, 2010.
- Chair: Nathan Taylor.
- Vice-Chair: Ron Bobocel.
- Shane Pospisil, Community Economic Development Officer has been working on Business Counseling for the local businesses.
- Investment Attraction: Possible development near the North Saskatchewan River.
- Working closely with the Chamber of Commerce with Smoky Lake and Vilna for attracting businesses.
- Reviewed a Retail Survey on Smoky Lake Region.

Municipal Planning Commission

- Meeting will be held as needed.
- Chair: Lori Danyluk.
- Vice-Chair: Rick Cherniwchan.

North East Muni-Corr Ltd.

- Meeting scheduled for December 13, 2010.
- Chair: Ed Rondeau, M.D. of Bonnyville.

Policy Committee

- No report.

R.C.M.P. Liaison Committee

- Invited to the Joint Municipalities Meeting G.M. (Glenn) de Goeij, Inspector, Royal Canadian Mounted Police, “K” Division Client Services and Gloria Ohrt, Director, Contract Policing, Solicitor General and Public Security, Public Security Division, Government of Alberta to give a presentation in regards to a request from the local RCMP Detachment.

Risk Pro Control Management Committee

- **Minutes:** Added Named Insured:
 - **Alberta Healthcare Auxiliaries:**
 - Minutes: January 18 and 19, 2010.
 - Minutes: April 19 and 20, 2010.
 - Minutes: July 19 and 20, 2010.
 - Minutes: July 20 and 21, 2010.
 - Minutes: October 19, 20, and 21, 2009.

Smoky Lake Agricultural Society

- Volunteer Supper: December 3, 2010.

135-10: Bobocel

That County Councillor Lori Danyluk attend the Smoky Lake Agricultural Volunteer Supper on December 3, 2010 at 5:30 p.m. at the Smoky Lake Complex.

Carried.

Smoky Lake Foundation

- Smoky Lake Bar-V-Nook Lodge: 2 Vacancies.
- Self-Contained Units: Full Occupancy.
- Vilna Lodge: Full Occupancy.
- Vilna Alzheimer’s Unit: Full Occupancy.

Smoky Lake Foundation

- No report.

Victoria Settlement Advisory Committee

- No report.

Smoky Lake Heritage Board

- No Minutes.

Joint Municipalities

- Next meeting scheduled for Tuesday, November 30, 2010 hosted by the Village of Vilna at the Vilna Cultural Centre.

Negotiating Committee

- International Union of Operating Engineers (I.U.O.E.) – Local 955: Collective Agreement – two year agreement.

Councillor Rick Cherniwchan declared Pecuniary Interest in regards to a family member as an employee of the County, and left the Council Chambers, time 11:45 a.m.

Local 955: International Union of Operating Engineers

136-10: Bobocel

That Smoky Lake County ratify the “Collective Agreement” with The International Union of Operating Engineers, Local Union No. 955, for the period January 1, 2011 to December 31, 2012.

Carried.

Councillor Rick Cherniwchan re-entered the Council Chambers, time 11:46 a.m.

137-10: Danyluk

That the Committee Task Force and Board Reports presented by Councillors be accepted.

Carried.

9. Public Question and Answer Period:

11:50 a.m.

No questions from the public.

6. Correspondence:

- 138-10: Bobocel That the following correspondence received from the Alberta Association of Municipal Districts and Counties, be filed for information:
- a. Contact Newsletter:
 - October 21, 2010.
 - b. Contact Newsletter:
 - October 27, 2010.

Carried.

Hillside Acres

Councillor Lori Danyluk declared Pecuniary Interest, in regards to owning property at Hillside Acres, and left the Council Chambers, time 11:48 a.m.

- 139-10: Bobocel That County Council go into Executive Session to discuss a legal issue, time 11:50 a.m.

Carried.

- 140-10: Cherniwchan That County Council go out of Executive Session, time 11:54 a.m.

Carried.

- 141-10: Bobocel That County Council take no action to the letter received from H.H. Zemrick, dated September 30, 2010 in regards to the request at Hillside Acres.

Carried.

Councillor Lori Danyluk re-entered the Council Chambers, time 11:56 a.m.

Dart Tournament: Door Prize

- 142-10: Chernwichean That County Council donate a door prize to the Warspite Hotel for the Dart Tournament event at the Warspite Hotel on December 4, 2010 to raise funds for the food bank and Christmas Hamper, as per letter received from Tom Bullas.

Carried.

Smoky Lake & District Chamber of Commerce

- 143-10: Orichowski That the newsletter received from the Smoky Lake & District Chamber of Commerce, dated Fall 2010 News, be filed for information.

Carried.

Smoky Lake Rural Crime Watch

- 144-10: Danyluk That Smoky Lake County assist the Smoky Lake Rural Crime Watch to install new Rural Crime Watch signs on County Roads in 2011, as per request from the Smoky Lake Rural Crime Watch Association President, Leonard Apedaile's letter dated November 3, 2010.

Carried.

Seniors Fall Prevention Month: Finding Balance

145-10: Bobocel That Smoky Lake County advertise in the County Grapevine the Seniors Falls Prevention Month Distribution Material: Finding Balance available, as per letter received from Kathy Belton, Associate Director, Alberta Centre for Injury Control and Research, dated October 19, 2010.

Carried.

Bill C-49

146-10: Danyluk That the correspondence received from Brian Storseth, MP, Westlock-St. Paul Constituency dated on October 25, 2010 in regards to Bill C-49, be filed for information.

Carried.

Joly, McCarthy & Dion

147-10: Danyluk That the letter received from Joly, McCarthy & Dion, Chartered Accountants, dated November 8, 2010 in regards to the Financial Statements for Year-Ending December 31, 2010, be filed for information.

Carried.

Waskatenau Preschool Association

148-10: Orichowski That Smoky Lake County advise Karen Joyce, President, Waskatenau Preschool Association to re-apply for FCSS Funding in Year 2011.

Carried.

Municipal Affairs

149-10: Bobocel That the letter received from Honourable Hector Goudreau, Minister of Municipal Affairs, dated November 15, 2010 in regards to the new MSI Information Web-site, be filed for information.

Carried.

Northern Lights Library System

150-10: Danyluk That Smoky Lake County approve a levy increase for the Northern Lights Library Board in the amount of **\$.25** per capita; from current \$4.08 per capita to \$4.33 per capita, effective January 1, 2011; totaling the municipal levy for 2011 in the amount of **\$23,520.56**.

Carried.

Property Tax Roll Number 40310120

151-10: Bobocel That Smoky Lake County take no action to the request received from Paul Eddy, dated October 23, 2010 in regards to the 2010 Property Tax for Roll Number 40310120 – Hamlet of Warspite.

Carried.

Thank You: Summary Listing

152-10: Cherniwchan That Smoky Lake County file for information the November 2010 Summary Listing of Thank You received from organizations extending appreciation of support:

- Smoky Lake Holubka Dancers: Financial support of 2010 FCSS Funds.
- Smoky Lake Cultural & Heritage Society: Project Support.

Carried.

Information Releases

153-10: Orichowski That the Information Releases for the Month of November 2010, be filed for Information.

Carried.

Reading File

No correspondences in the Reading File.

Meeting Recessed

Meeting recessed for Lunch, time 12:00 p.m.

Meeting Reconvene

The meeting reconvened on a call to order by Reeve Dareld Cholak at 12:30 p.m. in the presence of all Council members, and the Chief Administrative Officer, Assistant Chief Administrative Officer/Recording Secretary and the Finance Manager.

8. Executive Session:

154-10: Orichowski That County Council go into Executive Session to discuss a legal and personnel issue, time 12:31 p.m.

Carried.

Trevor Tychkowsky entered the Council Chambers, time 12:40 p.m.

Trevor Tychkowsky left the Council Chambers, time 1:05 p.m.

Cory Ollikka, Chief Administrative Officer; Lydia Cielin, Assistant Chief Administrative Officer; and Brenda Adamson, Finance Manager left the Council Chambers, time 1:20 p.m.

Cory Ollikka, Chief Administrative Officer entered the Council Chambers, time 1:30 p.m.

155-10: Bobocel That County Council go out of Executive Session, time 1:35 p.m.

Carried.

Lydia Cielin, Assistant Chief Administrative Officer; and Brenda Adamson, Finance Manager entered the Council Chambers, time 1:35 p.m.

Tire Craft: Invoice

156-10: Orichowski That Smoky Lake County pay the Invoice Number 048275 to Tire Craft in the amount of \$570.92 for damages incurred on October 4, 2010 on property located on Twp 610.

Carried.

Invoice Number 766934: Cancellation

157-10: Cherniwchan That County Council cancel the Smoky Lake County Gravel Invoice Number 766934 dated November 1, 2010 in the amount of \$1,631.49 upon receiving a signed waiver releasing the Smoky Lake County from all claims for damages incurred on property located at the Residential Address: 12445 – Highway 28 on Range Road 125 – South of Highway 28.

Carried.

Bills & Accounts:

158-10: Bobocel That all the Bills and Accounts approved for payment, including the bills and accounts recommended for payment by the Natural Gas Council, including transfers to the Payroll Account be filed for information:

November 25, 2010		
Batch #	Cheque Numbers	Total of Batch
23095	27370 to 27372	\$ 15,827.23
23099	27373 to 27385	\$ 147,508.92
23109	27386 to 27391	\$ 5,223.48
23120	27393 to 27448	\$ 91,719.28
23168	27449 to 27479	\$ 114,666.96
23202	27480 to 27518	\$ 152,735.83
23206	27519	\$ 1,575.00
Total Cheques		\$ 529,256.70
Direct Debit Register		
22987	Smoky Lake County	\$ 1,273.85
23102	Bank of Canada	\$ 2,250.00
23103	Smoky Lake County	\$ 145,992.00
23104	Smoky Lake County	\$ 105,339.46
Total Direct Debits		\$ 3,523.85
Grand Total Bills and Accounts		\$ 532,780.55

Carried.

County Council Meetings

159-10: Danyluk That the next **County Council Meetings** be scheduled for Friday, **December 17, 2010**; Thursday, **January 27, 2011**; and Thursday, **February 17, 2011** at 9:00 a.m. to be held at the County Council Chambers.

Carried.

Board Governance Training Workshop

160-10: Bobocel That County Council who can attend – attend the Board Governance Training Workshop sponsored by Rural Utilities on February 24, 2011 in Leduc.

Carried.

County Council: Budget Meeting

161-10: Cholak That the **County Council Budget Meeting** be scheduled for Wednesday, **January 5, 2011** at 10:00 a.m. to discuss the Total Function Budget to be held at the County Council Chambers.

Carried.

162-10: Cherniwchan That the **County Council Budget Meeting** be scheduled for Tuesday, **November 30, 2010** at 1:00 p.m., be re-scheduled to Tuesday, **November 30, 2010** to 11:00 a.m.

Carried.

ADJOURNMENT:

163-10: Bobocel That this meeting be adjourned, time 1:50 p.m.

Carried.

 REEVE

S E A L

 CHIEF ADMINISTRATIVE OFFICER