

SMOKY LAKE COUNTY

Minutes of the **County Council Meeting for the purpose of Departmental Operations** held on Thursday, **July 20, 2017**, at 9:10 A.M. in the County Council Chambers.

The meeting was called to Order by the Reeve, Mr. Craig Lukinuk, in the presence of the following persons:

		ATTENDANCE
<u>Div. No.</u>	<u>Councillor(s)</u>	<u>Thursday, July 20, 2017</u>
1	Dareld Cholak	Present
2	Ron Bobocel	Present
3	Craig Lukinuk	Present
4	Cary Smigerowsky	Present @ 9:35 a.m.
5	Randy Orichowski	Present
CAO	Cory Ollikka	Present
Assist. CAO	Lydia Cielin	Present
Finance Manager	Brenda Adamson	Absent
Leg. Svcs Clerk/RS	Patti Priest	Present

Members of Administrative Staff in attendance:

Doug Ponich – Public Works Manager	Present
Dave Kully – Public Works Shop Foreman	Present
Bob Novosiwsky – Public Works Foreman	Present
Ed English – Peace Officer/Rec. Manager	Present
Jordan Ruegg, Planning & Dev. Manager	Present
Trevor Tychkowsky – Safety Officer	Present
Tori Cherniawsky – Agricultural Fieldman	Present
Thomas Ponich – Assist. Nat. Gas Manager	Present
Scott Franchuk – Fire Chief	Present
Dave Franchuk – Env. Operations Manager	Present
Paul Miranda – GIS/Comm. Director	Absent

One member of the Public in attendance.

2. Agenda:

Agenda

899-17: Orichowski

That the Agenda for Thursday, July 20, 2017 County Council Meeting for the purpose of Departmental Operations, be adopted as presented.

Additions:

1. Garner Lake Shoreline Destruction.
2. Northern Lights Truck Stop 40 Fas Gas - Gravel Request.

Carried Unanimously.

3. Minutes:

No Minutes.

4. Request For Decision:

2017 Municipal Election – Advance Vote

900-17: Orichowski

That Smoky Lake County hold an Advance Vote Poll for the 2017 General Municipal Election.

Carried.

901-17: Bobocel

That the Advance Vote Poll for the 2017 Municipal Election be held on **Saturday, September 30, 2017** from **10:00 a.m. to 6:00 p.m.** at the Smoky Lake County Administration Office located at 4612 McDougall Drive in Smoky Lake.

Carried.

2017 Municipal Election – Polling Stations

902-17: Cholak That Smoky Lake County Council confirm the Election Polling Stations for the 2017 General Municipal Election are as follows:

Division One

Spedden National Hall, 5002 - 49 Street, Spedden
Vilna Cultural Centre, 5431 - 50 Street, Vilna

Division Two

Stry 75th Anniversary Hall, 13304 Twp Rd 584
Dickiebush Church Hall, 58444 Rge Rd 152

Division Three

Warspite Community Hall, 4913 - 51 Avenue, Warspite
Smoky Lake National Hall, 107 Willow Creek Street, Smoky Lake

Division Four

Bellis Ukrainian Rec. Cultural Centre, 4956 50 Street, Bellis
Smoky Lake National Hall, 107 Willow Creek Street, Smoky Lake

Division Five

Waskatenau Community Centre, 5104 – 50 Street, Waskatenau
Smoky Lake National Hall, 107 Willow Creek Street, Smoky Lake

and, the **Advance Poll** Station for all divisions is in the Smoky Lake County Administration Office located at 4612 McDougall Drive in Smoky Lake, Alberta, as set by the Chief Returning Officer.

Carried.

CAO Evaluation

903-17: Cholak That a County Council Meeting be scheduled for the purpose of the **Chief Administrative Officer's Evaluation** on August 24, 2017 at 1:00 p.m.; to be held at the County Council Chambers.

Carried.

Northern Lights Truck Stop Fas Gas

904-17: Cholak That Smoky Lake County approve an in-kind donation to Northern Lights Truck Stop Fas Gas Station in the Hamlet of Spedden of 124 tonnes of 1" gravel, as per verbal request received by Dareld Cholak, Councillor, Division 1, from Dwight Allan Delamarter, Owner of Northern Lights Truck Stop 40 Fas Gas.

Carried.

5. Issues for Information

Finance Manager

Property Tax Penalty: Cancellation

905-17: Bobocel That County Council **cancel penalties** in the amount of **\$22.02** for **Property Tax Roll number 18581320**, and **cancel penalties** in the amount of **\$88.66** for **Property Tax Roll number 18581310**, due to an administrative error when entering land title changes.

Carried.

Family and Community Support Services Funding

906-17: Cholak That Smoky Lake County allocate funding amounts from the 2017 Family and Community Support Services Grant budget as follows:

Community Group	Eligibility	Funding
Warspite Community Hall	Volunteer Appreciation	\$1,300.00
	Total	\$1,300.00

Carried.

Cary Smigerowsky, Councillor, Division Four, entered Council Chambers, time 9:35 a.m.

Public Works Manager

Highway 28 Safety Concerns

907-17: Smigerowsky That Smoky Lake County contact Alberta Transportation to bring awareness to the recent motor vehicle collisions at the intersection of Highways 28 and 855, to evaluate and address a speed reduction or alternate, in the interest of safety at the said intersection.

Carried.

7. Delegation:

Fish and Wildlife Enforcement Branch, Alberta Justice and Solicitor General

Present before Council was Erik Von Platen, District Fish and Wildlife Officer – Fish and Wildlife Enforcement Branch, Alberta Justice and Solicitor General, Public Security Division from 10:10 a.m. to 11:16 a.m. to discuss Legislation on Public Lands. Tori Ponich, Agricultural Fieldman, assembled the following information to accompany the discussion:

Public Lands Act (2010)

Public Lands Act:


(1) Subject to subsection (2) but notwithstanding any other law, the title to the beds and shores of

(a) all **permanent** and naturally occurring bodies of water

(b) all naturally occurring rivers, streams, watercourses and lakes


is vested in the Crown in right of Alberta and a grant or certificate of title made or issued before, on or after May 31, 1984 does not convey title to those beds or shores.

The extent of the Bed and Shores of a Body of Water is determined by the location of the bank, based on a legal land survey




Public Lands Act (2010)

- Prohibits “the **disturbance** of any public land in **any manner** that results or is likely to result in injury to the bed or shore of any river, stream, watercourse, lake or other body of water or land in the vicinity of that public land...”
- Regulates and enforces on activities that affect Crown-owned beds and shores of all permanent and naturally occurring bodies of water



Public Lands Act (2010)

- The Crown owns the **beds and shores** of all permanent and naturally occurring bodies of water including wetlands in the White Area, and ALL the land in the Green Area, including its wetlands
- Differentiates wetlands into **White** (settled) and **Green** (forested) areas



Public Lands Act

Title to beds and shores, etc.

3(1) Subject to subsection (2) but notwithstanding any other law, the title to the beds and shores of

- (a) all permanent and naturally occurring **bodies of water**, and
- (b) all naturally occurring rivers, streams, watercourses and lakes, is vested in the Crown in right of Alberta and a grant or certificate of title made or issued before, on or after May 31, 1984 does not convey title to those beds or shores.

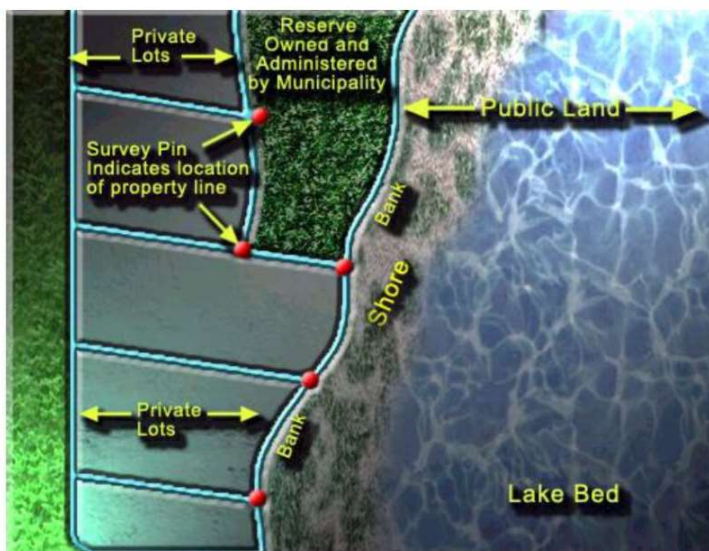
(2) [...]

(3) For the purposes of subsection (1), a river, stream or watercourse does not cease to be naturally occurring by reason only that its water is diverted by human act.

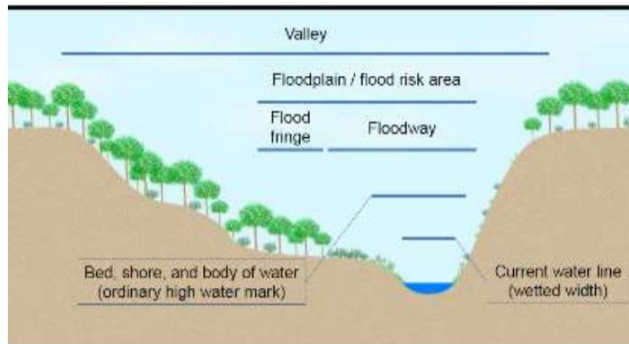
Surveys Act (1990)

17(2) When surveying a natural boundary that is a body of water, **the surveyor shall determine** the position of the line where the bed and shore of the body of water cease and the line is to be referred to as the **bank of the body of water**

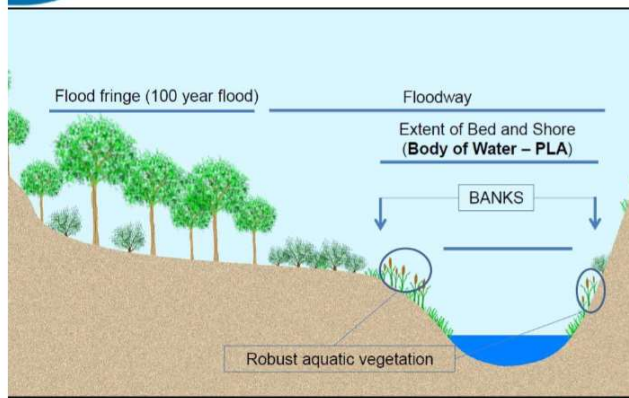
17(3) For the purposes of this section, the bed and shore of a body of water shall be the land **covered so long by water as to wrest it from vegetation** or as to mark a **distinct character on the vegetation** where it extends into the water or on the soil itself



Floodplain/Flood-Risk Area (Water Body – Water Act)



Floodplain/Flood-Risk Area (Water Body – Water Act)



Municipal Legislation – Environmental Reserve

Municipal Government Act – Environmental Reserve

- Land may instead be determined as essential to the protection and enhancement of the environment
- Register the land as an environmental reserve easement
 - The land must remain in its natural state



Municipal Legislation – Conservation Easements

Municipal Government Act – Conservation Easements

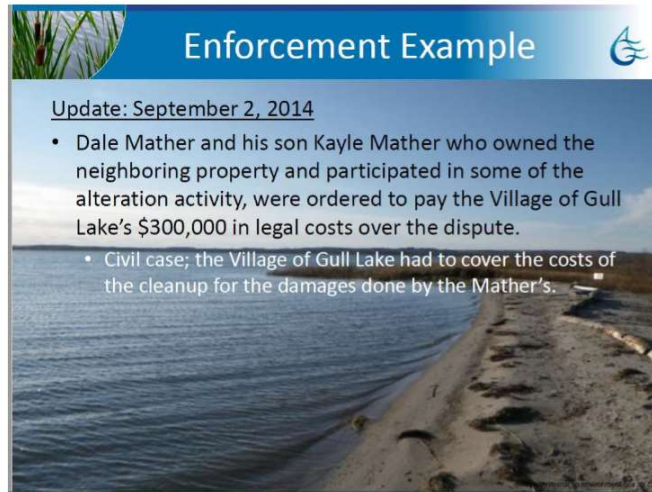
- Municipality accepts grants to keep the natural state of an area and allows for negotiable land uses and public access
- Ownership remains with the landowner who may get tax benefits or lowered taxes due to the reduction in assessment value related to the reduced potential for development

Enforcement Example

March 12, 2013

- Dale Andrew Mather fined **\$20,000**
- Charged under the *Water Act* for willfully altering the shoreline of Gull Lake
 - Removed aquatic vegetation to “improve the view” from his property
- Creative sentencing:
 - \$ 15,000 paid to the Gull Lake Water Quality Management Society to fund their Streambed Improvement Project





908-17: Bobocel That Smoky Lake County Administration contact the County Solicitor to research provide clarification on the jurisdiction and boundaries of Environmental Reserves, Municipal Reserves and Bed and Shore, and bring forward to a future County Council Meeting.

Carried.

Peace Officer

Garner Lake Shoreline

909-17: Bobocel That Smoky Lake County write a letter, to Heidi Kugler-Kane in response to her email in regard to the destruction of Garner Lake Shoreline by ATVs, dated July 19, 2017, with reference to the July 20, 2017, Council Motion 908-17.

Carried.

Fire Chief

Thank You to In-Line Contracting Ltd.

910-17: Cholak That Smoky Lake County write a letter of appreciation to In-Line Contracting Ltd. acknowledging their assistance in directing traffic during a motor vehicle collision that occurred on July 18, 2017 at the intersection of Highway 28 and Highway 855.

Carried.

Management Reports

911-17: Orichowski That the management reports received for the period between June 7, 2017 to July 13, 2017 from; Doug Ponich, Public Works Manager; Bob Novosiwsky, Public Works Road Foreman; Dave Kully, Public Works Shop Foreman; Ed English, Peace Officer; John Malysh, Natural Gas Manager; Dave Franchuk, Environmental Operations Manager; Tori Ponich, Agricultural Fieldman; Jordan Ruegg, Planning and Development Manager; Trevor Tychkowsky, Safety Officer; Scott Franchuk, Fire Chief; and Paul Miranda, GIS/Communication Manager, be accepted and filed for information.

Carried.

6. Correspondence:

Pioneer Bible Camp

912-17: Bobocel That County Council approve the action taken by Administration in donating in-kind assistance of supplying and delivering 70 tonnes of Gravel and 10 loads of sand to the Pioneer Bible Camp for their picnic shelter upgrades, in response to the letter request from Stuart Barth, Board Chairman for Pioneer Bible Camp, dated May 29, 2017.

Carried.

Reschedule the Council Meeting

913-17: Bobocel That the County Council Meeting for Thursday, September 28, 2017, be **rescheduled to Monday, September 25, 2017 at 9:30 a.m.**, to be held at the County Council Chambers.

Carried.

Jubilee Insurance - 2017 RiskPro Symposium

914-17: Lukinuk That relevant Smoky Lake County administration and relevant staff who can attend – attend Jubilee Insurance agencies', 10th annual 2017 RiskPro Symposium, scheduled for September 28 and September 29, 2017 in Leduc, Alberta.

Carried.

Alberta Electoral Boundaries Commission

915-17: Smigerowsky That County Council write a letter to Alberta Electoral Boundaries Commission providing feedback in opposition on the proposed Electoral Boundaries Changes, as per the Joint Municipalities Meeting held on June 26, 2017.

Carried.

Quiet Nook Community Hall

916-17: Lukinuk That County Council provide in-kind assistance of Parks and Recreation Department manpower and equipment for grass cutting to the County's Additional Named Insured: Quiet Nook Community Centre, in preparation for their Supper and Dance Fundraiser event scheduled for August 19, 2017, in response to the email request received from Tanya Pelech, dated July 6, 2017.

Carried.

County of Minburn No. 27

917-17: Bobocel That Smoky Lake County Council who can attend - attend the Alberta Association of Municipal Districts and Counties (AAMDC) District No. 5 Meeting hosted by Lac La Biche County scheduled for Friday September 22, 2017 at McArthur Place, in the Town of Lac La Biche, in response to the email received from Trudy Shukalak, Administrative Executive, County of Minburn No. 27, dated July 10, 2017.

Carried.

Adjournment:

918-17: Lukinuk That this meeting be adjourned, time 12:24 p.m.

Carried.

REEVE

S E A L

CHIEF ADMINISTRATIVE OFFICER