



**REGULAR COUNCIL
MEETING AGENDA**
Tuesday, February 25, 2020

1. **ORDER – 1:30 p.m.**
2. **ADOPTION OF AGENDA**
3. **ADOPTION OF PREVIOUS MINUTES**
- Regular Council Meeting – February 11, 2020 ✓
4. **1:30 p.m. - PUBLIC PRESENTATIONS**
a) Public
5. **DEPARTMENT REPORTS / RECOMMENDATIONS**
 - a) 1:30 p.m. Presentation – Magnan Vacuum Truck Service Appeal – Nisku Sewer Transfer Station Cleanup Invoice ✓ D. Mryglod
 - b) 1:45 p.m. Road Operations and Engineering & Utilities
 - i) Bylaw – Revision of Community Aggregate Payment Levy and Rescind Bylaw No. 08-18 ✓ D. Mryglod & N. Wice
 - ii) Bylaw – Revision of Fees & Charges and Rescind Bylaw No. 35-19 (Dust Suppression, Community Aggregate Payment Levy, Parks & Recreation) ✓ D. Mryglod, G. Broadbent & D. Ohnysty
 - iii) Appointment of Public Members at Large - Public Works Committee ✓ G. Broadbent
 - iv) Nisku Bulk Water Station Upgrade – Capital Cost Overrun ✓ D. Mryglod
 - c) 2:00 p.m. Planning & Development
 - i) 2:00 p.m. Public Hearing – Proposed Amendment to Leduc County Land Use Bylaw No. 7-08, LA19-009 – Rezone from Agricultural (AG) District to Direct Control (DC) District - Natural Resources Extraction-Clay NE 35-49-27-W4, Peterson ✓ C. Richards & G. McGovern
 - d) 2:15 p.m. Finance
 - i) 2019 Carry Forward and Project Funding Approvals ✓ N. Wice
6. **NEW BUSINESS**
 - a) Regional Transit Services Commission (RTSC) ✓ R. Thomas
7. **INFORMATION ITEM**
 - a)
8. **ADJOURNMENT**

✓ Attachment Provided

MINUTES OF THE REGULAR COUNTY COUNCIL MEETING, LEDUC COUNTY, HELD ON TUESDAY, FEBRUARY 25, 2020 IN THE COUNCIL CHAMBER OF THE COUNTY CENTRE BUILDING, NISKU, ALBERTA.

Order and Roll Call

The meeting was called to order at 1:30 p.m., Tuesday, February 25, 2020 by Mayor Tanni Doblanko as Chair and Council members Kelly-Lynn Lewis, Kelly Vandenberghe, Larry Wanchuk, Glenn Belozar and Ray Scobie present. Council member Rick Smith participated later in the meeting via skype due to his attendance at a wastewater conference.

Also present were:

- Duane Coleman, County Manager
- Rick Thomas, Deputy County Manager
- Renee Klimosko, General Manager of Financial and Corporate Services
- Grant Bain, Director of Planning & Development
- Joyce Gavan, Legislative Coordinator
- Des Mryglod, Director of Engineering and Utilities
- Natasha Wice, Director of Finance
- Michelle Edgerly, Executive Assistant, County Manager's office

Present as well were seven other individuals.

Agenda Adoption

45-20 Councillor Belozar -- that the agenda for the February 25, 2020 regular county council meeting be adopted as circulated.

Carried Unanimously

Previous Minutes – Regular Council Meeting – February 11, 2020

46-20 Councillor Wanchuk -- that the February 11, 2020 regular county council meeting minutes be confirmed as circulated.

Carried Unanimously

Public Presentation

Mayor Doblanko asked if there was anyone in attendance to provide a public presentation.

Members of the New Humble Community group, Bill Orlick, Megan Olynk and Cheryl Terietstap, provided a presentation relating to the Notice of Motion to close the New Humble Centre School (NHCS), highlighting the following:

- The Black Gold School Division (BGSD) put a motion forth on Jan. 8, 2020 for the closure of the NHCS. The motion was tabled for an opportunity to investigate the proposed closure.
- The vote on the motion is set for April 22, 2020.
- Leduc County are secondary stakeholders, which means there will be a loss for Leduc County as well.
- The school goal is to be a leader in hands on learning; focused on sustainable agriculture, environment and stewardship. Want to engage the community, heritage and culture and build on the great strengths they offer.
- Are asking Leduc County council:
 - i) for support in sharing the importance of this rural school and the rural/agricultural way of life;



- ii) to emphasize the concern for the future of NHCS, the future of rural and agricultural education and way of life in Leduc County directly to BGSD administration and board of trustees; and
- iii) would appreciate presence at meetings and events focused on the notice of motion to close NHCS, most importantly the community engagement night on March 11, 2020.

47-20 Councillor Wanchuk – that the presentation by the members of the New Humble Community Group be received as information.

Carried Unanimously

Presentation – Magnan Vacuum Truck Service Appeal – Nisku Sewer Transfer Station Cleanup Invoice

Martin Dansereau, Magnan Vacuum Truck Services, presented information relating to an incident at the Nisku transfer station where a spill occurred as a result of a mechanical failure or malfunction of a discharge valve on a Magnan Vacuum truck when it was being attached to the transfer station feed hose. The following information was provided:

- Have owned Magnum Vacuum Truck Services for over 20 years and am a 4th generation Leduc county resident.
- Have had discussions with Leduc County staff about this incident and am dismayed at the reaction of Leduc County utilities on how this incident was handled.
- These type of incidents (hose breaking, minimal spillage) is a normal operation of a vacuum truck service; have had 100's of these types of discharges; feel this incident was taken to an extreme level.
- Based on what has been witnessed and the over-reaction by Leduc County staff of the water released on site, it feels that there is no clear direction provided by the county on the use and protection within the station e.g. no clear line of responsibilities were provided.
- We pay for the use of the site; it is not clear who is responsible for the spillage containment.
- This incident relates to a site-specific site and is essentially grey water.
- The spillage contents were from an approved consumer/customer and hauled to the septic disposal station; did house this incident but have no idea why it was treated as a hazardous disposal when it contained grey water.
- After the incident, I was present at the truck and observed the valve failed and quickly got it shut down. The county utilities staff were contacted and then I went home to shower and continued on with the day. Later that day were notified by county staff that this spillage had to be immediately cleaned up by myself.
- The county did conduct the clean-up. A sample was taken from the gravel, which had already contained contamination from other spillage. The test showed higher levels of contaminants that likely came from old spillage within the gravel. Feel that any minor contaminants existing within the gravel would have evaporated within 24 hours or worst case the gravel would have broken down any remaining contaminants.
- Do not feel the county took appropriate action; there is room for education within department to define what this site is for and who is responsible for what.
- There is a need for this site to be defined, addressed and an action plan by utilizing an outside environmental consultant to determine how to manage this site.
- There is an impact to our business from this incident that has affected our reputation.
- Request council to rescind the invoice and would like to work with the county to come up with a proper action plan.

Staff Members Haverland, Richards and McGovern

Charlene Haverland, Manager of Current Planning, Colin Richards, Team Lead Development and Greg McGovern, Planner 1, entered the council chamber 1:50 p.m.



In response to questions by council members, Director of Engineering & Utilities Des Mryglod provided the following clarification:

- There is an annual permit required from the haulers which indicates that the county be notified should a spill occur.
- There is no signage or plan in place to advise how to handle spillage.

Mr. Dansereau clarified that the valve was closed however; the line that is air operated must have faulted so the air seeped out and instigated the spillage.

Councillor Lewis

Councillor Lewis exited the meeting at 1:56 p.m. to attend a tender opening.

Des provided the following additional clarification:

- Meetings were held with Mr. Dansereau and since then spill kits are available.
- Utilities is committed to meet with haulers at least twice per year for improvements; the first meeting is scheduled in March 2020.
- Are aware of one other spillage by Magnan Vacuum Truck Services in August 2019, which was cleaned up.

48-20 Mayor Doblanko – that Leduc County council upholds the charge in the amount of \$8,780.52 to Magnan Vacuum Truck Service for the clean-up of the October 1, 2019 spill at the Nisku sewage transfer station.

Carried

Pro Mayor Doblanko and Councillors Wanchuk, Belozer and Scobie
Con: Councillor Vandenberghe

Mr. Dansereau and three other individuals

Mr. Dansereau and three other individuals exited the council chamber at 2:04 p.m.

Staff Member Broadbent

Staff member Garrett Broadbent, Director of Road Operations & Agricultural Services, entered the council chamber at 2:05 p.m.

Public Hearing - Proposed Amendment to Leduc County Land Use Bylaw No. 7-08 – Redistrict from Agricultural (AG) District to Direct Control (DC) District for Natural Resource Extraction (Clay) at NE 35-49-27-W4, LA19-009, Robin Peterson

Mayor Doblanko reconvened the public hearing at 2:06 p.m. with respect to the proposed amendment to Leduc County Land Use Bylaw No. 7-08 for redistricting of lands from the Agricultural (AG) district to the Direct Control (DC) district located at NE 35-49-27-W4.

Mayor Doblanko called upon administration staff to provide background information.

Greg McGovern, Planner 1, provided a staff report with respect to the proposed amendment to Leduc County Land Use Bylaw No. 7-08, highlighting the following:

- 1) The purpose of the proposed amendment is to expand the existing clay extraction pit to a total area of 4.6 ha (11.4 ac) to allow for further extraction and sale of clay. Following completion of extraction activities, the banks of the pit will be sloped and later filled with water by diverting spring runoff from a nearby drainage channel on the adjacent property to

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the west. The pit will be transformed into an artificial pond and recreation area accessible to area residents. The applicant anticipates that the project will take approximately 3 years to complete.

- 2) The subject site is located approximately 1 kilometre northwest from the municipal boundary of the Town of Calmar and occupies the east half of NE 35-49-27-W4. The site is also located within the Town of Calmar/Leduc County Intermunicipal Development Plan (IDP) immediately southwest from the intersection of Township Road 500 and Range Road 271.
- 3) The proposed resource extraction area extends northward from the existing wetland and occupies a total area of 4.6 ha. Approximately 2.5 ha has already been subject to clay extraction activities.
- 4) Advertisement of the proposed amendment and public hearing occurred in accordance with the provisions of the Municipal Government Act. The application was also referred to adjacent landowners as well as to the county's internal departments and external stakeholders. The following responses were received:

Leduc County Public Works & Engineering and Safety Codes – no concerns.

Alberta Health Services – noise can be mitigated through set operating hours; dust control measures can be implemented; develop a clear process for dealing with complaints relating to noise and dust; and follow applicable Alberta Environment and Parks regulations and guidelines.

Town of Calmar – supportive of allowing the applicant to expand the dugout and enhance the property for future use.

Aspenleaf Energy Limited (ALE) – provided a letter of support because it will create opportunities between local businesses and ALE, and help its operations in Leduc County become safer, more efficient and sustainable.

- 5) Administration acknowledge that this property is located within a defined environmentally significant area, however consideration has been given to the fact that this site's previous use as a tree farm likely resulted in this designation; that the ESA study considers this a site that will likely be subject to future disturbance from development, and that the applicant has stated his intentions to turn the property into an environmental feature (artificial pond) following the completion of extraction activities in approximately 2-3 years.
- 6) Administration considers that the proposal is supportable subject to any subsequent development permit approvals being subject to the landowner obtaining any necessary Water Act approvals and adhering to any mitigation and remediation recommendations discussed within an Environmental Impact Assessment.

Mayor Doblanko asked if council members had any questions for administration.

In response to questions by council members, the following clarification was provided:

- There is a water body (dugout) located on the site which was created through the clay extraction activity.
- The dugout would be deemed as a wetland in accordance with Alberta Environment.
- The designation of environmentally significant area (ESA) was given in 2015 during a study by the County.

Mayor Doblanko asked if there was any other correspondence received, and there was none.

Mayor Doblanko called upon the applicant to speak to the proposed amendment.

Robin Peterson, resident at 50461 Range Road 271 and applicant, provided the following information:

- Bought the subject property in 1991 and then sold it in 2007; and bought it back again four years ago this fall.
- The dugout started in 1995 which was due to extraction.
- This proposed amendment was triggered through an application for a road use agreement in the fall of 2019 for ± 400 loads to be hauled off the subject property.
- There was no hauling done when the roads were wet and never brought mud onto county roads.
- Were not aware of the requirement of an Environmental Impact Assessment study until the commencement of the application; understand that the requirement for a study applies to an area over five hectares.
- There were no complaints received from adjacent neighbours.
- The clay extraction will be ongoing as long as there is a demand for clay.

Councillor Lewis

Councillor Lewis returned to the meeting at 2:21 p.m.

Mayor Doblanko asked if there was anyone else in attendance to speak to the proposed amendment, and there was no one.

Mayor Doblanko asked if there were any further questions by council members.

In response to a question by a Council Member, it was clarified that there is a demand for clay by oil companies for reclamation of wells. The estimated time to extract is 2-3 years.

Mayor Doblanko called upon the applicant, Mr. Peterson, to provide closing comments.

Mr. Peterson provided the following closing comments:

- The 2-3 years is dependent on demand for clay.
- The continuous hauling would be addressed through the road use agreement.
- The Town of Calmar has submitted a letter of support.

Conclude Public Hearing

Mayor Doblanko concluded the Public Hearing at 2:30 p.m.

Excuse Councillor Lewis

Councillor Lewis requested to be excused from participating and voting on the following proposed amendment bylaw to the Leduc County Land Use Bylaw 7-08 due to her absence for a portion of the public hearing.

Bylaw No. 03-20 - Amendment to Leduc County Land Use Bylaw No. 7-08 - Redistrict from Agricultural (AG) District to Direct Control (DC) District for Natural Resource Extraction (Clay) at NE 35-49-27-W4, LA19-009, Robin Peterson

49-20 Councillor Vandenberghe – that Bylaw No. 03-20 be given first reading to amend the Leduc County Land Use Bylaw No. 7-08 as follows:



1. That those lands described as Pt. NE 35-49-27-W4 affecting ± 4.6 ha (± 11.4 ac) be redistricted from the Agricultural (AG) District to the Direct Control (DC) District as shown on Schedule A.

Direct Control District DC-030

General Purpose

The purpose of this district is to allow for Natural Resource Extraction, specifically the recovery and removal of natural extractive resources (clay) while ensuring that neighbouring land uses are not negatively impacted.

Area of Application

This bylaw will apply to Pt. NE 35-49-27-W4th affecting 4.6 ha (11.4 ac) of a title area of 32.4 ha (80.0 ac).

Discretionary Uses.

- a) *Resource Extraction*

Minimum Building Setback Requirements

From the property line adjacent to:	Excavation
Road, Municipal Grid	At the discretion of the Development Authority
Other Lot – Side & Rear	At the discretion of the Development Authority

Additional Regulations

- (a) Only those operations where adverse impacts on the environment and neighbouring land uses can be mitigated to the satisfaction of Leduc County will be permitted.
- (b) Natural Resource Extraction operations shall be required to reclaim, to the satisfaction of the county and relevant government agencies or departments, all lands affected by the operations and shall be required to submit reclamation plans when applying for a development permit.
- (c) The county shall require landscaping and/or screening to the satisfaction of the development authority.
- (d) The applicant/landowner shall manage dust emissions to the satisfaction of the development authority.
- (e) The number of vehicles exiting the site shall be restricted to the satisfaction of the development authority.
- (f) Vehicles entering or leaving the site shall not use engine brakes.
- (g) No use or operation shall cause or create any conditions which, in the opinion of the development authority, may be objectionable beyond the boundary of the site which contains it, by way of but not limited to the following:
 - i. odorous and toxic matter
 - ii. dust, fly ash or other particulate matter
 - iii. noise
 - iv. vibrations
 - v. air pollution
 - vi. water quality deterioration
 - vii. high brightness light sources



- (h) No operation or activity shall emit air or water contaminants in excess of the standards prescribed by the province pursuant to the Environmental Protection and Enhancement Act.
- (i) Environmental impact assessments may be required where there is uncertainty as to potential health or environmental effects.
- (j) Natural Resource Extraction shall not be permitted within 100m of an existing dwelling, nor shall a dwelling be permitted within 100m of a Natural Resource Extraction operation. This minimum setback requirement shall not be applicable if an existing dwelling is on the same parcel as a proposed Natural Resource Extraction operation.

Carried

Pro Councillors Vandenberghe, Belozer and Scobie
Con: Mayor Doblanko and Councillor Wanchuk

50-20 Councillor Belozer – that Bylaw No. 03-20 be given second reading.

Carried

Pro Councillors Belozer, Scobie and Vandenberghe
Con: Mayor Doblanko and Councillor Wanchuk

51-20 Councillor Scobie – that Bylaw No. 03-20 be given third reading with the unanimous consent of the council members present.

Carried

Pro Councillors Scobie, Belozer and Vandenberghe
Con: Mayor Doblanko and Councillor Wanchuk

Councillor Lewis did not participate nor vote on the preceding motions relating to Bylaw No. 03-20.

Staff Members Haverland, Richards, McGovern, Desimone and Mr. Peterson

Staff members Haverland, Richards, McGovern, Desimone and Mr. Peterson exited the council chamber at 2:35 p.m.

Bylaw No. 04-20 – Revision of Community Aggregate Payment Levy and Rescind Bylaw No. 08-18

52-20 Councillor Lewis – that Bylaw No. 04-20 be given first reading for the imposition of a community aggregate payment levy and that Bylaw No. 08-18 be rescinded.

Carried Unanimously

53-20 Councillor Wanchuk – that Bylaw No. 04-20 be given second reading.

Carried Unanimously

54-20 Councillor Belozer – that Bylaw No. 04-20 be given third reading with the unanimous consent of the council members present.

Carried

Pro: Mayor Doblanko and Councillors Belozer, Scobie, Wanchuk and Lewis
Con: Councillor Vandenberghe



Appointment of Public Works Committee Public Members at Large

Garett Broadbent, Director of Road Operations & Agricultural Services, provided a staff recommendation for the extension of public members at large appointments to the public works committee.

55-20 Councillor Lewis – that Leduc County council extends the term of appointments to December 31, 2020 for the following public members at large to the public works committee:

- Craig Millar
- Wayne Schneider

Carried Unanimously

Nisku Bulk Water Station Upgrade Capital Cost Overrun

Des Mryglod, Director of Engineering & Utilities, provided a staff recommendation for a funding shortfall for the Nisku Bulk Water Station upgrade project 2019-CP-001.

56-20 Councillor Vandenberghe – that Leduc County council defers consideration of the recommendation for a funding shortfall for the Nisku Bulk Water Station upgrade project 2019-CP-001 until the March 10, 2020 regular council meeting.

Carried

Pro: Mayor Doblanko and Councillors Vandenberghe, Scobie, Wanchuk and Lewis
Con: Councillor Belozor

Staff member Broadbent

Staff member Broadbent exited the council chamber at 2:55 p.m.

2019 Carry Forward and Project Funding Approvals

Natasha Wice, Director of Finance, provided a recommendation for approval of the 2019 year-end financial transactions.

57-20 Councillor Belozor – that Leduc County council approves the following 2019 year-end financial transactions required as follows:

- 1) 2019 carry forward requests of \$6,132,395 as outlined in the February 25, 2020 attachment:
 - a. approval of the carry forward projects, with a project total dollar value of \$3,795,689
 - b. approval of projects with future commitments of \$2,180,307
 - c. approval of funds to be transferred to reserves of \$156,399
 - d. approval of the following transactions that are accounted for within the totals above:
 - i. transfer \$207,480 from capital asset lifecycle management to operating special purpose reserve for project 2019-MP-003
 - ii. transfer \$802,520 to the operating special purpose reserve for project 2019-MP-003
 - iii. transfer \$96,000 to the capital asset lifecycle management transit reserve for future project consideration
 - iv. transfer \$38,499 from operating facilities & equipment replacement reserve to operating facility & equipment repair reserve.
- 2) 2019 project funding approvals:
 - a. Approval of the project funding within the major and capital project plans utilizing the following funding sources:

- i. Tax - \$818,041
- ii. Utility rates - \$4
- iii. Municipal Sustainability Initiative Capital Grant - \$15,200
- iv. Gas Tax Fund Grant - \$7,963

Carried Unanimously

Recess

The meeting recessed at 3:10 p.m. and reconvened at 3:17 p.m. with Mayor Tanni Doblanko as Chair and Council members Kelly-Lynn Lewis, Kelly Vandenberghe, Larry Wanchuk, Glenn Belozar and Ray Scobie present. Council member Rick Smith participated in the meeting via skype.

Also present were:

- Duane Coleman, County Manager
- Rick Thomas, Deputy County Manager
- Renee Klimosko, General Manager of Financial and Corporate Services
- Grant Bain, Director of Planning & Development
- Joyce Gavan, Legislative Coordinator
- Des Mryglod, Director of Engineering & Utilities
- Khushnud Yousafzai, Senior Engineer Infrastructure
- Natasha Wice, Director of Finance
- Lindsay Chambers, Communications Coordinator

Present as well was one other individual.

Participation in the Regional Transit Services Commission

Rick Thomas, Deputy County Manager, provided a staff report with respect to participation in the Regional Transit Services Commission.

58-20 Councillor Smith – that Leduc County council accepts the invitation to work with other member municipalities of the proposed commission to explore the revised impacts of the Regional Transit Services Commission (RTSC) model.

Carried

Pro: Councillors Smith, Vandenberghe, Lewis and Wanchuk
Con: Mayor Doblanko and Councillors Belozar and Scobie

Information Item


There were no information items.

Adjournment

59-20 Councillor Belozar -- that the regular county council meeting be adjourned.

Carried Unanimously

The regular council meeting concluded at 4:03 p.m.


Mayor


County Manager