

The Regular Meeting of the Council of the County of Barrhead No. 11 held October 18, 2016 was called to order by Reeve Drozd at 10:37 a.m.

**PRESENT**

Reeve Doug Drozd  
Councillor Marvin Schatz  
Councillor Ron Kleinfeldt - Until 3:03 p.m.  
Councillor Bill Lane - Until 3:03 p.m.  
Councillor Darrell Troock  
Councillor Bill Lee - Until 3:40 p.m.  
Councillor Dennis Nanninga

Mark Oberg, County Manager  
Linda West, Administrative Assistant to the County Manager  
Kaitlyn Adams, Municipal Clerk  
Rick Neumann, Development Officer - from 10:42 a.m. until 10:48 a.m. and from 1:38 p.m. until 2:58 p.m.

Rick DeVries, Barrhead Leader - from 10:37 a.m. until 3:12 p.m.  
Monica Lockett, 97.9 The Range - from 10:37 a.m. until 11:15 a.m.

**APPROVAL OF AGENDA**

2016-463 Moved by Councillor Nanninga that the agenda be approved as circulated and with the following additions:

- 3.9 Barrhead and District Chamber of Commerce  
- Business Excellence Awards Dinner – October 22, 2016
- 3.8.4 In Camera - Land
- 3.8.5 In Camera - Personnel

Carried Unanimously.

**MINUTES OF REGULAR MEETING HELD OCTOBER 4, 2016**

2016-464 Moved by Councillor Schatz that the minutes of the regular meeting held October 4, 2016 be approved as circulated.

Carried Unanimously.

**MONTHLY FINANCIAL STATEMENT – SEPTEMBER 30, 2016**

2016-465 Moved by Councillor Kleinfeldt that the Monthly Financial Statement for the month ending September 30, 2016 be approved as presented.

Carried Unanimously.

Rick Neumann, Development Officer entered the meeting at this time being 10:42 a.m.

**BARRHEAD FIRE SERVICES DEPARTMENT**

- **ADDITIONAL EQUIPMENT FOR INSTALLATION ON 2007 PIERCE 100-FOOT PLATFORM FIRE TRUCK IN BARRHEAD FIRE SERVICES DEPARTMENT**

2016-466 Moved by Councillor Troock that the County of Barrhead approve the purchase of additional equipment for installation on the 2007 Pierce 100 Foot Platform Fire Truck in the Barrhead Fire Services Department to a maximum cost of \$100,000.00 to be cost shared by the Town of Barrhead and the County of Barrhead No. 11 on a 50-50 basis, with a maximum contribution by the County of Barrhead in the amount of \$50,000.00.

Carried Unanimously.

**REQUEST TO TOWN OF BARRHEAD**

- **FOR DESCRIPTION AND COSTS OF ADDITIONAL EQUIPMENT FOR INSTALLATION ON 2007 PIERCE 100-FOOT PLATFORM FIRE TRUCK IN BARRHEAD FIRE SERVICES DEPARTMENT**

2016-467 Moved by Councillor Lee that the Town of Barrhead, Unit of Authority for the Barrhead Fire Services Department, be requested to provide an equipment list and cost breakdown of the additional equipment installed on the 2007 Pierce 100 Foot Platform Fire Truck in the Barrhead Fire Services Department.

Carried Unanimously.

  
Reeve

  
County Manager



2016-468

**SUBDIVISION APPLICATION – NE 19-58-1-W5**

Moved by Reeve Drozd that the subdivision application proposing to create a yardsite first parcel of approximately 9.61 acres out of quarter on NE 19-58-1-W5 be approved with conditions with respect to these matters:

- |                         |   |
|-------------------------|---|
| a) topography           | g) water supply                               |
| b) soil characteristics | h) sewage disposal                            |
| c) storm water          | i) solid waste                                |
| d) flooding             | j) Private Sewage Disposal Systems Regulation |
| e) subsidence/erosion   | k) use of land in vicinity                    |
| f) accessibility        | l) other matters                              |

being satisfactory and that the conditions of approval be as follows:

1. That prior to endorsement of an instrument affecting this plan, approaches, including culverts and crossings to the proposed parcel and to the residual of the land, be provided at the owner's and/or developer's expense and to the specifications and satisfaction of the County of Barrhead.
2. That prior to endorsement of an instrument effecting this plan, the registered owner and/or developer enter into and comply with a development agreement with the County of Barrhead pursuant to Section 655 of the Municipal Government Act, as amended, the development agreement shall include provision that the County will acquire 17-foot wide future road widenings on the northern, eastern, and western boundaries of the quarter section. The County's interest will be registered by caveat on title. The caveat will remain on title until such time as the road(s) are widened.
3. That prior to endorsement of an instrument affecting this plan, the County of Barrhead receive certification from an accredited inspector confirming that the function and location of the existing sewage disposal system on the site will satisfy the Provincial Private Sewage Disposal Systems Regulations and is suitable for the intended subdivision. The registered owner and/or Developer may want to explore the possibility of obtaining a variance from Alberta Municipal Affairs.
4. That taxes are fully paid when final approval, endorsement, of the instrument effecting the subdivision is requested.

Carried Unanimously.

Rick Neumann left the meeting at this time being 10:48 a.m.

**LEASE AGREEMENT RENEWAL**  
**– PART SE 16-59-2-W5 – 4.0 ACRES – ROBERT ABERNATHY**

2016-469

Moved by Councillor Kleinfeldt that the lease agreement between the County of Barrhead No. 11 and Robert Abernathy be renewed for a further three year period, for the County to lease to Robert Abernathy, 4.0 acres, more or less, in SE 16-59-2-W5, commencing January 1, 2016 and expiring December 31, 2018.

Carried Unanimously.

**TOUR OF NEW SWIMMING POOL CONSTRUCTION PROJECT IN THE TOWN OF BARRHEAD - SET DATES**

The County Manager reported that the Town of Barrhead has requested the County of Barrhead to choose a few dates that would be suitable for County Council to tour the new swimming pool construction project. The Town will coordinate with Clark Builders to confirm a suitable time and date.

The Council chose the following dates and times for Council and members of the media to tour the new swimming pool construction project in the Town of Barrhead:

November 1, 2016 at 12:00 Noon, or November 8, 2016 at 12:00 Noon.

**RECRUITMENT OF A NEW COUNTY MANAGER**  
**- SET DATES FOR INTERVIEWS**

2016-470

Moved by Councillor Lee that Council conduct interviews of candidates for the County Manager position on October 26 & 27, 2016.

Carried Unanimously.

  
Reeve

  
County Manager



**AGENDA INFORMATION ITEMS**

2016-471 Moved by Councillor Lane that the following agenda items be received as information:

Accounts Payable Register - September 30, 2016  
Year to Date Budget Report as at September 30, 2016  
Tangible Capital Assets and Capital Reserves Year to Date Report as at September 30, 2016  
Barrhead Agricultural Society  
- Blue Heron Fair August 12-14, 2016 – Fresh Air Cinema and Dignitaries Luncheon Attendance Report  
Woodlands County  
- Co-Sponsor Resolution to Remove High Tension Cable Barriers on Two-Lane Highways  
Kitami City Office, Hokkaido, Japan  
- Thank You for 25th Twinning Anniversary Ceremony  
Shepherd's Care Foundation – Invitation - Brunch at our House – October 22, 2016  
Barrhead Community Garden Society – Invitation to Dinner – October 27, 2016  
Barrhead and District Chamber of Commerce – Annual Festival of Trees  
- Christmas Market – November 25 and 26, 2016  
- Fundraising Gala – November 26, 2016  
Minutes  
- Economic and Community Development Committee - September 14, 2016  
- Agricultural Service Board – October 11, 2016

**DELEGATION**

**- KEN HOVE, ASSISTANT PUBLIC WORKS SUPERINTENDENT**

Assistant Public Works Superintendent Ken Hove met with Council at this time being 10:59 a.m. and provided Council with a verbal report on operations within the Public Works Department.

2016-472 Moved by Councillor Nanninga that the report from the Assistant Public Works Superintendent be received as information.

Carried Unanimously.

Ken Hove left the meeting at this time being 11:10 a.m.

**BARRHEAD & DISTRICT CHAMBER OF COMMERCE**

**- BUSINESS EXCELLENCE AWARDS - INVITATION**

Reeve Drozd reported that he will be attending the Barrhead & District Chamber of Commerce 2016 Business Excellence Awards Event on Saturday October 22, 2016 being held at the Barrhead Golf and Country Club.

**DELEGATION – BRIAN CARBOL AND BONNIE CARBOL**

Brian Carbol and Bonnie Carbol met with Council at this time being 11:13 a.m.

**IN-CAMERA**

2016-473 Moved by Councillor Troock that the meeting move into in-camera at this time being 11:15 a.m. for discussions on personnel matters with Brian Carbol and Bonnie Carbol.

Carried Unanimously.

2016-474 Moved by Councillor Schatz to move out of in-camera at this time being 11:49 a.m.

Carried Unanimously.

Brian Carbol read into the meeting, a written presentation dated October 18, 2016, entitled 'County of Barrhead...Public Presentation to Barrhead County Council', a copy of the written presentation attached to and forming part of these minutes. The written presentation included discussion relating to the Thunder Lake subdivision on the following topics:

Upland Owners Rights;  
Vehicular Access on the Community Reserve; and  
Encroachment on the Community Reserve/Lakeshore Issues.

  
Reeve

  
County Manager



The written presentation included what Brian and Bonnie Carbols's immediate expectations of the County are going forward.

Brian Carbol and Bonnie Carbol left the meeting at this time being 12:04 p.m.

**RECESS FOR LUNCH**

Reeve Drozd recessed the meeting at this time being 12:04 p.m.

Reeve Drozd reconvened the meeting at this time being 1:20 p.m.

**DELEGATION**

**ATHABASCA RIVER VOYAGER BRIGADE - CANADA 150 YEARS CELEBRATION IN 2017**

Rick Zroback, Ed Graham, Quinton Olson, Theresa Olson, representatives of the Athabasca River Voyager Brigade, met with Council at this time being 1:22 p.m. Rick Zroback introduced himself as the spokesperson for the delegation and provided a presentation on the plans of the Athabasca River Voyager Brigade in regards to the celebration of Canada's 150 Years in 2017, and requested support from the County of Barrhead for brigade events in the County of Barrhead.

The delegation left the meeting at this time being 1:37 p.m.

Development Officer Rick Neumann and Jane Dauphinee from Municipal Planning Services entered the meeting at this time being 1:38 p.m.

**MUNICIPAL PLANNING COMMISSION**

**RE: LOT 3, BLOCK 1, PLAN 112 4641 – NE 26-57-3-W5  
CERTIFICATE OF TITLE NO. 112310219 – 58.14 ACRES MORE  
OR LESS**

**- VANDOO LAND INC. APPLICATIONS FOR AMENDMENTS TO:**

- A. BYLAW NO. 7-2001 - LAC LA NONNE INTER-MUNICIPAL DEVELOPMENT PLAN;**
- B. BYLAW NO. 5-2013 - VANDOO RV RESORT AREA STRUCTURE PLAN;**
- C. BY-LAW 5-2010 - COUNTY OF BARRHEAD LAND USE BYLAW**

Bernie Bourgeois, Bill Holtby, Yvon Cormier, James Murphy, Gary Buchannan and Lee Ann Beaubien, representatives from Vandoo Land Inc, met with the Municipal Planning Commission at this time being 1:44 p.m.

Bill Holtby introduced himself as spokeperson on behalf of Vandoo Land Inc.

The delegation reviewed the Vandoo Land Inc. applications for amendments to the Lac La Nonne Intermunicipal Development Plan, the Vandoo RV Resort Area Structure Plan and the Land Use Bylaw of the County of Barrhead, as follows:

- (a) To amend the Lac La Nonne Intermunicipal Development Plan by changing the Vandoo RV resort lands from Commercial Recreation Zone to Residential Recreation Zone. The proposed amendment would allow for a bareland condominium development;
- (b) To amend the text and maps within the Vandoo RV Resort Area Structure Plan to allow for a bareland condominium development;
- (c) To amend the Land Use By-Law by redistricting the Vandoo RV Resort from Commercial Recreation District to a site specific Bareland Condominium Residential Recreation District-Vandoo, to apply only to Lot 3, Block 1, Plan 112 4641 within the NE 26-57-3-W5.

The delegation reviewed the information package as provided to the Municipal Planning Commission in advance of this meeting, which included maps of the area, the Vandoo public consultation process, a draft copy of the Restrictive Covenant and a draft copy of Condominium bylaws.

Development Officer Rick Neumann and Jane Dauphinee from Municipal Planning Services reviewed the existing zoning within the three planning documents for the subject parcel of land and also reviewed the process for the municipality to make amendments to the planning documents, which includes that the Municipal Planning Commission will make a recommendation to the Council for its consideration.

  
Reeve

  
County Manager



Rick Neumann, Jane Dauphinee, Bernie Bourgeois, Bill Holtby, Yvon Cormier, James Murphy, Gary Buchanan and Lee Ann Beaubien left the meeting at this time being 2:58 p.m.

**COUNCILLOR REPORTS**

Councillor Lane reported that he attended a Barrhead and District Agrena Society meeting, an FCSS Society Board meeting and a Pembina River District Zone meeting.

Councillor Kleinfeldt reported that he attended an Agricultural Service Board meeting and a Pembina River District Zone meeting.

Councillor Troock reported that he attended an Agricultural Service Board meeting, a Pembina River District Zone meeting, and an Economic and Community Development Committee meeting included a delegation of representatives of TEC Edmonton.

Councillor Schatz reported that he attended an Agricultural Service Board meeting, a Barrhead District Seed Cleaning Co-op meeting and a Safety Committee meeting.

Councillor Nanninga reported that he attended an Agricultural Service Board meeting and a Pembina River District Zone meeting.

Councillor Lee reported on his attendance at a Northern Alberta Mayors' and Reeves' Caucus meeting, a Pembina River District Zone meeting and an Economic and Community Development Committee meeting which included a delegation of representatives of TEC Edmonton.

Reeve Drozd reported that he attended two Ad Hoc Committee meetings to Coordinate the Recruitment of a New County Manager, an Agricultural Service Board meeting, an Economical Community and Development Committee with TEC Edmonton meeting and a Pembina River District Zone meeting.

Councillor Lane and Councillor Kleinfeldt left the meeting at this time being 3:03 p.m.

**IN-CAMERA**

2016-475 Moved by Councillor Lee that the meeting move into in-camera at this time being 3:12 p.m. for discussions on legal matters.

Carried Unanimously.

2016-476 Moved by Councillor Nanninga to move out of In-Camera at this time being 3:42 p.m.

Carried Unanimously.

**COUNCIL COMMITTEE OF THE WHOLE MEETING – SET DATE**

2016-477 Moved by Councillor Troock that a Council Committee of the Whole meeting be held on October 19, 2016 commencing at 1:00 p.m.

Carried Unanimously.

**ADJOURNMENT**

2016-478 Moved by Councillor Nanninga that the meeting adjourn at this time being 3:33 p.m.

Carried Unanimously.

  
Reeve

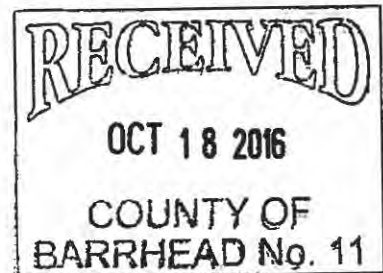
  
County Manager

**County of Barrhead ... Public Presentation to Barrhead County Council,**  
**October 18, 2016**

**Context:**

To put our concerns in context, we are property owners at #312, 1st Street, in the Thunder Lake subdivision. Our property has been in the family for 60 years; we purchased the property 15 years ago. It is a lakefront property that has been developed into one of the better properties at Thunder Lake and as such I expect the property has one of the higher tax assessments in the subdivision.

Our concerns pertain to upland owners rights, placement of piers, docks and boat hoists, illegal use of vehicles on community reserve land and possible encroachment on community reserve lands.



**Upland Owners Rights**

***1. b Lake Map***

The Thunder Lake subdivision lakefront is buffered by community reserve land located between lake front properties and the lakeshore. It has long been recognized by lakefront cottage owners that a strip of land in front of the private properties is designated as Community Reserve. For the most part, but with some exceptions, the cottage owners have treated this land in accordance with Provincial law and County by laws. Historically, lakefront cottage owners have had the understanding that a seasonal pier or dock can be placed directly in front of their property. Most were of the understanding that they were "upland owners" and followed the provincial regulation that allows " a single dock or pier that is appurtenant to a riparian landowner's upland". We have since been advised that the County of Barrhead is actually the upland owner based on the community reserve.

We have heard from other landowners (non-waterfront cottage owners, also known as non-upland owners, and other users) that they have received advice that anyone can put in a pier or dock boats where they wish. Further to this, we have observed people on the lake in front of our property looking to place docks. This is a new phenomenon.

We have no problem with public foot traffic in the reserve but we take strong issue with the concept that any member of the public can use the lakefront for dock or mooring purposes. This is illogical as it contemplates an infinite number with no controls.

Current provincial legislation does not require a permit to install a dock, but it does limit the placement of a dock in front of a lakefront property to the upland or riparian

landowner: In this case the upland owner is the County. The upland owner is allowed one dock or pier in the absence of any by-laws regarding docks. The County of Barrhead has no such by-laws for Thunder Lake. Technically no one other than the County can place a dock.... I will discuss this further in a moment.

By acting "as if" they were upland owners, lakefront cottage owners behaved in the spirit of the provincial regulation that limits docks and piers to one per upland property. I believe these limits are in place to prevent undue pressure on the lake and its environs. Over time room was made for some other docks with a minimum of conflict because people knew one another and negotiated pier placement.

Recently there has been an increase in the placement of docks on the lake, notably on the bay at the south end of the subdivision. This has created conflict particularly when people try to force their way and demand their rights, as they understand them.

We understand that the community reserve is there for the enjoyment of all ... however the topography of the lake makes access uneven and unpredictable and depending on where properties are located there is often little or no access without trespassing on private property. Most of the lakefront in front properties along Crescent Drive are all inaccessible on foot or by vehicle whereas access on foot. (Or by ATV by those who ignore the law.) Access appears to be less difficult in the southern area of the subdivision. This may partially explain why some people feel they can have unlimited access to the lakeshore in the south area including placing piers and using ATVs to get to the lake.

Regarding the rights of an upland land owner (which is in this case the County of Barrhead) the only provincial policy that is in effect is that the upland owner is allowed "the use of a single pier or dock that is appurtenant to a riparian landowner's upland" Technically this means that *all docks and piers other than a single pier placed by the County* are in contravention of the regulation. I understand that municipalities *may* be granted the ability to make regulations around pier placement adjacent to municipal reserve land on lakes within provincial guidelines that are currently in the development stage.

My observation is that with or without a new provincial regulation a process needs to be put into place to deal with the issue of the placement of seasonal docks and piers. The situation should not be allowed to escalate. Property owners at Thunder Lake need to be at the heart of the process. Traditional practices need to be respected and the lake community should explore opportunities for additional mooring that will not conflict with lakefront cottage owners. ~~Neither the imposition of a unilateral solution nor the ad hoc involvement of a single council member is acceptable.~~



### **Vehicular Access On The Community Reserve:**

As described in letters written to the Reeve we have observed on going incidents of ATV and other vehicular use on public reserve land, which is clearly contrary to several County of Barrhead by laws. We are of the opinion that it is the responsibility of the County to inform residents of the by laws, to provide appropriate signage and barriers if necessary and to do all that is possible to discourage this behavior. Access to Community reserve land at Thunder Lake does not contemplate public vehicular access and in order for the generations to come to have the opportunity to enjoy this reserve it is incumbent on the residents, the public and the County to act as stewards of the land and do all that is possible to minimize damage to the land.

#### **4. Quad on Reserve**

#### **3. Truck on Reserve**

### **Encroachment on the Community Reserve/Lakeshore Issues**

Also as described in letters written to the Reeve, in our observation there appear to be encroachments, particularly as related to pathways that have been adapted to accommodate vehicles leading to the community reserve. Some of these are clearly on reserve land; others may infringe from private property onto reserve land... all lead to ATVs and other vehicles being used on public land by the lakeshore. Our request is that these situations be investigated by the County and resolved.

#### **5. Vehicle Access 2016**

#### **11. Path by 311**

#### **12. Path by 312**

In many areas the lakeshore is littered with abandoned docks, hoists and pier stands. I am not referring to seasonal items that are in annual use but items that have been discarded years ago and should be removed for safety as well as aesthetic reasons. It is our expectation that this is something that can be remediated with the cooperation of the County, residents and the provincial department that is responsible for the lakeshore.

### ***Questions for County Council:***

*What measures will be taken to ensure that people are aware of the by – laws regarding ATV use and what measures will be taken to physically block ATVs from restricted areas if the signage fails to work?*



As you well know, stewardship for the Community Reserve is the ultimate responsibility of the County with the active cooperation and support of the Thunder Lake community and the public. In this regard:

*Knowing that provincial regulations do not support the placement of an infinite number of docks along and upland owners property have you considered the legal liability implications of unregulated docks for the County when these are placed on the community reserve?*

*Have you considered safety implications for swimmers (usually young children) when piers are crowded together and boat traffic is mixed in?*

*When will you develop a process that directly and actively involves property owners and the public at Thunder Lake in creating a way of dealing with the issue of dock and pier placement in concert with Provincial Regulations?*

*When do you plan to assess the current state of the community reserve land?*

*What experts from Alberta Environment and Parks will be included in this process?*

*What are your plans for clean up of abandoned docks, hoists, and stands along the shoreline?*

*What is your plan to require rehabilitation of reserve lands where buildings, and roadways encroach on the reserve?*

#### **Concluding Statements:**

An ongoing lack of stewardship by the County has led to some cottage owners and other lake users assuming they can do whatever they wish, without consequence. This has begun to erode the sense of community, and has been allowed to happen for far too long. The only position the County can take is to uphold Federal, Provincial and Municipal bylaws and regulations. If the County does not do this, it has abrogated its duty and responsibility to its citizens.

#### **What are our immediate expectations going forward?**

1. Clear signage regarding ATV use will be posted at all potential access points (official and unofficial), top and bottom. The public will be notified of the by-laws. Barriers will be installed if necessary.

2. A process will be implemented to develop a fair policy for the placement of docks that takes into account the historical role of lake front landowners who treated the lakefront as if they were the upland owner. This must involve the lakefront property owners in a meaningful way and include a clear communication plan.
3. A comprehensive, cooperative plan will be developed to clean up the lakeshore as needed and investigate encroachment onto the community reserve. (e.g. roadways, buildings).

Thank you for listening to our concerns. These are issues that have been worsening over the years and need to be addressed in a thoughtful manner that is considerate of the feelings and opinions of all stakeholders