

Claresholm, Alberta, August 18, 2010

The regular meeting of the Council of The Municipal District of Willow Creek No. 26 was held in the Administration Building on the above date with Reeve Van Hierden, Councillors Alm, Neufeld, Hemmaway, Wakelin, Wilson and Sundquist, Municipal Administrator Vizzutti and Arlene MacOdrum as recording secretary present.

Superintendent of Public Works Johnson entered the meeting.

Manager of Development and Planning Services Gibeau & Mike Burla – Planner entered the meeting.

Rob Vogt entered the meeting.

Jesse Loree and Dave Loree entered the meeting.

Brian Veroba – Argosy Energy Inc. entered the meeting.

1. Reeve Van Hierden called the meeting to order at 10:23 a.m.

2. **MINUTES:**

July 21, 2010 Council Minutes

Councillor Sundquist advised on Page 9901 it should say “He stated that the traffic needs to follow the proposed route and not go to Hwy 2.”

Moved by Councillor Sundquist that the July 21, 2010 Council meeting minutes be accepted as amended.

Carried.

3. **DEVELOPMENT/UTILITIES**

(a) Inter-Municipal Development Plan – Town of Nanton

Manager of Development and Planning Services Gibeau presented By-Law No. 1613, being a by-law to adopt The M.D. of Willow Creek No. 26 and the Town of Nanton Inter-Municipal Development Plan. She noted that the Inter-Municipal Development Plan and the background report will be an appendix to the by-law.

Moved by Councillor Sundquist that By-Law No. 1613, being a by-law to adopt the M.D. of Willow Creek No. 26 and the Town of Nanton Inter-Municipal Development Plan, be given first reading.

Carried.

Manager of Development and Planning Services Gibeau advised that the public hearing will be held jointly with the Town of Nanton in Nanton and a suggested date for the hearing is September 20, 2010 at 7:00 p.m.

Moved by Councillor Hemmaway that a public hearing on By-Law No. 1613 be held on September 20, 2010 at 7:00 in the Town of Nanton.

Carried.

(b) Safety Codes Accreditation

Manager of Development and Planning Services Gibeau advised that the Town of Nanton is currently seeking a Safety Codes Agency to perform their inspections under the Safety Codes Act. Administration from both the M.D. and the Town of Nanton have discussed doing a joint accreditation and complete a joint Request

Claresholm, Alberta, August 18, 2010

for Proposal (RFP) with the benefit of having increased bargaining power. Accordingly administration is requesting approval to complete a joint Request for Proposal (RFP) document and joint accreditation with the Town of Nanton for the following disciplines - building, electrical, gas and private waste disposal systems.

Moved by Councillor Wakelin that the M.D. of Willow Creek enter into a partnership with the Town of Nanton to seek the services of an accredited Safety Codes Agency to perform inspections under the Safety Codes Act and an invitation be extended to the other towns within the M.D.'s boundary.

Carried.

(c) Argosy Energy – NW 22-11-26-4

Manager of Development and Planning Services Gibeau presented a request from Argosy Energy Inc. to encroach on the 30 meter setback requirement from a municipal road allowance with a gas pipeline. A portion of the pipeline within NW 22-11-26-4 (600m) is to be constructed 27 metres from the road. The waiver is required to allow Argosy to tie into their existing well on the site. Constructing the pipeline at the setback distance will impede possible future development of the landfill.

Brian Veroba of Argosy Energy was present to discuss the request for a waiver as presented by Manager of Development and Planning Services Gibeau. He advised that the 30 metre setback will be maintained once past the landfill site.

Manager of Development and Planning Services Gibeau advised that a resolution is required to waive the 30 metre setback if Council is in agreement.

Moved by Councillor Alm to approve the request for a waiver of 30 metre setback to allow a 27 metre setback from the road for the installation of a pipeline within the NW 22-11-26-4 (600m).

Carried.

Brian Veroba – Argosy Energy left the meeting at 10:34 a.m.

Mike Burla left the meeting at 10:34 a.m.

3. **PUBLIC WORKS:**

(a) Dave Loree – Access Road Construction – NE 17-15-29-4

Dave Loree was present to further discuss his request to build a year round access road into the NE 17-15-29-4. He advised that Cicon Engineering has prepared plans to build a road to M.D. standards. Dave Loree presented photos of various roads throughout the area which he indicated were not built to MD standards.

Dave Loree stated that MD standards require 3 metre ditches however he is proposing to construct the access road with 3 metre ditches with the exception of the hill which he is requesting to narrow down to construct 1 metre ditch.

Reeve Van Hierden advised that this item will be discussed later in the meeting.

Jesse Loree and Dave Loree left the meeting at 10:40 a.m.

Claresholm, Alberta, August 18, 2010

(b) Purchase of Ferris IS 5100Z Mower

Superintendent of Public Works Johnson presented information to purchase a Ferris IS 5100Z zero turn mower at a cost of approximately \$19,000.00.

Moved by Councillor Hemmaway to approve the purchase of a Ferris IS 5100Z zero turn mower at a cost of approximately \$19,000 and the funding for the mower be obtained from funds left over from the budget to purchase a gravel truck.

Carried.

(c) General Foreman Position

Superintendent of Public Works Johnson advised that Roly Cochlan has moved into the General Foreman position in the absence of Gentry Hall due to health reasons. He advised that a grader operator has been hired to operate Roly's grader.

Manager of Development and Planning Services Gibeau left the meeting at 10:51 a.m.

(d) Caterpillar Factory Tour

Superintendent of Public Works Johnson reported on the Caterpillar factory tour Shop Foreman Burnham and himself attended in Peoria, Illinois.

Treasurer Hannas entered the meeting at 10:56 a.m.

4. **FINANCIAL MANAGEMENT:**

(a) Cheque Register

Treasurer Hannas presented the cheque register as information.

(b) Financial Report

Treasurer Hannas presented Receipt and Payment report as of July 31, 2010.

Moved by Councillor Hemmaway to accept the Receipts and Payments report as of July 31, 2010 as presented.

Carried.

(c) Fetal Alcohol Syndrome Fund Raising Trail Ride

Moved by Councillor Wilson to donate \$500.00 from Division 6 discretionary spending account to the Fetal Alcohol Syndrome Fund Raising Trail Ride.

Carried.

Treasurer Hannas left the meeting at 11:18 a.m.

5. **COUNCIL MANAGEMENT:**

(a) Claresholm Museum Grand Opening

Municipal Administrator Vizzutti presented an invitation to attend the Grand Opening of the new building at the Claresholm Museum on September 11, 2010 at 2:00 p.m.

(b) MPE Engineering – Re: Regional Water Pipeline Leaks

Municipal Administrator Vizzutti presented a letter from MPE Engineering explaining the leaks detected on the regional water pipeline between Claresholm and Granum.

Claresholm, Alberta, August 18, 2010

Municipal Administrator Vizzutti stated that she has been notified of a fifth leak in the line.

(c) Appoint Assessment Review Board Members

Municipal Administrator Vizzutti advised that the M.D. of Willow Creek will not be holding an Assessment Review Board this year as all appeals have been withdrawn.

Municipal Administrator Vizzutti advised that the Town of Stavely requires two members of the MD Assessment Review Board to attend the assessment appeal on August 30, 2010.

Moved by Councillor Hemmaway to appoint Henry Van Hierden and Glen Alm as Assessment Review Board Members for Stavely on August 30, 2010.

Carried.

(d) South Saskatchewan Regional Advisory Committee Reports

Municipal Administrator Vizzutti advised that she has copies of the reports for the South Saskatchewan RAC Terms of Reference & Summary and asked Councillors to let her know if they wish to have a copy.

(e) Outstanding Accounts

Municipal Administrator Vizzutti presented a list of uncollectible outstanding accounts for Council's consideration.

Moved by Councillor Wakelin to write off the following outstanding amounts against uncollectible accounts:

Jocelyn Beauchamp - \$927.08 – Fire Services

Kim or Natasha Featherstone - \$53.76 – NSF Cheque - Parks

Karlee C. Gareau-Pitton - \$851.67 – Fire Services

Gareth Grant - \$264.87 – Damage at Parks

Robert M. Grant – \$1,174.84 – Fire Services

Richard Martin - \$809.77 – Fire Services

Susan Slade - \$106.96 – Clear Lake Hall Rent

Ryan G. Weeres - \$545.75 – Fire Services

Carried.

Municipal Administrator Vizzutti presented outstanding accounts for Council's consideration to be transferred to the tax roll.

Moved by Councillor Hemmaway that the following outstanding accounts be transferred to the appropriate tax roll as per Section 553 of the Municipal Government Act Statutes of Alberta 2000 Chapter M-26:

Judith Campbell - \$15,661.53 Fire Services Tax Roll # 4496.050 Lot 1, Plan 9411746 (NE 14-15-27-4)

Erik Vande Merwe - \$290.95 Water Bill – Tax Roll #0171.000 Lot 3, Blk 2, Plan 7810697

Gary Benson - \$1,485.12 Fire Services Tax Roll #4175.000 SW 21-13-27-4

Carried.

6. **BY-LAWS:**

(a) **By-Law No. 1614 – S.T. Doyle Farms**

Municipal Administrator Vizzutti presented By-Law No. 1614 being a by-law for the closure and lease of the statutory road allowance adjacent to the East boundary of the SE 31 & NE 32-6-25-4 for grazing purposes for S.T. Doyle Farms Ltd. for Council's consideration for first reading.

Moved by Councillor Neufeld that By-Law No. 1614 being a by-law for the closure and lease of the statutory road allowance adjacent to the East boundary of the SE 31 & NE 32-6-25-4 for grazing purposes for S.T. Doyle Farms Ltd. be given first reading.

Carried.

(b) **By-Law No. 1615 – Terrence Hall**

Municipal Administrator Vizzutti presented By-Law No. 1615, being a by-law for the closure and lease of the statutory road allowance adjacent to the East boundary of the NE 3-16-29-4 being that portion south of Hwy 533.

Moved by Councillor Wilson that By-Law No. 1615, being a by-law for the closure and lease of the statutory road allowance adjacent to the East boundary of the NE 3-16-29-4 south of Hwy 533 for grazing purposes be given first reading.

Carried.

7. **CORRESPONDENCE:**

(a) **Alberta Culture & Community Spirit** re: Alberta Arts Days September 17 – 19, 2010 – presented.

(b) **Municipal Internship Program**

Municipal Administrator Vizzutti presented the Municipal Internship Program for Administrators and Land Use Planners for Council's consideration.

Moved by Councillor Wakelin to apply to the Municipal Internship Program to host an administrator intern for one year.

Carried.

(c) **Thank You – Nanton & District Handi Van Society** – presented.

(d) **Stavely Elks** – Invitation to the Stavely Elks 85th Anniversary celebration on August 21, 2010.

Moved by Councillor Neufeld that the meeting go in camera.

Carried.

Rob Vogt left the meeting at 11:42 a.m.

Moved by Councillor Hemmaway that the meeting go out of in camera.

Carried.

Claresholm, Alberta, August 18, 2010

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

Meeting reconvened at 1:15 p.m.

8. **PUBLIC HEARINGS RECONVENED:**

Manager of Development and Planning Services Gibeau and Mike Burla – MD Planner entered the meeting.

Rob Vogt returned to the meeting at 1:15 p.m.

Terry Hudema – Raymac Surveys Ltd. & Michelle Bohn entered the meeting at 1:15 p.m.

(a) Public Hearing on By-Law No. 1607 Reconvened

Mike Burla advised that the redesignation allows for a subdivision application of four 3-acre lots.

Terry Hudema of Raymac Surveys advised that the application was made on behalf of the landowners.

Letters from Government Agencies

(a) Alberta Environment – Owen Gibson

Manager of Development and Planning Services Gibeau read a letter from Owen Gibson of Alberta Environment stating that Clear Lake is a multi-use facility; however its primary purpose is water supply. Alberta Environment is responsible for operating and maintaining the reservoir to store water during runoff periods for use during other times of the year.

Mr. Gibson provided the following recommendations:

1. It is recommended that the applicant provide the County a municipal reserve in the form of land. The municipal reserve would run parallel to the reservoir right-of-way boundary to provide the extra buffer to discourage gradual encroachment by lot owners into the reservoir right-of-way.
2. Detailed plans of any proposed works within the reservoir right-of-way shall be provided to Alberta Environment for review and approval prior to construction to ensure no interference occurs with operation and maintenance activities.
3. The applicant will be required to enter into a Works agreement as a requirement under the Water Act in the event a licensed diversion of water from the reservoir is required.
4. Public access along the reservoir right-of-way shall not be restricted.
5. Vehicular traffic is not permitted within the reservoir right-of-way.
6. All utilities for this proposal shall be located outside the right-of-way.
7. All facilities approved and located within the reservoir right-of-way shall be available for public use. No private facilities will be permitted. No recreational facilities (i.e. dock or launch) will be approved within the reservoir lands as public facilities are already provided in close proximity.
8. The reservoir can be filled to the Full Supply Level (FSL) elevation; 966.30 meters. Any facilities proposed below this elevation should be flood resistant.

Claresholm, Alberta, August 18, 2010

Note: During heavy rain/surface run off events the reservoir has the potential to flood to an elevation higher than the FSL. i.e. 967.5 meters.

9. The applicant shall be required to maintain all facilities or improvements in the right-of-way in a diligent and proper manner to ensure the area is kept clean and neat. The applicant shall not allow refuse to accumulate on the reservoir right-of-way.
10. If it is determined the adjacent development is adversely affecting the reservoir right-of-way the development shall take such remedial steps to correct the situation, as directed by Alberta Environment.
11. It is recommended the applicant be required to include in all sale or lease agreements the following clause:
“Clear Lake is operated by Alberta Environment for the primary purpose of water supply. As such it can be subject to prolonged and severe water level fluctuations. There is no guarantee of a stable water level. In some years the reservoir may not be suitable for recreation activities.”
The clause is also recommended to be included in the development agreement.
12. It is requested the applicant’s sale or lease agreements be forwarded to Alberta Environment for review to ensure the contents are suitable and not conflicting with our operation and maintenance mandate.
13. Environment staff and its agents may enter the development at any time, at no cost, for the purpose of examining the area.
14. It is recommended the applicant emphasis in all advertising/promotional material that Clear Lake is a Reservoir: NOT a lake so potential buyers are informed.
15. The proposed septic tanks should NOT be located between the residence and the reservoir but rather between the residence and the westerly lot boundary.

NOTE: Authorizations are necessary for the water and sewer systems and approval of the storm water system may also be required.

The applicant will also be required to contact Water Approvals of Alberta Environment to determine any licensing and or approval requirements under the provisions of the Water Act and the Environmental Protection and Enhancement Act (EPEA).

Owen Gibson also provided a copy of the “Reservoir Lands Guideline” to provide information regarding general reservoir characteristics, reservoir development guidelines, approval processes, etc.

Manager of Development and Planning Services Gibeau advised that a copy of Owen Gibson’s letter was forwarded to the applicant.

(b) Alberta Transportation – John Thomas

Manager of Development and Planning Services Gibeau read a letter from John Thomas stating that the proposed land redesignation of a portion of the NW

Claresholm, Alberta, August 18, 2010

31-13-25-4 is well removed from any road under Alberta Transportation jurisdiction (in this instance Hwy 529) with indirect access being provided solely by way of the local road system. John Thomas advised that Alberta Transportation has no objections/concerns with the land use redesignation as proposed.

(c) Alberta Health Services – Richard Steeves

Manager of Development and Planning Services Gibeau read a letter from Richard Steeves of Alberta Health Services regarding the Land Use Redesignation Application No. A-01-08, Grouped Country Residential in the NW 31-13-25-4. Richard Steeves recommended that due to the chemical water report for groundwater at this site which shows levels exceeding the Guidelines for Canadian Drinking Water Quality, treatment may be required to render the water acceptable for domestic use. As these will be private well water supplies, it will be the responsibility of each individual lot owner to ensure the potability and aesthetic quality of water supplied to their dwelling from their well.

Richard Steeves advised that Alberta Health Services does not support the new construction of unlicensed communal water systems and understands that one is not proposed to service the lots.

Richard Steeves stated in his letter that the installation of private septic systems and holding tanks should comply with Alberta Municipal Affairs requirements.

(d) Email from Owen Gibson – Alberta Environment

Manager of Development and Planning Services Gibeau presented an email from Owen Gibson of Alberta Environment advising that the requirement of Municipal Reserve in the form of land is not required at this location as the landowner and consultant will be addressing Alberta Environment's concerns by other means i.e. restrictive covenants, etc.

Comments from the Applicant

Terry Hudema advised that he had discussed the issue of Municipal Reserve with Owen Gibson and agreed that using a restrictive covenant would solve the issue of uncontrolled public access on lands surrounding the reservoir. He advised that the applicant and landowner have no other concerns with the other requirements of Alberta Environment. Mr. Hudema advised that treatment of private water systems will be at the purchaser's expense.

Mike Burla explained that municipal reserve is done at the subdivision stage and cash in lieu of land is the norm.

Councillor Sundquist suggested that 2.0 (2.2) of the Area Structure Plan submitted by the applicant needs clarification as the road is oiled, not graveled and it is not a bus route and is not necessarily going to be plowed right away in the winter.

Councillor Alm expressed concern of four water wells and four septic fields located on 12 acres of land.

Mike Burla stated that this application is for rezoning to grouped country residential however at the time of a subdivision application you may consider the number of lots applied for.

Councillor Alm stated that as long as it is not taken for granted that if redesignation is approved, four lots will also be approved.

Mike Burla advised that Council will discuss information received and make a decision regarding second and third readings of the bylaw.

Michelle Bohn stated that it is important to them to maintain the beauty of the reservoir and if 4 lots are deemed to be too many, that is okay with them.

Councillor Sundquist advised that the redesignation proposal falls within the Municipal Development Plan and Land Use Bylaw.

Reeve Van Hierden advised that the Public Hearing on By-Law No. 1607 is closed.

Moved by Councillor Sundquist that By-Law No. 1607 be given second reading.

Carried.

Moved by Councillor Hemmaway that By-Law No. 1607 be given third and final reading and that the Reeve and Municipal Administrator be authorized to sign and countersign on behalf of the Municipal District.

Carried.

Michelle Bohn & Terry Hudema left the meeting at 1:36 p.m.

(b) Public Hearing on By-Law No. 1608 Reconvened

Manager of Development and Planning Services Gibeau advised that the Public Hearing on By-Law No. 1608 is reconvened from July 14, 2010. She advised that the applicant Charles Norton is requesting approval for a Land Use Amendment from "Reservoir Vicinity – RV" to "Vacant Country Residential – VCR" for 4-acres of land contained within an existing 111.4 acre parcel. The amendment will accommodate the subdivision of 4-acres of bare land for country residential use. The site is located within NE 33-14-28-4.

Manager of Development and Planning Services Gibeau advised that there is an existing well with non potable water and the applicant has indicated that domestic water will be supplied from the Stavely Community well to an onsite cistern. Soil tests have been provided that indicate soil suitability for a septic system.

Letters from Government Agencies:

(a) Alberta Health Services – Richard Steeves

Manager of Development and Planning Services Gibeau read a letter from Richard Steeves of Alberta Health Services regarding the Land Use Redesignation Application No. A-05-09, Vacant Country Residential in the NE 33-14-28-4. He indicated that the owner will be responsible for the provision of water to this lot and to ensure the potability and aesthetic quality of the water supplied by private water

Claresholm, Alberta, August 18, 2010

treatment or by hauling in their water from an approved water source. He also advised that the installation of private septic systems and holding tanks should comply with Alberta Municipal Affairs requirements.

(b) Alberta Environment – Owen Gibson

Manager of Development and Planning Services Gibeau read a letter from Owen Gibson of Alberta Environment stating that Pine Coulee Project is a multi-use facility; however, its primary purpose is water supply. Alberta Environment is responsible for operating and maintaining the reservoir to store water during runoff periods for use during other times of the year. He advised that Pine Coulee is subject to experiencing severe or extreme water level fluctuations. Water level fluctuations, wave and ice action on the shoreline can cause periodic slumping, bank erosion and instability. Any proposed shoreline development should take into account the potential for instability.

Owen Gibson provided the following for consideration:

1. Detailed plans of any proposed works within the reservoir right-of-way shall be provided to Alberta Environment for review and approval prior to construction to ensure no interference occurs with operation and maintenance activities.
2. The applicant will be required to enter into a Use of Works agreement as a requirement under the Water Act in the event a licensed diversion of water from the reservoir is required.
3. Public access along the reservoir right-of-way shall not be restricted.
4. Vehicular access is not permitted within the reservoir right-of-way.
5. All utilities for this proposal shall be located outside the right-of-way.
6. All facilities approved and located within the reservoir right-of-way shall be available for public use. No private facilities will be permitted.
7. The applicant shall be required to maintain all facilities or improvements in the right-of-way in a diligent and proper manner to ensure the area is kept clean and neat. The applicant shall not allow refuse to accumulate on the reservoir right-of-way.
8. If it is determined the adjacent development is adversely affecting the reservoir right-of-way the development shall take such remedial steps to correct the situation, as directed by Alberta Environment.
9. Septic tanks should NOT be located between the residence and the reservoir but rather between the residence and easterly lot boundary.

Owen Gibson also provided a copy of the “Reservoir Lands Guideline” to provide information regarding general reservoir characteristics, reservoir development guidelines, approval processes, etc.

(c) Alberta Transportation – John Thomas

Manager of Development and Planning Services Gibeau read a letter from John Thomas stating that the proposed land redesignation of a portion of the NE

Claresholm, Alberta, August 18, 2010

33-14-28-4 is well removed from any road under Alberta Transportation jurisdiction (in this instance Hwy 2) with indirect access being provided solely by way of the local road system. John Thomas advised that Alberta Transportation has no objections/concerns with the land use redesignation as proposed.

Councillor Alm expressed his concern that the development around Pine Coulee is placing on the community well.

Reeve Van Hierden declared the Public Hearing on By-Law No 1608 closed.

Moved by Councillor Wilson that By-Law No. 1608 be given second reading.

Carried.

Moved by Councillor Sundquist that By-Law No. 1608 be given third and final reading and that the Reeve and Municipal Administrator be authorized to sign and countersign on behalf of the Municipal District.

Carried.

Moved by Councillor Wakelin that the meeting go in camera.

Carried.

Manager of Development and Planning Services Gibeau and Mike Burla left the meeting at 1:51 p.m.

Rob Vogt left the meeting at 1:51 p.m.

Arlene MacOdrum and Superintendent of Public Works Johnson left the meeting at 1:51 p.m.

Moved by Councillor Sundquist that the meeting go out of in camera.

Carried.

Reeve Van Hierden left the meeting and Deputy Reeve Neufeld assumed chairmanship of the meeting.

5. **COUNCIL MANAGEMENT (CONT:)**

(f) Council Meeting Date Changed

Moved by Councillor Hemmaway that the September 15th, 2010 Municipal Planning Commission and Council meeting be held on September 22, 2010.

Carried.

9. **ADJOURNMENT:**

Moved by Councillor Wakelin that the meeting adjourn.

Carried.

Meeting adjourned at 2:50 p.m.

Reeve

Municipal Administrator