

Claresholm, Alberta, December 8, 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.

Rob Vogt entered the meeting.

Betty Jean & Matt McWilliams entered the meeting.

1. Reeve Van Hierden called the meeting to order at 10:16 a.m.

2. **MINUTES:**

(a) **November 24 Council Minutes for Adoption**

Councillor Sundquist noted that on Page 9967 the date of the minutes adopted should be November 1, 2010.

Moved by Councillor Sundquist that the November 24, 2010 Council meeting minutes be adopted as amended.

Carried.

3. **COUNCIL MANAGEMENT:**

(a) **Integrated Community Sustainability Plan Committee**

Member – Div. 2

Councillor Neufeld advised that he is waiting for confirmation from Cecilie Fleming with regards to becoming a member of the ICSP committee.

(b) **Bill 36 – Land Stewardship Act**

Municipal Administrator Vizzutti presented an email from a concerned citizen with regards to Bill 36.

Municipal Administrator Vizzutti advised that Bill 36 has already been passed.

(c) **Draft Programming Document for Fort Macleod Joint Facility**

Municipal Administrator Vizzutti asked Council to set a date to review the Draft Programming Document for the Fort Macleod Joint Facility

Councillor Alm requested comparisons, between sizes and uses for the old fire hall compared to the proposed new fire hall, to be included in the final report. He requested a breakdown of cost per sq. ft. for the new fire hall.

Municipal Administrator Vizzutti advised that she will be reviewing the draft document for the Fort Macleod Joint Facility with the Town of Fort Macleod CAO and Bryan Carr – Architect.

Council asked how the cost will be split between the MD and Town for the fire hall.

Municipal Administrator Vizzutti advised that she will do a usage analysis for 2008, 2009 and 2010 for the M.D. and Town.

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(d) Fire Department Billing Protocol on Highway Calls

Municipal Administrator Vizzutti advised that when 9-1-1 receives a call for fire department response and the caller isn't sure of the location, two fire departments are dispatched. Once the location is confirmed the other fire department is stood down. She asked Council for direction with regards to billing for the fire equipment that is stood down.

Council instructed that Alberta Transportation be billed for all fire equipment dispatched on highways when location of incident isn't clear, even though they may be stood down once location of incident is confirmed.

Discussion ensued with regards to safety of fire fighters at the scene of an accident on the highway in severe weather conditions.

Councillor Alm suggested that the M.D. should price small trailers with flashing lights to be placed a reasonable distance from the scene to assist with slowing down traffic and warning of accident ahead.

Treasurer Hannas entered the meeting at 10:47 a.m.

(e) 2010 Articles of Agreement

Moved by Councillor Hemmaway that the 2010 Articles of Agreement be approved.

Carried.

4. **FINANCIAL MANAGEMENT:**

(a) Alberta Treasury Branch - Borrowing By-Law No. 1622

Treasurer Hannas presented By-Law No. 1622, being a by-law for the purpose of borrowing certain sums of money for the purpose of operating expenditures (Mastercard) for Council's consideration for three readings. She advised that this is a yearly requirement of the Alberta Treasury Branch for the credit card account.

Treasurer Hannas advised that upon third and final reading of By-Law No. 1622, By-Law No. 1570 will be repealed.

Moved by Councillor Alm that By-Law No. 1622, being a by-law for the purpose of borrowing certain sums of money for the purpose of operating expenditures (Mastercard) be given first reading.

Carried.

Moved by Councillor Hemmaway that By-Law No. 1622 be given second reading.

Carried.

Moved by Councillor Sundquist that all Councillors present are in agreement to giving By-Law No. 1622 third and final reading.

Carried Unanimously.

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Moved by Councillor Wilson that By-Law No. 1622 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.

(b) 2010 Interim Budget for 2011

Moved by Councillor Wakelin to adopt the 2010 budget as the interim budget for 2011.

Carried.

(c) Accounts Payable Cheque Register

Treasurer Hannas presented the cheque register for December 8, 2010 as information.

(d) Financial Report – Receipts & Payments as of November 30, 2010

Treasurer Hannas reviewed the financial report as of November 30, 2010 with Council as information.

(e) Request for Proposal – Audit Services

Treasurer Hannas advised that the RFP for audit services was sent to six accounting firms. The closing date is December 7 and will present bids to Council on December 15, 2010.

Moved by Councillor Wilson to accept reports as presented.

Carried.

Treasurer Hannas left the meeting at 11:09 a.m.

3. COUNCIL MANAGEMENT (CONT:)

(f) Nanton Recycling Survey Format

Councillor Wilson presented the survey format used in Nanton for recycling. He felt that the survey format could be used by the M.D. for various services provided.

(g) Procedural By-Law, MGA & Interpretation Act Presented

Municipal Administrator Vizzutti presented hard copy of the following documents as information:

MGA effective November/10

Interpretation Act

Procedural By-Law No. 1472

(h) Municipal Emergency Management By-Law

Municipal Administrator Vizzutti presented a copy of the proposed Municipal Emergency Management By-Law for review and discussion at the December 15, 2010 Council meeting.

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(i) Regional Collaboration Program

Municipal Administrator Vizzutti asked Council if they are interested in hiring an independent consultant to review delivery of services by the M.D. and five towns to see if the methods used can be done more efficiently as a joint effort.

Municipal Administrator Vizzutti reported on the CAO's meeting as well as the meeting in the afternoon with the CAO and Mayor of the Town of Claresholm and the Reeve and herself.

Airport Water Line Study & Frog Creek – Town of Claresholm

Municipal Administrator Vizzutti advised of 60 % – 75% water loss in the lines at the airport. She asked Council if they would agree to hire MPE, jointly with the Town of Claresholm, to complete a report to facilitate upgrading the line to service the industries currently using the water service. (*Motion later in the meeting*)

Municipal Administrator Vizzutti advised that the Town of Claresholm has asked to work together with MD administration to obtain agreements with MD landowners regarding the Frog Creek drainage issue.

Councillor Wilson discussed the Regional Collaboration issue and has a concern that it will create an over dependence by the towns on the M.D.

Municipal Administrator Vizzutti stated that the collaboration would include the delivery of services that make economic sense. She said that recreation is expensive to provide and has explained that the M.D. wants to be included at the planning level not just requested to provide funding once all has been decided.

Municipal Administrator Vizzutti read a resolution for Council's consideration regarding the Regional Collaboration Program.

Moved by Councillor Alm that the meeting go in camera.

Carried.

Rob Vogt left the meeting at 11:46 a.m.

Betty Jean & Matt McWilliams left the meeting at 11:46 a.m.

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

Carried.

Meeting recessed for lunch at 12:05 p.m.

Meeting reconvened at 1:02 p.m.

Rob Vogt returned to the meeting at 1:02 p.m.

Moved by Councillor Alm that Council authorizes the Town of Nanton, Town of Claresholm, Town of Fort Macleod, Town of Stavely, Town of Granum and the Municipal District of Willow Creek to participate in an application for the Regional Shared Services Project, submitted by the Town of Nanton under the Regional Collaboration component of the Regional Collaboration Program, further

That the Town of Nanton if the applicant, agrees to enter into, or as a participant agrees to abide by the terms of a Condition Grant Agreement governing the purpose and use of the grant funds.

Carried.

5. **BY-LAWS:**

(a) **By-Law No. 1611 – Hutterian Brethren of Standoff**

Municipal Administrator Vizzutti presented By-Law No. 1611, being a by-law for the closure and lease of the statutory road allowance for the Hutterian Brethren of Standoff for Council's consideration for second and third readings.

Moved by Councillor Hemmaway that By-Law No. 1611 be given second reading.

Carried.

Moved by Councillor Wilson that By-Law No. 1611 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.

(b) **By-Law No. 1612 – Trout Creek Cattle Co. Ltd.**

Municipal Administrator Vizzutti presented By-Law No. 1612, being a by-law for the closure and lease of the statutory road allowance for Trout Creek Cattle Co. Ltd. for Council's consideration for second and third readings.

Moved by Councillor Alm that By-Law No. 1612 be give second reading.

Carried.

Moved by Councillor Hemmaway that By-Law No. 1612 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.

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

Municipal Administrator Vizzutti presented By-Law No. 1614, being a by-law for the closure and lease of the statutory road allowance for S.T. Doyle Farms Ltd. for Council's consideration for second and third readings.

Moved by Councillor Wakelin that By-Law No. 1614 be given second reading.

Carried.

Moved by Councillor Sundquist that By-Law No. 1614 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.

(d) **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 for Terrence Hall for Council's consideration for second and third readings.

Moved by Councillor Wakelin that By-Law No. 1615 be given second reading.

Carried.

Moved by Councillor Wilson that By-Law No. 1615 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.

(e) By-Law No. 1623 – Bruce Smith

Municipal Administrator Vizzutti presented By-Law No. 1623, being a by-law for the closure and lease of the statutory road allowance adjacent to the East boundary of the NE 24-16-1-W5 for grazing purposes for Bruce Smith, for Council's consideration for first reading.

Moved by Councillor Wilson that By-Law No. 1623, being a by-law for the closure and lease of the statutory road allowance adjacent to the East boundary of the NE 24-16-1-W5 for grazing purposes for Bruce Smith be given first reading.

Carried.

6. **CORRESPONDENCE:**

(a) SAEWA 2011 Membership

Municipal Administrator Vizzutti presented a letter from SAEWA advising of \$0.37 per capita membership fee for 2011, MD's membership will cost \$1,974.69.

(b) AAMDC – Cost Sharing Works: An Examination of Cooperative Inter-municipal Financing – (hard copy provided to Council)

(c) Financial Indicator Graphs – Municipal Affairs – copied to Council

(d) Alberta Environment – MRE Water System

Municipal Administrator Vizzutti presented a letter from Alberta Environment stating that based on the review of the hydro geological investigation submitted April 1, 2009, the Moon River Waterworks System had been confirmed as a non-groundwater under the direct influence of surface water groundwater source. The Director in accordance with Section 8.1(3) of the Environmental Protection and Enhancement Regulation is providing notice that the Code of Practice for Waterworks Systems Using High Quality Groundwater (Code of Practice) will be applied to the operation of the Moon River Estates Waterworks System effective December 1, 2010.

(e) Stewart Weir Christmas Luncheon – Dec 9/10 – presented.

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

(i) **Airport Waterline Study**

Moved by Councillor Hemmaway that the M.D. participate on a 50/50 basis with the Town of Claresholm, to hire MPE Engineering to complete a study regarding the status of the water system at the Claresholm Airport, total project cost of \$30,000.00.

Carried.

Water License

Council instructed Municipal Administrator Vizzutti to investigate the cost to purchase 200 acre feet of water license for domestic use.

7. **PUBLIC HEARING**

(a) **Public Hearing on By-Law No. 1602 – Gilead Foundation - Reconvened**

Mike Burla – MD Planner entered the meeting 1:30 p.m.

Matthew Kautsky – Alvin Reinhard Fritz Architect Inc., Vanessa Graham – Alvin Reinhard Fritz Architect Inc., Lorilee Philpot – Gilead Foundation, Thea Dymott, Keli Sandford, Ruthanne Koyama, Duncan Fleming, Robert Koyama entered the meeting at 1:30 p.m.

Reeve Van Hierden called to order at 1:32 a.m. the reconvened Public Hearing re: By-Law No. 1602, which proposes to redesignate a portion of the subject lands from “Rural General – RG” to “Rural Recreational – RR” and “Rural Commercial – RC”.

Mike Burla advised that the hearing has been reconvened and additional information can be presented. The hearing was recessed to allow additional information or comments from Alberta Transportation with regards to a review of the Area Structure Plan and Traffic Assessment Study provided by the applicant.

Municipal Administrator Vizzutti is acting on behalf of Manager of Development and Planning Services Gibeau in her absence.

Written Response from Alberta Transportation

Municipal Administrator Vizzutti read a letter from John Thomas, Alberta Transportation dated September 16, 2010 and an email dated October 13, 2010 to Development Officer Gail Gibeau.

The letter from John Thomas dated September 16, 2010 advised that intersectional improvements identified in the traffic impact assessment and addendum will be handled under the development permit process. The intersectional improvements will be subject to a detailed design being forwarded for review and acceptance by the department and accomplished at no cost to the department.

The email dated October 13, 2010 from John Thomas advised that Alberta Transportation has reviewed the Area Structure Plan for Granum Market Square & Gilead Foundation of Alberta and the Traffic Impact Assessment. The Traffic Impact

Assessment has been accepted as per letter dated September 16, 2010. He advised that the Area Structure Plan has accounted for a Traffic Impact Assessment and a Storm Water Management Plan therefore the Area Structure Plan adequately addresses any transportation related requirements of Section 14 of the Subdivision and Development Regulation, being Alberta Regulation 43/2002.

Municipal Administrator Vizzutti advised that John Thomas of Alberta Transportation will not be attending the Public Hearing.

Presentations:

Ruthanne Koyama

Ruthanne Koyama presented concerns regarding changing the land use designation proposal in By-Law 1616. She advised of the following concerns that will negatively affect the local residents if the redesignation is allowed:

- Noise from vehicles, ATV's and other recreational machines, people and pets.
- Increased traffic on an already busy road and additional maintenance costs to upgrade the MD road. The increase in traffic will create more congestion and potential accidents at the intersection on Highway 2.
- the lighting required for the proposed activities will light up the sky 24/7 and electrical system is already stressed.
- would create stress on Emergency services, police/ambulance/fire service.
- an increase to waste and water management services

Ruthanne Koyama stated that the cost of public services will increase and it will be the current residents that will pay for that increase.

Ruthanne Koyama stated that the potential/proposed new businesses, truck stop, rehabilitation centre and campgrounds are not required in the area as these services already exist.

Ruthanne Koyama does not feel that the changes proposed will enhance the area.

Mike Burla advised for clarification that Ruthanne Koyama's presentation refers to By-Law 1616 which is the proposed Land Use By-Law. By-Law No. 1602 is the by-law for redesignation being discussed at the public hearing.

Matthew Koutsky – Alvin Reinhard Fritz Architect Inc.

Matthew Koutsky showed a powerpoint presentation of the proposed development, Granum Market Square & Gilead Foundation of Alberta, for which the redesignation is being sought.

Matthew Koutsky discussed various solutions to eliminate the light nuisance to neighbors.

Matthew Koutsky presented and explained the Traffic Impact Assessment addendum for clarification.

Duncan Fleming

Duncan Fleming advised that he is an adjacent landowner to the parcel proposed for redesignation to develop the truck stop and Gilead Foundation. He advised that they are not opposed to the Gilead Foundation however are opposed to the commercial operation being the truck stop. He feels that if a combined application such as this is allowed, it will set precedence within the M.D. of Willow Creek.

Duncan Fleming expressed concerns that if the Gilead Foundation is developed and then ceases to exist what will happen with the infrastructure. He asked if it would become another hamlet like Moon River Estates.

Duncan Fleming advised that the Gilead Foundation have applied for water through the Leavings Water Co-op for the Gilead Foundation not the truck stop.

Duncan Fleming discussed local road and bridge upgrades that will be required for the truck stop.

Duncan Fleming stated that there will be a tax on emergency services created.

Duncan Fleming asked Council to take time to consider this application and requested that the Gilead Foundation be allowed to build first and not approve application to allow the truck stop and market garden at this time. He also stated that it will be at least 10 years until the interchange on Highway 2 is constructed.

Vanessa Graham – Alvin Reinhard Fritz Architects Inc.

Vanessa Graham advised that the lighting issue has been addressed to use fixtures which keep the light within the property boundary. The buildings proposed are LEAD facilities and reuse water. With regard to hazardous waste, a container would be installed below grade to contain any spills.

Vanessa Graham advised that there will be a location for trucks to plug-in overnight however there will not be a campground.

Vanessa Graham stated that the highway upgrade would be completed at the Foundation Capital's expense prior to construction of the truck stop.

Lorilee Philport – Gilead Foundation

Lorilee Philport advised that with regards to emergency services, the foundation will have EMTA's on site who will also be available to assist in the Towns of Granum and Claresholm. She felt that there would be a very small chance that police would be required to attend for any reason. Security guards will be on site and will not permit lingering by transients.

Lorilee Philport advised that it is not their intention to take business away from local businesses; they could operate the gas station. She advised that the proposed truck stop is the only facility within 2 hours of the border.

Vanessa Graham advised that the highway would be completely upgraded before the truck stop is constructed and the road west of the highway to the truck stop location would also be upgraded at Foundation Capital's expense.

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Mike Burla stated that the current land use designation of the property is Rural General and the redesignation of a portion of the lands to Rural Recreation – RR” and “Rural Commercial” is being applied for under one by-law.

Councillor Alm asked how much traffic the Gilead Foundation would create.

Kevin Branvold – Alberta Traffic Safety Coordinator entered the meeting.

Vanessa Graham advised that the majority of traffic will be for the commercial entity, not the Gilead Foundation.

Mike Burla recommended to Council that the Public Hearing on By-law No. 1602 be closed and no additional information be presented.

Councillor Neufeld asked if the Council can only vote on one of the proposals.

Mike Burla advised that the redesignation is all included in one by-law and Council must vote on the entire package.

Duncan Fleming asked Council to consider the local people when making their decision.

Moved by Councillor Alm that the Public Hearing on By-Law No. 1602 be adjourned.

Carried.

Public Hearing adjourned at 2:10 p.m.

Matthew Kautsky – Alvin Reinhard Fritz Architect Inc., Vanessa Graham – Alvin Reinhard Fritz Architect Inc., Lorilee Philpot – Gilead Foundation, Thea Dymott, Keli Sandford, Ruthanne Koyama, Duncan Fleming, Robert Koyama left the meeting at 2:10 p.m.

Mike Burla – MD Planner left the meeting at 2:10 p.m.

8. **DELEGATIONS:**

(a) **Kevin Branvold – Regional Traffic Safety Coordinator – Province of Alberta**

Kevin Branvold, Regional Traffic Safety Coordinator for the Province of Alberta was present to update Council with regards to the Alberta Traffic Safety Plan and the Regional Traffic Safety Committee. He advised that Alberta is the only province in Canada to have Traffic Safety Plans implemented. He provided an overview of what the Traffic Safety Plan consists of and various statistics. Kevin Branvold suggested that the M.D. could do a municipal traffic plan and Councillor Wakelin could also bring any concerns to the regional meeting.

Kevin Branvold left the meeting at 2:50 p.m.

Moved by Councillor Wakelin that the meeting go in camera.

Carried.

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

Carried.

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

(j) **Fire Chief Appointment Rescinded**

Moved by Councillor Wakelin that the appointment of Tony Bonetti as Fire Chief for the M.D. be rescinded.

Carried.

(k) **By-Law No. 1602 - Gilead Foundation**

Discussion ensued with regards to By-Law No. 1602. Some Council members felt that more time to needed to review the information.

Moved by Councillor Wakelin to table By-law No. 1602 to the December 15, 2010 Council meeting.

Carried.

9. **ADJOURNMENT:**

Moved by Councillor Wilson that the meeting adjourn.

Carried.

Meeting adjourned at 3:27 p.m.

Reeve

Municipal Administrator