

Claresholm, Alberta, October 13, 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.

Keli Sandford – Development Asst. entered the meeting.

Rob Vogt entered the meeting.

Diana Andrews – ratepayer representing Highwood Management Plan, Gerald Lyon - ratepayer, Terry Kwas & Dave Trofimenkoff – TransAlta entered the meeting.

Ruthanne Koyama – ratepayer and Cecilie Fleming – ratepayer entered the meeting.

1. Reeve Van Hierden called the meeting to order at 10:11 a.m.

2. **MINUTES:**

Minutes of September 22, 2010

Moved by Councillor Sundquist that the Council meeting minutes of September 22, 2010 be accepted as presented.

3. **PUBLIC HEARING**

By-Law No. 1616 – Land Use By-Law

Reeve Van Hierden called the Public Hearing to order.

Mike Burla presented By-Law No. 1616 and advised that the Public Hearing is to allow for comments on the proposed new Land Use By-Law. He noted that changes to the proposed by-law can be made by Council after considering the public input.

Presentations:

(a) **TransAlta**

Terry Kwas – Environmental Specialist and Dave Trofimenkoff – Site Manager of TransAlta were present to provide comment and concerns.

Terry Kwas advised that TransAlta currently has 283 MW of wind energy projects in the M.D. of Willow Creek which include:

- McBride Lake Wind Farm
- Macleod Flats V90 Wind Turbine
- Blue Trail Wind Farm
- Ardenville Wind Farm
- Soderglen Wind Farm

Terry Kwas advised that there are a number of potential development sites being monitored.

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Terry Kwas advised of the following concerns with the proposed Land Use By-Law:

Increased Setback Distances

Terry Kwas advised that the increase of the setback requirement as outlined in Sections 5 – 9, would negatively affect a project. She questioned the logic of wind turbine fall distance. This requirement would limit placement of 1 to 2 turbines per quarter whereas they are currently placing 2 to 3 turbines per quarter. This would automatically be a 30% added cost. She stated that the requirement should either be specific or be deleted. The wind farm cannot be designed without knowing in advance what the setbacks are. This requirement could result in a rework of the design which is costly and time consuming. Archeology is completed on the footprint only not the entire quarter. Rather than choosing an arbitrary setback distance (such as twice the height of the WECS) setbacks should be based on meaningful science such as noise thresholds and shadow flicker impacts. There is no reason to require fall distance for utility scale turbines any more than there is for any other permanent structure. It is important to have clear guidelines for setbacks well in advance of permitting to allow for sufficient land acquisition and consistency in regulation should be a high priority.

Provide Wind Analysis

Terry Kwas advised that wind resource exploration information as with all other forms of exploration is highly confidential and proprietary information and should not form part of public record. She advised that this information can assist others in designing wind farms in the area.

Reclamation & Decommissioning Bond

Terry Kwas stated that it is unfair to impose a reclamation and decommissioning bond requirement on one particular industry. She advised that interest rates are charged for the duration that the document is in place which would be greater than 25 years. She suggested that the M.D.'s Development Agreement lends itself perfectly to this requirement. The salvage value exceeds the cost to decommission. Terry Kwas stated that a tax could be used to offset costs through a municipal reserve as a reclamation and decommissioning fund.

Transmission – Underground

Terry Kwas advised that TransAlta strives to place transmission lines underground where possible however sometimes it isn't possible.

Miscellaneous Comments

Stakeholder Register

Terry Kwas stated that the requirement to supply a signed register of the participants during the consultation process contravenes the FOIP Act.

Visual Impact Assessment

Terry Kwas stated that the new Land Use By-Law requires that the Visual Impact Assessment is to include cumulative impacts of Wind Energy Conversion

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Systems (WECS) and transmission lines. She advised that the approval for transmission lines would not fall under the wind farm Development Permit process. The transmission facilities are owned, built and designed by a separate entity under a separate regulatory process that considers public concerns including visual impact. She requested that the transmission line modeling be removed from the Visual Impact Assessment.

Circulation to Government Departments

Terry Kwas stated that for clarification Nav Canada is not a regulator but rather a stakeholder and do not possess the authority to approve or deny a project, only provide comments. Their business is regulated by Transport Canada. She advised that an application sent to Nav Canada takes between 8 and 12 months for review.

Color and Finish

Terry Kwas advised that no lettering or advertising is allowed on towers or blades, only manufacturer or municipal symbol on nacelles. She advised that turbine towers require lettering for maintenance purposes. She requested to allow developers to brand their multi-million dollar project with a logo on the nacelles but stipulate size by a % of coverage to reduce visual impact.

Reeve Van Hierden stated that a ratepayer has a concern with regards to setback as they may wish to build another house in the future.

Dave Trofimenkoff advised that AUC is looking at noise setbacks however need to clarify whether operator is held to the same level if a house is proposed.

Terry Kwas stated that it should be considered as first in philosophy.

Mike Burla requested a copy of the powerpoint to be left with the M.D.

Diana Andrews asked if comments could be made at a later date.

Mike Burla advised that the Public Hearing would have to be recessed to allow any further comments.

Gerald Lyon asked how a Visual Impact Assessment is completed.

Dave Trofimenkoff advised that there are two components to a Visual Impact Assessment. Create a visual by taking photos close to wind farm and picking view points. The software simulates the wind turbines. Map area 30 km. from the turbines to establish visual influence.

Garth Wesley entered the meeting at 10:35 a.m.

Gerald Lyon asked if the natural lay of the land is included in the assessment.

Dave Trofimenkoff advised that esthetics is considered in the design. He stated that during the design stage they try to minimize the visual impact by aligning the turbines in rows instead of random placement and consider viewpoints which are heavily frequented.

Gerald Lyon asked if any consideration is given to wildlife in the area.

Dave Trofimenkoff advised that wildlife is considered but not from a visual perspective.

(b) Ruthanne Koyama - ratepayer

Ruthanne Koyama advised that she use to be a contract negotiator for the oil industry. She disagrees with the use of “may” over “shall” in the bylaw. She stated that using “may” means possibly whereas “shall” means promise or intention. She questioned why the Development Officer “may” notify adjacent landowners. She wants it to say “shall” notify residents within close proximity which she feels would solve a lot of disputes in the future. She would like the notification process to be a predetermined distance based on certain criteria such as relevant location (next door), sound, access, view, traffic and esthetics.

Ruthanne Koyama questioned whether the time frame of 10 days for residents to comment is sufficient given that farmers and ranchers are busy at certain times of the year or away in the winter months.

Mike Burla advised that the Municipal Government Act provides direction with regards to the way in which notification is handled and the municipality only has 40 days to hear the application and with only 1 meeting a month the notification period cannot be lengthened. He stated that having an undesignated referral area could be reconsidered in the Land Use By-Law by the Council.

Mike Burla clarified that the use of “may” & “shall” is the prerogative of the Municipal Planning Commission.

Councillor Wilson advised that “may” gives permission to the MGA and Development By-Law; “may” is used as a directive.

Ruthanne Koyama advised that the articles that she choose “may” were used as an option, not used as a directive.

Mike Burla requested that hard copies of all comments be given to the M.D.

(c) Diana Andrews - ratepayer

Diana Andrews said that she likes the M.D.’s website, finds it very informative. She thanked Council for looking after the interest of the ratepayers with regards to the utility companies. She stated that she does concur with information regarding other companies coming to develop. Diana felt that decommissioning should be part of the business of the wind farm developer. She would like to see a setback for private campgrounds from public campgrounds for safety and security concerns e.g. May long weekend.

Gerald Lyon asked when the Integrated Community Sustainability Plan will be available.

Reeve Van Hierden advised that Council is still reviewing the document.

Gerald Lyon stated that the Council has made a decision regarding Clear Lake area based on the ICSP.

Mike Burla stated that any discussions regarding the ICSP should be held during Council, not relevant to this public hearing.

Terry Kwas advised that the wind energy intent is not to decommission however would like to see decommissioning dealt with in the Development Agreement in place of bonds.

(d) Cecilie Fleming - ratepayer

Cecilie Fleming would like the Land Use By-Law to ensure that the use stays as intended and does not change into something else. She feels that the Gilead Foundation is a good concept however if it doesn't materialize then what happens regarding the designation.

Mike Burla advised that the rescinding land use redesignation such as Rural Recreational use is considered in the bylaw. Page 9, Sec 60 the Council may rescind said redesignation if subdivision or development does not commence within 24 months. He advised that a public hearing would be required to redesignate the lands back to the original zoning.

Gerald Lyon asked what the process is to cancel redesignation.

Mike Burla stated under Section 61 of the Land Use Bylaw the rescinding of the redesignation bylaw shall be undertaken in accordance with Section 191 of the MGA. He advised that it is the same process to take out of force as to bring into force.

Mike Burla advised that there has been a request to leave the Public Hearing open to allow the opportunity to provide additional comments. He stated that once the Public Hearing is closed a meeting is required to discuss comments presented during the Public Hearing so he asked that Council not give the bylaw second and third readings at this time.

Diane Andrews advised that she has presented all of her comments.

Municipal Administrator Vizzutti advised that the M.D. can tax the wind towers at a reduced or minimum rate whether they are producing or not.

Mike Burla advised that the Development Agreement can be signed at the time of development or some other form of security could be required

Manager of Development and Planning Services Gibeau advised that unlike other Development Agreements that the M.D. requires and have registered on the title the Development Agreement would fall under contract law since the lands are leased by the .wind farm operators with ownership being retained by the existing land owner.

Municipal Administrator Vizzutti said that once the towers do not produce power the company is required to inform AESO to take off linear assessment however the M.D. can tax as an improvement on the land.

Diana Andrews discussed future responsibility of wind energy companies and stated that she is concerned re: long term.

Municipal Administrator Vizzutti advised that the towers are worth millions of dollars and there is a comfort level that the M.D. can tax the structure if not removed.

Reeve Van Hierden called for any additional comments.

There being no further comments Reeve Van Hierden declared the Public Hearing on By-Law No. 1616 adjourned.

Terry Kwas, Dave Trofimenkoff, Diana Andrews and Gerald Lyon left the meeting at 11:20 a.m.

4. **DEVELOPMENT**

(a) **Gilead Foundation – truck stop**

Manager of Development and Planning Services Gibeau advised that she has received information from Alberta Transportation with regards to the truck stop application at Granum and need to set a date to reconvene the Public Hearing.

Moved by Councillor Wakelin that the Public Hearing on By-Law No. 1602, Gilead Foundation, be reconvened at 1:30 p.m. on December 8, 2010.

Carried.

Council instructed that Alberta Transportation be invited to attend the Public Hearing on December 8, 2010 at 1:30 p.m.

Garth Wesley, Cecilie Fleming and Ruthanne Koyama left the meeting at 11:26 a.m.

Manager of Development and Planning Services Gibeau, Mike Burla and Keli Sandford left the meeting at 11:26 a.m.

5. **FINANCIAL MANAGEMENT:**

(a) **By-Law No. 1620**

Treasurer Hannas presented By-Law No. 1602, being a by-law to authorize a lending in the amount of \$20,000.00 to the Friends of the Claresholm Public Library for the purpose of retiring debt associated with the Claresholm History Book Committee, for Council's consideration.

Treasurer Hannas advised that the required advertising has been completed.

Moved by Councillor Alm that By-Law No. 1620, being a by-law to authorize a lending in the amount of \$20,000.00 to the Friends of the Claresholm Public Library for the purpose of retiring debt associated with the Claresholm History Book Committee be given first reading.

Carried.

Moved by Councillor Hemmaway that By-Law No. 1620 be given second reading.

Carried.

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Moved by Councillor Sundquist that all Councillors present are in agreement to giving By-Law No. 1620 third and final reading.

Carried.

Moved by Councillor Hemmaway that By-Law No. 1620 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) Discretionary Grant Reconciliation

Treasurer Hannas presented the Discretionary Grants reconciliation as of September 30, 2010.

Moved by Councillor Sundquist to donate \$2,000.00 from Division 7 discretionary grants to the Stavely Community Hall for bathroom renovations and \$2,000.00 to the Stavely Ag Society towards the purchase of infra red heaters in the arena.

Carried.

Moved by Councillor Hemmaway to donate \$1,000.00 to the Willow Creek Continuing Care from Division 5 discretionary grants for the purchase of sippy cups, a cart and supplies.

Carried.

Moved by Councillor Alm to donate \$1,532.25 from Division 4 discretionary grants to the Claresholm Physician recruitment fund.

Carried.

Moved by Councillor Alm that the Discretionary Grants reconciliation be accepted as presented.

Carried.

(c) Cheque Register

Treasurer Hannas presented the cheque register for October 13, 2010 as information.

Manager of Development and Planning Services Gibeau entered the meeting at 11:50 a.m.

(d) Financial Report

Treasurer Hannas presented the Financial Report as of September 30, 2010 as information.

Council requested that a sign denoting if the campgrounds are full be placed on highway 527.

Meeting recessed for lunch at 11:57 a.m.

Meeting reconvened at 12:55 p.m.

6. **PUBLIC WORKS:**

(a) **Road Standards – Multi Lot Subdivisions**

Superintendent of Public Works Johnson presented the Road Standards for Multi Lot Subdivisions.

Moved by Councillor Alm to accept the Road Standards for Multi Lot Subdivisions as policy.

Carried.

Manager of Development and Planning Services Gibeau left the meeting at 1:05 p.m.

(b) **Road Magnet Info**

Superintendent of Public Works Johnson presented pricing for road magnets as follows:

- electro magnet towable road sweeper - \$32,000.00

- heavy duty towable road sweeper - \$5,000.00

Noted that Superintendent of Public Works Johnson will investigate the possibility of sharing an electromagnet road sweeper with other M.D.'s & Counties.

(c) **U Blade**

Superintendent of Public Works Johnson advised that the credit with Finning must be used for parts or repairs not to purchase equipment. Noted that the U blade will not be purchased at this time.

(d) **Construction Update**

Superintendent of Public Works Johnson reported on the Postman Road, Welsh Road and Dave Loree Road.

(e) **Gentry Hall Benefit**

Superintendent of Public Works Johnson informed Council that Gentry Hall received a liver transplant on Sunday. He advised that there is an organizational meeting being held to plan a benefit for Gentry on November 13, 2010 at the Stavely Community Hall, and he has been asked to attend on behalf of the municipality.

(f) **Road Allowance Repairs Required**

Councillor Neufeld discussed the road allowance south of the microwave tower at Granum. He has asked Superintendent of Public Works Johnson to look at the area to see what can be done.

(g) **No Through Road – Signs**

Reeve Van Hierden requested “No Through Road” signs be placed on Twp Rd. 72 east of Highway 2.

Noted that Superintendent of Public Works Johnson will discuss the sign position with Reeve Van Hierden.

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(h) **Lucas Road**

Councillor Alm expressed concern regarding the height of the Lucas road and asked Superintendent of Public Works Johnson to look at it.

7. **COUNCIL MANAGEMENT:**

(a) **Meeting with Hon. Hector Goudreau – Minister of Municipal Affairs.** – presented.

(b) **AAMDC Advocacy Report Card Fall 2010** – presented.

(c) **SAEWA – Media Release** - presented.

(d) **Town of Granum – Regional Water Line Concerns**

Municipal Administrator Vizzutti read an email from Larry Flexhaug at the Town of Granum discussing an operational agreement between the Town of Granum and the M.D. of Willow Creek and the issues with the leakage problem.

(e) **AAMDC – Alberta Environment Meeting**

Municipal Administrator Vizzutti presented a letter from Alberta Environment asking if the M.D. would like to meet with them during convention.

Moved by Councillor Alm that a meeting be arranged with Alberta Environment to discuss Leavings Water Co-op, Frog Creek and remediation certificates.

Carried.

(f) **ORRSC – Municipal Planning Orientation Survey**

Municipal Administrator Vizzutti advised that ORRSC will be holding a Municipal Planning Orientation for Councillors. Council was in favor of the following dates: January 5, 12, 29 or 27, 2010.

(g) **Launch of “Code of the West” DVD**

Municipal Administrator Vizzutti asked Council if they wish to have a big launch of the “Code of the West” DVD at the Legacy Banquet.

(h) **Tender for Airport Lands**

Municipal Administrator Vizzutti presented a bid from Jason Toone of Lazy T Farms in the amount of \$7,150.00/year and she advised that Mr. Toone is seeking a lease for seven years.

Moved by Councillor Hemmaway to accept the bid of \$7,150.00/year to lease Block C, Plan 4117JK containing 171.93 acres, more or less and Block D, Plan 4117JK, containing 133.05 acres, more or less for a term of seven years commencing on April 1, 2011 until the last day of March, 2018.

(i) **Priority Setting - Facilitator**

Municipal Administrator Vizzutti asked Council if they are interested in having a facilitator host a seminar on Priority Setting in Local Government.

Municipal Administrator Vizzutti will investigate the possibility of hosting a seminar.

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(j) **Clear Lake Road – West Side**

Councillor Sundquist explained that Volker Stevin is maintaining the road on the west side of Clear Lake to a certain point, however they do not continue south to the turnaround point.

Noted that Superintendent of Public Works Johnson will discuss this issue with Rick Lemiere of Volker Stevin.

8. **By-Laws:**

(a) **By-Law No. 1605**

Municipal Administrator Vizzutti presented By-Law No. 1605 for second and third readings.

Moved by Councillor Alm that By-Law No. 1605 be given second reading.

Carried.

Moved by Councillor Hemmaway that By-Law No. 1605 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. 1609**

Municipal Administrator Vizzutti presented By-Law No. 1609 for second and third readings.

Moved by Councillor Wakelin that By-Law No. 1609 be given second reading.

Carried.

Moved by Councillor Wilson that By-Law No. 1609 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. 1610**

Municipal Administrator Vizzutti presented By-Law No. 1610 for second and third readings.

Moved by Councillor Sundquist that By-Law No. 1610 be given second reading.

Carried.

Moved by Councillor Wilson that By-Law No. 1610 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.

9. **CORRESPONDENCE:**

(a) **AAMDC 2010 Scholarship Winners** – presented.

(b) **ORRSC – July 8, 2010 Minutes** – presented.

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(c) **Alberta Southwest – Orientation Supper November 3, 2010** – presented.

(d) **Town of Fort Macleod – Letter of Understanding – Fire Dept Recruitment.** – presented.

(e) **Claresholm & District Transportation Society – Thank you** – presented.

(f) **Moon River Estates Fire Dept. – Appoint Fire Chief**

Moved by Councillor Wakelin to appoint Andy Berns as Fire Chief of Moon River Estates Fire Dept.

Carried.

(g) **Community Futures – Economic Development**

Municipal Administrator Vizzutti presented a request from John Lockhart of Community Futures Highwood requesting input from the MD regarding economic development objectives.

Moved by Councillor Alm that Agricultural value added economic development is a desired outcome.

Carried.

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

(k) **Bruce Meldrum – Thank you**

Reeve Van Hierden extended a thank you from Bryce Meldrum to the Council for the retirement gift.

(l) **Letter from Rita Burton**

Municipal Administrator Vizzutti read a letter from Rita Burton to the Council expressing her concerns with the processed frozen food that is being served to residents of the Willow Creek Continuing Care Centre, the Care Centre, General Hospital and the users of Meals on Wheels.

Moved by Councillor Sundquist that a meeting be arranged during AAMDC with Hon. Gene Zworzdesky, Minister of Health & Wellness and MLA Evan Berger to pursue the issue of frozen food being served at health facilities.

Carried.

Moved by Councillor Wakelin that the meeting go in camera.

Carried.

Superintendent of Public Works Johnson left the meeting at 2:15 p.m.

Recording Secretary Arlene MacOdrum left the meeting at 2:15 p.m.

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

Carried.

(m) **Sell Land at Airport – Vaughn Allan**

Moved by Councillor Neufeld to sell 2.2 acres in the north east portion of Block D, Plan 4117JK to Vaughn Allan at a cost of \$ 5,000.00/acre and the

purchaser incurs all costs for survey and registration, any development including access roads and approaches subject to rezoning and subdivision approval.

Carried.

10. **ADJOURNMENT:**

Moved by Councillor Wakelin that the meeting adjourn.

Carried.

Meeting adjourned at 4:05 p.m.

Reeve

Municipal Administrator