

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 Deputy Reeve Alm, Councillors Kroetsch, Sandberg, Sundquist, Van Hierden and Wilson, CAO Vizzutti and Executive Assistant MacOdrum as recording secretary present.

Absent – Reeve Hemmaway

Lawrence Gleason – Reporter entered the meeting.

1. Deputy Reeve Alm called the meeting to order at 10:01 a.m.

2. **MINUTES:**

- (a) **November 23, 2016 Council Minutes**

Councillor Sandberg advised of the following amendments required:

- the in camera session on Page 10909 add “discuss under Section 21 of FOIP – disclosure harmful to intergovernmental relations”
- clarify the appointment by the Town of Fort Macleod on Page 10913 by adding “to the Fort Macleod Library Board”.

Moved by Councillor Sundquist the November 23, 2016 Council meeting minutes be approved as amended.

Carried.

3. **COUNCIL MANAGEMENT:**

- (a) **ASB Conference – January 24 – 27, 2017**

Moved by Councillor Wilson the following people attend the ASB Conference, January 24 – 27, 2017:

Reeve Hemmaway, Deputy Reeve Alm, Councillors Wilson, Kroetsch, Sundquist and Van Hierden and Fieldman Preachuk.

Carried.

- (b) **BMO Farm Family Nomination**

CAO Vizzutti advised Division 4 will nominate the Farm Family for 2017 and then the rotation will commence at Division 1 the following year.

Noted Deputy Reeve Alm will submit a family to be nominated for the Farm Family Award at the January 11, 2017 meeting.

- (c) **Species at Risk**

Councillor Wilson reviewed the Species at Risk Act and provided suggestions to Council.

Director of Finance Hannas entered the meeting at 10:15 a.m.

Moved by Councillor Wilson the resolution for an amendment to the Species at Risk Act be submitted to the Foothills Little Bow Municipal Association, to be placed on their January 20, 2017 agenda.

Carried.

4. **FINANCIAL MANAGEMENT:**

Claresholm, Alberta, December 14, 2016

(a) Cheque Register

Director of Finance Hannas presented the cheque register for cheque #'s 21814 – 21909 in the amount of \$391,485.64, as information.

(b) 2017 Interim Budget

Moved by Councillor Sandberg the 2016 budget be approved as the interim budget for 2017.

Carried.

Director of Finance Hannas left the meeting at 10:34 a.m.

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

(d) Additions to Council Agenda

The following items be added to the agenda

Council Management: (l) Platinum - Internet

Correspondence: (g) Thank you from the Friends of the Granum Library

(e) Centralization of Industrial Assessment

CAO Vizzutti reported on the centralization of Designated Industrial Assessment by the Province. The province is currently doing the linear assessment. She advised the M.D.'s assessor Wayne Lamb of Benchmark Assessment has been appointed to the Municipal Affairs Technical Advisory Committee for Designated Industrial Assessment.

(f) AMHSA – Certificate of Recognition

CAO Vizzutti reviewed requirements for safety audits and advised the M.D. of Willow Creek has received the Partnerships in Injury Reduction Certificate of Recognition (COR).

(g) December 21, 2016 MPC and Council Meetings

Moved by Councillor Kroetsch the December 21, 2016 Municipal Planning Commission and Council meetings be cancelled.

Carried.

(h) MGA Review – Continuing the Conversation

Moved by Councillor Sandberg the MGA Review – Continuing the Conversation be tabled to January 11, 2017 meeting.

Carried.

Manager of Planning and Development Services Gibeau and Development Officer Chisholm entered the meeting at 10:53 a.m.

(i) CPO's Authority under Section 12

CAO Vizzutti presented a letter from the Alberta Association of Community Peace Officers requesting municipalities to support asking the Solicitor General to expand the authority of Community Peace Officers to include jurisdiction on 1 and 2 digit Primary Highways to enforce safety issue violations while in transition from one area to another,.

Claresholm, Alberta, December 14, 2016

Moved by Councillor Sandberg The Municipal District of Willow Creek No. 26 supports the expansion of authority of Community Peace Officers to include jurisdiction on 1 and 2 digit Primary Highways, to enforce the safety issue violations while in transition from one area to another.

Carried.

Mike Burla – MD Planner entered the meeting at 11:00 a.m.

(j) The Station – Community Coordinator Position – Re: Letter of Support

CAO Vizzutti presented a request for a letter of support for the grant application to help fund the Community Coordinator Position at The Station.

Moved by Councillor Wilson a letter of support in principle be provided to The Station in Claresholm for their Community Initiative Program (CIP) grant application to fund the Community Coordinator Position.

Carried.

5. **DEVELOPMENT:**

(a) Municipal Development Plan Review
Single Lot Residential Subdivision

Manager of Planning and Development Services Gibeau provided a proposed new policy for single lot residential subdivision including criteria to be used for evaluating and granting subdivision request waivers for Council's discussion.

Deputy Reeve Alm noted that he felt that fences and outdoor riding arenas should not be included as a reason for a waiver.

Councillor Sandberg suggested a pasture area should be allowed with the subdivision.

Councillor Wilson stated the subdivision could be used for an agricultural business.

Councillor Sundquist stated the 5 acre parcel is for people to live on not to facilitate a small business.

CAO Vizzutti suggested 10 acres could be required to have a few horses.

Mike Burla stated a small business would require a home occupation application under the Land Use Bylaw.

Manager of Planning and Development Services Gibeau advised the proposed policy applies to existing farmsteads only.

Mike Burla stated Council needs to decide if they want a fixed number of acres or a range for subdivision purposes.

Mike Burla provided the history of subdivision policies and how they have evolved over the years.

Councillor Sundquist agreed that 10 acre parcel size is fine for established farmsteads but ‘Vacant Country Residential – VCR’ should remain at 5 acres.

Council was in agreement that single lot residential subdivisions be set at no less than 3 acres and no greater than 10 acres.

Lisa Awid-Goltz, Irene Black and Michael Scheidl from Municipal Affairs entered the meeting at 11:25 a.m.

Expansion of Development Officer’s Authority

Manager of Planning and Development Services Gibeau reminded Council of the staff report that was provided at the November 23, 2016 meeting recommending Council expands the Development Officer’s authority.

Council was in agreement that Administration/Agency be authorized to approve ‘Vacant Country Residential – VCR’ and 1st parcel out subdivisions which do not require a waiver. Council would be provided with a list of the approved subdivisions. Council agreed that Administration could approve an application for a second residence however any residences applied for after the second residence should be presented to the Municipal Planning Commission (MPC).

Natural Resources Extraction

Manager of Planning and Development Services Gibeau provided a policy for Natural Resources Extraction to be included in the new MDP. She stated that the proposed policy was very general and specifically requested Council’s comments on clause 3.2 which requires community consultation prior to an application being submitted. She also advised the department currently encourages proponents to conduct public consultation and inform the neighbors of their plans prior to making their application to the MPC.

Councillor Sundquist stated he did not feel an open house should be required for a smaller gravel pit application.

Council agreed the wording in 3.2 should be expanded to a proactive approach to public consultation including but not limited to, consultation with immediate neighbors, open house, etc. and remove the word “shall”.

Manager of Planning and Development Services Gibeau advised the decision for the level of public consultation required could be left up to Administration.

CAO Vizzutti suggested 3.2 be broken down into 3.2 and 3.2(1) to address the categories of Class 1 & 2 pits.

Multi Land Use Subdivisions

Discussion ensued regarding the total number of subdivided parcels allowed per quarter section.

Manager of Planning and Development Services Gibeau advised currently if a residential parcel is already subdivided out of a quarter the remainder of the quarter must be redesignated to allow for a commercial operation if one is applied

for. She reminded Council of a recent case where there was an existing farmstead taken out of the title and the landowner wanted to expand their current commercial operation however to do so the residual parcel of approximately 130 acres was redesignated to Rural Commercial without the benefit of any long range planning.

CAO Vizzutti suggested the Rural General minimum residual parcel size of 145 acres could be amended when a Rural General parcel is subdivided for Rural Commercial or Rural Industrial use.

Manager of Planning and Development Services Gibeau asked Council for direction regarding the number of subdivisions per quarter. She asked if Council would be in favor of allowing two subdivisions per quarter if the designation is different.

CAO Vizzutti introduced representatives from Municipal Affairs who will be presenting Intermunicipal Collaborative Framework after lunch.

Meeting recessed for lunch at 12:11 p.m.

Development Officer Chisholm left the meeting at 12:11 p.m.

Meeting reconvened at 1:14 p.m.

6. **Municipal Affairs**

Michael Scheidl, Irene Black and Lisa Awid-Goltz were present.

Intermunicipal Collaboration Framework

Michael Scheidl Manager of Municipal Dispute Resolution which provides mediation and collaboration throughout Alberta, attended to make a presentation to the M.D. to introduce their services.

Michael Scheidl advised the mandatory Intermunicipal Collaboration Frameworks are meant for neighboring municipalities. The M.D. is required to do mandatory IDP's and ICF's with urban and rural neighboring municipalities. He advised once the act is proclaimed a municipality has two years to complete the ICF's and if municipalities don't reach an agreement on the mandatory components then it goes to arbitration. An arbitrator would hear both sides and make a decision on the areas of dispute between the municipalities. Michael Scheidl provided information regarding resources available to the municipality in completing the ICF's. He advised ICF's are not mandatory with neighboring First Nations.

Michael Scheidl advised there are five areas required in the framework to have discussions on water, waste water, solid waste, recreation and emergency services. An Intermunicipal Development Plan and a dispute resolution clause are required. He provided an example – you don't have to share water but just have the discussions and put in the document that it was discussed.

Michael Scheidl advised current agreements with urban municipalities are still viable, but there is a need to have the discussions for the ICF.

Irene Black made a presentation on mediation and advised there are grants available. She explained the role of the parties in mediation and what can be mediated.

Lisa Awid-Goltz discussed the Collaborative Governance Initiative which is a proactive way for municipalities to work together.

Michael Scheidl advised there is grant funding available to expand on the public input process or citizen engagement process.

Irene Black advised there is a Public Input Toolkit, free and available on line including information on how to deal with social media.

Lisa advised there are courses for Facilitation and Public Engagement available as well as the toolkit guide.

Lisa Awid-Goltz reviewed the Collaborative Governance Initiatives.

Michael Scheidl stated there should be protocols on how to work together with predetermined rules regarding who will be involved in the discussions.

Irene Black advised there are examples on the website from other municipalities to create a document on how to work together in the future.

Michael Sheidl discussed Next Steps funding of \$50,000.00 to hire a consultant and assistance from Municipal Affairs representatives is also available. He said they would like to have a joint meeting around the 3rd or 4th Thursday in February with urban and rural municipalities to present Intermunicipal Collaboration Framework information. He said grant dollars must be earmarked by February 1st for this program or will be moved to another program.

CAO Vizzutti offered to host a joint meeting with adjacent rural and urban municipalities with the assistance of Municipal Affairs.

Councillor Wilson asked if there is a mediation and arbitration process available for the affected rural municipality to deal with the Province regarding dissolution of an unsustainable urban municipality.

Michael Sheidl said no there isn't. The municipality would have to appeal to the minister and hopefully the municipality's input would be considered.

Councillor Sandberg asked how the funding is distributed.

Michael Sheidl said the funding is first come first serve, up to \$50,000.00 not matching, for a facilitator or consultant to work with you.

Lisa Awid-Goltz said up to \$30,000.00 is matching funding.

Mike Burla asked if a municipality can apply for more than \$50,000.00 if they have 11 municipalities to deal with.

Michael Scheidl said they would look at providing more funding than \$50,000.00 to a municipality who has a number of Intermunicipal Collaborative Framework documents to complete.

Development Officer Chisholm entered the meeting at 1:55 p.m.

Municipal Affairs delegation left the meeting at 1:55 p.m.

5. **DEVELOPMENT (CONT:)****(a) Municipal Development Plan Review (cont:)****Fragmented Subdivision Parcel**

Mike Burla advised fragmented parcels were initially allowed under Section 29.1 of the Subdivision Development Regulations where there was a registered exception out of the title such as a Road Plan, railway, and permanent water course. He said in 1995 the Planning Act and Regional Planning Commissions were required to create a policy for fragmented parcels. The criteria for a fragmented parcel were a railway with rails, Oldman River and municipal roads built to a municipal standard. He said in the Subdivision and Development Regulations there is a definition for an unsubdivided quarter which is the greater half of a property that has been split as a fragmented parcel and is eligible for a subdivision. He asked Council to consider if they wish to expand the criteria.

Manager of Planning and Development Services Gibeau asked Council if they wish to change the policy or leave as is. She provided both the definition of cut-off parcels and the fragmented parcel subdivision policy for Council's consideration.

Discussion ensued regarding the difference between a fragmented parcel and a cut-off parcel.

Manager of Planning and Development Services Gibeau advised all fragmented parcels are cut-off parcels but not all cut-off parcels are fragmented parcels. She said only specific types of cut-off parcels are considered fragmented parcels eligible for subdivision.

Discussions ensued regarding the terminologies being used in the fragmented parcel policy, specifically cut-off parcel and fragmented parcels. Councillor Alm stated he felt the current terminologies were confusing. Council agreed to eliminate the term "cut-off parcels" throughout the MDP and only use fragmented parcels.

Discussion ensued regarding 4.6.26 (ii) "a permanent year round and naturally occurring body of water, lake, river, and stream or water course;"

Manager of Planning and Development Services Gibeau asked them to consider 4.6.26 (c) "The MD is satisfied that the size and characteristics of the fragmented land and/or the difficulty of access from the remainder of the land means the land cannot be reasonably used with the balance of the title;"

Discussion ensued regarding the definition of "a permanent year round and naturally occurring body of water".

The definition would be as defined by government legislation.

Councillor Sandberg advised a dry river bed is considered a water course under Navigable Waters.

CAO Vizzutti read Black's Law Dictionary definition of water course "A body of water of natural origin, flowing in a reasonably defined channel with beds

and banks, the term includes not just rivers and creeks, but also springs, lakes and marshes in which such flowing streams originate or through which they flow, also termed a waterway. Once water joins a watercourse it becomes subject to state control, in appropriate states.”

Mike advised a waterway or water course needs to be removed from the definition to eliminate what Black’s Law Dictionary states.

Council agreed

Manager of Planning and Development Services Gibeau advised in speaking with Reeve Hemmaway the day before he stated he did not have an issue with the proposed definition but could possibly be swayed depending on the discussions.

Council agreed to eliminate the word cut-off and call them all fragmented and reintroduce the Fragmented Parcel Subdivision Policy in January for further discussion.

Mike Burla advised the finalized criteria will be the basis for subdivision approval.

Manager of Planning and Development Services Gibeau advised the MPC and the board cannot waive policy, they can waive minimum standards but the policy itself cannot be waived without amending the Bylaw.

Councillor Alm stated creeks and streams are sensitive areas under the South Saskatchewan Regional Plan and this should be considered by the M.D.

Councillor Sandberg agreed there is diversity throughout the MD, however if someone wants to subdivide a fragmented parcel in an area that is not approved in the policy, such as Willow Creek, can the MPC hear the application and make a decision, is the MD denying someone the right to use it or benefit in another way.

CAO Vizzutti said if the parcel is not considered as a fragmented parcel under the definition then it won’t be allowed.

CAO Vizzutti stated property rights can’t be subjected depending what they are doing, you are either upholding property rights or upholding the planning document. She said the planning documents are structured in such a way as to allow good planning which in the end should not impede property rights.

Councillor Sandberg clarified her point that it is not right to allow certain areas in the MD to do it where other areas cannot.

Deputy Reeve Alm suggested further discussions regarding criteria for subdivision of fragmented parcels be held at the next meeting.

Manager of Planning and Development Services Gibeau asked Council for clarification on the total number of parcels per quarter section.

Council agreed they were in favor of allowing up to two subdivided parcels from the standard quarter section.

Claresholm, Alberta, December 14, 2016

Councillor Sandberg said the definition of a seed cleaning plant in the Land Use Bylaw needs clarification.

Mike Burla, Manager of Planning and Development Services Gibeau and Development Officer Chisholm left the meeting at 2:54 p.m.

4. **COUNCIL MANAGEMENT (cont:)**

(k) Biodiversity Management Framework Presentation

Moved by Councillor Van Hierden M.D. Council representatives prepare a presentation on Biodiversity Management Framework for the January 20th, 2017 Foothills Little Bow Association meeting.

Carried.

(l) Platinum (Internet Service)

Councillor Sundquist expressed concern with the internet service level being provided by Xplornet who has taken over Platinum.

CAO Vizzutti advised she has a meeting scheduled next Wednesday with a representative of Xplornet to discuss the upgrade they are proposing and will discuss the internet speed issue with him and report back to Council.

6. **BYLAWS:**

(a) Bylaw No. 1757 – Use of Electronics Equipment in Council Chambers

Moved by Councillor Van Hierden Bylaw 1757, being a Bylaw for the use of electronic equipment in Council Chambers be given first reading.

Carried.

Moved by Councillor Kroetsch Bylaw 1757 be given second reading.

Carried.

Moved by Councillor Sundquist all Councillors present are in agreement to giving Bylaw No. 1757 third and final reading.

Carried Unanimously.

Moved by Councillor Wilson Bylaw No. 1757 be given third and final reading and the Reeve and Chief Administrative Officer be authorized to sign and counter sign on behalf of the Municipal District.

Carried.

7. **CORRESPONDENCE:**

(a) Mayors & Reeves Meeting Minutes – December 2, 2016 –
presented.

(b) Alberta Southwest Bulleting - presented.

(c) Mayor of Taber Letter re: Materials Recovery Facility –
presented.

(d) ORRSC Agenda Dec 1, 2016 & Minutes September 1, 2016, 2017 Draft Budget - presented.

(e) Rural Physician Action Plan Annual Report – presented.

10926

Claresholm, Alberta, December 14, 2016

(f) Friends of the Granum Library – Thank you – presented.

8. ADJOURNMENT:

Moved by Councillor Kroetsch to adjourn the meeting.

Carried.

Meeting adjourned at 3:22 p.m.

Reeve

Chief Administrative Officer