

**Claresholm, Alberta, June 15, 2016**

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

**John Tschetter and Ernie Tschetter of Thompson Colony entered the meeting.**

**Lawrence Gleason – Reporter entered the meeting.**

**Development Officer Chisholm and Development Assistant Kilborn entered the meeting.**

1. Reeve Hemmaway called the meeting to order at 1:04 p.m.

2. **MINUTES:**

- (a) **June 8, 2016 Council Minutes**

- Moved by Councillor Wilson the June 8, 2016 Council meeting minutes be accepted as presented.

Carried.

**Director of Finance Hannas entered the meeting at 1:05 p.m.**

3. **FINANCIAL MANAGEMENT:**

- (a) **Cheque Register**

- Director of Finance Hannas presented the cheque register for cheque #'s 21186 – 21228 in the amount of \$69,278.74 as information.

- (b) **Discretionary Spending Reconciliation**

- Director of Finance Hannas presented the Discretionary spending reconciliation as information.

- Moved by Councillor Sandberg the discretionary spending reconciliation be accepted as presented.

Carried.

- (c) **Capital & Operating Financial Report**

- Director of Finance Hannas presented the Capital & Operating Financial report as at June 15, 2016 as information.

**Director of Finance Hannas left the meeting at 1:14 p.m.**

**Mike Burla entered the meeting at 1:14 p.m.**

4. **COUNCIL MANAGEMENT:**

- (a) **Municipal Development Plan – Open House**

- CAO Vizzutti reminded Council of the Municipal Development Plan Open House being held today at 7:00 p.m. at the Claresholm Community Centre.

- Moved by Councillor Alm the Council meeting be recessed at 1:15 p.m.

- Reeve Hemmaway called the Public Hearing to order at 1:15 p.m.

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**5. PUBLIC HEARING**

**(a) Land Use Bylaw Amendment – A-07-16 – Monty Orr**

Development Officer Chisholm presented an application by Monty Orr for a Land Use Bylaw Amendment to redesignate 5.0 acres in the SW 19-9-24-4 from 'Rural General – RG' to 'Vacant Country Residential – VCR' to accommodate a proposed bare land subdivision for country residential use.

Development Officer Chisholm advised the M.D.'s Municipal Development Plan does not allow for a bare land subdivision under the 'Rural General – RG' district. She advised the closest feedlots are approximately 2 miles away and farmlands surround the subject lands and the Hamlet of Orton is located approximately ½ mile south.

Development Officer Chisholm presented the following development considerations:

1. Soil suitability for a septic system has been verified by a report prepared by Down to Earth Labs. Allowable is a mound, holding tank or a secondary treatment system. The property is too small for an open discharge.
2. An access from Range Road 250 is being proposed as per site plan.
3. Site inspection was done on June 8, 2016.

Development Officer Chisholm advised pursuant to Sections 230, 606 & 692 of the Municipal Government Act, a notice of the Public Hearing was placed in the Fort Macleod Gazette for two consecutive weeks, June 1<sup>st</sup> and 8<sup>th</sup>, 2016. Adjacent landowners were notified of the Public Hearing by mail and the notice was also posted on the MD website. Development Officer Chisholm advised no comments had been received.

Councillor Alm asked what the blue dotted line on the diagram represents.

Development Officer Chisholm advised there is a surface lease noted on the title.

Reeve Hemmaway called for any questions.

Moved by Deputy Reeve Alm the Public Hearing on Application A-07-16 adjourned at 1:19 p.m.

Carried.

Reeve Hemmaway reconvened the Council meeting at 1:19 p.m.

**6. BYLAWS:**

**(a) Bylaw No. 1750 – Land Use Bylaw Amendment SW 19-9-24-4 – Monty Orr**

Moved by Councillor Van Hierden Bylaw No. 1750 being a bylaw to amend the Land Use Bylaw to redesignate 5.0 acres of land in the SW 19-9-24-4 from 'Rural General – RG' to 'Vacant Country Residential – VCR', be given first reading.

Carried.

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Moved by Councillor Kroetsch Bylaw No. 1750 be given second reading.

Carried.

Moved by Councillor Wilson all Councillors present are in agreement to giving Bylaw No. 1750 third and final reading.

Carried Unanimously.

Moved by Councillor Sandberg Bylaw No. 1750 be given third and final reading and the Reeve and Chief Administrative Officer be authorized to sign and countersign on behalf of the Municipal District.

Carried.

4. **COUNCIL MANAGEMENT (CONT)**

(b) Letter to the Town of Nanton – Re: Recycling Policy

CAO Vizzutti presented a draft letter to the Town of Nanton with regards to the Town's Recycling Policy for Council's consideration.

Moved by Deputy Reeve Alm the letter to the Town of Nanton regarding the Recycling Policy be approved as presented, and signed by the Reeve.

Carried.

(c) **Recreation Management Plan Meeting**

Councillor Alm reported on the Recreation Management Meeting he attended in Pincher Creek on June 8, 2016. He advised it was a very non-productive meeting. He stated the consultation process was simply an information session and advised they were not looking for input from stakeholders.

Deputy Reeve Alm advised the consultation process for the Biodiversity Management Plan, Recreation Management Plan and Land Use Footprint is all finalized and the draft plan will be presented at one consultation meeting. He advised there are no threshold numbers included in the plan.

Moved by Councillor Wilson to recess the Council meeting at 1:30 p.m.

Carried.

Reeve Hemmaway called the Public Hearing to order at 1:30 p.m.

5. **PUBLIC HEARING (CONT:)**

(b) **Land Use Bylaw Amendment – A-08-16 – Hutterian Brethren of Thompson**

**Ernie Tschetter and John Tschetter of the Hutterian Brethren of Thompson were present at the meeting.**

**Councillor Van Hierden declared a possible conflict of interest and left the meeting at 1:30 p.m.**

Development Officer Chisholm presented an application by the Hutterian Brethren of Thompson for a Land Use Bylaw Amendment to redesignate 42.7

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acres in the E 1/2 34-5-27-4 from 'Rural General – RG' to 'Rural Industrial – RI' to accommodate a proposed development of a Class I Sand and Gravel resource extraction.

**Councillor Sundquist declared a possible conflict of interest and left the meeting at 1:32 p.m.**

**Corey Greene of Amec Foster Wheeler representing the Hutterian Brethren of Thompson entered the meeting at 1:32 p.m.**

CAO Vizzutti explained that Councillors Van Hierden and Sundquist have declared a possible conflict and left the meeting as they both own gravel pits.

Development Officer Chisholm advised the subject lands are bounded to the north, west, east and south by predominantly farm land. Hwy 507 is adjacent to the north boundary. She stated within a 1 mile radius of the subject lands there is one residence in the SE 2-5-27-4 and the colony residences are in the SE 34-5-27-4.

### **Municipal Development Plan Requirements**

#### ***Environmentally Significant Areas***

Development Officer Chisholm advised Section 4.8 of the Municipal Development Plan identifies natural areas and the sensitive features of the landscape within the MD and aims to encourage and promote environmental protection at all levels of government. She advised neither maps 1, 2, 3 or 4 (natural areas of significance, hazard, prehistoric sites or paleontological sensitivity zones) are applicable to the site. She advised the subject lands are in an Environmental Significant area according to the Historical Resources mapping and they have been notified.

Development Officer Chisholm stated the intent of the 'Rural Industrial – RI' land use district is to accommodate isolated or grouped noxious, rural industrial, resource extraction or other compatible uses in the municipality without compromising the conservation of agricultural land for agricultural purposes.

Development Officer Chisholm advised the notice of Public Hearing was advertised for two consecutive weeks in the Macleod Gazette (June 1<sup>st</sup> & 8<sup>th</sup>, 2016) pursuant to Sections 230, 606 & 692 of the Municipal Government Act and also posted on the MD website. She said adjacent landowners were notified of the Public Hearing by mail and Alberta Environment & Parks, Alberta Environment Land Management, Historical Resources, Alberta Health Services and Oldman River Regional Services Commission were also notified. She said Cardston County and MD of Pincher Creek were mailed the notification and a response was received from Roland Milligan, Director of Development and Community Services of the M.D. of Pincher Creek.

Mike Burla advised a subdivision application could be presented at the next meeting if the redesignation is successful.

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**Comments from Government Agencies**

**M.D. of Pincher Creek – Roland Milligan, Director of Development and Community Services**

Development Officer Chisholm read an email from Roland Milligan, Director of Development and Community Services, M.D. of Pincher Creek advising the MD has no concerns with regard to the proposed redesignation.

**Alberta Health Services – Robert Rippin, Executive Officer/Public Health Inspector**

Development Officer Chisholm read a letter dated June 6, 2016 from Robert Rippin, Executive Director/Public Health Inspector of Alberta Health Services advising a site inspection was conducted and provided the following comments:

- much of the land in the proposed mining area in close proximity to Blackfat Creek appears to be unstable;
- recommends a significant setback to ensure there is no deterioration of water quality in Blackfat Creek;
- recommends steps such as those outlined in the code of Practice for pits should be taken into account to reduce the particulate matter leaving the site due to negative respiratory health outcomes;
- recommends the approving authority consider the development permit or business license conditions that will necessitate the gravel operation comply with the Government of Alberta – Code of Practice of Pits – September 2004.

**Amec Foster Wheeler – Corey Greene, C.E.T., Project Manager**

Development Officer Chisholm read a letter from Corey Greene of Amec Foster Wheeler, Project Manager providing clarification to the response submitted by Alberta Health Services and additional information requested by the M.D.

- The riparian water level (RWL – high water mark) is not within the proposed pit area. A 5m setback from property line will be in effect and this should at the closest point to the RWL be approximately 40m away. No equipment will be past this point and as such no destabilization of the area immediate to the creek will take place.
- Any area of the pit within 100m of the RWL can have a silt fence installed along the property line to reduce the chances for runoff water deteriorating the water quality of Blackfat Creek.
- To reduce particulate matter leaving the site the following will be implemented:
  - Crushing equipment will be placed inside the pit to reduce the effects of wind;
  - A water truck will be onsite to spray the haul road and the area of high traffic;
  - If there is a time of very high winds and the water truck is not able to suppress the particulate matter, operations will be stopped until wind speeds decrease to the point that the water truck can suppress the particulate matter.

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**Alberta Transportation – Leah Olsen, Development/Planning Technologist**

Development Officer Chisholm read a letter from Leah Olsen, Development Planning Technologist of Alberta Transportation stating any development within 300 metres of the limit of a controlled highway or within 800 metres from the center point of an intersection of a controlled highway and a public road would require a permit from Alberta Transportation as per requirement in the Highways Development and Protection Act and the Highways Development and Protection Regulation, being Alberta Regulation 326/2009. The subject property is within the noted control lines and any development would require a permit by the applicant. The department accepts no responsibility for the noise impact of highway traffic and provisions for noise attenuation are the sole responsibility of the developer. Any peripheral lighting that may be considered a distraction to the motoring public or deemed to create a traffic hazard will not be permitted.

**Alberta Environment and Parks – Susanne Lampier**

Development Officer Chisholm presented comments from Susanne Lampier of Alberta Environment and Parks stating they have no concerns with Land Use Amendment A-08-16.

**Alberta Culture - Historical Resources Management Branch – George Chalut – Land Use Planner**

Development Officer Chisholm presented comments from George Chalut, Land Use Planner, Historic Resources Management Branch, Alberta Culture stating given the location and potential for impacts to historic resources, the developer should submit an application for Historic Resources Act approval.

Reeve Hemmaway asked if there are any comments or questions.

Councillor Wilson asked if Blackfat Creek runs all the time or just seasonal.

Ernie Tschetter stated Blackfat Creek is seasonal.

Councillor Sandberg asked if there is currently a gravel pit that is being used for the colony's own use.

Ernie Tschetter said yes it was stripped for the colony's own use.

Councillor Sandberg asked for clarification with regards to "environmentally significant area".

Development Officer Chisholm advised the proposed site is an environmentally significant area only with Alberta Historical Resources and not Alberta Environment.

CAO Vizzutti advised Alberta Culture refers to their significant areas as environmentally sensitive as well so we have to differentiate between the two departments.

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Councillor Sandberg wanted clarification that a heavy haul agreement will not be required with the MD as the applicant will access Hwy 507 from the Thompson Colony access road and not be using MD roads.

Development Officer Chisholm stated that was correct.

Reeve Hemmaway called for additional comments.

Moved by Councillor Wilson the Public Hearing on Application A-08-16 adjourned at 1:49 p.m.

Carried.

Reeve Hemmaway reconvened the Council meeting at 1:49 p.m.

6. **BYLAWS (CONT:)**

**(b) Bylaw No. 1751 – Land Use Bylaw Amendment – E ½ 34-5-27-4 – Hutterian Brethren of Thompson**

Moved by Deputy Reeve Alm Bylaw No. 1751 being a bylaw to redesignate 42.7 acres of land in the E ½ 34-5-27-4 be given first reading.

Carried.

Moved by Councillor Kroetsch Bylaw No. 1751 be given second reading.

Carried.

Moved by Councillor Wilson all Councillors present are in agreement to giving Bylaw No. 1751 third and final reading.

Carried Unanimously.

Moved by Councillor Sandberg Bylaw No. 1751 be given third and final reading and the Reeve and Chief Administrative Officer be authorized to sign and countersign on behalf of the Municipal District.

Carried.

**Ernie Tschetter, John Tschetter and Corey Greene left the meeting at 1:50 p.m.**

**Councillors Van Hierden and Sundquist returned to the meeting at 1:52 p.m.**

**Mike Burla left the meeting at 1:52 p.m.**

**CAO Vizzutti left the meeting at 1:52 p.m.**

7. **DEVELOPMENT:**

**(a) West Winds Cadet Council**

Development Officer Chisholm read a letter from Clarence Slomp, Camp Director of the Mini Camporee being organized by the West Winds Cadet Council. The cadets are planning a camporee on Eric Sandberg's property being the SW 3-10-25-4 from July 8 – 11, 2016 and provided detailed planning information.

Councillor Sandberg advised they have given their permission to use the property noted.

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Moved by Councillor Wilson the Mini Camporee by the West Winds Cadet Council being held on the SW 3-10-25-4 from July 8 – 11, 2016 be approved as presented.

Carried.

**(b) Shady Grove Bluegrass Festival**

Development Officer Chisholm read a letter from Shady Grove Bluegrass Festival applying for a business license to host the festival August 19-21 at Bill Golden's Broadway Farm (NE 7-16-26-4).

**CAO Vizzutti returned to the meeting at 1:58 p.m.**

Detailed information of the festival was provided and they are requesting relief from Bylaw 1420 Section 8, 2(b) which requires posting of a cash bond and 9(h) which prohibits the use of sound amplification equipment. A copy of Foothills Bluegrass Music Society liability insurance was provided.

Moved by Councillor Wilson the request from Shady Grove Bluegrass Festival to host the festival and waive Section 8, 2(b) cash bond and Section 9(h) which prohibits the use of sound amplification equipment under Bylaw No. 1420, be approved as presented.

Carried.

**(c) Pine Coulee Public Boat Launch**

Development Officer Chisholm advised Alberta Environment have discussed the possibility of installing an additional boat launch at Pine Coulee. She presented the proposed locations and photos as information.

Discussion ensued regarding the best location and who will pay for the installation and maintenance of a new boat launch.

Moved by Councillor Sundquist the Pine Coulee public boat launch discussion be tabled to July 13, 2016 meeting.

Carried.

**Development Officer Chisholm and Development Assistant Kilborn left the meeting at 2:11 p.m.**

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

**(d) Town of High River – Appreciation Evening**

CAO Vizzutti reminded Council of the Town of High River's appreciation evening on June 23, 2016.

**(e) Claresholm Church of the Nazarene – 100th Anniversary**

Noted Reeve Hemmaway will attend the Nazarene Church 100<sup>th</sup> Anniversary celebration on July 17, 2016 as Deputy Reeve Alm is unable to attend.

Moved by Deputy Reeve Alm a plaque be presented to the Nazarene Church in recognition of their 100<sup>th</sup> Anniversary.

Carried.



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**(f) National Health & Fitness Day Project**

Read and noted.

**(g) Willow Creek Foundation – Sod-Turning**

CAO Vizzutti presented an invitation from the Willow Creek Foundation to attend the sod-turning ceremony on July 7, 2016 at 1:00 p.m.

Noted Reeve Hemmaway, Councillors Kroetsch and Van Hierden will attend the sod-turning ceremony for the new seniors' lodge in Fort Macleod.

**(h) Grazing Lease – N ½ 12-9-27-4 Tax Recovery Land**

CAO Vizzutti advised Bruce Williams was the successful bidder to lease the N ½ 12-9-27-4 for grazing purposes from July 1 to December 31, 2016.

8. **CORRESPONDENCE:**

**(a) Municipal Affairs – 2016 Gas Tax Fund**

CAO Vizzutti presented a letter from Hon. Danielle Larivee, Minister of Municipal Affairs advising the M.D.'s 2016 Gas Tax Fund allocation is \$275,334.

Moved by Councillor Sundquist the meeting goes in camera to discuss a contractual matter and legal opinion at 2:23 p.m.

Carried.

**Lawrence Gleason Reporter left the meeting at 2:23 p.m.**

Moved by Councillor Kroetsch the meeting comes out of in camera at 3:10 p.m.

Carried.

9. **ADJOURNMENT:**

Moved by Deputy Reeve Alm to adjourn the meeting.

Carried.

Meeting adjourned at 3:10 p.m.

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Reeve

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Chief Administrative Officer