

Claresholm, Alberta, August 9, 2017

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 Brenda Stockton as recording secretary present.

Lawrence Gleason – Reporter entered the meeting.

Director of Finance Hannas entered the meeting.

1. Reeve Hemmaway called the meeting to order at 10:00 a.m.

2. **MINUTES:**

- (a) **July 19, 2017 Council Meeting Minutes**

Moved by Councillor Sandberg to approve the July 19, 2017 Council Meeting minutes as presented.

Carried.

3. **ADDITIONS TO THE AGENDA:**

Council Matters e) Clear Lake Park

f) Southern Alberta Recreation Advisory Group Meeting

4. **FINANCIAL MANAGEMENT:**

- (a) **Cheque Register**

Director of Finance Hannas presented the cheque register for cheque #'s 22794 – 22848 and EFT # 24 – 48 in the amount of \$328,089.62 as information.

- (b) **Discretionary Grant Reconciliation**

Moved by Councillor Sandberg the Discretionary Grant reconciliation be accepted as presented.

Carried.

- (c) **New Website Presentation**

Director of Finance Hannas presented the changes to the new MD website.

- (d) **Benefits Plan**

Director of Finance Hannas advised of a decrease of 7.2% of premiums with Equitable Life after the tendering process was completed. She requested to increase the Health Care Spending from \$500.00 to \$750.00 effective January 1, 2018.

Moved by Deputy Reeve Alm the Health Care Spending, under the MD benefits plan, be increased to \$750.00 effective January 1, 2018.

Carried.

Director of Finance Hannas left the meeting at 10:37 a.m.

5. **COUNCIL MANAGEMENT:**

- (a) **Review of Draft Provincial Regulations**

CAO Vizzutti provided the following Draft Regulations as part of the Municipal Government Act Review and advised comments can be submitted until September 22, 2017:

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Governance and Administration

- Intermunicipal Collaboration Framework Regulation
- Council and Council Committee Meetings regulation
- Code of Conduct for Elected Officials Regulation
- Determination of Population Regulation

Planning and Development

- Off-site Levies Regulation
- Subdivision and Development Appeal Board Regulation
- Subdivision and Development Regulation
- Subdivision and Development Forms Regulation
- Community Aggregate Payment Levy Regulation

Assessment and Taxation

- Matters Relating to Assessment Sub-Classes Regulation
- Community Organization Property Tax Exemption Regulation
- Matters Relating to Assessment and Taxation Regulation
- Matters Relating to Assessment Complaints Regulation

Discussion ensued.

Nick Ryan of McNally Contractors entered the meeting at 11:15 a.m.

Moved by Councillor Sandberg the following comments be submitted to Alberta Municipal Affairs regarding the MGA Draft Regulations:

- make a recommendation under the Determination of Population Regulation item (3) the legal or municipal address be used rather than a box number to identify a person's usual residence for the purpose of a municipal census; and
- enquire why the Council and Council Committee Meetings (Ministerial) Regulation is required to tell people to go to the Municipal Government Act for the definition of "meeting" and it does not define what a meeting is.

Carried.

6.

BYLAWS:

(a) Bylaw No. 1773 – Establish the Subdivision and Development Authority

Moved by Councillor Van Hierden Bylaw No. 1773, being a bylaw to establish the Subdivision and Development Authority, be given first reading.

Carried.

Moved by Deputy Reeve Alm Bylaw No. 1773 be given second reading.

Carried.

Moved by Councillor Kroetsch all Councillors present are in agreement to giving Bylaw No. 1773 third and final reading.

Carried Unanimously.

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Moved by Councillor Sundquist Bylaw No. 1773 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.

(b) Bylaw No. 1774 – Establish Councillor Code of Conduct

Moved by Councillor Sundquist Bylaw No. 1774, being a bylaw to establish Councillor Code of Conduct, be given first reading.

Carried.

Moved by Councillor Van Hierden Bylaw No. 1774 be given second reading.

Carried.

Moved by Councillor Wilson all Councillors present are in agreement to giving Bylaw No. 1774 third and final reading.

Carried Unanimously.

Moved by Councillor Sandberg Bylaw No. 1774 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.

CAO Vizzutti provided Schedule “A” of the Councillor Code of Conduct Bylaw No. 1774 to each Councillor for their signature.

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

(b) Policy 120-39 – Scheduling of Public Hearings

CAO Vizzutti advised a resolution was previously passed delegating the scheduling of Public Hearings to the Chief Administrative Officer however the M.D.’s legal counsel has recommended a policy be created.

Moved by Deputy Reeve Alm Policy 120-39 - Scheduling of Public Hearings be approved as presented.

Carried.

(c) Remove Enforcement Policies 210-01, 210-02, 210-03, 210-04 & 210-05

CAO Vizzutti advised the voluntary summons policies are no longer used. We use the General Procedures Act and Provincial Ticketing systems when tickets are issued under the MD bylaws, which are more consistent and in accordance with the various Acts which the Community Peace Officers are required to enforce.

Moved by Councillor Sandberg the following Enforcement Policies be removed from the Policy Manual:

- Policy 210-01 – Reward for Damage to Municipal Property Policy
- Policy 210-02 – Notice to Comply Form
- Policy 210-03 – Summons – Business License Bylaw
- Policy 210-04 – Summons – Dog Control Bylaw

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- Policy 210-05 – Summons – Parks Bylaw
- Carried.

(d) Policy 210-01 – Billing Policy Regarding Emergency Services

Stood Down

Moved by Councillor Sundquist Policy 210-01 – Billing Policy Regarding Emergency Services Stood Down be approved as presented.

Carried.

(e) Policy 210-02 – Replacement of Personal Property Policy

Council reviewed Policy 210-02 and recommended various amendments.

Moved by Deputy Reeve Alm Policy 210-02 – Replacement of Personal Property Policy be approved as amended.

Carried.

Fire Alarm sounded.

Everyone left the building at 11:31 a.m. and returned at 11:41 a.m.

Emergency Services Manager Coleman entered the meeting at 11:48 a.m.

(f) Policy 120-20 – Safety Policy

Emergency Services Manager Coleman advised the new Safety Policy has been updated by the Safety Committee and reviewed by the Chief Administrative Officer.

Nick Ryan left the meeting at 11:54 a.m.

Moved by Councillor Van Hierden Policy 120-20 – Safety Policy be accepted as presented.

Carried.

Nick Ryan returned to the meeting at 12:17 p.m.

Emergency Services Manager Coleman left the meeting at 12:17 p.m.

Council meeting recessed at 12:18 p.m. for lunch.

Council reconvened at 1:01 p.m.

(g) Tabled Item – Resolutions before the AAMDC regarding the Designated Industrial Assessment changes

CAO Vizzutti advised several resolutions have been submitted to AAMDC regarding the Designated Industrial Assessment changes.

CAO Vizzutti advised Wayne Lamb will attend the August 16, 2017 Council meeting to provide information on the technical working committee and the issues regarding the implementation.

(h) AUMA – Re: Modernize Alberta’s Recycling Regulatory Framework

CAO Vizzutti advised AUMA is encouraging municipalities to write letters to MLAs requesting Alberta’s recycling regulatory framework be updated.

Received as information.

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(i) Recycling Council of Alberta – Membership

CAO Vizzutti asked Council for direction with regards to renewing the membership with the Recycling Council of Alberta.

Discussion ensued.

Moved by Councillor Sundquist the Recycling Council of Alberta membership not be renewed.

Carried.

(j) Council Photo

CAO Vizzutti advised the Council photo retake is scheduled for August 16, 2017 at 8:30 a.m.

(j) Clear Lake

Councillor Sundquist requested a handrail be installed on the steps on the north side of Clear Lake hall.

CAO Vizzutti advised she will request MD staff to install a railing on the steps at Clear Lake hall.

(k) Southern Alberta Recreation Advisory Group Meeting

Deputy Reeve Alm provided an update on the last of five meetings he attended with the Southern Alberta Recreation Advisory Group. He said at the meeting one month ago carrying capacities, thresholds and registration system were all to be included in the plan however, there was no mention of any of them in the final information provided. He questioned it and he was told they can't put registration systems in under the Federal legislation because it is not a park, it is a recreation area. He stated the other people on the committee didn't seem concerned these items were not included. He advised due to time constraints, the committee will not be reviewing the draft recreation plan prior to being presented to Edmonton for approval in October. He advised open house public consultations will be held to see the information but not the actual document because it is not ready. There will be a First Nations consultation process and then the plan will be sent to Edmonton.

Deputy Reeve Alm advised the Public Land Use Zone (PLUZ) is designated by the Minister of Environment.

Deputy Reeve Alm advised there was mention of agreements with local municipalities for snow removal of the parking lots and staging areas. He advised there will be a cost to provide the snow removal and they said there would be an agreement. He expressed his disappointment that input provided by the members at the five meetings was not considered in the final decisions. He recommended Council members should attend the public information sessions.

Manager of Planning and Development Chisholm entered the meeting at 1:18 p.m.

Audrey & Cliff Egger entered the meeting at 1:20 p.m.

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Moved by Councillor Sandberg the Council meeting recessed at 1:30 p.m.

Carried.

7. **PUBLIC HEARING**

**(a) Public Hearing – A-07-17 Land Use Bylaw Amendment
‘Rural General – RG’ to ‘Rural Industrial – RI’ – NW 10-15-26-4**

Reeve Hemmaway called the Public Hearing to order at 1:31 p.m.

Toine Timmerman of McNally Contractors entered the meeting at 1:32 p.m.

Councillors Sundquist and Van Hierden declared a possible conflict and left the meeting at 1:34 p.m.

Manager of Planning and Development Chisholm presented Application A-07-17 being an application by McNally Contractors (2011) Ltd. for a Land Use Amendment from ‘Rural General – RG’ to ‘Rural Industrial – RI’ for 30 acres in the NW 10-15-26-4. The redesignation will allow for the subdivision and development permit applications to be processed for the proposed Class II sand resource extraction operation, consisting of 30.0 acres.

Manager of Planning and Development Chisholm advised on May 24, 2017, Council defeated Land Use Bylaw No. 1170, a request to redesignate 161.0 acres from ‘Rural General – RG’ to ‘Rural Industrial – RI’. She advised on June 14, 2017 Council granted a waiver of the six month waiting period to re-apply for a Land Use Bylaw Amendment on the same lands for the same use.

Manager of Planning and Development Chisholm advised the subject lands contain 161.0 acres and is located approximately six miles from the Hamlet of Parkland. The lands are bounded on all sides by predominantly agricultural lands. There are four active and three inactive mining operations within 1-mile of the proposed location and 10 residences within a 1-mile radius of the subject lands.

Manager of Planning and Development Chisholm advised there is an approved Development Permit No. 071-12, operating a Class I sand mining and dry processing operation near the east boundary of the property at the current time.

Manager of Planning and Development Chisholm listed previous development permits on the property as follows:

- DP No. 071-12: a Class I sand mining and dry processing operation (located near the east boundary of the parcel).
- DP No. 045-11 to allow sand washing within the existing pit operations approved under development permit 014-11, utilizing three existing ponds on site.
- DP No. 014-11 to establish a dry sand mining operation with a maximum area of 21 acres (including pit of 9 acres).
- DP No. 42-01 to operate a sand/gravel mining operation involving enlargement of two existing water ponds for washing with no more than 12 acres being disturbed at one time.

- DP No. 87-96 to expand existing sand mining operation to 5 acres.
- DP No. 30-84 small sand pit.

Manager of Planning and Development Chisholm presented Section 4.8 in the Municipal Development Plan which identifies and ensures public awareness regarding environmentally significant areas within the MD. She advised the hazard mapping indicates the site is within an area of artesian flow which the Cottonwood report states can be problematic during excavation, especially in low lying areas.

Manager of Planning and Development Chisholm advised 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. There is only one permitted use within this district, 'accessory buildings and uses to an approved use'.

Manager of Planning and Development Chisholm stated the Notice of Public Hearing was advertised in the Nanton News for two consecutive weeks, May 10th and 17th, 2017 pursuant to Sections 230, 606 and 692 of the Municipal Government Act. She advised adjacent landowners were notified of the Public Hearing by mail and the following government agencies were also notified, Alberta Environment & Parks, Alberta Environment Regulatory Approvals Center, Alberta Culture and Tourism – Historical Resources, Alberta Health Services and the Oldman River Regional Services Commission. The notice was posted on the MD's website.

COMMENTS RECEIVED

Audrey & Clifford Egger

Manager of Planning and Development Chisholm read a letter from Audrey & Clifford Egger providing history of the small family gravel extraction operation from the mid 60's to present and their contributions to the community. They advised of the eviction notice given to Aecon Transportation West due to an inadequate Letter of Credit and Code of Practice. They have encouraged Aecon Transportation West to collaborate with McNally Contractors to expedite the reclamation process however they have not replied. The Egger's feel McNally Contractors are a reliable, local company who will observe the haul road requirement.

McNally Contractors Ltd. – Nicholas Ryan

Manager of Planning and Development Chisholm read a letter from Nicholas Ryan advising of the company's excellent reputation. He advised the sand operation process would include staged stripping of the land, screening and ongoing reclamation in accordance with the submitted plans within the 12 acre footprint required for a Class I pit. He stated the screening process is a quieter process than crushing while also producing much less dust and mitigation by water will minimize operational dust. Operation and trucking hours would be in conformance with those established by the M.D. of Willow Creek.

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Nicholas Ryan advised all residents with land surrounding the pit and designated haul route are in support of the application. Those residents, who do not approve, do not live on the haul route and their concerns deal with the existing east/west truck haul route. He stated all trucking activities would be organized by McNally Contracting who will provide supervision and dust control when hauls are in progress. All loads would be tarped and hauled south to SH 529 as per haul route requirement and a signed agreement with the municipality. There would be no private sand sales to others that would be supplying their own trucks and take short-cuts on non-approved haul roads.

Nicholas Ryan stated he hopes for a favorable decision from Council regarding the application for redesignation.

Historical Resources Management Branch – Rebecca Traquair

Manager of Planning and Development Chisholm presented an email from Rebecca Traquair providing an Alberta Culture, Land Use Procedures Bulletin – July 1, 2014 as guidance for all aggregate extraction proposals.

Alberta Environment and Parks – Susanne Lampier

Manager of Planning and Development Chisholm presented a response from Susanne Lampier, Land Management Coordinator, Alberta Environment and Parks, advising her department has no concern with re-designating the NW 10-15-26-4 to Rural Industrial however the applicant should obtain all other necessary approvals from the Department before operating a gravel pit.

RESPONSES FROM LANDOWNERS

Sarah Watson

CAO Vizzutti read a letter from Sarah Watson advising she is against the redesignation of 30 acres in the NW 10-15-26-4 for a sand mining operation. She stated the reclamation and conditions of the previous operation should be completed prior to any approvals being granted. She expressed concern regarding policing of the operation and designated haul route to ensure conditions of the permit are adhered to.

Diana Andrews

Manager of Planning and Development Chisholm presented a written response from Diana Andrews advising she feels Eggers and McNally Contractors Ltd. were out of line by sending letters and calling them. Diana expressed the following issues:

- unable to get clarification from the Manager of Planning and Development prior to the closing date for submissions.
- the Council should stick to the bylaw which states there is a 6 month waiting period to reapply when an application is denied.
- due to a conflict of verbiage on front and back page of notification from the M.D. the hearing should go no further due to technicalities.

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- two gravel pits in existence on this quarter are under Rural General and now have an application to approve additional 30 acres for gravel extraction and or vacant country residential use. There needs to be some overall consistency with bylaw or plan not a case by case situation.
- Agricultural use should have precedence over outside industrial use on traditional agricultural and sensitive native grass lands. Excessive gravel extraction, resort development, commercial use on a non-reclaimed gravel pit, all within a five mile radius of one another and a conflicting land use, and the Municipalities approved Land Use Bylaws are not being adhered to.
- Onus is on the Council to ensure compliance re pit size and hauling after approval not the landowners.
- no mention of where the entry/exit road will be to the 30 acres or the use of the existing haul road.

Diana Andrews requested the Council deny the application.

Gerald Lyon

CAO Vizzutti read a letter from Gerald Lyon stating he feels Council has been inconsistent in the past in deciding area size for redesignation of lands from 'Rural General 'RG' to 'Rural Industrial – RI' for resource extraction in the M.D. He said the lack of transparency in the decisions made is causing confusion and conflict among the ratepayers. He suggested the Municipal Development Plan (Vision and Mission Statements) could be used as a basis on which to make these decisions.

Manager of Planning and Development Chisholm advised Diana Andrews's comment regarding the roads used to enter the lands will be considered at the development stage.

CAO Vizzutti advised with regards to Diana Andrews's comments about decisions being made in camera is inaccurate as all debate on bylaws for land use redesignation are done in a public forum. Municipal Planning Commission can debate in camera under Section 197 of the Municipal Government Act but must come out of in camera and make their decisions in a public forum.

Ken Favrholt and Mike McAlonan entered the meeting at 1:39 p.m.

COMMENTS FROM APPLICANT

Audrey Egger

Audrey Egger advised Diana Andrews's comment regarding two gravel operations on the quarter at the present time is incorrect. The only operation is Aecon and the stockpiles she referred to are waiting for removal. The only activity Aecon is entitled to engage in is cleanup, reclamation and removal of the stockpiles. She said they have requested Aecon to move forward with the reclamation. She stated there are currently three quarters to the north that are zoned 'Rural Industrial – RI'.

Cliff Egger

Cliff Egger advised there is a gravel pit less than a quarter mile from Sarah Watson's house and the trucks go by less than 100 feet from her house. He feels that there is some controversy with her comments.

Nicholas Ryan – McNally Contractors

Nicholas Ryan of McNally Contractors said they put together a plan, talked to the neighbors and they are in agreement of the application. He advised having a pit in this area would reduce the hauling distance. He advised they will be using the gravel products in their asphalt plants at Aldersyde and Fort Macleod as well as supplying to their sister company Highway Maintenance who do roads in the southern region which is all local economy. They are a member of the Sand and Gravel Board and practice responsible land management. He said once the land is reclaimed you won't know there was a gravel operation there.

Councillor Sandberg asked for clarification if it will be a Class I or Class II gravel pit.

Manager of Planning and Development Chisholm stated when the development application comes forward it will be for a Class II operation and not relevant to this application.

Deputy Reeve Alm asked if the pit in the picture is development application 071-12 and that is Aecon Transportation that has been active in the pit.

Manager of Planning and Development Chisholm advised it was initially South Rock development permit 041-11 and then Aecon bought out South Rock.

Deputy Reeve Alm asked what the process for reclamation on the pit is once the stockpiles are removed.

Manager of Planning and Development Chisholm read Meghan Nannt of Alberta Environment and Parks response dated May 17, 2017 regarding the reclamation. "Whether the non-compliance issue hinders the proceeding for the Land Use Amendment application is up to the M.D. On our end non-compliance issues (failure to submit a 5 year report and operating outside the registered boundary) would delay the application process if the pit in non-compliance was being transferred or if a proposed new pit was to share any infrastructure or overlap with the pit in non-compliance."

Manager of Planning and Development Chisholm stated if the M.D. approves the application they will be held up by Alberta Environment and Parks until the reclamation takes place.

Audrey Egger stated the contract with Aecon would have expired at the end of 2017 however they gave them notification of eviction one year early and they have to the end of 2018 to reclaim.

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Manager of Planning and Development Chisholm advised her understanding is that Alberta Environment and Parks will hold up the development application on the new site until Aecon complies with the reclamation.

CAO Vizzutti suggested Egger's should redesignate, subdivide and then apply for the development permit so the enforcement by Alberta Environment and Parks will only be on the remainder of the quarter not the thirty acres.

CAO Vizzutti asked if Alberta Environment and Parks have a bond on Aecon.

Nicholas Ryan advised Alberta Environment would have a letter of bond around \$70,000.00.

CAO Vizzutti recommended the landowner should push Alberta Environment to uphold their regulations.

The Council reviewed the photos of the entire quarter showing the Aecon pit.

Reeve Hemmaway advised if there are no more comments or questions he will call for a motion to adjourn the Public Hearing.

Moved by Deputy Reeve Alm to adjourn the Public Hearing at 2:26 p.m.

Moved by Councillor Sandberg to reconvene the Council meeting at 2:26 p.m.

6. **BYLAWS (CONT:)**

(c) Bylaw No. 1775 – Land Use Bylaw Amendment NW 10-15-26-4 – Cliff and Audrey Egger

Moved by Councillor Sandberg Bylaw No. 1775, being a bylaw to amend Land Use Bylaw No. 1616 to redesignate 30.00 acres (12.14 hectares) of land within the NW 10-15-26-4 from 'Rural General – RG' to 'Rural Industrial – RI', be given first reading.

Carried.

Moved by Councillor Kroetsch Bylaw No. 1775 be given second reading.

Carried.

Moved by Deputy Reeve Alm all Councillors present are in agreement to giving Bylaw No. 1775 third and final reading.

Carried Unanimously.

Moved by Councillor Wilson Bylaw No. 1775 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.

Cliff & Audrey Egger, Toine Timmerman and Nicholas Ryan left the meeting at 2:28 p.m.

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Councillors Sundquist and Van Hierden returned to the meeting at 2:28 p.m.

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

(1) Claresholm Museum

Ken Favrholt, Executive Director of the Claresholm Museum, was present to provide an overview of the attractions, activities and memorial sites in the area. He said they are working with the Claresholm Chamber of Commerce to attract tourists to the area and hopefully they will spend time here. He provided a slide presentation of attractions. He said they are looking for Council support of the document they are creating for tourists coming to the area. He suggested maybe the M.D. would be interested in taking on the publication of this document and the mapping.

Kev Favrholt and Mike McAlonan left the meeting at 3:00 p.m.

Lawrence Gleason left the meeting at 3:00 p.m.

Moved by Councillor Wilson the meeting goes in camera under Section 27 of Foip, Privileged Information, at 3:00 p.m.

Carried.

Moved by Councillor Sundquist the meeting comes out of in camera at 3:22 p.m.

Carried.

8. **ADJOURNMENT:**

Moved by Councillor Van Hierden to adjourn the meeting.

Carried.

Meeting adjourned at 3:22 p.m.

Reeve

Chief Administrative Officer