

Minutes of a Regular Council Meeting of Clearwater County, Province of Alberta, held April 24, 2012 in the County Office at Rocky Mountain House.

CALL TO ORDER: The Meeting was called to order at 9:04 A.M. by Reeve Alexander with the following being present:

Reeve:	Pat Alexander
Councillors:	Earl Graham
	John Vandermeer
	Jim Duncan
	Robert Bryant
	Dick Wymenga
	Case Korver
Municipal Manager:	Ron Leaf
Public Works Manager:	Marshall Morton
Public Works Assistant Manager:	Rick Emmons
Recording Secretary:	Christine Heggart
TIMS:	Brad Welygan
TIMS:	Darrell Philip
CPS Manager:	Mike Haugen
Municipal Intern:	Trevor Duley
Construction Supervisor:	Erik Hansen
Senior Planner:	Keith McCrae
Development Officer:	Eleanor Pengelly
Mountaineer:	Sarah Maetche
	Helge Nome

AGENDA

APPROVAL:

Case Korver added Railway Discussion as F7.
Ron Leaf requested Council add F8 – Parks Canada Letter to the agenda.

EARL GRAHAM: That the April 24, 2012 Regular Meeting Agenda be accepted as amended.

146/12

CARRIED 7/0

CONFIRMATION OF MINUTES:

1. April 10, 2012 Regular Meeting Minutes

BOB BRYANT: That the Minutes of the April 10, 2012 Regular Meeting be confirmed as circulated.

147/12

CARRIED 7/0

2. April 10, 2012 Public Hearing Minutes

EARL GRAHAM: That the Minutes of the April 10, 2012 Public Hearing be confirmed as circulated.

148/12

CARRIED 7/0

PUBLIC WORKS: 1. DRAFT Isolated Residential Access Road on Right-of-Way Policy

Marshall Morton presented the Residential Standards Policy for an industrial development to clarify its intended purpose and ensure that the policy reflects the goals set out by Council.

Mr. Morton noted that administration's belief that this policy's intent was to provide economical physical access to an "Isolated Parcel" regardless of its use, not specifically a residential application. Staff has made the recommended changes to the policy, to help clarify its intent, and updated additional portions to improve its continuity with other policies.

Mr. Morton reviewed all the recommended changes to the draft policy and responded to questions regarding road agreements, maintenance, fencing, effected adjacent properties and that Council approves applications for isolated residential access road on right-of-way.

Mr. Morton confirmed that this policy is for a private road on existing road allowance, that access cannot be restricted and road will not be maintained by the County.

Mr. Leaf added that public safety is paramount and the roadway must be maintained by the property owner.

JIM DUNCAN: That Council approves the draft revisions of the Isolated Residential Access Road on Right-of-Way Policy.

149/12

CARRIED 7/0

Diane Fingler and Joe Baker joined the meeting. Brad Welygan and Darrell Philip left the meeting.

PUBLIC WORKS: 2. Gravel Application and Approval Process

Rick Emmons and Keith McCrae presented background information on comments and concerns received regarding the consultation process related to gravel pit development permit application process.

Mr. McCrae noted that the County has the following review process that has been used for many years:

1. Open house held by the developer - intended to facilitate discussion by developer and affected landowners.

Mr. McCrae noted the open house meetings are the developer's responsibility, that the County has no presence there.

2. Municipal Planning Commission (MPC) review process
3. Provincial departments review and approvals
4. Subdivision Development Appeal Board (SDAB) review process (should an appeal occur)

Mr. McCrae noted the public may benefit from a document explaining the gravel pit application and approval process, legislation, rules, responsibilities and appeal mechanisms and noted that Staff have begun developing a handbook which will be presented to Council in the future.

Mr. McCrae responded to questions regarding provincial department roles in approvals, appeal mechanisms, social issues such as noise and light pollution and the location of where residents can get information – the Municipal Development Plan (MDP). He further noted that the MPC can place specific conditions on the development permit and that typical conditions include setbacks from roadways and property boundaries, hours of operation, ongoing public notification, noise abatement, specific truck routing and roadway improvements, and safety measures such as fencing and that it is standard procedure for the development permit to be subject to the developer obtaining all applicable provincial and federal approvals.

Mr. Emmons responded to questions regarding traffic impacts on provincial and municipal roadways, road use agreements, noise bylaw, aggregate levies

BOB BRYANT: That Council accepts gravel application and gravel process report as information.

150/12

CARRIED 7/0

MUNICIPAL: 2. SDAB Recommendation

Ron Leaf presented a letter from the Subdivision Development Appeal Board (SDAB) recommending to Council that a cumulative effects study be undertaken with respect to future gravel development in the Echo Canyon Valley area.

Mr. Leaf presented three options with respect to this recommendation for Council's consideration:

- a. *Maintain status quo with respect to gravel pit applications and associated impacts being reviewed by the MPC;*
- b. *Implement a cumulative effects assessment (CEA) and limit submission of gravel pit development applications for a period of time through a Land Use Bylaw amendment.*
- c. *Implement a CEA but not limit submission of development applications during the study period;*

Mr. Leaf referenced two CEA processes relating to gravel pit operations that are currently being undertaken in Alberta, one by Alberta Environment; the other by the County of Lac Ste. Anne. Mr. Leaf also noted the Province's CEA process started in 1999 and that it is very broad in its assessment, involving a wide variety of areas and issues ranging from areas adjacent to national parks to the oil sands.

Mr. Leaf responded to question regarding CEA and its limitation and that it would be focused on high residential areas adjacent to gravel pits.

Mr. Leaf noted a CEA could study traffic, noise, density of residential area and also provide recommendations to constrain residential estate development in areas known to have gravel.

Councillors Korver and Wymenga noted their support of the recommended option B.

Councillor Bryant noted he does not want to see any land sterilized for the future but a CEA could aid in getting the developments as right as possible.

Mr. Leaf noted that if Council chose to undertake the CEA process, Council needs to identify the outcomes that Council wishes to accomplish. He also noted that other CEA processes are multi-phased and taking three years or longer.

Councillor Vandermeer noted concern with conducting a study for one specific area, the costs associated and additional requests for studies from other areas. He noted that CEA costs should be put onto developer and MPC can assess public concerns and industrial concerns with each application

Councillor Duncan noted the importance of providing direction to the developer in terms of what cumulative effects are important.

Reeve Alexander noted that the need for the public to understand the process and noted concern that jurisdiction over sand and gravel will end up

moving to the provincial government if municipalities don't balance the numerous issues involved

Councillor Vandermeer noted that residents are better served by a local board to determine issues and that the County is a large gravel user, County roads are kept to a good standard and Council ensures that development takes place in a reasonable manner. He questioned how to make the process better or what further restrictions on gravel development could be placed and recommended using the knowledge gained from other municipalities conducting CEAs.

Mr. Leaf responded to questions on what CEA may cover, in terms of effects or effects and mitigation and recommended that staff could return with a CEA process and timeline.

EARL GRAHAM: That Council table the discussion around the SDAB recommendation letter.

151/12

CARRIED 7/0

Dean Schweder and Michelle Andrishak joined the meeting. Marshall Morton, Rick Emmons, Erik Hansen, Keith McCrae, Eleanor Pengelly and Michelle Swanson left the meeting.

MUNICIPAL: 1. Rural Alberta Business Centre

Michelle Andrishak provided a background on the Rural Alberta Business Centre (RABC) pilot project and the rationale for its development.

Ms. Andrishak detailed the services provided to small businesses, from start-up to expansion to succession planning. Ms. Andrishak responded to questions regarding customer service support.

Ms. Andrishak noted the availability of one on one confidential information and support, that the RABC services are free and that the RABC partnership provides access to experts, research and fundamental answers and funding.

Ms. Andrishak noted topics for RABC presentations, that brief legal advice is free, that there are eight RABC communities and their selection criteria, the various partner organizations in the community, stakeholder support, hours of operations, location and contact information.

Rhonda Serhan, Murray Hagan, Denniece Crout and Phil Dirks joined the meeting.

Ms. Andrishak responded to questions regarding existing partnership and future partnership requirements to ensure extended sustainability of the program and that advertising strategy includes the Mountaineer and Western Star along with the Town's social media strategy and presentations to local groups.

DICK WYMENGA: That Council accepts the Rural Alberta Business Centre presentation as information.

152/12

CARRIED 7/0

CORPORATE SERVICES: 1. Consolidated Financial Statements

Murray Hagan introduced Phil Dirks, CA, engagement partner with Hawkings Epp Dumont LLP, Chartered Accountants. Mr. Hagan noted the overall financial position of the County remains strong with net financial assets increasing by approximately \$4,200,000.

Rhonda Serhan noted that operating revenue was approximately \$1,700,000 higher than budgeted, represented primarily by higher than expected well drilling taxes, offset by lower than anticipated property sales. She noted that operating expenses were approximately \$1,700,000 less than budget not considering amortization.

Ms. Serhan noted the rationale for budget variances and that capital projects were also below budget due to the Sunchild Road coming in below budget, not receiving federal grant for Caroline Recreation project so that project was scaled back, some projects in Nordegg were not completed in 2011 and the Taimi Road pavement scheduled was not completed.

Phil Dirks provided background information on the 2011 audit process and the audit information and provided a favourable overview of the County's staff, financial record keeping and financial position.

Mr. Dirks noted key areas including, accounts receivables, inventory, payables, deferred revenue, tangible capital assets,

Mr. Dirks provided Net Financial Assets (\$30,996,920.00), Operating Excess (\$2,443,943.00) and Accumulated Surplus (\$395,502,755.00) amounts and noted the equalized assessment comparison amongst other counties in the province, debt per capita, debt limits, unrestricted surplus and restricted surplus.

Mr. Dirks noted that County is in good financial condition, low debt, healthy reserves and low/average spending patterns. He further noted that there were no control deficiencies or issues identified during the 2011 audit.

Mr. Hagan noted the recommendation to consolidate the audit for the regional waste authority statements along with the financial statement consolidation and responded to question regarding whether audit would be required if the waste authority were to incorporate.

DICK WYMENGA: That Council approves the 2011 financial statements.

153/12

CARRIED 7/0

BOB BRYANT: That the meeting recess for lunch at 12:05 P.M.

154/12

CARRIED 7/0

The Meeting reconvened at 1:12 P.M. with the same people present as noted at the beginning of the meeting excluding Darrell Philip and Brad Welygan and including Keith McCrae, Marilyn Sanders, Stephen Hart, Gordon Hart, Dennis Nielsen, Joyce Nielsen, Rhonda Serhan and Murray Hagan.

PLANNING:

1. 3rd Reading of Bylaw 946/11 – Hart Oilfield Rentals

Marilyn Sanders presented application No. 08/11 to amend the Land Use Bylaw for the redesignation of ±29.97 acres in the NW 32-38-06-W5M from Agriculture District "A" to Light Industrial District "LI" for the purpose of establishing an oilfield rental business site.

Ms. Sanders provided a detailed history of the application and noted the area proposed to be rezoned is not being subdivided from the balance of the quarter and that Hart Oilfield Rentals intends to consolidate operations from four small unsatisfactory locations in Rocky Mountain House and Clearwater County and plan to construct a manufacturing shop and office building to

headquarter their business from this parcel. This site would accommodate the engineering, manufacturing and testing of all of their equipment for western Canada.

Ms. Sanders presented recommendation from the Traffic Impact Assessment (TIA) regarding the two intersections impacted, being Highway 22/Township Road 385A and Highway 11/Range Road 6-5. The TIA made the following conclusions and recommendations:

- * The existing study intersections present a Type Ib intersection treatment at the Highway 22/Township Road 385A intersection and a Type Ia intersection treatment at the Highway 11/Range Road 6-5 intersection. All traffic movements at the study intersections operate at an acceptable Level of Service (LOS) B or better under the existing traffic conditions.
- * A Type IIb intersection treatment is recommended for the Highway 22/Township Road 385A intersection at full build out (2014). The Type IIb intersection treatment is capable of accommodating the forecast traffic at the 20 year horizon. All traffic movements at this intersection will operate at an acceptable LOS B or better at the 20 year horizon (2031).
- * A Type IIa intersection treatment is warranted for the Highway 11/Range Road 6-5 intersection under the existing traffic conditions. The Type IIa intersection treatment will be capable of accommodating the forecasted traffic at the 20 year horizon (2031). All traffic movements at this intersection will operate at an acceptable LOS C or better at the 20 year horizon (2031). It should be noted that a Type IIa intersection treatment at this intersection is warranted due to the existing traffic conditions and not as a result of the proposed development.
- * The study intersections can safely accommodate the turning manoeuvres of the longest vehicle, the WB-23 design vehicle (tractor-trailer combinations), expected to be used at the development.
- * Sight distances are adequate along Highway 22 and Highway 11 at the study intersections. However, sight distances including decision sight distance and intersection sight distance should be checked during the detailed design stage, and should be in accordance with Alberta Transportation's *Highway Geometric Design Guide*.
- * Traffic signals are not recommended for the study intersections. The study intersections will operate properly under stop control.
- * Illumination at the study intersections is not warranted.

Ms. Sanders noted that subsequent to the submission of the Traffic Impact Assessment, Hart Oilfield Rentals and Alberta Transportation entered into discussion concerning the requirements and Alberta Transportation has advised that they will accept the Traffic Impact Assessment subject to intersectional improvements being completed at one intersection only, being the Highway 11/Range Road 65 intersection.

Ms. Sanders recommended that Council grant third reading to Bylaw 946/11 allowing the applicants to proceed with an application for development permit to the MPC, with instruction to the MPC to have Hart Oilfield Rentals construct a Type IIa intersection treatment for the Highway 11/Range Road 6-5 intersection.

Stephen Hart responded to questions regarding the intersection treatment and noted that they will amend their internal staff policy to have all staff and users entering the business to use the Highway 11/Range Road 6-5 intersection.

THIRD READING of Bylaw 946/11 to amend the Land Use Bylaw for the redesignation of ±29.97 acres in the NW 32-38-06-W5M from Agriculture District "A" to Light Industrial District "LI" for the purpose of establishing an oilfield rental business site. was moved by Councillor GRAHAM.

Mike Haugen left the meeting.

Mr. Leaf responded to questions regarding net increases in residential tax bills.

Councillor Graham stated he is not okay with the 2% residential increase.

FIRST READING of Bylaw 959/12 2012 Tax Rate Bylaw was moved by Councillor BRYANT.

158/12 CARRIED 6/1

SECOND READING of Bylaw 959/12 2012 Tax Rate Bylaw was moved by Councillor DUNCAN.

159/12 CARRIED 6/1

PERMISSION for third reading of Bylaw 959/12 2012 Tax Rate Bylaw was moved by Councillor VANDERMEER.

160/12 DEFEATED 6/1

Murray Hagan and Rhonda Serhan left the meeting.

INFORMATION: 1. Information Items

JIM DUNCAN: That the Accounts Payable listing, the Municipal Manager's Report, Public Works Manager's Report, Agricultural Services Manager's Report and County Operating and Capital Reports of April 24, 2012 be accepted as information.

161/12 CARRIED 7/0

MUNICIPAL: 5. Leslieville Community Hall Society Grant Application

Mike Haugen presented a request from the Leslieville Community Hall Society for funding to replace two, 28-year old furnaces which are currently operating at 54% efficiency. He noted that the total estimated expenses for this project are \$6,109.95, that the hall is requesting \$2,900.00 towards the furnace replacement and that \$13,663.47 currently remains in the 2012 capital grant budget.

Councillor Wymenga noted the hall activity and that the inefficient furnaces are costing the hall money and maintenance.

Councillor Korver noted the tabled Arbutus Hall request and asked to ensure Council keeps the hall in the queue.

Councillor Wymenga noted the potential need to increase the Capital Grants Policy budget.

Ron Leaf noted that a revised draft of the Capital Grants for Community Halls could be discussed prior to budget preparations for 2013.

DICK WYMNEGA: That Council approves funding of \$2,900.00 for Leslieville Community Hall towards the purchase and installation of two furnaces.

162/12 CARRIED 7/0

Council discussed the value of the Rocky Mountain House National Historic Park.

JIM DUNCAN: That Council authorizes support letter for the Rocky Mountain House National Historic Park be sent to the Hounable Peter Kent, Parks Canada Minister, copying Blaine Calkins, Blake Richards and Pam Veinotte.

165/12

CARRIED 7/0

EARL GRAHAM: That Council bring item F2 – SDAB Recommendation back to the table.

166/12

CARRIED 7/0

MUNICIPAL: 2. SDAB Recommendation

Ron Leaf responded to questions of budget to complete CEA and noted that CEA parameters need to be set by Council before money and timelines can be established.

Reeve Alexander noted using the institutional knowledge gained from the County of Lac St. Anne gravel CEA may be sufficient.

Councillor Vandermeer noted that if a gravel application came forward in the next two years in Echo Canyon the County could use the information recently received and also ask the applicant/developer to provide any required information at their costs.

Mr. Leaf noted that when an application is received, the development officer and MPC provides parameters for studies. Once a completed application is received, the County has 40 days within to render a decision otherwise the application is considered refused and may be appealed to the SDAB.

Mr. Morton responded to question regarding borrow pits and impacts on the associated permits, road use agreements.

Reeve Alexander noted the concern with proximity and how residents five miles away were expressing concern.

Councillor Vandermeer noted Council must consider all opinions, but have to weigh effects on the community as a whole otherwise you shut all development down everywhere.

Mr. Leaf noted the roadway in question is a provincial highway and questioned to what extent Council wishes to step in and legislate at a higher level than the Province. The Traffic Impact Assessment (TIA) takes into account cumulative impact on provincial highway and Alberta Environment approvals take into account cumulative impact on ground water and other environmental issues.

Councillor Vandermeer noted that County can regulate issues such as noise and traffic on municipal roads and that concerns such as open house not being summarized correctly can be mitigated by having the developer hire an unbiased recorder

Reeve Alexander noted the need for the roles of a Councillor and of Council need to be included in the educational handbook.

Mr. Emmons noted that Clearwater County goes above and beyond the notification requirement with mandating the developer open house and that questioned how to regulate the legal non-conforming uses.

Mr. Leaf noted that a draft handbook would be brought back for further Council discussion and approval.

Reeve Alexander noted the need for public input into the handbook.

JOHN VANDERMEER: That Council directs staff to develop a handbook which describes the gravel application approval process and if a gravel pit application is received in the meantime that the Development Officer directs the developer to address cumulative effects for the Echo Canyon area in its development application.

167/12

CARRIED 7/0

ADJOURNMENT: BOB BRYANT:
3:04 P.M.

That the Meeting adjourns.

CARRIED 7/0

REEVE

MUNICIPAL MANAGER