

Minutes of a Regular Council Meeting of Clearwater County, Province of Alberta, held January 10, 2012 in the County Office at Rocky Mountain House.

**CALL TO ORDER:** The Meeting was called to order at 8:59 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
Mountaineer:	Jessica Jones
IT:	Darrell Philip
IT:	Brad Welygan
Finance Officer:	Rhonda Serhan
Corporate Services Manager:	Murray Hagan
Asset Administrator:	Wendy Curlew
Construction Supervisor:	Erik Hansen
Maintenance Supervisor:	Frank McBride
Surfaced Roads Supervisor:	Danny Setterlund
West Country Manager:	Joe Baker
West Country Assistant:	Amanda Wilson
Senior Assessor:	Denniece Crout
Assessor:	Darren Pohl
	Murray Welch

Marshall Morton added a missing second page to E4.

Darren Pohl, Amanda Wilson and Joe Baker left the meeting. Diane Fingler joined the meeting.

#### **AGENDA**

##### **APPROVAL:**

BOB BRYANT: That the January 10, 2012 Regular Meeting Agenda be accepted as amended.

**001/12**

**CARRIED 7/0**

##### **CONFIRMATION OF MINUTES:**

**1. December 13, 2011 Regular Meeting Minutes**

EARL GRAHAM: That the Minutes of the December 13, 2011 Regular Meeting be confirmed as circulated.

**002/12**

**CARRIED 7/0**

##### **CORPORATE SERVICES:**

**1. 2012 Budget**

Murray Hagan presented the proposed 2012 operating budget, with total expenses of \$21,837,390 for 2012. This represents an increase of \$1,402,291 (6.9%) compared to the 2011 budget.

The 2012 expenses represent service levels consistent with prior years, and the County's strategic plan, while providing for increasing costs of providing those services.

The capital budget reflects total expenditures of \$29,502,314 for 2012. This represents a decrease of \$3,695,819 (11.1%) compared to the 2011 budget.

The County completed the Sunchild Road paving project and the majority of construction of the Public Services Building in Nordegg in 2011. 2012 will see the completion of this project as well as a new sewage lagoon for County residents.

BOB BRYANT: That Council adopts the attached operating and capital budgets for calendar year 2012.

**003/12**

CARRIED 7/0

EARL GRAHAM: That Council accepts the proposed operating and capital budgets for calendar years 2013 and 2014 for information.

**004/12**

CARRIED 7/0

**CORPORATE SERVICES:**

**1. Well Drilling Tax**

Denniece Crout presented information regarding the Well Drilling Equipment Tax Regulation (AR221/2010), which a Ministerial order recently extended until December 31, 2012. The legislation was put in place to offset the cost to repair the damage done to municipal roads due to oilfield heavy equipment usage.

Throughout 2012 there will be consultation with stakeholders to improve the regulation. Clearwater County has used the regulation for as long as it has been in place and the amount of revenue raised varies each year. In 2007, \$426,000 was generated and so far in 2011, \$ 2.5 million was generated.

Ms. Crout noted that the Well Drilling Regulation is simple and straight forward. Other ideas have surfaced as alternatives to replace the current legislation, such as road use agreement's and increasing the non res tax rate. These ideas appear cumbersome and less effective.

Ron Leaf noted that this topic was discussed in the bear pit session at the AAMDC and the rationale for alternatives to replace the legislation.

JOHN VANDERMEER: That Council supports the continuation of the existing legislation.

**005/12**

CARRIED 7/0

DICK WYMENGA: That Council directs staff to respond to the AAMDC or Provincial Government when stakeholder consultation occurs.

**006/12**

CARRIED 7/0

Murray Hagan, Rhonda Serhan, Wendy Curlew, Darrell Philip and Brad Welygan left the meeting.

**PUBLIC WORKS: 1. 2012 Asphalt Overlay Tender Award**

Erik Hansen presented the proposed 2012 Asphalt Overlay program. This program includes re-surfacing, side slope improvement and other work for four major projects. They include the Oras Road North of Hwy 11 to south of Hwy 12 (12.41Km), the Burntstick Lake Road from Hwy 54 to South of Hwy 54 (8.56Km), the James River Road from Hwy 587 South to James River Bridge (2.34 Km) and the Pidherney's Industrial Subdivision (2.34Km).

Mr. Hansen noted the County received nine bids, with South Rock Ltd. being the low valid bidder at 6,681,643.00.

Staff responded to questions regarding location of contractor, gravel pit location and the tendering of contract to one contractor.

JIM DUNCAN: That Council approves awarding the 2012 Asphalt Overlay contract to South Rock Ltd.

007/12

CARRIED 7/0

**PUBLIC WORKS: 5. Intersectional Illumination Review**

Erik Hansen recently received a report back from AB Transportation addressing concerns Council raised regarding warrants for intersectional illumination. Of the five intersections that were reviewed by the province only Hwy 11 and the Arbutus Road qualify for illumination and additional intersectional treatment and would be done when Hwy 11 is rehabilitated. However, these intersections are not currently in the provinces three year plan.

Mr. Hansen noted that when asked if the Province could speculate on a date for the rehabilitation of Hwy 11, they could not because of budgetary demands for provincial priorities.

CASE KORVER: That Council accepts Intersectional Illumination Review as information.

008/12

CARRIED 7/0

**PUBLIC WORKS: 2. Tonne Mile Truck Rate for the Winter Gravel Program**

Frank McBride presented a proposed increase in the "tonne mile" rate for the trucking costs for the Winter Gravel program. The current "Tonne Mile Rate" is 23.7 cents per tonne per mile as set in 2006, based on a fuel price of \$0.759/L.

Mr. McBride noted historic adjustments made to fuel costs and recommended the "Tonne-Mile Rate" be adjusted to 26.7 cents to reflect current operational costs. This increase would impact the 2012 Winter Gravel Program by an increase of approximately \$34,000.00 dollars.

Staff responded to questions on winter gravel program, the availability of trucks and the number of miles (231) in the 2012 program.

JOHN VANDERMEER: That Council approves proposed increase in the "Tonne Mile Truck Rate" to 26.7 cents for the Winter Gravel Program.

009/12

CARRIED 7/0

**PUBLIC WORKS: 3. Salting and Sanding Policy**

Marshall Morton noted that at the last Agenda and Priority meeting Council requested that the administration bring forward the Salt and Sanding Policy for review.

Mr. Morton noted that from an administration stand point this policy seems to be functioning well in its current form and allows the administration flexibility in addressing specific road conditions.

Staff responded to questions regarding the Sunchild Road and the trucking of salt and sand.

BOB BRYANT: That Council confirms the current Salting and Sanding Policy without amendment.

010/12

CARRIED 7/0

**PUBLIC WORKS: 4. Lane Grading Policy**

Danny Setterlund presented the Lane Grading Policy and provided historical information on lane grading, the number of driveways with plowing contracts (320), and the time it takes to plow each driveway (15 to 30 minutes), as well as noted that plowing requests continue to increase. Mr. Setterlund noted the many administrative concerns with checking driveways with snow, the liability issue should the grader strike anything and also concerns from ratepayers unhappy with time it takes to get to plowing driveways.

Council's existing policy states that all public roads shall be done first with driveway services to follow; however, the public expectation when they see a grader working outside of their doorstep on the public road is to get their driveway completed while they are there.

Mr. Setterlund recommended that if Council chose to no longer provide lane grading service that flag sales would come cease May 1, 2012 and flags would be honored until December 31, 2012.

Staff responded to questions regarding cost for grader flags, changes in resident expectations and the damage incidents occurring, full cost recovery scenarios and grader operator contracts.

Council discussed the need for graders to maintain roadways and that private operators can provide plowing services to residents.

CASE KORVER: That Council terminates the grading of private driveways as of December 31, 2012, phasing out flags sales May 1, 2012 and honouring flags until the end of 2012.

011/12

CARRIED 7/0

**MUNICIPAL: 1. Municipal Autonomy Resolution**

Rick Emmons presented a resolution for municipalities to be considered an autonomous level of government. The lack of recognition of municipalities by the Provincial Government is detrimental to long term sustainability of municipalities and their ability to efficiently manage municipal areas of responsibility, particularly with respect to infrastructure.

Mr. Emmons noted that increasingly Clearwater County staff are incurring situations where the rationale for provincial decisions are that "Clearwater County is being treated the same as any other private organization". Mr.

Emmons presented three recent examples justifying why municipalities must be considered an autonomous level of government.

Staff responded to questions regarding fees for tree removal for sewage lagoon construction.

EARL GRAHAM: That Council approves the Municipal Autonomy Resolution for consideration at the Spring CAAMDC meeting in Stettler on February 10.

**012/12**

CARRIED 7/0

Marshall Morton, Rick Emmons, Frank McBride, Erik Hansen and Danny Setterlund left the meeting.

**MUNICIPAL: 2. Resolution – Income Tax Amendment**

Ron Leaf presented a resolution to the AAMDC requesting that the AAMDC and FCM lobby the Federal government to provide similar taxable vehicle exemptions for public works personnel as allowed for emergency services personnel (i.e. police and fire).

Mr. Leaf noted on call Public Works staff should be considered similar to emergency personnel as they are required to respond to snowfall conditions, road conditions, severe weather conditions, bridge issues, and some road emergencies.

Council noted the resolution should include “municipal vehicles” instead of “corporate vehicles”.

BOB BRYANT: That Council directs staff to forward the Income Tax Amendment resolution to the CAAMDC meeting on February 10.

**013/12**

CARRIED 7/0

**MUNICIPAL: 3. Council Procedural Bylaw 954/12**

Ron Leaf presented a draft Procedural Bylaw, which provides rules for the orderly proceedings of council meetings. The Municipal Government Act (MGA) 145 (a) and (b) authorizes Council to pass a bylaw in relation to the procedure and conduct of Council, and other bodies established by Council. The County does not currently have a procedure bylaw relying rather on policy or convention to guide or direct Council meetings, hearings, etc. Mr. Leaf noted the intention of the Procedural Bylaw is to formalize current practices.

FIRST READING of Council's Procedural Bylaw 954/12 was moved by Councillor Korver.

**014/12**

CARRIED 7/0

**MUNICIPAL: 4. RDC – Report to the Community Invitation**

Ron Leaf presented an invitation to attend a luncheon at Red Deer College (RDC). The luncheon will include a board of governor's report to the community and details of RDC's vision for the College's future and takes place on Friday, January 20, 2012 at the Cenovus Energy Learning Common (2nd Floor, Four Centres). Lunch is at 11:30 a.m. Lunch and the Report to the Community is at 12:00pm.

Councillors Graham, Bryant and Duncan noted their interest in attending.

BOB BRYANT: That all Councillors are authorized to attend the Red Deer College Report to the Community on January 20, 2012.

015/12

CARRIED 7/0

Murray Hagan joined the meeting.

**MUNICIPAL: 5. Brazeau County Meeting Agenda Items**

Ron Leaf presented proposed agenda items for Council's meeting with Brazeau County and noted a number of adjacent Counties will be attending the meeting on January 27 in Drayton Valley.

Based on recent Council discussions, Mr. Leaf presented the following items for Council's consideration:

- 1) Development and operation of regional gravel pit(s)
- 2) Limited enforcement of Traffic Safety Act by Community Peace Officers on Provincial
- 3) Municipal bridge deficit
- 4) Split mill-rate within non-residential assessment property classification

Council added the following topics for discussion:

- 5) Utility cost recovery
- 6) Agricultural and weed control
- 7) Watershed

JIM DUNCAN: That Council directs staff to forward the amended topic list to Brazeau County for the January 27 meeting.

016/12

CARRIED 7/0

**MUNICIPAL: 6. Joint Council Meeting with Lacombe and Ponoka Counties**

Ron Leaf confirmed a joint Council meeting with Ponoka and Lacombe Counties on February 16, 2012. The meeting is set to begin at 10:00 a.m. at the Lacombe County office. Lacombe will be hosting a luncheon and the meeting will continue into the afternoon, if required.

Mr. Leaf noted that based on previous discussions with Council the following agenda items have been submitted for discussion:

1. Gimlet Road
2. Current approach to managing road use concerning unconventional drilling activity and similarities/differences in procedures or philosophy
3. Potential for joint gravel "site" and benefits of a regional approach to gravel management for this "area"
4. AB Environment's septage hauling policy & impact on rural generated wastewater management
5. Provincial bridge approval process and municipal bridge deficit

Staff responded to questions regarding septage hauling policy.

DICK WYMENGA: That Council approves all members of Council to attend the February 16 Joint Council meeting in Lacombe.

017/12

CARRIED 7/0

BOB BRYANT: That Council approves the proposed agenda items from Clearwater County.

**018/12** CARRIED 7/0

**INFORMATION: 1. Manager's Reports**

Council discussed the Manager's Report and the Property Rights Meeting and survey. Ron Leaf presented Council the FCM Conference registration information and noted sessions fill quickly.

Earl Graham and John Vandermeer noted their interest in attending the FCM conference. Case Korver noted his interest in being the alternate Councillor should others not be able to attend.

DICK WYMENGA: That Council authorizes the Reeve, CAO and Councillor Graham and Councilor Vandermeer to attend the 2012 FCM Conference in Saskatoon.

**019/12** CARRIED 7/0

JIM DUNCAN: That Council directs staff to bring back the online property rights survey at their January 24, 2012 Council meeting.

**020/12** CARRIED 7/0

EARL GRAHAM: That the Accounts Payable listing, the Municipal Manager's Report and the Disaster Recovery Program Resident Application Process reports of January 10, 2012 be accepted as information.

**021/12** CARRIED 7/0

**IN CAMERA: 6. In Camera**

BOB BRYANT: That Council meets as a Committee of the Whole for the purpose of discussing a draft employment agreement issue.  
10:59 P.M.

**022/12** CARRIED 7/0

Murray Welch, Jessica Jones and Christine Heggart left the meeting.

DICK WYMENGA: That the meeting reverts to an Open Meeting at 11:35 A.M.

**023/12** CARRIED 7/0

JIM DUNCAN: That the meeting recess for lunch at 11:36 A.M.

**024/12** CARRIED 7/0

The Meeting reconvened at 1:29 P.M. with the same people present as noted at the beginning of the meeting excluding Marshall Morton, Darrell Philip, Brad Welygan, Denniece Crout, Darren Pohl, Joe Baker, Amanda Wilson, Murray Hagan, Wendy Curlew, and including Keith McCrae, Eleanor Pengelly, Murray Welch, Michelle Swanson, Larry Titford, Dennis Ross, Marianne Cole, Yvonne Overgaard, Paul Overgaard, Peter Schmutz, Karen Schmutz, Ken Qually, Rick Anderson, Margaret Derlifeger and Jane Henderson.

**MUNICIPAL:        7.        Michelle Swanson**

Council introduced themselves. Ron Leaf reviewed the process for the delegation and that Council cannot speak to specifics of the Wetaskiwin gravel pending application.

Clearwater County residents Michelle Swanson and Murray Welch presented an overview the rationale for their delegation and the recommendations for review of aggregate development policy in general.

Ms. Swanson noted the many hours and dollars spent to research policies and dealing with one particular proposed gravel excavation and crushing operation development application before the Municipal Planning Commission.

Mr. Welch noted concern with policies pertaining to the development of gravel operations, the developer following the County's policies and the need for residents to "go to battle" with the developer to resolve issues. Mr. Welch further noted concern with the consultation process and that open house dialogue is biased towards developer as a result of the developer deciphering input and documenting their proposed resolution.

Ms. Swanson noted how development permits impact local residents, imposes stress, anxiety and costs associated with opposing developments. Ms. Swanson further noted their required research including the Municipal Guide to Sand and Gravel Operations in Alberta, Guide to the Code of Practice for Pits in Alberta, Traffic Impact Assessment Report, Environmental Noise Impact Assessment, Hydrogeological Report on Water Wells, Clearwater County's Municipal Development Plan adopted 2010, Clearwater County's Land Use Bylaws as well as Aggregate Operations policies from several neighbouring counties.

Mr. Welch noted they hired a landowner relations consultant due to one particular proposed development and his concern with the inequities that the oil and gas industry is required to hire consultants for community consultation issues and costs are borne by industry, but this is not required of gravel developers.

Ms. Swanson noted concern with developer's misinterpretation of policies and miscommunication as well as the development application "loophole" in which consultation is not conducted at the local level (i.e. notifications sent only to neighbours in proximity to the development). Ms. Swanson noted residents will have specific personal concerns such as noise, light pollution, water well impacts, surface drainage, local roads, local traffic burden, unsightliness, and other issues that primarily concern just the close neighbours, however big development projects impact more than just the local residents (i.e. traffic on Highway 22).

Mr. Welch referenced the Provincial guidelines and noted all gravel developers should be required to follow, specifically the notification and personal interviews within 2 km of operation.

Ms. Swanson noted the need for a resource export levy and road use agreements with fees, that County policies are needed that state



requirements light pollution, noise abatement, security and safety measures, and that gravel crushing to be considered outside the Agricultural Discretionary use. Mr. Swanson continued to note that the County's planning department should not guide developers in their application process, that an area structure plan may be needed for special areas.

Mr. Welch continued by noting that multiple users mean multiple impacts and cumulative effects, that the current process of having each individual developer address only those issues pertaining to his particular development is not adequate.

Ms. Swanson noted issues like surface drainage, soil and slope erosion, wildlife, safety for gravel haul traffic, school bus traffic and times, highway safety for the traveling public, the developer using the isolated roads policy, construction should only occur as a last resort, future liability and responsibility of private roads and future site remediation.

Mr. Welch noted the desire for a guarantee or compliance reviews and renewals in 5-10 year intervals and referenced the Peace County aggregate policy.

The delegates responded to questions regarding policy development and would not restrict development, rather guidelines for development.

Council noted that if developers cannot develop anywhere gravel anywhere, the province will take over control of the permitting. Landowners will then lose all notification.

Mr. Welch noted he is not opposed to gravel pit development, rather would like to see stricter guidelines in place to follow.

Ms. Swanson responded to the question for the need for an Area Structure Plan, access points, haul routes, and reclamation that protects both residents and industry.

Mr. Leaf noted staff will review information and bring back a preliminary report to Council by mid-March.

BOB BRYANT: That Council accepts the presentation by Michelle Swanson and Murray Welch as information and directs Administration to review report and bring back to Council for mid-March.

**025/12**

CARRIED 7/0

**ADJOURNMENT:  
2:25 P.M.**

DICK WYMENGA:

That the Meeting adjourns.

CARRIED 7/0

\_\_\_\_\_  
REEVE

\_\_\_\_\_  
MUNICIPAL MANAGER