

CLEARWATER COUNTY COUNCIL AGENDA
November 12, 2014
9:00 A.M.
Council Chambers
4340 – 47 Avenue, Rocky Mountain House AB

A. CALL TO ORDER

B. AGENDA ADOPTION

C. CONFIRMATION OF MINUTES

1. October 28, 2014 Organizational Meeting Minutes
2. October 28, 2014 Regular Meeting Minutes

D. DELEGATIONS

1. 9:00 A.M. Blaine Calkins, MP Wetaskiwin

E. PUBLIC WORKS

1. *TABLED ITEM:* D1 - Development Request (Pidherney's Gravel Pit Road Access Development Permit #55/95)
2. Asphalt Overlay 2015 Tender Award
3. 10:45 A.M. Kevin Leitch – Range Road 5-3A Access Road

F. COMMUNITY & PROTECTIVE SERVICES

1. Broadband Internet Access

G. MUNICIPAL

1. Council Christmas Greeting
2. Policy Review: Clearwater County Vehicle and Equipment Use Policy

H. IN CAMERA*

1. Land
2. Labour

* For discussions relating to and in accordance with: a) the Municipal Government Act, Section 197 (2) and b) the Freedom of Information and Protection of Privacy Act, Sections 21 (1)(ii); 24 (1)(a)(c); 25 (1)(c)iii; and 27 (1)(a)

I. INFORMATION

1. CAO's Report
2. Public Works Director's Report
3. Accounts Payable Listing
4. Administrative Recommendations re AAMDC 2014 Fall Resolutions **Item to Follow*

J. COMMITTEE REPORT

1. Clearwater Family Support Services **Verbal Report by Councillor Duncan*

K. ADJOURNMENT

TABLED ITEMS

Date Item, Reason and Status

- 04/10/12 **Arbutus Hall Funding Request**
- To allow applicant to provide a complete capital projects plan.
- STATUS: Pending Information, Community and Protective Services**

Date Item, Reason and Status

- 09/08/14 **D.1. Development Request**
- To obtain legal opinion.
- STATUS: Pending Information, Public Works**



Agenda Item

TABLED Item: D1 Development Request – To obtain a legal opinion Development Permit #55/95 – Interpretation of a condition of approval	
Presentation Date: November 12, 2014	
Department: Planning / Public Works	Author: Keith McCrae
Budget Implication: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Funded by Dept. <input type="checkbox"/> Reallocation	
Strategic Area:	Goal:
Legislative Direction: <input checked="" type="checkbox"/> None <input type="checkbox"/> Provincial Legislation (cite) <u>MGA Sec 650</u> <input type="checkbox"/> County Bylaw or Policy (cite) <u>LUB Sec 3.8</u>	
Recommendation: That Council review the information provided and direct administration as to the interpretation of condition #1 of Development Permit #55 and whether or not the requested alteration to the haul route satisfies the requirements of the condition.	
Attachments List: Tabled Council Agenda Item D1, Notice of Decision, Air Photo, Applicant Request Letter	

Background: On September 8, 2014, Council reviewed a request from Pidherney's regarding an approved but undeveloped gravel pit on the SW 14-39-08-W5 (a copy of the tabled agenda item is attached). The said gravel pit approved by the Subdivision and Development Appeal Board (SDAB) on April 12, 1996, as Development Permit #55/95 is viewed by administration as still being valid (a copy of the Notice of Decision is attached). The applicant's request is in regard to the interpretation of Condition #1 of the Development Permit which requires the applicant to enter into a Development Agreement to address "Road Use and other Issues". Pidherney's are now ready to move forward with the development and operation of this gravel pit and would like to re-route a portion of the approved haul route through private land, which they own, via a private road that is presently used in conjunction with their existing gravel operations in the area (Fisher Pit & MPT Pit). The request is that Council accept the proposed alterations to the original haul route as being consistent with the original intent of Condition #1 of the Development Permit and that they direct staff to prepare a Development Agreement accordingly.

At the request of Council, we have obtained a legal opinion as to the interpretation of Condition #1 of the Development Permit as follows:

- Condition #1 of the approval is drafted in a rather interesting manner in that it requires the applicant to enter into a Development Agreement with the County which is standard. However, the SDAB “recommends to Council” that the Development Agreement specifically address certain issues and then goes on to define those conditions. The question is whether the issues as “recommended to Council” should be interpreted as being mandatory.
- Given the specific detail set out in Condition #1 including “no work may commence in the proposed gravel pit until the above mentioned road is upgraded.....”, the preferred interpretation is that the intention of the SDAB was that the specific issues as set out in Condition #1 be included in the Development Agreement as well as other issues as determined appropriate by Council.
- The most prudent approach would be for the applicant to apply to vary Condition #1 to reflect the new haul route and road infrastructure requirements, including a requirement that the appropriate access easement be registered on the private lands.
- In the event of a new application to vary Condition #1 of the existing Development Permit the only issue that would be open for discussion and decision is with respect to varying the condition. The application is not for a new Development permit. The issue of the Development Permit was already decided and the Development Permit would remain with the original conditions.

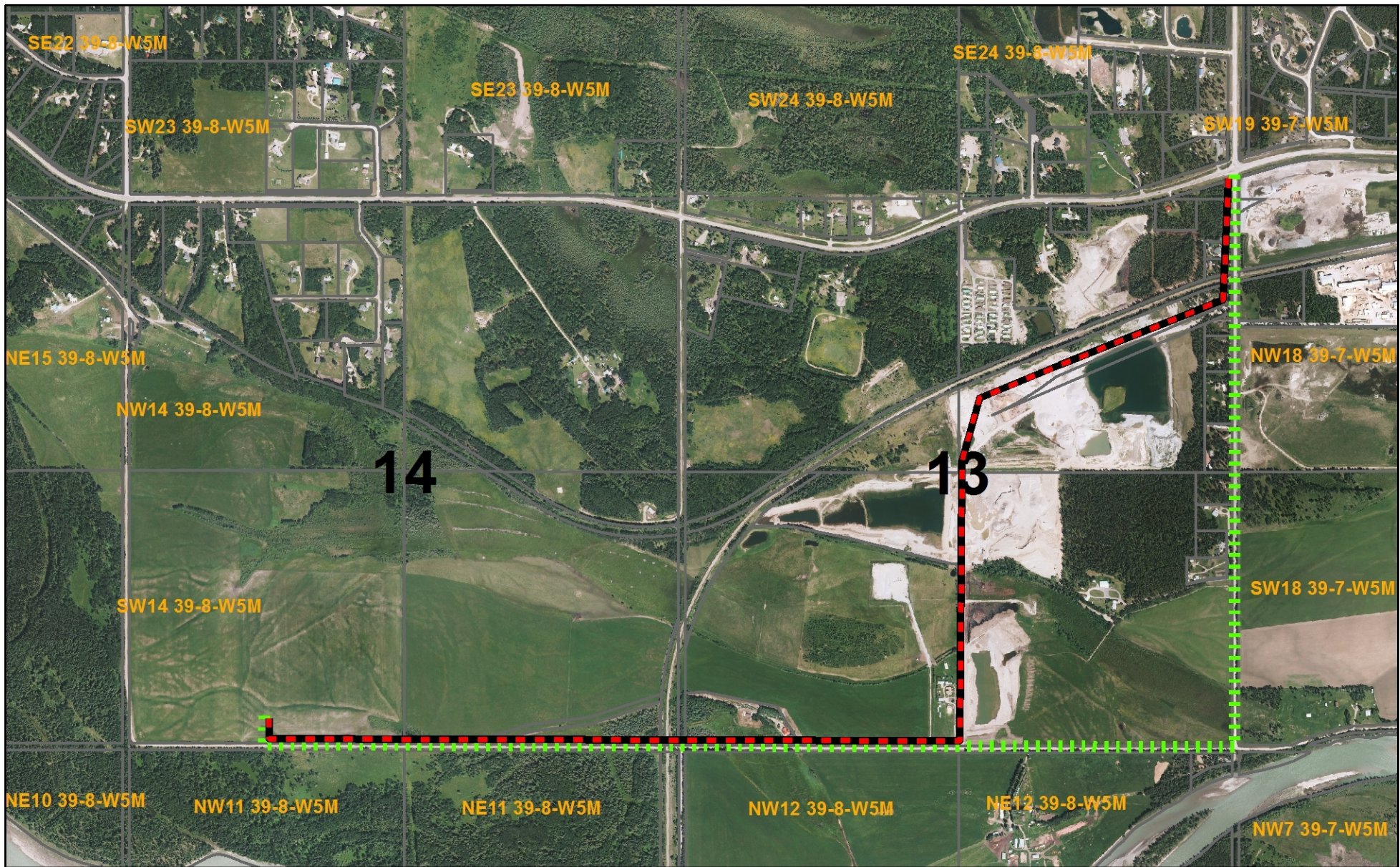
Should Council feel comfortable with this interpretation, they may direct administration to request that the developer make application to the Municipal Planning Commission (MPC) to vary condition #1 of the Development Permit to accommodate the proposed alterations to the haul route.

Planning Administration:

Upon review of the situation and the legal interpretation provided, planning administration feels that an argument can be made that the partial re-routing of the haul route being requested by the applicant can be viewed as meeting the general intent of Condition #1 of the Development Permit. It is our opinion that the general intent of the said condition was to provide safe transportation of materials from this gravel pit in an easterly direction from the south boundary of the property and then north to connect with Highway 11A in a manner that has the least impact on existing landowners. It is also our opinion that diverting a portion of the haul route through private land will substantially reduce the impact of the gravel pit on a number of property owners along the original haul route and still meet the general intent of the chosen route.

It is important to note that Condition #1 also states that the municipal road located west of the proposed gravel pit is not to be used as a haul route by traffic associated with this development. Utilization of this road in a northerly direction would have moved equipment and materials from this gravel pit through the middle of the Ferrier-Garth country residential area, affecting many more landowners. The proposed re-routing of the haul route as being requested by Pidherney's does not compromise the intent of the SDAB's decision to prevent the movement of pit associated traffic north and then east through a large concentration of country residential parcels.

Should Council be comfortable with this interpretation, they could then direct administration to prepare a Development Agreement in accordance with the general intent of Condition #1 that would include the requested alterations to the hauls route.



- - - - - Original Route
- - - - - Proposed New Route

Proposed Route to
S.W. 14-39-8 W5
Gravel Pit Development





Agenda Item

Project: Development Request	
Presentation Date: September 8, 2014	
Department: Public Works	Author: Erik Hansen/ Marshall Morton
Budget Implication: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Funded by Dept. <input type="checkbox"/> Reallocation	
Strategic Area: Infrastructure & Asset Management	Goal: To effectively manage the financial and physical assets of the County in order to support the growth and development of the County while obtaining maximum value from County owned infrastructure and structures.
Legislative Direction: <input checked="" type="checkbox"/> None <input type="checkbox"/> Provincial Legislation (cite) _____ <input type="checkbox"/> County Bylaw or Policy (cite) ____	
Recommendation: That Council review the information provided and approve the applicants requests as provided in the agenda	
Attachments List: Notice of Decision, Air Photo, Applicant Request Letter	

Background: Clearwater County has received a request from Pidherney's regarding an undeveloped gravel pit located on the SW 14- 39- 8- W5M. The request is a product of a Subdivision and Development Appeal Board decision dated April 12, 1996. A meeting was held August 28, 2014 between staff and Pidherney's representatives to discuss the conditions laid out by the Appeal Board. The notice of decision has been attached for your review.

See Attached

- 1) Part of Condition #1 states **“Requirement for the Applicant to enter into a development Agreement to address Road Use and Other Issues. The applicant shall be required to enter into a Development Agreement with the Council of the Municipal District of Clearwater prior to proceeding with the proposed development.”**

Typically a development agreement would be required between Clearwater County and the Applicant, not Council. The Administration requests that the agreement be drafted between the Applicant and Clearwater County with the appropriate department administering the agreement.

- 2) Regarding the road upgrades; Part of Condition #1 states –**“No work may commence in the proposed gravel pit until the above mentioned road is upgraded to include a 26 foot top and an 18” clay cap and any other requirement deemed necessary by the Council.”**

Due to the existing road structure in the area the applicant is proposing to reconstruct the effected roadway to Municipal Standard including a 26’ road top, an 200mm structure of 2” crushed gravel capped with a 100mm structure of ¾ “ crushed gravel. It is Public Works opinion that the proposed structure exceeds the requirement of the Appeal Boards’ condition.

- 3) Further to Condition #1 the road upgrades included the entirety of the original haul route.” **All that portion of the developed municipal road lying south of the subject lands, from the proposed point of access into the pit, proceeding in an easterly direction approximately 1.5 to 2 miles and then north on the developed road which lies east of SE 13- 39-8 W5M to Hwy 11A. Particular attention should be paid to the upgrade of the Garth Cemetery Hill considering site lines, private driveways and access to the cemetery.**

-application of dust control and maintenance the same

-the placement and erection of signage;

-all road repair and maintenance beyond normal will be charged to the developer;

Any other issues determined by Council.”

The applicant has proposed utilizing only a portion of the original haul route. This route would include an access from approximately the mid- point of the south side of SW 14 -39- 8 W5M, proceeding east approximately 1.5 miles then accessing north into the SE 13- 39- 8 W5M. The haul route would continue on private property accessing onto the Range Road 8-0 utilizing the existing M.P.T. Gravel Pit access then continue north to Hwy 11A. Public Works agrees that this revised haul route is preferable to the existing haul route.

Condition #2 –**“The Board further recommends that the Municipal District Council reduce, by bylaw, the posted speed limit on the haul route to 60Km /hour.”**

If Council grants the applicant permission to utilize and upgrade the revised haul route only, the applicant has requested that this portion of the condition be waived as the haul route will have a design speed of 90Km /hour posted at 80Km. It is Public Works opinion that the reduced speed limit was to assist in mitigating the concerns for the north /south portion of the original haul route and recommend leaving the posted speed limit of 80Km for the revised haul route.

SUBDIVISION AND DEVELOPMENT APPEAL BOARD
MUNICIPAL DISTRICT OF CLEARWATER NO. 99
NOTICE OF DECISION

HEARING DATE: March 28, 1996

DECISION DATE: April 12, 1996

BEFORE:

Russell King, Chairman
Tom Clark, Member
Pat Alexander, Member
Dwight Oliver, Member

SECRETARY: Brian Irmien

DEVELOPMENT OFFICER: Keith McCrae
MANAGER ASSESS/DEV: Neil Cameron

APPEAL:

The Subdivision and Development Appeal Board for the Municipal District of Clearwater convened to hear representations and appeals against a February 28, 1996 decision of the Municipal District of Clearwater Municipal Planning Commission, to conditionally approve development permit 55/95, for Stewart Woollard on behalf of 496000 Alberta Ltd., on the South West of Section 14, Township 39, Range 8, West of the Fifth Meridian for the development and operation of a gravel pit.

SUMMARY OF HEARING

The Secretary introduced the Board members and officials present. He asked if any Board member was aware of any reason that he should disqualify himself, and he asked if anyone present had any concerns with any of the Board members hearing the case. No conflicts were declared by the Board members nor were any objections raised from others present

The Secretary read the letters of appeal in the order they were received:

Floyd Schamber;
Shirely Leavitt;
Stewart Woollard on behalf of 496000 Alberta Ltd.;
Bill and Wilma Tensen;
Normand Landry.

It was noted that all appeals, except the Woollard appeal (who was also representing the applicant), were against the approval of the development permit. The Woollard appeal was against condition number three of the development permit that restricted hours of operation.

The Chairman then outlined the hearing procedure and asked if there were any objections to the procedures as outlined. There being none, the Chairman asked for the Development Officers report.

The Development Officer reported that the Municipal Planning Commission (M.P.C.) had conditionally approved a development permit for the operation and development of a gravel pit on the subject property. He presented background and reasons for the M.P.C.'s decision. He reported that the M.P.C. considered the development as a discretionary use in the Land Use By-law. Policies of the General Municipal Plan directed that the municipality protect gravel deposits and good agricultural lands, and the Ferrier-Garth Area Structure Plan directed that the subject lands be retained for agricultural purposes. Considering Environmental Protection's permitting and reclamation requirements, the issuance of the development permit, in the opinion of the M.P.C., complied with municipal policy and land use by-law.

Appellants and others opposed to the development were given an opportunity to present their views:

- the condition of the road and railway underpass is not able to handle the additional truck traffic safely, considering the variety of traffic (recreational, tourist, school bus, etc.);
- concern with noise from crushing operations and truck brakes;
- an upgraded road may not be satisfactory to residents;
- dust from trucks along the haul route;
- reduce property values;
- reclamation of quarried area;
- water concerns (on site and off site) and potential pollution of same;
- reduction in quality of life for area residents;
- quality agricultural lands will be lost;
- other gravel sites are available;
- the Farrier-Garth Area Structure Plan directs that only agricultural operations be permitted not gravel pit operations;
- concerns with road development at the Garth Cemetery and hill;
- concerns with continued operations at the existing pit.

The following individuals made presentations to the Board, in opposition to the development: Floyd Chamber, Bill Tensen, Normand Landry, Alf Morrish, Reo Van Maarion, Tom Stewart, Rena Stewart, Fred Fisher, Randy Hill, Carol Kraft, Mel Kraft, Marlene Tulloch, and Janice Van Maarion.

The Board then heard from Stuart Woollard as an appellant and as the applicant. In support of his appeal Mr. Woollard expressed concern that the restricted hours of operation may impact the ability of the applicant to service his clients during off hours. The type of industry they serve can require material at any time. He suggested that the Board consider a condition similar to that which was placed on the Fred Fisher pit that allowed the M.D. to restrict the hours operation if required. Alternatively he suggested the M.D. Council could consider a by-law restricting all gravel pits similarly. Regarding the application itself, Mr. Woollard submitted:

- that the M.P.C. had properly interpreted and applied the policies and by-laws of the municipality and issued a permit;

- that the road use issues would be addressed in the developer's agreement negotiated with the M.D. Council;
- a report was prepared by a qualified individual stating that "the development of a gravel pit at this location will not endanger the quality or quantity of the groundwater supply for the surrounding area";
- the protection of the quality soils, pit reclamation and water issues would be addressed by the Department of Environmental Protection permits and licenses;
- there was no evidence presented that supports the claims that property values would decline as there are gravel pits already operating in the area;
- the type and quality of gravel the applicant requires is not readily available in the area at reasonable cost;
- the Board is obligated to comply with municipal policies and by-laws, and approve the development with reasonable conditions.

All appellants, those that spoke in opposition to the development, and the applicant, were then given an opportunity to make additional closing comments.

The hearing closed with Mr. Tom Stewart, an area resident, expressing his concern that the people should be given the opportunity to appeal the Board's decision to another local body and not necessarily the courts.

Detailed copies of the hearing minutes are available from the Secretary.

FINDINGS OF FACT

Upon hearing and considering the representations and the evidence of the parties concerned, the Board finds the facts in the matter to be as follows:

1. The Municipal Planning Commission approved the subject development with conditions;
2. The appeal notices were properly filed with the Secretary of the Subdivision and Development Appeal Board;
3. The proposed development is a discretionary use in the Land Use By-Law in the Agriculture District "A";
4. The Municipal District General Municipal Plan directs the municipality to "protect undeveloped subsurface minerals from conflicting surface land uses and to protect valuable surface resources and uses from the impacts of subsurface resource recovery".
5. The Ferrier-Garth Area Structure Plan states that "all lands in this quarter will be retained for agricultural purposes".
6. The Department of Environmental Protection has jurisdiction to issue permits and licenses regarding:
 - reclamation of gravel pit sites, and;
 - protection and use of water resources.
7. The haul road is not currently developed to a standard that could accommodate gravel truck traffic from the subject lands;
8. Operations within the old gravel pit site, currently owned and operated by the applicant, are not subject to review by the Board.
9. The Board has the discretion to either approve or refuse the application with reasons, and conditions may be attached to any approval that could deal with road issues and hours of operation, among others.

DECISION

It is the decision of the Subdivision and Development Appeal Board to deny the appeals filed by Floyd Shamber, Shirely Leavitt, Bill and Wilma Tensen and Normand Landry.

It is also the decision of the Subdivision and Development Appeal Board to deny the appeal filed by Stewart Woollard on behalf of 496000 Alberta Ltd.

The Board further directs that development permit 55/95 be upheld and the conditions be amended to read as follows:

CONDITION #1 - Requirement for the Applicant to enter into a Development Agreement to address Road Use and other issues

The applicant shall be required to enter into a Development Agreement with the Council of the Municipal District of Clearwater prior to proceeding with the proposed development. The Subdivision and Development Appeal Board recommends to Council that the said agreement specifically deal with the following road use issues:

- All vehicular traffic over one ton, to and from the proposed pit, shall be through the developed municipal road allowance along the south boundary of the subject lands in an easterly direction to the developed municipal road allowance located on the east side of SE 13, 39-8-W5 then north to Highway 11A. The developed municipal road along the west side of the subject land is not to be used as a haul route by traffic associated with this development.
- No work may commence in the proposed gravel pit until the above mentioned road is upgraded to include a 26 foot top and an 18 inch clay cap and any other requirement deemed necessary by the Council. The portion of road to be upgraded is described as follows;

All that portion of the developed municipal road lying south of the subject lands, from the proposed point of access into the pit, proceeding in an easterly direction approximately 1.5 to 2 miles and then north on the developed municipal road which lies east of S.E. 13, 39-8-W5 to Highway 11A. Particular attention should be paid to the upgrade of the Garth Cemetery Hill considering site lines, private driveways and access to the cemetery;

- application of dust control and maintenance of same;
- the placement and erection of signage;

- all road repair and maintenance beyond normal will be charged to the developer;
- any other issues determined by Council.

CONDITION #2 - Access/Egress

Access to the proposed gravel pit development will be through one approach off the developed municipal road lying south of the subject lands and constructed to municipal standards. The determination of the precise location and standards for the approach will be a matter of agreement between the Municipal District Council and the developer, and will be an item included in the Development Agreement referred in Condition #1.

The Board recommends to Council that the Development Agreement include provisions that permit the approach to be moved as mining operations move across the quarter to ensure that the access location is as close as possible to stockpiles and mining operations. Consideration may be included in the Development Agreement for the placement of an agricultural use only approach on the west side of the subject.

The Board further recommends that the Municipal District Council reduce, by by-law, the posted speed limit on the haul route to 60 kilometers per hour.

CONDITION #3 - Limitations to Hours and Days of Operation

The hours of operation shall be restricted to between 7:00 a.m. and 6:00 p.m. daily.

The days of operation shall be restricted to Monday through Friday.

No operations shall be conducted on weekends and statutory holidays. In this regard, routine maintenance of equipment is herein deemed to be an acceptable operation subject to the applicant conducting said maintenance in a responsible manner. The Municipality reserves the right to investigate any complaints received and impose further restrictions which are deemed to be justifiable.

The Board also directs that the developer investigate and implement appropriate noise attenuation techniques and facilities, in the operation of the gravel pit. The techniques and facilities proposed by the developer will be approved by the Municipal District Council and included in the Development Agreement referred to in Condition #1. In this regard the Board recommends that top soil storage piles be located north of pit operations and shaped in such a manner to assist in the reduction of noise levels in the area residential subdivision.

CONDITION #4 - Subject to the issuance of Conservation and Reclamation Approval

The issuance of this development permit shall be subject to the Applicant, 496000 Alberta Ltd., providing the Municipality with satisfactory proof that approval has been granted by Alberta Environmental Protection for the proposed gravel pit. No activity, related to gravel mining, other than that considered to constitute testing, shall be conducted without said approval in place. Failure of the Applicant to receive the approval of Alberta Environmental Protection shall render this permit null and void.

The Board further recommends that the Municipal District communicate with Alberta Environmental Protection to express its desire, that as a condition of any approved mining or reclamation plan, that no top soil be sold or removed from the subject lands.

REASONS

The subject property is designated Agriculture District "A" under the Land Use By-Law, wherein a gravel pit is listed as a discretionary use. A discretionary use is defined as a use provided for in the Land Use By-Law which may be compatible with other uses in the District, and, for which a development permit may be issued upon an application having been made.

The Municipal District of Clearwater General Municipal Plan (GMP) directs the municipality to "protect undeveloped subsurface minerals from conflicting surface land uses and to protect valuable surface resources and uses from the impacts of subsurface resource recovery".

The subject property is contained within the Ferrier-Garth Area Structure Plan (FGASP) which states that "all lands in this quarter will be retained for agricultural purposes".

The Board is of the opinion that the use of a 72 acre portion of the subject lands as gravel pit is temporary in nature, with only 10 to 15 acres in operation at any one time, and with an estimated life span of 7 to 10 years. The issuance of Conservation and Reclamation Approval by Alberta Environmental Protection will call for the ongoing reclamation of mined areas. The long term use of this land for agricultural purposes is therefore being preserved.

The Board is of the opinion that the proposed use is compatible with the policies contained within the General Municipal Plan and the Ferrier-Garth Area Structure Plan and ongoing agricultural uses on the subject quarter and in the near vicinity. The Board is satisfied that activities impacting water quality and quantities, on site and off site, will be subject to permit approvals, inspection and enforcement of Alberta Environmental Protection.

The Board agreed with those opposing the approval of the development permit, that the proposed haul route is currently not satisfactory. However, the Board is of the opinion that all issues related to the hauling of gravel, the upgrading and the maintenance of the haul route, and safety, can be adequately addressed in the Development Agreement and by reducing the speed on the haul route to 60 kilometers per hour.

The Board accepts also, that there will be impacts associated with this development, as can be argued with any development. However, the Board was given no tangible evidence that the development, in addition to gravel pits already operating in the area, would significantly impact the value of area properties or that it would significantly impact the quality of anyone's living environment. Including conditions that addresses the hours of operation, noise attenuation, and road development and maintenance, will assist in alleviating disruptive aspects of the gravel pit operations.

The Board did not accept Mr. Woollard's suggestion that hours of operation should be the same for all gravel pit operations. The Board considers that differing conditions, and the type and amount area development, justify a variety of restrictions.

Keith McCrae

From: Dave McLaughlin <dave.m@pidherneys.com>
Sent: September-02-14 3:54 PM
To: Erik Hansen
Cc: Charlie Macdonald
Subject: Pit development request

Marshall and Eric thanks for meeting with us today , Pidherneys would like to present the following to the Clearwater County Council in regards to our Development permit No.55/95 at the next council meeting September 8th 2014

1. Pidherneys will only need to utilize 2.0 km of road from the S.W 14-39-8-W5 going in an easterly direction from the pit along the south boundary of lands to the SE of 13-39-8 W5. Pidherneys plans on utilizing this 2.0 km to haul material from one quarter to the other, therefore bypassing the south and east side of SE 13-39-8 W5. By not developing the east side of this quarter we will not be effecting any residence going north next to the quarter towards Highway 11 A as we will not be hauling along here.
2. Pidherneys will develop the 2.0 km of road with a 26ft road top and developed to Clearwater County standards.
3. Pidherneys will upgrade the existing access to the quarter (SW14-39-8W5) this will be the only access constructed.
4. Pidherneys requests to construct a top structure of 200mm of 2"crush and 100mm of ¾ crush for a total granular structure of 300mm instead of 18" of claythat is in the agreement.
5. Pidherneys proposes that the county speed limit stays at the current speed limit of 80km .
6. Pidherneys will provide dust control for the entire 2.0 km by using magnesium dust control and maintaining it.
7. Pidherneys will obtain all the necessary utility crossing agreements to construct the 2.0km of road.

Dave McLaughlin | Earthworks Construction Manager | Pidherney's Head Office

M: 403.845.3072 | C: 403.322.0178 | D: 403. 845.8552 | F: 403.845.5370 | TF: 1.800.558.9033

E: dave.m@pidherneys.com | W: www.pidherneys.com

Box 940, Rocky Mountain House AB T4T 1A7

Location: Range Road 70 and Highway 11, Rocky Mountain House AB



We are what we repeatedly do.

Excellence, therefore, is not an act but a habit

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Dave McLaughlin | Earthworks Manager | Pidherney's Head Office

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Agenda Item

Project: Asphalt Overlay 2015 Tender Award	
Presentation Date: November 12, 2014	
Department: Public Works	Author: Erik Hansen/Marshall Morton
Budget Implication: <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Funded by Dept. <input type="checkbox"/> Reallocation	
Strategic Area: Infrastructure	Goal: Protection of the investment of the current surfaced infrastructure and existing bridge inventory is a high priority with a view to developing existing surfaced roads to a ban free standard.
Legislative Direction: <input checked="" type="checkbox"/> None <input type="checkbox"/> Provincial Legislation (cite) _____ <input type="checkbox"/> County Bylaw or Policy (cite) _____	
Recommendation: That Council reviews this information and approves awarding the 2015 Asphalt Overlay Tender to Lahrmann Construction Inc.	

Background:

The Administration has tendered the proposed 2015 Asphalt Overlay program. This program includes re-surfacing, side slope improvement and other work for six major projects. They include **Crimson Lake Access Road** From: Hwy 756 To: 1.62Km west, **Everdell Road** From: Hwy 752 To: Prairie Creek Road- 11.10Km, **Ferrier Acres Road** From: Old Hwy 11A To: 0.8Km north, **Historical Site Access Road** From: Historic Site To: Hwy 11A - 0.7Km, **Old Hwy 11A** From: Hwy 11A To: west 5.2Km, **Golf Course Road** From Hwy 11A To: Golf Course- 1.5Km.

A Tender Opening was held on October 30, 2014 at 2:00 p.m. for the work outlined above. We received 6 bids, with **Lahrmann Construction Inc.** being the low valid bidder. The cost for this project came in **\$521,333.00** over the engineers estimated amount of **\$3,704,402.00**.

The price increase can be attributed in part to higher than expected oil prices utilized in making asphalt and the anticipated increase of paving projects forecasted for

2015. Although the tender amount is over the engineers estimate it is still under the \$5,009,000 that we identified in budget for 2015.

The following is a summary of the bid prices received:

Lahrman Construction Inc.	\$3,798,462.00
Sandstar Construction Ltd	\$3,924,960.00
Central City Asphalt Ltd.	\$3,940,896.34
South Rock Ltd.	\$3,954,500.00
Border Paving Ltd.	\$4,072,859.00
E. Construction Ltd.	\$4,529,817.62

Lahrman Construction Inc.	<u>Tender Pricing.</u>	<u>Estimated Amount</u>
Construction (less Site occ.)	\$3,664,962.00	\$3,207,000.00
5 % Contingency	\$ 183,248.00	\$ 160,350.00
Potential Site Occ. Bonus	\$ 22,500.00	\$ 22,500.00
Potential EPS Bonus	\$ 90,044.00	\$ 90,044.00
Engineering	\$ 264,981.00	\$ 224,508.00
Total	\$4,225,735.00	\$3,704,402.00



Agenda Item

Project: Range Road 5-3A Access Road / Delegation	
Presentation Date: November 12, 2014	
Department: Public Works	Author: Erik Hansen/ Marshall Morton
Budget Implication: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Funded by Dept. <input type="checkbox"/> Reallocation	
Strategic Area: Infrastructure & Asset Management	Goal: To effectively manage the financial and physical assets of the County in order to support the growth and development of the County while obtaining maximum value from County owned infrastructure and structures.
Legislative Direction: <input type="checkbox"/> None <input type="checkbox"/> Provincial Legislation (cite) _____ <input checked="" type="checkbox"/> County Policy - <u>Isolated Access Roads on Right-of- Way Policy</u>	
Recommendation: That Council reviews the information provided and endorse the current condition of Range Road 5-3A as an Isolated Access Road on Right- of- Way.	
Attachments List: Air Photo, Kevin Leitch Letter, Isolated Access Roads Policy	

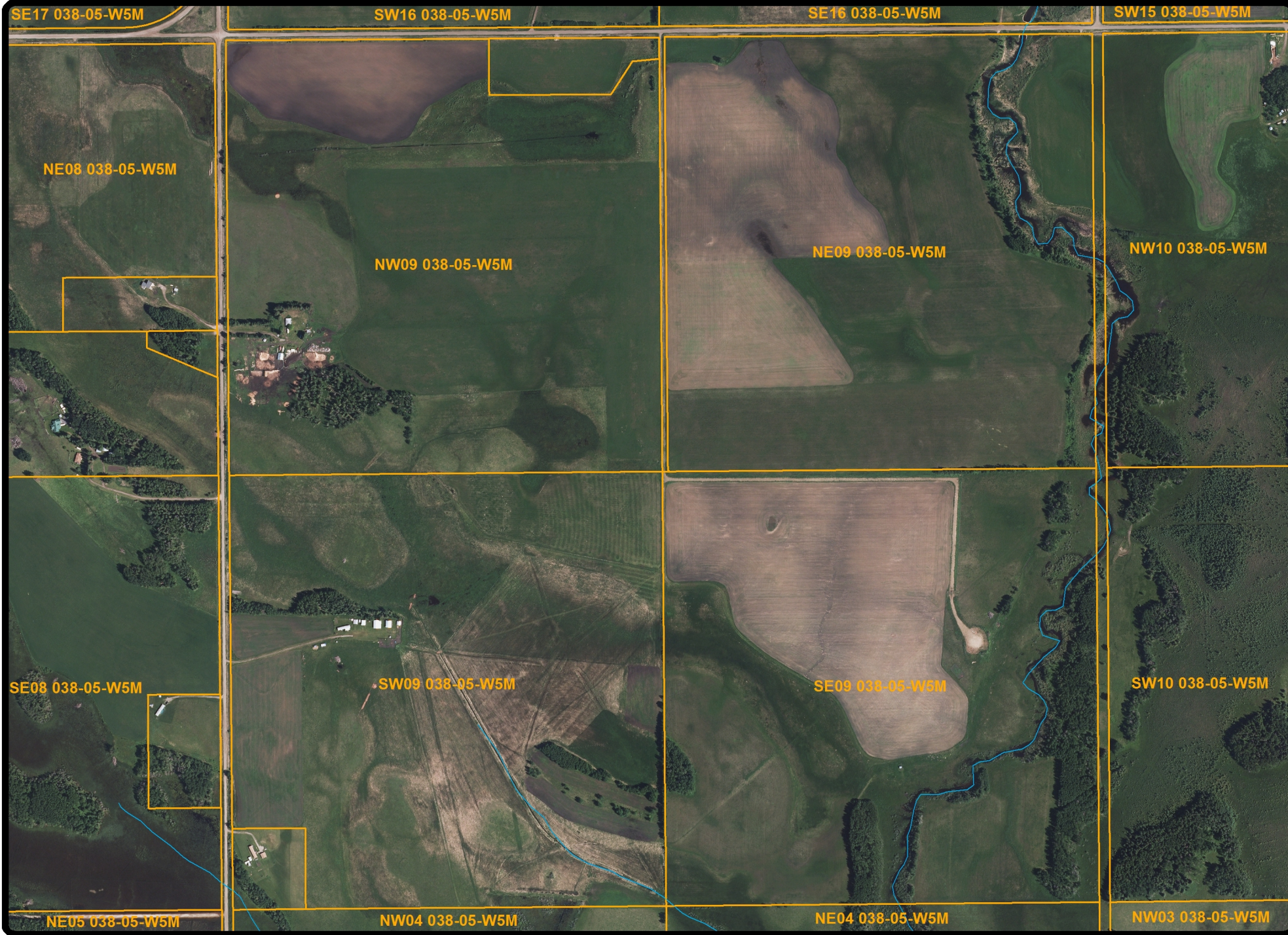
Background: Kevin and Amy Leitch are the registered owners of the SE 9 – 38- 5 W5M. This property is currently accessed by a forced road (RR 5-3A) which proceeds south of Township Road 38-2 for approximately 800m. The forced road plan was registered in 1968 as a 33ft (10M) right-of- way. It is speculated that this forced road was created to provide access to the SE 9 -38-5 W5M as Horse Guard Creek hindered economical access to the property from Range Road 5-3.

Clearwater County does not currently maintain this road as a public roadway and the Administration currently categorizes this road as an Isolated Access Road or an Unimproved Road on a municipal road allowance. Paragraph 10 of the Isolated Access Road Policy states “The Maintenance of Isolated Access Roads will be the sole responsibility and cost of the applicants.(e.g.: grading, snow removal, graveling etc.)”.

In June of 2013 a development permit was issued to Kevin and Amy Leitch where a note to the applicant stated “Access is via an unimproved forced road (range Road 5-3a). In Accordance with Public Works policy, this road will therefore not be maintained by the County.”

Mr. Leitch has requested the opportunity to discuss the ownership and maintenance responsibility of the described road with Council.

See Attached



Sec 9-38-5 W5



Clearwater County...

In regards to RR 5-3a and Twp-rd 38-2

I am looking for clarification on the ownership of this road.

It is my understanding, after having conversation with Marshal Morton that if this is a county road then in order for them to maintain it. The road would have to be brought up to a county standard. If it is owned by the county that they would put it into their future budget and have the road upgraded.

In the meantime if this road is proven to be a county road I would like to see snow fence put up on the west side of the road.

Also when the township road was rebuilt two years ago the approach into RR5-3a was not graveled. This is something that should have been taken care of when the road was finished. When talking to Marshal he had no problem doing that if it was something that was overlooked.

This Range Road 5-3a has some poor areas on it, if this is a county road I would like to see some gravel put on the road until it is upgraded. It would make it much safer and easier to travel on.

Thanks... Kevin Leitch



Clearwater County

ISOLATED ACCESS ROADS ON RIGHT-OF-WAY

EFFECTIVE DATE: June 1999

Revised: May 8, 2012

SECTION: Public Works

POLICY STATEMENT:

The purpose of this policy is to outline the specifications and considerations required by the Municipality on Isolated Access roads that are to be constructed to a reduced Municipal standard and built on public right-of-way. The primary use of this type of road is to achieve economical physical access to a single parcel in isolated locations with the potential of very limited traffic volumes or where the intended use is not necessarily a benefit to the public as a whole.

PROCEDURE:

All reduced standard access roads must comply with the following specifications.

1. The maximum grade that would be allowed on a reduced standard road will be 14%.
2. In fill sections that exceed 2m's the Municipality requires that the applicants ensure that the road has sufficient sideslopes or guardrails as determined by the Director of Public Works or his designate.
3. In areas where Vertical and Horizontal sight lines are less than 200m's the applicants will be expected to increase the width of road to a minimum of 7.3m(24feet) driving surface to accommodate for two way traffic.
4. Right-of-way on most public road allowances is 20.12m's (66feet). All access roads are to be built in the center of the right-of-way unless otherwise approved by the Director of Public Works or his designate.
5. Water drainage shall not be impeded by the road development. Sufficient culverts or crossings shall be installed to maintain natural drainage. If required the applicants will be responsible to obtain all Alberta Environmental Protection permits required.
6. Posted speed for Isolated Access roads will be 50KM's per hour.
7. The applicants will be responsible for supplying "Max50KM/hr" and "Isolated Access Road No Municipal Maintenance" signs at their own cost. The municipality will pass necessary by-laws to implement the 50KM/hr Maximum speed.

8. All Isolated Access Roads that enter on to an existing developed "Municipal Road" must enter at a 90 degree angle and have a minimum of 150m's of sight lines in both directions from the point where it enters the municipal road.
9. Additional construction, reclamation, erosion mitigation or brushing requirements will be determined on a site specific basis by the Director of Public Works or his designate. All costs associated will be the responsibility of the applicant.
10. The Maintenance of Isolated Access Roads will be the sole responsibility and cost of the applicants.(e.g.: grading, snow removal, graveling etc.)
11. The applicants of Isolated Access Roads cannot restrict access to public traffic in any way.
12. The sole cost of construction of these roads will be the responsibility of the applicants.
13. All applicants that apply for an Isolated Access Road will be required to sign an agreement with the Municipality acknowledging the aforementioned requirements.
14. It is the responsibility of the applicants to notify any prospective buyers of this property that the above-mentioned agreement exists.
15. The Isolated Access Road policy is intended to compliment and work in conjunction with (but is not limited to) the Clearwater County Access Road Policy, Residential Subdivision Standards Policy, Road Standards Policy, Approach Construction Guidelines Policy and the Fencing Policy.

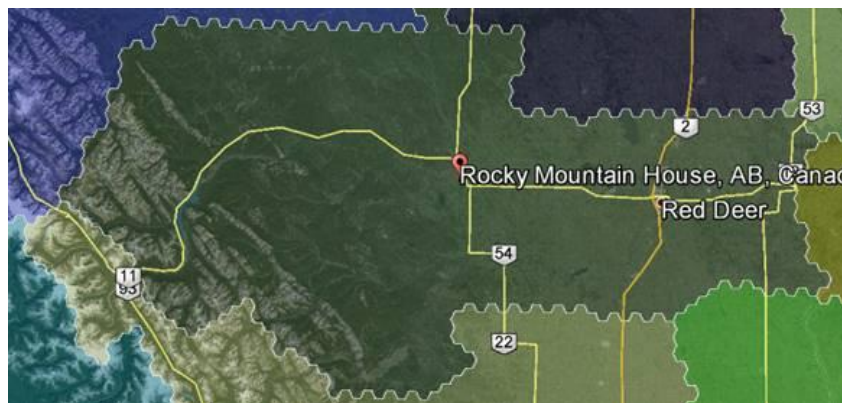


Agenda Item

Project: Broadband/Internet Access	
Presentation Date: November 12, 2014	
Department: CPS	Author: Ted Hickey
Budget Implication: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Funded by Dept. <input type="checkbox"/> Reallocation	
Strategic Area: 3. Quality of Life – To maintain and develop sustainable services, facilities and programs that encourages and supports a safe, healthy, active and vibrant community.	Goal: Goal 3: Council would like to see broader high speed Internet availability throughout most of Clearwater County.
Legislative Direction: <input type="checkbox"/> None <input type="checkbox"/> Provincial Legislation (cite) <p style="text-align: center;">Emergency Management Act Municipal Government Act</p> <input type="checkbox"/> County Bylaw or Policy (cite) _____	
Recommendation: Council approve forwarding a letter of response to Industry Canada’s proposal of reclassifying Tier 4 areas from rural to urban.	
Attachments List: <ul style="list-style-type: none">• Clearwater County Letter of Response – Industry Canada Regarding 3.5GHZ Spectrum Licensing Tier 4 Areas	

Background:

Industry Canada allocates the 3.5GHz licensed spectrum to Tier 4 areas. Alberta is divided into different Tier 4 areas based on population. Clearwater County is 4-137.





Industry Canada is planning on reclassifying some of the Tier 4 areas from rural to urban. The 4-137 Area is on the list to be reclassified from rural to urban.

The existing providers that use the 3.5GHZ spectrum will lose their license in the reclassified area. This means that XplorNet and CCI Wireless may lose their licenses in Clearwater County, effectively disconnecting any of their existing rural customers.

This is the same scenario as Parkland County. In consultation with Mr. Allan Bly, VITEL Inc. a letter of response to Industry Canada has been created for Council's consideration and approval.



November 12, 2014

Senior Director, Spectrum Development and Operations
Industry Canada
300 Slater Street (JETN, 15th)
Ottawa, ON K1A 0A5

Email: spectrum.operations@ic.gc.ca

Subject: Canada Gazette, Part I, August 19, 2014, DGSO-003-14
Consultation on Policy Changes in the 3500 MHz Band (3475-3650 MHz)
and a New Licensing Process in Rural Areas

Dear Sir/Madam:

Clearwater County believes that sustainable and scalable communications is a vital component to the development of economic and community development in our County. As a result the County has recognized that rural communications including broadband, mobility, and public safety communications is currently not meeting its full potential to meet current and forecasted growing needs within the County.

Clearwater County is strongly considering adopting a broadband, mobility, and public safety communications utility model similar to water, sewage, power, and roads. Our review and future consideration of a utility communications strategy includes the construction of CSA approved utility towers that designed to support multiple wireless providers including broadband, mobility and public safety. The County would build required tower infrastructure, contract out its operation, and lease tower space to wireless providers that deliver the "Final Mile" service to the rural resident and businesses. This strategy is forecasted to be financially sustained by collecting collocation revenue from multiple wireless providers that collocate on the utility towers.

Currently, three wireless providers have 3500MHz licenses in the County, including TELUS, CCI Wireless, and XplorNet. CCI Wireless and XplorNet are currently located on towers and provide fixed wireless services to rural residences and businesses. TELUS obtained their 10 year license in 2004 and at that time was told by Industry Canada to use the spectrum by 2014 or lose the right to use it. This is not happened and as a result wasted a valuable resource which would have used by another wireless provider to improve coverage and capacity in the County.

Clearwater County is within the Tier 4 area 4-137. The proposal in the Consultation Paper to reclassify this area as “urban” may impact the ability for current wireless providers to continue to provide fixed wireless services in Clearwater County.

We urge the Minister of Industry and Industry Canada to reject the current proposals in the Consultation Paper and, at the very minimum, to do no harm – please leave the licences in place for spectrum that is in use today providing fixed wireless services to our residents and businesses and exempt the licensees that are or may be delivering high speed fixed wireless Internet services from any requirement to depart from this spectrum.

Sincerely,

Patrick Alexander, Reeve



Agenda Item

Project: Council Christmas Greeting Advertising - 2014	
Presentation Date: November 12, 2014	
Department: Council	Author: Christine Heggart
Budget Implication: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Funded by Dept. <input type="checkbox"/> Reallocation	
Strategic Area: Governance and Intergovernmental Relations	Goal:
Legislative Direction: <input checked="" type="checkbox"/> None Provincial Legislation (cite) <input type="checkbox"/> County Bylaw or Policy (cite) _____	
Recommendation: That Council direct staff in terms of preparing and publishing Christmas Greeting advertisements on their behalf.	
<p>Background:</p> <p>In the past, Council has opted to include a Christmas greeting from Council advertisement in the Mountaineer, Western Star and Sundre Round Up. The advertisement is printed in full colour, includes a photo of Council and Christmas greeting and runs for one week in all three papers. A sample advertisement from 2013 is attached for Council's information.</p> <p>The total costs for the three Christmas Greeting advertisements in 2013 was approximately \$900.00 and costs were equally divided amongst the seven Councillors.</p> <p>Staff would like to determine Council's interest in publishing a 2014 Christmas Holiday greeting in the three papers as they have in previous years.</p>	

We Wish You A
Merry Christmas
... And A Happy
New Year!

from Clearwater County Council



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Phone 403-845-4444 | www.clearwatercounty.ca

P.O. Box 550, 4340 - 47th Avenue
Rocky Mountain House, AB T4T 1A4

PAID FOR BY COUNCIL



Agenda Item

Project: Review of DRAFT Policy “Clearwater County Vehicle & Equipment Use by Staff”	
Presentation Date: November 12, 2014	
Department: CAO	Author: Ron Leaf
Budget Implication: <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Funded by Dept. <input type="checkbox"/> Reallocation	
Strategic Area: Infrastructure & Asset Management	Goal: To effectively manage the financial and physical assets of the County in order to support the growth and development of the County while obtaining maximum value from County owned infrastructure and structures.
Legislative Direction: <input type="checkbox"/> None <input type="checkbox"/> Provincial Legislation (cite) _____ <input type="checkbox"/> County Bylaw or Policy (cite) ____	
Recommendation: That Council reviews the information provided, amend the draft policy changes if required or approve the draft policy changes as presented.	
Attachments List: Clearwater County Vehicle & Equipment Use By Staff Policy	

Background:

Clearwater County’s current policy, for vehicle use by staff does not include direction on use of equipment.

Proposed changes for the new policy include :

- Definition of terms
- Expression of requirements consistent with Health and Safety practices
- Clarification of staff eligibility to use County equipment or programs that are available to the general public
- Updating of the title for Community Peace Officers.

Typically, proposed policy changes to be removed have been ~~struck through~~ whereas items intended to be added have been identified in **Red Bold**. If Council supports the proposed draft policy changes, the policy will be brought back to the next regular Council meeting for final approval.

Clearwater County

VEHICLE & EQUIPMENT USE BY STAFF

EFFECTIVE DATE: March 8, 2011

REVISED: November 12, 2014

SECTION: Administration

POLICY STATEMENT:

~~The Council for Clearwater County will provide a municipal vehicle for staff who are required by the nature of the job to travel extensively in the Municipality. In those instances where a vehicle is not provided the Municipality will pay mileage for approved travel. The municipality will also maintain a fleet of vehicles for the use by field staff on an as required basis.~~

This policy provides direction regarding the rationale under which Clearwater County will provide vehicles and/or equipment to staff and the expectations relating to staff's use of that vehicle or equipment.

****This policy does not apply to the management and staff of the Rocky Regional Waste of Authority and Regional Fire Services, who shall be governed by their respective management committees.**

DEFINITION:

- a) **Equipment – any unlicensed motorized or non-motorized machinery, tool(s), and/or trailer(s).**
- b) **Vehicle – any licensed machine that is used to carry people or goods from one place to another.**

PROCEDURE:

General

The Council for Clearwater County will provide a municipal vehicle for staff who are required by the nature of the job to travel extensively in the Municipality. In those instances where a vehicle is not provided, the Municipality will pay mileage for approved travel. The Municipality will also maintain a fleet of vehicles for the use of field staff on an as required basis.

Care & Control

1. All County vehicles **and equipment** shall be properly maintained by the ~~Shop Mechanic~~ **Fleet Supervisor or designate**. Staff is required to cooperate with the ~~mechanic~~ **Fleet Supervisor or designate** in scheduling maintenance **and by reporting concerns with equipment operations or equipment malfunctions.**

2. Staff assigned County vehicles are responsible to ensure that all vehicles are kept in clean and presentable condition.
3. Typically, County vehicles are not to be taken outside the boundaries of the County unless in the performance of county business.
4. All incidents or near incidents involving county vehicles **or equipment** must be reported to the staff member's supervisor immediately and a completed incident report form submitted to the County **Health and Safety Advisor Coordinator**. The supervisor and/or **Health and Safety Advisor Coordinator** is to take appropriate action which may include the preparation of an accident report for insurance purposes, or any other action which would minimize the possibility of future accidents.
5. Unless authorized by this policy, staff are not to take vehicles home.
6. Staff must exercise extreme care in the use of the County vehicles to maintain safe operation and to ensure that a professional image is displayed at all times.
7. Limited personal use of the County vehicles (e.g. stopping at a grocery store on the way home) is permitted providing that this use does not require extra travel or cause any disruption to operations. **Personal use by staff of County equipment is not permitted unless the equipment is available through a County loan or rental program to members of the general public (e.g. spray equipment, skunk traps, etc.) Similarly, this policy does not preclude County employees from participating in municipal services or programs, such as contract spraying.**
8. Prior to hiring any new staff that are required to drive County vehicles; the person in charge of the hiring will check the prospective employee's driving records. An abstract may be requested at any time by management at management's discretion.
9. The ~~Special Constables~~ **Community Peace Officers**, Department Directors and Assistant Managers, Agricultural Services **& Landcare** Supervisor, Public Works Supervisors and Foremen will be permitted to take their vehicles home, provided the staff member resides within Clearwater County, the Village of Caroline or the Town of Rocky Mountain House. This practice recognizes that these staff may be called to work at unusual hours and that it is advantageous for staff to travel directly to the job site rather than going to the County office first.
10. In cases where a staff member is on call or it can be demonstrated that taking the vehicle home is advantageous to the operations of the County other staff may be temporarily permitted to take a County vehicle home by the Department Director or the Chief Administrative Officer.
11. During vacation time or any other time when the employee is off work for extended periods, the vehicle must be parked in the Clearwater County (Rocky) Public Works Yard and the keys left with the ~~Shop mechanic or his staff~~ **Fleet Supervisor or designate**.

Vehicle Identification & Color

1. The Clearwater County logo shall be prominently displayed **on vehicles** so as to be visible to the general public.
 2. ~~Every licensed vehicle owned by Clearwater County will be decaled.~~
2. Vehicle decals will be placed prominently on the side doors of the unit(s) in a manner that will be easily visible to the general public. Manager units will have the decals

prominently placed on the side rear window of the extend-a-cab or SUV, in a manner so as not to impede the visibility of the driver.

3. Any County vehicle purchased new, shall be purchased in the County color, red.
4. Any County vehicle purchased used, will remain in its existing color.
5. Provincial standards regarding decaling and colour for Community Peace Officer vehicles or other emergency vehicles (e.g. County fire apparatus) takes precedence over the provisions of this policy.

Implementation

1. All staff are expected to conform with this Policy and the associated policies. Any deviation from the Policy requires the prior approval of the Chief Administrative Officer.

DRAFT