

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF LETHBRIDGE COUNTY HELD FEBRUARY 5, 2015 IN THE COUNTY ADMINISTRATIVE OFFICE, LETHBRIDGE, ALBERTA.**

**PRESENT:**

Division No. 1	- L. Hickey, Reeve (present at 11:00 a.m.)
Division No. 3	- H. Doeve, Deputy Reeve
Division No. 2	- J. Willms
Division No. 4	- K. Benson
Division No. 5	- S. Campbell
Division No. 6	- T. White
Division No. 7	- M. Zeinstra

**ADMINISTRATION PRESENT:**

Chief Administrative Officer	- R. Robinson
Director of Corporate Services	- T. Anderson
Director of Municipal Services	- K. Viergutz
Director of Community Services	- L. Randle
Recording Secretary	- L. Megella

**DEPUTY REEVE HENRY DOEVE IN THE CHAIR**

**CALL TO ORDER** Deputy Reeve Doeve called the meeting to order at 10:04 a.m.

**AMENDMENTS TO THE AGENDA**

Rick Robinson, Chief Administrative Officer and members of Council made the following additions and deletions to the February 5, 2015 agenda.

- F2. 2015 Bank of Montreal Farm Family Awards Program
- I3. Birds of Prey Foundation Re: Letter of Support - Watershed Resiliency & Restoration Program
- I4. Ag Expo – February 25 to 28, 2015, Exhibition Park
- J1. Land Matter

25/15 K. BENSON MOVED that Council approve the agenda as amended.  
CARRIED

**IN-CAMERA** **J1. Land Matter**

26/15 T. WHITE MOVED that County Council go In-Camera at 10:05 a.m.  
CARRIED

27/15 M. ZEINSTRA MOVED that County Council come out of In-Camera at 10:15 a.m.  
CARRIED

**MUNICIPAL SERVICES**

**F2. 2015 Bank of Montreal Farm Family Awards Program**

Note: S. Ashbee, Sunny South News present at 10:28 a.m.

28/15 M. ZEINSTRA MOVED that County Council nominates three farm families, in order of preference, to be contacted by the Agricultural Fieldman for acceptance of the 2015 Bank of Montreal Farm Family Award.  
CARRIED

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Reeve

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Chief Administrative Officer

**CONFIRMATION** **B1. Confirmation of Minutes**

29/15 M. ZEINSTRÄ MOVED that the January 15, 2015 Council Minutes be approved as presented. CARRIED

**APPOINTMENTS** **E1. HL Col. Wayne Petersen, 20<sup>th</sup> Independent Battery RCA Re: Lethbridge Military Museum**

Deputy Reeve Doeve welcomed HL Col. Wayne Petersen, 20<sup>th</sup> Independent Battery RCA to the meeting at 10:30 a.m.

HL Col. Petersen provided Council with a presentation concerning the Lethbridge Military Museum and requested grant funding. Col. Petersen extended Council an invitation to visit the Museum.

Deputy Reeve Doeve thanked Col. Petersen for attending the Council meeting. Col. Petersen retired at 10:59 a.m.

30/15 K. BENSON MOVED that County Council receive the presentation by HL Col. Wayne Petersen, 20<sup>th</sup> Independent Field Battery, RCA regarding the Lethbridge Military Museum for information and further that the 20<sup>th</sup> Independent Field Battery be invited to apply for the Land Trust Reserve Funds through Lethbridge County. CARRIED

Note: L. Hickey present at 11:00 a.m.

Deputy Reeve Doeve recessed the meeting at 11:01 a.m.  
The meeting reconvened at 11:06 a.m.

**E2. S.D. Application #2014-163 – Banman – NW ¼ 16-11-23-W4**

31/15 M. ZEINSTRÄ MOVED that the country residential subdivision of NW1/4 16-11-23-W4M (Certificate of Title No. 141 059 201), to subdivide out a 3.00 acre (1.21 ha) parcel from a previously unsubdivided quarter section of 159.03 acres (64.36 ha), for country residential use; BE APPROVED subject to the following:

**CONDITIONS:**

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to Lethbridge County.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into a Development Agreement with Lethbridge County which shall be registered concurrently with the final plan against the title(s) being created.
3. That the applicant has a professional soils analysis with depth to ground water test done at their expense by an accredited agency or engineer to ensure that the soil characteristics are capable of supporting a septic field. Analyses of the test must be performed and verified by an approved agency under Alberta Labour, with a copy of the report submitted and deemed acceptable to the Subdivision Authority.
4. That the conditions of Alberta Transportation are met, including the provision of a 30 metre service road perpendicular to and across the highway frontage of the parcel, which may be by caveat, prior to finalization.

**REASONS:**


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Reeve

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Chief Administrative Officer

1. The proposed parcel is the first subdivision from the quarter section and with the conditions imposed is determined to be suitable for the intended purpose.
2. Alberta Transportation has no concerns with the proposal provided the applicant provides a 30 metre service road by caveat which has been dealt with as a condition of approval.
3. The proposed subdivision complies with both the Municipal Development Plan and Land Use Bylaw. CARRIED

**E3. S.D. Application #2014-173 – Quinn/White Lake Colony - S ¼ 16-10-24-W4**

- 32/15 L. HICKEY
- MOVED that the specialty agricultural/country residential subdivision of S1/4 16-10-24-W4M (Certificate of Title No. 031 108 189, 891 152 364), to subdivide portions of two titles cut-off by the railway line, consisting of 46.76 and 2.70 acres (18.92 ha) respectively, and consolidating them together to create a new 49.46 acre (20.02 ha) title for specialty agricultural/country residential use; BE APPROVED subject to the following:
- CONDITIONS:**
1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to Lethbridge County.
  2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into a Development Agreement with Lethbridge County which shall be registered concurrently with the final plan against the title(s) being created.
  3. That the applicant submits a plan as prepared by an Alberta Land Surveyor that certifies the exact location and dimensions of the parcel being subdivided. The smaller 2.70 acre portion in the SW 16-10-24-W4 shall be consolidated to the adjacent 46.76 acre portion in the SE 16-10-24-W4 by a Surveyor in a manner such that the title cannot be re-subdivided without approval by the Subdivision Authority.
- REASONS:**
1. The proposed subdivision complies with both the Municipal Development Plan and Land Use Bylaw.
  2. The Subdivision Approval Authority of Lethbridge County has determined the railway line is a significant physical barrier that is present. The proposal complies with the Land Use Bylaw as the proposed subdivision conforms to the bylaw definition of a cut-off (fragmented) parcel.
  3. CP Rail has no objections to the subdivision application and the Subdivision Authority is satisfied that the proposed subdivision is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation. CARRIED

**MUNICIPAL SERVICES**

**F1. Policy 314 – Dust Control**

- 33/15 T. WHITE
- MOVED that Council approve Policy 314 – Dust Control as amended. CARRIED

**APPOINTMENT**

**E4. S.D. Application #2014-174 Kolk/Postman – SE ¼ 32-10-23-W4**

- 34/15 T. WHITE
- MOVED that the country residential subdivision of SE1/4 32-10-23-W4M (Certificate of Title No. 091 218 805), to subdivide 12.44 acres (5.03 ha) of land from a previously subdivided

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Reeve

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Chief Administrative Officer

quarter section and consolidate it to the adjacent south quarter section thereby creating a 167.93 acre (67.96 ha) parcel for agricultural use; BE APPROVED subject to the following:

**CONDITIONS:**

1. That, pursuant to Section 654(1)(d) of the Municipal Government Act, all outstanding property taxes shall be paid to Lethbridge County.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into a Development Agreement with Lethbridge County which shall be registered concurrently with the final plan against the title(s) being created. This may address the provision of any additional approaches, culverts, etc., that may be required for access as a result of the subdivision.
3. That the 12.44 acre portion in the SE 32-10-23-W4 be consolidated to the adjacent south title in the NE 29-10-23-W4 by plan by an Alberta Land Surveyor in a manner such that the title cannot be re-subdivided without approval by the Subdivision Authority.
4. That the applicant submits a plan as prepared by an Alberta Land Surveyor that certifies the exact location and dimensions of the parcel being subdivided and the final reconfigured parcel.

**REASONS:**

1. The Subdivision Approval Authority of Lethbridge County has determined the proposed subdivision is a reconfiguration of two adjacent titles and meets the subdivision criteria of the Land Use Bylaw, with no resulting increase in title density.
2. The resulting parcel sizes with the subdivision and consolidation of land meet or exceed the minimum 140 acre agricultural parcel size of the land use bylaw.
3. With consolidation by a plan of survey, the Subdivision Approval Authority of Lethbridge County has determined that the resulting agricultural parcels are a reasonable and rationale use of the land and will not negatively impact agricultural operations or irrigation systems.

**MOTION DEFEATED**

35/15

K. BENSON

MOVED that the country residential subdivision of SE1/4 32-10-23-W4M (Certificate of Title No. 091 218 805), to subdivide 12.44 acres (5.03 ha) of land from a previously subdivided quarter section and consolidate it to the adjacent south quarter section thereby creating a 167.93 acre (67.96 ha) parcel for agricultural use; BE REFUSED for the following reasons:

**REASONS:**

1. The Subdivision Authority of Lethbridge County is not prepared to grant an approval of this proposal, as it has determined that the resulting subdivision and reconfigured agricultural parcels are not a reasonable and rationale use of the land. The land being subdivided from the SE1/4 32-10-23-W4M will result in valuable farm producing land being removed from agricultural production.
2. The Subdivision Authority has determined that the quarter section has been previously subdivided as a separate yard title presently exists from the SE1/4 32-10-23-W4M which makes the quarter section ineligible to be further subdivided to create another title. The subdivision and consolidation is viewed to be a way to circumvent the subdivision policies, as the land is to be used for a residential yard that could not be separated and allowed on its own individual title. Thus, the use of the land is for a separate yard, but the consolidation to the neighboring title is a matter of convenience to gain ownership of the land for

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Reeve

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Chief Administrative Officer

development purposes. The Subdivision Authority is of the opinion that this does conform to the County's subdivision policies for land designated as Rural Agriculture – RA where only one country residential subdivision per quarter section is permitted.

3. An objection to the subdivision application has been made and the Subdivision Authority agrees that the proposal would negatively impact the agricultural land and is not a logical use of the land. CARRIED

At this time, Reeve Hickey presented plaques to Mr. Jack Braat and Mr. Wilf Scholten in appreciation for their service on the Subdivision and Development Appeal Board.

36/15 M. ZEINSTRA MOVED the meeting recess for lunch at 12:02 p.m. CARRIED

The meeting reconvened at 1:33 p.m. with all members of Council present as previously stated.

**REEVE LORNE HICKEY IN THE CHAIR**

37/15 M. ZEINSTRA MOVED that item G1. Bylaw 1437 – Viterra Inc. – Amendment to Land Use Bylaw – Rural General Industrial (RGI) be brought back to the table. CARRIED

**COMMUNITY SERVICES**

**G1. Bylaw 1437 – Viterra Inc. – Amendment to Land Use Bylaw – Rural General Industrial (RGI) – 1<sup>st</sup> Reading**

38/15 H. DOEVE MOVED first reading of Bylaw 1437. CARRIED

**G2. Nobleford Fire Department Re: Selection Committee for Recruitment of Lieutenant Officer(s)**

39/15 J. WILLMS MOVED that County Council authorizes Councillor Steve Campbell to participate on a three person panel board for the selection of a Lieutenant Officer(s) for the Nobleford Fire Department. CARRIED

**CORPORATE SERVICES**

**H1. Bylaw 1439 – Assessor as a Designated Officer**

40/15 M. ZEINSTRA MOVED first reading of Bylaw 1439. CARRIED

41/15 T. WHITE MOVED second reading of Bylaw 1439. CARRIED

42/15 K. BENSON MOVED that Council go to third reading of Bylaw 1439. CARRIED UNANIMOUSLY

43/15 S. CAMPBELL MOVED third reading of Bylaw 1439. CARRIED

**H2. Bylaw 1440 – Lethbridge North County Potable Water Co-op Loan Bylaw - For Financing the Construction and Development of Constructing a Water Distribution System for the North County Lethbridge Region**

44/15 J. WILLMS MOVED first reading of Bylaw 1440 and advertise in the Sunny South News before proceeding to 2<sup>nd</sup> and 3<sup>rd</sup> reading. CARRIED

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Reeve

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Chief Administrative Officer

**H3. Bylaw 1438 – Schedule of Fees**

45/15	S. CAMPBELL	MOVED first reading of Bylaw 1438.	CARRIED
46/15	K. BENSON	MOVED second reading of Bylaw 1438.	CARRIED
47/15	T. WHITE	MOVED that Council go to third reading of Bylaw 1438.	<b>CARRIED UNANIMOUSLY</b>
48/15	M. ZEINSTRA	MOVED third reading of Bylaw 1438.	CARRIED

**APPOINTMENT****E5. PUBLIC HEARING Bylaw #1421 – Ron & Cindy Kasner – Road Closure, Sale and Consolidation – Undeveloped Road Right-of-Way – NW 7-9-20-W4**

49/15	S. CAMPBELL	MOVED that the Public Hearing for Bylaw #1421 - Ron & Cindy Kasner – Road Closure, Sale and Consolidation – Undeveloped Road Right-of-Way – NW 7-9-20-W4 open at 2:02 p.m.	CARRIED
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Reeve Hickey welcomed the delegation to the meeting. The delegation consisted of:

R. Kasner

Reeve Hickey invited Kevin Viergutz, Director of Municipal Services to give an overview of the application. Mr. Viergutz stated the following:

- Mr. & Mrs. Kasner plan to develop their property.
- On December 18, 2014, County Council approved the subdivision of the property via Resolution #624/14.
- This road closure is necessary to allow the subdivision to proceed.
- This undeveloped road allowance is not required for the County's road network.
- There will be no financial implications for the County, the owner of the property is paying all survey and registration costs.
- Administration recommends that Bylaw 1421 be forwarded to the Minister of Transportation for approval.

Reeve Hickey asked if Council had any questions of Mr. Viergutz.

Council asked Mr. Viergutz if the road would back onto the Canamex Highway. Mr. Viergutz replied yes, that is correct.

Reeve Hickey asked if there were any further questions. There were no further questions.

Reeve Hickey asked three times if anyone present wished to speak in favor of Bylaw 1421. No one came forward.

Reeve Hickey asked three times if anyone present wished to speak in opposition to Bylaw 1421. No one came forward.

Reeve Hickey asked if there were any further questions of Council. There were no further questions of Council.

50/15	T. WHITE	MOVED that the Public Hearing for Bylaw #1421 - Ron & Cindy Kasner – Road Closure, Sale and Consolidation – Undeveloped Road Right-of-Way – N.W. 7-9-20-W4 close at 2:05 p.m.	CARRIED
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Reeve

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Chief Administrative Officer

- 51/15 T. WHITE MOVED that Bylaw #1421 - Ron & Cindy Kasner – Road Closure, Sale and Consolidation – Undeveloped Road Right-of-Way – N.W. 7-9-20-W4 be forwarded to the Minister of Transportation for approval. CARRIED

Reeve Hickey thanked the delegation for attending the meeting. The delegation retired at 2:06 p.m.

#### ADMINISTRATION

##### I1. Coaldale & District Chamber of Commerce Annual Awards & Appreciation Night – March 21, 2015 – Gem of the West Museum

- 52/15 J. WILLMS MOVED that County Council authorize Deputy Reeve Henry Doeve to attend the Coaldale & District Chamber of Commerce Annual Appreciation & Awards Banquet scheduled for Saturday, March 21, 2015 at the Gem of the West Museum. CARRIED

##### I2. M.D. of Taber Re: Southern Regional Stormwater Management Plan Re: Letter of Support

- 53/15 M. ZEINSTRA MOVED that County Council pass a resolution to support the Southern Regional Stormwater Management Plan, which will be under the Reeve's signature,: "BE IT RESOLVED that Lethbridge County supports the conclusions contained within the Southern Regional Stormwater Management Plan and requests the Government of the Province of Alberta to provide funding necessary to undertake the construction of the infrastructure recommended within the Plan". CARRIED

##### I3. Birds of Prey Foundation Re: Letter of Support - Watershed Resiliency & Restoration Program

- 54/15 K. BENSON MOVED that County Council authorizes Administration to forward a letter of support, under the Reeve's signature, to the Birds of Prey Foundation to submit with their grant funding application for the Watershed Resiliency & Restoration Program "approval after of fact" and further that Mr. Colin Weir be invited to a future Council meeting to give a presentation on the Watershed Resiliency & Restoration Program. CARRIED

##### I4. Ag Expo – February 25-28, 2015, Exhibition Park

Larry Randle, Director of Community Services noted that Ag Expo is scheduled for February 25<sup>th</sup> to 28<sup>th</sup> this year. Staff will be preparing a Lethbridge County booth at Exhibition Park. The hours of Ag Expo are 9:00 a.m. to 5:00 p.m. Staff will be manning the booth at all times. In 2014, Councillors manned the booth and it went over very well. If Council is interested in manning the booth for a few hours, they are to contact Martin Ebel, Economic Development Officer as he is spearheading the event.

- 55/15 S. CAMPBELL MOVED to receive item I4. Ag Expo – February 25-28, 2015, Exhibition Park for information. CARRIED

#### IN-CAMERA

##### J1. Land Matter

- 56/15 H. DOEVE MOVED that County Council receives item J1. Land Matter for information. CARRIED

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Reeve

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Chief Administrative Officer

Reeve Hickey recessed the meeting at 2:19 p.m.  
The meeting reconvened at 2:35 p.m.

**APPOINTMENT****E6. PUBLIC HEARING Bylaw #1409 – Joe Groenenboom – Road Closure, Sale and Consolidation – Undeveloped Road Right-of-Way – SE 7-12-22-W4 & SW 8-12-22-W4**

57/15 T. WHITE MOVED that the Public Hearing for Bylaw #1409 - Joe Groenenboom – Road Closure, Sale and Consolidation – Undeveloped Road Right-of-Way – SE 7-12-22-W4 & SW 8-12-22-W4 open at 2:35 p.m. CARRIED

No one attended the public hearing.

Reeve Hickey invited Kevin Viergtuz, Director of Municipal Services to give an overview of the application.

Mr. Viergtuz stated the following:

- Mr. Joe Groenenboom would like to consolidate this undeveloped road right-of-way in order to physically connect his properties and provide proper access to his fields.
- This is Mr. Groenenboom's only access to his property, as the entrance from the north is blocked by a low-lying area which is flooded much of the year.
- The Director of Municipal Services has no objection to the closure, sale and consolidation of this undevelopment road right of way as is not an integral part of the County's road network and its closure will not prevent access to nearby lands for any recreational uses or purposes.
- There are no crown lands present.
- There will be no financial implications for the County, the owner of the property is paying all survey and registration costs.
- Administration recommends that Bylaw #1409 be forwarded to the Minister of Transportation for approval.

Reeve Hickey asked if Council had any questions of Mr. Viergtuz.

Council asked which properties Mr. Groenenboom owns. Mr. Viergtuz noted that Mr. Groenenboom owns several parcels in close proximity.

Council noted that if Mr. Groenenboom owns both parcels, what happens when he sells the parcels. Does the next owner need to get access as there is no access from the south? Council noted that there is access from the north. Mr. Viergtuz noted that if Council approves the road closure and Mr. Groenenboom sells his land, the new owner will have to open the road and be responsible for all costs.

Council questioned if it would be a better option to close and lease the road. Mr. Viergtuz noted that Mr. Groenenboom was given the option to close and lease the road. Mr. Groenenboom indicated that he wanted to close the road.

58/15 T. WHITE MOVED that the Public Hearing for Bylaw #1409 - Joe Groenenboom – Road Closure, Sale and Consolidation – Undeveloped Road Right-of-Way – SE 7-12-22-W4 & SW 8-12-22-W4 close at 2:48 p.m. CARRIED

59/15 K. BENSON MOVED that Bylaw #1409 - Joe Groenenboom – Road Closure, Sale and Consolidation – Undeveloped Road Right-of-Way – SE 7-12-22-W4 & SW 8-12-22-W4 be tabled to a future Council meeting. CARRIED

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Reeve

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Chief Administrative Officer



**ADJOURNMENT**

60/15

T. WHITE

MOVED the meeting adjourn at 2:50 p.m.

CARRIED

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Reeve

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Chief Administrative Officer