

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF LETHBRIDGE COUNTY HELD FEBRUARY 18, 2015 IN THE COUNTY ADMINISTRATIVE OFFICE, LETHBRIDGE, ALBERTA.

PRESENT:

Division No. 1	- L. Hickey, Reeve
Division No. 3	- H. Doeve, Deputy Reeve
Division No. 2	- J. Willms
Division No. 4	- K. Benson
Division No. 5	- S. Campbell
Division No. 7	- M. Zeinstra

ABSENT:

Division No. 6	- T. White
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ADMINISTRATION PRESENT:

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

REEVE LORNE HICKEY IN THE CHAIR

CALL TO ORDER Reeve Hickey called the meeting to order at 10:10 a.m.

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

AMENDMENTS TO THE AGENDA

Rick Robinson, Chief Administrative Officer and members of Council made the following additions and deletions to the February 18, 2015 agenda.

- J2. Community Futures Lethbridge Region & SouthGrow Regional Initiative
Re: Community Leadership Luncheon – March 5, 2015
- Move item F3. to In-Camera K2. Land Matter
- K3. Land Matter

61/15	M. ZEINSTR	MOVED that Council approve the agenda as amended.	CARRIED
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CONFIRMATION **B1. Confirmation of Minutes**

62/15	S. CAMPBELL	MOVED that the February 5, 2015 Council Minutes be approved as presented.	CARRIED
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REPORTS **D1. 2014 Planning and Development Annual Report**

63/15	M. ZEINSTR	MOVED that County Council receives the 2014 Planning and Development Annual Report for information.	CARRIED
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APPOINTMENTS **E1. Introduction of New Director of Municipal Services - Rick Bacon**

Mr. Rick Robinson, Chief Administrative Officer introduced Mr. Rick Bacon, the incoming Director of Municipal Services at 10:21 a.m. Reeve Hickey and members of Council introduced themselves to Mr. Bacon. Mr. Bacon provided a

Reeve

Chief Administrative Officer

history of his professional and educational background. Council wished Mr. Bacon success and welcomed him to the County.

At this time Reeve Hickey also welcomed Mr. Matthew Viergutz to the meeting, a University of Lethbridge student who is sitting in today to view the Council proceedings as they relate to his course work.

E2. Jeanette van Ginkel Re: Fire Invoice Waiver Request

- 64/15 M. ZEINSTRA MOVED that County Council declines the request to waive the invoice for \$1,920.00 for the emergency response and extinguishing of the fire which originated at NW-10-11-23 on July 30, 2014 (Jeanette van Ginkel). CARRIED

MUNICIPAL SERVICES

F1. SMRID Re: Cameron Lateral Canal - Agreement

- 65/15 M. ZEINSTRA MOVED that Council direct Administration to meet with the St. Mary River Irrigation District and affected landowners to discuss the future ownership of the Cameron Lateral Irrigation Canal for drainage purposes, and that Administration arrange a workshop and site tour for Council so that the future direction and liability issues of the canal can be discussed. CARRIED
- 66/15 M. ZEINSTRA MOVED to bring item F2. Bylaw #1409 - Road Closure, Sale & Consolidation - Joe Groenenboom – Undeveloped Road Right-of-Way between SE 7-12-22-W4 and SE 8-12-22-W4 back to the table. CARRIED

F2. Bylaw #1409 - Road Closure, Sale & Consolidation - Joe Groenenboom - SE 7-12-22-W4 and SE 8-12-22-W4

- 67/15 M. ZEINSTRA MOVED second reading of Bylaw 1409 Road Closure, Sale & Consolidation - Joe Groenenboom – Undeveloped Road Right-of-Way between SE 7-12-22-W4 and SE 8-12-22-W4. MOTION DEFEATED

F4. Alberta Environment Re: Letter of Non-Compliance - Unlicensed Diversion of Water N.E. 31-07-21-W4 & N.W. 31-07-21-W4 (Morden & Russell)

- 68/15 J. WILLMS MOVED that County Council authorizes Administration to proceed with the installation of the culverts in the N.E. 31-7-21-W4 (Morden) and the N.W. 21-7-21-W4 (Russell) in order to comply with the Alberta Environment order of non-compliance, funding to be utilized from the Public Works Project Reserve. CARRIED

COMMUNITY SERVICES

G1. Village of Barons Fire & Rescue Services

- 69/15 H. DOEVE MOVED that County Council directs the Emergency Advisory Committee to include the Village Barons Fire Department in its 2015 analysis of the current County fire and rescue service delivery model and any subsequent recommendation to change or alter the current service delivery model. CARRIED

Reeve

Chief Administrative Officer

G2. Fee for Fire Investigation Services

- 70/15 S. CAMPBELL MOVED that County Council approves the transfer of up to \$6,000 from the Emergency Services Operational Reserve to be expensed for 2015 contracted fire investigation services. CARRIED

G3. 2015 Community Planning Association of Alberta Annual Conference – April 13-15, 2015, Red Deer, Black Knight Inn

Note: S. Campbell departed at 11:43 a.m.

- 71/15 H. DOEVE MOVED that any member of Council wishing to attend the 2015 Community Planning Association Annual Conference scheduled for April 13-15, 2015 at the Black Knight Inn in Red Deer be authorized to do so. CARRIED

Note: S. Campbell present at 11:46 a.m.

G4. 2012 Land Trust Reserve – Re: Iron Springs Community, Request for Extension

- 72/15 K. BENSON MOVED that County Council approves the deadline extension request for \$17,000 from the Iron Springs Community regarding their playground grant from 2012, through the Land Trust Reserve to September 1, 2016. CARRIED

ADMINISTRATION**I1. Lethbridge Chamber of Commerce Re: Appoint Representative to the Regional Direction & Policy Committee**

- 73/15 M. ZEINSTRA MOVED that County Council appoint Councilor John Willms, as Lethbridge County's representative to sit on the Lethbridge Chamber of Commerce Regional Direction & Policy Committee. CARRIED
- 74/15 J. WILLMS MOVED the meeting recess for lunch at 11:55 a.m. CARRIED

The meeting reconvened at 1:27 p.m. with all members of Council present as previously stated with the exception of Deputy Reeve H. Doeve.

INVITATIONS**J1. 20th Independent Field Battery, RCA Re: Sixth Annual Vimy Mixed Special Guest Night – Saturday, April 18, 2015**

- 75/15 J. WILLMS MOVED that County Council authorize the Reeve or his designate to attend the 20th Independent Field Battery, RCA - Sixth Annual Vimy Mixed Special Guest Night scheduled for April 18, 2015 at the Vimy Ridge Armoury. CARRIED

J2. Community Futures Lethbridge Region & SouthGrow Regional Initiative Re: Community Leadership Luncheon – March 5, 2015

- 76/15 K. BENSON MOVED that County Council be authorized to attend the Community Leadership Luncheon scheduled for March 5, 2015 at the Lethbridge Lodge and hosted by Community Futures Lethbridge Region & SouthGrow Regional Initiative. CARRIED

Reeve

Chief Administrative Officer

APPOINTMENTS **E3. S.D. Application #2015-0-001- Herb & Christine Wall - NE 1/4 1-9-20-W4**

- 77/15 M. ZEINSTRAS MOVED that the country residential subdivision of NE1/4 1-9-20-W4M (Certificate of Title No. 001 299 762, 001 299 758), to reconfigure two adjacent titles in a quarter section by consolidating an 18.49 acre (7.486 ha) parcel to the adjacent 132.70 acre (53.70 ha) agricultural parcel, and then subdivide out a 5.46 acre (2.21 ha) parcel; 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(s) being subdivided. The existing 18.49 acre title (C of T 001 299 762) shall be consolidated to the west agricultural title (C of T 001 299 758) by a plan prepared by an Alberta Land Surveyor so that the resulting title may not be further subdivided without Subdivision Authority approval.
 4. That the applicant has a professional soils analysis done at their expense by an accredited agency or engineer to ensure that the soil characteristics on the 5.46 acre parcel are capable of supporting a septic field. Analyses of the test must be performed and approved by an approved agency under Alberta Labour, with a copy of the report submitted and deemed acceptable to the Subdivision Authority.
- REASONS:**
1. The proposed subdivision complies with both the Intermunicipal Development Plan and Land Use Bylaw.
 2. With the conditions imposed on the subdivision approval, including the provision of a soils analysis, 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.
 3. The Subdivision Approval Authority of Lethbridge County has determined the proposed subdivision is a reconfiguration of titles and meets the subdivision criteria of the Land Use Bylaw, with no resulting increase in title density. **CARRIED**

IN-CAMERA**K1. Legal Update; K2. Land Update; K3. Land Update**

- 78/15 K. BENSON MOVED that County Council go In-Camera at 1:40 p.m. **CARRIED**
Note: H. Doeve present at 1:45 p.m.

- 79/15 M. ZEINSTRAS MOVED that County Council come out of In-Camera at 1:59 p.m. **CARRIED**

K1. Legal Update

- 80/15 S. CAMPBELL MOVED that County Council accept item K1. Legal Update for information. **CARRIED**

 Reeve

 Chief Administrative Officer

K2. Land Update

81/15 J. WILLMS MOVED that County Council authorizes Berko Services Inc. to complete further gravel exploration and testing with additional funding of \$45,000 to be utilized from the Public Works Project Reserve. CARRIED

K3. Land Update

82/15 M. ZEINSTRA MOVED that County Council accept item K3. Land Update for information. CARRIED

APPOINTMENTS**E4. PUBLIC HEARING Bylaw #1436 - Headwater Equipment - Amendment to Land Use Bylaw - Lot 3, Plan 9711954, Ptn. SW 16-9-22-W4 - Rural General Industrial**

83/15 S. CAMPBELL MOVED that the Public Hearing for Bylaw 1436 Headwater Equipment - Amendment to Land Use Bylaw - Lot 3, Plan 9711954, Ptn. SW 16-9-22-W4 - Rural General Industrial open at 2:03 p.m. CARRIED

Reeve Hickey welcomed the delegation to the meeting. The delegation consisted of:

D. Sandham N. Paladino

Reeve Hickey declared the public hearing is being held pursuant to the Municipal Government Act as amended for Bylaw #1436.

Reeve Hickey invited Ms. Hilary Janzen, Development Officer/Senior Planner to give an overview of the application.

Ms. Janzen stated the following:

- An application has been made by Headwater Equipment Sales Ltd. to amend Land Use Bylaw 1404.
- The purpose of the amendment is to re-designate Plan 9711954, Lot 3 (6.88 acres) from Lethbridge Urban Fringe (LUF) to Rural General Industrial (RGI).
- This property was the subject of a previous re-designation application (Bylaw 1285), this parcel (Lot 3) was removed from the area to be re-designated by County Council as it was within one mile of the City of Lethbridge boundary and did not meet the policies of the County/City Intermunicipal Development Plan (Bylaw 1254).
- The proposed re-designation is along Highway 3 and is approximately one kilometre west of the City of Lethbridge.
- The adjacent property to the northwest is currently designated Rural General Industrial.
- To the west of the property are one larger and two smaller properties that are currently being farmed and beyond that is the McDermott Subdivision.
- To the north/east is HWY 3 and beyond that is the Town of Coalhurst. It is the intent of the landowner to re-designate the subject lands in order to grow the existing business which is currently located on the property to the northwest.
- The proposed re-designation is within 1 mile of the City and would be in conflict with Policy 5.1.20 which states: *5.1.20 The County Municipal Development Plan is encouraging commercial and industrial uses along highways but will discourage those uses in the first mile from the City boundary.*

Reeve

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- The County and City are currently reviewing the existing Intermunicipal Development Plan and policies pertaining to development adjacent to the City may be updated.
- Notwithstanding the current IDP policies, the re-designation is compatible with the adjacent land use to the northwest and is a logical extension of that use.
- A notice of the application has been referred to the City of Lethbridge, the Town of Coalhurst, ORRSC, and other external agencies. The City has commented on the proposed re-designation and has no concerns at this time and had the following comments:
 - The parcel to be re-designated is within the Lethbridge Urban Fringe and on a gateway (Highway 3) into the City of Lethbridge. The resignation to Rural General Industrial is in keeping with the adjacent parcel, however, there are a variety of uses that could occur within that land use district in the future.
 - The City would expect that appropriate level of landscaping for screening and visual enhancement would be required of the landowner at the development permit stage as has been required in the past.
 - Adequate services will be required to support proposed development and buildings on site. Any requests made to the City, or to parties that have agreements with the City, would be reviewed in light of any implications this may have on the City of Lethbridge.
- The Town of Coalhurst submitted a letter stating they had no objections to the proposed re-designation.
- No concerns were expressed by any of the other external agencies, Steve Harty has provided comments from ORRSC.
- The adjacent landowners were notified of the proposed re-designation and a notice was advertised in the January 27 and February 3 editions of the Sunny South News.
- The County received one call from an adjacent landowner who has asked to speak at the public hearing.

Reeve Hickey asked if Council had any questions of Ms. Janzen.

There were no questions for Ms. Janzen.

Reeve Hickey asked if anyone present wished to speak in favor of Bylaw 1436.

Mr. Nick Paladino addressed Council and noted the following:

- Present today representing the opinions of Mr. Mike and Matt Stringer, owners of Headwater Equipment. They have always been of the opinion that this land is already zoned Rural Industrial and they discovered last fall, that is was otherwise.
- Naturally we are in support of the amendment and Administration's position to rezone this parcel.
- As Ms. Janzen mentioned, you have included in your agenda package the support from ORRSC, City of Lethbridge, the Town of Coalhurst, Alberta Transportation and Alberta Health which is no surprise as the parcel is adjacent to an approved industrial use.
- This parcel could be described as an orphan parcel and we don't believe there is any better use for it.
- The Stringers and myself both support this application.

Reeve Hickey asked three times if anyone else wished to speak in favor of Bylaw 1436. No one came forward.

Reeve Hickey asked if anyone present wished to speak in opposition to Bylaw 1436.

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Chief Administrative Officer

Mr. James Dean Sandham addressed Council and noted the following:

- Very familiar with this area, being a graduate of Coalhurst High School in 1960.
- The land has been in my family for years and I originally sold this parcel to Headwater.
- Having read the proposal and looked at the other development by Headwater I personally see no real reason to oppose this; likewise I would submit that I have no reason why this is in conflict with my intended land use across the road.
- In summary, thank you for the opportunity to come down and meet you all, and I have no objections to the proposal.

Reeve Hickey asked three times if anyone else wished to speak in opposition of Bylaw 1436. No one came forward.

Reeve Hickey noted that this was the last call for anyone wishing to speak.

Ms. Janzen stated that with regards to Mr. Sandham, he had come forward with an application to rezone his two smaller parcels Grouped Country Residential in November 24, 2014, the application was refused by Council. This puts into context Mr. Sandham's comments regarding this proposal (Bylaw 1436).

Ms. Janzen continued, in summary, with regards to the use, it is a logical extension of the existing use and does make sense in this area. Should Headwater decide to expand their operations there in the future it would be a good fit for their purposes.

Reeve Hickey noted that this was the last call for anyone wishing to speak. No one came forward.

84/15	S. CAMPBELL	MOVED that the Public Hearing for Bylaw #1436 Headwater Equipment - Amendment to Land Use Bylaw - Lot 3, Plan 9711954, Ptn. SW 16-9-22-W4 - Rural General Industrial close at 2:15 p.m.	CARRIED
85/15	S. CAMPBELL	MOVED second reading of Bylaw 1436.	CARRIED
86/15	M. ZEINSTRA	MOVED third reading of Bylaw 1436.	CARRIED

ADJOURNMENT

87/15	H. DOEVE	MOVED the meeting adjourn at 2:16 p.m.	CARRIED
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Reeve

Chief Administrative Officer