

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF LETHBRIDGE HELD MARCH 21, 2013 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. 6	- T. White
Division No. 7	- M. Zeinstra

ADMINISTRATION PRESENT:

County Manager	- D. Shigematsu
Acting Director of Corporate Services	- T. Anderson
Director of Municipal Services	- K. Viergutz
Director of Community & Legislative Services	- A. Frootman
Recording Secretary	- D. Irwin

REEVE LORNE HICKEY IN THE CHAIR

CALL TO ORDER Reeve Hickey called the meeting to order at 9:07 a.m.

AMENDMENTS TO THE AGENDA

Dennis Shigematsu, County Manager and members of Council made the following additions and deletions to the March 21, 2013 agenda.

- F2. 30 Kilometre per Hour Speed Limit in the Hamlet of Shaughnessy – T. White
- J3. Legal Update – D. Shigematsu

120/13 J. WLLMS MOVED that Council approve the agenda as amended. CARRIED

IN-CAMERA **J1. Land Issue; J2. Personnel Issue; J3. Legal Update**

121/13 M. ZEINSTRA MOVED Council go In-Camera at 9:09 a.m. CARRIED

122/13 M. ZEINSTRA MOVED Council come out of In-Camera at 10:22 a.m. CARRIED

Reeve Hickey recessed the meeting at 10:23 a.m.

The meeting reconvened at 10:36 a.m.

APPOINTMENTS **E1. Introduction of Economic Development Officer - Martin Ebel**

Reeve Hickey welcomed Martin Ebel, new Economic Development Officer to the meeting at 10:37 a.m. Mr. Ebel provided Council with a brief overview of his education and professional background.

Reeve

County Manager

Reeve Hickey and Council welcomed Mr. Ebel to the County of Lethbridge.

Reeve Hickey thanked Mr. Ebel for attending the meeting. Mr. Ebel retired at 10:40 a.m.

123/13 J. WLLMS MOVED that item E1. Introduction of Economic Development Officer - Martin Ebel be received for information. CARRIED

CONFIRMATION B1. Confirmation of Minutes

124/13 S. CAMPBELL MOVED that the March 7, 2013 Council Minutes be approved as presented. CARRIED

MUNICIPAL SERVICES

F1. Iron Springs Transfer Station Fire

125/13 J. WILLMS MOVED that County Council receive the Iron Springs Transfer Station Fire report for information, and that correspondence be forwarded to the Lethbridge Regional Waste Management Services Commission requiring that revised written safe work procedures be developed for burning waste at the Iron Springs Waste Transfer Station, and further that correspondence on actions to be taken by the County be sent to John Kolk and Ed Schuld in response to their correspondence. CARRIED

F2. 30 Kilometre per Hour Speed Limit in the Hamlet of Shaughnessy – T. White

Councillor Tom White discussed extending the 30km per hour speed limit in the Hamlet of Shaughnessy on 2nd and 3rd Streets to include the blocks between Becker Street and Cadillac Street, to ensure a safe area for children.

126/13 K. BENSON MOVED to receive item F2. 30 Kilometre per Hour Speed Limit in the Hamlet of Shaughnessy for information. CARRIED

127/13 T. WHITE MOVED that item E2. S.D. Application #2012-0-200 (County of Lethbridge) Subdivision of former CPR rail-line (Railway Plan RW 189) and consolidation to adjacent private lands (O'Donnell/ Van Essen/ Murray) be brought back to the table. CARRIED

APPOINTMENTS E2. S.D. Application #2012-0-200 (County of Lethbridge) Subdivision of former CPR rail-line (Railway Plan RW 189) and consolidation to adjacent private lands (O'Donnell/ Van Essen/ Murray)

128/13 H. DOEVE MOVED that the country residential subdivision of RW189 within NW1/4 33-10-21-W4M (Certificate of Title No. 021 285 401, 111 001 381+2, 031 219 639, 851 113 094), to subdivide a 1.11 acre (0.45 ha) portion of a former CPR railway parcel (Railway Plan RW 189) and consolidate it to three adjacent titles 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 the County of Lethbridge.
2. That the portions of the former railway (Railway Plan RW 189) to be subdivided and amalgamated to Block 1, Plan 7510820; Block B, Plan 2513HW; and Block A, Plan 7308GS, be consolidated by a plan of survey by a certified Alberta Land Surveyor.

Reeve

County Manager

3. Final endorsement of the plan shall not be provided until the concerns with storm water drainage are addressed to the satisfaction of the County of Lethbridge Director of Municipal Services.

REASONS:

1. The Subdivision Authority is satisfied that with the consolidation, the proposed former railway R/W subdivision is suitable for the purpose for which the subdivision is intended and meets the intent of the subdivision policies of the municipality's Land Use Bylaw.
2. The Subdivision Authority is satisfied that the proposed subdivision is an amalgamation of adjacent land titles and is suitable for the purpose for which the subdivision is intended pursuant to Section 7 of the Subdivision and Development Regulation.
3. The Subdivision Authority has placed specific conditions on the tentative approval which will satisfy any concerns or site specific issues identified through the review and referral process.

CARRIED

Reeve L. Hickey excused himself from the meeting at 11:21 a.m. due to a possible conflict of interest with S.D. Application #2013-0-016 – Bowes – S.E. ¼ 8-10-23-W4.

DEPUTY REEVE H. DOEVE IN THE CHAIR AT 11:21 A.M.

E3. S.D. Application #2013-0-016 – Bowes – S.E. ¼ 8-10-23-W4

129/13

T. WHITE

MOVED that the agricultural/country residential subdivision of S.E. 1/4 8-10-23-W4M (Certificate of Title No. 931 110 213, 991 358 948+4, 001 284 901+1), to subdivide a 5.16 acre parcel from a title of 82.23 acres and further consolidate that portion of the S.E. ¼ 8-10-23-W4 south of Highway 3A containing 13.55 acres with the N.E. ¼ 5-10-23-W4, for country residential and 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 the County of Lethbridge.
2. That, pursuant to Section 655(1)(b) of the Municipal Government Act, the applicant or owner or both enter into and agree to abide by the terms of a Development Agreement with the County of Lethbridge which shall be registered concurrently with the final plan against the title(s) being created.
3. That the 13.55 acre portion of the S.E. ¼ 8-10-23-W4 south of Highway 3A be consolidated to the title for the N.E. ¼ 5-10-23-W4 with the resulting new title to be registered by plan by an Alberta Land Surveyor, so that the resulting title cannot be further subdivided without approval of the Subdivision Authority.
4. That any conditions of Alberta Transportation shall be met.

REASONS:

1. As the parent parcel was reduced in size by the removal of the rights-of-way for the two highways, the Subdivision Authority views the proposal to be similar to an application for a parcel from an un-subdivided quarter section.
2. The residual agricultural parcel size complies to the minimum irrigated parcel size, and with a waiver granted to the country residential parcel, the subdivision conforms to the Land Use Bylaw.

Reeve

County Manager

3. The Subdivision Authority may consider a variance to the maximum parcel size based on the physical features and improvements in the yard present, and does so based on the existence of the high pressure gas line, dwelling and septic location, trees, and the reduction on the west side by the applicant by excluding the dugout area.
4. With the consolidation by plan of the 13.55 acre portion south of Highway 3A to the quarter section to the south, there will be no additional titles created beyond what are currently in existence CARRIED

Deputy Reeve Doeve recessed the meeting at 11:35 a.m.
The meeting reconvened at 11:39 a.m.

REEVE HICKEY ASSUMED THE CHAIR AT 11:39 A.M.

CORPORATE SERVICES

H1. 2012 Reserve Allocations

Reeve L. Hickey departed the meeting at 11:56 a.m.

DEPUTY REEVE H. DOEVE IN THE CHAIR AT 11:56 A.M.

Reeve L. Hickey present at 12:04 p.m.

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| 130/13 | T. WHITE | MOVED that Council approve the recommended 2012 reserve allocations totaling \$726,000 as amended. CARRIED |
| 131/13 | K. BENSON | MOVED the meeting recess for lunch at 12:12 p.m. CARRIED |

The meeting reconvened at 1:50 p.m. with all members of Council present as previously stated.

REEVE L. HICKEY ASSUMED THE CHAIR AT 1:50 P.M.

ADMINISTRATION

I1. Village of Nobleford Re: Celebration of Children Event Re: Early Childhood Mapping Coalition – March 23, 2013 – Nobleford Community Complex

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| 132/13 | J. WILLMS | MOVED that Councillor S. Campbell be authorized to attend the Celebration of Children Event Dinner and Presentation scheduled for March 23, 2013 at the Nobleford Community Complex regarding the Early Childhood Mapping Project. CARRIED |
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I2. 20th Independent Field Battery, RCA Re: Fourth Annual Vimy Mixed Special Guest Night and Request for Financial Donation – April 13, 2013, Vimy Ridge Armoury

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| 133/13 | M. ZEINSTRA | MOVED that County Council authorize the Reeve and Councillors T. White and K. Benson to attend the 20 th Independent Field Battery, RCA Fourth Annual Vimy Mixed Special Guest Night scheduled for April 13, 2013 at 6:30 p.m. at the Vimy Ridge Armoury, attendance to be paid for by the Council Members personally; and further that Council donate \$500 in support of the Lethbridge Military Museum, funds to be derived from the Councillor's Discretionary Fund. CARRIED |
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Reeve

County Manager

13. North County Potable Water Co-op Re: Funding for Monarch Phase

134/13 T. WHITE MOVED that Council direct Administration to explore alternate means of grant funding for the North County Potable Water Co-op's last phase of potable water for Monarch and to bring the information back to Council for review. CARRIED

Reeve Hickey recessed the meeting at 2:06 p.m. to proceed with the Public Hearing for By-Law.

APPOINTMENTS **E4. Public Hearing for By-Law 1393 – Amendment to LUB to Rezone Lands West of Nobleford to Rural Urban Fringe – N.E. 3-11-23-W4 & S.E. 3-11-23-W4**

135/13 M. ZEINSTRA MOVED that the Public Hearing for By-law 1393 – Amendment to LUB to Rezone Lands West of Nobleford to Rural Urban Fringe – N.E. 3-11-23-W4 & S.E. 3-11-23-W4 open at 2:06 p.m. CARRIED

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

C. Goudzwaard C. Bates H. Vandenberg J. Van Liere

Reeve Hickey declared that the public hearing is being held pursuant to the Municipal Government Act as amended for By-Law 1393.

Reeve Hickey invited Albert Frootman, Director of Community & Legislative Services to give an overview of the application.

Mr. Frootman stated the following:

- At its meeting of February 21, 2013, County Council passed the following resolution: "That Council direct Administration to bring forward a Land Use Bylaw amendment to rezone the land annexed by the County as a result of Order in Council 403/2001 from Urban Reserve to Rural Urban Fringe."
- At its meeting of March 7, 2013, County Council passed first reading of Bylaw 1393, a bylaw to rezone lands in the N.E. 3-11-23-W4 and S.E. 3-11-23-W4 from Urban Reserve to Rural Urban Fringe.
- Notice has been given by mail to affected and adjacent landowners and the Village of Nobleford, and published in the March 12th and March 19th editions of the Sunny South News. The Village of Nobleford has provided a letter of support for this rezoning.
- The affected area, which is immediately to the west of Nobleford, became part of the County through an annexation/land exchange with the Village of Nobleford in 2001, as confirmed by Order in Council 403/2001. It was to be rezoned from "Urban Reserve" in the Village of Nobleford Land Use Bylaw to "Urban Fringe" in the County of Lethbridge Land Use Bylaw; however, this has not occurred.
- The area is bounded by Highway 519 to the south, a Canadian Pacific Railway line and the Village of Nobleford to the east, and agricultural land to the north and west. There are four parcels of land affected by this proposal. Current land uses within this area are agriculture, residential, and the Village of Nobleford water treatment plant. The southerly portion of this area adjacent to Highway 519 is proposed for future commercial/industrial development in accordance with the County/Village Intermunicipal Development Plan. Development not in accordance with the Land Use Bylaw, and/or requiring subdivision approval, will normally require the preparation of area structure plans.
- This proposed rezoning will accomplish the following:

Reeve

County Manager

- Properly bring the lands into the County's Land Use Bylaw, by placing them within the "Rural Urban Fringe" District which was established to guide the development of lands on the periphery of urban areas, including areas governed by intermunicipal development plans.
- Allow for the development of appropriate permitted and discretionary uses within the Rural Urban Fringe, including the proposal by Vandenberg Hay Farms for an "isolated single lot industry" as a discretionary use on their existing parcel along Highway 519.

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

Council enquired as to where the north portion of the affected area gets legal access from. Mr. Frootman stated that it is via a private rail crossing to the south. Hilary Janzen, Senior Planner/Development Officer indicated on the map where the access is.

Council enquired if this access is for private use only. Mr. Frootman stated that he believed the access was intended for a landowner (Mr. Luchia) to access his property to the west.

Reeve Hickey asked if anyone present wished to speak in favour of By-Law 1393. No one came forward.

Reeve Hickey asked if anyone present wished to speak in opposition of By-Law 1393. No one came forward.

Reeve Hickey asked if there were any further presentations regarding By-Law 1393.

At this time, Mr. Cam Goudzwaard came forward and stated he is the legal owner of NE 3-11-23-W4. At this time he is not opposed or in favour of the proposed rezoning because it is unclear what the future holds, but he does have some questions for Council concerning Urban Fringe versus Rural Urban Fringe which allows for 2 to 3 acre parcels. Mr. Goudzwaard stated he has mixed feelings about the rezoning because down the road he wants to develop his property to quarter acre parcels.

The Village has a 5 acre easement along the east side of property, along the tracks, the approach for the railway crossings by the Nobleford fire hall to access Nobleford to the west side. Mr. Goudzwaard enquired why the change from Urban Fringe to Rural Urban Fringe; when it would appear to benefit the Village to establish that side of the tracks. All the amenities are there with the exception of sewers. Mr. Goudzwaard enquired why does Council want to change his portion.

Mr. Frootman stated that the IDP with the Village of Nobleford indicates potential for development along Highway 519. Future residential development has been discussed at a committee level for the area to the north along Mr. Goudzwaard's land, but it is just conceptual at this stage. The Village has talked to CPR regarding a new location for rail crossing in a safer area because the current crossing is compromised and by poor sight lines. The Village is looking at their options for an expanded fire hall, for example the avenue they are pursuing is the edge of the community so as land develops to the west – taking into consideration future development do they add on to existing or choose a new?

Reeve Hickey asked three times if there were any further presentations regarding Bylaw 1393.

Reeve

County Manager

Mr. Goudzwaard stated that he looks forward to working in the future with the Village and the County.

There were no further questions from Council.

- 136/13 T. WHITE MOVED the Public Hearing for By-Law 1393 - Amendment to LUB to Rezone Lands West of Nobleford to Rural Urban Fringe – N.E. 3-11-23-W4 & S.E. 3-11-23-W4 close at 2:20 p.m. CARRIED
- 137/13 M. ZEINSTRA MOVED second reading of By-Law 1393 - Amendment to LUB to Rezone Lands West of Nobleford to Rural Urban Fringe – N.E. 3-11-23-W4 & S.E. 3-11-23-W4. CARRIED
- 138/13 S. CAMPBELL MOVED third reading of By-Law 1393 – Amendment to LUB to Rezone Lands West of Nobleford to Rural Urban Fringe – N.E. 3-11-23-W4 & S.E. 3-11-23-W4. CARRIED

Reeve Hickey thanked the delegation for attending the meeting. The delegation retired at 2:21 p.m.

COMMUNITY & LEGISLATIVE SERVICES

G1. 2013 Economic Developers Alberta Annual Conference

- 139/13 M. ZEINSTRA MOVED that Councillor T. White be authorized to attend the 2013 Economic Developers Alberta Conference scheduled for April 10-12, 2013 in Kananaskis. CARRIED

At this time Councillor J. Willms provided Council with an update on the most recent Chinook Arch Library meeting.

- 140/13 M. ZEINSTRA MOVED that Council go In-Camera at 2:36 p.m. CARRIED
- 141/13 S. CAMPBELL MOVED that Council come out of In-Camera at 3:53 p.m. CARRIED

IN-CAMERA

J1. Land Issue

- 142/13 T. WHITE MOVED that County Council authorizes Administration to enter into a purchase agreement for storm drainage in the Rave Subdivision. CARRIED

J2. Personnel Issue

- 143/13 M. ZEINSTRA MOVED that Council uphold the Labour Relations Committee recommendations to deny the grievance and that a letter under the Reeve's signature be forwarded to the appropriate parties with a copy to CUPE, prior to March 29, 2013. CARRIED

J3. Legal Update

- 144/13 H. DOEVE MOVED that Council receive the legal update for information. CARRIED
- 145/13 K. BENSON MOVED that Council accept the legal advice on the land matter for information. CARRIED

Reeve

County Manager

146/13 J. WILLMS MOVED that Council direct Administration to seek a proposal regarding a business plan. CARRIED

ADJOURNMENT

147/13 M. ZEINSTRA MOVED the meeting adjourn at 4:00 p.m. CARRIED

Reeve

County Manager