

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF LETHBRIDGE COUNTY HELD OCTOBER 6, 2016 IN THE COUNTY ADMINISTRATIVE OFFICE, LETHBRIDGE, ALBERTA.**

**PRESENT:**

Division No. 1	- L. Hickey, Reeve
Division No. 3	- H. Doeve, Deputy Reeve
Division No. 4	- K. Benson
Division No. 5	- S. Campbell
Division No. 6	- T. White
Division No. 7	- M. Zeinstra

**ABSENT:**

Division No. 2	- J. Willms
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**ADMINISTRATION PRESENT:**

Chief Administrative Officer	- R. Robinson
Director of Corporate Services	- D. Urkow
Director of Municipal Services	- R. Bacon
Director of Community Services	- L. Randle
Recording Secretary	- L. Megella

**REEVE LORNE HICKEY IN THE CHAIR**

**CALL TO ORDER** Reeve Hickey called the meeting to order at 9:41 a.m.

**AMENDMENTS TO THE AGENDA**

There were no additions or deletions to the October 6, 2016 agenda.

461/16	K. BENSON	MOVED that Council approve the agenda as presented.	CARRIED
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**IN-CAMERA** **K1. Legal Update; K2. Personnel**

462/16	M. ZEINSTRA	MOVED that County Council go In-Camera at 9:50 a.m.	CARRIED
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463/16	S. CAMPBELL	MOVED that County Council come out of In-Camera at 10:28 a.m.	CARRIED
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Reeve Hickey recessed the meeting at 10:28 a.m.

The meeting reconvened at 10:32 a.m.

**APPOINTMENTS** **E1. Sgt Tom Howell, Picture Butte RCMP Detachment**

Reeve Hickey welcomed Sergeant Tom Howell of the Picture Butte RCMP Detachment to the meeting at 10:32 a.m. Sgt. Howell provided Council an update on RCMP business and statistics for the year 2016 to date.

Reeve Hickey thanked Sgt. Howell for his attending the meeting. Sgt. Howell retired at 10:55 a.m.

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Reeve

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Chief Administrative Officer

- 464/16 K. BENSON MOVED that County Council receive item E1. Sgt Tom Howell, Picture Butte RCMP Detachment report for information.  
CARRIED
- 465/16 T. WHITE MOVED that County Council bring item F1. Wayne Murray Re: Removal of Road Ban Twp. Rd. 9-4 back to the table.  
CARRIED

**MUNICIPAL SERVICES****F1. Policy 352 – Road Use / Wayne Murray Re: Removal of Road Ban Twp. Rd. 9-4**

- 466/16 T. WHITE MOVED that County Council approves the proposed revisions to Policy 352 – Road Use and the attached new Schedule “C” – Annual Commercial / Industrial Established Business – Road Use Permit as amended.  
CARRIED

**APPOINTMENTS****E2. PUBLIC HEARING - Bylaw 1469 - Road Closure, Sale & Consolidation - Hutterian Brethren Church of Turin, Undeveloped Road ROW, NW 23-12-20-W4**

- 467/16 H. DOEVE MOVED that the Public Hearing for Bylaw 1469 Road Closure, Sale & Consolidation – Hutterian Brethren Church of Turin, Undeveloped Road ROW, NW 23-12-20-W4 open at 11:25 a.m.  
CARRIED

There was no one from the public in attendance for the public hearing for Bylaw 1469.

Reeve Hickey invited Scott Tollestrup, Project Technologist to give an overview of the application.

- The Hutterian Brethren Church of Turin would like to consolidate this undeveloped road right-of-way in order to gain access to their landlocked parcel for future development of their properties.
- Closing and selling this portion of the road right-of-way will allow the Turin Colony to access the NW 24-12-20-4 which currently has no sustainable access from either a graveled County road or a numbered provincial highway.
- Closing and consolidating this stretch of undeveloped right-of-way will allow the Turin Colony to safely access their holdings and provide a route for them to export their products to market.
- This undeveloped road allowance is not required for the County’s road network.
- The owners of the property are paying all survey and registration costs. The purchase price of the land has been determined to be \$12,000. 8.0 Acres @ \$1500/Acre = \$12,000.
- Bylaw 1469 has been advertised in the Sunny South News on September 13<sup>th</sup> and September 20<sup>th</sup>.
- Administration is recommending that Bylaw #1469 be sent to the Minister of Transportation for approval.

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

Council asked why the County needed to close the road and not just enter into a road use agreement with Goldridge Colony. Mr. Tollestrup noted that if Goldridge Colony builds a permanent structure the County does not want to take on any liability for the structure. Cost for grading, maintenance, etc. would be an extra cost to the County.

Rick Robinson, CAO noted that if the road was not closed, it would be public road. If the road was to be closed, Goldridge Colony would look after the road.

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Reeve

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Chief Administrative Officer

Council noted that the road is landlocked for any development and the land belongs to Goldridge Colony. If the road is closed, it would only be Goldridge using the road. Goldridge Colony is the only one who has an interest in the road. Goldridge wishes to develop a gravel pit in the area.

Mr. Tollestrup noted that in the future this parcel will work as a panhandle and be consolidated into a driveway.

Council noted that Goldridge Colony owns the land to the north. Mr. Tollestrup noted that the land to the north is owned by another individual that has access off the highway. The adjacent landowners had a deadline date of today in order to file an objection to the road closure, sale and consolidation.

Council inquired as to whether Goldridge Colony owned the land to the south. Mr. Tollestrup replied that another individual owns that parcel of land. Goldridge Colony is literally landlocked and must travel to the main road which is 2 miles in length.

Rick Bacon, Director of Municipal Services noted that the County could register on land titles an easement for the south east quarter. Goldridge Colony owns everything to the east. Mr. Tollestrup noted that other landowners in the area have access to the road.

Mr. Tollestrup noted that the road that Goldridge Colony wants to build has a lot of hills and dips whereby it could cost the County a lot of money to build the road.

Council noted that if the County will be closing the undeveloped road allowance from Highway 845 to NW 24-12-20-W4 and the road is expensive to re-build, why not add this undeveloped road allowance onto the adjacent parcels. These parcels are owned by 3 other individuals why wouldn't the County split the road for these individuals. Mr. Tollestrup noted that no response was received from these adjacent landowners regarding this proposal. Mr. Bacon noted that a registered easement for the road access could be placed on title and allow the Colony access to their landlocked parcel without the County assuming maintenance costs and further liability.

Mr. Bacon further noted that in discussions with the Colony if the road was closed and licensed and the Colony were to re-build the road, the Colony wants assurance that the County is not going to sell the road. In order to address these concerns it was suggested that the road be closed with access for the neighboring parcels through an easement placed on title.

Reeve Hickey asked three times if anyone wished to speak in favor of Bylaw 1469. No one came forward.

Reeve Hickey asked three times if anyone wished to speak in opposition of Bylaw 1469. No one came forward.

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

468/16

M. ZEINSTRAS MOVED that the Public Hearing for Bylaw 1469 Road Closure, Sale & Consolidation – Hutterian Brethren Church of Turin, Undeveloped Road ROW, NW 23-12-20-W4 close at 11:47 a.m.  
CARRIED

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Reeve

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Chief Administrative Officer

469/16 K. BENSON MOVED that County Council authorizes Administration to forward Bylaw #1469 Road Closure, Sale & Consolidation - Hutterian Brethren Church of Turin, Undeveloped Road ROW, NW 23-12-20-W4 to the Minister of Transportation for approval with the easement. CARRIED

**E3. PUBLIC HEARING for Bylaw 1468 - Road Closure, Sale & Consolidation - Diamond City (Pete Neels) - Undeveloped Road ROW, NW 6-10-21-W4**

470/16 H. DOEVE MOVED that the Public Hearing for Bylaw 1468 Road Closure, Sale & Consolidation – Diamond City (Pete Neels) - Undeveloped Road ROW, NW 6-10-21-W4 open at 11:48 a.m. CARRIED

There was no one from the public in attendance for the public hearing.

Reeve Hickey invited Scott Tollestrup, Project Technologist to give an overview of the application.

- Diamond City residents would like to consolidate this undeveloped road right-of-way.
- Diamond City resident Pete Neels initiated this closure and consolidation in 2015 after the residents of his block were alerted to the fact they were encroaching on the County right-of-way.
- Mr. Neels has been the representative for the group of residents through this process.
- The group took steps in 2015 to have Fortis move their utilities from the lane way in question.
- This was undertaken at the request of County Council and Senior Management.
- The work requested has now been completed and first reading of Bylaw 1468 has been approved.
- This undeveloped road allowance is not required for the County's road network.
- The owners of these properties are paying all survey and registration costs. After splitting up the lane way into individual parcels to sell to the residents, we are left with 8 parcels. The sizes and cost of the parcels that were created are: 0.01 Ac x 2 pieces = \$1,420, 0.02 Ac x 6 pieces = \$2,840. Total cost to the residents for all 8 newly created parcels will be = \$19,880.
- Administration is recommending that Bylaw #1468 be sent to the Minister of Transportation for approval.

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

Council enquired if the residents wished to purchase the parcel would it be added to their titles. Mr. Tollestrup noted that yes, the County has signed documents from all the residents in this area indicating they would purchase the land and it would be consolidated into their parcels.

Council asked if confirmation has been received from Fortis Alberta that the work has been completed in that area. Mr. Tollestrup noted that the County has received correspondence from Fortis indicating the work has been completed.

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

Reeve Hickey asked three times if anyone wished to speak in favor of Bylaw 1468. No one came forward.

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Reeve

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Chief Administrative Officer

Reeve Hickey asked three times if anyone wished to speak in opposition of Bylaw 1468. No one came forward.

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

- 471/16 S. CAMPBELL MOVED that the Public Hearing for Bylaw #1468 Road Closure, Sale & Consolidation - Diamond City (Pete Neels) – Undeveloped Road ROW, NW 6-10-21-W4 close at 11:54 a.m. CARRIED
- 472/16 K. BENSON MOVED that County Council authorizes Administration to forward Bylaw #1468 Road Closure, Sale & Consolidation - Diamond City (Pete Neels) – Undeveloped Road ROW, NW 6-10-21-W4 to the Minister of Transportation for approval. CARRIED
- 473/16 M. ZEINSTRA MOVED the meeting recess for lunch at 11:55 a.m. CARRIED

The meeting reconvened at 1:32 p.m. with all members of Council present as previously mentioned.

**E4. Tristan Scholten - University of Lethbridge Applied Studies Program Student Re: Economic Development Research Assistant**

Reeve Hickey welcomed Mr. Tristan Scholten to the meeting at 1:32 p.m.

Mr. Scholten is a 4<sup>th</sup> year University of Lethbridge geography student who has accepted the Applied Studies position at Lethbridge County. Mr. Scholten will be working at the Lethbridge County office until early December 2016 as an economic development research assistant and will be doing background research on models and best practices for inter-municipal commercial/industrial development, with the goal of providing useful information for future Lethbridge County initiatives in this area.

Mr. Scholten provided a brief update of his background to date and Council welcomed Mr. Scholten to Lethbridge County and wished him success in his role and studies.

- 474/16 H. DOEVE MOVED that item E4. Tristan Scholten - University of Lethbridge Applied Studies Program Student Re: Economic Development Research Assistant be received for information. CARRIED

**CONFIRMATION B1. Confirmation of Minutes**

- 475/16 M. ZEINSTRA MOVED that the September 15, 2016 Council Minutes be approved as presented. CARRIED

**APPOINTMENTS E5a. Subdivision Application #2016-0-122 - Dar Ray Farms Ltd. - S 1/2 5-8-20-W4**

- 476/16 T. WHITE MOVED that the Agriculture & Agri-Business Industrial subdivision of S1/2 5-8-20-W4M (Certificate of Title No. 081 336 051, 081 336 051 +2), to subdivide an initial small phase of a rural industrial business park, and create two titles, consisting of 29.55 and 11.26 acres (11.96 and 4.56 ha) and a residual title of 70.72 acres (28.62 ha) ), respectively in size, for agriculture & agri-business industrial use; BE APPROVED subject to the following:

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Reeve

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Chief Administrative Officer

**RESERVE:** The 10% reserve requirement, pursuant to Sections 666 and 667 of the Municipal Government Act, be provided as money in place of land on the 40.81 acres at the market value of \$12,870.00 per acre with the actual acreage and amount to be paid to Lethbridge County be determined at the final stage, for Municipal Reserve purposes.

Once the MR payment has been satisfied, the existing deferred reserve caveat registered on the title for Lot 1, Block 1, Plan 0814065 (Document #081 336 052) may be discharged/adjusted accordingly. (The existing deferred reserve caveat may remain on title for Lot 2, Block 1, Plan 0814065 and managed through a separate subdivision process (*File no. 2015-0-096*).)

**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. The Development Agreement may address the extra dedication and construction of the roads.
3. That the road closure process be applied for at the applicant's expense, and subsequently approved by Lethbridge County and the Minister of Transportation, prior to final endorsement. The final subdivision plan as prepared by an Alberta Land Surveyor, is to be inclusive of the required new road network. The final subdivision plan is to reflect that portion of closed road area to be incorporated into proposed Lot 5. The new relocated service road must be opened prior to a portion of the existing service road being closed to the public.
4. That any conditions of Alberta Transportation shall be met, including the provision of the engineer's assessment as stipulated, prior to finalization.
5. That any easement(s) as required by utility companies or the municipality shall be established.

**REASONS:**

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. 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 Authority is satisfied proposed subdivision conforms to the Area Structure Plan and lot configuration approved for the land.

CARRIED

**E5b. Subdivision Application #2016-0-123 - Raymond S. & Margaret N. Zmurchyk, - SE 1/4 10-9-22-W4**

477/16

K. BENSON

MOVED that the Agricultural subdivision of SE1/4 10-9-22-W4M (Certificate of Title No. 121 304 596), to separate a title physically divided in two parts by Highway 3 and also split by two municipal jurisdictions creating two separate titles, 30.83 and 25.17 acres (12.48 and 10.19 ha) respectively in size, for agricultural use; BE APPROVED subject to the following:

**RESERVE:** The 10% reserve requirement, pursuant to Sections 666 and 667 of the Municipal Government Act be Deferred by caveat on the 30.83 acre parcel and registered on

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Reeve

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Chief Administrative Officer

title, with the actual acreage and amount to be provided to Lethbridge County be determined at the final stage, for Municipal Reserve purposes.

**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 final subdivision plan be prepared by an Alberta Land surveyor in a form acceptable to the Subdivision Authorities and for registration at the Land Titles office.
4. That a concurrent approval be provided by the City of Lethbridge Subdivision Authority, prior to final endorsement.

**REASONS:**

1. The proposed subdivision is consistent with the South Saskatchewan Regional Plan and complies with both the Municipal Development Plan and Land Use Bylaw.
2. 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 proposal complies with the Land Use Bylaw as the proposed subdivision conforms to the bylaw definition of a cut-off (fragmented) parcel. The Subdivision Approval Authority of Lethbridge County has determined the highway is a significant physical barrier that is present and impact the use of the land as one cohesive land unit.
4. Alberta Transportation did not object to the proposal and there have been no concerns or objections received. The Subdivision Authority has also determined that given this proposal is a simple cut-off (fragmented) parcel, it is not inconsistent with any City-County IDP policies for this area.

CARRIED

**MUNICIPAL SERVICES**

**F2. ASB South Region Conference - October 27, 2016 - MD of Willow Creek**

- 478/16 M. ZEINSTRA MOVED that any member of Council wishing to attend the 2016 ASB South Region Conference at the Claesholm Community Centre in the MD of Willow Creek be authorized to do so.  
CARRIED

**F3. Agricultural Service Board Provincial Conference January 23-27, 2017 – Westin, Edmonton**

- 479/16 S. CAMPBELL MOVED that any member of Council wishing to attend the 2017 Provincial Agricultural Service Board Conference in Edmonton scheduled for January 24-27, 2017 be authorized to do so.  
CARRIED

**F4. Sundial Road Re: Additional Paving**

- 480/16 M. ZEINSTRA MOVED that Council approves the proposed pulverization, base prep and paving of the Sundial Road from Twp. Rd. 12-0, 520 metres south to Highway 25 at a total cost of \$140,000 including contingency funded through the Public Works Reserve.  
CARRIED

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Reeve

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Chief Administrative Officer

**F5. Rod Nieboer – Drainage Complaint - NE-20-11-20-4 (Iron Springs)**

- 481/16 M. ZEINSTRA MOVED that County Council accepts the Rod Nieboer – Drainage Complaint - NE-20-11-20-4 (Iron Springs) for information. CARRIED

**F6. County of Lethbridge Rural Water Users Re: Water Audit / System Assessment**

Rick Bacon reviewed with Council a proposal received from CH2M to conduct water audit / system assessment of the County of Lethbridge Rural Water Users Association water system. Mr. Bacon provided some history on how the Rural Water Users came to the boil water order that is currently in affect.

Mr. Paul deJonge addressed Council at this time and provided an update of their water system. Mr. deJonge requested the County to fully fund or partially fund the water audit / system assessment. To date only one quote has only been received for the water audit.

A discussion was held concerning the request.

- 482/16 M. ZEINSTRA MOVED that Lethbridge County funds up to 50% of the \$40,000 of the Water Audit / System Assessment Study for the County of Lethbridge Rural Water Users, with funding to be utilized from Public Works Reserve. CARRIED

**COMMUNITY SERVICES****G1. Bylaw 1476 - Enerclean Thomson (Hypervac Technologies Development) - Area Structure Plan - Lot 2, Block 1, Plan 0812940 & Lot 3, Block 1, Plan 1512847 in SW 1/4 1-9-21-W4**

- 483/16 T. WHITE MOVED first reading of Bylaw 1476. CARRIED

**G2. Bylaw 1477 - Enerclean Thomson (Hypervac Technologies Development) - Amendment to Land Use Bylaw - Grouped Country Residential - Lot 2, Block 1, Plan 0812940 in SW 1/4 1-9-21-W4**

- 484/16 S. CAMPBELL MOVED first reading of Bylaw 1477. CARRIED

**G3. Bylaw 1480 - Norland Barn Development - Amendment to the Land Use Bylaw from Lethbridge Urban Fringe (LUF) to Direct Control (DC) for Lots 2 & 3, Block 1, Plan 1012612- First Reading**

- 485/16 H. DOEVE MOVED first reading of Bylaw 1480. CARRIED

Reeve Hickey recessed the meeting at 3:12 p.m.  
The meeting reconvened at 3:15 p.m.

**G4. Bylaw 1479 – Councillors’ Code of Conduct**

- 486/16 T. WHITE MOVED first reading of Bylaw 1479. CARRIED

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Reeve

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Chief Administrative Officer



**G5. Town of Picture Butte Re: Diamond City Request for Recreation Funding**

- 487/16 H. DOEVE MOVED that Council receive item G5. Town of Picture Butte Re: Diamond City Request for Recreation Funding for information and further that correspondence be forwarded to the Town of Picture Butte thanking them for the payment of the outstanding invoices totaling \$49,260.20 (Diamond City Waterline) and noting that Lethbridge County is waiting for the MGA Review on Recreational Funding to be completed. CARRIED

**CORPORATE SERVICES**

**H1. Gerrit & Johanna Beumer Re: Waiver of Business Tax Penalties**

- 488/16 M. ZEINSTRA MOVED that Council denies the request from Gerrit & Johanna Beumer for a waiver of business tax penalties on Account #90166. CARRIED

**ADMINISTRATION**

**I1. St. Mary River Irrigation District – Chin 2 Project**

- 489/16 T. WHITE MOVED that County Council chooses the date of October 19, 2016 to meet with the SMRID Board and staff to discuss the probability of a proposed shared pipeline project at Highway 512 and 845, at a potential cost to the County of \$900,000. CARRIED

**INVITATIONS**

**J1. Royal Canadian Legion Re: 90<sup>th</sup> Charter Anniversary**

- 490/16 M. ZEINSTRA MOVED that County Council authorizes Reeve Hickey or his designate to attend the Royal Canadian Legion 90<sup>th</sup> Charter Anniversary celebration scheduled for Saturday, October 22, 2016 at 1400 hours in the Memorial Hall. CARRIED

**J2. Sugar Beet Harvest 2016 Tour – Lantic, Inc. – Taber, October 7, 2016**

- 491/16 S. CAMPBELL MOVED that any member of Council wishing to attend the Lantic Inc. Sugar Beet Harvest 2016 Tour scheduled for October 7, 2016 in Taber be authorized to do so. CARRIED

**J3. Lethbridge Chamber of Commerce Re: Opportunity South Conference & Business Expo – October 13 & 14, 2016, Exhibition Park**

- 492/16 H. DOEVE MOVED that Council authorizes the Lethbridge County Economic Development Committee members to attend the Lethbridge Chamber of Commerce Opportunity South Conference & Business Expo scheduled for October 13 & 14, 2016 at Exhibition Park. CARRIED

**IN-CAMERA**

**K1. Legal Update**

- 493/16 S. CAMPBELL MOVED that Council receives item K1. Legal Update for information. CARRIED

**K2. Personnel**

- 494/16 T. WHITE MOVED that Council receives item K2. Personnel for information. CARRIED

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Reeve

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Chief Administrative Officer

ADJOURNMENT

495/16

K. BENSON

MOVED the meeting adjourn at 3:59 p.m.

CARRIED

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Reeve

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Chief Administrative Officer