

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF LETHBRIDGE HELD OCTOBER 3, 2013 IN THE COUNTY ADMINISTRATIVE OFFICE, LETHBRIDGE, ALBERTA.**

**PRESENT:**

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

**ABSENT:**

Division No. 3	- H. Doeve, Deputy Reeve
Division No. 6	- T. White

**ADMINISTRATION PRESENT:**

County Manager	- D. Shigematsu
Director of Corporate Services	- R. Robinson
Director of Municipal Services	- K. Viergutz
Controller	- T. Anderson
Recording Secretary	- L. Megella

**REEVE LORNE HICKEY IN THE CHAIR**

**CALL TO ORDER** Reeve Hickey called the meeting to order at 10:08 a.m.

**AMENDMENTS TO THE AGENDA**

Dennis Shigematsu, County Manager and members of Council made the following additions and deletions to the October 3, 2013 agenda.

- G5. Community Futures / Town of Raymond Re: Economic Development for Elected Officials Course – November 1, 2013

435/13 S. CAMPBELL MOVED that Council approve the agenda as amended.  
CARRIED

**CONFIRMATION B1. Confirmation of Minutes**

Note: Councillor M. Zeinstra departed 10:10 a.m.

436/13 K. BENSON MOVED that the September 19, 2013 Council Minutes be approved as presented.  
CARRIED

**MUNICIPAL SERVICES**

**F1. Garbage Cart Fees**

Note: Councillor M. Zeinstra present at 10:12 a.m.

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Reeve

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County Manager

- 437/13 J. WILLMS MOVED that County Council authorizes Administration to amend the 2013 Schedule of Fees Bylaw to eliminate the initial fee for the carts of \$65.00 each, and further that the purchase cost of the carts be funded from the Utilities Future Projects Reserve for a total cost \$32,219.88 plus GST for 462 carts. The initial purchase of the garbage carts will be borne by the County of Lethbridge; any costs for replaced garbage carts will be borne by the property owner. CARRIED

**F2. Haul Road Standards Request for Proposals**

- 438/13 M. ZEINSTRA MOVED that County Council approves the Haul Road Standards Request for Proposals, and further that Administration be directed to proceed with the Proposal Call. Administration to have the final business case document back to Council by the end of December 2013. Funds for business case to be derived from Public Works Reserve. CARRIED

**COMMUNITY SERVICES**

**G1. Emergency Advisory Committee**

- 439/13 J. WILLMS MOVED that at the 2013/14 County Council Organizational Meeting, County Council amalgamates the Emergency Services Committee and the Disaster Services Planning Committee into a single Emergency Advisory Committee consisting of three appointed County Councillors and further that the title of Disaster Services Planning Committee, in the Municipal Emergency Management Bylaw #1380, be changed to Emergency Advisory Committee. CARRIED

**G2. Southwest Alberta Road Safety Society**

- 440/13 M. ZEINSTRA MOVED that County Council approves the County of Lethbridge joining the Southwest Alberta Road Safety Society as a municipal partner. CARRIED

**G5. Community Futures / Town of Raymond Re: Economic Development for Elected Officials Course – November 1, 2013**

- 441/13 J. WILLMS MOVED that County Council approve attendance of three Council members of the Economic Development Committee (EDC) and incoming County Manager Rick Robinson to participate in the Community Futures / Town of Raymond sponsored Economic Development for Elected Officials Course scheduled for November 1, 2013 at a cost of \$325 + GST per person, which includes all course materials, lunch, etc. CARRIED

**CORPORATE SERVICES**

**H1. 2013 Christmas Party**

- 442/13 M. ZEINSTRA MOVED that County Council approves the \$5,000 contribution to the 2013 Christmas Party – to be funded from the Council Discretionary Reserve. CARRIED

**H2. 2014 Strategic Planning Dates**

- 443/13 S. CAMPBELL MOVED that County Council selects the dates of January 13 – 16, 2014 for their annual Strategic Planning retreat to be held in Waterton, AB. CARRIED

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Reeve

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County Manager

**ADMINISTRATION****I1. MGA Review – Questionnaire for Municipal Councillors**

444/13 K. BENSON MOVED that Council directs Administration to create a backgrounder for the tax and assessment portion of the Municipal Affairs MGA Questionnaire. CARRIED

**APPOINTMENTS****E1. Roger Holm Re: Coaldale Granite Club Re: 2014 ATB Financial Canadian Master Curling Championship - March 31 to April 6, 2014**

Reeve Hickey welcomed Roger Holm from the Coaldale Granite Club to the meeting at 11:29 a.m.

Mr. Holm provided Council with an update regarding the 2014 ATB Financial Canadian Master Curling Championship.

445/13 J. WILLMS MOVED that Council support the community event '2014 ATB Financial Canadian Masters Curling Championship' in the amount of \$2,000 for the Team Social to be held at the Readymade Community Hall on Wednesday, April 2, 2014 and that funds be derived from Councillor's Discretionary Reserve. CARRIED

Reeve Hickey thanked Mr. Holm for attending the meeting. Mr. Hohm retired at 11:26 a.m.

**ADMINISTRATION****I2. 2013 Organizational Meeting – Set Date**

446/13 M. ZEINSTRA MOVED that the 2013 Organizational Meeting be scheduled for October 17, 2013 commencing at 9:00 a.m. with the regular Council meeting to follow. CARRIED

**I3. Readymade Harvest Gala Fundraiser – November 2, 2013**

447/13 M. ZEINSTRA MOVED that any member of Council wishing to attend the Readymade Harvest Gala Fundraiser scheduled for November 2, 2013 be authorized to do so at their own expense. Tickets to be purchased by each individual councillor that will attend. CARRIED

448/13 M. ZEINSTRA MOVED the meeting recess for lunch at 11:43 a.m. CARRIED

The meeting reconvened at 1:31 p.m. with all members of Council present as previously stated.

**APPOINTMENT****E2. S.D. Application #2013-0-134 - Hobbs - SE 1/4 24-12-24-W4**

449/13 J. WILLMS MOVED that the country residential subdivision of SE1/4 24-12-24-W4M (Certificate of Title No. 951 138 797+1), to create a 4.20 acre (1.69 ha) parcel from a title of 160.00 acres (64.7 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 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 a Development Agreement with the County of Lethbridge which

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Reeve

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County Manager

shall be registered concurrently with the final plan against the title(s) being created.

3. That the 6.0 metre strip of land between the north property line and the quarter section line (between the SE and NE1/4 24-12-24-W4M) be incorporated into the country residential parcel, so that the resulting yard title is square to the quarter section line. This parcel boundary adjustment shall be reflected on the final subdivision plan as prepared by an Alberta Land Surveyor.

**REASONS:**

1. 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.

2. The proposed subdivision complies with the Land Use Bylaw.

3. The Subdivision Authority granted a waiver of the maximum parcel size based on the improvements and physical features present in the yard.

4. The elimination of the 6.0 metre strip of land should help eliminate problems or confusion in the future between landowners of which landowner has title to this portion of land and creates a more logical parcel boundary. CARRIED

**E3. S.D. Application #2013-0-133 - Horvath - SE 1/4 26-9-21-W4**

450/13 M. ZEINSTRAS MOVED that the country residential subdivision of SE1/4 26-9-21-W4M (Certificate of Title No. 111 098 493), to create a 3.0 acre (1.22 ha) parcel from a title of 218.59 acres (88.46 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 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 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 residual portions of land comprising 215.57 acres in the NE and SE quarter section of 26-9-21-W4M be amalgamated (consolidated) on a descriptive plan or plan of survey as prepared by an Alberta Land Surveyor so that the title may not be further subdivided without approval of the Subdivision Authority.

**REASONS:**

1. The subdivision is from an agricultural title greater than 160 acres in size 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.

2. The proposed subdivision complies with the Land Use Bylaw. CARRIED

**COMMUNITY SERVICES**

**G3. Bylaw 1404 – Land Use Bylaw – 1<sup>st</sup> Reading**

451/13 S. CAMPBELL MOVED that County Council approves first reading of Bylaw 1404 - Land Use Bylaw. CARRIED

**APPOINTMENTS**

**E4. PUBLIC HEARING for Bylaw 1399 Road Closure, Sale & Consolidation – Dan Reimer – Plan 6481 DI, Block 1, Iron Springs**

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Reeve

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County Manager

452/13 S. CAMPBELL MOVED that the Public Hearing for Bylaw 1399 Road Closure, Sale & Consolidation – Dan Reimer – Plan 6481 DI, Block 1, Iron Springs open at 2:14 p.m. CARRIED

No delegation present.

Reeve Hickey declared the public hearing is being held pursuant to the Municipal Government Act as amended for Bylaw 1211.

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

Mr. Viergutz stated the following:

- During the CPR rail right-of-way acquisition project, it was determined that a portion of the rail right-of-way adjacent to Mr. Daniel Reimer's property should be offered to him.
- In addition, Administration determined that Mr. Reimer's buildings and trees had encroached on a County lane located adjacent to Mr. Reimer's property. It was determined that the lane would never be constructed and as such is no longer needed by the County.
- In order to resolve the encroachment situation, Mr. Reimer wishes to close, purchase and consolidate the lane parcel.
- There are no financial implications as the owner of the property is paying all survey and registration costs.
- Adjacent landowners were notified of the public hearing by letter.
- The public hearing for Bylaw 1399 was advertised in two issues of the Sunny South News: September 17<sup>th</sup> and September 24<sup>th</sup>.

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

Council asked Mr. Viergutz if the County was keeping any land for a public utility lot. Mr. Viergutz responded no because there were already buildings located on top of the property and they could not be moved.

Reeve Hickey asked three times if anyone present wished to speak in opposition of Bylaw 1399. No one came forward.

Reeve Hickey asked three times if anyone present wished to speak in favor of Bylaw 1399. No one came forward.

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

453/12 M. ZEINSTRÄ MOVED that the Public Hearing for Bylaw 1399 Road Closure, Sale & Consolidation – Dan Reimer – Plan 6481 DI, Block 1, Iron Springs close at 2:18 p.m. CARRIED

454/12 M. ZEINSTRÄ MOVED that Bylaw 1399 Road Closure, Sale & Consolidation – Dan Reimer – Plan 6481 DI, Block 1, Iron Springs be forwarded to the Minister of Transportation for approval. CARRIED

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Reeve

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County Manager

**COMMUNITY SERVICES****G4. Town of Coalhurst Re: Intermunicipal Development Plan – Meeting Date**

455/13 K. BENSON MOVED that Council receive item G4. Town of Coalhurst Re: Intermunicipal Development Plan – Meeting Date for information. CARRIED

Reeve Hickey recessed the meeting at 2:25 p.m.  
The meeting reconvened at 2:34 p.m.

**APPOINTMENT****E6. PUBLIC HEARING for Bylaw 1398 Road Closure, Sale & Consolidation – Tom & Irma White – Block 16, Plan 9811820 – Cadillac Street, Hamlet of Shaughnessy**

456/13 M. ZEINSTRA MOVED that the Public Hearing for Bylaw 1398 Road Closure, Sale & Consolidation – Tom & Irma White – Block 16, Plan 9811820 – Cadillac Street, Hamlet of Shaughnessy continue at 2:35 p.m. CARRIED

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

T. Groves D. Groves W. Halma

Reeve Hickey declared the public hearing is being held pursuant to the Municipal Government Act as amended for Bylaw 1211.

Reeve Hickey further noted that no new information could be presented for Bylaw 1398 and that only the information presented at the August 15, 2013 Public Hearing could be discussed.

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

Ms. Janzen stated the following:

- First Reading of Bylaw 1398 was approved by County Council on June 6, 2013.
- The Subdivision Authority approved subdivision 2012-0-221 January 16, 2012. As part of this subdivision, it was required that the applicant either enter into a Development Agreement with the County of Lethbridge to construct the northern 160 feet of Cadillac Street to provide access to the subdivided parcel or that the applicant enter into an agreement with the County to close the northern 160 feet of Cadillac Street and consolidate it into the parcel being created in accordance with the County's policies. The applicant chose to close and purchase that portion of Cadillac Street and consolidate it with the subdivided parcel.
- A sanitary line runs through the southern portion of the road closure area and a utility right-of-way will have to be created for that line and registered on the titled area.
- Notices of the proposed road closure and sale were sent out to the utility companies by Brown Okamura and Associates on July 19, 2013. The bylaw was also advertised in the July 30 and August 6 editions of the Sunny South News.
- The adjoining landowner is opposed to the proposed road closure, the letters received from the opposing landowner are attached in the agenda package.
- After the August 15, 2013 Council meeting, the applicant and the adjacent landowner were to have a meeting in order to discuss the road closure.

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Reeve

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County Manager

Reeve Hickey asked if anyone wished to speak in favor of Bylaw 1398.

Mr. Halma noted the following:

- That he is speaking on behalf of Tom & Irma White.
- The Whites still want to have the road closed for egress and digress.
- The Whites feel this is a fair compromise.
- Mr. Halma noted that he had met with Mr. Trevor Groves but Mr. Groves didn't want to change his position on the road closure.
- The decision is now up to Council concerning the road closure.

Reeve Hickey asked Council if they had any questions of Mr. Halma. Council had no questions of Mr. Halma.

Reeve Hickey asked if anyone wished to speak in opposition of Bylaw 1398.

Mr. Trevor Groves noted the following:

- He indicated that he had met with Mr. Halma.
- If Council allowed the road closure to be approved, the public use of the property would be restricted.
- Mr. Groves asked Council for the road to remain as it currently is.
- The road now provides access to all properties in the area.
- The Whites are willing to compromise 41 feet of the access and that would leave Mr. Groves the remaining 25 feet

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

Mr. Groves noted that the parcel north of the proposed road closure is not zoned residential but industrial. If the road were closed it would encourage industrial uses next to his parcel.

Ms. Janzen indicated that is not correct, that the property to the north is zoned Rural Urban Fringe which is a holding zone. Ms. Janzen further noted that there is a permit for the property for RV storage only and is zoned Rural Urban Fringe.

Council asked if there is a plan for the property. Why does Mr. Groves need a road closure for the property?

Ms. Janzen noted that the Whites could either develop the road to the property or they could apply to close and purchase that portion of road right-of-way and consolidate it with the parcel to the north providing access to the existing intersection of 3<sup>rd</sup> Street and Cadillac Street.

Mr. Viergutz noted that the road would have to be developed to urban standard to the north property line if the road were not closed.

Council noted that if there was no road closure, Mr. White would have to develop the road to County standards. Council questioned what was wrong with the road the way it currently is?

There currently is not a road, just a row. Mr. Viergutz noted that there was an understanding that Mr. White was going to build a road.

Reeve Hickey asked if Council had any further questions of Ms. Janzen or Mr. Viergutz.

Council questioned if Mr. White would have to construct a road and sidewalk.

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Reeve

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County Manager

Mr. Viergutz noted that when you have a property fronting the road, you need to have a sidewalk.

Reeve Hickey asked if there were any further questions.

Mr. Halma asked Mr. Viergutz what the cost to construct a road would be. Mr. Viergutz indicated that he did not know the cost. Mr. White would have to hire a contractor and they would determine the cost.

Reeve Hickey asked if there were any further comments or questions.

Mr. Steve Harty, ORRSC noted that if Council were to send the bylaw to the Minister of Transportation for approval and there was an objection to the bylaw, all documentation to the objection would also have to be forwarded to the Minister of Transportation.

Reeve Hickey asked if there were any further questions regarding Bylaw 1398. There were no further questions.

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| 457/13 | S. CAMPBELL | MOVED the Public Hearing for Bylaw 1398 Road Closure, Sale & Consolidation – Tom & Irma White – Block 16, Plan 9811820 – Cadillac Street, Hamlet of Shaughnessy close at 2:47 p.m.<br><b>CARRIED</b>                              |
| 458/13 | K. BENSON   | MOVED that Bylaw 1398 Road Closure, Sale & Consolidation – Tom & Irma White – Block 16, Plan 9811820 – Cadillac Street, Hamlet of Shaughnessy be forwarded to the Minister of Transportation for approval. <b>MOTION DEFEATED</b> |

#### **ADJOURNMENT**

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| 459/13 | M. ZEINSTR | MOVED the meeting adjourn at 2:50 p.m. <b>CARRIED</b> |
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Reeve

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County Manager