

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF LETHBRIDGE HELD AUGUST 16, 2012 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 9:42 a.m.

**AMENDMENTS TO THE AGENDA**

Dennis Shigematsu, County Manager and members of Council made the following additions and deletions to the August 16, 2012 agenda.

- F2. Southern Alberta Energy from Waste Alliance Committee – T. White
- G3. Fire Ban – J. Willms
- I1. Coalhurst Miners Days Parade – August 11, 2012 be replaced with I1. 2012 Parade Schedule - Nobleford Heritage Days Parade - August 11, 2012 / Coalhurst Miners Days Parade - August 11, 2012 / Town of Picture Butte Jamboree Days Parade - August 18, 2012 / Whoop-Up Days Parade - August 21, 2012

308/12 J. WILLMS MOVED that Council approve the agenda as amended. CARRIED

**IN-CAMERA** **J1. Legal Matter**

309/12 T. WHITE MOVED that Council go In-Camera at 9:44 a.m. CARRIED

310/12 M. ZEINSTRA MOVED that Council come out of In-Camera at 10:24 a.m. CARRIED

Note: K. Benson departed at 10:26 a.m.

Note: K. Bly, Sunny South News present at 10:26 a.m.

311/12 H. DOEVE MOVED that Council direct Administration to contact legal counsel to pursue resolution regarding the legal land matter and that Administration bring back a Storm Water Report for Vista Meadows to include costing and potential funding. CARRIED

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Reeve

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County Manager

**CONFIRMATION B1. Confirmation of Minutes**

312/12 J. WILLMS MOVED that the August 2, 2012 Council Minutes be approved as amended. CARRIED

**Page 4 Currently Reads:**

290/12 M. ZEINSTRA MOVED that County Council selects the last week of January 2013 (January 28 through January 31) for Strategic Planning with location of strategic planning to be in Canmore. CARRIED

**Page 4 Should Read:**

290/12 M. ZEINSTRA MOVED that County Council selects the last week of January 2013 (January 28 through January 31) for Strategic Planning with potential locations to be researched by Administration for cost and availability. CARRIED

Note: K. Benson returned at 10:33 a.m.

**MUNICIPAL SERVICES****F1. Lethbridge Biogas Facility Servicing Update & Water Main Extension Cost Sharing Approval**

313/12 H. DOEVE MOVED that County Council authorize the expenditure of \$42,918.75 from the Utilities Future Projects Reserve for the County of Lethbridge contribution to the Lethbridge Biogas water main extension, pending City of Lethbridge approval and further that this expenditure be recovered from future benefitting RAVE properties via a local improvement tax, special tax or other means of recovery and further that recovered funds be returned to the Utilities Future Projects Reserve. CARRIED

**F2. Southern Alberta Energy from Waste Alliance – T. White**

Councillor Tom White provided an update on the Southern Alberta Energy from Waste Alliance Committee. The next phase will be an invitation to the affected landowners from the engineering firm regarding the location of a potential facility in their region. The County will be receiving an invitation to the open house in the coming weeks.

314/12 K. BENSON MOVED to receive item F2. Southern Alberta Energy from Waste Alliance for information. CARRIED

**APPOINTMENTS E1. Dave Schaaf, Waste & Recycling Manager and Doug Hawkins, Director of Infrastructure Services, City of Lethbridge Re: Update on Landfill Master Plan**

Reeve Hickey welcomed Dave Schaaf, Waste & Recycling Manager and Doug Hawkins, Director of Infrastructure Services from the City of Lethbridge to the meeting at 11:00 a.m.

Note: L. Hickey departed at 11:04 a.m.

**DEPUTY REEVE HENRY DOEVE IN THE CHAIR**

Note: L. Hickey present at 11:09 a.m.

**REEVE LORNE HICKEY IN THE CHAIR**


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Reeve

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County Manager

Mr. Schaaf provided Council with an update regarding the City of Lethbridge Landfill Master Plan.

Reeve Hickey thanked the delegation for attending the meeting. The delegation retired at 11:55 a.m.

315/12 H. DOEVE MOVED that County Council receive the presentation regarding the City of Lethbridge Waste and Recycling Centre Master Plan for information. CARRIED

316/12 M. ZEINSTRA MOVED the meeting recess for lunch at 11:56 p.m. CARRIED

The meeting reconvened at 1:25 p.m. with all members of Council present as previously stated.

## **COMMUNITY & LEGISLATIVE SERVICES**

### **G1. Economic Development Committee Terms of Reference**

317/12 T. WHITE MOVED that County Council adopts the Economic Development Committee Terms of Reference. CARRIED

### **G2. Town of Coalhurst & County of Lethbridge IMDP Funding Request**

318/12 K. BENSON MOVED that County Council authorize Administration to apply for funding from the Alberta Regional Collaboration Program in the amount of \$36,950 to fund the preparation of a new Intermunicipal Development Plan with the Town of Coalhurst. CARRIED

## **CORPORATE SERVICES**

### **H2. Fire Ban – J. Willms**

Councillor Willms stated that he received a phone call from a ratepayer enquiring if there was a fire ban on. Councillor Willms did not know if there was or was not a fire ban on and when he checked the website he found no information on a Fire Ban. A discussion was held about the communication strategy as it relates to Fire Bans.

319/12 K. BENSON MOVED to receive item H2. Fire Ban for information. CARRIED

### **H1. 2012 Audit Proposals**

320/12 M. ZEINSTRA MOVED that KPMG LLP Chartered Accountants be appointed as the County's auditor for the 2012-2016 audits. CARRIED

## **ADMINISTRATION**

### **I1. 2012 Parade Schedule – Coaldale Settler Days – July 7, 2012, Nobleford Heritage Days Parade - August 11, 2012 / Coalhurst Miners Days Parade - August 11, 2012 / Town of Picture Butte Jamboree Days Parade - August 18, 2012 / Whoop-Up Days Parade - August 21, 2012**

321/12 M. ZEINSTRA MOVED that County Council authorizes, after the fact, the following: Councillor John Willms to attend the Coaldale Settler Days Parade on July 7, 2012; and Deputy Reeve Henry Doeve and Councillor Ken Benson to attend the Coalhurst Miners Days Parade on Saturday, August 11, 2012; and Councillor Steve Campbell to attend the Nobleford Heritage Days Parade on Saturday, August 11, 2012.

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Reeve

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County Manager

Further, that County Council authorize that a member of Council be authorized to attend the Town of Picture Butte Jamboree Days Parade scheduled for August 18, 2012 and that the Reeve or his designate be authorized to attend the Whoop-Up Days Parade scheduled for August 21, 2012. CARRIED

**I2. Gem of the West Museum Re: Scotiabank Gallery Grand Opening – Saturday, September 15, 2012 – 10:00 a.m. – 4:00 p.m.**

322/12 M. ZEINSTRA MOVED that any member of Council wishing to attend the official opening of the Scotiabank Art Gallery at the Gem of the West Museum, scheduled for September 15, 2012 between 10:00 a.m. and 4:00 p.m. be authorized to do so. CARRIED

Reeve Hickey recessed the meeting at 2:00 p.m. to proceed with the Public Hearing for By-Law 1388 County of Lethbridge / Village of Nobleford Intermunicipal Development Plan

**APPOINTMENTS E4. PUBLIC HEARING for By-Law 1388 County of Lethbridge / Village of Nobleford Intermunicipal Development Plan**

323/12 S. CAMPBELL MOVED that the Public Hearing for By-law 1388 County of Lethbridge / Village of Nobleford Intermunicipal Development Plan open at 2:00 p.m. CARRIED

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

K. Hofman D. McDowell P. Postman H. Vandenberg J. VanLire

Reeve Hickey declared the public hearing is being held pursuant to the Municipal Government Act as amended for By-Law 1388 County of Lethbridge / Village of Nobleford Intermunicipal Development Plan.

Reeve Hickey invited Mr. Perry Neufeld, Planner, ORRSC to give an overview of the application.

Mr. Neufeld stated the following:

- The County of Lethbridge/Village of Nobleford Intermunicipal Development Plan (IMDP) process was initiated in early 2011.
- The first meeting of the joint committee was held September 23, 2011, and the committee has met seven more times since to move this project forward, with meetings held on October 24, December 12, January 26, February 27, April 23, May 28, and June 12.
- The committee members are Henry Doeve, Morris Zeinstra and Steve Campbell representing County Council, and Pete Pelley and Don McDowell representing the Village Council.
- A public open house was held in Nobleford on April 10, 2012 to present the concepts proposed by the joint committee, and to gain feedback; using this input, the plan document has been developed.
- The proposed IMDP represents a notable change in approach from earlier plans.
- Existing plans are primarily consultative documents that identify an urban fringe, and commit the municipalities to consult on development proposals within the fringe. The County/Nobleford plan goes beyond that by providing explicit land use policies for portions of the urban fringe, particularly the Highway 519 corridor west of the Village.

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Reeve

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County Manager

- Land uses, the road network, and development standards are among the matters addressed to provide long-term certainty for the County, the Village, and the owners of the lands.
- This document also contains a revised approach to dealing with exclusion zones for confined feeding operations (CFOs). The proposed exclusion zone to the west, which was refined based on public input received, is more extensive than the zone to the east, recognizing prevailing wind patterns.
- At its meeting of June 12, 2012, the joint committee endorsed the proposed intermunicipal development plan, and recommended it to the Councils of the Village and the County for first reading and public hearing.
- The Village Council passed first reading of the bylaw at its meeting of June 19, and County Council passed first reading at its meeting of June 21. The required notice has been given for the public hearing at County Council, which is scheduled for today August 16<sup>th</sup> at 2 p.m.
- At the time of writing (August 8), one verbal comment has been received about the extent of the CFO exclusion zone. However, no written comments have been received.
- Mr. Neufeld reviewed the IMDP document with Council.

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

Council had no questions of Mr. Neufeld.

Reeve Hickey asked if anyone present wished to speak in favour of By-Law 1388.

Mr. Don McDowell, Councillor with the Village of Nobleford addressed Council and stated that as part of the Committee that worked on the Intermunicipal Development Plan he can attest to the fact that a lot of forethought and planning went into this document and the Village of Nobleford is behind this 100%.

Reeve Hickey asked if anyone present wished to speak in opposition of By-Law 1388.

Mr. Harry Vandenberg addressed Council and enquired why the plan boundary has to be so far south.

Mr. Neufeld referred to the map and stated the boundary inside the blue dotted line is exclusionary and inside the purple line is manure spreading exclusion area; outside of that line people can spread by provincial guidelines. There is an existing operation inside the blue dotted line. Manure could be spread half a mile from where the red dot is.

Mr. Vandenberg stated the existing operation is on his son's land, and asked if the line could be moved half a mile north so they can put their manure on that site?

Council enquired if there can be conditions such as it can be spread but cultivated within a certain time period, for example.

Mr. Neufeld said it was discussed at the Committee level, but it was decided to exclude in proximity to the boundary of the Village boundary.

Council enquired if the person who owns that feedlot does not have land outside of that area, where would the manure be spread?

Mr. Nick Paladino, Planning and Development Manager stated that the permit runs with the land, but if a person does not have land, the manure would have to be trucked offsite; it really depends what conditions were placed on the permit.

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Reeve

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County Manager

Mr. Neufeld stated that Mr. Orin Kenzie stated that if anyone is going to spread manure, they have to spread within provincial guidelines, but it is a municipality's purview to review guidelines of manure exclusionary.

Mr. Vandenberg stated that both the Town of Picture Butte and Village of Nobleford have septic fields that are very smelly. A half a mile straight south is all that is required to have somewhere to spread.

Council stated that another town had their manure liquidated, and if there was a strong west wind, you should not spread the manure, it really all depends on how it is managed.

Council enquired of Mr. Vandenberg how long it has been since there were a couple hundred head on that location?

Mr. Vandenberg stated that it has been a while, but there are still cattle.

Council stated, but in order for an operation to be considered a CFO, you need more than what you have.

Mr. Vandenberg stated that is correct, and currently it is a non-operational feedlot.

Council enquired of the Planner if it were possible to move that south line further to the north?

Mr. Albert Frootman, Director of Community and Legislative Services stated that if you want changes to the plan document as proposed it is best to postpone or recess the public hearing to a future date and refer the plan back to the steering committee, it would mean coming back in October. If the plan does get adopted, it is not a statutory document, it is a guideline for planning, the exclusion zone around Picture Butte is in the LUB, we would have to put something into the LUB, or a separate by-law to deal with this piece of land. This existing feedlot might need an exemption.

Council enquired if they could we close the public hearing, go to 2<sup>nd</sup> reading, then amend the document as required and go back to 3<sup>rd</sup> reading?

Mr. Frootman stated that if it were a Municipal Development Plan or/and Area Structure Plan, that would be correct, however, with two councils needing to have input it is a more laborious task; if a change is made to the document both the Village and the County has to review those changes. It is best practice to refer it back to the committee and go from there.

Council stated that regardless, an exclusionary clause or a grandfather clause – the manure would only come from that one source, and not from another source.

Mr. Frootman stated that Council would have to be happy with the Land Use By-Law or create a manure spreading special exemption.

Mr. Neufeld stated that if there is an exemption that in one by-law, it would need to be universal to all by-laws and policy documents.

Mr. Vandenberg stated that if we were not going to have cattle in that feed lot, but can we get permission to put manure half a mile south of the town? We have one piece of land in the excluded area, and four quarters directly below the exclusion line.

Mr. Don McDowell stated that the feedlot has not had cattle since he has been in the area, and that is many years. The expansion zone is the white section to the

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Reeve

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County Manager

east, which is into the prevailing southwesterly winds. If the feedlot is activated again, would the NRCB get involved, that close to a subdivision?

Council stated that the committee has spent a lot of time considering this plan, including this feedlot. If we send it back to committee, do we instruct that we move that line south? There are other large feedlots south of that proposed exclusion zone; the point being there are other affected landowners.

Council enquired, how long has this feedlot been empty?

Mr. Vandenberg stated that it has been empty the last few years.

Council stated that there are many incidents of landowners who have permits for a feedlot of 600-700 head, that are inactive then residences and subdivisions go up. If a feedlot were to be reactivated, there would be a lot of controversial issues because of the proximity of new landowners. There are many different types of circumstances in the County where a past feedlot may not be able to be reactivated. There should be a period of time that if the feedlot has been idle, that it is void.

Council stated that the exclusion zone is about a mile around the perimeter of the existing town boundaries.

Mr. Neufeld urged Council to contemplate the document from a committee perspective and think about the long term impacts – there is a continued minimum quality of life standard – this is a global document.

Mr. McDowell stated there is a new subdivision south of 519, Mr. Peter Klok has opened that up and that feedlot would be directly south west of the feedlot, not even half a mile.

Council enquired of Mr. Vandenberg if he attended the open house in Nobleford regarding this IMDP?

Mr. Vandenberg stated that yes, he did.

Council stated that would have been a good time to bring it up.

Reeve Hickey asked three times if there were any further questions of Council.

There were no further questions from Council.

Reeve Hickey asked three times if there were any further presentations regarding By-Law 1388.

There were no further presentations regarding By-Law 1388.

324/12	H. DOEVE	MOVED the Public Hearing for By-Law 1388 County of Lethbridge / Village of Nobleford Intermunicipal Development Plan close at 3:06 p.m.	CARRIED
325/12	H. DOEVE	MOVED second reading of By-Law 1388.	CARRIED
326/12	T. WHITE	MOVED third reading of By-Law 1388.	CARRIED

Reeve Hickey thanked the delegation for attending the meeting. The delegation retired at 3:07 p.m.

## **ADJOURNMENT**

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Reeve

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County Manager

327/12

M. ZEINSTRA MOVED the meeting adjourn at 3:07 p.m.

CARRIED

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Reeve

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County Manager