

**MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF LETHBRIDGE HELD DECEMBER 20, 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:**

Acting County Manager	- R. Robinson
Director of Municipal Services	- K. Viergutz
Recording Secretary	- D. Irwin

**REEVE LORNE HICKEY IN THE CHAIR**

**CALL TO ORDER** Reeve Hickey called the meeting to order at 9:34 a.m.

**AMENDMENTS TO THE AGENDA**

Rick Robinson, Acting County Manager and members of Council made the following additions and deletions to the December 20, 2012 agenda.

- E2. – Move item E2. S.D. Application #2012-0-212 - S.W. 1/4 13-8-21-W4 - C.E. French Livestock Ltd. from 11:30 a.m. to 1:30 p.m.
- F4. Iron Springs Road – Road Ban Issue – M. Zeinstra
- G2. Town of Coalhurst Re: Request for Intermunicipal Committee Meeting

540/12 J. WILLMS MOVED that Council approve the agenda as amended. CARRIED

**IN-CAMERA** **J1. Legal Matter; J2. Personnel Matter; J3. Personnel Matter**

541/12 M. ZEINSTRA MOVED that Council go In-Camera at 9:36 a.m. CARRIED

542/12 M. ZEINSTRA MOVED that Council come out of In-Camera at 10:41 a.m. CARRIED

**J1. Legal Matter**

543/12 H. DOEVE MOVED that County Council direct Administration to inform legal counsel that Council will not accept the imposed trust conditions on the correspondence. CARRIED

**J2. Personnel Matter**

544/12 T. WHITE MOVED that Council authorizes Corporate Services to continue with its plans to re-organize within the financial constraints as discussed in the report CARRIED

---

Reeve

---

County Manager

**J3. Personnel Matter**

545/12 M. ZEINSTRA MOVED that Council authorize Administration to follow through with the Committee recommendation. CARRIED

Reeve Hickey recessed the meeting at 10:42 a.m.

The meeting reconvened at 10:52 a.m. with all members present as previously stated.

**MUNICIPAL SERVICES****F2. 2013-2015 Bridge Request List**

Note: Reeve Hickey departed at 10:58 a.m.

**DEPUTY REEVE DOEVE IN THE CHAIR at 10:58 a.m.**

546/12 M. ZEINSTRA MOVED that County Council approve the 2013 – 2015 Bridge Request List for submission to Alberta Infrastructure and Transportation, and further that Bridge File 79600 be replaced with a culvert structure, pending bridge funding from Alberta Transportation.

<u>Bridge Files for 2013</u>	<u>Legal Description</u>
79596	WNW 7-10-20-W4
79600	SSW 15-10-20-W4
79825	NW 27-10-23-W4
72098	SE 28-8-20-W4
79597	WSW 17-10-20-W4
79604	WSW 18-8-20-W4

<u>Bridge Files for 2014</u>	<u>Legal Description</u>
76077	WNW 26-11-22-W4
79602	WNW 4-10-20-W4

<u>Bridge Files for 2015</u>	<u>Legal Description</u>
71467	SSW 25-12-21-W4
79605	SSE 13-9-21-W4

<u>Future Considerations</u>	<u>Legal Description</u>
79733	WNW 16-8-18-W4
79772	SW 17-8-18-W4

CARRIED

**APPOINTMENTS E1. John Grove, Municipal and Community Relations Manager, South, AltaLink LP Re: Picture Butte to Etzikom Coulee Transmission Project**

Deputy Reeve Doeve welcomed Mr. John Grove, Municipal and Community Relations Manager, South, AltaLink LP to the meeting at 11:00 a.m.

Mr. Grove provided Council with a presentation regarding the Picture Butte to Etzikom Coulee Transmission Project.

Note: Reeve Hickey present at 11:26 a.m.

Deputy Reeve Doeve thanked Mr. Grove for attending the meeting. Mr. Grove retired at 11:26 a.m.

---

Reeve

---

County Manager

- 547/12 K. BENSON MOVED that Council accept the presentation from Mr. John Grove, Municipal and Community Relations Manager, South, AltaLink LP regarding the Picture Butte to Etzikom Coulee Transmission Project as information. CARRIED

**REEVE HICKEY ASSUMED THE CHAIR AT 11:27 A.M.**

- 548/12 M. ZEINSTRA MOVED the meeting recess for lunch at 11:29 a.m. CARRIED

The meeting reconvened at 1:21 p.m. with all members of Council present as previously stated.

**CONFIRMATION B1. Confirmation of Minutes**

- 549/12 S. CAMPBELL MOVED that the December 7, 2012 Council Minutes be approved as presented. CARRIED

**MUNICIPAL SERVICES**

**F1. Designated Haul Route - Road Use Policy Open House Update**

- 550/12 H. DOEVE MOVED that County Council receives the amended Designated Haul Route & Road Use Policies Open House Update for information and further that a public relations article be written for the County Connection newsletter. CARRIED

**F3. Broxburn Business Park / Assignment of Rogers Broadcasting Ltd. Land Lease to County of Lethbridge**

- 551/12 T. WHITE MOVED that Council authorizes Administration to assume the lease between Rogers Broadcasting Ltd., the Broxburn Business Park Owner's Association and Broxburn Developments Inc. in securing access to Lot 1, Block 1, Plan 0013042 for the purposes of maintaining a raw water reservoir in the north west corner of said parcel, and further that Administration request that Roger's Communications provide the County of Lethbridge with the right of first refusal to purchase that portion of said property that the raw water reservoir is located on from Rogers in the event that Rogers decides to sell the property at a future date. CARRIED

**MUNICIPAL SERVICES**

**F4. Iron Springs Road – Road Ban Issue – M. Zeinstra**

Councillor Morris Zeinstra noted that he wished to have further discussion on the Road Ban Policy as it pertains to the Iron Springs Road. A discussion was held regarding the matter.

- 552/12 M. ZEINSTRA MOVED that County Council direct Administration to treat the portion of the south boundary of Iron Springs Road up to the intersection of Twp Rd. 11-2 (the graveyard corner) like any other graveled road. CARRIED

**APPOINTMENTS E2. S.D. Application #2012-0-212 - S.W. 1/4 13-8-21-W4 - C.E. French Livestock Ltd.**

- 553/12 H. DOEVE MOVED that the country residential subdivision of S.W. 1/4 13-8-21-W4M (Certificate of Title No. 001 363 301), to create a 3.00 acre (1.21 ha) parcel from a title of 157.95 acres (63.92 ha) for country residential use; BE APPROVED subject to the following:

---

Reeve

---

County Manager

**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.

**REASONS:**

1. The proposed parcel is the first subdivision from the quarter section and is determined to be suitable for the intended purpose.
2. The proposed subdivision complies with the municipal Land Use Bylaw. CARRIED

**COMMUNITY & LEGISLATIVE SERVICES****G1. Picture Butte & District Emergency Services Re: Firefighter Recognition**

- |        |          |   |
|--------|----------|---|
| 554/12 | H. DOEVE | MOVED that Councillors M. Zeinstra and T. White be authorized to attend the retirement celebration, in Picture Butte on January 12, 2013, to present Captain Sandy Cook and Captain Ben Nielson of the Picture Butte & District Emergency Services Department with recognition awards in respect of their long term service to the County of Lethbridge. <span style="float: right;">CARRIED</span> |
|--------|----------|---|

**G2. Town of Coalhurst Re: Request for Intermunicipal Committee Meeting**

- |        |          |   |
|--------|----------|---|
| 555/12 | T. WHITE | MOVED to table item G2. Town of Coalhurst Re: Request for intermunicipal Committee Meeting pending the January 8, 2013 meeting between Alberta Transportation and the CAO's and Directors of the Town and the County and that a report to be brought back to a future Council meeting. <span style="float: right;">CARRIED</span> |
|--------|----------|---|

**CORPORATE SERVICES****H1. 2013 Interim Operating Budget**

- |        |           |   |
|--------|-----------|---|
| 556/12 | J. WILLMS | MOVED that Council approve the 2012 Operating Budget as the 2013 Interim Operating Budget. <span style="float: right;">CARRIED</span> |
|--------|-----------|---|

**ADMINISTRATION****I1. 20th Independent Field Battery, RCA Re: Annual New Year's Levee – January 1, 2013, Vimy Ridge Armoury**

- |        |           |  |
|--------|-----------|--|
| 557/12 | K. BENSON | MOVED that County Council authorize the Reeve or his designate to attend the Annual New Year's Levee, 20 <sup>th</sup> Independent Field Battery, RCA, scheduled for January 1, 2013 at 1:00 p.m. at the Vimy Ridge Armoury, 337 Stubb Ross Road, Lethbridge. <span style="float: right;">CARRIED</span> |
|--------|-----------|--|

Reeve Hickey recessed the meeting at 2:00 p.m. to proceed with the Public Hearing for By-Law 1390 - Zolton Gergely - Amendment to Land Use By-Law - From Rural Agriculture to Grouped Country Residential - Portion of N.E. 32-8-20-W4.

---

Reeve

---

County Manager

**APPOINTMENTS** **E4. PUBLIC HEARING for By-Law 1390 - Zolton Gergely - Amendment to Land Use By-Law - Grouped Country Residential - Portion of N.E. 32-8-20-W4**

558/12

S. CAMPBELL MOVED that the Public Hearing for By-law 1390 - Zolton Gergely - Amendment to Land Use By-Law - Grouped Country Residential - Portion of N.E. 32-8-20-W4 open at 2:00 p.m.  
CARRIED

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

W. Slingerland	J. Kellock
J. Braak	Z. Gergely

Reeve Hickey declared the public hearing is being held pursuant to the Municipal Government Act as amended for By-Law 1390.

Reeve Hickey invited Mr. Nick Paladino, Planning and Development Manager to give an overview of the application.

Mr. Paladino stated the following:

- Bylaw #1390 has been prepared to support an application to rezone an existing 12 acre title located on the N.E. 32-08-20-W4M from Rural Agriculture (R-A) to Grouped Country Residential (G.C.R.).
- This title was created as a farmstead subdivision in the summer of 2010.
- The west portion of the parcel consists of the applicant's residence, shop, bins, trees, etc.
- It is the landowner's intention to then follow this with a subdivision application to create 4 additional parcels of 1.85 acres each on the eastern portion of the site.
- Access to the proposed parcels would be from a short cul-d-sac to be constructed off the County road bordering the east side of this site.
- It is proposed that the cul-d-sac have an asphalt surface in accordance with the County's *Engineering Guidelines and Minimum Servicing Standards*. The Municipal Services Department recommends upgrades to the short section of County road between Highway #512 and the cul-d-sac.
- The County's Land Use Bylaw gives Council the discretion to approve the re-subdivision of parcels of less than 20 acres as long as the minimum distance separations (MDS) can be met and proper access is provided.
- Prior to subdivision however, Policy 6.2.3 of the County Municipal Development Plan requires the parcel to be rezoned first, and that for *"three to four lots...a Conceptual Scheme is required"* in support of the application.
- Background information, prepared by the applicant's engineers, is also attached and has been reviewed by County staff.
- First reading to Bylaw #1390 was given on November 19, 2012. Letters have been mailed out to adjacent landowners, ORRSC, and Alberta Transportation.
- A public notice was placed in the December 4<sup>th</sup> and 11<sup>th</sup> issues of the Sunny South News. Proceeding with second and third reading of Bylaw #1390 would allow the applicant to proceed with a subdivision application.

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

Council had no questions at this time.

Reeve Hickey asked if anyone present wished to speak in favour of By-Law 1390.

---

Reeve

---

County Manager

Mr. Zoltan Gergely addressed Council and stated the following:

- My nephews, who are adjoining landowners, have no objections and support the rezoning.
- Two years ago 12 acres was requested, because our daughter wanted to build horse arena and house. The daughter has since relocated to Calgary and the site sits unused.
- The proposal is for a country residential development.
- We would level the land and have it gently slope to the east. It would be flat, so there would be no drainage problems.
- An Area Structure Plan can be provided if Council desires one.
- Alberta Transportation has indicated they are okay with the project.
- We are prepared to meet all specifications placed by the County.
- There is no cost to County on this project.
- A small lake will be built in the north east corner for fire suppression and drainage.
- There would also be a dry hydrant so access to water is on the parcel.
- We are paving the centre part of the cul-de-sac professionally to a high standard.
- We have support of all adjoining neighbours.
- This development would provide approximately an extra \$15K in taxes to the County of Lethbridge.
- The parcel has been idle for 15 years and is currently not doing anyone any good.

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

Council enquired how the developer would make water flow to the lake.

Mr. Gergely replied that it would be professionally landscaped to meet the engineering standards set out by the County.

Mr. Jason Kellock, Hasegawa Engineering Ltd. stated that if the rezoning is successful, clean fill will be used. Currently there is a quonset and a shop, both with a rock wall basement - they would be removed and this would be one bare piece of land.

Council enquired about the paved cul-de-sac and if there was a long term dust suppression plan for the road leading to Highway 512.

Mr. Gergely replied that the plan was to probably oil the cul-de-sac and the road, or possibly pave it as it is only about 300' long.

Mr. Kellock stated that for a plan of this size we use what is called a 'design scheme'; if an Area Structure Plan is needed we will go to the level.

Council enquired how big the storm water pond would be.

Mr. Kellock stated that it would be approximately 60' x 80' to provide sufficient fire suppression volume.

Council asked if the strip west of the cul-de-sac was an easement.

Mr. Kellock replied that Alberta Transportation had concerns about access onto Highway 512. Lot 5 would be permitted temporary access to Highway 512, but it is only temporary. Alberta Transportation does not say if it is permitted for 5 or 50 years so we have put the temporary access Lot 5 in case Alberta Transportation decides to strip access.

---

Reeve

---

County Manager

Council enquired if there would be a dry hydrant along the cul-de-sac for quick access.

Mr. Kellock stated to keep it on the existing road to the east is better as cul-de-sacs generally have poor access, they would work with County staff to determine the best location.

Council stated that other developments (Vista Meadows) have drainage issues, and that Alberta Transportation has a 1:100 year benchmark. If there is no drainage master plan, how can we be sure of what will happen; can we make 2<sup>nd</sup> reading conditional until those drainage issues are answered.

Steve Harty, ORRSC stated that conditions on rezoning are not acceptable. You may table it and ask the applicant to bring it back with a drainage master plan. The landowner/developers have to meet the needs of Alberta Environment for run off for a 1:100 year event and they do not comment/approve it until the subdivision stage.

Mr. Gergely stated that it is 4.14 acres and there is access to the east that will meet Alberta Transportation's requirements. In the fall of 2012 the County of Lethbridge cleaned out all the ditch banks to the very east of the cul-de-sac. Our desire is to meet all the County specs and there will be no cost to the County. We have City water on the north end of this property and four permits and down payments for City water, gas and electricity. We took out City water permits in the spring of 2012.

Reeve Hickey asked if there were anyone present who would like to voice their opposition to By-Law 1390.

At this time Mr. Will Slingerland stated that he considers himself a neighbor of Mr. Gergely. He said he was told neighbours were informed about the application by letter, but he never received a letter and he has properties adjacent to this location. He asked why he would not have received the mail out on this?

Mr. Paladino stated that only 'adjacent' or touching parcels are advised by letter, and there is a notification in the Sunny South News for all other interested parties.

Mr. Gergely stated that Mr. Slingerland is about half a mile to the west of his property.

Mr. Slingerland stated that Mr. Gergely has a corner off of his property and there are three existing titles off of this section, now Mr. Gergely wants four more, why would that be?

Mr. Gergely stated that this was a St. Mary's title, which were separate titles for 25 years and he himself never created another parcel, just condensed that sliver of land. Another parcel to the south, which is Mr. Gergely's brother's land, was approved for by the County. Both titles were there from before; all we did was condense them. Nothing was changed, we just relocated the corner.

Mr. Slingerland enquired about access to Highway 512 through the sliver of land.

Mr. Gergely stated that Alberta Transportation agreed with the idea of moving the driveway to the east edge of the property.

Mr. Slingerland enquired about culverts.

---

Reeve

---

County Manager

Mr. Gergely stated that yes, it was agreed with through Alberta Transportation and the culverts are already bought.

Council enquired about access to the remaining farmland property.

Mr. Gergely stated there is a driveway to the south east corner of the farmland.

Mr. Slingerland stated that he still has an intensive livestock operation, it is a vacant dairy operation but he has his quota (about 100 dairy cows); he owns the acreage and 120 acres to the west. Mr. Slingerland also opposed Vista Meadows and stated that you can call anything poor agricultural land. It seems when farmers retire they become developers – it is very frustrating. Farmers have to defend ourselves against encroachment repeatedly.

Reeve Hickey asked three times if there were any other presentations regarding By-law 1390.

There were no further presentations.

There were no further questions from Council.

559/12	M. ZEINSTRA	MOVED the Public Hearing for By-Law 1390 Zolton Gergely - Amendment to Land Use By-Law - Grouped Country Residential - Portion of N.E. 32-8-20-W4 close at 2:34 p.m.	CARRIED
560/12	T. WHITE	MOVED second reading of By-Law 1390.	CARRIED
561/12	T. WHITE	MOVED third reading of By-Law 1390.	CARRIED

Reeve Hickey thanked the delegation for attending the meeting. The delegation retired at 2:38 p.m.

## **CORPORATE SERVICES**

### **H2. Policy #154 Council & SDAB Member Remuneration (Amendment)**

562/12	H. DOEVE	MOVED that Council approve Policy 154 – Council and SDAB Member Remuneration as amended.	CARRIED
--------	----------	--	---------

## **ADMINISTRATION**

### **I2. Town of Coaldale Re: Joint Council to Council Meeting Request**

563/12	H. DOEVE	MOVED that County Council confirm the date of January 21, 2013 for a joint Council-to-Council meeting with the Town of Coaldale and further that a letter of appreciation and invitation under the Reeve's signature be forwarded to the Town of Coaldale to attend the Morrison Hershfield Emergency Planning Study scheduled for January 9, 2013 at 6:30 p.m., Lethbridge College.	CARRIED
--------	----------	--	---------

## **ADJOURNMENT**

564/12	J. WILLMS	MOVED the meeting adjourn at 2:55 p.m.	CARRIED
--------	-----------	--	---------

---

Reeve

---

County Manager