

MINUTES

REGULAR COUNCIL MEETING

Mountain View County

Minutes of the Regular Council Meeting held on Wednesday, April 6, 2011, in the Council Chamber, 1408 Twp Rd. 320, Didsbury, AB

PRESENT: Reeve P. Munro
Councillor B. Beattie
Councillor K. Good
Councillor A. Kemmere
Councillor P. McKean
Councillor D. Milne
Councillor R. Orr

IN ATTENDANCE: T. Martens, Chief Administrative Officer
D. Hawryluk, Director, Planning and Development Services
J. Holmes, Director, Legislative and Community Services
T. Connatty, Planner
A. Wild, Communications Coordinator
G. Evers, Executive Administrative Assistant

CALL TO ORDER: Reeve Munro called the meeting to order at 9:00 a.m.

The meeting began with the recitation of the Lord's Prayer.

Reeve Munro introduced Council and Staff.

AGENDA Reeve Munro advised of the following amendments to the agenda:

- 4.3 Bylaw No. 03/11 - Noise Control Bylaw (Non-Statutory Public Hearing Scheduled for 1:00 p.m.) (additional information)
- 6.6 Bylaw No. 02/11 - 2011 Tax Rate (Revised Request for Decision)
- 11.4 Land Matter

Moved by Councillor Milne
RC11-251 That Council adopt the agenda of the Regular Council Meeting of April 6, 2011 as amended. Carried.

MINUTES Moved by Councillor Beattie
RC11-252 That Council adopt the minutes of the Regular Council Meeting of February 23, 2011. Carried.

PUBLIC HEARINGS
Bylaw #LU 07/11
SE 28-33-1 W5M
Reeve Munro opened the public hearing regarding Bylaw #LU 07/11.

The application for redesignation of the SE 28-33-1 W5M, was introduced by the Planning and Development

ADOPTED

Department and the following information was introduced as provided in the agenda package such as the application for redesignation, location map, assessment map, site map, and aerial photos. The Planning and Development Department provided specific information to the application as follows:

- To redesignate two point one (2.1) acres within SE 28-33-1-5 from County Airport District (S-AP) to Business Park District (I-BP)
- Division 7
- Rural Community: Netook

The Planning and Development Department recommended that Bylaw #LU 07/11 be defeated at second reading.

The Planning and Development Department advised that all correspondence received was provided to Council.

Pam Fagan, owner, stated that this would be a very beneficial business. The location is a very good site for a storage facility.

Reeve Munro asked if there were any comments from the gallery. No one came forward.

Council questions resulted in the following information:

- The minimum size for subdivision is 2.5 acres
- There are permitted uses within a business park designation. Discretionary uses would need to be approved by the Municipal Planning Commission
- The proposed redesignation area is not within the takeoff or landing path for the gliding club

Reeve Munro asked if there were any comments from the gallery. No one came forward.

The Planning and Development Department was provided the opportunity for closing remarks and stated that the close proximity to the Town of Olds and the 2/27 Area Structure Plan were considered in the recommendation.

The applicant was provided the opportunity for closing remarks and declined.

Hearing no further comments Reeve Munro closed the Public Hearing.

Moved by Councillor Good

RC11-253 That Council give second reading to Bylaw No. LU 07/11 to redesignate lands in the SE 28-33-1 W5M.

Motion Defeated.

Moved by Councillor Kemmere

RC11-254 That Council support the applicant bringing forward an application for consideration for direct control of lands in

ADOPTED
the SE 28-33-1 W5M; and further, that the fees for a Direct Control application be waived.

Carried.

Bylaw #LU 20/11
SE 28-30-27 W4M

Reeve Munro opened the public hearing regarding Bylaw #LU 20/11.

The application for redesignation of the SE 28-30-27 W4M, was introduced by the Planning and Development Department and the following information was introduced as provided in the agenda package such as the application for redesignation, location map, assessment map, site map, and aerial photos. The Planning and Development Department provided specific information to the application as follows:

- To redesignate twenty-one point eight (21.8) acres within SE 28-30-27-4 from Agriculture District (A) to Agriculture (2) District (A(2))
- Division 3
- Rural Community: Midway

The Planning and Development Department recommended that Bylaw #LU 20/11 be given second reading.

The Planning and Development Department advised that no correspondence was received.

Robert Swanson, owner, stated that this is his great grandfather's homestead. It is his intent that his children would take over the lands in the future.

Reeve Munro asked if there were any comments from the gallery. No one came forward.

Council questions resulted in the following information:

- The property to the west of the proposed redesignation is not needed to accommodate the proposal

Reeve Munro asked if there were any comments from the gallery. No one came forward.

The Planning and Development Department was provided the opportunity for closing remarks and declined.

The applicant was provided the opportunity for closing remarks and declined.

Hearing no further comments Reeve Munro closed the Public Hearing.

Moved by Councillor McKean

RC11-255 That Council give second reading to Bylaw No. LU 20/11 to redesignate lands in the SE 28-30-27 W4M.

Carried.

- Moved by Councillor Kemmere
RC11-256 That Council give third reading to Bylaw No. LU 20/11 to redesignate lands in the SE 28-30-27 W4M.
Carried.
- BYLAWS
- Bylaw #LU 23/11
SE 4-29-3 W5M RC11-257 Moved by Councillor McKean
That Council give first reading to Bylaw No. LU 23/11 redesignating the lands within the SE 4-29-3 W5M.
Carried.
- RC11-258 Moved by Councillor Kemmere
That Council set the Public Hearing for Bylaw No. LU 23/11 redesignating the lands within the SE 4-29-3 W5M to April 27, 2011 at or after 9:00 a.m.
Carried.
- Bylaw #LU 24/11
SW 25-33-7 W5M RC11-259 Moved by Councillor McKean
That Council give first reading to Bylaw No. LU 24/11 redesignating the lands within the SW 25-33-7 W5M.
Carried.
- RC11-260 Moved by Councillor Milne
That Council set the Public Hearing for Bylaw No. LU 24/11 redesignating the lands within the SW 25-33-7 W5M to April 27, 2011 at or after 9:00 a.m.
Carried.
- Bylaw #LU 25/11
SW 36-30-4 W5M RC11-261 Moved by Councillor Beattie
That Council give first reading to Bylaw No. LU 25/11 redesignating the lands within the SW 36-30-4 W5M.
Carried.
- RC11-262 Moved by Councillor Good
That Council set the Public Hearing for Bylaw No. LU 25/11 redesignating the lands within the SW 36-30-4 W5M to April 27, 2011 at or after 9:00 a.m.
Carried.
- Bylaw #LU 26/11
NE 6-30-5 W5M RC11-263 Moved by Councillor Kemmere
That Council give first reading to Bylaw No. LU 26/11 redesignating the lands within the NE 6-30-5 W5M.
Carried.
- RC11-264 Moved by Councillor Milne
That Council set the Public Hearing for Bylaw No. LU 26/11 redesignating the lands within the NE 6-30-5 W5M to April 27, 2011 at or after 9:00 a.m.
Carried.
- Bylaw #LU 27/11
NW 8-32-2 W5M RC11-265 Moved by Councillor Orr
That Council give first reading to Bylaw No. LU 27/11 redesignating the lands within the NW 8-32-2 W5M.
Carried.
- RC11-266 Moved by Councillor Beattie
That Council set the Public Hearing for Bylaw No. LU 27/11 redesignating the lands within the NW 8-32-2 W5M to April 27, 2011 at or after 9:00 a.m.
Carried.
- Recess and Reconvene Reeve Munro recessed the meeting at 10:21 a.m. and reconvened at 10:32 a.m.

Bylaw #02/11
2011 Tax Rate

Greg Wiens, Director of Corporate Services joined the meeting via conference call and provided an overview of possible amendments to the Tax Rate Bylaw.

Moved by Councillor Orr
RC11-267 That Council give third reading to Bylaw No. 02/11 – 2011 Tax Rate Bylaw.

The question on Motion RC11-267 was not called.

Moved by Councillor Beattie
RC11-268 That Council amend Bylaw No. 02/11 – Tax Rate Bylaw as follows:

Tax Rates
402. Municipal
Commercial/Industrial 9.85
Machinery & Equipment 9.85
Linear 9.85

Carried.

Reeve Munro stated that the matter would be deferred until later in the meeting in order to provide Council the opportunity to consider the written Bylaw No. 02/11.

The conference call with Greg Wiens was discontinued.

Bylaw No. 05/11 -
amend Road Closure
Bylaw No. 01/09

Moved by Councillor Beattie
RC11-269 That Council give first reading to Bylaw No. 05/11 – Bylaw to amend Road Closure Bylaw No. 01/09.

Carried.

Moved by Councillor Good
RC11-270 That Council give second reading to Bylaw No. 05/11 – Bylaw to amend Road Closure Bylaw No. 01/09.

Carried.

Moved by Councillor Kemmere
RC11-271 That Council give unanimous consent to proceed to third reading to Bylaw No. 05/11 – Bylaw to amend Road Closure Bylaw No. 01/09.

Carried Unanimously.

Moved by Councillor Beattie
RC11-272 That Council give third reading to Bylaw No. 05/11 – Bylaw to amend Road Closure Bylaw No. 01/09.

Carried.

Bylaw No. 06/11 -
amend Road Closure
Bylaw No. 02/09

Moved by Councillor Good
RC11-273 That Council give first reading to Bylaw No. 06/11 – Bylaw to amend Road Closure Bylaw No. 02/09.

Carried.

Moved by Councillor Milne
RC11-274 That Council give second reading to Bylaw No. 06/11 – Bylaw to amend Road Closure Bylaw No. 02/09.

Carried.

ADOPTED

Moved by Councillor McKean
RC11-275 That Council give unanimous consent to proceed to third reading to Bylaw No. 06/11 – Bylaw to amend Road Closure Bylaw No. 02/09.

Carried Unanimously.

Moved by Councillor Orr
RC11-276 That Council give third reading to Bylaw No. 06/11 – Bylaw to amend Road Closure Bylaw No. 02/09.

Carried.

NEW BUSINESS

Road Closure

W ½ 18-29-3 W5M RC11-277

Moved by Councillor Beattie

That Council rescind Motion #05-282 from May 25, 2005.

Carried.

Moved by Councillor Kemmere
RC11-278 That Council approve the resolution to close a portion of Road Plan 5143BM located within W ½ Sec.18, Twp 29, Rge. 3, W 5th M containing 4.23 Hectares (10.45 Acres) more or less, as shown on Schedule “A”, and that the cancelled portion be consolidated with the adjacent lands in W ½ 18-29-3-W5M.

Carried.

RR 40 & TWP 293

(Myra Report)

RC11-279

Moved by Councillor McKean

That Council approve refunding the applicant (Mark Myra) 50% of construction costs for a total of \$30,843.63 to be funded from the project reserve.

Reeve Munro requested that the vote be recorded.

In Favour: Councillor Good

Opposed: Councillors Kemmere, Beattie, Orr, Milne McKean and Reeve Munro.

Motion Defeated.

Bylaw #02/11

2011 Tax Rate

In order to provide for Council to consider the written Bylaw No. 02/11 copies were provided.

Greg Wiens, Director of Corporate Services, joined the meeting via conference call and provided an overview of amendments to the Bylaw No. 02/11 – 2011 Tax Rate Bylaw.

The question on Motion RC11-267 was called.

Carried.

Moved by Councillor McKean
RC11-280 That Council approve the budget shortfall, of approximately \$240,000, created by the tax rate bylaw and that it be drawn from the Unappropriated Surplus.

Carried.

The conference call with Greg Wiens was discontinued.

Rural Transportation

Grants

RC11-281

Moved by Councillor McKean

That Council approve grants to the following organizations for 2011 from the Transportation and Operating Grant funding:

	ADOPTED
Aspen Ridge	\$3000.00
Chinook Winds Lodge	\$3000.00
Foothills Lodge	\$3000.00
Mount View Lodge	\$3000.00
Alberta Health Services - Didsbury District Health Services	\$1500.00
Carstairs and District Half Century Association	\$2500.00
Cremona Gold & Silver Travel	\$2500.00
Didsbury & District Community Bus Association	\$2500.00
Five-O Club of Didsbury	\$2500.00
Mountain View Choraliers	\$2500.00
Olds and District Evergreen Club	\$2200.00
Sundre West Country Centre	\$2500.00
Accredited Supports to the Community, MVAMH	\$3500.00
Olds Association for Community Living	\$2000.00
Sundre Community Van	\$2000.00
Padnoma Support Services	\$3000.00
STARS	\$3800.00
	Carried.

Didsbury High School Band
Funding Request

Councillor Milne declared a pecuniary interest, as his daughter is a member of the Didsbury High School Band, and left the room at 12:06 p.m.

Moved by Councillor Beattie
RC11-282 That Council award the Didsbury High School Band \$5000.00 towards the fundraising for the group to attend the 2012 London Olympics and that this sponsorship is included in the 2012 Rural Community Grant Funding budget.

The question on Motion RC11-282 was not called.

Moved by Councillor Kemmere
RC11-283 That the Didsbury High School Band funding request be deferred pending consideration of a draft policy regarding funding requests.
Carried.

Councillor Milne returned to the table at 12:08 p.m.

Deputy Reeve
Appointment

Moved by Councillor Kemmere
RC11-284 That Council appoint Councillor Beattie to the position of Deputy Reeve from May 1, 2011 to the 2011/2012 Organizational Meeting; and that the methodology of Deputy Reeve Appointments be discussed at that time.
Carried.

INFORMATION
ITEMS

Moved by Councillor McKean
RC11-285 That Council receive the following information:
(a) CAO Action List for April 6, 2011
(b) MAP Minutes February 15 2011
(c) 20110224 - MVSH Board Minutes
Carried.

Recess and Reconvene

Reeve Munro recessed the meeting at 12:22 p.m. and reconvened at 1:03 p.m.

PUBLIC HEARING
Bylaw #03/11
Noise Control Bylaw

Reeve Munro opened the non-statutory public hearing regarding Bylaw #03/11 – Noise Control Bylaw.

Moved by Councillor Milne
RC11-286 That Council give second reading to Bylaw No. 03/11 – Noise Control Bylaw.

The question on Motion RC11-286 was not called.

Bylaw No. 03/11 – Noise Control Bylaw was introduced by the Director of Legislative and Community Services. The Director of Legislative and Community Services provided specific information to the application as follows:

- Section 4 – Regulation of Hours of Operation
- Section 7 – Exemption and Exceptions
- Section 8 – Special Event Permit
- Section 10 – Complaint Process

The Director of Legislative and Community Services reviewed all correspondence received.

Reeve Munro asked if there were any comments from the gallery in favour of the bylaw.

Jack Peck stated that he lives near the Mountain View Marksman's Association and is in favour of the proposed noise bylaw but it needs some fine tuning. He would like to see the penalties being more severe and they should be against all members of any group and not just an individual. The Mountain View Marksman's Association has made no improvements regarding the noise over the last three or four years. The noise from the gun club is from daylight until dark.

Joel Thompson lives in the NW 33-32-2 W5M. He has had numerous discussions with the Mountain View Marksman's Association over the last few years regarding noise and they have made no changes to the noise generated. He feels that legal action does not seem viable. He is in favour of the proposed bylaw as it will at least control some issues and agrees with the complaint process. He is concerned that the fines in Section 12 are far too low. He reviewed various sections of the proposed bylaw of which he is in favour of. The membership of the gun club has increased substantially over the last few years.

Mr. McConney lives in the SW 28-32-2 W5M. He stated he is in favour of the proposed bylaw. The noise was bearable a few years ago, however, in the last few years the noise from the Mountain View Marksman's Association has become unbearable.

Reeve Munro asked if there were any comments from the gallery in opposition of the bylaw.

Liz Negropontes lives west of Highway 22 near Sundre. Ms. Negropontes stated that there is noise that can be tolerated and noise that is unbearable. Neighbourly respect and common sense should be priority. She does not believe that a noise bylaw is the answer. Enjoyment of ones property should not be obstructed. She read information regarding the Federal Criminal Code Section 30 - Breach of the Peace. Mountain View County should provide a safe and secure environment for people to live.

Ms. Negropontes requested that Council review the proposed bylaw and seek legal counsel regarding the Canada Criminal Code. She confirmed that she was referring to Mountain View Marksman's Association in all of her comments. During her previous tenure as a County Councillor she had never received any complaints about other gun clubs in the County. In response to a Council question she stated that she is not in favour of rules but this should be handled by respect.

Joe Tucker stated that he is a resident of Calgary and is the current President of the Mountain View Marksman's Association. He is speaking on behalf of the membership of the Association. He read two letters and a written statement which would be provided to staff.

Council questions resulted in the following information:

- The Mountain View Marksman's Association is currently in discussion with the SRD regarding relocating the gun club competitive events
- The hours of operation were reduced to 8 a.m. to 8 p.m. last year
- Of the 900 members over 400 of them are residents of Mountain View County

Brian Ingerson, a resident of Carstairs, stated that the bylaw is a good thing but the lack of qualification ability is a concern. The definition of excess noise will be the judgement of one individual.

Doug Clarke stated that the time and dollars already spent on this bylaw is out of control. He was one of the first members of the gun club. He has noise concerns regarding adjacent properties. He has to make allowances and so should others. There is an awful lot of noise out there that needs to be controlled. Mr. Clarke was advised that agriculture practices are exempt from the proposed bylaw.

Don Day is the owner and operator of Silver Willow Golf and Sports. He provided an overview of his business location, business operation, and required regulations. He stated

ADOPTED

that he is not aware that any complaints have ever been received regarding his business. His golf course and shooting range are adjacent to each other and co-exist with no adverse affects. He is concerned that the proposed noise bylaw would affect the operation of his business and other businesses within the County.

Council questions resulted in the following information:

- Enforcement of the proposed bylaw would be complaint driven

Recess and Reconvene

Reeve Munro recessed the meeting at 2:41 p.m. and reconvened at 2:52 p.m.

Reeve Munro asked if there were any comments from the gallery.

Ted Bills is the owner of Wessex Game Birds located between Highway 2 and 2A near Carstairs. He stated that he understands the need for laws but is concerned that his livelihood could be affected by the proposed bylaw. Council thanked Mr. Bills for his written submission of suggested changes to the proposed bylaw.

Eric Iverson, lives next to the Mountain View Marksman's Association, stated that they have done nothing to regulate the noise. They are not heeding the concerns of the neighbours. He is pleased to see that agriculture is exempt in the proposed bylaw.

Dan Sheehan, representing the Carstairs Gun Club, stated that they will be hosting an annual shoot again this year. They currently regulate their own hours of operation. Two Directors must be present when anyone is at the club and there only a few keys to the facility. The proposed noise bylaw would restrict the operation of their gun club.

A Council question to Councillor Kemmere and Liz Negropontes, a past Councillor, indicated that neither had ever received any complaints regarding any other County gun clubs.

Robert Waiting stated that Joe Tucker continually states that he is looking into issues. The Association could reduce their membership and control their hours of operation. There is no monitoring of use, hours of operations, or illegal firearms at the Mountain View Marksman's Association.

Dennis Combs was a founding member of the Mountain View Marksman's Association. He stated that he was President until the Calgary fellows took over. A few years ago someone came to do some site work at range. Some trees were removed which was a noise barrier. Later a berm was removed which was also a barrier. He stated

ADOPTED

that he is in support of the County as there are measures that can be taken to reduce noise and safety issues.

Ron Hillman lives adjacent to the Lonepine Community Hall where he raises hunting dogs and birds. He stated that he thinks that gun club noise should be regulated and not legislated.

Councillor McKean asked Bob Schembri, Mountain View Marksman's Association, why their website still states that the hours of operation are sunrise to sunset and their posted bylaws do not reflect a change to the hours of operation. Mr. Schembri stated that letters were sent to all members. Councillor McKean was advised that The Mountain View Marksman's Association have done a number of improvements to the property and do improvements every year. In response to Councillor McKean he stated that he did not believe that Development Permits were required for those improvements.

Hearing no further comments Reeve Munro closed the Non-Statutory Public Hearing.

Moved by Councillor Kemmere

RC11-286 That Council defer Bylaw No. 03/11 – Noise Control Bylaw to the Regular Council Meeting April 20, 2011.

Carried.

CONFIDENTIAL ITEMS
IN CAMERA

Moved by Councillor Milne

RC11-287 That the Regular Council Meeting of April 6, 2011 go into closed meeting at 3:59 p.m.

Carried.

Moved by Councillor Beattie

RC11-288 That the Regular Council Meeting of April 6, 2011 return to the open meeting at 4:40 p.m.

Carried.

Councillor McKean left the meeting at 4:25 p.m.

Moved by Councillor Beattie

RC11-289 That Council approve entering into Land Lease Agreements as follows:

East 1/2 29 & SE-32-32-5 W5M - S&G Livestock- \$30.00 per AUM X 240 AUM's per year

SE-4-30-5 W5M - C-K Simmentals - \$15.00 per AUM X 56 AUM's per year
NW 32-30-2 W5M - revise the lease rate to \$30.00 per acre

Carried.

Fire Guardians

Moved by Councillor Beattie

RC11-290 That Council appoint the following as Fire Guardians for Mountain View County for the period of April 1, 2011 to March 31, 2012:

Juergen Sadlowski
Lorne Patmore
Leanne Patmore
Harvey Reid

Bergen Area
Water Valley Area
Water Valley Area
Cremona Area

Bob Towns Eagle Hill Area
Ron Campbell Mountain View County Staff
Jane Fulton Mountain View County Staff

Carried.

Moved by Councillor Good
RC11-291 That Council purchase the remainder of the NE 30-29-5 W5M from Mr. Simon Brame and Ms. Jeannette Halasa for the price of \$350.000 plus the cost of legal fees and taxes since the June 2005 flood.

The question on Motion RC11-291 was not called.

Moved by Councillor Beattie
RC11-292 That Council amend Motion RC11-291 to read as follows:
"That Council purchase the remainder of the NE 30-29-5 W5M from Mr. Simon Brame and Ms. Jeannette Halasa for the price of \$350.000."

Carried.

The question on Motion RC11-291 was called to read as follows:
"That Council purchase the remainder of the NE 30-29-5 W5M from Mr. Simon Brame and Ms. Jeannette Halasa for the price of \$350.000."

Councillor Kemmere requested that the vote be recorded.

In Favour: Councillors Orr, Beattie and Reeve Munro

Opposed: Councillors Kemmere, Milne, Good

Motion Defeated.

Moved by Councillor Beattie
RC11-293 That Council purchase the remainder of the NE 30-29-5 W5M from Mr. Simon Brame and Ms. Jeannette Halasa for the lump sum price of \$350.000 and the closing costs associated with the land transfer.

Carried.

ADJOURNMENT

Moved by Councillor Good
RC11-294 That Regular Council Meeting of April 6, 2011 be adjourned at 5:02 p.m.

Carried.

Chair

I hereby certify these minutes are correct.

Chief Administrative Officer