

MINUTES

REGULAR COUNCIL MEETING

Mountain View County

Minutes of the Regular Council Meeting held on Wednesday, July 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: G. Wiens, Acting Chief Administrative Officer
J. Rusling, Acting Director, Planning and Development Services
T. Connatty, Planner
D. Gonzalaz, Planner
C. Banack, Planner
C. Tinney, Planner
A. Wild, Communications Coordinator
G. Evers, Executive Assistant

CALL TO ORDER: Reeve Munro called the meeting to order at 9:04 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:

- 4.1 Bylaw No. LU 36/11 - The Southerly 1364 Feet of the NE 29-30-1 W5M (additional information)
- 4.4 Bylaw No. LU 40/11 - SW 22-33-7 W5M (additional information)
- 4.5 Bylaw No. LU 41/11 - NW 4-29-4 W5M (additional information)
- 8.2 Rescind Motion RC 11 430 (additional information)
- 8.7 Big Prairie Bridge Tender (information attached)
- 8.8 Cows and Fishes - Councillor McKean Verbal Report
- 8.9 AAMDC Workshop - Cultivating Rural Relationships
- 11.1 Land Matter (verbal report)
- 11.2 Land Matter (verbal report)
- 11.3 Land Matter (verbal report)

Moved by Councillor McKean

RC11-490 That Council adopt the agenda of the Regular Council Meeting of July 6, 2011 as amended.

Carried.

MINUTES FOR
ADOPTION

RC11-491 Moved by Councillor Kemmere
That Council adopt the minutes of the Regular Council Meeting of May 25, 2011.

Carried.

PUBLIC HEARINGS
Bylaw #LU 36/11
NE 29-30-1 W5M

Reeve Munro opened the public hearing regarding Bylaw #LU 36/11.

The application for redesignation of the Southerly 1364 Feet of the NE 29-30-1 W5M, 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 two point seven (2.7) acres from Agriculture District (A) to Country Residential One District (R-CR1)
- Division 3
- Rural Community: Wessex

The Planning and Development Department recommended that Bylaw #LU 36/11 be given second reading.

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

Ken Taylor, applicant, confirmed that the original application was amended to accommodate access. The owner also owns the 57 acres to the west. He intends to consolidate the 57 acres with the balance of the quarter.

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

Gary Kellsey, adjacent landowner, stated that he is concerned regarding the proposed concept plan and requested that the application for the proposed redesignation be declined. He has known the applicant since he was born which makes it difficult for him to oppose the proposed redesignation. He also owns an adjacent 50 acres that is landlocked.

Council questions resulted in the following information:

- The owner would be required to construct an access road
- The adjacent property owner does not have a registered CFO but does have cattle
- The owner intends to consolidate the 57 acres to the west with the balance of the quarter

ADOPTED

The Planning and Development Department was provided the opportunity for closing remarks and stated that the service road would take agricultural lands out of production.

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

The applicant was provided the opportunity for closing remarks and stated that the March 15, 2011 letter from Alberta Transportation states that Mr. Kellsey could keep his access. The service road would take lands out of production. The owner does not want the concept plan approved.

Hearing no further comments Reeve Munro closed the Public Hearing.

Moved by Councillor Beattie
RC11-492 That Council approve the concept plan (small development) affecting the lands within the NE 29-30-1 W5M.
Motion Defeated.

Moved by Councillor McKean
RC11-493 That Council give second reading to Bylaw No. LU 36/11 to redesignate lands in the NE 29-30-1 W5M.

The question on Motion RC11-493 was not called.

Moved by Councillor Kemmere
RC11-494 That Council amend Bylaw No. LU 36/11 to read The Southerly 1364 Feet of the NE 29-30-1 W5M.
Carried.

The question on Motion RC11-493 was called.

Reeve Munro requested that the vote be recorded.

In Favour: Councillor Kemmere

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

Motion Defeated.

Bylaw #LU 38/11
NE 14-33-29 W4M

Reeve Munro opened the public hearing regarding Bylaw #LU 38/11.

The application for redesignation of the NE 14-33-29 W4M Plan 0312434 Block 1 Lot 4, 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 forty-three point zero (43.0) acres from Agricultural District (A) to Agricultural (2) District (A2)
- Division 7

- Rural Community: Netook

The Planning and Development Department recommended that Bylaw #LU 38/11 be given second reading.

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

Ken Taylor, applicant, stated that the owner is also present to answer Council questions. This is a 126 acre gorestrip which was created when the road was consolidated into the gorestrip. This land would be suitable for a small horse operation.

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

Council questions resulted in the following information:

- The applicant stated that most of the time the creek is dry and animals can cross it
- The lands to the east have been consolidated and have access
- No further subdivision would be permitted

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

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

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

Hearing no further comments Reeve Munro closed the Public Hearing.

Moved by Councillor Kemmere

RC11-495 That Council give second reading to Bylaw No. LU 38/11 to redesignate lands in the NE 14-33-29 W4M Plan 0312434 Block 1 Lot 4.

The question on Motion RC11-495 was not called.

Moved by Councillor Kemmere

RC11-496 That Council amend Bylaw No. LU 38/11 redesignating the lands within the NE 14-33-29-4 Plan 0312434 Block 1 Lot 4 to read "To redesignate from Agricultural District (A) to Agricultural (2) District (A2) an approximate forty-three point zero (43.0) acres (17.40 hectares)".

Carried.

The question on Motion RC11-495 was called.

Carried.

Moved by Councillor Beattie
RC11-497 That Council give third reading to Bylaw No. LU 38/11 to redesignate lands in the NE 14-33-29 W4M Plan 0312434 Block 1 Lot 4.

Carried.

Recess and Reconvene

Reeve Munro recessed the meeting at 10:23 a.m. and reconvened at 10:35 a.m.

Bylaw #LU 39/11
NW 6-33-5 W5M

Reeve Munro opened the public hearing regarding Bylaw #LU 39/11.

The application for redesignation of the NW 6-33-5 W5M, 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 35.5+/- ha (88+/- acres) from Agriculture District (A) to Parks and Recreation District (P-PR)
- Division 5
- Rural Community: McDougal Flats

The Planning and Development Department recommended that Bylaw #LU 39/11 be given second reading.

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

Bob Westcott, applicant, thanked the Planning Department for the comprehensive report. Everyone is aware that the Bearberry Creek does flood. Floodways and flood fringes have been identified. They have been working with the community. Sports facilities have been identified within the proposed redesignation which will also be offered to the community at large with joint use agreements. A Development Permit will address roadways, site layout, site design, and water and sewage. RV units will be removed in the winter as this will only be a summer campground

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

Kelly Dziadek stated that she is concerned regarding flooding, sewage, fire, and these issues have been addressed. She requested that any conditions be placed on title to control future owners. She welcomes development in the area and is not opposed to the redesignation.

Council questions resulted in the following information:

ADOPTED

- Written comments were not received from the Ministry of Environment but they did have input during the Area Structure Plan process
- A Fire Protection Plan and an Emergency Management Plan have been submitted by the applicant
- The floodways and flood fringes were calculated on a 1 in 100 year flood event
- The Ministry of Transportation did not have concerns as this is not in their jurisdiction.
- Traffic counts have been reviewed
- Turning lanes are in existence

Moved by Councillor Kemmere
RC11-498 That Council defer Bylaw No. LU 39/11 to redesignate lands in the NW 6-33-5 W5M pending receipt of written comment from Alberta Environment.

Carried.

Moved by Councillor Kemmere
RC11-499 That the Public Hearing for Bylaw No. LU 39/11 be recessed to September 2, 2011 pending receipt of written comment from Alberta Environment.

Carried.

Moved by Councillor McKean
RC11-500 That the Chief Administrative Officer be requested to send written notification to adjacent landowners regarding Bylaw No. LU 39/11 to redesignate lands in the NW 6-33-5 W5M.

Carried.

Bylaw #LU 40/11
SW 22-33-7 W5M

Reeve Munro opened the public hearing regarding Bylaw #LU 40/11.

The application for redesignation of the SW 22-33-7 W5M, 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 fifty-eight point seven (58.7) acres from Agricultural District (A) to Agricultural (2) District (A2)
- Division 5
- Rural Community: Bearberry/Coalcamp

The Planning and Development Department recommended that Bylaw #LU 40/11 be given second reading.

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

Wayne Lovell, owner, stated that he does not have any new information at this time.

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

Council questions resulted in the following information:

- The building in the SW of the quarter section is a hay storage facility

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

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

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

Hearing no further comments Reeve Munro closed the Public Hearing.

Moved by Councillor Milne

RC11-501 That Council give second reading to Bylaw No. LU 40/11 to redesignate lands in the SW 22-33-7 W5M.

Carried.

Moved by Councillor McKean

RC11-502 That Council give third reading to Bylaw No. LU 40/11 to redesignate lands in the SW 22-33-7 W5M.

Carried.

Bylaw #LU 41/11
NW 4-29-4 W5M

Councillor McKean declared a pecuniary interest and left the room at 1:50 p.m., as the applicant is a family member.

Councillor McKean returned to the room and joined the gallery.

Reeve Munro opened the public hearing regarding Bylaw #LU 41/11.

The application for redesignation of the NW 4-29-4 W5M, 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 eleven point five (11.5) acres from Agricultural District (A) to Country Residential District (R-CR)
- Division 2
- Rural Community: Water Valley/Winchell Lake

The Planning and Development Department recommended that Bylaw #LU 41/11 be defeated at second reading as the proposal does not meet all the guidelines and criteria outlined in Policy No. 6008.

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

Nolan Ziebarth, applicant, stated that family has resided on the property for a number of years. The water body is not a seasonal creek and cannot be crossed with farm equipment or livestock. This is a year-round waterbody.

Patricia McKean stated that the family has taken over farming duties since the passing of her grandfather. The issue appears to be the classification of the waterbody. It was her grandfather's wish that she and her sister reside in the area.

Jeff Luft, adjacent landowner, stated that this is not a seasonal waterbody. The community supports this application.

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

Council questions resulted in the following information:

- The family has considered other alternatives to accommodate the wishes of the family member

Jeff Luft stated that the creek has never froze over. The culvert shown in the photo has water flowing through it now.

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

The Acting Director of Planning and Development advised Council that he would attend a site visit with Planning Department staff.

The Planning and Development Department stated that the application does not meet the requirements of Policy 6008.

Moved by Councillor Kemmere
RC11-503 That Council defer Bylaw No. LU 41/11 to redesignate lands in the NW 4-29-4 W5M to August 17, 2011 at or after 9:00 a.m.

Carried.

Moved by Councillor Kemmere
RC11-504 That Council recess the Public Hearing of Bylaw No. LU 41/11 to redesignate lands in the NW 4-29-4 W5M to August 17, 2011 at or after 9:00 a.m.

Carried.

Councillor McKean re-joined the table at 12:29 p.m.

Bylaw #LU 42/11
NW 11-30-28-W4M and
NE 11-30-28-W4M

Reeve Munro opened the public hearing regarding Bylaw #LU 42/11.

The application for redesignation of the NW 11-30-28 W4M and NE 11-30-28 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 one point one (1.1) acres on the NW 11-30-28-W4M and four point two (4.2) acres on the NE 11-30-28-W4M, from Agricultural District (A) to Country Residential District (R-CR) to create one (1), five point three (5.30) acre parcel
- Division 1
- Rural Community: Midway

The Planning and Development Department recommended that Bylaw #LU 42/11 be given second reading.

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

David Derksen, applicant, stated that the proposed redesignation covers a portion of the two quart sections to accommodate a building and dugout.

Connie Ostermann, stated the dugout and pond would assist in the event of a fire because their well would not provide sufficient water. The intent to subdivide is to accommodate their wish to provide a trust.

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

Council questions resulted in the following information:

- First parcel out would only affect the quarter section to the east as the quarter section to the west would be considered a boundary adjustment

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 no new accesses or traffic would be created.

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

ADOPTED

Hearing no further comments Reeve Munro closed the Public Hearing.

RC11-505 Moved by Councillor Beattie
That Council give second reading to Bylaw No. LU 42/11 to redesignate lands in the NW 11-30-28 W4M and NE 11-30-28 W4M.
Carried.

RC11-506 Moved by Councillor Good
That Council give third reading to Bylaw No. LU 42/11 to redesignate lands in the NW 11-30-28 W4M and NE 11-30-28 W4M.
Carried.

BYLAWS

Bylaw #LU 27/11
NW 8-32-2 W5M RC11-507 Moved by Councillor Beattie
That Council give second reading to Bylaw No. LU 27/11 redesignating the lands within the NW 8-32-2 W5M.
Motion Defeated.

NEW BUSINESS

Request to Rescind
Motion RC11-430 RC11-508 Moved by Councillor Beattie
That Council defer the Request to rescind motion RC11-430 to the July 20, 2011 Regular Council Meeting.
Carried.

Recess and Reconvene

Reeve Munro recessed the meeting at 12:54 p.m. and reconvened at 1:52 p.m.

Bylaw #LU 49/11
NE 20-30-4 W5M RC11-509 Moved by Councillor Milne
That Council give first reading to Bylaw No. LU 49/11 redesignating the lands within the NE 20-30-4 W5M.
Carried.

RC11-510 Moved by Councillor Milne
That Council set the Public Hearing for Bylaw No. LU 49/11 redesignating the lands within the NE 20-30-4W5M to August 17, 2011 at or after 9:00 a.m.
Carried.

Bylaw #LU 50/11
SW 29-29-2 W5M RC11-511 Moved by Councillor Beattie
That Council give first reading to Bylaw No. LU 50/11 redesignating the lands within the SW 29-29-2 W5M.
Carried.

RC11-512 Moved by Councillor Beattie
That Council set the Public Hearing for Bylaw No. LU 50/11 redesignating the lands within the SW 29-29-2 W5M to August 17, 2011 at or after 9:00 a.m.
Carried.

Bylaw #LU 51/11
NW 36-30-4 W5M RC11-513 Moved by Councillor Kemmere
That Council give first reading to Bylaw No. LU 51/11 redesignating the lands within the NW 36-30-4 W5M.
Carried.

RC11-514 Moved by Councillor Kemmere
That Council set the Public Hearing for Bylaw No. LU 51/11 redesignating the lands within the NW 36-30-4W5M to August 17, 2011 at or after 9:00 a.m.
Carried.

NEW BUSINESS

Request to Waive DP Fees	RC11-515	<p>Moved by Councillor McKean That Council waive the Development Permit Fee of \$525.00 for the application PLDP20110140 and authorize a refund; and further, that this does not include the non-refundable \$75.00 Long Range Planning Fee or the Building Permit application fees.</p>	Carried.
Building Permit Transition Files	RC11-516	<p>Moved by Councillor Kemmere That Council approve Superior Safety Codes Inc. to provide and complete the required inspections of the remaining building permit files that Alberta Permit Pro was unable to complete for a cost of \$13,000.00 to be funded through the tax rate stabilization reserve.</p>	Carried.
Burrell Gravel Agreement	RC11-517	<p>Moved by Councillor Milne That Council approve the gravel extraction agreement with Mr. Steven Burrell, owner of SE-7-33-4 W5M.</p>	Carried.
Big Prairie Bridge Tender	RC11-518	<p>Moved by Councillor Beattie That Council not accept either of the proposed tenders and reconsider options regarding the Bridge Prairie Bridge File 1009 at the September 14, 2011 Policies and Priorities Committee Meeting.</p>	Carried.
	RC11-519	<p>Moved by Councillor Kemmere That the Chief Administrative Officer be requested to arrange a community information meeting regarding the Big Prairie Bridge as soon as possible.</p>	Carried.
Federal Gas Tax Fund	RC11-520	<p>Moved by Councillor Kemmere That Council authorize administration to apply for project OS 52-11 Twp. 334 Construction for funding under the Federal Gas Tax Fund.</p>	Carried.
	RC11-521	<p>Moved by Councillor Orr That approximately \$575,000 be transferred from the Projects reserve to the Tax Rate Stabilization Reserve and the Road Network Reserve on a 20% / 80% ratio respectively. The amount transferred would be adjusted based on the actual amount of Federal Gas Tax Funds applied to the Big Prairie Bridge Construction project.</p>	Carried.
2010 Equipment	RC11-522	<p>Moved by Councillor McKean That Council approve the equipment ordered in 2010, received in 2011, but not included in the 2011 Budget.</p>	Carried.
Agenda Items	RC11-523	<p>Moved by Councillor McKean That Council remove Agenda Item 11.3 – Land Matter from the agenda and add 8.10 Water Valley Campground to the agenda.</p>	Carried.

Cows and Fishes
Program

Councillor McKean provided an overview of the recent Cows and Fishes Workshop and advised that the Agricultural Services Department has handouts for those Councillors who could not attend.

AAMDC

Moved by Reeve Munro
RC11-524 That Council authorize Councillor Beattie to attend the AAMDC Cultivating Rural Relationships Workshop August 5, 2011 in Edmonton.

Carried.

CORRESPONDENCE
Information
Items

Moved by Councillor McKean
RC11-525 That Council receive the following items as information:
- MAP Minutes April 19, 2011

Carried.

Recess and Reconvene

Reeve Munro recessed the meeting at 2:43 p.m. and reconvened at 2:51 p.m.

Water Valley
Campground

Jane Fulton provided an update regarding the current condition of the Water Valley Campground and stated that the approach to the north Campground is open and approximately 12 campsites can be used. The south campground access is not useable. Access of Emergency Vehicles would need to be addressed. The availability of the Contractor is unknown at this time. Ms. Fulton stated that if the campground were partially opened people may use the entire campground. Unauthorized camping activity is occurring. Liability issues need to be considered.

Pete Waycott stated that he has not been to the campground to inspect the damage so he is in no position to provide a restoration timeline or costs at this time. He stated that if Council wishes to re-open the campground some staff currently working on the re-gravel program could be utilized on the campground restoration and that this would affect the re-gravel program.

Moved by Councillor Kemmere
RC11-526 That Council request that the Chief Administrative Officer be authorized to spend up to \$5,000 to re-open the Water Valley Campground as soon as possible; and further, that the funds be from the Tax Rate Stabilization Fund.

Carried.

IN CAMERA

Moved by Councillor McKean
RC11-527 That the Regular Council Meeting of July 6, 2011 go into closed meeting at 3:14 p.m.

Carried.

Moved by Councillor Good
RC11-528 That the Regular Council Meeting of July 6, 2011 return to the open meeting at 3:51 p.m.

Carried.

ADJOURNMENT

RC11-529 Moved by Councillor Milne
That Regular Council Meeting of July 6, 2011 be adjourned
at 3:51 p.m.

ADOPTED

Carried.

Chair

I hereby certify these minutes are correct.

Chief Administrative Officer