

MINUTES

REGULAR COUNCIL MEETING

Mountain View County

Minutes of the Regular Council Meeting held on Wednesday, August 18, 2010, in the Council Chamber, 1408 Twp Rd. 320, Didsbury, AB

PRESENT:

Reeve A. Kemmere  
Councillor K. Blain  
Councillor G. Day  
Councillor G. Ingeveld  
Councillor E. Page  
Councillor L. Negropontes  
Councillor L. Yakimchuk

IN ATTENDANCE:

D. Hawryluk, Acting Chief Administrative Officer  
M. Honeyman, Acting Director, Legislative and Community Services  
S. McInnis, Director, Operational Services  
G. Wiens, Director, Corporate Services  
C. Banack, Planner  
D. McDonald, Planner  
S. Tremblay, Planner  
T. Connatty, Planner  
G. Evers, Executive Assistant

CALL TO ORDER:

Reeve Kemmere called the meeting to order at 9:00 a.m.

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

Reeve Kemmere introduced Council and Staff.

AGENDA

Reeve Kemmere advised of the following amendments to the agenda:

- 8.8 Councillor Day Notice of Motion - Low Density Cluster Moratorium
- 8.9 Council Meeting Times
- 9.2 Letter of Recognition

Moved by Councillor Yakimchuk

RC10-846 That Council adopt the agenda of the Regular Council Meeting of August 18, 2010 as amended.

Carried.

PUBLIC HEARINGS  
Bylaw #LU 64/10  
SE 33-31-5 W5M

Reeve Kemmere opened the public hearing regarding Bylaw #LU 64/10.

The application for redesignation of the SE 33-31-5 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

ADOPTED

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 7.3 acres from Agriculture District to County Residential (1) District
- Division 4
- Rural Community Bergen

The Planning and Development Department recommended that Bylaw #LU 64/10 be given second reading.

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

David Derksen, applicant, stated that there is a buffer of trees to the east of the proposed redesignation site. Building sites are a suitable distance from any existing buildings. Sufficient water quantity is available.

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

Eugene Landsbergen, adjacent landowner, was advised by staff that a maximum of ten (10) titles would be permitted on this quarter section. He stated that traffic concerns are an issue as the redesignation is immediately adjacent to the Bergen Hall. Road closure and access would need to be addressed. Privacy of the adjacent landowner would be affected.

Council questions resulted in the following information:

- Subdivisions are to be within 800 metres of a collector network road
- Loss of view is already hampered by a row of trees
- The 1996 road closure was never finalized
- The proposed turnaround would be gravel

Reeve Kemmere 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 septic system regulations as of January 2010 are very stringent. Newly installed septic systems would not affect new wells for the proposed subdivisions. Three additional lots would not create a large amount of traffic that would affect the use of the Bergen Hall.

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

Hearing no further comments Reeve Kemmere closed the Public Hearing.

Moved by Councillor Day  
RC10-847 That Council amend the March 27, 1996 motion of Council (Motion # 165)  
From: "Road Plan 2282 BM between NE 33 and SE 33 in 31-5 W5 be closed and incorporated with adjacent lands."  
To: "Close that portion of Road Plan 2282 BM beginning 100 ft west from the westerly property boundary of Lot 1, Plan 9410440 to the westerly property boundary of the SE 33-31-5-W5M and incorporate with adjacent lands."  
Motion Defeated.

Moved by Councillor Ingeveld  
RC10-848 That Council give second reading to Bylaw No. LU 64/10 to redesignate lands in the SE 33-31-5 W5M.

The question on Motion RC10-848 was not called.

Moved by Councillor Negropontes  
RC10-849 That Bylaw No. LU 64/10 redesignating the lands within the SE 33-31-5-W5M be amended to replace reference to "Bylaw No. 55/95" with "Bylaw No. 10/10".  
Carried.

Moved by Councillor Ingeveld  
RC10-850 That Bylaw No. LU 64/10 redesignating the lands within SE 33-31-5-W5M be amended to replace the acronym for Country Residential 1 District from "CR1" to "R-CR(1)".  
Carried.

The question on Motion RC10-848 was called.  
Motion Defeated.

Moved by Councillor Blain  
RC10-851 That Council waive the fees for redesignation if the applicant brings forward an application for redesignation in the southwest or northwest of the quarter to redesignate lands in the SE 33-31-5 W5M.  
Motion Defeated.

Bylaw #LU 69/10  
SW 28-31-1 W5M

Reeve Kemmere opened the public hearing regarding Bylaw #LU 69/10.

The application for redesignation of the SW 28-31-1 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 8.9 acres from Agricultural District (A) to Country Residential (1) District (R-CR1)
- Division 3
- Rural Community Rosebud

The Planning and Development Department recommended that Bylaw #LU 69/10 be given second reading.

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

Ken Taylor, applicant, stated that Alberta Transportation will not permit a multi-lot subdivision in the southwest corner of the quarter section. The pipeline from the adjacent gas well to a gas well in the quarter to the south has never been installed. The proposed redesignation has been designed in accordance with pipeline setbacks if the pipeline is installed in the future.

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

Vicky Johnson, adjacent landowner, is concerned regarding water quantity and quality in the area as she currently has to consider water well levels to do laundry. This would take prime farmland out of production.

Dwayne Neufeld, adjacent landowner, is concerned regarding traffic speeds, buffering, noise, and sewage.

Council questions resulted in the following information:

- There are no significant low or wet areas within the proposed redesignation
- Access needs to be more than 300 feet from Hwy 2A
- Setbacks to the high pressure gas line and sour gas well would need to be met if the location were to be moved to the west

Moved by Councillor Day

RC10-852 That Council defer the Public Hearing of Bylaw No. LU 69/10 redesignating the lands within SW 28-31-1 W5M to September 29, 2010 at or after 9:00 a.m. to provide opportunity to consider relocation of the proposed redesignation to the west and clarify pipeline and well setbacks.

Carried.

Recess and Reconvene

Reeve Kemmere recessed the meeting at 10:44 a.m. and reconvened at 10:54 a.m.

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Moved by Councillor Blain

RC10-853 That Council adopt the Regular Council Meeting Minutes of June 30, 2010.

Carried.

Special Council Meeting

Moved by Councillor Yakimchuk

RC10-854 That Council approve that the Special Council Meeting be held September 29, 2010 to accommodate a maximum of thirteen (13) Public Hearings, and further, that any new information regarding Bylaw No. LU 69/10 redesignating the lands within SW 28-31-1 W5M be re-circulated to adjacent landowners.

Carried.

Bylaw #LU 71/10  
NE 26-29-27 W4M

Reeve Kemmere opened the public hearing regarding Bylaw #LU 71/10.

The application for redesignation of the NE 26-29-27 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 20 acres from Agriculture District (A) to Agriculture (2) District (A(2)).
- Division 1
- Rural Community Midway

The Planning and Development Department recommended that Bylaw #LU 71/10 be given second reading.

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

Brian Hannah, applicant, stated that his daughter and son in law are the adjacent landowners. The business currently operates in Acme. The Anhydrous Ammonia trucking business is seasonal. Safety concerns would be adhered to.

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

Wayne Morris, adjacent landowner, have serious concerns regarding noise, truck traffic, and safety. Allowing a commercial business in the area would reduce local property values. Hours of operation are also a concern.

Council questions resulted in the following information:

- The entire trucking business consisting of 13 trailers and 5 tractors would be relocated to this location
- The trucks would not be coming and going each day

Reeve Kemmere 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 Kemmere closed the Public Hearing.

Moved by Councillor Blain  
RC10-855 That Council give second reading to Bylaw No. LU 71/10 to redesignate lands in the NE 26-29-27 W4M.

The question on Motion RC10-855 was not called.

Moved by Councillor Negroptes  
RC10-856 That Bylaw No. LU 71/10 redesignating the lands within the NE 26-29-27-4 be amended to replace reference to "Bylaw No. 55/95" with "Bylaw No. 10/10".

Carried.

The question on Motion RC10-855 was called.

Carried.

Moved by Councillor Ingeveld  
RC10-857 That Council give third reading to Bylaw No. LU 71/10 to redesignate lands in the NE 26-29-27 W4M.

Carried.

Bylaw #LU 72/10  
NW 14-30-29 W4M

Reeve Kemmere opened the public hearing regarding Bylaw #LU 72/10.

The application for redesignation of the NW 14-30-29 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 3 acres from Agricultural District (A) to Country Residential District (R-CR)
- Division 1
- Rural Community Wessex

The Planning and Development Department recommended that Bylaw #LU 72/10 be given second reading.

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

Louella and Randall Nail, owners, were not present.

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

Council questions resulted in the following information:

- The shape of the area is as per the application

Reeve Kemmere 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.

Hearing no further comments Reeve Kemmere closed the Public Hearing.

Moved by Councillor Day  
RC10-858 That Council give second reading to Bylaw No. LU 72/10 to redesignate lands in the NW 14-30-29 W4M.

The question on Motion RC10-858 was not called.

Moved by Councillor Yakimchuk  
RC10-859 That Bylaw No. LU 72/10 redesignating the lands within the NW 14-30-29-4 be amended to replace Schedule "A" showing the revised dimensions.

Carried.

The question on Motion RC10-858 was called.

Carried.

Moved by Councillor Page  
RC10-860 That Council give third reading to Bylaw No. LU 72/10 to redesignate lands in the NW 14-30-29 W4M.

Carried.

Bylaw #LU 73/10  
NE 16-30-28-W4M

Reeve Kemmere opened the public hearing regarding Bylaw #LU 73/10.

The application for redesignation of the NE 16-30-28-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 80 acres from Agricultural District to Agricultural (2) District.
- Division 1
- Rural Community Midway

The Planning and Development Department recommended that Bylaw #LU 73/10 be given second reading.

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

Douglas Reglin, owner, stated that he did not have any comments.

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

Council did not have any questions.

ADOPTED

Reeve Kemmere 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 Kemmere closed the Public Hearing.

Moved by Councillor Negropontes  
RC10-861 That Council give second reading to Bylaw No. LU 73/10 to redesignate lands in the NE 16-30-28-W4M.

The question on Motion RC10-861 was not called.

Moved by Councillor Yakimchuk  
RC10-862 That Bylaw No. LU 73/10 redesignating the lands within the NE 16-30-28-W4M be amended to replace reference to "Bylaw No. 55/95" with "Bylaw No. 10/10".

Carried.

The question on Motion RC10-861 was called.

Carried.

Moved by Councillor Day  
RC10-863 That Council give third reading to Bylaw No. LU 73/10 to redesignate lands in the NE 16-30-28-W4M.

Carried.

Bylaw #LU 80/10  
NW 9-29-4 W5M

Reeve Kemmere opened the public hearing regarding Bylaw #LU 80/10.

The application for redesignation of the NW 9-29-4 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 10 acres from Agriculture District to County Residential (1) District.
- Division 2
- Rural Community Water Valley/Winchell Lake

The Planning and Development Department recommended that Bylaw #LU 80/10 be given second reading.

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

Ken Taylor, applicant, stated that the reason for the configuration is for safety to accommodate better access site lines. This is a pasture area and has lots of hills.

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

Council questions resulted in the following information:

- The location of existing residences was confirmed
- The land is currently pasture land

Reeve Kemmere 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 land slopes to the north and east.

The Planning and Development Department was provided the opportunity for closing remarks and stated that other locations were considered. It is the opinion of the Planning and Development Department that this is the best location within the quarter section.

Hearing no further comments Reeve Kemmere closed the Public Hearing.

Moved by Councillor Yakimchuk  
 RC10-864 That Council give second reading to Bylaw No. LU 80/10 to redesignate lands in the NW 9-29-4 W5M.  
 Carried.

Moved by Councillor Day  
 RC10-865 That Council give third reading to Bylaw No. LU 80/10 to redesignate lands in the NW 9-29-4 W5M.  
 Carried.

BYLAWS  
 Bylaw #15/10  
 Fee Schedule

Moved by Councillor Day  
 RC10-866 That Council give first reading to Bylaw No. 15/10 – Fee Schedule Bylaw.

The question on Motion RC10-772 was not called.

Moved by Councillor Blain  
 RC10-867 That Bylaw No. 15/10 – Fee Schedule Bylaw be amended as follows:  
 Schedule “C” Subdivision Fees Time Extension to meet conditions at the request of the applicant;  
 ASDAA applications \$350.00  
 MPC applications 1<sup>st</sup> request \$750.00  
 MPC applications 2<sup>nd</sup> request \$1,500.00  
 Motion Defeated.

The question on Motion RC10-772 was called.

Moved by Councillor Ingeveld  
 RC10-868 That Council give second reading to Bylaw No. 15/10 – Fee Schedule Bylaw.  
 Carried.

- RC10-869 Moved by Councillor Page  
That Council give unanimous consent to proceed to third reading of Bylaw #15/10 – Fee Schedule Bylaw.  
Motion Defeated.
- Recess and Reconvene Reeve Kemmere recessed the meeting at 12:18 p.m. and reconvened at 3:00 p.m.
- Agenda Item RC10-870 Moved by Councillor Ingeveld  
That an additional agenda item be added as follows:  
11.2 Legal Matter  
Carried.
- Bylaw #LU 99/10  
NE 31-29-2 W5M RC10-871 Moved by Councillor Ingeveld  
That Council give first reading to Bylaw No. LU 99/10 redesignating the lands within the NE 31-29-2 W5M.  
Carried.
- RC10-872 Moved by Councillor Yakimchuk  
That Council set the Public Hearing for Bylaw No. LU 99/10 redesignating the lands within the NE 31-29-2 W5M for October 6, 2010 at or after 9:00 a.m.  
Carried.
- Bylaw #LU 100/10  
NE 9-34-2 W5M RC10-873 Moved by Councillor Blain  
That Council give first reading to Bylaw No. LU 100/10 redesignating the lands within the NE 9-34-2 W5M.  
Carried.
- RC10-874 Moved by Councillor Page  
That Council set the Public Hearing for Bylaw No. LU 100/10 redesignating the lands within the NE 9-34-2 W5M for September 29, 2010 at or after 9:00 a.m.  
Carried.
- NEW BUSINESS
- Tax Relief  
Roll #432052001 RC10-875 Moved by Councillor Blain  
That Council cancel \$1,748.48 in taxes for tax roll 432052001. (This is 100% of both municipal and education taxes for the residence that was destroyed.)  
Carried.
- Policy No. 6011  
Time Extensions RC10-876 Moved by Councillor Day  
That Council amend Policy No. 6011- Time Extensions for Meeting Subdivision Approval Conditions and receive amended Procedure No. 6011-01 - Time Extensions for Meeting Subdivision Approval Conditions as information.  
  
The question on Motion RC10-876 was not called.
- Subdivision Application  
Time Extension RC10-877 Moved by Councillor Negroptes  
That Council approve a time extension to conditional subdivision approval SD 07-029 dated August 21, 2007 to satisfy outstanding conditions to November 21, 2010.  
Carried.
- RC10-878 Moved by Councillor Yakimchuk  
That Council approve a time extension to conditional subdivision approval SD 07-019 dated October 1, 2007 to satisfy outstanding conditions to December 23, 2010.  
Carried.

Policy No. 6011 Time Extensions		The question on Motion RC10-876 was called.	Carried.
Quality Management Plan	RC10-879	Moved by Councillor Ingeveld That Council receive the correspondence dated June 21, 2010 from Safety Codes Council as information.	Carried.
	RC10-880	Moved by Councillor Ingeveld That Reeve Kemmere send correspondence to the Minister of Municipal Affairs and the Minister of Environment regarding secondary treatment systems; and further, that a copy be sent to Safety Codes Council and AOWMA..	Carried.
	RC10-881	Moved by Councillor Day That Council request that the Chief Administrative Officer include an information article in the upcoming Mountain Views Publication regarding septic systems and the letter of commendation from Safety Codes Council.	Carried.
Special Council Meeting	RC10-882	Moved by Councillor Negropontes That Council approve a Special Council Meeting for Thursday, September 16, 2010 commencing at 9:00 a.m. at the Town of Sundre Council Chamber, 717 Main Ave. W., Sundre, AB, to hold a public hearing regarding Bylaw No. 19/10 and Bylaw No. LU 96/10 to redesignate lands within the SW 35-32-5- W5M.	Carried.
Letter of Committee Resignation	RC10-883	Moved by Councillor Page That Council accept the resignation of Arlene Nerrie from the Councillor Remuneration Committee.	Carried.
CAEP Transportation Strategy	RC10-884	Moved by Councillor Day That Council receive the draft CAEP Regional Transportation Strategy dated June 10, 2010 as information; and further, that the matter be brought back to the August 25, 2010 Policies and Priorities Committee Meeting for presentation and comment.	Carried.
Notice of Motion Low Density Cluster	RC10-885	Moved by Councillor Day That Councillor Day bring forward the following motion to the August 25, 2010 Regular Council Meeting: "That the Chief Administrative Officer be requested to bring back information regarding the potential to put a moratorium on future Low Density Cluster applications."	Carried.
Council Meeting Times	RC10-886	Moved by Councillor Yakimchuk That Council recommend that the Municipal Planning Commission review their scheduled meeting day and consider a change of day.	
		Councillor Yakimchuk withdrew Motion RC10-886	

ADOPTED

- MNP Report
- RC10-887 Moved by Councillor Yakimchuk  
That the Chief Administrative Officer bring back recommendations to the new Council regarding Council Meeting and Municipal Planning Commission Meetings dates.  
Carried.
- RC10-888 Moved by Councillor Day  
That Council request that the Chief Administrative Officer bring back an Action List regarding the Meyers Norris Penny Report.  
Carried.
- RC10-889 Moved by Councillor Negropontes  
That Council request that the Chief Administrative Officer bring back a report regarding the previous letter to SPOG.  
Carried.
- INFORMATION ITEMS
- RC10-890 Moved by Councillor Day  
That Council receive the following information:  
(a) CAO Action List for August 18, 2010  
Carried.
- Letter of Recognition
- Councillor Negropontes read a letter from the Manger of Westward Ho Park which commended Mountain View County Special Constable Kevin Heppler regarding his dealing with recent incidents at Westward Ho Park.
- CONFIDENTIAL ITEMS IN CAMERA
- RC10-891 Moved by Councillor Negropontes  
That the Regular Council Meeting of August 18, 2010 go into closed meeting at 4:04 p.m.  
Carried.
- RC10-892 Moved by Councillor Yakimchuk  
That the Regular Council Meeting of August 18, 2010 return to the open meeting at 4:56 p.m.  
Carried.
- ADJOURNMENT
- RC10-893 Moved by Councillor Negropontes  
That Regular Council Meeting of August 18, 2010 be adjourned at 4:56 p.m.  
Carried.

Original Signed October 6, 2010

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Chair

I hereby certify these minutes are correct.

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Chief Administrative Officer