

The Council of the Municipal District of Foothills No. 31 met in the Foothills Administration Building, High River, Alberta, for a meeting on April 24, 2008 at 9:00 a.m. Those in attendance included Reeve R. McLean, Councillors T. Waddock, R. Chase, T. Mills, R. Nelson, L. Spilak, B. Castell, Municipal Manager H. Riva Cambrin and Recording Secretary J. Gordon. The M.D.'s Director of Public Works and Engineering T. Gilliss entered the Council Chambers to answer any questions that Council may have with respect to Public Works.

Reeve McLean called the meeting to order.

AGENDA – APRIL 24, 2008

Moved that Council approve the agenda for the Council meeting of April 24, 2008.
CARRIED

ADDITIONS TO AGENDA

Moved that Council approve the additions to the agenda for the Council meeting of April 24, 2008.

CARRIED

INVERTED CULVERT

Moved that Mr. G. Top be instructed to remove the inverted culvert located in SE 27-17-28 W4M.

CARRIED

DISPOSAL OF TWO 2002, 2003 CATERPILLAR 14H MOTOR GRADERS

Moved that Council accept the recommendations from staff and that Council accept Finning's offer for the buyback of the two 14H motor graders for the amount of \$245,000 each.

CARRIED

GAS WELL LEASE – BLACKIE SEWAGE LAGOON LAND

Moved that, as recommended by staff, the Surface Lease Agreement be reviewed by the Municipal Solicitor prior to signing.

CARRIED

STOP SIGNS

BYLAW 62/2008

Bylaw 622008 was introduced into the meeting to authorize STOP signs at the following locations:

entering Priddis Valley Road from the Sarcee Indian Reserve and
entering Priddis Valley Road from 146 Avenue

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved that Bylaw 62/2008 be given third reading.

CARRIED UNANIMOUSLY

Moved third reading.

THE BYLAW PASSED

LANDOWNER CONCERN – G.G. BEACOM

Moved that Council acknowledge the letter from Mr. G. G. Beacom and that staff be instructed to send him a letter addressing his concerns regarding the denial of access to a road allowance.

CARRIED

M.D. LIFTS FIRE BAN

Moved that the Fire Ban be lifted.

CARRIED

BOULTON – REDESIGNATION – NE 34-20-2 W5

Upon the commencement of the public hearing, Council was given a copy of a letter written by Mr. B. Boulton who asked that the public hearing be adjourned due to circumstances beyond their control. Ms. L. Hubenig was in attendance and she stated that she would have no objection to scheduling of this application to a different date.

Moved that Council acknowledge receipt of the letter from B. Boulton and that Council has no objection to his request for the public hearing to be rescheduled for the proposed redesignation in NE 34-20-2 W5.

CARRIED

Moved that, although Council is compassionate towards the reason for the rescheduling request, they are unable to grant a complete relaxation to the fee requirement. Due to the administrative costs involved to this point, the applicants will be required to pay one-half of the regular fee to arrange a new public hearing date.

CARRIED

USBORNE – LAND USE BYLAW AMENDMENT – NE 12-21-4 W5

Mr. J. Osborne was in attendance for the public hearing in connection with the proposed amendment of the 10-acre parcel in order to permit the future subdivision of one additional parcel. Also in attendance were Mr. B. Perry, Mr. and Mrs. D. Anderson, Ms. M. Burkhart and Mr. and Mrs. M. Kallis. The public hearing was advertised in the Western Wheel and circulated to landowners within one-half mile of the subject property which is located directly South of 306th Ave. and approximately one-half mile East of 304th St. W. Letters of concern were received from B. Olson, B. Perry, R. and T. Frost, R. Fisher, T. Hoffman, J. and K. Klesken, M. Burkhart, M. and S. Kallis, S. and D. Watkins and C. Anderson.

The subject property was created as a 'first parcel out' of the quarter-section in 1992. The access is from Parkins Road and was constructed by the applicant far enough to turn into the parcel with a single approach. The tentative plan shows the most Easterly approach accessing the 5.65+/-acre parcel that contains the home site. The West field access would provide legal access to the Westerly 4.35+/-acre parcel. The Public Works Department has recommended that Hidden Driveway signs be placed in this area.

Mr. Osborne submitted that the property is already naturally divided by a seasonal creek and there would be no additional access road required for the new parcel. He is of the opinion that there is no water shortage in this area and therefore there would be no negative impact on the landowners in this regard.

Mr. B. Perry noted his biggest concern is that Parkins Road is a pristine area and is concerned with the precedent-setting nature of creating a smaller parcel from a 'first parcel out.

M. M. Kallis stated his concern with further subdivision in a rural area. He also asked for clarification on the upgrading of Parkins Road, should the application be approved.

Mr. C. Anderson noted that he would not like to see further subdivision in the area and Ms. M. Burkhart stated her agreement with the concerns as brought forth by the other landowners.

The public hearing was closed and no decision was made at this time due to scheduled appointments.

BOARDMAN – LAND USE BYLAW AMENDMENT – NE 10-20-28 W4

Mr. V. Boardman was in attendance for the public hearing in connection with the proposed amendment of the unsubdivided quarter-section in order to permit the future subdivision of one 21-acre parcel. The public hearing was advertised in the Western Wheel and circulated to landowners within one-half mile of the subject property which is located approximately two miles South of Highway 547 off 402 Ave. and 144th St. E.

The Planning Officer noted that there was a 1-acre school site created in 1897 in the Northwest corner of the quarter-section and is now just privately owned. The present application would be considered as a 'first parcel out' because the 1-acre title was created for a public use. The present parcel is 159 acres in size and the site plan shows a 21-acre parcel being created along the entire South boundary of the quarter-section. The residence, barn, garage, dugout and outbuildings are all contained within the balance parcel. There are five existing approaches to this quarter-section and the Public Works Department stated that all of them would require either upgrading or removal.

Mr. Boardman stated his intention is to remain on the balance parcel and sell the 21-acre parcel for an agricultural use. He feels that the proposed area is the least obtrusive location within the quarter-section.

The public hearing was closed and no decision was made at this time due to a scheduled public hearing.

ALL PALLET INC. – SITE SPECIFIC AMENDMENT – SW 18-17-28 W4

Ms. M. Bates was in attendance for the public hearing in connection with the proposed site specific amendment in order to allow for a major home occupation for a pallet repair business. Mr. K. Bates and Mr. N. Fritz were also in attendance. The public hearing was advertised in the Western Wheel and circulated to landowners within one-half mile of the subject property which is located one mile South of Cayley and one mile West of Highway #2.

The property is an unsubdivided quarter-section but has a conditional subdivision approval for one 9-acre parcel to separate the yard site from the remainder of the quarter-section. The business is described as primarily a wood pallet repair company and is proposed to be run from the existing machine shop on the property with the majority of storage to occur inside the building. Overflow storage is to be located on a cement pad to the West of the machine shop and will be screened from the public. The applicants are proposing no new buildings to be added to the property at this time.

The applicants currently employ three full-time employees and one part-time employee within their facility in Calgary and this will continue in the new location. Two local hauling companies would be used for a majority of their trucking needs with 104th St. W. as the route expected to bring the trucks South to their parcel. To eliminate as much dust and noise as possible the company would request the trucks to continue to use 104th St. W. until connecting to the Highway #23 overpass on the South side of High River.

Ms. Bates stated that this is an existing business but at the present time they are operating out of Hi Fab's parcel South of the high school in High River.

Upon circulation, the Public Works Department recommended that the existing approach along 104th St. E. be widened and that a Road Use Agreement be entered into to establish a haul route to and from the site. The applicants will also be required to pay for installation of 'trucks entering' sign on 104th St. E.

The public hearing was closed.

BYLAW 63/2008

Bylaw 63/2008 was introduced into the meeting to authorize the site specific amendment of SW 18-17-28 W4 from the Agricultural District land use rules in order to allow for a pallet repair business.

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

Prior to further consideration, the landowner will be required to submit the final administration fee and the Development Permit application with appropriate fees.

BOARDMAN - LAND USE BYLAW AMENDMENT - NE 10-20-28 W4

BYLAW 64/2008

Bylaw 64/2008 was introduced into the meeting to authorize the amendment of NE 10-20-28 W4 from the Agricultural District land use rules in order to permit the future subdivision of one 21+/-acre parcel.

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

Prior to further consideration, the landowners will be required to submit the following:

Final lot fee of \$650.00;

Subdivision application with appropriate fees.

USBORNE – LAND USE BYLAW AMENDMENT - NE 12-21-4 W5

Moved that the application to amend Plan 9212708 Lot 1 in NE 12-21-4 W5 from the Country Residential District land use rules in order to permit the future subdivision of one additional parcel be refused for the following reasons:

The access to the proposed parcel is unsuitable;

The further subdivision of a 'first parcel out' creates a density that is inconsistent with the area.

CARRIED

Moved that HIDDEN DRIVEWAY signs be posted from both the East and West bound directions along 306th Ave.

CARRIED

LUNCH

Moved that Council adjourn for lunch.

CARRIED

KOLSKOG – SITE SPECIFIC AMENDMENT – SW 16-20-29 W4

Mr. T. Kolskog was in attendance for the public hearing in connection with the site specific amendment to allow for a chartered bus business. The public hearing was advertised in the Western Wheel and circulated to landowners within one-half mile of the subject property which is located approximately one mile South of Highway #7 and East of Highway #783.

The applicant's charter bus business consists of the storage of up to four busses on site at any one time and for repairs to be conducted on site within the 4,000 sq. ft. accessory building.

The business was started in Calgary and after moving to the Okotoks area, the applicant started to service the small towns. He currently has contracts in place with many sports teams. They have three busses and two entertainer coaches but two of them are only on the property about twice a year for maintenance purposes. The public hearing was closed.

BYLAW 65/2008

Bylaw 65/2008 was introduced into the meeting to authorize the site specific amendment of Plan 9512537 Block 12 in SW 16-20-29 W4 from the Country Residential District land use rules in order to allow for a charter bus business as a permitted use.

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

Prior to further consideration, the landowners will be required to submit the final administration fee and the Development Permit application with appropriate fees.

MINUTES - APRIL 17, 2008

Moved that Council adopt the minutes, as circulated, of its April 17, 2008, Council meeting.

CARRIED

BILLS AND ACCOUNTS - APRIL 24, 2008

Moved that the following cheque nos. 19240-19254; 19256-19264; 19266-19271; 19273-19275; 19277-19279; 19281-19288; 19290-19295; 19297; 19299-19301; 19303; totalling \$36,410.20, be approved for payment:

<u>Cheque No.</u>	<u>General</u>	<u>Amount</u>
C19239	1009720 Alberta Ltd.	\$7,322.69
C19255	CDW Canada Inc.	37,282.35
C19265	Great West Life Assurance Co.	11,277.98
C19272	JKR Excavating Ltd.	41,253.97
C19276	M.D. of Foothills No. 31	350,000.00
C19280	MPE Engineering Ltd.	5,226.84
C19289	Southern Alberta Land Trust	8,000.00
C19296	Town of Black Diamond	6,250.00
C19298	Union Tractor Ltd	9,392.59
C19302	Wilcor Systems Ltd.	26,171.25

CARRIED

GILLIS & KENNAN - SW 3-20-2 W5

Moved that the revised site plan for two equal-sized parcels be approved for the proposed subdivision in SW 3-20-2 W5.

CARRIED

MOORE - BOUNDARY ADJUSTMENT- NW AND SW 22-18-1 W5

Moved that the boundary adjustment whereby 2.7 acres from NW 22-18-1 W5 will be consolidated into SW 22-18-1 W5 is in accordance with Sections 654 and 655 of the Municipal Government Act, and therefore the application be approved subject to the following conditions:

Boundary Adjustment and Consolidation to be effected by Plan of Survey, pursuant to Section 657 of the Municipal Government Act, or such means as satisfactory to the Registrar of the South Alberta Land Titles Office District;

All accesses to be located and culverts and approaches to be installed and constructed to MD standards and approved by the Public Works Department;

The Municipality's road widening requirement of 5 metres of land along the North and East boundary of the existing parcels to be dedicated by Caveat and registered concurrently with the Plan of Survey;

Landowners are to provide all utility easements and agreements to the satisfaction of the MD and the utility companies;

Landowners are to pay all arrears of taxes on the existing parcels prior to the finalization of the subdivision; and furthermore,

It is the applicants' responsibility to provide a Real Property Report or an 'as built' drawing signed and sealed by an Alberta Land Surveyor certifying the location of the water well within the boundaries of the new parcel as well as the location of the adjacent municipal road(s) and additionally, that the site plan is surveyed according to municipal requirements.

CARRIED

KOREN - SUBDIVISION - SE 11-21-29 W4

Moved that the subdivision of six additional parcels from SE 11-21-29 W4 (Phase 1 of the Koren Acres Area Structure Plan) be refused for the following reasons: The application for redesignation of the land to Country Residential District was refused as the application was over density, the application was inconsistent with the development in the area and concern was expressed with both the drainage and surface run-off on the property.

CARRIED

DIEBOLT - REDESIGNATION - W. 9-19-28 W4

BYLAW 216/2007

Bylaw 216/2007 was reintroduced into the meeting to authorize the site specific amendment to allow for 100 RV storage units and to allow for ten buildings (220 ft. x 30 ft.), one building (60 ft. x 40 ft.) and a 30 ft. x 46 ft. expansion of the dwelling to accommodate an office as permitted uses within Plan 468 LK Block 9 in the West Half of 9-19-28 W4 which is designated as Country Residential District.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

MEYER - LAND USE BYLAW AMENDMENT - SE 34-19-1 W5

Moved that Council approve the revised site plan identifying the 21+/-acre parcel in the Southeast corner of SE 34-19-1 W5 and that the following condition be imposed on the application prior to further consideration of Bylaw 43/2008: Development Agreement to be entered into for the construction of a portion of 32nd St. W. to municipal standards and to the satisfaction of the Public Works Department.

CARRIED

BRUCH - LAND USE BYLAW AMENDMENT - NW 33-19-2 W5

Moved that Council confirm their original request and the landowners will be required to submit high water table testing as a condition to be met prior to further consideration of Bylaw 217/2007.

CARRIED

1353648 ALBERTA LTD. (LANDOWNER) - SITE SPECIFIC AMENDMENT

INTERSTAR CONCRETE INDUSTRIES - NE 9-19-28 W4

BYLAW 35/2008

Bylaw 35/2008 was reintroduced into the meeting to authorize the site specific amendment of Plan 0716342 Block 1 Lot 4 in NE 9-19-28 W4 from the Country Residential District land use rules in order to allow for the warehouse facility for the manufacturing, storing and distribution of concrete products as a permitted use and a commercial self-storage facility as a discretionary use.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

KENDAL - REDESIGNATION - SE 10-20-27 W4

BYLAW 206/2006

Bylaw 206/2006 was reintroduced into the meeting to authorize the redesignation of SE 10-20-27 W4 from Agricultural District to Country Residential 'A' District in order to permit the future subdivision of one 9-acre parcel.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

KENDAL - SUBDIVISION - SE 10-20-27 W4

Moved that the subdivision of one 9+/- acre parcel from SE 10-20-27 W4 has been evaluated in terms of Section 654 of the Municipal Government Act and Section 7 of the Subdivision and Development Regulation and therefore it is recommended that the application be approved as per the tentative plan for the following reasons: The application is consistent with Section 7 of the Subdivision and Development Regulations;

The subject land has the appropriate land use designation. Further, in accordance with Sections 654 and 655 of the Municipal Government Act, the application be approved subject to the following conditions:

Subdivision to be effected by Plan of Survey, pursuant to Section 657 of the Municipal Government Act, or such means as satisfactory to the Registrar of the South Alberta Land Titles Office District;

All approaches to be located and constructed to MD standards and approved by the Public Works Department;

The Municipality's road widening requirement of 5 metres of land along the East boundary of the quarter-section to be dedicated by Caveat and registered concurrently with the Plan of Survey;

Landowners are to provide all utility easements and agreements to be satisfaction of the MD and the utility companies;

Landowners are to pay all arrears of taxes on the existing parcel prior to the finalization of the subdivision; and furthermore,

It is the applicants' responsibility to provide a Real Property Report or an 'as built' drawing signed and sealed by an Alberta Land Surveyor certifying the location of the water well within the boundaries of the new parcel as well as the location of the adjacent municipal road(s) and additionally, that the site plan is surveyed according to municipal requirements.

CARRIED

ACKNOWLEDGEMENT OF APPEAL BOARD ORDERS

Moved that Council acknowledge receipt of the following Appeal Board Orders with respect to a proposed subdivision in NE 23-18-29 W4:

Municipal Government Board Order 28/2008 whereby the appeal was dismissed and the decision of refusal by the M.D. of Foothills was confirmed;

Subdivision Appeal Board Order S01/2008 whereby the appeal was denied and the decision of refusal by the M.D. of Foothills was upheld.

CARRIED

LEASE OF MUNICIPAL RESERVE PARCELS

Moved that Council authorize the advertisement of the following municipal reserve parcels for lease:

Plan 9610003 Lot 1 MR in SE 1-20-1 W5;

Plan 0510887 Block 3 Lot 1 MR in SW 14-21-3 W5.

CARRIED

LOEWEN, NIELSON AND NIELSON – REDESIGNATION – NW 1-22-1 W5

Mr. K. Nielsen, Mr. R. Nielsen, Mr. L. Loewen and their agent Ms. K. Beunder were in attendance for the proposed redesignation of the 16.7-acre parcel in order to permit the future subdivision of 11 additional parcels. Also in attendance were Mr. D. Goodwin, Mr. G. McLachlan, Mr. T. Kerr and Ms. S. Parkinson. The public hearing was advertised in the Western Wheel and circulated to landowners within one-half mile of the subject property which is located adjacent to the Hamlet of Heritage Pointe to the East and Highway #2 to the West, less than one-half mile from the City of Calgary. One letter was received from K. Fewster.

The parcels are proposed to be approximately 0.8 acres in size and the balance parcel would be approximately 1 acre. One municipal reserve of 2 acres in size is proposed at the Northern tip of the subject lands and an environmental reserve is also contemplated, encompassing the ravine and existing dugout in the Southern portion of the subject lands. Site access is to be provided from Pine Creek Road by way of an internal roadway built to hamlet standards.

Corix Utilities has indicated that they are willing to provide potable water and piped sanitary sewer collection and treatment to the area although individual enhanced septic systems are still being considered by the applicants. The spring fed dugout on the property may be used for irrigation in the summer months.

Upon circulation, the Public Works Department has recommended that the proposed 15-metre road right-of-way should only be acceptable if it is accompanied by curb and gutter and that the internal road be constructed to the Municipality's current hamlet standard cross section. They have also recommended a stormwater management plan, a comprehensive site drainage plan, lot grading and construction management plans to be prepared to the satisfaction of the Municipality. Furthermore, high water table and percolation testing and the identification of building envelopes has also been recommended.

Ms. Beunder stated that the purpose of the application is to allow for a new residential development in a similar style and quality to the residential developments surrounding the land. The municipal reserve lot has been tied in closely to the municipal reserve at Pinehurst. Letters of introduction were sent to adjacent landowners as well as to all the residents of Pinehurst, the Mews and Ravine at Heritage Pointe. They also attended the Division 6 Residents Association meeting to make themselves available for questions and no concerns were raised other than a slight site plan adjustment. In addition, David Baker, President of the Lake at Heritage Pointe stated that they had no major concerns. She also stated that the tie in to Corix for water and sewer was confirmed by letter dated March 14, 2008.

Discussion took place with respect to the pond and the safety aspects of this being located within the environmental reserve. The letter from Ms. Fewster stated that she had no objection to the overall development but would like to see the pond surrounded by a fence for safety reasons.

BYLAW 66/2008

Bylaw 66/2008 was introduced into the meeting to authorize the redesignation of Plan 7959JK Block D in NW 1-22-1 W5 from Country Residential District in order to permit the future subdivision of 11 additional lots.

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

Prior to further consideration, the landowners will be required to submit the following:

Stormwater management plan, comprehensive site drainage plan, lot grading plan, identification of building envelopes, construction management plan and high water table and percolation testing to be submitted to the satisfaction of the Public Works Department;

The Public Works Department is to determine the feasibility of the cul-de-sac road shown on the tentative plan as access to Lot 1 and Lot 2 as compared to a separate access coming from Pine Creek Road;

The Public Works Department is to report back with recommendations to Council on the safety requirements for the pond; it is to be noted that this pond is not to be used for irrigation purposes as proposed;

Development Agreement for the internal road construction and the road improvement fee of \$3,5000.00 per new lot;
Confirmation from Corix Utilities of their willingness to provide potable water and sewer collection and treatment to the proposed development;
All licensing and approvals as required from Alberta Environment;
Final lot fees of \$650.00 per new lot;
Subdivision application with appropriate fees.

REQUEST FOR WRITE OFF OF TAXES

Moved that Council authorize the write-off of the 2006 taxes and penalty for Tax Roll 1927134050.

CARRIED

FIRE FIGHTER WAGE ADJUSTMENT

Moved that Council accept the recommendation from the Rural Fire Board and approve the Fire Fighter wage adjustment effective April 1, 2008.

CARRIED

FIRE GUARDIAN COMPENSATION ADJUSTMENT

Moved that Council accept the recommendations from the Rural Fire Board and approve the Fire Guardian compensation adjustment, as presented.

CARRIED

CAYLEY FIRE STATION

Moved that Council accept the recommendation from the Rural Fire Board and that staff proceed with the purchase of an Automated External Defibrillator (AED) for the Cayley Fire Station.

CARRIED

PERSONNEL

Moved that Council approve the request to extend the G.I.S. position from three days per week to a full-time, with additional funding being provided through the Municipal Sustainability Initiative Program.

CARRIED

IN CAMERA

Moved that Council go 'In Camera' to discuss land issues.

CARRIED

OUT OF CAMERA

Moved that Council go 'Out of Camera'.

CARRIED

ADJOURN

Moved that Council adjourn at 4:45 p.m.

CARRIED