

The Council of the Municipal District of Foothills No. 3 met in the Foothills Administration Building, High River, Alberta, for a meeting on December 16, 2010 at 9:00 a.m. Present were Reeve L. Spilak, Councillors T. Mills, B. Castell, S. Oel, D. Longson, R. Chase, R. Nelson and Municipal Manager H. Riva Cambrin and Recording Secretary J. Gordon.

The M.D.'s Director of Public Works and Engineering M. Savard entered the Council Chambers to answer any questions that Council may have with respect to Public Works.

Reeve Spilak called the meeting to order.

COUNCIL AGENDA

Moved that Council approve the agenda for the Council meeting of December 16, 2010.

CARRIED

ADDITIONS TO COUNCIL AGENDA

Moved that Council approve the additions to the agenda for the Council meeting of December 16, 2010.

CARRIED

REQUEST FOR REVIEW OF STREET SIGNAGE ON 160th STREET

Moved that Council allow Public Works staff to review the current signage and complete the analysis required and that this information together with recommendations, provided any changes are warranted, be brought back to Council for further deliberation.

CARRIED

PLOUGHING OF STREETS WITHIN SILVERTIP RANCH CONDODOMINIUM

Moved that Council acknowledge receipt of the letter of concern with respect to the landscaping disturbance caused by the M.D.'s snow removal activities and that Public Works staff respond to these concerns.

CARRIED

DUNBOW RECREATION BOARD - MEMBERS

Bylaw 132/2010 was introduced into the meeting to authorize the following amendment to Bylaw 106/2009, that being a Bylaw of the M.D. of Foothills No. 31 to establish the Dunbow Recreation Board:

Under Section IV - APPOINTMENTS:

The Board shall consist of a maximum of nine (9) members appointed as follows:

One (1) representative from the Davisburg Community Association

One (1) representative from the Heritage Heights School

One (1) representative from the Lake at Heritage Pointe Residents' Association

One (1) representative from the Norris Coulee Association

Three (3) representatives at large from the M.D. of Foothills No. 31 and

Two (2) representatives from Council

The Board shall consist of a Chair and eight (8) Directors

a) The two (2) members of the Council shall be appointed for a term commencing on the day of their appointment and ending on the day on which the first Organizational Meeting of the Councils following their appointments is held.

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved that Bylaw 132/2009 be given third reading.

CARRIED UNANIMOUSLY

Moved third reading.

THE BYLAW WAS PASSED

MONTEITH – REDESIGNATION – SE 34-18-29 W4

Mr. J. Monteith and his agent Mr. D. Badke were in attendance for the public hearing in connection with the proposed redesignation of the 80-acre parcel in order to permit the future subdivision of one 6.9-acre parcel. Mr. G. Monteith and Mr. D. Barrett 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 approximately one-half mile Southwest of High River. The site plan shows one 6.9+/-acre parcel along the East boundary (72nd St.) with a panhandle along the South boundary to access the balance. The existing residence and outbuildings are located within the confines of the new parcel. There are currently three access points to the 80-acre parcel – the approach in the Northeast corner is used to access two gas wells within the proposed balance parcels, the approach into the new parcel and a common approach in the Southeast corner of the 80-acre parcel that also allows for access to NE 27-18-29 W4.

Upon circulation, Public Works has recommended upgrading the existing approaches as well as a lot grading plan and a building envelope. ERCB stated that the wells and pipelines are either licensed as sweet or have an ERCB Level 1

designation and therefore there is no regulated setback distance for the pipelines other than the right-of-way must be observed.

As this property is within the High River and M.D. of Foothills Intermunicipal Development Plan, the Town was circulated and responded that they would have no objection to the application as long as the Municipality is satisfied that the evaluation criteria as set forth in Section 2.1.2(5a) of the plan has been met.

Mr. Badke stated that the land will be preserved as agricultural land and no residence is intended to be built on the balance. The landowner's son will be living on the property and farming with his father. The panhandle portion along the South boundary was left as another access point in the event of a spring run-off and he stated that the septic field is in the southwest portion of the new parcel and is therefore the reason for the size.

The public hearing was closed.

BYLAW 133/2010

Bylaw 133/2010 was introduced into the meeting to authorize the redesignation of SE 34-18-29 W4 from Agricultural District to Country Residential District in order to permit the future subdivision of one additional parcel.

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

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

Environmental Reserve Easement to the satisfaction of the Municipality (to include a clause stating that if there is gravel on the land, it can be mined);

Final fees of \$650.00;

Development Agreement for the road improvement fee of \$8,000.00;

Subdivision application with appropriate fees.

MACKENZIE – LAND USE BYLAW AMENDMENT – NE 7-17-28 W4

Mr. D. Mackenzie was in attendance for the public hearing in connection with the proposed redesignation of the 151.84-acre parcel in order to permit the future subdivision of one additional 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 one mile South of Cayley.

In her presentation, the Planning Officer outlined the history of this quarter-section. In 1999, a Development Permit was approved for a tree farm and nursery, which is considered to be an intensive agriculture operation. The applicant's residence is within the proposed new parcel and he wishes to continue this operation within the confines of the 34+/-acre parcel. This area is currently fenced and gated. It was noted that the small treed portion that is retained on the balance is not part of the tree farm operation. The small dugout located within the proposed boundary supports the tree farm operation and has approval through Alberta Environment. There are four approaches along the North boundary (690th Ave.).

Mr. Mackenzie noted that the reason for the panhandle along the West boundary is for access to the balance as well as to reduce the size of the proposed new parcel.

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

MONTGOMERY – SITE SPECIFIC AMENDMENT – NE 7-18-28 W4

Ms. E. Montgomery, daughter of the landowners, was in attendance for the public hearing in connection with the proposed site specific amendment in order to allow for one additional parcel and for a 2,400 sq. ft. shop as a permitted use on a parcel that is designated as Direct Control District. 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 West side of Highway 2, approximately four miles South of the High River overpass.

Ms. Montgomery stated that her parents are interested in downsizing and she would like to raise her family in the home she was raised in. The existing residence is located within the boundary of the proposed 9.49-acre parcel.

The designation of the property, Direct Control 5 District, is due to the proximity to the High River Airport and therefore provides for the protection from encroachment of uses that may have an effect on the operational safety of the airport facility. As this designation does not allow any permitted uses, a site specific amendment is required prior to the 2,400 sq. ft. shop being built. There are two existing approaches to the property along the North boundary (594th Ave.).

Upon circulation, the Public Works Department recommended that the surface dimensions of the approaches be upgraded to meet municipal standards.

The public hearing was closed.

BYLAW 134/2010

Bylaw 134/2010 was introduced into the meeting to authorize the site specific amendment of NE 7-18-28 W4 from the Direct Control 5 District land use rules in order to allow for the future subdivision of one 9.49+/-acre parcel and to allow for one 2,400 sq. ft. shop for personal use.

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.

MACKENZIE – LAND USE BYLAW AMENDMENT – NE 7-17-28 W4

BYLAW 135/2010

Bylaw 135/2010 was introduced into the meeting to authorize the amendment of NE 7-17-28 W4 from the Agricultural District land use rules in order to allow for the future subdivision of one additional parcel.

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

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

Final lot fee of \$650.00;

Revised site plan to include the panhandle along the West boundary of the quarter-section;

The tree-farm is considered to be legally non-conforming;

Subdivision application with appropriate fees.

CRAIG – REDESIGNATION – NE 15-22-2 W5

BYLAW 142/2009

Bylaw 142/2009 was reintroduced into the meeting to authorize the redesignation of Plan 9611741 Block 1 in NE 15-22-2 W5 from Agricultural District to Country Residential District in order to permit the future subdivision of two 4+/-acre parcels.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

ENDERSBY – REDESIGNATION – SE 14-20-1 W5

BYLAW 72/2010

Bylaw 72/2010 was reintroduced into the meeting in order to permit the future subdivision of Plan 9710876 Lot 9 in SE 14-20-1 W5 from Agricultural District to Country Residential District in order to permit the future subdivision of one 5+/- acre parcel.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

MASON AND EARL RANCHES LTD. – LAND USE BYLAW – SE 19-18-29 W4

BYLAW 102/2010

Bylaw 102/2010 was reintroduced into the meeting to authorize the amendment of SE 19-18-29 W4 South of Road from the Agricultural District land use rules in order to permit the future subdivision of one 30+/-acre parcel.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

REED – LAND USE BYLAW AMENDMENT – SE 17-21-28 W4

BYLAW 111/2010

Bylaw 111/2010 was reintroduced into the meeting to authorize the amendment of Plan 0111368 Block 4 in SE 17-21-28 W4 from the Agricultural District land use rules in order to permit the future subdivision of one 43.28-acre parcel.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

GALLUP – REDESIGNATION – NW 21-18-2 W5

Moved that Council accept the revised site plan for the proposed redesignation in NW 21-18-2 W5 so that the existing access into the parcel can be removed and a shared approach be put in place with a 30-metre service road dedication, as per recommendations from Alberta Transportation.

CARRIED

BYLAW 73/2010

Bylaw 73/2010 was reintroduced into the meeting to authorize the redesignation of NW 21-18-2 W5 from Agricultural District to Country Residential District in order to permit the future subdivision of one 10+/-acre parcel and a site specific amendment to the permitted uses to allow for a restaurant and inn.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

IN CAMERA

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

CARRIED

OUT OF CAMERA

Moved that Council go "Out of Camera"

CARRIED

RECESS

Moved that Council recess to sit as the Subdivision Approving Authority.

CARRIED

MASON AND EARL RANCHES – SUBDIVISION – SE 19-18-29 W4

Moved that one 30+/-acre parcel from SE 19-18-29 W4 South of Road 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 accesses to be located and culverts and approaches to be installed to MD subdivision road standards;

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

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

The landowners are to pay all arrears of taxes on the existing parcel prior to finalization of the subdivision;

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 and additionally, that the site plan is surveyed according to municipal requirements.

CARRIED

REED – SUBDIVISION – SE 17-21-28 W4

Moved that one 43.28-acre parcel from Plan 0111368 Block 4 in SE 17-21-28 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 accesses to be located and culverts and approaches to be installed to MD subdivision road standards;

Agreement for Acquisition of land for the 30-metre dedicated area to accommodate common approach and driveway access to be entered into and registered by Caveat concurrently with the Plan of Survey;

Easement and Access Right-of-Way agreement to be registered concurrently with the Plan of Survey;

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

The landowners are to pay all arrears of taxes on the existing parcel prior to finalization of the subdivision;

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 and additionally, that the site plan is surveyed according to municipal requirements.

CARRIED

ENDERSBY – SUBDIVISION – SE 14-20-1 W5

Moved that one 5+/-acre parcel from Plan 9710876 Lot 9 in SE 14-20-1 W5 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 accesses to be located and culverts and approaches to be installed to MD subdivision road standards;

Public Reserve: to be by way of cash in lieu of land based on \$10,370.00 per acre on account of 10% of the proposed parcel and to be deferred by Caveat on the balance;

Road improvement fee of \$8,000.00 as per Development Agreement;

Acquisition of land along the South boundary as determined by the Public Works Department;

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

The landowners are to pay all arrears of taxes on the existing parcel prior to finalization of the subdivision;

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 and additionally, that the site plan is surveyed according to municipal requirements.

CARRIED

CRAIG – SUBDIVISION – NE 15-22-2 W5

Moved that two 4+/-acre parcels from Plan 9611741 Block 1 in NE 15-22-2 W5 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 accesses to be located and culverts and approaches to be installed to MD subdivision road standards;
Public Reserve: to be by way of cash in lieu of land based on \$26,902.00 per acre on account of 10% of the proposed parcels and to be deferred by Caveat on the balance;
The landowner is to provide all utility easements and agreements to be to the satisfaction of the MD and the utility companies;
The landowner is to pay all arrears of taxes on the existing parcel prior to finalization of the subdivision;
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 and additionally, that the site plan is surveyed according to municipal requirements.

CARRIED

KINLOCH AND KORTH – BOUNDARY ADJUSTMENT – NE 8-21-1 W5

Moved that the boundary adjustment whereby 3.36+/-acres from Plan 9011535 Lot 1 in NE 8-21-1 W5 is to be consolidated with Plan 9011535 Lot 2 in NE 8-21-1 W5, 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 to MD subdivision road standards;

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

The landowners are to pay all arrears of taxes on the existing parcel prior to finalization of the subdivision;

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 and additionally, that the site plan is surveyed according to municipal requirements.

CARRIED

ADJOURN

Moved that the meeting of the Subdivision Approving Authority adjourn and that Council resume its regular meeting.

CARRIED

ALBERTA MUNICIPAL AFFAIRS

Moved that Council acknowledge receipt of the letter from Hector Goudreau, Minister of Municipal Affairs and that Council indicate their appreciation and the explanation that the Minister has provided on these Acts:

The Land Assembly Project Area Act;

The Alberta Land Stewardship Act;

The Electric Statutes Amendment Act.

CARRIED

ALBERTA MUNICIPAL AFFAIRS

Moved that Council authorize the Reeve to send a letter to Hector Goudreau, Minister of Municipal Affairs, regarding the Calgary Metropolitan Plan and the Calgary Regional Partnership.

CARRIED

HIGH RIVER REGIONAL AIRPORT

Moved that Council graciously accept the offer to purchase the Town of High River's share in the High River Airport Corporation.

CARRIED

DEER CREEK ESTATES AREA STRUCTURE PLAN – W. 23-21-29 W4

BYLAW 136/2010

Bylaw 136/2010 was introduced into the meeting to authorize the amendment to the Deer Creek Estates Area Structure Plan in Plan 0612362 Block 7 Lot 1 in W. 23-21-29 W4.

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

BOW RIVER BASIN WATERSHED MANAGEMENT PLAN

Moved that Council endorse the draft Terms of Reference of the Bow River Basin Watershed Management Plan.

CARRIED

MILLARVILLE MEADOWS INCORPORATED – NW 2-21-3 W5M

Moved that Council instruct Planning staff to schedule a public meeting regarding the proposed redesign of lots and septic treatment and that this date be advertised and circulated.

CARRIED

BILLS AND ACCOUNTS – DECEMBER 16, 2010

Moved that the following cheque nos. 47566, 47568-47575, 47577-47586, 47588-47589, 47591-47593, 47595-47598, 47600-47606, 47608-47615, 47617, 47619-47628, 47630-47633, 47635-47636, 47638-47643, 47645, 47647-47654, 47656-47661, 47663-47669, 47671-47672, 47675-47677, 47679-47681, 47683-47684. totalling: \$ 1,827,359.16 be approved for payment:

Cheque No.	Vendor Name	Vendor Amt
47564	1009720 Alberta Ltd.	\$8,929.19
47565	1130314 Alberta Ltd.	\$8,337.50
47567	A.A.M.D. & C.	\$53,784.05
47576	AMEC Earth & Environmental	\$43,324.78
47587	Carfax Construction Ltd.	\$117,975.05
47590	The City of Calgary	\$22,060.00
47594	Commercial Solutions Inc.	\$14,733.09
47599	Davis Inspection Services Ltd.	\$7,438.73
47607	Earth Worx	\$26,250.00
47616	Foothills Centennial Centre	\$12,443.55
47618	Fort Garry Industries Ltd	\$67,328.37
47629	Jubilee Insurance Agencies Ltd	\$151,117.21
47634	Local Authorities Pension Plan	\$52,389.75
47637	M.D. of Foothills No. 31	\$250,000.00
47644	NSC Minerals	\$16,281.91
47646	Park Enterprises Ltd.	\$8,832.08
47655	Receiver General For Canada	\$80,218.90
47662	Shawne Excavating & Trucking	\$32,542.66
47670	The F.I.R.M.	\$5,836.42
47673	Town of High River	\$825,715.94
47674	Town of Okotoks	\$8,385.23
47678	Volker Stevin Contracting Ltd.	\$5,386.50
47682	WorkTech Inc.	\$8,048.25

CARRIED

IN CAMERA

Moved that Council go 'In Camera' to discuss a land issue.

CARRIED

OUT OF CAMERA

Moved that Council go "Out of Camera".

CARRIED

MINUTES – DECEMBER 9, 2010

Moved that Council approve the minutes, as amended, of its December 9, 2010, Council meeting.

CARRIED

ADJOURN

Moved that Council adjourn at 3:25 p.m.

CARRIED