

The Council of the Municipal District of Foothills No. 31 met in the Foothills Administration Building, High River, Alberta, for a meeting on November 17, 2011 at 9:00 a.m. Present were Reeve L. Spilak, Councillors B. Castell, D. Longson, S. Oel, T. Mills, R. Chase, R. Nelson, Municipal Manager H. Riva Cambrin and Recording Secretary J. Gordon.

Reeve Spilak called the meeting to order.

The M.D.'s Director of Public Works and Engineering M. Savard and M. Galant entered Council Chambers for a discussion period with Council and to answer any concerns brought up by the Councillors.

COUNCIL AGENDA

Moved that Council approve the agenda for the Council meeting of November 17, 2011.

CARRIED

ADDITIONS TO COUNCIL AGENDA

Moved that Council approve the additions to the agenda for the Council meeting of November 17, 2011.

CARRIED

Moved that Public Works be instructed to contact Alberta Transportation in relation to reviewing safety concerns with Southbound traffic from Highway 22 turning left onto 618th Ave.

CARRIED

Moved that Council acknowledge receipt of the matrix model outlining priorities for requesting permanent dust control.

CARRIED

UNSIGHTLY PREMISES STOP ORDER – NE 1-22-1 W5

The landowner of the property, 1404484 Alberta Ltd., requested a review of the Unsightly Premises Stop Order issued on Lot 26 Block 1 in NE 1-22-1 W5. The landowner was represented by Mr. S. Rana. This hearing is held in accordance with Section 547 of the Municipal Government Act.

On October 13, 2011, the M.D. issued a Section 645 Stop Order directing the landowner to cease all lot grading and excavation work and to apply for a development permit for the lot grading and excavation work with a professional engineer report to accompany the permit application. The landowner did not make an appeal to the Subdivision and Development Appeal Board in response to this Order.

The second Stop Order which is under review today is the Unsightly Premises Stop Order. On October 13, 2011, the M.D. sent a letter stating that the aforementioned property is in a significant state of disrepair and constitutes a danger to public safety and property and, because of its unsightly condition is detrimental to the surrounding area.

In accordance with Section 546 (0.1) of the Municipal Government Act, the landowner was ordered to take the following steps on or before October 27, 2011: Secure the perimeter of the property with rigid fencing not less than 4 ft. high and Cut all weeds and grass.

There were photos presented that demonstrated no effort had been made to comply with the Section 546 Stop Order. The landowner was further notified that failure to comply with these directions could result in steps being taken by the Municipality at the owner's expense to enforce the Order. Such enforcement steps include but are not limited to:

Entering upon the property and not taking any action necessary to bring the property into compliance with the applicable statutes, regulations and bylaws in accordance with Section 550 of the MGA. Such action may include, but is not limited to, fencing the perimeter of the property and cutting the grass and weeds.

Registering the Section 546 Stop Order against the title to the property;

Legal action;

Issuing a summons and seeking the imposition of fines and penalties and a Compliance Order.

The landowner was also advised that in the event they do not comply with this Order, and the Municipality takes all necessary steps in accordance with the MGA, the costs of doing so will be added to the tax roll of the subject property. Such amounts will form a special lien against the property, will be deemed to be property taxes and will be subject to the same collection provisions as property taxes.

Council was given the lengthy history of this property. The building permit was issued in 2005 and in 2007, the M.D. of Foothills amended the Land Use Bylaw to require lot grading permits. In 2009, this property was found to be a danger due to the ongoing nature of the construction, building debris and open excavation. The landowner was directed to eliminate the danger to public safety through the installation of perimeter fencing, shoring the excavated area to reduce sloughing

hazard, removal of excavated material and all construction garbage and debris. The landowner responded stated that they would have landscape plans developed and submitted to the M.D. and the landowner did erect a fence on the property line.

In 2010, construction of the tiering and excavation of the rear yard had commenced but the site supervisor did not have a working copy of the drawings and the landowner was directed to discontinue lot grading and landscaping activity until the Municipality reviewed plans to determine if the activity on the property would have a negative impact on adjacent properties. In September of 2010, Bylaw Services received approval from Council to obtain legal advice.

In September of 2010, further site inspection showed the depth of the excavation the proximity to the adjacent properties and the stockpile of materials from excavation activities. The landowner submitted engineered drawings for the retaining wall material however no supporting documentation was submitted to indicate where on the property the retaining walls would be located or the scope of the lot grading proposed. It was noted that excavation and other construction activities have been ongoing since the building permit was issued in 2005.

The main concern expressed by the Enforcement department is that the excavation and other activity on the property appears to be excessive. Further, the contractors have been undertaking construction on the property without the benefit of engineered drawings or a set of working plans. Since September of 2010, activity on the parcel includes the framing for a lap pool and hot tub as well as installation of hydro lines and electrical conduit throughout the excavation and landscaping.

In October of 2011, the landowner was issued two enforcement directives. The first, under review at this hearing, is the Unsanitary Premise Stop Order which directed the landowner to secure the perimeter of the property with rigid fencing not less than four feet high and cut all weeds and grass.

The second was a Section 645 Stop Order ordering to cease all lot grading and excavation work on the property until a Development Permit is granted for the work, and apply for the appropriate permit for the lot grading and excavation work on the property. The Development Permit will require a supporting professional engineering report given the extent of the work being undertaken.

Mr. S. Rana, who has been authorized by the owner to act as his representative, was given an opportunity to respond to the complaints on the property as brought forth by the Enforcement Officer. He stated that they would like the opportunity to get the current fencing secured and get the property cleaned up by the Spring of 2012 and to provide the Municipality with the engineered drawings.

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

KING – REDESIGNATION - SW 35-21-3 W5

Mr. K. King and his agent, Ms. K. Beunder, were in attendance for the public hearing in connection with the proposed redesignation of the 158.85-acre parcel in order to permit the future subdivision of one additional parcel. Mr. R. Hillary was 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 4.5 miles South of Priddis and 4.5 miles North of Millarville. The subject parcel is an unsubdivided quarter-section at this time with 10 acres proposed to be subdivided from the West side of the property. There is a high vapour pressure pipeline transecting the quarter from the Northwest corner to the Southeast corner with a minimum setback of the pipeline right of way. The residence is located within the balance parcel, South of the proposed parcel and the development also includes a garage/outbuilding and a barn and horse shelter. There is a second residence within the boundaries of the 10-acre parcel. Both residences are separately accessed off Priddis Valley Road West.

Pothole Creek transects the quarter-section diagonally across the Northwest corner and then flows diagonally from the North to Southwest corner of the property.

Ms. Beunder stated that they would like to vary the site plan to accommodate the entire geo-thermal field. The cabin on the proposed parcel has been used for several years and the owners would like to make it their permanent home. They are comfortable with the creek being there and although it does rise and fall, it hasn't caused any concerns.

Mr. R. Hillary spoke in favour of the application.

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

WILKE – SITE SPECIFIC AMENDMENT – SE 5-21-29 W4

Mr. S. Hong, agent for the landowner, was in attendance for the public hearing in connection with the site specific amendment to allow for a childcare centre. Also in attendance were Mr. M. Feddema, Mr. B. Prosser, Ms. J. Zilm and Ms. D. Luttmer. The public hearing was advertised in the Western Wheel and circulated to landowners within one-half mile of the subject property which is located West off Highway 2A and North of Okotoks. This land was noted as being located within the Section 5 Area Concept Plan as well as the Intermunicipal Development Plan Area and Joint Development Area within the Town of Okotoks and the Municipality. One letter of support was received from G. and J. Mahmud.

The subject property is 5.52 acres in size. There are three existing commercial properties in the immediate vicinity – the Vet Clinic, the Edison School and the Foothills Alliance church. The landowner of this property was refused an application to redesignate the land to Commercial Highway District in February of 2011 as it didn't conform with the current Area Concept Plan and a positive response was not received by the Intermunicipal Committee as required by the Joint Planning Agreement between the M.D. and the Town of Okotoks.

The present application involves a child care and education centre. The child care services will include a day care program, before and after school program and a pre-school program for children under the age of 11 years old. The child care centre will be comprised of children and qualified staff with a maximum of 70 people. The child care will be operated with the accreditation of Alberta Child Care and for certain groups of children within the Montessori education system.

The existing dwelling is to be used as the main child care facility. A number of the remaining accessory structures are also proposed to be used as part of the operation. It was stated that no new structures are proposed as part of this application. The access to the subject property is off 338th Ave.

Upon circulation, the Public Works Department recommended a Traffic Impact Assessment to address the impact made at the intersection of Highway 2A and 338th Ave., a comprehensive site drainage plan and a lot grading plan and a reconfiguration of the entrance to accommodate the higher traffic flow.

Mr. Hong made his presentation and the concern was raised with the wetland affecting the parking lot and he stated that they would be willing to accommodate that concern by moving the parking over to the East side of the property.

Ms. Luttmer, who lives adjacent to the subject property, spoke on behalf of two other landowners, and stated concerns with respect to the diversion of the water and the amount of traffic that would be increased through this development. Mr. Prosser also stated that there is no exit from 12th St. onto Highway 2A other than 338th Ave. They noted that the business as proposed is commercial in nature and the facility with 70 people would compromise the septic systems because of groundwater issues in the area.

The public hearing was closed.

LUNCH

Moved that Council adjourn for lunch.

CARRIED

KING – REDESIGNATION – SW 35-21-3 W5

BYLAW 72/2011

Bylaw 72/2011 was introduced into the meeting to authorize the redesignation of SW 35-21-3 W5 from Agricultural District to Country Residential District in order to permit the future subdivision of one additional parcel. The balance of the land shall be designated Agricultural 'A' District in order to ensure the protection of Pothole Creek.

In consideration of the criteria noted in Agricultural Policies 3, 4 and 5 and Residential Policies 1, 3 and 11 of the MDP 2010, Council is of the opinion that the subdivision of this parcel from the previously unsubdivided quarter-section is supported on the basis that it is greater than 2 acres in size, less than 20.99 acres, has year round physical and legal access and is on land that does not negatively impact adjacent agricultural uses. Furthermore, Council believes that the proposed parcel is compatible with adjacent land uses in the surrounding area which are already fragmented and serviced to link the functionality of the land. In addition, Council agrees that the proposal is in alignment with the Land Use Bylaw as the proposed parcel falls within the density, parcel size and servicing restrictions within the Country Residential District.

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

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

Revision of the site plan to be under 10 acres in size without compromising the practicality of the parcel;

Final redesignation lot fee to be paid;

Submission of a subdivision application with all necessary fees.

WILKE – SITE SPECIFIC AMENDMENT – SE 5-21-29 W4

Moved that the application for a site specific amendment to allow for a child care centre on the property legally described as Plan 0312964 Block C Lot 3 in SE 5-21-29 W4 be refused as Council is of the opinion that the use as proposed is beyond the scope of development suitable on this size of a Country Residential parcel.

CARRIED

Council noted at this time that if the applicant were to reapply, the application would need to be significantly limited in scale and would need to address a reduction in number of children, times of operation, the wetlands, and screening of the parking lot. Council indicated that the applicant would be permitted to reapply in advance of the minimum six month time period if they so choose.

WASTEWATER DISCUSSION

Moved that Council authorize administration to draft amendments to the LUB and the MDP with respect to permitting individual wastewater treatment systems on cluster residential units with appropriate setbacks and site coverage to be included. Council will consider the proposed draft amendments prior to directing staff to proceed further with the amendments.

CARRIED

498TH AVE. AND HIGHWAY 2 INTERCHANGE

Director of Public Works and Engineering M. Savard, H. Pettigrew and N. Sheikh attended at Council with project team members Greg Bulych, Design Engineer with Clifton Engineering, Gerry Lau, Infrastructure Engineer with Alberta Transportation and Kimberly Haddow to Council with respect to the Highway 2 and 498th Ave. intersection project East service road intersection.

The meeting ended at 3:20 p.m.

BILLS AND ACCOUNTS – NOVEMBER 17, 2011

Moved that the following cheque nos. 50474-50480; 50483; 50485-50486; 50488; 50491-50510; 50512-50518; 50521; 50525-50532; 50534-50538; 50540; 50542-50546; 50548-50550; 50552; 50554-50555; 50557; 50559-50561; totaling \$57,427.85 be approved for payment:

<u>Cheque No.</u>	<u>Vendor Name</u>	<u>Vendor Amt</u>
50473	A.A.M.D. & C.	\$63,021.50
50481	AMEC Earth & Environmental	\$78,325.88
50482	BB Services Ltd.	\$6,594.00
50484	Brownlee LLP	\$8,390.63
50487	Caterpillar Financial Services	\$25,210.01
50489	Chandos Construction Ltd.	\$376,594.79
50490	The City of Calgary	\$12,420.00
50511	Hi-Way Service	\$55,597.50
50519	Lafarge Canada Inc.	\$30,288.23
50520	Local Authorities Pension Plan	\$59,158.49
50522	London Life Insurance Company	\$13,480.61
50523	M & B Technical Testing	\$9,194.85
50524	M.D. of Foothills No. 31	\$375,000.00
50533	PALL Canada Limited	\$98,931.00
50539	Ranchland Ford	\$34,898.54
50541	Receiver General For Canada	\$141,527.44
50547	South Rock Ltd.	\$1,388,248.30
50551	Town of High River	\$36,734.32
50553	Town of Turner Valley	\$9,630.49
50556	Volker Stevin Contracting Ltd.	\$105,559.13
50558	Weatherguard Metals Ltd.	\$13,327.65

CARRIED

MINUTES – NOVEMBER 10, 2011

Moved that Council adopt the minutes, as circulated, of its Council meeting of November 10, 2011.

CARRIED

REVIEW OF UNSIGHTLY PREMISES STOP ORDER

Moved that Council authorize staff to proceed immediately with the installation of a solid proper fence on Lot 26 Block 1 Plan 0214321 with all expenses to be borne by the landowner and that legal advice will be obtained if no further progress has been made by January 30, 2012.

CARRIED

ABILD'S MUNICIPAL RESERVE PARCEL

Moved that Council allow staff to negotiate a two-year lease agreement with Timber-Tech to allow for fencing of the property and placing a temporary office on the municipal reserve parcel located within SW 30-19-28 W4.

CARRIED

OFFICE STAFF CHRISTMAS LUNCHEON

Moved that Council authorize an office staff Christmas luncheon on December 23, 2011 with liquor to be allowed and the office closed between 11:30 a.m. and 2:00 p.m. to allow for this celebration.

CARRIED

G2 FIELD HOUSE COMMITTEE TERMS OF REFERENCE

Moved that Council approve the Steering Committee Terms of Reference for the Regional Indoor Field House.

CARRIED

BORROWING BYLAW

BYLAW 74/2011

Bylaw 74/2011 was introduced into the meeting to authorize the Council of the M.D. of Foothills No. 31 to incur indebtedness by the issuance of debenture(s) in the amount of \$10,000,000.00 for the purpose of construction of a multipurpose sports field house.

Moved first reading.

THE BYLAW WAS PASSED FOR ONE READING

PITTS – REDESIGNATION – SE 36-21-29 W4

BYLAW 134/2009

Bylaw 134/2009 was reintroduced into the meeting to authorize the redesignation of LSD 1, 2 and 7 in SE 36-21-29 W4 from Agricultural District to Country Residential District in order to permit the future subdivision of three additional parcels. The proposed 3.71+/-acre parcel and the proposed 3.01+/-acre parcel will be designated as Country Residential 'A' District due to the specific septic requirements.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

CHRISTMAS PARTY

Moved that Council approve the recommendation from staff for a photographer to be available at the Christmas party scheduled for December 10, 2011 at a maximum price not to exceed \$175.00.

CARRIED

CPA SPRING 2012 CONFERENCE

Moved that Council members be authorized to attend the Community Planning Association Conference scheduled on April 16th to April 18th, 2012 in Red Deer, Alberta.

CARRIED

CRP REGIONAL MEETING

Moved that Council acknowledge receipt of the invitation from the CRP Executive Committee to attend CRP Executive Committee meetings as guests.

CARRIED

REQUEST FOR QUALIFICATIONS FOR HERITAGE HEIGHTS MULTI

PURPOSE ARENA

Moved that Council acknowledge receipt of the document entitled 'Request for Qualifications for Heritage Heights Multipurpose Arena Design-Build Project' and authorize staff to proceed by inviting interested parties to submit responses indicating their interest in, and qualifications for the project.

CARRIED

Moved that Council acknowledge the proposal made by Gary Debney from CDC Consultants on behalf of the Dunbow Recreation Board to do additional Heritage Heights arena design work and that this request be postponed until designs have been received from the request for proposals design build process.

CARRIED

BOYER - LAND USE BYLAW AMENDMENT – PTN. 17-21-29 W4

Moved that a letter be sent to concerned parties stating all conditions required to be met prior to further consideration of Bylaw 21/2011 allowing for the future subdivision of one additional parcel from Plan 8200 JK Lot 1 in Ptn. 17-21-29 W4.

CARRIED

VAN GRIEKEN – NE 9-22-3 W5
BYLAW 55/2011

Bylaw 55/2011 was reintroduced into the meeting to authorize the site specific amendment of NE 9-22-3 W5 from the Agricultural District land use rules in order to allow for an oversized private arena as a permitted use.

Moved second reading.

THE BYLAW WAS PASSED FOR TWO READINGS

Moved third reading.

THE BYLAW WAS PASSED

ST. SIMEON MIROTOCIVI CHURCH – NW 33-21-29 W4

At its July 15, 2010 meeting, Council gave first reading to Bylaw 84/2010 authorizing the redesignation of the West half of LSD 13 in NW 33-21-29 W4 from Country Residential District to Direct Control District in order to allow for a church and soccer playfield and park. The Council decision at that time asked for a revision to the proposal indicating that the church building be no higher than 15 metres, rather than 32.6 metres in height. In a letter dated November 8, 2011, they have asked for reconsideration to allow for 18.25 metres in order to create a design that reflects the Serbian culture.

Moved that Council acknowledge receipt of the agent for St. Simeon Mirotocivi Church and allow the maximum height of the church structure proposed within NW 33-21-29 W4 to be 18.25 metres in height from foundation of the church to its highest peak.

CARRIED

BARRY DEVELOPMENTS INC. – SW 6-22-29 W4

Moved that Council approve the Development Permit for the operation of a Drug Store and Pharmacy within the Heritage Pointe Commercial Site (Plan 0814372 Unit 3 in SW 6-22-29 W4 subject to the following conditions:

PRE-RELEASE CONDITION (Condition must be complied with before the Development Permit will be signed and released):

The applicant is required to submit a refundable security deposit in the amount of \$3,000 in order to ensure compliance with the Alberta Building and Fire Codes for the proposed use and occupancy of the development. This security will be refunded at such time that final confirmation for occupancy of the structure is provided by the Municipal Safety Codes Officer and Municipal Fire Services.

ADDITIONAL CONDITIONS

It is the responsibility of the applicant to obtain any necessary Building and/or Safety Codes Permits applicable to use and occupancy of the structure, and is to comply with the requirements of the Alberta Building, Plumbing, Electrical and Fire Codes at all times. It is the applicant's responsibility to contact Municipal Fire Services for final inspection of the building prior to occupancy;

The applicant is permitted fascia signage that shall be similar to the composite signage currently found within the Heritage Pointe Commercial Site. If required, the signage may only be lit by way of directional light(s) located within the soffit of the overhanging roof structure, and directed only to the sign;

Days and hours of operation are permitted from Monday through Sunday, from 5:00 AM to 12:00 AM (midnight) only;

All garbage must be deposited in animal and weather proof containers;

It is the applicant's responsibility to comply with all requirements of Alberta Health Services;

All requirements and recommendations for licensing or registration with Provincial and/or Federal entities for an operation of this nature are to be obtained for this use;

The business must obtain an annual Business License with the M.D. of Foothills;

The applicant shall be responsible for payment of any professional costs including legal fees that may be incurred by the M.D. with respect to this permit.

CARRIED

RECESS

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

CARRIED

MONTEITH – BOUNDARY ADJUSTMENT – SE 25-22-3 W5

Moved that the boundary adjustment be approved whereby 0.5 acres from the 123.70-acre portion of SE 25-22-3 W5 is to be consolidated into the 2.57-acre parcel legally described as Plan 8810225 Block 1 in order to create one 3.07+/- acre parcel, subject to the following conditions:

Boundary Adjustment to be registered by Plan of Survey, pursuant to Section 657 of the Municipal Government Act, or such other means satisfactory to the Registrar of the South Alberta Land Titles District;

All accesses to be located and culverts and approaches to be installed to the MD subdivision road standards;

Public Reserve: to be by way of cash in lieu of land based on \$14,483.00 per acre on account of 10% of the 0.5+/-acre boundary adjusted portion of land to be consolidated into the 2.57-acre parcel and a deferred reserve caveat shall be registered on the title of the remaining agricultural parcel;

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 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 adjacent municipal road(s), water well within the boundaries of the new and balance parcel and that the site plan is surveyed according to municipal setback requirements

CARRIED

ADJOURN

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

CARRIED

IN CAMERA

Moved that Council go 'In Camera' at 4:55 p.m. to discuss legal matters.

CARRIED

OUT OF CAMERA

Moved that Council go 'Out of Camera' at 5:40 p.m.

CARRIED

FOOTHILLS LAND TRUST

Moved that Council indicate the continuation of the Municipality's support for the Foothills Land Trust by authorize a new staff representative to attend all meetings in this regard.

CARRIED

ADJOURN

Moved that Council adjourn at 5:45 p.m.

CARRIED