

**Minutes; FOR THE REGULAR MEETING OF COUNCIL OF THE VILLAGE OF NOBLEFORD HELD IN THE NOBLEFORD COMMUNITY COMPLEX AT 112 KIPP STREET, NOBLEFORD on November 22, 2016 at 6:30 pm**

Council Mayor Don McDowell, Councillor Don Holinaty, Councillor Marguerite Wobick, Councillor Pete Pelley, Councillor Don Vincent

Staff Kirk Hofman, Chief Administrative Officer; Lisa Wiebe, Recording Secretary; Karen Feenstra, Assistant Development Officer

Call to Order Mayor McDowell called meeting to order at 6:30 pm

Gallery Ryan Dyck with ORRSC, Marlies Vincent, Debbie Pelley, Tony Aleman

**APPROVAL OF AGENDA**

**November 22, 2016 Agenda #348-2016**

MOVED BY Councillor Holinaty to accept the agenda for the November 22, 2016 regular council meeting. CARRIED

**APPROVAL OF MINUTES**

**November 8, 2016 Regular Council Meeting Minutes**

Council discussed the length and detail of the minutes, importance of having written reports and presentations submitted on time so they can be cut and paste into the record or attached in meeting package. Whenever presentations are made, minutes of the presentation tend to be long with detail, transparency is important.

**#349-2016**

MOVED BY Councillor Vincent to approve the minutes of the November 8, 2016 regular Council Meeting. CARRIED

**UNFINISHED BUSINESS**

**Ratification of CWWF Grant Application**

Application for a grant was made over a year ago when first meeting with Alberta Transportation at AUMA regarding the need for a treated water reservoir (dome), the cost of which could be approximately a million dollars. There was hesitancy on their part to help at the time and the thought was that it wouldn't be supported, but an application was put in. It was denied this spring under 70/30% program but discussion with Alberta Transportation encouraged that application be made under this CWWF program which would be a 50% grant. This has been submitted.

**#350-2016**

MOVED BY Councillor Wobick to ratify the CWWF grant application for \$434,500 applied for treated water reservoir storage, estimated \$869,000

CARRIED

**Lethbridge County Emergency Services Regional Discussion**

Further to Lethbridge County's regional discussion invitation (ISO 22399) all other municipalities Picture Butte, Barons, Coalhurst, Coaldale, City and County, agreed to participate. In light of correspondence from county administration regarding the invoice recently sent to the county and considering that 2 other municipalities have similar concerns, it may be worth having representation from Nobleford.

**#351-2016 ISO 22399)**

MOVED BY Councillor Pelley that Councillor Holinaty and one administration be part of the regional discussion organized by Lethbridge County regarding (ISO 22399) Emergency Services. CARRIED

**FINANCIAL REPORT**

**Accounts Payable for Approval**

**#352-2016**

MOVED BY Councillor Holinaty that the village accept MPE's recommendation and approve payment of \$24,730.01 to Whissell Contracting as a progress payment for the Sanitary Trunk Twinning project.

CARRIED

**Accounts Payable for Ratification**

**#353-2016**

MOVED BY Councillor Wobick to ratify accounts payable in the amount of \$24,216.85.

CARRIED

**NEW BUSINESS**

**Land Sales Report, Development permits**

All 24 of the 2012 industrial lots are sold. There are 21 of the 36 lots in 2015 P5 residential lots are remaining. Discussed were the 2 industrial lots that have only foundations. CAO shared that one has now been a year, and they have been notified that they may have to reapply for development permits unless construction continues by spring 2017. The village will be sending them a letter in the spring regarding taking steps to reclaim the lots if LPA and development requirements are not met. Development permits report, \$1,896,100. value of permits issued to date for this 2016 year.

**#354-2016**

MOVED BY Councillor Holinaty to receive as information the land sales report.

CARRIED

**REPORTS**, to be emailed to [admin@nobleford.ca](mailto:admin@nobleford.ca) the Thursday prior to meeting to be included in meeting package. Bylaw #595,

**CAO written Report: \$10,000 CARES grant applied for, Audit Dec 21, Staff - Incident Command System training, Federal, Building Communities through Arts and Heritage - Legacy Fund.**  
<http://canada.pch.gc.ca/eng/14553066618951>

**Mayor's Written Report:** None, **VERBAL:** has a Lethbridge Regional Waste meeting on Friday and a Community Futures policy meeting on Saturday morning

**Councillors' Written Reports**

**M.W. written report:** None, **VERBAL:** attended NCS's Remembrance Day program and the program at the cenotaph, both very well done.

**P.P. written report:** None, **VERBAL:** attended Nov 11 Remembrance day program at Legion cenotaph , well done and thank you. Upcoming is a Lethbridge Waste Management meeting on Friday morning and ORRSC meeting on Monday.

**D.V. written report:** None, **VERBAL:** will be at NCS judging a poetry contest on behalf of the mayor on Friday morning.

**D.H. written report:** None, **VERBAL:** will be attending FCSS convention in Edmonton, Nov 23<sup>rd</sup> -25<sup>th</sup> , cost paid for by FCSS,

**Reports Received**

**#355-2016**

MOVED BY Councillor Vincent to receive the CAO, Mayor, and Councillors' reports.

CARRIED

**INFORMATION/CORRESPONDANCE**

**Alberta Municipal Affairs, MSI Operating Grant & 2015 SFE Satisfactory**

A letter was received identifying that Nobleford is in compliance with the MSI program and satisfactory statement of funding and expenditures (SFE), which means the village will continue to receive funds in the future.

**#356-2016**

MOVED BY Councillor Holinaty to receive as information the October 26, 2016 letter from Alberta Municipal Affairs stating receipt of satisfactory 2015 operating MSI Statement of Funding and Expenditures (SFE).

CARRIED

**MEETING DATES**

**#357-2016**

MOVED BY Councillor Wobick to accept the meeting dates:

**21 regular Council meetings in 2016, 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays**

Regular Council meetings are at 6:30 pm.


- Dec 6 – CAO assistant Karen Feenstra will attend meeting in CAO Hofman's absence. (CF)
- Dec 20 – Christmas Party, private room at Moxie's Lethbridge (Paid from Council expense account)
- January 3 & 17, 2017
- February 7 & 21, 2017
- March 7 & 21, 2017
- April 4 & 18, 2017
- May 2 & 16, 2017
- June 6 & 20, 2017



CARRIED

## 7:00 pm – Bylaw #638 Public Hearing for Rezoning

42 of the public in attendance, including those in the gallery (includes ORRSC representative)

- Mayor McDowell opened the hearing at 7:00 pm. He welcomed everyone and introduced the councilors and staff and stated that the hearing is being held to take a look at a rezoning bylaw. The mayor introduced the planner from ORRSC, Ryan Dyck, and shared that after Ryan's overview, there would be an opportunity for questions.
- Ryan shared he worked for ORRSC on behalf of the village and is present to assist the Village with the public hearing. This hearing is required pursuant to the Municipal Government Act (MGA) because an application has been made to amend Nobleford's land use bylaw. The Village is required to hold this and has followed proper procedures. Ryan noted that hearings in general are not a forum for debate but rather a chance for council to hear the comments and concerns from anyone wishing to make a representation or a statement. Ryan stated that he will make a presentation and then anyone else wishing to make comment can do so, and should direct it towards Mayor McDowell, maintaining only one speaker at a time. Ryan shared:
  - The proposal at hand is to rezone a portion of approximately 20 acres from urban reserve to some public for a potential church site and some to R1 for residential.
  - Notice of the application has been direct mailed to adjacent property owners and Alberta Transportation. Lethbridge County has stated they have no concern. There is a Municipal Development Plan (MDP) in place, which is the village's long-range land use planning document and establishes a general plan for what the development in the annexed portion should look like. The area proposed for rezoning was originally planned for residential, but the conclusion has been reached that a church could be accommodated without amending the development plan.
  - In regard to the principal road network, proposed on the MDP is that there be 3 north-south roads between Kipp St. and Cawdron St. but it is suggested that since there are north-south roads on either side of the proposed rezoning, the application could be considered to be consistent with the MDP.
  - Land use bylaw, proposed zoning is residential R1 and Public. Important to note that in the residential, single detached dwellings are permitted and that a place of worship or church is permitted as well. If the zoning is changed, the development will more than likely happen as rezoning is typically the biggest hurdle.
  - As part of the land development process, if rezoning is successful then subdivision occurs, which is where the lots are created. There are some sample conditions that could be attached to a subdivision approval which would deal with particulars of installation of utilities, development of road, etc. Municipal Reserve is a 10% tax on land development. There is some land that has been slated for a walkway and the municipal reserve would be used for this. Also considered could be to use this for storm water drainage, utilities, etc.
  - After subdivision is done, a development application is made. Once the development permit is issued, building and safety codes permits are issued which allows construction to begin.
  - In response the rezoning application, council has to decide if the land is suitable for what is being proposed. If council feels it is, they could propose that the application for rezoning is in keeping with municipal development plan.
  - Council makes a legislative decision; there is no appeal for a rezoning bylaw like there is with a subdivision or development approval.
  - After all discussion is done, council can choose to close a public hearing or can choose to reschedule and also consider 2<sup>nd</sup> and 3<sup>rd</sup> reading of the bylaw.
- Mayor McDowell stated that questions should be directed to him but that he may defer to someone else to answer, then opened the floor for comments and questions.
  - Asked how long would the proposed walkway would take and if would only be once the development is finished. CAO commented that the walkway has been in the plan since 2004 and has been identified every year since. It could potentially be used as a drainage swale, dry pond, or route to install utilities. Proper timing would be considered to avoid the developers having to do the work twice, so more than likely it would not be until the development is started and utility connections are done.
  - A resident mentioned that when purchasing their house, they were led to believe the walkway would happen and extend north and asked for confirmation on this. The mayor stated that it will happen eventually, but it would be as development happens. The CAO mentioned that the village is in possession of some funds leftover from previously raised funds for the current walking path and that it is being kept for the purpose of continuing it.
  - Commented on was how rainwater coming off the field affected the adjacent properties during the 2013 flooding, as the land is naturally sloped to the north and west. Asked was what type of approval process is in place regarding landscaping, and that given this is a private development, asked who becomes financially responsible if a financial hiccup is encountered and the developer cannot continue. The planner from ORRSC shared that a storm water plan would have to be put in place and approved under Alberta Environment. As far as a developer backing out, in most places the municipality would take a security as part of the development agreement so that in the event of a default, the village has the funds from them to complete the project.
  - Asked was if this is being village initiated or if anyone could buy a parcel of the annexed land and develop it. The resident also commented that previously, the village has been its own developer and asked if the village is hurting itself by allowing more lots be created by a competing developer. The CAO shared that most municipalities don't do well as developers because they end up holding the land for so long. Nobleford has done well using a model of cost recovery plus making a little on the edge. Land development is risky and the Village is not ready to take on the risk at this point. A private developer is willing, and anyone can go through this process. The mayor pointed
 

- out that anyone wishing to develop would follow all the rules that have been made by council as this party is, and would deal with the landowner, and that the same rules apply to self-development.
- A resident asked that given all this future development, what provision the village is going to consider for a secondary access road from Highway 519. The village has changed dramatically since the resident first moved here in that it was quite and the lots were large. The resident feels that Highway Avenue is no longer a residential road; with the development that has happened in the last 10 years, it is now an industrial road. The resident feels there should be an additional road to accommodate this. Expressed was that the resident has nothing against the truck drivers but just feels a provision needs to be given to accommodate that kind of traffic. In reality, growth shouldn't be stopped but foresight should be given to accommodate large volumes of traffic or else the quality of life goes down.
  - Shared was that the issue of a church without a secondary access road creates a big problem for Nobleford. The church that's here now has doubled in size over the past few years and has brought in an influx of traffic from out of town. For the most part, they don't believe in the laws here and the resident is concerned over the safety of the people on our streets. The residents feel that the village has proof of what it will be like to have 500 cars racing in and out of town within a short period every Sunday morning. If the Highway Avenue speed limit is changed in the spring, it will make it difficult to keep them there.
  - A resident stated that that there is already lots of traffic on Cawdron Street going to Centennial Avenue. The resident has nothing against the proposed church but is concerned about the safety of the residents on Cawdron and Kipp and what can be done to protect the children and the driveways and the curbside parking and ensure safety. There is already a speed bump on Cawdron but that many people don't use it but just fly over it. The resident is concerned that people are going too fast and one day, someone is going to lose control and hit someone's vehicle. A road from Highway 519 to the church would be better because there will more out of town people coming into town. The resident expressed concerns with backing off of property and trying to make sure not to hit vehicles. The mayor pointed out that in the past, removing parking on Highway Avenue was a way that provision was made for this type of concern.
  - Another resident expressed that traffic is a major concern and wondered how many people are likely to be attending from out of town, or are they in Nobleford already or will they be looking to move to area. The resident asked if there would be any way to do research on this because it will be a big factor. The mayor pointed out that this demographic will always change but that it is a question that can certainly be asked and that the church could potentially give an answer on that.
  - Asked was if the residential lots in the proposal would be specifically for residents of the church or if they would be open for sale to the public.
  - John Van Liere addressed 2 of the questions on behalf of the developer, Peter Klok, as he was unable to attend the hearing. Yes, the lots will be up for sale to anyone, and currently it is a little less than a third of the attendees that come from Nobleford.
  - A resident on Kipp Street shared that yes there are a lot of cars from the churches on Sunday morning but has never had a problem getting out of the driveway and has never seen problems with traffic. The resident feels that for the current situation it is a good thing there are no residences on the south side of Kipp Street, west of Highway Ave.
  - Shared was that Kipp and Centennial is already an interesting intersection and that the resident has called the RCMP dozens of times in relation to it. The resident asked if thought has been given to alternate road design, such as a traffic control device or some type of enhanced enforcement device, or have serious thoughts been given to making an alternate entrance. Regardless of the development, the resident would like to see the safety of that intersection be addressed. When coming home at all hours of day and night, there are always several vehicles going through and probably 80 percent of them don't stop.
  - A resident commented that the provided diagram has a star on the bottom right for an additional entrance to the village and asked if that would have to be approved by Alberta Transportation and what the process is for this. Ryan commented that the village has earmarked that location for possible future access but discussion with Alberta Transportation to-date on this issue is that the traffic generated from this development would not warrant a new entrance at this time. However if Alberta Transportation was pushed to consider this, the developer would have to do a study procure quite a bit of information on this. If it ever happened, this would be general access, functioning as an arterial access to take traffic off of Highway Ave.
  - The mayor commented he thought there would likely never be a designated "industrial" road and anything off of Highway 519 is likely going to be a general roadway. The CAO shared that Highway Ave is built to take heavy traffic. The village does not designate industrial/residential roads but does say that vehicles of a particular weight can or cannot be driven on a certain roads. If additional development occurs in the annexed land, then Alberta Transportation might say that the road is necessary. The cost of this road would be 1 to 2 million dollars per kilometer and would make a potential developer seriously reconsider building plans. The resident thought this should be taken into consideration, especially if considering more industrial development. The CAO commented that the village is not the major road builders and cannot do so even if they wanted to. The resident feels that if the opportunity is there, it should be taken, no matter the cost.
  - A resident new to Nobleford asked how infrastructure like sewer/water is it set up for future development, if Nobleford was already going in the direction of planning for growth, or if taxes for current residents would go up in the future to pay for infrastructure changes due to this development. The CAO shared that Nobleford is currently applying for a grant to increase capacity of a reservoir for treated water. Earlier this year, the village was approved for the cost to increase the sewer line. The village does look to the future and plan for growth but it has to be paid for and council's plan has always been cost recovery. There is a total of 130 acres that has been annexed and could be developed someday, and this has to be considered. The resident also asked about

- the school and capacity to handle extra growth. The mayor shared that this would be a question for Palliser. The resident expressed concerns over increased buses in town.
- o Asked was if all of the land in reserve belongs to the village if they want it. The CAO stated the land is privately held but is in the corporate boundaries of the village. The village establishes the zoning but the ownership is private, so if the village wanted to open another subdivision, the village would have to buy the land just like a private developer would have to. Ryan commented that Nobleford has had an MDP in place since 2004 even though it is only required only for municipalities with over 3500 people. The village has been proactive and has a long-range plan in place for a long time and feels the village is forward thinking in this respect.
  - o Asked was why application is made for this particular piece of land, not further south or north. The CAO pointed out that this is what has been proposed by the developer. The resident wonders why not develop by the highway.
  - o Asked was that with this expansion and additional houses, if the village is equipped to handle it in as far as sewage/water/etc. The CAO commented that there comes a point when infrastructure has to be expanded. For this development, yes, the village would be fine, but for the next one, maybe not, which is why the village has to plan for these things now. The current upgrade to the sanitary trunk will that be enough to handle this, as it will triple current capacity. A resident asked how this was going to be paid for. The CAO shared that \$200,000 is coming from the taxpayer and \$450,000 from a provincial government. The cost to the taxpayer could possibly be less as the village is hoping to apply for a grant next year. The sanitary line does bottleneck there so the village has been looking at this and working on this project. Upgrades to the sewage lagoons have also been looked at and 3 million dollar grant applied for. The village does have to see where the money can come from for these kinds of things as the taxpayers could never pay for it.
  - o The village has prepared for the subdivisions that are currently in process, and the infrastructure is in place to go towards the annexed portions. The biggest shortcoming in all this is the roads. There is just very little the village can do; it is not possible to just build a road and connect it onto Highway 519. The mayor mentioned that Highway 519 has a low spot there at the annexed portion and in the past, Alberta Transportation has assured the mayor that no way can an intersection be put in a blind spot like this, so it will be a challenge.
  - o Asked was what had the original plan had been, did the village want to expand on its own, what did the village foresee before all this, was it to expand and does the village have to expand. The mayor stated that no, the village does not have to expand. Council is always considering this and thinks the village has had a great forward vision. Phase 5 still has residential lots available and the policy has always been that no new development be started until the existing one is virtually filled up. Phase 5 has actually taken a lot longer to fill up than the subdivisions prior. Part of that has to do with the changes to the building codes, new home warranty, the economic recession, etc. but reiterated that these new developments take a long time to get going; there is a lot to be done before a house is ever built. This area was annexed so that if Nobleford wishes to expand, there is a place to do so. The industrial lots have now all been sold. When that land was made available only a few years ago, the thought was that this would not have to be addressed again for 10-15 years. Now, the village will have to look at this again. The village owns no more undeveloped land.
  - o A resident stated thoughts that whatever has been done here in Nobleford so far has been done right, but is not sure this is a good idea. Putting in additional houses will increase the traffic 7 days per week, not just on Sundays.
  - o A resident discussed speed bumps, particularly on Kipp Street, and wonders if people think they work. The Mayor stated that for some people they do and for other nots, but that since the village started installing them a few years ago, residents have been requesting to have them installed on their streets. It is scary that people drive around them.
  - o Asked was what the process is from here on. The CAO shared that the next step is for council to go in-camera and discuss what has been heard, and come up with some kind of solution that going forward on this will be good for Nobleford.

The CAO gave a report, November 22, 2016 bylaw #638, rezoning, CAO report of comments received;

- 1- Advertising has been done, notices sent out, hearing taking place in accordance with applicable laws.
- 2- Nov 2, 2016 written report from Alberta Transportation stating they would grant a waiver for the proposed rezoning and potential development.
- 3- A number of verbal comments regarding the negative effect of increased traffic on Kipp Street via Highway Avenue. Kipp Street is a well-established residential area established 60 years ago and the Centennial subdivision to the east is only 10 years old. Access to the Church is a concern. Suggestions are to loop the access with Cawdron Street, locate the church somewhere else in Nobleford, School track or farther North or west along highway #519.
- 4- A number of comments opposing the new development to the east in the 130 acres of annexed land if it is going to cost the rest of the Village money. The Village should not subsidize land development or future costs.
- 5- The Village should profit off land development of private developers. Is there going to be any off site levies?
- 6- Are we going to have to increase capacities of WTP, sewer systems and other infrastructure to accommodate this and future growth? If so, they should pay for it.
- 7- Many comments like: I like Nobleford the way it is. Good water, roads and services and low taxes. Will this rezoning and new houses and church have a negative or positive impact on services and property taxes?

- 8- Is there going to be a water drainage issue for houses west of new lots, now in centennial Subdivision.
  - 9- Why don't churches pay property tax? Maybe they should pay at least something. We don't all use the church.
  - 10- This is a good addition to Nobleford, other communities would love to have it, lets do it.
  - 11- I hope the residential lots are not too much money. Is the Village increasing their lot prices?
  - 12- Let's stick with the user pay system we have. It seems to work nicely in Nobleford. Look at other towns.
  - 13- What's next after this residential subdivision and church? A school ? This may be really nice for all of us.
  - 14- This is good for Nobleford as population will grow and we may get the downtown stores because of this.
  - 15- I heard the developers are asking for concessions, why would you give concessions?
  - 16- How much money did Nobleford make on the Centennial subdivision, or did Nobleford lose Money?
  - 17- Subdivision is a risky business; I hope the developer does ok, better their risk than the tax payer.
  - 18- Is the Village going out of the land development business? The Village should develop the land.
- The mayor thanked everyone for coming out and asked for any additional comments or questions.
  - The CAO asked if it was appropriate to recess rather than close the hearing. Ryan shared that if recessed, then everyone present would have to be notified of when the hearing will reconvene. If the hearing is closed, another hearing can be called.
  - A representative of the church commented that they had looked at other locations, including outside of Nobleford, but that the residents liked the idea of it being located in town. It is not their intention to cause problems although they realize that any change causes problems.
  - Mayor McDowell gave an opportunity for any additional questions or comments.

**#358-2016**

MOVED BY Mayor McDowell to close Bylaw #638 hearing at 8:09 pm. CARRIED

**IN CAMERA**

**8:30 pm – In Camera, Land, Mayor invited Ryan Dyke to in Camera session.  
#359-2016**

MOVED BY Councillor Holinaty to go in camera.

**9:25 pm – Out of Camera  
#360 -2016**

MOVED BY Councillor Vincent to go out of camera.

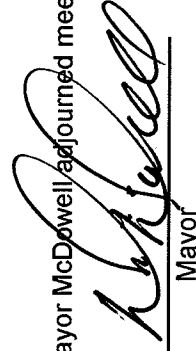
**Land**

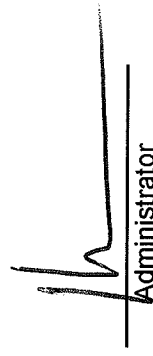
**#361-2016**

MOVED BY Councillor Holinaty, that CAO and Mayor meet with Developer Peter Klok. CARRIED

**ADJOURNMENT**

Mayor McDowell adjourned meeting at 9:26 pm

  
Mayor

  
Administrator