

**MINUTES OF THE REGULAR MEETING OF THE TOWN OF STETTLER COUNCIL
HELD ON TUESDAY, SEPTEMBER 4, 2007 IN THE MUNICIPAL OFFICE,
COUNCIL CHAMBERS**

Present: Mayor J. Hunter

Councillors S. Hurley, G. Majeran, R. Peeples, D. Richards &
L. Thorogood

Town Manager R. Stoutenberg
Director of Finance & Administration G. Switenky

Press (2)

Absent: Councillor A. Campbell

Call to Order: Mayor J. Hunter called the meeting to order at 6:30 p.m.

1/2. **Agenda Additions/Approval:**

Motion 07:09:01 Moved by Councillor Richards to approve the agenda as presented.

MOTION CARRIED
Unanimous

3. **Confirmation of Minutes:**

(a) Minutes of the Regular Meeting of Council held August 7, 2007

Motion 07:09:02 Moved by Councillor Peeples that the Minutes of the Regular Meeting of Council held on August 7, 2007 be approved as presented.

MOTION CARRIED
Unanimous

(b) Business Arising from the August 7, 2007 Minutes

6(f) Town Manager, R. Stoutenberg advised that our MLA has informed him that provincial funding for community tennis court upgrades has been approved (for the full amount requested), and that the Town should be getting official notification in the coming weeks.

4. **Citizen's Forum:** (a) No one was present at the Citizen's Forum

5. **Delegations:** (a) 7:15 re: Emergency Services Medal Presentations – Mark Dennis, Dave Dennis & Bart Ratch

This item was dealt with later in the meeting.

6. **Administration:** (a) Memo re: 2007 Service Road Realignment

Town Manager, R. Stoutenberg advised that Town Staff and Canalta have worked out the terms of an agreement so that the 2007 Road Realignment Project/Paving of 62 Street & Service Road can proceed.

The property owner (Canalta) has agreed to supply 330m² of land to the Town of Stettler.

The agreement requires the Town of Stettler to supply three road accesses and water & sewer service to the adjacent lands owned by Canalta.

Town Manager, R. Stoutenberg further explained that this is a fair arrangement for both parties because it will improve intersection safety/alignment, make future development easier and reduce the chance that 62nd Street will have to be dug up in the near future to accommodate development.

Motion 07:09:03

Moved by Councilor Thorogood that the Town of Stettler Mayor and Director of Finance & Administration be authorized to execute the Agreement for Acquisition of Land with/from Canalta Real Estate Services Ltd. for the purposes of widening and aligning the Hwy 12 service road at 62nd Street as presented.

MOTION CARRIED
Unanimous

(b) Memo re: Affordable Housing Sites

Town Manager, R. Stoutenberg advised that under the Affordable Housing Program (\$4.5 million provincial grant) the municipality must provide the land for the housing sites. Town Council has approved the use of two Emmerson duplex lots and previously directed Administration to negotiate the acquisition of two lots in Meadowlands.

The best available sites in Phase one of Meadowlands by the Park are lots 15/16 and 17/18 in Block 20. They are priced at \$78,910 and \$87,918 respectively. Both lots would accommodate nice homes with room for offsite parking and an ample backyard. Funds to purchase these lots are available in the Land Development Reserve.

It was questioned whether the Town's plans for the affordable units would meet the architectural design constraints imposed by the Developer for the Meadowlands by the Park subdivision.

Town Manager, R. Stoutenberg presented a conceptual drawing of a proposed duplex highlighting appropriate exterior features that will ensure architectural compliance yet remain within modesty requirements.

Motion 07:09:04

Moved by Councilor Thorogood that the Town of Stettler Council approve the purchase of Lots 15, 16, 17 & 18, Block 20 in Phase 1 of the Meadowlands by the Park subdivision with municipal funding to come from the Land Development Reserve.

MOTION CARRIED (5 – 1)
Opposed: Councillor Majeran

(c) Request for Certificate Condominium Plan

Mayor Hunter declared a possible conflict of interest and by departing the meeting excused himself from discussion and voting on this item.

Deputy Mayor Councillor Thorogood assumed the chair.

Town Manager, R. Stoutenberg advised that the applicant (Don-Syl Holdings) is proposing to divide a 24 unit apartment building into individual units on Lots 6-9 & 10A, Block 41, Plan 2442AE. The proposed subdivision is located at 4808-45 Street.

Town Manager R. Stoutenberg further reviewed the Memorandum from W. Holowachuk, Development Officer which outlines the relevant provisions of the *Municipal Government Act* and the *Condominium Property Act* respecting Council's authority and responsibility to provide a certificate (approving the proposed division of the building) if it is satisfied that all previously issued development permit conditions and relevant Town planning bylaws have been complied with.

Legislation dictates that there is no further Council consideration required because the surface boundaries of the parcel of land on which the building is located will not change rather only the form of internal ownership will change.

It was stated that some of these units may still be available for rental depending on the Condo's bylaws.

Motion 07:09:05

Moved by Councilor Richards that the Request for Certificate Condominium Plan from Don-Syl Holdings to create a 24 unit apartment building into individual units on Lots 6-9 & 10A, Block 41, Plan 2442AE has been evaluated in terms of the Condominium Property Act, as per the tentative plan for the following reasons:

1. That the application is consistent with the *Condominium Property Act*.
2. The application is consistent with the Town of Stettler's Land Use Bylaw.

Further, in accordance with Section 10(1)(b)(ii) of the *Condominium Property Act*, the applicant shall receive a certificate of the municipal authority stating that the proposed division of the building, as illustrated in the Plan, has been approved by the municipal authority.

MOTION CARRIED
Unanimous with the abstention
of Mayor Hunter

Mayor Hunter returned to the meeting and re-assumed the chair.

(d) Job Descriptions re: Fitness Leader/Cashier & Fitness Supervisor

Town Manager, R. Stoutenberg advised that job descriptions for the existing positions of Fitness Leader/Cashier and Fitness Supervisor should be formally endorsed by Council.

Motion 07:09:06

Moved by Councillor Peebles that the Town of Stettler Council endorse the job descriptions of the Fitness Leader/Cashier & Fitness Supervisor as presented.

MOTION CARRIED
Unanimous

(e) Memo re: Royal Hotel Parking (Lot 1, Block 5, Plan LIV)

Town Manager, R. Stoutenberg advised that the Town received a request for rezoning of Lot 1, Block 5, Plan LIV to change the Land Use District from C1 – Central Commercial to R2 – General Residential. This Bylaw is included later in this meeting agenda for Council's consideration.

Historical records reflect that this vacant property has a 1984 caveat registered against it in favor of the Town of Stettler to support a parking deficiency for the Royal Hotel located across the rear lane.

The Royal Hotel is now under new ownership and the owner of the vacant lot believes that the caveat on his property should be removed as he is no longer responsible for parking at the Royal Hotel. Further he wishes to rezone the property from C1 to R2 and sell it to a developer who wants to build duplexes.

It was stated that the existing parking assessment for the Royal Hotel may no longer be accurate as the number of hotel rooms has decreased and the restaurant is no longer in operation.

Town Manager R. Stoutenberg clarified that the original amount of required parking for the hotel was 43 stalls. Recently Town staff has recalculated the required amount of parking stalls to be 35 based on a site inspection and the current occupancy load. Town staff has also determined that the current Royal Hotel site can accommodate 34 parking stalls, leaving a deficiency of 1 stall to be provided for either off-site or by cash-in-lieu (\$3,000).

Administration is recommending that the existing owner of the vacant lot (who is the former owner of the Royal Hotel) pay for one deficient parking stall in order to fulfill his original outstanding/reduced obligation under the existing caveat on Lot 1, Block 5, Plan LIV, and upon receipt of \$3,000 the Town would remove such caveat. Town Manager R. Stoutenberg explained that in his opinion this would be historically fair and defensible into the future.

Discussion ensued regarding who is legally responsible for providing parking for an existing business. It was clarified that the Land Use Bylaw states that the current owner of the business must provide the parking (address any deficiency) and not the previous owner.

It was also clarified that internally parking requirements and/or deficiencies are only reviewed during the development permit application process. The business licensing/tax process does not necessarily trigger a development permit nor would a simple ownership change of an existing business. Normally parking requirements are reviewed only if there is a change of business use or a business expansion.

It was questioned whether there could be other caveats on properties in the downtown core that need to be identified and flagged for future development purposes.

It was generally supported that although the Royal Hotel site is currently deficient one parking stall, the Land Use Bylaw is clear that the present owner is responsible for parking and not a former owner irregardless of the caveat being registered.

Motion 07:09:07

Moved by Councillor Majeran that the Town of Stettler Council reject Administration's recommendation requiring M. Richards to pay for one deficient parking stall under an existing caveat registered on Lot 1, Block 5, Plan LIV. And further directs Town Administration to remove such caveat as soon as reasonable possible.

MOTION CARRIED
Unanimous

Administration was directed to research other properties in the downtown core in order to identify other caveats, if any that are registered for off-site parking deficiencies.

(f) Town Manager's Report

Motion 07:09:08

Moved by Councillor Richards that the Town Manager's Report for the month of August be accepted as presented.

MOTION CARRIED
Unanimous

(g) Bank Reconciliation as of July 31, 2007

Motion 07:09:09

Moved by Councillor Thorogood that the Bank Reconciliation as of July 31, 2007 be accepted as presented.

MOTION CARRIED
Unanimous

- (h) Accounts Payable in the amount of \$646,486.48

Motion 07:09:10

Moved by Councillor Peeples that Accounts Payable for the period ending August 29, 2007 in the amount of \$646,486.48 having been paid, be accepted as presented.

MOTION CARRIED
Unanimous

5. **Delegations:**

- (a) 7:15 re: Emergency Services Medal Presentations – Mark Dennis, Dave Dennis & Bart Ratch

Regional Fire Chief, Mark Dennis entered the meeting at 7:20 p.m.

Mayor Hunter welcomed Mark Dennis to the Council Meeting.

Mayor Hunter, with pleasure and on behalf of the Province of Alberta, presented Mark A. Dennis with the Alberta Emergency Services Medal in recognition of 12 years of loyal service to the people of Alberta. Mayor Hunter also noted that most of this recognized service was performed as a volunteer.

It was noted that David C. Dennis and Bart Ratch were also recipients of the same Alberta Emergency Services Medal recognizing 12 years of service however both were unable to attend this meeting.

Regional Fire Chief, M. Dennis departed the meeting at 7:25 p.m.

7. **Council:**

Mayor and Councillors outlined highlights of meetings they attended.

- (a) Mayor Hunter

- Aug 13 - Joint Town/County Meeting.
- Aug 17 - Meeting with MLA, Jack Hayden.
- Aug 31 - Town Office duties.
- Sept 3 - Telephone interview with the Calgary Herald re: Policing.

- (b) Councillor Campbell

-No report – absent from meeting.

- (c) Councillor Hurley

- Aug 13 - Joint Town/County Meeting.
- Aug 17 - Meeting with MLA, Jack Hayden re: Hospital Upgrading, Regional Water/Reservoir, High School upgrading, Affordable Housing and tennis courts.
- Aug 22 - Shirley McClellan Water Commission Interbasin Transfer Open House.

-Aug 24 - Greenlab information meeting.

-Aug 25 - Greenlab sod turning.

-Aug 30 - Rose Wesner's Retirement tea.

(d) Councillor Majeran

-Aug 13 - Joint Town/County Meeting re: annexation discussions.

-Aug 20 - Municipal Planning Commission Meeting.

-Aug 30 - Rose Wesner's Retirement tea.

(e) Councillor Peeples

-Aug 20 - Stettler Town & Country Museum Meeting re: Fire Hall and UFA signage.

-Aug 22 - Shirley McClellan Water Commission Interbasin Transfer Open House.

-Aug 25 - Greenlab re: sod turning and information meeting.

-Aug 30 - Municipal Planning Commission Meeting.

(f) Councillor Richards

-Aug 13 - Ambulance Board luncheon for Martin Marshall.

- Joint Town/County Meeting re: Annexation.

-Aug 17 - Meeting with MLA, Jack Hayden.

-Aug 20 - Municipal Planning Commission Meeting.

-Aug 25 - Greenlab re: sod turning and information meeting.

(g) Councillor Thorogood

-Aug 29/30 - Casino for Stettler Hospital Foundation.

8. **Minutes:**

(a) Shirley McLellan Regional Water Services Commission Meetings of June 25 & July 16, 2007

(b) Red Deer River Municipal Water Users Group Meeting of July 19, 2007

(c) Stettler Waste Management Authority Meeting of July 26, 2007

(d) Municipal Planning Commission Meeting of August 20, 2007

Motion 07:09:11

Moved by Councillor Majeran that the Minutes, items 8(a) to 8(d) inclusive be accepted for information.

MOTION CARRIED
Unanimous

9. **Public Hearing:** (a) None

10. **Bylaws:** (a) 1959-07 re: Amendment to Land Use Bylaw

Town Manager, R. Stoutenberg advised that Bylaw 1959-07 is to amend Schedule "A" of Land Use Bylaw 1797-98 as follows:

That Lot 1, Block 5, Plan LIV be re-designated from C1 – Central Commercial to R2 – General Residential.

Administration is supportive of this re-designation.

Mayor Hunter advised that the bylaw will be advertised on September 12 & September 19 with the Public Hearing to be held on October 9, 2007.

Motion 07:09:12

Moved by Councillor Hurley that the Town of Stettler Council give first reading to Bylaw 1959-07.

MOTION CARRIED
Unanimous

(b) Bylaw 1958-07 re: Closure of Street (2nd & 3rd Readings)

Mayor Hunter explained that Bylaw 1958-07 is to Close a Portion of a Public Highway (Street) to Public Travel and to Consolidate that Portion of the Public Highway (Street) with an Adjacent Lot being:

"All that portion of road as shown on Plan 3049AT lying within Plan 072_____"

For clarity purposes he explained that upon passage of this Bylaw the three non-existing roads/lanes that are presently registered on the current school grounds property will be closed; thus allowing the Clearview School Division to consolidate these lands with the adjacent school grounds property.

Mayor Hunter explained further that this road closure Bylaw was given first reading by Council on August 7th, 2007 and was given Ministerial approval on August 20th, 2007. This Bylaw repeals and replaces Bylaw 1950-07 that had been recently adopted by Council on June 17th, 2007, however was rejected by the Land Titles Office stating necessary revisions that have been incorporated into this new Bylaw.

Motion 07:09:13

Moved by Councillor Peebles that the Town of Stettler Council give second reading to Bylaw 1958-07.

MOTION CARRIED
Unanimous

Motion 07:09:14

Moved by Councillor Hurley that the Town of Stettler Council give third and final reading to Bylaw 1958-07.

MOTION CARRIED
Unanimous

11. **Correspondence:**
- (a) Stettler P & H Elevator Preservation Society Newsletter
 - (b) Boomtown Trail Newsletter
 - (c) News Release re: Government Responds to Task Force Report
 - (d) Awards of Excellence Call for Nominations
 - (e) News Release re: Government Invests \$350 Million
 - (f) Affordable Housing Plan Angers Developers
 - (g) The Lacombe Globe
 - (h) Demand Grows for Water from Red Deer River
 - (i) Canadian Federation of Independent Business
 - (j) 2007 ARPA Annual Conference
 - (k) County of Stettler re: Mediation Services

Resulting from the relatively brief meeting with the County of Stettler Council on August 13th, 2007, the Town and County have mutually agreed to request mediation services from Alberta Municipal Affairs to assist with annexation negotiations.

Motion 07:09:15

Moved by Councillor Thorogood that correspondence items 11(a) to 11(k) inclusive be accepted for information.

MOTION CARRIED
Unanimous

12. **Items Added:** (a) None
13. **In-Camera Session:**
- (a) Ambulance Update
 - (b) Canalta Development Request
 - (c) Goal #4 Staff Recruitment & Retention (2 Articles & Memo)

Motion 07:09:16

Moved by Councillor Richards that the Town of Stettler Council proceed into an In-Camera Session with the Town Manager and Director of Finance & Administration present to discuss the items as presented on the In-Camera Agenda.

MOTION CARRIED
Unanimous at 8:05 p.m.

Motion 07:09:17

Moved by Councillor Majeran that the Town of Stettler Council return to the regular meeting.

MOTION CARRIED
Unanimous at 9:16 p.m.

14. Adjournment:

Motion 07:09:18

Moved by Councillor Campbell that this regular meeting of the Town of Stettler Council be adjourned.

MOTION CARRIED
Unanimous at 9:16 p.m.

Mayor

Director of Finance & Administration