

**MINUTES OF THE REGULAR MEETING OF THE TOWN OF STETTLER COUNCIL  
HELD ON TUESDAY, MAY 1, 2007 IN THE MUNICIPAL OFFICE,  
COUNCIL CHAMBERS**

**Present:**

Mayor J. Hunter

Councillors A. Campbell, S. Hurley, R. Peeples, D. Richards  
& L. Thorogood

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

Press (2)  
Public (2)

**Absent:**

Councillor G. Majeran

**Call to Order:**

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

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

**Motion 07:05:01**

Moved by Councillor Richards to approve the agenda as presented with the following addition:

13(a) In-Camera – Development Matter

MOTION CARRIED  
Unanimous

3. **Confirmation of Minutes:**

(a) Minutes of the Regular Meeting of Council held on April 17, 2007

**Motion 07:05:02**

Moved by Councillor Campbell that the Minutes of the Regular Meeting of Council held on April 17, 2007 be approved as presented.

MOTION CARRIED  
Unanimous

(b) Business Arising from the April 17, 2007 Minutes

(i) Sewer Lagoons – Director of Finance & Administration, G. Switenky updated Council that testing for fluoride content was performed on water from the lagoons and on the standing water adjacent to the lagoons. The fluoride content was found to be much higher (3 to 4 times) in the lagoons than in the standing water adjacent to them. This was to be expected since the Town adds fluoride to the Town's treated water. The level of fluoride in the standing water is consistent with naturally occurring fluoride in non-treated water. Therefore it has been concluded that the standing water adjacent to the Town's lagoons is not from the lagoons.

(ii) Physician Recruitment – It was stated that DTHR has a physician recruitment agency on retainer and that the full \$15,000 may not be required.

(iii) Half Masting of Town Office Flag – Mayor Hunter updated Council that all Government of Canada buildings flew their flags at half mast on April 28, 2007 to mark the national day of mourning for persons killed or injured in the work place (source: Government of Canada protocol website).

4. **Citizen's Forum:** (a) None
5. **Delegations:** (a) None
6. **Administration:** (a) Memo re: Possible Land Sale Policy Changes; Meadowlands & Emmerson Lot Pricing/Lot Draw

Mayor Hunter with the mutual consent of Council varied the order of the agenda to delay agenda item 6(a) until later in the meeting.

- (b) Memo re: Lot Return Policy

Mayor Hunter welcomed Richard & Penny Gaffney to the Council Meeting and invited R. Gaffney to make a presentation to Council.

R. Gaffney explained the events surrounding their recent purchase of a mobile home lot from the Town.

The Gaffney's paid a 10% deposit of \$4,401.43 and (in accordance with Town policy) upon attempting to cancel their lot purchase within 72 hours were advised by Town staff that their deposit would be refunded less a 3% withholding penalty.

The Gaffney's requested that Council consider refunding them the entire deposit amount paid because they did not clearly understand the Town's policy nor do they feel that they were properly explained the 72 hour lot holding provision (without a deposit) in the policy. It was stated that the lot was returned to the Town the day after the deposit was paid. They also offered to sell their lot to another willing purchaser for exactly what they paid. It was noted that this would not be allowed until the building commitment has been satisfied and the Town has transferred legal title to them.

Town Manager, R. Stoutenberg explained and reviewed the Town's Policy governing the cancellation of the purchase of a lot and the associated provision allowing the Town to temporarily hold a lot for a person (for up to 72 hours) prior to a deposit being required. The purpose of this holding period is to allow a purchaser some time to make any final financing arrangements and/or to consider other personal considerations respecting the suitability of the lot for their purposes. However once a deposit has been paid to the Town, the lot is considered sold to the purchaser subject to final payment and development commitment parameters.

Discussion ensued regarding the clarity of the wording in the policy. Specifically Policy Statement 1(e) regarding the Town's holding of lots for 72 hours without a deposit from the purchaser.

Discussion and questioning continued regarding the chronological time line/sequence of conversations the Gaffney's had with Town planning staff prior to their deposit being paid.

It was noted in the Memorandum from Development Officer W. Holowachuk that, "At the last meeting I had with Mr. Gaffney prior to him purchasing the lot, I assisted him in doing a site plan for his proposed mobile home development and informed him that if he was interested in the lot the Town would hold it for him for 72 hours, after which time he would be required to pay for his 10% down payment."

R. Gaffney stated that the Town should provide potential purchasers with a written summary of the lot purchase process and a copy of the policy which should reduce the chance of such a misunderstanding occurring again.

Mayor Hunter concluded the discussion and asked the Gaffney's if they had any other relevant information to present. Hearing none, Mayor Hunter thanked the Gaffney's for attending the meeting. He explained to them that they would be informed of Council's decision in the near future.

Richard & Penny Gaffney departed the meeting.

Discussion ensued regarding whether Council was prepared to make a decision on this matter at this time or to defer the decision to a subsequent meeting.

Discussion continued regarding responsibility.

It was stated that ignorance of a Town bylaw should not be the primary reason for Council to completely wave any fees/penalties within a Bylaw.

Town Manager R. Stoutenberg stated that Council has no precedence to consider regarding the waving of the requirement to withhold 3% of the purchase price of a lot upon cancellation.

**Motion 07:05:03**

Moved by Councillor Richards that the Town of Stettler Council uphold Administration's decision, as required by Town Policy: Marketing of Town of Stettler Residential Lots, to withhold 3% of the total purchase price on a lot purchase and desired cancellation by Richard and Penny Gaffney, and further to deny the Gaffney's request for a full refund of the deposit amount paid on the mobile lot purchase that they now desire to cancel.

MOTION CARRIED (4 – 2)  
Opposed: Councillors Thorogood  
& Campbell

Administration was advised to ensure that all relevant lot sale process information is provided to the public at the time of initial lot inquiry.

(c) Memo re: Stettler Community Recognition Award

Town Manager, R. Stoutenberg noted that the Nominating Committee for Roy Willis has requested the 8" X 10" plaque honoring Mr. Willis to be placed at the new Town Office plaza and that it include the honorary recognition of 51<sup>st</sup> Street as Roy Willis Way, on the plaque only. It was clarified that the Nominating Committee did not expect or want the actual street name to be changed rather this honor would be symbolic only.

Discussion ensued regarding the location of the plaque, the honorary designation of a local street for symbolic purposes and whether it is appropriate (as per Policy) to recognize a local street in honor of an individual recipient of a Community Recognition Award.

It was further clarified that the Nominating Committee for Roy Willis wants the plaque to be located at the new Town Office plaza rather than somewhere along 51<sup>st</sup> Street.

It was stated that if Council is to recognize a local street in honor of someone or something than at least some of the signage should reflect the honorary name like Veterans' Way (50<sup>th</sup> Avenue).

**Motion 07:05:04**

Moved by Councillor Campbell that that the Town of Stettler Council approve that the plaque honoring Mr. Roy Willis as the recipient of a Stettler Community Recognition Award be located at the new Town Office plaza area. And further that the Town of Stettler recognize 51<sup>st</sup> Street as Roy Willis Way, for honorary purposes on the plaque only.

MOTION DEFEATED (2 – 4)  
Opposed: Mayor Hunter &  
Councillors Richards, Hurley &  
Thorogood

**Motion 07:05:05**

Moved by Councillor Thorogood that the Town of Stettler Council approve that the plaque honoring Mr. Roy Willis as the recipient of a Stettler Community Recognition Award be located at the new Town Office plaza area. And further, to advise the Nominating Committee for Mr. Roy Willis that the honorary recognition of 51<sup>st</sup> Street as Roy Willis Way is respectfully not an option for this recognition award.

MOTION CARRIED (4 – 2)  
Opposed: Councillors Campbell  
& Peeples

(d) Town Manager's Report

At the request of Town Manager, R. Stoutenberg Town Council mutually agreed to move the May Committee of the Whole Meeting to Monday, May 7, 2007 at 5:00 p.m.

**Motion 07:05:06**

Moved by Councillor Peeples that the Town of Stettler Council approve the Town Manager's Report for the month of April as presented.

MOTION CARRIED  
Unanimous

(e) Bank Reconciliation as of March 31, 2007

**Motion 07:05:07**

Moved by Councillor Thorogood that the Town of Stettler Council approve the Bank Reconciliation as of March 31, 2007 as presented.

MOTION CARRIED  
Unanimous

(f) Accounts Payable in the amount of \$204,580.11

**Motion 07:05:08**

Moved by Councillor Richards that Accounts Payable for the period ending April 26, 2007 in the amount of \$204,580.11 having been paid, be accepted as presented.

MOTION CARRIED  
Unanimous

7. **Council:**

Mayor and Councillors outlined highlights of meetings they attended.

(a) Mayor Hunter

- Apr 20 - Town Office duties.
- Apr 26 - Volunteer Luncheon.
- Apr 27 - Town Office duties.

(b) Councillor Campbell

- May 1 - Municipal Planning Commission Meeting.

(c) Councillor Hurley

- Apr 23 - Physician Recruitment.

(d) Councillor Majeran

- No report – absent from meeting.

(e) Councillor Peebles

- May 1 - Municipal Planning Commission Meeting.
- May 1 - Stettler Waste Management Authority Meeting re: discussed paper bins at alternate sites.

(f) Councillor Richards

- Apr 23 - Stettler District Ambulance Association Meeting.
- Apr 28 - Ambulance Station barbeque re: presented Doug Ginther with a service award from the Provincial Government and presented a gift on behalf of the Board.
- Apr 28 - Stettler Lightning Awards Banquet – Kevin Sorenson and Jack Hayden in attendance.
- May 1 - Municipal Planning Commission Meeting.

(g) Councillor Thorogood

- Apr 23 - Stettler District Ambulance Association Meeting.
  - Village representative orientation to Board.
  - Stettler Hospital Foundation Board.

8. **Minutes:**

- (a) Stettler Town & Country Museum Meeting of November 27, 2006
- (b) Highway 21 Community Initiatives Society Meeting of March 26, 2007
- (c) Regional Fire Authority Meeting of April 5, 2007
- (d) Municipal Planning Commission Meeting of April 17, 2007
- (e) Trail of the Buffalo Tourism Association Meeting of April 18, 2007
- (f) Stettler Region Physician Recruitment/Retention Meeting of April 23, 2007

**Motion: 07:05:09**

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

MOTION CARRIED  
Unanimous

Mayor Hunter recessed the meeting at 7:55 p.m.

Mayor Hunter reconvened the meeting at 8:00 p.m.

6. **Administration:** (a) Memo re: Possible Land Sale Policy Changes  
Memo re: Lot Pricing – Emmerson Phase IVa  
Memo re: Lot Pricing – Meadowlands Phase VIa

Town Manager, R. Stoutenberg reviewed optional changes to the current Lot Sale/Lot Draw practice used in the sale of Residential Lots. The purpose of reviewing the Town's lot sale practice is because the Lot Draw for both Meadowlands VIa and Emmerson IVa is scheduled to be held on Monday June 4<sup>th</sup>, 2007.

Discussion ensued regarding the purchase of multiple lots by builders/contractors, the lack of available lots (from the Town) for private individuals throughout the year, the number of lots that can be purchased by a contractor(s) within the first 30 days of the lot draw, the amount of vacant lots that a contractor can possess at any given time and the building commitment time horizon.

Discussion continued regarding the length of time, being approximately 2.5 years, that a contractor can possess a vacant lot before having to start construction.

It was stated that the Town will likely not be in the Residential lot sale business in a few years and therefore individuals will have to deal directly with private developers and contractors.

It was inquired as to whether any feedback had been solicited from local contractors respecting the Town's existing lot sale practice. It appears that the Town's current practice is known and accepted as being fair.

Mayor Hunter suggested that Administration present the options for lot pricing in both new residential subdivisions prior to further consideration of policy changes.

Meadowlands Phase VIa and Emmerson Phase IVa subdivision costs and optional pricing mechanisms were presented for Council's consideration and discussion.

It was highlighted that recoverable costs are allocated 50% by the fixed number of lots and 50% by the variable size of each lot. Options presented varied according to the level of holding cost and offsite infrastructure cost included in each.

Discussion ensued regarding pricing options/levels as presented.

Mayor Hunter concluded discussion regarding lot pricing for both new residential subdivisions and requested Council return to consideration of policy changes.

**Motion 07:05:10**

Moved by Councillor Thorogood that the Town of Stettler Council approve that the Town's lot sale/lot draw policy and practice remain as status quo for the sale of lots in Meadowlands Phase VIa and Emerson Phase IVa.

MOTION DECLARED DEFEATED  
(3 – 3 tied vote per s.186 MGA)  
Opposed: Mayor Hunter &  
Councillors Hurley & Peeples

It was mutually agreed that this item be referred to Committee of the Whole. Administration was requested to bring forward modifications to options 2 & 3 for further consideration.

**Motion 07:05:11**

Moved by Councillor Peeples that the Town of Stettler Council approve Lot Pricing for Meadowlands Phase VIa based on total recoverable costs as identified in Option 2 as presented, including holding costs set at 40%.

MOTION CARRIED (5 – 1)  
Opposed: Councillor Richards

**Motion 07:05:12**

Moved by Councillor Thorogood that the Town of Stettler Council approve Lot Pricing for Emerson IVa based on total recoverable costs identified in Option 4 as presented, including holding costs set at 10% and no off site infrastructure component.

MOTION CARRIED (4 – 2)  
Opposed: Councillors Peeples &  
Richards

**Motion 07:05:13**

Moved by Councillor Thorogood that the Town of Stettler Council approve Lot Pricing for Emerson Phase IVa with the adjustment for duplex lots being increased from \$5,000 to \$10,000.

MOTION CARRIED (5 – 1)  
Opposed: Councillor Peeples

9. **Public Hearings:** (a) None
10. **Bylaws:** (a) 1950-07 re: Road Closure

Mayor Hunter explained that three non-existing roads/lanes on the current school grounds property need to be closed and consolidated with the adjacent school grounds property.

This Bylaw will require Ministerial approval subsequent to the passage of first reading.

**Motion: 07:05:14**

Moved by Councillor Hurley that the Town of Stettler Council give first reading to Bylaw 1950-07.

MOTION CARRIED  
Unanimous

(b) 1951-07 re: Local Improvement Tax

Mayor Hunter explained that this amendment is required as a result of the legal subdivision of parcels included in the original Local Improvement bylaw. The total amount to be raised by a special levy collected through annual property taxes will remain the same however the allocation to individual parcels must change.

**Motion: 07:05:15**

Moved by Councillor Peeples that the Town of Stettler Council give first reading to Bylaw 1951-07.

MOTION CARRIED  
Unanimous

**Motion: 07:05:16**

Moved by Councillor Thorogood that the Town of Stettler Council give second reading to Bylaw 1951-07.

MOTION CARRIED  
Unanimous

**Motion: 07:05:17**

Moved by Councillor Richards that the Town of Stettler Council give permission for third and final reading to Bylaw 1951-07.

MOTION CARRIED  
Unanimous

**Motion: 07:05:18**

Moved by Councillor Campbell that the Town of Stettler Council give third and final reading to Bylaw 1951-07.

MOTION CARRIED  
Unanimous

11. **Correspondence:**

- (a) Alberta Minister of Municipal Affairs and Housing
- (b) Public Works Week May 20 – 26, 2007
- (c) Senior's Week June 4 – 10, 2007
- (d) Alberta Minister of Infrastructure & Transportation
- (e) Parkland Regional Library re: Annual Report 2006
- (f) Stettler P & H Elevator Preservation Society Newsletter
- (g) House of Commons re: Bill C-417
- (h) Alberta Infrastructure & Transportation

**Motion: 07:05:19**

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

MOTION CARRIED  
Unanimous

12. **Additions:**

- (a) None

13. **In-Camera Session:** (a) Development Matter

**Motion 07:05:20**

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 item as presented on the In-Camera Agenda.

MOTION CARRIED  
Unanimous at 9:25 p.m.

**Motion 07:05:21**

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

MOTION CARRIED  
Unanimous at 9:50 p.m.

14. **Adjournment:**

**Motion 07:05:22**

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

MOTION CARRIED  
Unanimous at 9:50 p.m.

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Mayor

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Director of Finance & Administration