

**MINUTES OF THE REGULAR MEETING OF THE TOWN OF STETTLER COUNCIL  
HELD ON TUESDAY, JULY 5, 2011 IN THE MUNICIPAL OFFICE,  
COUNCIL CHAMBERS**

**Present:** Mayor Dick Richards  
  
Councillors D. Bachman, A. Campbell, & P. Simons,  
  
CAO R. Stoutenberg  
Assistant CAO G. Switenky  
  
Press (2)

**Absent:** Councillors M. Fischer, L. Thorogood & S. Wildeboer

**Call to Order:** Mayor D. Richards called the meeting to order at 6:30 p.m.

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

**Motion 11:07:01** Moved by Councillor Bachman to approve the agenda as presented.

MOTION CARRIED  
Unanimous

3. **Confirmation of Minutes:**

(a) Minutes of the Regular Meeting of Council held June 21, 2011

**Motion 11:07:02** Moved by Councillor Campbell that the Minutes of the Regular Meeting of Council held on June 21, 2011 be approved as presented.

MOTION CARRIED  
Unanimous

(b) Business Arising from the June 21, 2011 Meeting Minutes

None

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

5. **Delegations:** (a) 7:00 P.M. – Karen Lutz re: 49 Street Improvements – Heartland Heritage Villas

This item was dealt with later in the meeting.

6. **Administration:** (a) Memo re: AE Kennedy Building Lease Rates

CAO, R. Stoutenberg explained that in 2008 Town Council approved the following lease rates for the AE Kennedy Building; currently the home of the Stettler Community Health Centre. The lease is based on based on 14,731 sq ft:

\$9.00/sq ft for the 2008/09 year or \$132,579 per year  
\$9.25/sq ft for the 2009/10 year or \$136,262 per year  
\$9.25/sq ft for the 2010/11 year or \$136,262 per year

At that time Council also directed Administration to renegotiate the annual lease rate for the final 2 years of the lease period being 2011/12 and 2012/13.

The existing lease requires that the Town of Stettler maintain the structural improvements and that Alberta Health Services maintain the lease hold improvements except reasonable wear and tear.

Town Council reviewed the listing of maintenance and repairs completed by the Town to date in 2010 and 2011. It was acknowledged that the list of required repairs was substantial in value: 2010 - \$23,854 and 2011 - \$64,447.

In order to determine fair rental rates Administration inquired with local property owners and realtors as to what this type of space would command for rent on a square foot basis. Based on the Town's 2011 local market conditions these comparables rates ranged from \$5.89 – \$15.77 / square foot.

Discussion ensued regarding the reasonableness of the proposed rates in relation to Council's original expectations in April 2008.

**Motion 11:07:03**

Moved by Councillor Bachman that the Town of Stettler Council approves the following lease rates to take forward for the AE Kennedy Building rental negotiations with Alberta Health Services:

\$9.75/ sq ft for the 2011/12 year: (increase in revenue to \$143,627.25/ year)

\$10.25/ sq ft for the 2012/13 year (increase in revenue to \$150,992.75/ year)

MOTION CARRIED  
Unanimous

(b) Request for Decision re: Subdivision 2011-05

CAO R. Stoutenberg advised that the applicant (1143470 AB Ltd.) is proposing to create four Highway Commercial Parcels of +/- 0.5 acres located at 4905-44 Avenue.

CAO R. Stoutenberg advised that the tentative Plan of Subdivision has been evaluated in terms of Section 654 of the Municipal Government Act and Section 7 of the Subdivision and Development Regulations.

Given the unique nature of this parcel, the legal land owners have requested that the parcel be serviced under a local improvement initiative.

Director of Operational Services, M. Robbins explained that during detailed engineering design, it may be necessary to obtain an easement along the south side of the property and possibly the east side of the property to accommodate sanitary and water mains.

Further she identified that a need for a future road right-of-way as indicated in the South East Area Structure Plan to connect 48<sup>th</sup> Street with Highway 12 is impractical and highly unlikely as construction would be subject to Alberta Environment approval and would require filling or crossing Cold Lake.

Discussion ensued regarding the need to enter into a Development Agreement, for municipal services and the dedication of Reserve Lands adjacent to Cold Lake.

It was noted that as development has occurred in the area over time, individual accesses have been obtained from existing road networks. Therefore there is a review of the SE Area Structure Plan (between the Town and County) planned for the fall of 2011. The plan once reviewed and completed will reflect current conditions.

**Motion 11:07:04**

Moved by Councillor Bachman that the Town of Stettler Council approve Subdivision Application 2011-05 to create four Highway Commercial Parcels +/- 0.5 acres located at 4905-44 Avenue. The Tentative Plan of Subdivision has been evaluated in terms of Section 654 of the Municipal Government Act and Section 7 of the Subdivision and Development Regulations and having considered adjacent landowner(s) submissions, referral agency comments, the Town of Stettler's statutory planning documents and other related municipal planning documents it is recommended that the application be approved as per Tentative Plan for the following reasons:

1. That the application is consistent with Section 7 of the Subdivision and Development Regulations;
2. The application is consistent with the policies of the Municipal Development Plan; and
3. The application is consistent with the Land Use Bylaw 1976-08.

Further, in accordance with Sections 654 and 655 of the Municipal Government Act, the application is approved subject to the following conditions:

1. Subdivision to be effected by a Plan of Survey, pursuant to Section 657 of the Municipal Government Act.
2. All outstanding Property Taxes to be paid to the Town of Stettler as per Section 654 (1) (d) of the Municipal Government Act.
3. The applicant shall enter into, and comply with the terms and conditions of, a development agreement with and to the satisfaction of the Town of Stettler, in accordance with Section 655 of the Municipal Government Act, as amended, with regard to all municipal improvements such as water supply, sewage disposal, storm water management, on-site roads, access/egress of the properties and other utilities as may be required.
4. Easements for servicing and drainage must be obtained if required by the Town of Stettler (easement requirements will be based in the engineered design for servicing).
5. The applicant will have to ensure that approval is obtained from Alberta Environment for any development affecting Cold Lake i.e.: filling.
6. The applicant will dedicate all land east of proposed lot 4 abutting the shores of Cold Lake to the Town of Stettler as Reserve Land.

MOTION CARRIED  
Unanimous

(c) Memo re: Local Improvement

CAO, R. Stoutenberg advised that a local improvement petition was received from the legal land owners of the proposed subdivided parcel located at 4905-44 Avenue on June 27, 2011.

The request/ valid petition is to connect and service the (previously approved) subdivision of 4 parcels under a local improvement initiative instead of the developer being required to pay for the entire installation of services up front.

These newly created parcels will be connected to the Town's water and sanitary sewer systems with a 250mm water main and a 75mm sanitary force main extension. These extensions will come from the north across 44<sup>th</sup> Avenue and will ultimately be located along the south side of the parcels within an easement to accommodate the connections for each of these parcels. This alignment will also open future connections to the south.

Detailed engineering design, tender and construction services will be required to complete this work and are included in the costs estimated at \$208,000.

Discussion ensued respecting the Local Improvement process under the *Municipal Government Act*.

**Motion 11:07:05**

Moved by Councillor Campbell that the Town of Stettler Council approves the Local Improvement Plan as presented for the construction and connection of municipal services to 4 new parcels created by the approved subdivision of 4905 - 44 Avenue. And further that notices in accordance with the Local Improvement processes under the *Municipal Government Act* be sent out to the affected property owners.

MOTION CARRIED  
Unanimous

(d) Memo re: Summer Village of White Sands Administration Agreement

CAO, R. Stoutenberg advised that The Town of Stettler has been providing administration and accounting services for the Summer Village of White Sands since January 1<sup>st</sup>, 1999. The current three year Agreement expired on December 31<sup>st</sup>, 2010. A historical comparison of the annual service fees paid to the Town since inception is as follows:

1999	\$12,650	plus \$2,850 one time set-up
2000	\$12,650	
2001	\$12,650	
2002	\$13,000	
2003	\$13,250	
2004	\$13,500	
2005	\$14,500	
2006	\$15,000	
2007	\$15,500	
2008	\$17,000	
2009	\$18,000	
2010	\$19,000	(increase of \$6,350 since 1999)
2011–2016	\$30,000	

The above annual fee for 2011–16 is based on the following assumptions:

Staff time 7 hours/week X 52 wks @\$55/per hr	\$20,020
Software Maintenance share 400/3400 properties	\$ 4,400
L. Tait year-end procedures 30 hrs. @\$75	\$ 2,250
CAO administrative time 27 hrs@ \$100 (9 meetings at 3 hrs per meeting)	\$ 2,700
CAO budget coordination + 21 hrs. @\$100	<u>\$ 2,100</u>
	\$31,470

Assistant CAO G. Switenky noted that the Town does bill directly for "Out of pocket expenses" such as postage, paper, telephone etc.

He also advised that the Summer Village of White Sands has already ratified this agreement in good faith.

Discussion ensued regarding the six year length of the agreement, the amount of the increase, and the related increasing workload involved.

It was mutually agreed that this is a good deal for both parties.

**Motion 11:07:06**

Moved by Councillor Campbell that the Town of Stettler Council approves the six-year Administration and Accounting Services Agreement with the Summer Village of White Sands, in the amount of \$30,000 per annum, and as substantively per the terms and conditions contained in the original agreement.

MOTION CARRIED  
Unanimous

(e) Memo re: Request by Adjacent Property Owner to Purchase Park Land

CAO, R. Stoutenberg advised that property owners adjacent to the south side of the east end (new Kinsmen) playground are requesting to purchase a small amount of park land from the Town (up to the row of spruce trees), in an attempt to save a number of mature trees currently located along the existing property line. The Kinsmen Club would like to install a 6 foot fence with privacy slats at an appropriate location between the properties.

In an effort to satisfy the neighbors the Kinsmen Club and Parks and Leisure Services originally agreed to:

- Pay \$2800.00 extra dollars to put six foot fence with privacy slats past their back yard.
- Locate the new fence approximately one meter off the property line (into the park) to save some trees.
- Move the alley fence in one meter to provide more room for residents turning into their garages.

Given these initial accommodations an agreement would need to be signed-off by the property owner to acknowledge their responsibility to adequately maintain this meter of Town land, and further to accept that the Town reserves the sole right to move the fence back to the property line.

The property owner has expressed that they would prefer to purchase at fair market value just enough of the lands to site the new fence properly between the existing trees and that they would also pay the costs required to survey and subdivide the agreed upon amount of land.

CAO, R. Stoutenberg explained that under the *Municipal Government Act*, the disposal of parklands must be done at fair market value and must be advertised to the public. Discussion ensued respecting the amount of parkland land that Council is willing to sell. Options reviewed included a strip of either one, two, three or four meters.

It was mutually agreed that Council is desirous of selling the least amount of parkland to appropriately accommodate the trees, and wants to work with the property owners to find a solution that is satisfactory on both sides of the, yet to be installed fence.

It was mutually agreed that Administration will be authorized to offer a maximum of only one meter to the adjacent property owners and that any additional amount determined to be more appropriate upon further site work will require Council's reconsideration.

**Motion 11:07:07**

Moved by Councillor Simons that the Town of Stettler Council approves the disposal/offer for sale of only one meter of existing parkland land to the property owners adjacent to the south side of the newly constructed East End (Kinsmen) Playground. And that a price be set at the assessed value prorated to the actual size, and with all related costs to be paid for by the buyer. And Further Council acknowledges that this is an acceptable amount of parkland disposal to accommodate a route for the fence saving the most trees while still providing adequate parkland for the people of the east end of Stettler.

MOTION CARRIED  
Unanimous

5. **Delegations:**

- (a) 7:00 P.M. – Karen Lutz re: 49 Street Improvements – Heartland Heritage Villas

Director of Operational Services, Melissa Robbins entered the meeting at 6:57 p.m.

Karen Lutz and seven other supporting property owners/residents of Heartland Heritage Villas entered the meeting at approximately 6:57 p.m.

Mayor Richards welcomed delegation members and M. Robbins to the meeting.

Delegation spokesperson Karen Lutz thanked Town Administration for recently meeting on site with the condo owners on both sides of the block (49<sup>th</sup> Street between 50<sup>th</sup> and 51<sup>st</sup> Avenues).

She explained that the condo owners would like the street and sidewalk improvements scheduled to be undertaken in 2013 (by the Town) to be moved up. She informed Council that these sidewalks (on both sides) are unsafe, unsightly and in deplorable condition. And further that some residents have damaged their vehicles on the deep gutter when entering the alley from 49<sup>th</sup> Street.

Discussion ensued respecting the Town's planning processes for infrastructure renewal throughout the entire Town given the substantial costs involved.

Discussion continued respecting whether (from an engineering perspective) the planned 2013 infrastructure project for the area could be partially advanced.

Given the large magnitude and scope of the infrastructure renewal project planned for 2013, it was mutually agreed that this item will be considered for partial advancement by Council in the 2012 Capital Budget process; subject to other priorities and available resources.

Mayor Richards thanked delegation members for their presentation and for attending the meeting.

Delegation members departed the meeting at approximately 7:04 p.m.

(f) Memo re: Tender Award for 2011 Sidewalk Replacement Program

Director of Operational Services, Melissa Robbins advised that the 2011 budget amount for sidewalk replacements is \$125,000.

She informed Council that only one tender for the work was received from J. Branco and Sons Concrete Services Ltd. The tendered amount was \$153,888 excluding GST.

The schedule of quantities in the tender consists of estimated quantities only. Actual quantities will now be revisited as Public Works has completed the 2011 Sidewalk Inspection for the Town.

Administration will adjust quantities to ensure that replacements are completed within the approved 2011 budget limits.

**Motion 11:07:08**

Moved by Councillor Simons that the Town of Stettler Council award the 2011 Sidewalk Replacement tender to J. Branco and Sons Concrete Services Ltd.

MOTION CARRIED  
Unanimous

Director of Operational Services, M. Robbins departed the meeting at 7:08 p.m.

(g) Campus Alberta Memorandum of Agreement

CAO R. Stoutenberg advised that the purpose of the MOU is to collaborate in the development of Post-Secondary learning opportunities through the support of a Campus Alberta Engagement Site. The Town agrees to provide a representative to sit on a Post-Secondary Advisory Committee.

**Motion 11:07:09**

Moved by Councillor Bachman that the Town of Stettler Council approves the execution of a Memorandum of Understanding with Campus Alberta Central as presented.

MOTION CARRIED  
Unanimous

- (h) Accounts Payable in the amount of \$232,288.04

**Motion 11:07:10**

Moved by Councillor Simons that Accounts Payable in the amounts of \$209,850.40 & \$22,437.64 for the period ending June 30, 2011 for a total amount of \$232,288.04 having been paid, be accepted as presented.

MOTION CARRIED  
Unanimous

7. **Council:**

Mayor and Councillors outlined highlights of meetings they attended.

(a) Mayor Richards

- June 22 - Attended Volunteer in Action Charity Golf Tournament.
- June 27 - Meeting with MLA, Jack Hayden.
  - Rotary Farmer's Night.
- June 30 - Town Office duties.

(b) Councillor Bachman

- June 24 - Municipal Planning Commission Meeting.

(c) Councillor Campbell

- June 22 - 8-80 Meeting in Castor.
- June 23 - Red Deer River Watershed Alliance Meeting.
  - CAPE Meeting in Red Deer.
- June 24 - Municipal Planning Commission Meeting.
- June 27 - Rotary Farmer's Night.
- June 29 - Ponoka Stampede Parade.

(d) Councillor Fischer

- No report – absent from meeting.

(e) Councillor Simons

- No meetings to report.

(f) Councillor Thorogood

- No report – absent from meeting.

(g) Councillor Wildeboer

- No report – absent from meeting.

8. **Minutes:**

- (a) Stettler Town & Country Museum Meeting of May 16, 2011 and Curator's Report of June 20, 2011

**Motion 11:07:11**

Moved by Councillor Bachman that the Minutes, item 8(a) be accepted for information.

MOTION CARRIED  
Unanimous

9. **Public Hearing:**

- (a) 8:00 P.M.-Bylaw 2014-11 re: Amend Land Use Bylaw

This item was dealt with later in the meeting.



10. **Bylaws:** (a) Bylaw 2014-11 re: Amend Land Use Bylaw  
This item was dealt with later in the meeting.

11. **Correspondence:** (a) FCC AgriSpirit Fund Grant Application  
Assistant CAO, G. Switenky noted that the Town is not providing any financial resources to this project, rather as a recognized municipality is only agreeing to accept the donation on behalf of the project, issue a tax deductible receipt, and flow the funds through to the project.  
Discussion ensued respecting the cost shared nature of this school yard/community/playground project between the Christ King Catholic School and the Clearview School Division.

It was noted that there was also a substantial donation generated for the project through the local Ford Dealership.

- (b) Stettler Waste Management Authority Financial Statements

Assistant CAO, G. Switenky reviewed the Stettler Waste Management Authority Financial Statements for the year ended December 31, 2010.

It was mutually agreed that the Town of Stettler Council accept the Stettler Waste Management Authority Financial Statements for the year ended December 31, 2010 as presented.

**Motion 11:07:12** Moved by Councillor Campbell that correspondence items 11(a) & 11(b) be accepted for information.

MOTION CARRIED  
Unanimous

12. **Items Added:** (a) None

13. **In-Camera:** (a) County of Stettler re: MOU

**Motion 11:07:13** Moved by Councillor Campbell that the Town of Stettler Council proceed into an In-Camera Session with the CAO & Assistant CAO present to discuss the In-Camera item.

MOTION CARRIED  
Unanimous at 7:25 p.m.

**Motion 11:07:14** Moved by Councillor Bachman that the Town of Stettler Council return to the regular meeting.

MOTION CARRIED  
Unanimous at 7:40 p.m.

**Motion 11:07:15** Moved by Councillor Simons that the Town of Stettler Council approve the execution of a Memorandum of Understanding, as substantively presented, with the County of Stettler No. 6 respecting a proposed Waste to Energy Project in partnership with Prairie Bio Gas Ltd.

MOTION CARRIED  
Unanimous at 7:40 p.m.

Mayor Richards temporarily recessed the meeting at 7:41 p.m.

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

9. **Public Hearing:** (a) 8:00 P.M.–Bylaw 2014-11 re: Amend Land Use Bylaw

Mayor Richards declared the Public Hearing for Bylaw 2014-11 open at 8:00 p.m.

Present:

Mayor D. Richards  
Councillors A. Campbell, D. Bachman & P. Simons.  
CAO R. Stoutenberg & Assistant CAO G. Switenky  
Press (2)  
Public (1)

Mayor Richards explained the purpose of the Public Hearing and noted that there was one person representing the developer present and no members of the general public present.

Mayor Richards advised that Bylaw 2014-11 is to amend Schedule "A" of the Land Use Bylaw 1797-98 respecting a portion of the remainder of QTR: S.E. SEC 05, TWP 39, RNG 19, M4 being rezoned from UR – Urban Reserve to C2 - Highway Commercial.

Mayor Richards advised that the bylaw was advertised on June 15 & 22, 2011 for the Public Hearing to be held tonight (July 5<sup>th</sup>).

Administration informed Council that no written or verbal submissions have been received for or against Bylaw 2014-11.

There were no other representations heard or made.

Mayor Richards declared the Public Hearing for Bylaw 2014-11 closed at 8:02 p.m.

Mayor Richards reconvened the regular Council Meeting at 8:02 p.m.

10. **Bylaws:** (a) 2014-11 re: Amend Land Use Bylaw

Mayor Richards explained that this Bylaw can now be considered for further readings following the Public Hearing that was just conducted.

**Motion 11:07:16**

Moved by Councillor Campbell that the Town of Stettler Council give second reading to Bylaw 2014-11.

MOTION CARRIED  
Unanimous

**Motion 11:07:17**

Moved by Councillor Simons that the Town of Stettler Council give third and final reading to Bylaw 2014-11.

MOTION CARRIED  
Unanimous

14. **Adjournment:**

**Motion 11:07:18**

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

MOTION CARRIED  
Unanimous at 8:03 p.m.

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Mayor

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Assistant CAO