

**MINUTES OF THE REGULAR MEETING OF THE TOWN OF STETTLER COUNCIL
HELD ON TUESDAY, MAY 18, 2010 IN THE MUNICIPAL OFFICE,
COUNCIL CHAMBERS**

Present: Mayor Dick Richards

Councillors A. Campbell, D. Bachman, D. Dennis, D. Garbutt,
R. Peeples & L. Thorogood

CAO R. Stoutenberg
Assistant CAO G. Switenky

Press (2)

Absent: None

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

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

Motion 10:05:16 Moved by Councillor Peeples to approve the agenda as presented with the following deletions:

- 6(b) Memo re: Policy III-1(a) Private Party Work Request
- 6(c) Memo re: Policy VI-3(c) Water & Sewer Installation Fees

MOTION CARRIED
Unanimous

3. **Confirmation of Minutes:**

- (a) Minutes of the Regular Meeting of Council held May 4, 2010

Motion 10:05:17 Moved by Councillor Thorogood that the Minutes of the Regular Meeting of Council held on May 4, 2010 be approved as presented.

MOTION CARRIED
Unanimous

- (b) Business Arising from the May 4, 2010 Meeting Minutes

Brief discussion ensued regarding the maximum size of vehicles that will be able to park in the Town's parking facility at the north end of 51 Street once upgrades are completed.

- (c) Minutes of the Committee Meeting held May 11, 2010

Motion 10:05:18 Moved by Councillor Bachman that the Minutes of the Committee Meeting held on May 11, 2010 be approved as presented.

MOTION CARRIED
Unanimous

- (d) Business arising from the May 11, 2010 Committee Meeting

Brief discussion ensued regarding the meeting on June 10, 2010 with the Solicitor General, and the impact that the Summer Villages have on the seasonal policing workload.

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

5. **Delegations:** (a) 7:15 P.M. – Dean Olson, Olson Construction, Vic Walls, Border Paving & Phil Nelson, Tagish Engineering re: 47 Avenue Service Road Concrete

This item was dealt with later in the meeting.

6. **Administration:** (a) Committee Recommendation
1. Commercial and Industrial Site and Building Design Guidelines

CAO, R. Stoutenberg advised that these design guidelines were reviewed at the Committee of the Whole Meeting held on May 11, 2010. He noted that the County of Stettler will be incorporating these same design guidelines in their Land Use Bylaw.

Motion 10:05:19

Moved by Councillor Thorogood that the Town of Stettler Council direct Administration to prepare a Land Use Bylaw Amendment incorporating the Commercial and Industrial Site and Building Design Guidelines, as substantively presented. And further that these design guidelines be applied as an overlay district in the growth areas as identified in the Intermunicipal Development Plan, as well as, in the Highway Commercial and Industrial Areas adjacent to or prominently visible from a primary highway within the Town of Stettler's corporate boundaries.

MOTION CARRIED (5-2)
Opposed: Councillors Campbell & Dennis

- (b) Memo re: Policy III-1(a) Private Party Work Request

This item was deleted from the agenda for further Administrative review.

- (c) Memo re: Policy VI-3(c) Water & Sewer Service, Town Service Pipe, Connection and Installation Charges

This item was deleted from the agenda for further Administrative review..

- (d) Memo re: Cabinet Tour Date & Location

CAO, R. Stoutenberg advised that as a result of weather cancellations no replacement date or location has been set.

Mayor Richards advised that he has on behalf of the Town made an offer to host the Cabinet Tour Meeting for our area.

- (e) Bank Reconciliation

Motion 10:05:20

Moved by Councillor Garbutt that the Town of Stettler Council accept the Bank Reconciliation as of April 30, 2010 as presented.

MOTION CARRIED
Unanimous

- (f) Accounts Payable in the amount of \$823,549.86

Motion 10:05:21

Moved by Councillor Campbell that Accounts Payable in the amounts of \$80,911.26, \$3,609.85 & \$739,028.75 for the period ending May 13, 2010 for a total amount of \$823,549.86 having been paid, be accepted as presented.

MOTION CARRIED
Unanimous

7. **Council:**

Mayor and Councillors outlined highlights of meetings they attended.

(a) Mayor Richards

- May 5 - McHappy Day.
- May 7 - Town Office duties.
- May 11 - Committee of the Whole Meeting.
- May 12 - Brought Greetings to the Atco Symposium volunteer supper.
- May 13 - Brought Greetings to the Atco Symposium.
- May 14 - Town Office duties.
- May 17 - Meeting with Keith Ryder and Dr. Patel re: Age Care.
 - Sports Park Fundraising Meeting.
- May 18 - CAEP Meeting in Red Deer.

(b) Councillor Bachman

- May 11 - Committee of the Whole Meeting.
- May 17 - Signed cheques at FCSS.
- May 18 - MPC Meeting.

(c) Councillor Campbell

- May 11 - Board of Trade Meeting.
 - Committee of the Whole Meeting.
- May 12 - Atco Volunteer Supper.
- May 13 - Atco Symposium.
 - Rodeo Meeting.
- May 18 - MPC Meeting.

(d) Councillor Dennis

- May 11 - Committee of the Whole Meeting.
- May 17 - Museum Board Meeting re: June 5 pancake breakfast and July 1 celebrations.

(e) Councillor Garbutt

- May 11 - Committee of the Whole Meeting.
- May 18 - MPC Meeting.

(f) Councillor Peeples

- May 6 - Beautification Committee Meeting.
- May 11 - Committee of the Whole Meeting.
- May 12 - Atco Volunteer Supper.
- May 13 - Atco Symposium.
- May 18 - MPC Meeting.

(g) Councillor Thorogood

- Apr 22 - Health Advisory Council (HAC 9) Meeting.
- Apr 26 - Sports Park Meeting.
- May 12 - Atco Volunteer Supper re: Sports Park Presentation.
- May 13 - Atco Symposium.
- May 18 - MPC Meeting.

8. **Minutes:**

- (a) Heartland Beautification Meeting of May 6, 2010
- (b) Board of Trade & Community Development Meeting of April 13, 2010

Motion 10:05:22

Moved by Councillor Thorogood that the Minutes, items 8(a) & 8(b) be accepted for information.

MOTION CARRIED
Unanimous

9. **Public Hearing:**

- (a) None

10. **Bylaws:**

- (a) None

11. **Correspondence:**

- (a) Invitation from Kevin Sorenson re: Election Readiness Preparations – June 11th
- (b) One Man's Trash is Another Man's Treasure
- (c) Attracting and Retaining Employees Workshop
- (d) Red Deer River Watershed Alliance Request

Council reviewed the executive summary and the scope & objectives of the Terms of Reference for the development of an Integrated Watershed Management Plan.

It was mutually agreed that the Town will support the Terms of Reference as requested by the Red Deer River Watershed Alliance.

- (e) Central Alberta Economic Partnership (CAEP)

It was mutually agreed that the Town will continue to be a member of CAEP and will pay the 2010 annual membership fee in the amount of \$1,752.90 (\$0.30 per capita).

- (f) Drumheller & District Chamber of Commerce

Councillor Thorogood will represent the Town of Stettler, as an invited guest at the parade on July 1, 2010 in Drumheller.

- (g) Town of Bashaw

Councillor Bachman will represent the Town of Stettler, as an invited guest at 9th annual rodeo/parade on June 12, 2010 in Bashaw.

(h) County of Stettler re: Rodeo Weekend

It was mutually agreed that a contingent of available Members of Council will serve at the Stettler rodeo pancake breakfast on Sunday, August 15, 2010.

Motion 10:05:23

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

MOTION CARRIED
Unanimous

5. **Delegations:**

(a) 7:15 P.M. – Dean Olson, Olson Construction, Vic Walls, Border Paving & Phil Nelson, Tagish Engineering re: 47 Avenue Service Road Concrete

Dean Olson, President & General Manager of Olson Construction, Vic Walls, General Manager of Border Paving & Phil Nelson C.E.T., Tagish Engineering (representing the Town) entered the meeting at 7:20 p.m.

Mayor Richards welcomed delegation members to the meeting and initiated introductions.

It was noted that the Town of Stettler has previously (Special Council Meeting on October 7th, 2009) refused to accept Olson's work based on the following reasons: Does not meet specifications; curb & gutter are tilted; Poor workmanship; and there are horizontal & vertical deviations in the curb alignment.

D. Olson offered an explanation of the installation challenges his company encountered respecting the concrete curb & gutter installed by his company (operating as a sub-contractor of Border Paving) on the Highway 12/ 47th Avenue service road in 2009. He stated that his company never received an appropriate grade sheet or set of plans (from the Town's Engineers) to assist with the installation process. He further stated that surveys had to be taken three times during the installation process to rectify some problems they encountered.

He acknowledged that his company does not have a concrete extruder that meets the Town's exact specifications, however there's is very close. He stated further that the quantity of relevant materials supplied and installed by his company does meet the Town's specifications.

Discussion ensued regarding various installation imperfections/deficiencies that are apparent upon inspection of the finished product.

D. Olson, advised that under the circumstances his company is prepared to correct the previously identified worst sections to improve the system performance and appearance of the finished product. Additionally he offers a \$50,000 credit to the Town which represents an amount roughly equivalent to the labor component included in his sub-contract with Border Paving.

V. Walls explained that a contributing factor to the movement of surface water is the grade/crown of the road, and 47th Avenue has only a very minimum grade/crown. Given this contributing factor, he stated that in his opinion the curb & gutter as installed by Olson will likely function suitably for the purpose intended and should not cause any unusual maintenance issues for the Town.

Discussion continued regarding the elevation problems encounter by Olson during the concrete pouring, extruding and installation process.

D. Olson advised that his company, at their expense still has approximately 50 to 100 meters of deficiency sections to correct, however the Town will need to simultaneously address, at the Town's expense, some elevation challenges/issues respecting a number of installed catch basins. He also noted that once completed the Town will have a project warranty period as per the contract.

P. Nelson concurred that he has observed that some of the stationary catch basins are too high and will require an alternative lid (at the Town's expense) which he is confident should alleviate the elevation problems. It was noted that some creativity in directional grades may have to be utilized to ensure the satisfactory movement of water as well.

It was noted that Olson and Border have crews available to complete the project in the short term, but their window of availability is closing fast as the summer construction season commences.

Discussion continued regarding whether the Town's expectation of gaining a higher degree of functional perfection at this location is reasonable, and whether a full removal and replacement of the curb and gutter at this location would actually make any noticeable improvement to the operational functionality and intended performance of this drainage system (once identified deficiencies have been corrected).

Discussion continued regarding whether Town Administration was in agreement with amount/lengths of deficiency replacements necessary to make the overall project acceptable. D. Olson stated that he will perform, at his expense and within reason, the corrective replacements necessary to make the system work as intended in the contract.

It was questioned whether the Town's Engineer would consider the overall project acceptable once the agreed upon improvements were finished by all parties.

P. Nelson stated that based on the commitments he has heard during this meeting, he believes that the ultimately finished project would be functional and acceptable by the Town, notwithstanding some workmanship and/or appearance items remaining that are consider relatively minor in nature.

Discussion ensued regarding Council's support or rejection of the verbal offer made by D. Olson. It was mutually agreed that a majority of Council Members support a joint working solution to rectify and complete the existing project in a timely manner along with a substantial financial credit to recognize workmanship/installation deficiencies.

CAO R. Stoutenberg requested (given compressed timing concerns) that Council, if willing to accept Olson's verbal offer on a qualified basis, will need to trust Senior Town Administration, Tagish Engineering, Border Paving and Olson Construction to mutually agree upon the associated work necessary to complete the project to an acceptable state.

It was noted that for expedience and clarity purposes, this item will not return to Council unless Administration is unable to mutually agree with the contractor(s) respecting the work to be undertaken necessary to substantively remedy the existing condition of the curb & gutter.

Mayor Richards, with the mutual consent of Council agreed to accepted on a qualified basis the offer from Olson Construction (as verbally presented by D. Olson) subject to the Town's CAO being satisfied that the amount of remedial work to be performed by Olson Construction will/does remedy the primary concerns of the Town as to workmanship, functional performance and future maintenance.

He further encouraged all parties involved to work together to complete this project to a mutually acceptable standard, and noted that Council accepts in good faith the integrity and reputation of all parties involved to complete the remedial work and the balance of the contract in a timely manner as represented to Council during this meeting.

CAO R. Stoutenberg concluded that he will provide Council Members with project status updates to keep them informed on an ongoing basis. He further stated that even after corrections are made the Town will have to accept some inherent imperfections, not generally expected to be present in a new pour, however not unheard of in remediation projects.

Mayor Richards thanked delegation members for attending the meeting and for their commitment to ensuring this infrastructure renewal contract is completed.

Delegation members departed the meeting at 8:15 p.m.

12. **Items Added:** (a) None
13. **In-Camera Session:** (a) There was no In-Camera Session at this meeting

14. Adjournment:

Motion 10:05:24

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

MOTION CARRIED
Unanimous at 8:25 p.m.

Mayor

Assistant CAO