

**MINUTES OF THE REGULAR MEETING OF THE TOWN OF STETTLER COUNCIL
HELD ON TUESDAY, NOVEMBER 16, 2010 IN THE MUNICIPAL OFFICE,
COUNCIL CHAMBERS**

Present: Mayor Dick Richards

Councillors A. Campbell, D. Bachman, M. Fischer, P. Simons,
S. Wildeboer & L. Thorogood (via teleconference
speakerphone)

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 10:11:14 Moved by Councillor Bachman to approve the agenda as presented with the following additions:

12(a) Stettler Waste Management Authority Landfill Site & Transfer Station Tour

13(a) In-Camera Session – Personnel Matter

MOTION CARRIED
Unanimous

3. **Confirmation of Minutes:**

(a) Minutes of the Regular Meeting of Council held November 2, 2010

Councillor Wildeboer advised Members of Council that during the November 2, 2010 Council Meeting (his first regular meeting) he should have abstained from voting on the acceptance of cheque #56313 in the amount of \$114.68 to Agline; as this supplier is affiliated with his employer Agro Stettler John Deere.

It was mutually understood and agreed that this error was inadvertent and that the November 2, 2010 Council Minutes should be corrected to reflect his abstention on cheque #56313.

Motion 10:11:15

Moved by Councillor Campbell that the Minutes of the Regular Meeting of Council held on November 2, 2010 be approved as presented with a correction to reflect that Councillor Wildeboer abstained from voting on the acceptance of cheque #56313 in the amount of \$114.68.

MOTION CARRIED
Unanimous

(b) Business Arising from the November 2, 2010 Meeting Minutes

None

4. **Citizen's Forum:** (a) 6:55 P.M. Dale & June Peterson, Larry Macey and Russell Stewart re: Installation of new security fencing near the Water Treatment Plant; impact on the ability for cattle to access adjacent property owner's lands.

This item was dealt with later in the meeting.

5. **Delegations:** (a) None

6. **Administration:** (a) Memo re: Library Board and Stettler Subdivision & Development Appeal Board Appointments

CAO R. Stoutenberg advised that Gail Peterson has expressed an interest to sit as a member at large on the Stettler Library Board. The terms are three years and a member can sit up to 3 consecutive 3-year terms. Her representation on previous boards has proved to be very valuable. The Library Board would welcome her participation.

CAO R. Stoutenberg also advised that Dave Dennis would like to sit as a member at large on the Stettler Subdivision & Development Appeal Board. He noted that with Dave's knowledge of development he would be an asset to this board. This is a one-year term and would expire in October 2011.

Motion 10:11:16

Moved by Councillor Fischer that the Town of Stettler Council approve the appointments of Gail Peterson to the Stettler Public Library Board and the appointment of Dave Dennis to the Stettler Subdivision & Development Appeal Board.

MOTION CARRIED
Unanimous

Mayor Richards with the mutual consent of Council varied the order of the agenda to deal with Items 6(b), 6(c), 10(a), 10 (b) & 10(c) later in the meeting to allow Planning Staff to arrive/attend.

- (b) Request for Decision re: 1082604 AB Ltd. Subdivision 2010-03

This item was dealt with later in the meeting.

- (c) Wilfort Development Agreement

This item was dealt with later in the meeting.

- (d) Memo re: AHS Community Health Centre

CAO R. Stoutenberg advised that the AE Kennedy Building owned by the Town of Stettler (Lessor) is currently the location for the Alberta Health Services Stettler Community Health Centre (Lessee). Alberta Health Services has recently brought up some issues regarding upgrades and repairs to this aging facility.

A breakdown of the various maintenance items that have been completed to date in 2010 was reviewed.

Due to the unanticipated (but required) replacement of the Emergency Exit Stairs, the Town of Stettler has an over-expended balance in the Health Unit's annual operational budget accounts.

The 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.

A summary of the works identified as priorities in 2011 with estimated costs at (\$78,163.40) was also reviewed.

Based on the existing lease and subsequent amendments that were agreed to in April of 2008, the lease rates were set at \$9.25/sq ft. As well, Council's direction in 2008 stated that following the 2010 lease period, negotiations and approvals will be required between both parties.

CAO R. Stoutenberg provided Council with a brief history respecting this building.

Discussion ensued respecting clarity/negotiation for cost sharing responsibilities, and fair market rental rates.

Motion 10:11:17

Moved by Councillor Thorogood that the Town of Stettler Council initiate a meeting with Alberta Health Services to develop a maintenance priority list and discuss the lease rates for 2011-2013 and/or cost sharing of priority upgrades.

MOTION CARRIED
Unanimous

(e) Bank Reconciliation as of October 31, 2010

Motion 10:11:18

Moved by Councillor Wildeboer that the Town of Stettler Council accept the Bank Reconciliation as of October 31, 2010 as presented.

MOTION CARRIED
Unanimous

(f) Accounts Payable in the amount of \$656,853.65

Motion 10:11:19

Moved by Councillor Simons that Accounts Payable in the amounts of \$441,306.93, & \$215,546.72 for the period ending November 12, 2010 for a total amount of \$656,853.65 having been paid, be accepted as presented.

MOTION CARRIED
Unanimous

7. **Council:**

Mayor and Councillors outlined highlights of meetings they attended.

(a) Mayor Richards

- Nov 5 - Met with former Councillor Garbutt and presented recognition picture.
- Proclamation and picture re: Communities Against Abuse.
- Town Office duties.
- Nov 9 - Attended the Main Street Grand Opening of the Streetscape of the Village of Alix.
- Nov 11 - Remembrance Day Ceremony.

- Nov 12 - Meeting with MLA Hayden and CAO Stoutenberg.
- Nov 13 - Attended the Kinsmen Fundraiser.
- Nov 15 - Sports Park Fundraising Committee Meeting.
 - Annexation Meeting.
- Nov 16 - Meeting with Deputy Mayor and a concerned County resident.

(b) Councillor Bachman

- Nov 4 - Parkland Regional Library Board Meeting in Lacombe.
- Nov 5 - Greetings from the Town at the Rotary Club Event.
- Nov 8 - FCSS Meeting.

(c) Councillor Campbell

- Oct 14 - Premier's Dinner in Red Deer.
- Oct 15 - Municipal Planning Commission Meeting.
- Oct 16 - Attended Staff Wedding.
- Oct 18 - Voted at Municipal Election.
- Oct 21 - Board of Trade supper.
- Oct 27 - Organizational Meeting.
- Oct 28 - Tour of Town Facilities.
- Nov 1 - Stettler Waste Management Executive Meeting.

(d) Councillor Fischer

- Nov 8 - FCSS Meeting.
- Nov 15 - Annexed Landowner's Meeting.
- Nov 16 - Meeting with Mayor Richards and a concerned County resident.
 - Visited a citizen regarding snow removal.

(e) Councillor Simons

- Nov 4 - Heartland Beautification Committee Meeting.
- Nov 15 - Annexed Landowner's Meeting.
 - Wm. E. Hay Grade 12 Portfolio presentations.

(f) Councillor Thorogood

- No report.

(g) Councillor Wildeboer

- Nov 4 - Heartland Beautification Committee Meeting.
- Nov 15 - Annexed Landowner's Meeting.

8. **Minutes:**

- (a) Heartland Beautification Committee Meeting of November 4, 2010
- (b) Stettler Regional Board of Trade & Community Development Meeting of October 12, 2010

Motion 10:11:20

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

MOTION CARRIED
Unanimous

4. **Citizen's Forum:** (a) 6:55 P.M. Dale & June Peterson, Larry Macey and Russell Stewart re: Installation of new fencing (south end) near the Water Treatment Plant between Town owned lands and the adjacent property owner's lands.

Dale & June Peterson, Larry Macey and Russell Stewart entered the meeting at 6:55 p.m.

Mayor Richards welcomed the delegation to the meeting.

Mr. Peterson explained to Council that the installation of the Town's new fence at the WTP has caused him logistical problems with the movement of his cattle between his properties; especially his property that can only be practically accessed via the Town's lands.

CAO R. Stoutenberg advised that securing the entire region's water supply from contamination is paramount however that the Town strives to be a good neighbor.

Discussion ensued regarding the importance of protecting the Town's raw water source from nearby cattle operations, and finding a solution that will work for both parties.

Mayor Richards concluded that CAO R. Stoutenberg, himself and other interested Members of Council will visit the WTP site and explore options with the adjacent land owners.

Mayor Richards thanked delegation members for attending the meeting and looked forward to cooperatively working towards finding a solution.

The Citizen Forum delegation departed the meeting at 7:10 p.m.

9. **Public Hearing:** (a) None
11. **Correspondence:** (a) Canadian Red Cross Open House for Elected Officials
(b) Brownlee re: Emerging Trends in Municipal Law 2011
(c) Battle River Watershed Alliance
(d) Stettler District Agricultural Society
(e) Alberta Medical Association re: Seniors' Falls Prevention Month
(f) Alberta Communities Pension Plan

Motion 10:11:21

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

MOTION CARRIED
Unanimous

6. **Administration Con't:** (b) Request for Decision re: 1082604 AB Ltd. Subdivision 2010-03

Dave Dittrick, Contract Planner & Leann Graham, Planning & Development Services Assistant entered the meeting at 7:15 p.m.

L. Graham, Planning & Development Services Assistant advised that the applicant (1082604 AB Ltd.) is proposing to create one large lot (0.81 Acres) on lands located at the southwest corner of 4501-57 Street (Rotary Campground site), essentially creating two titles from a property that is physically severed by Red Willow Creek. The intention is to rezone the newly created parcel from P – Public Use District to R2 –Residential General to accommodate future residential development.

L. Graham, Planning & Development Services Assistant explained that Administration has assessed this proposal against the *Municipal Government Act*, Municipal Development, Inter-Municipal Development Plan and Land Use Bylaw. Administration has met with the developer and discussed the re-zoning process as well as restricted future building envelopes/set-backs for the proposed residential parcel(s) to address flood plain issues.

The Municipal Development Plan (Section 2) and the Inter-Municipal Development Plan (Section 5) identify that environmentally sensitive lands and Red Willow Creek in particular should be protected and environmental reserves be dedicated at time of subdivision for such. The proposed development is within the 1:100 year flood plain identified by Alberta Environment. In addition storm water will be managed for this development by directing water to the 57 Street storm systems to reduce flooding and flows into Red Willow Creek. The Town of Stettler will require flood prevention measures upon future development.

L. Graham, Planning & Development Services Assistant advised that the lands are currently zoned Public Use with the intention to re-zone to Residential General following the subdivision approval.

It was noted that Town Council has a legal responsibility to ensure that only proper construction/development occurs within flood plains.

Discussion ensued respecting relatively small size of any future residential development of this parcel within the Red Willow Flood plain, and the requirement for a future developer to construct in accordance with proper flood mitigating measures.

Motion 10:11:22

Moved by Councillor Fischer that the Town of Stettler Council approve Subdivision Application 2010-02 as presented for the following reasons:

That the application to create one lot (0.81 acre) acre as shown on 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, it is proper that the application be approved as per Tentative Plan with conditions:

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

1. That one lot be created in accordance with the Subdivision Plan submitted.

2. That the Subdivision to be effected by a Plan of Survey, pursuant to Section 657 of the Municipal Government Act.
3. That the subdivision access will be from 57 Street.
4. That the Applicant will be required to service the property with municipal water and sewer upon development.
5. That Municipal Reserves be deferred to the balance of the parcel.
6. That the Town of Stettler will require minimum 6 meter easement of Environmental Reserves along Red Willow Creek and/or utility easements with regards to servicing the parcel.
7. That all outstanding property taxes to be paid to the Town of Stettler as per Section 654 (1) (d) of the Municipal Government Act.
8. That the parcel is to be re-zoned to R2 – Residential General.
9. That upon future development the applicant will direct storm water through lot grading to 57 Street.
10. Furthermore, that part of the lot is located within the flood limit and will require flood prevention measures upon future development.

MOTION CARRIED
Unanimous

(c) Wilfort Development Agreement

D. Dittrick, Contract Planner & L. Graham, Planning & Development Services Assistant explained that following subdivision approval (with conditions) from Town Council on October 5, 2010, a Draft Development Agreement was prepared regarding Steven Vaughn Wilfort's proposed West Hwy 12 – Highway Commercial Development.

This draft Development Agreement is for only a 6.22 acre parcel within a quarter section of land along Highway 12; this relatively small subdivision requires a Development Agreement because of the municipal infrastructure that is involved in servicing new property.

All future/subsequent phases and subdivision conditions will be addressed through new development agreements that pertain directly to each phase.

The Draft Development Agreement is a comprehensive document most notably covering the following items:

1. Construction/Compliance/Acceptance of Municipal Improvements
2. Insurance/Indemnity/Security
3. Maintenance and Warranty of Municipal Improvements
4. Over-sizing and Servicing Costs
5. Offsite Levies
6. Utility Easements and Other Instruments
7. Defect or Default by the Developer

The Town's Legal Council (Brownlee LLP) has prepared an Encumbrance Agreement (1st Mortgage on another existing parcel within the same quarter section of land and with direct highway frontage) to be used for security purposes during development. This Encumbrance Agreement is attached as Schedule G to the Development Agreement.

The Draft Development Agreement will be forwarded in its entirety to the Developer and/or his consultant. A minimum of two (2) weeks should be allowed for final preparation, and signing of the document. Construction will not be allowed until a notice to proceed has been issued by the Town.

Discussion and clarification of the location of the 6.22 acre parcel was reviewed as well as the utility service connection routes were highlighted. The overall outline plan for the entire area was also reviewed for information purposes.

It was noted that the Applicant/Developer and the Town have worked cooperatively on this plan to date.

Motion 10:11:23

Moved by Councillor Wildeboer that the Town of Stettler Council approve the Draft Development Agreement with Steven Vaughn Wilfort's for the first phase of the West Hwy 12 – Highway Commercial Development.

MOTION CARRIED
Unanimous

10. **Bylaws:**

(a) 2001-10 re: West Stettler Hwy 12 South Area Structure Plan Request for Decision

D. Dittrick, Contract Planner advised that the Applicant (Steve Wilfort) is proposing that Council approve an Area Structure Plan for the entire SE 1-39-20-W4.

Following 1st reading of this encompassing Planning Bylaw Administration will circulate the Area Structure Plan to Alberta Transportation for their approval which is required prior to any further processing of the Bylaw by Administration. Once this Area Structure Plan is approved by the Province, Council can then approve subsequent localized subdivision applications without seeking further consent from Alberta Transportation (provided that they are in accordance with the approved area structure plan).

D. Dittrick, Contract Planner advised that the landowner and the Town have been working cooperatively respecting this Area Structure Plan (for the Wilfort Quarter Section that was recently annexed into the Town).

D. Dittrick, Contract Planner explained that Administration has assessed this application against the provisions outlined in the Town of Stettler Municipal Development Plan as well as the Stettler Inter-municipal Development Plan. It was noted that the goals and intentions of the said broad municipal planning documents have been maintained.

Discussion ensued respecting the various intended future phases of development within this area.

Mayor Richards advised that this Bylaw is before Council for first reading only at this meeting.

Motion 10:11:24

Moved by Councillor Campbell that the Town of Stettler Council give first reading to Bylaw 2001-10.

MOTION CARRIED
Unanimous

(b) 2002-10 re: Land Use Bylaw Amendment UR to R2 Request for Decision

D. Dittrick, Contract Planner advised that the Applicant (H. Kahl Construction Ltd.) is proposing to amend a +/- 1.83 acre portion of the NW 6-39-19-W4 to R2 at 5202 – 61 Street to enable the landowner to subdivide the lands into three properties: the existing residence; the lands west of Red Willow Creek (currently being used for industrial purposes); and the lands east of Red Willow Creek to be used for future residential development.

D. Dittrick, Contract Planner explained that Administration has assessed this application against the provisions outlined in the Town of Stettler Municipal Development Plan where the goals of the said document(s) have been maintained in compliance with the Land Use Bylaw 1976-08, and other key issues mentioned in the Memorandum to Council as presented.

D. Dittrick, Contract Planner advised that following the Public Hearing concerning this Bylaw application, Administration will be requesting that Council approve the Outline Plan. An Outline Plan differs from an Area Structure Plan in that there is less detail provided, giving future developers some flexibility concerning lot density, road alignment, dedication of reserves, etc. At the time of subdivision, the municipality will require that additional supporting information is prepared. The Outline Plan identifies the 42.71 acres of lands east of the creek being developed into the following:

- o 4.80 acres of reserves;
- o 4.82 acre public utility lot with storm pond;
- o 207 single family dwelling units;
- o 2 apartment sites to accommodate an additional 100 dwelling units (minimum);
- o 35 single detached dwelling lots with lanes;
- o 12 single detached dwelling lots without lanes (alternatively these could be developed into duplex lots);
- o 18 large single detached dwelling estate lots; and
- o 42 manufactured home lots.

It was noted that a Public Hearing for Bylaw 2002-10 will be advertised on November 24 and December 1, and will be held on December 7th, 2010.

Discussion ensued respecting the likelihood that upon further build-out of the area traffic congestion will become an issue in the future along 61 Street as well as at the existing 61st Street intersection with Highway #12 to the south.

Motion 10:11:25

Moved by Councillor Thorogood that the Town of Stettler Council give first reading to Bylaw 2002-10.

MOTION CARRIED
Unanimous

(c) 2004-10 re: Land Use Bylaw Amendment R1 to R2 Request for Decision

L. Graham, Planning & Development Services Assistant advised that the applicant (Barry & Shariane Schultz) are proposing to rezone their rental property from Low Density Residential to General Residential at 5704 – 47 Avenue on Lot 18 and Pt Lot 19, Block 7, Plan 4621KS. The applicant's proposal to rezone to R2: Residential General is to allow for the development of a Single Family Dwelling with a Basement Suite for rental purposes. The immediate residential block adjacent to their property is zoned R1: Low Density Residential.

If allowed this will provide a mix of permitted housing types within the block, however in the immediate future the property would remain a single dwelling residential style home with an accessory use of a basement suite.

L. Graham, Planning & Development Services Assistant explained further that staff has assessed this application against the provisions outlined in the Town of Stettler Municipal Development Plan and the current Land Use Bylaw.

She stated further that if given first reading, Bylaw 2004-10 will be advertised (and neighboring landowners notified by mail) on November 24, 2010 and December 1, 2010 and a Public Hearing will be held on December 7, 2010.

Discussion ensued respecting whether it was appropriate to spot rezone a single dwelling parcel to a higher density within an existing low density neighborhood.

Discussion continued respecting that by allowing the rezoning of this parcel (to R2 General Residential) a future redevelopment on this property could be proposed as discretionary uses under the R2 zoning and potentially be a substantially higher density development (i.e.: fourplex).

Discussion continued respecting whether a rezoning of the entire block would be more appropriate than a single mid-block parcel.

Motion 10:11:26

Moved by Councillor Bachman that the Town of Stettler Council give first reading to Bylaw 2004-10.

MOTION DEFEATED (6-1)
Opposed: Mayor Richards and
Councillors Wildeboer, Fischer,
Simons, Bachman & Thorogood

Mayor Richards thanked D. Dittrick & L. Graham for attending the meeting and providing valuable information to Council.

D. Dittrick & L. Graham departed the meeting at 8:16 p.m.

12. **Items Added:** (a) Stettler Waste Management Authority Landfill Site & Transfer Station Tour

CAO R. Stoutenberg advised that a tour of the Stettler Waste Management Authority Landfill Site and Transfer Stations has been arranged for December 2, 2010 and will be departing from the County of Stettler No. 6 Office at 10:00 a.m.

13. **In-Camera Session:** (a) Personnel Issue

Motion 10:11:27

Moved by Councillor Bachman that the Town of Stettler Council proceed into an In-Camera Session with the CAO & Assistant CAO present to discuss the above In-Camera items.

MOTION CARRIED
Unanimous at 8:17 p.m.

Motion 10:11:28

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

MOTION CARRIED
Unanimous at 8:20 p.m.

Motion 10:11:29

Moved by Councillor Fischer that the Town of Stettler Council approve a salary grid extension for the Parks & Leisure Services Office Administrator position to recognize new supervisory responsibilities for the front office staff at the Stettler Recreation Centre.

MOTION CARRIED
Unanimous

14. **Adjournment:**

Motion 10:11:30

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

MOTION CARRIED
Unanimous at 8:21 p.m.

Mayor

Assistant CAO