

**MINUTES OF THE REGULAR MEETING OF THE TOWN OF STETTLER COUNCIL
HELD ON TUESDAY, SEPTEMBER 6, 2011 IN THE MUNICIPAL OFFICE,
COUNCIL CHAMBERS**

Present: Mayor Dick Richards

Councillors A. Campbell, D. Bachman, M. Fischer, L. Thorogood,
P. Simons & S. Wildeboer

CAO R. Stoutenberg
Assistant CAO G. Switenky

Press (1)

Absent: None

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

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

Motion 11:09:01 Moved by Councillor Wildeboer to approve the agenda as presented with the following addition:

13(a) In-Camera Re: Personnel Matters

MOTION CARRIED
Unanimous

3. **Confirmation of Minutes:**

(a) Minutes of the Regular Meeting of Council held August 16, 2011

Motion 11:09:02 Moved by Councillor Thorogood that the Minutes of the Regular Meeting of Council held on August 16, 2011 be approved as presented.

MOTION CARRIED
Unanimous

(b) Business Arising from the August 16, 2011 Meeting Minutes

None

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

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

6. **Administration:** (a) Memo re: Apollo Lodge #27 – Tax Refund Request

Councillor Campbell declared a possible conflict of interest and by departing the Council Chambers excused himself from voting and discussion on this item.

CAO, R. Stoutenberg noted that in previous years the practice of Town Council has been to refund/rebate the municipal portion of the property taxes for the Apollo Lodge. The reason for this refund is that part of the Apollo Lodge is used and/or accessible by the general community in a similar manner to other tax exempt halls.

Brief discussion ensued regarding the relative fairness of this municipal tax rebate in relation to other halls being tax exempt in their entirety. It was noted that the Apollo Lodge is still required to pay taxes for schools and housing purposes.

Motion 11:09:03

Moved by Councillor Fischer that the Town of Stettler Council approves a refund of 2011 municipal property taxes for the Apollo Lodge #27, Tax Roll #119900009 in the amount of \$978.07 as allowed per Section 347 of the *Municipal Government Act*.

MOTION CARRIED
Unanimous with the abstention of
Councillor Campbell

Councillor Campbell returned to the meeting.

(b) Memo re: Alberta Health Services

CAO, R. Stoutenberg advised that at AUMA's August 4, 2011 Healthy Communities Committee Meeting a presentation was made by Dr. Chris Eagle, President & Chief Executive Officer of Alberta Health Services. Dr. Eagle indicated that Alberta Health Services is realigning its structure to support AHS by streamlining decision making and expanding local accountabilities. Zone Vice Presidents are also encouraged to engage communities, staff and partners.

This is a good opportunity to meet key players and to develop a strong working relationship with senior AHS staff.

It was mutually agreed that the Town of Stettler Council coordinate a meeting with our area health partners (hospital, ambulance, doctors, municipalities, Keith Ryder, etc.) and Kerry Bales, Senior Vice President of AHS, as well as our MLA to discuss local health issues.

(c) Request for Decision re: AB Prairie Steam Tours Subdivision 2011-08

This item was dealt with later in the meeting.

(d) Memo re: Flare Tech Inc. - Hwy 56 North Development Proposal

This item was dealt with later in the meeting.

(e) Memo re: Disposal of Parkland

This item was dealt with later in the meeting.

(f) CAO Report

Motion 11:09:04

Moved by Councillor Bachman that the CAO Report for the month of August be accepted as presented.

MOTION CARRIED
Unanimous

(g) Bank Reconciliation as of July 31, 2011

Motion 11:09:05

Moved by Councillor Fischer that the Bank Reconciliation as of July 31, 2011 be accepted as presented.

MOTION CARRIED
Unanimous

- (h) Accounts Payable in the amount of \$522,163.89

Motion 11:09:06

Moved by Councillor Simons that Accounts Payable in the amounts of \$44,945.75, \$251,851.15, \$81,534.52 & \$143,832.47 for the period ending September 2, 2011 for a total amount of \$522,163.89 having been paid, be accepted as presented.

MOTION CARRIED
Unanimous

7. **Council:**

Mayor and Councillors outlined highlights of meetings they attended.

(a) Mayor Richards

- Aug 22 - Doctor Recruitment Meeting.
- Aug 24 - Funeral for Rod McElroy.
- Aug 30 - Mock Disaster Exercise.

(b) Councillor Bachman

- Aug 18 - MPC Meeting.
- Aug 20 - Bashaw Parade.
- Sept 1 - Library Meeting.

(c) Councillor Campbell

- Aug 30 - Mock Disaster Exercise.
- Sept 5 - Fly-In Breakfast.

(d) Councillor Fischer

- Aug 18 - MPC Meeting.
- Aug 20 - Byemoor Parade.
- Aug 25 - Met with citizen re: zoning discussion.
- Aug 26 - Met with citizen re: undeveloped property maintenance concern.
 - Met with Bonnie Ireland re: Campus Alberta Lease developments.
- Aug 30 - Completed and signed letter of support for Bonnie Ireland nomination of award.
 - Meeting with John Bailey, Clearview Superintendent.
- Aug 31 - Met with CAO and Director of Parks & Leisure to tour and discuss citizen concerns regarding property maintenance concerns. Then met with property owner to convey solution ideas.

(e) Councillor Simons

- No meetings to report.

(f) Councillor Thorogood

- Aug 8/9 - Health Sciences Association of Alberta.
- Aug 18 - MPC Meeting.
 - Portraits of Honour Meeting.
- Aug 22 - Signed cheques for SDAA.
 - Physician Recruitment Executive Meeting.
- Aug 29 - Portraits of Honour Meeting.
- Sept 6 - Portraits of Honour Meeting.

(g) Councillor Wildeboer

- Aug 14 - Cooked breakfast for Steel Wheel Stampede.
- Aug 18 - MPC Meeting.

8. **Minutes:** (a) None

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

10. **Bylaws:** (a) 2016-11 re: Borrowing Bylaw – Sidewalk Local Improvement

Mayor Richards explained that Bylaw 2016-11 is to incur indebtedness by the issuance of debenture(s) in the amount of up to Twenty Two Thousand One Hundred Fifty Five Dollars and Seven Cents (\$22,155.07) for the purpose of constructing a Sidewalk Local Improvement.

Mayor Richards advised that Bylaw 2016-11 was advertised for two weeks on August 10 & August 17 and is here tonight (September 6) for 2nd & 3rd readings.

Motion 11:09:07

Moved by Councillor Wildeboer that the Town of Stettler Council give second reading to Bylaw 2016-11.

MOTION CARRIED
Unanimous

Motion 11:09:08

Moved by Councillor Thorogood that the Town of Stettler Council give third and final reading to Bylaw 2016-11.

MOTION CARRIED
Unanimous

(b) 2017-11 re: Borrowing Bylaw – Sidewalk Local Improvement

Mayor Richards explained that Bylaw 2017-11 is to incur indebtedness by the issuance of debenture(s) in the amount of up to Twenty One Thousand, One Hundred Ninety Seven Dollars and Seventy Four Cents (\$21,197.74) for the purpose of constructing a Sidewalk Local Improvement.

Mayor Richards advised that Bylaw 2017-11 was advertised for two weeks on August 10 & August 17 and is here tonight (September 6) for 2nd & 3rd readings.

Motion 11:09:09

Moved by Councillor Campbell that the Town of Stettler Council give second reading to Bylaw 2017-11.

MOTION CARRIED
Unanimous

Motion 11:09:10

Moved by Councillor Bachman that the Town of Stettler Council give third and final reading to Bylaw 2017-11.

MOTION CARRIED
Unanimous

11. **Correspondence:** (a) Economic Development Training or Elected Officials

(b) Business & Citizenship Awards

(c) Municipal Affairs re: 2011-12 Workshop Sessions

(d) AUMA Convention and Trade Show

- (e) Important information re: AUMA Convention
- (f) AUMA 2011 Convention Policy & Resolution Handbook
- (g) Town of Nanton re: AUMA Convention Resolution
- (h) Veterans Ad & Public Relations Advertising Policy XIV-1(a)
- (i) AUMA re: Motor Vehicle Search Fees
- (j) Alberta Rural Development Network
- (k) ARPA Conference and Energize Workshop
- (l) Government of Alberta re: Stars of Alberta Volunteer Award
- (m) Alberta Health Services Information Bulletin

Motion 11:09:11

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

MOTION CARRIED
Unanimous

Mayor Richards returned Council's attention to Administration items deferred earlier in the meeting.

6. **Administration Cont'** (c) Request for Decision re: AB Prairie Steam Tours Subdivision 2011-08

Development Officer, Leann Graham entered the meeting at approximately 7:00 p.m.

Mayor Richards welcomed L. Graham to the meeting.

Development Officer L. Graham advised that the applicant (Alberta Prairie Steam Tours) is proposing to create one industrial lot 0.65 acres +/- to be severed from the existing rail right-of-way on Plan RN54 right-of-way and station grounds.

The owner/applicant is currently using the Town of Stettler road right-of-way and a portion of adjacent private lands to access this parcel. Because of the large size of trucks that currently use this undeveloped roadway it constantly deteriorates and there are drainage issues with it. The Town has to continually maintain and fix the road and drainage in this area as best we can.

Public Works recommends upgrading this access to a wider cross section with better ditches built to accommodate the heavy truck traffic and drainage concerns.

It was noted that the original use of the site was the Train Station. Long ago the road was never required to be built to proper specifications as primary access was directly off the abutting rail line.

It was also explained that the existing road ROW is too narrow, as it was originally taken from only the properties being developed immediately to the south and therefore represents only ½ of the road width necessary. The property to the north has never been developed and will eventually be required to provide the remaining area for a proper road width.

Further, there is currently no location for emergency vehicles to turn around and therefore it is recommended that part of any road upgrade will need to include an emergency vehicle turn around with a minimum 12 meter centre radius.

Roundtable discussion ensued respecting who is responsible for the costs associated with upgrading the road at this time.

CAO, R. Stoutenberg explained that adjacent property owners are responsible for the costs associated with constructing the road to Town standards once, and then the Town will accept and maintain the road thereafter using general taxation.

Motion 11:09:12

Moved by Councillor Wildeboer that the Town of Stettler Council approve Subdivision Application 2011-08 as presented with the following conditions:

That the application for one (1) industrial lot 0.65 acres +/- 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 recommended that the application be approved as per Tentative Plan for the following reasons:

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 owner/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 and recoverable costs:
 - a. The owner/applicant will be required to construct the road (51A Avenue) to a wider cross section with upgraded ditches to accommodate the heavy traffic use and drainage ditches.
 - b. The owner/applicant will be required to construct the road within the Town of Stettler's Road Right-of-way and extend to the west boundary of the proposed subdivided parcel.
 - c. The owner/applicant will provide a road cross section and drainage plan to the Town of Stettler's Director of Operations for approval.
 - d. The owner/applicant will be required to construct the roadway to the standards set out by the Alberta Building Code.

- e. Further, the cost for construction of 51A Avenue is partially recoverable from adjacent lands through "boundary improvements".
4. The issuance of a Construction Completion Certificate for the municipal improvements to the Town's satisfaction, pursuant to the subdivision development agreement referenced above.
5. The owner/applicant will provide any easements required for servicing the newly subdivided property.
6. The owner/applicant will provide the Town of Stettler with a copy of an access agreement from the adjacent land owner (Plan 8320293). Any access to the proposed parcel will require crossing the adjacent land (Plan 8320293) and therefore requires a lawful means of access.

MOTION CARRIED 6-1
Opposed Councillor Campbell

(d) Memo re: Flare Tech Inc. - Hwy 56 North Development Proposal

Development Officer, L. Graham explained that Flare Tech Inc. desires to purchase a 10 acre (yet to be subdivided) parcel of land within the County of Stettler's development jurisdiction. The intention is to acquire these lands upon which Flare Tech Inc. would operate their existing Flare Stack Manufacturing business. Specifically, the proposed site is located on the east side of Highway 56 north. It is within the Inter-municipal Development Plan (IDP) boundaries/scope, but immediately outside (to the north) of the Town's designated future commercial growth area.

CAO, R. Stoutenberg advised that the fundamental principles associated with our new IDP provide for the orderly development of new commercial ventures within both the Town and County's designated future growth areas/boundaries. This application is not consistent with the IDP and will eventually require the support of the Town to proceed.

It was noted that this application has been referred by County development staff to the Town and that County Council has yet to consider the implications of this application.

Discussion ensued respecting the Town's consistent position that allowing early commercial development within the IDP area, but outside the identified growth boundaries, will erode the intent of the IDP.

It was suggested that the usual administrative referral mechanism for pre-development applications between the Town and County is not appropriate under these circumstances. Town Council would prefer to know County Council's position prior to any consideration of development applications that require a major IDP amendment.

Discussion continued respecting the goal and intention of the IDP to be clear and definite with respect to guiding orderly development for growth, utility servicing, residential development parameters, gateway design guidelines, provisions for infrastructure and recreation funding.

It was noted that the IDP is a package agreement negotiated in good faith resulting in mutually acceptable balance for both parties. When one significant item is subsequently sacrificed, the fundamentally agreed upon balance is eroded and the entire document becomes less fair.

Mayor Richards concluded that Town Council mutually agrees that Town Administration return the development application to County Administration with basic comments that the application is not consistent with the IDP and that any variance/amendment deemed appropriate by County Council will need to be discussed between the parties within the context of the entire IDP being subject to re-evaluation/negotiation to preserve the balance originally agreed upon.

(e) Memo re: Disposal of Parkland

Development Officer, L. Graham explained that in accordance with the *Municipal Government Act*, prior to the sale of park land the Town of Stettler was required to advertise the disposal of park land. The advertisement was published in the Stettler Independent on August 17 and 24, 2011.

The proposed piece of land to be severed from the park is approximately 112.5 square meters and consists of a strip of land 3 meters north of the front property pin and angling to the existing rear property pin of 4811 – 45 Street. This in effect creates a triangular piece of land to be consolidated with the adjacent property to the south. The newly proposed property line would allow the large spruce trees to remain within the park with a fence being installed along the south side of these trees.

If approved by Council the land will require a rezoning bylaw which is advertised for 2 weeks and required a public hearing that will coincide with the subdivision referral of 21 days. If all of the aforementioned is approved at Council the legal survey will take place followed by plan registration. Land title transfer will not take place until such time that all monies are paid to the Town of Stettler, based on actual costs.

The Town of Stettler received 10 written submissions against the disposal of the said parkland as proposed. All submissions were included in the agenda for Council's consideration.

It was noted that Council previously approved a 1 meter continuous strip for sale and then later reconsidered their decision and changed it to give CAO R. Stoutenberg the trusted authority to negotiate an appropriate size based on a wedge shape with more area at the front of the property and less at the rear.

Options:

Option "A" - Proceed with the sale of the land as presented, advising administration to continue with the subdivision and rezoning process.

Option "B" - Refuse the sale of land in its entirety based on the written objections.

Option "C" – Modify the amount of land and the profile to be sold, advising administration to proceed with the revised subdivision and rezoning process.

Discussion ensued regarding whether more trees could be planted in the park and whether the predominantly 3 meter area (abutting the front yard of the adjacent property) should be reduced as implied in some of the submissions.

Discussion continued respecting the importance of parkland in the area and the relative useable size implications of various alternatives.

Motion 11:09:13

Moved by Councillor Thorogood that the Town of Stettler Council, after considering submissions from the public, authorizes the CAO to dispose of existing parkland on the south side of the newly created East End (Kinsmen) playground based on a triangular/wedge shape with approximately 2 meters at the front on the street side tapering to zero meters at the rear of the property.

And that the Town of Stettler Council approves this disposal/offer for sale of the lands lying within the existing parkland to the property owners adjacent to the south side of the newly constructed East End (Kinsmen) Playground.

And further that a price is to be set at the assessed value for 2011 taxation purposes prorated to the actual surveyed size, and with all related costs associated with the subdivision to be paid for by the buyer.

And finally that the Town of Stettler Council acknowledges that this is an acceptable amount of parkland disposal, under the circumstances; to accommodate an appropriate route for the installation and maintenance of a perimeter fence around the playground, saves the most mature trees while still providing adequate useable space/parkland for the people utilizing the playground in the east end of Stettler.

MOTION CARRIED
Unanimous

Mayor Richards thanked Development Officer L. Graham for her valuable presentations and input.

Development Officer L. Graham departed the meeting approximately 7:45 p.m.

- 12. **Items Added:** (a) None
- 13. **In-Camera Session:** (a) Personnel Matters

Motion 11:09:14

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

MOTION CARRIED
Unanimous at 7:43 p.m.

Motion 11:09:15

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

MOTION CARRIED
Unanimous at 8:15 p.m.

14. **Adjournment:**

Motion 11:09:16

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

MOTION CARRIED
Unanimous at 8:15 p.m.

Mayor

Assistant CAO