

FILE

DATE: April 8, 1997
TO: All Departments
FROM: City Clerk
RE: PLEASE POST FOR THE INFORMATION OF ALL EMPLOYEES

SUMMARY OF DECISIONS

FOR THE REGULAR MEETING OF RED DEER CITY COUNCIL
HELD IN THE COUNCIL CHAMBERS, CITY HALL

MONDAY, APRIL 7, 1997

COMMENCING AT ***4:30 P.M.***

- (1) Confirmation of the Minutes of the Regular Meeting of March 24, 1997

DECISION - Confirmed as transcribed

PAGE #

(2) **UNFINISHED BUSINESS**

1. City Clerk - Re: 1997 Assessment Review Board / Appointment
of Councillor and Alternate Councillor to Board

.. 1

**DECISION - Agreed to appoint Councillor Moffat as a
regular member to the 1997 Assessment Review Board**

2. Assistant City Clerk - Re: Land Use Bylaw Amendment 3156/D-
97 / Property of Knights of Columbus & G. Carfantan

.. 4

**DECISION - Agreed to table 3rd Reading of Land Use Bylaw
Amendment No. 3156/D-97 to the May 5, 1997 Council
Meeting**

(3) **PUBLIC HEARINGS**

(4) **REPORTS**

1. Public Works Manager - Re: City of Red Deer and Novacor
Joint Phosphorus Removal .. 5

DECISION - Report received as information

2. Director of Corporate Services & City Assessor - Re: 1997
Reassessment of Properties .. 9

**DECISION - Approved Option No. 2 as outlined in the joint
report from the Director of Corporate Services and the City
Assessor**

(5) **CORRESPONDENCE**

1. Ernst & Young Inc., Receiver and Manager Drummond Brewing
Company Ltd. - Re: Drummond Brewing Company Ltd. / Lot 9,
Block A, Plan 922-1625 / (2210 Gaetz Avenue) / Request
Rezoning from I1 to C4 / Land Use Bylaw Amendment 3156/I-
97 (See Bylaw Section for Readings) .. 31

**DECISION - Agreed to consider Land Use Bylaw
Amendment No. 3156/I-97 to redesignate from I1 to C4
zoning. See Bylaw Section for Readings**

2. Bayview Property & Asset Management Inc. - Re: Checkmate
Hill (#4902 - 37 Street) / Condominium Plan No. 9021647 /
Request to Change Method of Billing for Recycling .. 41

**DECISION - Denied request for change to billing method for
Recycling**

3. Red Deer International Airshow - Re: The Red Deer International Airshow and Feature Act "The Snowbirds" / Request for Permission to Fly Over Red Deer . . 47

DECISION - Approved fly over for dates requested

(6) **PETITIONS AND DELEGATIONS**

(7) **NOTICES OF MOTION**

1. Councillor Schnell - Re: Utility Bylaw Appeals / Proposed Change to Utility Bylaw No. 2960/88 (See Bylaw Section for Readings) . . 50

DECISION - Approved amendment to Utility Bylaw No. 2960/88 with respect to appeals. See Bylaw Section for Readings

(8) **WRITTEN INQUIRIES**

(9) **BYLAWS**

1. 2960/C-97 - Utility Bylaw Amendment 2960/C-97 / Amendment to Utility Bylaw No. 2960/88 / Utility Bylaw Appeals - 3 Readings . . 54
.. 50

DECISION - Bylaw given 3 Readings

2. 3156/I-97 - Land Use Bylaw Amendment 3156/I-97 - Ernst & Young Inc., Receiver and Manager Drummond Brewing Company Ltd. - Re: Drummond Brewing Company Ltd. / Lot 9, Block A, Plan 922-1625 / (2210 Gaetz Avenue) / Request Rezoning from I1 to C4 - 1st Reading . . 55
.. 31

DECISION - Bylaw given 1st Reading

A G E N D A

FOR THE ***REGULAR MEETING OF RED DEER CITY COUNCIL***

TO BE HELD IN THE COUNCIL CHAMBERS, CITY HALL

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.. 31

Committee of the Whole:

- (a) Administrative Matter
- (b) Administrative Matter

DATE: March 25, 1997

TO: City Council

FROM: City Clerk

RE: ***1997 ASSESSMENT REVIEW BOARD***

The Assessment Review Board is appointed annually by City Council in accordance with the Committees Bylaw. The Board consists of three members, including one Councillor and two citizens-at-large. At the Council Meeting of March 24, 1997, Council established a 1997 Assessment Review Board and appointed two citizens-at-large to same.

Prior to considering the appointment of a Councillor, the Administration was requested to review the possibility of appointing an alternate Councillor to the Board, should the regular Councillor be unable to attend a hearing.

The Committees Bylaw states that the Mayor may appoint a person for a specified period of time, as an acting member of the Board, if any regular member is unable to attend a hearing of the Board. As this clause does allow for the appointment of alternate members, no change to the Committees Bylaw will be required.

RECOMMENDATIONS

1. That Council appoint, by resolution, a Councillor to the 1997 Assessment Review Board.
2. That an alternate Councillor be identified in the event that the Mayor is required to appoint an acting Councillor due to the regular Council Member being unable to attend a hearing.



Kelly Kloss
City Clerk

KK/clr

16 The "Assessment Review Board"

- (1) (a) The Board shall be comprised of three (3) members which shall include one (1) Councillor and two (2) Citizens-at-large.
- (2) The members of the Board shall hold office commencing from the date of their appointment by Council and ending on the last day of December in that same year.
- (3) The remuneration and expenses payable to each member shall be set by Council resolution.
- (4) The Mayor may appoint a person for a specified period of time, as an acting member of the Board if any regular member is unable to attend a hearing of the Board.
- (5) The duty and purpose of the Board is to hear complaints about any assessment or taxation matter filed under Section 460 of the Municipal Government Act, and render decisions thereon as required under said Act.
- (6) Where a complainant before any Board desires that the Board provide the reasons for its decision, such request must be made by the complainant either in writing or orally at the time of the hearing or at any time before the commencement of the hearing.

Comments:

We concur with the recommendations of the City Clerk. Should the number of sitting days required by the Assessment Review Board be significantly more than the original Councillor appointed can manage, the alternate appointed by Council can be appointed for the remaining period, ensuring that the workload is equitably shared.

"G. D. SURKAN"
Mayor

"H. M. C. DAY"
City Manager

FILE

Council Decision - April 7, 1997 Meeting

DATE: April 8, 1997
TO: City Assessor
FROM: Assistant City Clerk
RE: **1997 ASSESSMENT REVIEW BOARD / APPOINTMENT OF COUNCILLOR
AND ALTERNATE COUNCILLOR TO BOARD**

Reference Report: City Clerk, dated March 25, 1997

Resolution Passed:

"RESOLVED that Council of The City of Red Deer, having considered report from the City Clerk dated March 25, 1997, re: 1997 Assessment Review Board, hereby agrees to appoint Councillor Dennis Moffat to the 1997 Assessment Review Board, with said term to expire December 31, 1997, and as presented to Council April 7, 1997."

Report Back to Council Required: No

Comments/Further Action:



Jeff Graves
Assistant City Clerk

/clr

c Councillor Moffat
Director of Corporate Services
Cheryl Adams, Council & Committee Secretary
Committee Directory

DATE: April 1, 1997

TO: City Council

FROM: Assistant City Clerk

RE: ***LAND USE BYLAW AMENDMENT 3156/D-97***
PROPERTY OF KNIGHTS OF COLUMBUS & G. CARFANTAN

At the Council meeting of March 10, 1997, following the Public Hearing, 2nd Reading was given to Land Use Bylaw 3156/D-97.

Land Use Bylaw Amendment 3156/D-97 provides for the rezoning of approximately 1.06 hectares from R3-D216 to DC(7), PS and Road; from P1 to DC(7); from PS to DC(7) and from Road to DC(7) to accommodate a 4 ½ storey apartment building (53 units), two duplexes (4 units) and a park.

Also at that meeting, Council passed the following tabling motion:

"RESOLVED that Council of The City of Red Deer hereby agrees to table consideration of 3rd Reading of Land Use Bylaw Amendment 3156/D-97 for up to four weeks pending receipt of information relative to the lease of park arrangements/restrictive covenant with the Developer of the land in question."

To date, the lease agreement & restrictive covenants have not been executed.

RECOMMENDATION:

To further table consideration of 3rd Reading of Land Use Bylaw Amendment 3156/D-97 to the May 5, 1997 Council meeting, pending receipt of completed park lease/restrictive covenant between the City and the Developer of the land in question.


Jeff Graves
Assistant City Clerk

/clr

FILE

Council Decision - April 7, 1997 Meeting

DATE: April 8, 1997
TO: Principal Planner
FROM: Assistant City Clerk
RE: **LAND USE BYLAW AMENDMENT 3156/D-97 / PROPERTY OF KNIGHTS
OF COLUMBUS & G. CARFANTAN**

Reference Report:

Assistant City Clerk, dated April 1, 1997

Resolution Passed:

"RESOLVED that Council of The City of Red Deer hereby agrees to table consideration of 3rd Reading of Land Use Bylaw Amendment 3156/D-97 to the May 5, 1997 Council meeting, pending receipt of completed park lease/restrictive covenant agreements between the City and the Developer of the land in question."

Report Back to Council Required: Yes

Comments/Further Action:

Land Use Bylaw Amendment 3156/D-97 provides for the rezoning of approximately 1.06 ha from R3-D216 to DC(7), PS and Road; from P1 to DC(7); from PS to DC(7) and from Road to DC(7) to accommodate a 4 ½ storey apartment building (53 units), two duplexes (4 units) and a park. As per the above, the noted agreements are to be presented to the May 5, 1997 Council Meeting.


Jeff Graves
Assistant City Clerk

/clr

c Director of Development Services
Director of Community Services
E. L. & P. Manager
Inspections & Licensing Manager
Fire Chief
City Assessor
Land and Economic Development Manager
Council & Committee Secretary, S. Ladwig

Mr. Barry Brookes, President
Highland Green Estates Community Association

Hafso Homes Ltd. (Faxed To: 340-0586)
R. R. 4
Red Deer, AB T4N 5E4

Item No. 1
Reports

PATH: paul\memos
MASTERFILE: 2355.675

DATE: April 1, 1997

TO: City Clerk

FROM: Public Works Manager

RE: CITY OF RED DEER AND NOVACOR JOINT PHOSPHORUS REMOVAL

In September 1996 we recommended to Council that we investigate the idea of the City's Wastewater Treatment Plant removing phosphorus jointly with Novacor Chemicals Ltd., in lieu of both plants removing phosphorus individually. City Council strongly supported the endeavor. Some of the potential benefits of this arrangement were identified as follows:

- it may result in a lowering of phosphorus loading discharged to the Red Deer River;
- the reach of the Red Deer River between Red Deer and Joffre would have less phosphorus loading;
- economic, should be less expensive for Novacor to stay out of the phosphorus removal business and "pay" the City to remove; and
- the Novacor contribution may offset future City expenditures.

Following Council approval, we have completed the following:

- commissioned Reid Crowther & Partners Ltd. (RCPL) to further investigate the viability of the proposal;
- met with Novacor officials numerous times to discuss their most likely expansion and treatment options; and
- completed the Wastewater Treatment Master Plan which includes estimates of future flow and phosphorus loading produced by the Wastewater Treatment Plant.

When we first discussed the idea with Novacor it looked like there would be a substantial benefit to the river, both between Red Deer and the Joffre Plant and also downstream of the Joffre Plant. This was based on the impact of only the change in the probable regulated limits specified by Alberta Environmental Protection (AEP). That would be, both the City and Novacor reducing to 1.0 mg/L, if done independently; and the City reducing to 0.3 mg/L and Novacor reducing to 3.6 mg/L if done jointly.

Based on this analysis by itself, the proposal would have a significant environmental benefit. One of the tasks that we asked RCPL to review was to determine what would be the actual effect on the river, not just the theoretical effect, based on the license requirements.

March 26, 1997
City Clerk
Page 2 of 2

What they determined was that existing wastewater plants which are required to reduce phosphorus to 1.0 mg/L, (that would have similar technology as the City will install), have actual effluent concentrations typically of 0.4 mg/L. For wastewater plants that have enhanced treatment, (which would be what would be installed at the Wastewater Treatment Plant if the joint removal was adopted), the effluent concentrations of phosphorus typically average 0.2 mg/L. Based on these actual estimates and Novacor's estimate of their future flows and phosphorus concentrations, an estimate of the actual future phosphorus loading on the Red Deer River was completed under the different scenarios.

The attached graph indicates the most likely scenario of Novacor expansion and treatment and the most likely City flow changes. As shown on the graph, the independent phosphorus removal scenario will remove from about 8 to 6.5 kg/d more phosphorus than the joint phosphorus removal scenario, indicating that there would be no net positive affect on the river.

The reach of the Red Deer River between Red Deer and Joffre would still benefit from the joint removal scenario.

The estimated capital cost of the additional process facilities required at the Wastewater Treatment Plant are also considerably more than would be required for the capital cost of improvements only at Novacor.

Conclusion

Based on these findings our staff, Novacor and our Consultant have come to the conclusion that the proposed joint removal arrangement would not be feasible. All parties involved in this project were very disappointed in the results and tried hard to make it work, but it just does not make sense to go any further with it.

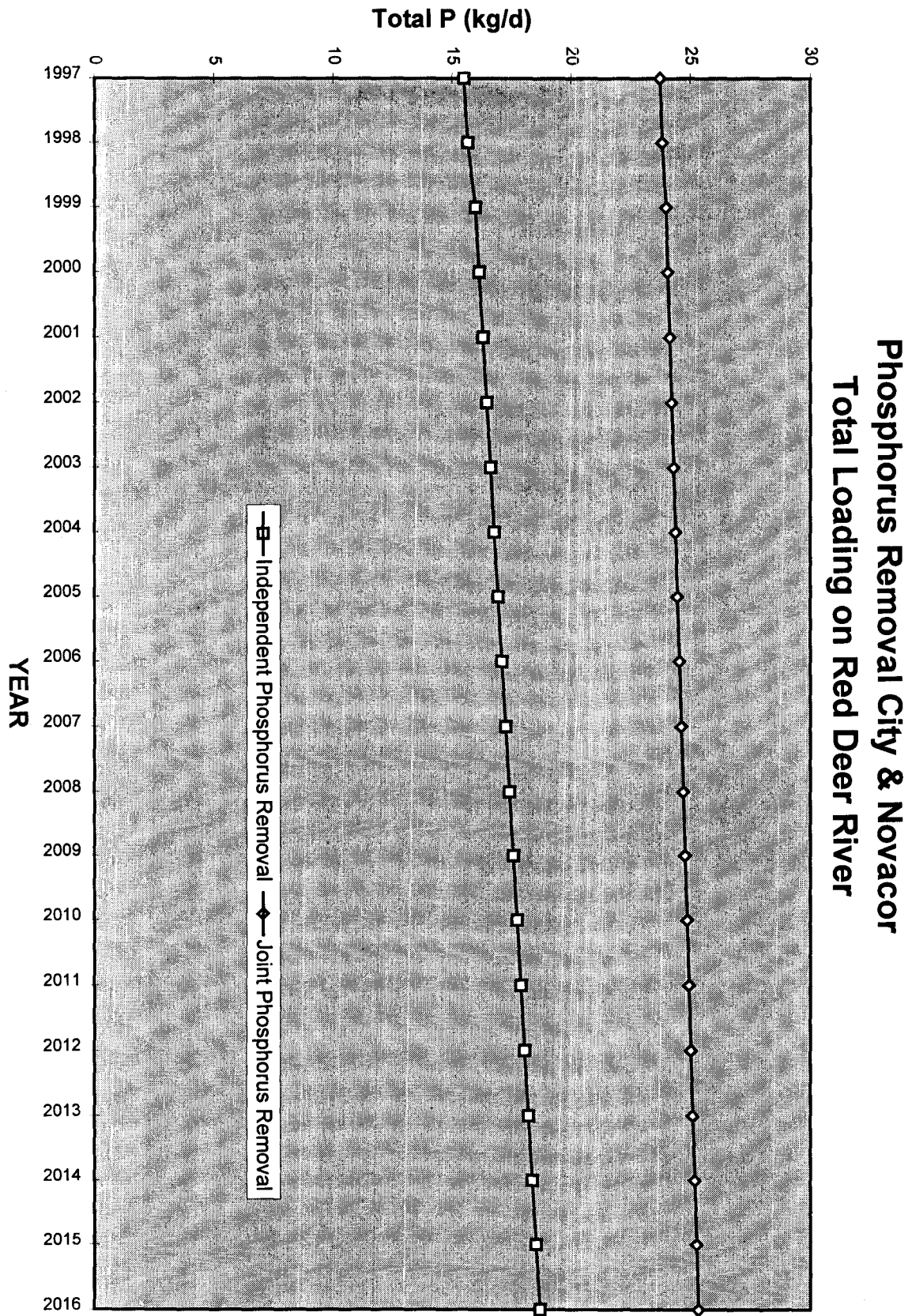
RECOMMENDATION

We respectfully recommend that Council not proceed with further investigation into the Joint Phosphorus removal with Novacor at this time.



Paul A. Goranson, P.Eng.
Public Works Manager

/blm
Att.



Comments:

Regrettably, we concur with the recommendation of the Public Works Manager that we proceed no further with the investigation of *Joint Phosphorous Removal* with Novacor. It is unfortunate that a mutual arrangement does not prove advantageous.

"G. D. SURKAN"
Mayor

"H. M. C. DAY"
City Manager

FILE

Council Decision - April 7, 1997 Meeting

DATE: April 8, 1997
TO: Public Works Manager
FROM: Assistant City Clerk
RE: CITY OF RED DEER AND NOVACOR JOINT PHOSPHOROUS REMOVAL

Reference Report: Public Works Manager, dated April 1, 1997

Resolution Passed:

"RESOLVED that Council of The City of Red Deer, having considered report from the Public Works Manager dated April 1, 1997, re: City of Red Deer and Novacor Joint Phosphorous Removal, hereby agrees to proceed with no further investigations into *Joint Phosphorous Removal* with Novacor at this time, and as presented to Council April 7, 1997."

Report Back to Council Required: No

Comments/Further Action:

Although the proposed arrangement did not prove to be advantageous, we thank you for your informative report.



Jeff Graves
Assistant City Clerk

/clr

c Director of Community Services
Director of Development Services
Recreation, Parks & Culture Manager
Environmental Advisory Board

DATE: March 25, 1997
TO: City Clerk
FROM: Director of Corporate Services
City Assessor
RE: 1997 REASSESSMENT OF PROPERTIES

DEFINITIONS

- "Assessment"*** Valuation of property, at a provincially prescribed level, in Alberta now "measured against market value".
- "Tax Rate"*** Rates set by Council that, when multiplied by the assessment, will generate the income required to satisfy the budget set by Council to operate the City. There are three tax rates used for different types of properties:
- single family residential
 - multiple family residential
 - non-residential
- "Tax Paid"*** Tax dollars paid by each property owner as a result of the Assessment x Tax Rate.

INTRODUCTION

As a result of Provincial legislation, The City of Red Deer is implementing a property reassessment for 1997 based on market value.

The reassessment results in a shift in the proportion of total assessment from Non-Residential and Multi-Family residential properties to Single-Family residential properties. Unless Council decides to compensate for the shift of assessment by adjusting tax rates for the three groups, the proportion of municipal property taxes paid will also shift. This is projected to result in an increase in the total municipal property taxes paid by single family residential properties of 6.3% and a reduction of 10.0% in non-residential property taxes as illustrated by the chart on the top of the following page.

BREAKDOWN OF ASSESSMENTS

	<u>1996</u>	<u>1997</u>	Change in Municipal Assessment as a <u>Group</u>
Single Family Residential	60.5%	64.3%	+6.3%
Multi-Family Residential	8.5%	7.8%	-8.2%
Non-Residential / Farmland	<u>31.0%</u>	<u>27.9%</u>	-10.0%
	<u>100.0%</u>	<u>100.0%</u>	

Council direction is requested on how the 1997 Municipal tax rates should be set. Direction will also be required on whether the same adjustments should apply to the Provincial Education portion of property taxes .

BACKGROUND

In 1996 and prior years for assessment purposes:

- Land was at market value
- Improvements were at depreciated replacement cost

It was accepted in the Industry for determining the assessments:

- Land:
Sales were utilized almost exclusively to determine value.
- Improvements:
Value was determined by a Provincially researched and compiled "Replacement Cost Manual" and was legislated for use throughout the Province. Normal physical depreciation was applied as "adequate" and accepted as "proper" throughout the industry and not contested - generally speaking, for all types of property - residential and non-residential.

Only in extreme incidents was abnormal depreciation allowed, those being extenuating circumstances and/or influences from

“external causes” or referred to as “economic or locational” obsolescences . An example might be an expensive house in a remote area/adverse conditions.

In 1995 a new Municipal Government Act was introduced which required assessments be done by 1997, redone again in 1999 and annually thereafter at values that are relative to and will be measured against market value.

Annual valuation at market value will mean that after 1998 property tax bills for individual properties could increase or decrease each year even if the total taxes collected does not change.

For 1997 The City of Red Deer has complied with the legislation and produced an assessment “relative to market value”.

To explain this concept of market value:

- **Market Value**, as known and defined in the appraisal and real estate fields is:

“An amount in terms of money a willing owner is prepared to sell to a willing buyer, each with full knowledge of all circumstances, with no undue pressure, given a reasonable amount of time.”

As noted, previous assessments of improvements were calculated and allowed a prescribed amount of depreciation. For the new assessment relative to market value, and using depreciation as measured from sales, it is evident that:

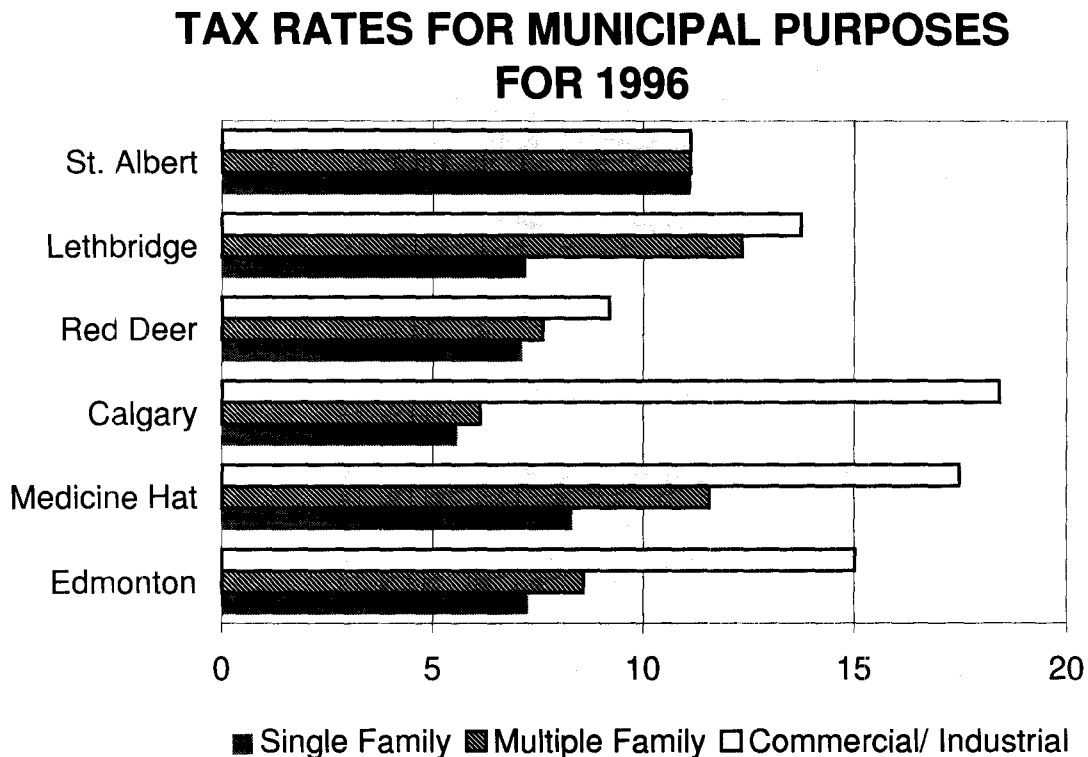
1. More depreciation must be allowed on almost all improvements;
2. The additional amount of depreciation is greater on non-residential properties than on residential;
3. Specific older, character, well-maintained or renovated homes in the older area(s) of the city may appreciate rather than depreciate.

As a result of the three points, the “*assessment*” split between residential and non-residential has shifted.

In 1993, the last year a reassessment was done prior to 1997, a shift in the burden of taxation occurred from non-residential to residential taxpayers. This shift occurred because the value of residential property increased at a faster rate than non-residential properties. Council decided not to increase the municipal tax rate for non-residential properties to offset the shift in assessment.

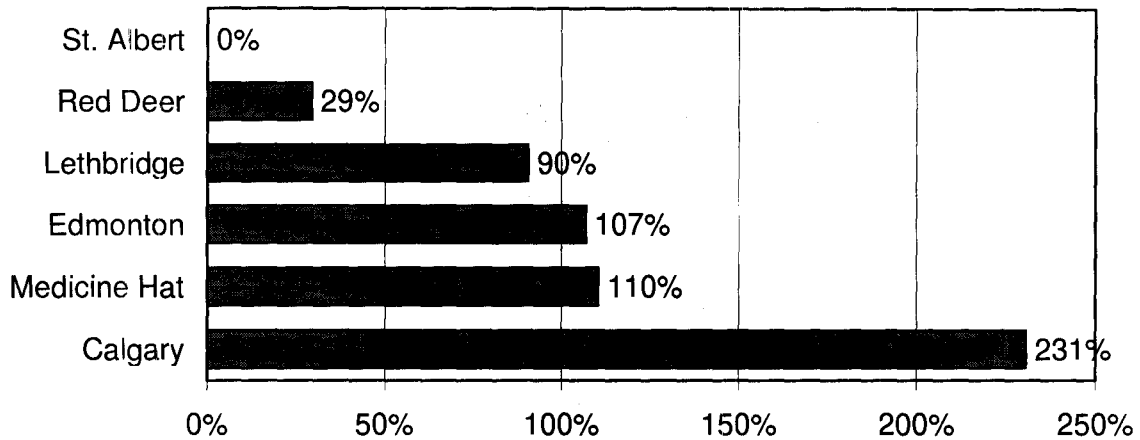
Most major cities in Alberta have chosen to offset the shift in taxation as a result of reassessment by levying a higher tax rate on non-residential property.

The following graph discloses the 1996 tax rates for municipal purposes for the six largest Alberta cities. It shows the rate for single family properties is less in all cities except one than for multiple family and commercial/industrial properties. The actual rates used by each city are not comparable because of different assessment bases. Note that Red Deer has the second lowest split tax rate.



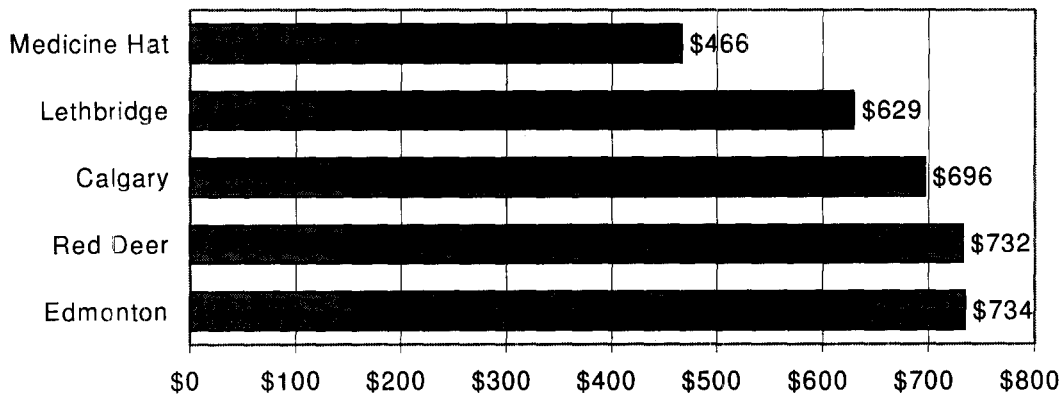
The graph at the top of the following page shows as a % the significant difference in most cities between the single family residential and non-residential tax rates. Note that Red Deer has the second lowest difference.

**1996 MUNICIPAL COMMERCIAL/INDUSTRIAL TAX RATE % GREATER
THAN THE MUNICIPAL SINGLE FAMILY RESIDENTIAL RATE**



The result of a lower split tax rate in Red Deer is a higher residential municipal tax levy than most cities as evidenced by the following graph based on information from a City of Edmonton survey:

**MUNICIPAL PORTION OF 1996 PROPERTY TAXES
FOR SINGLE FAMILY RESIDENTIAL PROPERTIES**



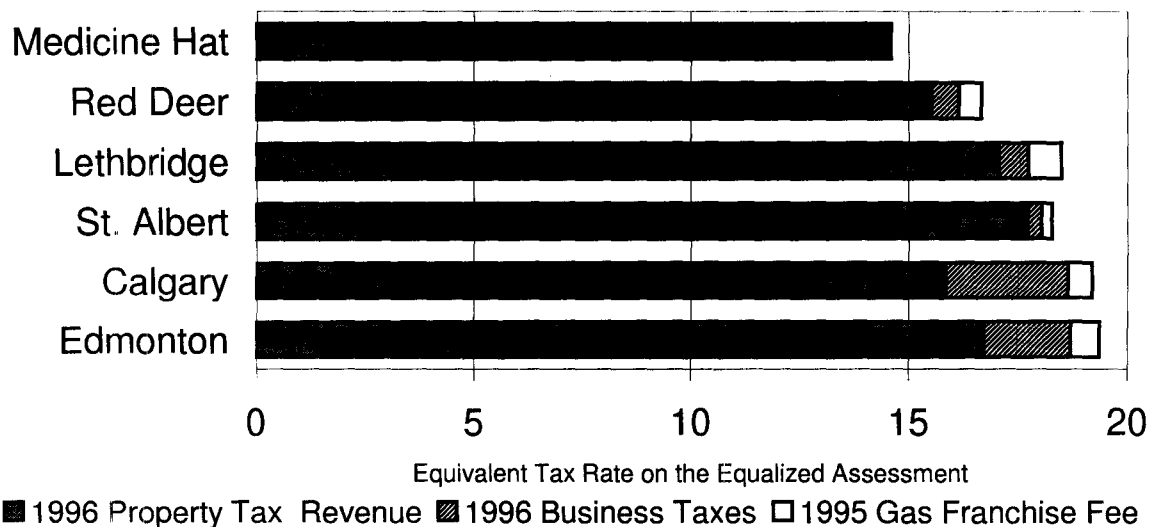
The Red Deer levy on the non-residential sector for property and business taxes, in comparison, is amongst the lowest as shown by the graph on the top of the following page.

COMPARISON OF 1996 EQUIVALENT TAX RATES FOR COMM./IND. PROPERTIES BASED ON THE EQUALIZED ASSESSMENT



In terms of total tax levies on all types of properties for municipal property taxes, business taxes and natural gas franchise fees the following graph, based on equivalent tax rates on the equalized assessment, shows Red Deer is less than most cities.

COMPARISON OF REVENUE LEVIES



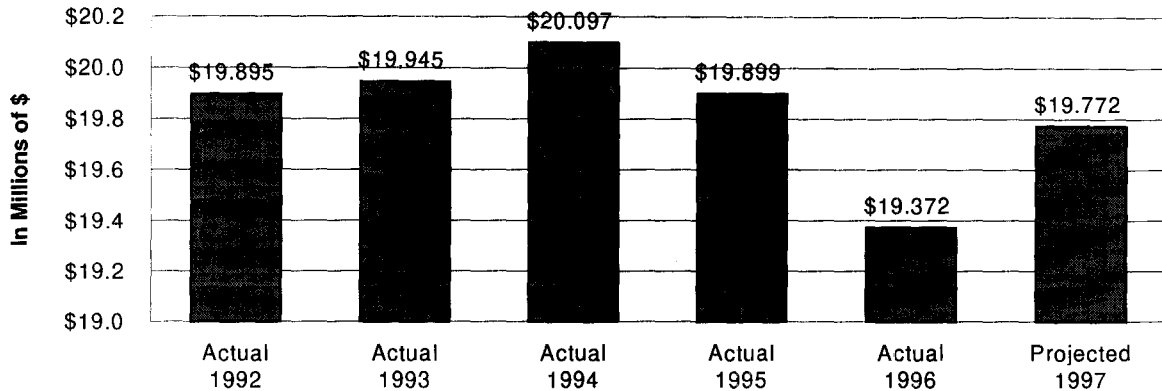
To address the higher level of residential taxation in Red Deer, Council agreed in 1996 to reduce the municipal tax burden for single family residential properties by \$800,000 per year. As evidenced by the previous graphs, however, Red Deer's taxation on single family residential property is still amongst the highest. Unfortunately, when comparison of tax loads is done between cities residential property taxes is used as the basis of comparison. As a result, Red Deer does not compare favorably. It is not normally disclosed by the media Red Deer's property tax load on non-residential properties is amongst the lowest as is the total property taxes collected for all properties.

In addition to the different share of taxes paid by single family residential and non-residential properties in Red Deer compared with other cities, some of the other reasons why increasing non-single family property tax rates may be appropriate to consider are:

- commercial businesses can use property and business taxes as a business expense and reduce their income tax levy.
- customers of businesses pay for property taxes indirectly through their purchases. As a result, some of the tax burden is passed on to non-City residents.
- the level of many City services used by business is much greater than for residential properties. This is the case for Police, Fire, Ambulance and road maintenance costs. These costs represent 55% of the tax supported budget.
- businesses draw non-City residents into the City that use many of the tax supported services.

It should also be recognized that since 1992 the actual amount of total municipal property taxes collected has actually gone down as evidenced by the graph on the top of the following page. As a result, there is no room to reduce the single family tax burden without a corresponding increase in the other levies.

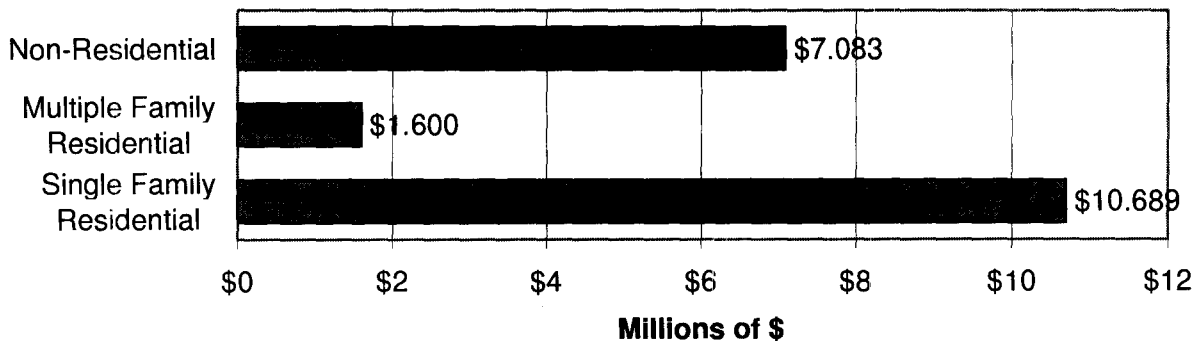
PROPERTY TAXES FOR MUNICIPAL OPERATIONS



NOTE: Education, Hospital and Library property tax levies are excluded.

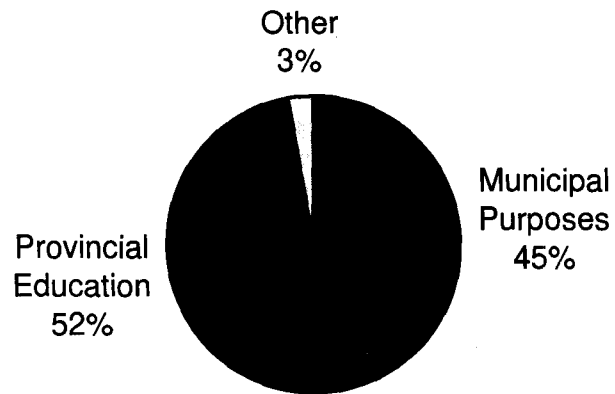
The graph below discloses the amount of Municipal property tax collected from the different classes of taxpayers in 1996.

DISTRIBUTION OF MUNICIPAL PROPERTY TAXES FOR 1996

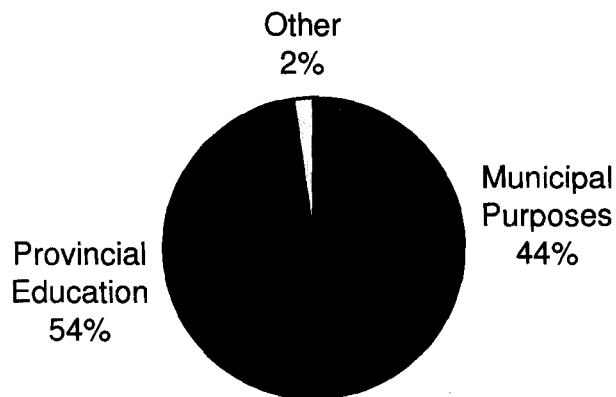


The 1996 tax rates are illustrated graphically on the next page for single family residential and commercial / industrial properties. It will be noted the Provincial Education levy, which is set by the Province, represents a substantial portion of property taxes. The "Other" classification includes The Red Deer Public Library and the Regional Health District.

1996 SINGLE FAMILY RESIDENTIAL TAX RATE



1996 COMMERCIAL/INDUSTRIAL TAX RATE



PROVISION FOR ASSESSMENT APPEALS

As a result of the reassessment, it is anticipated a number of assessment appeals will be made with a number being approved at least partially.

It was indicated earlier the 1997 budget is based on recovering \$19,772,000 of property taxes to fund municipal operations. Because it is anticipated some assessment appeals will be successful, the tax rates will be set to recover a provision for tax losses due to assessment appeals. If any part of the provision is not required, it will be refunded and the tax rates reduced.

1997 MUNICIPAL TAX RATE OPTIONS

There are many options Council could consider in setting a 1997 tax rate for the Municipal portion of property taxes. For purposes of Council's consideration, four options have been identified and their impact described:

- Option 1** - Use the same tax rate relationship for 1997 as used in 1996.
- Option 2** - Calculate the tax rates to collect the same proportionate share of total taxes for 1997 from single family residential, multiple family residential and non-residential as collected in 1996.
- Option 3** - Calculate the tax rates as in Option 2 but in addition reduce the disparity between single family residential property taxes in Red Deer and Lethbridge by further increasing the split mill rate.
- Option 4** - Calculate a 1997 tax rate for single family residential taxpayers by reducing the 1996 single family residential tax rate at the same percent the single family residential assessment increased for 1997.

OPTION 1 - Use the same tax rate relationship for 1997 as used in 1996

This means 1997 tax rates would keep the same relationship as existed in 1996. The result would be a shift of total taxes to the single family residential group from the multi-family residential and non-residential groups.

The following charts disclose the projected impact on individual taxpayers within each group. It should be recognized there are generally more increases than decreases because of the shift in assessment and a provision for tax losses due to assessment appeals.

1997 SINGLE FAMILY RESIDENTIAL TAX INCREASES
(Using a Tax Rate of .007038)

<u>Tax Increase/Decrease</u>	<u>No. of Accounts</u>	<u>%</u>	<u>Average Tax Change</u>	<u>Tax Change</u>
-10% and greater	9	.1%	\$ (232)	\$ (2,085)
- 5% to 10%	67	.4%	(33)	(2,224)
- 0% to 5%	144	.9%	(9)	(1,239)
+ 0% to 5%	665	4.2%	15	10,154
+ 5% to 10%	1,273	8.0%	66	84,384
+10% to 15%	4,161	26.2%	97	402,741
+15% to 20%	4,912	31.0%	113	554,952
+20% to 25%	2,924	18.4%	126	369,327
+25% to 30%	1,117	7.0%	125	139,154
+30% and greater	589	3.7%	130	76,710
Total	15,861	100.0%		

- 99% of the Residential tax accounts experience a tax increase.
 - 1% of the Residential tax accounts experience a tax decrease.
 - 76% of the Residential tax accounts experience a 10% to a 25% increase.
- Average increase is \$110.

Average Overall Increase: \$103 (Average bill is \$ 749)
Median Tax Increase: \$103

1997 MULTI-FAMILY TAX INCREASES
(Using a Tax Rate of .007571)

<u>Tax Increase/Decrease</u>	<u>No. of Accounts</u>	<u>%</u>	<u>Average Tax Change</u>	<u>Tax Change</u>
- 5% and greater	2	.4%	\$ (1,283)	\$ (2,567)
- 0% to 5%	80	17.8%	(97)	(7,726)
+ 0% to 5%	173	38.5%	23	3,942
+ 5% to 10%	83	18.4%	164	13,639
+10% to 15%	81	18.0%	145	11,709
+15% and greater	31	6.9%	203	6,306
Total	450	100.0%		

- 82% of the Multi-Family accounts experience a tax increase.
- 18% of the Multi-Family accounts experience a tax decrease.
- 75% of the Multi-Family accounts experience a tax increase of 0 - 15%.
Average increase is \$87.

Average Overall Increase: \$56 (Average bill is \$3,476)
Median Tax Increase: \$40

1997 NON-RESIDENTIAL TAX INCREASES
(Using a Tax Rate of .009234)

<u>Tax Increase/Decrease</u>	<u>No. of Accounts</u>	<u>%</u>	<u>Average Tax Change</u>	<u>Tax Change</u>
-20% and greater	69	5.9%	\$ (1,337)	\$ (92,240)
-15% to 20%	42	3.6%	(727)	(30,541)
-10% to 15%	75	6.4%	(624)	(46,807)
- 5% to 10%	193	16.5%	(364)	(70,268)
- 0% to 5%	212	18.1%	(159)	(33,677)
+ 0% to 5%	205	17.5%	139	28,569
+ 5% to 10%	210	17.9%	267	55,968
+10% to 15%	49	4.2%	523	25,618
+15% and greater	115	9.8%	1,100	126,544
Total	1,170	100.0%		

- 49% of the Non-Residential tax accounts experience a tax increase
- 51% of the Non-Residential tax accounts experience a tax decrease.
- 70% of the Non-Residential tax accounts experience a 10% decrease to a 10% increase. Average tax decrease is \$24.

Average Overall Decrease: \$31 (Average bill is \$5,245)
Median Tax Decrease: \$26

OPTION 2 - Calculate the tax rates to collect the same proportionate share of total taxes for 1997 from each group as collected in 1996

This option offsets the impact of assessment shifts between groups by reducing the single-family residential tax rate relative to the tax rates for the other two groups. This would increase the split mill rate from 29% to 70%.

The following charts disclose the projected impact on individual taxpayers in each group.

**1997 SINGLE FAMILY RESIDENTIAL TAX INCREASES
(Using a Tax Rate of .006251)**

<u>Tax Increase/Decrease</u>	<u>No. of Accounts</u>	<u>%</u>	<u>Average Tax Change</u>	<u>Tax Change</u>
-20% and greater	10	.1%	\$ (300)	\$ (2,997)
-15% to 20%	76	.5%	(87)	(6,585)
-10% to 15%	380	2.4%	(39)	(15,144)
- 5% to 10%	708	4.5%	(50)	(35,780)
- 0% to 5%	2,655	16.7%	(16)	(41,649)
+ 0% to 5%	5,945	37.5%	17	100,954
+ 5% to 10%	3,975	25.1%	43	172,430
+10% to 15%	1,442	9.1%	58	84,192
+15% to 20%	454	2.9%	68	30,926
+20% to 25%	131	.8%	71	9,255
+25% and greater	85	.5%	95	8,137
Total	15,861	100.0%		

- 75% of the Residential tax accounts experience a tax increase.
- 25% of the Residential tax accounts experience a tax decrease.
- 79% of the Residential tax accounts experience a 5% decrease to a 10% increase. Average increase is \$18.

Average Overall Increase: \$19 (Average bill is \$665)
Median Tax Increase \$22

1997 MULTI- FAMILY TAX INCREASES
(Using a Tax Rate of .009054)

<u>Tax</u> <u>Increase/Decrease</u>	<u>No. of</u> <u>Accounts</u>	<u>%</u>	<u>Average Tax</u> <u>Change</u>	<u>Tax Change</u>
- 0% to 5%	1	.2%	\$ (276)	\$ (276)
+10% to 15%	7	1.6%	1,592	11,143
+15% to 20%	174	38.7%	961	167,152
+20% to 25%	66	14.7%	787	51,967
+25% to 30%	76	16.9%	651	49,499
+30% to 35%	69	15.3%	396	27,325
+35% to 40%	37	8.2%	409	15,117
+40% and greater	20	4.6%	478	9,563
Total	450	100.0%		

- 100% of the Multi-Family accounts experience a tax increase.
- 70% of the Multi-Family accounts experience a tax increase of 15 - 30%.
Average increase is \$850.

Average Overall Increase: \$737 (Average bill is \$4,154)
Median Tax Increase: \$404

1997 NON-RESIDENTIAL TAX INCREASES
(Using a Tax Rate of .010619)

<u>Tax</u> <u>Increase/Decrease</u>	<u>No. of</u> <u>Accounts</u>	<u>%</u>	<u>Average Tax</u> <u>Change</u>	<u>Tax Change</u>
-10% and greater	57	4.9%	\$ (962)	\$ (54,808)
- 5% to 10%	29	2.5%	(360)	(10,438)
- 0% to 5%	50	4.3%	(97)	(4,850)
+ 0% to 5%	74	6.3%	198	14,687
+ 5% to 10%	211	18.0%	349	73,616
+10% to 15%	173	14.8%	890	154,000
+15% to 20%	187	16.0%	1,351	252,710
+20% to 25%	213	18.2%	965	205,643
+25% and greater	176	15.1%	1,438	253,078
Total	1,170	100.0%		

- 88% of the Non-Residential tax accounts experience a tax increase.
- 12% of the Non-Residential tax accounts experience a tax decrease.
- 67% of the Non-Residential tax accounts experience a tax increase of 5 - 25%. Average tax increase is \$875.

Average Overall Increase: \$755 (Average bill is \$6,032)
 Median Tax Increase \$340

OPTION 3 - Calculate the tax rates as in Option 2 but in addition reduce the disparity between single family residential property taxes in Red Deer and Lethbridge by further increasing the split mill rate

This option further reduces the tax load on single family residential taxpayers compared with Option 2.

A graph appearing earlier in the report showed the results of a City of Edmonton survey of the Municipal portion of taxes for a single family house in various Alberta cities. The graph showed that Red Deer ranked amongst the highest at \$732 while Lethbridge was amongst the lowest at \$629.

Option 3 involves reducing the Red Deer taxes to the Lethbridge level of \$629 over a five year period. The difference is 14% so the single family residential tax rate would have to reduce by 3% more than in Option 2 for 1997 and a similar amount for the next four years. The split mill rate would increase to 81% for 1997.

The impact of this option on the various groups is disclosed in the following charts:

1997 RESIDENTIAL TAX INCREASES
(Using a Tax Rate of .006064)

<u>Tax</u> <u>Increase/Decrease</u>	<u>No. of</u> <u>Accounts</u>	<u>%</u>	<u>Average Tax</u> <u>Change</u>	<u>Tax Change</u>
-20% and greater	28	.2%	\$(189)	\$(5,278)
-15% to 20%	112	.7%	(85)	(9,513)
-10% to 15%	608	3.8%	(60)	(36,189)
- 5% to 10%	1,538	9.7%	(56)	(85,442)
- 0% to 5%	5,130	32.3%	(17)	(85,128)
+ 0% to 5%	5,214	32.9%	14	73,629
+ 5% to 10%	2,234	14.1%	37	82,070
+10% to 15%	645	4.1%	48	30,894
+15% to 20%	241	1.5%	60	14,454
+20% to 25%	80	.5%	66	5,307
+25% and greater	31	.2%	108	3,353
Total	15,861	100.0%		

- 53% of the Residential tax accounts experience a tax increase.
- 47% of the Residential tax accounts experience a tax decrease.
- 79% of the Residential tax accounts experience a 5% decrease to a 10% increase. Average increase is \$6.

Average Overall Increase: \$1 (Average Bill is \$645)
Median Tax Increase: \$2

1997 MULTI-FAMILY TAX INCREASES
(Using a Tax Rate of .009347)

<u>Tax</u> <u>Increase/Decrease</u>	<u>No. of</u> <u>Accounts</u>	<u>%</u>	<u>Average Tax</u> <u>Change</u>	<u>Tax Change</u>
+ 0% to 5%	1	.2%	\$ 150	\$ 150
+10% to 15%	1	.2%	243	243
+15% to 20%	11	2.4%	2,349	25,843
+20% to 25%	210	46.7%	1,135	238,447
+25% to 30%	35	7.8%	491	17,184
+30% to 35%	70	15.6%	764	53,447
+35% to 40%	71	15.8%	450	31,930
+40% and greater	51	11.3%	485	24,740
Total	450	100.0%		

- 100% of the Multi-Family accounts experience a tax increase.
- 70% of the Multi-Family accounts experience a tax increase of 20 - 35%.
Average increase is \$980.

Average Overall Increase: \$870 (Average Bill is \$4,282)
Median Tax Increase: \$462

1997 NON-RESIDENTIAL TAX INCREASES
(Using a Tax Rate of .010963)

<u>Tax Increase/Decrease</u>	<u>No. of Accounts</u>	<u>%</u>	<u>Average Tax Change</u>	<u>Tax Change</u>
-10% and greater	45	3.9%	\$(1,007)	\$(45,331)
- 5% to 10%	24	2.1%	(281)	(6,743)
- 0% to -5%	30	2.6%	(117)	(3,522)
+ 0% to 5%	58	5.0%	141	8,168
+ 5% to 10%	88	7.5%	447	39,296
+10% to 15%	243	20.8%	593	144,060
+15% to 20%	152	13.0%	2,069	314,436
+20% to 25%	296	25.3%	785	232,226
+25% and greater	234	20.0%	1,836	429,671
Total	1,170	100.0%		

- 91% of the Non-Residential tax accounts experience a tax increase.
- 9% of the Non-Residential tax accounts experience a tax decrease.
- 67% of the Non-Residential tax accounts experience a tax increase of 5 - 25%. Average tax increase is \$937.

Average Overall Increase: \$ 950 (Average Bill is \$6,227)
Median Tax Increase: \$ 388

OPTION 4 - Calculate a 1997 tax rate for single family residential taxpayers by reducing the 1996 single family residential tax rate at the same percentage the single family residential assessment increased for 1997

This option reduces the tax load on single family residential taxpayers when compared with Option 2 but does not reduce them as much as Option 3. It attempts to make residential taxes in Red Deer more comparable with those in the other large Alberta cities.

In calculating the tax rates for this option the tax rate for Multi-Family Residential properties was kept at the same relationship to Single Family Residential as in 1996.

The impact of this option on the various groups is disclosed in the following charts:

**1997 RESIDENTIAL TAX INCREASES
(Using a Tax Rate of .006184)**

<u>Tax Increase/Decrease</u>	<u>No. of Accounts</u>	<u>%</u>	<u>Average Tax Change</u>	<u>Tax Change</u>
-20% and greater	25	.2%	\$ (187)	\$ (4,668)
-15% to 20%	84	.5%	(78)	(6,560)
-10% to 15%	455	2.9%	(48)	(21,624)
- 5% to 10%	931	5.9%	(52)	(48,623)
- 0% to 5%	3,439	21.7%	(16)	(54,371)
+ 0% to 5%	5,925	37.4%	15	91,507
+ 5% to 10%	3,352	21.2%	41	137,080
+10% to 15%	1,152	7.3%	54	62,110
+15% to 20%	338	2.1%	68	22,905
+20% to 25%	96	.6%	70	6,715
+25% and greater	64	.4%	97	6,198
Total	15,861	100.0%		

- 69% of the Residential tax accounts experience a tax increase.
- 31% of the Residential tax accounts experience a tax decrease.
- 80% of the Residential tax accounts experience a 5% decrease to a 10% increase. Average increase is \$14.

Average Overall Increase: \$12 (Average Bill is \$658)
Median Tax Increase: \$13

1997 MULTI-FAMILY TAX INCREASES
(Using a Tax Rate of .006654)

<u>Tax Increase/Decrease</u>	<u>No. of Accounts</u>	<u>%</u>	<u>Average Tax Change</u>	<u>Tax Change</u>
-15% and greater	11	2.4%	\$ (1,823)	\$ (20,051)
-10% to 15%	218	48.5%	(600)	(130,656)
- 5% to 10%	58	12.9%	(186)	(10,803)
- 0% to 5%	114	25.3%	(37)	(4,205)
+ 0% to 5%	39	8.7%	16	640
+ 5% and greater	10	2.2%	105	1,051
Total	450	100.0%		

- 10% of the Multi-Family accounts experience a tax increase.
- 90% of the Multi-Family accounts experience a tax decrease.
- 87% of the Multi-Family accounts experience a tax decrease of 0 - 15%.
Average decrease is \$373.

Average Overall Decrease: \$365 (Average Bill is \$3,053)
Median Tax Decrease: \$148

1997 NON-RESIDENTIAL TAX INCREASES
(Using a Tax Rate of .011482)

<u>Tax Increase/Decrease</u>	<u>No. of Accounts</u>	<u>%</u>	<u>Average Tax Change</u>	<u>Tax Change</u>
- 5% and greater	48	4.2%	\$ (576)	\$ (37,641)
- 0% to 5%	25	2.1%	(96)	(2,409)
+ 0% to 5%	31	2.7%	119	3,690
+ 5% to 10%	53	4.5%	406	21,521
+10% to 15%	83	7.1%	726	60,290
+15% to 20%	235	20.1%	802	188,491
+20% to 25%	141	12.1%	1,752	247,011
+25% to 30%	169	14.4%	2,208	373,158
+30% to 35%	205	17.5%	1,312	269,050
+35% and greater	180	15.3%	1,856	334,027
Total	1,170	100.0%		

- 94% of the Non-Residential tax accounts experience a tax increase.
- 6% of the Non-Residential tax accounts experience a tax decrease.
- 64% of the Non-Residential tax accounts experience a tax increase of 15 - 35%. Average tax increase is \$1,437.

Average Overall Increase: \$1,245 (Average Bill is \$6,522)
Median Tax Increase: \$ 650

RELIEF FOR TAXPAYERS

Council may want to consider assisting taxpayers whose 1997 tax increase exceeds 10% by allowing them to defer payment of the amount exceeding 10% to June 30, 1998. No interest or penalties would be levied on the amount deferred. The deferment would not be applicable for any portion over 10% due to new properties or construction.

The advantages of a deferment action would be:

- taxpayers experiencing large increases would have a period of time to arrange for payment.
- taxpayers appealing their assessments would not have to pay taxes that may be later reduced if their appeal is successful.

If this same relief was given for the Provincial Education portion, it is estimated the total amount deferred could be in the area of \$3 million. The cost to The City in terms of lost interest revenue could be \$120,000 to \$150,000.

CONCLUSION

Property taxes on single family residential properties in Red Deer are higher and non-residential property taxes are lower relative to most other large cities in Alberta.

Council is requested to provide direction on whether the 1997 municipal tax rates should be calculated to offset assessment shifts resulting from the change to market value assessment.

It should be recognized that at this point only the municipal portion of the total property taxes levied is being discussed. We do not yet know what the impact will be on the Provincial Education share of the property tax bill. Council direction is requested on whether the Municipal tax rate should be further adjusted to offset any changes in the allocation of the Provincial Education levy.

RECOMMENDATIONS

That:

- Council set Municipal property tax rates for 1997 based on Option 3.
- The same principles used to determine the 1997 Municipal Tax Rate should be realized after the Provincial education levy is included. Because the City is not able to adjust the Provincial education tax rates the Municipal tax rates would be adjusted to compensate.
- Municipal property taxes on single family residential properties be reduced over 1998 to 2001(inclusive) to the City of Lethbridge level. Taxes on Multiple Family residential and Non-residential properties would be increased to offset the reduction.
- Relief, as described in this report, to be provided to taxpayers experiencing an increase greater than 10%.

A. Wilcock, B. Comm., C.A.
Director of Corporate Services

A handwritten signature in black ink, appearing to read 'Al Knight', with a stylized flourish at the end.

Al Knight, A.M.A.A.
City Assessor

alworkshop/clk1997 reassessment of properties apr97

Comments:

I concur with the recommendations of the Director of Corporate Services and the City Assessor and further recommend that they only be applied for the purpose of the 1997 mill rate assessment. I also recommend that prior to establishing the tax rates for 1998 and beyond, that Council thoroughly debate the options and determine a long term strategy relative to the sharing of taxes between the various classes of property. It should be noted, that if we adopt the policy of endeavouring to achieve the same proportional split over the five year period as the City of Lethbridge, each category will still end up paying less taxes than in the City of Lethbridge.

"H. M. C. DAY"
City Manager

Comments:

I concur with the comments of the City Manager that Council establish an "interim" mill rate split for 1997 and a long term strategy only after further debate. However, I would prefer Option No. 2, for the purposes of the 1997 mill rate, as presented in the report from the Director of Corporate Services and the City Assessor.

"G. D. SURKAN"
Mayor

FILE

Council Decision - April 7, 1997 Meeting

DATE: April 8, 1997
TO: Director of Corporate Services
City Assessor
FROM: Assistant City Clerk
RE: 1997 REASSESSMENT OF PROPERTIES

Reference Report: Joint report from the Director of Corporate Services and City Assessor

Resolution Passed:

"RESOLVED that Council of The City of Red Deer, having considered report from the Director of Corporate Services and the City Assessor dated March 25, 1997, re: 1997 Reassessment of Properties, hereby agrees as follows:

1. That Council set the Municipal Property Tax Rates for 1997 based on Option No. 2:
2. Upon receipt of the 1997 Provincial Education Levy, the City will adjust the Municipal Tax Rates to effectively implement a combined Tax Rate using the same principles as were used to determine the 1997 Municipal Tax Rate:
3. That *relief*, as set out in the above noted report, be provided to taxpayers experiencing an increase greater than 10%,

and as presented to Council April 7, 1997."


Report Back to Council Required: No

Comments/Further Action:

It has been noted that two public meetings have been scheduled for April 15 and 16, in order to inform/explain to the public the process that will be used and to prevent/clear up any misunderstandings that may arise.

Director of Corporate Services & City Assessor
April 8, 1997
Page 2

As directed by the Mayor, when planning the route you will take to advise the public of the meetings noted above, please investigate the use of various types/forms of media including display ads, the City page, and radio spots.



Jeff Graves
Assistant City Clerk

/clr

March 13, 1997

Via Courier

City Clerk
2nd Floor City Hall
4914, 48 Avenue
Red Deer AB T4N 3T4

Dear Sirs:

RE: Drummond Brewing Company Ltd. - Real Estate

Please be advised that we act as Receiver Manager of Drummond Brewing Company Ltd. and in this capacity are attempting to sell the real estate owned by Drummond Brewing Company Ltd. on behalf of the creditors of this company. We have had a number of inquiries from prospective purchasers who are interested in developing this property under a C-4 zoning classification, as opposed to the existing I-1 zoning.

In view of this preference expressed by prospective purchasers, we wish to formally apply to change the zoning from I-1 to C-4. We enclose our cheque herewith in the amount of \$400. At this time it is not known what the intended commercial use of the property will be. However, as soon as we have entered into a Purchase and Sale agreement with a purchaser, we together with the purchaser will be in contact with you with respect to obtaining a development permit.

The legal description of the subject property is as follows:

Lot 9, Block A, Plan 922-1625 excepting thereout all mines and minerals.
The municipal address is 2210 Gaetz Avenue, Red Deer.

We would appreciate your assistance in having this application expedited and added to the agenda for the next City Council meeting. If you should have any questions with respect to our application would you kindly contact the undersigned (290-4227 - Calgary).

Yours very truly,

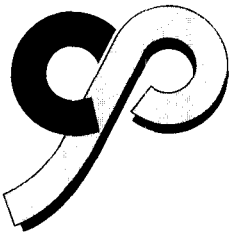
ERNST & YOUNG INC.
Receiver and Manager
Drummond Brewing Company Ltd.

Per:

Guy Levy/ngc

cc: Mr. Paul Mayette, Parkland Community Planning Services
500 4808 Ross Street, Red Deer

Mr. Don O'Dell, Canadian Western Bank



MEMORANDUM.

DATE: 1 April 1997
TO: City Clerk
FROM: Paul Meyette
RE: Drummond Brewing Company

Ernst and Young are requesting a change in zoning on the former Drummond Brewing Company site from I1 - Business Service Industrial District to C4 Major Arterial Commercial District.

The former Drummond Brewing site is located north of 22nd Street between Taylor Drive and Gaetz Avenue. The majority of the properties to the north are already zoned C4. The properties to the south are the Chrysler Plant zoned I1 and the Bower Lands which are zoned DC(4) and proposed for commercial use (see attached map).

The site currently contains the former brewing plant. It is the intent that this building will be demolished to accommodate the commercial uses. The site is approximately 4.77 hectares (11.8 acres) in size.

Planning Comments

This portion of Gaetz Avenue has been viewed as a potential commercial site for some time. The rezoning will ensure that the property is similar in use to adjoining properties; the rezoning will also ensure, through redevelopment, that an enhanced level of landscaping is incorporated into the site. This rezoning will result in all of the properties between 32nd Street and 22nd Street being zoned for commercial use, with the exception of the veterinary clinic (see attached map). Planning staff intend to meet with the owners of the veterinary clinic to seek their concurrence with rezoning to C4 at a later date.

Recommendation

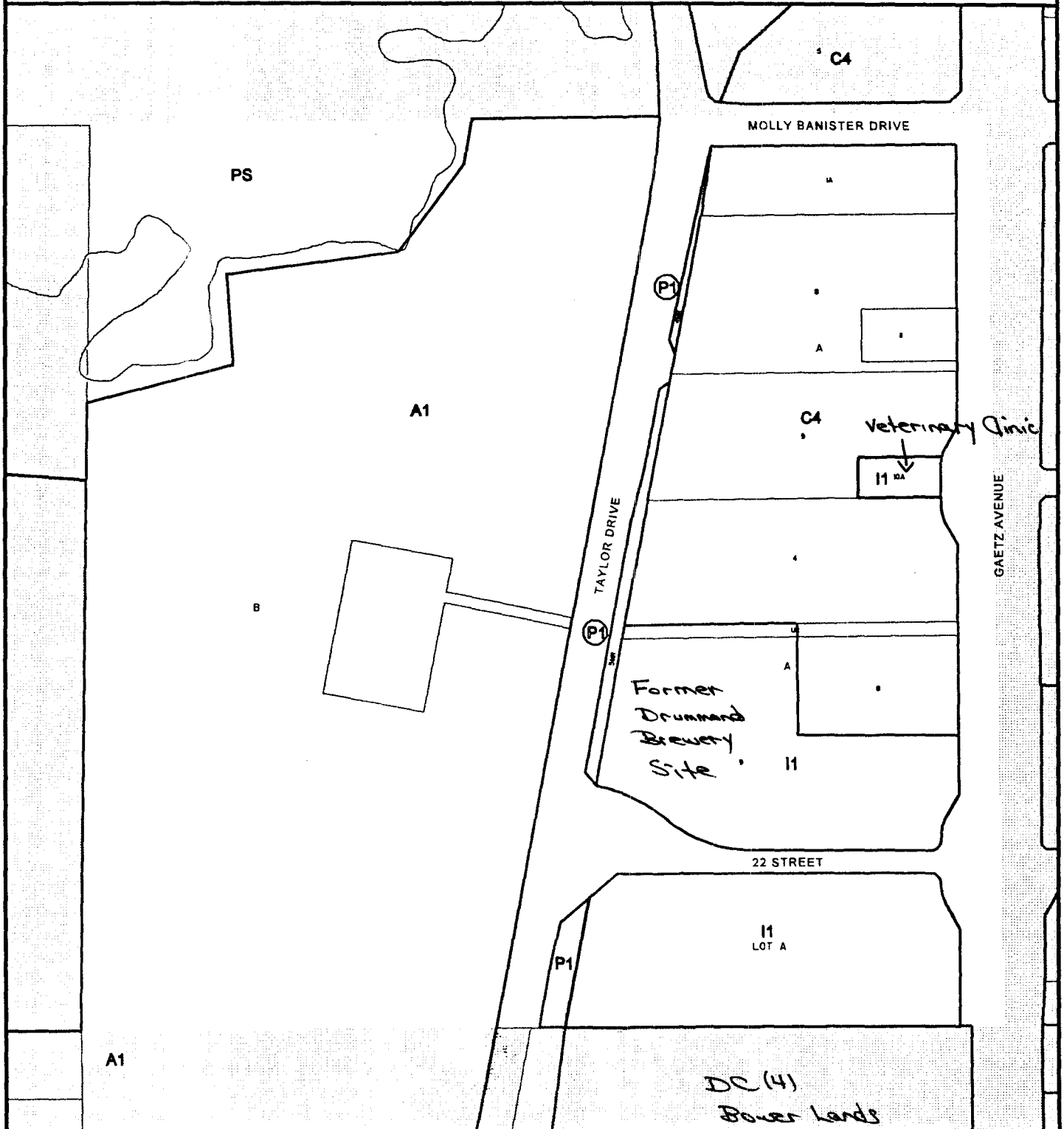
Planning staff recommend that Council give first reading to a bylaw to redesignate the former Drummond Brewing site from I1 to C4.



Paul Meyette, ACP, MCIP
Principal Planner, City Section

THE CITY OF RED DEER - LAND USE BYLAW LAND USE DISTRICTS

F5



SCALE 1:5000
11-JAN-1996

BYLAW NUMBER - 3156/96

AMENDMENTS:

SEE SECTION SIX FOR
LANDUSE DISTRICT DEFINITIONS

E6	F6	G6
E5	F5	G5
E4	F4	G4

N.E. 1/4 - 5-38-27-4

MEMO

DATE: March 20, 1996

TO: KELLY KLOSS
City Clerk

FROM: RYAN STRADER
Inspections & Licensing Manager

RE: 2210 - 50 AVENUE
LOT 9, BLOCK A, PLAN 922-1625

In response to your memo regarding the above referenced site, we have the following comments for Council's consideration:

In the applicants letter, it was noted that the above subject site is presently designated as I1 in the City Land Use Bylaw. The adjacent sites to the north and on the east side of Gaetz Avenue are zoned C4, which is the zoning requested by the applicant.

RECOMMENDATION: That the site be rezoned to provide a C4 designation.

Sincerely,

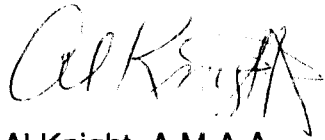


RYAN STRADER
Inspections & Licensing Department

RS:yd

DATE: March 18, 1997
TO: City Clerk
FROM: City Assessor
RE: ERNST & YOUNG - DRUMMOND BREWING COMPANY
REZONING REQUEST: I1 TO C4

We have no comment regarding the above proposal, from an assessment and tax perspective.

A handwritten signature in cursive script, appearing to read 'Al Knight', with a large, stylized flourish at the end.

Al Knight, A.M.A.A.
City Assessor

AK/ngl

DATE: March 17, 1997

TO: City Clerk

FROM: E. L. & P. Manager

RE: **ERNST & YOUNG - DRUMMOND BREWING COMPANY**
REZONING REQUEST: I1 to C4

The E. L. & P. Department has no objections or other comments regarding this application for rezoning.

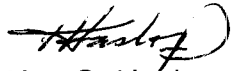
A handwritten signature in black ink, appearing to read 'A. Roth', with a stylized flourish at the end.

A. Roth,
Manager

AR/jjd

DATE: March 17, 1997
TO: City Clerk
FROM: Engineering Department Manager
**RE: DRUMMOND BREWING COMPANY LTD.
REZONING REQUEST - I1 TO C4**

The Engineering Department has no objection to the rezoning; however, a Development Agreement will be required prior to issuance of a building permit, covering the servicing and realignment of the West Gaetz Avenue Service Road.




Ken G. Haslop, P. Eng.
Engineering Department Manager

KGH/emr

Memo

DATE: March 17, 1997
TO: Kelly Kloss, City Clerk
FROM: Alan Scott, Land and Economic Development Manager
RE: **ERNST & YOUNG - DRUMMOND BREWING COMPANY**
REZONING REQUEST: I1 TO C4

As most of the land north of 22 Street is now zoned C4, the Land and Economic Development Department has no objection to the zoning change requested.


For Alan V. Scott

PAR/mm

Comments:

We concur with the recommendation of the Principal Planner that the site be redesignated to C4, especially as it is the intent of owners that the building be demolished.

"G. D. SURKAN"
Mayor

"H. M. C. DAY"
City Manager

Office of the City Clerk

FILE

FAX 683-2827

April 9, 1997

Box 5008

Red Deer, Alberta
T4N 3T4

The Kasian Kennedy Design Partnership
980 - 1188 West Georgia Street
Vancouver, BC V6E 4A2

Faxed to: (604) 683-2827

Att: Mr. Donald J. Kasian

Dear Sir:

**Re: Drummond Brewing Company Ltd. (Lot 9, Block A, Plan 922-1625) -
Request to Rezone from I1 to C4 (Land Use Bylaw Amendment 3156/I-97)**

At the City of Red Deer's Council meeting held April 7, 1997, consideration was given to your correspondence dated March 13, 1997, regarding the above noted property. At that meeting, 1st Reading was given to Land Use Bylaw Amendment 3156/I-97, a copy of which is attached hereto.

Land Use Bylaw Amendment 3156/I-97 provides for the redesignation of the former Drummond Brewing site described as Lot 9, Block A, Plan 922-1625 (#2210 Gaetz Avenue), from I1 to C4 zoning.

This office will now proceed with the advertising for a Public Hearing to be held on Monday, May 5, 1997 at 7:00 p.m., or as soon thereafter as Council may determine, in the Council Chambers of City Hall.

In accordance with the Land Use Bylaw, you are required to deposit with the City Clerk, prior to public advertising, an amount equal to the estimated cost of advertising. It has been noted that this requirement has been met as we are in receipt of a cheque in the amount of \$400.00, submitted by Ernst & Young Inc. Once the actual cost of advertising is known you will be invoiced for the difference.

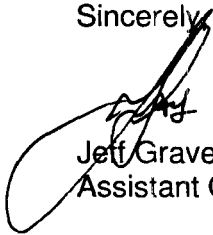
You had indicated that consideration is being given to requesting an exception to the C4 zoning. I would ask that you contact Mr. Paul Meyette, Parkland Community Planning Services, at (403) 343-3394. Mr. Meyette is our Principal Planner and can provide guidance regarding any proposed changes to the Land Use Bylaw zoning requirements for the C4 District.

The City of Red Deer

The Kasian Kennedy Design Partnership
April 9, 1997
Page 2

If you have any questions or require additional information, please do not hesitate to call me.

Sincerely,



Jeff Graves
Assistant City Clerk

/clr
attchs.

c Mr. Paul Meyette, Principal Planner
Land & Economic Development Manager
Inspections & Licensing Manager

Mr. Guy Levy
Ernst & Young Inc.
950 Ernst & Young House
707 - 7 Avenue, S.W.
Calgary, AB T2P 3H6

Faxed to: (403) 290-4187
on April 9, 1997

FILE

To: Office of the City Clerk
P.O. Box 5008, 4914-48 Ave.
Red Deer
Alta T4N 3T4

Attention: Jeff Graves
Re: Rezoning/Development Application

File: 96062:1:1
Date: Tue, Apr 8, 1997
Project: Cedar Ridge - Red Deer
Fax #: (403)-346-6195

From: Donald J. Kasian
Pg. 1 of: 1

**The
Kasian
Kennedy
Design
Partnership**

**Architects
Interior Designers
and Planners**

*British Columbia
And Alberta*

*980-1188 West Georgia St.
Vancouver, B.C. V6E 4A2
Fax (604) 683-2827
Tel. (604) 683-4145*

Message:

Dear Mr. Graves,

Further to our conversation of Monday, April 7, 1997, please be advised that we will be acting as agents for the owner of the property listed as Lot 9, Block A, Plan 922-1625, municipal address 2210 Gaetz Avenue, Red Deer (former Drummond Brewing Company site). All information and correspondence related to the current Rezoning application and subsequent Development Permit application(s) for this property should be addressed to our Vancouver office at the following address:

The Kasian Kennedy Design Partnership
980-1188 West Georgia Street
Vancouver, British Columbia
V6E 4A2

Regards,



Chris Lamb,
B.E.S., B.Arch

for

Donald J. Kasian,
B.E.S., M. Arch, M.A.I.B.C., M.A.A.A.,
M.M.A.A., M.S.A.A., M.R.A.I.C.

Signed

c.c. Peter Woodfine - Cedar Ridge Development

FACSIMILE

Office of the City Clerk

April 9, 1997

The Kasian Kennedy Design Partnership
980 - 1188 West Georgia Street
Vancouver, BC V6E 4A2

Faxed to: (604) 683-2827

Att: Mr. Donald J. Kasian

Dear Sir:

Re: Drummond Brewing Company Ltd. (Lot 9, Block A, Plan 922-1625) -
Request to Rezone from I1 to C4 (Land Use Bylaw Amendment 3156/I-97)

At the City of Red Deer's Council meeting held April 7, 1997, consideration was given to your correspondence dated March 13, 1997, regarding the above noted property. At that meeting, 1st Reading was given to Land Use Bylaw Amendment 3156/I-97, a copy of which is attached hereto.

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This office will now proceed with the advertising for a Public Hearing to be held on Monday, May 5, 1997 at 7:00 p.m., or as soon thereafter as Council may determine, in the Council Chambers of City Hall.

In accordance with the Land Use Bylaw, you are required to deposit with the City Clerk, prior to public advertising, an amount equal to the estimated cost of advertising. It has been noted that this requirement has been met as we are in receipt of a cheque in the amount of \$400.00, submitted by Ernst & Young Inc. Once the actual cost of advertising is known you will be invoiced for the difference.

You had indicated that consideration is being given to requesting an exception to the C4 zoning. I would ask that you contact Mr. Paul Meyette, Parkland Community Planning Services, at (403) 343-3394. Mr. Meyette is our Principal Planner and can provide guidance regarding any proposed changes to the Land Use Bylaw zoning requirements for the C4 District.

4914 - 48th Avenue, Red Deer, AB Canada T4N 5T4
Tel: (403) 842-8132 Fax: (403) 848-6195 E-mail: cityclerk@city.red-deer.ab.ca Web: <http://www.city.red-deer.ab.ca>

TRANSMISSION REPORT

THIS DOCUMENT WAS CONFIRMED
(REDUCED SAMPLE ABOVE - SEE DETAILS BELOW)

** COUNT **

TOTAL PAGES SCANNED : 4
TOTAL PAGES CONFIRMED : 4

*** SEND ***

No.	REMOTE STATION	START TIME	DURATION	#PAGES	MODE	RESULTS
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TOTAL 0:01'21" 4

NOTE:

No. : OPERATION NUMBER 48 : 4800BPS SELECTED EC : ERROR CORRECT G2 : G2 COMMUNICATION
PD : POLLED BY REMOTE SF : STORE & FORWARD RI : RELAY INITIATE RS : RELAY STATION
MB : SEND TO MAILBOX PG : POLLING A REMOTE MP : MULTI-POLLING RM : RECEIVE TO MEMORY



Office of the City Clerk

March 14, 1997

Guy Levy
Ernst & Young Inc.
950 Ernst & Young House
707, 7 Avenue SW
CALGARY, AB T2P 3H6

Dear Mr. Levy:

I am in receipt of your letter dated March 13, 1997 re: Drummond Brewing Company Ltd. - Real Estate. Your letter will be placed on the Red Deer City Council Agenda of April 7, 1997.

Your request has been circulated to City Administration for comments. A copy of the administrative comments will be available to you prior to the Council Meeting and can be picked up at our office on the second floor of City Hall on Friday, April 4, 1997.

If you wish to be present and/or speak at the Council Meeting, please telephone our office on Friday, April 4, and we will advise you of the approximate time that Council will be discussing this item. Upon arrival at City Hall, please enter the park side entrance and proceed to the Council Chambers on the second floor.

Council Meetings are open to the general public and are televised live on Shaw Cable, Channel 3. Council Meetings commence at 4:30 p.m., adjourn for the supper hour at 6:00 p.m., and reconvene at 7:00 p.m. Council agendas are available to the public and media from the City Clerk's Department.

If you have any questions or require further assistance, please do not hesitate to contact me.

Sincerely,

Kelly Kloss
City Clerk

KK/nb

DATE: March 14, 1997

TO: X DIRECTOR OF COMMUNITY SERVICES
DIRECTOR OF CORPORATE SERVICES
X DIRECTOR OF DEVELOPMENT SERVICES
X CITY ASSESSOR
X E. L. & P. MANAGER
ENGINEERING DEPARTMENT MANAGER
X FIRE CHIEF (EMERGENCY SERVICES)
INFORMATION TECHNOLOGY SERVICES MANAGER
X INSPECTIONS AND LICENSING MANAGER
X LAND AND ECONOMIC DEVELOPMENT MANAGER
PERSONNEL MANAGER
PUBLIC WORKS MANAGER
R.C.M.P. INSPECTOR
RECREATION, PARKS & CULTURE MANAGER
SOCIAL PLANNING MANAGER
TRANSIT MANAGER
TREASURY SERVICES MANAGER
X PRINCIPAL PLANNER
CITY SOLICITOR

FROM: CITY CLERK

RE: **ERNST & YOUNG - DRUMMOND BREWING COMPANY**
REZONING REQUEST: I1 TO C4

Please submit comments on the attached to this office by March 27, 1997 for the Council Agenda of April 7.

"Kelly Kloss"

City Clerk

DATE: March 14, 1997

TO: X DIRECTOR OF COMMUNITY SERVICES
DIRECTOR OF CORPORATE SERVICES
X DIRECTOR OF DEVELOPMENT SERVICES
X CITY ASSESSOR
X E. L. & P. MANAGER
ENGINEERING DEPARTMENT MANAGER
X FIRE CHIEF (EMERGENCY SERVICES)
INFORMATION TECHNOLOGY SERVICES MANAGER
X INSPECTIONS AND LICENSING MANAGER
X LAND AND ECONOMIC DEVELOPMENT MANAGER
PERSONNEL MANAGER
PUBLIC WORKS MANAGER
R.C.M.P. INSPECTOR
RECREATION, PARKS & CULTURE MANAGER
SOCIAL PLANNING MANAGER
TRANSIT MANAGER
TREASURY SERVICES MANAGER
X PRINCIPAL PLANNER
CITY SOLICITOR

FROM: CITY CLERK

RE: **ERNST & YOUNG - DRUMMOND BREWING COMPANY**
REZONING REQUEST: I1 TO C4

Please submit comments on the attached to this office by March 27, 1997 for the Council Agenda of April 7.

"Kelly Kloss"
City Clerk

*To Kelly
I even have any
comments on this one
however Paul of course
will. Samuel*

**Bayview**

Property & Asset Management Inc.

March 12, 1997

City of Red Deer
Public Works Department
5420 - 47 Street
P.O. Box 5008
Red Deer, Alberta
T4N 3T4

Attention: Mr. Kelly Kloss

Dear Mr. Kloss:

**RE: CHECKMATE HILL - 4902 - 37 STREET, RED DEER, ALBERTA
CONDOMINIUM PLAN NO. 9021647 - RECYCLING**

Further to our telephone conversation of March 10, 1997, we ask that this letter be presented to Council in order that we may represent our position of recycling charges.

As Bayview Property & Asset Management Inc. is the Property manager for Checkmate Hill, our concern is while we definitely support the recycle program, it is quite expensive. The rate which you have based our charge is \$2.31 per unit per month which is \$369.60 per month, yet our charges average \$453.00 per month. There has been no adjustment for vacancy. Our vacancy ranges between 20% to 30% annually.

This charge is applied to our utility bill on a mandatory basis. As we have an electrical meter and pay this charge, of course the recycle is charged per unit. While a homeowner has one meter, he is charged \$2.31 per month for recycle. It is difficult to justify this charge at Checkmate Hill for one meter, one pick-up yet one hundred and sixty (160) times more expensive per month.

We would ask that you reconsider your position on this levy for Checkmate Hill. Our suggestion is that we pay \$1.20 per unit per month which equates to \$2,304.00 annually with no vacancy factored.

City of Calgary
Recycling
Page 2

Another option could be a 30% reduction annually based on the vacancy, which equates to as follows:

$$\$2.31 \times 160 \times 12 = \$4,435.20$$

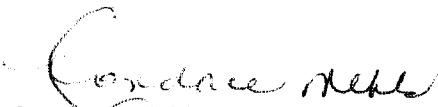
$$\text{Less 30\%} = \underline{1,330.56}$$

\$3,104.64 charge per annum: \$258.72 per month

Since Gaddan Developments has purchased Checkmate Hill last August of 1996, they have placed over a quarter of a million dollars (\$250,000.00) into the economy of Red Deer through renovations and upgrades. Our position is that we have been able to "breathe life" into a project with such a checkered history and would like to continue to do so, this becoming possible by sound physical and financial management.

Thank you for your attention to this matter and we await your response.

Yours very truly,



Candace Mehls
Manager, Residential Portfolio

CM/ag/L.026

DATE: April 1, 1997
TO: City Clerk
FROM: Public Works Manager
RE: **CHECKMATE HILL - 4902 - 37 STREET, CONDOMINIUM PLAN 9021647,
RECYCLING - REQUEST FOR REDUCTION BASED ON VACANCY**

Bayview Property & Asset Management Inc. (Bayview), as property manager for Checkmate Hill, is asking Council to consider the following:

1. Reduce the per unit residential recycling utility rate from \$2.31/unit to \$1.20/unit to allow for vacancies throughout the year; or
2. Reduce the amount paid per year by 30% to allow for vacancies.

Bayview's reasoning is that some adjustment should be made to their utility bill because of their stated vacancy rates of between 20% to 30% annually.

Some points which Council may wish to consider regarding this item are:

- there are 31 other accounts representing 1,111 units in the City that do not have reductions based on vacancies and are charged in the same manner as Checkmate Hill,
- the Garbage Utility allows for waiving of charges to properties that are not occupied, but the vacancy must be verifiable. In units that have individual electrical and water meters where the vacancy can be verified, charges are waived upon request,
- Checkmate Hill does not have individual meters on each unit, so the City can not verify vacancy rates,
- the 1995 Census for the City indicated an average vacancy rate for town houses (a condominium is classified as a town house) of 5.55%,
- in 1997, the residential recycling fees were reduced from \$2.85/month to \$2.31/month, a reduction of 18.9%.

Page Two

Council has three options to consider, in our view:

1. Reduce Checkmate Hill's residential recycling charge from \$2.31/unit to \$1.20/unit, totaling a reduction of \$2117.88 per year, as proposed by Bayview.
2. Reduce the total amount paid by Checkmate Hill by 30%, for a reduction of \$1322.24 per year, as proposed by Bayview, or
3. Leave the method of billing as is.


We are not recommending Option 1., because of the following:

- the vacancy rates are non-verifiable by our Utilities section, and,
- there are +/- 6000 multifamily units in the City, and to develop and administer charges on an individual basis would be very difficult to monitor and administrate.

We are not recommending Option 2., because the vacancy rates are non-verifiable by our Utilities section.

Recommendation

We respectfully recommend that Council deny the request by Bayview and continue the recycling billing as is currently done.



Paul A. Goranson, P. Eng.,
Public Works Manager

PAG/sh

c. Treasury Services Manager

DATE: April 1, 1997

TO: K. Kloss
City Clerk

FROM: Treasury Services Manager

RE: CHECKMATE COURT - RECYCLING CHARGES

From a billing perspective, recycling is charged as a flat fee to residential customers. If any changes to the rate structure were to be considered, we would need an opportunity to assess the impact on the billing procedures, based on whatever criteria might be adopted to differentiate between classes of customer. The impact of a change in rate structure or billing procedure, as is being requested, would undoubtedly extend to other customers as well.



D. G. Norris
Treasury Services Manager

Comments:

We concur with the recommendation of the Public Works Manager that we continue the recycling billing as is currently applied, for all the reasons outlined.

"G. D. SURKAN"
Mayor

"H. M. C. DAY"
City Manager

DATE: March 17, 1997

TO: DIRECTOR OF COMMUNITY SERVICES

X DIRECTOR OF CORPORATE SERVICES

X DIRECTOR OF DEVELOPMENT SERVICES

CITY ASSESSOR

E. L. & P. MANAGER

ENGINEERING DEPARTMENT MANAGER

FIRE CHIEF (EMERGENCY SERVICES)

INFORMATION TECHNOLOGY SERVICES MANAGER

INSPECTIONS AND LICENSING MANAGER

LAND AND ECONOMIC DEVELOPMENT MANAGER

PERSONNEL MANAGER

X PUBLIC WORKS MANAGER

R.C.M.P. INSPECTOR

RECREATION, PARKS & CULTURE MANAGER

SOCIAL PLANNING MANAGER

TRANSIT MANAGER

X TREASURY SERVICES MANAGER

PRINCIPAL PLANNER

CITY SOLICITOR

FROM: CITY CLERK

RE: **BAYVIEW PROPERTY MANAGEMENT**
CHECKMATE HILL - RECYCLING

Please submit comments on the attached to this office by March 27, 1997 for the Council Agenda of April 7.

"Kelly Kloss"
City Clerk



Office of the City Clerk

March 17, 1997

Box 5008

Red Deer, Alberta

T4N 3T4

The City of Red Deer

Candace Mehls
Manager, Residential Portfolio
Bayview Property & Asset Management Inc.
510 Parkside Place
602, 12 Avenue SW
CALGARY, AB T2R 1J3

Dear Ms. Mehls :

I am in receipt of your letter dated March 12, 1997 re: Checkmate Hill - Recycling Fee Reduction. Your letter will be placed on the Red Deer City Council Agenda of April 7, 1997.

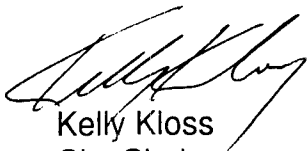
Your request has been circulated to City Administration for comments. A copy of the administrative comments will be available to you prior to the Council Meeting and can be picked up at our office on the second floor of City Hall on Friday, April 4, 1997.

If you wish to be present and/or speak at the Council Meeting, please telephone our office on Friday, April 4, and we will advise you of the approximate time that Council will be discussing this item. Upon arrival at City Hall, please enter the park side entrance and proceed to the Council Chambers on the second floor.

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If you have any questions or require further assistance, please do not hesitate to contact me.

Sincerely,



Kelly Kloss
City Clerk

KK/nb

FILE

Office of the City Clerk

April 8, 1997

Bayview Property & Asset Management Inc.
510 Parkside Place
602 - 12 Avenue, S.W.
Calgary, AB T2R 1J3

Faxed to: (403) 261-3985

Att: Candace Mehls,
Manager, Residential Portfolio

Dear Ms. Mehls:


**RE: CHECKMATE HILL(#4902 - 37 STREET, RED DEER, AB) /
CONDOMINIUM PLAN NO. 9021647 - REQUEST TO CHANGE METHOD
OF BILLING FOR RECYCLING**

At the City of Red Deer's Council Meeting held Monday, April 7, 1997, consideration was given to your correspondence dated March 12, 1997, regarding the above. At that meeting, the following resolution was passed:

"RESOLVED that Council of The City of Red Deer, having considered correspondence from Bayview Property & Asset Management Inc. dated March 12, 1997, re: Checkmate Hill (#4902 - 37 Street), Condominium Plan No. 9021647, Request to Change Method of Billing for Recycling, hereby agrees that no change be made to the recycling billing for the said property, and as presented to Council April 7, 1997."

As per the above, Council agrees that no change be made to the current method of billing. If you require further clarification or more information, please do not hesitate to contact me.

Sincerely,


Jeff Graves
Assistant City Clerk

/clr

c Director of Corporate Services
Treasury Services Manager
Public Works Manager

The City of Red Deer

Box 5008
Red Deer, Alberta
T4N 3T4



Office of the City Clerk

April 8, 1997

Bayview Property & Asset Management Inc.
510 Parkside Place
602 - 12 Avenue, S.W.
Calgary, AB T2R 1J3

Faxed to: (403) 261-3985

Att: Candace Mehls,
Manager, Residential Portfolio

Dear Ms. Mehls:

**RE: CHECKMATE HILL(#4902 - 37 STREET, RED DEER, AB) /
CONDOMINIUM PLAN NO. 9021647 - REQUEST TO CHANGE METHOD
OF BILLING FOR RECYCLING**

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As per the above, Council agrees that no change be made to the current method of billing. If you require further clarification or more information, please do not hesitate to contact me.

Sincerely,


Jeff Graves
Assistant City Clerk

/clr

c Director of Corporate Services
Treasury Services Manager
Public Works Manager

4014 - 48th Avenue, Red Deer, AB Canada T4N 3T4
Tel: (403) 342-8182 Fax: (403) 346-6195 E-mail: cityclerk@city.red-deer.ab.ca Web: http://www.city.red-deer.ab.ca

TRANSMISSION REPORT

THIS DOCUMENT WAS CONFIRMED
(REDUCED SAMPLE ABOVE - SEE DETAILS BELOW)

**** COUNT ****

TOTAL PAGES SCANNED : 1
TOTAL PAGES CONFIRMED : 1

*** SEND ***

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TOTAL 0:00'37" 1

NOTE:

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PD : POLLED BY REMOTE SF : STORE & FORWARD RI : RELAY INITIATE RS : RELAY STATION
MB : SEND TO MAILBOX PG : POLLING A REMOTE MP : MULTI-POLLING RM : RECEIVE TO MEMORY

Item No. 3



March 20, 1997

City of Red Deer
Box 5008
Red Deer, Alberta
T4N 3T4

RE: The Red Deer International Airshow and Feature Act "The Snowbirds"

Dear Mayor Surkan and Council Members,

The Red Deer International Airshow are pleased to announce that their feature act for 1995 will be Canada's "Snowbirds"

Upon the Snowbirds arrival they like to fly over surrounding populated areas to promote the upcoming airshow if the governing councils grant permission and if their fuel capacity permits.

All maneuvers performed in the fly over are conducted at altitudes and separations which exceed M.O.T. requirements and the strict safety code of the Airshow that the Snowbird and the Canadian Military adhere to.

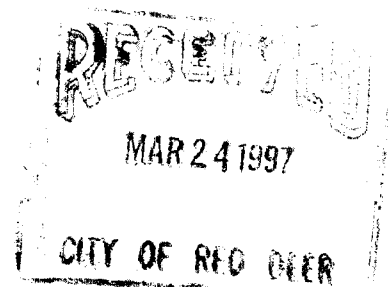
We respectfully request your response at your earliest convenience to enable the Snowbirds to fly over our community on August 1st upon their arrival, as well as possibly August 2nd and 3rd while setting up to perform their program in the airshow.

We thank you for your cooperation.

Sincerely,
RED DEER AIRSHOW ASSOCIATION

Dennis Nielsen,
President

DN*ac





March 26, 1997

City of Red Deer
Box 5008
Red Deer, Alberta
T4N 3T4

RE: Fly over by "The Snowbirds"

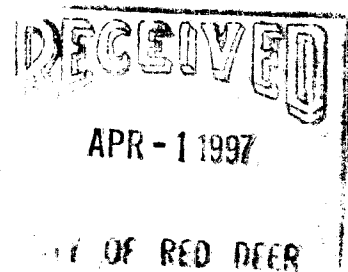
Dear Mayor and Council Members,

I would like to apologise for the typo in our last letter to your office. Please note that the date for the fly over is **1997** not 1995 as indicated in the letter.

Once again I would like to apologise for any misunderstanding this may have caused.

Sincerely,
THE RED DEER AIRSHOW ASSOCIATION

Annette Cossette
Annette Cossette
Office Secretary



Comments:

We recommend Council pass the proposed resolution and join the Red Deer International Airshow in welcoming *The Snowbirds* to Red Deer.

"G. D. SURKAN"
Mayor

"H. M. C. DAY"
City Manager

FILE

Office of the City Clerk

April 8, 1997

Red Deer International Airshow
208, 4911 - 51 Street
Red Deer, AB T4N 6V4

Att: Dennis Nielsen,
President

Dear Sir:

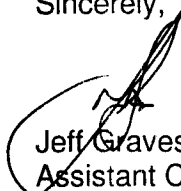
**RE: THE RED DEER INTERNATIONAL AIRSHOW AND FEATURE ACT
"THE SNOWBIRDS"**

At the City of Red Deer's Council Meeting held Monday, April 7, 1997, consideration was given to your correspondence dated March 20, 1997 wherein you requested permission for the "Snowbirds" to fly over Red Deer between August 1 - 3, 1997. The following resolution was passed by Council at that meeting:

"RESOLVED that Council of The City of Red Deer, having considered correspondence from the Red Deer International Airshow dated March 20, 1997, re: The Red Deer International Airshow and Feature Act "The Snowbirds", hereby grants permission to "The Snowbirds" to fly over the City of Red Deer on August 1, 2 and 3, 1997."

On behalf of Council, I would like to wish you every success for the 1997 Red Deer International Airshow. Please do not hesitate to contact me should you require any further clarification or assistance.

Sincerely,


Jeff Graves
Assistant City Clerk

/clr

The City of Red Deer

Box 5008
Red Deer, Alberta
T4N 3T4



DATE: March 13, 1997
TO: City Council
FROM: City Clerk
RE: ***NOTICE OF MOTION - COUNCILLOR SCHNELL:
UTILITY BYLAW APPEALS***

The following Notice Of Motion was submitted by Councillor Schnell for consideration at the Council Meeting of April 7, 1997:

"WHEREAS Council receives an increasing number of requests to waive additional deposits imposed pursuant to Section 17 of the Utility Bylaw; and

WHEREAS Council has entrusted the Treasury Department to administer said Bylaw and to deal fairly with people making such requests; and

WHEREAS Council is satisfied that the Treasury Department has always dealt fairly, and continues to deal fairly with the administration of Section 17;

NOW THEREFORE BE IT RESOLVED:

1. That Council continue its practice of allowing its administration to deal with requests to waive or reduce additional utility deposits imposed pursuant to Section 17 of the Utility Bylaw; and
2. that Council considers the decision of its administration in such cases to be final; and
3. that in future, all requests for an appeal to Council for relief against decisions made by its administration pursuant to Section 17 of the Utility Bylaw shall be refused."



Kelly Kloss
City Clerk

/clr

DATE: March 20, 1997

TO: K. Kloss
City Clerk

FROM: Treasury Services Manager

RE: NOTICE OF MOTION - COUNCILLOR SCHNELL
UTILITY BYLAW APPEALS

We would have no difficulty in administering section 17 of the Utility Bylaw with respect to Increased Deposits as proposed in the Notice of Motion by Councillor Schnell.

Following is a suggested amendment to section 37 of the bylaw that I believe would accomplish the intended result.

APPEALS

37. Notwithstanding any other provision of this Bylaw or the rate schedules forming part hereof, any consumer who feels himself aggrieved in respect of rates charged to him under this Bylaw on the ground that such rates are unfair, unreasonable or discriminatory may, by notice in writing delivered to the Director, ***or a person authorized to act on behalf of the Director,*** specifying the grounds of his complaint, appeal such rates. Such appeal shall in the first instance be heard and determined by the ~~City Manager and the~~ Director, ***or a person authorized to act on behalf of the Director,*** ~~responsible for the administration of the utility;~~ provided that if such consumer is not satisfied with such determination he may, by notice in writing to be delivered to the Director, ***or a person authorized to act on behalf of the Director,*** within ***15*** days of the date of such determination, further appeal the matter to ~~Council~~ ***the Mayor.***

Respectfully submitted for Council's consideration.



D. G. Norris
Treasury Services Manager

- c. Director of Corporate Services
Utility Billing Supervisor

Comments:

We have no difficulty with supporting the Notice of Motion put forward by Councillor Schnell. This will certainly relieve Council of the increasing number of requests to waive additional deposits referred to in the preamble of the Notice of Motion. We do however, have two concerns.

The first concern is that the passage of such a Motion would take away the long standing tradition that every citizen has the right to appeal to Council. However, as the City grows and the number of such items being presented to Council grows, clearly Council will not have the time to deal with all such matters in addition to the establishment of policy, which is Council's primary role. We bring this matter forward so that Council is aware that we are departing from long standing tradition.

Our second concern is that the proposed amendment to the Utility Bylaw, as suggested by the Treasury Services Manager, refers to the Mayor as the final authority. We are not sure if this fully meets the intent of Councillor Schnell's Notice of Motion in which he refers entirely to the Administration.

If Council wishes to establish clearly the authority of the Administration in settling these affairs, then reference to the Mayor as final appeal should be removed from the Bylaw. Given the nature of the political process, it is likely that some individuals who do not feel they have been fairly dealt with will continue to appeal to the political level either through the Mayor or individual Councillors. There is no need to enshrine this long standing practice within the Bylaw.

"G. D. SURKAN"
Mayor

"H. M. C. DAY"
City Manager

CHAPMAN RIEBEEK

Barristers, Solicitors

THOMAS H. CHAPMAN, Q.C.*
NICK P. W. RIEBEEK*
DONALD J. SIMPSON
T. KENT CHAPMAN*
GARY W. WANLESS*
LORNE E. GODDARD
GERI M. CHRISTMAN
ROBERT J. MILLAR
NANCY A. BERGSTROM

208 - 4808 Ross Street
Red Deer, Alberta T4N 1X5
TELEPHONE (403) 346-6603
TELECOPIER (403) 340-1280

101, 5020 - 50 A Street
Sylvan Lake, Alberta T4S 1R2
TELEPHONE (403) 887-2024
TELECOPIER (403) 887-2036

* Denotes Professional Corporation

Your file:
Our file: Gen 03/97 THC

March 21, 1997

City of Red Deer
P.O. Box 5008
Red Deer, Alberta
T4N 3T4

ATTENTION: Mr. Kelly Kloss
City Clerk

Dear Sir:

RE: Notice of Motion - Utility Bylaw Appeals

Section 17 of the Utility Bylaw does not contain any procedure to permit any appeals to Council. Indeed, the Bylaw is mandatory that, in the circumstances listed under section 17, that "in addition to paying any arrears or previous balances owing, the consumer will be required to pay an additional deposit equal to 3 months estimated billing, or the minimum deposit required by section 14, whichever is greater".

Accordingly, Council cannot allow such an appeal or waive requirements of the provisions of the Bylaw, since Council is bound by its Bylaws.

Therefore, the short answer to any request for adjustment of utility rate can be dealt with by a simple response that Council is bound by the provisions of its Bylaw and does not have the authority to relax or waive the provisions of the Bylaw.

This is consistent with the intent of Alderman Schnell's Notice of Motion.

Yours truly,



THOMAS H. CHAPMAN, Q.C.
THC/vjh

DATE:

TO:

DIRECTOR OF COMMUNITY SERVICES
X DIRECTOR OF CORPORATE SERVICES
DIRECTOR OF DEVELOPMENT SERVICES
CITY ASSESSOR
E. L. & P. MANAGER
ENGINEERING DEPARTMENT MANAGER
FIRE CHIEF (EMERGENCY SERVICES)
INFORMATION TECHNOLOGY SERVICES MANAGER
INSPECTIONS AND LICENSING MANAGER
LAND AND ECONOMIC DEVELOPMENT MANAGER
PERSONNEL MANAGER
PUBLIC WORKS MANAGER
R.C.M.P. INSPECTOR
RECREATION, PARKS & CULTURE MANAGER
SOCIAL PLANNING MANAGER
TRANSIT MANAGER
X TREASURY SERVICES MANAGER
PRINCIPAL PLANNER
X CITY SOLICITOR

FROM: CITY CLERK

RE: **NOTICE OF MOTION - COUNCILLOR SCHNELL
UTILITY BYLAW APPEALS**

Please submit comments on the attached to this office by March 27, 1997 for the Council Agenda of April 7.

"Kelly Kloss
City Clerk

“WHEREAS Council receives an increasing number of requests to waive additional deposits imposed pursuant to Section 17 of the Utility Bylaw; and

WHEREAS Council has entrusted the Treasury Department to administer said Bylaw and to deal fairly with people making such requests; and

WHEREAS Council is satisfied that the Treasury Department has always dealt fairly, and continues to deal fairly with the administration of Section 17;

NOW THEREFORE BE IT RESOLVED:

1. That Council continue its practice of allowing its administration to deal with requests to waive or reduce additional utility deposits imposed pursuant to Section 17 of the Utility Bylaw; and
2. that Council considers the decision of its administration in such cases to be final; and
3. that in future, all requests for an appeal to Council for relief against decisions made by its administration pursuant to Section 17 of the Utility Bylaw shall be refused.”

Submitted by: Councillor Schnell

Council Decision - April 7, 1997 Meeting

DATE: April 8, 1997
TO: Treasury Services Manager
FROM: Assistant City Clerk
RE: ***NOTICE OF MOTION - COUNCILLOR SCHNELL:
UTILITY BYLAW APPEALS - UTILITY BYLAW AMENDMENT NO. 2960/C-97***

Reference Report: City Clerk, dated March 13, 1997

Resolutions Passed:

"WHEREAS Council receives an increasing number of requests to waive additional deposits imposed pursuant to Section 17 of the Utility Bylaw; and

WHEREAS Council has entrusted the Treasury Department to administer said Bylaw and to deal fairly with people making such requests; and

WHEREAS Council is satisfied that the Treasury Department has always dealt fairly, and continues to deal fairly with the administration of Section 17;

NOW THEREFORE BE IT RESOLVED:

1. That Council continue its practice of allowing its administration to deal with requests to waive or reduce additional utility deposits imposed pursuant to Section 17 of the Utility Bylaw; and
2. that Council considers the decision of its administration in such cases to be final; and
3. that in future, all requests for an appeal to Council for relief against decisions made by its administration pursuant to Section 17 of the Utility Bylaw shall be refused."

The following resolution was passed agreeing to amend Utility Bylaw No. 2960/88:

"RESOLVED that Council of The City of Red Deer, hereby agrees to amend Utility Bylaw Amendment 2960/C-97 by deleting section 37 in its entirety and replacing same with the following new section 37:

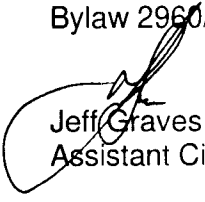
- 37 Notwithstanding any other provision of this bylaw or the Rate Schedules forming part hereof, any consumer who feels himself aggrieved in respect of rates charged to him under this bylaw on the grounds that such rates are unfair, unreasonable or

discriminatory, may, by notice in writing delivered to the Director, or a person authorized to act on behalf of the Director, specifying the grounds of this complaint, appeal such rates. Such appeal shall be heard and determined by the Director, or person authorized to act on behalf of the Director, whose decision shall be final.' "

Report Back to Council Required: No

Comments/Further Action:

Attached hereto, please find a copy of Utility Bylaw Amendment 2960/C-97, as passed at the Council Meeting of April 7, 1997. This office will now be updating the consolidated copy of Utility Bylaw 2960/88 and distributing same in due course.



Jeff Graves
Assistant City Clerk

/clr
attchs.

c Director of Corporate Services
 Utility Billing Supervisor

BYLAW NO. 2960/C-97

Being a bylaw to amend Bylaw No. 2960/88, The Utility Bylaw of The City of Red Deer.

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

Bylaw No. 2960/88 is hereby amended:

- 1 by deleting section 37 in its entirety and replacing same with the following new section 37:

"37 Notwithstanding any other provision of this bylaw or the Rate Schedules forming part hereof, any consumer who feels himself aggrieved in respect of rates charged to him under this bylaw on the grounds that such rates are unfair, unreasonable or discriminatory, may, by notice in writing delivered to the Director, or a person authorized to act on behalf of the Director, specifying the grounds of this complaint, appeal such rates. Such appeal shall, in the first instance, be heard and determined by the Director, or a person authorized to act on behalf of the Director, provided that if such consumer is not satisfied with such determination he may, by notice in writing to be delivered to the Director, or a person authorized to act on behalf of the Director, within 15 days of the date of such determination, further appeal the matter to the Mayor."

READ A FIRST TIME IN OPEN COUNCIL this day of A.D. 1997.

READ A SECOND TIME IN OPEN COUNCIL this day of A.D. 1997.

READ A THIRD TIME IN OPEN COUNCIL this day of A.D. 1997.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of A.D. 1997.

MAYOR

CITY CLERK

BYLAW NO. 3156/I-97

Being a Bylaw to amend Bylaw No. 3156/96, the Land Use Bylaw of the City of Red Deer.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF RED DEER, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

- 1 The "Use District Map" as referred to in Section 5 is hereby amended in accordance with the Use District Map No. 9/97 attached hereto and forming part of the Bylaw.

READ A FIRST TIME IN OPEN COUNCIL this day of A.D. 1997.

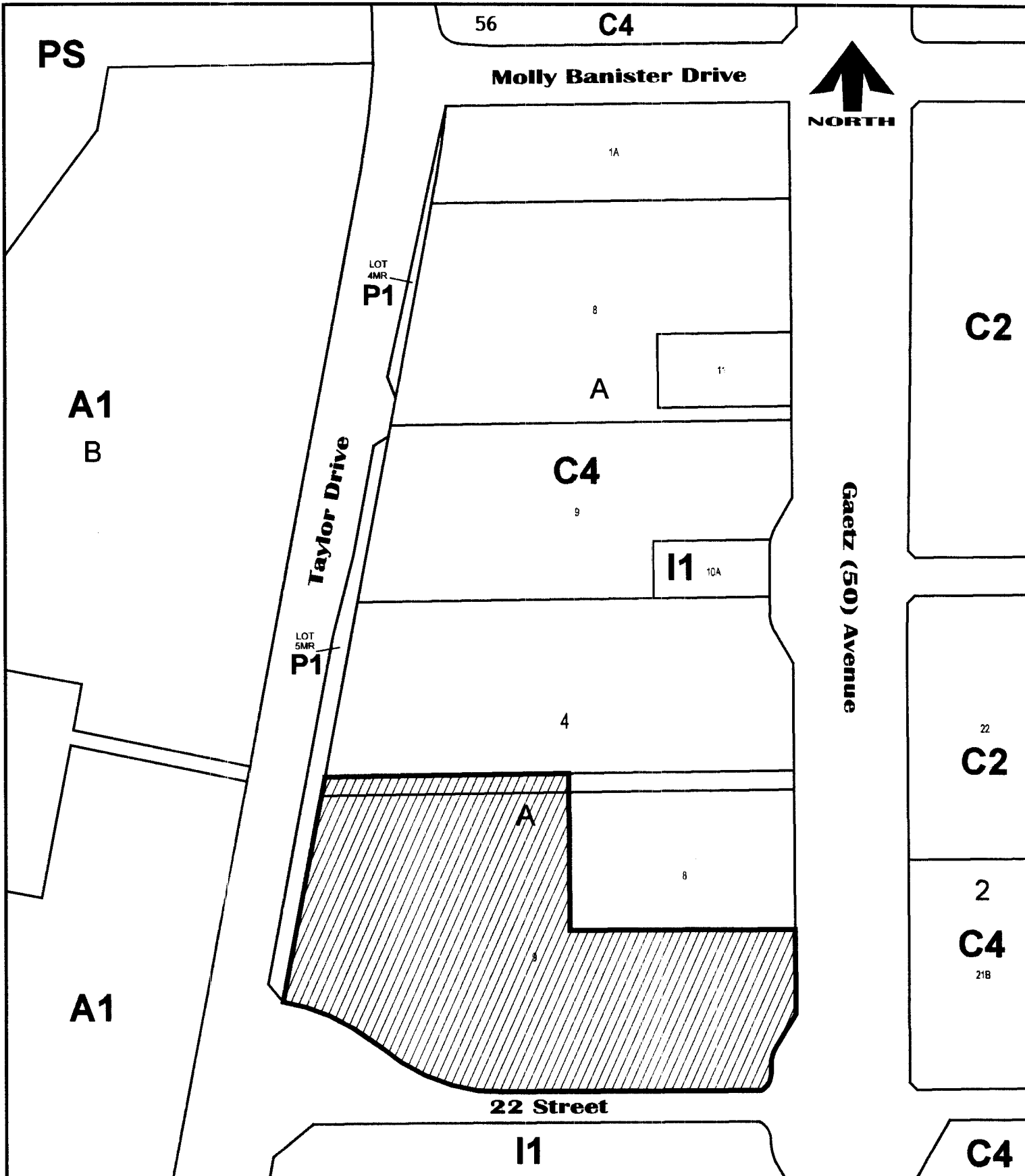
READ A SECOND TIME IN OPEN COUNCIL this day of A.D. 1997.

READ A THIRD TIME IN OPEN COUNCIL this day of A.D. 1997.

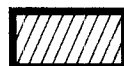
AND SIGNED BY THE MAYOR AND CITY CLERK this day of A.D. 1997.

MAYOR

CITY CLERK



Change from: I1 to C4



MAP NO. 9 / 97
BYLAW NO. 3156 / 1 - 97

Where as:
**I1 Industrial District
(Business Service)
C4 Commercial District
(Major Arterial)**