

## A G E N D A

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FOR THE *REGULAR MEETING OF RED DEER CITY COUNCIL*

TO BE HELD IN THE COUNCIL CHAMBERS, CITY HALL

*MONDAY, MARCH 11, 2002*

COMMENCING AT *4:30 P.M.*

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- (1) Confirmation of the Minutes of the regular meeting of Monday, February 25, 2002.

*Page #*

- (2) **UNFINISHED BUSINESS**

- (3) **PUBLIC HEARINGS**

1. City Clerk - re: *Municipal Government Amendment Act (Bill 202 As Amended)*:

(a) *Bylaw 3214/A-2002 – Amendment to the Municipal Development Plan.*

(b) *Land Use Bylaw Amendment 3156/C-2002– Amendment to Section 22 (Public Notification) and Section 86 (General Purpose)*

(Consideration of 2<sup>nd</sup> & 3<sup>rd</sup> Readings of the Bylaws)

. .1

2. City Clerk – re: *Land Use Bylaw Amendment 3156/D-2002 – Retail Sale / Open House Opportunity – Home Occupations*  
(Consideration of 2<sup>nd</sup> and 3<sup>rd</sup> Readings of the Bylaw) . . .4

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|-----|---|----------------|
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|-----|---|----------------|

**DATE:** February 12, 2002

**TO:** City Council

**FROM:** City Clerk

**RE:** **Municipal Government Amendment Act (Bill 202 As Amended)**  
**(1) Bylaw 3214/A-2002 – Amendment to the Municipal Development Plan**  
**(2) Land Use Bylaw Amendment 3156/C-2002**

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### *History*

At the Monday, February 11, 2002 meeting of Council, Bylaw 3214/A-2002 and Land Use Bylaw Amendment 3156/C-2002 were given first readings.

1. Bylaw 3214/A-2002 provides for the addition of sections 12.8 (The City shall continue to grow in a logical and sequential manner) and 12.9 (Agricultural Operations which are allowed under the City's Land Use Bylaw may continue until such time as the lands are required for urban development) to the Municipal Development Plan.
2. Land Use Bylaw Amendment 3156/C-2002 provides for the amendment to Bill 202 which eliminates the need for municipalities to notify adjoining landowners about agricultural operations.

### *Public Consultation Process*

Public Hearings have been advertised for the above noted bylaws to be held on Monday, March 11, 2002 at 7:00 p.m. in the Council Chambers, during Council's regular meeting. The owners of the properties bordering the sites have been notified by letter of the Public Hearing.

### *Recommendations*

That following the Public Hearing, Council may proceed with 2<sup>nd</sup> and 3<sup>rd</sup> readings of the bylaws.



Kelly Kloss  
City Clerk

/chk



RED DEER  
**CITY**  
**COMMUNITY**  
**PLANNING**  
**SERVICES**

2

Suite 404, 4808 Ross Street  
Red Deer, Alberta T4N 1X5  
Phone: (403) 343-3394  
FAX: (403) 346-1570  
e-mail: pcps@pcps.ab.ca

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Date: January 25, 2002

To: City Clerk

From: Paul Meyette  
City Planning Manager

**RE: MUNICIPAL GOVERNMENT AMENDMENT ACT  
(Bill 202 as amended)**

On April 30 of this year, several amendments to the Municipal Government Act will come into effect.

These amendments will require changes to the Municipal Development Plan to add policies related to the protection of agricultural operations. In addition, the legislation states that the municipality must consider the protection of agricultural operation when preparing a land use bylaw.

**COMMENTS**

In order to implement this new legislation, the following changes are recommended:

Municipal Development Plan:

Add the following policies:

“12.8 The City shall continue to grow in a logical sequential manner.

12.9 Agricultural Operations which are allowed under the City's Land Use Bylaw may continue until such time as the lands are required for urban development.”

Land Use Bylaw

The Land Use Bylaw was amended in 2001 to take into account Bill 202. However since that time there has been an amendment to Bill 202 which eliminates the need for municipalities to notify adjoining landowners about agricultural operations. In order to reflect this amendment in Bill 202, the following is recommended:

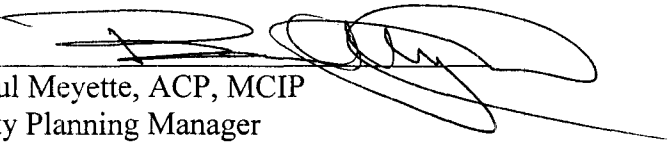
1. That Section 22 (2) Public Notification is deleted in whole;

2. That Section 86 General Purpose is deleted and replaced with:

“The General Purpose of this district is to allow agricultural and related uses until such time as the land is required for urban development.”

### **RECOMMENDATION**

It is recommended that City Council give first reading to Bylaw 3214/A-2002 (Municipal Development Plan) and 3156/C-2002 (Land Use Bylaw).



Paul Meyette, ACP, MCIP  
City Planning Manager

Cc Colleen Jensen, Director of Community Services  
Don Simpson, Solicitor

**LAND USE BYLAW 3156/C-2002**  
**MUNICIPAL DEVELOPMENT PLAN BYLAW 3214/A-2002**

**DESCRIPTION:** Elimination of the need to notify adjoining landowners about agricultural operations & addition of Sections 12.8 & 12.9 re: logical & sequential growth of the city

**FIRST READING:** February 11, 2002

**FIRST PUBLICATION:** February 22, 2002

**SECOND PUBLICATION:** March 1, 2002

**PUBLI HEARING & SECOND READING:** March 11, 2002

**THIRD READING:** \_\_\_\_\_

**LETTERS REQUIRED TO PROPERTY OWNERS:** YES ☐ NO ☐

**DEPOSIT?** YES ☐ \$ \_\_\_\_\_ NO ☐ BY: \_\_\_\_\_

**ACTUAL COST OF ADVERTISING:**

1<sup>ST</sup> \$ 149.86 & 2<sup>ND</sup> \$ 149.86 TOTAL: \$ 299.72

**MAP PREPARATION:** \$ \_\_\_\_\_

**TOTAL COST:** \$ \_\_\_\_\_

**LESS DEPOSIT RECEIVED:** \$ \_\_\_\_\_

**AMOUNT OWING / (REFUND):** \$ \_\_\_\_\_

**INVOICE NO.:** \_\_\_\_\_

***Council Decision – Monday March 11, 2002***

DATE: March 12, 2002

TO: Paul Meyette, Parkland Community Planning Services

FROM: City Clerk

RE: Municipal Government Amendment Act (Bill 202 As Amended)  
(1) Bylaw 3214/A-2002 – Amendment to the Municipal Development Plan  
(2) Land Use Bylaw Amendment 3156/C-2002 – Amendment to Section 22 (Public Notification) and Section 86 (General Purpose)

---

***Reference Report:***

City Clerk, dated February 12, 2002 and Parkland Community Planning Services, dated January 25, 2002.

***Bylaw Readings:***

Bylaw 3214/A-2002 and Land Use Bylaw Amendment 3156/C-2002 were given second and third readings. Copies of the bylaws are attached.

***Report Back to Council:*** No

***Comments/Further Action:***

1. Bylaw 3214/A-2002 provides for the addition of sections 12.8 (The City shall continue to grow in a logical and sequential manner) and 12.9 (Agricultural Operations which are allowed under the City's Land Use Bylaw may continue until such time as the lands are required for urban development) to the Municipal Development Plan.
2. Land Use Bylaw Amendment 3156/C-2002 provides for the amendment to Bill 202 which eliminates the need for municipalities to notify adjoining landowners about agricultural operations.



Kelly Kloss  
City Clerk

/chk  
attchs.

- c Director of Development Services  
Community Services Director  
Inspections & Licensing Manager  
Land & Economic Development Manager  
City Assessor  
City Solicitor  
C. Adams, Administrative Assistant  
S. Eklund, City Clerk's, Clerk Steno

**BYLAW NO. 3156/C-2002**

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

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

- 1 Section 22 Public Notification is amended by deleting subsection (2) in its entirety.
- 2 Section 86 General Purpose is hereby deleted in its entirety and replaced with the following:

86 General Purpose

The General Purpose of this District is to allow agricultural and related uses until such time as the land is required for urban development.

READ A FIRST TIME IN OPEN COUNCIL this 11th day of February 2002.

READ A SECOND TIME IN OPEN COUNCIL this 11th day of March 2002.

READ A THIRD TIME IN OPEN COUNCIL this 11th day of March 2002.

AND SIGNED BY THE MAYOR AND CITY CLERK this 11 day of March 2002.

  
MAYOR

  
CITY CLERK

**BYLAW NO. 3214/A-2002**

Being a bylaw to amend Bylaw No. 3214/98, the Municipal Development Plan of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1 That Schedule "A" is amended by adding the following sub-sections:

12.8 The City shall continue to grow in a logical sequential manner.


12.9 Agricultural Operations which are allowed under the City's Land Use Bylaw may continue until such time as they are required for urban development."

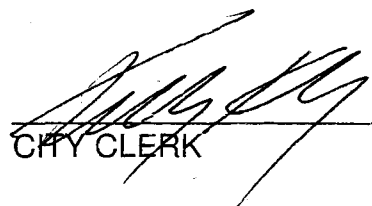
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\_\_\_\_\_  
MAYOR

  
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CITY CLERK



## ***Council Decision – Monday February 11, 2002***

**DATE:** February 12, 2002

**TO:** Paul Meyette, Parkland Community Planning Services

**FROM:** City Clerk

**RE:** Municipal Government Amendment Act (Bill 202 As Amended)  
(1) Bylaw 3214/A-2002 – Amendment to the Municipal Development Plan  
(2) Land Use Bylaw Amendment 3156/C-2002 – Amendment to Section 22 (Public Notification) and Section 86 (General Purpose)

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***Reference Report:***

Parkland Community Planning Services, dated January 25, 2002.

***Bylaw Readings:***

Bylaw 3214/A-2002 and Land Use Bylaw Amendment 3156/C-2002 were given first readings. A copy is attached.

***Report Back to Council:*** Yes

A Public Hearing will be held on Monday, March 11, 2002 at 7:00 p.m. in Council Chambers during Council's regular meeting.

***Comments/Further Action:***

1. Bylaw 3214/A-2002 provides for the addition of sections 12.8 (The City shall continue to grow in a logical and sequential manner) and 12.9 (Agricultural Operations which are allowed under the City's Land Use Bylaw may continue until such time as the lands are required for urban development) to the Municipal Development Plan.
2. Land Use Bylaw Amendment 3156/C-2002 provides for the amendment to Bill 202 which eliminates the need for municipalities to notify adjoining landowners about agricultural operations.

This office will now proceed with the advertising for Public Hearings. The City will be responsible for the advertising costs in this instance.



Kelly Kloss  
City Clerk  
/chk  
attchs.

- c     Director of Development Services  
       Director of Community Services  
       City Solicitor  
       Land & Economic Development Manager  
       Inspections & Licensing Manager  
       C. Adams, Administrative Assistant

**BYLAW NO. 3214/A-2002**

Being a bylaw to amend Bylaw No. 3214/98, the Municipal Development Plan of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1 That Schedule "A" is amended by adding the following sub-sections:

12.8 The City shall continue to grow in a logical sequential manner.

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MAYOR

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CITY CLERK

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MAYOR

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CITY CLERK



**RED DEER  
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SERVICES**

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Phone: (403) 343-3394  
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e-mail: pcps@pcps.ab.ca

Date: January 25, 2002

To: City Clerk

From: Paul Meyeette  
City Planning Manager

**RE: MUNICIPAL GOVERNMENT AMENDMENT ACT  
(Bill 202 as amended)**

On April 30 of this year, several amendments to the Municipal Government Act will come into effect.

These amendments will require changes to the Municipal Development Plan to add policies related to the protection of agricultural operations. In addition, the legislation states that the municipality must consider the protection of agricultural operation when preparing a land use bylaw.

**COMMENTS**

In order to implement this new legislation, the following changes are recommended:

Municipal Development Plan:

Add the following policies:

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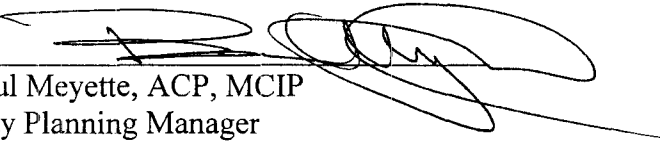
1. That Section 22 (2) Public Notification is deleted in whole;

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### **RECOMMENDATION**

It is recommended that City Council give first reading to Bylaw 3214/A-2002 (Municipal Development Plan) and 3156/C-2002 (Land Use Bylaw).



Paul Meyette, ACP, MCIP  
City Planning Manager

Cc Colleen Jensen, Director of Community Services  
Don Simpson, Solicitor

***Comments:***

We agree with the recommendations of Parkland Community Planning Services that First reading be given to each Bylaw. A Public Hearing will be held on Monday, March 11, 2002 at 7:00 p.m. in Council Chambers.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager

<b><i>Council Decision – Monday March 11, 2002</i></b>
--

**DATE:** March 12, 2002

**TO:** Paul Meyette, Parkland Community Planning Services

**FROM:** City Clerk

**RE:** Municipal Government Amendment Act (Bill 202 As Amended)  
(1) Bylaw 3214/A-2002 – Amendment to the Municipal Development Plan  
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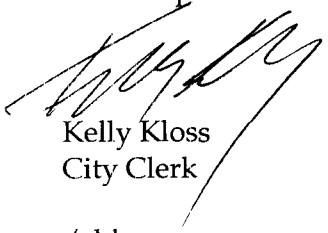
***Bylaw Readings:***

Bylaw 3214/A-2002 and Land Use Bylaw Amendment 3156/C-2002 were given second and third readings. Copies of the bylaws are attached.

***Report Back to Council:*** No

***Comments/Further Action:***

1. Bylaw 3214/A-2002 provides for the addition of sections 12.8 (The City shall continue to grow in a logical and sequential manner) and 12.9 (Agricultural Operations which are allowed under the City's Land Use Bylaw may continue until such time as the lands are required for urban development) to the Municipal Development Plan.
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City Clerk

/chk  
attchs.

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       Community Services Director  
       Inspections & Licensing Manager  
       Land & Economic Development Manager  
       City Assessor  
       City Solicitor  
       C. Adams, Administrative Assistant  
       S. Eklund, City Clerk's, Clerk Steno

**BYLAW NO. 3214/A-2002**

Being a bylaw to amend Bylaw No. 3214/98, the Municipal Development Plan of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1 That Schedule "A" is amended by adding the following sub-sections:

12.8 The City shall continue to grow in a logical sequential manner.

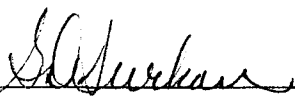
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\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CITY CLERK



**BYLAW NO. 3156/C-2002**

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

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

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AND SIGNED BY THE MAYOR AND CITY CLERK this 11 day of March 2002.

  
MAYOR

  
CITY CLERK

**DATE:** February 12, 2002  
**TO:** City Council  
**FROM:** City Clerk  
**RE:** Land Use Bylaw Amendment 3156/D-2002  
Retail Sale/Open House Opportunity – Home Occupations

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*History*

At the Monday, February 11, 2002 meeting of Council, Land Use Bylaw Amendment 3156/D-2002 was given first reading.

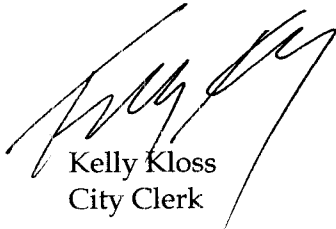
Land Use Bylaw Amendment 3156/D-2002 provides for the holder of a home occupation license to hold one retail sale or open house per year from the premises in which the home occupation is located.

*Public Consultation Process*

A Public Hearing has been advertised for the above noted Bylaw to be held on Monday, March 11, 2002 at 7:00 p.m. in the Council Chambers, during Council's regular meeting. The owners of the properties bordering the site have been notified by letter of the Public Hearing.

*Recommendations*

That following the Public Hearing, Council may proceed with 2<sup>nd</sup> and 3<sup>rd</sup> readings of the bylaw.



Kelly Kloss  
City Clerk

/chk

**REPORT TO MUNICIPAL PLANNING COMMISSION  
RETAIL SALE/OPEN HOUSE OPPORTUNITY  
HOME OCCUPATIONS  
59(11) OF THE LAND USE BYLAW**

**BACKGROUND:**

Several home based businesses who make their own products for sale (primarily arts and crafts licensees) made a request to the Municipal Planning Commission to allow, on a trial basis, one retail sales opportunity per year from their residential site. The Land Use Bylaw regulations pertaining to home occupations are quite clear that retail sales activity is not permitted since the level of traffic cannot be predicted or controlled and could adversely affect the amenities of residential districts. Following public hearings hosted by Parkland Planning and our department, the Municipal Planning Commission recommended to Council that the Land Use Bylaw be amended for a two year trial (Sections 59 (11)(12)(13)) to allow one sale per year with restrictions on the duration and method of inviting customers to the sale. Following that trial period, a report would be made back to the Municipal Planning Commission to determine what impact these sales had on the neighborhoods and if the Land Use Bylaw should be further amended.

**SUMMARY OF OPEN HOUSES:**

During the two year trial of 2000 and 2001, there were only 7 requests to hold open houses. An a-board sign was posted at each of the sales sites prior to the sale date to inform the neighbors and allow them to contact our office for further information. No calls were received regarding the sales from any of the neighbors. The results of the sales are summarized as follows:

1. October 11, 2000 – scrapbooking – 12 customers
2. December 2, 2000 – stained glassworks – 75 customers
3. December 2, 2000 – blown glass – over 50 customers, very happy with sales & attendance
4. June 9, 2001 – faux finishes – 80 customers, incredibly successful, very happy with the event
5. October 23, 2001 – scrapbooking – 26 customers
6. November 17, 2001 – blown glassworks – over 100 customers, sales similar to last year, no parking or congestion problems, quite satisfied with the turnout
7. December 1, 2001 – stained glass – about 70 customers, not as successful as last year but they would like to see the bylaw permanently changed to allow one sale per year.

**RECOMMENDATION:**

Though the two-year trial had few requests for open houses, the licensees who participated seemed very satisfied with the annual retail opportunity. As no complaints were received from neighbors or the business community, this amendment seemed to have little negative impact to the residents of Red Deer. Concern may be raised by other home occupation licensees who would like to have the same retail sales opportunity but they do not make the product they sell (i.e. Avon, Tupperware, Mary Kay). Notwithstanding, I recommend deleting the sunset clause (59(13)) thereby retaining the provision for one sale per year with the conditions as outlined in Section 59 (11) and 59 (12).

- (k) a home occupation which is allowed as a permitted use shall not generate additional traffic subsequent to the date of approval.

59 (11)<sup>1</sup> Notwithstanding Section 59 (1) or any other provision of this bylaw, the holder of a home occupation license (the "Licensee") may hold one retail sale or open house per year from the premises in which the home occupation is located, subject to the following conditions:

- (a) the Licensee shall notify the Inspections and Licensing Department two weeks prior to the date of the proposed sale,
- (b) the sale may run for one day only,
- (c) admission to the sale shall be by invitation only and the sale may not be generally advertised, and
- (d) the retail sale of goods shall be restricted to products produced in the home, for which the licensee is a licensed home occupation.

(12)<sup>2</sup> Prior to the sale date, the Licensing Inspector shall place an A-board sign on the property, giving notice of the sale.

(13)<sup>3</sup> Sections 59 (11) and (12) shall expire and be of no further force and effect on and after January 1, 2002 unless this sub-section is sooner repealed.

#### 60<sup>4</sup> Low Impact Commercial Uses

- (1) No person shall operate a low impact commercial use without first obtaining approval from the Development Authority in terms of this Land Use Bylaw and/or the Business License Bylaw.
- (2) Low impact commercial uses are intended to provide a transition between the downtown low density residential and commercial land use district, and as such are intended to allow certain types of commercial uses in specified areas of these transitional low density residential districts, provided that the overall low density residential character of the area and the detached dwelling appearance of the particular lot are maintained, and provided that the low impact commercial uses

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<sup>1</sup> 3156/NN-99

<sup>2</sup> 3156/NN-99

<sup>3</sup> 3156/NN-99

<sup>4</sup> 3156/M-2001

**LAND USE BYLAW 3156/D-2002**  
**Retail Sale/Open House – Home Occupations**

**DESCRIPTION:** Provision for a retail sale / open house once yearly for holders of home occupations licenses

**FIRST READING:** February 11, 2002

**FIRST PUBLICATION:** February 22, 2002

**SECOND PUBLICATION:** March 1, 2002

**PUBLI HEARING & SECOND READING:** March 11, 2002

**THIRD READING:** \_\_\_\_\_

**LETTERS REQUIRED TO PROPERTY OWNERS:** YES ☐ NO ☐

**DEPOSIT?** YES ☐ \$ \_\_\_\_\_ NO ☐ **BY:** \_\_\_\_\_

**ACTUAL COST OF ADVERTISING:**

1<sup>ST</sup> \$ 124.46 & 2<sup>ND</sup> \$ 124.46 **TOTAL:** \$ 248.92

**MAP PREPARATION:** \$ \_\_\_\_\_

**TOTAL COST:** \$ \_\_\_\_\_

**LESS DEPOSIT RECEIVED:** \$ \_\_\_\_\_

**AMOUNT OWING/ (REFUND):** \$ \_\_\_\_\_

**INVOICE NO.:** \_\_\_\_\_



***Council Decision – Monday March 11, 2002***

DATE: March 12, 2002  
TO: Frank Wong, Parkland Community Planning Services  
FROM: City Clerk  
RE: Land Use Bylaw Amendment 3156/D-2002  
Retail Sale/Open House Opportunity – Home Occupations

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***Reference Report:***

City Clerk, dated February 12, 2002 and the Municipal Planning Commission, dated January 28, 2002.

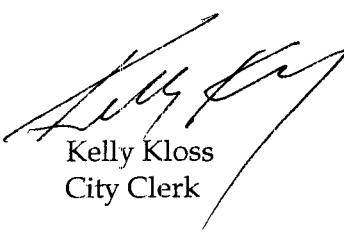
***Bylaw Readings:***

Land Use Bylaw Amendment 3156/D-2002 was given second and third readings. A copy of the bylaw is attached.

***Report Back to Council:*** No

***Comments/Further Action:***

Land Use Bylaw Amendment 3156/D-2002 provides for the holder of a home occupation license to hold one retail sale or open house per year from the premises in which the home occupation is located.



Kelly Kloss  
City Clerk

/chk  
attchs.

c     Director of Development Services  
       Community Services Director  
       Inspections & Licensing Manager  
       Land & Economic Development Manager  
       Municipal Planning Commission  
       City Assessor  
       C. Adams, Administrative Assistant  
       S. Eklund, City Clerk's, Clerk Steno

**BYLAW NO. 3156/D-2002**

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

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

That Section 59 Home Occupation is hereby amended as follows:

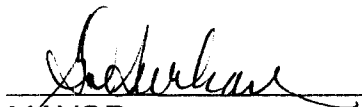
- 1 Sections 59(11), 59(12) and 59(13) are hereby deleted in their entirety.
- 2 Sections 59(11) is reinstated as follows:  
  
"59(11) Notwithstanding Section 59(1) or any other provision of this bylaw, the holder of a home occupation license (the "Licensee") may hold one retail sale or open house per year from the premises in which the home occupation is located, subject to the following conditions:
  - (a) the Licensee shall notify the Development Officer two weeks prior to the date of the proposed sale,
  - (b) the sale may run for one day only,
  - (c) admission to the sale shall be by invitation only and the sale may not be generally advertised, and
  - (d) the retail sale of goods shall be restricted to products produced in the home, for which the licensee is a licensed home occupation.


READ A FIRST TIME IN OPEN COUNCIL this 11th day of February 2002.

READ A SECOND TIME IN OPEN COUNCIL this 11th day of March 2002.

READ A THIRD TIME IN OPEN COUNCIL this 11th day of March 2002.

AND SIGNED BY THE MAYOR AND CITY CLERK this 11 day of March 2002.

  
MAYOR

  
CITY CLERK

## ***Council Decision – Monday February 11, 2002***

DATE: February 12, 2002  
TO: Frank Wong, Parkland Community Planning Services  
FROM: City Clerk  
RE: Land Use Bylaw Amendment 3156/D-2002  
Retail Sale/Open House Opportunity – Home Occupations

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***Reference Report:***

Municipal Planning Commission, dated January 28, 2002.

***Bylaw Readings:***

Land Use Bylaw Amendment 3156/D-2002 was given first reading. A copy of the bylaw is attached.

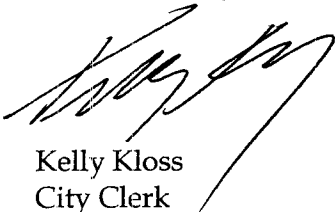
***Report Back to Council:*** Yes

A Public Hearing will be held on Monday, March 11, 2002 at 7:00 p.m. in Council Chambers during Council's regular meeting.

***Comments/Further Action:***

Land Use Bylaw Amendment 3156/D-2002 provides for the holder of a home occupation license to hold one retail sale or open house per year from the premises in which the home occupation is located.

This office will now proceed with the advertising for a Public Hearing. The City will be responsible for the advertising costs in this instance.



Kelly Kloss  
City Clerk

/chk  
attchs.

c     Director of Development Services  
       Director of Community Services  
       Land & Economic Development Manager  
       Inspections & Licensing Manager  
       Municipal Planning Commission  
       C. Adams, Administrative Assistant



## BYLAW NO. 3156/D-2002

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

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

That Section 59 Home Occupation is hereby amended as follows:

1 Sections 59(11), 59(12) and 59(13) are hereby deleted in their entirety.

2 Sections 59(11) is reinstated as follows:

"59(11) Notwithstanding Section 59(1) or any other provision of this bylaw, the holder of a home occupation license (the "Licensee") may hold one retail sale or open house per year from the premises in which the home occupation is located, subject to the following conditions:

- (a) the Licensee shall notify the Development Officer two weeks prior to the date of the proposed sale,
- (b) the sale may run for one day only,
- (c) admission to the sale shall be by invitation only and the sale may not be generally advertised, and
- (d) the retail sale of goods shall be restricted to products produced in the home, for which the licensee is a licensed home occupation.

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READ A SECOND TIME IN OPEN COUNCIL this day of 2002.

READ A THIRD TIME IN OPEN COUNCIL this day of 2002.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2002.

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MAYOR

---

CITY CLERK

**DATE:** January 28, 2002  
**TO:** City Council  
**FROM:** Municipal Planning Commission  
**RE:** Retail Sale/Open House Opportunity – Home Occupations

At its meeting of January 28, 2002 the Municipal Planning Commission considered a report from the Inspections and Licensing Department relative to the above noted topic. At that meeting the following resolution was introduced and passed.

“RESOLVED that the Municipal Planning Commission, having considered the report of the Inspections & Licensing Department relative to Retail Sale/Open House Opportunities – Home Occupations, recommends that Council of The City of Red Deer delete section 59(13) and reinstate section 59(11) and section 59(12) of the Land Use Bylaw as set out in the report.”

**Recommendation:**

That Council consider the deletion of section 59(13) of the Land Use Bylaw as this section is no longer required and that Council reinstate section 59(11) and 59(12) as these were the two sections impacted by section 59(13).

Mayor Gail Surkan, Chair  
Municipal Planning Commission

**MPC AGENDA**  
**January 28, 2002**  
**Item "H"**

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**REPORT TO MUNICIPAL PLANNING COMMISSION**  
**RETAIL SALE/OPEN HOUSE OPPORTUNITY**  
**HOME OCCUPATIONS**  
**59(11) OF THE LAND USE BYLAW**

**BACKGROUND:**

Several home based businesses who make their own products for sale (primarily arts and crafts licensees) made a request to the Municipal Planning Commission to allow, on a trial basis, one retail sales opportunity per year from their residential site. The Land Use Bylaw regulations pertaining to home occupations are quite clear that retail sales activity is not permitted since the level of traffic cannot be predicted or controlled and could adversely affect the amenities of residential districts. Following public hearings hosted by Parkland Planning and our department, the Municipal Planning Commission recommended to Council that the Land Use Bylaw be amended for a two year trial (Sections 59 (11)(12)(13)) to allow one sale per year with restrictions on the duration and method of inviting customers to the sale. Following that trial period, a report would be made back to the Municipal Planning Commission to determine what impact these sales had on the neighborhoods and if the Land Use Bylaw should be further amended.

**SUMMARY OF OPEN HOUSES:**

During the two year trial of 2000 and 2001, there were only 7 requests to hold open houses. An a-board sign was posted at each of the sales sites prior to the sale date to inform the neighbors and allow them to contact our office for further information. No calls were received regarding the sales from any of the neighbors. The results of the sales are summarized as follows:

1. October 11, 2000 – scrapbooking – 12 customers
2. December 2, 2000 – stained glassworks – 75 customers
3. December 2, 2000 – blown glass – over 50 customers, very happy with sales & attendance
4. June 9, 2001 – faux finishes – 80 customers, incredibly successful, very happy with the event
5. October 23, 2001 – scrapbooking – 26 customers
6. November 17, 2001 – blown glassworks – over 100 customers, sales similar to last year, no parking or congestion problems, quite satisfied with the turnout
7. December 1, 2001 – stained glass – about 70 customers, not as successful as last year but they would like to see the bylaw permanently changed to allow one sale per year.

**RECOMMENDATION:**

Though the two-year trial had few requests for open houses, the licensees who participated seemed very satisfied with the annual retail opportunity. As no complaints were received from neighbors or the business community, this amendment seemed to have little negative impact to the residents of Red Deer. Concern may be raised by other home occupation licensees who would like to have the same retail sales opportunity but they do not make the product they sell (i.e. Avon, Tupperware, Mary Kay). Notwithstanding, I recommend deleting the sunset clause (59(13)) thereby retaining the provision for one sale per year with the conditions as outlined in Section 59 (11) and 59 (12).

- (k) a home occupation which is allowed as a permitted use shall not generate additional traffic subsequent to the date of approval.

59 (11)<sup>1</sup> Notwithstanding Section 59 (1) or any other provision of this bylaw, the holder of a home occupation license (the "Licensee") may hold one retail sale or open house per year from the premises in which the home occupation is located, subject to the following conditions:

- (a) the Licensee shall notify the Inspections and Licensing Department two weeks prior to the date of the proposed sale,
- (b) the sale may run for one day only,
- (c) admission to the sale shall be by invitation only and the sale may not be generally advertised, and
- (d) the retail sale of goods shall be restricted to products produced in the home, for which the licensee is a licensed home occupation.

(12)<sup>2</sup> Prior to the sale date, the Licensing Inspector shall place an A-board sign on the property, giving notice of the sale.

(13)<sup>3</sup> Sections 59 (11) and (12) shall expire and be of no further force and effect on and after January 1, 2002 unless this sub-section is sooner repealed.

#### 60<sup>4</sup> Low Impact Commercial Uses

- (1) No person shall operate a low impact commercial use without first obtaining approval from the Development Authority in terms of this Land Use Bylaw and/or the Business License Bylaw.
- (2) Low impact commercial uses are intended to provide a transition between the downtown low density residential and commercial land use district, and as such are intended to allow certain types of commercial uses in specified areas of these transitional low density residential districts, provided that the overall low density residential character of the area and the detached dwelling appearance of the particular lot are maintained, and provided that the low impact commercial uses

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<sup>1</sup> 3156/NN-99

<sup>2</sup> 3156/NN-99

<sup>3</sup> 3156/NN-99

<sup>4</sup> 3156/M-2001

**Comments:**

We agree with the recommendations of the Municipal Planning Commission. In addition, we recommend the following minor changes to Sections 59 (11) and 59 (12):

- 59     (11)   From Clause (a) delete the words "Inspections and Licensing Department" and replace them with the words "Development Officer".
- 59     (12)   Delete this section. We believe the placement of an A-board sign is no longer required.

We recommend First Reading be given to the Bylaw and that a Public Hearing be held on Monday, March 11, 2002 at 7:00 p.m. in Council Chambers.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager

<b><i>Council Decision – Monday March 11, 2002</i></b>
--

**DATE:** March 12, 2002

**TO:** Frank Wong, Parkland Community Planning Services

**FROM:** City Clerk

**RE:** Land Use Bylaw Amendment 3156/D-2002  
Retail Sale/Open House Opportunity – Home Occupations

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***Reference Report:***

City Clerk, dated February 12, 2002 and the Municipal Planning Commission, dated January 28, 2002.


***Bylaw Readings:***

Land Use Bylaw Amendment 3156/D-2002 was given second and third readings. A copy of the bylaw is attached.

***Report Back to Council:*** No

***Comments/Further Action:***

Land Use Bylaw Amendment 3156/D-2002 provides for the holder of a home occupation license to hold one retail sale or open house per year from the premises in which the home occupation is located.



Kelly Kloss  
City Clerk

/chk  
attchs.

c     Director of Development Services  
       Community Services Director  
       Inspections & Licensing Manager  
       Land & Economic Development Manager  
       Municipal Planning Commission  
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**BYLAW NO. 3156/D-2002**

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COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

That Section 59 Home Occupation is hereby amended as follows:

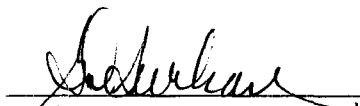
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READ A FIRST TIME IN OPEN COUNCIL this 11th day of February 2002.

READ A SECOND TIME IN OPEN COUNCIL this 11th day of March 2002.

READ A THIRD TIME IN OPEN COUNCIL this 11th day of March 2002.

AND SIGNED BY THE MAYOR AND CITY CLERK this 11 day of March 2002.

  
MAYOR

  
CITY CLERK

**DATE:** February 26, 2002  
**TO:** City Clerk  
**FROM:** EL&P Manager  
**RE:** Revision to EL&P Distribution Tariff

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This report deals with three proposed revisions to the EL&P Distribution Tariff effective May 1, 2002.

#### Revision 1

Council will recall that the approved 2002 EL&P Department Business Plan and Budget included an overall reduction of 2.0% to Rate 63 (General Service) of the Distribution Tariff.

This reduction results from our ongoing effort to maintain the "revenue/cost ratio" of each rate class within  $\pm 5\%$  of unity. The only component of the Rate 63 tariff which this change affects is the Distribution Access charge; the System Access (Transmission) component remains unchanged at this time as it is a straight flow through of the current Transmission Administrator charge to the City. The energy cost is set by Retailers.

The impact to a typical small retail store is a net reduction of \$2.00 per month.

#### Revision 2

Two minor terminology changes with no cost affect to the utility, any Retailer or any customer, have been incorporated into this proposed tariff revision.

The Basic Charge in all rate classifications of the Distribution Tariff for both the System Access and Distribution Access components has been changed from a monthly charge to a yearly equivalent daily charge. This will result in all Retailers using a consistent Basic Charge in the event of customers switching Retailers which can be done daily.

The Variable Charge in all rate classifications of the Distribution Tariff for both the System Access and Distribution Access components has been changed from "¢/kWh" to "\$/kWh" to be more consistent with other distribution utilities and thus avoid potential errors. The rate itself has not been changed.

#### Revision 3

A new rate classification of "Distribution Generation – Rate 83" has been added. We have been approached by two existing customers who want to generate electricity at their sites for export to the provincial pool. In order to get this energy to the provincial pool, these customers must use our distribution lines. It is reasonable that a charge should be made to everyone, either a load or a



generator, who uses these lines. The use of our lines by a generator is technically somewhat different than the use made by a load customer and, for this reason, we have developed a special tariff which will apply to such generators.

**City Council Request**

It is respectfully requested that City Council approve the attached revision to Appendix "A" — Distribution Tariff of the Electric Utility Bylaw No. 3273 to be effective May 1, 2002.

Al Roth, P.Eng.  
EL&P Manager

**CITY OF RED DEER**  
**ELECTRIC LIGHT & POWER DEPARTMENT**  
**DISTRIBUTION TARIFF**

**GENERAL**

Effective Date

This Tariff is effective on ~~August~~ **May 1, 2001 2002**. It applies to all consumptions, whether estimated or actual, on and after ~~August~~ **May 1, 2001 2002**, for the use of System Access and Distribution Access services.

Terms and Conditions

The "Terms and Conditions for Distribution Access Services" and the "Terms and Conditions for Retail Access Services" are part of this Tariff. Furthermore, the "Schedule of Fees for Distribution Access Services", the "Schedule of Fees for Retail Access Services" and the "Retail Access Service Agreement" are also part of this Tariff.

Billing Demand

The kVA of Billing Demand with respect to the monthly billing period will be the greater of:

1. the highest kVA Metered Demand in the monthly billing period; or
2. the highest kVA Metered Demand in the 12 consecutive months including and ending with the monthly billing period.

The kVA Metered Demand will be measured by either a thermal demand meter having a demand response period of 90% in 15 minutes and a 30 minute test period, or 15 minute interval demand metering equipment.

The kVA of Billing Demand will be re-established on such shorter periods of time as designated by the Electric Light & Power Manager for the individual customer as warranted by that customer's changing load characteristics.

#### On-Peak Hours

On-peak hours are HE0900 to HE2100 Monday to Friday inclusive, including statutory holidays occurring Monday to Friday inclusive.

#### Off-Peak Hours

Off-peak hours are all hours except the on-peak hours.

#### Eligibility for Time-Of-Use Options

Customers wishing to take a time-of-use tariff option must have installed revenue-approved interval metering capable of recording 15-minute consumption information.

## RESIDENTIAL - RATE 61

**Application** Applies to all residential premises which are measured by a single meter and which contain not more than two dwelling units.

**Distribution  
Tariff**

Option 1

	Unit	System Access	Distribution Access
Basic Charge	\$ per <del>month</del> <b>day</b>	<del>3.02</del> <b>0.0993</b>	<del>8.90</del> <b>0.2926</b>
Variable Charge	¢ \$/kWh of all energy	<del>0.59</del> <b>0.0059</b>	<del>0.68</del> <b>0.0068</b>

Option 2 – Time-of-Use Option

	Unit	System Access	Distribution Access
Basic Charge	\$ per <del>month</del> <b>day</b>	<del>3.02</del> <b>0.0993</b>	<del>8.90</del> <b>0.2926</b>
Variable Charge: on-peak	¢ \$/kWh of on-peak energy	<del>0.80</del> <b>0.0080</b>	<del>0.68</del> <b>0.0068</b>
Variable Charge: off-peak	¢ \$/kWh of off-peak energy	<del>0.38</del> <b>0.0038</b>	<del>0.68</del> <b>0.0068</b>

Note: Options 1 and 2 may not be combined.

**Municipal  
Consent  
And Access  
Fee**

Assessed as 17% of each and every component of the Distribution Access Charge and is added to the customer's bill.

**Minimum  
Monthly  
Charge**

Total Basic Charge (System Access plus Distribution Access), plus any applicable Municipal Consent and Access Fee.

**APPENDIX "A"**

Bylaw xxxx/xxxx

Page 4 of 10

**GENERAL SERVICE - RATE 63**

**Application** Applies to non-residential customers and to residential premises not entitled to Rate 61, plus the "house lights" services (including common area lighting and utility rooms) of apartment buildings where the kVA Metered Demand is less than 50 kVA. If the kVA Metered Demand exceeds 50 kVA, Rate 64 will be applied immediately and will be continued to be applied irrespective of future kVA Metered Demand.

Services are to be taken at one of the following nominal voltages:

120/240 Volts, single phase, 3 wire;  
 120/208Y Volts, network, 3 wire;  
 120/208Y Volts, three phase, 4 wire;  
 347/600Y Volts, three phase, 4 wire.

**Distribution  
Tariff****Option 1**

	Unit	System Access	Distribution Access
Basic Charge	\$ per month day	<del>10.81</del> <b>0.3554</b>	<del>6.27</del> <b>0.2000</b>
Variable Charge	¢ \$/kWh of all energy	<del>0.59</del> <b>0.0059</b>	<del>2.34</del> <b>0.0227</b>

**Option 2 -- Time-of-Use Option**

	Unit	System Access	Distribution Access
Basic Charge	\$ per month day	<del>10.81</del> <b>0.3554</b>	<del>6.27</del> <b>0.2000</b>
Variable Charge: on-peak	¢ \$/kWh of on-peak energy	<del>0.80</del> <b>0.0080</b>	<del>2.34</del> <b>0.0227</b>
Variable Charge: off-peak	¢ \$/kWh of off-peak energy	<del>0.38</del> <b>0.0038</b>	<del>2.34</del> <b>0.0227</b>

Note: Options 1 and 2 may not be combined.

<b>Municipal Consent And Access Fee</b>	Assessed as 17% of each and every component of the Distribution Access Charge and is added to the customer's bill.
<b>Minimum Monthly Charge</b>	Total Basic Charge (System Access plus Distribution Charge), plus any applicable Municipal Consent and Access Fee.

## GENERAL SERVICE - RATE 64

**Application** Applies to commercial and industrial installations where service is taken at the voltage listed for Rate 63 but where the kVA Metered Demand is 50 kVA or greater.

### Distribution Tariff

#### Option 1

	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per month day	1.10 <b>0.0362</b>	3.84 <b>0.1262</b>
Variable Charge	¢ \$/kWh of all energy	0.59 <b>0.0059</b>	0.09 <b>0.0009</b>

#### Option 2 – Time-of-Use Option

	Unit	System Access	Distributio n Access
Demand Charge	\$/kVA of Billing Demand per month day	1.10 <b>0.0362</b>	3.84 <b>0.1262</b>
Variable Charge: on-peak	¢ \$/kWh of on-peak energy	0.80 <b>0.0080</b>	0.09 <b>0.0009</b>
Variable Charge: off-peak	¢ \$/kWh of off-peak energy	0.38 <b>0.0038</b>	0.09 <b>0.0009</b>

Note: Options 1 and 2 may not be combined.

### Municipal Consent And Access Fee

Assessed as 17% of each and every component of the Distribution Access Charge and is added to the customer's bill.

### Minimum Monthly Charge

Total Demand Charge (System Access plus Distribution Access), plus any applicable Municipal Consent and Access Fee.

## **LARGE GENERAL SERVICE/INDUSTRIAL - RATE 78**

**Application** Applies where 4,160 volts or greater is available with adequate system capacity and service is taken at 4,160 volts or greater, balanced three phase and the kVA Metered Demand is not less than 1000 kVA.

Rate 78 is also applicable to all customers who were billed on Rate 78 prior to December 31, 2000 regardless of the kVA Metered Demand.

### **Distribution Tariff**

#### **Option 1**

	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per <del>month</del> day	1.30 <b>0.0427</b>	3.00 <b>0.0986</b>
Variable Charge	¢ \$/kWh of all energy	0.58 <b>0.0058</b>	0.09 <b>0.0009</b>

#### **Option 2 – Time-of-Use Option**

	Unit	System Access	Distributio n Access
Demand Charge	\$/kVA of Billing Demand per <del>month</del> day	1.30 <b>0.0427</b>	3.00 <b>0.0986</b>
Variable Charge: on-peak	¢ \$/kWh of on-peak energy	0.78 <b>0.0078</b>	0.09 <b>0.0009</b>
Variable Charge: off-peak	¢ \$/kWh of off-peak energy	0.38 <b>0.0038</b>	0.09 <b>0.0009</b>

Note: Options 1 and 2 may not be combined.

### **Municipal Consent And Access Fee**

Assessed as 17% of each and every component of the Distribution Access Charge and is added to the customer's bill.

### **Minimum Monthly Charge**

Total Demand Charge (System Access plus Distribution Access), plus any applicable Municipal Consent and Access Fee.



## STREET LIGHT SERVICE - RATE 81

**Application** Applies to standard street light fixtures.

**Distribution  
Tariff** Option 1

	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per <del>month</del> day	1.76 <b>0.0579</b>	4.15 <b>0.1364</b>
Variable Charge	¢ \$/kWh of all energy	0.37 <b>0.0037</b>	0.42 <b>0.0042</b>

Option 2 – Time-of-Use Option

	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per <del>month</del> day	1.76 <b>0.0579</b>	4.15 <b>0.1364</b>
Variable Charge: on-peak	¢ \$/kWh of on-peak energy	0.50 <b>0.0050</b>	0.42 <b>0.0042</b>
Variable Charge: off-peak	¢ \$/kWh of off-peak energy	0.24 <b>0.0024</b>	0.42 <b>0.0042</b>

Note: 1. Options 1 and 2 may not be combined.  
 2. Demand and consumption values of individual fixtures will be established by the Electric Light & Power Manager and will be reviewed by the Electric Light & Power Manager from time to time.

**Municipal  
Consent  
And Access  
Fee**

Assessed as 17% of each and every component of the Distribution Access Charge and is added to the customer's bill.

**Minimum  
Monthly  
Charge**

Total Demand Charge (System Access plus Distribution Access), plus any applicable Municipal Consent and Access Fee.

## TRAFFIC LIGHT SERVICE - RATE 82

**Application** Applies to standard traffic light systems.

**Distribution  
Tariff**

**Option 1**

	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per <del>month</del> <b>day</b>	<del>1.76</del> <b>0.0579</b>	<del>4.15</del> <b>0.1364</b>
Variable Charge	¢ \$/kWh of all energy	<del>0.62</del> <b>0.0062</b>	<del>0.18</del> <b>0.0018</b>

**Option 2 – Time-of-Use Option**

	Unit	System Access	Distributio n Access
Demand Charge	\$/kVA of Billing Demand per <del>month</del> <b>day</b>	<del>1.76</del> <b>0.0579</b>	<del>4.15</del> <b>0.1364</b>
Variable Charge: on-peak	¢ \$/kWh of on-peak energy	<del>0.84</del> <b>0.0084</b>	<del>0.18</del> <b>0.0018</b>
Variable Charge: off-peak	¢ \$/kWh of off-peak energy	<del>0.40</del> <b>0.0040</b>	<del>0.18</del> <b>0.0018</b>

- Note:
- Options 1 and 2 may not be combined.
  - Demand and consumption values of individual fixtures will be established by the Electric Light & Power Manager and will be reviewed by the Electric Light & Power Manager from time to time.

**Municipal  
Consent  
And Access  
Fee**

Assessed as 17% of each and every component of the Distribution Access Charge and is added to the customer's bill.

**Minimum  
Monthly  
Charge**

Total Demand Charge (System Access plus Distribution Access), plus any applicable Municipal Consent and Access Fee.

## **DISTRIBUTION GENERATION - RATE 83 (NEW)**

**Application** Applies to generators meeting all of the following requirements

1. Have a capacity of 150 kW or greater, and connected to a distribution voltage;
2. Have installed a revenue class bi-directional 15-minute interval meter.

Generators not meeting the above requirements are reviewed on an individual basis.

**Distribution  
Tariff**

	Unit	Distribution Access
Capacity Charge	\$/kW of peak output per day	0.0825
Variable Charge	\$/kWh of supplied energy	0.0057

- Note:
1. Power consumption by the customer for standby purposes is subject to an applicable rate (61, 63, 64, 78, 81 or 82) for load customers
  2. Peak output is measured and calculated in the same manner as the Billing Demand for load customers

**Municipal  
Consent  
And Access  
Fee**

Assessed as 17% of each and every component of the Distribution Access Charge and is added to the customer's bill.

**Transmission  
Charge**

As per the applicable Supply Tariff of the Transmission Administrator. This is a charge to the customer and is added to the customer's bill.

**Transmission  
Credit**

$DTS \times \Sigma(A - B)$  where

DTS is the applicable Demand Tariff of the Transmission Administrator

A is hourly gross billing determinants at the Point of Delivery to which the customer is connected

B is hourly net billing determinants at the Point of Delivery to which the customer is connected

This is a credit to the customer and is calculated on a monthly basis.

***Comments:***

We agree with the recommendations of the EL & P Manager. Council can proceed with three readings of the bylaw at this meeting if they choose.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager

Date: February 19, 2002  
To: City Clerk  
From: Engineering Services Manager  
Re: **Proposed 2002 Off-Site Levy Rates**

---

**A. BACKGROUND**

As you may be aware, The City charges off-site levies on new development land within the City to cover the cost of extending trunk water, sanitary, and storm mains; arterial roadways; and associated facilities to serve new development. Existing and future off-site facilities that are included in the off-site levy calculation are illustrated on the attached drawings entitled "Water Trunks", "Sanitary Trunks", "Storm Trunks", and "Public Roadway Levy", respectively. The cost of expanding water and sanitary treatment facilities are funded through utility rates and are not included in the off-site levy calculation. The off-site levy rates are reviewed on an annual basis to account for the following items:

- revenues received from new developments during the previous year,
- expenditures made to construct new facilities during the previous year,
- the effect of inflation on the current Off-site Levy Fund debt,
- inflation on the estimated cost of constructing new off-site facilities in the future, and
- changes in future infrastructure plans or funding.

**B. CHANGES FROM 2001 RATES**

For the 2002 rates, an inflation factor of 3.5% (the average of Calgary and Edmonton's Consumer Price Index) was applied to net expenditures incurred (i.e. gross expenditure less revenue) to the end of 2001 to reflect the current value of facilities that have already been constructed, but are not yet paid for. For future expenditures, a 3.5%/per year inflation factor was added to the estimates completed for the 2000 rate calculation. Several cost estimates were also updated for the arterial road levy.

City Clerk  
Page 2  
February 19, 2002

Table 1, attached, provides a summary of total expenditures and revenues to date, future expenditure estimates, the proposed 2002 rate calculation, and a comparison of the proposed 2002 rates to the 2001 rates, for each of the roads, water, sanitary, and storm off-site facilities. As indicated in Table 1, the proposed total off-site levy rate for 2002 is \$38,155. This is a 2.7% increase from 2001.

The proposed rate changes for the water, sanitary, storm off-site, and roads off-site levies relate to the changes in revenues and expenditures made during 2001, the effects of inflation, and some minor changes in future infrastructure plans.

This year, the Province has reduced the per capita transportation funding from \$60 to \$51. As this is insufficient funding to cover all eligible projects at the 75% level, the roads off-site levy calculation is based on receiving 65% average funding from the Province.

In addition, because there is insufficient Provincial funding to cover even 65% of the 2002 arterial roadway project costs, The City will "front-end" the additional funds needed until the Provincial funds become available in future years. As such, an interest cost for financing an estimated \$1.55 million expenditure for one year has been added to the Fund. This amount will be adjusted in future years depending on the actual amount and period financed.

All of the above information was recently provided to the Urban Development Institute (UDI) for their review and comment. Although UDI raised a number of questions with respect to the rate calculation, they indicated that "in general there is no significant concern with the proposed rate increase of 2.7%".

### **C. RATE HISTORY**

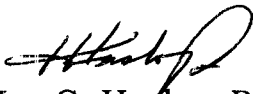
For your information, the attached Table 2 and Figure 2 illustrate the changes in Red Deer's off-site levy rates over the last nine years (i.e. since 1992 when a single off-site levy rate system was adopted for The City). Over that period, the total rate increase has been less than inflation.

City Clerk  
Page 3  
February 19, 2002

**D. RECOMMENDATION**

We respectfully recommend that City Council approve the following off-site levy rates:

- |    |                           |                      |
|----|---------------------------|----------------------|
| 1. | Arterial Roads            | \$13,780 per hectare |
| 2. | Water Trunk Facilities    | \$7,945 per hectare  |
| 3. | Sanitary Trunk Facilities | \$3,595 per hectare  |
| 4. | Storm Trunk Facilities    | \$12,835 per hectare |

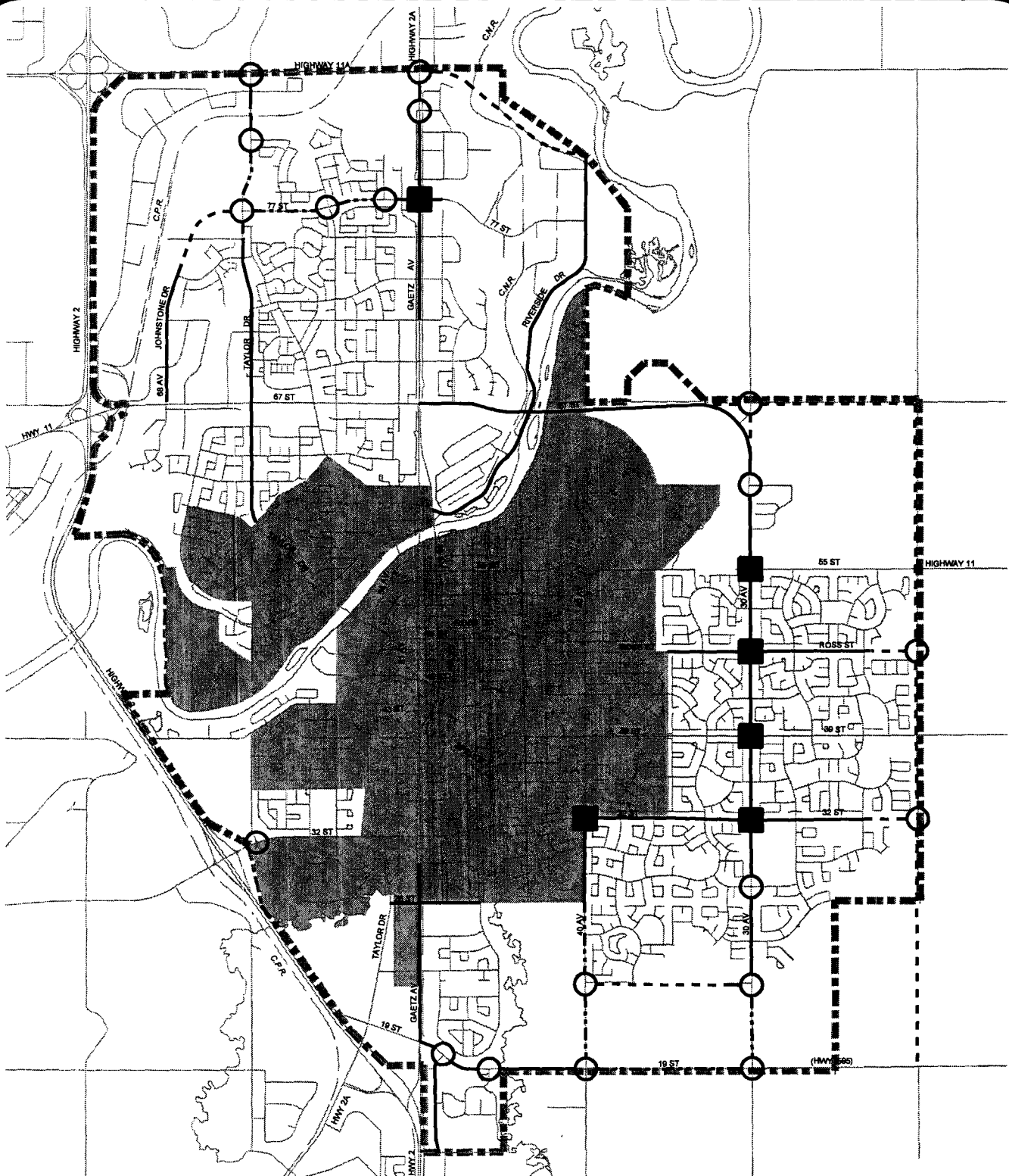


Ken G. Haslop, P. Eng.  
Engineering Services Manager

TCW/SS/emr

Att.

- c.     Director of Development Services  
        Director of Corporate Services  
        Municipal Engineer  
        Subdivision Administrator  
        Engineering Accountant



## PUBLIC ROADWAY LEVY

Basin Boundary

Existing 4 lane road  
(included in levy rate)

Proposed 4 lane road

Proposed 4 lane with  
2 existing lanes



Former Central Basin  
(levies do not apply)



Existing traffic lights included  
in offsite levy rate



Proposed traffic lights included  
in offsite levy rate

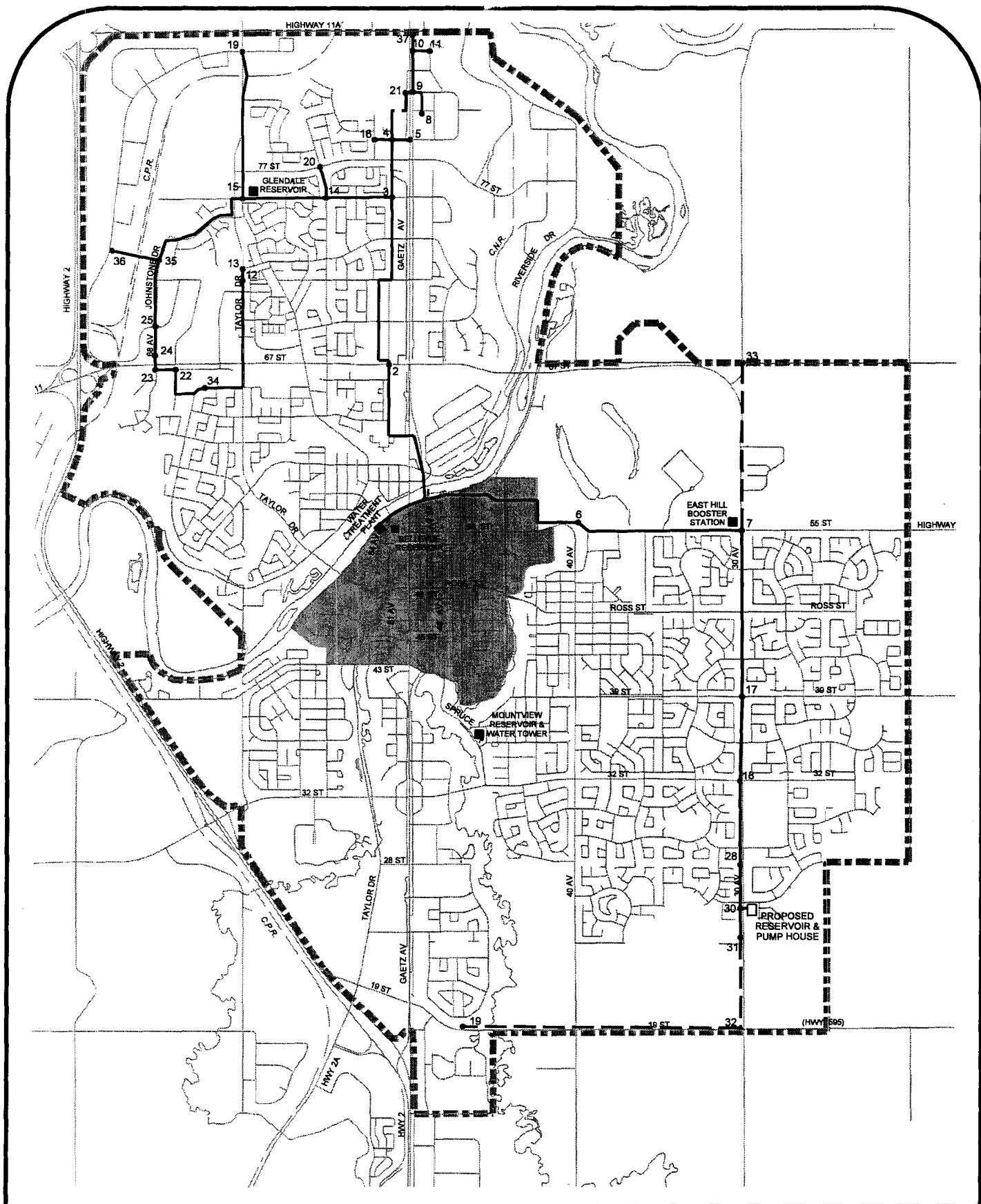
### NOTE:

Only initial 2 lane construction included on 20 Avenue  
(20 St to 67 St), Northlands Drive and 67 Street (20 Av to 30 Av)



Not to Scale  
FEB. 2002





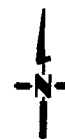
## WATER TRUNKS

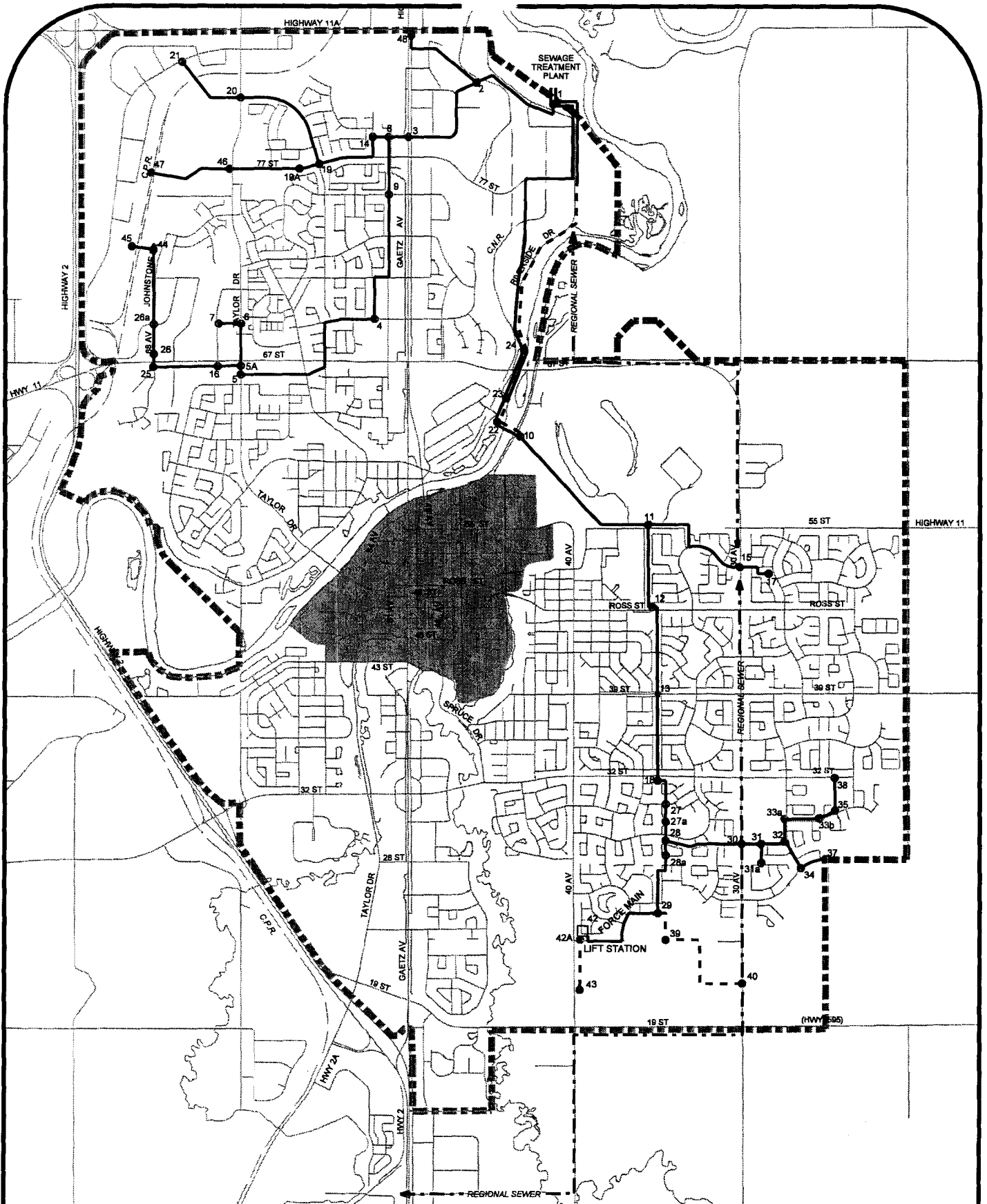
- Basin Boundary
- Existing Trunks
- Proposed Trunks



Central Exempt Area  
(levies do not apply)

Not to Scale  
FEB. 2002





## SANITARY TRUNKS

Basin Boundary

Basin Boundary

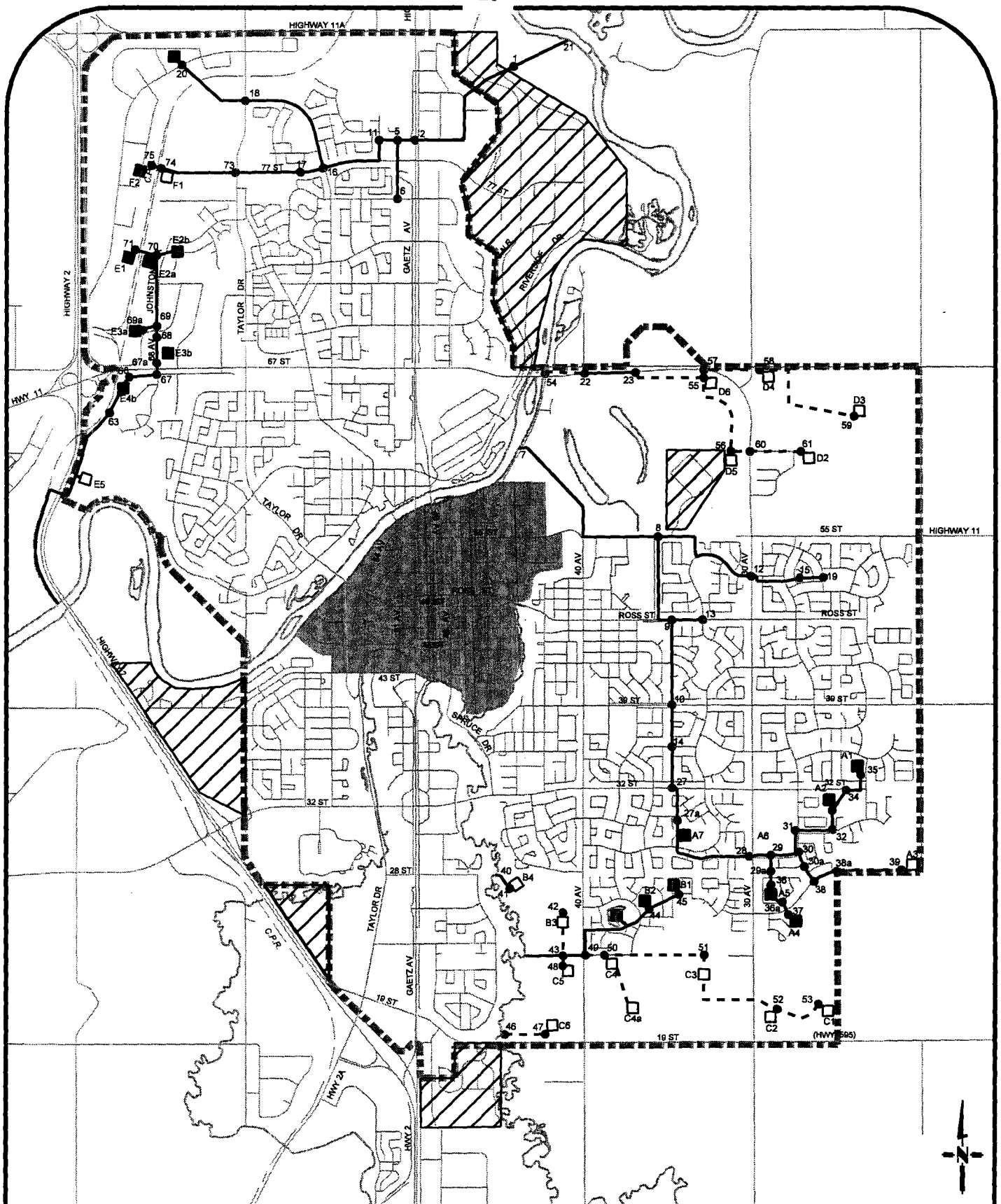


Central Exempt Area  
(levies do not apply)

Existing Trunks  
Proposed Trunks

Not to Scale  
FEB 2002





## STORM TRUNKS

Not to Scale FEB 2002

NOT EXISTING NO DESIGN

Basin Boundary



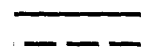
Central Exempt Area  
(levies do not apply)



Developer to construct and pay for  
own outfall main; basin levy charge  
not applicable



Existing Detention Pond  
Proposed Detention Pond



Existing Trunks  
Proposed Trunks



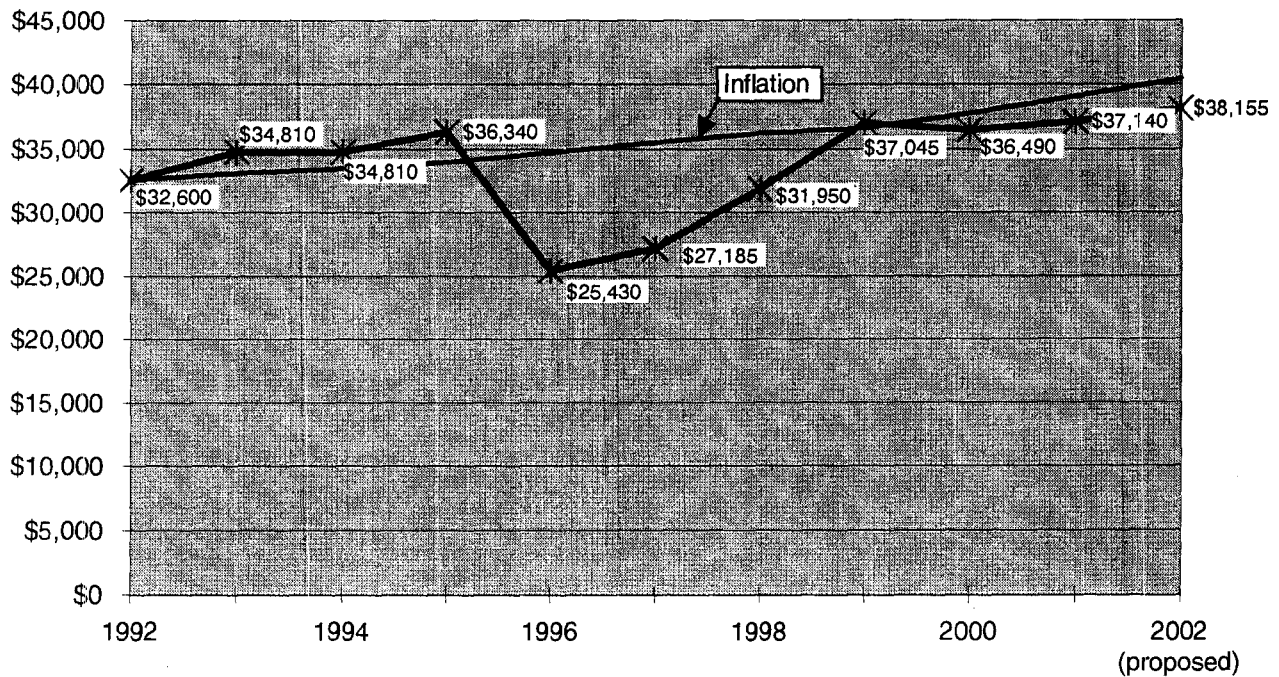
**TABLE 1**  
**2002 OFFSITE LEVY CALCULATION**

	Water	Sanitary	Storm	Roads	Totals
<b>EXPENDITURES AND REVENUES TO DATE</b>					
Net Balance at Beginning of 2001	\$281,934	(\$1,087,623)	(\$1,276,479)	\$6,477	(\$2,075,691)
Current Year Expenditures	(\$26,840)	(\$440,593)	(\$1,819,088)	(\$1,744,216)	(\$4,030,736)
Current Year Revenue	\$1,117,830	\$473,117	\$1,541,753	\$3,248,642	\$6,381,342
Current Year CPI Interest (Carrying Cost)	\$9,868	(\$53,488)	(\$44,677)	\$227	(\$88,070)
<b>Net Balance to End of 2001:</b>	<b>\$1,382,792</b>	<b>(\$1,108,586)</b>	<b>(\$1,598,490)</b>	<b>\$1,511,129</b>	<b>\$186,845</b>
<b>FUTURE EXPENDITURE ESTIMATES</b>					
Projected Future Construction Costs	(\$11,234,955)	(\$3,310,354)	(\$12,612,959)	(\$48,624,194)	(\$75,782,461)
Provincial Grant Funding (Based on 65% funding rate)				\$29,985,948	\$29,985,948
<b>Net Future Expenditures:</b>	<b>(\$11,234,955)</b>	<b>(\$3,310,354)</b>	<b>(\$12,612,959)</b>	<b>(\$18,638,246)</b>	<b>(\$45,796,514)</b>
<b>TOTAL NET COSTS AND RATE CALCULATION</b>					
Total Costs	(\$9,852,162)	(\$4,418,941)	(\$14,211,449)	(\$17,127,117)	(\$45,609,669)
Remaining Development Area	1,240	1,229	1,107	1,243	
<b>Proposed 2002 Rates (\$/ha)</b>	<b>\$7,945</b>	<b>\$3,595</b>	<b>\$12,835</b>	<b>\$13,780</b>	<b>\$38,155</b>
<b>COMPARISON TO 2001 RATES</b>					
2001 Rates	\$7,625	\$3,510	\$12,650	\$13,355	\$37,140
Rate Change	\$320	\$85	\$185	\$425	\$1,015
Percent Change	4.2%	2.4%	1.5%	3.2%	2.7%
<b>NOTES:</b>					
1. Based on the current population projections, it will take approximately 23 years to fully develop the service basin. During this time, we expect that the annual per capita Provincial Roads Grant will not keep pace with construction spending. The Provincial Government has recently reduced the annual Transportation Grant to \$51 per capita from \$60. In calculating the Roads Off-site Levy, Provincial Grants are assumed to cover only 65% of the cost of future road construction projects.					
2. Interest charges were written down in 1996. The total interest write down was \$19.7 million to the end of 1995, including the \$5.9 million write down in 1987. Inflation at the rate of the Consumer Price Index has been applied to Net Expenditures after 1996.					
3. The 2001 estimates of future construction costs are based on the 2000 estimated costs plus 3.5% for anticipated increases in construction costs.					

**TABLE 2**  
**CITY OF RED DEER OFF-SITE LEVY RATE HISTORY**

YEAR	WATER	SANITARY	STORM	ROADS	TOTAL LEVY	CHANGE	CHANGE FROM 1992
1992	\$6,035	\$2,570	\$16,875	\$7,120	<b>\$32,600</b>	--	--
1993	\$6,745	\$2,610	\$17,405	\$8,050	<b>\$34,810</b>	7%	7%
1994	\$6,710	\$3,950	\$16,090	\$8,060	<b>\$34,810</b>	0%	7%
1995	\$8,300	\$4,035	\$16,795	\$7,210	<b>\$36,340</b>	4%	11%
1996	\$6,270	\$3,190	\$9,485	\$6,485	<b>\$25,430</b>	-30%	-22%
1997	\$6,570	\$3,535	\$10,285	\$6,795	<b>\$27,185</b>	7%	-17%
1998	\$7,095	\$3,380	\$10,685	\$10,790	<b>\$31,950</b>	18%	-2%
1999	\$8,065	\$3,270	\$11,195	\$14,515	<b>\$37,045</b>	16%	14%
2000	\$7,490	\$3,820	\$12,700	\$12,480	<b>\$36,490</b>	-1%	12%
2001	\$7,625	\$3,510	\$12,650	\$13,355	<b>\$37,140</b>	2%	14%
<b>2002 (proposed)</b>	\$7,945	\$3,595	\$12,835	\$13,780	<b>\$38,155</b>	2.7%	17.0%

**FIGURE 2**  
**OFF-SITE LEVY HISTORY**



***Comments:***

We agree with the recommendations of the Engineering Services Manager.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager

***Council Decision – Monday March 11, 2002***

DATE: March 12, 2002  
TO: Engineering Services Manager  
FROM: City Clerk  
RE: Proposed 2002 Off-Site Levy Rates  
Off-Site Levy Bylaw Amendment 3068/A-2002

---

***Reference Report:***

Engineering Services Manager, dated February 19, 2002.

***Bylaw Readings:***

Off-Site Levy Bylaw Amendment 3068/A-2002 was given three readings. A copy of the bylaw is attached.

***Report Back to Council:*** No

***Comments/Further Action:***

Off-Site Levy Bylaw Amendment 3068/A-2002 provides for an increase in the off-site levies for 2002 on new development land within the City to cover the cost of extending trunk water, sanitary, and storm mains; arterial roadways; and associated facilities to serve new development. This office will distribute updated copies of the consolidated Off-Site Levy Bylaw 3068/92 in due course.



Kelly Kloss  
City Clerk

/chk  
attchs.

c Director of Development Services  
Director of Corporate Services

## BYLAW NO. 3068/A-2002

Being a bylaw to amend Bylaw No. 3068/92, the Off-Site Levy Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA ENACTS AS FOLLOWS:

Bylaw No. 3068/92 is hereby amended as follows:

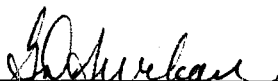
- 1 By deleting sections 3(1), 3(2) and 3(3) in their entireties and replacing them with the following new sections 3(1), 3(2), 3(3) and 3(4):
  - "3 (1) In all the area outlined in the attached Schedule "A", the sum of \$3,595 for each hectare within the development area for Sanitary Trunk Service.
  - (2) In all the area outlined in the attached Schedule "B", the sum of \$12,835 for each hectare within the development area for Storm Trunk Service.
  - (3) In all the area outlined in the attached Schedule "C", the sum of \$7,945 for each hectare within the development area for Water Trunk Service.
  - (4) In all the area outlined in the attached Schedule "D", the sum of \$13,780 for each hectare within the development area for Arterial Roads."
- 2 By replacing Schedules "A", "B" and "C" with the attached Schedules "A", "B", and "C".
- 3 By adding Schedule "D" attached to this Bylaw.

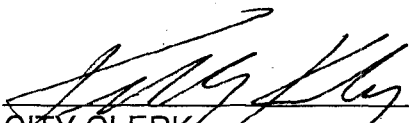
READ A FIRST TIME IN OPEN COUNCIL this 11th day of March 2002.

READ A SECOND TIME IN OPEN COUNCIL this 11<sup>th</sup> day of March 2002.

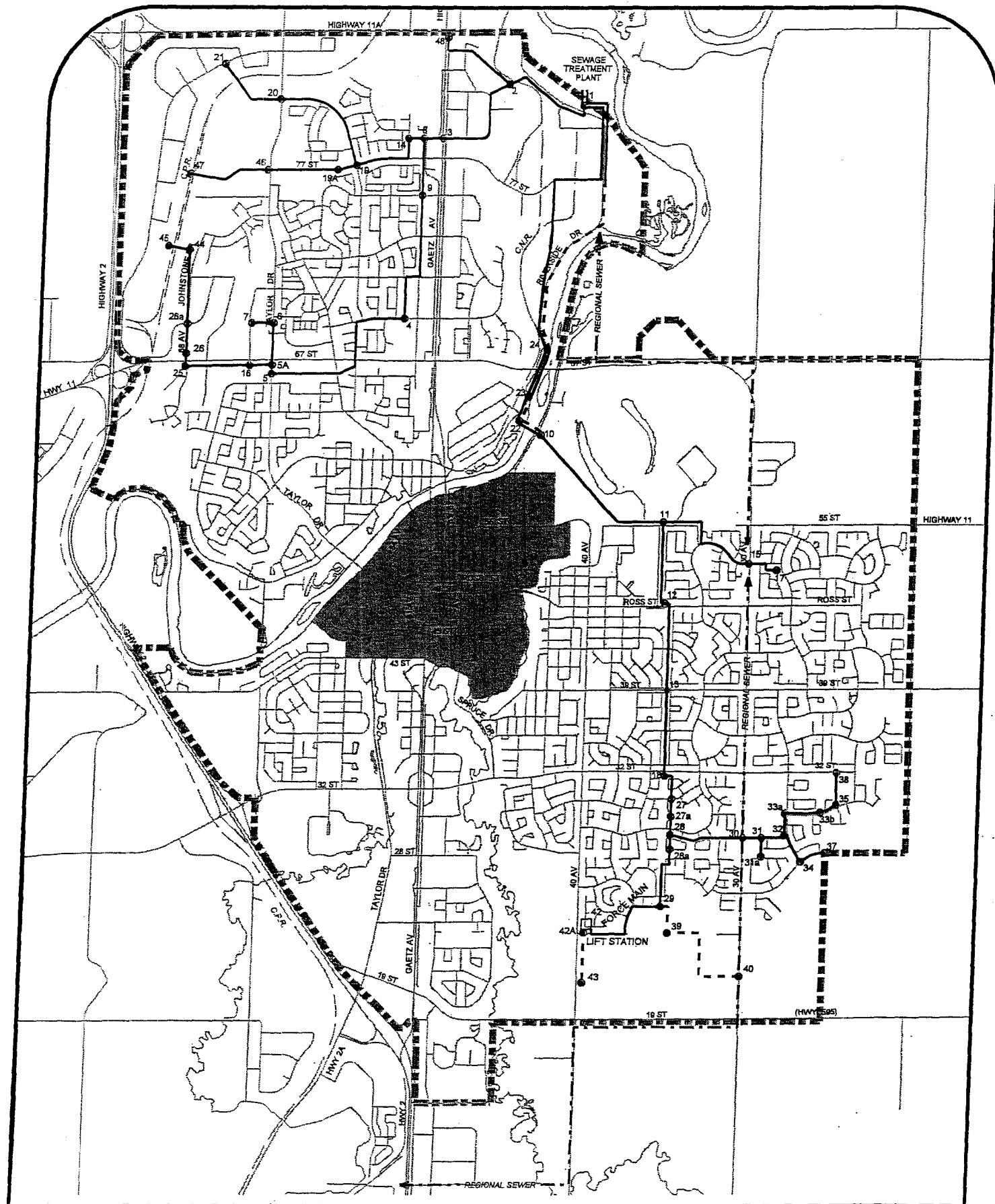
READ A THIRD TIME IN OPEN COUNCIL this 11th day of March 2002.

AND SIGNED BY THE MAYOR AND CITY CLERK this 11 day of March 2002.

  
MAYOR

  
CITY CLERK





# **SANITARY TRUNKS**

**SCHEDULE "A"¹**

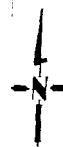
Basin Boundary

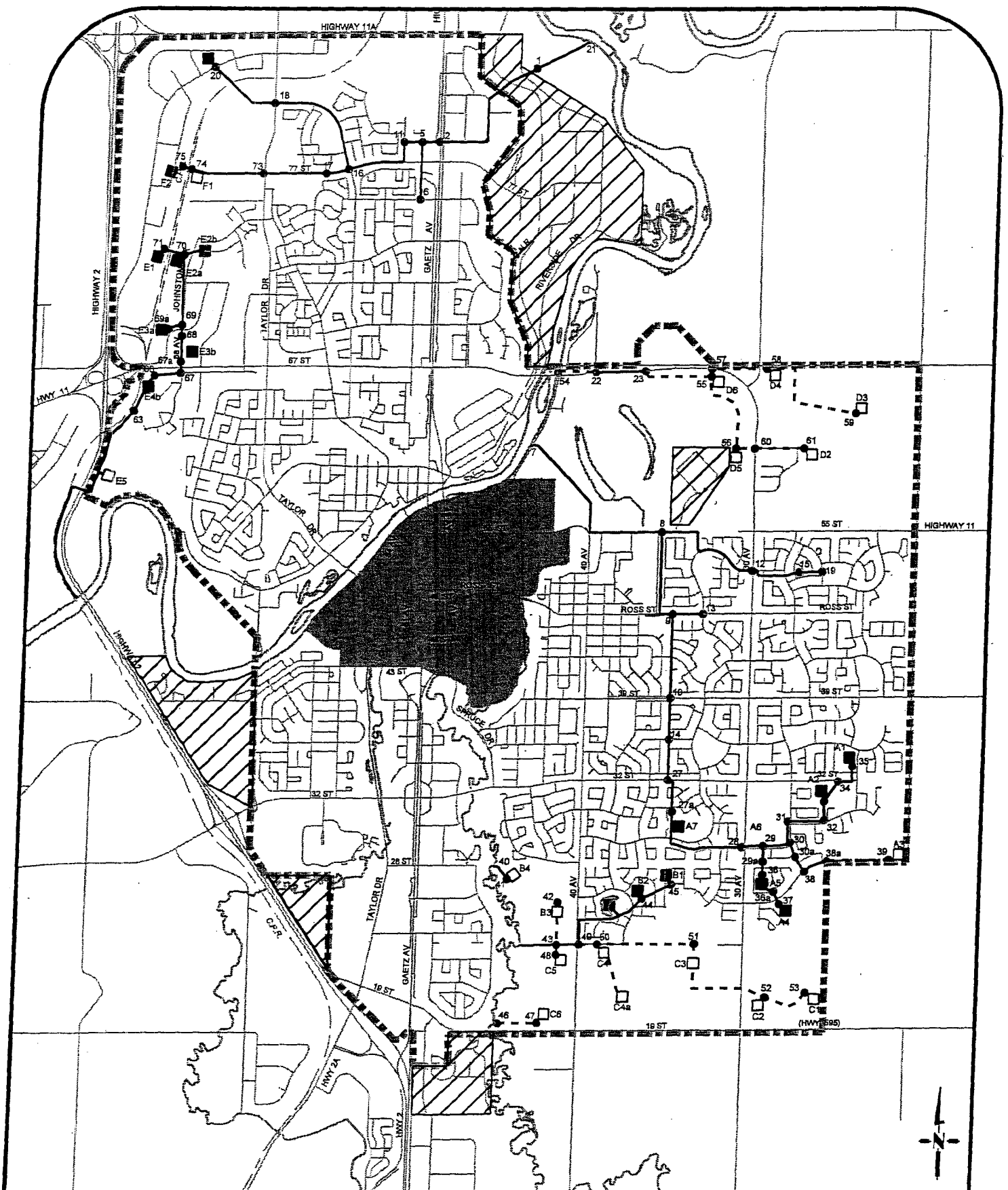
Central Exempt Area  
(levies do not apply)

Existing Trunks  
Proposed Trunks

**BYLAW 3068/92**

Not to Scale  
FEB 2002





Basin Boundary



Central Exempt Area  
(levies do not apply)



Developer to construct and pay for  
own outfall main; basin levy charge  
not applicable



Existing Detention Pond



Proposed Detention Pond



Existing Trunks



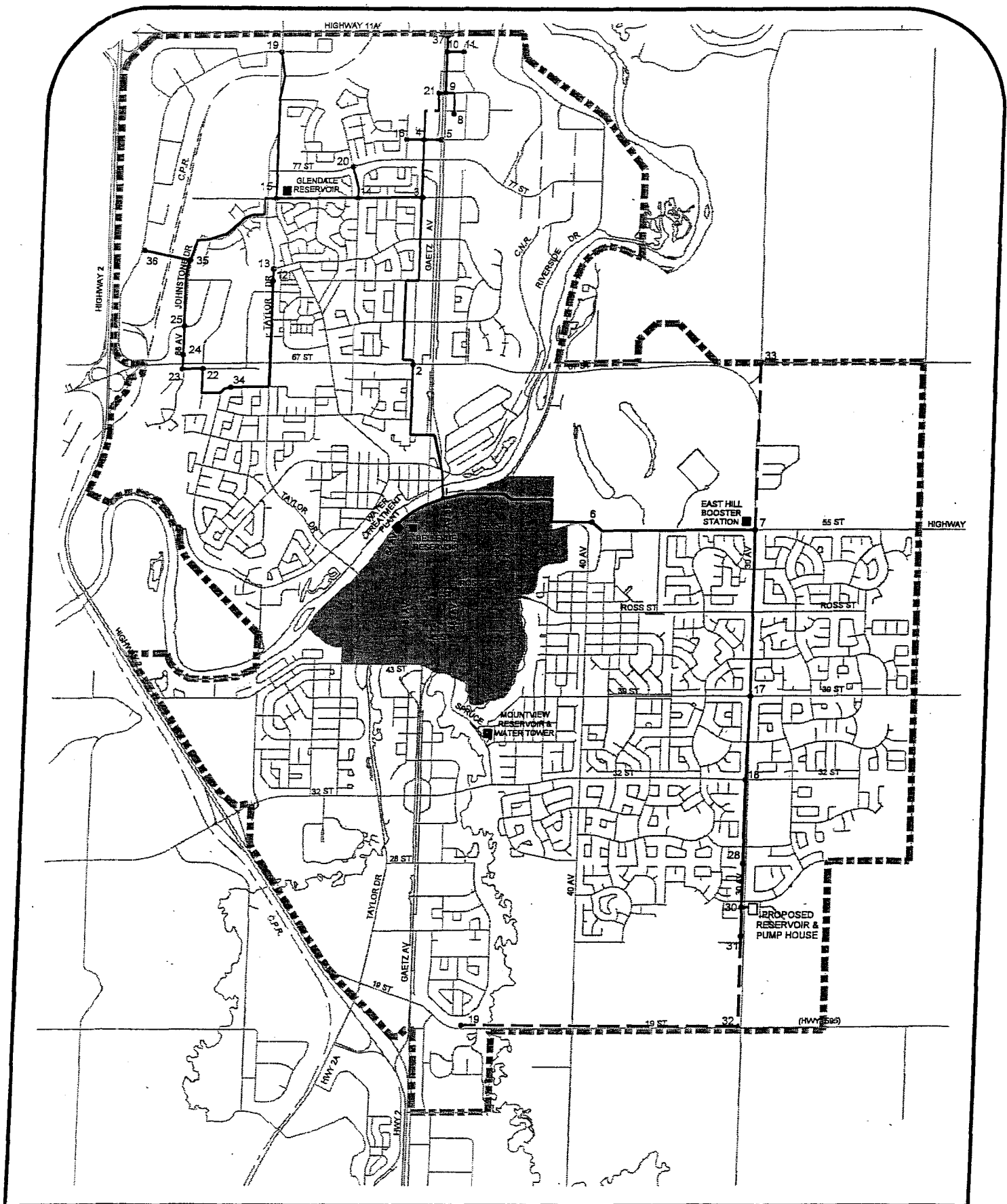
Proposed Trunks

## STORM TRUNKS

Not to Scale FEB 2002

SCHEDULE "B"<sup>1</sup>

BYLAW 3068/92



# WATER TRUNKS

SCHEDULE "C"1

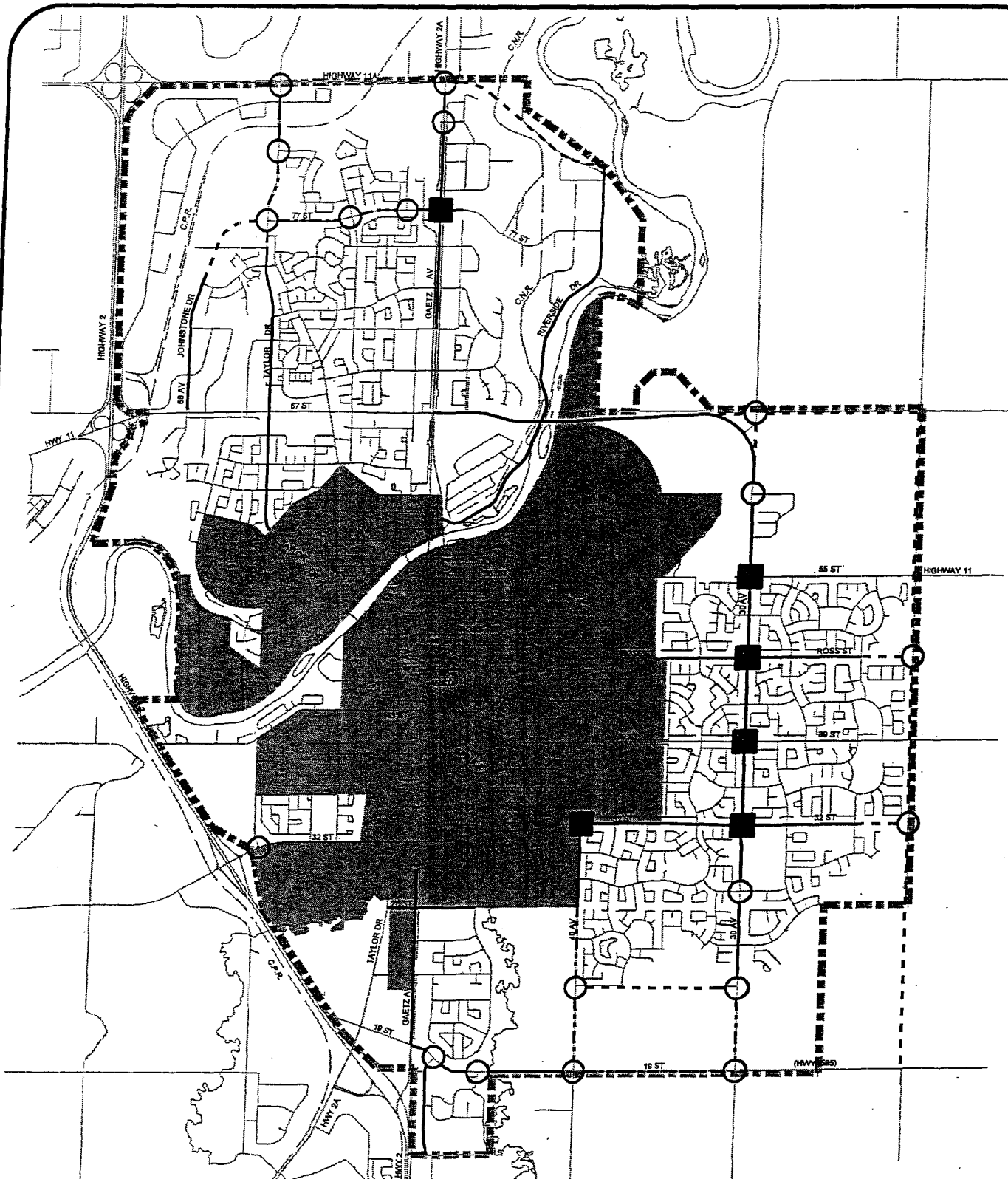
- Basin Boundary
- Existing Trunks
- Proposed Trunks

Central Exempt Area  
(levies do not apply)

BYLAW 3068/92

Not to Scale  
FEB. 2002




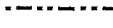







BYLAW 3068/92

## PUBLIC ROADWAY LEVY

SCHEDULE "D" 1

-  Basin Boundary
-  Existing 4 lane road (included in levy rate)
-  Proposed 4 lane road
-  Proposed 4 lane with 2 existing lanes

-  Former Central Basin (levies do not apply)
-  Existing traffic lights included in offsite levy rate
-  Proposed traffic lights included in offsite levy rate

NOTE:  
Only initial 2 lane construction included on 20 Avenue  
(20 St to 67 St), Northlands Drive and 67 Street (20 Av to 30 Av)



Not to Scale  
FEB. 2002

Date: February 20, 2002  
To: City Clerk  
From: Engineering Services Manager  
**Re: One-way Street System By-law No. 2517/76**

---

During a routine review, we noted that several revisions are required to update this By-law to reflect current roadway conditions. The proposed amendments are minor and are illustrated on the attached drawing.

(4) 45 A Avenue

Delete the following entire section due to the 45 Street Overpass removal as part of the CP Rail Yard Relocation Project.

*"One-way off-ramp clockwise from its intersection with 45 Street to its intersection with 54 Avenue."*

(5) Minor Roadway

Delete the following entire section due to the 45 Street Overpass removal as part of the CP Rail Yard Relocation Project.

*"Running parallel to the north side of the 45 Street Overpass described as one-way west from its intersection with 45 Street thence 485 feet westward to its intersection with 52 Avenue."*

(6) Michener Drive

Delete the reference.

*"(Subject to Council approval)"*

City Clerk  
 Page 2  
 February 20, 2002

(10)<sup>1</sup> 52 Street

Delete the following entire section as this portion of 52 Street has been operating as two-way for many years. Likely changed when the 51 Avenue southbound one-way and the Gaetz Avenue Parking Mall were constructed.

*"One-way west on Fifty-second (52) Street from the intersection of Fifty-second (52) Street with Gaetz (50) Avenue thence west to the intersection of Fifty-second (52) Street with Fifty-first (51) Avenue."*

(11)<sup>2</sup> 59 Street

Delete the following entire section as this portion of 59 Street has been operating as two-way for many years. Likely changed when the 49 Avenue Red Deer River Bridge was widened to three lanes northbound.

*"One-way west on Fifty-ninth (59) Street from the intersection of Fifty-ninth (59) Street with Forty-ninth (49) Avenue thence west a distance of twenty (20) metres."*

(15)<sup>2</sup> Baile Close

Delete line *"and terminating at a point seventy-six (65) metres south of its intersection with Boyce Street"*.

Insert line *"and terminating at a point seventy-six (76) metres south of its intersection with Boyce Street"*.

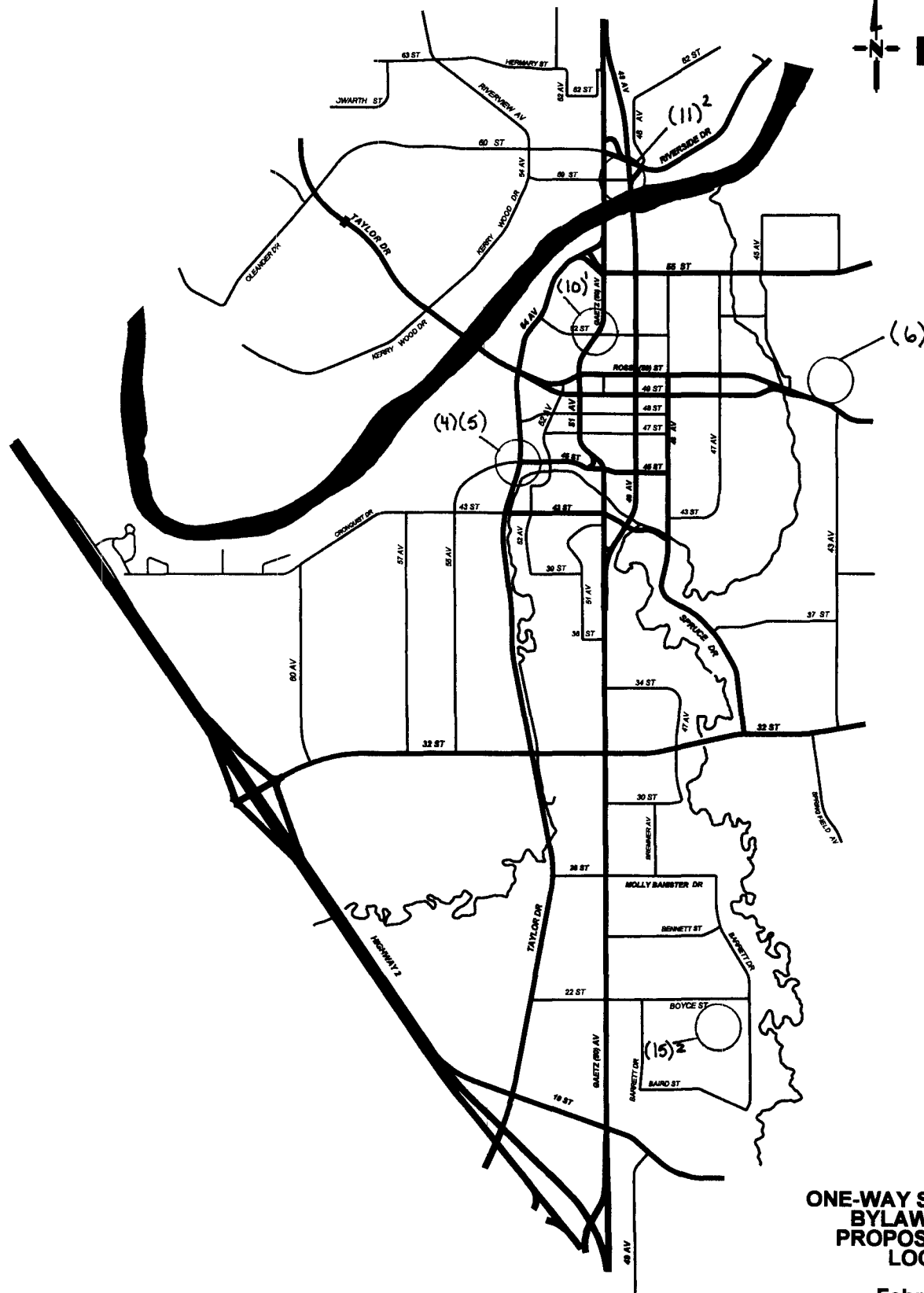
**Recommendation**

We would respectfully recommend that Council consider three readings of the about noted amendments.



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

KGH/emr  
 Att.



**ONE-WAY STREET SYSTEM  
BYLAW NO 2517/76  
PROPOSED REVISION  
LOCATIONS**

**February 21/01**

**NTS**

***Comments:***

We agree with the recommendations of the Engineering Services Manager.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager



**COUNCIL MEETING OF MARCH 11, 2002**

**ATTACHMENT**

**DOCUMENT STATUS:      PUBLIC**

**REFERS TO:              ONE-WAY STREET SYSTEM  
BYLAW NO. 2517/76**

**OFFICE CONSOLIDATION**

**BYLAW NO. 2517/76**

**ONE-WAY STREET SYSTEM BYLAW**

## **BYLAW NO. 2517/76**

Being a bylaw of The City of Red Deer to provide for a One-Way Street System in 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:

### **SHORT TITLE**

- 1           This Bylaw may be cited as "The One-Way Street System Bylaw"
- 2           All vehicular traffic shall travel only in one direction upon the streets within The City of Red Deer as listed hereafter and in the direction as designated.
  - (1)   Gaetz Avenue
    - (a)<sup>1</sup>   One-way south on Gaetz (50) Avenue from the intersection of Gaetz (50) Avenue with 67 Street, thence south to the intersection of Gaetz (50) Avenue with Ross (50) Street.
    - (b)<sup>2</sup>   One-Way south on Gaetz (50) Avenue from the intersection of Gaetz (50) Avenue with Forty-fifth (45) Street thence south to the intersection of Gaetz (50) Avenue with Thirty-seventh (37) Street.

---

<sup>1</sup> 2517/A-92

<sup>2</sup> 2517/A-77

- (c)<sup>1</sup> One-way south on Gaetz (50) Avenue from the intersection of Gaetz (50) Avenue with 49 Street, thence south to the intersection of Gaetz (50) Avenue with 46 Street.

(2) 49 Avenue

One-way north from a point located at the center of the west intersection of Gaetz Avenue and 37 Street to a point located 930 feet south of the center of the intersection of Gaetz Avenue and 67 Street.

(3) Springbett Drive

One-way southwest from a point located 70 feet west of the centre of the intersection of 39 Street and 44 Avenue to its intersection with 37 Street.

(4) 45th A Avenue

One-way off-ramp clockwise from its intersection with 45th Street to its intersection with 54 Avenue.

(5) Minor Roadway

Running parallel to the north side of the 45th overpass described as one-way west from its intersection with 45 Street thence 485 feet westward to its intersection with 52 Avenue.

---

<sup>1</sup> 2517/A-92

(6) Michener Drive

One-way counter-clockwise from a point located 150 feet west of the centre of the intersection of Michener Drive and 43 Avenue, (subject to Council approval).

(7)<sup>1</sup> 51st Avenue

One-way south on Fifty-first (51) Avenue from a point approximately one hundred and fifty (150) feet north of the intersection of Gaetz (50) Avenue with Fifty-second (52) Street, being the intersection of Fifty-first (51) Avenue with Gaetz Avenue, thence south to the intersection of Fifty-first (51) Avenue with Forty-fifth (45) Street.

(8)<sup>2</sup> 51st Street

One-way east on Fifty-first (51) Street with Gaetz (50) Avenue thence east to the intersection of Fifty-first (51) Street with Forty-ninth (49) Avenue.

(9)<sup>3</sup> Minor Laneway

One-way south on the lane east of Fiftieth "A" (50A) Avenue from its south intersection with the lane north of Thirty-ninth (39) Street thence south to its intersection with Fiftieth "A" (50A) Avenue.

---

<sup>1</sup> 2517/A-77

<sup>2</sup> 2517/B-77

<sup>3</sup> 2517/A-78

(10)<sup>1</sup> 52 Street

One-way west on Fifty-second (52) Street from the intersection of Fifty-second (52) Street with Gaetz (50) Avenue thence west to the intersection of Fifty-second (52) Street with fifty-first (51) Avenue.

(11)<sup>2</sup> 59 Street

One-way west on Fifty-ninth (59) Street from the intersection of Fifty-ninth (59) street with Forty-ninth (49) Avenue thence west a distance of twenty (20) metres.

(12)<sup>3</sup> 53 Street

One-way east on Fifty-third (53) Street from its intersection with Forty-ninth (49) Avenue, thence east to its intersection with Forty-eight (48) Avenue. (effective May 16, 1988)

(13)<sup>4</sup> 54 Street

One-way west on Fifty-fourth (54) Street from its intersection with Forty-eighth (48) Avenue, thence west to its intersection with Gaetz (50) Avenue.

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<sup>1</sup> 2517/B-78, 2517/F-81

<sup>2</sup> 2517/C-78, 2517/F-81

<sup>3</sup> 2517/D-79, 2517/F-81, 2517/A-88, 2517/C-88

<sup>4</sup> 2517/E-79, 2517/F-81

(14)<sup>1</sup> Mc Blane Close

One-way counter clockwise around Mc Blane Close commencing from a point on Mc Blane Close located forty-one (41) metres south-east of the intersection of Mc Blane and Murphy Avenue and terminating at a point located forty-one (41) metres southeast of the intersection of Mc Blane Close and Murphy Avenue.

(15)<sup>2</sup> Baile Close

One-way counter clockwise around Baile Close commencing from a point located seventy-six (76) metres south of its intersection with Boyce Street and terminating at a point seventy-six (65) metres south of its intersection with Boyce Street.

(16)<sup>3</sup> 58 Street

One-way west on Fifty-eight (58) Street from its west intersection with Gaetz (50) Avenue thence west to the turn around (approximately twelve metres).

(17)<sup>4</sup> Kerry Wood Nature Centre Access Road

One-way counter clockwise around the Kerry Wood Nature Centre access road commencing from a point of said road located 58 m east of the

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<sup>1</sup> 2517/G-82

<sup>2</sup> 2517/H-82

<sup>3</sup> 2517/I-82

<sup>4</sup> 2517/A-86

intersection of the Kerry Wood Nature Centre access road and 45 Avenue, and terminating at a point located 58 m east of the intersection of the Kerry Wood Nature Centre access road and 45 Avenue.

(18)<sup>1</sup> Heritage Ranch Access Road

One-way counter clockwise around the Heritage Ranch access road commencing from a point on said road located 60m north of the intersection of the Heritage Ranch access road and 43 Street, and terminating at a point located 60m north of the intersection of the Heritage Ranch access road and 43 Street.

(19)<sup>2</sup> Lane North of Ross Street between 49 Avenue and Gaetz Avenue

One-way west on the lane north of Ross Street from its intersection with 49 Avenue thence west to its intersection with Gaetz Avenue.

(20)<sup>3</sup> Ross (50) Street

One-way west on Ross (50) Street from the intersection of Ross (50) Street and 45 Avenue, thence west to the intersection of Ross (50 ) Street and 52 Avenue.

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<sup>1</sup> 2517/A-86

<sup>2</sup> 2517/B-88

<sup>3</sup> 2517/A-92



(21)<sup>1</sup> 49 Street

One-way east on 49 Street from the intersection of 49 Street and 52 Avenue, thence east to the intersection of 49 Street and 45 Avenue.

3 This Bylaw shall come into force upon the final passing hereof.

READ A FIRST TIME IN OPEN COUNCIL this 8 day of November A.D. 1976.

READ A SECOND TIME IN OPEN COUNCIL this 8 day of November A.D. 1976.

READ A THIRD TIME AND FINALLY PASSED IN OPEN COUNCIL this 8 day of November A.D. 1976.

"R. N. MCGREGOR"

MAYOR

"R. STOLLINGS"

CITY CLERK

***Council Decision – Monday March 11, 2002***

DATE: March 12, 2002  
TO: Engineering Services Manager  
FROM: City Clerk  
RE: One-Way Street System Bylaw 2517/76  
Bylaw Amendment 2517/A-2002

---

***Reference Report:***

Engineering Services Manager, dated February 20, 2002.

***Bylaw Readings:***

One-Way Street System Bylaw 2517/A-2002 was given three readings. A copy of the bylaw is attached.

***Report Back to Council:*** No

***Comments/Further Action:***

One-Way Street System Bylaw 2517/A-2002 provides for revisions to update the bylaw to reflect current road conditions. This office will distribute updated copies of the consolidated One-Way Street System Bylaw 2517/76 in due course.



Kelly Kloss  
City Clerk

/chk  
attachs.

c Director of Development Services

## BYLAW NO. 2517/A-2002

Being a bylaw to amend Bylaw No. 2517/76, the One-Way Street System Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA ENACTS AS FOLLOWS:

Bylaw No. 2517/76 is hereby amended as follows:


1. By deleting Section (4) - 45A Avenue in its entirety.
2. By deleting Section (5) – Minor Roadway in its entirety.
3. By deleting from Section (6) – Michener Drive the reference to “(subject to Council approval)”.
4. By deleting Section (10) – 52 Street in its entirety.
5. By deleting Section (11) – 59 Street in its entirety.
6. By deleting the following from Section (15) – Baile Close:  
  
“...and terminating at a point seventy-six (65) metres south of its intersection with Boyce Street”.  
  
and replacing it with the following:  
  
“...and terminating at a point seventy-six (76) metres south of its intersection with Boyce Street”.
7. By renumbering the Sections from Section (6) through to Section (21) respectively.


READ A FIRST TIME IN OPEN COUNCIL this 11th day of March 2002.

READ A SECOND TIME IN OPEN COUNCIL this 11th day of March 2002.

READ A THIRD TIME IN OPEN COUNCIL this 11th day of March 2002.

AND SIGNED BY THE MAYOR AND CITY CLERK this 11 day of March 2002.

  
MAYOR

  
CITY CLERK

**Council Decision – Monday March 11, 2002**

DATE: March 12, 2002  
TO: Engineering Services Manager  
FROM: City Clerk  
RE: Development Agreement Administration, Survey and Mapping Levies

---

**Reference Report:**

Engineering Services Manager, dated February 19, 2002.

**Resolutions:**

*Resolved* that Council of The City of Red Deer, having considered the report from the Engineering Services Manager dated February 19, 2002, re: Development Agreement Administration, Survey and Mapping Levies, hereby approves the following rates:

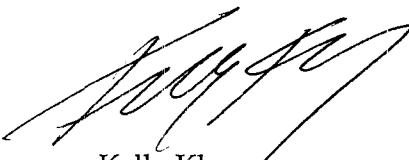
Administration Levy (a, b, or c):

- |    |  |                       |
|----|--|-----------------------|
| a. | Residential Developments               | \$1,700 per hectare   |
| b. | Commercial and Industrial Developments | \$1,700 per hectare   |
| c. | Minimum Charge                         | \$2,500 per agreement |

Survey Network Levy: \$200 per hectare

Legal Base Mapping Levy: \$100 per hectare

**Report Back to Council:** No

**Comments/Further Action:**

Kelly Kloss  
City Clerk

/chk

c     Director of Development Services  
      Director of Corporate Services

**Council Decision – Monday March 11, 2002**

DATE: March 12, 2002

TO: Engineering Services Manager

FROM: City Clerk

RE: 2002 Area Improvement Levies

**Reference Report:**

Engineering Services Manager, dated March 4, 2002.

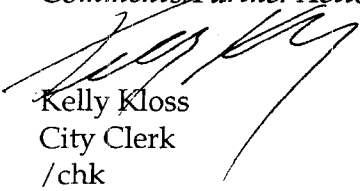
**Resolutions:**

*Resolved* that Council of the City of Red Deer having considered the report from the Engineering Services Manager dated March 4, 2002, re: 2002 Area Improvement Levies, hereby approves the 2002 Area Improvement Levies for the projects noted below:

	<i>Project</i>	<i>2002 Rate</i>
<b>a</b>	<b>39 Street Reconstruction from 800 m east of 30 Avenue to 20 Avenue</b>	
	Devonshire Subdivision (NE 11)	\$7,695/ha
	Davenport Subdivision (SE 14)	\$6,365/ha
<b>b</b>	<b>Oak Drive from 175 m west of Farrell Avenue to 245 m south of Orr Drive and Oak Drive intersection</b>	
	Oriole Park West (NW 19 and SW 19)	\$7,775/ha
<b>c</b>	<b>Kingston Drive from Gaetz Avenue to west property line of Lot 1, Plan 800, H.W.</b>	
	Kentwood (NE 32)	\$10,145/ha
<b>d</b>	<b>Golden West Industrial Park</b>	
	Water Improvement Levy	\$16,800/ha
	Sanitary Sewer Improvement Levy	\$13,335/ha

**Report Back to Council:** No

**Comments/Further Action:**

  
Kelly Kloss  
City Clerk  
/chk

c Director of Development Services  
Director of Corporate Services

***Council Decision – Monday March 11, 2002***

DATE: March 12, 2002  
TO: Engineering Services Manager  
FROM: City Clerk  
RE: Pedestrian Crosswalk Delineation Policy

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***Reference Report:***

Engineering Services Manager, dated March 4, 2002.

***Resolutions:***

***Resolved*** that Council of the City of Red Deer having considered the report from the Engineering Services Manager dated March 4, 2002, re: Pedestrian Crosswalk Delineation Policy, hereby agrees that:

1. Council Policy No. 4305 – Crosswalk Painting and Signing is repealed and replaced by Council Policy No. 4317 – Pedestrian Crosswalk Delineation attached to the report from the Engineering Services Manager dated March 4, 2002.
2. Council adopts the crosswalk marking and signing standard as illustrated in Figures 3 and 4 attached to the report submitted by the Engineering Services Manager dated March 4, 2002.

***Report Back to Council:*** No

***Comments/Further Action:***

This office will distribute copies of Council Policy No. 4317 – Pedestrian Crosswalk Delineation for insertion in the Council Policy Manual, in due course.



Kelly Kloss  
City Clerk

/chk

c Director of Development Services  
Community Services Director  
Director of Corporate Services

Date: February 19, 2002

To: City Clerk

From: Engineering Services Manager

**Re: Development Agreement Administration, Survey and Mapping Levies**

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The City charges Administration, Survey, and Mapping Levies on new development land within the City. Brief descriptions of the levies are as follows:

1. The Development Agreement Administration Fee covers the cost of administering Development Agreements, reviewing construction drawings, construction inspection, camera testing of sewers, and record drawing preparation.
2. The Legal Base Mapping Charge covers the cost of purchasing updates of the mapping base and incorporating them into our record drawing base.
3. The Survey Network Charge covers the cost of extending Alberta Survey Control Monuments into new development areas.

Each year we review the rates to ensure that our costs are adequately covered. The Survey Control Network rate was reduced last year and we are proposing to maintain this rate at the 2001 level. Similarly, we are proposing no change in the Legal Base Mapping Levy.

For the Administration Levy, we currently have two different rates; one for residential and one for commercial/industrial development. Roughly 90% of private development in Red Deer is residential. Because we don't track the costs separately between the residential and commercial/industrial developments, we are proposing that the two-rate system be discontinued and that a single rate be adopted for all private Development Agreements, regardless of land use.

City Clerk  
Page 2  
February 19, 2002

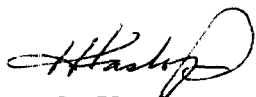
We are currently in a net positive balance with our Administration Levy account and are, therefore, proposing to reduce the residential rates for 2002 by approximately 17%. As indicated above, this would apply to roughly 90% of the development in the City. The proposed rate for commercial and industrial would, however, increase by approximately 16% to be equivalent to the residential rate.

The following table outlines the current and proposed rates:

	<b>CURRENT LEVY RATES (2001)</b>	<b>PROPOSED LEVY RATES FOR 2002</b>	<b>PROPOSED RATE CHANGE</b>
<b>ADMINISTRATION LEVY (a. or b. or c.)</b>			
a. Residential Developments	\$2,050 / ha	<b>\$1,700 / ha</b>	<b>17% reduction</b>
b. Commercial and Industrial Developments	\$1,460 / ha	<b>\$1,700/ ha</b>	<b>16% increase</b>
c. Minimum Charge	\$2,500 / agreement	<b>\$2,500 / agreement</b>	<b>No change</b>
<b>Survey Network Levy</b>	\$200 / ha	<b>\$200 / ha</b>	<b>No change</b>
<b>Legal Base Mapping Levy</b>	\$100 / ha	<b>\$100 / ha</b>	<b>No change</b>

### **Recommendations**

We respectfully recommend that Council approve the Proposed 2002 Administration, Survey and Mapping Levy rates as shown in the preceding Table.



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

TCW/emr

- c. Director of Development Services
- Director of Corporate Services
- Subdivision Administrator
- UDI, Red Deer Chapter Chairman



***Comments:***

We agree with the recommendations of the Engineering Services Manager.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager

Date: March 4, 2002

To: City Clerk

From: Engineering Services Manager

**Re: 2002 Area Improvement Levies**

Area Improvement Levies are charges payable by a developer for the use of municipal improvements constructed or to be constructed by The City or another developer. The levy is based upon the actual or estimated cost of the improvement divided by the total development area that benefits from the improvement. Unlike trunk utility mains and arterial roadways that are funded by off-site levies and benefit all development areas, the area improvements in question only benefit specific areas.

The following table outlines the proposed area improvement rate changes for 2002.

Project/Property Owner	2001 Rate	Proposed 2002 Rate	% Change
<b>39 Street Reconstruction, from 800 m east of 30 Avenue to 20 Avenue</b>			
Devonshire Subdivision (NE 11) Melcor Developments Ltd.	\$7,380/ha	\$7,695/ha	4.3%
Davenport Subdivision (SE 14) Parkside Holdings Ltd.	\$6,915/ha	\$6,365/ha	(8.6%)

<b>Oak Drive, from 175 m west of Farrell Avenue to 245 m south of Orr Drive and Oak Drive intersection</b>			
Oriole Park West (NW 19) - Reid World Wide Corporation			
Oriole Park West (SW 19) - The City of Red Deer	\$8,050/ha	\$7,775/ha	(3.5%)

City Clerk  
Page 2  
March 4, 2002

<b>Kingston Drive, from Gaetz Avenue to west property line of Lot 1, Plan 800 H.W.</b>			
Part of NE ¼ 32-38-27-4 - Laebon Developments Ltd.			
Lot 3, Plan 2122 H.W. in the NE ¼ 32-38-27-4 - Quatum IV Developments Inc.			
Part of NE ¼ 32-38-27-4 - Gillmar Management Ltd. and J. Alfred Ordman Professional Corp.	\$6,350/ha	\$10,145/ha	59.8%

<b>Golden West Industrial</b>			
Water Improvement Levy	\$15,072/ha	\$16,800/ha	11.5%
Sanitary Sewer Improvement Levy	\$13,405/ha	\$13,335/ha	(0.5%)

Attached are copies of typical letters, with diagrams, sent to each of the affected property owners detailing the reasons for the rate changes.

Although we have not received written responses from all of the property owners, all parties were contacted by phone. None of the affected property owners have expressed an objection to the proposed rate changes.

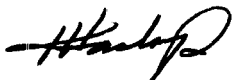
### **Recommendation**

We respectfully request Council approval of the proposed 2002 Area Improvement rates for the projects noted in the following table:

<b>Project / Affected Area</b>		<b>Proposed 2002 Rate</b>
a.	39 Street Reconstruction from 800 m east of 30 Avenue to 20 Avenue	
	Devonshire Subdivision (NE 11)	\$7,695/ha
	Davenport Subdivision (SE 14)	\$6,365/ha
b.	Oak Drive from 175 m west of Farrell Avenue to 245 m south of Orr Drive and Oak Drive intersection	
	Oriole Park West (NW 19 and SW 19)	\$7,775/ha

City Clerk  
 Page 3  
 March 4, 2002

c.	Kingston Drive from Gaetz Avenue to west property line of Lot 1, Plan 800 H.W.	
	Kentwood (NE 32)	\$10,145/ha
d.	Golden West Industrial Park	
	Water Improvement Levy	\$16,800/ha
	Sanitary Sewer Improvement Levy	\$13,335/ha

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

SS/TCW/emr  
 Att.

February 14, 2002

Mr. John Ratzke  
Parkside Holdings Ltd.  
#18 - 7895 - 49 Avenue  
Red Deer, Alberta T4P 2B4

*Rec'd. Feb 22*

Dear Sir:

**Re: Proposed 2002 Rate - 39 Street Area Improvement (Davenport Subdivision)**

Area Improvement levies are charges payable by a developer for the use of municipal improvements constructed or to be constructed by The City or another developer. The levy is based upon the actual or estimated cost of the improvement divided by the total development area that benefits from the improvement. Unlike trunk utility mains and arterial roadways that are funded by off-site levies and benefit The City as a whole, the area improvements in question only benefit specific areas. Area improvement levy rates are reviewed annually to reflect changes in revenues and expenditures made during previous years, the effects of inflation, and revised cost estimates based on current contract unit prices.

The 39 Street Area Improvement was established in 1986 when development of Eastview Estates and Deer Park was underway. The purpose of the 39 Street Area Improvement is to recover the cost of constructing the 39 Street roadway from west of Maxwell Avenue to 20 Avenue. The project was divided into 3 separate projects as follows:

1. From west of Maxwell Avenue to 30 Avenue,
2. From 30 Avenue to the quarter line east of Davison Drive, and
3. From the quarter line east of Davison Drive to 20 Avenue.

The cost of each of the projects was split 50/50 for each of the adjacent quarter sections. Separate rates were determined for each of the five benefiting quarter sections to reflect the different rates of development.

Attached is a drawing showing the proposed area improvement project location and the boundary of the benefiting area used to determine the area improvement rate for the

Parkside Holdings Ltd.

Page 2

February 14, 2002

39 Street project from the quarter line to 20 Avenue. The following table outlines the proposed area improvement rate change for 2002.

Project	2001 Rate	Proposed 2002 Rate	% Change
a. 39 Street Reconstruction from 800 m east of 30 Avenue to 20 Avenue			
Davenport Subdivision (SE 14)	\$6,915 /ha	\$6,365 /ha	(8.6%)

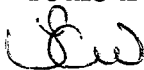
The decrease in the rates is based on the following:

1. The 2002 estimated cost for construction of 39 Street was revised using the 2000 contract unit prices plus 3.5% per year inflation for 2001 and 2002.
2. A correction to the 2000 revenues and developed areas.
3. Minor adjustments in the SE Quarter Section 14 development area based on a review of the legal plans registered to date.

The 2002 Area Improvement Rates (subject to Council approval) will apply to development agreements prepared between January 1, 2002 and December 31, 2002.

Please provide me with your comments by February 28, 2001, if possible. We plan to take this matter to Council on March 11 and would like to include your comments. If you have any questions or would like to meet to discuss this matter further, please give Sybren Spyksma or me a call at 342-8158.

Yours truly,



Tom C. Warder, P. Eng.  
Streets and Utilities Engineer

SS/nrc

Att.

c. Martin Brok, Al-Terra Engineering Ltd.

ROSS (50) ST



**PARKSIDE HOLDINGS LTD.**  
(61.00 ha)

IMPROVEMENT AREA

**MELCOR DEVELOPMENTS LTD.**  
(59.29 ha)

# 39 STREET AREA IMPROVEMENT

15 FEB. 2002

\*\*\*\*\*SDGNUSPEC\*\*\*\*\*

February 19, 2002

HayAlta Farm Equipment Ltd.  
6525 - 67 Street  
Red Deer, Alberta T4P 1A3

Dear Sir:

**Re: Proposed 2002 Rates**  
**- Golden West Industrial Park Area Improvement (Water and Sanitary Sewer)**

---

Area Improvement levies are charges payable by a developer for the use of municipal improvements constructed or to be constructed by The City or another developer. The levy is based upon the actual or estimated cost of the improvement divided by the total development area that benefits from the improvement. Unlike trunk utility mains and arterial roadways that are funded by off-site levies and benefit The City as a whole, the area improvements in question only benefit specific areas. Area improvement levy rates are reviewed annually to reflect changes in revenues and expenditures made during previous years, the effects of inflation, and revised cost estimates based on current contract unit prices.

The Golden West Industrial Park Water and Sanitary Sewer Area Improvement was established in 1992. The purpose of the Golden West Industrial Park Area Improvement is to recover the cost of constructing water mains, sanitary sewer mains and paved roadways complete with ditch drainage to service existing development.

The properties in the Golden West Industrial Park, including those fronting onto 67 Street Service Road were subdivided in the 1960's when water and sanitary sewer mains were not available to service this area. Water mains and sanitary sewer mains have now been constructed.

The two parcels of land fronting on the 67 Street Services Road (shown cross-hatched on the attached drawing) are the only properties that have not been connected to City water and sanitary sewer services. These two properties received a relaxation as to when they are required to connect to the existing mains and to pay their



HayAlta Farm Equipment Ltd.  
 February 19, 2002  
 Page 2

Local Improvement contributions. In addition to the Area Improvement Levy, the Trunk Water and Trunk Sanitary Off-site Levy contributions are outstanding.

The following table lists the previous rates approved by Council:

Year	Water Rate	Sanitary Sewer Rate
1992	\$12,185	\$ 9,775
1993	\$12,430	\$ 9,920
1994	\$12,430	\$ 9,920
1996	\$13,215	\$11,765
1999	\$15,072	\$13,405

As you can see, the rates have not been changed since 1999. The proposed 2002 rate was calculated using the 1996 and 1999 contract quantities and current contract unit prices to reflect the current value of the facilities. The total cost of the project was prorated on an area basis against all benefiting properties.

Attached is a drawing showing the proposed area improvement project location and the boundary of the benefiting area used to determine the area improvement rate for the Golden West Industrial Park Area Improvement. The following table outlines the proposed Area Improvement Rate change for 2002.

Project	Current Rate	Proposed Rate	% Change
Golden West Industrial Park Servicing			
Water main	\$15,072 /ha	\$16,800 /ha	11.5%
Sanitary sewer main	\$13,405 /ha	\$13,335 /ha	(0.5%)

HayAlta Farm Equipment Ltd.  
February 19, 2002  
Page 3

As noted in previous correspondence, The City of Red Deer is prepared to accept payment for the Area Improvement and Off-site Levy amounts over a period of time by way of a Local Improvement Tax. Attached is a summary of the outstanding costs applicable to your property.

Please provide me with any comments you have by February 28, 2001, if possible. We plan to take this matter to Council on March 11 and would like to include your comments. If you have any questions or would like to meet to discuss this matter further, please give Sybren Spyksma or me a call at 342-8158.

Yours truly,



Tom C. Warder, P. Eng.  
Streets and Utilities Engineer

SS/nrc  
Att.

**GOLDEN WEST INDUSTRIAL PARK**

**WATER AND SANITARY SEWER LOCAL IMPROVEMENT**

1	PROPERTY OWNER	HayAlta Farm Equipment Ltd.
2	MAILING ADDRESS	6525 67 Street, Red Deer, AB, T4P 1A3
3	PROPERTY CIVIC ADDRESS	6525 67 Street
4	LEGAL DESCRIPTION	Lot 3, Plan 6604 mc
5	DEVEVOPMENT AREA	0.601 ha

**A. OFFSITE LEVY CALCULATION**

ITEM	AREA	RATE/ha	TOTAL
WATER	0.601	\$7,495.00	\$4,504.50
SANITARY	0.601	\$3,595.00	\$2,160.60
TOTAL			\$6,665.09

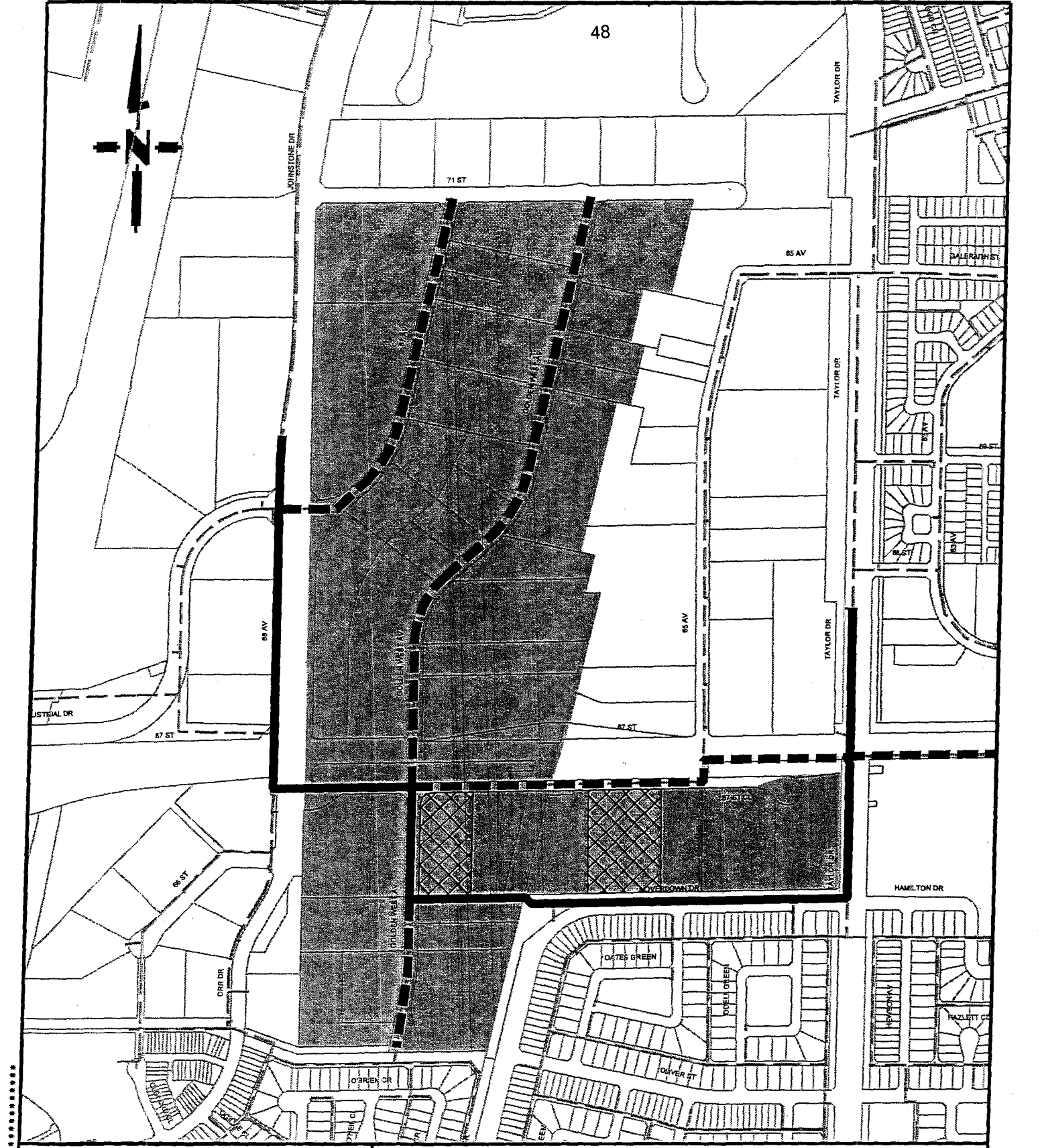
**B. AREA IMPROVEMENT CHARGE CALCULATION**

ITEM	AREA	RATE/ha	TOTAL
WATER	0.601	\$16,800.00	\$10,096.80
SANITARY	0.601	\$13,335.00	\$8,014.34
TOTAL			\$18,111.14

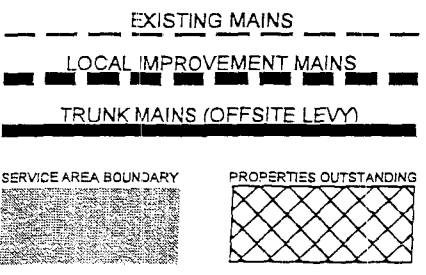
**C. PAYMENT OPTIONS**

Total One Time Payment Option	\$24,776.23
20 Year Debenture Payment Option	\$2,248.60 /Annum





48



# GOLDEN WEST INDUSTRIAL PARK WATER AREA (LOCAL) IMPROVEMENT LEVY

15 FEB. 2002

SCALE 1:7500

\*\*\*\*\*DGN#SPEC\*\*\*\*\*

February 19, 2002

Allstar Excavating Ltd. (Twin Tractor)  
3555 - 46 Avenue SE  
Calgary, Alberta T2B 3B3

Dear Sir:

**Re: Proposed 2002 Rates**  
**- Golden West Industrial Park Area Improvement (Water and Sanitary Sewer)**

---

Area Improvement levies are charges payable by a developer for the use of municipal improvements constructed or to be constructed by The City or another developer. The levy is based upon the actual or estimated cost of the improvement divided by the total development area that benefits from the improvement. Unlike trunk utility mains and arterial roadways that are funded by off-site levies and benefit The City as a whole, the area improvements in question only benefit specific areas. Area improvement levy rates are reviewed annually to reflect changes in revenues and expenditures made during previous years, the effects of inflation, and revised cost estimates based on current contract unit prices.

The Golden West Industrial Park Water and Sanitary Sewer Area Improvement was established in 1992. The purpose of the Golden West Industrial Park Area Improvement is to recover the cost of constructing water mains, sanitary sewer mains and paved roadways complete with ditch drainage to service existing development.

The properties in the Golden West Industrial Park, including those fronting onto 67 Street Service Road were subdivided in the 1960's when water and sanitary sewer mains were not available to service this area. Water mains and sanitary sewer mains have now been constructed.

The two parcels of land fronting on the 67 Street Services Road (shown cross-hatched on the attached drawing) are the only properties that have not been connected to City water and sanitary sewer services. These two properties received a relaxation as to when they are required to connect to the existing mains and to pay their

Allstar Excavating Ltd. (Twin Tractor)  
 February 19, 2002  
 Page 2

Local Improvement contributions. In addition to the Area Improvement Levy, the Trunk Water and Trunk Sanitary Off-site Levy contributions are outstanding.

The following table lists the previous rates approved by Council:

Year	Water Rate	Sanitary Sewer Rate
1992	\$12,185	\$ 9,775
1993	\$12,430	\$ 9,920
1994	\$12,430	\$ 9,920
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As you can see, the rates have not been changed since 1999. The proposed 2002 rate was calculated using the 1996 and 1999 contract quantities and current contract unit prices to reflect the current value of the facilities. The total cost of the project was prorated on an area basis against all benefiting properties.

Attached is a drawing showing the proposed area improvement project location and the boundary of the benefiting area used to determine the area improvement rate for the Golden West Industrial Park Area Improvement. The following table outlines the proposed Area Improvement Rate change for 2002.

Project	Current Rate	Proposed Rate	% Change
Golden West Industrial Park Servicing			
Water main	\$15,072 /ha	\$16,800 /ha	11.5%
Sanitary sewer main	\$13,405 /ha	\$13,335 /ha	(0.5%)

Allstar Excavating Ltd. (Twin Tractor)  
February 19, 2002  
Page 3

As noted in previous correspondence, The City of Red Deer is prepared to accept payment for the Area Improvement and Off-site Levy amounts over a period of time by way of a Local Improvement Tax. Attached is a summary of the outstanding costs applicable to your property.

Please provide me with any comments you have by February 28, 2001, if possible. We plan to take this matter to Council on March 11 and would like to include your comments. If you have any questions or would like to meet to discuss this matter further, please give Sybren Spyksma or me a call at 342-8158.

Yours truly,



Tom C. Warder, P. Eng.  
Streets and Utilities Engineer

SS/nrc  
Att.



**GOLDEN WEST INDUSTRIAL PARK**

**WATER AND SANITARY SEWER LOCAL IMPROVEMENT**

1	PROPERTY OWNER	Allstar Excavating Ltd (Twin Tractor Ltd)
2	MAILING ADDRESS	3555 46 Avenue SE, Calgary AB, T2B 3B3
3	PROPERTY CIVIC ADDRESS	6511 67 Street
4	LEGAL DESCRIPTION	Lot 13, Plan 4166 TR
5	DEVELOPMENT AREA	1.615 ha

**A. OFFSITE LEVY CALCULATION**

ITEM	AREA	RATE/ha	TOTAL
WATER	1.615	\$7,495.00	\$12,104.43
SANITARY	1.615	\$3,595.00	\$5,805.93
TOTAL			\$17,910.35

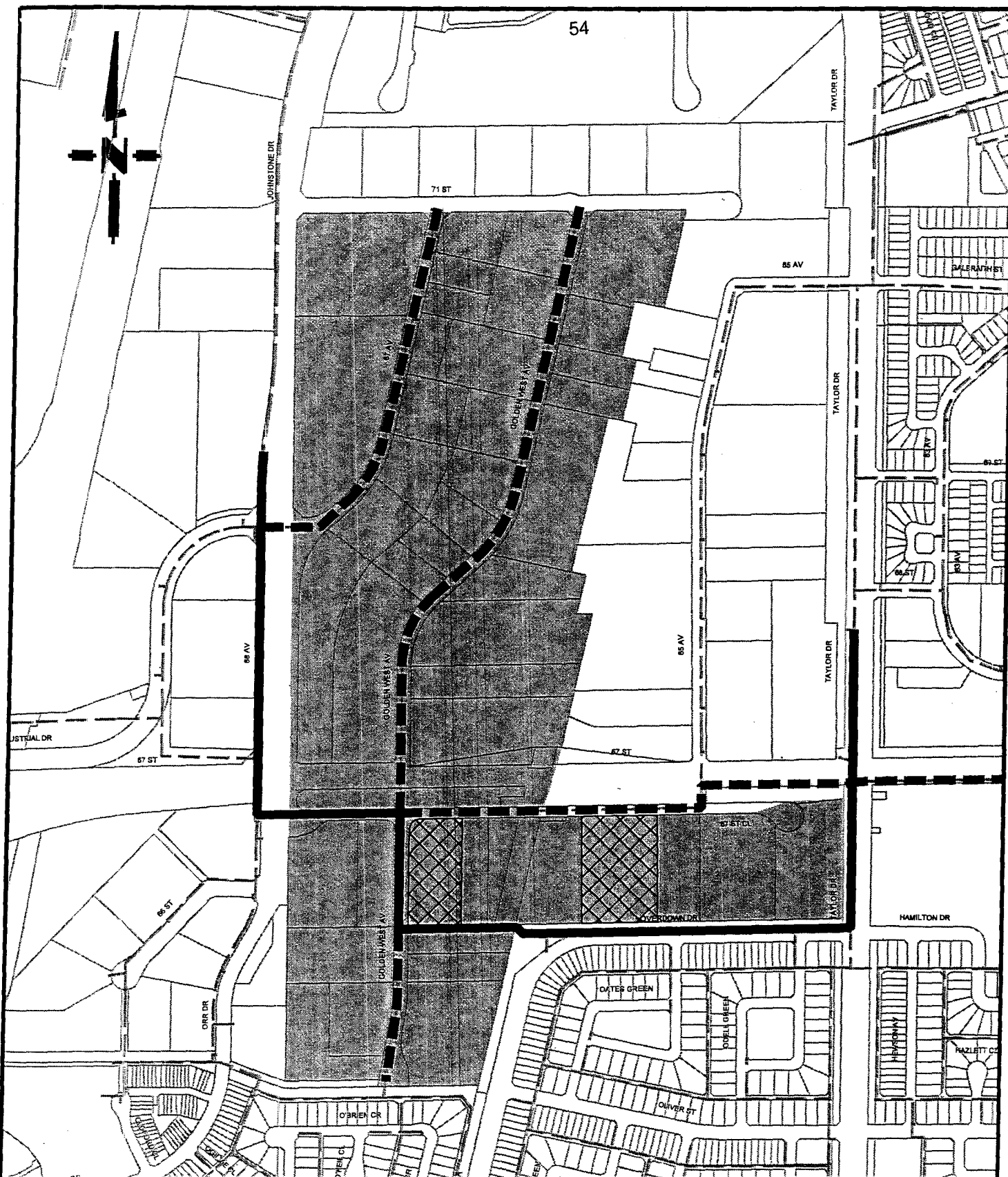
**B. AREA IMPROVEMENT CHARGE CALCULATION**

ITEM	AREA	RATE/ha	TOTAL
WATER	1.615	\$16,800.00	\$27,132.00
SANITARY	1.615	\$13,335.00	\$21,536.03
TOTAL			\$48,668.03

**C. PAYMENT OPTIONS**

Total One Time Payment Option	\$66,578.38
20 Year Debenture Payment Option	\$6,042.41 /Annum





TRUNK MAINS (OFFSITE LEVY)

### PROPERTIES OUTSTANDING



# GOLDEN WEST INDUSTRIAL PARK WATER AREA (LOCAL) IMPROVEMENT LEVY

SCALE 1:7500

February 14, 2002

Bob Marshall  
Reid Worldwide Corporation  
18140 - 107 Avenue  
Edmonton, Alberta T5S 1K5

Dear Sir;

**Re: Proposed 2002 Rate**  
**- Oak Drive Area Improvement (Oriole Park West Subdivision)**

---

Area Improvement levies are charges payable by a developer for the use of municipal improvements constructed or to be constructed by The City or another developer. The levy is based upon the actual or estimated cost of the improvement divided by the total development area that benefits from the improvement. Unlike trunk utility mains and arterial roadways that are funded by off-site levies and benefit The City as a whole, the area improvements in question only benefit specific areas. Area improvement levy rates are reviewed annually to reflect changes in revenues and expenditures made during previous years, the effects of inflation, and revised cost estimates based on current contract unit prices.

The Oak Drive Area Improvement was established in 1998 when development of the NW Quarter Section 19 started. The purpose of the Area Improvement is to recover the cost of constructing the Oak Drive (Kerry Wood Drive) roadway from west of Farrell Avenue to the south boundary of the Oriole Park West subdivision.

The following is a brief history regarding the establishment of the Oak Drive Area Improvement:

1. The 1990 Transportation Study determined that Oak Drive (Kerry Wood Drive) should be constructed as a collector roadway providing access to the proposed Oriole Park West subdivision. A second access to the area is to be constructed from 67 Street at 68 Avenue and a third from Overdown Drive at Oak Street.
2. In 1995, the owner of NW 19 - 38 - 27 - W4 proposed to develop a portion of his land. The owner, together with The City (owner of SW 19 - 38 - 27 - W4) retained a traffic consultant to confirm the recommendations in the

Reid Worldwide Corporation  
 Page 2  
 February 14, 2002

1990 Transportation Study. They predicted that the extension of Oak Drive (Kerry Wood Drive) is required and would handle in the order of 1500 vehicles per day. This roadway would also serve as an alternate access to Great Chief Park, Bower Ponds, Red Deer Golf and Country Club, and the Fairview Subdivision, and would minimize the impact of the new development traffic on the existing Oriole Park Subdivision.

3. The portion of Oak Drive (Kerry Wood Drive) that is of concern was estimated to cost \$710,000 (1998 cost estimate). In this instance there is no adjacent development to fund the construction of this roadway. The proposed rate would also include approximately \$27,600 dollars oversizing a portion of Orr Drive (68 Street) from a standard collector cross-section to a 5-lane divided cross-section to match the proposed roadway cross-section north of 67 Street.
4. In 1998, a report was submitted to City Council recommending that the cost of constructing this roadway and the Orr Drive oversize be funded 50% from the Oriole Park West subdivision (NW & SW 19 – 38 – 27 – W4) and 50% from the General Subdivision Fund.
5. City Council approved the initial Oak Drive (Kerry Wood Drive) Area Improvement levy rate based on the recommended funding split in August 1998.

Attached is a drawing showing the proposed area improvement project location and the boundary of the benefiting area used to determine the area improvement rate. The following table outlines the proposed area improvement rate change for 2002.

Project	2001 Rate	Proposed 2002 Rate	% Change
Oriole Park West (NW 19 and SW 19).			
Oak Drive from 175 m west of Farrell Avenue to 245 m south of Orr Drive and Oak Drive intersection	\$8,050 /ha	\$7,775 /ha	(3.5%)

Reid Worldwide Corporation  
Page 3  
February 14, 2002

The decrease in the rates is based on the following:

1. In reviewing the 2001 rate calculation, we discovered an error in one part of the spreadsheet that resulted in a slightly higher rate than required for that year. This year's reduction will compensate you for the slight overpayment made last year.
2. The 2002 estimated cost for construction of Oak Drive was revised using the 2000 contract unit prices plus 3.5% per year inflation for 2001 and 2002.
3. Minor adjustments in the NW Quarter Section 19 development area (+0.11 ha) based on a review of the legal plans registered to date. Previous areas were determined using Plan 892-0475 and preliminary legal plans for the exempt areas (Phase 1 and Part of Phase 2 as per Plan 982-3721).

The 2002 Area Improvement Rates (subject to Council approval) will apply to development agreements prepared between January 1, 2002 and December 31, 2002.

Please provide me with your comments by February 28, 2001, if possible. We plan to take this matter to Council on March 11 and would like to include your comments. If you have any questions or would like to meet to discuss this matter further, please give Sybren Spyksma or me a call at 342-8158.

Yours truly,



Tom C. Warder, P. Eng.  
Streets and Utilities Engineer

SS/nrc  
Att.

c. Russ Wlad, Stantec Consulting Group



REID WORLDWIDE CORP.  
(25.04 ha)

CITY OF RED DEER  
(27.38 ha)

IMPROVEMENT AREA

# OAK DRIVE AREA IMPROVEMENT

15 FEB. 2002

\*\*\*\*\*DGN\$SPEC\*\*\*\*\*

***Comments:***

We agree with the recommendations of the Engineering Services Manager.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager



Date: March 4, 2002

To: City Clerk

From: Engineering Services Manager

**Re: Pedestrian Crosswalk Delineation Policy**

---

In 2001, Engineering Services reviewed the overall risk management of pedestrian crossings in the City with the Senior Management Team. As a result, a new policy was developed outlining when and where crosswalk lines, signs, signals, or bridge structures should be considered for pedestrian crossing enhancement.

The proposed policy (Appendix A) is based upon national traffic control standards and a survey of practices of many Alberta cities. Specifically, we considered:

1. The existing Provincial crosswalk legislation.
2. The inventory of crosswalks on higher speed roads.
3. The City pedestrian signal warrant and crosswalk details.
4. Edmonton and Calgary's Pedestrian Crossing Control Guidelines.
5. RCMP input regarding pedestrian crossing delineation.
6. The effect of signals on safety (Appendix B).
7. The Innisfail Pedestrian Signal Installation (Appendix C).
8. Typical Pedestrian Crosswalk Delineation Costs (Appendix D).

The review also included the following criteria:

- a. The availability of funding.
- b. The priority relative to other potential locations for enhanced delineation.
- c. The presence of a pedestrian corridor or a preferred route or direct walkway.
- d. Pedestrian visibility and motorist sight distance.
- e. The safety/accident record.
- f. The classification of roadway.
- g. Numbers of vehicle travel lanes and volume of vehicles.
- h. The posted speed limit.

#### **A. GENERAL INFORMATION**

While a traffic signal reduces right angle collisions, it substantially increases rear-end collisions to the extent of about 180%, as shown in Appendix B.

City Clerk  
 Page 2  
 March 4, 2002

One criterion of the proposed policy recommends pedestrian crosswalk enhancement at locations when three pedestrian accidents in a three-year City period have occurred. The U.S. Manual of Uniform Traffic Control Devices suggests signals be installed only when there are five or more accidents per year. We consider this to be too stringent for a city the size of Red Deer.

Another criterion of the proposed policy recommends crosswalk enhancement at locations with a speed limit of 70 km/hr or higher. There are two locations, one at Riverside Drive and 67 Street, and the other at the Delburne Road and Westerner Access. Although the posted speed limit is a criterion, the proposed policy would not recommend signals until an accident pattern (three pedestrian accidents in three years) has been established.

The proposed policy would recommend a pedestrian bridge structure at mid-block locations such as on Taylor Drive at 48 Street, upon completion of a pedestrian demand and site circumstance survey.

#### **B. PAINTED CROSSWALK DETAILS**

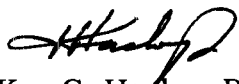
With regard to crosswalk installation details, funds have not been available to upgrade painted crosswalks according to the 1999 Council Resolution (Figures 1 and 2).

In view of budget constraints and the need to maintain signing consistency, we are proposing as part of this new policy to revert back to the more basic crosswalk signing standard as shown in Figures 3 and 4. At present, nearly all painted and signed crosswalk enhancements exist according to this standard. This standard conforms to the Manual of Uniform Traffic Control Devices of Canada.

#### **C. RECOMMENDATION**

Based upon the information as outlined above, we would respectfully recommend that Council rescind Policy 4305 and consider adopting this new Policy 4317 which provides a guideline as to what type and under what conditions pedestrian crosswalk enhancement facilities are to be considered.

Secondly, we would recommend that Council adopt the crosswalk marking and signing standard as illustrated in Figures 3 and 4.



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

KGH/emr  
 Att.

Council - January 18, 1999

~~"RESOLVED that Council of The City of Red Deer, having considered report from Parkland Community Planning Services dated January 8, 1999, re: Potential Land Use Bylaw Amendment - Removal of "Movie Theatres" from C2 Commercial Districts / Downtown Planning Committee Proposal, hereby agrees that no further action be taken with respect to this issue, and as presented to Council January 18, 1999."~~

MOTION CARRIED

Council's consideration was given to the report from the Engineering Services Manager dated January 12, 1999 **re: Review of Crosswalk Markings**. Following discussion, the resolution as noted hereunder was introduced and passed.

Moved by Councillor Hughes, seconded by Councillor Pimm

"RESOLVED that Council of The City of Red Deer, having considered report from the Engineering Services Manager dated January 12, 1999, re: Review of Crosswalk Markings, hereby:

1. Agrees that The City adopt Drawing A and Drawing B, attached to the above noted report, as the upgraded standards for designating crosswalks;
2. Agrees that:
  - (a) The existing crosswalks be retrofitted as per the standard outline in No. 1, above;
  - (b) Crosswalk lines be increased from 0.15 m to 0.2 m wide;
  - (c) Where there is concern that a crosswalk is not visible 'Advance Warning Signs' be installed;
  - (d) That the work outlined in (a), (b) and (c) above be phased in over a three year period beginning in the Year 2000 subject to budget approval during Year 2000 Budget deliberations;
3. Agrees that *white* be retained as the colour to mark crosswalks according to the national standard;
4. Agrees that painted "zebra" type crossings not be used,

## Appendix A

**THE CITY OF RED DEER  
COUNCIL POLICY MANUAL**

<b>POLICY NO.</b>	<b>4317</b>	<b>Page 1 of 2</b>
<b>TITLE:</b>	<b>Pedestrian Crosswalk Delineation</b>	<b>Date of Approval:</b> <b>March 11, 2002</b>
<b>SECTION:</b>	<b>Engineering Services</b>	<b>Dates of Revision:</b>

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**POLICY STATEMENT**

This policy is intended to provide direction to the Administration to consider when there is a need to provide pedestrian crosswalk delineation over and above what is provided for in the Provincial Highway Traffic Act Chapter H-7 Definitions Part (d.1).

Pedestrian signs, pavement markings, signals, or overpass structures when warranted, shall be installed according to the recommendations in the Manual of Uniform Traffic Control Devices of Canada.

To determine the conditions and the level of delineation that Council will consider at pedestrian crosswalk locations, the following criteria will used.

1. The availability of funding.
2. The priority relative to other potential locations for enhanced delineation.
3. The presence of a pedestrian corridor or a preferred route or direct walkway.
4. Pedestrian visibility and motorist sight distance.
5. The safety/accident record.
6. The classification of roadway.
7. The numbers of vehicle travel lanes and volume of vehicles.
8. The posted speed limit.

The parameters for pedestrian enhancement consideration are set out in the following table:

Delineation Type	Legal Speed Limit	Road Type	Number of Through Lanes	Distance to Nearest Signal	Visibility	Pedestrian Delay and Accidents	Pedestrian Corridor
Painted Lines	All	All	All	Installed at all signalized locations.	Poor to Good	Not applicable	Yes
Painted Lines and Standard Pedestrian Symbol Signs	Up to 60 km/hr	All	All	More than 200 m	Good	Not applicable	Yes
Painted Lines and Standard Pedestrian Symbol Signs and Advanced Warning Pedestrian Symbol Signs	Up to 60 km/hr	All	All	More than 200 m	Poor	Not applicable	Yes
MUTCD Approved Red/Amber/Green full or half traffic signal	Up to 80 km/hr	Arterial or Collector	All	More than 400 m	Poor to Good	More than 30 second average pedestrian delay or more than three pedestrian accidents over a three-year period.	Yes
Over/Under Bridge Structure	Up to 80 km/hr	Arterial Expressway	All	More than 200 m	Poor to Good	Subject to a detailed pedestrian demand and site circumstance survey.	Yes

Note: A pedestrian corridor is defined as connecting a sidewalk or trail system to a significant pedestrian traffic generator, such as commercial centers, coliseums, schools, parks, recreational facilities, hospitals, and nursing homes.

### **APPENDIX B – THE EFFECT OF SIGNALS ON OPERATING SAFETY**

Other cities also conclude that traffic signals increase rear-end collisions and decrease right angle collisions. Red Deer installed four new signals between 1994 and 1996. Rear-end accidents increased at every one of these intersections after signals were installed. A three-year accident comparison before and after the signal installations showed that right angle accidents decreased by 66% and rear-end accidents increased by 182% as shown in the following table:

<b>Intersections</b>	<b>Right Angle Accidents</b>			<b>Rear-End Accidents</b>		
	Three-year Period Before Signals	Three- year Period After Signals	Change	Three- year Period Before Signals	Three- year Period After Signals	Change
30 Avenue and 32 Street Full Signal	19	2	-17	0	1	1
50 Avenue and 71 Street Full Signal	22	10	-12	8	21	13
Northey Avenue and 77 Street Pedestrian Signal	1	2	1	0	2	2
30 Avenue and 55 Street Full Signal	2	1	-1	3	7	4
<b>Totals</b>	44	15	<b>-29</b>	11	31	<b>20</b>
<b>Percent Change</b>			<b>-66%</b>			<b>182%</b>

### **APPENDIX C - THE INNISFAIL PEDESTRIAN SIGNAL INSTALLATION**

As suggested by some Members of Council and SMT, we reviewed the crosswalk signal used in Innisfail. Illustrated in the attached pamphlet (Figure 6), the manufacturer calls it the "Solar X Advanced signal". We understand there are only three installations of this locally manufactured signal. They are in Leduc, Innisfail, and Calgary. After discussions with representatives of each municipality, they advised of problems consisting of inconsistent voltage, light failure, moisture getting into circuitry, and difficulty in getting replacement parts. The City of Calgary conducted an extensive evaluation of this signal and concluded that

1. Equipment failed three times and the supplier had to be called to fix the problem.
2. Equipment requires more maintenance than Calgary's existing equipment.
3. Equipment is not cost effective and they would not be pursuing further installations.

The promotion attached to the Solar X Advanced equipment is that it is wireless and does not require expensive underground ducts for electrical wire, as well as reduced electrical energy costs due to being solar powered.

Our version of the Canadian Transportation Association's Manual of Uniform Traffic Control Devices does not list this vertical type of signal display as approved. It lists a flashing amber horizontal overhead signal display or a red-amber-green full or half traffic signal display or a pedestrian bridge as higher levels of crosswalk delineation. Due to concerns that motorists are not stopping for the overhead flashing amber or flashing red pedestrian lights, Red Deer replaced all flashing horizontal overhead signal displays with the red-amber-green half traffic signal display about 10 years ago.

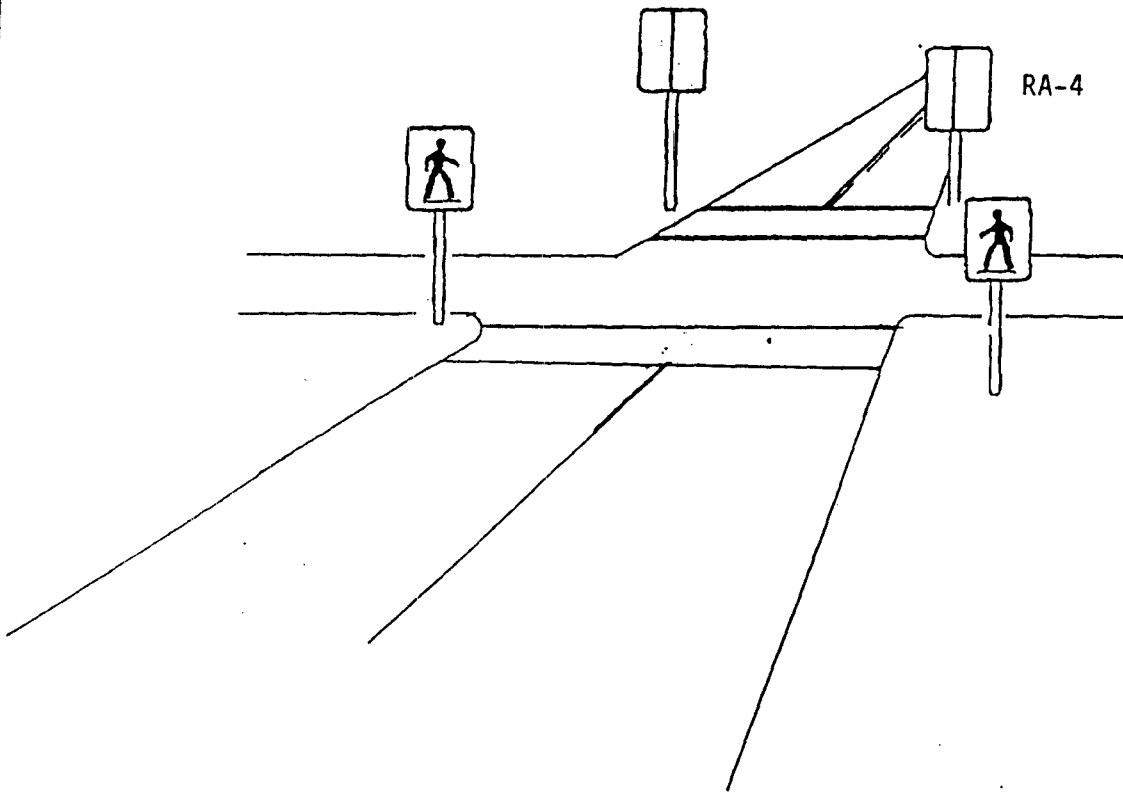
We are not recommending this type of pedestrian signal for use in the City of Red Deer.

**APPENDIX D - TYPICAL PEDESTRIAN CROSSWALK DELINEATION COSTS**

The typical costs for enhancing pedestrian crosswalks are:

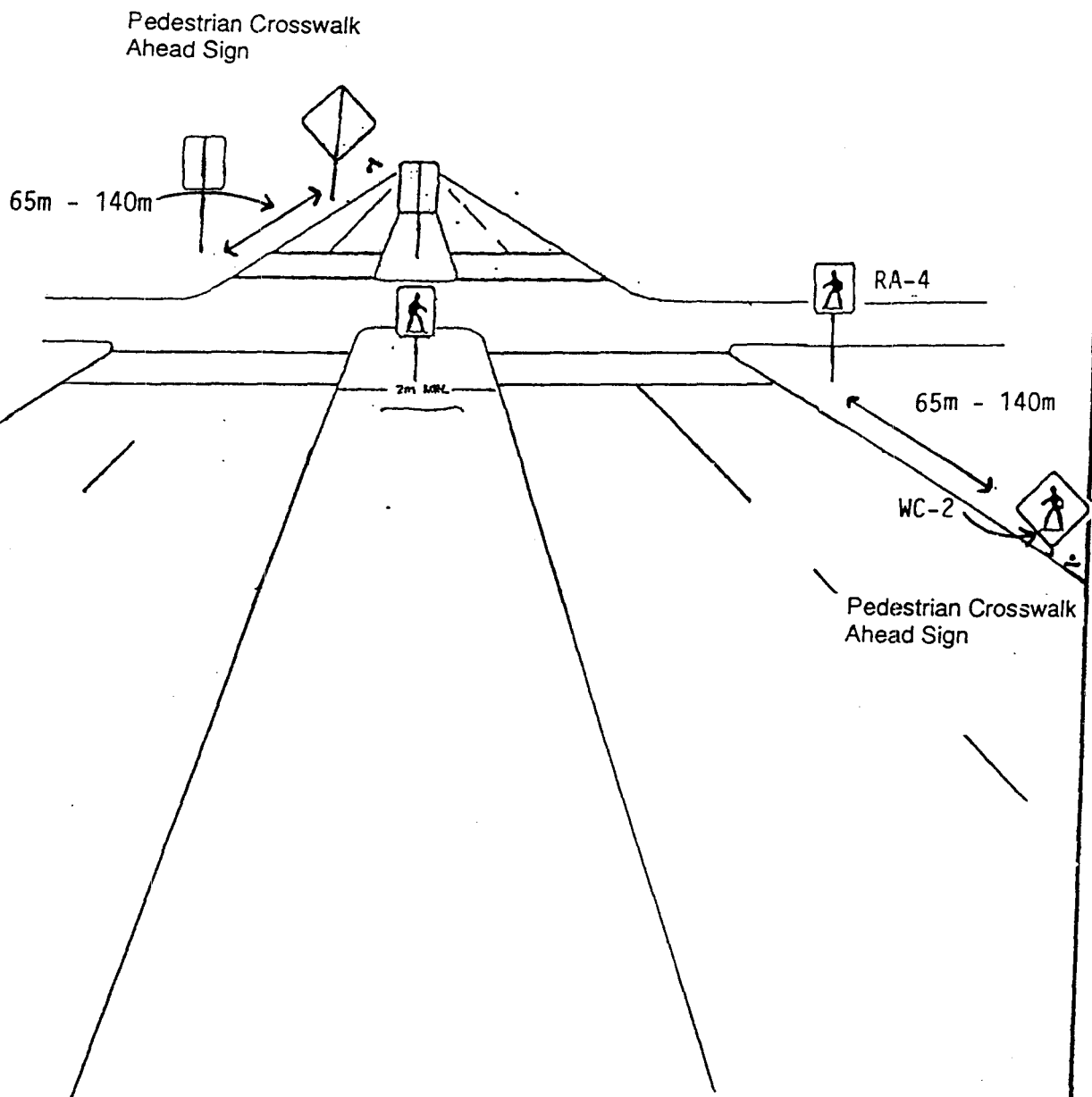
Install paint lines and pedestrian symbol signs	\$1,000/intersection
Install paint lines and oversized pedestrian symbol signs	\$1,700/intersection
Install the Innisfail Solar X crosswalk signal	\$45,000/intersection
Install MUTCD approved crosswalk signal	\$80,000/intersection
Install MUTCD approved full traffic signal	\$110,000/intersection
Install Pedestrian Bridge or Overpass	\$600,000/location





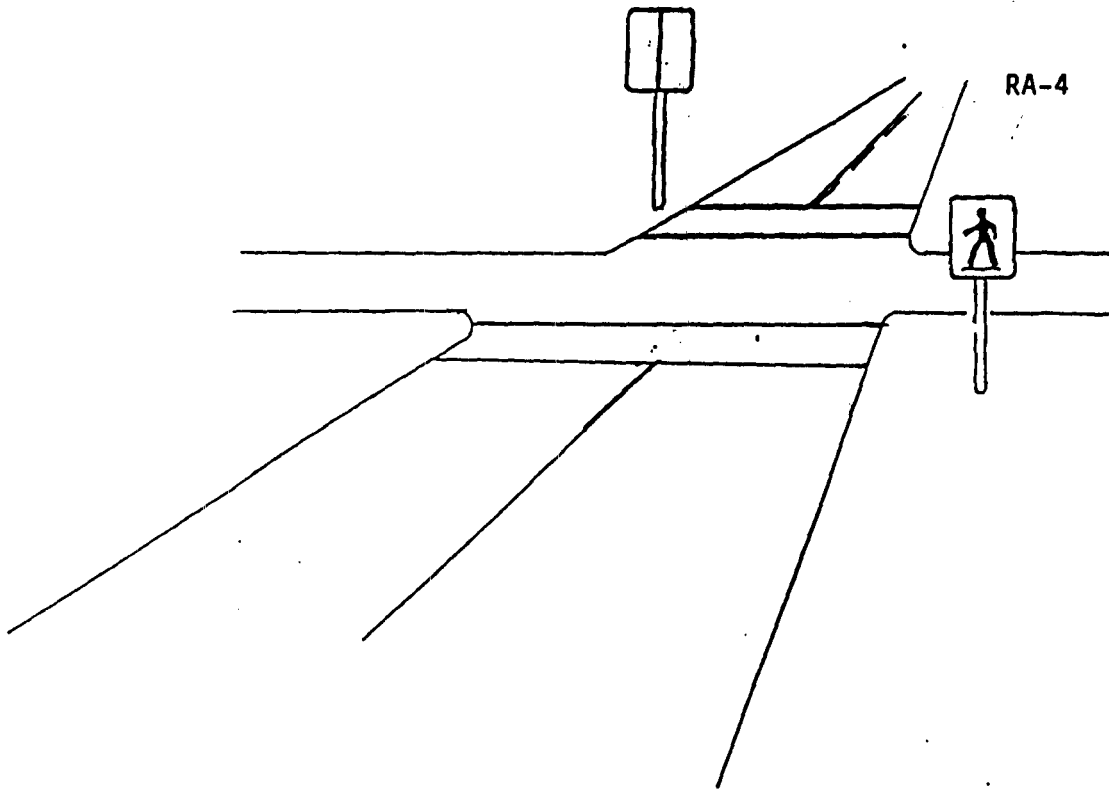
Pedestrian Crosswalk Signs for Local and Collector (undivided) Roads

			DRAWN	<b>THE CITY OF RED DEER</b> ENGINEERING DEPARTMENT  UPGRADED CROSSWALK SIGNING STANDARD	APPROVED BY
			DATE		ENGINEER
			SCALE		DRAWING NO.
DATE	REVISION	APP'D			1



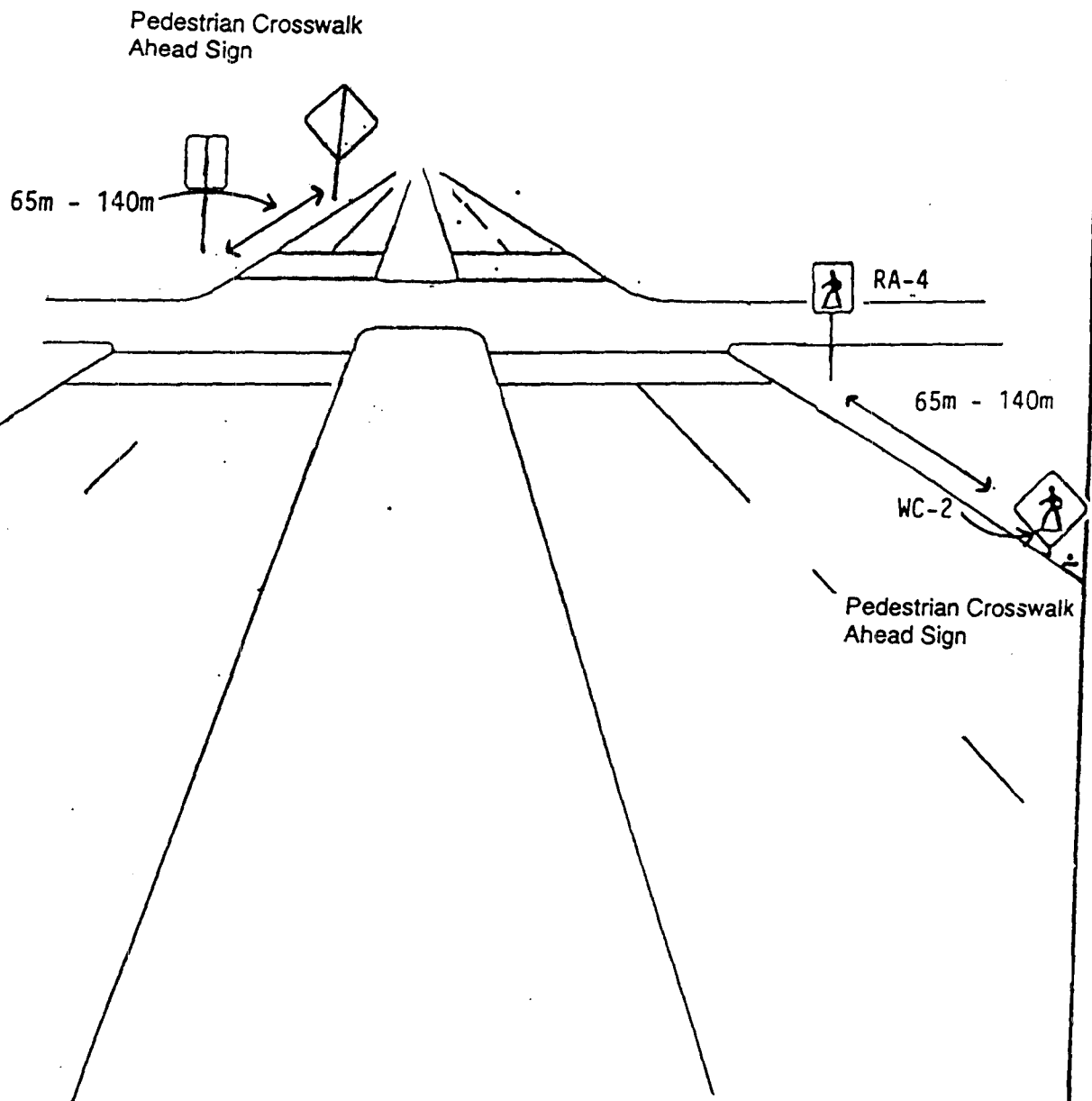
**Pedestrian Crosswalk Signs for Arterial (divided) Roads**

			DRAWN	THE CITY OF RED DEER ENGINEERING DEPARTMENT	APPROVED BY	
			DATE		UPGRADED CROSSWALK SIGNING STANDARD	ENGINEER
			SCALE			DRAWING NO.
DATE	REVISION	APP'D			2	



Pedestrian Crosswalk Signs for Local and Collector (undivided) Roads

			DRAWN	<b>THE CITY OF RED DEER</b> ENGINEERING DEPARTMENT  BASIC CROSSWALK SIGNING STANDARD	APPROVED BY
			DATE		ENGINEER
			SCALE		DRAWING NO.
DATE	REVISION	APP'D			3



**Pedestrian Crosswalk Signs for Arterial (divided) Roads**

			DRAWN		THE CITY OF RED DEER ENGINEERING DEPARTMENT		APPROVED BY	
			DATE		BASIC CROSSWALK SIGNING STANDARD		ENGINEER	
			SCALE				DRAWING NO.	
							4	
NO.	DATE	REVISION	APP'D					



**THE CITY OF RED DEER  
COUNCIL POLICY MANUAL**

<b>POLICY NO.</b>	<b>4305</b>	<b>Page 1 of 2</b>
<b>TITLE:</b>	<b>Crosswalk Painting &amp; Signing</b>	<b>Date of Approval: September 9, 1996</b>
<b>SECTION:</b>	<b>Development Services (Engineering)</b>	<b>Dates of Revision:</b>

**POLICY STATEMENT**

*The control and protection of pedestrians is of primary concern to the citizens of Red Deer. This policy is intended to establish a network of safer continuous crossing routes for pedestrian travel.*

1. Crosswalk pavement markings will only be installed to connect sidewalks at signalized intersections.
2. Crosswalk pavement markings and signs may be installed at the discretion of the Engineering Department Manager at unsignalized or uncontrolled intersections that meet the following criteria:
  - (a) Immediately adjacent to convenience stores, movie theatres, care homes, medical institutions, and other locations where the engineering department (or designated person) is satisfied there is a demonstrated need;
  - (b) Along the preferred routes leading from all elementary and junior high schools to the general area of residences.
3. The continuous crossing routes which may be designated and marked by the Engineering Department will be based on the following criteria:
  - (a) The route should be within 300 m of the school;
  - (b) There should not be more than one major route leading from the school entrance to residences in each direction (north, south, east, and west);
  - (c) Most students should travel on this route;



**THE CITY OF RED DEER  
COUNCIL POLICY MANUAL**

<b>POLICY NO.</b>	<b>4305</b>	<b>Page 2 of 2</b>
<b>TITLE:</b>	<b>Crosswalk Painting &amp; Signing</b>	<b>Date of Approval: September 9, 1996</b>
<b>SECTION:</b>	<b>Development Services (Engineering)</b>	<b>Dates of Revision:</b>

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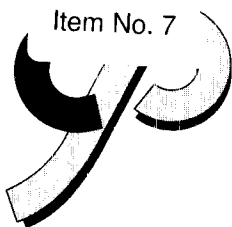
- (d) Any location with limited visibility or other potential hazards will not be marked.

*Comments:*

We agree with the recommendations of the Engineering Services Manager. For Council's information, the Administration brought forward the required budget to implement the upgraded standards for designating crosswalks in the 2000 budget deliberations. However, Council determined that it was not of sufficient priority to receive funding. That decision effectively made it impossible to implement the resolution though it remained on the books. The current request is to clarify Council's intent that the upgraded standards are not in force thus removing the inconsistency in the field.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager



# **PARKLAND COMMUNITY PLANNING SERVICES**

Suite 404, 4808 Ross Street  
Red Deer, Alberta T4N 1X5  
Phone: (403) 343-3394  
FAX: (403) 346-1570  
e-mail: pcps@pcps.ab.ca

Date: February 22, 2002

To: Kelly Kloss, City Clerk

Re: Land Use Bylaw Amendment 3156/H-2002  
Parking Lots - Exception Respecting Land Use  
Block 4, Plan 6564 ET - South Hill West

This bylaw proposes to add parking lots as a discretionary use on Block 4, Plan 6564 ET. Block 4, Plan 6564 ET is currently zoned R2 Residential Medium Density District. This Block has several additional uses which have been added through the "Exceptions" part of the Land Use Bylaw.

## Background

Since 1980, the Land Use Bylaw contains an exception respecting land use which allow "medical office and related facilities and related commercial services are discretionary uses provided that such office shall not be located on any floor of the building which contains a dwelling unit". This exception applies to three residentially zoned areas which are adjacent to the Red Deer Regional Hospital. Two of the areas east of the Regional Hospital have complied with this land use exception in their development; one of these developments consists of an apartment complex with medical offices and dwelling units on separate floors and the other as a pharmacy/medical offices complex. The third area, Block 4 which is immediately south of the Regional Hospital, was at one time proposed for a large medical clinic. The north half of Block 4, on 39 Street and between 51 and 52 Avenues, has recently been converted to a hospital staff parking lot. The south half of the block contains 5 fair conditioned single family dwellings and an apartment building in good condition.

On February 4, 2002, the Municipal Planning Commission reviewed an application for a development permit to develop a parking lot on Lot 1, Block 4, Plan 6564 ET. As the use is neither permitted nor discretionary, the Municipal Planning Commission was unable to consider the application; however they supported an amendment to the Land Use Bylaw to add "parking lots" as a discretionary use to this block. To accommodate the application for the proposed parking lot and the existing hospital staff parking lot, "parking lots" are proposed to be added as an additional discretionary use for Block 4.

## Recommendation

Planning staff recommend that City Council proceed with first reading of Land Use Bylaw Amendment 3156/H-2002.

Sincerely,

Frank Wong,  
Planning Assistant

Attachments





**DATE:** February 4, 2002  
**TO:** City Council  
**FROM:** Municipal Planning Commission  
**RE:** Amendment to the Land Use Bylaw, Exceptions Respecting Land Use,  
Section 54 (2), to Add Parking Lots as a Discretionary Use

---

At its meeting of February 4, 2002 the Municipal Planning Commission considered a report from the Inspections and Licensing Department relative to the above noted topic. At that meeting the following resolution was introduced and passed.

“RESOLVED that the Municipal Planning Commission support an amendment to the Land Use Bylaw, Exceptions Respecting Land Use, Section 54 (2) to add parking lots as a discretionary use.”

**Recommendation:**

That Council consider the amendment to the Land Use Bylaw, Exceptions Respecting Land Use, Section 54 (2) to add parking lots as a discretionary use.

Lorna Watkinson-Zimmer, Acting Chair  
Municipal Planning Commission

*Comments:*

We agree that Council proceed with First Reading of the Land Use Bylaw Amendment. A Public Hearing will be held on Monday, April 8, 2002 at 7:00 p.m. in Council Chambers.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager

<b><i>Council Decision – Monday March 11, 2002</i></b>
--

**DATE:** March 12, 2002

**TO:** Frank Wong, Parkland Community Planning Services

**FROM:** City Clerk

**RE:** Land Use Bylaw Amendment 3156/H-2002  
Parking Lots – Exception Respecting Land Use  
Block 4, Plan 6564 ET – South Hill West

---

***Reference Report:***

Parkland Community Planning Services, dated February 22, 2002.

***Bylaw Readings:***

Land Use Bylaw Amendment 3156/H-2002 was given first reading. A copy of the bylaw is attached.

***Report Back to Council:*** Yes

A Public Hearing will be held on Monday, April 8, 2002 at 7:00 p.m. in Council Chambers during Council's regular meeting.

***Comments/Further Action:***

Land Use Bylaw Amendment 3156/H-2002 provides for the addition of parking lots as a discretionary use on Block 4, Plan 6564 ET to accommodate an application for a proposed parking lot and the existing hospital staff parking lot.

This office will now proceed with the advertising for a Public Hearing. The City will be responsible for the advertising costs in this instance.



Kelly Kloss  
City Clerk

/chk  
attachs.

c     Director of Development Services  
       Community Services Director  
       Inspections & Licensing Manager  
       Land & Economic Development Manager  
       C. Adams, Administrative Assistant  
       S. Eklund, City Clerk's Clerk Steno

**BYLAW NO. 3156/H-2002**

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

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

That Section 54 Exceptions Respecting Land Use is hereby amended as follows:

1 Section 54(2) is hereby replaced in its entirety with the following:

"54(2) On those sites listed below, medical offices and related facilities and related commercial services are discretionary uses provided that such offices shall not be located on any floor of the building which contains a dwelling unit. Parking lots are also a discretionary use for Block 4, Plan 6564 E.T..

- (a) Block 4, Plan 6564 E.T.
- (b) Lot 1, Block J, Plan 3999 R.S. (3939-50A Avenue)
- (c) Lot 2, Block J, Plan 3999 R.S. (3947-50A Avenue)"

READ A FIRST TIME IN OPEN COUNCIL this 11th day of March 2002.

READ A SECOND TIME IN OPEN COUNCIL this day of 2002.

READ A THIRD TIME IN OPEN COUNCIL this day of 2002.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2002.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

DATE: March 12, 2002  
TO: City Council  
FROM: City Clerk  
RE: Land Use Bylaw Amendment 3156/H-2002  
Parking Lots - Exception Respecting Land Use  
Block 4, Plan 6564 ET - South Hill West

---

**FILE**

*History*

At the Monday, March 11, 2002 meeting of Council, Land Use Bylaw Amendment 3156/H-2002 was given first reading.

Land Use Bylaw Amendment 3156/H-2002 provides for the addition of parking lots as a discretionary use on Block 4, Plan 6564 ET to accommodate an application for a proposed parking lot and the existing hospital staff parking lot.

*Public Consultation Process*

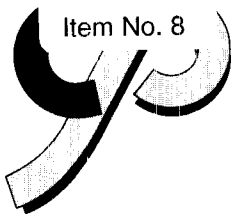
A Public hearing has been advertised for the above noted bylaw to be held on Monday, April 8, 2002 at 7:00 p.m. in Council Chambers, during Council's regular meeting. The owners of the properties bordering the site have been notified by letter of the Public Hearing.

*Recommendations*

That following the Public Hearing, Council may proceed with 2<sup>nd</sup> and 3<sup>rd</sup> readings of the bylaw.

Kelly Kloss  
City Clerk

/chk



**PARKLAND  
COMMUNITY  
PLANNING  
SERVICES**

79

Suite 404, 4808 Ross Street  
Red Deer, Alberta T4N 1X5  
Phone: (403) 343-3394  
FAX: (403) 346-1570  
e-mail: pcps@pcps.ab.ca

Date: March 4, 2002

To: Kelly Kloss, City Clerk

Re: Land Use Bylaw Amendment 3156/J2002  
SW ¼ Sec. 3-38-27-4  
Inglewood West Subdivision – Phase 1  
Melcor Developments Ltd.

---

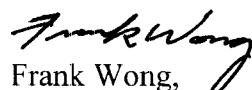
Melcor Developments Ltd. is proposing to develop Phase 1 of the Inglewood West Subdivision. Phase 1 consists of 35 single-family lots, 95 narrow single-family lots, 1 multi-family lot, 1 commercial lot, 2 municipal reserve lots, and 1 public utility lot. The proposal rezones approximately 14.33 ha (35.4 ac) of land from A1 Future Urban Development to R1 Residential Low Density, R1N Residential Narrow Lot, R2 Residential Medium Density, C3 Commercial Local Convenience, and P1 Parks and Recreation Districts. The land uses comply with the recently adopted Neighbourhood Area Structure Plan.

The attached Development Concept Plan for the Inglewood West Neighbourhood Area Structure Plan shows that the 450 metres separation distance from an active landfill intrudes onto a portion of Phase 1. This 450 metre measurement is shown from the edge of the landfill site. However the Subdivision and Development Regulations state that the 450 metre measurement is to be taken from the working area of the landfill site and not the property boundary. The remaining working area of the landfill is over 450 metres from this proposed subdivision. This has been confirmed with the Public Works Department. Planning staff, the Public Works Department, and Legal Counsel all agree that the subdivision is not within the 450 metre setback required under the Subdivision and Development Regulations.

Recommendation

In view of the fact that the subdivision complies with the NASP and it is over 450 metres from the working area of the landfill, Planning staff recommend that City Council proceed with first reading of Land Use Bylaw Amendment 3156/J-2002.

Sincerely,

  
Frank Wong,  
Planning Assistant

Attachment

FEB-13-2002 10:43

CITY OF RED DEER PUB WORKS

1 403 343 7074 P.01/02

12870626

4080

Public Works Department

"Proud to Serve our Community!"



Box 5008  
Red Deer, Alberta  
T4N 3T4

*The City of Red Deer*

February 6, 2002

Christine Sandquist, P.Eng.  
Stantec Consulting Ltd.  
400, 4808 Ross Street  
Red Deer AB T4N 1X5

Dear Ms. Sandquist

Re: Inglewood West Subdivision  
Landfill Setback

Further to your letter of January 28, 2002, your Inglewood Phase I Boundary as shown in your November 2001 drawing is outside of the 300 metre setback from the closed landfill and is set back more than 450 metres from any remaining areas to be filled.

Therefore, it is our opinion that you are in compliance with Section 13 of the Subdivision and Development Regulation. We do not have any objection to Phase I proceeding with regard to the landfill setbacks.

Yours truly,

  
Paul Goranson, P.Eng.  
Public Works Manager

MKS/blm

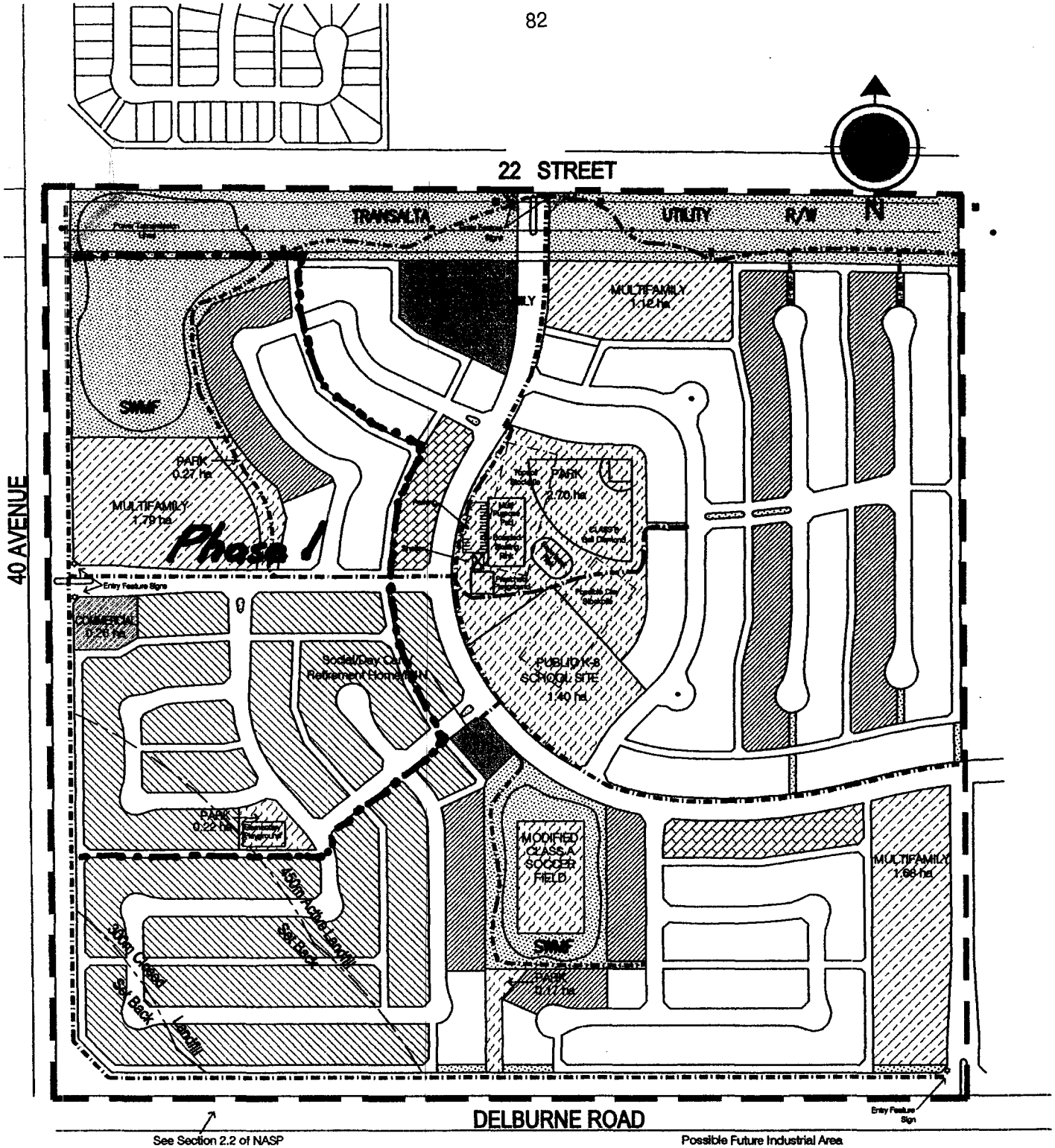
c Tony Lindhout, Parkland Community Planning Services



1 403 343 7074 P.02/02

~~SECRET~~  
SECRET





*Comments:*

We agree that Council proceed with First Reading of the Land Use Bylaw Amendment. A Public Hearing will be held on Monday, April 8, 2002 at 7:00 p.m. in Council Chambers.

It should be noted that, in the Neighbourhood Area Structure Plan Map, the 450 m active landfill line is not correct because it was measured from the property line rather than from the active landfill face. This will be corrected in a subsequent amendment to the Neighbourhood Area Structure Plan. The first phase applied for does not encroach on either line and, as such, First Reading can proceed.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager



**Office of the City Clerk**

**FILE**

March 12, 2002

Fax: 343-7510

Melcor Developments Ltd.  
502, 4901 – 48 Street  
Red Deer, AB T4N 6M4

Dear Sirs:

**Re: Land Use Bylaw Amendment 3156/J-2002  
SW ¼ Sec. 3-38-27-4  
Inglewood West Subdivision – Phase 1  
Melcor Developments Ltd.**

At the City of Red Deer's Council meeting held Monday, March 11, 2002, first reading was given to Land Use Bylaw Amendment 3156/J-2002. A copy of the bylaw is attached for your information.

Land Use Bylaw Amendment 3156/J-2002 provides for the development of Phase 1 of the Inglewood West Subdivision which will consist of 35 single-family lots, 95 narrow single-family lots, 1 multi-family lot, 1 commercial lot, 2 municipal reserve lots, and 1 public utility lot. Approximately 14.33 ha (35.4 ac) of land will be rezoned from A1 Future Urban Development to R1 Residential Low Density, R1N Residential Narrow Lot, R2 Residential Medium Density, C3 Commercial Local Convenience, and P1 Parks and Recreation Districts. The land uses comply with the recently adopted Neighbourhood Area Structure Plan and the subdivision is over 450 metres from the working area of the landfill.

This office will now proceed with the advertising for a Public Hearing to be held on Monday, April 8, 2002 at 7:00 p.m. in the Council Chambers of City Hall during Council's regular meeting.

...2/

Melcor Developments Ltd.

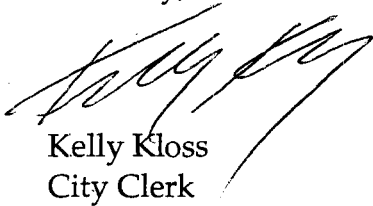
Page 2

March 12, 2002

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, which in this instance is \$400. We require the deposit by no later than 10:00 a.m., Wednesday, March 20, 2002, in order to proceed with the advertising. Once the actual cost of advertising is known, you will either be invoiced for or refunded the difference.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Kelly Kloss', is written over the typed name and title.

Kelly Kloss  
City Clerk

/chk  
/attach.

c Parkland Community Planning Services

**BYLAW NO. 3156/J-2002**

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

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

- 1 The "Use District Map I4" contained in "Schedule B" of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map No. 16/2002 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 11th day of March 2002.

READ A SECOND TIME IN OPEN COUNCIL this day of 2002.

READ A THIRD TIME IN OPEN COUNCIL this day of 2002.

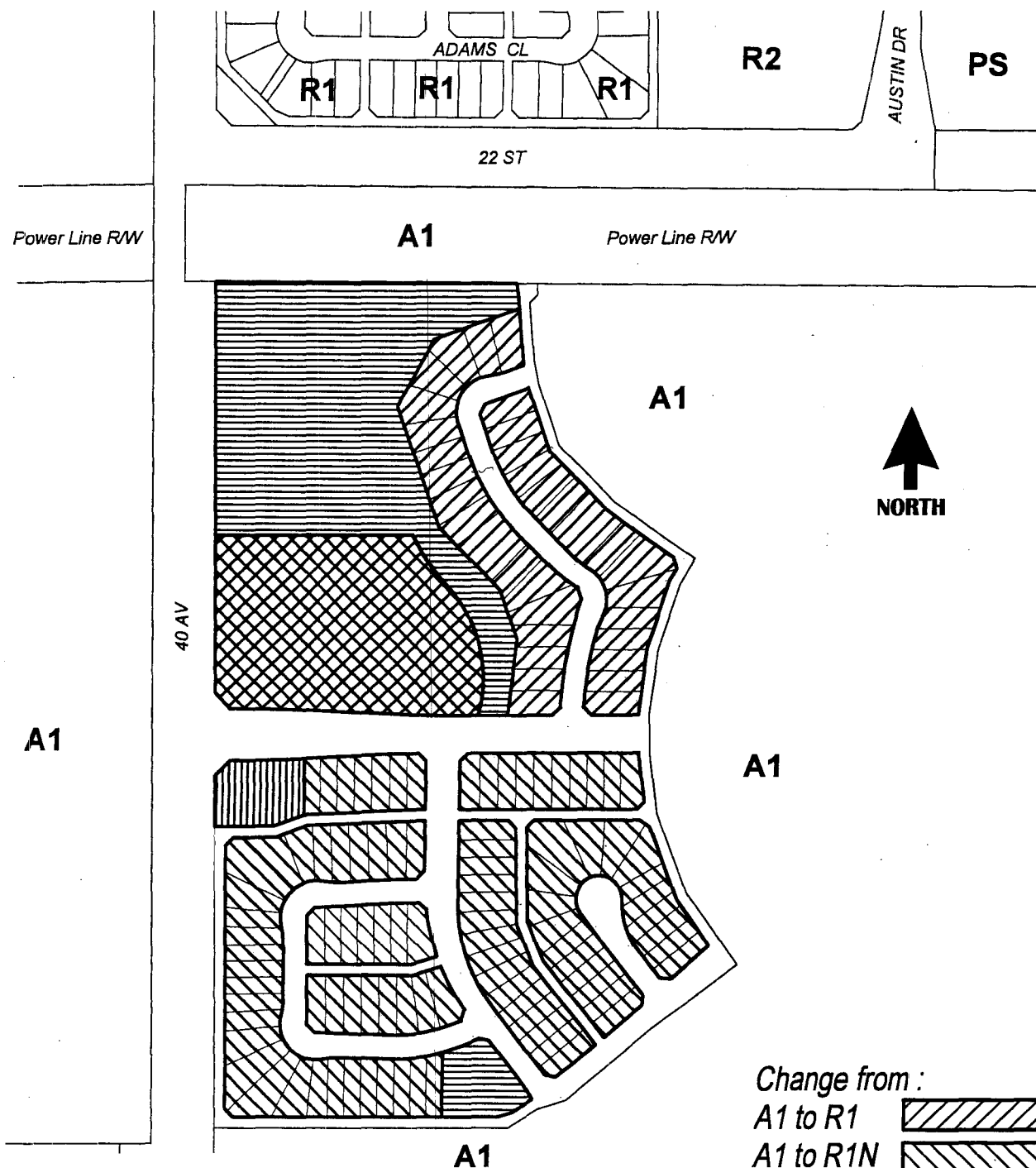
AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2002.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT



### AFFECTED DISTRICTS:

- A1 - Future Urban Development
- R1 - Residential (Low Density)
- R1N - Residential Narrow Lot
- R2 - Residential Medium Density
- C3 - Commercial (Neighbourhood Convenience)
- P1 - Parks and Recreation

### Change from :

- A1 to R1
- A1 to R1N
- A1 to R2
- A1 to C3
- A1 to P1

MAP No. 16 / 2002  
BYLAW No. 3156 / J - 2002

<b><i>Council Decision – Monday March 11, 2002</i></b>
--

**DATE:** March 12, 2002

**TO:** Frank Wong, Parkland Community Planning Services

**FROM:** City Clerk

**RE:** Land Use Bylaw Amendment 3156/J-2002  
SW ¼ Sec. 3-38-27-4  
Inglewood West Subdivision – Phase 1  
Melcor Developments Ltd.

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***Reference Report:***

Parkland Community Planning Services, dated March 4, 2002.

***Bylaw Readings:***

Land Use Bylaw Amendment 3156/H-2002 was given first reading. A copy of the bylaw is attached.

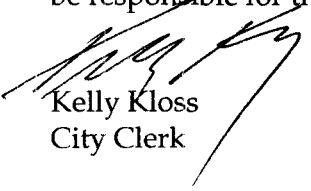
***Report Back to Council:*** Yes

A Public Hearing will be held on Monday, April 8, 2002 at 7:00 p.m. in Council Chambers during Council's regular meeting.

***Comments/Further Action:***

Land Use Bylaw Amendment 3156/J-2002 provides for the development of Phase 1 of the Inglewood West Subdivision which will consist of 35 single-family lots, 95 narrow single-family lots, 1 multi-family lot, 1 commercial lot, 2 municipal reserve lots, and 1 public utility lot. Approximately 14.33 ha (35.4 ac) of land will be rezoned from A1 Future Urban Development to R1 Residential Low Density, R1N Residential Narrow Lot, R2 Residential Medium Density, C3 Commercial Local Convenience, and P1 Parks and Recreation Districts. The land uses comply with the recently adopted Neighbourhood Area Structure Plan and the subdivision is over 450 metres from the working area of the landfill.

This office will now proceed with the advertising for a Public Hearing. Melcor Developments Ltd. will be responsible for the advertising costs in this instance.



Kelly Kloss  
City Clerk

/chk  
attachs.

c     Director of Development Services  
       Community Services Director  
       Inspections & Licensing Manager  
       Land & Economic Development Manager  
       C. Adams, Administrative Assistant  
       S. Eklund, City Clerk's Clerk Steno



**BYLAW NO. 3156/J-2002**

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

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

- 1 The "Use District Map I4" contained in "Schedule B" of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map No. 16/2002 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 11th day of March 2002.

READ A SECOND TIME IN OPEN COUNCIL this day of 2002.

READ A THIRD TIME IN OPEN COUNCIL this day of 2002.

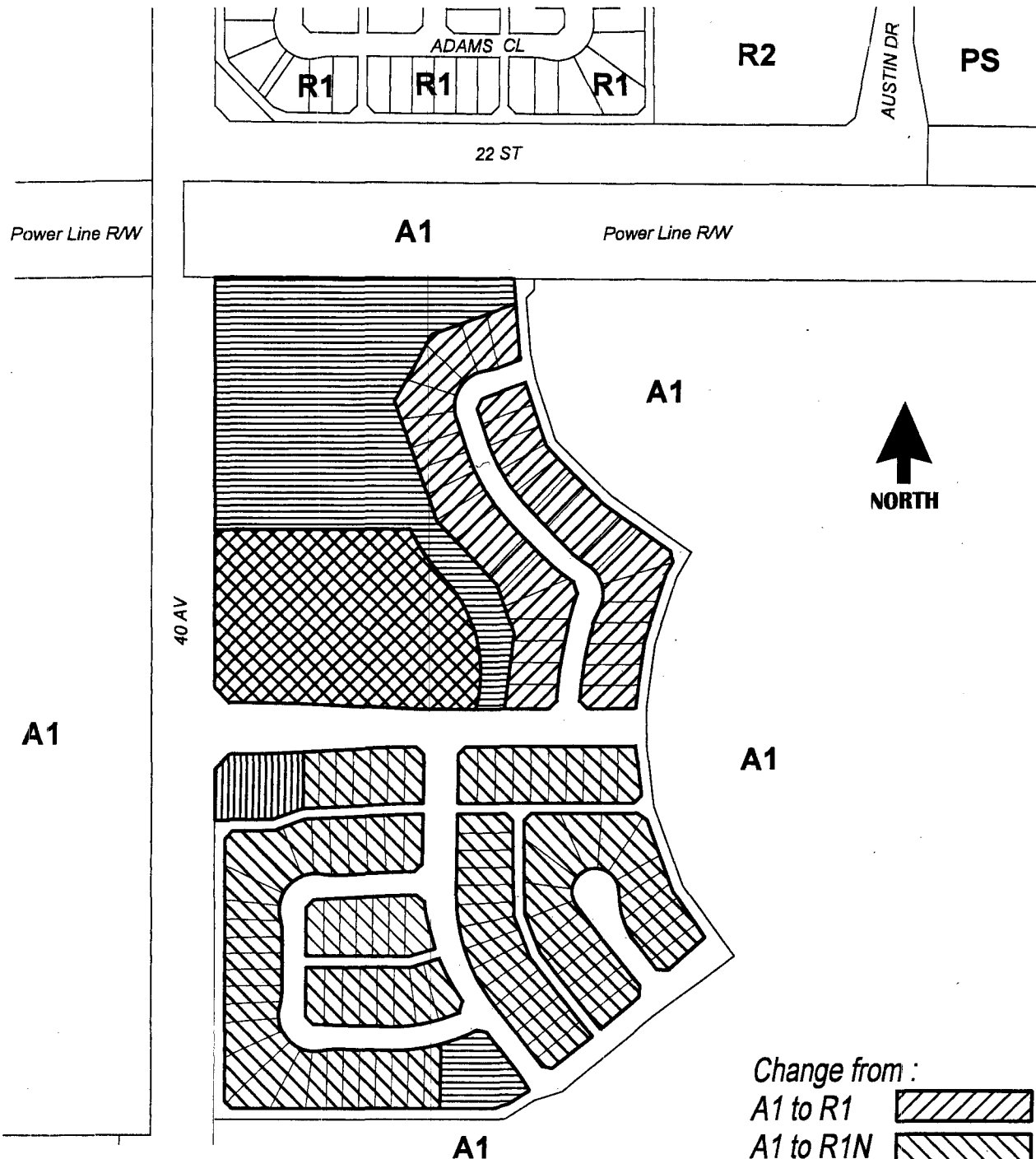
AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2002.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT



### AFFECTED DISTRICTS:

- A1 - Future Urban Development
- R1 - Residential (Low Density)
- R1N - Residential Narrow Lot
- R2 - Residential Medium Density
- C3 - Commercial (Neighbourhood Convenience)
- P1 - Parks and Recreation

### Change from :

A1 to R1	
A1 to R1N	
A1 to R2	
A1 to C3	
A1 to P1	

MAP No. 16 / 2002  
BYLAW No. 3156 / J - 2002

DATE: March 12, 2002  
TO: City Council  
FROM: City Clerk  
RE: Land Use Bylaw Amendment 3156/J-2002  
SW ¼ Sec. 3-38-27-4  
Inglewood West Subdivision – Phase 1  
Melcor Developments Ltd.

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### *History*

At the Monday, March 11, 2002 meeting of Council, Land Use Bylaw Amendment 3156/J-2002 was given first reading.

Land Use Bylaw Amendment 3156/J-2002 provides for the development of Phase 1 of the Inglewood West Subdivision which will consist of 35 single-family lots, 95 narrow single-family lots, 1 multi-family lot, 1 commercial lot, 2 municipal reserve lots, and 1 public utility lot. Approximately 14.33 ha (35.4 ac) of land will be rezoned from A1 Future Urban Development to R1 Residential Low Density, R1N Residential Narrow Lot, R2 Residential Medium Density, C3 Commercial Local Convenience, and P1 Parks and Recreation Districts. The land uses comply with the recently adopted Neighbourhood Area Structure Plan and the subdivision is over 450 metres from the working area of the landfill.

### *Public Consultation Process*

A Public Hearing has been advertised for the above noted bylaw to be held on Monday, April 8, 2002 at 7:00 p.m. in the Council Chambers, during Council's regular meeting. The owners of the properties bordering the site have been notified by letter of the Public Hearing.

### *Recommendations*

That following the Public Hearing, Council may proceed with 2<sup>nd</sup> and 3<sup>rd</sup> readings of the bylaw.

Kelly Kloss  
City Clerk

/chk

**Date:** March 5, 2002

**To:** Kelly Kloss  
City Clerk

**From:** Barbara Jeffrey  
Social Planning Manager

**Re:** Child Welfare Act Review

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The Minister for Children's Services announced in the spring of 2001 that the Child Welfare Act would be reviewed in the coming year, for the first time since 1984. A discussion guide was provided in late November 2001 and Albertans were encouraged to provide their views via web site or mail. The minister chairing the Child Welfare Act Review, Harvey Cenaiko, MLA for Calgary Buffalo, also met with focus groups across the province, including one in Red Deer. The cities of Calgary and Edmonton have submitted comprehensive reports on many aspects of the Child Welfare Act.

A report discussing municipal involvement in services to children and families is enclosed. The Ministry of Children's Services has requested responses by March 8, 2002. This report will be submitted in draft form before the deadline and will be reviewed by the Red Deer and District Family and Community Support Services Board at their annual retreat, March 8-9, 2002. Modifications suggested by the FCSS Board or Council will be forwarded to the Child Welfare Act Review Committee on March 12, 2002. The Review Committee is satisfied with this process.

### **Recommendation**

That Council support the conclusions of the report entitled Child Welfare Act Review as follows and forward the report as Red Deer's response to the Child Welfare Act Review Committee.

- Prevention and early intervention should be written into the Child Welfare Act to ensure that a continuum of services is available to children and families in Alberta.
- The Family and Community Support Services Act and Conditional Agreement Regulation should be maintained. Family and Community Support Services, a prevention and early intervention program supported by Alberta provincial and municipal governments is a proven method of design and delivery for prevention and early intervention programs and should continue to be the mechanism by which those programs are delivered by municipalities.
- Family and Community Support Services is cost-shared, 80% by the province, 20% by the municipality. If more prevention/early intervention responsibility is expected of the municipality, the present 20% cost-sharing may become onerous for municipalities and a modified cost-sharing arrangement may be needed.
- If more prevention/early intervention responsibility is expected of the municipality, with a revised Child Welfare Act, the municipality would have increased administrative responsibilities and would need to be compensated for those responsibilities.

:dmg

cc Colleen Jensen, Director, Community Services  
enc.

## Alberta Child Welfare Act Review

The Minister for Children's Services announced in the spring of 2001 that the Child Welfare Act would be reviewed in the coming year, for the first time since 1984. A discussion guide was provided in late November 2001 and Albertans were encouraged to provide their views via web site or mail. The minister chairing the Child Welfare Act Review, Harvey Cenaiko, MLA for Calgary Buffalo, also met with focus groups across the province, including one in Red Deer. The cities of Calgary and Edmonton have submitted comprehensive reports on many aspects of the Child Welfare Act.

Municipal involvement in services to children and families is through the Family and Community Support Services (FCSS) program. Red Deer and District Family and Community Support Services provides funding to arms-length agencies that offer programs like:

- School Age Child Care
- Family Life Education
- Infant Pre-school Wellness
- Bright Beginnings
- Boys and Girls Club
- Teen Networks
- 49<sup>th</sup> Street Youth Shelter
- Child and Family Counselling

These programs are on the prevention end of a continuum of services to families and children. The mandate of FCSS has been, for 34 years, *to be of a preventive nature that enhances the social well-being of individuals and families through promotion or intervention strategies provided at the earliest opportunity.*

Family and Community Support Services, in the role of prevention, has found itself in many provincial ministries in the last 15 years and often subservient to the more demanding mandates of Social Services, Health and even Municipal Affairs.

The discussion guide for the review of the Child Welfare Act asks, *"Should the new Child Welfare Act address prevention, early intervention and the promotion of well-being for children, youth and families? If so, how?"*

### PREVENTION/EARLY INTERVENTION IN THE ACT

If prevention, early intervention and the promotion of well-being for children, youth and families were written into the act, the importance of these services would be emphasized and these services would be less vulnerable in times of fiscal restraint. Any child or family could access programming or request assistance before their issues became a matter for Child Welfare. Parents and youth frequently request services when they are stressed or unable to handle difficult situations. If the Child Welfare Act supported their being offered

assistance, the likelihood of more serious interventions when problems escalate could be avoided. The cost of providing, for example, a home visitation staff person to work with a family several hours a week is infinitely less expensive than having a child in care. The benefits to the child and the family are immeasurable.

#### FAMILY AND COMMUNITY SUPPORT SERVICES AS DELIVERY AGENT

If the Child Welfare Act were amended to include prevention and early intervention, Family and Community Support Services would be integral in the development and delivery of a service network for children and families. Family and Community Support Services, as Preventive Social Services, became the program to deliver preventive social programming in 1963. The success of the program is due, partially, to a basic premise of the program, local decision-making. The FCSS Act and Conditional Regulation determine the parameters of the program but the government and people closest to the community decide which preventive programs best meet the community's needs.

#### INCREASED FINANCIAL COMMITMENT

Municipalities must be mindful of the fact that FCSS funding is provided as an 80/20 matched grant by the Province. The ability to be able to bring 80% dollars to the community for preventive social programming is valued. However, the 20% that must be provided by the tax levy could be a burden on many communities with only property tax as revenue. Child Welfare programming as it presently exists does not require municipal matching. Provision of 80% funding by the province to FCSS for increased expectations in the delivery of preventive programming may not be adequate for many municipal governments. A revised funding formula would be necessary to alleviate the tax levy necessary to offer the program. The present Funding Allocation Model has been designed and thoroughly discussed by both the provincial department responsible for FCSS and the FCSS Association of Alberta. This model includes a further \$15.5 million to fully meet its expectations. Responsibilities and funding beyond this model would need significant discussion with municipalities.

#### INCREASED ADMINISTRATION AND RESPONSIBILITY

The management of FCSS programming, even when the actual programs are delivered by arms-length agencies, requires major administrative responsibilities such as funding agreements, contract management and evaluation. The ability of smaller communities to maintain the services required under an expanded act may also be compromised. However, smaller communities have often responded to families in need in a coordinated manner with the limited resources available. Modest funding provided in a timely way could maximize the ability to meet children and families' needs.

## CONCLUSIONS

1. Prevention and early intervention should be written into the Child Welfare Act to ensure that a continuum of services is available to children and families in Alberta.
2. The Family and Community Support Services Act and Conditional Agreement Regulation should be maintained. Family and Community Support Services, a prevention and early intervention program supported by Alberta provincial and municipal governments is a proven method of design and delivery for prevention and early intervention programs and should continue to be the mechanism by which those programs are delivered by municipalities.
3. Family and Community Support Services is cost-shared, 80% by the province, 20% by the municipality. If more prevention/early intervention responsibility is expected of the municipality, the present 20% cost-sharing may become onerous for municipalities and a modified cost-sharing arrangements may be needed.
4. If more prevention/early intervention responsibility is expected of the municipality, with a revised Child Welfare Act the municipality would have increased administrative responsibilities and would need to be compensated for those responsibilities.

The City of Red Deer  
Social Planning Department  
March 2002

*Comments:*

We agree with the conclusions of the Social Planning Manager and recommend the response to the Discussion Paper be approved and forwarded to the Minister of Children's Services.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager



**COUNCIL MEETING OF MARCH 11, 2002**

**ATTACHMENT**

**DOCUMENT STATUS:      PUBLIC**

**REFERS TO:              REVISED REPORT REGARDING THE  
CHILD WELFARE ACT REVIEW**

**DATE:** March 11, 2002  
**TO:** Kelly Kloss, City Clerk  
**FROM:** Barbara Jeffrey, Social Planning Manager  
**RE:** Child Welfare Act Review

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The Red Deer and District Family and Community Support Services (FCSS) Board met on Saturday, March 9, 2002, at their annual retreat, and discussed the response to the Child Welfare Act Review.

### Conclusions

1. *Prevention and early intervention should be written into the Child Welfare Act to ensure that a continuum of services is available to children and families in Alberta.*

The FCSS Board discussed this response at length. The City of Calgary has included this in their response. The City of Edmonton, although agreeing philosophically, decided that the Child Welfare Act may then take precedence over the FCSS Act and Conditional Regulations, a result they did not want.

The Red Deer and District FCSS Board wanted the continuum of services to always be considered for children and families so decided to recommend including prevention and early intervention in the Child Welfare Act while simultaneously reiterating that the delivery of prevention, early intervention should be the responsibility of FCSS.

2. *The Family and Community Support Services Act and Conditional Agreement Regulation should be maintained. Family and Community Support Services, a prevention and early intervention program supported by Alberta provincial and municipal governments is a proven method of design and delivery for prevention and early intervention programs and should continue to be the mechanism by which those programs are delivered by municipalities.*

The Red Deer and District FCSS Board strongly support this conclusion. The basic premise of FCSS, that of local decision-making, will ensure that programs are responsive to individual community, family and children's needs. The Board went further to say that Child and Family Services and Family and Community Support Services will need to collaborate and cooperate in delivery of services to children and families.

3. *Family and Community Support Services is cost-shared, 80% by the province, 20% by the municipality. If more prevention/early intervention responsibility is expected of the municipality, the present 20% cost-sharing may become onerous for municipalities and a modified cost-sharing arrangement may be needed.*

The Red Deer and District FCSS Board realized that the matching 20%, especially beyond the Funding Allocation Model (recommended by a joint committee of the Ministry of Children's Services and the Family and Community Support Services Association of Alberta in 1998 and confirmed in 2002) will be increasingly difficult for municipalities to meet. The Red Deer and District FCSS Board also does not wish the Family and Community Support Services Act and Conditional Regulations to be reopened for changes to a system that is working well.

The Board feels that if extra responsibility beyond that which could be delivered within the funding provided by the Funding Allocation Model, is required, the funding would need to come without a matching requirement. A precedent for this was set in the way that Home Visitation funding came directly to community groups.

4. *If more prevention/early intervention responsibility is expected of the municipality, with a revised Child Welfare Act, the municipality would have increased administrative responsibilities and would need to be compensated for those responsibilities.*

The Red Deer and District FCSS Board is concerned about the ability of smaller municipalities to meet the needs of children and families under the Child Welfare Act, and, even in larger cities, realizes that the municipality and agency capacity to meet the needs may be strained.

Knowing what would be required of a municipality when the full understanding and plan for the ministry's Alberta Response (or Differential or Diversionary Response) to Child Welfare is still being written makes a response difficult.

### **Revised Recommendation**

That Council support the conclusions of the report entitled Child Welfare Act Review as follows and forward the report as Red Deer's response to the Child Welfare Act Review Committee.

- Prevention and early intervention should be written into the Child Welfare Act to ensure that a continuum of services is available to children and families in Alberta.
- Prevention and early intervention should be delivered via the Family and Community Support Services Act and Conditional Agreement Regulations. The FCSS Act should work in concert with the child Welfare Act and not be superceded by it. FCSS is a proven method of design and delivery of preventive social services and should continue to be the mechanism by which those programs are delivered by municipalities.
- FCSS is cost-shared, 80% by the province, 20% by the municipality. If more prevention/early intervention responsibility is expected of the municipality, beyond what can be delivered with the funding from the Funding Allocation Model, the full funding will need to accompany the responsibility.
- If more prevention/early intervention responsibility is expected of the municipality, with a revised Child Welfare Act, the municipality would have increased administrative responsibilities and would need to be compensated for those responsibilities.

cc Colleen Jensen, Director, Community Services

## Changes to Recommendation

That Council support the conclusions of the report entitled Child Welfare Act Review as follows and forward the report as Red Deer's response to the Child Welfare Act Review Committee.

- Prevention and early intervention should be written into the Child Welfare Act to ensure that a continuum of services is available to children and families in Alberta.
- ~~The Family and Community Support Services Act and Conditional Agreement Regulation should be maintained. Family and Community Support Services, a prevention and early intervention program supported by Alberta provincial and municipal governments is a proven method of design and delivery for prevention and early intervention programs and should continue to be the mechanism by which those programs are delivered by municipalities.~~  
**Prevention and early intervention should be delivered via the Family and Community Support Services Act and Conditional Agreement Regulations. The FCSS Act should work in concert with the Child Welfare Act and not be superseded by it. FCSS is a proven method of design and delivery of preventive social services and should continue to be the mechanism by which those programs are delivered by municipalities.**
- ~~Family and Community Support Services is cost-shared, 80% by the province, 20% by the municipality. If more prevention/early intervention responsibility is expected of the municipality, the present 20% cost-sharing may become onerous for municipalities and a modified cost-sharing arrangement may be needed.~~  
**FCSS is cost-shared, 80% by the province, 20% by the municipality. If more prevention/early intervention responsibility is expected of the municipality, beyond what can be delivered with the funding from the Funding Allocation Model, the full funding will need to accompany the responsibility.**
- If more prevention/early intervention responsibility is expected of the municipality, with a revised Child Welfare Act, the municipality would have increased administrative responsibilities and would need to be compensated for those responsibilities.

**Council Decision – Monday March 11, 2002**

**DATE:** March 12, 2002  
**TO:** Social Planning Manager  
**FROM:** City Clerk  
**RE:** Child Welfare Act Review

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**Reference Report:**

Social Planning Manager, dated March 5, 2002.

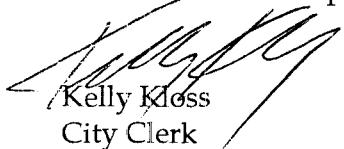
**Resolutions:**

**Resolved** that Council of the City of Red Deer having considered the report from the Social Planning Manager dated March 11, 2002, re: Child Welfare Act Review, hereby agrees to the following conclusions and that they be forwarded as the City of Red Deer's response to the Child Welfare Act Review Committee:

1. Prevention and early intervention should be written into the Child Welfare Act to ensure that a continuum of services is available to children and families in Alberta.
2. Prevention and early intervention should be delivered via the Family and Community Support Services Act and Conditional Agreement Regulations. The FCSS Act should work in concert with the Child Welfare Act and not be superceded by it. FCSS is a proven method of design and delivery of preventive social services and should continue to be the mechanism by which those programs are delivered by municipalities.
3. FCSS is cost-shared, 80% by the province, 20% by the municipality. If more prevention/early intervention responsibility is expected of the municipality, beyond what can be delivered with the funding from the Funding Allocation Model, the full funding will need to accompany the responsibility.
4. If more prevention/early intervention responsibility is expected of the municipality, with a revised Child Welfare Act, the municipality would have increased administrative responsibilities and would need to be compensated for those responsibilities.

**Report Back to Council:****Comments/Further Action:**

Please forward a response to the Minister for Children's Services with a copy to the City Clerk's office.



Kelly Kloss  
City Clerk  
/chk

# Office of the Mayor

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March 12, 2002

Mr. Harvey Cenaiko, MLA  
Chair, Child Welfare Act Review Committee  
c/o 12<sup>th</sup> Floor, Sterling Place  
9940 - 106 Street  
Edmonton, AB T5K 2N2

Dear Mr. Cenaiko:

Please accept the enclosed response from the City of Red Deer and the Red Deer and District Family and Community Support Services (FCSS) Board to the prevention and early intervention aspects of the Child Welfare Act Review.

The draft of the response was forwarded to the review committee office on March 6, 2002. The Red Deer and District FCSS Board amended the draft at their meeting March 9, 2002, and City Council supported those amendments on March 11, 2002.

We wish you the best as you work through revisions to the Child Welfare Act so that the "future well-being of children, youth and families in our province" is protected.

Sincerely yours,

Gail Surkan, Mayor

/mm

encl.

cc   Honourable Victor Doerksen, MLA Red Deer South  
     Mary Anne Jablonski, MLA Red Deer North  
     Paolo Mancuso, Chair,  
     Red Deer & District Family and Community Support Services Board  
     Colleen Jensen, Director, Community Services Division  
     Barbara Jeffrey, Manager, Social Planning Department

## THE CITY OF RED DEER

Box 5008, Red Deer, Alberta, Canada T4N 3T4   Telephone: (403) 342-8155   Fax: (403) 342-8365  
City Web Site: <http://www.city.red-deer.ab.ca>   E-mail: [gails@city.red-deer.ab.ca](mailto:gails@city.red-deer.ab.ca)

**The City of Red Deer  
and  
Red Deer and District Family and Community Support Services  
Response to the:**

**Alberta Child Welfare Act Review**

The Minister for Children's Services announced in the spring of 2001 that the Child Welfare Act would be reviewed in the coming year, for the first time since 1984. A discussion guide was provided in late November 2001 and Albertans were encouraged to provide their views via web site or mail. The minister chairing the Child Welfare Act Review, Harvey Cenaiko, MLA for Calgary Buffalo, also met with focus groups across the province, including one in Red Deer. The cities of Calgary and Edmonton have submitted comprehensive reports on many aspects of the Child Welfare Act.

Municipal involvement in services to children and families is through the Family and Community Support Services (FCSS) program. Red Deer and District Family and Community Support Services provides funding to arms-length agencies that offer programs like:

- School Age Child Care
- Family Life Education
- Infant Pre-school Wellness
- Bright Beginnings
- Boys and Girls Club
- Teen Networks
- 49<sup>th</sup> Street Youth Shelter
- Child and Family Counselling

These programs are on the prevention end of a continuum of services to families and children. The mandate of FCSS has been, for 34 years, *to be of a preventive nature that enhances the social well-being of individuals and families through promotion or intervention strategies provided at the earliest opportunity.*

Family and Community Support Services, in the role of prevention, has found itself in many provincial ministries in the last 15 years and often subservient to the more demanding mandates of Social Services, Health and even Municipal Affairs.

The discussion guide for the review of the Child Welfare Act asks, *"Should the new Child Welfare Act address prevention, early intervention and the promotion of well-being for children, youth and families? If so, how?"*

## PREVENTION/EARLY INTERVENTION IN THE ACT

If prevention, early intervention and the promotion of well-being for children, youth and families were written into the act, the importance of these services would be emphasized and these services would be less vulnerable in times of fiscal restraint. Any child or family could access programming or request assistance before their issues became a matter for Child Welfare. Parents and youth frequently request services when they are stressed or unable to handle difficult situations. If the Child Welfare Act supported their being offered assistance, the likelihood of more serious interventions when problems escalate could be avoided. The cost of providing, for example, a home visitation staff person to work with a family several hours a week is infinitely less expensive than having a child in care. The benefits to the child and the family are immeasurable.

## FAMILY AND COMMUNITY SUPPORT SERVICES AS DELIVERY AGENT

If the Child Welfare Act were amended to include prevention and early intervention, Family and Community Support Services would be integral in the development and delivery of a service network for children and families. Family and Community Support Services, as Preventive Social Services, became the program to deliver preventive social programming in 1968. The success of the program is due, partially, to a basic premise of the program, local decision-making. The FCSS Act and Conditional Regulations determine the parameters of the program but the government and people closest to the community decide which preventive programs best meet the community's needs. The FCSS Act and Conditional Regulations would need to work in concert with the Child Welfare Act and not be superceded by it.

## INCREASED FINANCIAL COMMITMENT

Municipalities must be mindful of the fact that FCSS funding is provided as an 80/20 matched grant by the Province. The ability to be able to bring 80% dollars to the community for preventive social programming is valued. However, the 20% that must be provided by the tax levy could be a burden on many communities with only property tax as revenue. Child Welfare programming as it presently exists does not require municipal matching. Provision of 80% funding by the province to FCSS for increased expectations in the delivery of preventive programming may not be adequate for many municipal governments. The present Funding Allocation Model has been designed and thoroughly discussed by both the provincial department responsible for FCSS and the FCSS Association of Alberta. This model includes a further \$15.5 million to fully meet its expectations. Responsibilities and funding beyond this model would need significant discussion with municipalities and would probably need to be provided without a municipal matching requirement.



## INCREASED ADMINISTRATION AND RESPONSIBILITY

The management of FCSS programming, even when the actual programs are delivered by arms-length agencies, requires major administrative responsibilities such as funding agreements, contract management and evaluation. The ability of smaller communities to maintain the services required under an expanded act may also be compromised.

However, smaller communities have often responded to families in need in a coordinated manner, with the limited resources available. Modest funding provided in a timely way could maximize the ability to meet children and families' needs.

## CONCLUSIONS

1. Prevention and early intervention should be written into the Child Welfare Act to ensure that a continuum of services is available to children and families in Alberta.
2. Prevention and early intervention should be delivered via the Family and Community Support Services Act and Conditional Agreement Regulations. The FCSS Act should work in concert with the Child Welfare Act and not be superseded by it. FCSS is a proven method of design and delivery of preventive social services and should continue to be the mechanism by which those programs are delivered by municipalities.
3. FCSS is cost-shared, 80% by the province, 20% by the municipality. If more prevention/early intervention responsibility is expected of the municipality, beyond what can be delivered with the funding from the Funding Allocation Model, the full funding will need to accompany the responsibility.
4. If more prevention/early intervention responsibility is expected of the municipality, with a revised Child Welfare Act the municipality would have increased administrative responsibilities and would need to be compensated for those responsibilities.

March 2002

**Council Decision – Monday March 11, 2002**

DATE: March 12, 2002  
TO: Social Planning Manager  
FROM: City Clerk  
RE: Child Welfare Act Review

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**Reference Report:**

Social Planning Manager, dated March 5, 2002.

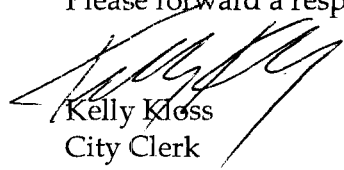
**Resolutions:**

*Resolved* that Council of the City of Red Deer having considered the report from the Social Planning Manager dated March 11, 2002, re: Child Welfare Act Review, hereby agrees to the following conclusions and that they be forwarded as the City of Red Deer's response to the Child Welfare Act Review Committee:

1. Prevention and early intervention should be written into the Child Welfare Act to ensure that a continuum of services is available to children and families in Alberta.
2. Prevention and early intervention should be delivered via the Family and Community Support Services Act and Conditional Agreement Regulations. The FCSS Act should work in concert with the Child Welfare Act and not be superceded by it. FCSS is a proven method of design and delivery of preventive social services and should continue to be the mechanism by which those programs are delivered by municipalities.
3. FCSS is cost-shared, 80% by the province, 20% by the municipality. If more prevention/early intervention responsibility is expected of the municipality, beyond what can be delivered with the funding from the Funding Allocation Model, the full funding will need to accompany the responsibility.
4. If more prevention/early intervention responsibility is expected of the municipality, with a revised Child Welfare Act, the municipality would have increased administrative responsibilities and would need to be compensated for those responsibilities.

**Report Back to Council:****Comments/Further Action:**

Please forward a response to the Minister for Children's Services with a copy to the City Clerk's office.



Kelly Kloss  
City Clerk  
/chk

c Community Services Director

**DATE:** March 4, 2002  
**TO:** City Clerk  
**c.** Director of Development Services  
**FROM:** Fire Chief/Manager  
**RE:** **Ambulance rates**

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At a previous Council meeting our Department presented some options regarding philosophy and amounts of ambulance charges. We received direction from Council regarding this.

In the past the charges for ambulance service were authorized under by-law 2978/89 and adjusted by Council resolution. We are proposing that the ambulance rates be included as a separate "Schedule F" Ambulance Fees and Charges, in the Emergency Services Department Fees and Charges Bylaw.

We have attached both by-laws for Council consideration.

**Recommendation:**

It is respectfully recommended that Council give three readings to the proposed by-law amendments.



Gordon Stewart, P. Eng.  
Fire Chief/Manager

**BYLAW NO. 2978/89**

Being a Bylaw to establish the ambulance service of the City.

WHEREAS the City has operated an ambulance service under the jurisdiction of the City Fire **Emergency Services** Department;

<sup>1</sup>AND WHEREAS under the provisions of Section 7 of the Municipal Government Act, Council may pass bylaws respecting the safety, health and welfare of people and the protection of people and property;

<sup>2</sup>AND WHEREAS under the provisions of Section 48 of the Municipal Government Act, Council may prohibit any other person from providing a public ambulance service within the City;

NOW THEREFORE the Municipal Council of the City of Red Deer, in the Province of Alberta, duly assembled, hereby enacts as follows:

1           This Bylaw may be cited as "The Ambulance Bylaw".

2<sup>3</sup>           In this Bylaw:

- (a)   "ambulance" shall mean a motor vehicle designed and equipped for the sole purpose of transporting sick or injured persons;
- (b)   "ambulance service" shall mean the transportation of any sick or injured person by means of an ambulance;

3           (1)   The ambulance service operated by the City under the jurisdiction

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<sup>1</sup> 2978/A-96

<sup>2</sup> 2978/A-96

<sup>3</sup> 2978/A-96

of the City Fire **Emergency Services** Department is hereby established as the ambulance service for the public within the City.

- (2) The ambulance service shall be operated at the Basic Life Support/Advanced Life Support level as defined by the Alberta Ambulance Operators' Association and the Health Disciplines Act.

- 4 No person, firm, corporation or association of persons or corporations shall provide, carry on or operate an ambulance service for the public within the City except the City ambulance service.
- 5 No person, firm, corporation or association of individuals or corporations shall operate an ambulance service for the purpose of picking up persons from a hospital or medical facility in the City for delivery to any point outside of the City, except an ambulance service operated by or contracting with the Red Deer Regional Hospital Centre for that specific service, and the City ambulance service.
- 6 Nothing in this Bylaw shall prohibit any firm, person, corporation or association of individuals or corporations operating an ambulance service to deliver a person to a hospital or medical facility within the City from a point outside of the City.
- 7 All persons to whom the ambulance service of the City is provided shall, as a condition of such service, pay to the City on demand the rates specified for such service ~~from time to time by resolution of Council.~~ **as established by Council.**

- 8 Any person, firm, corporation, association of individuals or corporations contravening any of the provision of this Bylaw shall be guilty of an offence and shall be liable on conviction thereof to a fine of not less than \$1,000.00 and not more than \$2,500.00.

READ A FIRST TIME IN OPEN COUNCIL this 6th day of March A.D. 1989.

READ A SECOND TIME IN OPEN COUNCIL this 6th day of March A.D. 1989.

READ A THIRD TIME IN OPEN COUNCIL this 6th day of March A.D. 1989.

"R.J. McGhee"

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MAYOR

"C. Sevcik"

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CITY CLERK

**BYLAW NO. 3134/95<sup>1</sup>**

Being a Bylaw of the City of Red Deer respecting fees and charges levied by the City of Red Deer Emergency Services Department.

WHEREAS the City of Red Deer is an accredited municipality under the *Safety Codes Act*, R.S.A., 1980, Chapter S-0.5 and is authorized to perform services and enforce the provisions of the Safety Codes Act;

AND WHEREAS the City of Red Deer provides a variety of services under the Building Code and Fire Code, as well as other miscellaneous services;

AND WHEREAS the foregoing services are provided by members of the City Emergency Services Department,

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

- 1            This bylaw may be cited as the "Emergency Services Department Fees and Charges Bylaw".
- 2<sup>1</sup>          The fees and charges which shall be charged for services provided outside the City boundaries shall be as set forth in Schedule "A" annexed hereto.

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<sup>1</sup> 3134/A-97

- 3 The fees and charges which shall be charged to the Province of Alberta for responses to motor vehicle accidents and fires on Provincial Highways shall be as set forth in Schedule "B" annexed hereto.
- 4 The fees and charges which shall be charged to, and be payable by the owners and/or occupants of property as determined by the Safety Codes Officer for inspections under the Safety Codes Act, the Fire Code and the Building Code, shall be as set forth in Schedule "C" annexed hereto.
- 5 The fees and charges which shall be charged to, and be payable by, the applicant for the services listed in Schedule "D" annexed hereto shall be as set forth in Schedule "D".
- 6 The fees and charges which shall be charged to, and be payable by, the applicant, or other persons specified in Schedule "E", for the services listed in Schedule "E", shall be as set forth in Schedule "E".
- 7 Bylaw No. 3106/94 is hereby repealed.
- 8 **The fees and charges which shall be charged to, and be payable by, the applicant, or other persons specified in Schedule "F", for the services listed in Schedule "F", shall be as set forth in Schedule "F".**
- ~~8-9~~ This bylaw shall come into full force and effect upon the passage of third reading.



READ A FIRST TIME IN OPEN COUNCIL this	24	day of April	A.D. 1995.
READ A SECOND TIME IN OPEN COUNCIL this	24	day of April	A.D. 1995.
READ A THIRD TIME IN OPEN COUNCIL this	24	day of April	A.D. 1995.

"G. D. SURKAN"

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MAYOR

"KELLY KLOSS"

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CITY CLERK

**SCHEDULE "F"**<sup>1</sup>**Ambulance Fees and Charges**

Page 1 of 1

**Ambulance Services****Rate**

**Advanced Life Support Ambulance**  
**Alberta Blue Cross Group and**  
**Individual Plans**  
**Non Insured**  
**Other Insured**

**Alberta Blue Cross Group and**  
**Individual Plan rates**

**Basic Life Support Ambulance**  
**Alberta Blue Cross Group and**  
**Individual Plans**  
**Non Insured**  
**Other Insured**

**Alberta Blue Cross Group and**  
**Individual Plan rates**

**Mileage Charges for Ambulance Service**  
**Within the City of Red Deer**

**"Applicable mileage fee" X "an**  
**averaged in city travel distance"**

**Outside the City of Red Deer Limits**  
**actual**

**"Applicable mileage charge" X "the**  
**travel distance"**

**Non Resident Ambulance Service Fee**  
**Applicable to:**

**\$100.00**

- **Non Alberta Blue Cross insurance coverage subscriber**
- **Resident of a municipality not contracting ambulance service from the City of Red Deer**

**Provincial Government Sponsored Programs**

**As determined by the Province of Alberta and accepted by The City of Red Deer**

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<sup>1</sup> 3134/A-2002

***Comments:***

We recommend that Council proceed with the Bylaw Amendments.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager

## ***Council Decision – Monday February 25, 2002***

DATE: February 26, 2002  
TO: Gord Stewart, Emergency Services Manager  
FROM: City Clerk  
RE: Service Rates and Charges  
Bylaw 3134/A-2002 – Amendment to Bylaw 3134/95  
Emergency Services Department Fees and Charges Bylaw

---

*Backup*  
EMERG SERVICES  
FEES + CHARGES

### ***Reference Report:***

Emergency Services Manager, dated February 14, 2002


### ***Bylaw Readings:***

Bylaw 3134/A-2002 was given three readings. A copy is attached.

***Report Back to Council:*** Yes

### ***Comments/Further Action:***

1. Bylaw 3134/A-2002 provides for the revision of Emergency Services Rates and Charges by amending Schedules "A", "B", "C", "D" and "E" of the Emergency Services Fees and Charges Bylaw 3134/95. A revised copy of the consolidated Emergency Services Fees and Charges Bylaw 3134/95 will be distributed by this office in due course.
2. Further, Council congratulates your suggestion to include a review of fire inspections deficiencies, "free inspection" with the Occupancy Permit to assist new businesses in complying.
3. A report is to be forwarded to Council regarding changes to ambulance rates.



Kelly Kloss  
City Clerk

/chk

/attach.

c     Director of Development Services  
       Director of Corporate Services  
       Inspections & Licensing Manager

**BYLAW NO. 3134/A-2002**

Being a bylaw to amend Bylaw No. 3134/95, the Emergency Services Department Fees and Charges Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3134/95 is hereby amended as follows:

- 1 By deleting Schedule "A" in its entirety and replacing same with the attached new Schedule "A".
- 2 By deleting Schedule "B" in its entirety and replacing same with the attached new Schedule "B".
- 3 By deleting Schedule "C" in its entirety and replacing same with the attached new Schedule "C".
- 4 By deleting Schedule "D" in its entirety and replacing same with the attached new Schedule "D".
- 5 By deleting Schedule "E" in its entirety and replacing same with the attached new Schedule "E".

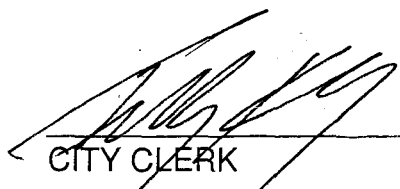
READ A FIRST TIME IN OPEN COUNCIL this 25th day of February 2002

READ A SECOND TIME IN OPEN COUNCIL this 25th day of February 2002

READ A THIRD TIME IN OPEN COUNCIL this 25th day of February 2002

AND SIGNED BY THE MAYOR AND CITY CLERK this 25<sup>th</sup> day of February 2002

  
MAYOR

  
CITY CLERK

**SCHEDULE "A"****Fees and Charges for Services Provided Outside  
The City Boundaries**

Page 1 of 1

<b><i>Service</i></b>	<b><i>Rate</i></b>
First Hour	
Pumper and 4 Men	\$550/hr + \$1.75/km
Tanker and 2 Men	\$250/hr + \$1.75/km
Heavy Rescue and 2 Men	\$300/hr + \$1.75/km
Heavy Rescue and 4 Men	\$500/hr + \$1.75/km
Light Rescue and 2 Men	\$250/hr + \$1.75/km
Command Car	\$100/hr + \$1.75/km
All Other Hours	
Pumper and 4 Men	\$400/hr
Tanker and 2 Men	\$200/hr
Heavy Rescue and 2 Men	\$250/hr
Heavy Rescue and 4 Men	\$450/hr
Light Rescue and 2 Men	\$200/hr
Command Car	\$100/hr

Charges may also be included for material used (foam, dry chemical, etc.)

***SCHEDULE "B"***

**Fees and Charges to Provincial Government**

Page 1 of 1

***Service***

***Rate***

Responses to Motor Vehicle Accidents and  
Fires on Provincial Highways

Alberta Transportation Rates

**SCHEDULE "C"**

Page 1 of 1

**Fees and Charges to the Public and to  
Other City Departments**

<b><i>Service</i></b>	<b><i>Rate</i></b>
Inspection, including 1 <sup>st</sup> re-inspection	\$50.00 per man hour or part thereof, plus G.S.T.
2 <sup>nd</sup> Reinspection	\$30.00 per ½ hour or part thereof, plus G.S.T.
Investigation	\$50.00 per man hour or part thereof, plus G.S.T.
Investigation After Hours	\$100.00 per man hour or part thereof, plus G.S.T.
Patient Care Reports	\$50.00 per report, plus G.S.T.
Fire Occurrence Reports	\$50.00 per report, plus G.S.T.



**SCHEDULE "D"****Fees and Charges to the Public and to  
Other City Departments**

Page 1 of 2

<i>Service</i>	<i>Rate</i>
Occupant Load Calculation and Certificate	\$50.00 per man per hour or part thereof, plus G.S.T.
Consulting Fees - Architects & Engineers	\$50.00 per man hour or part thereof, plus G.S.T.
File Search - Current Inspection less than 12 months old	\$50.00 per file, plus G.S.T.
File Search - Inspection Required	\$50.00 per man hour or part thereof \$50.00 per file, plus G.S.T.
Hydrant Flow Tests	\$50.00 per man hour or part thereof, plus G.S.T.
Sprinkler Systems Approval - Includes plan check, permit & required inspections	300 to 1525 sq. m \$ 60.00
	1526 to 3050 sq. m \$130.00
	3051 to 6100 sq. m \$200.00
	6101 to 9150 sq. m \$300.00
	9151 to 15250 sq. m \$400.00
	15251 to ----- sq. m \$600.00
Standpipe & Hose Systems Approval - Includes plan check, permit & required inspections	300 to 1525 sq. m \$ 60.00
	1526 to 3050 sq. m \$120.00
	3051 to 6100 sq. m \$180.00
	6101 to 9150 sq. m \$240.00
	9151 to 15250 sq. m \$300.00
	15251 to ----- sq. m \$360.00

**SCHEDULE "D"****Fees and Charges to the Public and to  
Other City Departments**

Page 2 of 2

Fire Alarm Approval - Includes plan  
check, permit & required inspections

300 to 1525	sq. m	\$ 60.00
1526 to 3050	sq. m	\$130.00
3051 to 6100	sq. m	\$200.00
6101 to 9150	sq. m	\$300.00
9151 to 15250	sq. m	\$400.00
15251 to -----	sq. m	\$600.00

Above Ground or Underground Tank  
Installation/Removal - Includes plan check,  
permit & required inspections

per tank \$100.00

***Commencing Work Without Permit***

Any work commenced without first obtaining the required permit shall be subject to double the amount set out as a fee for the proposed construction, in addition to any penalty which may be imposed in respect of the contravention, unless prior permission has been obtained from the authority having jurisdiction.

***SCHEDULE "E"***

**Fees and Charges to the Public and  
to Other City Departments**

Page 1 of 1

Miscellaneous Items and Services	As approved by the City Manager	
False Alarms due to faulty equipment to be charged to the owner of the premises	First occasion 2 <sup>nd</sup> & Subsequent Occasions	Warning \$300.00 each
Dangerous Goods Abatement to be charged to the person responsible	As per Schedule A	
Motor Vehicle Accidents (In City) - to be charged to the owner or his agent (Includes response of Pumper & ) Rescue Truck)	As per Schedule A	
Fire Training Grounds Rental Rates	As approved by the City Manager	

FEB 26

— LAST AMENDMENT  
FROM GORD STEWART: MARCH 11,  
1996.

GORD SAYS THERE IS A  
SEPARATE AMBULANCE RATE  
BYLAW. HE WILL BE  
BRINGING A REPORT TO  
COUNCIL RE CHANGES

— NEEDS A RESOLUTION FROM  
COUNCIL TO APPROVE THE  
AMBULANCE RATES.

— SEE ATTACHED AMBULANCE BYLAW  
VOLL.

**BY-LAW # 2978/89**

Being a by-law to establish the ambulance service of the City.

WHEREAS the City has operated an ambulance service under the jurisdiction of the City Fire Department;

AND WHEREAS pursuant to the provisions of Section 168 of the Municipal Government Act, Council may regulate ambulance services within the municipality and may specify levels of equipment and personnel qualifications;

AND WHEREAS pursuant to the provisions of Section 169 of the Municipal Government Act, Council may prohibit any other person from providing a public ambulance service within the City;

NOW THEREFORE the Municipal Council of the City of Red Deer, in the Province of Alberta, duly assembled, hereby enacts as follows:

1. This By-law may be cited as "The Ambulance By-law".
2. In this By-law,
  - (a) "ambulance" shall mean a motor vehicle designed and equipped for the sole purpose of transporting sick or injured persons;
  - (b) "ambulance service" shall mean the transportation of any sick or injured person by means of an ambulance;
  - (c) "Council" shall mean the municipal council of the City; and
  - (d) "City" shall mean the corporation of the City of Red Deer, of the Province of Alberta, and shall include all those lands within its corporate boundaries.
3. (1) The ambulance service operated by the City under the jurisdiction of the City Fire Department is hereby established as the ambulance service for the public within the City.

(2) The ambulance service shall be operated at the Basic Life Support/Advanced Life Support level as defined by the Alberta Ambulance Operators' Association and the Health Disciplines Act.

4. No person, firm, corporation or association of persons or corporations shall provide, carry on or operate an ambulance service for the public within the City except the City ambulance service.

5. No person, firm, corporation or association of individuals or corporations shall operate an ambulance service for the purpose of picking up persons from a hospital or medical facility in the City for delivery to any point outside of the City, except an ambulance service operated by or contracting with the Red Deer Regional Hospital Centre for that specific service, and the City ambulance service.

6. Nothing in this By-law shall prohibit any firm, person, corporation or association of individuals or corporations operating an ambulance service to deliver a person to a hospital or medical facility within the City from a point outside of the City.

7. All persons to whom the ambulance service of the City is provided shall, as a condition of such service, pay to the City on demand the rates specified for such service from time to time by resolution of Council.

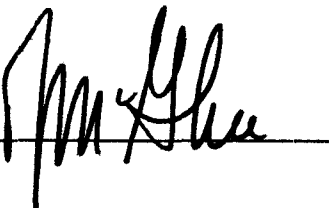
8. Any person, firm, corporation, association of individuals or corporations contravening any of the provision of this By-law shall be guilty of an offence and shall be liable on conviction thereof to a fine of not less than \$1,000.00 and not more than \$2,500.00.

READ A FIRST TIME IN OPEN COUNCIL this 6 day of March, A.D. 1989.

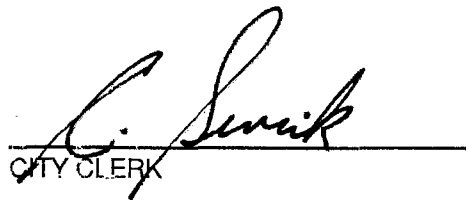
READ A SECOND TIME IN OPEN COUNCIL this 6 day of March, A.D. 1989.

READ A THIRD TIME IN OPEN COUNCIL this 6 day of March, A.D. 1989.

MAYOR



CITY CLERK



**BYLAW NO. 2978/A-96**

Being Bylaw to amend Bylaw No. 2978/89, the Ambulance 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. 2978/89 is hereby amended as follows:


- 1 To delete the second preamble thereof and substitute in its place and stead the following:  
  
"AND WHEREAS under the provisions of Section 7 of the *Municipal Government Act*, Council may pass bylaws respecting the safety, health, and welfare of people and the protection of people and property".
- 2 To amend the third preamble by deleting the words "pursuant to the provisions of Section 169" and substituting in their place the following "under the provisions of Section 48".
- 3 To amend section 2 by deleting subsections (c) and (d).
- 4 In all other respects, Bylaw No. 2978/89 is hereby ratified and confirmed.

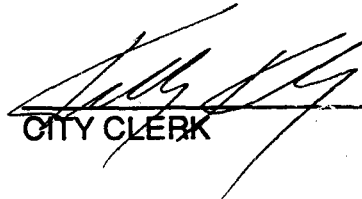
READ A FIRST TIME IN OPEN COUNCIL this 11 day of March 1996.

READ A SECOND TIME IN OPEN COUNCIL this 11 day of March 1996.

READ A THIRD TIME IN OPEN COUNCIL this 11 day of March 1996.

AND SIGNED BY THE MAYOR AND CITY CLERK this 11 day of March 1996.

  
MAYOR

  
CITY CLERK

**DATE:** February 14, 2002  
**TO:** City Clerk  
**C.** Director of Development Services  
**FROM:** Fire Chief/Manager Emergency Services  
**RE:** Service Rates and Charges

---

During the budget presentation we advised Council we would be bringing back a report on the rates and charges which are assessed by our department. There are two areas we would like Council to consider. These are ambulance rates and fire inspections fees. These fees have not been addressed for a number of years and an update is overdue. The fees for fire and rescue (mutual aid) will be brought to Council at a later date following consultation with our mutual aid partners.

Along with the actual charges, there are some policy issues we wish Council to address.

### **Ambulance Rates**

#### **Background:**

From prior to 1990 municipalities have tried to work with the Provincial Government on the issues of both ground ambulance rates and the control Alberta Blue Cross has on ambulance rates.

The Province adjusts or freezes ambulance rates unilaterally. There is no mechanism which municipalities have to negotiate rates with a prime customer of ambulance service, the Provincial Government. Since what the province is prepared to pay does not cover costs, the result of this has been the downloading of provincial costs on to the local municipalities.

Since 1991 there has been many committees reviewing ambulance rates. The City of Red Deer has been an active participant in and has initiated processes over the years. Most recently is the involvement in the MLA Review of Ground Ambulance Rates (H. Cenainko and L. Oulette) in 2001. Some recent published media reports have indicated the government may be considering some action on the latest report, but there have been no official statements.

#### **Alberta Blue Cross Rates History:**

Alberta Blue Cross is a creation of the Alberta Government under the umbrella of the Minister of Health and Wellness. Alberta Blue Cross uses its position as the agent of the province to require ambulance services to either totally opt in or opt out of its' direct billing arrangement.



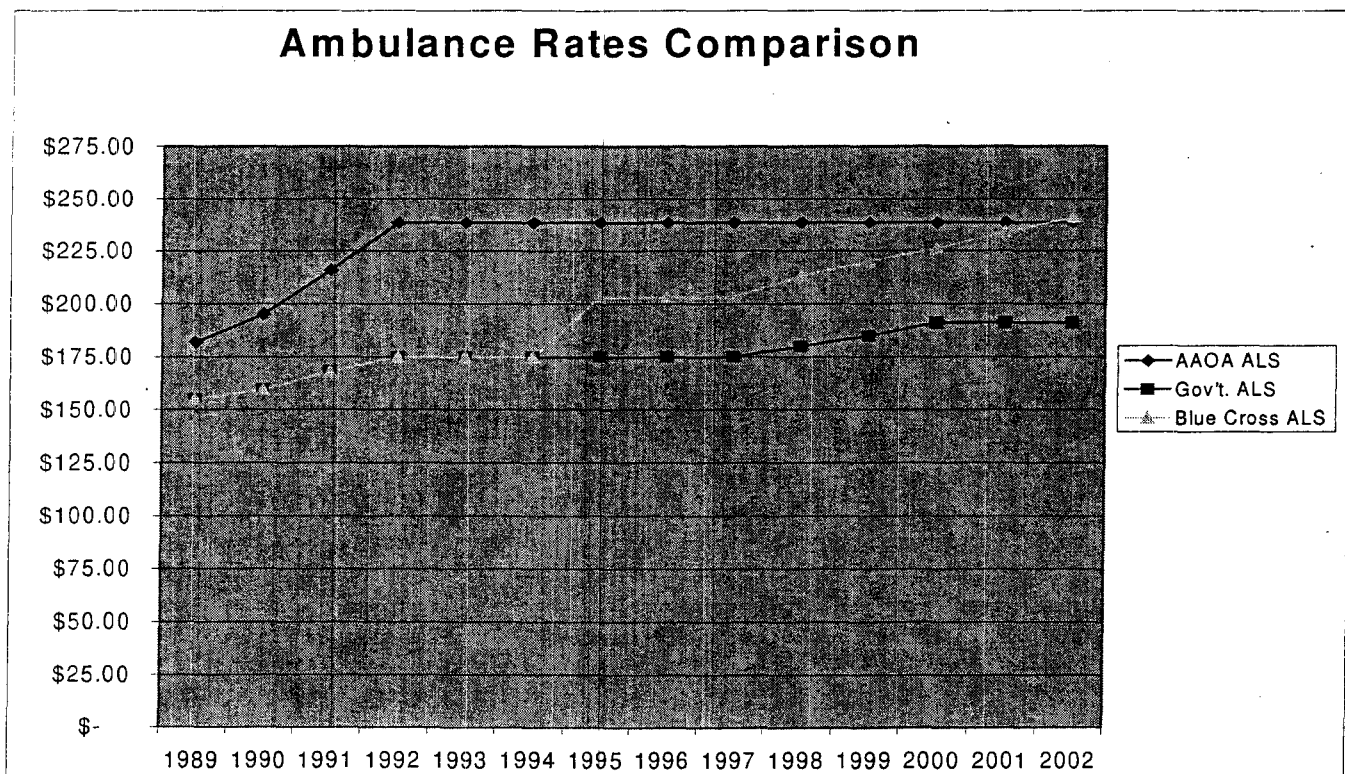
Kelly Kloss  
 Page 2  
 February 14, 2002

There is a significant advantage to services, the government, Alberta Blue Cross and clients to be part of direct billing. Payment is received quickly and there are not collection problems and no bad debts for ambulance services provided to insured or government clients. Clients receive services with "no hassles" and no up front funding. This is especially helpful to seniors. For the government and Blue Cross there is less administration and staff requirements.

The condition that Blue Cross places on this is that there will be no balance billing so ambulance services may not collect the balance of their fee from the client.

### AAOA Recommendations for Ambulance Rates History:

Prior to 1992 the Alberta Ambulance Operators Association (AAOA) established recommended ground ambulance rates. They have not done so since 1992. This has been the rate the City of Red Deer used to bill individuals who were not Blue Cross customers.



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The Blue Cross rate increases do not reflect the actual increased costs associated with ground ambulance provision when consideration is given to the fact that some cost areas have increased greater than the rate of inflation over the years. These include:

1. increased insurance rates
2. increased labor costs
  - wages, benefits, educational/training costs, CPP, EI premiums
3. increased maintenance costs
4. increased operational costs
5. increased major and minor capital expenditure costs
6. increased costs due to changes in government regulations
  - safety inspections, Health Disciplines/Alberta College of Paramedics, other Acts

In addition to the above-mentioned cost increases, the health care reforms have placed an additional strain on Municipal resources and resources of ambulance providers.

The present Provincial Government rates do not adequately cover the full cost of service delivery. Therefore, Municipalities have increasingly had to rely on local tax resources to ensure the adequate funding of emergency and non-emergency ground ambulance services within their communities to meet increasing demands for access to health services.

We have attached a copy of the present rates in the by-law and shown the rates we are proposing.

The rates show that presently different ambulance clients are charged different rates depending on whether or not they are provincial government responsibility (Alberta Blue Cross group 66 or 1), or are covered by Blue Cross Insurance, or are not covered by Alberta Blue Cross.

#### **Issues to Address:**

We will limit our discussion to Advanced Life Support rates, but the same principals apply to other rates and similar adjustments could be made on a percentage basis.

1. What is the appropriate non-insured rate for the City of Red Deer?
  - The present non-insured rate could be matched to the Blue Cross Individual plan subscriber rate. This means all customers other than provincial clients pay the same rate. It means that the cost of providing the service is subsidized by the taxpayer.
  - This would simplify the ambulance billing process by removing a non-insured rate from the billing schedule.

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- The non-insured rate could be raised to a more reasonable cost recovery rate of \$291.13 which is the 1992 Ambulance Operators Association rate adjusted for inflation.
  - This would produce an inequity between those who are insured by Blue Cross and those who are not.
  - The City could opt out of the Blue Cross agreement and charge all clients a rate established by Council. There are significant implications to undertaking this. Some of them are:
    - Alberta Blue Cross would discontinue direct billing agreements with The City.
    - All clients would receive an invoice for ambulance services provided.
    - Ambulance service costs to the clients would increase.
    - The costs invoiced above insured levels may/would not be recoverable by the client.
    - Increased gross revenues may result and there may be an increase in net revenue.
    - Increased administrative, clerical staff would be required for invoicing and receipt of payments.
    - Increased client contact in the areas of payment would be anticipated.
    - Increased client feedback as a result of receiving an ambulance bill would be anticipated.
    - Increased bad debt would occur.
    - There would be delays in receipt of payment.
    - Specific demographic groups within the community may have increased concerns.
    - Presently 9.9% of all ambulance services in the province do not maintain direct billing agreements with Alberta Blue Cross (% from W. Smith Alberta Blue Cross)
  - Cochrane and Airdrie have done this and they have seen a rise in their bad debts and an increase in the resources required to invoice.
  - Foothills Ambulance and Parkland Ambulance have tried this system and have made the decision to return to a direct billing arrangement with Blue Cross.
2. Should the City of Red Deer charge for ALS (Advanced Life Support) service as the standard of ambulance service provided when applicable?
- There are no additional financial costs to the City of Red Deer associated to billing at this service level. Present EMT-P and EMT-A staffing and the ambulance medical equipment and inventory would not need to be increased.
  - This is an accepted industry practice in the province where an ambulance is correctly staffed and stocked and is permitted under the legislation. We are aware of the following communities that are presently following this process:

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- Banff
  - Cochrane
  - Canmore
  - Grande Prairie
  - Parkland County
  - An annual increase in revenue is estimated at approximately \$15,000.00.
  - Clients using the ambulance service would receive an invoice that reflects the access to an ALS level of service. (REMT-P assessment and/or treatment available)
  - There would be an increase in the efficiencies involved with invoicing and collections of ambulance bills.
3. Should the City implement a standardized (flat rate) mileage charge for ambulance services provided within the City?
- There would be an increase in the efficiencies involved with invoicing due to fewer calculations being made per invoice. Individual mileage charges for “in City” clients would not have to be calculated for each invoice created.
  - No change in total yearly ambulance revenues is anticipated. The mileage rate would be based upon a yearly average mileage.
  - Everyone would be charged the same rate for an ambulance call in the City.
  - No change would be made for rural calls or long distance transfers.
  - We are aware of two communities that bill a flat rate – City of Calgary and City of Edmonton.
  - This is an industry business practice used in the province. This practice has been accepted (with consultation and agreement) by Alberta Blue Cross.
4. Should The City establish a “non-resident” service charge at a rate of \$100.00 for those clients who are “non-residents” and not subscribers to Alberta Blue Cross insurance coverage?
- Residents of the City of Red Deer subsidize the ambulance service with tax dollars.
  - The City would be following a common business practice used in many other municipalities.
  - There would be no additional charges to residents of the City of Red Deer or areas serviced under contract by The City of Red Deer for ambulance service provision.
  - Non-residents would be contributing to the level of service provided by The City of Red Deer taxpayer.
  - Below is a table of practice of other municipalities.

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<u><b>Service</b></u>	<u><b>Non-Resident Premium</b></u>
<b>Airdrie</b>	<b>\$100.00</b>
<b>Calgary</b>	<b>\$100.00</b>
<b>Canmore</b>	<b>\$100.00</b>
<b>Cochrane</b>	<b>\$100.00</b>
<b>Edmonton</b>	<b>\$118.00</b>
<b>Fort McMurray</b>	n/a
<b>FREMS</b>	<b>\$100.00</b>
<b>Grande Prairie</b>	<b>\$100.00</b>
<b>Lethbridge</b>	n/a
<b>Medicine Hat</b>	n/a
<b>Parkland County</b>	First nations only <b>\$100.00</b>
<b>Red Deer</b>	n/a
<b>St. Albert</b>	n/a
<b>Strathcona County</b>	<b>\$100.00</b>
<b>Strathmore</b>	<b>\$100.00</b>

- There would be an increase in yearly revenues. We estimate yearly revenue would increase \$35,000 to \$40,000.

### **Fire Inspection Fees**

A number of years ago Council established a user pay philosophy whereby the recipient of a service should be contributing to the cost of providing that service. One of the areas where this was implemented was fire inspection. The rates shown in the by-law are the amounts that businesses are charged for fire inspections. Businesses are only charged for the time on scene and not for the time taken to do research and documentation. We still receive a number of adverse reactions from city businesses for charging for this service.

In the 2002 business plan one of the initiatives, which we brought forward, was to try and reward businesses that are found to comply with the fire code when inspected. By ensuring that the facility meets the requirement of the code the company is decreasing the risk to the public. We are proposing that those businesses, which have no violations, would not be charged an inspection fee. The loss in revenue would be recovered by a general fee increase that would be paid by those who had deficiencies noted.

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At this time it is hard to estimate how many businesses may be deficiency free. The record of inspection reports is filed with the property, but the results are not amalgamated based on who has or has not had deficiencies. In our initial discussions we had thought it to be around 10%, but now we believe it may be as high as 30%. We will monitor this carefully over the next year.

Many small businesses are only charged for a half-hour inspection. If there is a deficiency, a re-inspection may be required and a second inspection fee could be charged. Our half-hour rate has been half of a one-hour rate even though when you consider documentation etc. the real cost is likely more than that. We are proposing the one-hour rate be raised from \$40.00 to \$50.00. Because the charge would only apply to businesses that have deficiencies and would require a re-inspection, we have included the re-inspection in the initial charge. By combining the initial inspection fee and the re-inspection fee, we eliminate the need to send and process a second invoice. We are proposing raising the one-half hour rate from \$20.00 to \$30.00, which would most often apply to subsequent re-inspections. These rates have not been adjusted since 1995 and some increase is warranted even on the basis of inflation.

#### **RECOMMENDATIONS:**

It is respectfully recommended to Council that they:

##### For Ambulance:

1. Adopt the Alberta Blue Cross Individual Plan rate as the non-insured rate for ambulance service provided by the City of Red Deer.
2. Adopt a standard charge for ambulance service provided at the Advanced Life Support rate.
3. Authorize pursuing with Alberta Blue Cross a flat rate mileage charge for ambulance services provided within the City.

and

Authorize the implementation of a flat rate invoiced mileage charge for all clients using ambulance services provided within the City. The mileage used for invoicing would be based on an averaged per call distance within the City and as acceptable to The City of Red Deer and Alberta Blue Cross.

4. Adopt a "non-resident" fee for ambulance service provided at a rate of \$100.00. The charge would be applicable to those clients who are "non-residents" and not subscribers to Alberta Blue Cross insurance coverage.

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*For Fire Inspections:*

5. Adopt the philosophy to not charge inspection fees to those businesses, which do not have any deficiencies with their fire inspection.
6. Adopt the rates as outlined in the attached section.

Respectfully submitted,

Gordon Stewart, P. Eng.  
Fire Chief/Manager

**SCHEDULE "A"****Fees and Charges for Services Provided Outside  
The City Boundaries**

Page 1 of 1

<b>Service</b>	<b>Rate</b>
First Hour	
Pumper and 4 Men	\$550/hr + \$1.75/km
Tanker and 2 Men	\$250/hr + \$1.75/km
Heavy Rescue and 2 Men	\$300/hr + \$1.75/km
Heavy Rescue and 4 Men	\$500/hr + \$1.75/km
Light Rescue and 2 Men	\$250/hr + \$1.75/km
Command Car	\$100/hr + \$1.75/km
All Other Hours	
Pumper and 4 Men	\$400/hr
Tanker and 2 Men	\$200/hr
Heavy Rescue and 2 Men	\$250/hr
Heavy Rescue and 4 Men	\$450/hr
Light Rescue and 2 Men	\$200/hr
Command Car	\$100/hr

**Charges may also be included for material used (foam, dry chemical, etc.)**



Bylaw No. 3134/95

**SCHEDULE "B"**

**Fees and Charges to Provincial Government**

Page 1 of 1

***Service***

***Rate***

Responses to Motor Vehicle Accidents and  
Fires on Provincial Highways

\$300/hr per unit  
Responding

**Alberta Transportation rates**

**SCHEDULE "C"<sup>2</sup>**

Page 1 of 1

**Fees and Charges to the Public and to  
Other City Departments**

<b><i>Service</i></b>	<b><i>Rate</i></b>
Inspection, including 1 <sup>st</sup> re-inspection	<del>\$40.00</del> per man hour <b>\$50.00</b> <del>\$20.00</del> per ½ hour or part thereof plus G.S.T.
Re-inspection	<del>\$40.00</del> per man hour <del>\$20.00</del> per ½ hour or part thereof, plus G.S.T.
2 <sup>nd</sup> Re-inspection	<del>\$80.00</del> per man hour <b>\$30.00</b> per ½ hour <del>\$40.00</del> per ½ hour or part thereof, plus G.S.T.
Investigation	<del>\$40.00</del> per man hour <b>\$50.00</b> <del>\$20.00</del> per ½ hour or part thereof, plus G.S.T.
Investigation After Hours	<del>\$80.00</del> per man hour <b>\$100.00</b> <del>\$40.00</del> per ½ hour or part thereof, plus G.S.T.
Patient Care Reports	\$50.00 per report, plus G.S.T.
Fire Occurrence Reports	\$50.00 per report, plus G.S.T.

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<sup>2</sup> 3134/A-97, 3134/A-98

**SCHEDULE "D"<sup>3</sup>**  
**Fees and Charges to the Public and to**  
**Other City Departments**

Page 1 of 2

<b>Service</b>	<b>Rate</b>
Occupant Load Calculation and Certificate	<del>\$40.00</del> per man per hour <b>\$50.00</b> <del>\$20.00 per 1/2 hour</del> or part thereof, plus G.S.T.
Consulting Fees - Architects & Engineers	\$50.00 per man hour <del>\$25.00 per 1/2 hour</del> or part thereof, plus G.S.T.
File Search - Current Inspection less than 12 months old	\$50.00 per file, plus G.S.T.
File Search - Inspection Required	<del>\$40.00</del> per man hour <b>\$50.00</b> <del>\$20.00 per 1/2 hour</del> or part thereof \$50.00 per file, plus G.S.T.
Hydrant Flow Tests Including report	<del>\$40.00</del> per man hour <b>\$50.00</b> <del>\$20.00 per 1/2 hour</del> or part thereof, plus G.S.T.
Hydrant Flow Report	<del>\$50.00 per file,</del> <del>plus G.S.T.</del>
Sprinkler Systems Approval - Includes plan check, permit & required inspections	300 to 1525 sq. m \$ 60.00 1526 to 3050 sq. m \$130.00 3051 to 6100 sq. m \$200.00 6101 to 9150 sq. m \$300.00 9151 to 15250 sq. m \$400.00 15251 to ----- sq. m \$600.00
Standpipe & Hose Systems Approval - Includes plan check, permit & required inspections	300 to 1525 sq. m \$ 60.00 1526 to 3050 sq. m \$120.00 3051 to 6100 sq. m \$180.00 6101 to 9150 sq. m \$240.00 9151 to 15250 sq. m \$300.00 15251 to ----- sq. m \$360.00

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<sup>3</sup> 3134/A-97, 3134/A-98

**SCHEDULE "D"<sup>4</sup>**  
**Fees and Charges to the Public and to**  
**Other City Departments**

Page 2 of 2

Fire Alarm Approval - Includes plan check, permit & required inspections	300 to 1525	sq. m	\$ 60.00
	1526 to 3050	sq. m	\$130.00
	3051 to 6100	sq. m	\$200.00
	6101 to 9150	sq. m	\$300.00
	9151 to 15250	sq. m	\$400.00
	15251 to -----	sq. m	\$600.00
Above Ground or Underground Tank Installation/Removal - Includes plan check, permit & required inspections			per tank \$100.00

***Commencing Work Without Permit***

Any work commenced without first obtaining the required permit shall be subject to double the amount set out as a fee for the proposed construction, in addition to any penalty which may be imposed in respect of the contravention, unless prior permission has been obtained from the authority having jurisdiction.

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<sup>4</sup> 3134/A-97, 3134/A-98

**SCHEDULE "E"****Fees and Charges to the Public and  
to Other City Departments**

Page 1 of 1

Yearly SCBA Service/Maintenance	\$90.00
SCBA Tank Fill	\$10.00
Hose Coupling	\$25.00 per hour plus materials
C.P.R. Training Dolls:	
- Large Doll	\$15.00 per day
- Baby	\$10.00 per day
- Set of 10 Training Heads	\$10.00 per day
Adult Intubation Head	\$10.00 per day
Baby Intubation Head	\$ 5.00 per day
Arrhythmia Generator	\$15.00 per day
I.V. Training Arm	\$ 5.00 per day

**Miscellaneous items and services****As approved by the City Manager**

False Alarms due to faulty equipment to be charged to the owner of the premises	First occasion	Warning
	2nd & Subsequent Occasions	\$300.00 each
Dangerous Goods Abatement to be charged to the person responsible	<del>\$300.00 per vehicle and crew provided plus cost of material used</del>	
	As per Schedule A	
Motor Vehicle Accidents (In City) - to be charged to the owner or his agent (Includes response of Pumper & ) Rescue Truck)	<del>\$500.00 per hour</del>	
	As per Schedule A	
Rescue Boat	\$100.00 per hour	

**Fire Training Grounds Rental Rates As approved by the City Manager**

*Comments:*

We concur with the recommendations of the Emergency Services Manager. With respect to ambulance rates, the recommendations will ensure a consistent rate for advanced life support service while also retaining the convenience of the Alberta Blue Cross program. In addition, a flat rate for mileage for all clients within The City is a reasonable approach that will ease the administration of ambulance billing and is consistent with practices in other urban centres. Staff will pursue this matter with Alberta Blue Cross to achieve an acceptable in-city mileage charge. The introduction of a non-resident fee for ambulance services represents a change to recognize the fact that all City of Red Deer residents, through their taxes, make a contribution to provide a 24/7 ambulance stand-by service. This is not the case with respect to non-residents and therefore striking a fee of \$100.00, as other municipalities have done, is a reasonable approach to achieving a more equitable cost-recovery of The City's ambulance costs.

Finally a change to inspections will see no fees charged to those businesses which do not have any deficiencies with their inspection. We hope that this approach will encourage businesses to take a difference approach with respect to fire prevention and we anticipate that the approach will be revenue neutral.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager

<b><i>Council Decision – Monday March 11, 2002</i></b>
--

DATE: March 12, 2002

TO: Fire Chief/Manager

FROM: City Clerk

RE: Ambulance Rates

(a) Bylaw 2978/A-2002 – Amendment to Ambulance Bylaw 2978/89

(b) Bylaw 3134/B-2002 – Amendment to Emergency Services Department Fees & Charges Bylaw - Addition of Schedule "F" – Ambulance Charges

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***Reference Report:***

Fire Chief, Manager, dated March 4, 2002.

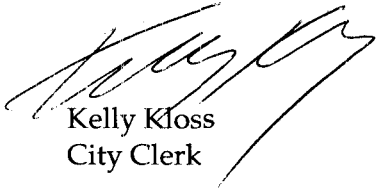
***Bylaw Readings:***

Bylaw Amendment 2978/A-2002 was given three readings. Bylaw Amendment 3134/B-2002 was given two readings and third reading will be considered at the March 25, 2002 Council Meeting. Copies of the bylaws are attached.

***Report Back to Council:*** Yes

***Comments/Further Action:***

This office will be distributing consolidated copies of Ambulance Bylaw 2978/89 in due course.



Kelly Kloss  
City Clerk

/chk  
attachs.

c     Director of Development Services  
       Community Services Director  
       Director of Corporate Services

**BYLAW 2978/A-2002**

Being a bylaw to amend Bylaw No. 2978/89, the Ambulance Bylaw of The City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ENACTS AS FOLLOWS:

Bylaw No. 2978/89 is hereby amended by:


- 1 In the first section "Whereas the City has operated... by deleting the word "Fire" and replacing it with the following: "Emergency Services".
- 2 In Section 3 (1) by deleting the word "Fire" and replacing it with the following: "Emergency Services".
- 3 In Section 7 by deleting the words "from time to time by resolution of Council." and replacing them with the following: "as established by Council."

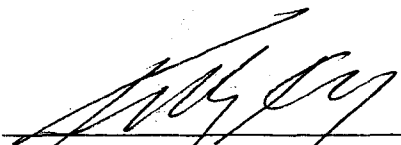
READ A FIRST TIME IN OPEN COUNCIL this 11th day of March 2002.

READ A SECOND TIME IN OPEN COUNCIL this 11th day of March 2002.

READ A THIRD TIME IN OPEN COUNCIL this 11th day of March 2002.

AND SIGNED BY THE MAYOR AND CITY CLERK this 11th day of March 2002.

  
MAYOR

  
CITY CLERK



## BYLAW NO. 3134/B-2002

Being a bylaw to amend Bylaw No. 3134/95, the Emergency Services Department Fees and Charges Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3134/95 is hereby amended as follows:

- 1 By deleting Section 8 in its entirety and replacing it with the following:  
  
"The fees and charges which shall be charged to, and be payable by, the applicant, or other persons specified in Schedule "F", for the services listed in Schedule "F", shall be as set forth in Schedule "F"."
- 2 By adding "Schedule F - Ambulance Fees and Charges" as attached to this bylaw.

READ A FIRST TIME IN OPEN COUNCIL this 11th day of March 2002

READ A SECOND TIME IN OPEN COUNCIL this 11th day of March 2002

READ A THIRD TIME IN OPEN COUNCIL this day of 2002

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2002

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

**SCHEDULE "F"****Ambulance Fees and Charges**

Page 1 of 1

<b><i>Ambulance Services</i></b>	<b><i>Rate</i></b>
<u>Advanced Life Support Ambulance</u> Alberta Blue Cross Group and Individual Plans Non Insured Other Insured	Alberta Blue Cross Group and Individual Plan rates
<u>Basic Life Support Ambulance</u> Alberta Blue Cross Group and Individual Plans Non Insured Other Insured	Alberta Blue Cross Group and Individual Plan rates
<u>Mileage Charges for Ambulance Service</u> Within the City of Red Deer	"Applicable mileage fee" X "an averaged in city travel distance"
Outside the City of Red Deer Limits	"Applicable mileage charge" X "the actual travel distance"
<u>Non-Resident Ambulance Service Fee</u> Applicable to: <ul style="list-style-type: none"> <li>• Non Alberta Blue Cross insurance coverage subscriber</li> <li>• Resident of a municipality not contracting ambulance service from the City of Red Deer</li> </ul>	\$100.00
<u>Provincial Government Sponsored Programs</u>	As determined by the Province of Alberta and accepted by the City of Red Deer

DATE: March 12, 2002

TO: City Council

FROM: City Clerk

RE: Ambulance Rates:

Bylaw 3134/B-2002 – Amendment to Emergency Services Department Fees & Charges  
Bylaw – Addition of Schedule "F" – Ambulance Charges

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**FILE**

*History*

At the Monday, March 11, 2002 meeting of Council, Bylaw 3134/B-2002 – Amendment to Emergency Services Department Fees & Charges Bylaw was given first and second readings.

Bylaw 3134/B-2002 provides for the addition of "Schedule F" – Ambulance Charges to the Emergency Services Department Fees and Charges Bylaw. In the past, charges for ambulance service were authorized under Ambulance Bylaw 2978/89 and adjusted by Council resolution. This bylaw amendment proposes to include ambulance fees and charges as a separate schedule in the Emergency Services Department Fees and Charges Bylaw.

*Recommendations*

That Council give third reading to Bylaw 3134/B-2002 – Amendment to Emergency Services Department Fees & Charges Bylaw.



Kelly Kloss  
City Clerk

/chk

MEMO

DATE: March 5, 2002  
TO: Kelly Kloss, City Clerk  
FROM: Howard Thompson, Land & Economic Development Manager  
RE: **Market Valuation – Edgar Industrial Park and Johnstone Industrial**

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In accordance with City Council Policies 4502 and 4510, industrial lands are to be sold at market value, as directed by Council. Also, the Land Bank Administration Business Plan, section 3.2.1 states that purchase and lease prices are to be established by Council on an annual basis, or more frequently, if necessary. Market values in Edgar Industrial Park were last reviewed by Council in the spring of 2001 and approved at the base value of \$100,000.00 per acre with adjustments for size and location.

In preparation to begin marketing the next phase of Edgar Industrial Park and the Johnstone Industrial area shown as cross-hatched on the attached map, Land and Economic Development contracted the services of an independent land appraiser to value the City's serviced light industrial land holdings. The appraisal report was very in-depth and included a general overview of the industrial marketplace, both within the city and regionally.

Within the city, Edgar Industrial Park remains as the primary fully serviced industrial subdivision with two smaller private land holdings available in Golden West and Riverside Light Industrial Parks. On the outskirts of the city, partially serviced parcels are available in the McKenzie and Liberty Industrial Parks while several new unserved subdivisions have been developed west of Highway 2 in the Burnt Lake area.

Comparable sales were analyzed over the last year, with the appraiser determining the base market values of **\$105,000 per acre for interior lots and \$110,000 per acre for lots with exposure to a highway, collector or arterial road**. This represents a 5.0 % and 10% increase respectively over the current base price of \$100,000 per acre, and is in line with the current economic marketplace. The report also recommended the following size and location adjustments from the benchmark value:

**Location Adjustments:**

- 20.0 % positive adjustment for lots adjacent to Highways 2.
- 5.0 % positive adjustment for lots adjacent to Edgar Industrial Drive.
- 2.5% positive adjustment for lots adjacent to Johnstone Drive.

# MEMO

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## **Parcel Size Adjustments:**

- 5.0 % positive adjustment for lots between 1.0 to 1.5 acres.
- 10.0% positive adjustment for lots of less than 1.0 acres.
- No adjustment for lots larger than 1.5 acres.

The adjustments are essentially the same as previous years with the exception of the addition of a 2.5% premium for exposure, for those lots adjacent to Johnstone Drive and the elimination of the 1 % per acre discount for larger parcels over 5.0 acres. Land and Economic Development support these adjustments as being in line with standard real estate industry practices and reflect the current supply and demand for serviced industrial land. These adjustments would be cumulative if more than one apply.

## **Building Commitment:**

Due to the limited supply of serviced industrial land, the City reintroduced a building commitment last year as a condition of sale. The City should continue the building commitment with construction commencement and completion requirements of 2 and 3 years respectively from the option date.

## **Lease Rates:**

As well as market values, City policy requires that Council set lease rates. In certain circumstances, the City will entertain a one-year lease with an option to purchase for industrial land. The current lease rate is equal to 10% of market value per annum, which is comparable with industry standards, and should be continued by the City.

## **Recommendation:**

Land & Economic Development recommend City Council approve the following terms and conditions for the marketing of land in Edgar Industrial Park and Johnstone Industrial.

### ➤ Base purchase price:

- \$105,000.00 per acre for interior lots
- \$110,000.00 per acre for lots with exposure to a highway, collector or arterial road

## MEMO

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➤ Cumulative Adjustments:

- 20.0 % positive adjustment for lots adjacent to Highways 2.
- 5.0 % positive adjustment for lots adjacent to Edgar Industrial Drive.
- 2.5% positive adjustment for lots adjacent to Johnstone Drive.
- 5.0 % positive adjustment for lots between 1.0 to 1.5 acres.
- 10.0 % positive adjustment for lots of less than 1.0 acres.

➤ Construction commencement and completion requirements to be 2 and 3 years respectively from the option date.

➤ Lease rate to be 10 % of market value.



Howard Thompson, Ec.D.  
Land & Economic Development Manager

Att.

c. Bryon Jeffers, Director of Development Services



*Comments:*

We agree with the recommendations of the Land & Economic Development Manager relative to the pricing strategy for the remaining Edgar and Johnstone industrial lands. It should also be noted that the Johnstone Park industrial land, given the limited amount of land remaining, will be sold through a competitive call for proposal as opposed to the normal "over the counter" sale process. We anticipate that a call for proposal will be initiated immediately.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager



**Council Decision – Monday March 11, 2002**

**DATE:** March 12, 2002

**TO:** Land & Economic Development Manager

**FROM:** City Clerk

**RE:** Market Valuation – Edgar Industrial Park and Johnstone Industrial

**Reference Report:**

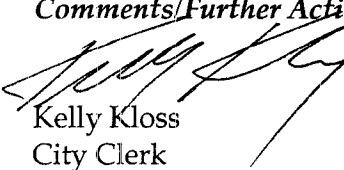
Land & Economic Development Manager, dated March 5, 2002.

**Resolutions:**

*Resolved* that Council of the City of Red Deer having considered the report from the Land & Economic Development Manager dated March 5, 2002, re: Market Valuation – Edgar Industrial Park and Johnstone Industrial approves the following terms and conditions for the marketing of land in Edgar Industrial Park and Johnstone Industrial:

1. Base Purchase Price:
  - (a) \$105,000.00 per acre for interior lots
  - (b) \$110,000.00 per acre for lots with exposure to a highway, collector or arterial road
2. Cumulative Adjustments:
  - (a) 20.0% positive adjustment for lots adjacent to Highways 2.
  - (b) 5.0% positive adjustment for lots adjacent to Edgar Industrial Drive.
  - (c) 2.5% positive adjustment for lots adjacent to Johnstone Drive.
  - (d) 5.0% positive adjustment for lots between 1.0 to 1.5 acres.
  - (e) 10.0% positive adjustment for lots of less than 1.0 acres.
3. Construction commencement and completion requirements to be 2 and 3 years respectively from the option date.
4. Lease rate to be 10% of market value.

**Report Back to Council:** No

**Comments/Further Action:**

Kelly Kloss  
City Clerk  
/chk

c Director of Development Services  
Director of Corporate Services



**WESTERNER  
PARK**

Item No. 1  
Correspondence

103

February 13, 2002

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

**Attention: Kelly Kloss**  
**City Clerk**

Dear Kelly;

I am writing on behalf of the Board of Directors of the Westerner Exposition Association (Westerner Park).

We wish to formally request that the City of Red Deer amend the City of Red Deer Land Use Bylaw (170 (9)) such that it would allow the establishment of a permanent Gaming Establishment as a discretionary use on the Westerner Park site.

Although no firm plans or Gaming Establishment License are currently in place, we have had discussions with the Government of Alberta regarding the issuance of a Gaming License to Westerner Park. This could take the form of either a permanent Casino or permanent Racing Entertainment Centre. The Government of Alberta is aware that our site is not currently zoned to allow for such usage, and are awaiting confirmation of zoning approval before any further discussions transpire.

The establishment of a permanent Casino or Racing Entertainment Centre on our site would allow the Westerner to generate a source of revenue for much needed Capital Projects, while allowing us to become less reliant on government funding. In such times of economic restraint on the part of the Provincial Government, we continue to search for ways in which to operate on a financially self-sufficient basis.

The precedent for such a use on sites such as ours has already been set throughout the province. The Major Class A Exhibition facilities in Calgary, Edmonton and Lethbridge are currently zoned for such usage, and a permanent Gaming Entertainment Centre operates at each of these three Exhibition facilities on a year-round basis.

Westerner Park has not currently finalized my plans for a facility that would house such an operation. However, whether it is either a permanent Casino or Gaming Entertainment Centre, we envision that a new, stand-alone facility would be constructed for this use. If a Casino License was issued to Westerner Park, a facility would be built in a location that would allow separate access and egress to the

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Alberta's  
largest  
trade show,  
agriculture,  
sports, concert,  
entertainment,  
and convention  
facility.*

4847A-19th Street  
Red Deer, Alberta  
Canada T4R 2N7

Website:  
<http://westerner.ab.ca>

Tel (403) 343-7800  
Fax (403) 341-4699

- 2 -

Westerner site from 49<sup>th</sup> Avenue and which would allow for year-round operation regardless of what other events are taking place on our site. (I have identified these possible locations as #1 and #2 on the attached Site Map).

A Gaming Entertainment Centre can only be operated in conjunction and proximity to live horse racing on our site. This would necessitate construction of a permanent facility within our race track area. A Racing Entertainment Centre would be limited to slot machine usage only, in conjunction with live and teletheatre horse race wagering, and would not incorporate the use of Casino table games. (I have identified a possible location as #3 on the attached Site Map).

I trust that the above information is sufficient for City Council to consider this request. I would be pleased to meet with you or City Council, at your convenience, to address any questions or concerns which may arise out of this request.

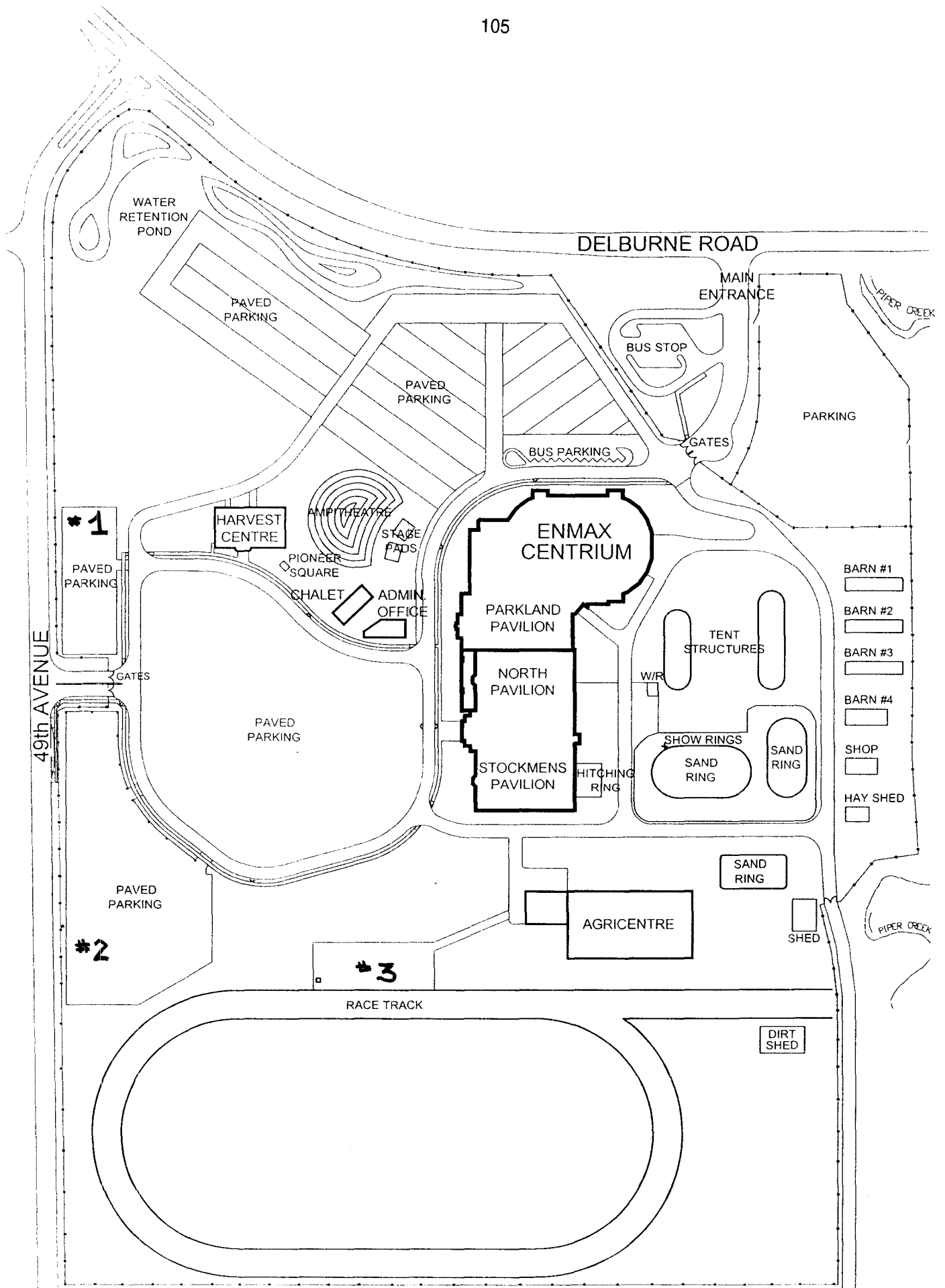
Thank you in advance for your consideration of this matter.

Sincerely,



John Harms  
General Manager

cc: Bill Olafson, President, Westerner Park  
Rod Kennedy, 1<sup>st</sup> Vice President, Westerner Park  
Ed Liptak, 2<sup>nd</sup> Vice President, Westerner Park  
Ross Towers, Past President, Westerner Park  
Jim White, Assistant General Manager, Westerner Park  
Morris Flewwelling, City Council  
Larry Pimm, City Council  
Victor Doerksen, M.L.A., Red Deer South Constituency  
Mary Anne Jablonski, M.L.A., Red Deer North Constituency  
Luke Ouellette, M.L.A., Innisfail, Sylvan Lake Constituency



# WESTERNER PARK OVERALL SITE

TO: City Clerk

FROM: Paul Meyette                      Greg Scott  
City Planning Manager              Inspections and Licensing Manager

RE: Land Use Bylaw 3156/I-2002

The Board of Directors of the Westerner Expositions Association are requesting that Gaming Establishment be added as a discretionary use.

#### BACKGROUND INFORMATION

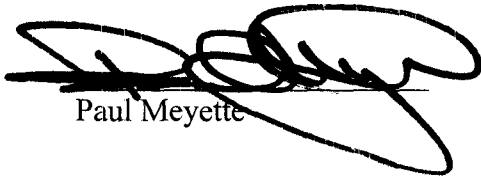
The entire Westerner site is designated Public Service. This district includes schools, community uses, campgrounds and other public or quasi-public uses. The District also includes a set of permitted uses and a set of discretionary uses that are specific to the Westerner. The permitted uses allowed on the Westerner site include the Westerner Exposition, shows, rodeos, circuses, concerts and sporting events and the rental of facilities for various events. Discretionary uses allowed on the Westerner site include any similar to the permitted uses and ancillary uses. The Westerner Exposition Association proposes to add Gaming Establishment to the Westerner's discretionary use list.

#### STAFF COMMENTS

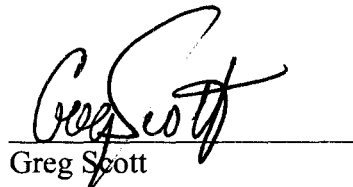
The additional of Gaming Establishment to the Westerner's list of discretionary uses will allow MPC to consider approving a casino or racetrack on the site. By making this a discretionary use MPC can assess traffic volumes, location and other factors related to the suitability of this use, when or if an application is received.

#### RECOMMENDATION

Staff recommends that Council give first reading to Bylaw 3156/I-2002.



Paul Meyette



Greg Scott

**Date:** March 4, 2002

**To:** Kelly Kloss  
City Clerk

**From:** Colleen Jensen  
Community Services Director

**Re:** Westsener Park: Request for Amendment to Land Use Bylaw  
To Allow Establishment of Permanent Gaming Establishment on  
Westerner Park Site

---

I have reviewed the February 13<sup>th</sup> letter from John Harms, General Manager of Westerner Park. The Board of Directors of the Westerner Exposition Association requests The City to amend the Land Use Bylaw to allow the establishment of a permanent gaming establishment as a discretionary use on the Westerner Park site.

I support the request as submitted, as long as the requested amendment is for **discretionary** use, which will therefore mean that the Municipal Planning Commission will review any application prior to approval. The applicant will have to ensure that issues such as traffic, noise and compatibility with surrounding uses are addressed to the satisfaction of MPC.

**RECOMMENDATION**

THAT Council of The City of Red Deer direct the Administration to initiate the process of amending the Land Use Bylaw to change the zoning of Public Service related to the Westerner Park site, such that a gaming establishment would be considered a discretionary use on that site.



Colleen Jensen

:dmg

285-001

Date: February 19, 2002

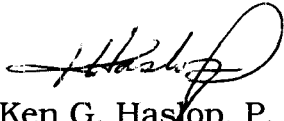
To: City Clerk

From: Engineering Services Manager

**Re: Westerner Park - Request for Amendment to Land Use By-law  
Permanent Gaming Establishment**

---

The Engineering Services Department has no objection to the concept; however, the site location, access location, and access location relative to 49 Avenue will require a Traffic Study if this proposal proceeds.



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

KGH/emr

c. Traffic Engineer

***Comments:***

We agree that Council proceed with First Reading of the Land Use Bylaw Amendment. A Public Hearing will be held on Monday, April 8, 2002 at 7:00 p.m. in Council Chambers.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager





**Office of the City Clerk**

**FILE**

December 21, 2001

*Backup*

John Harms  
General Manager  
Westerner Park  
4847A - 19 Street  
Red Deer, AB T4R 2N7

Dear Mr. Harms:

Thank you for your letter of December 13, 2001 requesting Council to support a Casino License for Westerner Park. In speaking with the Mayor and City Manager, they asked that I outline the position Council has taken regarding Municipal participation in Casino licensing.

As you may be aware, City Council passed a resolution on November 19, 2001 (copy attached) formalizing their views which focused on three key points:

1. That the Province must retain all responsibility for licensing including seeking public input and gauging community support.
2. That it is not the role, nor should it be the responsibility of Municipal Government to provide "expressed consent" by way of Council resolution or in any other way, with respect to licensing gaming facilities.
3. That a clear distinction must be maintained between provincially mandated licensing issues and municipal land use issues, and the respective approval process that guide these distinct spheres of responsibilities.

During debate, members of Council stressed their agreement with the principle of public input and their willingness to assist the Province in designing an appropriate public consultation process. They were, however, unanimous in their view that the licensing process must be carried out by the Provincial Government and accountability must rest with Provincial representatives. Many other municipalities and the Alberta Urban Municipalities Association also share this view. I have attached correspondence related to their opinions.

...2/

*The City of Red Deer*

Box 5008  
Red Deer, Alberta  
T4N 3T4

Within your letter you provide a quote from the Chairman of the Alberta Gaming and Liquor Commission. Much of the material related to casino licensing is in a draft stage and recently the City Manager received correspondence from the Chairman that provides an updated draft position. In addition to quoting the specific sections, I have also provided you a copy of the correspondence.

14.5.6: The Commission will request, but not require, that if council wishes to express its support, that it do so within a specified period of time and normally to be no more than 120 days from the date the Commission formally advised the council....

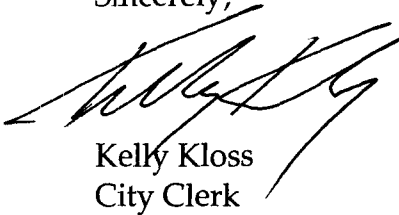
14.5.7: If expressed support has not been provided by the specified expiry date..... this shall be regarded by the Commission as absence of expressed support.

Although Council does not want to take an adversarial or non-cooperative role in this issue, it believes the Minister may not fully appreciate the policy, practical, and legal issues imbedded in involving municipal governments in the licensing process. Definitely more discussion is required to ensure clarity.

On a related issue, in reviewing the Land Use Bylaw a "Gaming or Gambling Establishment", which the location of permanent casinos falls under, is neither a permitted or discretionary use within Westerner Park. An application for a casino license to the Province may be premature, as currently a permanent casino is not allowed on the Westerner site. Determining the districts that a gaming or gambling establishment should be allowed to locate in Red Deer does fall within the responsibility of the municipal government and could be considered by City Council. This would be a separate issue to casino licensing and if Council approved the land use it would not constitute an expression of support or non-support toward a casino license.

The Mayor and City Manager would be pleased to meet with you and members of your Board in the New Year to discuss the issues of land use and/or licensing. Please call their secretary at 342-8154 to set up a convenient meeting time.

Sincerely,



Kelly Kloss  
City Clerk

KK/chk

c     Mayor  
      Councillors  
      City Manager  
      Director of Community Services  
      City Planner  
      Honorable Ron Stevens – Minister of Gaming  
      Honorable Victor Doerksen, M.L.A., Red Deer South Constituency  
      Mary Anne Jablonski, M.L.A., Red Deer North Constituency  
      Luke Ouellette, M.L.A., Innisfail-Sylvan Lake Constituency  
      Norm Peterson, Chairman & CEO, Alberta Gaming & Liquor Commission

**COPY OF A RESOLUTION PASSED BY RED DEER CITY COUNCIL  
ON NOVEMBER 19, 2001**

*Whereas* Council strongly supports the need for the Province to seek community input with respect to applications for casino licenses in the community, and,

*Whereas* Council believes strongly it is not appropriate for Municipalities to assume the role of seeking public input and gauging community support on the licensing of casinos, and

*Whereas* Council is keenly aware that there are duly elected Provincial representatives in each community whose express purpose is to convey the public mind of community constituents on matters related to Provincial jurisdiction.

*Now therefore be it Resolved* that Council of the City of Red Deer hereby agrees that the following points be strongly conveyed to the Honourable Ron Stevens, Minister of Gaming:

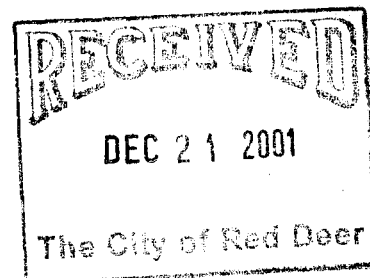
1. That the Province must retain all responsibility for licensing including seeking public input and gauging community support.
2. That it is not the role, nor should it be the responsibility of Municipal Government to provide "expressed consent" by way of Council resolution or in any other way, with respect to licensing gaming facilities.
3. That a clear distinction must be maintained between provincially mandated licensing issues and municipal land use issues, and the respective approval processes that guide these distinct spheres of responsibilities.



**WESTERNER  
PARK**

December 13, 2001

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



**Attention: Mayor Surkan and Members of Council**

Dear Members of City Council;

I am writing on behalf of the Board of Directors of the Westerner Exposition Association.

Over the past two years, Westerner Park, along with the other six Major Regional Exhibition facilities in Alberta, has made presentations and requests to the Government of Alberta for increases in our government funding levels, which are currently made available through Alberta Lotteries. The request for increases in our funding levels were to fund Major Capital Projects.

The Westerner Exposition Association, itself, has identified the need for Capital Project spending on badly needed and fully justified projects in the magnitude of ten million dollars. This includes projects such as the construction of an equine stabling facility for four hundred (400) horses, expansion of the Agricentre facility, construction of a three thousand (3000) seat grandstand facility and numerous other projects. All of these projects are necessary in order to assist us in fulfilling our mandate and to attract visitors to Red Deer and Central Alberta.

Following the announcement of the cutbacks in government spending on October 18 of this year, we have been advised that the development of a government funded Major Exhibition Capital Grant program would be doubtful at this time.

As the Government of Alberta has also recently announced a relaxation in the number of Casino Licenses issued in the Province, the Westerner has now asked the Provincial Government to issue a year-round Casino License to our Association. We feel that, if granted a license to operate a Casino on a year-round basis, Westerner Park could generate its own source of revenue to fund projects now and in the future. It would alleviate our need for continued increase in government funding, reduce the onus upon government and provide us with the tools and ability to be totally financially self-sufficient. All of the projects highlighted in our Capital Expansion plan, and all future capital endeavors, could be totally self-funded by our Association.

An additional Casino in the City of Red Deer would not only provide revenue to the Westerner, but would also provide many other charities and non-profit organizations with an opportunity to generate funds as they participate in the Casinos, by way of the government's current Charitable Model. Even if these charities and non-profit

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Tel (403) 343-7800  
Fax (403) 341-4699

organizations are currently participating in Casinos, an additional casino would increase the frequency by which they could participate.

Subsequent to our request, we have been advised by the Chairman of the Alberta Gaming and Liquor Commission that:

“Community support through expressed consent is required to initiate the approval process. Expressed consent would be a resolution of municipal council in support of the proposed new facility”.

On behalf of the Board of Directors of Westerner Park, we formally request expressed consent from the City of Red Deer, by way of a resolution of City Council, in support of our request for a Casino License.

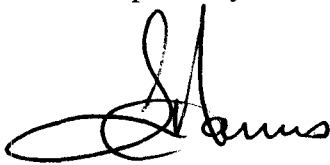
Should Westerner Park be successful in obtaining the City's consent and obtaining an additional Casino License in the City of Red Deer, the Association would be fully prepared to construct a stand alone, single-purpose facility for this purpose. We feel that the location of the Westerner site would be ideally suited for this purpose, as no other Gaming or Casino facility exists in South Red Deer.

Our Board of Directors fully support this request, as they feel this will allow us to expand and to continue to provide outstanding facilities to the residents of Red Deer and Central Alberta, and would ask that the City of Red Deer give formal consideration to this request.

Members of our Board of Directors and I would be prepared to meet with you at any time to discuss our proposal in detail.

Thank you for your consideration on this matter.

Respectfully submitted,



John Harms  
General Manager

JH/dfm

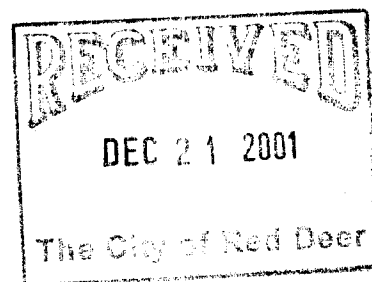
cc: Honorable Ron Stevens – Minister of Gaming  
Honorable Victor Doerksen, M.L.A., Red Deer South Constituency  
Mary Anne Jablonski, M.L.A., Red Deer North Constituency  
Luke Ouellette, M.L.A., Innisfail-Sylvan Lake Constituency  
Norm Peterson, Chairman & CEO, Alberta Gaming & Liquor Commission



**WESTERNER  
PARK**

December 13, 2001

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



**Attention: Mayor Surkan and Members of Council**

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Subsequent to our request, we have been advised by the Chairman of the Alberta Gaming and Liquor Commission that:

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On behalf of the Board of Directors of Westerner Park, we formally request expressed consent from the City of Red Deer, by way of a resolution of City Council, in support of our request for a Casino License.

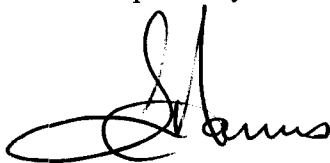
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Our Board of Directors fully support this request, as they feel this will allow us to expand and to continue to provide outstanding facilities to the residents of Red Deer and Central Alberta, and would ask that the City of Red Deer give formal consideration to this request.

Members of our Board of Directors and I would be prepared to meet with you at any time to discuss our proposal in detail.

Thank you for your consideration on this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John Harms', with a large, stylized initial 'J'.

John Harms  
General Manager

JH/dfm

cc: Honorable Ron Stevens – Minister of Gaming  
Honorable Victor Doerksen, M.L.A., Red Deer South Constituency  
Mary Anne Jablonski, M.L.A., Red Deer North Constituency  
Luke Ouellette, M.L.A., Innisfail-Sylvan Lake Constituency  
Norm Peterson, Chairman & CEO, Alberta Gaming & Liquor Commission



**Kelly Kloss**

**From:** Kelly Kloss  
**Sent:** December 20, 2001 8:52 AM  
**To:** City Manager; Directors; 'Bev Hughes'; 'Dennis Moffat'; 'Diana Rowe'; 'Jeffrey Dawson'; 'Larry Pimm'; 'Lorna Watkinson-Zimmer'; 'Mayor'; 'Morris Flewwelling'; 'Vesna Higham'  
**Subject:** AUMA - To All Mayors & Councils - RE: AUMA Letter to Ministers of Gaming, Honourable Ron Stevens Regarding Gaming Licensing

**From: Sherrey Solmonson**

**Sent:** December 19, 2001 1:46 PM  
**Subject:** To All Mayors & Councils - RE: AUMA Letter to Ministers of Gaming, Honourable Ron Stevens Regarding Gaming Licensing

December 13, 2001

The Honourable Ron Stevens  
Minister of Gaming  
104 Legislature Building  
10800 - 97 Avenue  
Edmonton, AB T5K 2B6  
Fax: 415-4857 Plus Hard Copy

Dear Honourable Minister:

I am writing to you on behalf of the Alberta Urban Municipalities Association (AUMA) Board regarding the Gaming Licensing Policy Review and the proposals contained therein.

Specifically, the AUMA is deeply concerned with the Provincial Government's approach for approving new or expanded gaming facilities within a community. It should not be the responsibility of municipal councils to determine Provincial gaming policy at a local level. We believe this is yet another example of the Provincial Government downloading responsibilities to municipalities without any thought whatsoever to ensuring that municipalities also enjoy the rights and benefits associated with such responsibilities.

The VLT plebiscites clearly showed that the introduction or expansion of gaming into a community is often a very divisive issue within that community. If the Provincial Government is unwilling to make tough decisions on its own about gaming in Alberta then it should cease collecting the financial rewards coming out of gaming activities from Alberta's communities. In short, the AUMA is completely opposed to any downloading of Provincial responsibility to municipalities with regards to gaming, particularly when municipalities will not receive any of the direct rights and financial benefits that are derived from gaming activities within their communities.

Thank you for your attention to this very important matter. If AUMA can be of any service in further clarifying our position on this or any other municipal issue, please do not hesitate to contact us.

Yours truly,

George Rogers,  
President

cc: Premier  
Minister of Municipal Affairs  
All Mayors and Councils

Fax: 427-1349  
Fax: 422-9550  
Via E-Mail



OFFICE OF THE REEVE  
Phone (403) 350-2152 Fax (403) 350-2164

December 4, 2001

Mayor Gail Surkan  
City of Red Deer  
Box 5008  
RED DEER, AB T4N 3T4

Dear Mayor Surkan

At the December 4, 2001, regular meeting of County Council, the province's proposed new Gaming Policy and relative correspondence from the City of Red Deer was presented and reviewed by Council.

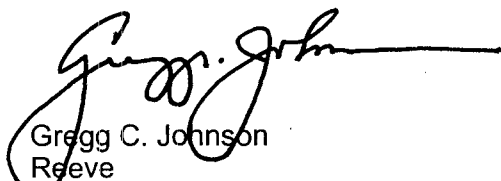
County Council was in agreement that Red Deer County and the City of Red Deer should take a common position on this proposed policy. Therefore, the following resolution was unanimously approved:

*"That Red Deer County is in agreement with the City of Red Deer's position on the proposed Provincial Gaming Policy and concurs with the province's principle of public input and is willing to assist the province in designing an appropriate public consultation process; however, the County also concurs that the provincial government must take responsibility for the licensing process for gaming facilities as well as being accountable for gaming in Alberta."*

As adjoining municipalities, we acknowledge the importance of sharing a common interest on this important issue, and we appreciate the opportunity to provide comment.

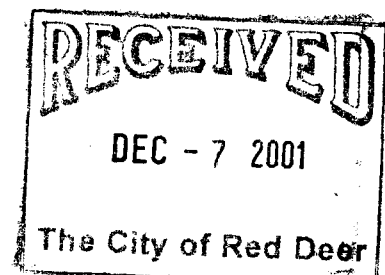
Yours truly

RED DEER COUNTY



Gregg C. Johnson  
Reeve

nel





# TOWN OF LACOMBE

E-Mail - mail@town.lacombe.ab.ca  
Web Site - www.town.lacombe.ab.ca

5034 - 52nd Street, Lacombe, AB T4L 1A1  
Telephone: 782-6666  
Fax: 782-5655

## Office of Mayor

December 14, 2001

**Mailed**

Honourable Ron Stevens  
Minister of Gaming  
#104, 10800 - 97 Avenue  
Edmonton, AB T5K 2B6

Dear Minister:

**RE: Gaming Licensing Policy Review**

On December 10, 2001, at their regular meeting, Lacombe Town Council discussed the new policies governing the approval of casino licenses. Most of the discussion revolved around what a municipality's role should be in the issuance of gaming licenses for casinos.

The Town of Lacombe sees the municipality's role as only dealing with land use issues related to gaming establishments. This is consistent with the *Municipal Government Act*, with which we agree.

As a community that held two plebiscites regarding VLTs, we are reluctant to get involved in what we consider Provincial jurisdiction. Therefore, Council passed the enclosed resolution that supports the Province retaining all responsibility for licensing, including the assessment of public support.

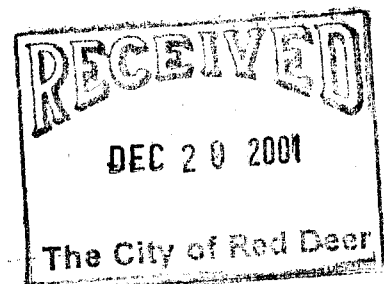
Sincerely,

W.J. "Bill" McQuesten  
Mayor

WJM/vhv

Enclosure

c. Mayor Surkan, Red Deer  
AUMA



TOWN OF LACOMBE

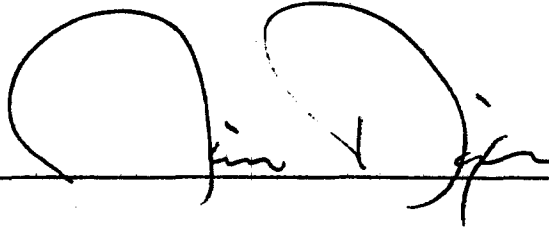
Page # 9

Motion # \_\_\_\_\_

Ref. # \_\_\_\_\_

Resolution # \_\_\_\_\_

MOVED BY: \_\_\_\_\_



WHEREAS Council strongly supports the need for the Province of Alberta to seek community input with respect to applications for casino licenses in the community; and

WHEREAS Council believes strongly it is not appropriate for Municipalities to assume the role of seeking public input and gauging community support on the licensing of casinos; and

WHEREAS Council is keenly aware that there are duly elected Provincial representatives in each community whose express purpose is to convey the public mind to community constituents on matters related to Provincial jurisdiction.

NOW THEREFORE BE IT RESOLVED THAT Council agrees that the following points be strongly conveyed to the Honourable Ron Stevens, Minister of Gaming:

1. That the Province must retain all responsibility for licensing including seeking public input and gauging community support.
2. That it is not the role, nor should it be the responsibility of Municipal Government to provide "expressed consent" by way of Council resolution or in any other way, with respect to licensing gaming facilities.
3. That a clear distinction must be maintained between provincially mandated licensing issues and municipal land use issues, and the respective approval processes that guide these distinct spheres of responsibilities.

Voted for the Motion: \_\_\_\_\_

7

Voted against the Motion: \_\_\_\_\_

0

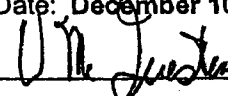
Motion Carried: \_\_\_\_\_

✓

Motion Defeated: \_\_\_\_\_

Date: December 10, 2001

Mayor: \_\_\_\_\_





# Medicine Hat The Gas City

Office of the City Clerk  
680 First Street, SE  
Medicine Hat, AB T1A 8E6  
Tel: (403) 529-8234 Fax: (403) 529-8182

December 18, 2001

Honourable Ron Stevens  
Minister of Gaming  
Province of Alberta  
104 Legislature  
Edmonton, AB T5K 2B6

Fax: (780) 415-4857

Dear Mr. Stevens:

Re: New Gaming Licensing Policy

On behalf of Mayor Garth Vallely and the Aldermen, I advise:

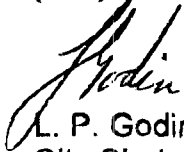
**THAT on Monday, December 17<sup>th</sup>, 2001 the Medicine Hat City Council unanimously passed a resolution that in summary supported the City of Red Deer's position " .... that the licensing process must be carried out by the Provincial Government and accountability must rest with the Provincial representatives."**

The wording of the actual resolution reads as follows:

"That City Council support the resolution of Red Deer City Council as follows:

1. That the Province must retain all responsibility for licensing including seeking public input and gauge community support.
2. That it is not the role, nor should it be the responsibility for Municipal Government to provide "expressed consent" by way of Council resolution or any other way, with respect to licensing gaming facilities.
3. That a clear distinction must be maintained between provincially mandated licensing issues and municipal land use issues, and the respective processes that guide these distinct spheres of responsibilities."

If there are any questions, please contact either Mayor Garth Vallely by telephone at (403) 529-8181 or by fax at (403) 529-8182 or Larry Godin, City Clerk.

  
L. P. Godin  
City Clerk

Copy: Mayor Gall Surkan  
City of Red Deer Fax: 403 342-8365  
Honourable Dr. Lorne Taylor, Minister of Environment  
MLA – Cypress Medicine Hat Constituency Fax: (403) 528-2278  
Rob Renner, MLA  
Medicine Hat Constituency Fax: (403) 527-5112

# THE City of FORT SASKATCHEWAN



**Ken Hodgins**  
Mayor

10005 - 102 STREET  
FORT SASKATCHEWAN, ALBERTA  
CANADA T8L 2C5  
TELEPHONE (780) 992-6220  
FAX (780) 998-4774

December 18, 2001

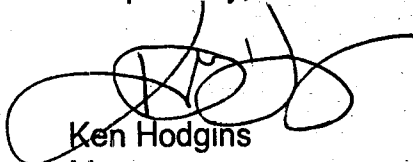
Honorable Ron Stevens  
Minister of Gaming  
104 Legislature Building  
Edmonton AB T5K 2B6

Dear Minister Stevens:

It has been brought to our attention that your department is considering a new Gaming Policy which may place unreasonable burdens on municipal government in Alberta. The Council of the City of Fort Saskatchewan supports the need for the Province to seek community input with respect to applications for casino licenses in the community, but we do not believe that municipalities should assume the role of seeking public input and gauging community support for the licensing of casinos.

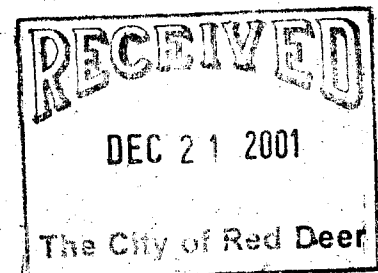
Consequently, we believe that the Province must retain all responsibility for licensing including public consultation and that a clear distinction must be maintained between provincially mandated licensing issues and municipal land use issues, and the respective approval process that guide these distinct spheres of responsibility.

Respectfully,



Ken Hodgins  
Mayor

p.c. Rob Lougheed, MLA, Clover Bar-Fort Saskatchewan  
Mayor Gail Surkan, City of Red Deer  
City Council





December 14, 2001

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

**ATTENTION: MAYOR GAIL SURKAN**

Dear Mayor Surkan:

Thank you very much for your letter and kind words of November 27, 2001 and congratulations on your recent election. I would be very pleased to share thinking and develop cooperative strategies to address issues when we hold common concerns with yourself and the City of Red Deer.

With this in mind, the City of Cold Lake reviewed the material presented by yourself on behalf of the City of Red Deer relative to the new Gaming Policy recently announced by the Honourable Ron Stevens, Minister of Gaming. The City of Cold Lake shares your concerns with regard to the burden placed on municipal governments in determining "community consent" for expansion of gaming in individual communities. As such, the common position that you have suggested to deal with the casino issue is excellent; we have forwarded the attached correspondence to Minister Stevens and our local MLA strongly recommending that the Province retain all responsibility for licensing including the seeking of community support.

I realize you will be consulting with Mr. Stevens in the very near future and if the City of Cold Lake or I can be of any assistance in regard to this matter, we would be pleased to oblige.

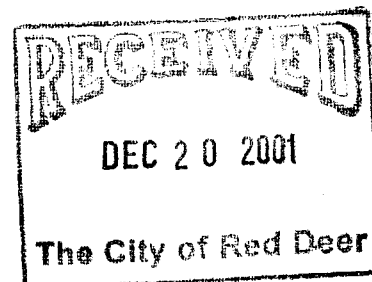
I trust this information is as required.

Sincerely,

*Hansa Thaleshr*

Hansa Thaleshr,  
Mayor

MP/cjr





## **TOWN OF BLACKFALDS**

*Box 220, 5016 Waghorn Street  
Blackfalds, Alberta  
T0M 0J0*

*Phone: (403) 885-4677  
Fax: (403) 885-4610  
Website: <http://www.blackfalds.com>  
E-mail: [blackfalds.com](mailto:blackfalds.com)*

December 12, 2001

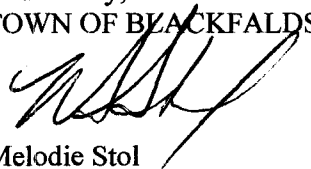
Mayor Gail Surkan  
City of Red Deer  
4914-48 Avenue, P.O. Box 5008  
Red Deer, Alberta  
T4N 3T4

Dear Mayor Surkan:

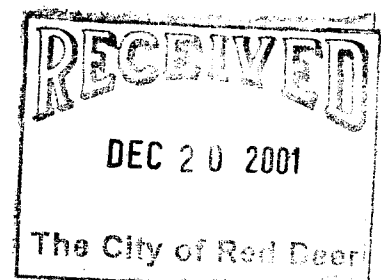
**Re: Gaming Licensing Policy Review**

Thank you for bringing the provinces new policy governing the approval of casino licenses to our attention. Council reviewed this policy at its December 11, 2001 Regular Council Meeting, and concur with the concerns Council of the City of Red Deer has. A letter has been sent to Honourable Ron Stevens, Minister of Gaming, expressing our concerns with this policy.

Yours truly,  
TOWN OF BLACKFALDS

  
Melodie Stol  
Deputy Chief Elected Official

/gl







**MAYOR BILL SMITH**  
CITY OF EDMONTON

2nd FLOOR, CITY HALL  
1 SIR WINSTON CHURCHILL SQUARE  
EDMONTON, ALBERTA, CANADA T5J 2R7  
PHONE (780) 496-8100  
FAX (780) 496-8292  
EMAIL [bill.smith@gov.edmonton.ab.ca](mailto:bill.smith@gov.edmonton.ab.ca)

December 13, 2001

Her Worship Mayor Gail Surkan  
City of Red Deer  
Box 5008  
Red Deer, AB T4N 3T4

Dear Mayor Surkan:

Thank you for your November 27, 2001 letter. I share your anticipation in working together in the future to develop a close and cooperative working relationship with the province and our neighbouring municipalities.

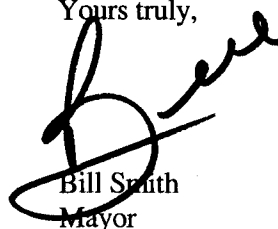
The City of Edmonton's Administration has reviewed information provided by the Alberta Gaming and Liquor Commission (AGLC) regarding the Gaming Licensing Policy Review currently underway. While we appreciate the province's recognition of the need for community input in the Gaming Licensing Review process, the Administration has a number of concerns with the sequence and implications of the proposed process.

I have enclosed, for your information, a letter from Al Maurer, City Manager, to Mr. Norman Peterson of the AGLC, which outlines the Administration's comments regarding the proposed gaming licensing process. This issue will be forwarded to City Council in January 2002 for discussion, debate and recommendation.

If a meeting is to be arranged with the Province regarding the potential impacts and implications for municipalities resulting from the new Gaming Licensing Policy, the City of Edmonton would be very interested in attending. Please contact me at 496-8100 to arrange for representation from the City of Edmonton at any such future discussions.

Until then, I wish you and yours a wonderful holiday season.

Yours truly,

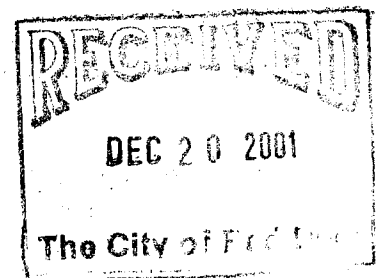


Bill Smith  
Mayor

Enclosure

c: Al Maurer, City Manager  
Bruce Duncan, Intergovernmental Affairs

**Host City**  
2001 8<sup>th</sup> IAAF World Championships in Athletics  
2001 ITU Triathlon World Championship





City of Edmonton  
Office of the  
City Manager



5th Floor, City Hall  
1 Sir Winston  
Churchill Square



Edmonton, Alberta  
T5J 2R7



Tel. (780) 496-8222  
Fax (780) 496-8220

Reference No. 0405-15

December 13, 2001

Mr. Norman C. Peterson  
Chairman and CEO  
Alberta Gaming and Liquor Commission  
50 Corriveau Avenue  
St. Albert, Alberta  
T8N 3T5

Dear Mr. Peterson:

Thank you for your letter to Mayor Smith and myself, dated December 5, 2001, inviting the City of Edmonton's input regarding the draft Casino Terms & Conditions and Operating Guidelines. We appreciate our inclusion into the New Casino Policies Stakeholder Consultation, and believe that we can add value to this stage of your Gaming Licensing Review.

The City of Edmonton Administration applauds the Commission's recognition of the need for community input in the Gaming Licensing Process. However, initial review of the *Achieving a Balance: Gaming Licensing Policy Review* and *Newsrelease* available on your web site, and the Draft Sections 14 and 15 sent with your December 5, 2001 letter, has raised a number of concerns with us.

The Administration believes that the process as outlined, prematurely requires the City of Edmonton to take a position regarding a licence for a new casino before the AGLC has accepted, reviewed, selected and investigated the proposed development. This will result in:

- ◆ Council may not want to be part of the initial community consultation process on granting an additional licence. They may consider this to be a provincial responsibility and necessary as part of the licensing process of the province;
- ◆ Council consideration and speculation regarding a non-specific, theoretical development concept rather than a detailed comparative proposal;
- ◆ Multiple rezoning applications for each new licence being considered, necessitating considerable expenditure of time, effort and expense on behalf of the Developers, City Administration and City Council, possibly before City Council has even expressed support for the issuance of a new licence;
- ◆ Generation of a significant amount of community division and conflict throughout the city, as multiple rezoning applications are processed, with most having no realistic expectation of being developed; and

**Host City**  
2001 8<sup>th</sup> IAAF World Championships in Athletics  
2001 ITU Triathlon World Championship

- ♦ The possible creation of a large number of sites speculatively zoned for casinos, which will remain vacant and ultimately require rezoning to establish appropriate uses for the vast majority of these sites.

The City of Edmonton Administration proposes that more efficient and effective participation by the Municipality could be achieved if City Council could consider a position of support or non-support for a proposed casino licence once the AGLC has completed its review, investigation, and selection of a viable casino proposal, and if there is a decision of "conditional approval subject to appropriate zoning".

Furthermore, the Administration is concerned to discover that the position of the Gaming Licensing Policy has changed regarding the requirement for submission of a municipality's position of support or non-support. Previous versions and information indicated that if no response or a resolution of non-support is received from the municipality, the proposal for a new casino licence will not proceed. Section 14 indicates that a Council's position will be considered and may be ignored at the Board's discretion.

The comments above are those of the City of Edmonton Administration. Information regarding the New Casino Policies, including the above concerns, and Edmonton's participation in the Stakeholder Consultation will be forwarded to Edmonton's City Council in January, 2002, to seek direction for future discussions. Until then, the Administration would appreciate being informed and involved in discussions regarding this new policy.

Please contact me at 496-8222 if you have any questions regarding this information or to arrange representation at planned discussions.

Yours truly,



A.B. Maurer, P.Eng.  
City Manager

ABM/LB

cc: Mayor Bill Smith  
Members of City Council

December 5, 2001

Mr. Norbert Van Wyk  
City Manager  
City of Red Deer  
PO Box 5008  
Red Deer, Alberta  
T4N 3T4

Dear Mr. Van Wyk:

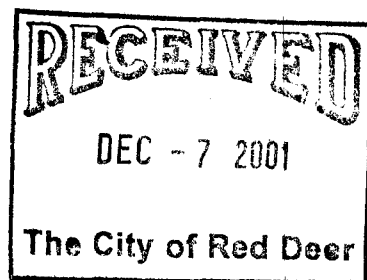
Subject: New Casino Policies Stakeholder Consultation

Your input is invited regarding draft revisions to the Casino Terms & Conditions and Operating Guidelines.

As you are aware, on October 22, 2001 the government announced its approval of new gaming licensing policies. In response to these policies, the Alberta Gaming and Liquor Commission (AGLC) prepared draft revisions to the casino terms and conditions. These terms and conditions will require the approval of the AGLC Board before the moratorium on new or expanded casino gaming activities will be lifted.

Stakeholder input on the draft terms and conditions are an important part of the process. For this purpose, the following draft policies are enclosed for your review and comment:

1. Draft Section 14 (new): Casino Application and Licensing Policy, Casino Terms & Conditions and Operating Guidelines; and
2. Draft Section 15 (new): Casino Expansion and Relocation Policy, Casino Terms & Conditions and Operating Guidelines.



You may provide your comments in writing or, if you prefer, you may arrange to meet with senior AGLC staff. Please provide written comments **by December 20, 2001** to:

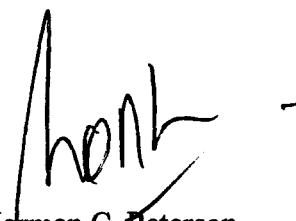
Mr. Bob Arnett  
Manager, Casino Programs  
Alberta Gaming and Liquor Commission  
50 Corriveau Avenue  
St. Albert, Alberta  
T8N 3T5

The AGLC will review all of your comments and provide the AGLC Board a report summarizing all stakeholder input for their consideration. AGLC Board approval is expected in January 2002.

Your input is extremely valuable and I thank you for your efforts in assisting us in meeting these tight timelines.

If you require any additional information, please contact Gerry McLennan, Acting Executive Director, Regulatory Division at 780-447-8821 or 1-800-272-8876, extension 8821.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Norman C. Peterson', with a horizontal line extending to the right.

Norman C. Peterson  
Chairman and CEO, AGLC

Enclosure

Copy: Gerry McLennan, Acting Executive Director  
Regulatory Division

Muriel Grimble, Executive Director  
Gaming Products and Services Division

**SECTION: 14. APPLICATION PROCESS FOR NEW LICENSED CASINO FACILITIES**

**14.1 EIGHT MAJOR STEPS**

**14.1.1** A licence for a new casino facility in a specified community may only be issued after the requirements in a series of steps have been met, in the following order:

1. Inquiry
2. Notice of Expressed Interest
3. Initial Assessment
4. Community Support
5. Acceptance of Proposals
6. Selecting the Best Applicant
7. Investigation
8. Licensing

**14.1.2** The series of steps in 14.1.1 is initiated by an applicant for a casino facility licence respecting a new casino facility in a specified community ("Applicant") within a specified market area.

**14.1.3** In this section, a specified community refers to:

- a) a municipality as defined under the *Municipal Government Act*, meaning:
  - i) a city, town, village, summer village, municipal district or specialized municipality,
  - ii) a town under the Parks Towns Act, or
  - iii) a municipality formed by special Act,

or, if the context requires, the geographical area within the boundaries of a municipality described in subclauses i) to iii).

- b) an Indian reserve set apart prior to January 1, 2001, or on a reserve set apart after that date which is contiguous to an existing reserve and to which the Province of Alberta has consented.

**SECTION: 14. APPLICATION PROCESS FOR NEW LICENSED CASINO FACILITIES**

**14.1.4** In this section, a specified market area refers to a *Tourist Destination Region (TDR)* as defined by Travel Alberta which include:

- a) Alberta North;
- b) Edmonton and area;
- c) Alberta Central;
- d) Canadian Rockies;
- e) Calgary and area;
- f) Alberta South;

Or any other specified market area as determined by the Commission.

**14.1.5** In this section, a council refers to the council of:

- a) a city, town, village, summer village, municipal district or specialized municipality,
- b) a town under the Parks Towns Act, or
- c) a municipality formed by special Act,
- d) an Indian reserve set apart prior to January 1, 2001, or on a reserve set apart after that date which is contiguous to an existing reserve and to which the Province of Alberta has consented.

**14.1.6** Casino facility licences are issued and must operate under the charitable gaming model of the province. That is, a casino event may only occur in a licensed casino facility under a licence issued by the Commission to an eligible charitable or religious organization.

**14.1.7** For purposes of this section, there are two general types of casino facility licences, as follows:

- a) a licence issued for a "casino facility," meaning a facility situated in a municipality as defined in 14.1.3 a), and

**SECTION: 14. APPLICATION PROCESS FOR NEW LICENSED CASINO FACILITIES**

b) a licence issued for a "First Nation casino facility," meaning a facility situated on an Indian reserve as defined in 14.1.3 b).

- 14.1.8 Casino facility licence applicants must bear all costs or expenses associated with their interest in or application for a casino facility licence.
- 14.1.9 The Commission will not assume any of the costs, expenses or liabilities associated with an applicant's interest in obtaining a casino facility licence.
- 14.1.10 The board may consider the views of the community including the views, if any, expressed by a council in relation to a proposed casino application and may refuse to issue a licence if the board is of the view that the community is not in favour.
- 14.1.11 The Commission will not consider applications for a casino facility licence in a specified community where a facility licence has been rejected by the board because of lack of community support, for two years after the notice of rejection was delivered.



**SECTION: 14. APPLICATION PROCESS FOR NEW LICENSED CASINO FACILITIES**

**14.2 STEP ONE: INQUIRY**

- 14.2.1 An applicant initiates the application process for a new casino facility licence by informing the Commission of its interest to operate a new casino in a specified community in the province.
- 14.2.2 The Commission will request a signed letter from the applicant which shall contain information including but not limited to the following:
- a) name of the applicant;
  - b) nature of the applicant's current business;
  - c) location of the applicant's current business operation;
  - d) the location within a specified community for the proposed casino facility or First Nations casino facility, as the case may be;
  - e) services and equipment the applicant proposes to supply;
  - f) \$100 certified cheque for a copy of the Casino Facility Licensing Information Package, to cover printing costs.
- 14.2.3 Upon receiving the requested information and payment from the applicant, the Commission will provide to the applicant a Casino Facility Licence Information Package ("information package").
- 14.2.4 The information package shall contain information related to the application process for and requirements respecting a casino facility licence.

**SECTION: 14. APPLICATION PROCESS FOR NEW LICENSED CASINO FACILITIES**

**14.2.5** If after reviewing the information package the applicant wishes to pursue a casino facility licence, the applicant must submit in writing to the Commission a valid Expression of Interest including, but not limited to, information and an initial deposit as follows:

- a) anticipated benefits of the proposed casino to charitable groups;
- b) estimated impact of the proposed casino on existing charitable gaming activities in the community or community and surrounding area if applicable;
- c) charitable demand for a new casino in the community;
- d) market demand for a new casino in the community;
- e) proposed size and location of the facility;
- f) proposed specific gaming activities to be offered in the facility;
- g) suitability of the proposed facility location;
- h) relevant experience and training of the applicant;
- i) feasibility of the proposed facility, including costs, anticipated revenues, and the anticipated return to charities;
- j) understanding of relevant federal and provincial legislation, regulation, policies, standards and local bylaws, including zoning and development requirements; and

**SECTION: 14. APPLICATION PROCESS FOR NEW LICENSED CASINO FACILITIES**

- k) a certified cheque in the amount of \$5,000.00 as an initial deposit payable to the Alberta Gaming and Liquor Commission; these funds may be used to cover background checks.

14.2.6 An applicant who has submitted an Expression of Interest will be advised as to whether its submission is determined to be valid or reasonable by the Commission, based on an initial assessment by the Commission of:

- a) completeness of the submission;
- b) accuracy of information in the submission,
- c) the intent of the applicant, and
- d) on the face of it (*prima facie*) the feasibility of the proposed facility; and
- e) the eligibility of the applicant to hold a casino facility licence.

14.2.7 An Expression of Interest deemed to be valid by the Commission is not based on a definitive analysis of the feasibility of a casino in the community, nor does it assure the level of success or support of a proposed casino in a specified community. Moreover, an Expression of Interest deemed to be valid shall not be considered or promoted as an endorsement by the Commission of a casino in a specified community.

14.2.8 With a valid Expression of Interest, Step Two: Notice of Expressed Interest may be initiated.

14.2.9 If an applicant indicates he or she no longer wishes to pursue a casino facility licence during Step One, the application process shall conclude.

**SECTION: 14. APPLICATION PROCESS FOR NEW LICENSED CASINO FACILITIES**

**14.2.10** If the submitted Expression of Interest is deemed by the Commission not to be valid, it will be rejected and the application process shall conclude.

**14.2.11** The applicant who submitted an Expression of Interest that has been withdrawn by the applicant or deemed not valid by the Commission:

- a) will be advised in writing of the Commission's decision and reason(s);
- b) will have the balance of their deposit of \$5,000.00 returned; and
- c) may not pursue a casino facility licence in the specified community for the period of at least two years.

**SECTION: 14. APPLICATION PROCESS FOR NEW LICENSED CASINO FACILITIES**

**14.3 STEP TWO: NOTICE OF EXPRESSED INTEREST**

- 14.3.1 Other interested parties will be given an opportunity to express interest in developing a casino in a specified market area determined by the location of a community identified in a valid Expression of Interest from Step One.
- 14.3.2 This step is intended to encourage the best possible proposal by allowing all interested parties in a specified market area an opportunity to make an application.
- 14.3.3 The Commission shall advise the board of its intent to initiate Step Two: Notice of Expressed Interest prior to undertaking further action in this step.
- 14.3.4 Prior to a Notice of Expressed Interest being advertised, the Commission will advise all the councils located within the specified market area about the interest being expressed to develop a casino in their specified market area...
- 14.3.5 Within four weeks after the Commission has advised the councils as provided in 14.3.5, the Commission will issue a Notice of Expressed Interest to accept Expressions of Interest from other interested parties ("applicants").
- 14.3.6 A Notice of Expressed Interest will be advertised for a period of at least three consecutive weeks in the local newspapers of the communities within the specified market area; in the major daily newspapers of Edmonton and Calgary with a reasonable number of insertions during the same period of time; and concurrently on the electronic tendering and competitive bid service used by the Commission.
- 14.3.7 Interested parties will be allowed a period of 90 days to submit applications in response to the Notice of Expressed Interest after the notice is first advertised under 14.3.6.

**SECTION: 14. APPLICATION PROCESS FOR NEW LICENSED CASINO FACILITIES**

- 14.3.8 Each Expression of Interest must contain information as described in 14.2.5 and an initial deposit of \$5,000.00.
- 14.3.9 Applicants must submit to the Commission a valid Expression of Interest within the specified time period. Only the applicants that submit valid Expressions of Interest in this step or Step One shall be considered for a casino facility licence in the specified market area described in the Notice of Expression of Interest.
- 14.3.10 Expressions of Interest are deemed to be valid as provided in 14.2.6.
- 14.3.11 An Expression of Interest withdrawn by an applicant or deemed not to be valid will be rejected, and the applicant who submitted it:
- a) will be advised by the Commission in writing as to its decision and reason(s);
  - b) will have the balance of their deposit of \$5,000.00 returned; and
  - c) may not pursue a casino facility licence in the specified community for a period of at least two years.
- 14.3.12 The Commission will not consider applications for a casino facility licence in a specified market area for two years after a Notice of Expressed Interest has been issued for that market area.

**SECTION: 14. APPLICATION PROCESS FOR NEW LICENSED CASINO FACILITIES**

**14.4 STEP THREE: INITIAL ASSESSMENT**

- 14.4.1 An Initial Assessment allows the Commission to determine whether a casino facility or First Nations casino facility in a community within a specified market area has merit.
- 14.4.2 The concept of a casino facility or First Nations casino facility is deemed by the Commission to have merit if a valid Expression of Interest respecting the facility meets basic criteria related, for example, to feasibility, benefits to charitable groups and market demand.
- 14.4.3 The concept of a casino facility (excluding a First Nations casino facility) may be deemed by the Commission to have merit if it can be shown, among other things, that:
- a) charities must wait for a period of one year or more to hold casino events from the time they have been deemed eligible for a casino event licence from the Commission;
  - b) the proceeds to charities from charitable events held in the facility will be comparable to and competitive with those generated in a similar class of facility (i.e., minor or major) in the province;
  - c) 50% of the expected gross gaming revenue to be generated by the proposed new casino facility shall be incremental; and
  - d) no more than 25% of the expected gross revenue will draw from the revenue of any other casino in the same community or region.
- 14.4.3 An Initial Assessment by the Commission which deems that a casino in a community within a specified market area has merit is not based on a definitive analysis of the feasibility of a casino in the community, nor does it assure the level of

**SECTION: 14. APPLICATION PROCESS FOR NEW LICENSED CASINO FACILITIES**

success or support of a proposed casino in a community. Moreover, an initial assessment shall not be considered or promoted as an endorsement by the Commission of such a casino in a community.

**14.4.4** If the Commission deems the concept of a casino in the specified market area to have merit Step Four: Community Support may be initiated.

**14.4.5** If the Commission deems the concept of a casino in the specified market area does not have merit, the Commission will advise the board of its decision, the process concludes and no further consideration will be given to a casino in the community for a period of two years. Then the Commission will also:

- a) notify the applicants who submitted a valid Expression of Interest of its decision and reason(s);
- b) return the balance of the deposit of \$5,000.00 to the applicants; and
- c) notify the council that the concept of a casino facility in its community is deemed not to have merit, and no further action will be taken.



**SECTION: 14. APPLICATION PROCESS FOR NEW LICENSED CASINO FACILITIES**

**14.5 STEP FOUR: COMMUNITY SUPPORT**

- 14.5.1 The Commission will consider community support, or lack thereof, as expressed by the council for a new casino facility in the specified community.
- 14.5.2 The Commission shall advise the board of its intent to formally notify the council of the requirements in Step Four: Community Support prior to undertaking further action respecting the application.
- 14.5.3 The Commission will then formally notify the council that it has deemed the concept of a casino in the specified community to have merit. The Commission will advise the council that the council's expressed support, or its lack of expressed support, for the concept of a casino facility in its community will be considered by the Commission.
- 14.5.4 Expressed support means a resolution of council in support of, or not opposed to, the concept of a casino in its community.
- 14.5.5 Lack of expressed support includes a council resolution withholding expressed support or rejecting the concept of a casino, or any situation in which the Commission is otherwise not satisfied expressed support has been provided.
- 14.5.6 The Commission will request, but not require, that if council wishes to express its support, that it do so within a specified period of time and normally to be no more than 120 days from the date the Commission formally advised the council as provided under 14.5.3. The Commission may extend the period of time prior to the expiry of the 120 days if in its opinion the circumstances warrant such an extension.
- 14.5.7 If expressed support has not been provided by the specified expiry date as allowed under 14.5.6, this shall be regarded by the Commission as absence of expressed support.

**SECTION: 14. APPLICATION PROCESS FOR NEW LICENSED CASINO FACILITIES**

- 14.5.8 Any conditions placed on or attached to a council resolution respecting the concept of a casino in the specified community shall be considered lack of support by the council.
- 14.5.9 The Commission will provide the board any written submission of the council regarding the council's expressed support, or lack of expressed support, for a new casino facility in the community.
- 14.5.10 Following from 14.5.9, if the board at its discretion decides to continue the application process, Step Five: Acceptance of Proposals may be initiated.
- 14.5.11 Following from 14.5.9, if the board at its discretion decides to conclude the application process, the process to consider a casino in the specified market area shall be concluded. The applicants who provided a valid Expression of Interest:
- a) will be advised by the Commission in writing as to the reason(s) for the process concluding; and
  - b) will have the balance of their deposit of \$5,000.00 returned.

**SECTION: 14. APPLICATION PROCESS FOR NEW LICENSED CASINO FACILITIES**

**14.6 STEP FIVE: ACCEPTANCE OF PROPOSALS**

- 14.6.1 With the board's approval to continue the application process under 14.5.11 in Step Four, the applicant(s) who submitted valid Expressions of Interest will be invited to provide a final submission including a detailed business plan and community impact statement.
- 14.6.2 The applicant(s) referred to in 14.6.1 must complete a final Casino Facility Licensing Application Package ("final package") provided by the Commission.
- 14.6.3 Only applicants who provided a valid Expression of Interest in Step One or Step Two may be eligible to complete a final package in support of a casino facility licence in community within the specified market area.
- 14.6.4 The Commission will accept completed final packages for a specified period of time (no less than 60 days) after it has sent the final packages to the applicants as identified in 14.6.3.
- 14.6.5 The application process shall conclude if none of the applicant(s) submits a completed final package within the period of time specified in 14.6.4. The parties will be advised of the Commission's decision to conclude the process and its reasons, and the balance of their deposits will be returned to them.
- 14.6.6 An applicant may indicate in writing to the Commission it is withdrawing its application.
- 14.6.7 If the Commission receives one or more complete and accurate final packages for a new casino facility licence within the specified period of time, Step Six: Selecting the Best Applicant may be initiated.

**SECTION: 14. APPLICATION PROCESS FOR NEW LICENSED CASINO FACILITIES**

**14.7 STEP SIX: SELECTING THE BEST APPLICANT**

- 14.7.1 Applicants for casino facility licences are evaluated using stringent facility standards and operating requirements, as these are set out in Sections 4 and 5 and elsewhere in these Casino Terms & Conditions and Operating Guidelines. The best applicant will be selected based on the evaluation.
- 14.7.2 The evaluation of applicants will be conducted by a Casino Facility Applicant Evaluation Committee ("committee") internal to the AGLC.
- 14.7.3 The members of the committee will be designated by the Commission and comprise senior staff of the Commission. As the Commission deems appropriate, the committee may obtain assistance in conducting the evaluation from external sources (eg., consultants).
- 14.7.4 None of the members may be or appear to be in a conflict of interest in fulfilling his or her duties as a member of the committee.
- 14.7.5 No person or affiliated groups of persons or a company will be permitted to control the casino gaming industry in the province. This requirement is made in the interest of maintaining a viable and effective charitable gaming model for casino gaming. In this case, the control of the casino gaming industry means owning or controlling 20% or more of the total number of licensed casino facilities operating in the province (excluding First Nations casino facilities).
- 14.7.6 Applicants will be evaluated based on:
  - a) Information related to the proposed casino facility or First Nations casino facility, including but not limited to:
    - i) a business plan;
    - ii) a marketing plan;

**SECTION: 14. APPLICATION PROCESS FOR NEW LICENSED CASINO FACILITIES**

- iii) a vision statement;
  - iv) projected operation costs;
  - v) revenue forecasting methodology and assumptions;
  - vi) pro forma financial statements;
  - vii) the legal structure of the applicant or business entity, names of the owners and proposed officers, directors, shareholders, and other key persons associated with the applicant and proposed facility;
  - viii) proposed physical attributes, location and site plan, blueprints, description and theme, dimensions and general site standards, layout, occupancy limit, constructions costs and schedule;
  - ix) proposed security features, including surveillance equipment and coverage in the facility, intrusion and hold-up alarms, secured rooms and storage, emergency provisions;
  - x) proposed gaming activities to be conducted in the facility;
  - xi) business entity equity and debt position, and source of funds to finance the proposed facility;
  - xii) financial controls and systems, including organization structure;
  - xiii) understanding of and compliance with the relevant federal and provincial legislation, regulation, policies and local bylaws including zoning and development requirements;
  - xiv) related experience of the applicant.
- b) A community impact statement that provides information respecting the proposed casino facility or First Nations casino facility, including but not limited to the following:
- i) anticipated impact upon other existing charitable gaming activities in the community;
  - ii) proximity to public or community facilities, including schools, churches, etc.;

**SECTION: 14. APPLICATION PROCESS FOR NEW LICENSED CASINO FACILITIES**

- iii) an explanation of the measures to be taken to address problem gambling, for example, how casino gaming activities will be delivered in a socially responsible manner;
- iv) estimated economic impact on the community, for example, number of new jobs created, impact on other businesses in the community, etc.;
- v) impact on policing in the community; and
- vi) impact on parking and traffic flow.

**14.7.7** The applicant and those associated with the applicant will be subject to a process of due diligence in Step Seven: Investigation.

**14.7.8** If none of the applicants meets the requirements the application process concludes and a casino facility licence shall not be issued. The applicant(s) will be:

- a) advised of the Commission's decision and reason(s), and
- b) the balance of their deposit of \$5,000.00 will be returned to them.

**SECTION: 14. APPLICATION PROCESS FOR NEW LICENSED CASINO FACILITIES**

**14.8 STEP SEVEN: INVESTIGATION**

- 14.8.1 A thorough due diligence investigation ("investigation") is conducted into the best applicant selected in Step Six and any other key persons associated with the best applicant selected in Step Six.
- 14.8.2 The investigation is to ensure criminal interests, or those who otherwise would be a detriment to the integrity or lawful conduct of gaming in the province, are prevented from obtaining a casino facility licence.
- 14.8.3 An applicant must be:
- a) an adult (18 years of age or older);
  - b) a Canadian citizen or lawfully admitted to Canada for permanent residence;
  - c) if a corporation, incorporated or continued by or under the *Business Corporations Act*, *Companies Act* or *Societies Act* or any other enactment or registered under Part 21 of the *Business Corporations Act* or Part 9 of the *Companies Act*;
  - d) if a partnership, registered under the *Partnership Act* and the Partners being subject to the investigation described in this part.
- 14.8.4 An applicant who is a:
- a) partnership, includes each partner; and
  - b) corporation, includes the officers and directors of the corporation.
- 14.8.5 An applicant's employee means:

**SECTION: 14. APPLICATION PROCESS FOR NEW LICENSED CASINO FACILITIES**

- a) the manager of the facility; and
- b) any position specified in Commission policy as related to the business proposed by the applicant.

**14.8.6 An applicant's associates means:**

- a) any person who has a financial interest in the applicant, in the applicant's business, or in the proposed facility specified in the application;
- b) if the applicant is an individual or partnership in which one or more of the partners is an individual,
  - i) the spouse of the individual,
  - ii) any relative of the individual or the spouse referred to in subclause i) if the relative has the same residence as the individual,
  - iii) any corporation controlled by the individual, the corporation's officers and directors and any person that has a financial interest in the corporation, and
  - iv) any corporation that is affiliated with the corporation referred to in subclause iii), the affiliated corporation's

officers and directors, and any person having a financial interest in the affiliated corporation.

- c) if the applicant is a corporation or a partnership in which one or more of the partners is a corporation, any other corporation that is affiliated with the applicant's corporation, the affiliated corporation's officers and directors, and any person that has a financial interest in the affiliated corporation.

**14.8.7 A corporation is controlled by a person if he or she has indirect influence over the corporation or if:**



**SECTION: 14. APPLICATION PROCESS FOR NEW LICENSED CASINO FACILITIES**

- a) securities of the corporation to which are attached more than 50% of the votes that may be cast to elect directors of the corporation are controlled, other than by way of security only, directly or indirectly by that person; and
- b) the votes attached to those securities are sufficient, if exercised, to elect a majority of the directors of the corporation.

14.8.8 A corporation is affiliated with another corporation if:

- a) one of the corporations controls the other; or
- b) both of the corporations are controlled by the same person or group of persons.

14.8.9 A spouse of a person includes a man or woman who is legally married to that person or, although not legally married to the person, has:

- a) lived and cohabited with the person as the person's spouse for at least two years; or
- b) lived and cohabited with the person as the person's spouse and there is a child of the relationship.

14.8.10 The Commission shall conduct a records check to determine whether the applicant or any person associated with the applicant has:

- a) within the five years prior to the application, been convicted of:
  - i) an offence under the *Criminal Code* (Canada), the *Excise Act* (Canada), the *Controlled Drugs and Substances Act* (Canada) or,

**SECTION: 14. APPLICATION PROCESS FOR NEW LICENSED CASINO FACILITIES**

ii) an offence under a foreign act or regulation that, in the Board's opinion, is substantially similar to a provision referred to in and offence referred to in subclause i);

b) within the five years prior to the submission of the application been serving a term of imprisonment of three years or more.

14.8.11 If the applicant meets the requirements of the Investigation, Step Eight: Licensing may be initiated.

14.8.12 If the applicant fails to meet the requirements of the investigation, the application is rejected. The next best application is then subject to investigation; if there is no other application, the process concludes and a casino facility licence shall not be issued.

14.8.13 If the process concludes, the applicant(s):

a) will be advised of the Commission's decision and its reason(s), and

b) will receive the balance of their deposit of \$5,000.00.

**SECTION: 14. APPLICATION PROCESS FOR NEW LICENSED CASINO FACILITIES**

**14.9 STEP EIGHT: LICENSING**

- 14.9.1 In this step, the Commission will make a recommendation to the board respecting the issuing of a casino facility licence to the applicant.
- 14.9.2 If all the requirements for a casino facility licence (legislative, regulatory, policy and municipal or local, including municipal or local zoning and development requirements) are met by the applicant then the Commission's board may issue a casino facility licence to the successful applicant.
- 14.9.3 The board may refuse to issue a casino facility licence to an applicant if in its opinion the applicant has misled the Commission or the board, or provided inaccurate or incomplete information.
- 14.9.4 The board may refuse to issue a licence to an applicant if the board is satisfied the applicant, or any of the applicant's employees or associates, or any person connected to or associated with the applicant:
- a) is a detriment to the integrity or lawful conduct of gaming activities; or
  - b) fails to pass a records check.
- 14.9.5 The board may refuse to issue a licence to an applicant if the board is satisfied the applicant, any of the applicant's employees or any of the applicant's associates has within the five years prior to the submission of the application contravened:
- a) the Act or the Regulations;
  - b) a predecessor of the Act or the Regulations; or

**SECTION: 14. APPLICATION PROCESS FOR NEW LICENSED CASINO FACILITIES**

c) a condition imposed on a licence or registration issued or made under the Act or a predecessor of the Act.

14.9.6 The board may refuse to issue a licence to an applicant if, within five years prior to the submission of the application a licence or registration issued or made under the Act or predecessor of the Act or a foreign licence or registration of the applicant, any of the applicant's employees or any of the

applicant's associates has been cancelled by the issuing authority.

14.9.7 The board may refuse to issue a licence to an applicant if, within five years prior to the submission of an application the applicant, any of the applicant's employees or any of the applicant's associates has been refused a foreign licence.

14.9.8 The board may refuse to issue a licence to an applicant if the board is of the view that the community does not support a new casino facility in the specified community.

14.9.9 Notwithstanding terms and conditions 14.9.4 through 14.9.7, the board may refuse to issue a licence.

14.9.9 Pursuant to Section 14 of the *Gaming and Liquor Regulation*, a casino facility licence may not be issued unless the board is satisfied the applicant has the right to occupy and control the facility for which application is made.

14.9.10 All gaming facility licensees must apply for a new casino facility licence every year.

14.9.11 If a person who holds a casino facility licence sells, assigns or transfers the licence, the licence is cancelled.

**SECTION: 14. APPLICATION PROCESS FOR NEW LICENSED CASINO FACILITIES**

- 14.9.12 If 50% or more of the business under which the activities authorized by a licence is carried out is sold, assigned or transferred, the licence is cancelled.
- 14.9.13 If a facility licensee, through bankruptcy or operation of law, becomes dispossessed of the business under which the activities authorized by the licence are carried out, the licence is cancelled. The board may issue a licence to a person to carry on the activities authorized by the cancelled licence, subject to any conditions included in the licence.
- 14.9.14 The board must consider any objection made respecting a licence application, and advise the person who made the objection as to the board's decision in the matter.
- 14.9.15 Prior to a casino facility licence being issued, the applicant must:
- a) demonstrate compliance with all provincial and federal legislation, regulation, and policies, and with municipal requirements, and produce any permits, licences or authorizations necessary to operate; and
  - b) produce a copy of an executed lease, rental agreement or certificate of title or other acceptable proof of right to occupy and control the premises; in the case of a sale of existing licensed premises, a completed agreement of sale document relative to the premises to be licensed; and
  - c) in the case of a First Nation casino, evidence of appropriate land tenure.
- 14.9.16 If an application is rejected, the applicant will be advised by the Commission in writing as to the reason(s). The next best applicant, if any, will be considered and subject to Step Seven: Investigation. If there is no other applicant, the process shall conclude and a casino facility licence shall not be issued.

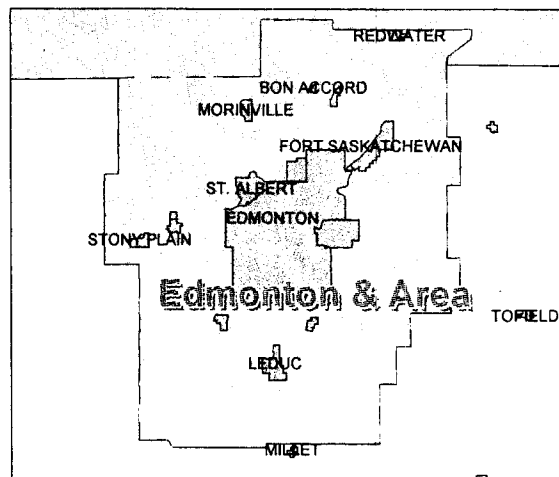
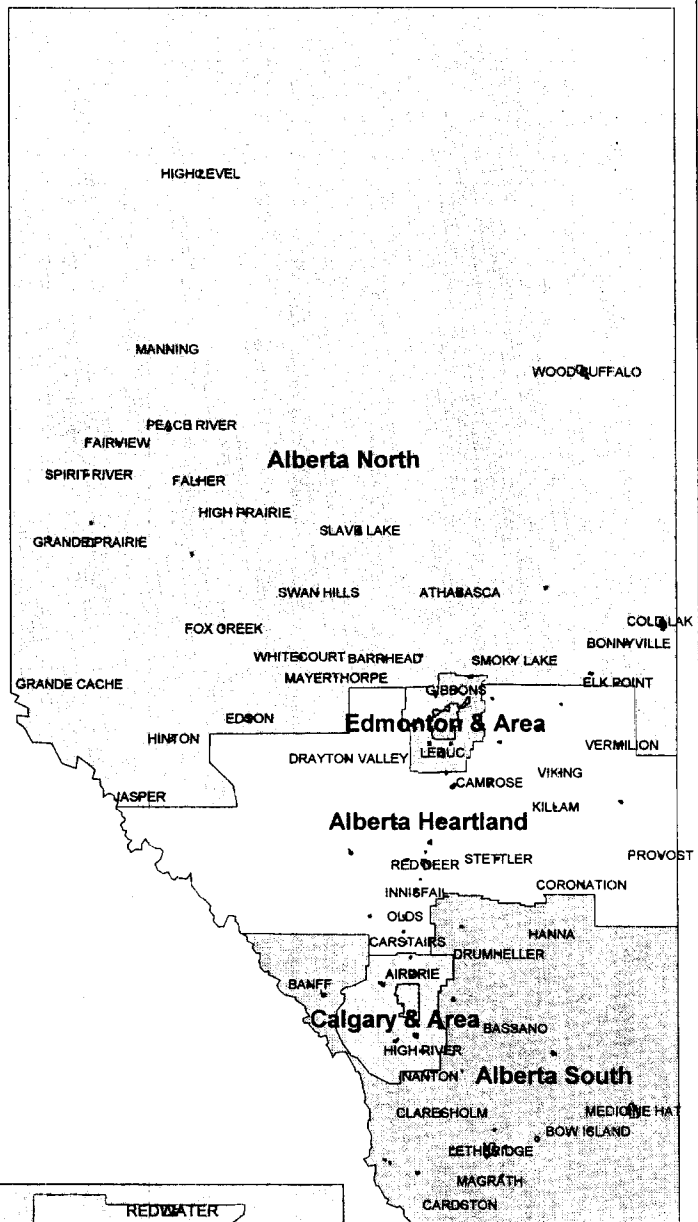
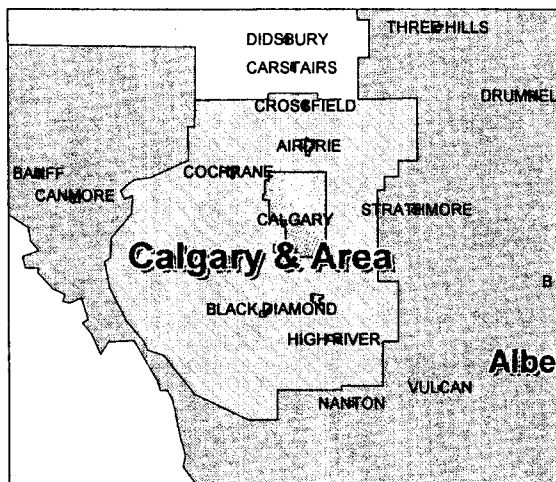
**SECTION: 14. APPLICATION PROCESS FOR NEW LICENSED CASINO FACILITIES**

**14.9.17** If a casino facility licence is issued to an applicant, the unsuccessful applicants, if any, will be notified by the Commission in writing as to:

- a) the reason(s) why their applications were unsuccessful;
- b) the right to request a hearing into the matter.

# TOURIST DESTINATION REGIONS IN ALBERTA

ID	Region	TDR
1	Alberta North	AN
2	Alberta Heartland	AH
3	Edmonton & Area	EA
4	Calgary & Area	CA
5	Alberta South	AS



Genet Saslow  
ASLC  
November 25, 2001

**SECTION 15. EXPANSION OR MAJOR RELOCATION OF A LICENSED CASINO FACILITY**

**15.1 THREE MAJOR STEPS**

15.1.1 Approval for or licensing of an expansion or major relocation of an existing licensed casino facility in a specified community may only be issued after the requirements in a series of steps have been met, in the following order:

- 1) Initial Assessment
- 2) Community Support
- 3) Licensing or Approval

15.1.2 In these terms and conditions, a specified community refers to:

- a) a municipality as defined under the *Municipal Government Act*, meaning:
  - i) a city, town, village, summer village, municipal district or specialized municipality,
  - ii) a town under the Parks Towns Act,
  - iii) a municipality formed by special Act, or
  - iv) if the context requires, the geographical area within the boundaries of a municipality described in sub clauses i) to iii)
- b) an Indian reserve set apart prior to January 1, 2001, or on a reserve set apart after that date which is contiguous to an existing reserve and to which the Province of Alberta has consented.

15.1.3 In this section, a council refers to the council of:

- a) a city, town, village, summer village, municipal district or specialized municipality,
- b) a town under the Parks Towns Act, or
- c) a municipality formed by special Act,
- d) an Indian reserve set apart prior to January 1, 2001, or on a reserve set apart after that date which is contiguous to an existing reserve and to which the Province of Alberta has consented.

15.1.4 In this section, "expansion" means the significant physical expansion of the gaming area in a licensed casino facility as



**SECTION 15. EXPANSION OR MAJOR RELOCATION OF A LICENSED CASINO FACILITY**

determined by the board. Such expansion may include an increase in the building envelope or its outer dimensions. A building envelope refers to the outer perimeter of the building in which an existing casino facility licensee is located and includes space rented, leased, subleased, sold or otherwise provided to others in the same building. A building's outer dimensions refer to the building height as well as its envelope.

15.1.5 In this section, "major relocation" means relocation of an existing licensed casino facility for purposes of capturing a new or different player base or market area as determined by the board. Major relocation does not refer to the relocation of a licensed casino facility for the purpose of essentially attracting the same player base or serving the same market area as that of the facility in its present location.

15.1.5 The casino facility licensee must bear all costs or expenses associated with their interest in expansion or a major relocation of the licensed casino facility.

15.1.6 The Commission will not assume any of the costs, expenses or liabilities associated with a licensee's interest in expanding or relocating a licensed casino facility.

**15.2 STEP ONE: INITIAL ASSESSMENT**

15.2.1 The initial assessment allows the Commission to determine whether a proposed expansion or major relocation meets basic criteria related to market demand, benefits to charitable groups, and impact on other charitable gaming activities in the community.

15.2.2 A casino facility licensee initiates this step by providing to the Commission a proposal in writing for the expansion or major relocation of an existing licensed casino facility.

15.2.3 The Commission will review the proposal to determine whether it has merit.

15.2.4 The expansion or major relocation of the licensed casino facility in a specified community may be deemed by the Commission to have merit if:

**SECTION 15. EXPANSION OR MAJOR RELOCATION OF A LICENSED CASINO FACILITY**

- a) it can be shown, among other things, that the expansion or major relocation will not result in decreased benefit to charities from charitable events; and
- b) a complete and accurate community impact statement is provided to the Commission.

15.2.5 A community impact statement respecting expansion shall contain information including but not limited to the following:

- a) anticipated impact of the expansion upon other existing charitable gaming activities in the community;
- b) an explanation of the measures to be taken to address problem gambling, for example, how casino gaming activities will be delivered in a socially responsible manner;
- c) estimated economic impact on the community, for example, number of new jobs created, impact on other businesses in the community, etc.;
- d) impact on policing in the community; and
- e) impact on parking and traffic flow.

15.2.6 A community impact statement respecting a major relocation shall contain information including but not limited to the following:

- a) anticipated impact of the major relocation upon other existing charitable gaming activities in the community;
- b) a proximity to public or community facilities, including schools, churches, etc.;
- c) an explanation of the measures to be taken to address problem gambling, for example, how casino gaming

**SECTION 15. EXPANSION OR MAJOR RELOCATION OF A LICENSED CASINO FACILITY**

activities will be delivered in a socially responsible manner;

- d) estimated economic impact on the community, for example, number of new jobs created, impact on other businesses in the community, etc.;
- e) impact on policing in the community; and
- f) impact on parking and traffic flow.

15.2.7 A proposal deemed to have merit by the Commission is not based on a definitive analysis of the feasibility of an expansion or major relocation of the licensed casino facility, nor does it assure the level of success or support of the expansion or major relocation. Moreover, a proposal deemed to have merit shall not be considered or promoted as an endorsement by the Commission of an expansion or major relocation.

15.2.8 If the Commission deems the proposed expansion or major relocation to have merit, Step Two: Community Support may be initiated.

15.2.9 If the casino facility licensee indicates it no longer wishes to pursue an expansion or major relocation, the approval process concludes.

15.2.10 If the submitted expression of interest is deemed by the Commission not to have merit, it will be rejected, the approval process concludes, and a major expansion or expansion will not be permitted.

15.2.11 The licensee who submitted a proposal that has been rejected by the Commission will be advised in writing of the reason(s) for the rejection.

**SECTION 15. EXPANSION OR MAJOR RELOCATION OF A LICENSED CASINO FACILITY**

**15.3 STEP TWO: COMMUNITY SUPPORT**

- 15.3.1 The Commission will consider community support, or lack thereof, as expressed by the council for an expansion or major relocation of a casino facility in the specified community.
- 15.3.2 The Commission will advise the board of its intent to initiate Step Two: Community Support prior to undertaking further action respecting the expansion or major relocation.
- 15.3.3 The Commission will then formally notify the council that it has deemed the facility licensee's proposed expansion or major relocation to have merit. The commission will advise the council that the council's expressed support, or its lack of expressed support, for the expansion or major relocation of the licensed casino facility in its community, will be considered by the Commission.
- 15.3.4 Expressed support means a resolution of council in support of, or not opposed to, the concept of a casino in its community.
- 15.3.5 Lack of expressed support includes a council-resolution withholding expressed support or rejecting the concept of a casino, or any situation in which the Commission is otherwise not satisfied expressed support has been provided.
- 15.3.6 The Commission will request, but does not require, that if council wishes to express its support, that it do so within a specified period of time and normally to be no more than 120 days from the date the Commission formally advised the council as provided under 15.3.3.-. The Commission may extend the specified period of time prior to the expiry of the 120 days if in its opinion the circumstances warrant such an extension.
- 15.3.7 If expressed support has not been provided within the specified period of time as allowed under 15.3.6.-, this shall be regarded by the Commission as absence of expressed support.
- 15.3.8 Any conditions placed on or attached to a council resolution respecting the expansion or major relocation of the casino in

**SECTION 15. EXPANSION OR MAJOR RELOCATION OF A LICENSED CASINO FACILITY**

the community shall be considered lack of support by the council.

15.3.9 The Commission will provide to the board the expressed support of the council, or lack thereof, as the case may be.

15.3.11 Following from 15.3.9, if the board at its discretion decides to continue the approval process, Step Three: Licensing or Approval may be initiated.

15.3.12 Following from 15.3.9, if the board at its discretion decides to conclude the approval or licensing process for the expansion or major relocation of the casino facility in the community, the process shall conclude. The casino facility licensee who expressed interest in expansion or major relocation will be advised by the Commission in writing as to the reason(s) for the process concluding.

**15.4 STEP THREE: LICENSING OR APPROVAL**

15.4.1 In this step, the Commission will make a recommendation to the board respecting the approval of the proposed expansion or major relocation of a licensed casino facility.

15.4.2 The board will approve or license the proposed expansion or major relocation of a licensed casino facility if the facility licensee has met all the requirements, including legislative, regulatory, policy and municipal or local requirements including local zoning or development requirements, respecting the expansion or major relocation.

15.4.3 The board may refuse to approve or license an expansion or major relocation if the casino facility licensee has misled the Commission or the board, or provided inaccurate or incomplete information respecting the expansion or major relocation.

15.4.4 Pursuant to Section 14 of the *Gaming and Liquor Regulation*, a casino facility licence may not be issued unless the board is satisfied the existing casino facility licensee who has proposed a major relocation has the right to occupy and control the facility for which the proposal is made.

**SECTION 15. EXPANSION OR MAJOR RELOCATION OF A LICENSED CASINO FACILITY**

- 15.4.5 The board must consider any objection made respecting an expansion or major relocation of a licensed casino facility, and advise the person who made the objection as to the board's decision in the matter.
- 15.4.6 Prior to a casino facility licence being approved or licensed for an expansion or major relocation, the licensee must:
- a) demonstrate compliance with all provincial and federal legislation, regulation, and policies, and with municipal requirements, and produce any permits, licences or authorizations necessary to operate; and
  - b) produce a copy of an executed lease, rental agreement or certificate of title or other acceptable proof of right to occupy and control the premises; in the case of a sale of existing licensed premises, a completed agreement of sale document relative to the premises to be licensed.
- 15.4.7 If approval or licensing is rejected, the casino facility licensee will be notified as to:
- a) the reason(s) why the approval or licensing was rejected; and
  - b) the right to request a hearing into the matter.

KELLY KLOSS

**THE SOCIAL COSTS OF  
GAMBLING**

**ARE GREATER THAN**

**THE ECONOMIC**

**BENEFIT**

**SAY NO TO CASINOS  
SAY NO TO GAMBLING  
SAY NO TO VLTS**

To: Mayor Gail Surkan and the Red Deer City Council Members

Re: Casino Applications

March 11, 2002

Please say no to the proposed rezoning of the Westerner Property to allow a casino.

**THE SOCIAL COSTS OF GAMBLING ARE GREATER THAN THE ECONOMIC BENEFITS.**

Also, refuse any application from Kildy Li as he allows underaged patrons into his existing clubs every week and patrons were observed early Sunday AM, March 10, in Manhattens Club using Cocaine while the security and bouncers looked the other way.

Please consider a total ban on gambling in Red Deer.

**VOTE: YES FOR FAMILIES, NO TO GAMBLING**

Please read over the following information that proves that crime follows gambling and creates a very high cost to society.

Red Deer and central Alberta residents do not want Red Deer City to turn into a Casino Strip.

CAROG

CENTRAL ALBERTAN RESIDENTS OPPOSED TO GAMBLING



# Criminals active in gambling industry: officer

EDMONTON (CP) — Illegal gambling flourishes despite the creation of legal casinos and criminals are using sophisticated scams to tap the cash flow inside them, warns an RCMP criminal intelligence expert.

"An argument can be made that casinos attract crime," said Sgt. Bob McDonald.

He was speaking to about 70 academics, government officials and representatives from the legal gambling industry at a seminar sponsored by the University of Alberta and the Alberta Gaming Research Institute.

Criminals get co-operation from registered casino staff through coercion, extortion and corruption, Mc-

Donald said. Alberta's 16 casinos are also targets for counterfeiters, money laundering, loan sharking, and drug trafficking, he added.

Casinos were legalized without research to determine how much extra crime would likely happen and nobody has studied the incidence of these crimes,

said McDonald. "To an extent police were caught off guard. We are left to ask the question: 'Do we really know what is happening in Alberta casinos?'"

# Fraud fed woman's VLT habit

Bookkeeper bilked  
firm of \$191,000

SHELLEY KNAPP  
CALGARY HERALD

A bookkeeper who signed over her house to pay back some of the money she defrauded from her employer may still go to jail for her crime.

"This was planned, deliberate and for profit," Crown prosecutor Janet McClellan told court Tuesday, before asking for a 2½ to three-year jail sentence for Pamela Lee Jeffrey.

Jeffrey, 44, pleaded guilty to fraud, admitting she stole about \$191,000 from RE/MAX Real Estate North by forging 233 cheques in a 23-month period to feed a VLT gambling habit.

Court heard that after Jeffrey's deception was uncovered in December 1998, she signed her house over to her employer.

The sale subsequently netted about \$25,000, said McClellan. A \$100,000 promissory note was also signed.

"That's just evidence of the debt. . . . I believe there should be a compensation order in place for the full amount of \$165,000 (still owed to RE/MAX)," the prosecutor added.

Jeffrey's lawyer, Roy Shellnut, argued his client is unable to make further restitution to the company.

"There is nothing left that this woman has — she gave everything back to the people that she could," he said.

Some of the ill-gotten funds were siphoned from her employer's trust fund, which could have seen the company forced to shut its doors by regulatory agencies.

SEE FRAUD, PAGE B2

## FRAUD: VLT addiction

The owners had to take out a loan to straighten out the account, McClellan said.

"I would pay it back tenfold if I could," Jeffrey told provincial court Judge Frank Maloney.

Shellnut asked the judge to consider allowing his client to serve her sentence in the community, where she can get the counselling she requires.

"She got involved in gambling (VLTs) — she is not sure how or why it got started," he said. "Unfortunately,

the one-armed bandit always wins, and she now has a pathological gambling problem."

McClellan said the only way to deal with crimes of this nature is by sending the offender to jail.

"In my opinion, a conditional sentence is not a fit punishment. . . . Jail may be the only way like-minded individuals will be deterred."

Maloney will set a date to deliver his sentence on Feb. 21. The maximum sentence for fraud is 10 years in prison.

Calgary Herald Feb 7/01

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## Charities feel uneasy with gambling funds

CALGARY (CP) — Cash-strapped charities are becoming increasingly uncomfortable about the social cost of using gambling revenues to fund their good works, a new study indicates.

Although some groups — including Canada's food banks — have opted to refuse gambling funds for ethical reasons, others feel they aren't able to make up the shortfall by other means.

"What we're finding is there's a great reluctance to accept these revenues, but there's also a feeling there's no other choice," said Jason Azmier, who co-authored the 20-page study for the Canada West Foundation.

Raising money at the expense of problem gamblers was a common concern raised by respondents to the survey released Tuesday. Others pointed to a link between gambling and social problems such as addiction and family breakdown.

The findings were based on questionnaires received from 647 charities across Canada. There are 77,142 registered charities in Canada.

Roman Catholic Bishop Fred Henry, who has railed against the expansion of gam-

bling forces such as video lottery terminals, was delighted with the findings.

"Charities or non-profit boards have to look at where their funding is coming from and what their role and complicity is in promoting the hardship of others," Henry said.

"It's not enough to say 'We've got government casino revenues that we'll share with you,' ... because in many ways that's blood money," he said.

"If you don't agree with what it's doing to people it really puts you in a bad spot when the government says 'These are the terms.' All of a sudden people are being held hostage to revenue sources they don't agree with."

The results were no surprise to Patrick Johnston, who heads an umbrella organization for 1,200 registered charities.

"A lot of people feel conflicted," said Johnston of the Canadian Centre for Philanthropy in Toronto.

"You may not like to take money from gambling, but in many cases you have no other alternative except perhaps to stop meeting the needs of people in your community."

# Insurance adjuster ducks jail time

## Woman's record of fraud poses no danger to community, justices rule

DARYL SLADE  
CALGARY HERALD

A former insurance adjuster who used her position to defraud a company of \$117,723 and took \$16,050 in kickbacks can serve her 18-month sentence in the community.

In a 12-page judgment released Friday, the Alberta Court of Appeal said Candy Patricia Watkinson fits all the criteria of someone who would not pose a danger to the public by not going to jail.

"It remains important to denounce and deter fraud, especially when it is aggravated by abuse of a position of trust," Justices Marguerite Trussler and Neil Wittmann wrote in the majority decision of the three-judge panel.

"The denunciatory effect of forcing the appellant to live in the community under strict control should not be underestimated. Serving her sentence in the community involves bearing the stigma of her crime on a daily basis in plain view of her peers."

Watkinson had been sentenced in September 1999 by provincial court Judge Gary Cioni to 18 months for fraud and 12 months concurrent for taking secret commissions, or kickbacks, after pleading guilty for the ille-

gitimate payments from Canadian Surety Company/Canada West Insurance Company to another woman.

Previously, she had authorized \$50,677 in legitimate payments to the same woman.

Court heard Watkinson, 36, was a pathological gambler with a severe addiction to video lottery terminals and had a drinking problem when she perpetrated the fraud in 1996 and 1997.

Watkinson, who served 3 1/4 months of her sentence, must abide by a curfew except for employment; refrain from gambling of any kind, including VLTs; refrain from attending any gambling establishments; abstain from alcohol; perform 240 hours of community service; and attend counselling for her addictions.

In a dissenting judgment, Justice Blair Mason said Watkinson should go to prison for 30 months because the sentence on the two counts should have been

consecutive. With a sentence of two years or more, she would not be eligible for a conditional sentence.

"This is a position of trust, which is a core element of the industry," wrote Mason. "The appellant's employer relied completely on her honesty and integrity ... (she) abused this trust."

### QUOTABLE

“It remains important to denounce and deter fraud”

JUSTICES  
MARGUERITE  
TRUSSLER AND  
NEIL WITTMANN

# Woman faces life in jail for killing roommate

## Former star athlete blames murder on her addiction to video lottery machines

BY ROBERT REMINGTON

CALGARY • Deborah Point's descent from star athlete to savage killer — which she blamed on an addiction to video lottery terminals — will come to an end tomorrow when she is sentenced for bludgeoning and dismembering her roommate.

"The accused is a callous, cold and dangerous person," the prosecution said yesterday during sentencing arguments for the one-time volleyball scholarship winner.

Point, voted her high school's top female athlete in 1978, was found guilty of second degree murder in November. A jury recommended she not be eligible for parole for 20 years for killing Audrey Trudeau, 44, whose torso and severed limbs were found in two cardboard boxes five months

after her murder.

The crime carries a mandatory life sentence.

Mark Krotter, the Crown prosecutor, argued yesterday for the maximum parole ineligibility of 25 years for what he called a "gruesome and horrible" murder. Point's lawyer, Alain Hepner, says his client should be eligible for parole in 12 to 15 years.

"This is a tragedy of enormous proportions for everyone involved," said Mr. Hepner, detailing Point's fall from a promising athlete to her conviction last year. He urged the judge to take into account Point's athletic background and lack of a criminal record.

Point, 40, grew up in a military household and excelled at sports. She realized early in life she was different than most girls, she told Mr. Hepner on the witness stand.

"I was a textbook tomboy," she recalled. "When I was just a little kid, I wanted a six-shooter with a holster and I wanted to climb trees. At that time, I never knew what heterosexual or homosexual was. When I got to my teens, I

found out I didn't feel the same way as other kids."

At Calgary's Central Memorial High School, she was voted the school's top female athlete, excelling at volleyball, basketball and field hockey.

She won a partial scholarship to play volleyball at Flathead Valley Community College in Kalispell, Mont. and wanted to become a physical education instructor. She dropped out in her second year and moved back to Calgary, saying she missed her friends and family.

From 1981 to 1986, Point moved from job to job before becoming a porter at a Calgary hospital, where she met Ms. Trudeau, a physiotherapist. The two played softball on the same team and bowled in a league with Point's mother, Sharon.

Point became addicted to video lottery terminals, she told the court.

"It was like crack cocaine. They were brutal. They destroyed a big part of my character and my life. I played within my means for awhile, then they took off like wildfire. Rent money, food mon-

ey, everything was going into VLTs. They're bad little machines."

Broke and on the verge of living in her car, she was taken in by Ms. Trudeau, described by Mr. Krotter as "a loving person whose whole life [as a physiotherapist] was dedicated to helping others."

Point, who by now had adopted the gender-neutral name Chris, says she and Ms. Trudeau began a lesbian relationship, which is denied by the Trudeau family.

According to the Crown, Point's gambling addiction caused her to forge Ms. Trudeau's name on 11 cheques totalling \$5,000, resulting in a deadly confrontation between the two on Feb. 25, 1999.

According to testimony, Ms. Trudeau was struck with 15 blows to the back of her head with a hatchet or similar weapon.

Her body was found July 21, 1999 in two boxes in a nearby garage. Ms. Trudeau's arms and legs had been severed from her torso and her remains packed in mothballs. Point was arrested the following day.



THE CANADIAN PRESS

The body of Audrey Trudeau, was found dismembered five months after she was murdered by Deborah Point. The two were living together after Point, addicted to video lottery machines, was broke and needed a place to stay.

"The court should heed the recommendation of the jury due to the horrible and gruesome nature of this case," Mr. Krotter said yesterday, citing sentences of 17 to 23 years for cases involving second degree murder with dismemberment.

National Post

NATIONAL POST  
JAN/01

**Council Decision – Monday March 11, 2002**

**DATE:** March 12, 2002

**TO:** Paul Meyette, Parkland Community Planning Services  
Greg Scott, Inspections & Licensing Manager

**FROM:** City Clerk

**RE:** Land Use Bylaw Amendment 3156/I-2002  
Addition of Gaming Establishment as a Discretionary Use  
Westerner Expositions Association

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**Reference Report:**

Parkland Community Planning Services and Inspections & Licensing.

**Bylaw Readings:**

Land Use Bylaw Amendment 3156/I-2002 was given first reading. A copy of the bylaw is attached.

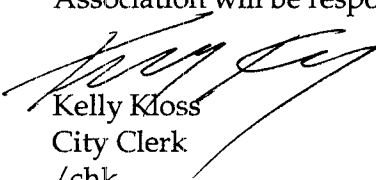
**Report Back to Council:** Yes

A Public Hearing will be held on Monday, April 8, 2002 at 7:00 p.m. in Council Chambers during Council's regular meeting.

**Comments/Further Action:**

Land Use Bylaw Amendment 3156/I-2002 provides for the addition of "Gaming Establishment" to the Westerner's list of discretionary uses which will allow the Municipal Planning Commission to consider approving a casino or racetrack on the site when or if an application is received.

This office will now proceed with the advertising for a Public Hearing. The Westerner Exposition Association will be responsible for the advertising costs in this instance.



Kelly Kloss  
City Clerk  
/chk  
attachs.

c Director of Development Services  
Community Services Director  
Land & Economic Development Manager  
C. Adams, Administrative Assistant  
S. Eklund, City Clerk's Clerk Steno

**BYLAW NO. 3156/I-2002**

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

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

- 1 That Section 171 Discretionary Uses for the Public Service District is amended by deleting Subsection 9 in whole and replacing with the following:

"(9) At the Westerner Exposition Site situated upon the following lands namely Lot 5, Block 1, Plan 882-2274, and Plan 615 L.Z.:

- (a) any use similar to the uses permitted at the Westerner site,
- (b) any uses which are accessory to any of the approved uses, provided that they are consistent with the theme of such use, or provide a directly related service to such use,
- (c) Gaming Establishment"

READ A FIRST TIME IN OPEN COUNCIL this 11th day of March 2002.

READ A SECOND TIME IN OPEN COUNCIL this day of 2002.

READ A THIRD TIME IN OPEN COUNCIL this day of 2002.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2002.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK



Box 5008  
Red Deer, Alberta  
T4N 3T4

*The City of Red Deer*

Office of the City Clerk

March 12, 2002

Fax: 341-4699

Mr. John Harms, General Manager  
Westerner Exposition Association  
4847A - 19<sup>th</sup> Street  
Red Deer, AB T4R 2N7

Dear Mr. Harms:

Re: Land Use Bylaw Amendment 3156/I-2002  
Addition of Gaming Establishment as a Discretionary Use  
Western Exposition Association

At the City of Red Deer's Council meeting held Monday, March 11, 2002, first reading was given to Land Use Bylaw Amendment 3156/I-2002. A copy of the bylaw is attached for your information.

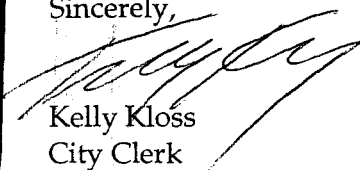
Land Use Bylaw Amendment 3156/I-2002 provides for the addition of "Gaming Establishment" to the Westerner's list of discretionary uses which will allow the Municipal Planning Commission to consider approving a casino or racetrack on the site when or if an application is received.

This office will now proceed with the advertising for a Public Hearing to be held on Monday, April 8, 2002 at 7:00 p.m. in the Council Chambers of City Hall during Council's regular meeting.

The cost of the advertising, estimated in the amount of \$400.00, is the responsibility of the Westerner. Once the actual cost of advertising is known, you will be invoiced for the amount.

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

Sincerely,

  
Kelly Kloss  
City Clerk  
/chk  
/attach.

c Parkland Community Planning Services



**BYLAW NO. 3156/I-2002**

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READ A THIRD TIME IN OPEN COUNCIL this day of 2002.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2002.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

DATE: March 12, 2002

TO: City Council

FROM: City Clerk

RE: Land Use Bylaw Amendment 3156/I-2002  
Addition of Gaming Establishment as a Discretionary Use  
Westerner Expositions Association

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**FILE**

*History*

At the Monday, March 11, 2002 meeting of Council, Land Use Bylaw Amendment 3156/I-2002 was given first reading.

Land Use Bylaw Amendment 3156/I-2002 provides for the addition of "Gaming Establishment" to the Westerner's list of discretionary uses which will allow the Municipal Planning Commission to consider approving a casino or racetrack on the site when or if an application is received.

*Public Consultation Process*

A Public Hearing has been advertised for the above noted bylaw to be held on Monday, April 8, 2002 at 7:00 p.m. in the Council Chambers, during Council's regular meeting. The owners of the properties bordering the site have been notified by letter of the Public Hearing.

*Recommendations*

That following the Public Hearing, Council may proceed with 2<sup>nd</sup> and 3<sup>rd</sup> readings of the bylaw.

Kelly Kloss  
City Clerk

/chk

Item No. 2



5518 Gaetz (50) Avenue, Red Deer, Alberta T4N 7A4 email: sales@macjames.ca Phone (403) 309-3233 Fax (403) 309-4141

February 13, 2002

City of Red Deer  
Office of the City Clerk  
Box 5008  
Red Deer, Alberta  
T4N 3T4

Attention: Kelly Kloss

Dear Sir:

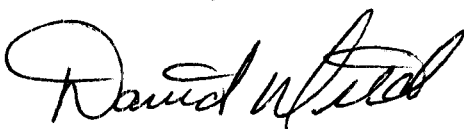
Re: 5518-50 Avenue  
Lot 9, Plan 72 N.Y.  
Application for Extension

We are in receipt of your letter dated January 11th, 2002 in regards to our use of a temporary building at the above location. We would request that you grant us an extension to be able to continue to use this building at this time. We would request an extension in accordance with our existing lease with Shell Oil Company for an additional (5) years ( a copy of our lease is available for your information if required).

We have an existing lease with Shell that was just renewed for the next five years and have been working hard to get Shell to proceed with decontamination of the site so that we may purchase the site. The site at present is contaminated from the fuel storage tanks that were present here for many years and because of the contamination we are not able to erect a permanent building or pave the lot. These two items are things we would anticipate completing once the soil is such that we can purchase the lot. At this time we do have a standing offer to purchase the property once the decontamination work has been completed. In the mean time we are continually on Shells case to complete this work as quickly as possible. This fall new wells were drilled to monitor and explore the remaining contamination so there is a little progress being made. With the current situation no one would be able to erect a permanent structure on the premises.

We appreciate your assistance in this regards and look forward to our continued relationship. Should you have any questions in regards to this application please contact the writer at your convenience at 309-3233.

Yours sincerely,



David Wild  
Branch Manager



5518 Gaetz (50) Avenue, Red Deer, Alberta T4N 7A4 email: sales@macjames.ca Phone (403) 309-3233 Fax (403) 309-4141

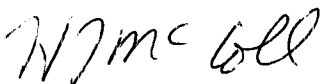
### **A History of Our Dialogue With the Property Manager of Shell Canada Products Ltd.**

I had several conversations with Martin Blair, the Property Manager when we first leased the property in April of 1997 but I did not record them. Jim Pitchko took over from Martin in May of 2000. I have recorded the following dialogue with him since June of 2001:

- 6/26/01        I left a message for Jim.
  
- 6/27/01        Wrote a letter (copy enclosed) to Jim Pitchko, Shell Property Manager exercising our option to renew the Lease for a further five-year term, and asking when we can exercise our Option to Purchase (i.e. when will the land be cleaned up).
  
- 7/3/01         Received a call from Rae Cardiff of Pitchko's office requesting a copy of our Commercial Insurance Policy and telling me that Jim will call me later in regards to when the Term of Option to Purchase will commence.
  
- 7/16/01        Wrote another letter (copy enclosed) to Jim Pitchko requesting he contact me in regards to when the Term of the Option to Purchase will commence.
  
- 7/23/01        Jim Pitchko called me, said it was their policy to not sell any properties that are not environmentally clean per the federal government standards. I asked when it would be clean. He said he didn't know how much pollution was left or how long it would take to clean it up and that their environmental engineer, Randal Warren, was away until July 26. He said he would talk to him when he got back and would then call me.
  
- 8/17/01        I called Jim Pitchko since I hadn't heard back from him and got a message stating he was on vacation until August 20.
  
- 8/29/01        I called Jim Pitchko again. He said the engineer, Warren, said his best guess was a couple of years to clean up the site. I asked him what the maximum period might be. He said he would ask the engineer the next day as he was in meetings with him all day and he would call me back.

- 2 -

- 9/12/01 I called Jim Pitchko again. He said he hadn't talked to the engineer yet and he was in Montreal. He hoped he would be back by the end of the week and Jim would call me back late the next week.
- 9/17/01 I called Jim and left a message.
- 9/19/01 Jim called me back. He said he talked to Randal Warren who said that based on today's information they are looking at more than five years before the site would be cleaned up. Jim said they were going to punch more holes in the ground in November to get a more accurate update.
- 12/19/01 I called Jim Pitchko again. He said only one hole showed some contamination but they didn't have the water table contamination reports yet. He didn't think they would have then until early January.
- 1/21/02 I called Jim Pitchko again. He didn't know any more than he did when we last talked. I let him know that the City of Red Deer asked me to include a copy of Shell's latest environmental report with our application to extend our usage of a temporary building on the site. He said the report wasn't ready and he didn't think the City could force him to provide it. I then asked him if he would provide me with the last environmental survey. He said no, he would rather provide a current one. He finished the conversation by saying that he would talk to the environmental engineer about my concerns with the City.



H.J McColl,  
President,  
MAC JAMES MOTORS

**AAA ALL-CAR AUTO LEASING LTD.**  
**9111 - 34A AVENUE**  
**EDMONTON AB T6E 5T6**

June 27, 2001

Mr. Jim Pitchbo,  
 Area Manager - Property Management,  
 Shell Canada Products Limited,  
 P.O. Box 100, Stn. M,  
 Calgary AB T2P 2H5

Dear Jim,

In regards to the Lease Agreement between Shell Canada Products and AAA All-Car Auto Leasing Ltd. o/a J.D. Byrider Red Deer made April 7, 1997 and commencing June 1st, 1997:

- 1) We Would like to officially notify you that we wish to exercise our Option To Renew (27) this lease for one further five year term.
- 2) We would like to officially notify you that our operating name is changing from J.D. Byrider to Mac James Motors on July 6th, 2001.
- 3) We Would like to know approximately when the Term of the Option to Purchase (29-2) will commence.

Yours truly,

*HJ McColl*

Hugh J. McColl,  
 President,  
 AAA All-Car Auto Leasing Ltd.

*Call - 345 July 3, 01*

*Rae*

*Rae Cardiff - ditto copied her - names  
 no problem*

*fax - 403-691-4410 x 691-3473*

*- she needs copy of Commercial Ins*

*Jim to call me later re question # 3*

**AAA ALL-CAR AUTO LEASING LTD.  
9111 - 34A AVENUE  
EDMONTON AB T6E 5T6**

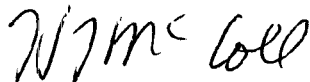
July 16, 2001

Mr. Jim Pitchbo,  
Area Manager - Property Management,  
Shell Canada Products Limited,  
P.O. Box 100, Stn. M,  
Calgary AB T2P 2H5

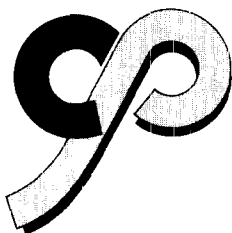
Dear Jim,

In regards to my letter of June 27, 2001, could you please contact me in regards to question #3 (when the Term of the Option to Purchase will commence)

Yours truly,



Hugh J. McColl,  
President,  
AAA All-Car Auto Leasing Ltd.



**DATE:** March 1, 2002

**TO:** Kelly Kloss, City Clerk

**FROM:** Tony Lindhout, Planner, Parkland Community Planning Services  
Greg Scott, Manager, Inspections & Licensing Department

**RE:** **MAC JAMES MOTORS (AUTOMOBILE SALES LOT)**  
**REQUEST FOR EXTENSION OF TEMPORARY USE**  
**5518-50 AVENUE**

---

Mac James Motors is requesting Council approval for a five year extension of the temporary discretionary use of an automobile sales lot at 5518-50 Avenue. City Council on May 5, 1997 approved, as a discretionary use, an automobile sales lot for a period not to exceed five years. This approval expires on May 5, 2002.

### **Background**

The site is currently zoned DC (3) Direct Control District No. 3. This direct control district was created in the mid 90's in response to the then *Downtown West Area Redevelopment Plan* wherein this location was identified and anticipated to be a major redevelopment site. While an automobile sales lot is neither a permitted nor discretionary use in the DC (3) District, this district does allow for "any use approved by Council" ..... having regard for the adopted Area Redevelopment Plan for the area.

Council in 1997 approved the automobile sales lot as a temporary, time limited discretionary use on the basis that the site was undevelopable due to soil contamination from a service/gas station use that had previously operated on the site. The automobile sales lot was viewed as an interim, temporary land use while the land owner, Shell Canada Ltd., undertook cleanup of the site.

In August 2000, the *Downtown West Area Development Plan* was replaced with a newer and updated land use plan and vision for the downtown called the *Greater Downtown Action Plan Area Redevelopment Plan*.

### **Greater Downtown Action Plan**

The Greater Downtown Action Plan (GDAP), adopted by City Council in August 2000, brought together into one plan, the former Downtown Concept Plan and the Downtown West Area



Redevelopment Plan. The GDAP brings the entire downtown and all its related adjoining neighbourhoods together under one comprehensive development strategy that calls for the downtown to be dynamic and vibrant and that it be the physical, economic and social heart of the City.

The GDAP identifies the Mac James Motors site as part of the downtown's Cannery Row neighbourhood and that this district is expected to see significant redevelopment and change in the future. The GDAP indicates the following for the Cannery Row district:

- The creation of a distinct identity around the "Cannery Row" name.
- The area is to be a mixed residential and market area with extensive pedestrian enhancements including an attractive link to the old train bridge.
- Development of a strong pedestrian environment including calming of traffic flows on major arteries and integration of the Cannery Row area with the adjoining Waskasoo River Park areas along the Red Deer River.
- Build on the strengths of an active entrepreneurial economy.
- As this site is located at a major entry point into the downtown from the north, the GDAP calls for appropriately designed entrances into the downtown and specifically states that "both primary and secondary entrances should be well defined, inviting and architecturally accented".

One of the key factors that will affect future development of the Mac James Motors site is potential improvements and/or redesign of the Gaetz Avenue/55<sup>th</sup> Street intersection. As part of the implementation of the GDAP, a recent City endorsed feasibility study completed by Earth Tech Inc. (final report, September 2001) recommends the westward extension of 55<sup>th</sup> Street to 54<sup>th</sup> Avenue and elimination of the narrow portion of 54<sup>th</sup> Avenue that currently goes under the south leg of the old CPR train bridge. Although the bridge itself is to be retained as part of the pedestrian crossing over the Red Deer River, the study concluded that the sight lines of 54<sup>th</sup> Avenue under the bridge are substandard, the bridge clearance is inadequate and the present alignment of 54<sup>th</sup> Avenue serves as an impediment to efficient traffic flows.

### **Planning & Development Analysis**

One of the most critical factors to the success of creating a successful urban environment is the relationship of site development with its surrounding area. In this case, the subject site is in close proximity to the Red Deer River and related significant open space and green areas which form part of the City's Waskasoo Park system. This combined with its location along a major entry point into the downtown, proximity to the pedestrian bridge (old CPR train

bridge) and site access to a major arterial roadway makes this a very attractive site for a future major development.

Depending on the final City design of the Gaetz Avenue/55<sup>th</sup> Street intersection that potentially could include the westward extension of 55<sup>th</sup> Street and/or the elimination of 54<sup>th</sup> Avenue under the former railway bridge structure, surplus lands in the area could be available and opportunity would exist to consolidate these with the subject site to form a larger, more viable development parcel.

From a land use and planning perspective the site should ultimately be developed with a use that will be complimentary to, and form part of the existing downtown. We believe that while the automotive sales lot has been an interim use of the site while it undergoes environmental cleanup, in the long term, it is not the type of development that captures and complements the amenities of this location as a downtown entry point or takes advantage of its close proximity to the river and park system.

Furthermore, low intensity developments such as an automotive sales lot with on site storage and display of vehicles does little to encourage upgrading and /or redevelopment of other properties in the vicinity. As indicated in the GDAP, the potential for major new development in this area is significant. Under the guidance of the planning principles established in the GDAP for the Cannery Row area, the subject key site and the ultimate redevelopment of other nearby properties such as the DairyWorld and Prairie Bus Lines sites, will transform this area from its past rail-era image of an industrial warehouse district to a vibrant urban mixed use area that will compliment the rest of the downtown.

The site should retain its direct control zoning so that Council can receive, evaluate and decide upon future comprehensive development proposals for this site based upon the direction provided in the Greater Downtown Action Plan. The GDAP indicates that the use, design and development standards for this specific site are to be established and approved by Council on a case by case basis.

It is unfortunate that Mac James Motors has indicated long term interest in this site through potential lease renewals and possible purchase of the site but they have done so at their own initiative. The Council decision of May 5, 1997 clearly stated that an automotive sales lot at this location was approved on the basis of a "temporary discretionary use for a period not to exceed five years." That Council decision was based on sound planning and land use principles established in a statutory document that indicated the ultimate end use of this site would be something different from an automotive sales lot. Those same planning

City Clerk  
Mac James Motors Site  
Page 4

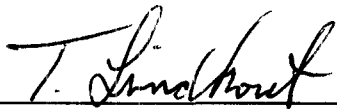
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principles are still in effect today with the result that the Cannery Row area is now beginning to evolve into a cohesive downtown neighbourhood.

This momentum/transition of land uses and development in this area needs to continue in a manner that will attract new businesses and investments that are in the best long term interests of the downtown. Shell Canada needs to be signaled that efforts must continue to be made to clean up the site (remove contamination) so that this high profile location can be made available and developed with a permanent use that complements the Downtown, provides an attractive entrance to the Downtown and takes advantage of the site's surrounding amenities and prime location.

#### **Recommendation**

Planning and Licensing & Inspection's staff do not support the request for a five year extension to allow an automobile sales lot to operate at this location as either a permitted or discretionary use and therefore we recommend the request be denied.

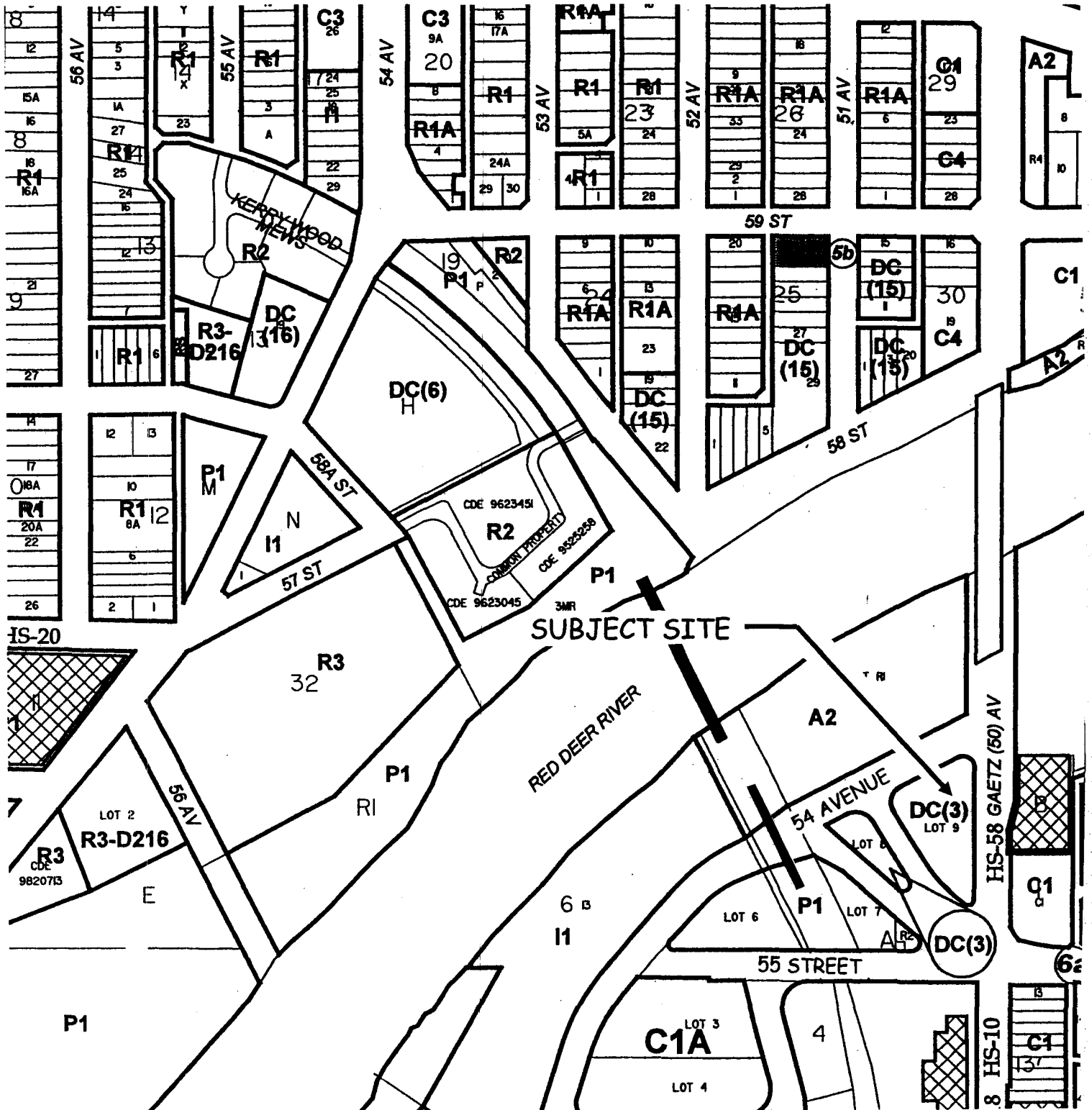


Tony J. Lindhout, Planner  
Parkland Community Planning Services



Greg Scott, Manager  
Inspections & Licensing

c. Ken Haslop, Engineering Services Manager



***Comments:***

We agree with the recommendations of the Administration. We believe it is an opportune time to signal Shell that the property needs to be given more direct consideration in order to provide for its redevelopment. We recommend that Council pass a resolution signaling a clear intent that there can be no long-term continuation of this use. We are, however, sensitive to the needs of the existing tenant and therefore further recommend that Council agree to continue the use until December 31, 2002 only. This will give the business an opportunity to relocate.

"G. D. Surkan"  
Mayor

"N. Van Wyk"  
City Manager

Good evening your worship and members of city council. I would like to first off thank you for the opportunity to address council on this matter. I would like to tell you a little bit about our company Mac James Motors.

We are not a normal automobile car dealership in that we do not sell cars to everyone. Our client is a person who has experienced credit difficulties in the past or a person who has never had any credit. In both circumstances they are unable to obtain conventional financing.

That is where we come in. We help these people get a good dependable vehicle so that they can get jobs or keep jobs and at the same time rebuild or establish good credit. This also allows them to shop at the bank or regular dealerships for their next vehicle. Many of our customers have been able to go on from here and purchase new vehicles and homes.

From our location in Red Deer we service all of central Alberta and southern Alberta. We draw people into the downtown core from as far away as Swift Current Saskatchewan .... Lethbridge...Medicine Hat..... Brooks and greater Calgary. All of these people come to our city to visit our location and to purchase a vehicle to help them rebuild their credit.

You may have noticed that last year we changed our operating name. This name change came because as J.D. Byrider we were operating as an American franchise with the rights to all of Alberta. We felt that the timing was right for us to drop the American influence and to become a completely Alberta owned and operated company. We have two locations in Edmonton and one in Red Deer and our fourth location will be opening this spring in Lloydminster.

We are an aggressive community minded company and very much want to remain within the City of Red Deer. Personally, I have been with the company for over 6 years and moved to Red

Deer to open this office. My family has made Red Deer our home. I had the opportunity to move back to Edmonton and take a promotion within our company but did not take it because I feel that Red Deer is where we want to be.

I have read the GDAP report for the downtown core and I applaud council for having the foresight to see these needs and to want to try and make our city one that we can be proud of!

However in reading the report of the Planning and licensing and inspections staff and also the comments of the mayor and city manager I must say that I am disappointed. I believe that planning is way ahead of themselves in regards to the use of this property. I would like to take this opportunity to explain why.

First, the land in question is presently owned by Shell Oil, and we are all aware there are environmental issues with this property. Due to the presence of soil contaminations from years of operating as a gas station, this land is not saleable to us or to anyone else until the de-contamination has been completed. Shell has been working towards this end. It is a slow project and takes time but progress is being made towards this end. As I have indicated in my submission to council we do have a standing offer to purchase this property. We fully intend to exercise this offer. We have been putting pressure on Shell, as outlined in the attachment to my request, on a continual basis. They are a very large corporation and they move slowly. The fact that we have been pressuring them to execute our offer has been driving them. This winter a new environmental study was completed and although the results have not been published yet we have a verbal report that indicates that there is still contamination present although it has been significantly reduced. If you take away our ability to purchase this site you also will be taking away any sense of urgency on the part of Shell Oil. Also you will be taking away the only revenue that they have from this property to continue to clean up the site. Their motivation to proceed with the clean-up will be gone and

this lot will once again revert to an empty, weed infested lot where the big trucks will park. This doesn't seem very appealing to me. At this point do you not feel that having a company operating and contributing to the economy of the city is better than an empty lot?

Second, after reading the GDAP report and the plans for the Cannery Row area it has come to my attention that there are a couple of major obstacles presently in your way that are of a much greater importance than letting us sit on this lot for another 5 years. The whole area development hinges on two companies; Dairyworld and Prairie Bus Lines. Unless I'm mistaken I don't see anything happening in regards to either of these locations. Dairyworld is still operating, their facility is not the most attractive and they are continually putting raw powdered milk into the atmosphere in the downtown core. I should know as I deal with this everyday. Prairie Bus lines continue their operations and I don't see them moving out very quickly either... Both of these businesses are the core to any of the redevelopment that you are planning and regardless of what action might happen with them it is not going to happen overnight and I dare say not in the next five years. Having said that, should Prairie bus lines move in this time frame there is nothing to stop the city with proceeding with the construction of the new interchange and extension of 55<sup>th</sup> street even if we are still sitting on this property?

Third, since we were granted the right to occupy this land there has been no visible changes to the five blocks between us and downtown towards the implementation of the Cannery Row theme. In fact, the city has allowed two other businesses to enter this area that have the same or maybe even less curb appeal than we do. These companies are Hertz Rent a Car and Budget Car Rentals. Am I to assume that these companies too are being asked to vacate by the end of the year? I highly doubt it. Hertz moved in across the street from us last fall and budget moved in a couple of years ago even closer to the downtown core. If we



are being asked to leave because the city doesn't feel that we are what the people of Red Deer want to see when they enter the downtown core are these companies also being asked to leave as they too have a building with a lot full of vehicles.

Fourth, you have indicated that you expect us to vacate the property by the end of 2002. As you are aware, our city has a booming economy and land is at a premium. I have contacted Ralph Salomons, the real estate agent that helped us to secure this property, to see what other land was available for us. He being aware of our needs informed me that there are presently no sites that would meet our needs. Our needs being high volume traffic flows, high visibility, good access, and enough room to house our inventory. I too drove down Gaetz Ave and found that there is nothing available. We understand the long-term plans of the city. However the time line that you are presenting is unreasonable for us to be able to remain in the city. We feel that the next 5 years isn't going to be the turning point of this project and that the revenue generated for the city coffers by letting us stay here for the next 5 years would be a plus rather than a negative for the city

Finally, last fall we approached the city for permission to install a new sign on our premises. We felt that with another five year extension to our lease with shell and the city's approval that the expense of installing this sign would be justified. We saw nothing that would stand in our way of being able to sit here what with the land contamination, the new businesses that had opened in the immediate area and the fact that there had been no move towards any revitalization between us and Ross street. The city voiced no concerns and gave us the approval to install this sign. Now just 5 months later you are telling us that we must move. This was a very large expense and one that we feel was done tastefully and with the people of Red Deer in mind with the time and temperature feature on our sign. Why wouldn't the city have denied our request if they knew that they were not interested in having us in this location any longer?

So let me recap the positives here

- 1) land contaminated- Mac James will continue pressuring Shell to clean up the site. Having us on site and with an offer to purchase motivates Shell to continue with their clean up operations. This is a much better situation than the one that the city is facing with the Alberta Transportation Yards on the corner of 67<sup>th</sup> street and Gaetz at the present time.
- 2) Contributing member of the community- business taxes, member of the chamber of commerce, supporter of the Rotary club, The Westerner and MDA charity fundraisers, and a viable operation bringing people into our community not only to buy vehicles but to shop, eat and visit our great city
- 3) A company, Mac James Motors who have a vested interest in developing this property and working with the city in the future to help the city to achieve their goals. I might add here that the owner of our company is Mr Hugh McColl whose family owned and operated Hugh McColl Southpark in Edmonton for over 40 years. They were situated in OLD Strathcona and were an integral part of the re-development of this area in Edmonton. Their dealership was integrated into the master plan and continues to operate within old strathcona. As they did in Edmonton they would be willing, in Red Deer, to develop this site around the city's theme of "Cannery Row". Of course some guidelines must be developed for this area and we will need to have some indication as to what exactly the city sees as a proper type of development.
- 4) The city can proceed with their plans as per the GDAP knowing that they have a company who is willing to work with the city in the future to develop this lot to enhance the downtown core. A company with a commitment to be here

with employees who have made Red Deer their home and people who care about the future in our city

- 5) Mac James Motors operating an environmentally friendly operation. The site is clean and much more attractive than an empty lot. We have completed landscaping to enhance the appeal of the site in accordance to the city's request and will continue to do more.

Let us look at the negative impact of forcing Mac James Motors out of this location at this time

- 1) Although there are grand plans for the Cannery Row area nothing will really start to happen until the two large companies have been dealt with. Forcing Mac James Motors out will leave the city with a vacant lot with no income being generated and no appeal to the eye of the citizens of Red Deer
- 2) Without the pressure of Mac James Motors on Shell Oil their motivation to clean up this site dissipates. Using Mac James Motors as a pawn to try and force Shell to clean up the site quicker will backfire. We are the key to getting this accomplished not the thorn in councils side!!
- 3) Forcing yet another company to try and relocate with no property available within the city that meet their needs will be a loss to the city. Lost tax dollars... lost company base ... lost draw to the city from the outlining communities throughout central and southern Alberta
- 4) There is no indication as to exactly what the city wants to see on this site. Simply they want something that is architecturally pleasing and something as a gateway to the downtown. The city has indicated that upon completion of the 55<sup>th</sup> street and Gaetz ave interchange that more land may be freed up to compliment our site by the inclusion of the road right ways surrounding this property. Until this happens there isn't going to be any development taking place on our site once again forcing this lot to remain

empty and quite frankly an eye sore to the downtown community.

I feel that the members of city council must weigh all the facts before making their decision. We are not the bad guys here but hopefully we can be an asset to achieving your ultimate goals for this area. We fully intend to purchase this property and we will be looking forward to working with the city fathers in developing it in the future to meet all of our goals... A stronger more vibrant city one we can all be proud of.

Thank you for your consideration in this matter. We hope that you will grant us another 5 year extension of our temporary use of the property at 5518- 50<sup>th</sup> avenue knowing that we want to remain a part of our great city and giving us the time to explore other options in the future. I would at this time welcome any questions that you might have of me....

Date: February 21, 2002

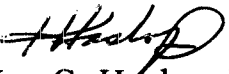
To: City Clerk

From: Engineering Services Manager

**Re: Mac James Motors - Extension of Temporary Use of  
Automotive Sales Lot  
9/-/72 N.Y., 5518 Gaetz Avenue**

---

The Engineering Services' concerns expressed in our April 28, 1997 memo to Council have been addressed and we, therefore, have no objections to the extension of the temporary use for another five years.

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

KGH/emr

DATE: April 28, 1997  
TO: City Clerk  
FROM: Engineering Services Manager  
**RE: SHELL SITE - 5518 - GAETZ AVENUE**

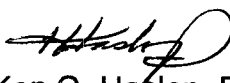
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The proposal appears to be the temporary use of the site as an automotive sales lot including the installation of a portable office. We have reviewed our files, conducted a cursory survey of the site, and have the following comments for Council's consideration:

1. There is an existing 12 m wide curb cut for a driveway to 55A Street on the west side of the site that is unsafe considering motorist sight distance, road curvature, and the traffic volume on the street. This curb cut should be removed.
2. The two access points to Gaetz Avenue as right in/right out driveways are satisfactory in principal; however, the most northerly one is too close to the right turning traffic from the bridge to 54 Avenue. In addition, this curb cut barely touches the property in question. This access point should be relocated further south or perhaps combined with the existing access point closer to the center of the parcel.
3. Water and sanitary services are available adjacent to the site.
4. We are unaware of the status of the environmental contamination of this site.

### **RECOMMENDATIONS**

The Engineering Department has no comment relative to the proposed land use, but would respectfully recommend that any such approval be subject to the developer applying and paying for modifications to the existing curb cuts as noted above and for the other municipal services that are required.

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

KGH/emr

- c. Director of Community Services
- c. City Assessor
- c. E.L. & P. Manager
- c. Fire Chief
- c. Inspections & Licensing Manager
- c. Principal Planner

## **A G E N D A**

\*\*\*\*\*

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

TO BE HELD IN THE COUNCIL CHAMBERS, CITY HALL

***MONDAY, MAY 5, 1997***

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

\*\*\*\*\*

- (1) Confirmation of the Minutes of the Regular Meeting of April 21, 1997

PAGE #

(2) **UNFINISHED BUSINESS**

- |  |       |
|--|-------|
| 1. City Clerk - Re: Land Use Bylaw Amendment 3156/D-97 /<br>Property of Knights of Columbus & G. Carfantan / Highland<br>Green   | .. 1  |
| 2. City Clerk - Re: Review of Dial-A-Bus Service   | .. 4  |
| 3. Public Works Manager - Re: Utility Bylaw Amendment 2960/D-<br>97 / Amend Utility Bylaw 2960/88 / Re-Instatement of Weekly<br>Recycling Service / Multi-Family Joint Use of Garbage<br>Containers / (See Bylaw Section for Readings) | .. 12 |
| 4. City Assessor - Re: Tax Rate Bylaw No. 3184/97 / (See Bylaw<br>Section for Readings)  | .. 15 |
| 5. City Clerk - Re: Joffre Expansion / Socio-Economic Information<br>and Environmental Impact Assessment   | .. 20 |

(3) **PUBLIC HEARINGS**

1. City Clerk - Re: Land Use Bylaw Amendment 3156/I-97, Drummond Brewing Company Ltd. (Lot 9, Block A, Plan 922-1625) / Request to Rezone From I1 to C4 (See Bylaw Section For Readings) .. 40

(4) **REPORTS**

1. City Clerk - Re: Proposed AUMA Resolutions: Ground Ambulance Rates and Per Capita Grants .. 42
2. Land & Economic Development Manager - Re: Proposed Sale of Reserve Strip of Pathway West of 31 Hill Crescent / Part of Lot 5 R, Block 7, Plan 772-0633 / Mr. & Mrs. R. Veres .. 47
3. Downtown Planning Committee - Re: Request For Up To Date Parking Study .. 57
4. Parkland Community Planning Services - Re: Land Use Bylaw Amendment 3156/N-97, Part of Lot 2, Block 7, Plan 952 0980 and Part of SE ¼ Section 10-38-27-4 / Lancaster Meadows - Phase 4 / Request Redesignation from A1 to R1 and P1 / Proposed 70 Single Family Lots and Pedestrian Walkway / (See Bylaw Section for Readings) .. 63

(5) **CORRESPONDENCE**

1. Ralph Salomons Realty Inc. - Re: Request To Redesignate Lot 9, Plan 72NY (5518 Gaetz Avenue) / Shell Site .. 65
2. Kathy Paradis - Re: Alberta Back Rubs - Rezoning Redesignation of 5814-51 Avenue / (Lots 26 & 27, Block 25, Plan 7604 S) / Land Use Bylaw Amendment 3156/O-97 (See Bylaw Section for Readings) .. 76

(6) **PETITIONS AND DELEGATIONS**

(7) **NOTICES OF MOTION**

(8) **WRITTEN INQUIRIES**



Item No. 1  
Correspondence  
**Ralph Salomons**

65

REALTY INC.

4440-49 AVENUE  
RED DEER, ALBERTA  
T4N 3W6

BUS. (403) 343-3023  
FAX. (403) 343-6490

**RE/MAX Real Estate Central Alberta**  
Each Office Independently Owned & Operated

**April 22, 1997**

**Mr. R. Strader**  
**Licensing and Inspection Manager**  
**City of Red Deer**  
**Red Deer, Alberta**

**RE:    Lot 9, Plan 72NY**  
**5518 Gaetz Avenue**  
**"Shell Site"**

**Dear Mr. Strader:**

**As the above noted site is Direct Control, I therefore ask for your assistance in obtaining approval from City Council for the proposed use described herein.**

**Present Zoning:            DC(3)**

**Present Owner:            Shell Canada Products Limited**  
**P.O. Box 100, Station "M"**  
**Calgary, Alberta T2P 2H5**

**Attention: Martin Blair**

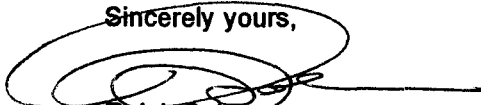
**Proposed Tenant:        AAA All-Car Auto Leasing Ltd.**  
**o/a J.D. Byrider Red Deer**  
**9111 - 34A Avenue**  
**Edmonton, Alberta T6E 5T6**

**Attention: Hugh A. McColl**

**Proposed Use:            The Tenant proposes to use the site as an automobile sales lot. The site is currently under environmental remediation by Shell and will not be developed or sold before such remediation is completed. The Tenant has entered into a land lease with Shell to lease the land for its intended use, subject to obtaining all necessary approvals. The Tenant proposed to place a portable office on the site, a photograph of a similar office is hereby attached. The location of this office is shown on the attached site plan.**

If you require any further information prior to presentation council please contact the writer at 343-3023. I thank you for your assistance.

Sincerely yours,



Ralph Salomons

THE CITY OF RED DEER  
CLERK'S DEPARTMENT

RECEIVED	
TIME	3:29 pm
DATE	97/04/23
BY	RC



R1

A2

DC(3)  
8Portable  
office

DC(3)

DC(3)

B

C1

6a

4

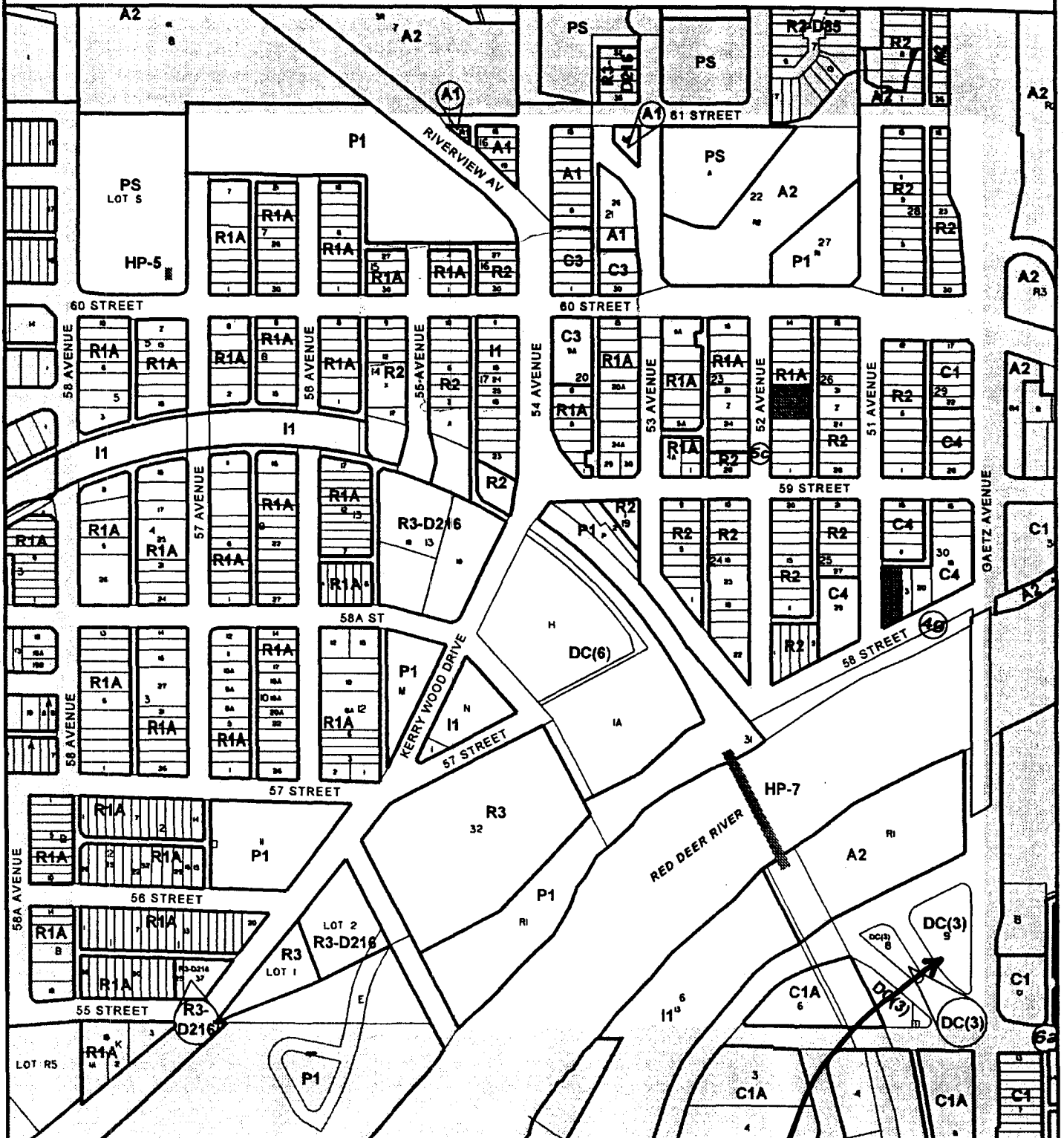
C1A

C1

# THE CITY OF RED DEER - LAND USE BYLAW

## LAND USE DISTRICTS

F10



BYLAW NUMBER - 3156/96

AMENDMENTS:



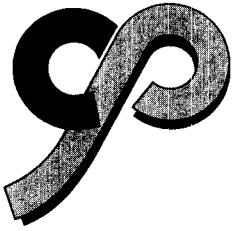
SCALE 1:5000  
26-NOV-1996 09:30

SEE SECTION SIX FOR  
LANDUSE DISTRICT DEFINITIONS

E11	F11	G11
E10	F10	G10
E9	F9	G9

SUBJECT  
SITE

S.E. ¼ -20-38-27-4



TO: Kelly Kloss April 28, 1997

FROM: Paul Meyette

RE: Ralph Solomons Realty - Shell Site - Gaetz Ave.

Ralph Solomons Realty is requesting that City Council approve a car leasing lot on the former Shell site located north of the Dairyworld Site.

#### BACKGROUND INFORMATION

The Shell site and surrounding lands constitute one of the two areas in the City which are zoned DC(3). This District was rewritten as a result of the Downtown West Area Redevelopment Plan; it was applied to sites where major redevelopment was anticipated and where the Area Redevelopment Plan's objectives could not be met through conventional land use districts.

The DC(3) District allows any use which was legally existing at the time the land use district came into effect; it also allows for "any use approved by Council . . . having regard for the adopted Area Redevelopment Plan".

#### Downtown West Area Redevelopment Plan

The Downtown West Area Redevelopment Plan was adopted by City Council on April 26, 1993. The plan was triggered primarily by the relocation of the rail yards. It was based upon the following principles:

- the redevelopment of this industrial area to provide a commercial and residential development which will be complimentary to and eventually form part of the existing downtown
- the upgrading of the properties within the plan area to meet the new parking, landscaping and visual standards in the C1-A District
- maintaining the environmental integrity of the Red Deer River and the river banks
- the expansion and enhancement of the Waskasoo Park system
- the expansion of the bike trails throughout the area

The plan is divided into a number of sections dealing with different components of the plan area. The Shell site is located within Area 10; the following recommendations were made:

With the planned removal of 54th Avenue bridge and the extension of 55th Street, the whole area must be replotted to incorporate all of the road right-of-ways.

If the site is replotted (resubdivided) the site would be viable for a commercial or residential development which would utilize the site's amenities adjacent to the river and park system. The vacant Shell service station is the only privately owned land in this area. To create a development site, the area will need fill and prelevelling. It is proposed that the Municipal Reserve land be retained in its present shape. It is recommended that this site be designated as Direct Control in order that Council could evaluate comprehensive development proposals for commercial or residential use.

The intent of the plan is to replot the site, when 55th Street is extended, to create a large development site; the Direct Control District was used to allow Council to evaluate comprehensive commercial or residential proposals. Since Council is required to have regard for the intent of the plan in considering any approval, the plan's intent and recommendations must be weighed carefully in any Council decision.

#### PLANNING COMMENTS

The proposal which is essentially a car lot with an office trailer, is not consistent with the intent of the Downtown West Area Redevelopment Plan; the plan suggests a more comprehensive development than proposed. Furthermore the proposal by AAA All-Car Auto Leasing Ltd. would not provide an attractive entrance to the Downtown.

A more comprehensive development proposal would bring greater long term benefits to both the City and the downtown.

#### PLANNING RECOMMENDATION

Planning staff do not support the request for approval of an automobile sales lot on this site.

  
\_\_\_\_\_  
Paul Meyette, Principal Planner

# MEMO

---

**DATE:** April 28, 1997

**TO:** KELLY KLOSS  
City Clerk

**FROM:** RYAN STRADER  
Inspections & Licensing Manager

**RE:** RALPH SOLOMON REALTY - SHELL SITE  
5518 GAETZ AVENUE (LOT 9, PLAN 72NY)

---

In response to your memo of April 23, 1997, in regards to the above referenced, we have the following comments for Council's consideration.

The site in question is designated as direct control which means all uses must be approved by City Council. The site is presently vacant and used for some vehicle storage. There is a vehicle sales lot in the general area; however, as this site is directly exposed to Gaetz Avenue, in our opinion, this means that if the use is approved, Council should consider requiring landscaping around the perimeter of the entire site. The landscaping should be subject to approval from the Parks Department for type of material and layout.

**Recommendation:** That the proposed use not be approved, however if it is approved, then the site should be adequately landscaped.

Sincerely,



RYAN STRADER  
Inspections & Licensing Department

RS:yd



# MEMO

---

DATE: April 24, 1997

TO: Kelly Kloss  
City Clerks Dept.

FROM: Daryle Scheelar,  
E. L. & P. Dept.

RE: **RALPH SOLOMON REALTY**  
**SHELL SITE 5518 - 50 AVENUE**

---

E. L. & P. have no objection to the proposed automobile sales lot locating on this property.

Electrical service to this site would be aerial.

If you have any questions please advise.



Daryle Scheelar,  
Distribution Engineer

GF/jjd

Attachment

**Comments:**

We appreciate that this site is currently undergoing environmental remediation, and as a result, it is not ready for permanent development. However, at the point it is ready for permanent development, we are not convinced that this is the type of development which is the highest and best use for this property. As a result, we recommend that Council agree to the proposed development on a temporary discretionary use for the lease period of 5 years, on the clear understanding that once environmental remediation is completed on the site, the appropriate use of the site be reconsidered and that this particular use receive no grandfathering. We also recommend there be a requirement to complete appropriate landscaping and signage on this site satisfactory to the Municipal Planning Commission.

"G. D. SURKAN"  
Mayor

"H. M. C. DAY"  
City Manager

FILE

Office of the City Clerk

May 6, 1997

FAX

Rec'd

Sent

97-05-07

Date

Time

9:04 A.M.

Signature

R

Ralph Salomons Realty Inc.  
4440 - 49 Avenue  
Red Deer, AB T4N 3W6

Att: Mr. Ralph Salomons

Dear Sir:

**RE: REQUEST TO REDESIGNATE LOT 9, PLAN 72NY (5518 Gaetz Avenue),  
SHELL SITE**

At the City of Red Deer's Council Meeting held Monday, May 5, 1997, consideration was given to your correspondence dated April 22, 1997, regarding the above noted property. At that meeting, the following resolution was passed:

"RESOLVED that Council of The City of Red Deer, having considered correspondence from Ralph Salomons Realty Inc. dated April 22, 1997, re: Request to Redesignate Lot 9, Plan 72NY (5518 Gaetz Avenue) / Shell Site, hereby agrees as follows:

1. That AAA All-Car Auto Leasing Ltd., o/a J.D. Byrider Red Deer of 9111-34A Avenue, Edmonton, Alberta, be granted approval for the use of an automobile sales lot on the site described as Lot 9, Plan 72NY (5518 Gaetz Avenue), as a temporary discretionary use for a period not to exceed five years, commencing on the date of the passing of this resolution;
2. That landscaping and signage on said site be satisfactory to the Municipal Planning Commission;
3. That once the environmental remediation is completed on Lot 9, Plan 72NY, City Council reconsider the appropriate use of said site with the understanding that the temporary discretionary use as an automobile sales lot will not be grandfathered,

and as presented to Council May 5, 1997."

It would now be appropriate for you to contact the Inspections & Licensing Manager, Mr. Ryan Strader, to make the necessary arrangements for application to the Municipal Planning Commission with respect to the above.



Ralph Salomons Realty Inc.  
May 6, 1997  
Page 2

Please do not hesitate to contact me should you have any questions or require further clarification of the above decision.

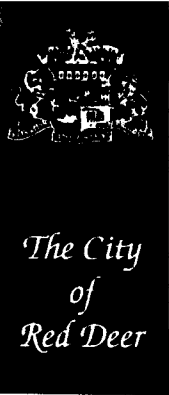
Sincerely,

A handwritten signature in black ink, appearing to read 'Kelly Kloss', written over the printed name and title.

Kelly Kloss  
City Clerk

/clr

c     Director of Community Services  
       Director of Development Services  
       Principal Planner  
       Inspections & Licensing Manager  
       E. L. & P. Manager  
       City Assessor



**Joyce Boon**

Permits & Licensing Supervisor

**Inspections & Licensing**

City Hall  
Box 5008, 4914 - 48 Avenue  
Red Deer, AB T4N 3T4

Bus: (403) 342-8192 Fax: (403) 342-8200

E-mail: joyceb@city.red-deer.ab.ca  
City Web Site: <http://www.city.red-deer.ab.ca>



# DEVELOPMENT PERMIT

## APPLICATION

BYLAW No. 3156/96

Date

**January 16, 2002**

No.

**1020024**

*Development Permit under the provisions of the Land Use Bylaw  
porting information submitted herewith and which form part of*

Proposed Development: **MISCELLANEOUS**

Municipal Address: **5518 50 AV**

Legal Description: Lot **9** Block Plan **72NY**

Owner: **SHELL CANADA LIMITED**

Address: **P.O. BOX 100 STATION M, CALGARY, AB T2P 2H3**

Phone:

Contractor: **Mac James Motors**

Phone: **(403) 309-3233**

Address: **5518-50 Avenue Red Deer, AB T4N 7A4**

Fax: **4033094141**

Municipal Planning Commission



Development Officer



Notes:

*David Wild Hold on Environmental Report*

Notwithstanding the approved herein granted and the issuance of this permit, the City does not assume responsibility that the said plans and specifications as filed comply in all respects with the Safety Codes Act and Regulations, and the granting of this permit shall in no way relieve the owner of the building or the constructor thereof from complying with the requirements of the said Safety Codes Act and Regulations, the City Building Bylaw or any other relevant City Bylaws or Provincial or Federal statutes or regulations in force.

Fees				APPLICANT:
Permit Fee	<input type="text" value="\$50.00"/>			
Advertising	<input checked="" type="checkbox"/> <input type="text" value="\$60.00"/>			
Survey	<input type="checkbox"/> <input type="text" value="\$0.00"/>	Invoice	<input type="checkbox"/>	Print Name
Grade Certificate	<input type="checkbox"/> <input type="text" value="\$0.00"/>	Receipt	<input checked="" type="checkbox"/>	
Caveat	<input type="checkbox"/> <input type="text" value="\$0.00"/>			
Other	<input type="checkbox"/> <input type="text" value="\$0.00"/>			Signature
Total	<input type="text" value="\$110.00"/>			

Important - see notes over

01

**NOT VALID UNLESS MACHINE STAMPED**

THIS LEASE made as of the 7th day of April, 1997.

BETWEEN:

**SHELL CANADA PRODUCTS LIMITED**

P.O. Box 100, Station "M"

Calgary, Alberta

T2P 2H5

(hereinafter called "Shell")

- and -

**AAA ALL-CAR AUTO LEASING LTD.**

o/a J.D. Byrider Red Deer

9111 - 34A Avenue

Edmonton, Alberta

T6E 5T6

(hereinafter called "Lessee")

WHEREAS Shell has agreed to lease to the Lessee the Premises, as hereinafter defined, in order that the Lessee may use, occupy and enjoy the Premises and the building and other improvements thereon for the Term of this lease, all upon the terms and conditions, and subject to the provisions herein contained.

NOW THEREFORE in consideration of the rents hereby reserved and the covenants herein contained on the part of the Lessee, Shell hereby grants this lease to the Lessee on the terms hereof, and in consideration of this demise and the covenants herein contained on the part of Shell, the Lessee hereby makes the covenants hereinafter contained.

**1.01 DEFINITIONS**

In this lease:

- (a) "Authorized Purpose" means the operation of automobile sales and leasing;
- (b) "Commencement Date" means the 1st day of <sup>June</sup>May, 1997; *Ms*  
*27m*
- (c) "Lease Year" means a period of 12 consecutive months, the first lease year being the period of 12 consecutive months commencing on the Commencement Date and ending on the day preceding the first anniversary of the Commencement Date and each succeeding Lease Year being a period of 12

consecutive months commencing on the day following the expiration of the Lease Year preceding it;

- (d) "Percentage Rate" means the rate of interest being charged on a day from which an amount of interest is to be computed pursuant to this lease by the main branch of the Bank of Montreal in the City of Calgary, Canada, being its commercial rate of interest charged on loans, most commonly known as its Prime Rate, plus Three (3%) percent per annum;
- (e) "Perils" means fire, lightning, windstorm, hail, explosion, riot, malicious damage, smoke damage, sprinkler leakage, and impact by aircraft or vehicles and other perils covered in a standard fire and extended coverage policy of insurance carried by a prudent Lessee carrying on a similar business as the Lessee in a similar location;
- (f) "Person" includes individuals, firms and corporations;
- (g) "Premises" means the property municipally known as 5518 Gaetz Avenue, Red Deer, Alberta, more particularly described in Schedule "A" attached hereto;
- (h) "Rent" means the rent provided for in paragraph 5 herein; and
- (i) "Term" means the period of five (5) years commencing on the Commencement Date.

## 1.02 INTERPRETATION

- (1) The captions and headings in this lease are for convenience of reference only, and shall not affect the scope, intent, or interpretation of any provision.
- (2) This lease shall be governed by the laws of the Province of Alberta.

## 2. DEMISE

*M. [Signature]* Shell leases to Lessee, and Lessee leases from Shell, the Premises together with the ~~buildings~~ and improvements located thereon subject to the reservation of Rent and the covenants and provisos herein contained. Lessee acknowledges receipt of the Premises in good and safe condition and repair.

## 3. TERM

This lease shall be for the Term, but shall be subject to early termination pursuant to paragraph 16 of this lease.



#### 4.01 OVERHOLDING

If Lessee shall continue to occupy the Premises after the expiration of the original Term or the renewal term (if any), or after any termination of this lease, with or without the consent of Shell, and without any further written agreement, Lessee shall be a monthly Lessee terminable at any time by either party upon at least 30 days' prior written notice at a monthly rent equal to the monthly Rent plus Twenty Percent (20%) payable during the then expired or terminated original Term or renewal term, as the case may be, and on the terms and conditions herein set out except as to term and renewal.

#### 4.02 SURRENDER OF LEASE

Upon the expiration of the Term, any renewal term, or any permitted period of overholding, or if Shell becomes entitled to terminate and declares this lease to be terminated pursuant to any of the provisions hereof, Lessee shall surrender to Shell the possession of the Premises, all the rights of Lessee under this lease shall terminate and Lessee shall execute a surrender/termination agreement the form and content of which is satisfactory to Shell and suitable for registration; but Lessee shall, notwithstanding such termination, be liable to Shell for any loss or damage suffered by Shell by reason of any default of Lessee.

#### 5. RENT

- (1) During the Term Lessee will pay Shell, as rent for each calendar month the following rents:

Years 1 - 3 - One Thousand Seven Hundred Fifty Dollars  
(\$1,750.00) per month plus G.S.T.

Years 4 - 5 - Two Thousand Dollars  
(\$2,000.00) per month plus G.S.T.

Rent shall be payable in advance on the first day of each month. Rent for any period less than a calendar month shall be prorated. Lessee will provide Shell with Twelve (12) post-dated cheques on or before the Commencement Date and on or before each anniversary date during the Term or at Shell's option, ~~Lessee agrees that all payments of Rent shall be made by way of automatic cheque plan and Lessee agrees to execute the necessary documentation to effect such payments.~~ *1/1m.*

- (2) All payments of Rent shall be made to Shell at 400-4th Avenue S.W., Calgary, Alberta T2P 2H5 (Attention: Colleen Harte) or as Shell may otherwise direct by notice.

- (3) All Rent required to be paid by the Lessee hereunder shall be paid without any deduction, abatement, or setoff whatsoever, it being the intention of this lease that all expenses, costs, payments, and outgoings incurred in respect of the Premises, ~~the building,~~ and any other improvements on the Premises, or for any other matter or thing affecting the Premises, shall, unless otherwise expressly stipulated herein to the contrary, be borne by the Lessee, ~~that the Rent herein provided shall be absolutely net to Shell and free of all abatement, setoff, or deduction of realty taxes, charges, rates, assessments, expenses, costs, payments, or outgoings of every nature arising from or related to the Premises, or any improvements thereon, and that the Lessee shall pay all such taxes, charges, rates, assessments, expenses, costs payments, and outgoings for the Premises.~~ *WJM*

## 6. COLLECTION OF OTHER AMOUNTS DUE

Any sums, costs, expenses, or other amounts from time to time due and payable by the Lessee to Shell under the provisions of this lease, including sums payable by way of indemnity, and whether expressed to be rent or not, may at the option of Shell be treated as and deemed to be Rent, in which event Shell shall have all remedies for the collection of such sums, when in arrears, as are available to Shell for the collection of Rent in arrears.

## 7. INTEREST ON AMOUNTS IN ARREARS

When Rent or any other amount payable hereunder by the Lessee to Shell is in arrears, such Rent or amount shall bear interest at the Percentage Rate until paid, and Shell shall have all remedies for the collection of such interest, if unpaid after demand, as in the case of Rent in arrears, but this stipulation for interest shall not prejudice or affect any other remedies of Shell under this lease.

## 8. GENERAL COVENANTS OF SHELL AND LESSEE

- (1) Lessee covenants with Shell:
- (a) during the Term to pay unto Shell the Rent hereby reserved, in the manner hereinbefore mentioned, without any deduction whatsoever;
  - (b) to use the Premises only for the Authorized Purpose and to continuously operate and conduct its business in an up-to-date, first class and reputable manner throughout the whole of the Term; and
  - (c) to observe and perform all the covenants and provisos of this lease to be observed and performed on the part of Lessee.

## (2) Shell covenants with Lessee:

- (a) if Lessee pays Rent hereby reserved and observes and performs all the covenants and provisos of this lease to be observed and performed on the part of Lessee, Lessee shall and may peaceably possess and enjoy the Premises, ~~building~~ <sup>2/2m</sup>, and any other improvements on the Premises for the Term hereby granted, without any interruption or disturbance, except as set out in this lease or except as set out in any encumbrance registered against title to the Premises as at the date hereof, from Shell, or any other person or persons lawfully claiming by, from, or under Shell; and
- (b) to observe and perform all the covenants and provisos of this lease to be observed and performed on the part of Shell.

## 9. USE

- (1) The Lessee acknowledges that it is incumbent on the Lessee to satisfy itself that the Authorized Purpose is permissible and not contrary to any and all provisions of any municipal, provincial and federal laws or regulation or any other authority having jurisdiction pertaining to such use. The Lessee further acknowledges and agrees that the Premises and any part thereof shall be used only for the Authorized Purpose. Lessee shall not commit or permit any waste or any nuisance on the Premises, or permit any part of the Premises to be used for any dangerous, noxious or offensive trade, occupation or business.
- (2) Any improvements on the Premises shall be used only for the purposes for which they are designated by Shell. Lessee at Lessee's expense will observe and comply with all laws, ordinances, regulations, orders, licenses and permits of all constituted authorities, and with all rules and requirements of Shell's or Lessee's insurers, relating to the Premises, to any use thereof or to any activity thereon whether or not such compliance involves extraordinary measures, structural repairs or alterations. Lessee will not ~~make any attachments or additions to, or any structural alterations of, any buildings on the Premises, or~~ <sup>2/2m</sup> construct any ~~additional~~ <sup>2/2m</sup> buildings or structures on the Premises, without Shell's prior written consent, which consent may be ~~arbitrarily~~ <sup>not unreasonably</sup> withheld. <sup>2/2m</sup>
- (3) Lessee shall not, and shall not permit any other person to sell, distribute, store, deal in, or manufacture on or from the Premises, gasoline, diesel fuel or other petroleum products for direct dispensal in motor vehicles.
- (4) Lessee shall not, without Shell's written consent, apply for, or consent to the making of any application for, or try to procure or arrange for, the revocation or amendment of the zoning and other laws affecting the Premises that are in effect on the Commencement Date, without Shell's prior written consent, which consent may be ~~arbitrarily~~ <sup>not unreasonably</sup> withheld. <sup>2/2m</sup>

# 10. REPAIRS AND REPLACEMENTS/DAMAGE OR DESTRUCTION

- (1) Lessee will at all times maintain the Premises and any ~~buildings~~ <sup>N7m.</sup> or improvements thereon together with lawns, shrubs, trees and other landscaping, as well as the Lessee's own property thereon in good repair, in a clean and orderly condition free from any accumulation of dirt, rubbish, water, snow and ice and shall remove snow and ice from adjacent sidewalks. ~~Lessee will at all times throughout the Term of this lease keep in perfect repair the glass of the windows and doors of every building on the Premises (thus upon termination of this lease, leaving every building with all glass entire and perfect).~~ <sup>N7m. Mad</sup>

Lessee shall not undertake any repair or alteration of the building on the Premises unless Lessee has submitted to the Shell detailed plans and Shell has approved of the plans in writing. All repairs and alterations must be in compliance with all building by-laws and will not be of such kind or extent as to in any manner weaken the structure of the building or reduce the value of the building.

- (2) Lessee will promptly repair or replace, whether such repairs are interior or exterior, structural or non-structural, ordinary or extraordinary, any of the buildings, improvements or equipment damaged, destroyed, lost, stolen or otherwise in need of repair or replacement by any cause except reasonable wear and tear, (so long as such reasonable wear and tear is not inconsistent with maintenance in good order generally) unless specified otherwise in this lease. If Lessee fails so to do, Shell may make such repairs or replacements and Lessee shall pay to Shell the actual cost thereof plus a 15% administration charge. Shell may enter the Premises at any reasonable time for the purpose of inspecting the same and making repairs and replacements. Every repair made by Lessee shall be equal in quality and class to the original work.
- (3) If the building(s) on the Premises is destroyed or damaged by any of the Perils and in the opinion of Shell either the estimated cost of repairing such destruction or damage exceeds Seventy-Five Thousand Dollars (\$75,000.00), or the time reasonably anticipated as being necessary for the repair with due diligence of such destruction or damage exceeds three months, Shell shall have the option, by notice given to the Lessee within 90 days after the occurrence of such destruction or damage, to terminate this lease, such termination to take effect 30 days after the exercise of the option. In the event of termination of this lease as aforesaid, rent and all other charges affecting the Premises shall be paid and adjusted to the date of termination, and all proceeds under any fire ~~insurance policy shall be delivered to Shell for Shell's absolute benefit.~~ <sup>N7m. Mad</sup>
- (4) Shell shall not be obligated to repair or replace the Premises in whole or in part.

- (5) Shell shall be permitted at its option to enter the Premises, and/or close off, and prevent the use in one or more of the parts of the Premises without liability to Lessee in order to test for and/or remediate any contaminated soils or underground facilities existing from its earlier service station use, however, Shell will use reasonable efforts to minimize interference with Lessee's business. In the event such contamination exists which requires remediation action by Shell and where such remediation requires demolition of all or a portion of the building(s), then Shell may at its option ~~either terminate this lease upon 60 days' prior written notice to the Lessee or~~ complete such demolition and rebuild as necessary during which time Lessee's Rent shall abate proportionately with the amount of the interference so caused. Nothing herein will release Lessee for any contamination Lessee, or those for whom Lessee is in law responsible, causes. *WJM*

- (6) Lessee shall be responsible for all direct or indirect loss or damage to the Premises.

## 11. UTILITIES

Lessee will pay all charges incident to Lessee's use of the Premises or the business conducted thereon, including license, permit, occupation and inspection taxes and fees, water, gas, sewer, heat, charges for electric current, telephone and other utility charges (the meters and accounts for which shall be in Lessee's name).

## 12. TAXES

### (1) Real Estate Taxes

Shell shall pay, or cause to be paid, all real estate taxes, assessments, rates, and charges and other government impositions, general or special, ordinary or extraordinary, foreseen or unforeseen, of every kind, including, without limiting the generality of the foregoing, assessments for local or public improvements and school taxes, which may at any time during the Term be imposed, assessed, or levied in respect of the Premises, all buildings, and all fixtures and improvements from time to time thereon or which, however imposed, might constitute a lien upon the Premises, any building or any part thereof or a liability of Shell, all of which taxes, assessments, rates, charges, and impositions are referred to in this lease as "realty taxes".

### (2) Business Taxes

The Lessee shall pay or cause to be paid when due all charges incident to Lessee's use of the Premises and the Lessee's business conducted thereon or therein, including, without limiting the generality of the foregoing, all Lessee's

business, license, permit, occupation and inspection taxes and fees, and shall indemnify Shell against any liability or damages pertaining thereto.

(3) Other Taxes

The Lessee shall pay to Shell an amount equal to any and all goods and services taxes, sales taxes, value added taxes, business transfer taxes, Commercial Concentration Tax or any other taxes imposed on Shell with respect to Rent (excluding personal income tax) payable by the Lessee to Shell under this lease, or in respect of the rental of space under this lease, whether characterized as a goods and services tax, sales tax, value added tax, business transfer tax, or otherwise (herein called "Sales Taxes"), it being the intention of the parties that Shell shall be fully reimbursed by the Lessee with respect to any and all Sales Taxes at the full tax rate applicable from time to time in respect of the Rent or the rental of space, without reference to any tax credits available to Shell. The amount of the Sales Taxes so payable by the Lessee shall be calculated by Shell in accordance with the applicable legislation and shall be paid to Shell at the same time as the amounts to which such Sales Taxes apply are payable to Shell under the terms of this lease or upon demand at such other time or times as Shell from time to time determines. Despite any other section or clause in this lease, the amount payable by the Lessee under this paragraph shall be deemed not to be Rent, but Shell shall have all of the same remedies for the rights of recovery of such amount as it has for recovery of Rent under this lease.

### 13. CONSTRUCTION LIENS

Lessee will not suffer or permit any lien under the Builder's Lien Act, R.S.A. 1980, c.B-12, or any statutory modification or reenactment thereof, and any regulations made pursuant thereto, or any like statute, to be filed or registered against the Premises, the building or any fixtures or improvements on the Premises, by reason of work, labour, services or materials supplied or claimed to have been supplied to Lessee or anyone holding any interest in any part thereof through or under Lessee. If any such lien shall at any time be filed or registered, Lessee will procure registration of its discharge within Twenty (20) days after the lien has come to the notice or knowledge of Lessee either by payment in full or payment into Court to the credit of any lien action the amount of the lien claimed plus a reasonable amount for costs. Shell may, but shall not be obligated to, discharge any lien filed or registered at any time if in Shell's judgment the Premises or the building or any part thereof or Lessee's interest therein becomes liable to any forfeiture or sale or is otherwise in jeopardy or otherwise jeopardizes any sale of the Premises by Shell, and any amount paid by Shell in so doing, together with all reasonable costs and expenses of Shell, shall be reimbursed to Shell by Lessee on demand together with interest at the Percentage Rate from the date incurred until paid by the Lessee to Shell, and may be recovered as Rent in arrears. Nothing herein contained shall authorize Lessee, or imply any consent or

agreement on the part of Shell, to subject Shell's estate and interest in the Premises and the building or any part thereof to any lien.

#### **14. INSPECTION AND EXHIBITION BY SHELL**

##### **14.01 Inspection by Shell**

Shell and Shell's employees and agents shall be entitled to inspect the Premises and all fixtures and improvements upon the Premises at any time during usual business hours for the purpose of ascertaining the condition or state of repair thereof, or verifying that the provisions of this lease are being complied with, and Lessee shall, upon at least Three (3) days' notice, permit access for this purpose.

##### **14.02 Exhibition by Shell**

At any time during usual business hours Shell shall be entitled to exhibit the Premises and all fixtures and improvements from time to time upon the Premises to actual or prospective purchasers, mortgagees, or encumbrancers of Shell's interest and estate, and Lessee shall upon reasonable notice permit access for this purpose. During the final Twelve (12) months of the Term Shell shall be entitled to display upon the Premises signs advertising the Premises as being available for purchase or letting, provided such signs are displayed in such a manner as not to interfere unreasonably with the conduct of Lessee's business. In the event Shell wishes to rezone, sever or otherwise deal with the Premises, Lessee will permit Shell to erect at Shell's expense, such signs required by any municipal authority from time to time during this lease.

#### **15. ASSIGNMENTS AND OTHER DEALINGS BY SHELL**

##### **15.01 Right of Shell to assign or encumber**

Nothing contained in this lease prohibits or restricts Shell from assigning, syndicating, mortgaging, encumbering, or otherwise dealing with the Premises or Shell's reversionary interest in the Premises, and in the event of a sale or assignment, Lessee hereby fully consents to and approves any such assignment or sale, and agrees to enter into an Assignment and Novation Agreement, at Shell's request, fully releasing Shell from its obligations pursuant to this lease and acknowledging and accepting the assignee in Shell's place and stead to the full extent of the interest assigned.

##### **15.02 Certificate by Lessee**

Whenever requested by Shell, Lessee shall promptly execute an acknowledgment or certificate in favour of any actual or prospective purchaser, mortgagee, or encumbrancer of Shell's interest, acknowledging or certifying as to

- (a) the status of this lease

- (b) any modifications of this lease
- (c) any breaches of covenant known to Lessee, and
- (d) the state of the Rent account,

with the intent that any such acknowledgment or certificate may be relied upon by any person to whom it is addressed.

## 16. TERMINATION/SHELL'S REMEDIES

(1) Shell may, at its option and without notice (unless otherwise specified herein) and without prejudice to any other rights or remedies hereunder or by law, terminate this lease, re-enter and repossess the Premises (or re-enter and at its option relet the Premises on Lessee's behalf) and all fixtures, improvements, chattels and equipment thereon forthwith without such re-entry, repossession or reletting constituting a forfeiture or waiver of the rents to be paid and the covenants to be performed by Lessee:

- (a) if Lessee defaults in the payment of Rent, or any other indebtedness hereunder;
- (b) or if Lessee defaults in the performance or observance of any other covenant or condition of this lease and fails to remedy the same within Fifteen (15) days after Shell gives notice thereof;
- (c) or if Lessee, enters bankruptcy or insolvency proceedings (voluntarily or involuntarily) or makes an assignment for the benefit of creditors; if Lessee's interest under this lease or any of Lessee's goods and chattels are seized or taken in execution or attachment by any creditor of Lessee; if Lessee takes advantage of any relief in bankruptcy or similar relief of bankrupt or insolvent debtors; if a receiving order is made against Lessee, or a liquidator or receiver and manager of any property of lessee is appointed by reason of actual or alleged insolvency or defaults of Lessee; or if steps are taken to wind up, liquidate or dissolve Lessee or Lessee attempts or makes a bulk sale of its assets regardless of where they are situated; in which any event under this subparagraph 16 (1)(c), an amount equivalent to the next ensuing Three (3) months' Rent shall be immediately due and payable;
- (d) or if Lessee's interest under this lease becomes vested, by operation of law or otherwise, in any other person or corporation;

~~(e) or if the person who is, or any of the persons who are, Lessee dies;~~

*Nm. M*



- (f) or if Lessee abandons the Premises or if the Premises are vacant or unoccupied for greater than Seven (7) consecutive days;
  - (g) or if all or part of the Premises is expropriated;
  - (h) or if this lease expires.
- (2) Without limiting any other remedy which Shell may have, Shell shall have the right, and Lessee shall permit Shell to enter the Premises
- (a) at any time upon Three (3) days' notice, or
  - (b) upon a shorter period of notice or without notice where in Shell's reasonable judgment there is a real or apprehended emergency or danger to persons or property, or where any delay in remedying such default would or might materially prejudice Shell,

for the purpose of curing any default of Lessee, and no such entry shall be deemed to work a forfeiture or termination of this lease. Lessee shall reimburse Shell upon demand for all reasonable expenses incurred by Shell in remedying any default, together with interest thereon at the Percentage Rate from the date incurred until paid. Shell shall be under no obligation to remedy any default of Lessee, and shall not incur any liability to Lessee for any action or omission in the course of its remedying or attempting to remedy any such default unless such act amounts to intentional misconduct or gross negligence of Shell.

## 17. DISTRESS

The Lessee further covenants, promises and agrees with Shell that notwithstanding any present or future Act of the Legislature of the Province in which the Premises is located, none of the goods or chattels of the Lessee at any time during the continuance of the Term hereby created on the Premises shall be exempt from levy by distress for Rent in arrears as provided for by the Act, and that upon any claim being made for such exemption by the Lessee or on distress being made by Shell, this covenant and agreement may be pleaded as an estoppel against the Lessee in any action brought to test the right to the levying upon any such goods as are named exempted in the Act, the Lessee waiving as he hereby does all and every benefit that could or might have accrued to him under and by virtue of the section of the Act but for the above covenant.

## 18. RE-DELIVERY OF POSSESSION

Upon any termination of this lease, or any overholding period, Lessee will peaceably surrender to Shell possession of the Premises and any improvements and fixtures thereon, all of which shall become the property of Shell without any compensation to

Lessee. Any of Lessee's chattels and trade fixtures which Lessee fails to remove from the Premises at any termination of this lease, shall become the property of Shell. *It is acknowledged that the portable office building shall be deemed to be a chattel.*

19.

### SHELL'S REMEDIES

All sums charged to Lessee by Shell under this lease shall be payable by Lessee to Shell on demand and bear interest from the date of demand at the Percentage Rate until paid. Lessee will reimburse Shell on demand for all reasonable costs (including solicitors' fees) incurred by Shell in enforcing any of its rights or remedies hereunder. Shell's right to require strict performance of Lessee's obligations hereunder shall not be affected by any previous waiver, forbearance or conduct.

20.

### IMPROVEMENTS

- (1) Lessee shall not make any additions or alterations, structural or otherwise, or interior or exterior improvements on or to the Premises unless given prior written approval by Shell, which approval may be unreasonably withheld. All improvements, additions and alterations that are undertaken by Lessee shall be performed and completed at Lessee's expense in a good and workmanlike manner using its best efforts with due diligence within a reasonable time after the approval is given.

If Lessee is not in default, Lessee may from time to time remove such of its trade fixtures or chattels in the ordinary course of Lessee's business or in the event of permitted alterations provided Lessee shall cause Lessee's fixtures to be replaced with fixtures having a value equal to at least that of the fixtures so removed.

- (2) Upon the termination of this lease, Lessee hereby covenants and agrees to leave the Premises in good condition and to remove any contamination caused by Lessee from the Premises or neighbouring properties affected by such contamination, or those for whom Lessee is in law responsible, at Lessee's sole cost and expense.

21.

### COMPLIANCE WITH LAWS GENERALLY

In addition to complying with the requirements of any section of this lease of specific application Lessee shall comply and shall cause the compliance with:

- (a) in Lessee's use and occupation of the Premises,
- (b) in the conduct of Lessee's business thereon,
- (c) in the maintenance and repair thereof and as to the condition thereof at all times, and

(d) as to all other matters or things pertaining to the Premises,

all laws, by-laws, statutes, orders, and regulations of all governmental authorities having jurisdiction.

## 22. LESSEE'S STATUS

Lessee or any person performing any duties or engaged in any work on the Premises at the request of Lessee shall not be deemed to be an employee or agent of Shell.

## 23. INDEMNITY/INSURANCE

- (1) Lessee will indemnify Shell against and from all claims, loss and liability by any person on account of injury to or death of persons or damage to property caused by or happening in connection with the Premises or the condition, maintenance, possession, use or operation thereof and thereon, however caused, and Lessee releases Shell for any such claims, loss and liability and Lessee's indemnity shall extend to all <sup>reasonable</sup> costs, counsel fees, expenses, and liabilities which Shell may incur with respect to any such claim.
- (2) Lessee shall, during the entire Term hereof, take out and keep in full force and effect fire insurance with extended coverage endorsement upon the building(s) and improvements on the Premises and all its equipment, furniture and fixtures to the full replacement value thereof, public liability insurance with respect to the Premises including the business conducted by the Lessee and any other persons in the Premises in which the limits of public liability shall be not less than Two Million Dollars (\$2,000,000.00) per person and Two Million Dollars (\$2,000,000.00) per occurrence and in which property damage liability shall be not less than Two Million Dollars (\$2,000,000.00), or from time to time such greater amounts reasonably required by Shell having regard to any decline in the real value of the Canadian Dollar to afford equivalent protection, the whole at the Lessee's sole cost and expense. All policies shall name Shell and any persons, firms or corporations designated by Shell as additional named insured as their interest may appear and shall contain a clause that the insurer will not cancel or change or refuse to renew the insurance without first giving Shell Fifteen (15) days prior written notice. All property damage policies shall contain a waiver of any rights of subrogation against Shell and shall be without right of crossclaim against Shell. A copy of all policies or certificates of insurance shall be delivered to Shell forthwith and Lessee shall submit sufficient evidence during the Term from time to time proving that insurance required by this Lease is in force.
- (3) The Lessee agrees that if the Lessee fails to take out or keep in force any such insurance, Shell may, but shall not be obligated to, place any insurance required by this Lease and to pay the premium therefor and in such event the

Lessee shall repay to Shell the amount so paid as premium which repayment shall be deemed to be additional rental and shall be due upon demand.

## 24. NOTICES

All notices hereunder shall be in writing, may be given by personal service or by registered letter, and, in the latter instances, shall be conclusively deemed given on the third business day following the date when the letter is deposited in the mail, postage or charges prepaid, and addressed to the party for whom intended at such party's address first herein specified, or at the Premises in case of notices to Lessee. Any party to this lease may from time to time change the address to which notice to such party is to be sent by giving notice to the other party hereto. Notwithstanding such notice, notice to Lessee may always be given at the Premises. During a mail strike or postal disruption notice shall be given by personal delivery only.

## 25. ASSIGNMENT/SUBLEASING

### 25.01 Additional Conditions Affecting Assignment and Subletting by Lessee

- (a) Lessee may not assign or mortgage this lease, or sublease, or permit any other person, firm or corporation to occupy or use, all or any part of the Premises, without Shell's prior written consent, which consent may not be unreasonably withheld.

A transfer of a material block or controlling interest in the shares of the Lessee shall be deemed to be an assignment requiring the consent of Shell within this section.

- (b) No assignment of this lease, or sublease of the whole or any part of the Premises shall be made by Lessee unless the following conditions have been complied with:
  - (i) Lessee shall have first given to Shell full particulars of the assignment or sublease which Lessee proposes to make and offered, in writing, to assign or sublease to Shell upon terms identical to the terms of the assignment or sublease which Lessee proposes to make, and Fifteen (15) days shall have elapsed without Shell's having accepted such offer;
  - (ii) Lessee shall assign or sublease upon terms identical or substantially identical to the terms offered to Shell under clause (a) (and any consent of Shell to any assignment or subleasing shall be deemed to authorize an assignment or subletting only if such assignment or sublease is made within 120 days after the consent thereto and upon those terms); and
  - (iii) No assignment shall be valid unless the assignee expressly covenants and agrees with Shell to perform and observe all Lessee's covenants

under this lease and unless the assignee of the interest of Lessee under this lease receives an assignment of all Lessee's rights relating to the Premises.

25.02 Additional Conditions Restricting Mortgaging and Encumbering by Lessee

No mortgage or encumbrance (by way of assignment, sublease, or otherwise) of this lease or any part of Lessee's interest hereunder or in the Premises shall be made until the following conditions have been complied with:

- (a) The mortgagee or encumbrancer shall covenant with Shell to be bound by all the covenants and obligations of Lessee hereunder as soon as such mortgagee or encumbrancer enters into possession of Lessee's interest, or otherwise takes steps to enforce its security that have the effect of depriving the Lessee of the ability to fully perform these covenants and obligations, and, upon any exercise of any power of sale, the assignee of the mortgaged rights shall covenant with Shell to perform all Lessee's obligations under this lease, but so soon as the assignee becomes bound by Lessee's obligations, the mortgagee or encumbrancer shall be relieved from its covenant; and
- (b) The mortgage or encumbrance upon Lessee's leasehold interest and the Premises shall not include any property except Lessee's interest in this lease, the Premises, and chattels of Lessee situate thereon.

25.03 Lessee to Comply with Lease, Mortgage, and Other Obligations

Lessee shall observe and perform all Lessee's obligations incurred in respect of assignments, subleases, agreements for tenancy, mortgages, and encumbrances of Lessee's leasehold interest and Lessee's interest in the Premises and shall not suffer or allow any such obligations to be in default, and if any such default occurs Shell may, but shall not be obliged to, rectify such default for the account of Lessee, and any amount paid by Shell in so doing, together with all reasonable costs and expenses of Shell, shall be reimbursed to Shell by Lessee on demand together with interest at the Percentage Rate from the date incurred until paid and may be recovered as if it were rent in arrears.

26. **NOTICE OF LEASE**

Lessee shall not register this lease, nor any short form notice of lease, on the title to the Premises.

27. **OPTION TO RENEW**

- (1) If Lessee duly and regularly pays the Rent and performs the covenants in this lease by Lessee to be paid and performed, Lessee shall have the option to renew this lease for one (1) further period of five (5) years each at the Rent

provided for in subparagraph 27 (2) and otherwise on the same covenants and conditions as are in this lease contained. Lessee may exercise each of such options by giving Shell notice at least Ninety (90) days prior to the expiration of the Term or of the then current period of renewal.

- (2) During the renewal term, section 5(1) shall be amended to the monthly rent *Njm. Mac*  
~~the sum of Two Thousand Five Hundred (\$2,500.00) Dollars per month plus~~  
~~G.S.T. Year 1-3 of the renewal term - Two Thousand Two Hundred Fifty Dollars~~  
~~(2250) per month plus G.S.T.~~  
~~Year 4-5 of the renewal term - Two Thousand Five Hundred Dollars~~  
~~(2500) per month plus G.S.T.~~

*Njm. Mac*  
~~28. OPTIONS ON PROPOSED SALE OR LEASE~~  
~~If, at any time during Lessee's tenancy, Shell intends to make a bona fide offer to sell, lease, sublease or otherwise dispose of, or receives a bona fide acceptable offer to purchase, lease, sublease or otherwise acquire, the Premises (the "Offer"), Shell shall give Lessee notice setting forth the price or rent and terms of the Offer. Lessee shall thereupon have the prior option to purchase, lease, sublease or otherwise acquire the Premises at the price or rent and on the terms of the Offer, which option Lessee may exercise by giving Shell notice within five (5) days after Lessee's receipt of Shell's notice of the Offer. Lessee's failure, at any time, to exercise its option under this clause shall not affect this lease, or the continuance of Lessee's rights and options under this clause or any other clause thereof. If Lessee fails to exercise its option, Shell may sell, lease, sublease or otherwise dispose of the Premises on materially the same terms of the Offer.~~ *Njm. Mac*

## 29. OPTION TO PURCHASE

It is a condition to this lease that Shell shall grant to the Lessee an "Option to Purchase" the Premises in a form and content mutually acceptable to Shell and Lessee containing the following provisions:

- ✓ (1) the Purchase Price for the Premises shall be the fair market value of the land only (no improvements). Fair market value shall be determined by each of Shell and Lessee respectively at their sole cost obtaining from a certified appraiser an appraisal which shall reflect the fair market value of the land. The Purchase Price shall be the average of the two appraisals;
- (2) the "Term of the Option to Purchase" shall commence from the date Shell gives written notice to the Lessee that it has completed its environmental remediation. The Term of the Option to Purchase shall terminate on the expiry date of the Lease (or extension thereof). Shell shall provide to the Lessee a copy of a final environmental report from a third party consultant addressed to Shell and the Lessee confirming completion of the environmental remediation to the Acceptable Contamination Levels (the "Assessment"). Shell shall provide the Assessment to the Lessee as confirmation that the Acceptable Contamination Levels for the Property have been achieved;

- (3) For the purposes of section 5(2) above, "Acceptable Contamination Level" means, with respect to soil contamination, the Level II contamination levels contained in the remediation criteria set out in the draft Subsurface Remediation Guidelines for Underground Storage Tanks, issued by the Alberta MUST Project dated February 1994 and, with respect to groundwater contamination, the aquatic toxicity levels as accepted by the appropriate governmental agency;
- ✓ (4) the consideration for the option and its continuance is ten (\$10.00) dollars;
- ✓ (5) provided that the Lessee is not in default under the Lease, and the Lease is still valid and subsisting, the Lessee may exercise the Option to Purchase at any time during the Term of the Option to Purchase by written notice to Shell ("Notice of Exercise");
- ✓ (6) the transaction of sale and purchase of the Premises shall close on the 30th day following the date of the Notice of Exercise (the "Closing Date") and upon closing the transaction, the usual adjustments for taxes shall be made;
- ✓ (7) title to the Premises shall be transferred by Shell to the Lessee free of all encumbrances, mortgages and liens; *✓ encumbrances*
- ✓ (8) rents, taxes and other usual adjustments shall be adjusted as at the Closing Date;
- ✓ (9) this Option to Purchase shall not be assignable by the Lessee without the prior written consent of Shell, which consent shall not be unreasonably withheld.

### 30. CAPTIONS

The caption at the beginning of each paragraph in this lease is for convenience only, and is not to be considered part of this lease, and it does not in any way define, limit or amplify the terms of this lease.

### 31. ENTIRETY, EXECUTION, SUCCESSION

This lease terminates any prior lease by Shell to Lessee of the Premises, as of the Commencement Date, and merges and supersedes all prior negotiations, representations and agreements, and constitutes the entire contract between Shell and Lessee concerning the leasing of the Premises and the consideration therefor. Neither this lease nor any subsequent amendment or supplement thereto shall be binding on Shell unless and until it is signed on Shell's behalf by a representative duly authorized, and a copy thereof so signed is delivered to Lessee. If more than one person is Lessee, the covenants in this lease made by Lessee shall be construed as being joint and several. This lease shall be binding on and enure to the benefit of the heirs, administrators, executors, successors, and assigns of the person who is, or each of the

persons who are, Lessee, and the successors and assigns of Shell. This lease shall be construed in accordance with the laws of the Province in which the Premises is located.

IN WITNESS WHEREOF, this lease is executed as of the date first herein written.

**SHELL CANADA PRODUCTS LIMITED**

Per: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Per: \_\_\_\_\_ c/s

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**AAA ALL-CAR AUTO LEASING LTD.**

Per: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Per: \_\_\_\_\_ c/s

Name: \_\_\_\_\_

Title: \_\_\_\_\_

I/We have the authority to bind  
the Corporation.



SCHEDULE 'A'

Description:

All of:  
Plan 72NY  
Lot Nine (9)

Excepting thereout the Hook sign ("Hook") located thereon.

<b><i>Council Decision – Monday March 11, 2002</i></b>
--

DATE: March 12, 2002

TO: Tony Lindhout, Parkland Community Planning Services  
Greg Scott, Inspections & Licensing Manager

FROM: City Clerk

RE: Mac James Motors  
Request for Extension of Temporary Use of  
Automotive Sales Lot Located at 5518 – 50 Avenue

---

***Reference Report:***

Parkland Community Planning Services and Inspections & Licensing, dated March 1, 2002.

***Resolutions:***

***Resolved*** that Council of the City of Red Deer having considered the correspondence from Mac James Motors, dated February 13, 2002 and the report from Parkland Community Planning Services and Inspections & Licensing, dated March 1, 2002, re: Request for Extension of Temporary Use of Automotive Sales Lot Located at 5518 – 50 Avenue hereby approves the request for a five year extension of the current use, namely, a used care business, subject to the following conditions:

1. The owner of the business, Mac James Motors, agrees that anytime within the five-year extension, the City of Red Deer, on one year's notice to the owner, may require the use to be terminated.
2. Subject to the review of the City's Municipal Planning Commission with respect to landscaping, building on the land, site plan, site plan upgrading, and general status or development standards with respect to the site as they now exist.
3. The owner of Mac James Motors to enter into an undertaking with the City of Red Deer acknowledging that the extension is for a maximum of five years only and that Mac James Motors, at the end of the five year period, namely, May 2, 2007, will not seek any further extensions and acknowledges that the location in question is not suitable for longer term use as a used car business.

Council Decision of Monday, March 11, 2002  
March 12, 2002 - Re: Mac James Motors  
Page 2

***Report Back to Council:*** No

***Comments/Further Action:***

Inspections & Licensing Manager to ensure Item No. 2 of the Council Resolution is reviewed with the Municipal Planning Commission.

A handwritten signature in black ink, appearing to read 'Kelly Kloss', is written over the printed name and title.

Kelly Kloss  
City Clerk  
/chk

- c     Director of Development Services  
       Community Services Director  
       Land & Economic Development Manager  
       City Solicitor



Box 5008  
Red Deer, Alberta  
T4N 3T4

*The City of Red Deer*

**FILE**

**Office of the City Clerk**

March 13, 2002

Mr. David Wild, Branch Manager  
Mac James Motors  
5518 Gaetz (50) Avenue  
Red Deer, AB T4N 7A4

Dear Mr. Wild:

**Re: Request for Extension of Temporary Use of  
Automobile Sales Lot Located at 5518 – 50 Avenue**

Thank you for attending the City of Red Deer's Council meeting held Monday, March 11, 2002, where Council considered your request for extension of the temporary use of an automobile sales lot located at 5518 – 50 Avenue and passed the following resolution:

*Resolved* that Council of the City of Red Deer having considered the correspondence from Mac James Motors, dated February 13, 2002 and the report from Parkland Community Planning Services and Inspections & Licensing, dated March 1, 2002, re: Request for Extension of Temporary Use of Automotive Sales Lot Located at 5518 – 50 Avenue hereby approves the request for a five year extension of the current use, namely, a used care business, subject to the following conditions:

1. The owner of the business, Mac James Motors, agrees that anytime within the five-year extension, the City of Red Deer, on one year's notice to the owner, may require the use to be terminated.
2. Subject to the review of the City's Municipal Planning Commission with respect to landscaping, building on the land, site plan, site plan upgrading, and general status or development standards with respect to the site as they now exist.

...2/

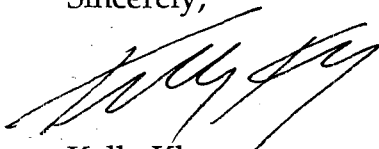
3. The owner of Mac James Motors to enter into an undertaking with the City of Red Deer acknowledging that the extension is for a maximum of five years only and that Mac James Motors, at the end of the five year period, namely, May 2, 2007, will not seek any further extensions and acknowledges that the location in question is not suitable for longer term use as a used car business.

As stated in the Council Resolution above, the current temporary use of an automotive sales lot at 5518 – 50<sup>th</sup> has been extended for five years to May 2, 2007 subject to Mac James Motors entering into an undertaking with the City of Red Deer. A copy of the Undertaking on Behalf of Mac James Motors is attached. Please have the signing authority of Mac James Motors sign the document and return it to my attention.

The City's Inspection and Licensing Manager, Greg Scott, will be reviewing with the Municipal Planning Commission condition no. two and advising you in due course.

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

Sincerely,



Kelly Kloss  
City Clerk

/chk

/attach.

c Parkland Community Planning Services  
Inspections & Licensing Manager  
Engineering Services Manager  
City Solicitor  
Mr. J. Pitchbo, Shell Canada Products Limited

**UNDERTAKING**  
**ON BEHALF OF MAC JAMES MOTORS**

With respect to extension of temporary use of automotive sales lot at 5518 – 50 Avenue, Red Deer, Alberta, Mac James Motors hereby undertakes in keeping with the attached Resolution of the Council of the City of Red Deer that it will adhere to all of the conditions attached to the extension allowing temporary use of automobile sales from 5518 – 50 Avenue, Red Deer, Alberta, and undertakes that it will not seek an extension beyond that of the current five years for the temporary use of automotive sales at this location and additionally acknowledges that, beyond the current five-year extension, the location in question would not be suitable as use for automotive sales or similar uses.

It is further understood and undertaken that, with the exception of early termination by the City of Red Deer which requires one year notice, no additional notice will be given by the City and, at the end of five years, namely May 2, 2007, failing early termination by the City, the temporary use automatically expires.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

**Mac James Motors**

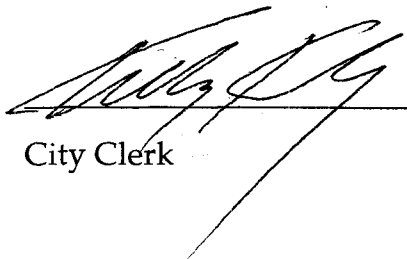
Per: \_\_\_\_\_

Per: \_\_\_\_\_

**Resolved** that Council of the City of Red Deer having considered the correspondence from Mac James Motors, dated February 13, 2002 and the report from Parkland Community Planning Services and Inspections & Licensing, dated March 1, 2002, re: Request for Extension of Temporary Use of Automotive Sales Lot Located at 5518 – 50 Avenue hereby approves the request for a five year extension of the current use, namely, a used care business, subject to the following conditions:

1. The owner of the business, Mac James Motors, agrees that anytime within the five-year extension, the City of Red Deer, on one year's notice to the owner, may require the use to be terminated.
2. Subject to the review of MPC with respect to landscaping, building on the land, site plan, site plan upgrading, and general status or development standards with respect to the site as they now exist.
3. The owner of Mac James Motors to enter into an undertaking with the City of Red Deer acknowledging that the extension is for a maximum of five years only and that Mac James Motors, at the end of the five year period, namely, May 2, 2007, will not seek any further extensions and acknowledges that the location in question is not suitable for longer term use as a used car business.

Certified to be a true and correct copy of  
the resolution passed by Council of the  
City of Red Deer on March 11, 2002.

  
\_\_\_\_\_  
City Clerk



Box 5008  
Red Deer, Alberta  
T4N 3T4

*The City of Red Deer*

**Office of the City Clerk**

**F I L E**

March 19, 2002

Mr. David Wild, Branch Manager  
Mac James Motors  
5518 Gaetz (50) Avenue  
Red Deer, AB T4N 7A4

Dear Mr. Wild:

**Re: Request for Extension of Temporary Use of  
Automobile Sales Lot Located at 5518 – 50 Avenue**

This is further to my letter dated March 13, 2002 and our conversation of March 18, 2002. Thank you for clarifying the intent of Clause 3 of the Resolution which originally read as follows:

3. The owner of Mac James Motors to enter into an undertaking with the City of Red Deer acknowledging that the extension is for a maximum of five years only and that Mac James Motors, at the end of the five year period, namely, May 2, 2007, will not seek any further extensions and acknowledges that the location in question is not suitable for longer term use as a used car business.

This Clause suggests your view is that this location is not suitable for longer term use as a used car business. I believe this was more the premise of Council and, as confirmed by you, was not Mac James Motors belief.

To ensure clarity the statement "and acknowledges that the location in question is not suitable for longer term use as a used car business" has been deleted from the Clause and the Understanding.

Copies of both the amended Resolution and Undertaking are attached. Please have the Undertaking signed and returned to my attention at your earliest convenience.

...2/



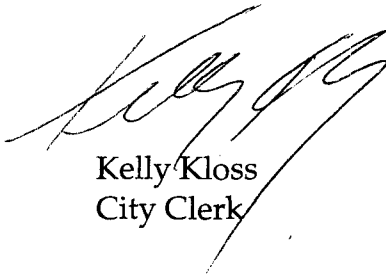
Mac James Motors

March 19, 2002

Page 3

I apologize for the confusion. Please call me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kelly Kloss', is written over the printed name and title.

Kelly Kloss  
City Clerk

/chk

/attach.

c Parkland Community Planning Services  
Inspections & Licensing Manager  
Engineering Services Manager  
City Solicitor  
Mr. J. Pitchbo, Shell Canada Products Limited

**UNDERTAKING**  
**ON BEHALF OF MAC JAMES MOTORS**

With respect to extension of temporary use of automotive sales lot at 5518 – 50 Avenue, Red Deer, Alberta, Mac James Motors hereby undertakes in keeping with the attached Resolution of the Council of the City of Red Deer that it will adhere to all of the conditions attached to the extension allowing temporary use of automobile sales from 5518 – 50 Avenue, Red Deer, Alberta, and undertakes that it will not seek an extension beyond that of the current five years for the temporary use of automotive sales at this location.

It is further understood and undertaken that, with the exception of early termination by the City of Red Deer which requires one year notice, no additional notice will be given by the City and, at the end of five years, namely May 2, 2007, failing early termination by the City, the temporary use automatically expires.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

**Mac James Motors**

**Per:** \_\_\_\_\_

**Per:** \_\_\_\_\_

*Resolved* that Council of the City of Red Deer having considered the correspondence from Mac James Motors, dated February 13, 2002 and the report from Parkland Community Planning Services and Inspections & Licensing, dated March 1, 2002, re: Request for Extension of Temporary Use of Automotive Sales Lot Located at 5518 – 50 Avenue hereby approves the request for a five year extension of the current use, namely, a used care business, subject to the following conditions:

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Certified to be a true and correct copy of  
the resolution passed by Council of the  
City of Red Deer on March 11, 2002.



\_\_\_\_\_  
City Clerk

# CHAPMAN RIEBEEK

Barristers & Solicitors

THOMAS H. CHAPMAN\*, Q.C. (Counsel)  
DONALD J. SIMPSON  
GARY W. WANLESS\*  
NANCY A. BERGSTROM\*  
JASON R. SNIDER

NICK P. W. RIEBEEK\*  
T. KENT CHAPMAN\*  
LORNE E. GODDARD  
GAYLENE D. BOBB

208, 4808 Ross Street  
Red Deer, Alberta  
T4N 1X5

TELEPHONE (403) 346-6603  
FAX (403) 340-1280

e-mail: [info@chapmanriebeek.com](mailto:info@chapmanriebeek.com)

\*Denotes Professional Corporation

Your file:

Our file:

GEN 03/02 NPR

March 12, 2002

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

**Attention: Kelly Kloss  
City Clerk**

Dear Sir:

**RE: Mac James Motors**

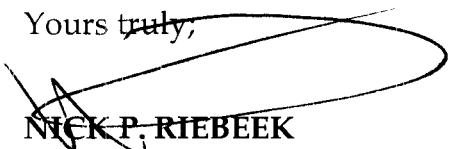
Further to the above noted and Resolution No. 6 from the March 11, 2002, Council Meeting, please find attached hereto my draft of both the Resolution and the Undertaking for your assistance.

The Undertaking will need to be signed by a representative of Mac James Motors and, again, while indicated to Council that such an Undertaking strictly speaking is not legally binding, clearly if this Undertaking is maintained on the City file relative to this property, it should strongly influence future Councils if, in fact, subsequent applications for extensions are made.

At this time Mac James Motors do not own this property and are tenants, so we will not prepare any document that goes against title. Presumably in the meantime the property could be sold or sold several times and, in theory, we could end up with another owner who is operating a used car business there. In my view, the issue of this undertaking would be an issue of disclosure between the current tenant and subsequent tenants or owners, assuming that the current tenant buys the property, but in any event, Council would have no obligation towards a subsequent owner that extends beyond this resolution.

Please advise if you require further input in this matter.

Yours truly,



NICK P. RIEBEEK  
NPR/vjh  
Enclosures

## UNDERTAKING

### ON BEHALF OF MAC JAMES MOTORS

With respect to extension of temporary use of automotive sales lot at 5518 – 50 Avenue, Red Deer, Alberta, Mac James Motors hereby undertakes in keeping with the attached Resolution of the Council of the City of Red Deer that it will adhere to all of the conditions attached to the extension allowing temporary use of automobile sales from 5518 – 50 Avenue, Red Deer, Alberta, and undertakes that it will not seek an extension beyond that of the current 5 years for the temporary use of automotive sales at this location and additionally acknowledges that, beyond the current 5 year extension, the location in question would not be suitable as use for automotive sales or similar uses.

It is further understood and undertaken that, with the exception of early termination by the City which requires 1 year notice, no additional notice will be given by the City and, at the end of 5 years, namely, May 2, 2007, failing early termination by the City, the temporary use automatically expires.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

**Mac James Motors**

Per: \_\_\_\_\_

Per: \_\_\_\_\_

## THE CITY OF RED DEER

**Date:** March 11, 2002

**No. 6, p. 110**

**Moved by Councillor Dawson**

**Seconded by Councillor Hughes**

*Resolved* that Council of the City of Red Deer having considered the correspondence from Mac James Motors, dated February 13, 2002, and the report from Parkland Community Planning Services and Inspections & Licensing, dated March 1, 2002, re: Request for Extension of Temporary Use of Automotive Sales Lot Located at 5518 – 50 Avenue hereby approves the request for a 5 year extension of the current use, namely, a used car business, subject to the following conditions:

1. The owner of Mac James Motors to enter into an undertaking with the City of Red Deer acknowledging that the extension is for a maximum of 5 years only and that Mac James Motors at the end of the 5 year period, namely, May, 2007, will not seek any further extensions and acknowledges that the location in question is not suitable for longer term use as a used car business.
2. The owner of the business Mac James Motors agrees that anytime within the 5 extension, the City of Red Deer on 1 year's notice to the owner may require the use to be terminated.
3. Subject to the review of MPC with respect to landscaping, building on the land, site plan, site plan upgrading, and general status or development standards with respect to the site as they now exist.

**FILE**

**DATE:** May 6, 2002

**TO:** Greg Scott, Inspections & Licensing Manager  
Paul Meyette, Parkland Community Planning Services

**FROM:** Kelly Kloss, City Clerk

**RE:** Mac James Motors  
Undertaking for Temporary Use of Automobile Sales Lot  
Located at 5518 – 50 Avenue

---

Attached, for your “bring forward” file, is a copy of the “Undertaking” signed by Mac James Motors, for the temporary use of automobile sales located at 5518 – 50 Avenue.



Kelly Kloss  
City Clerk

KK/chk  
/attach

**UNDERTAKING****ON BEHALF OF MAC JAMES MOTORS**

With respect to extension of temporary use of automotive sales lot at 5518 – 50 Avenue, Red Deer, Alberta, Mac James Motors hereby undertakes in keeping with the attached Resolution of the Council of the City of Red Deer that it will adhere to all of the conditions attached to the extension allowing temporary use of automobile sales from 5518 – 50 Avenue, Red Deer, Alberta, and undertakes that it will not seek an extension beyond that of the current five years for the temporary use of automotive sales at this location.

It is further understood and undertaken that, with the exception of early termination by the City of Red Deer which requires one year notice, no additional notice will be given by the City and, at the end of five years, namely May 2, 2007, failing early termination by the City, the temporary use automatically expires.

Dated this 22 day of March, 2002.

**Mac James Motors**

Per: N. Mc Gill

Per: \_\_\_\_\_





**Office of the City Clerk**

March 19, 2002

Mr. David Wild, Branch Manager  
Mac James Motors  
5518 Gaetz (50) Avenue  
Red Deer, AB T4N 7A4

Dear Mr. Wild:

**Re: Request for Extension of Temporary Use of  
Automobile Sales Lot Located at 5518 – 50 Avenue**

This is further to my letter dated March 13, 2002 and our conversation of March 18, 2002. Thank you for clarifying the intent of Clause 3 of the Resolution which originally read as follows:

3. The owner of Mac James Motors to enter into an undertaking with the City of Red Deer acknowledging that the extension is for a maximum of five years only and that Mac James Motors, at the end of the five year period, namely, May 2, 2007, will not seek any further extensions and acknowledges that the location in question is not suitable for longer term use as a used car business.

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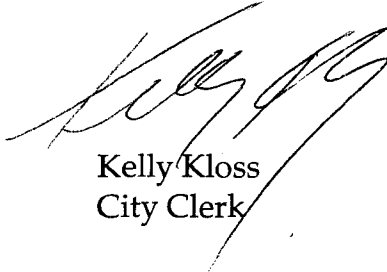
Mac James Motors

March 19, 2002

Page 3

I apologize for the confusion. Please call me if you have any questions.

Sincerely,



Kelly Kloss  
City Clerk

/chk

/attach.

c     Parkland Community Planning Services  
         Inspections & Licensing Manager  
         Engineering Services Manager  
         City Solicitor  
         Mr. J. Pitchbo, Shell Canada Products Limited

**UNDERTAKING**  
**ON BEHALF OF MAC JAMES MOTORS**

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Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

**Mac James Motors**

Per: \_\_\_\_\_

Per: \_\_\_\_\_

**Resolved** that Council of the City of Red Deer having considered the correspondence from Mac James Motors, dated February 13, 2002 and the report from Parkland Community Planning Services and Inspections & Licensing, dated March 1, 2002, re: Request for Extension of Temporary Use of Automotive Sales Lot Located at 5518 – 50 Avenue hereby approves the request for a five year extension of the current use, namely, a used care business, subject to the following conditions:

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2. Subject to the review of MPC with respect to landscaping, building on the land, site plan, site plan upgrading, and general status or development standards with respect to the site as they now exist.
3. The owner of Mac James Motors to enter into an undertaking with the City of Red Deer acknowledging that the extension is for a maximum of five years only and that Mac James Motors, at the end of the five year period, namely, May 2, 2007, will not seek any further extensions.

Certified to be a true and correct copy of  
the resolution passed by Council of the  
City of Red Deer on March 11, 2002.



City Clerk

**BYLAW NO. 2517/A-2002**

Being a bylaw to amend Bylaw No. 2517/76, the One-Way Street System Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA ENACTS AS FOLLOWS:

Bylaw No. 2517/76 is hereby amended as follows:

1. By deleting Section (4) - 45A Avenue in its entirety.
2. By deleting Section (5) – Minor Roadway in its entirety.
3. By deleting from Section (6) – Michener Drive the reference to “(subject to Council approval)”.
4. By deleting Section (10) – 52 Street in its entirety.
5. By deleting Section (11) – 59 Street in its entirety.
6. By deleting the following from Section (15) – Baile Close:  
  
“...and terminating at a point seventy-six (65) metres south of its intersection with Boyce Street”.  
  
and replacing it with the following:  
  
“...and terminating at a point seventy-six (76) metres south of its intersection with Boyce Street”.
7. By renumbering the Sections from Section (6) through to Section (21) respectively.

READ A FIRST TIME IN OPEN COUNCIL this                      day of                      2002.

READ A SECOND TIME IN OPEN COUNCIL this                      day of                      2002.

READ A THIRD TIME IN OPEN COUNCIL this                      day of                      2002.

AND SIGNED BY THE MAYOR AND CITY CLERK this                      day of                      2002.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

**BYLAW 2978/A-2002**

Being a bylaw to amend Bylaw No. 2978/89, the Ambulance Bylaw of The City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ENACTS AS FOLLOWS:

Bylaw No. 2978/89 is hereby amended by:

- 1 In the first section "Whereas the City has operated... by deleting the word "Fire" and replacing it with the following: "Emergency Services" .
- 2 In Section 3 (1) by deleting the word "Fire" and replacing it with the following: "Emergency Services".
- 3 In Section 7 by deleting the words "from time to time by resolution of Council." and replacing them with the following: "as established by Council."

READ A FIRST TIME IN OPEN COUNCIL this                      day of                      2002.

READ A SECOND TIME IN OPEN COUNCIL this                      day of                      2002.

READ A THIRD TIME IN OPEN COUNCIL this                      day of                      2002.

AND SIGNED BY THE MAYOR AND CITY CLERK this                      day of                      2002.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

Item No. 3

**BYLAW NO. 3068/A-2002**

Being a bylaw to amend Bylaw No. 3068/92, the Off-Site Levy Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA ENACTS AS FOLLOWS:

Bylaw No. 3068/92 is hereby amended as follows:

- 1 By deleting sections 3(1), 3(2) and 3(3) in their entireties and replacing them with the following new sections 3(1), 3(2), 3(3) and 3(4):
  - "3 (1) In all the area outlined in the attached Schedule "A", the sum of \$3,595 for each hectare within the development area for Sanitary Trunk Service.
  - (2) In all the area outlined in the attached Schedule "B", the sum of \$12,835 for each hectare within the development area for Storm Trunk Service.
  - (3) In all the area outlined in the attached Schedule "C", the sum of \$7,945 for each hectare within the development area for Water Trunk Service.
  - (4) In all the area outlined in the attached Schedule "D", the sum of \$13,780 for each hectare within the development area for Arterial Roads."
- 2 By replacing Schedules "A", "B" and "C" with the attached Schedules "A", "B", and "C".
- 3 By adding Schedule "D" attached to this Bylaw.

READ A FIRST TIME IN OPEN COUNCIL this                      day of                      2002.

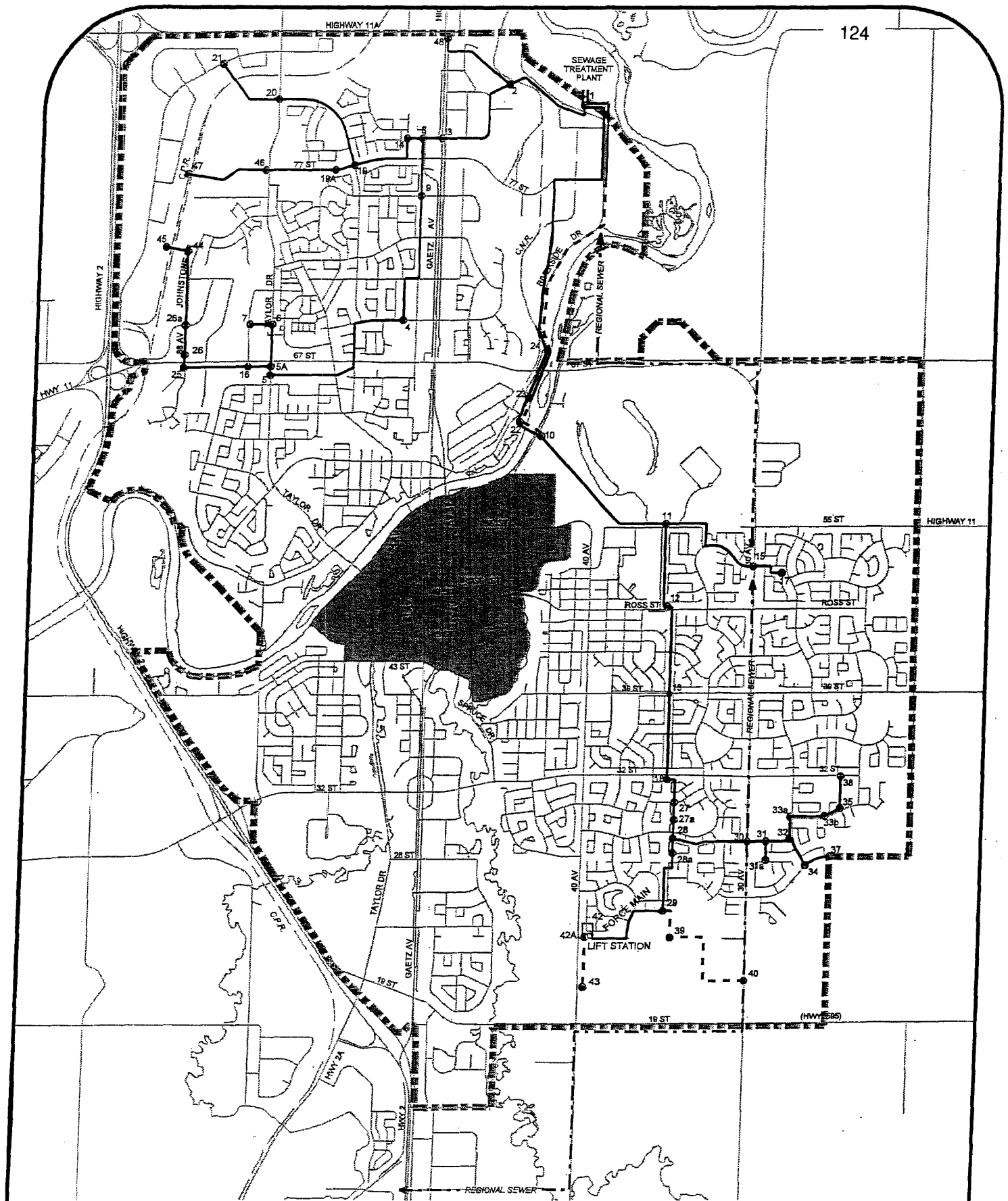
READ A SECOND TIME IN OPEN COUNCIL this                      day of                      2002.

READ A THIRD TIME IN OPEN COUNCIL this                      day of                      2002.

AND SIGNED BY THE MAYOR AND CITY CLERK this                      day of                      2002.

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MAYOR

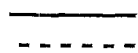
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CITY CLERK



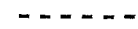
Basin Boundary



Central Exempt Area  
(levies do not apply)



Existing Trunks



Proposed Trunks

## SANITARY TRUNKS

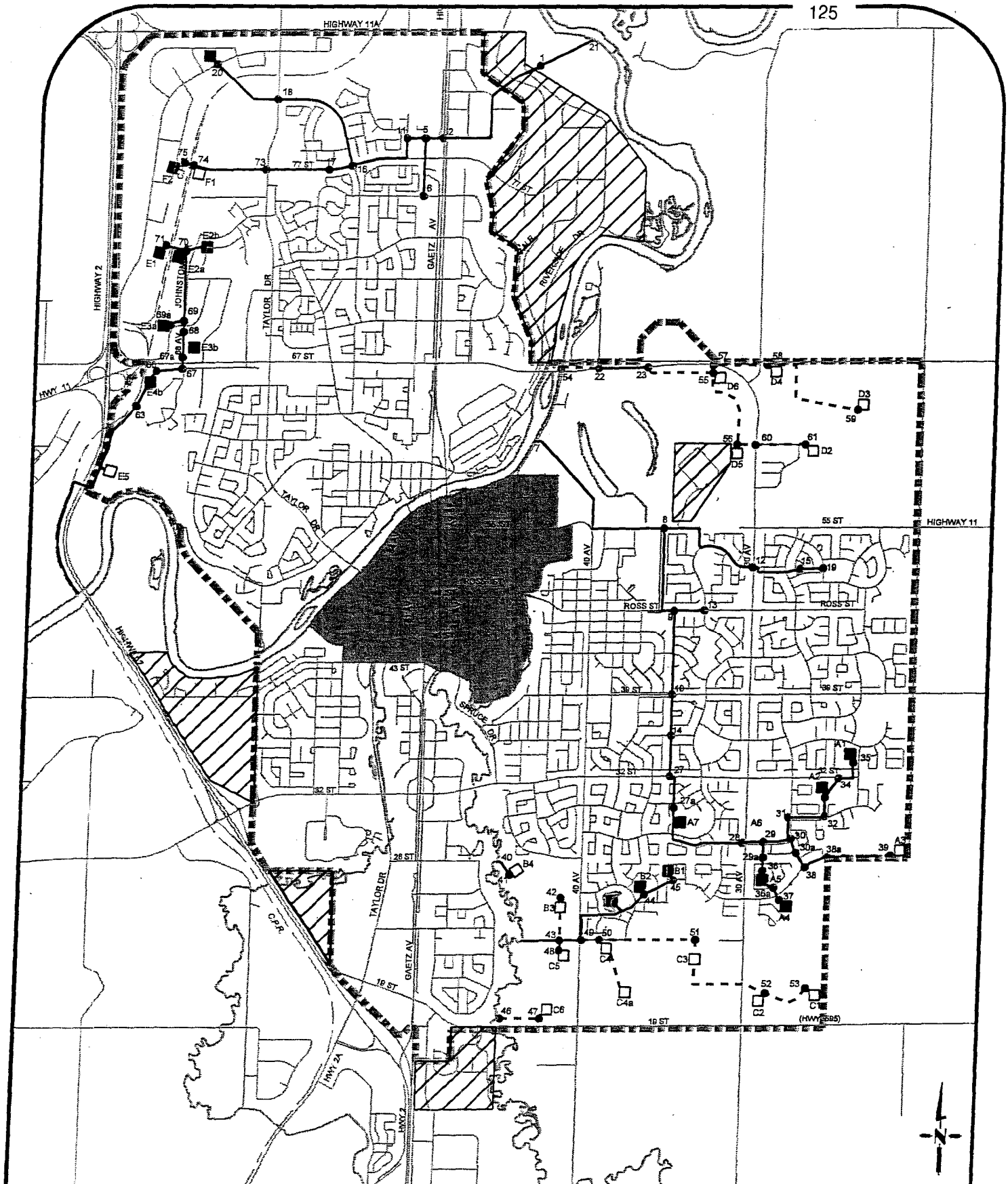
SCHEDULE "A"<sup>1</sup>

Not to Scale  
FEB 2002

BYLAW 3068/92







Basin Boundary



Central Exempt Area  
(levies do not apply)



Developer to construct and pay for  
own outfall main; basin levy charge  
not applicable

## STORM TRUNKS

Not to Scale FEB 2002

SCHEDULE "B"

BYLAW 3068/92

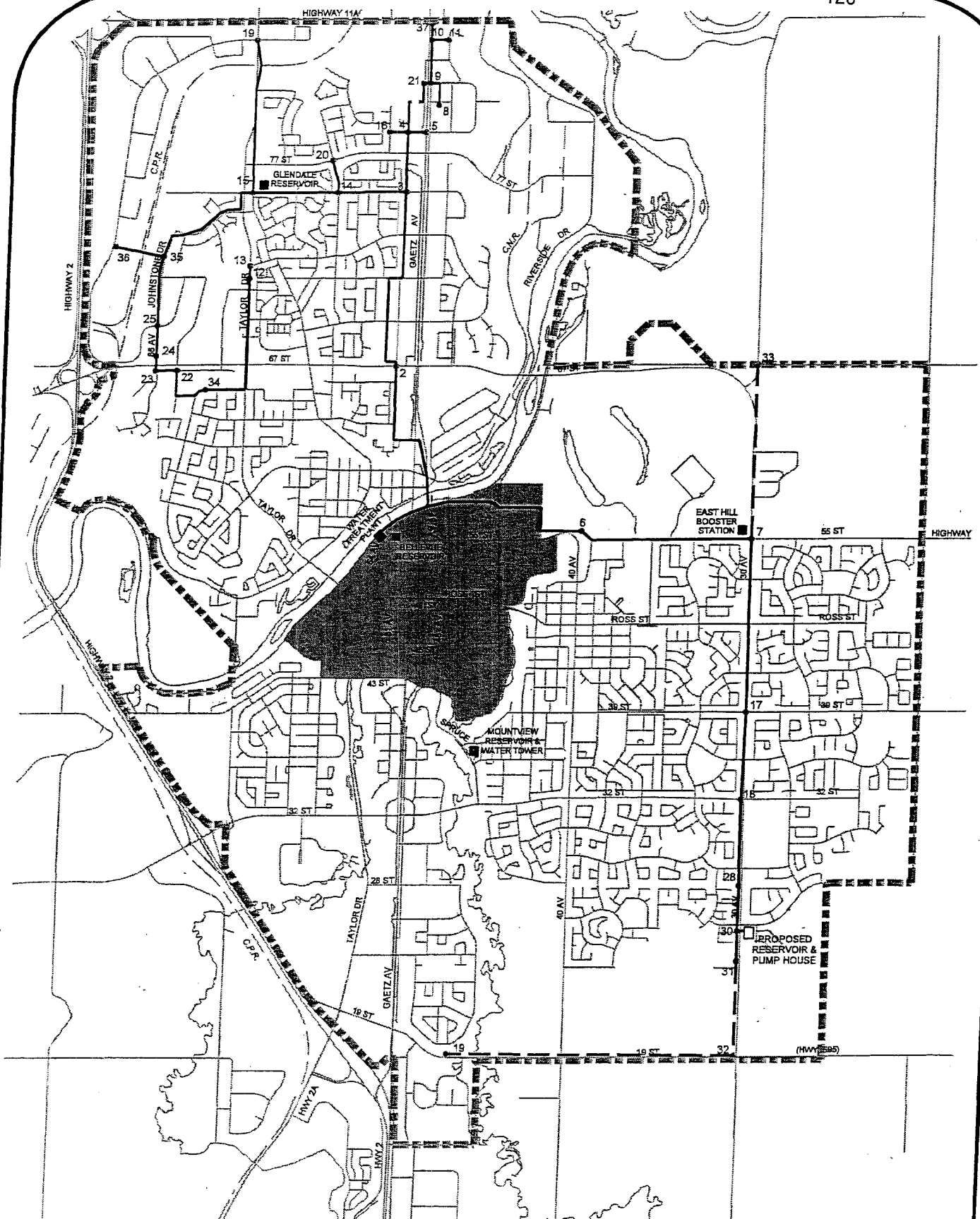


Existing Detention Pond  
Proposed Detention Pond






Existing Trunks  
Proposed Trunks





# **WATER TRUNKS**

SCHEDULE "C"<sup>1</sup>

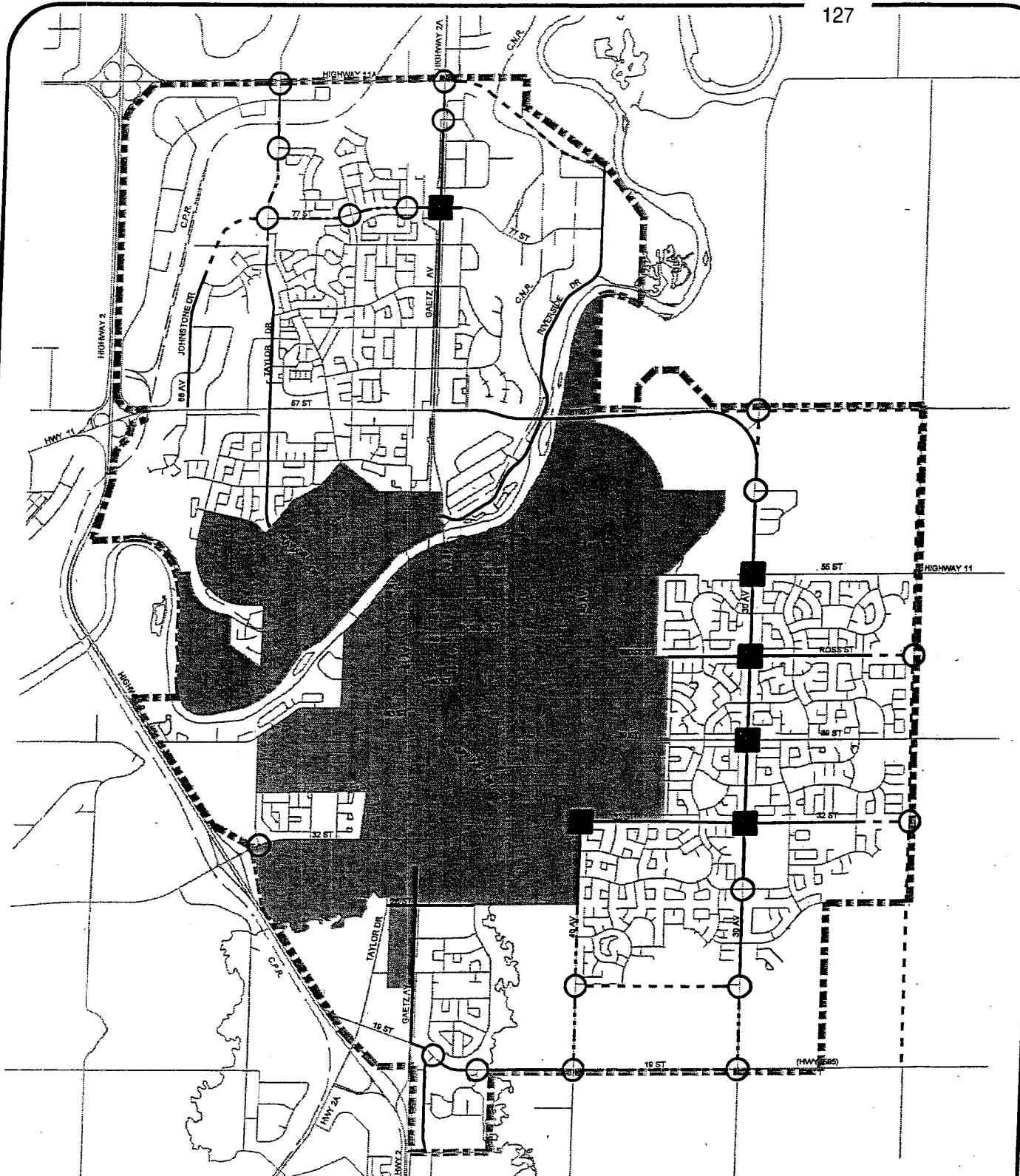
-  Basin Boundary
-  Existing Trunks
-  Proposed Trunks

 Central Exempt Area  
(levies do not apply)

BYLAW 3068/92

Not to Scale  
FEB. 2002





BYLAW 3068/92

**PUBLIC ROADWAY LEVY****SCHEDULE "D"1**

----- Basin Boundary

———— Existing 4 lane road  
(included in levy rate)

----- Proposed 4 lane road

----- Proposed 4 lane with  
2 existing lanes



Former Central Basin  
(levies do not apply)



Existing traffic lights included  
in offsite levy rate



Proposed traffic lights included  
in offsite levy rate

**NOTE:**

Only initial 2 lane construction included on 20 Avenue  
(20 St to 67 St), Northlands Drive and 67 Street (20 Av to 30 Av)



Not to Scale  
FEB. 2002

**BYLAW NO. 3134/B-2002**

Being a bylaw to amend Bylaw No. 3134/95, the Emergency Services Department Fees and Charges Bylaw of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

Bylaw No. 3134/95 is hereby amended as follows:

- 1 By deleting Section 8 in its entirety and replacing it with the following:  
  
"The fees and charges which shall be charged to, and be payable by, the applicant, or other persons specified in Schedule "F", for the services listed in Schedule "F", shall be as set forth in Schedule "F"."
- 2 By adding "Schedule F - Ambulance Fees and Charges" as attached to this bylaw.

READ A FIRST TIME IN OPEN COUNCIL this	day of	2002
READ A SECOND TIME IN OPEN COUNCIL this	day of	2002
READ A THIRD TIME IN OPEN COUNCIL this	day of	2002
AND SIGNED BY THE MAYOR AND CITY CLERK this	day of	2002

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MAYOR

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CITY CLERK

**SCHEDULE "F"****Ambulance Fees and Charges**

Page 1 of 1

***Ambulance Services******Rate***

Advanced Life Support Ambulance  
 Alberta Blue Cross Group and  
 Individual Plans  
 Non Insured  
 Other Insured

Alberta Blue Cross Group and  
 Individual Plan rates

Basic Life Support Ambulance  
 Alberta Blue Cross Group and  
 Individual Plans  
 Non Insured  
 Other Insured

Alberta Blue Cross Group and  
 Individual Plan rates

Mileage Charges for Ambulance Service  
 Within the City of Red Deer

"Applicable mileage fee" X "an  
 averaged in city travel distance"

Outside the City of Red Deer Limits

"Applicable mileage charge" X "the  
 actual travel distance"

Non-Resident Ambulance Service Fee  
 Applicable to:

\$100.00

- Non Alberta Blue Cross insurance coverage subscriber
- Resident of a municipality not contracting ambulance service from the City of Red Deer

Provincial Government Sponsored Programs

As determined by the Province of Alberta and accepted by the City of Red Deer

Item No. 5

**BYLAW NO. 3214/A-2002**

Being a bylaw to amend Bylaw No. 3214/98, the Municipal Development Plan of the City of Red Deer.

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

1 That Schedule "A" is amended by adding the following sub-sections:

12.8 The City shall continue to grow in a logical sequential manner.

12.9 Agricultural Operations which are allowed under the City's Land Use Bylaw may continue until such time as they are required for urban development."

READ A FIRST TIME IN OPEN COUNCIL this 11th day of February 2002.

READ A SECOND TIME IN OPEN COUNCIL this day of 2002.

READ A THIRD TIME IN OPEN COUNCIL this day of 2002.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2002.

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MAYOR

\_\_\_\_\_  
CITY CLERK

Item No. 6

**BYLAW NO. 3156/C-2002**

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

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

- 1 Section 22 Public Notification is amended by deleting subsection (2) in its entirety.
- 2 Section 86 General Purpose is hereby deleted in its entirety and replaced with the following:

86 General Purpose

The General Purpose of this District is to allow agricultural and related uses until such time as the land is required for urban development.

READ A FIRST TIME IN OPEN COUNCIL this 11th day of February 2002.

READ A SECOND TIME IN OPEN COUNCIL this day of 2002.

READ A THIRD TIME IN OPEN COUNCIL this day of 2002.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2002.

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MAYOR

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CITY CLERK

**BYLAW NO. 3156/D-2002**

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

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

That Section 59 Home Occupation is hereby amended as follows:

- 1 Sections 59(11), 59(12) and 59(13) are hereby deleted in their entirety.
- 2 Sections 59(11) is reinstated as follows:
 

“59(11) Notwithstanding Section 59(1) or any other provision of this bylaw, the holder of a home occupation license (the “Licensee”) may hold one retail sale or open house per year from the premises in which the home occupation is located, subject to the following conditions:

  - (a) the Licensee shall notify the Development Officer two weeks prior to the date of the proposed sale,
  - (b) the sale may run for one day only,
  - (c) admission to the sale shall be by invitation only and the sale may not be generally advertised, and
  - (d) the retail sale of goods shall be restricted to products produced in the home, for which the licensee is a licensed home occupation.

READ A FIRST TIME IN OPEN COUNCIL this 11th day of February 2002.

READ A SECOND TIME IN OPEN COUNCIL this day of 2002.

READ A THIRD TIME IN OPEN COUNCIL this day of 2002.

AND SIGNED BY THE MAYOR AND CITY CLERK this day of 2002.

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MAYOR

\_\_\_\_\_  
CITY CLERK



Item No. 8

# **BYLAW NO. 3156/H-2002**

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

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

That Section 54 Exceptions Respecting Land Use is hereby amended as follows:

1 Section 54(2) is hereby replaced in its entirety with the following:

"54(2) On those sites listed below, medical offices and related facilities and related commercial services are discretionary uses provided that such offices shall not be located on any floor of the building which contains a dwelling unit. Parking lots are also a discretionary use for Block 4, Plan 6564 E.T..

- (a) Block 4, Plan 6564 E.T.
- (b) Lot 1, Block J, Plan 3999 R.S. (3939-50A Avenue)
- (c) Lot 2, Block J, Plan 3999 R.S. (3947-50A Avenue)"

READ A FIRST TIME IN OPEN COUNCIL this                      day of                      2002.

READ A SECOND TIME IN OPEN COUNCIL this                      day of                      2002.

READ A THIRD TIME IN OPEN COUNCIL this                      day of                      2002.

AND SIGNED BY THE MAYOR AND CITY CLERK this                      day of                      2002.

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MAYOR

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CITY CLERK

Item No. 9

**BYLAW NO. 3156/I-2002**

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

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

- 1 That Section 171 Discretionary Uses for the Public Service District is amended by deleting Subsection 9 in whole and replacing with the following:

“(9) At the Westerner Exposition Site situated upon the following lands namely Lot 5, Block 1, Plan 882-2274, and Plan 615 L.Z.:

- (a) any use similar to the uses permitted at the Westerner site,
- (b) any uses which are accessory to any of the approved uses, provided that they are consistent with the theme of such use, or provide a directly related service to such use,
- (c) Gaming Establishment”

READ A FIRST TIME IN OPEN COUNCIL this                      day of                      2002.

READ A SECOND TIME IN OPEN COUNCIL this                      day of                      2002.

READ A THIRD TIME IN OPEN COUNCIL this                      day of                      2002.

AND SIGNED BY THE MAYOR AND CITY CLERK this                      day of                      2002.

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MAYOR

\_\_\_\_\_  
CITY CLERK

Item No. 10

**BYLAW NO. 3156/J-2002**

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

COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

- 1 The "Use District Map I4" contained in "Schedule B" of the Land Use Bylaw is hereby amended in accordance with the Land Use District Map No. 16/2002 attached hereto and forming part of the bylaw.

READ A FIRST TIME IN OPEN COUNCIL this                      day of                      2002.

READ A SECOND TIME IN OPEN COUNCIL this                      day of                      2002.

READ A THIRD TIME IN OPEN COUNCIL this                      day of                      2002.

AND SIGNED BY THE MAYOR AND CITY CLERK this                      day of                      2002.

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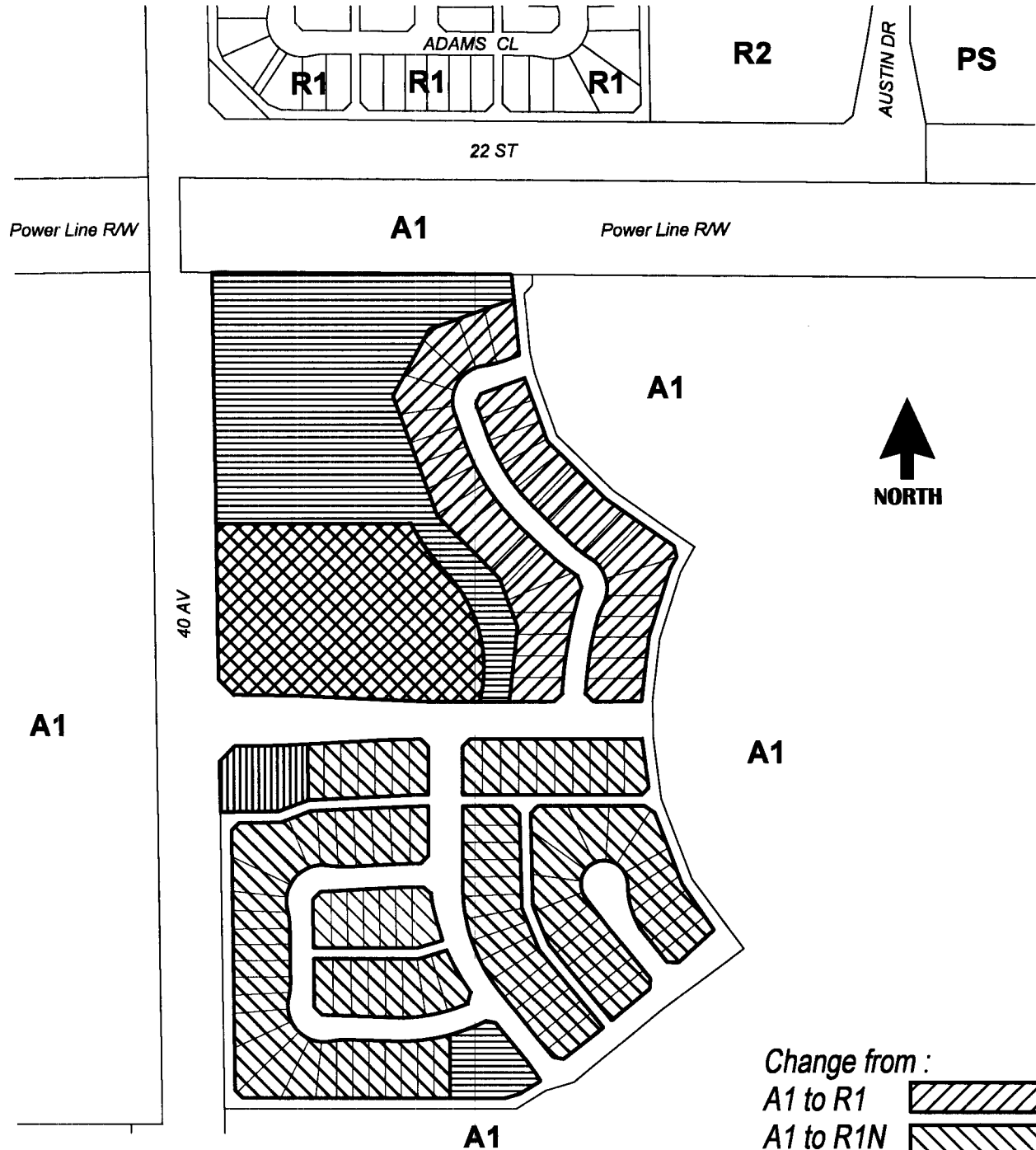
MAYOR

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CITY CLERK

# The City of Red Deer

## PROPOSED LAND USE BYLAW AMENDMENT



### AFFECTED DISTRICTS:

- A1 - Future Urban Development
- R1 - Residential (Low Density)
- R1N - Residential Narrow Lot
- R2 - Residential Medium Density
- C3 - Commercial (Neighbourhood Convenience)
- P1 - Parks and Recreation

MAP No. 16 / 2002  
BYLAW No. 3156 / J - 2002

Item No. 11

**BYLAW NO. 3273/A-2002**

Being a bylaw to amend Bylaw No. 3273/2000, the Electric Utility Bylaw of The City of Red Deer.

**COUNCIL ENACTS AS FOLLOWS:**

Bylaw No. 3273/2000 is hereby amended as follows:

1. By deleting Appendix "A" - Distribution Tariff – and replacing it with Appendix "A" attached hereto.
2. This bylaw shall come into effect on May 1, 2002.

READ A FIRST TIME IN OPEN COUNCIL this	day of	2002.
READ A SECOND TIME IN OPEN COUNCIL this	day of	2002.
READ A THIRD TIME IN OPEN COUNCIL this	day of	2002.
AND SIGNED BY THE MAYOR AND CITY CLERK this	day of	2002.

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MAYOR

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CITY CLERK

**CITY OF RED DEER**  
**ELECTRIC LIGHT & POWER DEPARTMENT**  
**DISTRIBUTION TARIFF**

**GENERAL**

Effective Date

This Tariff is effective on May 1, 2002. It applies to all consumptions, whether estimated or actual, on and after May 1, 2002, for the use of System Access and Distribution Access services.

Terms and Conditions

The "Terms and Conditions for Distribution Access Services" and the "Terms and Conditions for Retail Access Services" are part of this Tariff. Furthermore, the "Schedule of Fees for Distribution Access Services", the "Schedule of Fees for Retail Access Services" and the "Retail Access Service Agreement" are also part of this Tariff.

Billing Demand

The kVA of Billing Demand with respect to the monthly billing period will be the greater of:

1. the highest kVA Metered Demand in the monthly billing period; or
2. the highest kVA Metered Demand in the 12 consecutive months including and ending with the monthly billing period.

The kVA Metered Demand will be measured by either a thermal demand meter having a demand response period of 90% in 15 minutes and a 30 minute test period, or 15 minute interval demand metering equipment.

The kVA of Billing Demand will be re-established on such shorter periods of time as designated by the Electric Light & Power Manager for the individual customer as warranted by that customer's changing load characteristics.

On-Peak Hours

On-peak hours are HE0900 to HE2100 Monday to Friday inclusive, including statutory holidays occurring Monday to Friday inclusive.

Off-Peak Hours

Off-peak hours are all hours except the on-peak hours.

Eligibility for Time-Of-Use Options

Customers wishing to take a time-of-use tariff option must have installed revenue-approved interval metering capable of recording 15-minute consumption information.

## RESIDENTIAL - RATE 61

**Application** Applies to all residential premises which are measured by a single meter and which contain not more than two dwelling units.

**Distribution  
Tariff** Option 1

	Unit	System Access	Distribution Access
Basic Charge	\$ per day	0.0993	0.2926
Variable Charge	\$/kWh of all energy	0.0059	0.0068

Option 2 – Time-of-Use Option

	Unit	System Access	Distribution Access
Basic Charge	\$ per day	0.0993	0.2926
Variable Charge: on-peak	\$/kWh of on-peak energy	0.0080	0.0068
Variable Charge: off-peak	\$/kWh of off-peak energy	0.0038	0.0068

Note: Options 1 and 2 may not be combined.

**Municipal  
Consent  
And Access  
Fee** Assessed as 17% of each and every component of the Distribution Access Charge and is added to the customer's bill.

**Minimum  
Monthly  
Charge** Total Basic Charge (System Access plus Distribution Access), plus any applicable Municipal Consent and Access Fee.



## GENERAL SERVICE - RATE 63

**Application** Applies to non-residential customers and to residential premises not entitled to Rate 61, plus the "house lights" services (including common area lighting and utility rooms) of apartment buildings where the kVA Metered Demand is less than 50 kVA. If the kVA Metered Demand exceeds 50 kVA, Rate 64 will be applied immediately and will be continued to be applied irrespective of future kVA Metered Demand.

Services are to be taken at one of the following nominal voltages:

120/240 Volts, single phase, 3 wire;  
120/208Y Volts, network, 3 wire;  
120/208Y Volts, three phase, 4 wire;  
347/600Y Volts, three phase, 4 wire.

### Distribution Tariff

#### Option 1

	Unit	System Access	Distribution Access
Basic Charge	\$ per day	0.3554	0.2000
Variable Charge	\$/kWh of all energy	0.0059	0.0227

#### Option 2 – Time-of-Use Option

	Unit	System Access	Distribution Access
Basic Charge	\$ per day	0.3554	0.2000
Variable Charge: on-peak	\$/kWh of on-peak energy	0.0080	0.0227
Variable Charge: off-peak	\$/kWh of off-peak energy	0.0038	0.0227

Note: Options 1 and 2 may not be combined.

### Municipal Consent And Access Fee

Assessed as 17% of each and every component of the Distribution Access Charge and is added to the customer's bill.

### Minimum Monthly Charge

Total Basic Charge (System Access plus Distribution Charge), plus any applicable Municipal Consent and Access Fee.

## GENERAL SERVICE - RATE 64

**Application** Applies to commercial and industrial installations where service is taken at the voltage listed for Rate 63 but where the kVA Metered Demand is 50 kVA or greater.

**Distribution  
Tariff**

Option 1

	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.0362	0.1262
Variable Charge	\$/kWh of all energy	0.0059	0.0009

Option 2 – Time-of-Use Option

	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.0362	0.1262
Variable Charge: on-peak	\$/kWh of on-peak energy	0.0080	0.0009
Variable Charge: off-peak	\$/kWh of off-peak energy	0.0038	0.0009

Note: Options 1 and 2 may not be combined.

**Municipal  
Consent  
And Access  
Fee**

Assessed as 17% of each and every component of the Distribution Access Charge and is added to the customer's bill.

**Minimum  
Monthly  
Charge**

Total Demand Charge (System Access plus Distribution Access), plus any applicable Municipal Consent and Access Fee.

## **LARGE GENERAL SERVICE/INDUSTRIAL - RATE 78**

**Application** Applies where 4,160 volts or greater is available with adequate system capacity and service is taken at 4,160 volts or greater, balanced three phase and the kVA Metered Demand is not less than 1000 kVA.

Rate 78 is also applicable to all customers who were billed on Rate 78 prior to December 31, 2000 regardless of the kVA Metered Demand.

**Distribution  
Tariff**

Option 1

	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.0427	0.0986
Variable Charge	\$/kWh of all energy	0.0058	0.0009

Option 2 – Time-of-Use Option

	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.0427	0.0986
Variable Charge: on-peak	\$/kWh of on-peak energy	0.0078	0.0009
Variable Charge: off-peak	\$/kWh of off-peak energy	0.0038	0.0009

Note: Options 1 and 2 may not be combined.

**Municipal  
Consent  
and  
Access  
Fee**

Assessed as 17% of each and every component of the Distribution Access Charge and is added to the customer's bill.

**Minimum  
Monthly  
Charge**

Total Demand Charge (System Access plus Distribution Access), plus any applicable Municipal Consent and Access Fee.

## STREET LIGHT SERVICE - RATE 81

**Application** Applies to standard street light fixtures.

**Distribution  
Tariff**

Option 1

	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.0579	0.1364
Variable Charge	\$/kWh of all energy	0.0037	0.0042

Option 2 – Time-of-Use Option

	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.0579	0.1364
Variable Charge: on-peak	\$/kWh of on-peak energy	0.0050	0.0042
Variable Charge: off-peak	\$/kWh of off-peak energy	0.0024	0.0042

- Note:
- Options 1 and 2 may not be combined.
  - Demand and consumption values of individual fixtures will be established by the Electric Light & Power Manager and will be reviewed by the Electric Light & Power Manager from time to time.

**Municipal  
Consent  
And Access  
Fee**

Assessed as 17% of each and every component of the Distribution Access Charge and is added to the customer's bill.

**Minimum  
Monthly  
Charge**

Total Demand Charge (System Access plus Distribution Access), plus any applicable Municipal Consent and Access Fee.

## TRAFFIC LIGHT SERVICE - RATE 82

**Application** Applies to standard traffic light systems.

**Distribution  
Tariff**

Option 1

	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.0579	0.1364
Variable Charge	\$/kWh of all energy	0.0062	0.0018

Option 2 – Time-of-Use Option

	Unit	System Access	Distribution Access
Demand Charge	\$/kVA of Billing Demand per day	0.0579	0.1364
Variable Charge: on-peak	\$/kWh of on-peak energy	0.0084	0.0018
Variable Charge: off-peak	\$/kWh of off-peak energy	0.0040	0.0018

Note: 1. Options 1 and 2 may not be combined.  
 2. Demand and consumption values of individual fixtures will be established by the Electric Light & Power Manager and will be reviewed by the Electric Light & Power Manager from time to time.

**Municipal  
Consent  
And Access  
Fee**

Assessed as 17% of each and every component of the Distribution Access Charge and is added to the customer's bill.

**Minimum  
Monthly  
Charge**

Total Demand Charge (System Access plus Distribution Access), plus any applicable Municipal Consent and Access Fee.

## DISTRIBUTION GENERATION - RATE 83

**Application** Applies to generators meeting all of the following requirements

1. Have a capacity of 150 kW or greater, and connected to a distribution voltage;
2. Have installed a revenue class bi-directional 15-minute interval meter.

Generators not meeting the above requirements are reviewed on an individual basis.

**Distribution  
Tariff**

	Unit	Distribution Access
Capacity Charge	\$/kW of peak output per day	0.0825
Variable Charge	\$/kWh of supplied energy	0.0057

- Note:
1. Power consumption by the customer for standby purposes is subject to an applicable rate (61, 63, 64, 78, 81 or 82) for load customers
  2. Peak output is measured and calculated in the same manner as the Billing Demand for load customers

**Municipal  
Consent  
And Access  
Fee**

Assessed as 17% of each and every component of the Distribution Access Charge and is added to the customer's bill.

**Transmission  
Charge**

As per the applicable Supply Tariff of the Transmission Administrator. This is a charge to the customer and is added to the customer's bill.

**Transmission  
Credit**

$DTS \times \Sigma(A - B)$  where DTS is the applicable Demand Tariff of the Transmission Administrator

A is hourly gross billing determinants at the Point of Delivery to which the customer is connected

B is hourly net billing determinants at the Point of Delivery to which the customer is connected

This is a credit to the customer and is calculated on a monthly basis.

**COUNCIL MEETING OF MARCH 11, 2002**

**ATTACHMENT**

**POINT OF PRIVILEGE**

**REFERS TO:**

**CONSULTING ENGINEERS OF  
ALBERTA  
AWARD OF MERIT IN  
TRANSPORTATION  
INFRASTRUCTURE  
67 STREET AND 30 AVENUE  
RIVER BRIDGE AND ARTERIAL  
CORRIDOR**

Date: February 27, 2002

To: City Clerk

From: Engineering Services Manager

**Re: Consulting Engineers of Alberta  
Award of Merit in Transportation Infrastructure  
67 Street and 30 Avenue River Bridge and Arterial Corridor**

---

The City of Red Deer commissioned Infrastructure Systems Ltd. in 1998 to undertake preliminary design, detailed design, and construction engineering for upgrading the 67 Street and 30 Avenue Arterial Corridor to a four-lane divided facility. Construction of the project was done over two years and was opened to traffic in the fall of 2000, on time and under budget.

This project involved a wide range of considerations including:

- Traffic operation and safety issues.
- Environmental issues related to the Red Deer River and Gaetz Lakes Sanctuary.
- Pavement performance and frost heave mitigation.
- Noise attenuation.
- Public input.
- Traffic accommodation during construction.
- County, City, Provincial, and Federal levels of approval.
- A five-span river bridge design and construction.
- Single span CN Rail overpass design and construction.
- Total funding required was \$ 9,075,000.

On February 2, 2002, The Consulting Engineers of Alberta presented an Award of Merit in Transportation Infrastructure to Infrastructure Systems Ltd. (ISL) and The City of Red Deer for this project.

We would like to congratulate ISL for winning the award and thank them for a job well done. In particular, we would like to recognize the following ISL staff involved in the project:



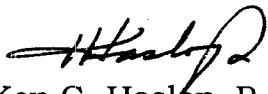
City Clerk  
Page 2  
February 27, 2002

- |                             |                  |
|-----------------------------|------------------|
| • Ron Neuman, P. Eng.       | Project Manager  |
| • Ralph Hargrove, P. Eng.   | Project Engineer |
| • Peter Fairbridge, P. Eng. | Bridge Design    |
| • Roy Biller, P. Eng.       | Road Design      |
| • Paul Chan, P. Eng.        | Traffic Design   |

In addition, the following City of Red Deer staff was instrumental in the successful completion of this project and we would recognize their contribution as well.

- |                          |                           |
|--------------------------|---------------------------|
| • Tom Warder, P. Eng.    | Project Coordinator       |
| • Chi Lee, P. Eng.       | Traffic Operations Review |
| • Sybren Spyksma, C.E.T. | Technical Review          |

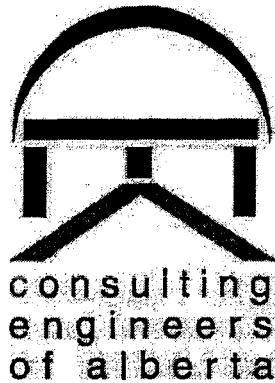
We are very pleased to be part of this award.



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

KGH/emr  
Att.

c. Director of Development Services  
Personnel Department



AWARD OF MERIT  
TRANSPORTATION INFRASTRUCTURE  
FOR  
*67 STREET/30 AVENUE ARTERIAL CORRIDOR*

Infrastructure Systems Limited  
&  
City of Red Deer