

**FILE**

DATE: July 5, 1994  
TO: All Departments  
FROM: City Clerk  
RE: PLEASE POST FOR THE INFORMATION OF EMPLOYEES

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**S U M M A R Y O F D E C I S I O N S**

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FOR THE REGULAR MEETING OF RED DEER CITY COUNCIL  
TO BE HELD IN THE COUNCIL CHAMBERS, CITY HALL,  
**MONDAY, JULY 4, 1994,**  
COMMENCING AT 4:30 P.M.

- (1) Confirmation of the Minutes of the Regular Meeting of June 20, 1994.

**DECISION - CONFIRMED**

PAGE

- (2) **UNFINISHED BUSINESS**

- 1) Public Works Manager - Re: Waste Material/Landfill Site . . . 1

**DECISION - APPROVED ENTERING INTO AGREEMENTS TO APRIL 1996**

- (3) **PUBLIC HEARINGS**

- (4) **REPORTS**

- 1) City Clerk - Re: Approval of Licenses to Occupy/Leasing of Utility  
Lots/Land & Economic Development Manager/Council Policy No. 833

. . . 5

**DECISION - APPROVED COUNCIL POLICY 833**

- 2) Land & Economic Development Manager - Re: Development for Housing/Lower Fairview/Road Closure Bylaw 3112/94/Reserve Disposal

**DECISION - APPROVED DISPOSAL OF MUNICIPAL RESERVE**

- 3) City Assessor - Re: 1994 Court of Revision/Land Improvements . . 7  
.. 14

**DECISION - APPROVED DATES FOR COURT OF REVISION - AUG. 13-19, 1994**

- 4) Land & Economic Development Manager - Re: Shunda Consulting and Construction Management Ltd./Purchase/Lot 33, Block 4, Plan 922-1527/Riverside Light Industrial Park/Price Adjustment . . 15

**DECISION - AGREED TO PRICE REDUCTION**

- 5) Bylaws & Inspections Manager - Re: Unsightly Premises/3802 & 3838 - 45 Avenue . . 23

**DECISION - AGREED TO DIRECT SITE BE CLEANED UP**

- 6) Director of Financial Services - Re: Alberta Municipal Affairs/Invoice/Electric Power and Pipeline Assessment Fee for Service . . 25

**DECISION - AGREED NOT TO PAY INVOICE**

- 7) Director of Financial Services - Re: Reallocation of Surplus Capital Funding

**DECISION - APPROVED REALLOCATION**

- 8) Land and Economic Development Manager - Re: Offer to Purchase Building #38/Red Deer Industrial Airport . . 28  
.. 30

**DECISION - APPROVED OFFER TO PURCHASE OF JULIE JOHNSTON**

- 9) Land and Economic Development Manager - Re: A.G.T. Limited/Request to Purchase Part of Lot 12 MR, Block 2, Plan 912-3360/Edgar Industrial Drive .. 32

**DECISION - APPROVED REQUEST WITH CONDITIONS**

(5) **CORRESPONDENCE**

- 1) Public School Boards' Association of Alberta - Re: the Local Democracy Defense Fund .. 37

**DECISION - AGREED TO FILE**

(6) **PETITIONS & DELEGATIONS**

(7) **NOTICES OF MOTION**

- 1) City Clerk - Re: Alderman Volk/Oriole Park Lot Pricing .. 49

**DECISION - DEFEATED NOTICE OF MOTION FOR A DECREASE IN LOT PRICING ON OSMOND CLOSE**

- 2) City Clerk - Re: Alderman Guilbault/Transit System .. 51

**DECISION - ADMINISTRATION DIRECTED TO SEEK METHODS OF INCREASING RIDERSHIP**

- 3) City Clerk - Re: Alderman Schnell/Naturalization Program . . 55

**DECISION - AGREED TO REINSTATE MOWING ALONG SELKIRK BLVD.,  
STANLEY CRES., OVERDOWN DR. AND DUNCAN CRES.**

(8) **WRITTEN ENQUIRIES**

(9) **BYLAWS**

- 1) 3112/94 - Road Closure Bylaw/City Development/Lower Fairview, Part of  
CPR Subdivision Area 7 - 1st reading . . 7, 60

**DECISION - 1ST READING CARRIED**

# A G E N D A

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4) *city clerk - Re: ALDERMAN STANTON/Payment of Property TAXES*

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(9) **BYLAWS**

- 1) 3112/94 - Road Closure Bylaw/City Development/Lower Fairview, Part of CPR Subdivision Area 7 - 1st reading . . 7, 60

**Committee of the Whole**

- 1) **Administrative Matter**
- 2) **Personnel Matter**

UNFINISHED BUSINESS

NO. 1

FILE: gord\memos\salvging.cc

**DATE:** May 9, 1994  
**TO:** City Clerk  
**FROM:** Public Works Manager  
**RE: WASTE MATERIAL - LANDFILL SITE**

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In discussions at Council regarding waste reduction, council expressed the desire that the administration advertise for companies or individuals interested in salvaging material from the Landfill Site.

A request for proposal was drafted and advertised.

The request for proposal was left open for whatever activity the proponent wished as long as it did not involve the products in the Blue Box program or being in the actual tipping face.

We received two proposals; one from Mr. Vern Olson, for white goods, and one from Sleep E-Z for mattresses. We have attached the report from the Solid Waste Superintendent providing the details of the proposals received.

We were disappointed in the response in that both of the proposals cover activities we are presently doing. On the positive side, the proposal by Mr. Olson will reduce City costs by \$600 per year.

**RECOMMENDATION:**

Respectfully recommended that this report be received by Council for information.



Gordon Stewart, P. Eng.  
Public Works Manager

/blm

**DATE:** March 21, 1994  
**TO:** Public Works Manager  
**FROM:** Solid Waste Superintendent  
**RE: WASTE MATERIAL SALVAGING - LANDFILL SITE**

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The Request for Proposals for salvaging at The City of Red Deer Landfill Site closed at noon on March 15, 1994. Six proposal packages were picked up from the Purchasing Department and two proposals were submitted for consideration, one from Mr. Vernon Olson of Red Deer to salvage metal and one from Sleep E-Z Mattresses of Calgary to continue their existing mattress salvaging operation at the landfill.

Mr. Olson's Proposal

1. Would require an area set aside inside the landfill grounds for landfill users to drop off their white goods.
2. Would provide a bin, to be placed adjacent to the white goods drop-off area, for other metals.
3. Would accept cooling appliances (refrigerators, freezers, air conditioners etc.) only if the refrigerant has first been removed.
4. Would remove the metal and white goods from the landfill site when sufficient quantities have accumulated to warrant their removal.
5. Would monitor the drop-off area frequently to ensure unwanted materials were removed and disposed of at the tipping face.
6. Would dispose of the metal at Navajo Metals in Calgary.
7. Is offering this service at no charge to the City.

WHITE GOODS HISTORY						
Year	Number of Items	Tonnage	Cost to Haul	Refrigerant Removal Cost	Revenue Return	Balance
1992	751	80	\$1 390.50	N/A	\$802.72	<\$587.78>
1993	938	115	\$1 829.70	\$2 236.30	\$1 229.65	<\$2 836.35>

Public Works Manager  
March 21, 1994  
Page 2 of 2

By entering into an agreement with Mr. Olson, the City would save the haulage cost and lose the revenue. However, the cost to remove refrigerant would still be the responsibility of the City. At the present time it costs the City ten dollars per unit to have the refrigerant removed. The total cost in 1993 was \$2,236.30 to have refrigerant removed.

The net result of an Agreement with Mr. Olson could be an annual reduction of \$600 plus or minus, based on 1993 figures, in the cost to the City to provide a white goods recycling program.

#### Sleep E-Z's Proposal

Sleep E-Z is proposing to provide the City with the same service that they have provided since January 1992 and is summarized as follows:

1. Would require an area on the landfill grounds to place a drop-off bin.
2. Would remove mattresses and clean up storage area on a weekly basis or as required by City staff.
3. Is offering to continue their service at no charge to the City.

Our experience with Sleep E-Z has been very good to date. In 1992 they removed 440 mattresses and in 1993 they removed 286 mattresses from the landfill site.

Both proposals will reduce, to a certain extent, the volume of material being disposed of in the landfill.

#### RECOMMENDATION:

It is recommended that:

1. The City continues with the existing Agreement with Sleep E-Z. Their Agreement can be cancelled at any time with no advanced notice.
2. That the City enter into an agreement with Mr. Vernon Olson to permit removal of white goods and miscellaneous metals from the landfill at no charge to the City. The City would be responsible for the refrigerant removal.



Brian Watson, C.E.T.  
Solid Waste Superintendent

/blm

**DATE: June 29, 1994**  
**TO: City Council**  
**FROM: Environmental Advisory Board**  
**RE: SALVAGING AT THE LANDFILL SITE**

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At the June 15, 1994 meeting of the Environmental Advisory Board, consideration was given to the report from the Public Works Manager dated May 13, 1994 re: Salvaging. Following consideration of the report and verbal information received from Mr. Stewart, a resolution as noted hereunder was introduced and passed.

"That the Environmental Advisory Board, having considered report from the Public Works Manager dated May 13, 1994 (and attachments thereto) re: Salvaging, hereby recommend Council of the City of Red Deer continue with the existing agreement with Sleep E-Z for the removal of mattresses from the landfill site, and enter into an agreement with Mr. Vernon Olson to permit removal of white goods and miscellaneous metals from the landfill site at no charge to the City, with the City to be responsible for the refrigerant removal."

The above is submitted to Council for your consideration and direction.

  
G. HALL, Chairman  
Environmental Advisory Board

Commissioners' Comments

We concur with the recommendation of the Environmental Advisory Board and Solid Waste Superintendent.

"G. SURKAN"  
Mayor

"H.M.C. DAY"  
City Commissioner

→ E.W

# THE CITY OF RED DEER

## BID SUMMARY SHEET - 12:00 NOON CLOSINGS

MARKED: WASTE MATERIALS SALVAGING - LANDFILL SITE (03/15)

CLOSING DATE: MARCH 15, 1994 FILE: W/RC

ITEM NO.		1.				
VENDOR'S NAME	P.O.#		DELIVERY/RESULTS INFORMATION			
1. Sleep E-Z Mattress		BOX SPRINGS & MATTRESSES ONLY - REVENUE CHARGED TO CUSTOMERS				
2. Vernon Olson		METALS ONLY - NO REVENUE				

QUOTATIONS/TENDERS SENT TO: Ad

UNABLE TO QUOTE:

REQUISITIONED BY: BRIAN WATSON, PUBLIC WORKS DEPARTMENT

TENDER MARKED: WASTE MATERIALS SALVAGING - LANDVILL SITE (3/15)

THE FOLLOWING VENDORS PICKED UP TENDERS:

Wastco Environmental Ltd.  
316 Carriage Lane  
Hinton, AB  
T7V 1K8

Mr. George Young  
5111 49 Street  
Red Deer, AB  
T4N 1V6

Sleep E-Z Mattress  
7140B Fairmount Dr. SE  
Calgary, AB  
T2H 0X4

Richard Hartley  
5301 43 Street  
Red Deer, AB  
T4N 1C8

Rock Busters Ltd.  
152 McLevin Cres.  
Red Deer, AB  
T4R 1S9

Vernon Olson  
421, 5029 - 34 Street  
Red Deer, AB  
T4N 0P4

THE CITY OF RED DEER  
PURCHASING DEPARTMENT  
REVENUE - REQUEST FOR PROPOSAL

(W/R/C)

(THIS IS NOT A PURCHASE ORDER)

THE CITY OF RED DEER City Clerk's Office, City Hall 4914 48 Avenue, P.O. Box 5008 Red Deer, Alberta T4N 3T4	Telephone No. 403-342-8271 FAX No. 403-341-6960
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Sleep E-Z Mattress  
7140B Fairmount Dr. SE  
Calgary, AB  
T2H 0X4

DATE: February 1, 1994

Will you kindly insert a price for the supply of the services as indicated below/attached which are required by The City of Red Deer. Prices are to be quoted f.o.b. JOB SITE, SANITARY LANDFILL SITE, RED DEER, ALBERTA.

ALL PRICES QUOTED SHALL BE G.S.T. NOT INCLUDED, UNLESS OTHERWISE INDICATED HEREIN. ZERO-RATED AND G.S.T. EXEMPT ITEMS MUST BE IDENTIFIED AS SUCH. UNREGISTERED SUPPLIERS OR THOSE OPERATING AS "SMALL SUPPLIERS" MUST STATE THIS INFORMATION ON THEIR PROPOSALS AND INVOICES. (G.S.T. MUST BE SHOWN AS A SEPARATE AMOUNT ON ALL INVOICES.)

REVENUE PROPOSALS WILL BE RECEIVED IN THE OFFICE OF THE CITY CLERK, CITY HALL, FOR THE ATTENTION OF THE PURCHASING AGENT, UP TO 12:00 NOON, MARCH 15, 1994

ALL ENVELOPES CONTAINING REVENUE PROPOSALS ARE TO BE SEALED AND MARKED:

"WASTE MATERIALS SALVAGING - LANDFILL SITE (03/15)"

Bidders are advised that all prices quoted below/attached must be firm and on a terms basis of net cash 30 days. Revenue proposals bearing other terms may be rejected.

All revenue proposals received, and all contracts subsequently entered into, shall be subject to the terms and conditions specified on the reverse hereof. **PLEASE READ REVERSE THOROUGHLY.**

RUTH T. BOIVIN  
Purchasing Agent

DESCRIPTION

PLEASE SEE ATTACHED FOR PROPOSAL INFORMATION.

VENDOR MUST COMPLETE THE FOLLOWING TO VALIDATE REVENUE PROPOSAL:

DATE OF REVENUE PROPOSAL: Feb 28/94

PHONE NUMBER (TOLL FREE PREFERRED):  
Effective March 9/94 1-800-876-3444

SIGNATURE OF VENDOR: 

FAX NUMBER: 253-4928

PRINT NAME: Troy Pasquette

# TERMS AND CONDITIONS

## 1. GENERAL INSTRUCTIONS:

- REVENUE PROPOSALS SUBMITTED ON ANY OTHER FORM MAY BE REJECTED.
- Signature in ink must be by authorized official. Unsigned proposals will be rejected.
- Error in preparing the proposal does not confer the right to alter, amend or withdraw the proposal after proposal closing.
- Changes in proposals will not be permitted after proposal closing.
- Late proposals received after closing date and time will NOT be considered.
- Proposals which close at 2:00 p.m. are open to the public. The City will NOT accept bids by FAX for any 2:00 p.m. proposal opening.
- For proposals which close at 12:00 noon, bidders may submit their bid by FAX. Bidders using the FAX machine do so at their own risk and The City of Red Deer accepts no responsibility for error, omission, transmission failure or loss of confidentiality.
- The City of Red Deer reserves the right to waive any formality or informality in the procurement of the goods and/or services indicated herein.
- If a bidder should find any discrepancies in, or require any clarification to this request for proposals, he should immediately notify the Purchasing Agent for The City of Red Deer who will, if necessary, issue such correction or clarification to all bidders.

## 2. PRICING:

- Firm prices only will be considered, unless otherwise stated.
- Net unit price must be stated as well as net line extensions. In case of error in extension, the unit price will govern.
- Pricing to be as of F.O.B. point specified. All transportation, handling or crating charges must be included in net price unless otherwise stated.
- Prices quoted shall remain firm for acceptance within 90 days after closing date.

## 3. AWARD:

- The highest or any proposal received will not necessarily be accepted. The City of Red Deer reserves the right to reject any or all proposals, or to accept the proposal deemed most favourable in the interests of the City.
- Acceptance of any proposal shall be in the form of a letter from the Public Works Manager to the successful bidder(s).
- Bid results may be obtained by phoning 342-8271 after 3:00 p.m. on the next working day after the closing date.
- Any proposal documents received shall become a matter of public record, and shall be available to the public upon payment of a fee for same.
- All contractors working in The City of Red Deer MUST have a City Business License.

THIS AGREEMENT made in duplicate this 28<sup>TH</sup> day of FEBRUARY AD, 1994

BETWEEN:

THE CITY OF RED DEER, A Municipal Corporation,  
(hereinafter called the "City"),

of the first part,

- and -

SLEEP E-2 MATTHESSES  
(hereinafter called the "Contractor"),

of the second part.

**WHEREAS** The City of Red Deer is desirous of obtaining the services of an independent contractor to provide salvaging of waste materials at The City of Red Deer Landfill site, as designated in the contract documents, and

**WHEREAS** the Contractor has submitted a proposal to carry out such work, which has been found satisfactory to the requirements of the City,

**NOW THEREFORE THIS AGREEMENT WITNESSETH** that in consideration of the premises and of the covenants and agreements hereinafter contained, the parties hereto covenant and agree together as follows:

1. The term of this Agreement shall be for two years from May 1, 1994, until April 30, 1996, with provision for two, one-year extensions subject to satisfactory performance and mutually acceptable compensation for the third and fourth years.
2. The Request for Proposal, the Information to Bidders, the Technical Specifications, and this Agreement, are declared to be and form part of this Contract.
3. The Contractor covenants and agrees to perform all its services in an efficient, thorough, professional and workmanlike manner.
4. If the Contractor defaults in the performance of any of the covenants, or agreements in this contract, or refuses or neglects to carry out any of the requirements in whole or in part, the City, in addition to any other remedy which it may have, may forthwith terminate this Agreement. Such termination shall not absolve the Contractor from damages and/or other additional costs incurred by the City in obtaining the services and/or materials elsewhere.
5. The Contractor shall not under any circumstances sublet or subcontract the services covered by this agreement.
6. The Contractor shall pay the City at the rates as set out in the "Bidder's Proposal" for waste materials salvaged under this contract.

**AGREEMENT**

7. Time shall be of the essence to this Agreement and this Agreement shall enure to the benefit of, be binding upon and enforceable by the parties hereto, their successors, administrators, executors, and permitted assigns, and each of them.

**IN WITNESS WHEREOF** the City has hereunto affixed its corporate seal attested by its proper officers in that behalf and the Party of the Second Part has hereunto set his hand and seal the day and year first above written.

In the absence of a corporate seal, the "Affidavit Verifying Corporate Signing Authority" and the "Affidavit of Execution" attached, shall be completed in full, and are declared to be and form part of this Agreement.

THE CITY OF RED DEER

Per: \_\_\_\_\_  
Mayor

Per: \_\_\_\_\_  
City Clerk

SIGNED, SEALED AND DELIVERED  
by the said

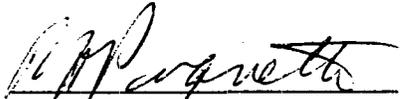
in the  
presence of:

\_\_\_\_\_

  
\_\_\_\_\_  
NAFISA YALJI  
Commissioner for Oaths in and for  
the Province of Alberta  
Expiry Date: AUG. 18, 1995.

**SLEEP E-Z MATTRESSES**  
7140B FAIRMOUNT DR. S.E.  
CALGARY, AB T2H 0X4

PATRICK H. PAQUETTE

Per:   
Contractor

# REVENUE - REQUEST FOR PROPOSALS

## INFORMATION TO BIDDERS

The City of Red Deer invites proposals for the salvaging of waste materials at The City of Red Deer Sanitary Landfill Site in accordance with the technical specifications attached.

The term of the contract shall be for a period of two years, with possible annual renewals thereafter, at the sole option of the City, and for an amount of compensation to be determined by agreement between the parties, for a maximum of two subsequent years.

In submitting a proposal, a proposer agrees that it is NOT a tender, and that the law applying to the submission of a tender does not necessarily apply to a call for proposals. Price shall not necessarily be the dominant factor in determining the award of the contract.

The City of Red Deer reserves the right to seek clarification from the proposers to assist in making evaluations. The City further reserves the right to negotiate with the selected supplier to clarify and/or enhance this contract.

The City of Red Deer reserves the right to waive informalities in, or reject any or all proposals, or to accept the proposal deemed most favourable in the interest of the City.

**Firms interested in submitting a proposal must view the landfill site to examine existing conditions and limitations which may affect the proposed price. No allowance shall be made for the proposer's failure to do so. For appointment to view, contact Mary Stewart at phone number 342-8394.**

For further information or clarification of proposal requirements, contact Brian Watson or Mary Stewart of the Public Works Department at phone number 342-8238.

# TECHNICAL SPECIFICATIONS

## BACKGROUND

In order to reduce the quantity of solid waste requiring disposal, The City of Red Deer is considering proposals to salvage specific waste materials from the sanitary landfill site. The intent of this request for proposals is not to replace the items already included in the Blue Box Program, but to salvage items in addition to the Blue Box Program.

Under the Waste Management Regulation of the Public Health Act, scavenging, or the uncontrolled or unauthorized removal of waste, is prohibited. The City will not consider any proposals which involve the removal of materials from the landfill tipping face.

## PROPOSAL SUBMISSION REQUIREMENTS

### 1. Description of Method of Salvaging

A detailed description of the type of material being salvaged should be provided.

Proposals should describe the method of salvaging, including type of storage or container for collecting material such as a shed or metal bin; signs; transportation of materials; the frequency of removal of the salvaged materials from the Landfill Site; and the plan for keeping the collection area at the Landfill clean.

As well, proposals should address any impact on Landfill operations and safety concerns.

### 2. Markets

Proposals must clearly outline the market or intended use for the salvaged materials.

### 3. Revenue to the City

Proposals should outline the revenue that will accrue to the City under the proposal.

## INSURANCE REQUIREMENTS

Contractors with the City are required to maintain liability insurance, in a form acceptable to the Director of Financial Services, against liability arising out of the operation of any and all motor vehicles used by the Contractor in the amount of \$1 000 000 inclusive. Such policy shall include the City as additional named insured, shall contain a cross-liability clause and be non-cancellable without thirty (30) days notice to the City.

Contractors with the City are also required to maintain liability insurance, in a form acceptable to the Director of Financial Services, against liability arising out of any event other than the operation of motor vehicles in the amount of \$1 000 000. Such policy shall include the City as an additional named insured and shall contain a cross-liability clause and shall be non-cancellable without thirty (30) days written notice to the City.

Contractors shall indemnify and save harmless the City from and against all claims, losses, damages and costs, which the City may be required to pay, suffer or incur by reason of or in any way relating to an Agreement to salvage waste material, or by reason of any negligence on the part of the Contractor, its servants, or agents in connection with the collection or disposal of garbage.

The City of Red Deer shall notify the successful bidder(s) by telephone, and confirm award of this contract by Letter of Acceptance from the Public Works Manager.

Either party to this contract may terminate this agreement for just and reasonable cause by giving 30 days notice in writing to the other party.

# SLEEP E-Z MATTRESSES

March 1, 1994

## ***RE: TO CONTINUE REMOVAL OF BOX SPRINGS & MATTRESSES***

Our skid mounted steel walk in container to remain on site for clean eye pleasing storage of above items  
Our signs to remain on site. Pick up and clean up of our area to be done on an weekly basis or as required  
by Land Fill Officials.

The Salvaged Box Springs & Mattresses will be torn down to The Springs and Wood, the fibre materials  
will be disposed of at the Calgary Land fill. The Springs and Wood will be recycled into new remanufactured  
beds.

We have operated out of 15 Land Fill Sites for 7 years without incidents or accidents in B.C. and  
Alberta.

Revenue to City of Red Deer shall be totally charged to customers dumping their beds at Land Fill Site.

The savings to Red Deer because of the Bulk is saving years to your space on site. No charge to City  
for our Bin or Clean up time required. We are fully insured against liability at 1,000,000.00. All workers  
are professional people fully covered with compensation and properly licensed.

We have a fleet of 4 trucks to insure area is clean at all times and no problem with pick up of beds.

You already have in your possession a copy of our insurance and a letter stating there will be no claims,  
losses, damages and costs to the City of Red Deer.

421-50 29 - 34 ST.  
RED DEER ALTA  
T4N 0P4  
PH 340-2585

City of Red Deer

RE: Waste Material Salvaging: Landfill Site.

I would be interested in salvaging metals only:

① The method of salvaging appliances would remain the same as is presently being employed. For other metals, I would construct a bin which could be placed next to the appliance site. A sign stating metals only would be erected next to the bin. The bin and surrounding area would be monitored frequently and unwanted materials removed to tipping for a truck and trailer of suitable size would be employed for removal of materials. Metals would be hauled when sufficient quantities accumulate to warrant the removal. This would not effect landfill operation.

② Metals would be disposed of at Norajo Metals in Calgary.

③ The City of Red Deer would not receive any revenue from this operation at the present time due to the small amount of material that has been collected according to records of the past year. (115 metric tons)

②  
Unless the Tonnage increases the profit margin for hauling metals would be very small, I would require the appliances be drained and all appliances be crushed and loaded.

I am open to discussions on all matters regarding this proposal.

I would comply with all other City regulations such as insurance, business license etc

Yours truly  
Vernon Olsen

THE CITY OF RED DEER  
PURCHASING DEPARTMENT  
REVENUE - REQUEST FOR PROPOSAL

(W/RC)

(THIS IS NOT A PURCHASE ORDER)

THE CITY OF RED DEER  
City Clerk's Office, City Hall  
4914 48 Avenue, P.O. Box 5008  
Red Deer, Alberta T4N 3T4

Telephone No. 403-342-8271  
FAX No. 403-341-6960

Vernon Olson  
421, 5029 - 34 Street  
Red Deer, AB  
T4N 0P4

DATE: February 1, 1994

PH 340 - 2585

Will you kindly insert a price for the supply of the services as indicated below/attached which are required by The City of Red Deer. Prices are to be quoted f.o.b. JOB SITE, SANITARY LANDFILL SITE, RED DEER, ALBERTA.

**ALL PRICES QUOTED SHALL BE G.S.T. NOT INCLUDED, UNLESS OTHERWISE INDICATED HEREIN. ZERO-RATED AND G.S.T. EXEMPT ITEMS MUST BE IDENTIFIED AS SUCH. UNREGISTERED SUPPLIERS OR THOSE OPERATING AS "SMALL SUPPLIERS" MUST STATE THIS INFORMATION ON THEIR PROPOSALS AND INVOICES. (G.S.T. MUST BE SHOWN AS A SEPARATE AMOUNT ON ALL INVOICES.)**

REVENUE PROPOSALS WILL BE RECEIVED IN THE OFFICE OF THE CITY CLERK, CITY HALL, FOR THE ATTENTION OF THE PURCHASING AGENT, UP TO 12:00 NOON, MARCH 15, 1994

**ALL ENVELOPES CONTAINING REVENUE PROPOSALS ARE TO BE SEALED AND MARKED:**

**"WASTE MATERIALS SALVAGING - LANDFILL SITE (03/15)"**

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All revenue proposals received, and all contracts subsequently entered into, shall be subject to the terms and conditions specified on the reverse hereof. **PLEASE READ REVERSE THOROUGHLY.**

RUTH T. BOIVIN  
Purchasing Agent

DESCRIPTION

PLEASE SEE ATTACHED FOR PROPOSAL INFORMATION.

**VENDOR MUST COMPLETE THE FOLLOWING TO VALIDATE REVENUE PROPOSAL:**

DATE OF REVENUE PROPOSAL: \_\_\_\_\_

PHONE NUMBER (TOLL FREE PREFERRED): \_\_\_\_\_

SIGNATURE OF VENDOR: \_\_\_\_\_

FAX NUMBER: \_\_\_\_\_

PRINT NAME: \_\_\_\_\_

## TERMS AND CONDITIONS

### 1. GENERAL INSTRUCTIONS:

- REVENUE PROPOSALS SUBMITTED ON ANY OTHER FORM MAY BE REJECTED.
- Signature in ink must be by authorized official. Unsigned proposals will be rejected.
- Error in preparing the proposal does not confer the right to alter, amend or withdraw the proposal after proposal closing.
- Changes in proposals will not be permitted after proposal closing.
- Late proposals received after closing date and time will NOT be considered.
- **Proposals which close at 2:00 p.m. are open to the public. The City will NOT accept bids by FAX for any 2:00 p.m. proposal opening.**
- For proposals which close at 12:00 noon, bidders may submit their bid by FAX. Bidders using the FAX machine do so at their own risk and The City of Red Deer accepts no responsibility for error, omission, transmission failure or loss of confidentiality.
- The City of Red Deer reserves the right to waive any formality or informality in the procurement of the goods and/or services indicated herein.
- If a bidder should find any discrepancies in, or require any clarification to this request for proposals, he should immediately notify the Purchasing Agent for The City of Red Deer who will, if necessary, issue such correction or clarification to all bidders.

### 2. PRICING:

- Firm prices only will be considered, unless otherwise stated.
- Net unit price must be stated as well as net line extensions. In case of error in extension, the unit price will govern.
- Pricing to be as of F.O.B. point specified. All transportation, handling or crating charges must be included in net price unless otherwise stated.
- Prices quoted shall remain firm for acceptance within 90 days after closing date.

### 3. AWARD:

- The highest or any proposal received will not necessarily be accepted. The City of Red Deer reserves the right to reject any or all proposals, or to accept the proposal deemed most favourable in the interests of the City.
- Acceptance of any proposal shall be in the form of a letter from the Public Works Manager to the successful bidder(s).
- Bid results may be obtained by phoning 342-8271 after 3:00 p.m. on the next working day after the closing date.
- Any proposal documents received shall become a matter of public record, and shall be available to the public upon payment of a fee for same.
- All contractors working in The City of Red Deer MUST have a City Business License.

INFORMATION TO BIDDERS

The City of Red Deer invites proposals for the salvaging of waste materials at The City of Red Deer Sanitary Landfill Site in accordance with the technical specifications attached.

The term of the contract shall be for a period of two years, with possible annual renewals thereafter, at the sole option of the City, and for an amount of compensation to be determined by agreement between the parties, for a maximum of two subsequent years.

In submitting a proposal, a proposer agrees that it is NOT a tender, and that the law applying to the submission of a tender does not necessarily apply to a call for proposals. Price shall not necessarily be the dominant factor in determining the award of the contract.

The City of Red Deer reserves the right to seek clarification from the proposers to assist in making evaluations. The City further reserves the right to negotiate with the selected supplier to clarify and/or enhance this contract.

The City of Red Deer reserves the right to waive informalities in, or reject any or all proposals, or to accept the proposal deemed most favourable in the interest of the City.

**Firms interested in submitting a proposal must view the landfill site to examine existing conditions and limitations which may affect the proposed price. No allowance shall be made for the proposer's failure to do so. For appointment to view, contact Mary Stewart at phone number 342-8394.**

For further information or clarification of proposal requirements, contact Brian Watson or Mary Stewart of the Public Works Department at phone number 342-8238.

BACKGROUND

In order to reduce the quantity of solid waste requiring disposal, The City of Red Deer is considering proposals to salvage specific waste materials from the sanitary landfill site. The intent of this request for proposals is not to replace the items already included in the Blue Box Program, but to salvage items in addition to the Blue Box Program.

Under the Waste Management Regulation of the Public Health Act, scavenging, or the uncontrolled or unauthorized removal of waste, is prohibited. The City will not consider any proposals which involve the removal of materials from the landfill tipping face.

PROPOSAL SUBMISSION REQUIREMENTS

1. Description of Method of Salvaging

A detailed description of the type of material being salvaged should be provided.

Proposals should describe the method of salvaging, including type of storage or container for collecting material such as a shed or metal bin; signs; transportation of materials; the frequency of removal of the salvaged materials from the Landfill Site; and the plan for keeping the collection area at the Landfill clean.

As well, proposals should address any impact on Landfill operations and safety concerns.

2. Markets

Proposals must clearly outline the market or intended use for the salvaged materials.

3. Revenue to the City

Proposals should outline the revenue that will accrue to the City under the proposal.

INSURANCE REQUIREMENTS

Contractors with the City are required to maintain liability insurance, in a form acceptable to the Director of Financial Services, against liability arising out of the operation of any and all motor vehicles used by the Contractor in the amount of \$1 000 000 inclusive. Such policy shall include the City as additional named insured, shall contain a cross-liability clause and be non-cancellable without thirty (30) days notice to the City.

Contractors with the City are also required to maintain liability insurance, in a form acceptable to the Director of Financial Services, against liability arising out of any event other than the operation of motor vehicles in the amount of \$1 000 000. Such policy shall include the City as an additional named insured and shall contain a cross-liability clause and shall be non-cancellable without thirty (30) days written notice to the City.

Contractors shall indemnify and save harmless the City from and against all claims, losses, damages and costs, which the City may be required to pay, suffer or incur by reason of or in any way relating to an Agreement to salvage waste material, or by reason of any negligence on the part of the Contractor, its servants, or agents in connection with the collection or disposal of garbage.

The City of Red Deer shall notify the successful bidder(s) by telephone, and confirm award of this contract by Letter of Acceptance from the Public Works Manager.

Either party to this contract may terminate this agreement for just and reasonable cause by giving 30 days notice in writing to the other party.

**THIS AGREEMENT** made in duplicate this \_\_\_\_\_ day of \_\_\_\_\_ AD, 19\_\_\_\_

**BETWEEN:**

**THE CITY OF RED DEER, A Municipal Corporation,**  
(hereinafter called the "City"),

of the first part,

- and -

\_\_\_\_\_  
(hereinafter called the "Contractor"),

of the second part.

**WHEREAS** The City of Red Deer is desirous of obtaining the services of an independent contractor to provide salvaging of waste materials at The City of Red Deer Landfill site, as designated in the contract documents, and

**WHEREAS** the Contractor has submitted a proposal to carry out such work, which has been found satisfactory to the requirements of the City,

**NOW THEREFORE THIS AGREEMENT WITNESSETH** that in consideration of the premises and of the covenants and agreements hereinafter contained, the parties hereto covenant and agree together as follows:

1. The term of this Agreement shall be for two years from May 1, 1994, until April 30, 1996, with provision for two, one-year extensions subject to satisfactory performance and mutually acceptable compensation for the third and fourth years.
2. The Request for Proposal, the Information to Bidders, the Technical Specifications, and this Agreement, are declared to be and form part of this Contract.
3. The Contractor covenants and agrees to perform all its services in an efficient, thorough, professional and workmanlike manner.
4. If the Contractor defaults in the performance of any of the covenants, or agreements in this contract, or refuses or neglects to carry out any of the requirements in whole or in part, the City, in addition to any other remedy which it may have, may forthwith terminate this Agreement. Such termination shall not absolve the Contractor from damages and/or other additional costs incurred by the City in obtaining the services and/or materials elsewhere.
5. The Contractor shall not under any circumstances sublet or subcontract the services covered by this agreement.
6. The Contractor shall pay the City at the rates as set out in the "Bidder's Proposal" for waste materials salvaged under this contract.

AGREEMENT

7. Time shall be of the essence to this Agreement and this Agreement shall enure to the benefit of, be binding upon and enforceable by the parties hereto, their successors, administrators, executors, and permitted assigns, and each of them.

**IN WITNESS WHEREOF** the City has hereunto affixed its corporate seal attested by its proper officers in that behalf and the Party of the Second Part has hereunto set his hand and seal the day and year first above written.

In the absence of a corporate seal, the "Affidavit Verifying Corporate Signing Authority" and the "Affidavit of Execution" attached, shall be completed in full, and are declared to be and form part of this Agreement.

THE CITY OF RED DEER

Per: \_\_\_\_\_  
Mayor

Per: \_\_\_\_\_  
City Clerk

SIGNED, SEALED AND DELIVERED  
by the said

\_\_\_\_\_ in the  
presence of:

\_\_\_\_\_

Per: \_\_\_\_\_  
Contractor

# AFFIDAVIT VERIFYING CORPORATE SIGNING AUTHORITY

CANADA )  
 )  
PROVINCE OF \_\_\_\_\_ ) I, \_\_\_\_\_, of \_\_\_\_\_  
 ) \_\_\_\_\_, in the Province of \_\_\_\_\_  
 ) MAKE OATH AND SAY:

1. I am an officer or director of the corporation named in the within instrument or caveat.
2. I am authorized by the corporation to execute the instrument or caveat without affixing a corporate seal.

SWORN BEFORE ME at \_\_\_\_\_,  
in the Province of \_\_\_\_\_,  
this \_\_\_\_\_ day of \_\_\_\_\_  
A.D. 19\_\_

\_\_\_\_\_  
A COMMISSIONER FOR OATHS in and for the  
Province of \_\_\_\_\_

## AFFIDAVIT OF EXECUTION

CANADA )  
 )  
PROVINCE OF \_\_\_\_\_ ) I, \_\_\_\_\_, of \_\_\_\_\_  
 ) \_\_\_\_\_, in the Province of \_\_\_\_\_  
 )  
TO WIT ) MAKE OATH AND SAY:

1. That I was personally present and did see \_\_\_\_\_ named in the within instrument, who is(are) personally known to me to be the person(s) named therein, duly sign and execute the same for the purpose named therein.
2. That the same was executed at \_\_\_\_\_, in the Province of \_\_\_\_\_, and that I am the subscribing witness thereto.
3. That I know the said person(s) and he (she,each) is in my belief of the full age of eighteen years.

SWORN BEFORE ME at \_\_\_\_\_,  
in the Province of \_\_\_\_\_,  
this \_\_\_\_\_ day of \_\_\_\_\_  
A.D. 19\_\_

\_\_\_\_\_  
A COMMISSIONER FOR OATHS in and for the  
Province of \_\_\_\_\_

**DATE: APRIL 15, 1993**  
**TO: ENVIRONMENTAL ADVISORY BOARD**  
**FROM: ASSISTANT CITY CLERK**  
**RE: SALVAGING PROGRAM AT THE CITY'S LANDFILL SITE**

---

At the Council Meeting of April 13, 1993, the following resolution was passed with regard to the above noted item:

"RESOLVED that Council of The City of Red Deer hereby requests the Environmental Advisory Board to review the possibility of implementing a salvaging program at the City's Landfill Site and report back to City Council."

As outlined in the above motion, Council is requesting that the Board review this matter and report back to Council in due course.

Trusting you will find this satisfactory and I look forward to your report back to Council.



KELLY KLOSS  
Assistant City Clerk  
KK/cjd

cc: Director of Community Services  
Director of Engineering Services  
Director of Financial Services  
Public Works Manager  
Parks Manager

*Batchelor (June 10) - Public Works Manager - preparing report*

**DATE: JULY 5, 1994**  
**TO: PUBLIC WORKS MANAGER**  
**FROM: CITY CLERK**  
**RE: WASTE MATERIAL SALVAGING - LANDFILL SITE**

---

At the Council Meeting of July 4, 1994, consideration was given to your report dated May 9, 1994 and at which meeting the following motions were passed:

"RESOLVED that Council of The City of Red Deer, having considered report from the Public Works Manager dated May 9, 1994, re: Waste Material Salvaging - Landfill Site, hereby agrees that the existing agreement with Sleep E-Z for the removal of mattresses from the landfill site be continued until April 30, 1996, and as presented to Council July 4, 1994."

"RESOLVED that Council of The City of Red Deer, having considered report from the Public Works Manager dated May 9, 1994, re: Waste Material Salvaging - Landfill Site, hereby agrees that an agreement be entered into with Mr. Vernon Olson to permit the removal of white goods and miscellaneous metals from the landfill site at no charge to The City, with The City being responsible for the refrigerant removal, and as presented to Council July 4, 1994."

The decision of Council in this instance is submitted for your information and appropriate action. Trusting you will find this satisfactory.



KELLY KLOSS  
City Clerk

KK/clr

cc: Director of Engineering Services  
Environmental Advisory Board

R E P O R T SNO. 1

DATE: June 27, 1994  
TO: City Council  
FROM: City Clerk  
RE: LICENSES TO OCCUPY

---

At the Council Meeting of May 24, 1994, Council passed the following resolution delegating the approval of Licenses to Occupy to the Land and Economic Development Manager.

"RESOLVED that Council of The City of Red Deer hereby delegates the approval of applications for Licences to Occupy to the Land and Economic Development Manager, with the understanding that should an applicant wish to appeal a decision of the Land and Economic Development Manager, said appeal would be presented to City Council, and as recommended to Council May 24, 1994."

In accordance with the above resolution, we have drafted the attached Council Policy No. 833 concerning Licenses to Occupy for inclusion in the Council Policy Manual. In addition to Licenses to Occupy, the Land and Economic Development Manager has recommended that Council also delegate to him the leasing of Utility Lots, under standard terms approved by City Council.

RECOMMENDATION

That Council approve the attached Council Policy 833, Licenses to Occupy.



Kelly Kloss  
City Clerk

KK/ds

Commissioners' Comments

We concur with the recommendation of the City Clerk.

"G. SURKAN"  
Mayor

"H.M.C. DAY"  
City Commissioner

Policy Section:  
Planning Services

Page:  
1 of 1

Policy Subject  
Licenses to Occupy

Policy Reference:  
833

Lead Role:  
Land and Economic Development

Resolution/Bylaw  
May 24, 1994

PURPOSE

To simplify procedures associated with the granting of licenses to occupy rights-of-way and, where appropriate, leases of utility lots.

POLICY STATEMENT

The Land and Economic Development Manager shall approve applications for Licenses to Occupy Rights-of-Way in The City of Red Deer. The authority shall also include the leasing of utility lots, under standard terms approved by City Council.

Should an applicant wish to appeal the decision of the Land and Economic Development Manager, said appeal would be presented to City Council.

Cross Reference

Remarks

Date of Approval:

Effective Date:

Date of Revision:

**DATE: JULY 5, 1994**  
**TO: LAND AND ECONOMIC DEVELOPMENT MANAGER**  
**FROM: CITY CLERK**  
**RE: LICENCES TO OCCUPY**

---

At the Council Meeting of July 4, 1994, Council passed the following resolution concerning licences to occupy:

"RESOLVED that Council of The City of Red Deer, having considered report from the City Clerk dated June 27, 1994, hereby approves Council Policy #833 - Licences to Occupy, and as presented to Council July 4, 1994."

The decision of Council in this instance is submitted for your information. Attached hereto is a copy of Council Policy #833.

Trusting you will find this satisfactory.



KELLY KLOSS  
City Clerk

KK/clr  
attch.

NO. 2

DATE: June 14, 1994

TO: K. Kloss, City Clerk

FROM: A. Scott, Land and Economic Development Manager

RE: **CITY DEVELOPMENT OF 9 DUPLEX (18 UNITS)  
LOWER FAIRVIEW, PART OF CPR SUBDIVISION AREA 7  
58 STREET AND 60 AVENUE** (Please see attached map)

On June 22, 1992, City Council gave third reading to Bylaw No. 3073/92 adopting the CP Rail Right-of-Way Area Development Plan, which includes the C.P.R. Subdivision Area 7.

The July 20, 1992 meeting of City Council approved a resolution authorizing the Land and Economic Development Manager to proceed with legal survey, utility design work and land negotiations within the boundaries of the CP Rail Right-of-Way Area Development Plan.

The Area Redevelopment Plan indicated land designations for CPR Subdivision Area 7 to create a mix of housing to include 9 duplex lots along 60 Avenue, 26 single family lots between 60 Avenue and 56 Avenue, and 3 multi-family lots at 55 Avenue.

To accommodate this development, it is necessary, under the Municipal Government Act, to request Council's approval of the following described road closures and disposal of municipal reserves.

Road Closures (as shown cross-hatched on attached Maps A,B, and C)

1. All that portion of Street and Lane, Plan 506 AH lying within the limits of Plan \_\_\_\_\_; containing 0.037 hectare more or less.
2. All that portion of 58 Street and 58A Street, Plan 1030 NY lying within the limits of Plan \_\_\_\_\_; containing 0.166 hectare more or less.
3. All that portion of Lane, Plan 5534 HW lying within the limits of Plan \_\_\_\_\_; containing 0.029 hectare more or less.
4. All that portion of Lane, Plan 4963 TR lying within the limits of Plan \_\_\_\_\_; containing 0.29 square metres more or less.

Reserve Disposal (as shown cross-hatched on attached Maps D and E)

1. All that portion of Lot R, Block 4, Plan 4963 TR lying within the limits of Plan \_\_\_\_\_; containing 0.158 hectare more or less.

.../2

City Clerk  
Page 2  
June 14, 1994

---

2. All that portion of Lot R, Block 2, Plan 1030 NY lying within the limits of Plan \_\_\_\_\_; containing 0.001 hectare more or less.

**RECOMMENDATION**

We recommend that City Council approve the above noted road closures and reserve disposal so that the development of the proposed 9 duplex lots may proceed.



Alan V. Scott

WFL/mm

Commissioners' Comments

We recommend Council proceed with the closures and disposals of reserve.

"G. SURKAN"  
Mayor

"H.M.C. DAY"  
City Commissioner

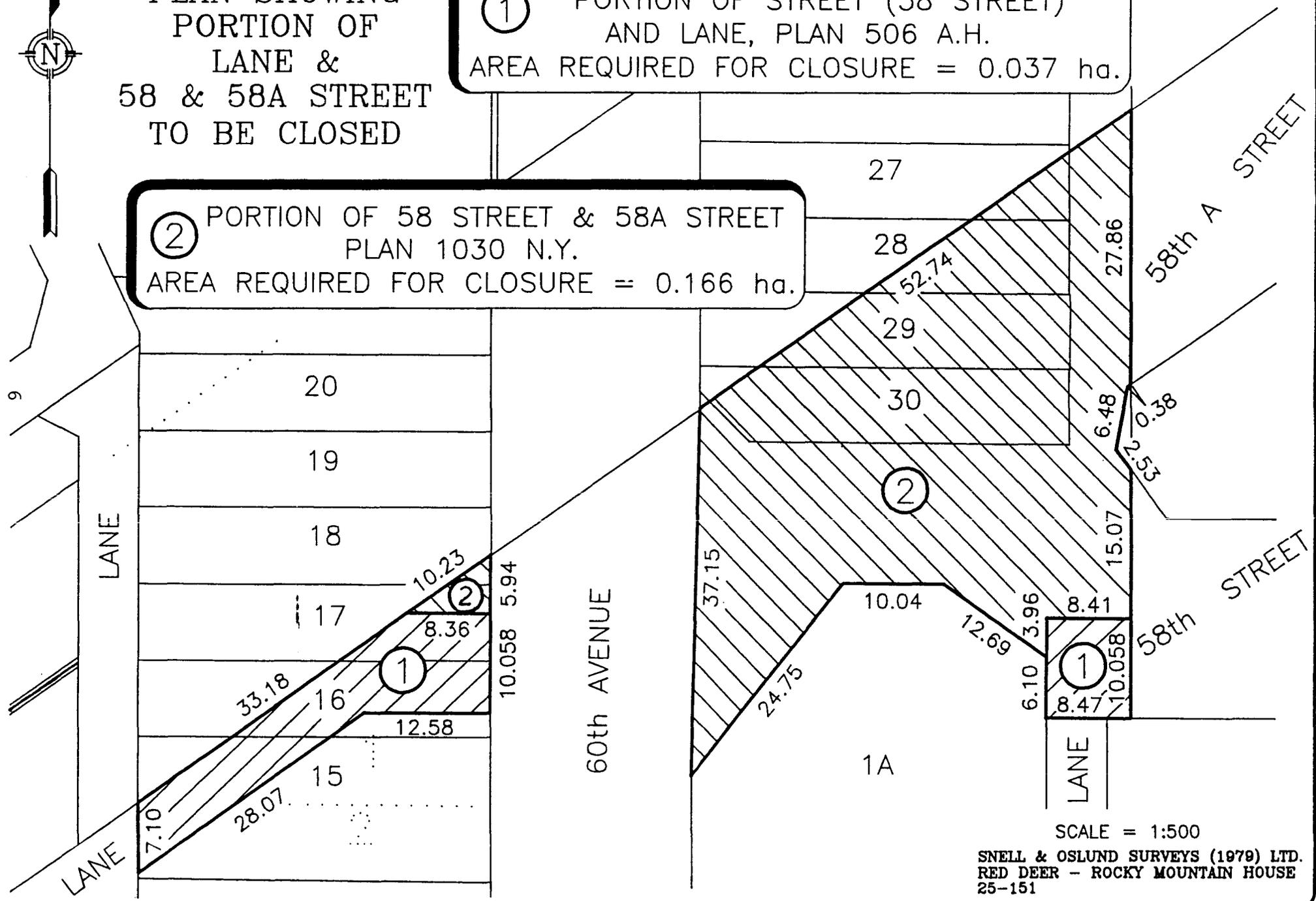
MAP "A"

RED DEER  
 PLAN SHOWING  
 PORTION OF  
 LANE &  
 58 & 58A STREET  
 TO BE CLOSED



① PORTION OF STREET (58 STREET)  
 AND LANE, PLAN 506 A.H.  
 AREA REQUIRED FOR CLOSURE = 0.037 ha.

② PORTION OF 58 STREET & 58A STREET  
 PLAN 1030 N.Y.  
 AREA REQUIRED FOR CLOSURE = 0.166 ha.



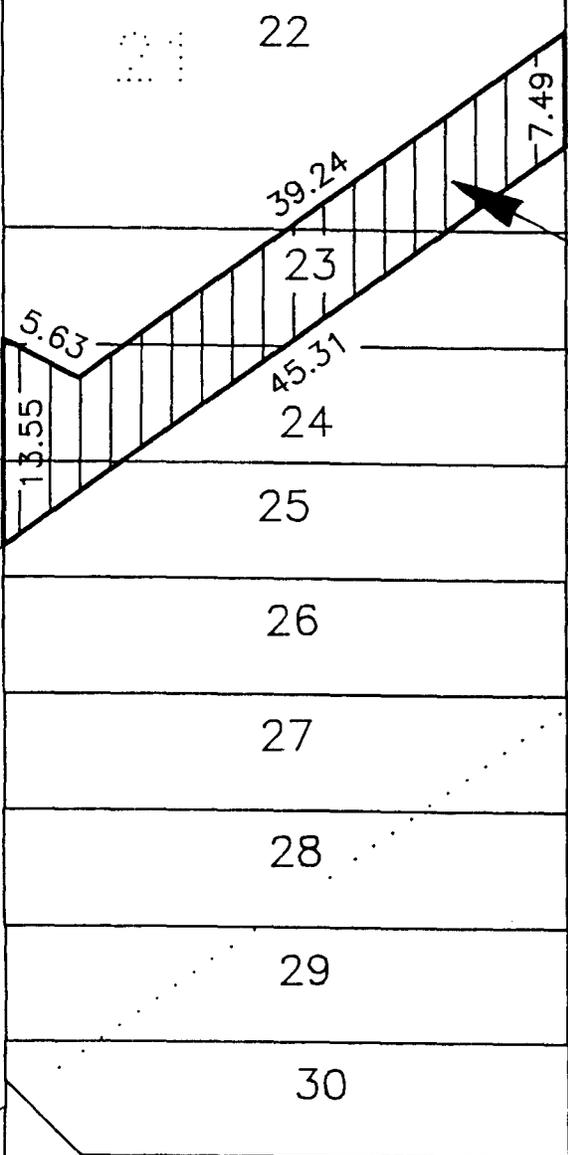
SCALE = 1:500  
 SNELL & OSUND SURVEYS (1979) LTD.  
 RED DEER - ROCKY MOUNTAIN HOUSE  
 25-151

10

# RED DEER PLAN SHOWING PORTION OF LANE TO BE CLOSED



**MAP "B"**



LANE

C. & E. No.1

**3** PORTION OF LANE CLOSURE  
REQUIRED = 0.029 ha.  
*PLAN 5534 HW*

LANE

58th A STREET

LOT R (RESERVE)  
PLAN 1030 N.Y.

58th STREET

SCALE = 1:500

SNELL & OSKUND SURVEYS (1979) LTD.  
RED DEER - ROCKY MOUNTAIN HOUSE  
25-151



RED DEER  
PLAN SHOWING  
PORTION OF  
LANE  
TO BE CLOSED  
*MAP "C"*

CONDOMINIUM  
PLAN 752 0807

58th STREET

CONDOMINIUM  
PLAN 752 0807

LANE

25

24

23

22

21

20

19

18

17

16

15

60th AVENUE

PORTION OF LANE CLOSURE  
REQUIRED = 0.29 sq.m.

*PLAN 4963 TR*

4

1.28

1.06  
90.1  
0.55

LANE

PLAN 4963 T.R.

LANE

C. & E. No.1

SCALE = 1:500

# RED DEER PLAN SHOWING RESERVE DISPOSAL MAP D

CONDOMINIUM  
PLAN 752 0807



RESERVE DISPOSAL  
Plan = 0.158 ha. **1**  
*Plan 4963 TR*

58th STREET

ADDITION TO  
60th AVENUE

43.24

6.46

6.48

17.06

CONDOMINIUM  
PLAN 752 0807

LANE  
24.50

25

24

23

22

21

51.49

20

LANE

13.02

19

7.59  
4.38

18

LANE

17

PLAN 4963 T.R.

16

C. & E. No.1

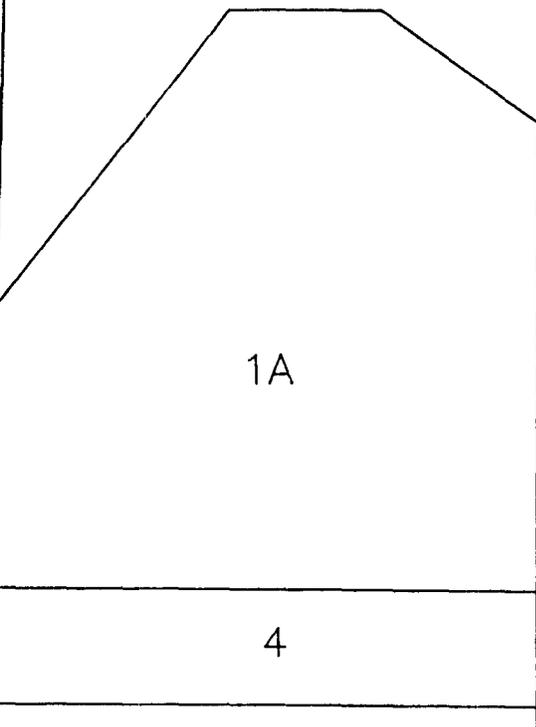
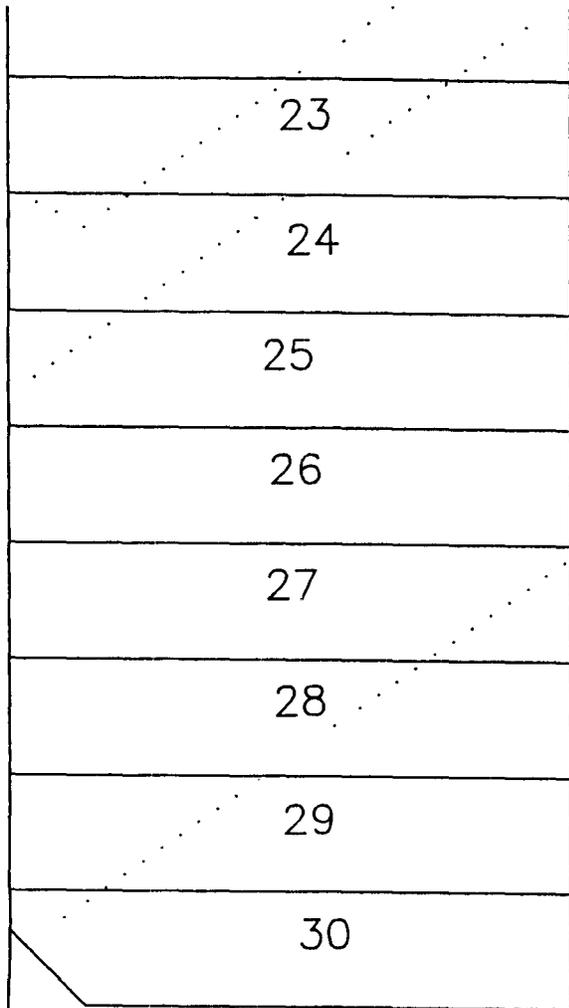
15

60th AVENUE

SCALE = 1:500



60th AVENUE



13

LANE

C. & E. No.1

58th A STREET

53.7  
6.48  
0.38  
8.67

LOT R (RESERVE)  
PLAN 1030 N.Y.

RESERVE DISPOSAL  
2 = 0.001 ha.  
PLAN 1030 N.Y.

58th STREET

LANE

PLAN 549 K.S.

MAP E

RED DEER  
PLAN SHOWING  
RESERVE DISPOSAL

SCALE = 1:500

SNELL & OS Lund SURVEYS (1979) LTD.  
RED DEER - ROCKY MOUNTAIN HOUSE  
25-151

**DATE: JULY 5, 1994**  
**TO: LAND AND ECONOMIC DEVELOPMENT MANAGER**  
**FROM: CITY CLERK**  
**RE: CITY DEVELOPMENT OF 9 DUPLEX (18 UNITS) - LOWER FAIRVIEW  
PART OF CPR SUBDIVISION AREA 7 - 58 STREET AND 60 AVENUE**

---

At the Council Meeting of July 4, 1994, consideration was given to your report dated June 14, 1994, concerning the above topic and at which meeting the following resolution was passed:

"RESOLVED that Council of The City of Red Deer, having considered report from the Land and Economic Development Manager dated June 14, 1994, re: City Development of 9 Duplex Lots (18 Units), Lower Fairview, Part of CPR Subdivision Area 7, 58 Street and 60 Avenue, hereby approves the disposal of municipal reserve lands described as follows:

1. All that portion of Lot R, Block 4, Plan 4963 TR lying within the of Plan \_\_\_\_\_; containing 0.158 hectare more or less, excepting thereout all mines and minerals;
2. All that portion of Lot R, Block 2, Plan 1030 NY lying within the limits of Plan \_\_\_\_\_; containing 0.001 hectare more or less, excepting thereout all mines and minerals,

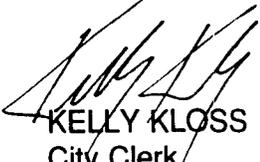
and as presented to Council July 4, 1994."

In addition to the above resolution being passed, first reading was given to Road Closure Bylaw 3112/94, a copy of which is attached hereto.

This office will now proceed with the necessary advertising for the disposal of municipal reserve and for a Public Hearing with respect to the Road Closure Bylaw.

The Public Hearing for the Road Closure Bylaw will be set for Tuesday, August 2, 1994 at 7:00 p.m. or as soon thereafter as Council may determine.

Trusting you will find this satisfactory.

  
KELLY KLOSS  
City Clerk

KK/clr  
attch.

cc: Director of Engineering Services  
Director of Community Services  
Parks Manager  
E. L. & P. Manager  
Principal Planner  
Council and Committee Secretary, S. Ladwig

NO. 3

**DATE: 27 June 1994**

**TO: City Clerk**

**FROM: City Assessor**

**RE: 1994 COURT OF REVISION  
LAND & IMPROVEMENTS**

---

Pursuant to legislation, Council have passed the 1994 Bylaw #3103/94 and a resolution to call the sitting of the Court to hear Business Assessment and Mobile Home Licensing appeals.

We now respectfully request Council pass a resolution to provide for the sitting of the Court to hear complaints on Land and/or Improvement Assessments. We suggest the date(s) as follows:

**August 13 to 19, 1994**, or fewer days, to be determined by the numbers of complaints and time required to hear the complaints to the Court of Revision, on all Property Assessment (Land and Improvement accounts).

Respectfully submitted,



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

AK/ngl

c.c. Al Wilcock, Director of Finance  
Myron Chilibeck, Assessment Supervisor

Commissioners' Comments

We recommend Council approve the dates indicated by the City Assessor for the Court of Revision.

"G. SURKAN"  
Mayor

"H.M.C. DAY"  
City Commissioner

**DATE: JULY 5, 1994**  
**TO: CITY ASSESSOR**  
**FROM: CITY CLERK**  
**RE: 1994 COURT OF REVISION - LAND AND IMPROVEMENTS**

---

At the Council Meeting of July 4, 1994, consideration was given to your report dated June 27, 1994, concerning the above topic and at which meeting the following motion was passed:

"RESOLVED that Council of The City of Red Deer, having considered report from the City Assessor dated June 27, 1994, re: 1994 Court of Revision - Land and Improvements, hereby agrees that August 13 to 19, 1994, be set to hear complaints to the Court of Revision on all Property Assessment (Land and Improvement Accounts), and as presented to Council July 4, 1994."

Please note that Council has scheduled two Strategic Planning Meetings to take place on August 16, 1994 from 3:00 p.m. to 9:00 p.m., and August 17, 1994 from 12:00 p.m. to 5:00 p.m. If possible, please set the times of the Court of Revision so as not to conflict with these meetings.

The decision of Council in this instance is submitted for your information and appropriate action.



KELLY KLOSS  
City Clerk

KK/clr

cc: Director of Financial Services  
Council and Committee Secretary, C. Adams

NO. 4

DATE: June 23, 1994  
TO: K. Kloss, City Clerk  
FROM: A. Scott, Land and Economic Development Manager  
RE: **LOT 33, BLOCK 4, PLAN 922-1527**

---

On December 10, 1993, Shunda Consulting and Construction Management Ltd. entered into an option and land sale agreement with the City for the above 0.76 acre parcel of land in Riverside Light Industrial Park. The purchase price was \$57,000, or equivalent to the Council approved price of \$75,000 per acre, and has been paid in full. Ben Meyer, President of Shunda, is now asking for Council's consideration for a price reduction, due to the extraordinary costs associated with developing this site because of poor soil conditions.

This is the third piece of property that Shunda has purchased from the City in Riverside Light Industrial Park. The previous two were developed without problems, and subsequently sold. Shunda is now in the process of developing this parcel for their own use. In his letter of June 13, 1994, Mr. Meyer indicated he was aware of the presence of fill material on the site, and was in possession of the 1978 soils study provided by the City. Recent pre-construction soil testing by Smith Dow and Associates found an additional 0.45 m of black organic soil at the 2.8 m depth, not shown in the original 1978 report by Hardy and Associates. According to Bearden Engineering Consultants Ltd., the building design and site work will have to compensate for the poor conditions. Extraordinary cost estimates indicate an 18% or \$39,700 increase, as compared to the other two sites previously developed.

As Council may recall, this is a similar situation as MDS Investments found itself in when trying to build on a parcel across the road. Both these sites are located directly over a former gravel pit (see attached map). Up to 4.0 m of fill material was located on the MDS site, and will require excessive development costs. On June 6, 1994, Council approved a price reduction of \$29,779.00 for MDS Investments, for a 1.745 acre parcel.

Further confirmation of the poor soil conditions was provided by the Public Works Department, who are in the process of constructing 62 Street and 46 Avenue, adjacent to the Shunda site. Public Works has encountered pockets of black organic soil up to 1.5 m deep, which had to be removed and replaced with proper fill to support the new road base. In their opinion, they felt that the Shunda site would be difficult to develop due to potential settlement or shifting of any black soil. The Public Works Department also confirmed that this site contains a portion of the old road alignment, and that some of the road base could be used by Shunda and could be considered as partial compensation.

2/...

City Clerk  
Page 2  
June 23, 1994

---

In discussions with Mr. Meyer, the Land and Economic Development Department expressed that our preference would be to exchange this site for another, however, due to time constraints for Mr. Meyer to vacate his present building, this was not feasible.

Consideration was then given to re-evaluate the market value of this site, to compensate for the poor development conditions. Originally, Mr. Meyer applied for a \$19,000 reduction, which the Land and Economic Development Department felt was excessive. As a compromise, it was agreed that the fair market value be adjusted from \$75,000 to \$62,500 per acre. This would mean the purchase price would be \$47,500, a reduction of \$9,500 or equivalent to 25% of the additional site preparation costs.

### **RECOMMENDATION**

Considering the circumstances, the Land and Economic Development Department feels the adjusted price of \$47,500 represents the fair market value for Lot 33, Block 4, Plan 922-1527. Therefore, we recommend that Council authorize this price change to the original agreement, and refund the amount of \$9,500.00 to Shunda Consulting and Construction Management Ltd.



Alan V. Scott

HT/mm



# SHUNDA

CONSULTING & CONSTRUCTION MANAGEMENT LTD.

4628 - 62 ST., RED DEER, ALBERTA T4N 6T3  
 General Contractors  
 Phone (403) 347-6931 Fax (403) 343-1248

June 13, 1994

City of Red Deer  
 4914 - 48 Avenue  
 Red Deer, Alberta

Attention: Howard Thompson

Dear Sir:

Re: Soil Conditions @  
 Lot 33, Block 4, Plan 922 - 1527

Further to our conversation of June 5, 1994, I would like to request that the City of Red Deer consider a reduction in the lot price of the above mentioned property, due to the poor soil conditions found after pre-construction soil testing was completed at the building site.

At the time of purchase, the 1978 soils report provided by the City of Red Deer did indicate a fill condition at this site. However, at the conclusion of the pre-construction soils work by Smith Dow and Associates, we find an additional .450 meter of black organic material at the 2.8 meter depth. As a result, the building design and sitework must compensate for these conditions.

It is the opinion of Bearden Engineering Consultants Ltd. that the design required for this site is substantially more extensive than other buildings in the Riverside Industrial Park, with the exception perhaps, of the site due south of Lot 33. In addition, this design is not to be considered without future risk, and I have attached a copy of Bearden Engineering's report for your review.

Bearden's design requirements have resulted in an 18% increase in building and site cost. Based on a 7500 sq. ft. building and related site area, this represents approximately \$ 39,700 in additional costs compared to standard sites.

<b>The City Of Red Deer</b>	
Date:	94-06-14
Time:	3:30
Rec'd By:	[Signature]

Page 2

In view of this information, I request that equal consideration be given our firm, and ask that the City consider a reduction in the lot price of \$19,000.00 to offset some of the additional costs.

I trust you find the above to be in order, and I await your reply.

Yours truly,

A handwritten signature in black ink, appearing to read "Ben Meyer". The signature is stylized with a large, looped initial "B" and a cursive "Meyer".

Ben Meyer  
President/General Manager

BM/cab  
Enclosure

**Bearden Engineering Consultants Ltd.**  
ARCHITECTURAL & ENGINEERING CONSULTING

June 9, 1994

Shunda Construction  
4628 - 62 Street  
Red Deer, Alberta  
T4N 6T3

**ATTN: Ben Meyer**

Dear Sir:

The City Of Red Deer	
Date:	June 15
Time:	10:00 am
Rec'd By:	M.

**RE: Shunda Shop/Office**  
**Lot 33, Block 4, Plan 922-1527**  
**Red Deer, Alberta**

---

The soils report by Smith Dow dated June, 1994, specifies that the concrete floor slab (for the above mentioned project), should be either a;

- 1) structural floor slab supported by piles. This is the preferred method by Smith Dow.
- 2) slab on grade on a totally new and compacted subgrade. The existing fill and organics are to be removed and replaced with a compacted engineered fill. There is up to 15' of poor soil, some organics and poor fill on this site.
- 3) slab on grade on partially re-compacted fills and a new gravel layer over the existing poor fill. This method is the least preferred and least desirable method. The soils report does mention that the slab could settle up to 4" differentially. This is the least desirable method because its the least predictable and could yield very unpleasant slab and subgrade performance for the building.

contd.....2

(2)

**Note:** if method #3 is chosen, the soils report cautions that;

"Mechanical equipment placed on floor slabs should be designed to permit some re-levelling should the equipment be susceptible to small changes in level. Piping and electrical conduit connections should be laid out to permit some flexibility, as vertical movement of such equipment as water meters, furnaces and electrical equipment may cause distress in the pipes. This provision is particularly important where there are short pipe runs between mechanical equipment and points where piping passes through the wall."

The soils report indicates up to 18" of organic top soil and peat at a depth of 2.8 to 3m (8' to 10') below the existing grade. To guarantee no future settlement of the floor slab, this organic material should be removed.

We understand that you have selected to do option #3 which is leaving some of the poor fill in as is and then endeavouring to place the slab on grade on a compacted gravel mat.

At the very least, the following should be done;

- 6" slab r/w 10M at 12" each way (2" from the bottom)
- 6 mil poly vapour barrier; on
- 8" of crushed gravel compacted uniformly to 98% standard proctor dry density; on
- 30" of compacted pit-run gravel compacted in 3-10" lifts to 98% standard proctor dry density on;
- remove and recompact up to 48" of selected existing fill.

Ensure exposed subgrade is not too wet, and is allowed to dry-out enough to achieve adequate uniform compaction.

**Note:** even with the above mentioned system, because of the presence of up to 18" of top soil and peat at the 8' to 10' of depth, future slab differential settlements must be anticipated and accommodated for as best as possible. For example double sleeving plumbing pipes so slab settlement does not rupture any below slab plumbing.

contd.....3

(3)

Where possible all electrical should be run overhead and not in the slab. This is true for all utilities where practical.

Should you have any questions regarding any of the above, please do not hesitate to contact the undersigned.

Yours truly,  
BEARDEN ENGINEERING CONSULTANTS LTD.



Terry Bearden, P. Eng.

TB/ij

Commissioners' Comments

We concur with the recommendation of the Land and Economic Development Manager.

"G. SURKAN"  
Mayor

"H.M.C. DAY"  
City Commissioner



OUTLINE OF ABANDONED GRAVEL PIT

63rd. ST.

LOT 28

46th AVE.

25

24

23

22

21

20

19

18

17

16

15

14

13

SHUNDA

LOT 29

62nd. ST.

1

2

3

4

5

6

7

8

9

10

11

12

LOT 20

MDS

LOT 22

19 P.U.L.

46th AVE.

LOT 21

61st ST.

LOT 1

LOT B

RIVERSIDE DRIVE

C.N. RAIL

RIVER

REVISED OCT., 1989/B.D.J.



R.M. HARDY & ASSOCIATES LTD.  
CONSULTING ENGINEERING AND PROFESSIONAL SERVICES

CNR INDUSTRIAL SUBDIVISION  
TEST HOLE LOCATION PLAN

SCALE 1"=200'

DATE DEC. 8, 77

MADE LMC

CHKD.

JOB: S-651

PLATE 1

**DATE: JULY 5, 1994**  
**TO: LAND AND ECONOMIC DEVELOPMENT MANAGER**  
**FROM: CITY CLERK**  
**RE: LOT 33, BLOCK 4, PLAN 922-1527**  
**SHUNDA CONSULTING AND CONSTRUCTION MANAGEMENT LTD.**

---

At the Council Meeting of July 4, 1994, consideration was given to your report dated June 23, 1994, concerning the above and at which meeting the following motion was passed:

"RESOLVED that Council of The City of Red Deer, having considered report from the Land and Economic Development Manager dated June 23, 1994, re: Lot 33, Block 4, Plan 922-1527, Shunda Consulting and Construction Management Ltd., hereby agrees that the price for Lot 33, Block 4 , Plan 922-1527 be reduced from \$57,000 to \$47,500 and that Shunda Consulting and Construction Management Ltd. be refunded the difference in the amount of \$9,500, and as presented to Council July 4, 1994."

The decision of Council in this instance is submitted for your information and appropriate action. I ask that you contact Shunda Consulting and Construction Management Ltd. to advise them of Council's decision.



KELLY KLOSS  
City Clerk

KK/clr

cc: Director of Financial Services  
Director of Engineering Services

NO. 5

DATE: 20 June 1994  
TO: City Clerk  
FROM: Bylaws & Inspections Manager  
RE: **3802 AND 3838-45 AVENUE, RED DEER  
LOTS 1-3, LOTS 18-29, BLOCK 27, PLAN 5555AF**

---

Could you please arrange to have the following item placed before City Council for their consideration:

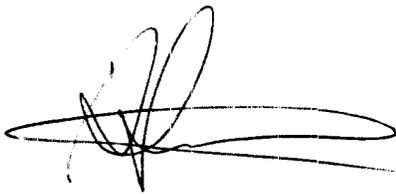
We have received complaints that the above mentioned properties are unsightly due to accumulated garbage, no garbage collection area or screening, lack of adequate containers and general need for care and attention over both yards. The owners of the properties are Deo and Shantie Jaipaul of 5405-61 Street, Ponoka, T4J 1L2. We recommend Council declare these sites as unsightly as defined by the Nuisance Bylaw 3034/91 authorized by Section 160 of the Municipal Government Act, giving the owner 14 days to remedy the situation by supplying adequate garbage collection facilities, including screening, and to remove all debris from the yards.

To date this year, this department has sent three letters to the registered owners. The first letter of May 2 regarding 3802-45 Street followed similar complaints in 1993. The last letter, double registered, dated June 7, was returned to the City with the notation, "Refused by the addressee." A recent inspection of Friday, June 17 revealed that these properties still remain unsightly due to the problem described above.

City Clerk  
 June 20, 1994  
 Page 2

If Council agrees that these sites are a nuisance, we recommend the following resolution be approved:

"Resolved that Council, being of the opinions that the premises hereinafter described are unsightly and constitute a nuisance by reason of accumulated garbage, lack of proper containers and screening, and general lack of maintenance, Deo and Shantie Jaipaul, being the registered owners of 3802 and 3838-45 Avenue, in the City of Red Deer, Province of Alberta (hereinafter called the 'premises'), be and are hereby ordered and directed within fourteen (14) days of a copy of this resolution being mailed to them by registered mail, to clean up the sites, install adequate garbage containers and proper screening and to maintain the sites in a neat and clean condition, free of waste and debris, failing which the Bylaws and Inspections Manager of the City is authorized and directed to cause such work to be done, in which case the cost thereof shall be charged to Deo and Shantie Jaipaul and in default of payment, shall be charged against the premises as taxes due and owing in respect thereof and shall be recovered as such. The owners of these properties have the right to appeal this decision to Council. If they wish to appeal, they must submit a letter by certified mail to the City Clerk within 10 days of the notice of the Council resolution."



R. Strader  
 Bylaws & Inspections Manager  
 Bylaws & Inspections Department

PAW/cab

Commissioners' Comments

We concur with the recommendation of the Bylaws and Inspections Manager.

"G.SURKAN"  
 Mayor

"H.M.C. DAY"  
 City Commissioner



# THE CITY OF RED DEER

P. O. BOX 5008, RED DEER, ALBERTA T4N 3T4

City Clerk's Department  
(403) 342-8132 FAX (403) 346-6195

July 5, 1994

**DOUBLE REGISTERED**

Deo and Shantie Jaipaul  
5405 - 61 Street  
Ponoka, Alberta  
T4J 1L2

Dear Sir/Madam:

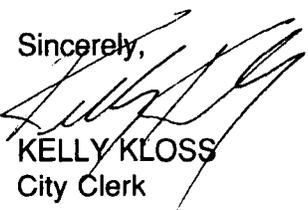
**RE: UNSIGHTLY PREMISES 3802 AND 3838 - 45 AVENUE, RED DEER, ALBERTA**

I hereby advise that Council of the City of Red Deer at its meeting of July 4, 1994, passed the following motion regarding the above matter:

"RESOLVED that Council of The City of Red Deer, being of the opinion that the premises hereinafter described are unsightly and constitute a nuisance by reason of accumulated garbage, lack of proper containers and screening, and general lack of maintenance, Deo and Shantie Jaipaul, being the registered owners of 3802 and 3838-45 Avenue, in the City of Red Deer, Province of Alberta (hereinafter called the 'premises'), be and are hereby ordered and directed within fourteen (14) days of a copy of this resolution being mailed to them by registered mail, to clean up the sites, install adequate garbage containers and proper screening and to maintain the sites in a neat and clean condition, free of waste and debris, failing which the Bylaws and Inspections Manager of the City is authorized and directed to cause such work to be done, in which case the cost thereof shall be charged to Deo and Shantie Jaipaul and in default of payment, shall be charged against the premises as taxes due and owing in respect thereof and shall be recovered as such. The owners of these properties have the right to appeal this decision to Council. If they wish to appeal, they must submit a letter by certified mail to the City Clerk within 10 days of the notice of the Council resolution."

The decision of Council in this instance is submitted for your information and appropriate action. Your cooperation regarding the above would be greatly appreciated.

Sincerely,

  
KELLY KLOSS  
City Clerk

KK/clr

cc: Bylaws and Inspections Manager



RED DEER

*a delight  
to discover!*

THE CITY OF RED DEER  
P.O. Box 5008  
Red Deer, Alberta  
T4N 3T4

DOUBLE REGISTERED

Deo and Shantie Jaipaul  
5405 - 61 Street  
Ponoka, AB  
T4J 1L2



JUL 12 1994

CITY OF RED DEER





**THE CITY OF RED DEER**

P. O. BOX 5008, RED DEER, ALBERTA T4N 3T4

City Clerk's Department  
(403) 342-8132 FAX (403) 346-6195

July 5, 1994

Deo and Shantie Jaipaul  
5405 - 61 Street  
Ponoka, Alberta  
T4J 1L2

Dear Sir/Madam:

**RE: UNSIGHTLY PREMISES 3802 AND 3838 - 45 AVENUE, RED DEER, ALBERTA**

*REFUSED TO ACCEPT  
AS PER ENVELOPE  
94 JULY 12  
R.  
ADMIN HEADER  
ADVISED @ 2:30 P.M. R.*

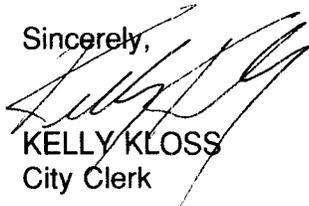
**DOUBLE REGISTERED**

I hereby advise that Council of the City of Red Deer at its meeting of July 4, 1994, passed the following motion regarding the above matter:

"RESOLVED that Council of The City of Red Deer, being of the opinion that the premises hereinafter described are unsightly and constitute a nuisance by reason of accumulated garbage, lack of proper containers and screening, and general lack of maintenance, Deo and Shantie Jaipaul, being the registered owners of 3802 and 3838-45 Avenue, in the City of Red Deer, Province of Alberta (hereinafter called the 'premises'), be and are hereby ordered and directed within fourteen (14) days of a copy of this resolution being mailed to them by registered mail, to clean up the sites, install adequate garbage containers and proper screening and to maintain the sites in a neat and clean condition, free of waste and debris, failing which the Bylaws and Inspections Manager of the City is authorized and directed to cause such work to be done, in which case the cost thereof shall be charged to Deo and Shantie Jaipaul and in default of payment, shall be charged against the premises as taxes due and owing in respect thereof and shall be recovered as such. The owners of these properties have the right to appeal this decision to Council. If they wish to appeal, they must submit a letter by certified mail to the City Clerk within 10 days of the notice of the Council resolution."

The decision of Council in this instance is submitted for your information and appropriate action. Your cooperation regarding the above would be greatly appreciated.

Sincerely,

  
KELLY KLOSS  
City Clerk

KK/clr

cc: Bylaws and Inspections Manager



*a delight to discover!*

**DATE:** June 21, 1994  
**TO:** City Clerk  
**FROM:** Director of Financial Services  
**RE:** ALBERTA MUNICIPAL AFFAIRS -  
 INVOICE FOR ELECTRIC POWER AND  
 PIPELINE ASSESSMENT FEE FOR SERVICE

For a number of years the Province of Alberta has not allowed Municipalities to do the assessment of Electric Power and Pipeline properties (basically AGT and oil wells and pipelines). Provincial assessors have done the assessment at no cost to the City.

The City has now received a letter and invoice from the Provincial Department of Municipal Affairs advising the City is being billed \$2,282.10 for assessment work done in late 1993 / early 1994. The billing is based on an allocated cost.

I recommend that Council advise the Department of Municipal Affairs the City does not intend to pay the bill because:

- the City was not given the option to have City staff do the assessment work
- the City was not advised before the work was done it would be billed
- the Ministerial Order to authorize the billing was not passed until after the work was done.

It is the opinion of the City Assessor the City assessment staff could do the work at less cost than the Provincial Assessors. As a result, it is further recommended Council advise the Province it should allow the City to do the assessment in future because the City does not intend to pay the Province to do work on behalf of the City that it does not give the City the option to do itself.

### **Recommendation**

That Council advise the Department of Municipal Affairs the City:

- will not pay the invoice for assessment services for the reasons indicated
- the City does not intend to pay for assessment services provided in the future, and
- the City requests it be allowed to do the assessment with City assessors.



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

AW/jt

c. City Assessor

PATH: alan\memos\elecinv.cjk

### **Commissioners' Comments**

We concur with the recommendation of the Director of Financial Services.

"G. SURKAN"  
 Mayor  
 "H.M.C. DAY"  
 City Commissioner

June 10, 1994

**RE: Electric Power and Pipeline Assessment Fee For Service**

The Alberta government, over the past years, has fully absorbed the cost of providing the electric power and pipeline assessment service to municipalities throughout the province.

With Alberta Municipal Affairs' business plan objective of full cost recovery for assessment services, the Industrial Assessment Branch must now analyze costs involved in preparing these assessments and determine applicable costs to be billed to municipalities by authority of Ministerial Order No. L186/94.

The fee for service has been calculated on the 1993 equalized assessment of Electric Power & Pipeline properties less the equalized assessment of major power generating facilities in applicable municipalities. A provincial millrate of .07 has been established for this year relating to these properties.

Fee for service on the preparation of assessment on major power generating facilities will be calculated at \$40.00 per hour plus expenses. Due to unrecorded hours and expenses there will not be a fee for service charge on this invoice.

If further clarification is required call me at 427-8844.



R. D. Kozack  
Director

Industrial Assessment Branch

Industrial Assessment Branch, 17th Floor, Commerce Place, 10155 - 102 Street, Edmonton, Alberta T5J 4L4

Pursuant to Ministerial Order #L186/94

G.S.T. #R124072513

City of Red Deer  
P. O. Box 5008  
4914 - 48 Avenue  
Red Deer, Alberta T4N 3T4

INVOICE DATE	10-Jun-94
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PAYMENT DUE DATE	10-Jul-94
------------------	-----------

**ELECTRIC POWER & PIPELINE ASSESSMENT**

**FEE FOR SERVICE DETAIL**

**AMOUNT**

1993 EPPL Equalized Assessment			
Less Major Facilities:			
30,468,620	Provincial Mill Rate: 0.00007		\$2,132.80
Major Facilities*:			
0 Hour(s)	Rate: \$40.00	Per Hour	\$0.00
Major Facilities Expenses:			\$0.00
		Subtotal	\$2,132.80
		7% G.S.T.	\$149.30
		<b>TOTAL FEE FOR SERVICE</b>	<b>\$2,282.10</b>

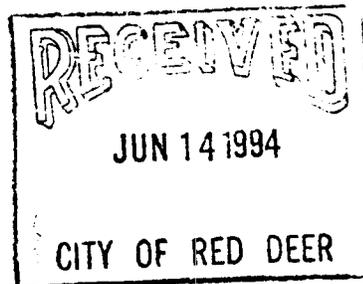
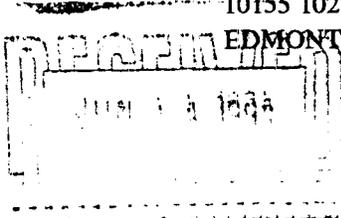
\* No charges will apply to Major Facilities Assessment Services for this invoice period.

**TOTAL AMOUNT DUE**

**\$2,282.10**

Please make cheque payable to the Provincial Treasurer and send to:

ALBERTA MUNICIPAL AFFAIRS  
FINANCIAL SERVICES BRANCH  
14 FL COMMERCE PLACE  
10155 102 ST  
EDMONTON AB T5J 4L4



**RETURN THIS COPY WITH PAYMENT**

**DATE: JULY 5, 1994**  
**TO: DIRECTOR OF FINANCIAL SERVICES**  
**FROM: CITY CLERK**  
**RE: ALBERTA MUNICIPAL AFFAIRS -  
INVOICE FOR ELECTRIC POWER AND PIPELINE  
ASSESSMENT FEE FOR SERVICES**

---

At the Council Meeting of July 4, 1994, consideration was given to your report dated June 21, 1994 concerning the above topic and at which meeting the following motion was passed:

"RESOLVED that Council of The City of Red Deer, having considered report from the Director of Financial Services dated June 21, 1994, re: Alberta Municipal Affairs - Invoice for Electric Power and Pipeline Assessment Fee for Service, hereby agrees as follows:

1. That the Electric Power and Pipeline Assessment fee for services invoice not be paid;
2. That The City advise the Department of Municipal Affairs of its intention not to pay for assessment services provided by the Province in the future;
3. That The City make a request to the Department of Municipal Affairs for the authority to do electric power and pipeline assessments with City of Red Deer Assessors;

and as presented to Council July 4, 1994."

The decision of Council in this instance is submitted for your information and appropriate action. I ask that you correspond directly with the Department of Municipal of Affairs regarding Council's decision with a carbon copy of said correspondence to this office.

Thank you.



KELLY KLOSS  
City Clerk

KK/clr

cc: City Assessor

NO. 7

**DATE:** June 22, 1994  
**TO:** City Clerk  
**FROM:** Director of Financial Services  
**RE:** REALLOCATION OF SURPLUS CAPITAL FUNDING

---

A review of completed capital projects has identified two projects with surplus funds:

<u>Project</u>	<u>Surplus</u>
51 Avenue Widening	\$ 144,839.87
Ross/49 Street One-Way Couplet	<u>79,716.65</u>
Total Surplus	<u>\$ 224,556.52</u>

The actual expenditure and recoveries detail appears on the attached Appendix A.

The two projects were partially funded from surplus debenture borrowings on other projects. As a result, Local Authorities Board approval will be required to reallocate the surplus funding to other capital projects.

Council has approved as part of the Federal/Provincial Infrastructure Program the renovation and upgrading of the Red Deer Arena at an estimated cost of \$1.545 million. The City of Red Deer share of this is \$545,000. It is recommended the \$224,556.52 be used to fund a portion of the City share.

### Requested Action

Council approval of a resolution requesting Local Authorities Board approval to use the surplus funding as recommended in the report.



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

AW/jt  
 Att.

c. Engineering Department Manager  
 Director of Engineering Services  
 Director of Community Services

PATH: alan\budget\realloca.srp

COMPLETED CAPITAL PROJECT SURPLUSES  
DECEMBER 31, 1993

PROJ. NO/ BYLAW NO	PROJECT DESCRIPTION	ACTUAL EXPENDITURE	RECOVERIES					NET (SURPLUS) DEFICIT
			PROVINCIAL GRANTS	DEBENTURE SURPLUS	DEVELOPER CONTRIBUTIONS	RENTAL REVENUE	OTHER	
3290-56XX	51 Ave. Widening	\$745,850.18	\$535,358.32	\$269,500.00	\$482.40	\$85,249.33	\$100.00	(\$144,839.87)
3290-78XX	Ross/49 St. One Way Couplet	\$1,392,296.33	\$1,034,709.63	\$434,250.00	\$3,053.35			(\$79,716.65)
		\$2,138,146.51	\$1,570,067.95	\$703,750.00	\$3,535.75	\$85,249.33	\$100.00	(\$224,556.52)

Commissioners' Comments

We concur with the recommendation of the Director of Financial Services.

"G. SURKAN"  
Mayor

"H.M.C. DAY"  
City Commissioner

**DATE: JULY 5, 1994**  
**TO: DIRECTOR OF FINANCIAL SERVICES**  
**FROM: CITY CLERK**  
**RE: REALLOCATION OF SURPLUS CAPITAL FUNDING**

---

At the Council Meeting of July 4, 1994, consideration was given to your report dated June 22, 1994 concerning the above topic and at which meeting the following Notice of Motion was passed:

"WHEREAS Board Order No. 20237 of the Local Authorities Board dated the 27th day of April, 1992, authorized the use of \$269,500.00 of unexpended debenture funds for the purpose of widening 51 Avenue and the use of \$434,250.00 for the Ross Street/49 Street One-Way Couplet;

AND WHEREAS the projects described in the aforesaid Board Order No. 20237 were completed at a cost of \$745,850.18 and \$1,392,296.33 respectively and paid by Provincial grants of \$535,358.32 and \$1,034,709.63, respectively, and Developer contributions of \$482.40 and \$3,053.35, respectively, and unexpended debenture funds of \$269,500.00 and \$434,250.00, respectively, and rental revenue of \$85,249.33 and \$0.00, respectively, and other revenue of \$100.00 and \$0.00, respectively, for a total unexpended balance of \$224,556.52;

AND WHEREAS The City now desires to use the aforesaid unexpended debenture funds in the amount of \$224,556.52 for the purpose of Red Deer Arena renovations and upgrading;

NOW THEREFORE COUNCIL OF THE CITY OF RED DEER HEREBY RESOLVES THAT:

1. The surplus debenture funds in the amount of \$224,556.52 be expended on the following project and in the following amount:
  - a) Red Deer Arena renovation and upgrading  
\$224,556.52
2. Application be made to the Local Authorities Board for the required approval of the use of the aforesaid surplus debenture funds."

Director of Financial Services

July 5, 1994

Page 2

The decision of Council in this instance is submitted for your information. Attached hereto is a certified copy of the above noted resolution. I trust you will now be seeking the Local Authorities Board's approval.



KELLY KLOSS

City Clerk

KK/clr

attch.

cc: Director of Engineering Services  
Director of Community Services  
Engineering Department Manager

**RESOLUTION TO USE SURPLUS DEBENTURE FUNDS  
SECTION 394 - THE MUNICIPAL GOVERNMENT ACT**

---

"WHEREAS Board Order No. 20237 of the Local Authorities Board dated the 27th day of April, 1992, authorized the use of \$269,500.00 of unexpended debenture funds for the purpose of widening 51 Avenue and the use of \$434,250.00 for the Ross Street/49 Street One-Way Couplet;

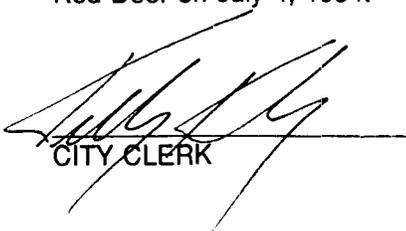
AND WHEREAS the projects described in the aforesaid Board Order No. 20237 were completed at a cost of \$745,850.18 and \$1,392,296.33 respectively and paid by Provincial grants of \$535,358.32 and \$1,034,709.63, respectively, and Developer contributions of \$482.40 and \$3,053.35, respectively, and unexpended debenture funds of \$269,500.00 and \$434,250.00, respectively, and rental revenue of \$85,249.33 and \$0.00, respectively, and other revenue of \$100.00 and \$0.00, respectively, for a total unexpended balance of \$224,556.52;

AND WHEREAS The City now desires to use the aforesaid unexpended debenture funds in the amount of \$224,556.52 for the purpose of Red Deer Arena renovations and upgrading;

NOW THEREFORE COUNCIL OF THE CITY OF RED DEER HEREBY RESOLVES THAT:

1. The surplus debenture funds in the amount of \$224,556.52 be expended on the following project and in the following amount:
  - a) Red Deer Arena renovation and upgrading  
\$224,556.52
2. Application be made to the Local Authorities Board for the required approval of the use of the aforesaid surplus debenture funds."

Certified to be a true copy of the original resolution passed by Council of The City of Red Deer on July 4, 1994.

  
CITY CLERK

NO. 8

DATE: June 22, 1994  
TO: K. Kloss, City Clerk  
FROM: A. Scott, Land and Economic Development Manager  
RE: **OFFER TO PURCHASE BUILDING #38  
AT RED DEER INDUSTRIAL AIRPORT**

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We have been advised by the Department of National Defense that they will be terminating their lease of Building #38 as of September 30, 1994. Therefore, a letter was sent to all current airport lessees, with their June 1994 invoices, that Building #38 was available for sale.

At their March 20, 1989 meeting, Red Deer City Council approved the recommendation of the Airport Commission to sell Building #38 for \$74,500 to the Department of National Defense. Due to government financial restraints, this sale never did finalize, and the Department of National Defense has been leasing from the City ever since.

At the Airport Committee meeting of June 21, 1994, chaired by Gord Stewart, it was unanimously agreed that The City of Red Deer accept an offer by Julie Johnston, partner in the operations of the Airport Cafe, to purchase Building #38 for \$80,000.

This building was built during war time, and has seen a variety of uses over the years. It is a two-storey building of 6570 sq.ft. more or less, on each floor, divided into smaller offices and washrooms. The building has a flat tar and gravel roof, with exterior asbestos siding.

The building was handed over to the City in 1971, together with several others, for a total cost of \$50,000. Over the years, we have sold three hangars and one building for approximately \$300,000.

### **RECOMMENDATION**

We recommend that City Council approve the sale of Building #38 to Julie Johnston, subject to the following terms:

1. Standard lease agreement for the land.
2. General liability insurance for \$1 Million, with the City named as additional insured.
3. An agreement satisfactory to the City Solicitor.



Alan V. Scott

PAR/mm

4917 - 55 Street  
Red Deer Ab  
T4N - 2J3  
May 25 1995

The City of Red Deer  
Land and Economic Dev. Dept.  
P.O. Box 5008, Red Deer

Attn: Peter Robinson

Re: Building #38 Red Deer Industrial Airport

Dear Mr. Robinson,

As a current lessee (Airport Cafe), I received a notice stating that the above building is for sale.

This letter constitutes an offer to purchase buliding #38 for the sum of \$80,000.00 (eighty thousand dollars).

Thank you for your consideration.

Julie Johnston



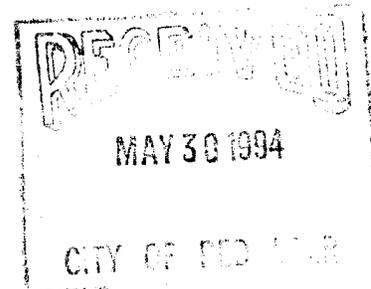
Airport Cafe

Commissioners' Comments

We concur with the recommendation of the Land & Economic Development Manager.

"G. SURKAN"  
Mayor

"H.M.C. DAY"  
City Commissioner



**DATE: JULY 5, 1994**  
**TO: LAND AND ECONOMIC DEVELOPMENT MANAGER**  
**FROM: CITY CLERK**  
**RE: OFFER TO PURCHASE BUILDING #38 AT THE RED DEER INDUSTRIAL AIRPORT**

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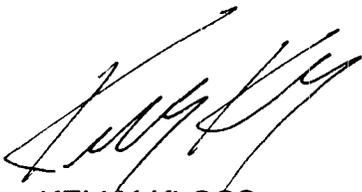
At the Council Meeting of July 4, 1994, consideration was given to your report dated June 22, 1994, concerning the above topic and at which meeting the following motion was passed:

"RESOLVED that Council of The City of Red Deer, having considered report from the Land and Economic Development Manager dated June 22, 1994, re: Offer to Purchase Building #38 at the Red Deer Industrial Airport, hereby approves the sale of Building #38 to Julie Johnston, for the price of \$80,000.00, subject to the following conditions:

1. Standard Lease Agreement being signed for the land;
2. The purchaser to provide general liability insurance in the amount of \$1,000,000.00 with The City being named as an additional insured;
3. An agreement satisfactory to the City Solicitor,

and as presented to Council July 4, 1994."

The decision of Council in this instance is submitted for your information and appropriate action. Trusting you will find this satisfactory.



KELLY KLOSS  
City Clerk

KK/clr

cc: Director of Engineering Services  
Director of Financial Services  
Public Works Manager

NO. 9

DATE: June 28, 1994

TO: K. Kloss, City Clerk

FROM: A. Scott, Land and Economic Development Manager

RE: **A.G.T. LIMITED - REQUEST TO PURCHASE  
PART OF LOT 12 MR, BLOCK 2, PLAN 912-3360  
EDGAR INDUSTRIAL DRIVE**  
(Please see attached map)

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This spring A.G.T. commenced negotiations with the administration to acquire a site in the Edgar Industrial Park, to place a small telecommunication building similar to the one shown on the attachment marked Schedule "A". The location of the 15 m (49.2') x 30 m (98.4) site shown on the attached Schedule "B" has been agreed to because of the close proximity to an existing A.G.T. underground conduit which the proposed telecommunication building will serve.

The location of the site, landscaping and terms of purchase, etc. have been discussed with the administration, and agreed to, subject to City Council approval.

### **RECOMMENDATION**

We recommend that City Council approve the sale of part of City owned Lot 12 MR, Block 2, Plan 912-3360 for the 15 m x 30 m telecommunication site, subject to the following conditions:

1. Sale price: \$65,000/acre x .11 acre = \$7,150.00. Funds to be allocated to Public Reserve Trust Fund in accordance with Planning Act.
2. All advertising fees pertaining to the disposal of a portion of the Municipal Reserve in accordance with the Municipal Government Act to be the responsibility of A.G.T.
3. All legal survey, planning fees and registration fees pertaining to the registration of the subdivision plan to be the responsibility of A.G.T.
4. Land transfer fees registering the site from The City of Red Deer to A.G.T. to be the responsibility of A.G.T.
5. All advertising fees pertaining to the rezoning of the site from P1 to I1 to be the responsibility of A.G.T.
6. Land to be paid for in full prior to the release of a transfer of land document.

City Clerk  
Page 2  
June 28, 1994

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7. Development plans (i.e. building size, exterior finish, landscaping, fencing, side yard, setbacks, access, etc.) to be satisfactory to the Development Officer in accordance with The City of Red Deer Land Use Bylaw and approved by the Municipal Planning Commission.
8. All servicing costs to the site (curb cut, power, sanitary sewer and water, etc.) to be the responsibility of A.G.T.
9. Land sale agreement satisfactory to the City Solicitor.
10. A.G.T. Limited will also require an easement from its new site through a portion of the MR Lot 12, Block 2, Plan 912-3360, to join up with its existing right-of-way as noted on the attached plan. Cost of registering easement to be the responsibility of A.G.T.



Alan V. Scott

WFL/mm

Att.

c: K. Haslop, Engineering Manager  
C. Curtis, Director Community Services

Commissioners' Comments

We concur with the recommendation of the Land & Economic Development Manager.

"G. SURKAN"  
Mayor

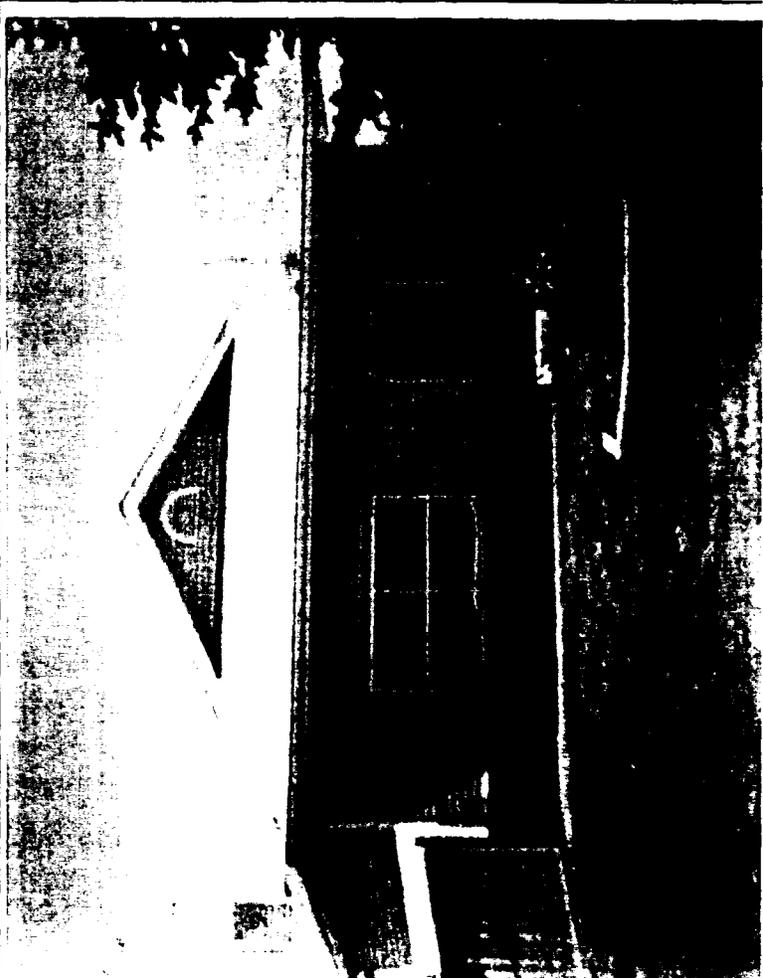
"H.M.C. DAY"  
City Commissioner



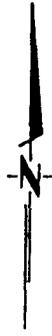
BEST ATTAINABLE  
IMAGE

CALGARY RIVERBEND RSC  
CLGRABAV  
224 RIVERWOOD CIRCLE

Schedule "A"



CITY OF RED DEER  
TENTATIVE PLAN  
OF  
PROPOSED SUBDIVISION  
OF PART OF  
LOT 12-M.R., BLOCK 2,  
PLAN 912-3660

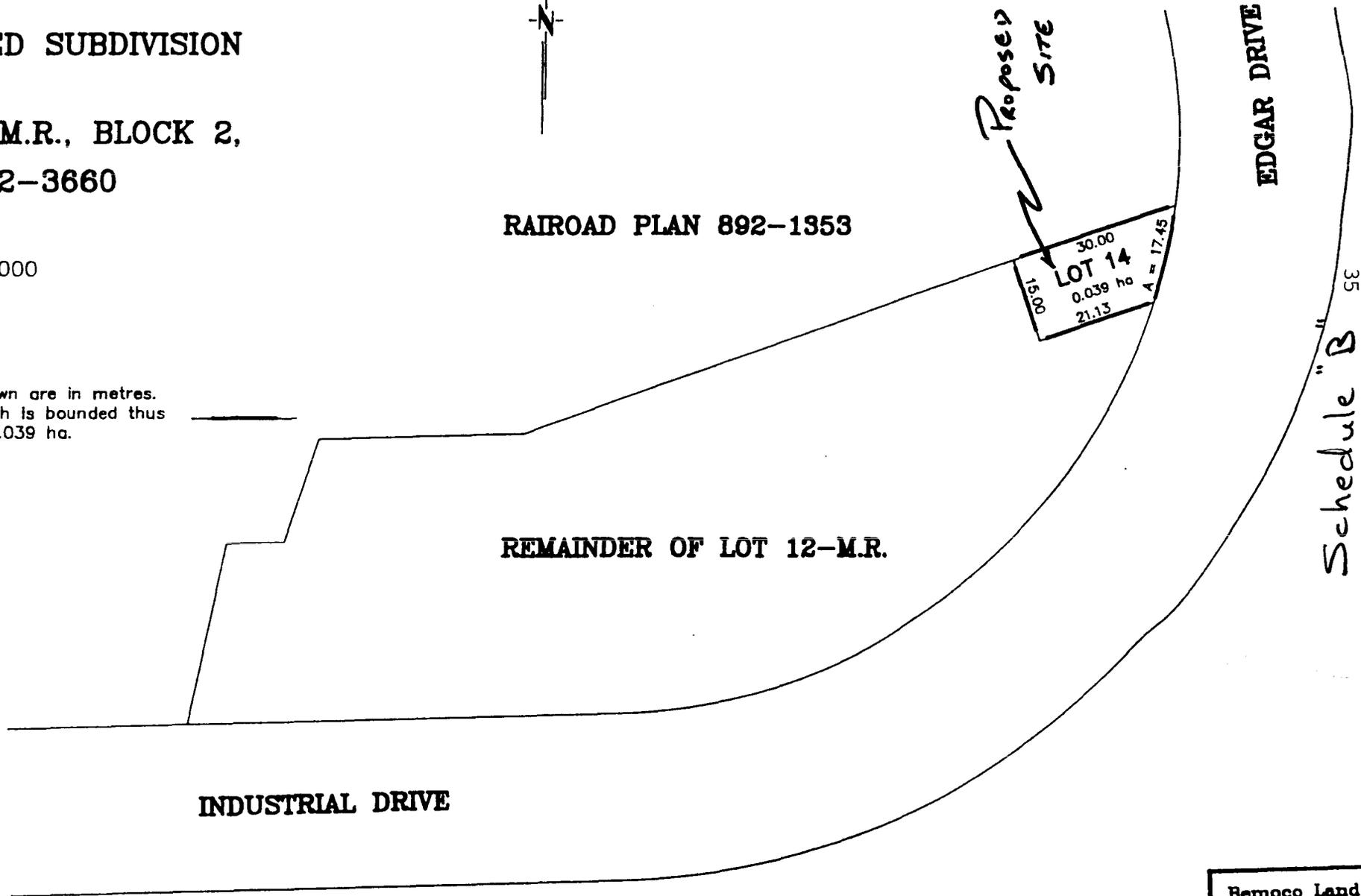


RAIROAD PLAN 892-1353

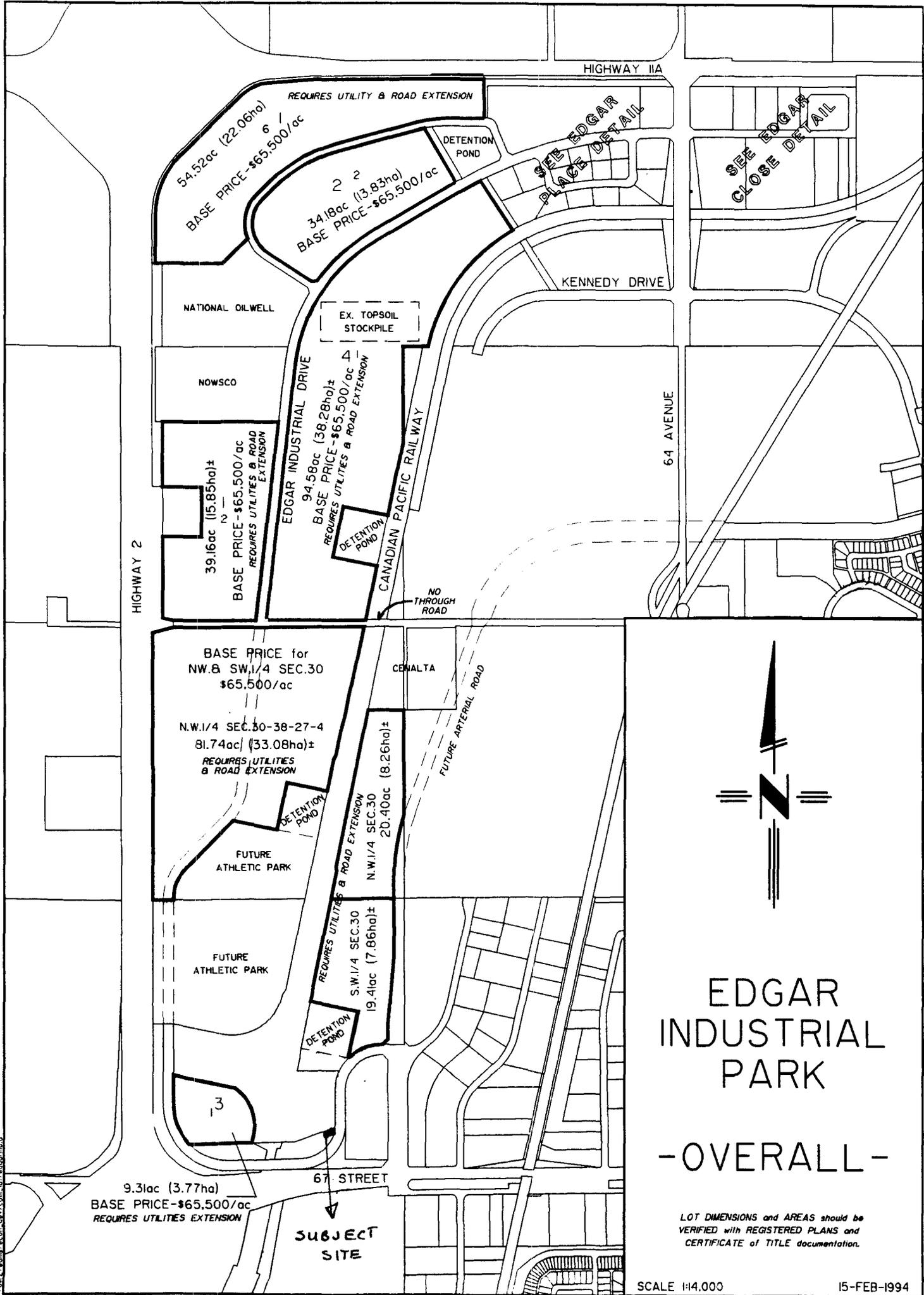
SCALE = 1:1000

NOTES:

- Distances shown are in metres.
- Area dealt with is bounded thus and contains 0.039 ha.



Bemoco Land S  
21,7895-49t  
Red Deer,  
FILE S-0



HIGHWAY 2

HIGHWAY 11A

54.52ac (22.06ha)  
 BASE PRICE-\$65,500/ac  
 6

34.18ac (13.83ha)  
 BASE PRICE-\$65,500/ac  
 2 2

39.16ac (15.85ha)±  
 BASE PRICE-\$65,500/ac  
 REQUIRES UTILITIES & ROAD EXTENSION  
 14

EDGAR INDUSTRIAL DRIVE  
 94.58ac (38.28ha)±  
 BASE PRICE-\$65,500/ac  
 REQUIRES UTILITIES & ROAD EXTENSION  
 2 2

BASE PRICE for  
 NW.& SW.1/4 SEC.30  
 \$65,500/ac

N.W.1/4 SEC.30-38-27-4  
 81.74ac (33.08ha)±  
 REQUIRES UTILITIES  
 & ROAD EXTENSION

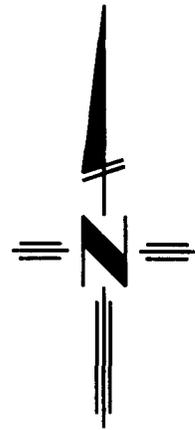
N.W.1/4 SEC.30  
 20.40ac (8.26ha)±  
 REQUIRES UTILITIES & ROAD EXTENSION

S.W.1/4 SEC.30  
 19.41ac (7.86ha)±  
 REQUIRES UTILITIES & ROAD EXTENSION

9.31ac (3.77ha)  
 BASE PRICE-\$65,500/ac  
 REQUIRES UTILITES EXTENSION  
 3

SUBJECT SITE

SEE EDGAR  
 PLACE DETAIL  
 SEE EDGAR  
 CLOSE DETAIL



EDGAR  
 INDUSTRIAL  
 PARK

-OVERALL-

LOT DIMENSIONS and AREAS should be  
 VERIFIED with REGISTERED PLANS and  
 CERTIFICATE of TITLE documentation.

Unit 2, edmi, econ, dev, com, igl, edgarind, d

**DATE: JULY 5, 1994**

**TO: LAND AND ECONOMIC DEVELOPMENT MANAGER**

**FROM: CITY CLERK**

**RE: AGT LIMITED - REQUEST TO PURCHASE  
PART OF LOT 12 M.R., BLOCK 2, PLAN 912-3360  
(EDGAR INDUSTRIAL DRIVE)**

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At the Council Meeting of July 4, 1994, consideration was given to your report dated June 28, 1994 concerning the above topic and at which meeting the following motion was passed:

"RESOLVED that Council of The City of Red Deer, having considered report from the Land and Economic Development Manager dated June 28, 1994, re: AGT Limited - Request to Purchase Part of Lot 12 M.R., Block 2, Plan 912-3360, Edgar Industrial Drive, hereby approves the sale of the above noted land for a 15 metre x 30 metre telecommunications site, subject to the following conditions:

1. Sale price: \$65,000/acre x .11 acre = \$7,150. Funds to be allocated to the Public Reserve Trust Fund in accordance with the Planning Act.
2. All advertising fees pertaining to the disposal of a portion of the Municipal Reserve in accordance with the Municipal Government Act to be the responsibility of A.G.T.
3. All legal survey, planing fees and registration fees pertaining to the registration of the subdivision plan to be the responsibility of A.G.T.
4. Land transfer fees registering the site from The City of Red Deer to A.G.T. to be the responsibility of A.G.T.
5. All advertising fees pertaining to the rezoning of the site from P1 to 11 to be the responsibility of A.G.T.
6. Land to be paid for in full prior to the release of a transfer of land document.
7. Development plans (ie: building size, exterior finish, landscaping, fencing, side yard, setbacks, access, etc.) to be satisfactory to the Development Officer in accordance with The City of Red Deer Land Use Bylaw and approved by the Municipal Planning Commission.

July 5, 1994

Page 2

8. All servicing costs to the site (curb cut, power, sanitary sewer and water, etc.) to be the responsibility of A.G.T.
9. Land sale agreement satisfactory to the City Solicitor.
10. A.G.T. Limited will also require an easement from its new site through a portion of the MR Lot 12, Block 2, Plan 912-3360, to join up with its existing right-of-way as noted on the attached plan. Cost of registering easement to be the responsibility of A.G.T.,

and as presented to Council July 4, 1994."

The decision of Council in this instance is submitted for your information and appropriate action.

It is my understanding that you will be forwarding to this office an additional report concerning the required disposal of municipal reserve and Land Use Bylaw Amendment associated with this sale.



KELLY KLOSS  
City Clerk

KK/clr

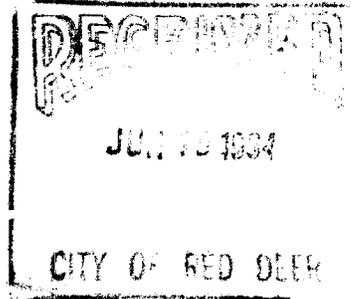
cc: Director of Community Services  
Engineering Manager  
Principal Planner



## Public School Boards' Association of Alberta

NO. 1

Ms. Gail Surkan, Mayor  
City of Red Deer  
P O Box 5008  
Red Deer, Alberta T4N 3T4



Thursday, June 9th, 1994

Dear Ms. Surkan:

**re: the Local Democracy Defense Fund**

**The Government of Alberta** has just passed a law (Bill #19, the School Amendment Act) that substantially **weakens** local democratic control in **communities** across the province. The law centralizes power with the provincial public service, the Minister, and the Cabinet. The law is based on the notion that local government has no inherent reason for being, and no inherent rights or responsibilities. To-day the issue is education. Tomorrow it may be health, then municipal affairs, then community programs.

We believe that on this issue the government's intentions are dangerous to the well-being of the community. The courts are now our only remedy. Local democratic control of community decisions must be protected.

The Public School Boards' Association of Alberta, representing many local governments across the province, is proceeding to challenge in the courts the constitutionality of some assumptions and provisions of Bill #19. The Association has established the Local Democracy Defense Fund to finance a legal challenge. The Executive Committee has authorized legal action, subject to ratification by the members. The members have ratified the actions to date of the Executive Committee. Subject to the outcome of the vote (underway at this time) on another supportive resolution, we are working to file an Originating Notice of Motion shortly. We may also seek temporary relief, perhaps by way of an injunction.

We have retained the law firm of Parlee McLaws to act on our behalf. Biographies of the principal and our retained consultant -- Ms. Kennedy and Mr. Gibson, respectively -- are attached.

The Public School Boards' Association of Alberta is asking the courts to set out in writing some of the principles of local democracy that are unstated but inherent in the Canadian Constitution, principles that the provincial government(s) must respect when dealing with school boards, municipal governments, etc. We believe that we can persuade the courts to express -- for the first time in writing -- some important principles that every provincial government would in future have to respect when dealing with local government, along the following lines:

- local government must be in the hands of elected, not appointed, representatives;

- the mandate of local government must be interpreted generously rather than narrowly, and it cannot be changed radically by unilateral action of the provincial government;
- local government must have discretionary access to revenue raised locally, and there must be realistic opportunities to raise revenue locally;
- local government must have significant decision-making within the context of its mandate; and,
- the provincial government cannot unilaterally make dramatic changes in the boundaries of local government.

The Association is asking the courts for this direction because of the conviction that the best education for students is based on a strong and effective partnership between the provincial government and a concerned, aware, energetic and capable local community. What we have at the moment is not such a partnership. (Such a partnership is also the best basis for many important local community initiatives.)

The Local Democracy Defense Fund will provide financial support for the PSBAA legal challenge. Will you help us?

We are writing to every municipality in Alberta, asking for two things:

1. a resolution of support for the challenge to Bill #19. Alternately, a resolution affirming the inherent rights and responsibilities of local government. (Examples are attached.)

2. a resolution to provide financial support. We suggest a contribution equivalent to \$.02 for each resident of the municipality. We ask you, please make a contribution, to the Local Democracy Defense Fund, in Trust, in care of the Association office. The money will only be used to challenge the government in the courts for its attack on equality and local democracy. We need the moral and financial support of every municipal government in Alberta.

Your contribution will support the preservation and enhancement of local democracy. Albertans value the democracy of local decision making, including local decisions about funding, priorities, and good stewardship.

We enclose for your further information an edited copy of the text of remarks made by our Executive Director in introducing the matter to our membership. If you have any questions or comments, or if you would like a copy of the documentation filed with the court, please do not hesitate to contact the writer or Mr. David King, Executive Director of the Association.

Yours truly,

the Public School Boards' Association of Alberta, for  
the Local Democracy Defense Fund



Debbie Poffenroth, President

enclosures (3)

Public School Boards'  
Association of Alberta



**CURRICULUM VITAE****RONALD DALE GIBSON****EDUCATION:**

B.A. - 1954 - United College, University of Manitoba  
 LL.B. - 1958 - Manitoba Law School, University of Manitoba  
 LL.M. - 1959 - Harvard Law School

**CALL TO THE BAR:**

Manitoba - 1959  
 Alberta - 1991

**ACADEMIC APPOINTMENTS**

Assistant Professor, Manitoba Law School (U. of M.) -	1959-1964
Associate Professor, Manitoba Law School (U. of M.) -	1964-1968
Professor, Faculty of Law, University of Manitoba -	1968-1991
Belzberg Professor of Constitutional Studies, University of Alberta -	1988-1991
Bowker Professor of Law, University of Alberta -	1991-1993
Belzberg Fellow of Constitutional Studies, University of Alberta -	1993-1995

**OTHER APPOINTMENTS:**

Founding Editor, Manitoba Law Journal -	1962-1965
Constitutional Consultant, Government of Canada -	1969-1970 1980-1981
Constitutional Consultant, Government of Manitoba -	1970-1977 1982-1987
Constitutional Consultant, Yukon Government -	1988-1989
Chairman, Study Group on the Canadian Constitution -	1970-1975

## 2.

Chairman, Legal Research Institute, University of Manitoba	-	1968-1982
Director, Archives of Manitoba Legal History	-	1970-1980
Member, Manitoba Law Reform Commission	-	1970-1979
Chairperson, Manitoba Human Rights Commission	-	1982-1984
Chair, Canadian Association of Statutory Human Right Agencies	-	1983-84
Manitoba Official Representative, Federal- Provincial Continuing Committee of Human Rights Officials	-	1982-84
Director, Legal History Project, University of Manitoba	-	1990-1991
Consultant, Royal Commission on Aboriginal People	-	1994

**AWARDS**

University of Manitoba and Law Society of Manitoba Gold Medals in Law	-	1958
University of Manitoba Rh Institute Grant for Outstanding Contributions to Scholarship & Research in the Social Sciences	-	1975
Designated "Distinguished Professor" University of Manitoba	-	1984
Elected Fellow of the Royal Society of Canada	-	1985
Law Reform Commission of Canada/Canadian Association of Law Teachers Award for Contributions to Legal Research and Reform	-	1986
Manitoba Association for Rights and Liberties Volunteer Medal	-	1988

## CURRICULUM VITAE

NAME: PRISCILLA ELIZABETH SUSAN JOAN KENNEDY

Business Address: #1500 Manulife Place  
10180 - 101 Street  
Edmonton, Alberta  
T5J 4K1

Telephone: (403) 423-8593 (Business)  
(403) 436-0384

**EDUCATION:**

1972-73 University of Victoria.

1974-77 University of Alberta.  
Bachelor of Arts, Linguistics.

1978-81 University of Alberta.  
Bachelor of Laws.

1981-1984 University of Alberta.  
Master of Laws, Constitutional Law.

June 18, 1987 Called to the Alberta Bar

April, 19, 1993 Called to the Bar of the Northwest Territories

**PROFESSIONAL:**

1978-1982 International Ombudsman Institute. Associate Director.

1982-83 Government of British Columbia. Ministry of  
Intergovernmental Affairs.

1983 - present Director of Legal Research/Associate at Parlee McLaws

Since joining Parlee McLaws, I have appeared in  
Alberta before the Provincial Court, Court of Queen's  
Bench and the Court of Appeal; in the Northwest

## 2.

Territories, before the Territorial Court and Supreme Court; and have prepared Supreme Court of Canada applications.

Preferred areas of practice: constitutional law, education law, environmental law, insolvency, and complex litigation matters.

## LEGAL ASSOCIATIONS:

Canadian Bar Association. Constitutional Law Subsection. Environmental Law Subsection. International Insolvency Bar Association.

- 1985 Lecturer in Negotiable Instrument. University of Alberta, Faculty of Law.
- 1989 - present Lecturer in Commercial Law. Athabasca University.
- 1990 - present Lecturer in Legal Research. University of Alberta, Department of Extension.
- 1993 Lecturer for Bar Admission Program. Legal Education Society of Alberta.
- 1993 Lecturer in Legal Research for Grant MacEwan College.

## PUBLICATIONS:

Author of C.E.D.(Western) Title on Damages.

Editor of Edu-Law School Law Newsletter.

C.B.A. Native Justice. Speaker on Fiduciary Duties.

**Enclosure #2**

Be it Resolved:

THAT this Council supports the Public School Boards' Association of Alberta in its decision to challenge the constitutionality of some of the assumptions and provisions of Bill #19, the School Amendment Act, notably those assumptions and provisions which are contrary to and undermine the moral authority and inherent rights and responsibilities of elected and responsive local governments; and,

(or)

Be it Resolved:

THAT this Council approves and directs the payment of \$x to the Local Democracy Defense Fund, in Trust as a contribution toward a legal test of the constitutionality of certain assumptions and provisions of Bill #19, the School Amendment Act.

**Notes Based on Remarks  
made by  
the Executive Director  
of  
the Public School Boards' Association of Alberta  
to the 1994 Spring General Meeting  
re: **Bill #19 (the School Amendment Act)**  
**A Challenge to Local Democracy****

With the passage of Bill #19 we who value local democracy face difficult decisions. The Executive Committee of the Association is recommending an aggressive course of action in the face of the challenge posed by Bill #19, and we are provisionally involved. But the decision is, finally, in the hands of members. How should we proceed?

Some people would rather focus on other important issues. They see a constitutional challenge as fruitless, or pointless.

They are uncertain, and cannot discern any indicators they have confidence in. (How can we understand the legal issues? Is all of this really important -- how, and why? What is the downside risk, and the cost? What is the real impact on local democracy?)

Some people are tired, and overwhelmed. They would rather use the energy they have to deal with issues they understand and feel comfortable with.

Some people have no major disagreement with what the Provincial Government has done.

Let me to deal with each of these briefly.

**I. The Issues are Important**

In Bill #19 the government has exposed two intolerable propositions.

The provincial government has expressed in law the proposition that it can, gratuitously and as a matter of deliberate public policy, discriminate against the majority. I do not know of any other law in Alberta or in Canada which says, in so many words, "we will allow the minority to do something which we will absolutely prohibit the majority from doing. This is wrong. It is profoundly wrong. It is morally wrong.

It is ironic that in the past three weeks Ministers and M.L.A.s have spoken against the Young offenders Act and the Charter of Rights. They are outraged because, they say, these laws by implication discriminate against the majority. Talk about the pot calling the kettle black. This government's School Act discriminates against the majority expressly and harmfully.

This is not an educational issue -- it is a citizenship issue, but school boards must fight the issue where they find it -- in the School Act.

If we do not fight this intolerable proposition, who will? If we do not argue the case of the oppressed majority here, where will the majority be oppressed tomorrow?

If we do not say, "NO!", our silence will give consent to a moral wrong.

**The second intolerable proposition of the government is that local government has no independent moral authority, and no inherent rights.**

For almost five years, our Association has claimed moral authority and inherent rights for locally elected representative government of public education. We have tried, by a number of political routes, to persuade the government that it must acknowledge our claim.

We are not making progress: we are losing ground. Bill #19 does not help us recover from the effects of 1988.

This government will not believe that local government has independent moral authority and inherent rights, and will not relate to local government with that mindset unless and until the courts provide the affirmation.

How much do we really believe in local government as a bulwark of democracy if we will stand on the sidelines and simply wring our hands as a government claims that it can do whatever it wants with local government, including eliminating it, suffocating it, or giving it over to appointed people? If we let this go by, trusteeship will survive as a sinecure, but it will be gone as a vibrant expression of local democracy.

## **II. There is no remedy except the legal one**

We tried the political route and we were treated with casual contempt. There are no political remedies available to us in any meaningful timeframe.

The Act has been given Royal Assent. It is law and the clock is running. Neither the Minister nor the government as a whole can delay or amend its effect, even if they want to -- and they don't.

Even if negotiations were conducted and some agreement reached, there are serious problems.

1. The agreement means nothing until the government drafts another amending Bill, recalls the Legislature, and adopts another amendment to the School Act. In the meantime, we are forced to re-shape ourselves according to the current law. Every day that goes by reduces the practical range within which negotiations can occur.
2. Politics -- negotiations -- will not cause this government to change its thinking about the essential nature of local government. Negotiations will not win us the assurance the courts can provide.

We can roll over, or we can go to court. There are no other options.

### **III. Why not let the Alberta School Boards' Association carry the ball?**

The Executive Committee recommends that the PSBAA should maintain an independent legal action.

Consider the following.

1. For different reasons the equality argument and the autonomy are both very important to public school boards. The ASBA is not raising the autonomy argument.
2. This challenge will prove to be one of the 5 - 6 most important for local government across Canada in the span of 50 years. This case will effect school boards and municipal governments across Canada. We must use the strongest possible team to make the strongest possible case. We must maintain a pure, sharp focus. We must persevere and take the long view. For us, a constitutional challenge is a strategic initiative, not a tactical one.
3. This case will not be determined at the Court of Queen's Bench. The autonomy argument particularly calls on the court for a contemporary re-statement of inherent timeless principles. No matter what happens, this case will be appealed to the Supreme Court. It is naive to think otherwise, and disquieting to hear such naive advice.
4. We are concerned about whether the ASBA is committed to the action as a strategic initiative or as a tactic for winning some negotiations with the provincial government.

A court challenge is not a tactical ploy designed to buy us time or encourage negotiations.

### **IV. What is the downside risk/cost if we proceed?**

Our arguments are well grounded in accepted interpretations of the Canadian constitution. But there are no directly precedent cases we can refer judges to. We are asking them to put into writing some principles which everyone has been happy to deal with on an "unwritten" basis. We are more likely to get what we want the higher we go in the court system, because the higher courts are more self-confident. To give you an idea, think of our chances at the Court of Queen's Bench as being 30% - 40%. Our chances at the Court of Appeal might be 45% - 55%. Our chances at the Supreme Court of Canada might be 60%.

I want to be very clear. We have important issues to deal with, and good arguments. But I am not here to say we have a lead pipe cinch.

It must be remembered that in the judicial process one can "lose" the case and win the argument. That is, the written decisions of judges are important references thereafter, and even if the legislation is upheld the courts could have important things to say which would benefit public school boards.

We could lose. If we lose the case we are no worse off than at present in terms of the structure, and the operation of the system. We learn to live with Bill #19 as it is. The government simply has its current thinking confirmed.

There are other downside risks. Whoever brings the action could be punished politically by the government. We could win and create new problems for ourselves in the course of winning. Notwithstanding the case itself, media attention could crystallize a negative public opinion.

The real question is this. If the issues are important, how can we best use scarce dollars?

We could easily spend \$60,000/year lobbying, and have less to show for it than we may accomplish in court.

## **V. Conclusion**

The recommendation is that we should proceed with our own challenge.

It is also recommended that we should actively solicit moral and financial support as widely as possible.

We have recruited and retained legal counsel with whom we feel comfortable. (The law firm of Parlee McLaws has been retained. Mr. Dale Gibson, Belzberg Fellow of Constitutional Studies at the University of Alberta, has been retained as a consultant.)

We have identified powerful arguments that support vital principles.

We see before us a challenge worth every effort -- a challenge that we may win or lose. If we lose, we are no worse off than to-day. If we are successful we will establish landmarks that will guide people faithfully for years.

The Executive Committee -- the Executive Director -- we are your servants. What would you have us do?

Commissioners' Comments

As Council will note, the Public School Board Association of Alberta is requesting a resolution and financial support from Council. While we cannot support the financial contribution at this point, Council may wish to support the principles of local government itemized in the attached report. Council's direction is requested.

"G. SURKAN"  
Mayor

NOTICES OF MOTIONNO. 1

**DATE: JUNE 21, 1994**

**TO: CITY COUNCIL**

**FROM: CITY CLERK**

**RE: NOTICE OF MOTION - ALDERMAN VOLK  
ORIOLE PARK LOT PRICING**

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At the Council Meeting of June 20, 1994, the following Notice of Motion was submitted by Alderman Volk:

"WHEREAS The City has developed and placed for sale 32 residential building lots in Oriole Park; and

WHEREAS over the past ten months only three of these lots have been sold; and

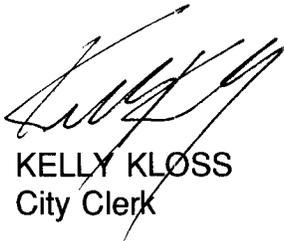
WHEREAS the prices of these lots compare with lots on the South East side of the City; and

WHEREAS these lots are located in the North West area of the City and are in less demand than lots in the South East, therefore, based on supply and demand these lots appear to be over priced;

NOW THEREFORE BE IT RESOLVED that Council of The City of Red Deer reduce the residential building lot prices in Oriole Park by 10%; and

FURTHER that The City of Red Deer re-imburse the three current land owners 10% of their lot price."

This matter is presented for Council's consideration.



KELLY KLOSS  
City Clerk

KK/clr

DATE: June 23, 1994  
 TO: K. Kloss, City Clerk  
 FROM: A. Scott, Land and Economic Development Department  
 RE: **NOTICE OF MOTION - ALDERMAN VOLK  
 ORIOLE PARK LOT PRICES**

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The original method used in establishing lot prices for the Osmond Close area of Oriole Park, was to base them on market values of lot sales in the south-east part of the city. Market data indicates that there is a difference of from 5% to 10% in values of residential building lots in the north-west and the south-east, with the south-east commanding a premium price.

In establishing market value for Osmond Close, it was decided to base the price on south-east values because of the location, i.e. in a park setting, and a location near the golf course. The lots were of a large size, and also contained natural trees.

The values were based upon an independent market appraisal, conducted on our behalf under contract. This appraisal confirmed our estimate of value, and the pricing was subsequently approved by City Council.

It is an historical fact that, through analysis of vacant residential lot sales, the market values have indicated lots north-west of the river are anywhere from 5% to 10% less than those sales in the south-east residential areas. We were, perhaps, overly optimistic in projecting that the Osmond Close lots would command a premium because of the natural setting and the location.

We would therefore, support Alderman Volk's Notice of Motion and recommend that we adjust the prices on Osmond Close by reducing the values 10%. We would also support the recommendation that the purchasers of the three lots sold to this date, be reimbursed 10% of the selling price.



Alan V. Scott

AVS/mm

Commissioners' Comments

We concur with the reduction in lot prices as outlined in the Notice of Motion.

"G. SURKAN"  
 Mayor

"H.M.C. DAY"  
 City Commissioner

MOVED By Volk 18

NOTICE OF MOTION

- WHEREAS: The City has developed and placed for sale 32 residential building lots in Oriole Park.
- WHEREAS: Over the past ten months only three of these lots have been sold.
- WHEREAS: The prices of these lots compare with lots on the South East side of the City.
- WHEREAS: These lots are located in the North West area of the City and are in less demand than lots in the South East. therefore, based on supply and demand these lots appear to be over priced.
- THEREFORE: Be it resolved that Council of the City of Red Deer reduce the residential building lot prices in Oriole Park by 10%.
- AND That the City of Red Deer re-imburse the three current land owners 10% of their original lot price.

**DATE: JULY 5, 1994**  
**TO: LAND AND ECONOMIC DEVELOPMENT MANAGER**  
**FROM: CITY CLERK**  
**RE: NOTICE OF MOTION - ALDERMAN VOLK**  
**ORIOLE PARK LOT PRICES**

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At the Council Meeting of July 4, 1994, consideration was given to the above noted Notice of Motion which proposed to reduce the residential building lot prices in Osmond Close of Oriole Park by 10% and to reimburse the three current land owners in Osmond Close 10% of their lot price.

Council, however, did not agree to reduce said lot prices and as such no change is to be made. It was suggested by Alderman Hull that The City consider more aggressive marketing of these lots. I will leave this to your discretion on how you wish to follow up on this suggestion.



KELLY KLOSS  
City Clerk

KK/clr

cc: Director of Financial Services  
Director of Community Services  
Director of Engineering Services  
Principal Planner

19

NOTICE OF MOTION  
SUBMITTED BY ALDERMAN SCHNELL

WHEREAS the expanded Naturalization Program instituted in 1994 has detracted from the neatness and beauty of residential subdivisions within the City of Red Deer;

NOW THEREFORE BE IT RESOLVED:

That those naturalization programs which have been instituted immediately adjacent to residential housing developments be discontinued immediately and the mowing program in effect in 1993 be reinstated.

**DATE: JULY 5, 1994**  
**TO: PARKS MANAGER**  
**FROM: CITY CLERK**  
**RE: TURF NATURALIZATION PROGRAM:**  
**ALDERMAN SCHNELL - NOTICE OF MOTION**

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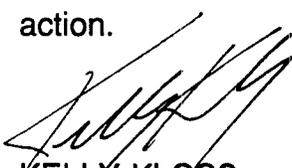
At the Council Meeting of July 4, 1994, consideration was given to the Notice of Motion submitted by Alderman Schnell regarding turf naturalization and at which meeting the following Notice of Motion was passed:

"RESOLVED that Council of The City of Red Deer, having considered report from the Parks Manager dated June 22, 1994, re: Turf Naturalization Program, Alderman Schnell - Notice of Motion, hereby agrees as follows:

1. That City Council cancel the Naturalization Program and reinstate grass mowing in those areas along Selkirk Boulevard, Stanley Crescent, Overdown Drive and Duncan Crescent to the same standard as was implemented in 1993.
2. That City Council authorize over-expenditure in the Parks Department's 1994 Operating Budget to provide initial cutting, grass mulching and ongoing turf maintenance on the 10.6 acres outlined above.
3. That the Parks Department continue to monitor the remaining 41.4 acres of turf naturalized in 1994, and through ongoing discussion with residents evaluate the effectiveness of the program.
4. That the Parks Manager be directed to review alternate park areas to be naturalized for consideration by Council during the 1995 Budget Deliberations so as the savings in the 1995 grass mowing budget will still be in the area of \$10,000.00,

and as presented to Council July 4, 1994."

The decision of Council in this instance is submitted for your information and appropriate action.



KELLY KLOSS  
City Clerk

KK/clr

cc: Director of Financial Services  
Director of Community Services

**DATE: JULY 5, 1994**

**TO: DIRECTOR OF FINANCIAL SERVICES  
CITY ASSESSOR**

**FROM: CITY CLERK**

**RE: NOTICE OF MOTION - ALDERMAN STATNYK  
PAYMENT OF PROPERTY TAXES**

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At the Council Meeting of July 4, 1994, the following Notice of Motion was submitted by Alderman Statnyk:

"RESOLVED that Council of The City of Red Deer hereby agrees that the deadline for property tax payments be changed from June 30 to July 4."

This Notice of Motion will be considered at the Council Meeting of July 18, 1994. If you have any comments with regard to the above, I ask that they please be submitted to this office by Monday, July 11, 1994 so as same may be included on the Council Agenda.



KELLY KLOSS  
City Clerk

KK/clr

**BYLAW NO. 3112/94**

Being a Bylaw to close portions of road in The City of Red Deer as described herein.

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

1 "The following portions of roadway in The City of Red Deer are hereby closed.

- (1) All that portion of Street and Lane, Plan 506 AH lying within the limits of Plan \_\_\_\_\_; containing 0.037 hectare more or less.
- (2) All that portion of 58 Street and 58A Street, Plan 1030 NY lying within the limits of Plan \_\_\_\_\_; containing 0.166 hectare more or less.
- (3) All that portion of Lane, Plan 5534 HW lying within the limits of Plan \_\_\_\_\_; containing 0.029 hectare more or less.
- (4) All that portion of Lane, Plan 4963 TR lying within the limits of Plan \_\_\_\_\_; containing 0.29 square metres more or less.

EXCEPTING THEREOUT ALL MINES AND MINERALS."

2 This Bylaw shall come into full force and effect upon the passage of third reading.

READ A FIRST TIME IN OPEN COUNCIL this            day of                            A.D. 1994.

READ A SECOND TIME IN OPEN COUNCIL this            day of                            A.D. 1994.

READ A THIRD TIME IN OPEN COUNCIL this            day of                            A.D. 1994.

\_\_\_\_\_  
MAYOR

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

DATE: July 6, 1994  
TO: Alderman Hull  
FROM: Alan Scott, Land and Economic Development Manager  
RE: **MARKETING - RESIDENTIAL BUILDING LOTS  
OSMOND CLOSE (ORIOLE PARK)**

---

With the completion of the Osmond Close area of Oriole Park, the Land Department proceeded with a standard marketing plan for the area. This consisted of advertisements in the local paper, advising of the availability of these lots, and announcing that a lot draw would be held for those interested in acquiring properties. In addition, each contractor registered with The City of Red Deer was advised in writing of the lot draw. The lot draw was held in the late summer of 1993, with very little response. In the end, two properties were sold, one of which was returned.

In an effort to get the subdivision moving, we met with the executive of the Red Deer Home Builders Association to try and promote a Parade of Show Homes for the subdivision. Some interest was indicated by the executive but, in the end, it was felt the timing was not right, and that perhaps there would be more interest shown in the fall of 1994 or early winter of 1995. It is our intention to follow up this lead toward the end of summer.

We have placed advertisements in the local newspaper indicating the availability of attractively treed estate lots in the Oriole Park area, with little or no response. Brochures are available to the general public through our department, and have also been provided to the home builders in the area. A map of the subdivision is kept on the counter so that people inquiring on the availability of residential building lots can see what is available and review the price structure. We will continue to make brochures available to the general public and, later in the summer, will continue with our advertising through the local newspaper.

We agree with your comment that we should be more aggressive in our marketing efforts, but we are restrained by our 1994 budget of \$6500. This is not large, particularly in view of our anticipated sales of some \$3 million, but it is all that remains following budget reductions which were imposed this year. We will continue, through word of mouth and local contacts, to market these lots as best we can, given the budget constraints.

  
Alan V. Scott

AVS/mm

c: K. Kloss, City Clerk  
A. Wilcock, Director Financial Services  
C. Curtis, Director Community Services  
B. Jeffers, Director Engineering Services  
Principal Planner, R.D.R.P.C.

NO. 2

**DATE: JUNE 21, 1994**  
**TO: CITY COUNCIL**  
**FROM: CITY CLERK**  
**RE: NOTICE OF MOTION - ALDERMAN GUILBAULT  
TRANSIT SYSTEM**

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At the Council Meeting of June 20, 1994, the following Notice of Motion was submitted by Alderman Guilbault:

"RESOLVED that Council of The City of Red Deer direct the Administration to develop and present a report back to Council concerning the impact on:

- a. Ridership; and
- b. Transit Revenues

if transit fares were not charged to passengers boarding City buses in the Downtown Area; and

FURTHER BE IT RESOLVED that the Administration make recommendations on the advisability of using this approach to increase ridership on the Transit System both in the long-term or on an experimental basis."

This matter is submitted to Council for consideration.



KELLY KLOSS  
City Clerk

KK/clr

DATE: June 28, 1994

TO: City Clerk

FROM: Acting Transit Manager

RE: **NOTICE OF MOTION - ALDERMAN GUILBAULT  
TRANSIT SYSTEM**

---

We have reviewed closely the Notice of Motion submitted by Alderman Guilbault. Two basic concepts come to mind in studying this proposal, and we will be addressing each.

### CONCEPT 1

Passengers may board any bus in the Downtown area (i.e. bounded by 55 Street, 47 Avenue, 45 Street, and 51 Avenue) without paying a cash fare.

- If the intent of this proposal, is to let passengers pay a cash fare on their journey to the Downtown area, and then not have to pay for their return trip from City Centre, we believe that while there may be some increase in ridership, the loss of revenue would far exceed the marginal revenue increase.
- Without an opportunity to study cash customer riding trends thoroughly, including origin and destination, we can only make assumptions with respect to the effect on revenue. The 1994 budgeted cash revenue is \$370,000. If we were to assume that 70% of the cash riders travel to and from the Downtown, the resultant loss in revenue would be almost \$130,000. We do not believe the increased ridership would offset this loss. When ticket rides are factored in, the losses are even higher.

### CONCEPT 2

Passengers may board and ride the bus free of charge anywhere in the Downtown area (i.e. north to 55 Street, south to 45 Street, east to 47 Avenue, and west to 51 Avenue).

- The second concept would allow customers to board and ride free **WITHIN** the indicated Downtown radius only. This proposal would probably result in a slight increase in ridership. The loss of revenue, in our opinion, would be considerably less than for Concept 1. There would be, however, a significant increase in administration costs to patrol for fare evasion beyond the Downtown limits.

City Clerk  
Page 2  
June 28, 1994

- This type of incentive or system bonus is being used in Downtown Calgary on the 7th Avenue Bus Route and on the C-Train within the Downtown core. The situation and how it is delivered is very different from Red Deer, and would be very difficult and expensive to implement in our City. The bus route mentioned above is the only bus route where customers can ride free and it does not leave the core area.
- The C-Train allows customers that board and stay within the core area free rides, but if customers are going beyond the core limits, they have to pay regular fare. Inspectors ride the C-Train doing random checks and verifying fares paid. If a customer does not have a receipt after the core limits, they are fined between \$35 and \$50 for fare evasion.
- The core area in Red Deer is small in comparison to that in Calgary and customers would have to board and disembark within two to three bus stops in most cases. The opportunity to evade paying fare would be mammoth and supervisory staff would have to spend time riding the routes checking beyond core limits for fare evasion. This would be very expensive to patrol, as extra supervisors would have to be hired and patrol six routes.

As well, a new method of collecting fares would have to be entertained and the Operators would have to issue all fare paying passengers a receipt, so that if checked by the patrolling supervisor, they would have proof of paying their fare. The cost of a new fare system or a modified system enabling receipts to be handed out would also be another financial burden. In addition, timing on our routes is currently at its maximum and more time spent handling receipts will cause time delays on already tight routing.

## COMMENTS

Transit Administration appreciates receiving comments and suggestions from Council. We firmly believe that the present system is operating efficiently and effectively. During rush hour periods, we are at a point where further ridership increases would require an expansion of the fleet on the road.

We have excess capacity at other times of the day, and it is at these times that we are striving to increase ridership. Suggestions, such as those from Alderman Guilbault, could lead to such improvements. With the backing of Council, Transit Administration does support innovation on generating more ridership, but there are usually financial implications to these ideas. Where these financial implications are minor in nature, we will be experimenting and keeping Council informed as to our progress. Where the financial ramifications are more significant, we would approach Council for direction first.

City Clerk  
Page 3  
June 28, 1994

As the Transit Administration is essentially comprised of only two individuals, our ability to carry out involved studies is somewhat limited and may require considerable time.

**RECOMMENDATION**

We would respectfully recommend that Council

- not implement, at this time, a free ride concept out of or around the town center area.
- direct the Transit Administration to actively seek innovative methods of increasing ridership during off peak hours and to independently pursue these ideas if the financial implications are relatively minor. Such projects would be closely monitored by the Director of Engineering Services..
- bring to Council at anytime during the year more financially or politically sensitive proposals for revenue generation or cost reduction.



Kevin Joll  
Acting Transit Manager

KJ/sm

**Commissioners' Comments**

We concur fully with the recommendation of the Acting Transit Manager.

"G. SURKAN"  
Mayor

"H.M.C. DAY"  
City Commissioner

**DATE: JULY 5, 1994**  
**TO: ACTING TRANSIT MANAGER**  
**FROM: CITY CLERK**  
**RE: NOTICE OF MOTION - ALDERMAN GUILBAULT  
TRANSIT SYSTEM**

---

At the Council Meeting of July 4, 1994, consideration was given to a Notice of Motion submitted by Alderman Guilbault relative to the Transit System. At this meeting the following Notice of Motion was passed:

"RESOLVED that Council of The City of Red Deer, having considered report from the Acting Transit Manager dated June 28, 1994, re: Notice of Motion - Alderman Guilbault, Transit System, hereby directs the Transit Administration to actively seek innovative methods of increasing ridership during off-peak hours and to independently pursue those ideas if the financial implications are relatively minor, with such projects being closely monitored by the Director of Engineering Services;

Council further agrees that the Transit Administration bring to Council at any time during the year more financially or politically sensitive proposals for revenue generation or cost reduction, and as presented to Council July 4, 1994."

The decision of Council in this instance is submitted for your information and appropriate action. Thank you for informing Council of your Summer Transit Promotion as a first step to increasing ridership.



KELLY KLOSS  
City Clerk

KK/clr

cc: Director of Engineering Services

NO. 3

**DATE: JUNE 21, 1994**  
**TO: CITY COUNCIL**  
**FROM: CITY CLERK**  
**RE: NOTICE OF MOTION - ALDERMAN SCHNELL**  
**NATURALIZATION PROGRAM**

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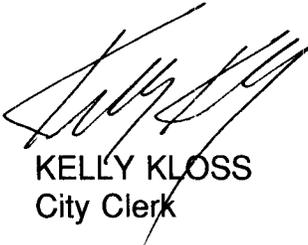
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At the Council Meeting of June 20, 1994, the following Notice of Motion was submitted by Alderman Schnell:

"WHEREAS the expanded Naturalization Program instituted in 1994 has detracted from the neatness and beauty of residential subdivisions within the City of Red Deer;

NOW THEREFORE BE IT RESOLVED that those naturalization programs which have been instituted immediately adjacent to residential housing developments be discontinued immediately and the mowing program in effect in 1993 be reinstated."

This matter is presented for Council's consideration.



KELLY KLOSS  
City Clerk

KK/clr

**DATE:** June 24, 1994

**TO:** KELLY KLOSS  
City Clerk

**FROM:** LOWELL HODGSON, A/Director  
Community Services Division

**RE:** TURF NATURALIZATION PROGRAM

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This memo responds to the Notice of Motion considered at the meeting of June 20, 1994, where the Parks Department was asked to reconsider a portion of the naturalization program which has been undertaken this year in response to the significant budget cuts.

I have discussed this issue with the Parks Manager and, while I recognize it is a compromise, I can support his recommendation to begin grass mowing again in those areas where the homes front onto these new naturalized areas. I suspect, however, there will be requests from other areas for reinstatement when it is known that these areas are now receiving grooming. However, I think it will be important to complete the year in order to see the full impact on these areas and to realize the budget saving that was anticipated.

It appears obvious that the naturalization process which has been underway for several years now has gone as far as is possible in order to have citizen support for it. Thus, I would want to caution Council that additional saving in future years through this process is not likely possible, and the \$10,000 anticipated saving in the 1994 budget is now reduced to approximately \$8,000.

#### **RECOMMENDATION**

1. That City Council support the recommendation of the Parks Manager to cancel the turf naturalization program and reinstate grass mowing in those areas along Selkirk Boulevard, Stanley Crescent, Overdown Drive and Duncan Crescent.
2. That City Council approve a \$2,100 overexpenditure in the Parks Department's 1994 operating budget to cover the cost of maintaining this 10.6 acres as described above.

  
LOWELL HODGSON

:dmg

c Don Batchelor, Parks Manager

**DATE: June 22, 1994**

**TO: KELLY KLOSS**  
**City Clerk**

**FROM: DON BATCHELOR**  
**Parks Manager**

**RE: TURF NATURALIZATION PROGRAM**

City Council considered a report and then a Notice of Motion at the June 20, 1994 meeting as outlined below:

"WHEREAS the expanded Naturalization Program instituted in 1994, has detracted from the neatness and beauty of residential subdivisions within the city of Red Deer;

NOW THEREFORE BE IT RESOLVED that those naturalization programs which have been instituted immediately adjacent to residential housing developments be discontinued immediately and the mowing program in effect in 1993 be reinstated".

The Parks Department has received 92 telephone and 10 written letter complaints or inquiries in regard to the turf naturalization program. The naturalization of 52 acres of parkland, for the most part, has been initially unacceptable to some residents. Their concerns in order of priority can be categorized as follows:

- Decreased city beauty, attractiveness and aesthetics.
- Possible lowering of property values.
- Concern for dandelions and weeds.
- Loss of a play area for children.
- Possible rodent (mice and gopher) problems.
- Potential fire hazard.

The criteria used to select the required 52 acres to be naturalized included, in part, some of the following:

- Adjacent to an existing natural area.
- Low profile area in terms of public visibility.
- Non-active park area (does not contain trails, sportsfields, playgrounds, etc.).
- Anticipated public acceptance in the first growing season.

The 52 acres naturalized in 1994, is in addition to the 60 acres that had already been naturalized between 1988 and 1993. The areas naturalized in 1994, for the most part, had to be adjacent to residential areas because in previous years all suitable areas not adjacent to residences had already been naturalized. The locations of the 1994 Naturalization Program can be categorized as follows:

■ Park areas in front of residential properties (20%)	10.6 acres
■ Park areas behind a lane or rear yard of residential properties (64%)	32.4 acres
■ Park areas not adjacent to residential properties (16%)	<u>9.0 acres</u>
<b>TOTAL (100%)</b>	<b>52.0 ACRES</b>

The 10.6 acres (20% of the total area naturalized) that are in front of residential properties have been the most controversial in terms of public acceptance. Approximately 45% of all public complaints have been in these areas. Homeowners or renters who live immediately across the street from these 1994 naturalized areas have not accepted this new standard. Primarily their reasoning is as outlined earlier in this report. In some instances, residents have mowed portions of the area such that there is now a great deal of inconsistency along the roadway.

In view of these concerns outlined by the residents who front onto naturalized areas (the natural area is immediately across the street from the front yard of residential properties), I suggest that Council reconsider the Naturalization Program in these areas only at this time. The areas that are in this category include Selkirk Boulevard, Stanley Crescent, Overdown Drive and Duncan Crescent. The remaining areas should continue with the Naturalization program with ongoing monitoring over the remainder of this growing season. Discussions with homeowners/renters will continue in regard to conducting weed control and other concerns. The attached map outlines the areas where grass mowing is recommended to be reinstated, and where the Naturalization Program is to be continued.

RECOMMENDATIONS:

1. That City Council cancel the Naturalization Program and reinstate grass mowing in those areas along Selkirk Boulevard, Stanley Crescent, Overdown Drive and Duncan Crescent to the same standard as was implemented in 1993.
2. That City Council authorize a \$2,100 over-expenditure in the Parks Department's 1994 Operating Budget to provide initial cutting, grass mulching and ongoing turf maintenance on the 10.6 acres outlined above.
3. That the Parks Department continue to monitor the remaining 41.4 acres of turf naturalized in 1994, and through ongoing discussions with residents evaluate the effectiveness of the program.



DON BATCHELOR

:ad  
 Att.

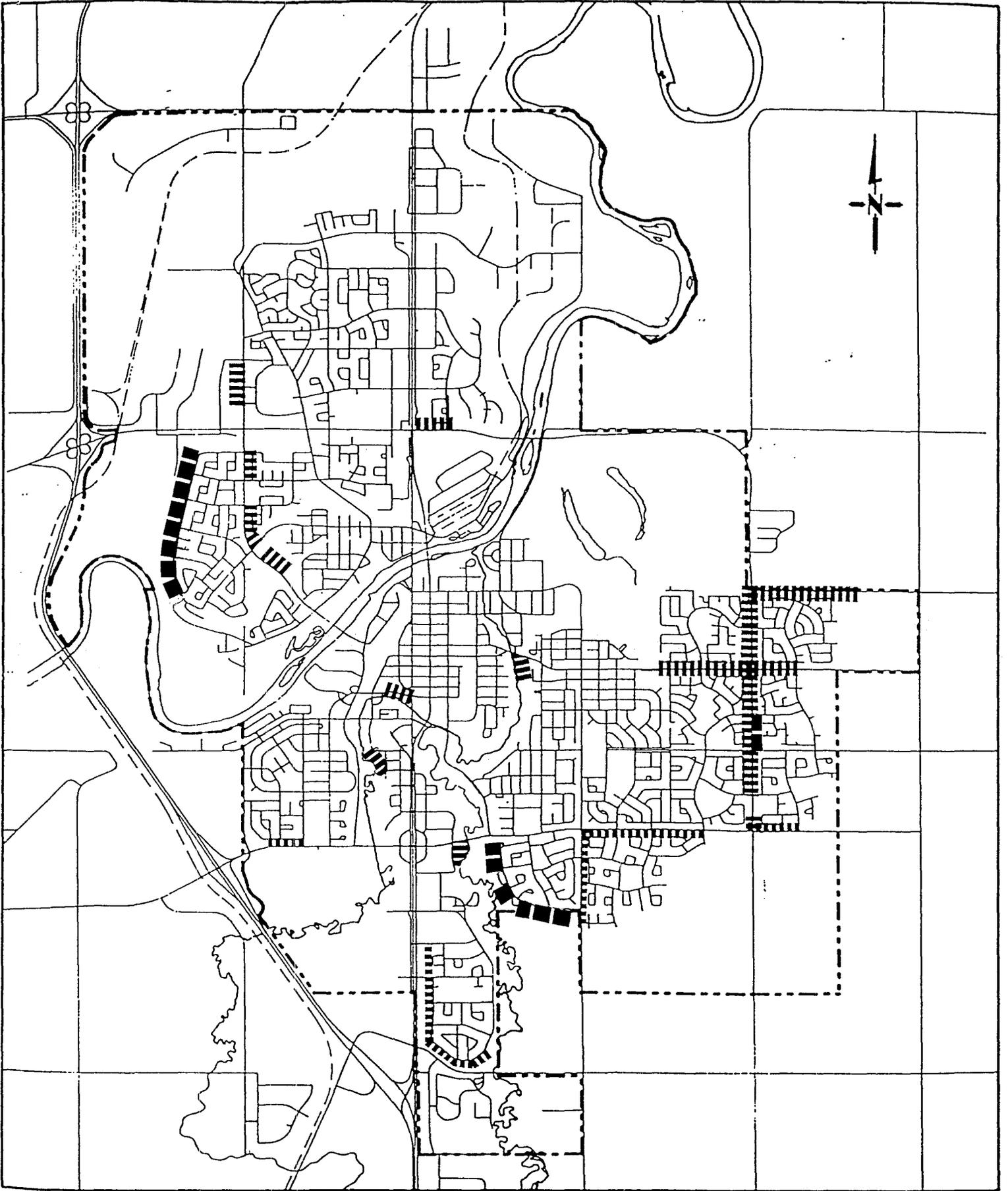
Commissioners' Comments

We concur with the recommendations of the Parks Manager. We will be asking the Parks Manager to again review alternate areas to be naturalized so that in 1995 our savings would still be in the area of \$10,000. For 1994, however, we recommend Council approve an overexpenditure of \$2,100.

"G. SURKAN"  
 Mayor

"H.M.C. DAY"  
 City Commissioner

"R. SCHNELL"  
 Deputy Mayor



- ||||| REMAINING 1994 TURF NATURALIZATION 41.4 acres
- GRASS MOWING PROPOSED TO BE REINSTATED 10.6 acres