

TOWN OF RIMBEY

TOWN COUNCIL

MINUTES OF THE REGULAR MEETING OF TOWN COUNCIL HELD ON MONDAY, APRIL 25 2016 IN THE COUNCIL CHAMBERS OF THE TOWN ADMINISTRATION BUILDING

1. Call to Order

Mayor Pankiw called the meeting to order at 7:00 pm, with the following in attendance:

Mayor Pankiw
Councillor Godlonton
Councillor Jaycox
Councillor Payson
Councillor Webb
Interim Chief Administrative Officer – Donna Tona, CTS
Acting Chief Administrative Officer/Chief Financial Officer – Lori Hillis, CPA, CA
Municipal Intern - Michael Fitzsimmons
Director of Public Works – Rick Schmidt
Contract Development Officer – Liz Armitage
Recording Secretary – Kathy Blakely

Absent:
Director of Community Services – Cindy Bowie

Public:
Treena Mielke – Rimbey Review
Stan Cummings & Karen Conover - SJC Development Corp
13 members of the public

2. Public Hearing

2.1 Bylaw 912/16 Amendment to Land Use Bylaw – Re-designation of Land

Mayor Pankiw opened the public hearing for Bylaw 912/16 Amendment to Land Use Bylaw – Re-designation of Land at 7:01 pm.

Bylaw 912/16 is a bylaw to re-designate the southwestern portion of Lot 1, Block 19, Plan 0729960 from Medium Density Residential (R3) to Low Density Residential (R1). The area being amended consists of approximately 0.212 hectares. The application was submitted by Mr. Cummings on March 9, 2016. Mr. Cummings has indicated a desire to subdivide these lands into 3 R1 lots at a future date.

Notice was placed in the April 5 and April 12, 2016 editions of the Rimbey Review and notice was given to adjacent property owners by regular mail.

An analysis of the existing land use and surrounding area indicates that the area surrounding the subject parcel contains R4, R1, Country Residential (CR) and Institutional and Public Uses (IPU) designations. The IPU lands will include the future Rimoka seniors lodge.

According to Land Use Bylaw 762/04, within R3 the following are permitted uses:

- Duplex, Triplex, and fourplex dwellings not forming part of a condominium
- Row housing
- Multiple unit housing registered as a condominium
- Granny suits in detached houses
- Home offices
- Public parks and recreation areas
- Buildings and uses accessory to the above

Additional discretionary uses include:

- Churches
- Group homes
- Home business
- Rental suites
- Utility installations
- Buildings and uses accessory to the above

Analysis of Proposed Land Use Re-designation:

Under the district proposed by the applicant, R1, the following are permitted uses:

- New detached residences
- New Ready-To-Move or modular homes (subject to development authority approval)
- Rental suites in detached homes
- Granny suites
- Home offices
- Public parks and recreation areas
- Building and uses accessory to the above

Additional discretionary uses in the R1 district include:

- Moved-in residences and modular homes, but excluding manufactured and mobile homes
- Churches
- Group homes
- Home businesses
- Utility installations
- Buildings and uses accessory to the above

Development Officer Liz Armitage advised Council there is no Area Structure Plans governing development within this part of Town.

She also advised the Municipal Development Plan Bylaw 910/15 (MDP) encourages a mixture of residential densities and tenure so that a variety of housing is available (8.1). Further, the MDP encourages high density residential development in the transitional areas including along highway 53 (8.3). As the proposed area is not greater than 1.5 hectares or comprised of more than 6 lots (7.4), an Area Structure Plan is not required.

Administration has completed a thorough review of the proposal and notes the following:

- The MDP encourages high density development in the transitional areas along highway 53. This area may be considered part of the transitional area, where higher density is encouraged. Note that this is not a requirement, rather it is encouraged.
- As the lands to the east and south include R4 and the multi-unit seniors lodge, if designated R1, the uses may not be compatible.
- There is no Area Structure Plan in place for the lands directly to west. Without knowing the long range development plans, administration does not have details available to know what may happen in the future. Therefore at this time administration assumes that Country Residential will remain in place for the foreseeable future.
- These lots are in a very unique position as they are adjacent to lands designated as R4, and CR. The R1 designation may provide a unique opportunity to transition between these uses.

Due to the unique nature of these lands situated between CR and R4, administration is recommending that Council consider second and third reading of this bylaw to re-designate the southwest portion of Lot 1, Block 19, Plan 0729960 from R3 to R1.

As per council's direction Bylaw 912/16 was circulated to adjacent land owners and government agencies as per the Municipal Government Act. Notice of Bylaw 912/19 was placed in the April 5, 2016 and April 12, 2016 editions of the Rimbey Review.

The following comments were received and are attached for Council's consideration:

- Alberta Transportation – received April 4, 2016. Alberta Transportation notes that development in this area may accelerate the need for intersection improvements at Highway 53 and Rimstone Drive. Additionally, they note that future access for Block B, Plan 762 0599 must be addressed with future subdivision of said lot or with development of NW 20-42-02-W5.

- ATCO Gas – received April 12, 2016. ATCO Gas notes future requirements that will need to be addressed at the time of subdivision.
- ATCO PIPELINES – received April 13, 2016. ATCO Pipelines has no objections.
- Earl and Francine Repas, adjacent Land Owners – received April 18, 2016. The letter indicates that “I strongly oppose this re-designation” and lists multiple reasons for their opposition.

Mayor Pankiw asked if there were any persons wishing to be heard regarding Bylaw 912/16 Amendment to Land Use Bylaw – Re-designation of Land.

Paul McLauchlin, Chairman of Rimoka Housing Foundation, which is an adjacent land owner spoke in support of the re-designation of land, noting it does not affect their project.

Earl Repas – adjacent land owner is opposed. He operates a business, Rimbey Towing which stores wrecked vehicles, and believes future residents will complain about the storage of vehicles. He also spoke about the farmland neighbouring to the west.

Mayor Pankiw asked a second time if there were any persons wishing to be heard regarding Bylaw 912/16 Amendment to Land Use Bylaw– Re-designation of Land.

Mr. Stan Cummings – spoke on behalf of his application to re-designate the parcels back to R1, as they were erroneously designated to R3 by town Administration. The parcels were originally designated R1 and inadvertently changed to R3, with the subdivision for the sale of the 8.59 acres to Ponoka County. He indicated Council, at a previous Council Meeting recognized that there has been an administrative error.

Mr. Repas spoke regarding the hauling of the manure from the neighbouring farmland to the west and how it might affect the residences should they be built.

Councillor Payson inquired if Mr. Repas was an agent for the neighbouring farm to which he had concerns.

Mr. McLauchlin reminded Council this is solely a hearing for the purpose of re-designation of land, and again reiterated, Rimoka Housing Foundation has no objections to the re-designation of land from R3 to R1.

Karen Conover, SJC Developments indicated they have had two inquires on the purchases for R1 designated lots and the only questions the prospective purchasers have had were in regards to how high of fence they could build.

Mayor Pankiw asked a third time if there were any persons wishing to be heard regarding Bylaw 912/16 Amendment to Land Use Bylaw– Re-designation of Land.

Mayor Pankiw closed the public hearing for Bylaw 912/16 Amendment to Land Use Bylaw – Re-designation of Land at 7:14 pm.

2.2 Bylaw 913/16 Bylaw to Rescind Bylaw 839/09 Area Structure Plan

Mayor Pankiw opened the public hearing for Bylaw 913 Bylaw to rescind Bylaw 839/09 Area Structure Plan at 7:14 pm.

Bylaw 913/16 is a bylaw to rescind Bylaw 839/09 Town of Rimbey Area Structure Plan which was presented to Council January 13, 2009 where it received first reading and again on September 8, 2009, where it received second and third reading.

After a review of the Minutes between January 13th and September 8, 2009, Administration was only able to determine the motions made to pass the Bylaw. There was no mention in the Minutes of advertising of this bylaw, nor a Public Hearing being held.

At the February 24, 2014 Regular Council Meeting, Administration brought forth the recommendation to Council to Repeal Area Structure Plan Bylaw 839/09. Council passed the following motion:

Motion 049/14

Moved by Deputy Mayor Webb to repeal Area Structure Plan Bylaw 839/09.

CARRIED

Notice was placed in the April 5 and April 12, 2016 editions of the Rimbey Review.

Development Officer Liz Armitage noted upon review by current administration it has been determined that Motion 049/14 was not sufficient to repeal Area Structure Plan Bylaw 839/09. Further, while preparing the new Municipal Development Plan Bylaw 910/15 (MDP) administration noted that Area Structure Plan Bylaw 839/09 is no longer relevant to the Town of Rimbey and is not consistent with MDP 910/15.

Further, in order to promote quality long term development within the Town, future development shall require Area Structure Plans specific to each development on accordance with MDP clause 7.4 which states "The Town shall require the preparation of an Area Structure Plan (ASP) or other non-statutory plan, acceptable to Council, before subdivision and/or development of any parcel which will be subdivided into six or more lots and/or consist of greater than 1.5 hectares of land is permitted to proceed."

In order to repeal Bylaw 839/09 MGA 190(2) states "The amendment or repeal must be made in the same way as the original bylaw and is subject to the same consents or conditions or advertising requirements that apply to the passing of the original bylaw, unless this or any other enactment provides otherwise." Therefore, in order to appeal the bylaw, council must do so in the same manner as it was approved.

Although no Public Hearing appears to have been held when Bylaw 839/09 was approved, it is possible that an open house or alternative form of consultation was held in according to MGA. MGA 636(1) states that "while preparing a statutory plan a municipality must (a) provide a means for any person who may be affected by it to make suggestions and representations."

Therefore in order to repeal this bylaw administration recommended that Council hold a public hearing to ensure residents are provided with an opportunity to make suggestions and representations.

Written submission received before April 21 from the following include:

- Alberta Transportation – No Objections, received April 4, 2016. Follow up phone call between Sandy Choi and Liz Armitage occurred on April 5, 2016.

In addition two agencies requested further information. These agencies were Atco Pipelines and Atco Gas. Michael Fitzsimmons sent them additional information and Elizabeth Armitage followed up with both agencies by telephone on April 19, 2016. Elizabeth spoke with Isobel Solis with Atco Pipelines and David Weinauf with Atco Gas. Both agencies appeared to understand that Bylaw 913/16 will repeal 839/09 and new ASPs created in the future will be forwarded to them for comments at the appropriate time in accordance with the Municipal Government Act.

Mayor Pankiw asked if there were any persons wishing to be heard regarding Bylaw 913/16 Repeal of Bylaw 839/09 Area Structure Plan.

Carol Lundgard from Legacy Land Condominium Corporation – requested Council postpone the decision on Bylaw 913/16 due to legal issues they are involved in regarding 54th Street.

Mayor Pankiw asked a second time if there were any persons wishing to be heard regarding Bylaw 913/16 Repeal of Bylaw 839/09 Area Structure Plan.

Mayor Pankiw asked a third time if there were any persons wishing to be heard regarding Bylaw 913/16 Repeal of Bylaw 839/09 Area Structure Plan.

Mayor Pankiw closed the public hearing for Bylaw 913/16 Bylaw to Rescind Bylaw 836/09 Area Structure Plan at 7:21 pm.

3. Adoption Agenda

of 3.1. April 25, 2016 Agenda

Motion 173/16

Moved by Councillor Godlonton to accept the agenda for April 25, 2016 Regular Council Meeting as presented.

CARRIED

4. Minutes

4.1 Minutes of the Regular Council Meeting April 11, 2016

Motion 174/16

Moved by Councillor Jaycox to accept the Minutes of the Regular Council Meeting of April 11, 2016, as presented.

CARRIED

5. Delegation

5.1 None

6. Bylaws

6.1 Bylaw 912/16 Amendment to Land Use Bylaw – Re-designation of Land

Motion 175/16

Moved by Mayor Pankiw to give second reading to Bylaw 912/16 Amendment to Land Use Bylaw – Re-designation of Land.

CARRIED

6.2 Bylaw 913/16 Bylaw to Rescind Bylaw 836/09 Area Structure Plan

Motion 176/16

Moved by Councillor Jaycox to give second reading to Bylaw 913/16 Bylaw to Rescind Bylaw 836/09 Area Structure Plan.

CARRIED

7. New and Unfinished Business

7.1 Final Operating Budget and 2016 Mill Rate

Motion 177/16

Moved by Mayor Pankiw to approve the 2016 Final Operating Budget with a municipal mill rate increase of 1% for all classes of properties.

CARRIED

7.2 2016 Street/Sidewalks Improvements Projects

Motion 178/16

Moved by Mayor Pankiw to spend the left over \$138,200 from the Capital Budget 2016 Street Improvements to do an additional overlay on 46th Street from 50th to 51st Ave and additional sidewalk repairs on 50th Avenue.

CARRIED

8. Reports

8.1 Department Reports - None

8.2 Boards/Committee Reports

- 8.2.1 Beatty Heritage House Society Meeting Minutes of January 23 and March 14, 2016, as information.
- 8.2.2 FCSS/RCHHS Minutes of February 17, 2016
- 8.2.3 Rimbey Historical Society Meeting Minutes of March 6, 2016
- 8.2.4 Rimoka Housing Foundation Board Meeting Minutes of June 24, 2015, August 25, 2015, November 25, 2015, January 13, 2016 and January 21, 2016

Motion 179/16

Motion by Councillor Webb to accept the Beatty Heritage House Society Meeting Minutes of January 23 and March 14, 2016, FCSS/RCHHS Minutes of February 17, 2016, Rimbey Historical Society Meeting Minutes of March 16, 2016, Rimoka Housing Foundation Board Meeting Minutes of June 24, 2015, August 25, 2015, November 25, 2015, January 13, 2016 and January 21, 2016, as information.

CARRIED

8.3 Council Reports

- 8.3.1 Mayor Pankiw's Report
- 8.3.2 Councillor Godlonton's Report
- 8.3.3 Councillor Jaycox's Report
- 8.3.4 Councillor Payson's Report
- 8.3.5 Councillor Webb's Report

Motion 180/16

Moved by Councillor Jaycox to accept the reports of Council as information.

CARRIED

9. Correspondence

9.1 None

10. Open Forum

10.1 Open Forum

Mayor Pankiw asked if anyone from the gallery wished to address Council.

There were 3 responses from the gallery.

One person commented regarding the sidewalks downtown. If the Town tears them up and replaces them, does the Town have someone to oversee the project to see they are done properly?

One person inquired regarding the minutes of Rimoka Housing Foundation and the cost of the pond. A response was given from the Chairman of the Rimoka Housing Foundation.

One person commented on the sidewalks downtown and the slope of the sidewalks.

Mayor Pankiw recessed the Council Meeting at 7:50 pm.

All members of the gallery departed the meeting at 7:50 pm

Mayor Pankiw reconvened the Council Meeting at 7:57 pm.

11. In Camera

11.1 Personnel (Pursuant to Division 2, Section 17(2) of the Freedom of Information and Protection of Privacy Act)

Motion 181/16

Moved by Councillor Webb the Council meeting go in camera at 7:57 pm, pursuant to Division 2, Sections 17(2) of the Freedom of Information and Protection of Privacy Act, with all Council, Interim Chief Administrative Officer Donna Tona, Acting Chief Administrative Officer/Chief Financial Officer Lori Hillis, Municipal Intern Michael Fitzsimmons, Director of Public Works Rick Schmidt, and Recording Secretary Kathy Blakely, to discuss personnel issues.

CARRIED

Municipal Intern Michael Fitzsimmons departed the meeting at 7:57 pm.

Motion 182/16

Moved by Councillor Webb the Council meeting reverts back to an open meeting at 8:10 pm.

CARRIED

Municipal Intern Michael Fitzsimmons and 2 members of the public rejoined the meeting at 8:10 pm.

12. Adjournment

Motion 183/16

Moved by Councillor Jaycox to adjourn the meeting.

CARRIED

Time of Adjournment: 8:11 pm.



MAYOR RICK PANKIW



ACTING CHIEF ADMINISTRATIVE OFFICER DONNA TONA