

MINUTES OF A REGULAR MEETING OF THE COUNCIL OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO HELD IN THE COUNCIL CHAMBERS AT THE MUNICIPAL OFFICES IN FORT McMURRAY, ON TUESDAY, MAY 8, 2007, COMMENCING AT 6:00 P.M.

PRESENT:

MAYOR	M. BLAKE
DEPUTY MAYOR	S. GERMAIN
COUNCILLORS	J. CARBERY J. CHADI S. CLARKSON L. FLETT P. MEAGHER R. REBUS J. VYBOH L. WILTZEN
CHIEF ADMINISTRATIVE OFFICER	B. NEWELL
CHIEF LEGISLATIVE OFFICER	K. GREIG
LEGISLATIVE OFFICER	C. CHISLETT

ABSENT:

COUNCILLORS	C. SLADE
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CALL TO ORDER: Mayor Blake called the meeting to order at 6:04 p.m.

PRAYER: The Mayor asked everyone to join her in Prayer.

AGENDA:

Resolution # 07-190
MOVED by Councillor Meagher

- THAT the agenda be amended by adding the following items under Reports:
 - I. Eagle Ridge Subdivision – Stage 2 (Parcel D)
 - J. MacDonald Island Park Redevelopment Project Budget Amendment
 - K. Tender Award – MacDonald Island Park Redevelopment Project – T11 – Phase III - Aquatics Centre Construction; and
- THAT that the agenda be adopted as amended

CARRIED UNANIMOUSLY

MINUTES:

Council Meeting – April 24, 2007

Resolution # 07-191

MOVED by Councillor Vyboh that the Minutes of the Regular Meeting held on April 24, 2007 be approved as presented.

CARRIED UNANIMOUSLY

Public Hearing – April 24, 2007

Resolution # 07-192

MOVED by Councillor Vyboh that the Minutes of the Public Hearing held on April 24, 2007 be approved as presented.

CARRIED UNANIMOUSLY

DELEGATIONS:

There were no requests to address council

PUBLIC HEARINGS:

Resolution # 07-193

MOVED by Councillor Meagher that the meeting move into Public Hearing.

CARRIED UNANIMOUSLY

A public hearing was held from 6:05 p.m. to 8:18 p.m., followed by a brief recess from 8:18 p.m. to 8:41 p.m., after which time the regular meeting reconvened.

AMENDMENT TO AGENDA:

Resolution # 07-194

MOVED by Councillor Clarkson that the agenda be amended by moving Bylaw No. 07/036 forward to be dealt with immediately.

CARRIED UNANIMOUSLY

Bylaw No. 07/036 – Land Use Bylaw Amendment – Servicing Capacity

Resolution # 07-195

MOVED by Councillor Meagher that Bylaw No. 07/036, being a Land Use Bylaw Amendment, be read a second time.

A lengthy discussion ensued in which Council expressed confidence in Administration and their ability to effectively implement solutions to mitigate the capacity issue as quickly as possible. It was noted that the Regional Municipality of Wood Buffalo has spent significant effort and energy in its attempts to get the Government of Alberta to slow down the pace of development because of the strains to existing infrastructure. The issue before Council this evening is indicative of that need. It was further noted that the Municipality must act in a

manner that will not risk the health and safety of residents or the environment.

Resolution # 07-196

MOVED by Councillor Chadi that Bylaw No. 07/036 be deferred for a two-week period for consultation with the development community in an effort to reach a mutually acceptable solution, with the understanding that criteria be developed to guide what is considered acceptable.

Concern was expressed with respect to the impact that this bylaw may have on the development industry, and it was also noted that external stakeholders may be able to develop a solution that will provide some immediate relief that municipal staff has not thought of.

DEFEATED

For: Chadi, Rebus

Opposed: Blake, Carbery, Clarkson,
Flett, Germain, Meagher, Vyboh,
Wiltzen

Voting then occurred on Councillor Meagher's motion.

CARRIED

For: Blake, Carbery, Clarkson, Flett,
Germain, Meagher, Vyboh,
Wiltzen

Opposed: Chadi, Rebus

Resolution # 07-197

MOVED by Councillor Carbery that Bylaw No. 07/036 be read a third and final time

CARRIED

For: Blake, Carbery, Clarkson, Flett,
Germain, Meagher, Vyboh,
Wiltzen

Opposed: Chadi, Rebus

Resolution # 07-198

MOVED by Councillor Vyboh that Bylaw No. 07/036 be re-evaluated once the sanitary trunk upgrading is well underway, or within 18 months, whichever comes first.

CARRIED UNANIMOUSLY

COUNCIL UPDATES: Reporting of Councillors on Boards and Committees

Deputy Mayor Germain reported on the following:

- Leo and Debbie Robert Farewell Reception
- Oil Sands Discovery Centre Advisory Committee
- Bicycle Safety Event
- Mac to Maui Fundraising Event

Councillor Rebus reported on the following:

- Draper Resident's Society
- Saprae Creek Community Association
- MacDonald Island Park Corporation

Councillor Clarkson reported on the following:

- AUMA Community Infrastructure Committee Meeting
- Thanks to all parties involved in the recent Edgewater Court Fire Relief Efforts
- Mac to Maui Fundraising Event

Councillor Meagher reported on the following:

- Fort McMurray Spring Trade Show
- Communities In Bloom Committee
- Community Clean-Up Campaign
- McHappy Days

Mayor's Update

Mayor Blake reported on the following:

- United Way Community Spirit Awards
- Recent passing of two veterans, Mr. Roy Hawkins and Mr. Bill Woodward
- National Day of Mourning
- Fellowship Baptist Church Soup Kitchen Fundraising Banquet
- AUMA 100 Journeys Book
- Minister Janice Tarchuk Announcement
- 10th Annual Traditional Celebration of Achievement
- Mac to Maui Fundraising Event
- Kids Forever Event
- Bell Walk for Kids
- Mayor's Advisory Council on Youth.

REPORTS:

Thickwood Boulevard Rubber Asphalt Replacement

Resolution # 07-199

MOVED by Councillor Meagher:

- THAT the Regional Municipality of Wood Buffalo replace the rubberized asphalt on Thickwood Boulevard east bound lanes from west of Signal Road West Junction to east of Signal Road East Junction in its entirety, at a total estimated cost of \$1,004,000.00; and
- THAT \$1,004,000.00 be allocated from the Capital Infrastructure Reserve to fund the Thickwood Boulevard Rubber Asphalt Replacement.

CARRIED UNANIMOUSLY

2007 Municipal Census

Resolution # 07-200

MOVED by Councillor Vyboh that Administration be directed to undertake a Municipal Census in 2007 and submit the official population count to the Government of Alberta.

CARRIED UNANIMOUSLY

2007 Fleet Equipment Leasing

Resolution # 07-201

MOVED by Councillor Meagher that Administration be authorized to lease the following equipment, at a total cost not exceeding \$21,704, to be funded from the Operations & Maintenance Operating Budget:

- One (1) – 1-Ton Flat Deck Dump Truck
- One (1) - Utility Service Vehicle
- One (1) - ½ Ton Truck
- One (1) - 1-Ton Service Truck/w box.

CARRIED UNANIMOUSLY

EXIT

Councillor Germain left the meeting at 9:48 p.m.

Purchase of Paint Line Striper

Resolution # 07-202

MOVED by Councillor Vyboh:

- THAT the Regional Municipality of Wood Buffalo purchase a two-gun line painting system, at a total cost of \$55,000, to be funded from the 2007 operating budget for Operations and Maintenance; and

- THAT the additional funding required for operational duties to complete a single line painting in the amount of \$20,600, be managed within the Operations and Maintenance 2007 Operating Budget.

CARRIED UNANIMOUSLY

RETURN

Councillor Germain returned to meeting at 9:50 p.m.

Fort McMurray Waste Water Treatment Plant – Phase 2 Advancement

Resolution # 07-203

MOVED by Councillor Clarkson

- THAT the proposed Phase 2 expansion be incorporated into the Waste Water Treatment Plant project at an additional cost of \$57,420,000, for a total Waste Water Treatment Plant cost of \$218,355,000.
- THAT the amended Waste Water Treatment Plant project be funded as outlined in Attachment #2 – Capital Budget Amendment Request, dated May 8, 2007, pending final approval of the Provincial grant funding.
- THAT Administration develop a request for proposal to qualified firms for the planning, design and construction management of the new river outfall and diffuser required for Phase 2.
- THAT Administration be authorized to amend Phase 2 engineering fees with Earth Tech and, subject to total additional fees not exceeding \$2.2M, authorize Earth Tech to fast track Phase 2 design.
- THAT Administration be authorized to amend Phase 2 construction with Bird Construction Company, following scope confirmation and associated design completion, and subsequently to present firm construction costs and budgets to Council for approval.
- THAT Administration proceed with a Peer Review of additional Phase 3 requirements and report back to Council with a recommended Phase 3 plan.

CARRIED UNANIMOUSLY

2007 Water Conservation Partnership

Resolution # 07-204

MOVED by Councillor Rebus:

- THAT Administration be authorized to enter into a Partnership Agreement with Albion Sands Energy Inc for the development of a Water Conservation Education Program; and

- THAT Administration proceed with the Water Conservation Education Program for 2007, to be funded from a \$113,000 financial contribution from Albian Sands Energy Inc.

The Superintendent, Environment, advised that the advisory committee will be holding its first meeting on May 16th and the issue of having the program administered in the rural area will be raised at that time.

CARRIED UNANIMOUSLY

RCMP Request for Cost of Living and Wellness Allowance

Resolution # 07-205

MOVED by Councillor Meagher

- THAT the Municipality support the RCMP request to create a cost of living and wellness living initiative for the municipal members of the Fort McMurray RCMP detachment, subject to:
 - the offer of support being accepted by Treasury Board by December 1, 2007;
 - compensation not exceeding that being provided to municipal employees; and
 - the incentive terminating on March 31, 2012, or when the current Municipal Policing Agreement ends, whichever comes first.
- THAT \$800,000 be utilized from the RCMP operating budget to fund the RCMP cost of living and wellness allowance for 2007 and then be built in as a contract cost for future years and;
- THAT in the event the entire amount cannot be accommodated within the RCMP operating budget, the balance be funded from the 2007 Corporate operating surplus; and
- THAT in the event the 2007 Corporate operating surplus is insufficient or non-existent, funding be committed from the 2007 Emerging Issues Reserve.

It was suggested that the Municipality may receive a better return on its investment by partnering with the Wood Buffalo Housing & Development Corporation to help RCMP Members come to the community and find a place to live, as opposed to contributing to the continuing cost escalation issue in the community.

CARRIED

For: Blake, Carbery, Chadi, Clarkson,
Flett, Meagher, Rebus, Vyboh,
Wiltzen

Opposed: Germain

Purchase and Sale of Land – 7415 Railway Avenue, Waterways and Parcel G, Highway 63 North

Resolution # 07-206

MOVED by Councillor Chadi:

- THAT the Regional Municipality of Wood Buffalo purchase Lot 8, Block 3, Plan 3969ET, being 7415 Railway Avenue, from Provincial Concrete for the price of \$216,840.00, subject to the current owner providing a satisfactory environmental assessment;
- THAT the Regional Municipality of Wood Buffalo sell Lot 9, Block 1, Plan 042 1273, being Parcel G, to Provincial Concrete for the sum of \$1.67 Million; and
- THAT any excess funds resulting from the transaction, if any, be transferred to the Asset Acquisition Reserve.

Concern was expressed with respect to environmental impact given the site's proximity to river, site access, egress to highway, and potential difficulty in developing the parcel.

CARRIED

For: Blake, Carbery, Chadi, Clarkson,
Flett, Meagher, Rebus, Vyboh,
Wiltzen

Opposed: Germain

Eagle Ridge Subdivision – Stage 2 (Parcel D)

Resolution # 07-207

MOVED by Councillor Vyboh that the application to subdivide Stage 2 of Eagle Ridge, located south of Confederation Drive and east of the Lakewood subdivision, be approved for the following reasons:

- The land is suitable for the intended use;
- The land will be adequately serviced; and
- The use of the land for the proposed subdivision is consistent with the Land Use Bylaw;

and is subject to the following conditions:

1. Any and all easements required by the Municipality or any franchise utility as a result of this development shall be provided by the developer at no cost to the Municipality or any franchise utility and shall be registered on title by Utility Right-of-Way Plan;
2. Should it be necessary to alter any site municipal or franchise utilities, all costs shall be borne by the developer;

3. All existing caveats registered on the title will need to be carried forward onto the newly created titles;
4. The developer shall enter into a development agreement with the Regional Municipality of Wood Buffalo in a form suitable to the Municipality for the construction of municipal infrastructure that may include but not limited to the construction of roads and underground services;
5. If it should be necessary, as a result of this subdivision, to install, lower, alter or relocate any municipal or franchise utilities such modification shall be to the standard of the Municipality or franchise utility and all cost shall be borne by the developer;
6. Restrictive Covenants restricting on street parking shall be registered on the following lots:
 - Phase 5**
 - Lots 57 - 62, inclusive, Block 31
 - Lots 23 - 28, inclusive, Block 47
 - Phase 7**
 - Lots 19 – 24, inclusive, Block 31
 - Lots 40 – 48, inclusive, Block 31
 - Lots 26 – 35, inclusive, Block 51
 - Phase 8**
 - Lots 30 - 37, inclusive, Block 41
 - Phase 9**
 - Lots 38 – 45, inclusive, Block 40
 - Lots 46 – 53, inclusive, Block 40
 - Lots 17 – 25, inclusive, Block 42
7. If the developer does not dedicate the required 10% of Municipal Reserve then the remainder shall be provided as cash in lieu of land;
8. An access easement shall be registered on Lot 1, Block 50 that aligns with the path system within the development.

CARRIED UNANIMOUSLY

MacDonald Island Park Redevelopment Project Budget Amendment

Resolution # 07-208

MOVED by Councillor Carbery:

- THAT the MacDonald Island Park Redevelopment Project Capital Budget of \$106,812,374 be increased to \$147,077,027, comprised of \$24,124,374 Municipal Reserve, \$117,352,653 debenture borrowing, and \$5,600,000 in other revenue.
- THAT a debenture borrowing bylaw amendment be brought forward which reflects the increased borrowing requirement of \$117,352,653.

It was requested that the MacDonald Island Park Redevelopment Steering Committee report to Council on, at minimum, a quarterly basis.

CARRIED UNANIMOUSLY

Tender Award – MacDonald Island Park Redevelopment Project – T11 – Phase III - Aquatics Centre Construction

Resolution # 07-209

MOVED by Councillor Vyboh that the contract for T11 – Phase III – Aquatics Centre construction be awarded to the companies identified in the Schedule A – Analysis of Bid Package T11, dated March 24, 2007, at a total cost of \$54,238,262 plus G.S.T.

CARRIED UNANIMOUSLY

BYLAWS:

Bylaw No. 07/009 – Debenture Borrowing Bylaw – Fort McMurray Fire Department Water Tanker Replacement

Resolution # 07-210

MOVED by Councillor Meagher that Bylaw No. 07/009, being a debenture borrowing bylaw for the Fort McMurray Fire Department Replacement Tanker, be read a second time.

CARRIED UNANIMOUSLY

Resolution # 07-211

MOVED by Councillor Meagher that Bylaw No. 07/009 be read a third and final time.

CARRIED UNANIMOUSLY

Bylaw No. 07/038 - Land Use Bylaw Amendment – Lot 2, Block 23, Plan 762 0533 (140 MacAlpine Crescent)

Resolution # 07-212

MOVED by Councillor Carbery that Bylaw No. 07/038, being a Land Use Bylaw Amendment – Lot 2, Block 23, Plan 762 0533, be read a second time.

CARRIED UNANIMOUSLY

Resolution # 07-213

MOVED by Councillor Vyboh that Bylaw No. 07/038 be read a third and final time.

CARRIED UNANIMOUSLY

Bylaw No. 07/035 - Water Utilities Management Bylaw

Resolution # 07-214

MOVED by Councillor Meagher that Bylaw No. 07/035, being the Water Utilities Management Bylaw, be read a first time.

CARRIED UNANIMOUSLY

Bylaw No. 07/037 - 2007 Tax Rate Bylaw

Resolution # 07-215

MOVED by Councillor Clarkson:

- THAT the Total Tax Burden Strategy be suspended;
- THAT the 2007 Operating Budget be amended by allocating an additional \$45.5M tax revenue to the Capital Infrastructure Reserve, subject to the 2007 Tax Rate Bylaw No. 07/037 receiving third and final reading; and
- THAT Bylaw No. 07/037 being the 2007 Tax Rate Bylaw be read a first time.

CARRIED UNANIMOUSLY

NEW BUSINESS:

Notice of Motion re: Banning of Plastic Garbage Bags (Councillor Vyboh)

Resolution # 07-216

MOVED by Councillor Vyboh that Administration explore the feasibility of banning the usage of plastic grocery bags in the community to lessen the impact on the environment.

Councillor Vyboh provided an overview of the intent of the motion, noting the first order of conservation is reduction. He then provided statistics about other municipalities that have implemented plastic grocery bag bans, and requested that Council support this initiative.

CARRIED UNANIMOUSLY

Notice of Motion – Low-Flow Toilets

Councillor Carbery served notice that the following motion will be brought forward for Council’s consideration on May 22, 2007:

“THAT the Regional Municipality of Wood Buffalo install low flow toilets and other low-flow devices in all municipal buildings as soon as possible.”

Notice of Motion – Temporary Rent Regulation

Councillor Vyboh served notice that the following motion will be brought forward for Council’s consideration on May 22, 2007:

“THAT Council call on the provincial government for a one-time, one year long temporary rent regulation measure that would limit rent increase within that period to a maximum of 10%.”

ADJOURNMENT:

Resolution # 07-217

MOVED by Councillor Meagher that the meeting be adjourned.

CARRIED UNANIMOUSLY

The meeting adjourned at 10:39 p.m.

MAYOR

CHIEF LEGISLATIVE OFFICER

MINUTES OF A PUBLIC HEARING OF THE COUNCIL OF THE REGIONAL MUNICIPALITY OF WOOD BUFFALO HELD IN THE COUNCIL CHAMBERS AT THE MUNICIPAL OFFICES IN FORT McMURRAY, ON TUESDAY, MAY 8, 2007.

PRESENT:	MAYOR	M. BLAKE
	DEPUTY MAYOR	S. GERMAIN
	COUNCILLORS	J. CARBERY J. CHADI S. CLARKSON L. FLETT P. MEAGHER R. REBUS J. VYBOH L. WILTZEN
	CHIEF ADMINISTRATIVE OFFICER	B. NEWELL
	CHIEF LEGISLATIVE OFFICER	K. GREIG
	LEGISLATIVE OFFICER	C. CHISLETT
ABSENT:	COUNCILLOR	C. SLADE

CALL TO ORDER

Mayor Blake called the Public Hearing to order at 6:05 p.m.

PUBLIC HEARING RE: BYLAW NO. 07/004 - CLOSURE OF UNDEVELOPED ROAD ALLOWANCE IN PARCEL F AREA OF TIMBERLEA

A. Opening Statement

Mr. Dennis Peck, Superintendent, Current Planning

Mr. Peck advised that the proposed bylaw deals with an administrative matter related to the development of Parcel F. Council had previously passed a bylaw effecting the closure of the road allowance, however, due to some ambiguity in the legal description, the bylaw could not be registered at Land Titles. The proposed closure is supported by the Planning & Development Department.

B. Written Presentations

There were no written presentations

C. Verbal Presentations

No verbal presentation requests were received.

D. Other Verbal Presentations (Time Permitting and with Consent of Council)

There were no requests to address Council.

E. Questions of Council

There were no questions from Council.

F. Closing Statement

There was no closing statement.

**PUBLIC HEARING RE: BYLAW NO. 07/036 – LAND USE BYLAW AMENDMENT –
SERVICING CAPACITY**

A. Opening Statement

Mr. Dennis Peck, Superintendent, Current Planning

Mr. Peck advised that Administration is bringing forth a text amendment to the Land Use Bylaw to convert all permitted uses south of the Athabasca River to discretionary uses. The amendment is designed to address a unique condition and manage risk, and is a planning response to an engineering challenge. The text amendment is not a full response, but is part of a management strategy to ensure continued delivery of services. It doesn't represent a halt to development, but rather the need for greater flexibility.

The 2002 Lower Townsite East End Servicing Study determined that existing infrastructure does not have sufficient capacity without significant improvement; many improvements are recommended but have to be implemented. The 2005 municipal census indicated the addition of 7536 residents to the system since 2000; however, studies indicated that the system capacity could handle only an additional 7000 residents. An engineering study completed in 2005 indicated that the trunk sewer is operating at near or above capacity, and there is significant risk that any further increase will result in surcharging with potential sewer back-up and flooding. A further study in 2007 concluded that the south sanitary trunk may have some spare capacity remaining in the short term, however, due to the uncertainty of flows, the possibility of flooding remains. Allowing development to continue in accordance with the existing Land Use Bylaw may result in flooding during a major wet weather event. As such, rezoning and development of land needs to be deferred until the sanitary trunk upgrade is underway, and a sanitary master plan must be completed before any further development of the lower townsite. The 2007 study also highlighted that building out to the level identified in the Land Use Bylaw is beyond the capacity of the existing infrastructure, unless it undergoes significant upgrade.

Mr. Peck also noted that Operations and Maintenance staff have to undertake extraordinary measures to ensure that the system continues to operate and provide the level of service that residents have come to expect. The studies that have been conducted, along with the direct experience of staff on a daily basis, highlights the need to manage the risk associated with the demands to the system. The improvements that will create the capacity needed are intended to be in place by the end of 2008, however, there are numerous situations and conditions beyond the Municipality's control which may create delays.

In discussing the matter with the Municipality's legal counsel, it was determined that the best option to deal with the unique and unprecedented challenge, is to change permitted uses to discretionary uses. Mr. Peck advised that approval of development applications would then be subject to meeting two key criteria, being no net effluent increase, and a reasonable expectation that the development will not need to connect to or access the system until after the needed improvements have been made. As the Municipality proceeds with upgrading of the infrastructure, the second criteria will become less of an imposition. Mr. Peck concluded by reiterating that the driving force behind the proposed amendment is the need to ensure an appropriate management response to challenges in the extremely complicated development atmosphere being experienced in the Municipality.

B. Written Presentations

There were no written presentations

C. Verbal Presentations

Mr. Don Farris, resident, expressed opposition to the proposed bylaw, citing concerns related to an existing shortage of commercial and industrial space in Fort McMurray; the potential halting of development resulting in higher rental rates and operational costs; and the future potential usability of lands in the subject area. Mr. Farris concluded by asking that conditions be placed only on those properties that are seeking rezoning to allow for higher densities.

Mr. Ian Dirom, resident, expressed opposition to the proposed bylaw, citing concerns with the speed and transparency of the process, lack of public participation, and the removal of a property owner's development rights. Mr. Dirom expressed his belief that the proposed bylaw is completely unnecessary and will only serve to devalue impacted properties. Mr. Dirom concluded by asking that Council reject the proposed bylaw and seek further engineering and legal opinions, in addition to obtaining more public feedback with respect to potential solutions.

Mr. Dave Marshall, property owner, expressed opposition to the proposed bylaw, and indicated his belief that the context and numbers cited in the sanitary sewer servicing report with respect to population and usage are incorrect. Based on his calculations, Mr. Marshall indicated that the Municipality is presently at about 40 percent of the identified additional capacity and that decisions have been made based on inaccurate information. While this is not a crisis, there is a definite need for immediate action, including the change-out of Pump 1A to help alleviate the existing problems. Mr. Marshall then requested that the bylaw not proceed because based on the

timeframes associated the changing out of Pump 1A, being approximately 18 months, versus the approximately 24-27 months that typically take place from development to occupancy.

Mr. Gary Shantz, developer and 30 year resident, expressed opposition to the proposed bylaw. Mr. Shantz made reference to his previous involvement in municipal initiatives, and noted that the manner in which this bylaw is being handled is contrary to municipal policy. He questioned the motivation of staff in relation to this issue, particularly as it would place Administration in a position of unchecked power.

Ms. Debbie McGlennon, UDI Wood Buffalo, expressed opposition to the proposed by law because she believes that it will affect the supply of homes in the community. Fort McMurray is in need of housing, office and retail space in the downtown core and that this motion will not achieve that; it will send capital, investors and builders elsewhere, thereby reducing supply and affordability. In addition, the report from Associated Engineering Ltd. was presented on April 24th, however, not dated and signed until April 27th, therefore should not have been used as a reference tool in developing the bylaw. Ms. McGlennon also indicated that rain water systems should be disconnected from the sewer system.

Mr. Andrew Thorne, Thorne, & Thorne, commercial & residential lawyer and land owner downtown, expressed his opposition to the bylaw. Mr. Thorne would like to see specific criteria that are ascertainable at all times. He stated that he has had a couple of transactions collapse because prospective purchasers are not willing to touch this area due to this bylaw. This will have a negative impact on current owners because it will drop property prices down and also on commercial tenants because they will be faced with increased rents if there are no alternatives.

Mr. Carmelo Daprocida, builder, developer and property owner, expressed his opposition to this bylaw. He believes that there are other options and that the improvements to the system should be undertaken immediately. Also had concerns over the timing of development vs. upgrades.

D. Other Verbal Presentations (Time Permitting and with Consent of Council)

Mr. Jim Rogers, resident, expressed concern with respect to the nature of development taking place within the region, particularly in terms of higher densities and distance from the existing community. He indicated a desire to see a solid vision of the future of the Municipality, rather than one driven by developers, and expressed support for the intent of the proposed amendment.

Mr. Byron Bailey, resident, suggested that the Municipality look to other communities, such as the City of Kelowna, that have dealt with similar issues in an innovative fashion. He indicated that the Municipality must put temporary solutions in place in order to adequately create permanent solutions, while at the same time, not hindering development. Mr. Bailey then requested that the bylaw, as written, not be supported.

E. Questions of Council

The following clarifications were provided in response to questions from Council:

- Evidence of surcharging is identified in the water levels of manholes, and, in some cases, by actual overflows.
- The built-out scenario involves looking at the zoning (density) allowed and making a reasonable estimate as to what is built on the property and the demands it would make on the system.
- The area south and east of the Athabasca River includes zoning for a large industrial area in which all uses are conditionally approved, as well as a full spectrum of land use types.
- The development permit for Bond Towers is already in place and must be included in calculations, as there is no way of determining if development will proceed.
- With respect to community consultation, the Municipality's interventions through the Alberta Energy & Utilities Board were well publicized and identified the infrastructure concerns and lack of capacity on many issues, including servicing. Discussions also took place with many developers in terms of what the impacts may be.
- The proposed bylaw is not intended to be a solution, but is intended to be a means of managing risk.
- In terms of build-out numbers, some areas are at full capacity while others are 120-130% over capacity.
- The lift station pump is operating beyond its design capacity, with little time off. Staff used to clean the pump on an average of twice weekly in 2002, but in 2007 are cleaning it twice per day.
- The issue of rainwater going into the sewage system is one that was fairly standard in many communities several years ago, but this now contributes to the capacity issue and the roof leaders should be disconnected. The Municipality will be bringing forward a new Sanitary Sewer Bylaw which would give Administration authority to direct weeping tile connections to be terminated and switched to surface drainage with sump pits, as needed.
- The worst case scenario, in the event that the amendment is not approved, is that a major storm event would occur, causing the sewer system to surcharge and overflow, thereby creating a non-compliance issue with environment, flooding of basements and surcharging in buildings.
- As of May 1, 2007, there are 17 development applications pending, which would involve housing for approximately 1200 people and 156 motel rooms.
- The report identifies a series of options that Administration will be exploring. The Town of Canmore recently experienced significant problems and was able to achieve a drop in water consumption by implementing certain measures. It is expected that additional capacity can be found in the Municipality's wastewater system by implementing similar options.
- If every household and hotel in the Municipality were to install a low-flow toilet, a 30% reduction in water consumption would be realized.
- In the event that a sewer back-up does occur, any resulting claims would be dealt with through the Municipality.
- A two week delay has not been considered as an answer because developers need to know where they stand prior to going forward with development.
- The risk to the current residents in the affected area is lessened if the Municipality is able to

proceed with the noted engineering upgrades and can hit the scheduled upgrades as planned. There is still risk but not as extensive as doing nothing would bring.

- The future is hard to predict in determining how many applications for development will be received in the next year and a half. The discretionary use provides the Municipality with some flexibility in terms of getting the upgrades completed without placing more stress on the system.

Mr. Kim Wakefield, Fraser Milner Casgrain LLP

Mr. Wakefield advised that he is the Municipality's legal counsel in this matter. He explained that the Municipality may have permitted uses, discretionary uses, or a combination of the two in a given zone or district. The Supreme Court of Canada has ruled that a freeze on development, if done for the purpose of ensuring planned, sustainable economic development, is legally acceptable. The Municipality is not proposing a freeze. Mr. Wakefield indicated that, from a legal perspective, the risk to the Municipality could be even greater if it were to allow development to proceed and then deny occupancy until such time as the infrastructure catches up. Another potential difficulty is posed by the fact that if the Municipality does nothing and there are problems with floods and sewer back-ups, it is possible that those adversely affected could initiate legal action because Council was aware the problem existed and chose to allow development to continue unchecked. Mr. Wakefield indicated that the proposed bylaw presents the middle-of-the-road option, whereas doing nothing or implementing a freeze would be considered extremes.

F. Closing Statement

Ms. Beth Sanders, Manager, Planning & Development

Ms. Sanders reiterated that the proposed discretionary use is a mechanism to allow development to continue to proceed, while at the same time managing risk to the Regional Municipality of Wood Buffalo.

**PUBLIC HEARING RE: BYLAW NO. 07/038 - LAND USE BYLAW AMENDMENT –
LOT 2, BLOCK 23, PLAN 762 0533 (140 MACALPINE CRESCENT)**

A. Opening Statement

Mr. Dennis Peck, Superintendent, Current Planning

Mr. Peck advised that the proposed Land Use Bylaw Amendment is required to rezone the subject property, located at 140 MacAlpine Crescent, from PS-Public Service to BI-Business Industrial to accommodate municipal infrastructure. The Planning & Development Department supports the proposed amendment.

B. Written Presentations

There were no written presentations

C. Verbal Presentations

No verbal presentation requests were received.

D. Other Verbal Presentations (Time Permitting and with Consent of Council)

There were no requests to address Council.

E. Questions of Council

There were no questions of Council.

F. Closing Statement

No closing statement

CLOSURE OF PUBLIC HEARINGS

Resolution # 07-218

MOVED by Councillor Meagher that the public hearings
be closed.

CARRIED UNANIMOUSLY

The public hearing closed at 8:18 p.m.

MAYOR

CHIEF LEGISLATIVE OFFICER