



AGENDA

Regular Meeting of Council

5:30 PM - Tuesday, April 11, 2023
Council Chambers

Page

1. CALL TO ORDER:

Mayor Ray Wildeman called the Regular Council Meeting of April 11, 2023, to order at ____ PM.

2. ACCEPTANCE OF AGENDA:

- 2.1. Acceptance of the Agenda for the Regular Meeting of Council on April 11, 2023.

that the agenda for the Regular Meeting of Council on April 11, 2023, be accepted as presented/amended.

3. ADOPTION OF THE PREVIOUS MINUTES:

4 - 7

- 3.1. Regular Meeting of Council - March 27, 2023.

[Regular Meeting of Council - 27 Mar 2023 - Minutes - Pdf](#)

that the minutes from the Regular Meeting of Council on March 27, 2023, be accepted as presented/amended.

4. DELEGATIONS:

8 - 13

- 4.1. Building Permit Concerns (John Hamm) - 5:35 - 5:45 PM

[John Hamm - Schedule of Events](#)

5. BUSINESS ARISING OUT OF THE MINUTES / OLD BUSINESS:

6. BYLAWS:

7. NEW BUSINESS:

14 - 17

- 7.1. Kneehill Historical Society - Connection Building Request

[Request For Decision- RFD-23-025 - Pdf](#)

that Council approves the request from the Kneehill Historical Society for the Connections Building to be placed on Town-owned land.

18 - 20

- 7.2. Drainage Compensation Agreement Extension

[Request For Decision- RFD-23-028 - Pdf](#)

that Council approves a 10 year extension to the drainage compensation agreement amendment with Paul Van Doren.

21 - 30

- 7.3. Chief Administrative Officer - Performance Evaluation Template

[Request For Decision- RFD-23-029 - Pdf](#)

31 - 43

- 7.4. Permit Fee Waiver Request

[Request For Decision- RFD-23-024 - Pdf](#)

that Council denies the double permit fee waiver request for Building Permit No 316316-23-B0002.

44 - 49

- 7.5. Kneehill County - Town of Three Hills Enforcement Services Agreement

[Request For Decision- RFD-23-026 - Pdf](#)

that Council accepts the Shared Enforcement Services Agreement, as presented.

50 - 53

- 7.6. Landfill Cell Expansion

[Request For Decision- RFD-23-027 - Pdf](#)

that Council accepts the information, as presented.

8. COUNCIL REPORTS:

8.1. Deputy Mayor Dennis Hazelton

8.2. Councillor Miriam Kirk

8.3. Councillor Byrne Lammle

8.4. Councillor Marilyn Sept

that the Councillors' reports be accepted as information presented.

54 - 55

8.5. Mayor Ray Wildeman

[Spring Caucus of Alberta Municipalities](#)

that the Mayor's reports be accepted as information presented.

9. CORRESPONDENCE:

56

9.1. Minister of Municipal Affairs

[Honourable Rebecca Schulz re JUPAs](#)

57

9.2. Three Hills School Senior Girls Basketball Team

[Three Hills School Sr Basketball - Thanks to Council](#)

that Council acknowledges receipt of the correspondence.

10. CLOSED SESSION:

11. ADJOURNMENT

Mayor Ray Wildeman adjourned the Regular Council Meeting of April 11, 2023, at ____ PM.



MINUTES

Regular Meeting of Council Meeting

5:30 PM - Monday, March 27, 2023
Council Chambers

The Regular Meeting of Council of the Three Hills was called to order on Monday, March 27, 2023, in the Council Chambers, with the following members present:

PRESENT: Mayor Ray Wildeman
Councillor Marilyn Sept
Councillor Byrne Lammle
Deputy Mayor Dennis Hazelton
Councillor Miriam Kirk

ALSO PRESENT: Ryan Leuzinger, CAO
Greg Towne, Director of Finance
Grant Gyurkovits, Director of Operations & Infrastructure
Kristy Sidock, Director of Community Services
Lisa Gannon, Executive Assistant

1. **CALL TO ORDER:**

Mayor Ray Wildeman called the Regular Council Meeting of March 27, 2023 to order at 5:30 PM.

2. **ACCEPTANCE OF AGENDA:**

2.1. ***Acceptance of the Agenda for the Regular Meeting of Council on March 27, 2023.***

060-2023 Moved by Councillor Byrne Lammle that the agenda for the Regular Meeting of Council on March 27, 2023, be accepted as amended, with the following addition:
Item 4: Closed Session - Section 29 of the *Freedom of Information and Protection of Privacy Act* - Information that is or will be available to the Public - Public Messaging

CARRIED

3. **ADOPTION OF THE PREVIOUS MINUTES:**

3.1. ***Regular Meeting of Council - March 13, 2023***

061-2023 Moved by Councillor Miriam Kirk that the minutes from the Regular Meeting of Council on March 13, 2023, be accepted as presented.

CAO

Mayor

CARRIED

4. **CLOSED SESSION:**

062-2023 Moved by Councillor Marilyn Sept that Council move into Closed Session at 5:31 PM to discuss the following items:

CARRIED

4.1. ***Section 29 of the Freedom of Information and Protection of Privacy Act - Information that will become available to the public - Public Messaging.***

063-2023 Moved by Deputy Mayor Dennis Hazelton that Council move back into Open Session at 6:18 PM.

CARRIED

064-2023 Moved by Mayor Ray Wildeman that a public message go forward out of discussion, that messaging shall read as follows:

"Thank you for your message regarding the upcoming private event booked at our swimming pool. The event is booked privately and the Town of Three Hills is not sponsoring or promoting this event. However, the Town of Three Hills is committed to providing recreational opportunities to all people and to be compliant with provincial Human Rights legislation.

We appreciate concerns expressed on all sides of this issue, and we continue to closely examine this unique and evolving issue.

Thanks."

UNANIMOUSLY CARRIED

5. **MANAGEMENT REPORTS:**

5.1. ***Chief Administrative Officer Report***

5.2. ***Director of Finance Report***

5.3. ***Director of Community Services Report***

5.4. ***Director of Operations and Infrastructure Report***

Kristy Sidock left the meeting at 6:42 PM and returned at 6:45 PM.

065-2023 Moved by Councillor Byrne Lammle that the Management Reports be accepted as presented.

CARRIED

6. **NEW BUSINESS:**

6.1. ***Municipal Grants to Community Groups - 2023 Intake***

CAO

Mayor

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- 066-2023** Moved by Councillor Miriam Kirk that Council directs Administration to distribute \$20,000 to Municipal Grants to Community Groups as follows:
- \$5,000 to the Golf Course
 - \$5,000 to the Hillside Lanes Bowling Society
 - \$10,000 to the Kneehill Historical Society.

CARRIED

7. COUNCIL REPORTS:

Lisa Gannon left the meeting at 7:09 PM and returned at 7:11 PM.

7.1. *Deputy Mayor Dennis Hazelton*

Kneehill Housing Corporation
Strategic Planning Session

7.2. *Councillor Miriam Kirk*

Three Hills Library Board
Strategic Planning Session

7.3. *Councillor Byrne Lammle*

Three Hills & District Chamber of Commerce
Kneehill Housing Corporation
Strategic Planning Session

7.4. *Councillor Marilyn Sept*

Strategic Planning

- 067-2023** Moved by Councillor Marilyn Sept that the Councillors' reports be accepted as information presented.

CARRIED

7.5. *Mayor Ray Wildeman*

Strategic Planning

- 068-2023** Moved by Deputy Mayor Dennis Hazelton that the Mayor's reports be accepted as information presented.

CARRIED

8. CORRESPONDENCE:

8.1. *American Public Works Association - Alberta Chapter*

8.2. *ATCO Report to Communities*

8.3. *Letter of Concern*

069-2023 Moved by Mayor Ray Wildeman that Council acknowledges receipt of the correspondence.

CARRIED

Council recessed at 7:28 PM and resumed at 7:36 PM.

9. CLOSED SESSION:

070-2023 Moved by Councillor Byrne Lammle that Council move into Closed Session at 7:38 PM to discuss the following items:

CARRIED

9.1. *Section 24 of the Freedom of Information and Protection of Privacy Act - Advice from Officials - Land Trade Offer*

071-2023 Moved by Councillor Miriam Kirk that Council move back into Open Session at 8:04 PM.

CARRIED

10. ADJOURNMENT

Mayor Ray Wildeman adjourned the Regular Council Meeting of March 27, 2023 at 8:04 PM.

CAO

Mayor

CAO

Mayor
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Home Place Self Storage – Sales and Rentals

103, 107, 121 3rd Street SE, Three Hills, AB

Timeline regarding SHIPPING CONTAINERS used for Sales and Rentals and Mini Storage – Mar 24/23

Apr 28/14 – First Shipping Container unloaded

May 6/14 – Sherry Reid sent email advising the need for a Development Permit

June 3/14 – MPC approved Dev Permit 61/900.020/14 for Outside Sales & Storage and Warehouse Sales on this property.

- Construction was to be per AB Bldg Code (The garage on the property was built in 2000.
- No mention of Shipping Containers as structures which required Building Permits.

Jan 26/15 – Sherry Reid on behalf of the Town of Three Hills rented a 20' container for 1+ years

June 14/22 – email Kristy S about setting up a fence and gate for the South portion of the Self Storage area.

July 11/22 – Ryan L emailed a letter to say that a Dev Permit would be required as Shipping Containers are a discretionary use in C1 – Commercial (my note – However, Mini Storage is a permitted use – LUB page 143)

- Reply to Ryan L and Kristy S that my June/14 Dev permit for these 3 properties was approved for storage which is still the current use.

July 12/22 – Kristy S emailed that my Dev Permit expired in June/16 and that a new Dev Permit would be required as well as Building Permits for every Shipping Container.

- Reply to Kristy S asking whether a new Dev Permit is required every 2 years as the business expands. The Shipping Containers have no permanent foundation and on occasion are sold, shipped, replaced, no different than RVs and Camper Trailers. A request was made for a copy of the Building Code that would apply to Shipping Containers.
- Kristy S replied that this discussion should be had with Park Enterprises on permits.
- Reply to Kristy S that a request has been sent to the Inspector.
- Kristy S replied that after 2 years, any new development like adding or moving Shipping Containers would need new permits as Shipping Containers are different

from RVs and Camper Trailers which are on wheels (my note – Shipping Containers are on skids and very readily moveable)

July 25/22 – Kristy S emailed to ask the status of the Dev Permit.

- Reply to Kristy S that the Inspector has not provided the Building Code Standard and noted the following from the Town of Three Hills Land Use Bylaw:
 - 2.43 – Shipping Containers are defined as moveable storage units (my note – Not as Structures)
 - 2.131 – Mini Storage is permitted use in C1
 - 7.15.1 – Shipping Containers are an Accessory Building only in Residential districts.
 - Requested the basis for Moveable Storage Units to be considered as structures requiring building permits and code inspections.
- Kristy S replied that she will ask the Inspector to reply.

July 29/22 – Nicole Paggett from Park Enterprises emailed to say that Shipping Containers are structures and fall under the definition of buildings in the Building Code and all code rules apply

- Nicole P sent a redacted order regarding Shipping Containers where the Safety Codes Council ruled that Shipping Containers are buildings.
 - One building permit would be sufficient for all of the Shipping Containers
 - She did not/could not reference to the Building Code where it states that Shipping Containers are structures/buildings.
- Reply to Nicole that a site visit with the Inspector would be needed. The Shipping Containers at this self storage have stipulations that flammable or explosive materials are not to be stored as the example in the redacted order
- Nicole replied that regardless of usage, Shipping Containers are considered buildings under the Building Code but she was unable to reference where that is stated in the Building Code (my note – an extensive search of the Alberta Building Code has not provided any substantive information in this regard)

Aug 1/22 – Reply to Nicole P to inquire when Shipping Containers became a structure in the Building Code.

Aug 2/22 – Nicole P emailed that the Building Code doesn't have code requirements specific to Shipping Containers and did not know/could not say when the change was made.

Aug 8/22 – Email Nicole P, Kristy S, Sara L to inquire if the Inspector would provide a written report of a site visit that would explain what will be required for approval of a Building Permit.

- Nicole P replied that the site visit should be documented and be a part of the permit application file. It should provide guidance required for Shipping Containers and their use as Mini Storage (my note – no written report has been provided)
- Reply to Nicole P that the \$125 fee for the site inspection has been paid to the Town of Three Hills which was confirmed by Sara L.

Aug 19/22 – Site visit with the Inspector after a few being rescheduled a few times.

Aug 23/22 – Email the Inspector to discuss measurements for the Building Permit

Aug 24/22 – The Inspector replied that he did not have any issue with allowing for small variations in the spatial requirements.

Aug 26/22 – Sara L emailed to ask about proceeding with the Building Permit after the Inspector's site visit.

- Reply to Sara L that a surveyor has been contacted to confirm the survey pin locations and that should be forthcoming.

Oct 7/22 – Kristy S emailed to advise that the original Dev Permit from 2014 is still valid!

- However, she pointed out that all construction would need to adhere to the Building Code (my note – Shipping Containers were not buildings in 2014 from all appearances as this was never pointed out before July, 2022)
- Also, Screening property by fencing (my note – This was being pursued in June, 2022 and waiting on the surveyor)

Oct 14/22 – email the Inspector to advise that the Old Dev Permit from 2014 was still valid and made inquiry of items from the site inspection in August, 2022.

Oct 19/22 – Call Before You Dig – the final of 3 approvals, from the Utilities department for the Town of Three Hills came in from Kristy S and the Fence construction was completed over the next 1 ½ weeks.

Jan 20/23 – Sara L emailed to follow up on submitting the Building Permit Application.

Jan 23/23 – Reply to Sara L that the Inspector had not responded to the Oct 14/22 email with certain questions. However, after a direct phone call, that was cleared up and an appointment was made to meet at the Town Office on Jan 24/23.

Jan 24/23 – Building Permit application was submitted. Sara L emailed the details of the fees including Doubling of the Fees for starting without a permit.

- Fees were charged at Relocated Building rates (my note – even the Inspection agency would say that the Shipping Containers only become buildings when they hit the ground and are no longer being used for moving goods)
- Reply to Sara L that the Relocation rates are higher than New Commercial Building Rates where an arbitrary value of \$55/sq ft is applied for mini-storage units (my note – and those would have permanent foundations)
- Sara L replied that the Relocating rates are less and besides the Shipping Containers are not new construction (my note – even though these Shipping Containers are NEW)
- Reply to Sara L, Kristy S, Nicole P that it was encouraged to pick up a Building Permit Application Package in the Town Office. In this package it was noted that Building Permit fees are NOT Doubled for starting a project without a permit until a second warning was issued. (my note – the only warning that was received was from Ryan L dated July 8/22 for a Dev Permit and not a Bldg permit.) These Shipping Containers have no foundation and are laid directly on the ground requiring no further construction. How can they be lumped in together with all traditional buildings.
- Sara L replied that the Town of Three Hills Master Fees for Doubling Permit Fees supersedes the Park Enterprises specific to Three Hills fees. (my note – so why does the Town use Park Enterprises advice when it is suitable to the Town, and then use Town information when it is also suitable to the Town)
- Reply to Sara L that I will be out of the country in 2 days and advise her that this will require more discussion to determine why sometimes Park Enterprises was the final word and sometimes the Town. This matter will need to be taken up with Town Council
- Phone Ray W to discuss about Shipping Containers as buildings vs portable storage units as per the LUB definition. He agreed that this would take more discussion on my return in about 1 month.

Jan 26/23 – Text Ray W that the self storage in Drumheller did not need to get Building Permits for their Shipping Containers that are in that yard. They are assessed just on the land value. (my note – about 4 years ago, the assessment on Home Place Self Storage improvements increased significantly. When an inquiry was made as to why, the assessor said that even though the self storage units at Home Place Self Storage were movable Shipping Containers that the practice in the province from his perspective was that Shipping Containers were assessed as buildings to level the playing field between the different styles of self storage facilities. He said that the assessment would be adjusted based on the number of Shipping Containers at time of assessment which would agree with the definition of Shipping Containers as portable storage units).

Feb 27/23 – Text Ray W about continuing discussions of Shipping Containers as Portable Storage Units vs Buildings but he was off on holidays the next day for 3 weeks.

Mar 20/23 – Nicole P emailed that the fees must be paid by Mar 31/23 to avoid an order for non compliance.

- Email Ray W about this deadline and for an opportunity to meet with Council on this. He will discuss with Ryan L.

Mar 22/23 – Ray W called to discuss this matter and suggested that the actual assessed fees be paid to the Town of Three Hills to avoid the order for non compliance which would happen on Mar 31/23. After this payment, he suggested approaching Town administration/council with a package of information and request a reversal or reduced fees with a possible council resolution.

Mar 23/23 – Left message for Ryan L about presenting to Council. He emailed instructions for a 10 minute delegation to Council.

- Email Ray W to say that 10 minutes would not do justice to this topic and that a decision would be in order.

Mar 24/23 – Ray W emailed that he will talk with Ryan L about what they can do.

Some concluding thoughts.

- In May, 2014, a Development Permit was applied for and approved on June 3/14 by the Town of Three Hills for a storage facility. Mini Storage was a discretionary use for C1 – Commercial District at that time. There was no requirement for Building Permits at that time.
- Jan 26/15 the Town of Three Hills was fully aware of shipping containers being used for mini storage as the Town entered into an agreement to rent a shipping container for over 1 year.
- July 8/22 – Ryan L issued a letter advising completion of the development permit process for the placement of shipping containers as this is a discretionary use in C1 – Commercial District.
- Upon review of the current Land Use Bylaw for the Town of Three Hills, Shipping Containers are defined as a moveable storage unit and Mini-Storage is defined as a building or storage facility. Mini-Storage is a permitted use in C1 – Commercial District, and Shipping Containers are discretionary but there was already a Development Permit approved.

- Oct 7/22 – Kristy S emailed to explain that the Development Permit from 2014 was still valid, which would cancel the requirements in the July 8/22 letter.
- Even though there is a valid Development Permit for Home Place Self Storage, there was still a request for a Building Permit application. However, checking with other businesses in the Town of Three Hills about whether they were ever faced with securing building permits for their Shipping Containers, the answer was always NO. Checking with a self storage facility in the City of Drumheller, the owner said that he did not have to get building permits for his Shipping Containers, and his property is assessed at Land only value, no improvements.
- The Shipping Containers at this property are part of a revolving inventory. Customers rent and purchase these containers at different times. As an example, Byrne Lammle purchased one of these containers in 2019 when it became available. How can building permits be applied to revolving inventory?

Final Request:

- If the original Development Permit is still valid and it did not require Building Permits for Shipping Containers, then why is a Building Permit required now?
- There was no mention of Building Permits required for Shipping Containers in the past.
- Because there was no warning given to apply for a Building Permit, and if indeed a Building Permit is required now, then the fees should not be doubled for starting work without a permit.
- If no other Shipping Containers brought into the Town of Three Hills have required Building Permits, then why is this property being singled out?
- If the fees referred to in the email from Nicole P on Mar 20/23 are indeed paid under duress of the Mar 31/23 deadline to avoid an Order for non compliance, then they should be refunded.

Thank you for your understanding,

John Hamm

Home Place Self Storage – Sales and Rentals

103, 107, 121 3rd Street SE

Three Hills, AB

Regular Meeting of Council

REQUEST FOR DECISION



To: Town Council
Subject: Kneehill Historical Society - Connection Building Request
Meeting: Regular Meeting of Council - 11 Apr 2023
Department: Planning & Development
Staff Contact: Kristy Sidock, Director of Community Services

Strategic Priorities:

Infrastructure Upgrades	Human Infrastructure and Resources	Connectivity with the Community	Collaborative Partnerships	Pumphouse Construction	Residual Management Facility Construction

RECOMMENDATION:

"...that Council approves the request from the Kneehill Historical Society for the Connections Building to be placed on Town-owned land"

BACKGROUND AND DISCUSSION:

The Kneehill Historical Museum is located within the Town of Three Hills Recreation Park. The Museum is governed by a group of dedicated individuals who form the Kneehill Historical Society. The Museum boasts a wide variety of items that give visitors a glimpse into the lives of the pioneers that once lived in the Three Hills area. Over the past five years, the society has added the School House and the Creekside Teacherage to the site, further enhancing the experience.

Administration has been working with the Historical Society to prepare for the submission of their Development Permit for the construction of the Connections Building. The Connections Building will link the primary Museum building to the Agricultural Shed. By constructing the two-story Connections building, the museum interpreters can expand on the experiences available. Attached is a sketched map showing where the Society would like to construct the building. As part of the Development Permit process, the Society is required to have a letter of authorization from the Landowner. The Town of Three Hills owns the land where the Connections building would be constructed.

The Historical Society has applied for the Community Facility Enhancement Program Grant to help fund the cost of the building. In January of 2023, Town Council provided a letter of support to the

Society for their grant application. The Society has indicated that if they are not successful in receiving the grant they would still like to proceed with constructing the shell of the building this year.

FINANCIAL AND STAFFING IMPLICATIONS:


There is no financial or staffing implications.

FOLLOW UP ACTION:

Should Council approve the location of the Connections building, Administration will write a letter of authorization to be submitted with the Development Permit by April 14, 2023.

ATTACHMENTS:

[2023.01.10 Kneehill Historical Society - Letter fo Support](#)
[Current Site Layout](#)


Ryan Leuzinger, CAO



Town of **THREE HILLS**

January 10, 2023

To Whom It May Concern

RE: Letter of Support for the Kneehill Historical Society

On behalf of Council for the Town of Three Hills, please accept this letter of support as our endorsement for the Kneehill Historical Society Community Facility Enhancement Program Grant Application for their Connections Building.

We believe this Grant will provide tremendous benefit to the residents of the community. The connecting building will allow visitors to traverse through the museum complex in any weather conditions, and will allow the Society to expand tours for visitors of all ages.

Should you wish to discuss this matter further, please do not hesitate to contact me.

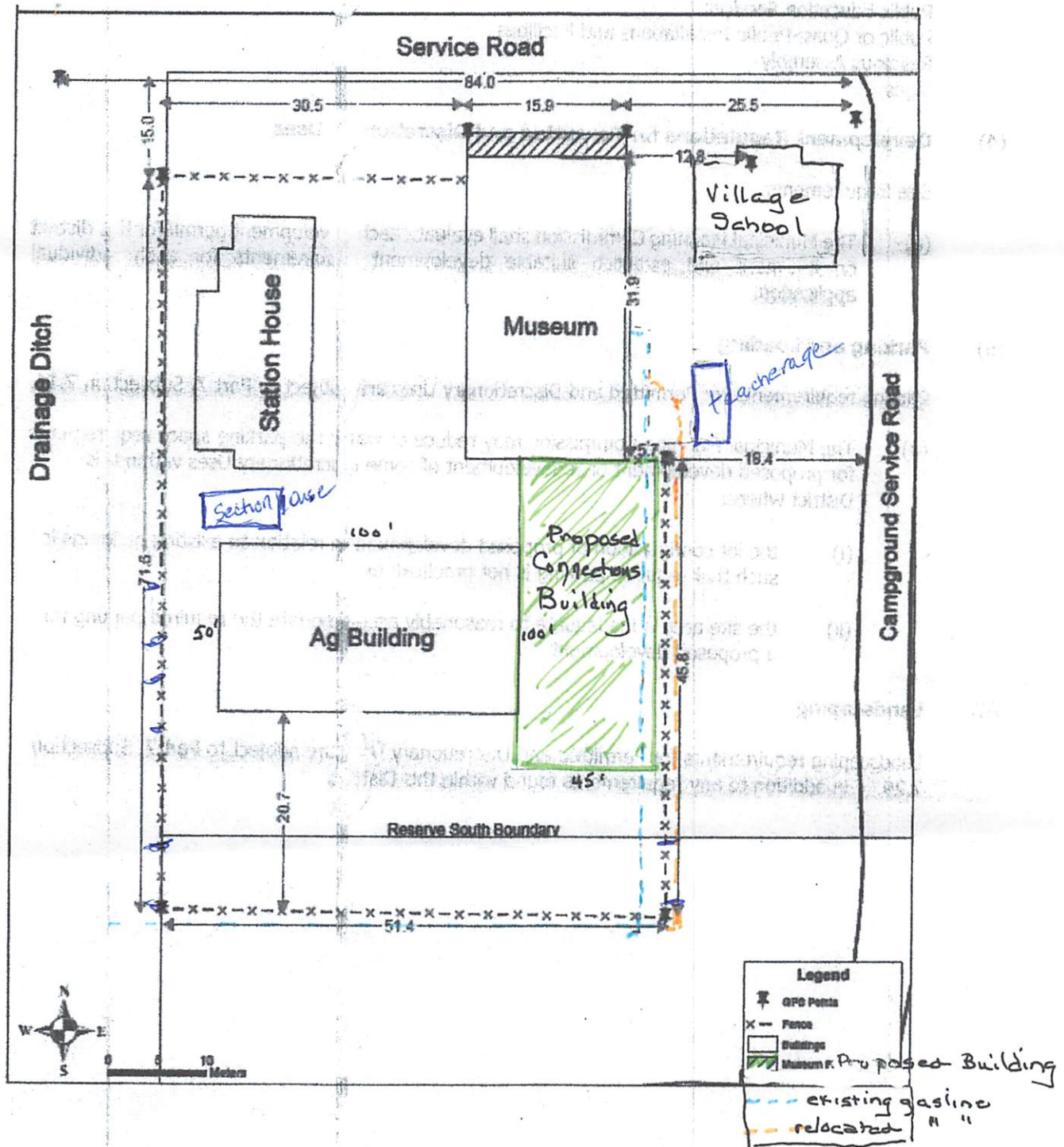
Sincerely,



Ryan Leuzinger
Chief Administrative Officer

Proposal: Gasline Relocation from inside East Fence to Outside East Fence

Current Site Layout



Regular Meeting of Council

REQUEST FOR DECISION



To: Council
Subject: Drainage Compensation Agreement Extension
Meeting: Regular Meeting of Council - 11 Apr 2023
Department: Utilities
Staff Contact: Ryan Leuzinger, CAO

Strategic Priorities:



RECOMMENDATION:

that Council approves a 10 year extension to the drainage compensation agreement amendment with Paul Van Doren.

BACKGROUND AND DISCUSSION:

Background

The Town has held a drainage compensation agreement with the Van Doren family since 2004 for the drainage water that the Town has added to the drainage course that runs across their land south and southeast of the Towns' baseball diamonds (as shown in the attached map). The current agreement concluded on December 31, 2021; however, both parties have been abiding by the terms of this agreement after the expiration date with the hopes of developing a more permanent drainage solution thus effectively extending the agreement on a year to year basis since.

The Town applied for a grant in 2022 for a more permanent solution; however, that was denied. As such, this has reinforced the long term need of maintaining the drainage compensation agreement until a more permanent solution can be developed. The recommended amendment would include a term of 10 years and \$6,000 per year.

The only recommended changes to the agreement would be the term.

Options

- 1) Approve the 10 year drainage compensation agreement amendment for \$6,000 per year.
- 2) Approve the drainage compensation agreement amendment with a different term.
- 3) Provide Administration with direction as per the wishes of Council.

FINANCIAL AND STAFFING IMPLICATIONS:


\$6,000 per year will be included within the annual Operating Budget. This has been a consistent amount since 2015.

FOLLOW UP ACTION:

Should Council approve this approach, a meeting has been scheduled with the landowner on April 14, 2023 to sign the contract amendment.

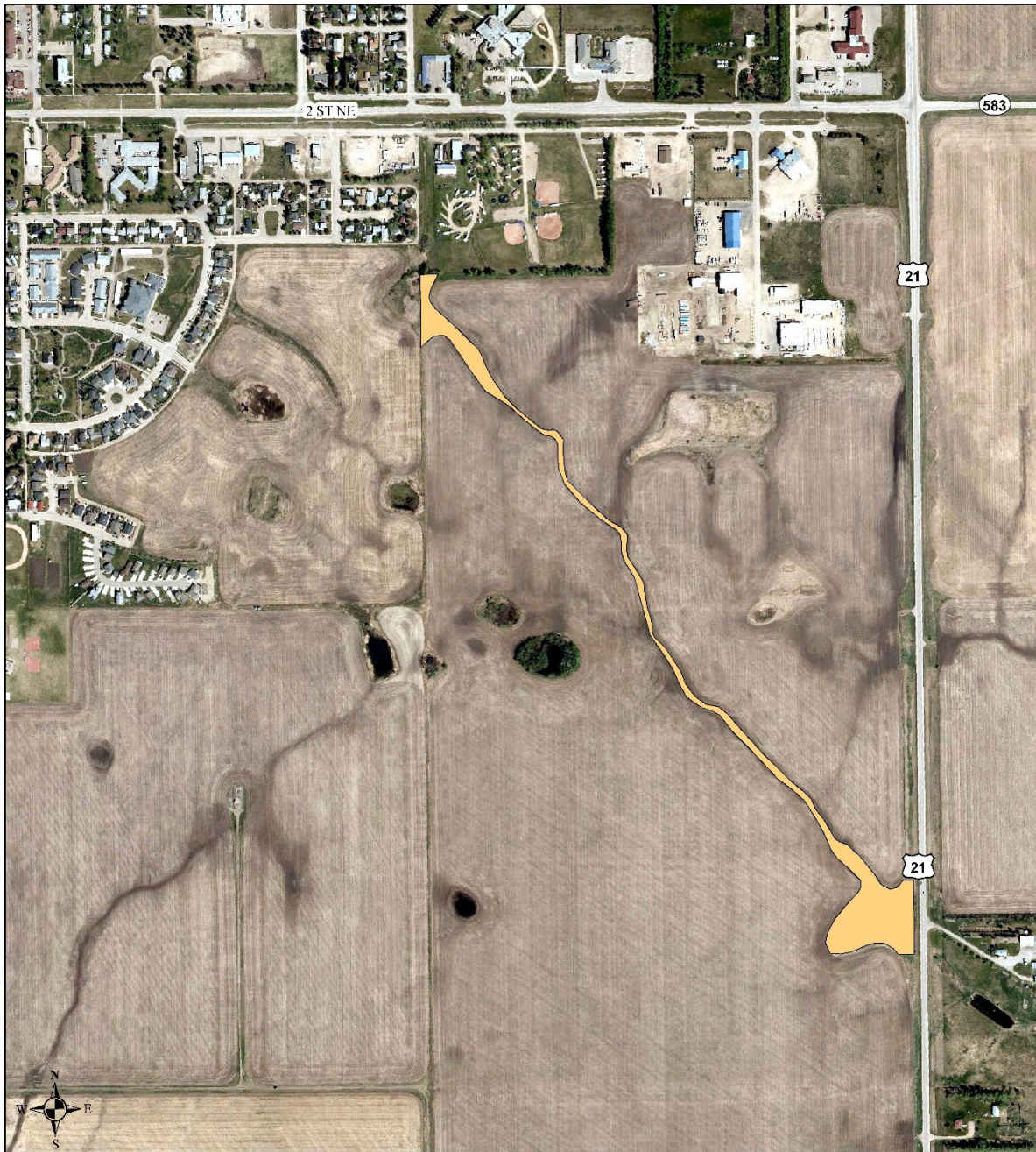
ATTACHMENTS:

[Drainage Map](#)



Ryan Leuzinger, CAO

Drainage Map 2019



Drainage Map
2019

 Drainage Area = 7.73 Acres

THIS DRAWING IS THE PROPERTY OF THE TOWN OF THREE HILLS AND MUST BE RETURNED TO THE TOWN OF THREE HILLS UPON REQUEST. ANY INFORMATION OBTAINED BY INSPECTION OF THIS DRAWING SHALL NOT BE USED FOR ANY PURPOSE NOT INTENDED OR AUTHORIZED BY THE TOWN OF THREE HILLS.

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SCALE: 1:8400

CREATED: February 11, 2022, KS


Regular Meeting of Council

REQUEST FOR DECISION



To: Council
Subject: Chief Administrative Officer - Performance Evaluation Template
Meeting: Regular Meeting of Council - 11 Apr 2023
Department: Council
Staff Contact: Ryan Leuzinger, CAO

Strategic Priorities:

					
Infrastructure Upgrades	Human Infrastructure and Resources	Connectivity with the Community	Collaborative Partnerships	Pumphouse Construction	Residual Management Facility Construction

BACKGROUND AND DISCUSSION:

Under S. 205.1 of the *Municipal Government Act*, Council must carry out an annual written performance evaluation of the Chief Administrative Officer (CAO). Prior to the 2022 CAO Performance Evaluation, Council developed a template to be used, as attached. For the 2022 process, each individual member of Council completed an evaluation and submitted it to the Mayor and Mayor Wildeman put together a cumulative review. Once this was completed, Council as a whole reviewed the evaluation prior to presenting it to CAO Leuzinger, in a closed session. Last year, the process began late March (developing the template) and concluded in early June 2022 with finalizing the CAO Performance Evaluation.

Options

- 1) Utilize the current/existing CAO Performance Evaluation template and process.
- 2) Make amendments to the current CAO Performance Evaluation template and process.

FINANCIAL AND STAFFING IMPLICATIONS:

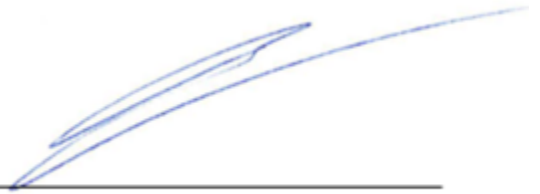
N/A

FOLLOW UP ACTION:

Council will work through the performance evaluation process with the CAO, completing the evaluation prior to the end of July.

ATTACHMENTS:

[CAO Performance Evaluation Template](#)


Ryan Leuzinger, CAO

CAO Performance Evaluation User Guide

Under Section 205 of the Municipal Government Act (MGA), Council must by bylaw establish the position of Chief Administrative Officer (CAO). Every Council must appoint one or more persons to carry out the powers, duties and functions of the position. In doing so, Council recognizes its fundamental role of setting policy and allowing administration to implement the policy.

The performance of the CAO can have such a direct and lasting impact on the ability of Council to carry out its mandate that a functional and successful relationship should be viewed as essential. It is in everyone's best interests that an atmosphere of trust, respect and transparency develop and characterize this relationship.

A performance appraisal should be expected:

- To formally discuss the relationship between the Municipality and the CAO.
- To relate performance to the role, responsibilities, authority and duties as defined by the MGA, the bylaws and policies and the job description.
- To set objectives and criteria for future evaluation.
- To recognize strengths and weaknesses and reward or correct them.
- To serve as a basis for salary adjustment.

CAO Performance Evaluation: MANAGEMENT AND LEADERSHIP EFFECTIVENESS

Rate each of the following according to your perception of the performance of the CAO in the past year. Please provide comments or examples to illustrate the rating.

0 - Don't Know
1 - Falls short of requirements
Rating from 0 - 4: 2 - Meets requirements
3 - Performing beyond requirements
4 - Exceptional

1. Leadership style fits the Municipality's needs.

Rating:

2. Obtains and allocates resources consistent with strategic objectives.

Rating:

3. Demonstrates a good understanding of the major issues facing the Council and the Municipality.

Rating:

4. Exercises good judgment in dealing with major issues.

Rating:

5. Demonstrates consistent values of high ethical awareness, honesty, fairness and courage.

Rating:

6. Demonstrates a clear understanding of the local, regional, provincial and national and global issues impacting the Municipality.

Rating:

7. Provides positive leadership to staff and elected officials.

Rating:

8. Identifies, assesses and manages the principal risks to the Municipality.

Rating:

CATEGORY TOTAL

0

CAO Performance Evaluation: RELATIONSHIP WITH COUNCIL

Rate each of the following according to your perception of the performance of the CAO in the past year. Please provide comments or examples to illustrate the rating.

0 - Don't Know
1 - Falls short of requirements
Rating from 0 - 4: 2 - Meets requirements
3 - Performing beyond requirements
4 - Exceptional

- | | |
|---|---------|
| 1. Presents matters to Council within appropriate timelines. | Rating: |
| <div></div> | |
| 2. Acts on Council resolutions/motions and direction in a timely manner. | Rating: |
| <div></div> | |
| 3. Facilitates Council's governance, decision-making and committee work. | Rating: |
| <div></div> | |
| 4. Facilitates the orientation and training of Councillors. | Rating: |
| <div></div> | |
| 5. Keeps Council fully informed on all important aspects of the status and development of the Municipality. | Rating: |
| <div></div> | |
| 6. Respects the division of authority between Council and the CAO. | Rating: |
| <div></div> | |
| 7. Maintains a positive working relationship with the Mayor and Councillors. | Rating: |
| <div></div> | |

CATEGORY TOTAL

0

CAO Performance Evaluation: RELATIONSHIP WITH STAFF

Rate each of the following according to your perception of the performance of the CAO in the past year. Please provide

0 - Don't Know
1 - Falls short of requirements
Rating from 0 - 4: 2 - Meets requirements
3 - Performing beyond requirements
4 - Exceptional

1. Actively supports and encourages professional development among the staff.

Rating:

2. Effectively attracts, retains, motivates and leads a team capable of achieving municipal objectives.

Rating:

3. Ensures staff succession, including long-term development of candidates for the CAO position.

Rating:

4. Promotes a clear understanding of roles between staff and elected officials.

Rating:

5. Ensures an effective participative process of strategic planning to achieve the vision and mission such that Council and employees feel ownership of the final product.

Rating:

6. Ensures staff are involved in a meaningful way with decision making.

Rating:

7. Effectively communicates Council's decisions to staff.

Rating:

CATEGORY TOTAL

0

CAO Performance Evaluation: RELATIONSHIP WITH THE PUBLIC AND MEDIA

Rate each of the following according to your perception of the performance of the CAO in the past year. Please provide

- 0 - Don't Know
1 - Falls short of requirements
Rating from 0 - 4: 2 - Meets requirements
3 - Performing beyond requirements
4 - Exceptional

1. Serves as chief administrative spokesperson, communicating effectively with all stakeholders.

Rating:

2. Appropriately represents Council's direction.

Rating:

3. Appropriately represents the Municipality and Council in the community.

Rating:

4. Appropriately represents the Municipality and Council outside of the community.

Rating:

5. Ensure that the public perceive the Council and the Municipality in a positive light.

Rating:

6. Ensure that the Municipality maintains appropriate public engagement.

Rating:

CATEGORY TOTAL

0

CAO Performance Evaluation: OBJECTIVES AND ACCOMPLISHMENTS

Rate each of the following according to your perception of the performance of the CAO in the past year. Please provide

0 - Don't Know

1 - Falls short of requirements

Rating from 0 - 4: 2 - Meets requirements

3 - Performing beyond requirements

4 - Exceptional

Leads the operations of the Municipality and communicates a clear plan that reflects

1. Council vision, mission and strategic plan, and that is well understood, widely supported, consistently applied and effectively implemented.

Rating:

Establishes objectives, operating, and financial plans for the Municipality that meet the

2. needs of the public, employees, and the broader community in accordance with legislation and Council policy.

Rating:

3. Continuously monitors and evaluates objectives and plans to ensure they are being achieved and takes action as needed.

Rating:

4. Ensures the Municipality meets or exceeds the financial and operating performance goals as set out in the annual plans.

Rating:

5. Reviews and where appropriate, adjusts the long term strategies and objectives of the Municipality in consultation with Council.

Rating:

6. Effectively manages both the short and long term growth of the Municipality in a manner consistent with the strategic direction adopted by Council.

Rating: 0

CATEGORY TOTAL

0

EVALUATION TOTAL

0

OBJECTIVES

These should be developed by the CAO and reviewed by the Mayor and Council

Key Objectives

Results

Overall impression of performance and results achieved.

--

CAO Performance Evaluation: COMMENTS

Rate each of the following according to your perception of the performance of the CAO in the past year. Please provide

- Rating from 0 - 4:
- 0 - Don't Know

1 - Falls short of requirements

2 - Meets requirements

3 - Performing beyond requirements

4 - Exceptional

1. What are the CAO's greatest strengths?

2. What are the things that you have most appreciated that the CAO has accomplished so far this year?

3. What are specific areas where the CAO needs to turn his/her attention in the coming year?

4. Are there any specific training opportunities that the CAO should be utilizing?

Signature of CAO (this indicates only that this appraisal has been discussed with you, not that you agree with the ratings).

_____ Mayor or Deputy Mayor	_____ CAO
_____ Date	_____ Date

Regular Meeting of Council

REQUEST FOR DECISION



To: Town Council
Subject: Permit Fee Waiver Request
Meeting: Regular Meeting of Council - 11 Apr 2023
Department: Planning & Development
Staff Contact: Kristy Sidock, Director of Community Services

Strategic Priorities:



RECOMMENDATION:

"...that Council denies the double permit fee waiver request for Building Permit No 316316-23-B0002."

BACKGROUND AND DISCUSSION:

On March 31, 2023, Administration received a request from the landowner for the double permit fees to be waived for Building Permit No. 316316-23-B0002.

Background:

On May 5, 2014, the landowner of 103, 107 and 121 - 3rd Street SE (see the attached map) applied for a development permit for an Outside Sales and Storage Facility, with sea cans (shipping containers) in the C1 - Commercial General Land Use District. The application was approved by the Municipal Planning Commission with the following conditions:

1. All development must be in accordance with the Town of Three Hills Land Use Bylaw.
2. All construction must be in accordance with the Alberta Building Code.
3. All outside garbage containers and garbage areas shall be visually screened from adjacent lots and public thoroughfares, using building materials and vegetation to the satisfaction of the Municipal Planning Commission.

4. Outside sales and storage uses shall be screened from adjacent residential sites and public thoroughfares by fencing and vegetative screening satisfactory to the Municipal Planning Commission.
5. That the operation of the proposed use that applies to your trade or industry complies with the conditions

In July 2022, Administration was notified by residents that additional sea cans (26 new sea cans) had been added to the property outside of the fenced area, which could pose a public safety risk due to large spaces underneath the sea cans being easily accessible and the sea cans not being supported well in certain areas (foundation including landscaping bricks). As a result of the complaints, the landowner was notified and informed that building permits were required for the sea cans as per the National Building Code - Alberta Edition (also known as the Alberta Building Code). Further, at this time, Administration informed the landowner a development permit would be required for the new sea cans. The landowner was in contact with Park Enterprises regarding obtaining the necessary building permits. Park Enterprises provided the landowner information regarding the necessity of building permits and how they pertain to sea cans under the Code. They also provided a redacted order from the Safety Codes Council confirming the need for building permits for sea cans from a hearing in 2021 (redacted Order is attached).

In August 2022, the landowner requested (and paid for) a site visit from the building codes inspector for an interpretation of how the Code applied to the specific realities of the development. The inspector met with the landowner to provide assistance and guidance as to what would be required for the sea cans and their use under the self service storage section of the Code. The site visit took place on August 12, 2022, and the inspector noted the requirements (and informed the owner) of what was needed to comply with the Code.

In September 2022, both the Town and Park Enterprises followed up with the landowner regarding the status of the building permit application. The landowner provided the information needed for the building permit; however, the application was not submitted and payment was not received. The landowner was notified at that time there would be a double permit fees charge as work was commenced prior to obtaining permits. The landowner has continued to operate the business, without the required building permits in place. The double permit fees are part of Bylaw #1488-23 - Master Rates and Fees Bylaw - Schedule "O" as well as the Bylaw #1458-20 - Land Use Bylaw.

While the original development permit in 2014 did not make any restrictions on the number of sea cans allowed on the property, and contrary to our original determination (July 2022) that a new development permit was needed, the Town decided in October of 2022 that the landowner could include the new sea cans as part of the existing Development Permit (2014). The Town had the option of requiring the landowner to apply for a new Development Permit as the intensity had significantly changed. Even though we did not require a new development application, we have been working with the landowner to ensure the development on the property is in compliance with the conditions that were set out by the Municipal Planning Commission in 2014. The fencing requirement was completed in October 2022; vegetation screening has not been installed yet.

Being that we had not received a response from the landowner since October 2022, in January 2023, Administration reached out to the landowner with a reminder that the building permit application and fees were still outstanding and needed to be submitted. The landowner responded to the email stating the fees would not be paid and it would be discussed upon his return in February. The building permit application was received late January 2023. Administration acknowledged the landowner would be out of the county for a couple of weeks and made a note to follow up with the landowner in February.

In February 2023, Administration reached out to the landowner inquiring about the status of the building permit application. Both the Town and Park Enterprises have been working with the landowner to ensure that all necessary paperwork and questions regarding the application were answered. The landowner at this time was still carrying out business without the proper permits. In March of 2023, an email was sent from Park Enterprises reminding the landowner of the outstanding permit and the fees that were associated with the permit.

Administration has communicated extensively with the landowner throughout the process since last summer and after exhausting all options of trying to work with the landowner, the Town reached out to Park Enterprises to start the process of issuing a Stop Work Order. The landowner was provided with notice on March 20, 2023, indicating the fees needed to be paid by March 31, 2023 or a Stop Work Order would be issued.

On March 30, 2023, the landowner sent a request to Park Enterprises asking for an extension to this date, then prior to receiving a response, on March 31, 2023 the Landowner made full payment on Building Permit 316316-23-B0002, including the double permit fees.

Discussion:

The Town holds a Quality Management Plan that was accepted by the Safety Codes Council, which requires the Town to enforce the regulations and clauses of the *Safety Codes Act*. The Town is responsible for the administration of the Plan and the delivery of safety code services, which includes Building, Electrical, Fire, Gas and Plumbing.

Further, Administration has reached out to a number of communities to discuss their building permit process for sea cans and they all stated that a building permit is necessary within their community for the placement/relocation of sea cans. In the last year, the Town has issued two building permits for sea cans that have been moved into Town.

In the past year, the Town has issued double permit fees on five different permits within the Municipality for work that was started prior to obtaining permits.

Administration is presenting the following options for Council to consider:

Option 1: Deny waiving the permit fees associated with Building Permit No. 316316-23-B0002.

Option 2: Refund the doubled portion (\$1,597.44) of the permit fees associated with Building Permit No. 316316-23-B0002.

Option 3: Provide Administration with direction as per the wishes of Council.

FINANCIAL AND STAFFING IMPLICATIONS:

As per the plans that were submitted to the Town Office from the landowner, the Building Permit fee is \$1,597.44.

The cost breakdown is as follows:

Relocation of a Building (on pilings or blocks) as per Bylaw 1488-23 - Master Rates, Fees and Charges Bylaw - \$0.30/sq. ft.

26 relocated Sea Cans total 5120 sq. ft. = \$1,536 (or \$59.08 per sea can)

Safety Code Council Levy is 4% = \$61.44

Total Permit Cost = **\$1,597.44**

As work started prior to obtaining permits, according to the Land Use Bylaw, the Building Permit fee is doubled. The total amount paid for Building Permit No. 316316-23-B0002 is \$3,194.88.

FOLLOW UP ACTION:


If Council chooses to waive the double permit fees Administration will refund \$1,597.44 to the landowner on the next scheduled cheque run.

ATTACHMENTS:

[Schedule O - Bylaw 1488-23](#)

[316316-23-B0002 Map](#)

[Redacted-Order-2021-01-Shipping Containers](#)



Ryan Leuzinger, CAO

Schedule “O”

TOWN OF THREE HILLS
MISCELLANEOUS PERMIT FEE SCHEDULE

Undertaking/Action	Fee/Refund
Permit Expiry	\$0.00 Refund
Permit Extension (as per the timeframe noted in the Town's QMP and permit conditions)	1 st extension of 6 months – Free/No Charge Subsequent extensions - \$100.00/6 months (per permit)
Additional Inspections requested/required (in excess of the inspections stipulated in the Town's QMP)	\$125.00/inspection
Re-opening file to add a Verification of Compliance (VOC) (after 90 days from closure or after the permit expiry date as noted on the permit)	\$125.00
Variance	\$225.00
Plumbing, Gas, Electrical Permit Cancellation	Permit issued: 50% refund Any inspection conducted: No refund
Building/Private Sewage Permit Cancellation	Plans review completed but permit not issued: 80% refund, minimum \$100.00 retained Permit issued: 80% refund, minimum \$150.00 retained Any inspection conducted: No refund
Work started before a permit	Double Permit Fee



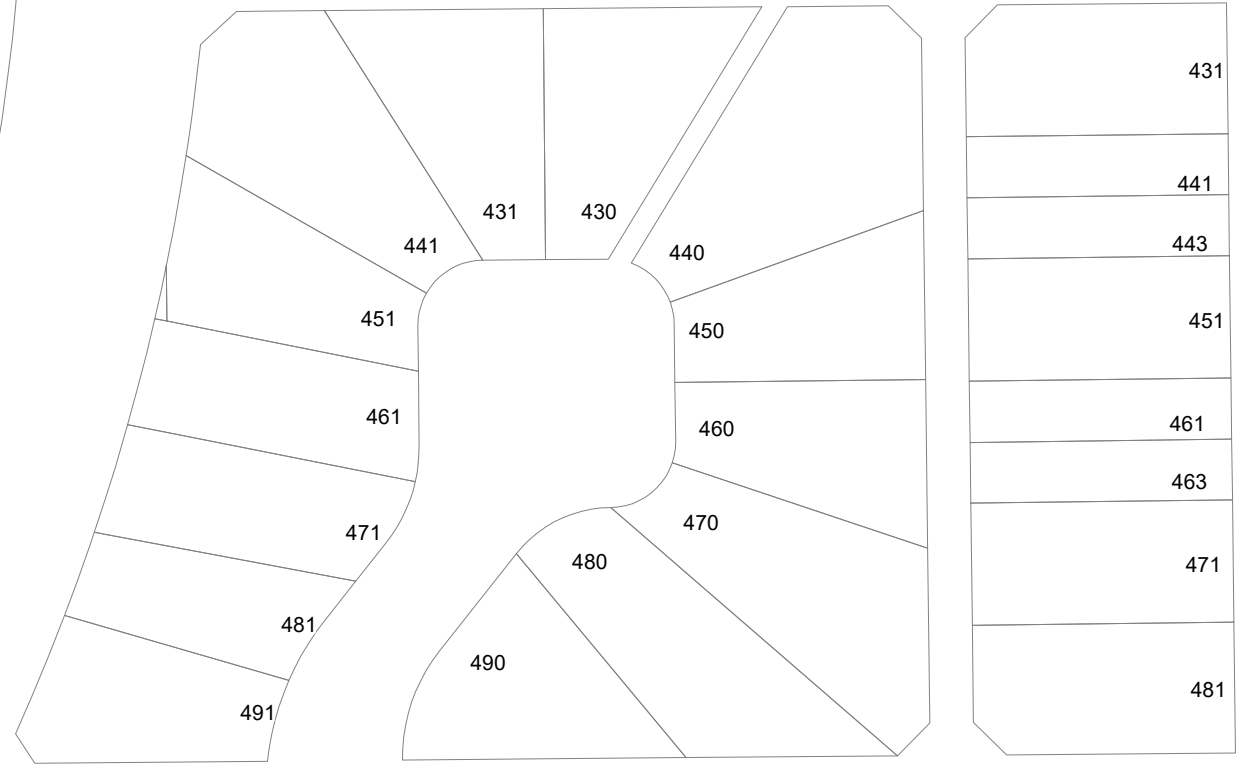
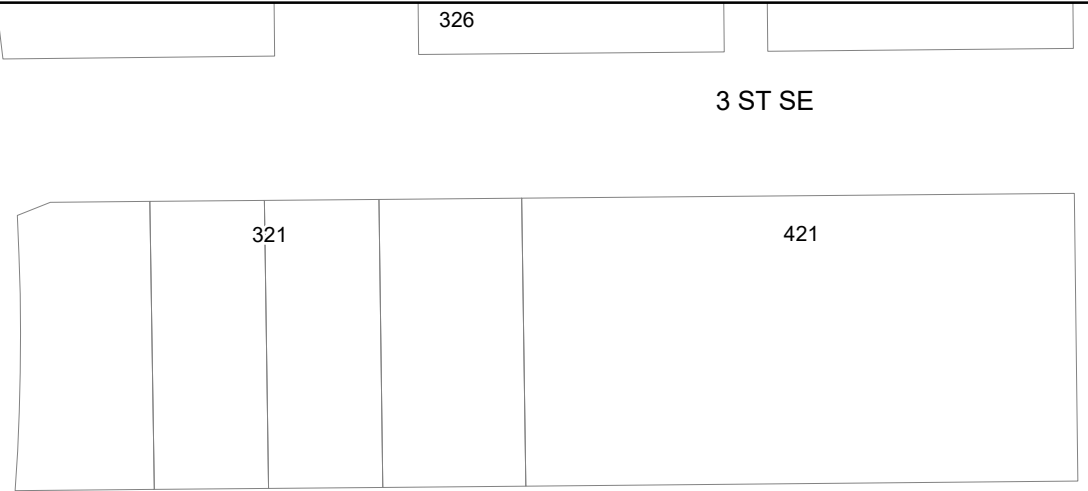
3 ST SW


3 ST SE

1 AVE SE

4 AVE SE

3 AVE SE



 Building Permit #316316-23-B0002
Associated Properties



Safety Codes Council

COUNCIL ORDER NO. 2021-01

BEFORE THE ADMINISTRATIVE TRIBUNAL OF THE BUILDING & FIRE SUB-COUNCIL

(the "Tribunal")

ON JUNE 7, 2021

IN THE MATTER OF the *Safety Codes Act*, Revised Statutes of Alberta 2000, Chapter S-1 (the "Act");

AND IN THE MATTER OF the refusal to issue a permit in the building discipline to C [REDACTED]
[REDACTED]
[REDACTED] (the "Refusal");

UPON REVIEWING AND CONSIDERING the evidence named in **The Record**, including written submissions of the Appellant and Respondent; and **UPON HEARING** the testimony of the parties at the virtual hearing;

IT IS HEREBY ORDERED THAT the Refusal is CONFIRMED.

Appearances, Preliminary, Evidentiary, or Procedural Matters:

1. The hearing for this matter was conducted by virtual means.
2. At the commencement of the hearing, the Coordinator of Appeals confirmed the subject of the appeal as the Refusal, and confirmed the names of those in attendance:
 - a) Appearing for the Appellant, the Tribunal heard from C [REDACTED]
[REDACTED]
 - b) Appearing for the Respondent, the Tribunal heard from C [REDACTED]
[REDACTED].
 - c) Facilitating the hearing on behalf of the Safety Codes Council: C [REDACTED]
(Coordinator of Appeals and Co-Facilitator), and C [REDACTED] (Co-Facilitator).
 - d) Attending as Technical Advisor for the hearing: C [REDACTED]
[REDACTED].
 - e) Attending as observers for the hearing: [REDACTED]
[REDACTED]

C [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

3. The Coordinator of Appeals then introduced the Chair of the Tribunal (the “Chair”), C [REDACTED] and turned the hearing over to C [REDACTED].
4. The Chair called the hearing to Order and introduced the other Tribunal members: C [REDACTED].
5. The Appellant and Respondent confirmed there were no objections to any members of the Tribunal, and that the Safety Codes Council in general and the Tribunal in particular had jurisdiction to hear and decide the appeal. The Tribunal also confirmed they had jurisdiction to hear and decide this appeal.
6. The Chair then explained the process of the hearing, and advised of the list of the written material before the Tribunal, consisting of the documents listed below in **The Record** (see paragraph 7). The Appellant and Respondent confirmed that there were no objections to any of the material submitted to the Tribunal.

The Record:

7. The Tribunal considered, or had available for reference, the following documentation:

<u>Item</u>	<u>Description</u>	<u>Date</u>
i.	Refusal to Issue a Building Permit	April 23, 2021
ii.	Notice of Appeal from C [REDACTED]	April 30, 2021
iii.	Council’s Acknowledgment Letter	April 30, 2021
iv.	Council’s Notification of Hearing Letter	May 6, 2021
v.	EXHIBIT 1 APPELLANT - Appellant’s Appeal Brief	-
vi.	EXHIBIT 2 RESPONDENT - Respondent’s Appeal Brief	-

Issue:

8. This appeal concerns whether the shipping containers on the site, as they are being used, are a building under the *National Building Code - 2019 Alberta Edition (the Building Code)*, and if so, whether they comply with the requirements of the *Safety Codes Act (the Act)*, which includes the *Building Code*, to be issued a permit?

Positions of the Parties:

Appellant

From the Appellant's submissions and testimony, the Appellant's position is summarized as follows:

9. It is the Appellant's position that the shipping containers should be viewed as manufactured product or fire-proof storage boxes, instead of a building under the *Building Code*. In addition, given that the containers are being used for their intended and sole purpose of storage, they do not need to comply with the requirements of the *Act* for a building.

Respondent

From the Respondent's submissions and testimony, the Respondent's position is summarized as follows:

10. It is the position of the Respondent that the shipping containers are a building under the *Building Code* and in their current state they do not address the ventilation and spatial separation requirements to be issued a building permit under the *Act*.

Summary of the Evidence Provided On Behalf of the Appellant:

Evidence provided on behalf of

11. Overall the Appellant is seeking clarity on the position and applicability of the *Building Code* with respect to safe use and operation of shipping containers.
12. The Appellant operates and is licensed across Canada, with various work completed in different jurisdictions. Their experience has been varying degrees of understanding and comprehension with respect to shipping containers.
13. Shipping containers have been located on site for twelve years and have been used for general storage. They have been moved from time to time around the site, as they are portable but are a quasi-permanent fixture on the site.
14. A development permit was applied for and subsequently issued by the Respondent on August 17, 2020 [pages 18-24 of the Record in Exhibit 1 Appellant].
15. The safety codes officer later asked for a new permit citing that the shipping containers were considered buildings and required alteration for compliance with the *Building Code*.
16. A building permit was subsequently applied for in December 2020.
17. A building permit was in fact issued in March 2021; however, the Appellant did not agree with the conditions set out in the permit and requested that the Respondent formally refuse the building permit request in April 2021, in order to proceed to an appeal.
18. The shipping containers are being used for their intended purpose of storage and accordingly should not require any modifications to meet the *Building Code*.

19. [REDACTED] pointed to a 2018 Alberta Fire Code STANDATA [pages 57–59 of The Record in Exhibit 1 Appellant] which spoke to the use of shipping containers as is for safe storage of flammable liquids, combustible liquids, explosives and or dangerous goods.
20. Modifications to the shipping containers, such as adding services or ventilation to them, could decrease the safety of the containers for the public. For example, adding ventilation may allow fire to propagate more and based on research referenced by the Appellant, adding drywall and fire protections would have a nominal benefit [pages 33–51 of The Record in Exhibit 1 Appellant].
21. [REDACTED] specifically referenced fire safety research of shipping containers conducted by the U.S. Coast Guard, indicating oxygen-limited fires self-extinguish within sealed shipping containers [pages 15–16 of The Record in Exhibit 1 Appellant].
22. [REDACTED] offered that the shipping containers are also being utilized by a corporate entity and so a fire safety plan, program, and training for staff, are in place.
23. In addition, they are not accessible to customers of the store and the doors remain closed during business hours. Only trained staff may access the containers, and this would generally occur outside of business hours.

Summary of the Evidence Provided On Behalf of the Respondent:

Evidence provided on behalf of [REDACTED]

24. [REDACTED] contended that for the Respondent the use of the shipping containers is a safety issue and this appeal is based on the application of the *Building Code*, addressing the disadvantage of using such structures. Nevertheless, a building permit is required for the shipping containers as they are buildings.
25. Shipping containers used for storage, especially when at a business, are regulated by the *Building Code* and accordingly need to comply with the provisions of it.
26. The inherent risk of the use of shipping containers is not fully understood by the public, and having a safety plan and training for staff using them is not necessarily sufficient.
27. [REDACTED] advised that when he has gone by and or visited the site, on multiple occasions, he witnessed the doors to the shipping containers being ajar and that the corporate entity had a different locking mechanism installed on the doors, that does not require them to be completely sealed.
28. The U.S. Coast Guard Report provided by the Appellant [pages 60–76 of The Record in Exhibit 1 Appellant] speaks to shipping containers being acceptable at sea; however, this cannot be relied on in an urban area with people around.
29. Shipping containers are more prolific in use now; however, [REDACTED] emphasised that they can cause injury or death and the safety system is in place to try to mitigate these risks.
30. The Respondent, as the authority having jurisdiction, is willing and trying to work with the Appellant on the issue and the particular conditions being asked of the Appellant

here are not onerous.

31. The Respondent is requesting that spatial separation requirements be met and that natural ventilation be provided as per the *Building Code* requirements.
32. The Respondent has the responsibility to look at all of the circumstances around building and apply the code in a reasonable and practical way. Here, there is the use of a shipping container in an urban area, where the doors are not properly sealed. C ██████ proposed that if a fire did ignite, this would create a very dangerous situation for employees.
33. C ██████ advised that a formal alternative solution has not been sought; however, the Appellant has previously provided the Respondent with the U.S. Coast Guard Report [pages 60-76 of The Record in Exhibit 1 Appellant] and Fire Investigation Report in a Container [pages 77 to 92 of The Record in Exhibit 1 Appellant] and this research did not appear to adequately address the spatial separation issue or that the shipping containers would be in an air-tight condition.
34. C ██████ stressed the importance of passive building fire-safety features and the emphasis being placed on the 2018 Alberta Fire Code STANDATA [pages 57-59 of The Record in Exhibit 1 Appellant] and fire safety plans for the site do not adequately address the ongoing use of shipping containers.
35. C ██████ spoke to his reliance on the shipping containers satisfying the definition of a building, but also insisted on the need for clarity across the industry.

Technical Advisor - Questions & Answers:

36. C ██████ was the Technical Advisors with Alberta Municipal Affairs present for the hearing. The role of the Technical Advisor is to clarify questions of the Tribunal regarding the interpretation of the relevant codes and any related code issues.
37. The Tribunal deliberated on the questions for the Technical Advisor in camera. All parties including the Technical Advisors and observers reconvened in the virtual hearing room and the Chair posed the Tribunal's questions to the Technical Advisor and received the following responses:
 38. *Q: Is a shipping container considered a building under the Building Code?*
A: Yes.
 39. *Q: What is the definition of a building in the Building Code?*
A: Building means any structure used or intended for supporting or sheltering any use or occupancy. Occupancy is also defined in the Code as, the use or intended use of a building or part thereof for the shelter or support of persons, animals, or property (Sentence 1.4.1.2.(1) of Division A).
 40. *Q: What does the Building Code say in reference to temporary structures?*
A: Except for buildings constructed under Part 10 of Division B, the authority having jurisdiction may allow, for a limited time only, the erection or relocation and existence of a building for an occupancy which may, because of its nature, exist for a short time,

under circumstances which may warrant only selective compliance with this Code (Sentence 1.1.1.3.(1) of Division A).

41. Q: *Given what you have heard about the use of the structure, if it was built in place is there a circumstance it would not require a building permit?*

A: There is no difference whether it was built in place or placed on the site. If it meets the definition of a building than it is a building and must meet the requirements of Division A and B.

42. Q: *Are there any regulations or standards around the use of the shipping containers for quasi-permanent storage use?*

A: Not that I am aware of.

43. Q: *Is it reasonable to use a fire safety plan to satisfy Building Code issues?*

A: In terms of applying for an alternate solution, it is the discretion of the authority having jurisdiction. Codes are objective based; therefore, if you meet the objective of the code than it is up to the authority having jurisdiction on what they accept.

44. Q: *In terms of the Building Code, is there a difference between the public as customer vs public as employees?*

A: No, there is no difference.

Findings of Fact:

The Tribunal makes the following findings:

45. The shipping containers have been located on the site for twelve years [page 17 of The Record in Exhibit 1 Appellant].

46. The shipping containers are in day-to-day use and support occupancy of product and employees at the site.

47. The shipping containers, as they are being used, are a building under and subject to the *Building Code*.

48. There exists an issue of exposure protection given that the site is in an urban area and there are neighbouring properties [pages 56 and 93 of The Record in Exhibit 1 Appellant and pages 103 and 104 of The Record in Exhibit 1 Respondent].

49. A building permit was required for the use of the shipping containers at the site and was applied for by the Appellant.

50. The building permit application was refused by the Respondent as the shipping containers, in their current state, do not meet Sentence 1.2.1.1. of Division A *Building Code* regarding compliance with the *Building Code*.

Reasons for Decision:

51. On an appeal such as this, the powers of the Tribunal are set out in subsection 52(2) of the *Act*, the relevant excerpt is reproduced below:

52(2) The Council may by order

(b) confirm a refusal or direct that a designation, certificate or permit be issued and direct inclusion of terms and conditions in the designation, certificate or permit,

52. The Refusal was issued pursuant to subsections 44(1) and 44(3) of the *Act*:

44(1) On receipt of an application, a safety codes officer or other person designated by an Administrator may issue a permit to a person who complies with the requirements of this Act or issue a permit with respect to a thing, process or activity if it complies with the requirements of this Act.

44(3) If a safety codes officer or other person designated by an Administrator refuses to issue a permit, the safety codes officer or other person designated by an Administrator shall serve the applicant with a written notice of the refusal.

53. The shipping containers are not in temporary use given the length of time they have been on the site and so selective compliance with the *Building Code* is not applicable.

54. The containers are not solely being used for their intended purpose of transportation and storage and they are publically accessible, even if access is limited to employees at the site.

55. The Tribunal finds, based on the evidence before it, that the shipping containers, on site and as they are being used, meet the definition of a building under the *Building Code*, accordingly, they need to comply with the requirements of it.

56. The U.S. Coast Guard Report does not adequately address the situation of these specific shipping containers, in that they are in an urban area and not at sea, they are publically accessible, and are not in an air-tight condition given that the doors are not always completely sealed or can be left open.

57. On the issue of modifications being made to the shipping container that may decrease the safety of the containers, the Tribunal refers the Appellant to the alternative solution process under Division A, Section 1.2 of the *Building Code*.

58. No evidence was presented to show that the shipping containers met, for example, the spatial separation or ventilation requirements of Sentence 1.2.1.1 of Division A of the *Building Code*, as addressed in the Refusal. The tribunal did not consider whether further requirements have or have not been met.

Signed at the City of Red Deer)
in the Province of Alberta)
this 21st day of June, 2021)

C
Chair, Fire & Building Sub-Council
Administrative Tribunal

Regular Meeting of Council

REQUEST FOR DECISION



To: Town Council
Subject: Kneehill County - Town of Three Hills Enforcement Services Agreement
Meeting: Regular Meeting of Council - 11 Apr 2023
Department: Protective Services
Staff Contact: Kristy Sidock, Director of Community Services

Strategic Priorities:

					
Infrastructure Upgrades	Human Infrastructure and Resources	Connectivity with the Community	Collaborative Partnerships	Pumphouse Construction	Residual Management Facility Construction

RECOMMENDATION:

"...that Council accepts the Shared Enforcement Services Agreement, as presented."

BACKGROUND AND DISCUSSION:

The Town has an agreement with Kneehill County for Enforcement Services (Peace Officers) that expired on March 1, 2023. Kneehill County has a team of Community Peace Officers (CPO) who are appointed by the Alberta Solicitor General and the Minister of Public Security who work closely with the RCMP to raise awareness and ensure compliance with town bylaws and select provincial statutes.

The formatting of the new agreement has been updated and there have been changes to the agreement that are noted below in the Financial Implications section.

Administration is presenting the following options for Council to consider:

Option 1: Accept the Shared Enforcement Services Agreement, as presented.

Option 2: Accept the Shared Enforcement Services Agreement, as amended per Councils' wishes.

Option 3: Provide Administration with direction as per the wishes of Council.

FINANCIAL AND STAFFING IMPLICATIONS:

The expired agreement had an hourly cost increase annually by 2%, with the proposed agreement increasing annually by 3%.

At 16 hours of service per month the yearly costs for the agreement are as follows:

2023: \$16,704

2024: \$17,280


FOLLOW UP ACTION:

Should Council approve the agreement as attached, Administration will obtain the signatures required and sent the signed copy to Kneehill County.

Should Council approve the agreement with amendments, Administration will forward the suggested amendments to Kneehill County for the document to be amended.

ATTACHMENTS:

[2023 Shared Enforc Services Agreement Three Hills](#)



Ryan Leuzinger, CAO

SHARED ENFORCEMENT SERVICES AGREEMENT

ENTERED INTO THIS 1st DAY OF April 2023

BETWEEN:

KNEEHILL COUNTY

A Municipal Corporation in the Province of Alberta (the "County")
OF THE FIRST PART -and

THE TOWN of THREE HILLS

A Municipal Corporation in the Province of Alberta (the "Town")
OF THE SECOND PART

WHEREAS the County employees Community Peace Officers (Officer) and Bylaw Officers, and

WHEREAS the Town desires to enter into an agreement with the County to obtain Peace Officer and Bylaw Officer services within the jurisdictional boundary of the Town, and

WHEREAS the Community Peace Officer(s) employed by the County has been appointed by the Alberta Solicitor General as having jurisdiction to enforce appointed statutes within both municipalities, and

WHEREAS the Peace Officer Act, Statutes of Alberta, 2006, c.P-3.5 and amendments thereto, requires that an agreement be entered into between the County and the Town respecting the provision of Enforcement Services, and

NOW THEREFORE this agreement witnesses that in consideration of the terms and conditions contained within, the County and the Town agree as follows:

1. Purpose

The County agrees to supply to the Town, Enforcement Services which shall mean:

- i) Enforcement of applicable Town Bylaws within the boundaries of the Town, however, does not include the capture/collection of animals.
- ii) Enforcement related educational programs when/where possible, based on Officer knowledge, skill set and available resources.
- iii) Enforcement of provincial legislation and authorities as described within the Officer's Appointment within Town boundaries.
- iv) Patrol services in relation to the Traffic Safety Act, and within the Officer's Appointment.
- v) Patrol services in relation to the Traffic Safety Plan, developed in collaboration with RCMP.

2. Fulfillment of Services

- i) In accordance with Kneehill County Public Safety Policies and Procedures as amended from time to time.
- ii) In accordance with Alberta Solicitor General Peace Officer Manual, as amended from time to time.
- iii) In accordance with Town's Enforcement Bylaw, other bylaws and policies.
- iv) Response to public complaints or concerns shall be through the direction of Town Chief Administrative Officer or their designate.

3. Cost of Services

- i) The hourly service will be at \$87 in 2023, \$90 in 2024.
- ii) The hourly service will include the complete time taken on the file, including but not limited to bylaw research, investigation, enforcement procedures, and creating documentation/reports.
- iii) Should the response be specific to a date and time at the request of the CAO, travel time may be considered a billable cost.
- iv) To an average service level of four (4) hours per week and to a maximum of 16 hours per month, unless otherwise agreed upon, Monday to Friday during regular business hours may be accommodated for weekend and evening coverage at the request of the Town's CAO or designate. Evening and weekend hours may be part of the four hours per week or may be in addition to these hours. Actual hours worked will be invoiced, 6 times per year.
- v) With respect to Bylaw enforcement only, the County agrees to supply Enforcement Services as required for court preparation and attendance at the hourly cost identified above in 3(i). Any other court and/or legal costs incurred because of prosecution for Bylaw will be the responsibility of the Town. All costs associated with the enforcement of Provincial Statutes will be the responsibility of the County.

4. Fines Revenues

Fine revenues shall be directed to the Town with respect to enforcement of Town Bylaws. Provincial Statute fine revenues shall be directed to the municipality of jurisdiction.

5. Public Complaints and Enforcement Process

- i) Should the County receive a public complaint directly, or proactively identify a bylaw enforcement issue, the Officer will contact the jurisdiction to ensure the Town would like action on the file, unless there is a public safety concern, which the Officer may use their discretion in enforcing.
- ii) Should a complaint be received by the Town CAO or designate, it shall be forwarded to the County CAO or designate to be assigned to an Officer.
- iii) Once the file has been initiated, the County and Town shall work together in enforcing bylaws to reach the desired outcome.

5. Officer Professionalism and Complaints Against Peace Officers

- i) Community Peace Officers are established under the Peace Officer Act and are sworn under oath to perform duties within their Solicitor General Appointment Level and within the legislation on their Appointments. The Code of Conduct is specific, and professionalism is held to the highest standard.

- ii) Should a complaint be received with respect to the provision of services by a Community Peace Officer, the complaint shall be immediately forwarded to the CAO or designate, pursuant to the disciplinary policies in place for Kneehill County, including those under the Peace Officer Act.

6. County Responsibilities

- i) The County agrees to absorb certain expenses associated with providing these services in the Town, including office supplies, equipment, training and education, uniforms, salary, and benefits of Kneehill County employees.
- ii) The County shall maintain general liability insurance coverage covering these services provided under this Agreement.
- iii) The County agrees to indemnify and save harmless the Town agents, servants, officers, elected officials, or employees) with respect to any claim, action, suit, proceeding or demand, made or brought against the Town (or any of them, their agents, servants, officers, elected officials, or employees) by any third party with respect to any occurrence, incident, accident, or happening relating to the provision of these services pursuant to this Agreement, excepting any occurrence, incident, accident involving gross negligence or intentional torts by the Town (or any of them, their agents, servants, officers, elected officials, or employees).
- iv) The County will provide a statistical report upon invoicing and/or request.

6. Town Responsibilities

- i) The Town agrees to indemnify and save harmless the County agents, servants, officers, elected officials, or employees) with respect to any claim, action, suit, proceeding or demand, made or brought against the County (or any of them, their agents, servants, officers, elected officials, or employees) by any third party with respect to any occurrence, incident, accident, or happening relating to the provision of these services pursuant to this Agreement, excepting any occurrence, incident, accident involving gross negligence or intentional torts by the County or any of them, their agents, servants, officers, elected officials, or employees).
- ii) The Town acknowledges that any complaint received by it in writing, with respect to the provision of a Community Peace Officer regarding officer misconduct shall be immediately forwarded to the County Chief Administrative Officer. Any disciplinary action taken against the Officer because of these complaints shall be administered by the County as outlined in the Alberta Peace Officer Manual and Kneehill County's policies. Time required for the County CAO or designate to investigate bylaw complaints brought forward will be invoiced to the Town on a cost recovery basis.
- iii) The Town may request further reporting details; however, some information may be redacted, according to FOIP requirements.

7. Term

- i) The term of this Agreement shall commence on April 1, 2023 through to December 31, 2024.
- ii) The Agreement may be extended for an additional 3 (three) years if both parties agree in writing, at an incremental cost of services of 3% annually.
- iii) Should Kneehill County's Authorized Employer status, through the Alberta Solicitor General Peace Officer Program, be terminated, then this Agreement will be terminated.

- iv) The County may terminate this Agreement without cause by providing 90 (ninety) days written notice to the Town.
- v) The Town may terminate this Agreement without cause by providing 90 (ninety) days written notice to the County.
- vi) If either municipality terminates this agreement, the Alberta Justice and Solicitor General and office will be immediately advised of this termination and instructed to amend the Peace Officer appointments by removing the other municipalities jurisdiction.

This agreement rescinds all previous agreements with respect to enforcement services provided by Kneehill County effective on date noted in line 1.

IN WITNESS OF THE FOREGOING, the parties have executed this Agreement, as of the day and year.

KNEEHILL COUNTY

TOWN OF THREE HILLS

Jerry Wittstock, Reeve

Ray Wildeman, Mayor

Mike Haugen, CAO

Ryan Luezing, CAO

Regular Meeting of Council

REQUEST FOR DECISION



To: Council
Subject: Landfill Cell Expansion
Meeting: Regular Meeting of Council - 11 Apr 2023
Department: Public Works
Staff Contact: Grant Gyurkovits, Director of Operations & Infrastructure

Strategic Priorities:



RECOMMENDATION:

that Council accepts the information, as presented.

BACKGROUND AND DISCUSSION:

On June 13, 2022, Council approved the transfer of \$35,000 from the Solid Waste Capital Reserve to the 2022 Capital Budget to expedite the expansion outside the boundaries of the existing landfill to include the old sewer lagoon site. The current landfill operates under Alberta's *Code of Practice for Landfills* (Code), with very limited detail to guide the Town for an expansion outside of the existing landfill area. Because of this, Stantec contacted AEPA and they confirmed that a Disclosure Plan was required as the area to expand into had not been previously assessed or approved by AEPA. This process has been completed for the initial review of historical reports, onsite soil testing, local and regional information for the hydrological background needed for the application for the Disclosure Plan for the landfill expansion onto the lagoon site. The Disclosure Plan received approval from Alberta Environment and Protected Areas (AEPA) on February 3, 2023.

The proposed technical investigation presented in the Disclosure Plan outlined how Stantec wanted to proceed with the expansion using the existing data collected in 2022. After submitting the Disclosure Plan, AEPA responded that two additional items were required in the Disclosure Plan, as outlined in the *Standards for Landfills* in Alberta (2010) (Standards).

Since AEPA indicated to Stantec that the Standards need to be followed, not the Code, for expanding the landfill, we are required to follow the requirements set out by the Standards. In order to meet the Standards, Stantec submitted a renewed scope of work that will satisfy the Technical Investigation requirement as outlined in the Standards. For example, the spacing and minimum number of boreholes, as well as the minimum depth of 30 meters for the hydrogeologic component. There were also data gaps identified on the western & southern portions from the old lagoon area that the original Geotechnical report did not include, which will need to be gathered to meet the Standards.

As a result of the landfill expansion not being able to operate under the Code, construction of the new landfill cell will not occur in 2023. Listed below are just a few of the major requirements needed to comply with the Standards.

- **Public Consultation:** Town to hold a open house and respond to any general concerns
- **Technical Investigation program:** investigate the lagoon subsurface condition through subsurface boreholes, perform slope stability analysis
- **Geotechnical site investigation:** drilling (5) bore holes with (3) reaching a minimum of 30meters in depth for hydraulic conductivity for bedrock material
- following the drilling, 50mm polyvinyl chloride (PVC) groundwater monitoring wells will be installed in all boreholes to monitor groundwater levels, flow, quality and hydraulic response (recharge rate).
- further laboratory testing will be required on the selected soil samples collected during the drilling investigation to characterize the geotechnical properties of the proposed landfill expansion site.
- develop a detailed site plan with elevations of the new borehole locations & surface elevation

Thus far, there has been a few steps in the process that has taken place:

1. The initial scope of work that included gathering onsite information for the application to AEPA for the expansion
2. The change from Code to Standard which triggered the Disclosure Plan
3. The second scope of work to close the gaps needed to meet the regulatory requirements moving from the Code to Standards

Within the 2023 Capital Budget, Council approved \$475,000 with \$75,000 for the detailed design (engineering) and \$400,000 for construction of the new landfill cell. As mentioned above, construction will not take place in 2023 and at this time we are anticipating construction to commence in the Spring of 2024. Due to the requirement of following the Standards and not the Code, a Technical Investigation is required to be completed for any new landfill cell.

In order to meet the Standards, the following costs are expected for the new cell:

- 1) Technical Investigation and Reporting - \$93,800
- 2) Landfill Design Plan, Engineering and Tender - \$150,000 (approximately 16-20 weeks)
- 3) Updating our existing Operations Plan & Landfill Monitoring Plan - \$20,000 (approximately 8 weeks)
- 4) Construction Costs - unknown at this time - depends on the results of the Technical Investigation. We do know a leachate system will be required to be connected to our existing system, gravel road expansion and berm building, at the minimum.


While the existing budget allocates enough money to cover these environmental and engineering costs, there will not be enough money in the budget to complete construction costs next year like we originally budgeted for in 2023.

FINANCIAL AND STAFFING IMPLICATIONS:

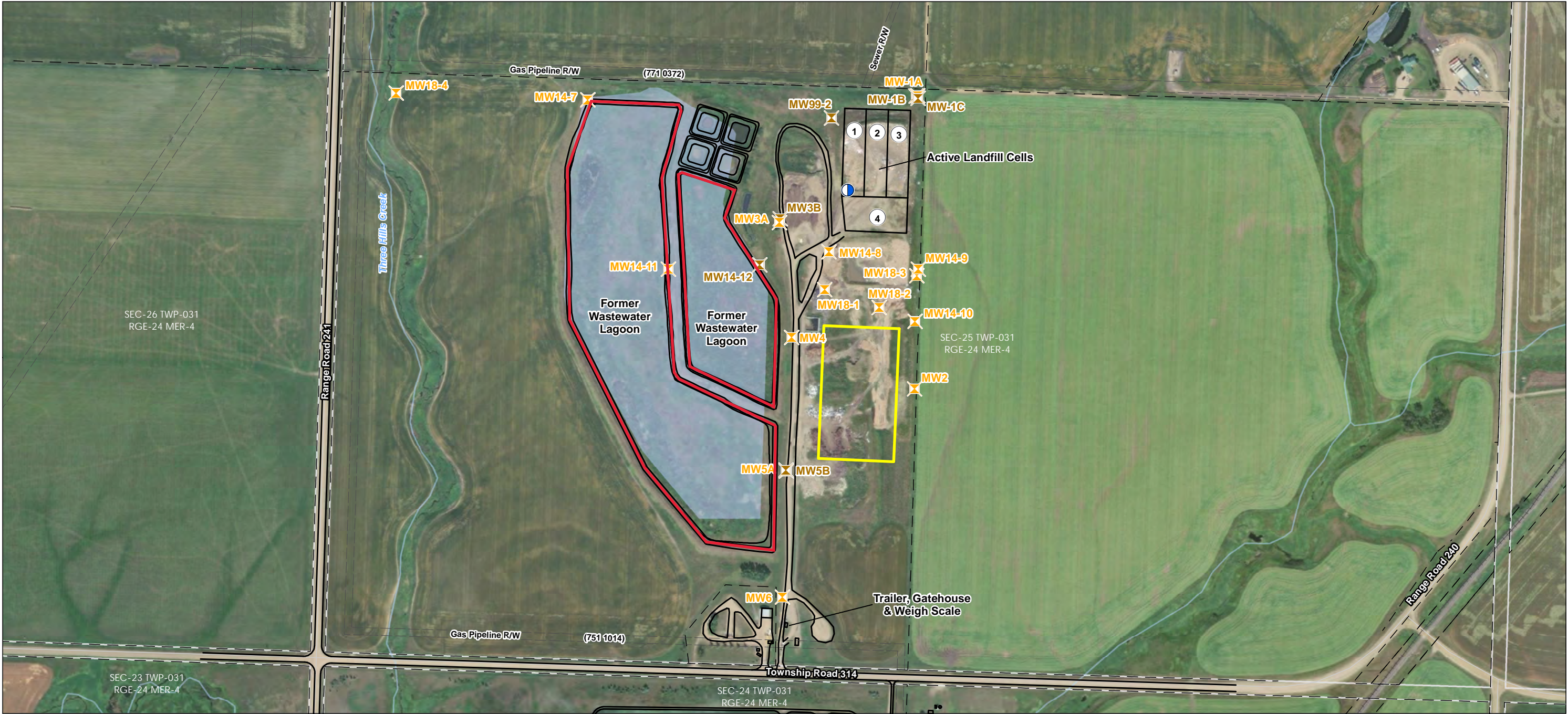
Unknown additional costs for future ground water monitoring after the new cell construction is completed. Currently we spend approximately \$25,000 for Groundwater Monitoring and Annual Reporting to the Province.

ATTACHMENTS:

[Long Term Landfill Expansion Plan](#)

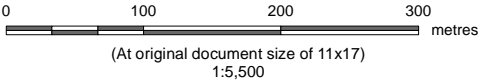


Ryan Leuzinger, CAO



Notes
1. Coordinate System: NAD 1983 UTM Zone 12N
2. Data Sources: Stantec, Government of Alberta
3. Background: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

- Manhole
- Monitoring Well (Bedrock)
- Monitoring Well (Silty Clay / Clay Till)
- Assumed Historical Landfill Cells
- Property/Legal Line
- Right of Way/Easement
- Site Feature
- Minor Road
- Section
- Proposed New Cell



Project Location Prepared by ZNASTOV on 2022-03-14
Alberta QR by TTIESSON on 2022-03-14
TR by on XXXX-XX-XX

Client/Project 123513737
Town of Three Hills
Disclosure Plan for Laterally Expanding Landfill
SW-25-031-24 W4M

Figure No.
A.2

Title
Site Plan

Here is a 2-day summary from Spring Caucus of Alberta Municipalities.

Overview of Prov Political Landscape, 60 days to go till our Prov Election. 3 priorities in AB Munis messaging- safety and security, community investment, community health care. Remaining non-partisan is always critical.

Impacts of crime in Edson are given as an example of 'state of affairs', especially in regard to the revolving door of justice

Impacts of healthcare cutbacks in Cold Lake are discussed, and attracting and keeping docs is an ongoing challenge. Family docs are hard to find. Cold Lake has clinics inside their hospital. A new clinic build has had a tough time filling spots. An MCC has since purchased the build and they hope to improve health recruitment. Take charge of your own rural futures, ignore the mess that is provincial and federal politics.

Bill Rock introduces Curtis Jablonek of RCMP, he gives an update on retro pay. They don't want to get out of contract policing. More funding has helped deploy better crime fight tactics, drones are a great tool also. Comm safety and well-being branch, a holistic approach, e.g. through Integrated Offender Program. Victim engagement is improving in areas like domestic violence. Top 100 offenders are doing 58 percent of offences.

Community photo feature, Three Hills even made the list, fire services was the feature pic! Lots of great stories from across the province, Acme too.

FCSS discusses changing dynamics. 'Stronger Together' motto links to 'Strength in Members' motto nicely. Programming in our own communities includes help for families and individuals as they face life's often difficult challenges. 20 percent local funding/80 provincial is the 'model', but many communities contribute up to 32% locally. Eligible programs promote prevention priorities- homelessness, mental health/addictions/employment, family and sexual violence, and aging well in the community. 1 dollar spent equals 7-12 dollars saved down the road. FCSS is the mortar between the bricks at many levels

CRAA rail alliance promotes better access to rail freight. Railforward.ca.....Community Rail Advocacy Alliance seeks to increase rail capacity and availability

Peter Brown continues with next round, Victim Services rep Trent Forsberg, who's had 33 years in policing fields. He is one of the architects of The Victim Services redesign. The hope is to give caseworkers more time to spend on actually working with victims instead of having staff spend vast reporting time.

Advocacy@abmunis.ca

Day 2

Danielle Smith takes the stage to get things rolling... Lots of funding in place for infrastructure, seniors, mental health and addictions, FCSS.

Media and Pollster panel takes the stage to discuss the political landscape. Who's gonna win? That's the elephant in the room. Take back Alberta might sway a seat or two, not sure, it seems to rise up from rural mindsets. People vote with emotion and longer-term trust, polls tend to indicate this thinking.

An interesting question from the Mayor of Cold Lake-why does Edmonton historically vote orange when so much economic spinoff comes to the city from a more conservative based fiscal strategy (e.g. hospitals, university)

Jyoti Gondek asks about media relations and wonders how the media world has changed and how expectations of unbiased reporting are becoming increasingly impossible
Another good statement- Do not let politics into Municipal Governance! Interesting

Next up to speak, leader of the opposition Rachel Notley. Lots of politicking.

- Commitment to family health teams plan.
- Public education funding improvements, -albertasfuture.ca
- 50 percent increase to FCSS funding if elected.
- Affordable housing units increased to 60k across the province.
- some UCP bashing, but generally very neutral, which was a nice change

AM Summary of Resolutions from AB Munis President Heron

- Police retro pay billing is a contentious issue, munis under 5k may see billing once the current agreement expires at the end of 2024.
- EPR (extended producer responsibility) makes producers of recyclables share new recycling management in conjunction with municipalities
- LGFF (local govt fiscal framework) discussions ongoing

Message from Rebecca Schulz, Minister of Municipal Affairs

- partnerships between the province and munis is paramount
- adoption of new building code from Feds

All in all, a lot of information has been presented over these two days, reach out to me if you would like further clarification or insight into these or any other Municipal issues.



ALBERTA
MUNICIPAL AFFAIRS

*Office of the Minister
MLA, Calgary-Shaw*

AR110902

Dear Chief Elected Official:

Joint use and planning agreements (JUPAs) between municipalities and school boards operating within municipal boundaries enable the integrated and long-term planning and use of school sites on municipal reserve, school reserve, and municipal and school reserve lands.

On June 10, 2020, Section 670.1 of the *Municipal Government Act* was proclaimed, setting the deadline for municipalities to complete these agreements with the applicable school boards by June 10, 2023.

The ministries of Municipal Affairs and Education have heard from municipalities and school boards about the challenges of meeting this deadline. My colleague, the Honourable Adriana LaGrange, Minister of Education, and I have agreed to extend the deadline for municipalities and school boards to June 10, 2025, to provide sufficient time to complete these agreements.

In addition to this extension granted as per Ministerial Order No. MSD:013/23, the Ministry of Municipal Affairs can provide additional supports to municipalities to assist with the development of these agreements. Questions regarding JUPAs can be directed to a planning advisor at ma.advisory@gov.ab.ca, or toll-free by first dialing 310-0000, then 780-427-2225. Should municipalities require support to mediate discussions with school boards, please email municipalcollaboration@gov.ab.ca or call the number above for more information.

Sincerely,

Rebecca Schulz
Minister

Attachment: Ministerial Order No. MSD:013/23

cc: Honourable Adriana LaGrange, Minister of Education



The Three Hills School Senior Girls Basketball Team would like to thank you for your generous support. You helped turn our **2023 2A Girls Provincial Tournament** experience into a lifelong memory!

Coach Isabel McLean

Kailey Cinnamon #12

Sami Trentham #6

Kayle Lammle #15

Georgia Guttridge #9

Ashley Maerz #14

Cheyenne Ferguson #8

Beckett Lendvay Karma Long #10

Ava Brietzke #22
Lauren Boles #7

Lola Ferguson #4

Coach Greg Lendvay