



## Councillor Action Request Form

**Step 1:** Councillor to complete action request and submit to CAO via fax 780-968-8413, email or in person

**Name of Councillor:** Jo Szady **Date:** February 11/13

**Nature of Action Request:** (if additional space required, please use separate piece of paper)

Please refer to the attached emails pertaining to Security Lights/Birch Street Estates

**Municipal Address:**

**Division:** **Legal Description:** LSD **Sec** **Tw** **Rge**

**Resident's Name Registering Complaint:** Nygaard and Colleton

**Resident's Telephone Number:** Attached

**Follow-up Required:** Yes ☒ No ☐ (Please check one)

*Please submit this form directly to CAO's office.*

Email from Councillor Szady (attached)  
Councillor's Signature

**Step 2:** CAO to date and assign to applicable Manager (cc: GM)

<b>Manager</b>	Bruno St-Amand	<b>Date received &amp; CAO initials</b>	February 11/13 CAO
<b>Department</b>	Engineering Services	<b>Action #:</b>	09-13

**Response to Councillor:**

**Date:** 18 March 2013

**Step 3:** Manager to respond directly to Councillor (cc CAO/GM/Dana)

Situation: In 1985 the residents of Birch Tree Estates (SW 18-51-25 W4M) entered into an agreement with Fortis Alberta for the installation of yard lights onto the power poles to work as street lights. The idea was for all residents to share equally for the cost of the energy until recently. Some new residents of the subdivision have refused to contribute to the energy cost for the lighting system which has left the other residents with a deficit to cover amongst themselves. Parkland County is now being asked to resolve this issue by stepping in and charging a special tax so that all residents would be obligated to contribute.

Concept of Operation: The current lighting system in Birch Tree Estates is required to be upgraded in the future as it does not meet current standards. Fortis Alberta will continue to supply energy to the subdivision as long as the consumption and operation costs are being paid and the agreement adhered to by the residents. There is no objection by Fortis for Parkland County upon request to take over the agreement but if the agreement were to be cancelled than the current lights in the subdivision would be removed.

## Action Request 09-13 Cont'd

### Discussion:

We reviewed all the council resolutions of 1984 and 1985 to see if Birch Tree Estates may have placed a request to the Council of the time for the streetlight installation in their subdivision. Our records revealed.....


Parkland County administration is not aware of any similar issues to Birch Tree Estates. This situation is in fact unique as the installation and lighting costs were conducted without the County's support. Current policies for subdivision lighting systems must be approved by Council. Under current practice, street light hardware will be installed at the developers' expense than will be transferred to the County at which time the County will sell the hardware back to Fortis Alberta under the Investment Rate Agreement. The streetlights within the Subdivision are being energized once occupancy reaches 50%.

### Options: Few options are available:

- A. Status Quo: EC and Council decide to do nothing until the Street Lighting Policy is updated.
- B. County takes over the administration under a bylaw by collecting from the residents and then paying Fortis Alberta.
- C. County collects the funds under a bylaw then forward the funds to Birch Street Community Association.
- D. County takes over Birch Tree Estates street lighting account in full with the understanding that upgrade will have to be fully covered by the County.
- E. County takes over Birch Tree Estates street lighting account in full with the understanding that future upgrade will be cost shared with the residents following a Local Improvement Program.

### Recommendation:

It is recommended to follow Option A at the moment. This current situation is the result of decisions made by the Birch Street Community Association and was not authorized by Parkland County administration or Council. The Policy, when finalized, should address this type of situation.

  
Bruno St-Amand, P.Eng. Manager Engineering Services

**From:**

**Sent:** Saturday, February 09, 2013 10:54 PM

**To:** Jo Szady

**Subject:** Security Lights / Birch Street Estates / 25519 Twp Rd 512 A

Hello Jo, you should have received a message from \_\_\_\_\_ regarding the security (Short arm) lights in our subdivision, Birch Street Estates. In 1985 we as a community formed the 'Birch Street Community Association, to have security lights installed, because of vandalism and people parking in here who do not live here. We have had them upgraded a few years ago to include more lights. This arrangement has worked very well, and Fortis has worked with us in maintaining the lights. The costs for electricity are added up each year and a 7% factor added on, and then divided by the number of land owners, to arrive at the cost for the following year. Then one land owner sold, advised the new owner about the lights, but this person has not contributed, and says he will not contribute. He said if the rest want lights, pay for them. Besides costing everyone else more money, this has caused animosity towards this individual, but the rest of us cannot force him to pay, ~~unless the County will step up and make it a mandatory cost for all landowners in this subdivision by adding to the Tax Notice.~~ You see in the next few years, there will be an exchange of owners here as our present residents get older and sell out, so this problem of new owners not wanting to pay will result in the lights being taken out. If later on, the residents decide they want the lights, the cost will be several thousand dollars to have reinstalled. I am curious what arrangement 'Winter Ridge' has for their lighting. Is the County involved with this one? Winter Ridge is on Winterburn Road south of the Petroleum Golf Course, west side of the road.

I hope you respond to \_\_\_\_\_ as we will all here from him about this issue.

I live at \_\_\_\_\_, Birch Street Estates, and sure hope we do not have to discontinue the lighting. It has stopped vandalism in this subdivision ever since they were installed.

Thanks for your utmost attention in this matter, and hope we can work with the county to have it resolved. .

You may call me at \_\_\_\_\_ cell, \_\_\_\_\_ home, or email \_\_\_\_\_ if you have any questions. Thanks for your time to consider this situation.

\_\_\_\_\_, 35 yr+ resident

A couple of examples below

One way would be for the County to assess a flat charge to each landowner in this subdivision, say 140.00 each, set it aside in a special account for Birch Street Estates, and when the bill comes to a designated person in Birch Street Estates, it is submitted to the County to pay from the special account. The account is reconciled each year as it is done now.

OR. The County assesses a flat charge to each landowner in this subdivision, and then sends the Birch Street Community Association the funds for deposit in the Association bank account, and the association will pay for the electricity on a monthly basis. Account to be reconciled each year for accuracy. This is done now every year.

**From:**

**Sent:** Thursday, February 07, 2013 12:33 PM

**To:** Jo Szady

**Cc:**

**Subject:** Birch Street Estates

Dear Jo,

My name is . I live at (Birch Street Estates). You and I have met several times on separate occasions so I'm hoping you recall whom I am.

A quick history for you: our subdivision installed street lights @ 1985, the utilities company offered this for a flat yearly rate. The residence have always divided the total yearly bill equally and paid their share.

As of 2 years ago we have had one new resident and he has refused to pay his portion. In his actions, it has caused some animosity between him and the entire Birch Street Estates community. The other nine families have now had to pay more monies to make up for his shortfall.

In looking for a solution to this matter, one option was to cancel the light's...we all agreed this wasn't something we wanted. So I personally contacted Fortis and asked for their advise. I have had multiple verbal conversations with , 780.405.9017, 780.544.3307, @fortisalberta.com. She informed me that there are other subdivisions with similar circumstances and that she was working with Parkland County to have these light expenses be distributed to individual property owners via land tax.

My question's to you are:

Are you familiar with this issue anywhere else in Parkland County?

What are other subdivisions doing in regards to street lights?

Are you able to help us and give us advise to reconcile this matter?

Thank you for taking the time to consider our situation. If you have any questions please don't hesitate to contact me at any of the following methods; , or .

Regard's,