

From: [Clayton Gessner - C's Oilfield](#)
To: [Committees](#)
Subject: BILL # 202
Date: Wednesday, July 29, 2009 9:28:35 AM
Attachments: [BENOIT.DOC](#)

GOOD MORNING!!!

I AM A BUSINESS OWNER IN THE COUNTY OF VERMILION RIVER (CVR). I AM IN TOTAL SUPPORT OF BILL# 202 AND I WOULD LIKE TO SAY, IT'S ABOUT TIME.

THE MGA IN ITS CURRENT STATE DOES NOT HOLD MUNICIPAL GOVERNMENTS ACCOUNTABLE ENOUGH FOR THEIR ACTIONS OR LACK OF ACTION. MOST OF OUR COUNCILORS ARE PREVIOUSLY BANK RUPT FARMERS AND IT SHOWS. THE MORE PROFFESIONAL PEOPLE THAT GET INVOLVED, THE BETTER.

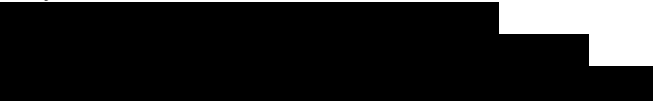
I HAVE ATTACHED A LETTER FROM OUR **LOCAL M.P. LEON BENOIT (PC)** TO THE CVR. IT EXPLAINS THE SHORT VERSION OF MY SITUATION. PLEASE PASS THIS ON TO THE MLA's AND OTHERS INVOLVED IN BILL# 202.

IN THE FUTURE I WOULD LIKE TO SEE ANOTHER BILL PASSED THAT ENSURES THAT MUNICIPAL STAFF HAVE TO MEET OR EXCEED CERTAIN STANDARDS OF EDUCATION. NOT ONE PERSON IN THE CVR ADMINISTRATION OR PLANNING AND DEVELOPMENT DIVISION HAVE ANY POST SECONDARY EDUCATION FOR THE JOB. IT'S ALL FRIENDS, RELATIVES OR NEXT IN LINE. IN A BOOMING AREA SUCH AS LLOYDMINSTER, IT MAKES IT VERY DIFFICULT TO GET THINGS DONE PROPERLY IN A TIMELY AND EFFICIENT MANNER. IT ALSO MAKES FOR HUGE ADMIN AND LITIGATION COSTS FOR THE PLAINTIFFS AND RATE PAYERS. THIS NEEDS TO BE DONE SO PROGRESS CAN PROCEED AND THE AREA CAN GROW. THE OLD BOYZ CLUB HAS TO GO. COOPERATION NOT CONSTIPATION !!! KEEP CANADA STRONG AND MOVING FORWARD.

AGAIN, I'M IN TOTAL SUPPORT OF BILL# 202

THANKS & REGARDS,

Clayton Gessner C.E.T./A.Sc.T./A.P.I.653



Clayton,

You will find below a copy of the letter Mr. Benoit sent to Minister Danyluk.

Please keep us apprised of your situation as it evolves.

Sincerely,

Lottie Bardoel

Constituency Assistant to

Leon Benoit, MP

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May 12, 2009

Honourable Minister Danyluk

Minister of Municipal Affairs

#104 Legislature Building

10800-97 Avenue

Edmonton, AB

Canada T5K 2B6

Re: County licensing issue

Honourable Minister,

A situation has been brought to my attention by my constituent, Mr. Clayton Gessner. This matter is clearly a provincial and municipal one and I would like to turn it over to your office to look into.

Mr. Gessner is having difficulty with obtaining a building permit through the County of Vermilion River. Previously the County of Vermilion River approved the ground work and a 10 acre subdivision for Mr. Gessner. Mr. Gessner then applied to build another shop on his existing business site and the County turned him down. They felt the building would be “detrimental to the community”. The decision on the permit was to have been made by the development officer however the County of Vermilion River council determined that they wanted to amend the zoning provisions. Because of this the decision on the permit was made by council.

According to Mr. Gessner the area is zoned commercial and the taxes he pays are commercial taxes. There have been businesses similar to his on this same site for over 25 years. Mr. Gessner's business previously operated at a location about eight miles away for five and a half years without any complaints or problems.

Mr. Gessner appealed the refusal to the County and to the Alberta Court of Appeals and the court agreed with him and sent the ruling back to the County. There was a second application put in and again it was denied. He appealed this a second time and it went back to the same board (same people) who turned him down a second time. He then again took it to the Alberta Court of Appeals and was again given leave to appeal. Mr. Gessner does not feel that bringing this back to the county will produce any different results as this has not worked to date.

The problem Mr. Gessner sees with the process is that the appeal board is ruling on decisions made by council, the same council who appointed them to their board position. As well there are two councilors on the appeal board. There is no arm's length decision making happening. And a second appeal is seen by the same people who saw the first one.

This fight has cost him \$40-45000 in legal fees. At a public hearing regarding the permit only one person objected to this building. It was the person who sold him the property and had a business on the land previously. There were several neighbours there and they were in favour of the development 5:1. He already has a shop and was looking to improve his business. Mr. Gessner "refuses to partake in the recession". His shop package is lying on the ground rotting, instead of employing people to erect it.

As I turn this over to you, I ask that you please provide me with an explanation, for my own future reference, of the process of appealing to the County on these matters.

Sincerely,

Leon Benoit MP

cc: Clayton Gessner, 

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