

# Memo

**DATE:** April 4, 2016

**TO:** Members of City Council

**FROM:** Myron Gulka-Tiechko  
City Clerk/Solicitor


**RE:** Addition of Item to April 4<sup>th</sup> City Council Agenda  
Communication #32 – Request to Address City Council – Discretionary Use  
Application for Proposed Paving Company with Asphalt Plant – 2020  
Norwood Avenue

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Please find attached, a letter of transmittal respecting a written submission received by the Clerk's Office this morning. Este Fonkalsrud, Fonkalsrud Law Firm, on behalf of Rockport Carrier Co. Ltd., is requesting to address City Council at tonight's meeting regarding the Discretionary Use Application respecting the above captioned matter.

A motion would need to be made at the outset of the meeting to allow this item (Communication #32) to be added to the agenda under Committee of the Whole.

Yours truly,



Myron Gulka-Tiechko  
City Clerk/Solicitor  
/hw

c. Matt Noble, City Manager

**CITY OF MOOSE JAW**

**LETTER OF TRANSMITTAL**

**TO: Members of City Council** **DATE OF MEETING:**  
April 4, 2016

**FROM: City Clerk/Solicitor's Department** **FILE: 1529-3**

**SUBJECT: Memorandum dated April 4, 2016 from Estes Fonkalsrud, Fonkalsrud Law Firm**

**Re: Communication #32 – Request to Address City Council regarding a Discretionary Use Application for a proposed “Light Industrial Use – Paving Company with Asphalt Plant” on Block/Parcel D, Plan 79MJ03585 civically known as 2020 Norwood Avenue, MJ, SK**

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**BACKGROUND/COMMENTS:**

The City Clerk/Solicitor's Department received the attached memorandum dated April 4, 2016 from Estes Fonkalsrud, Fonkalstrud Law Firm, on behalf of Rockport Carrier Co. Ltd., requesting permission to address members of City Council regarding a discretionary use application for a proposed paving company with asphalt plant to be located at 2020 Norwood Avenue.

At a regular meeting held on March 22, 2016, the Municipal Planning Commission (“MPC”) considered a report dated March 16, 2016 from the Planning and Development Services Department (attached to the March 22, 2016 MPC minutes) to review the Discretionary Use Application for a paving company with asphalt plant and passed the following resolution:

*“THAT the Municipal Planning Commission recommend to City Council that the Discretionary Use Application for “Light Industrial Use” on Block/Parcel D, Plan No. 79MJ03585 as submitted by Westside Paving Inc. be approved, subject to entering into a Development Agreement which addresses sewer and water servicing, traffic impacts, buffering and landscaping, and potential nuisance, and further;*

*THAT all expenses incurred with respect to this application be borne by the applicant.”*

The above resolution will be considered by City Council under Part 8d) of the April 4th Council agenda. It is recommended that anyone wishing to address members of Council be permitted to do so during Committee of the Whole and then Council consider the presentation(s) in conjunction with Part 3 of the MPC minutes later on in the agenda.

**ATTACHMENTS:**

1. Memorandum dated April 4, 2016 from Estes Fonkalsrud, Fonkalsrud Law Firm, on behalf of Rockport Carrier Co. Ltd., regarding the discretionary use application.

**RECOMMENDATION:**

1. THAT anyone wishing to address members of City Council respecting a Discretionary Use Application for a proposed "Light Industrial Use – Paving Company with Asphalt Plant" to be located at 2020 Norwood Avenue, Moose Jaw, SK, be allowed to do so.
2. THAT the memorandum dated April 4, 2016 and presentation from Estes Fonkalsrud, Fonkalsrud Law Firm, on behalf of Rockport Carrier Co. Ltd., and any other presentations regarding the Discretionary Use Application for a proposed "Light Industrial Use – Paving Company with Asphalt Plant" to be located at 2020 Norwood Avenue, be considered in conjunction with Part 3 of the Municipal Planning Commission minutes dated March 22, 2016 (under Part 8d) of the Council agenda.

Respectfully submitted,



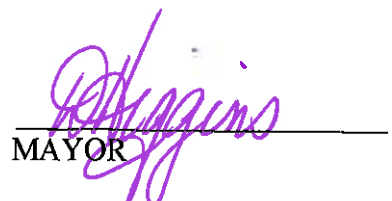
Myron Gulka-Tiechko  
City Clerk/Solicitor  
MGT/pa

Attach.

**CITY MANAGER'S COMMENTS:**

  
CITY MANAGER

**MAYOR'S COMMENTS:**

  
MAYOR

# MEMORANDUM

DATE: April 4, 2016

TO: City of Moose Jaw

FROM: Estes Fonkalsrud  
FONKALSRUD LAW FIRM

Subject: Discretionary Use Application  
Proposed "Light Industrial Use – Paving  
Company with Asphalt Plant  
Block/Parcel D, Plan No 79MJ03585  
2020 Norwood Avenue



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## PURPOSE:

To address City Council on behalf of Rockport Carrier Co. Inc, related companies, and employees regarding the application for Discretionary Use approval to develop a "Light Industrial Use" paving company with asphalt plant at 2020 Norwood Avenue in the City of Moose Jaw.

## BACKGROUND:

The City of Moose Jaw received a business license application to operate a road construction and asphalt plant at 2020 Norwood Avenue in February of 2016. After review of the material it was determined that a discretionary use or property rezoning would be required. The owner did not apply for the discretionary use approval under "Light Industrial Category" until March 14<sup>th</sup>, 2016. The property in question is approximately 10 acres and is adjacent to agricultural land and several businesses including Rockport Carrier Co. Inc. and related companies.

## ISSUES:

Rockport Carrier Co. Inc., related companies and employees have several issues over the proposed Discretionary Use Application. The current proposed use for the land raises the following issues that I and representatives from Rockport Carrier Co. Inc. would like to address City Council on:

1. Sewer and Water servicing costs and fire suppression
2. Spills of hazardous substances and dangerous waste
3. On-site storage of hazardous substances (diesel, asphalt, waste oil)
4. Excessive emissions of fugitive dust and/or odours
5. Air contamination
6. Heavy truck traffic
7. Nuisance from the operation to adjacent businesses, employees, and residences.
8. Surface water contamination
9. Ground contamination
10. Financial impact to adjacent businesses and land value.
11. A mobile plant operating within City limits.