

# **Town of Drumheller**

## **COUNCIL MEETING**

### **COUNCIL**



**March 22, 2004** 5:30 PM Council Chambers, Town Hall  
703 - 2nd Ave. West, Drumheller, Alberta

#### **PRESENT:**

##### **MAYOR:**

Paul Ainscough

##### **COUNCIL:**

Karen Bertamini  
Don Cunningham  
Larry Davidson  
Brent Pedersen  
John Sparling  
Harry Stables

##### **CHIEF ADMINISTRATIVE OFFICER/ENGINEER:**

Ray Romanetz

##### **DIRECTOR OF INFRASTRUCTURE SERVICES:**

Wes Yeoman

##### **DIRECTOR OF CORPORATE SERVICES:**

Michael Minchin

##### **DIRECTOR OF COMMUNITY SERVICES:**

Diana Meller

##### **RECORDING SECRETARY:**

Linda Handy

#### **1.0 CALL TO ORDER @ 5:30 PM.**

#### **2.0 MAYOR AINSCOUGH'S OPENING REMARKS**

2.1 Mayor Ainscough presented a letter from Hon. Guy Boutilier, Minister of Municipal Affairs and Hon. Lorne Taylor, Minister of Environment advising that the Town of Drumheller has been selected to receive a zero interest loan of \$262,100 for our Water Treatment Plant Automation Project from the Alberta Capital Finance Authority, under the Municipal Energy (ME) First Program.

2.2 Mayor Ainscough advised that the Strategic Business Plan Workshop was held on

March 17<sup>th</sup> – 18<sup>th</sup>. Council set the following priorities for 2004/05: Capital Priorities List; Utility Rate Model; Policing Liaison and Needs; Affordable Housing Plan; Economic Development Strategy (includes Brownfields Lobby). Operational priorities include: Bylaw Services; Community Profile; MDP Vision; DRCDT Liaison; and Downtown Revitalization.

### **3.0 PUBLIC HEARING**

Mayor Ainscough called the Public Hearing to order at 5:33 PM.

Mayor Ainscough stated that the purpose of the public hearing is to consider an application to amend the Land Use Bylaw 36.98 by redesignating a portion of LSD 4 and 5 SW ¼ 1-29-20-W4M from UT – Urban Transitional to HWY-C – Highway Commercial.

Mayor Ainscough asked if there were any written submissions. Recording Secretary, L. Handy advised there was one item of correspondence from Palliser Regional Municipal Services. Their comments were read into the record.

Mayor Ainscough asked if anyone wished to speak in favor of the proposed bylaw.

**Robert Traylen**, Loblaws Development Manager and applicant for the Land Use Amendment stated that all affected lands are under contract to the company. He identified property owners and zoning on the drawing. He noted that the property owned by the Town of Drumheller and Brazeau Resources is currently zoned UT – Urban Transitional and the proposal is to rezone these properties to “Hwy-C” – Highway Commercial to allow for the construction of an Extra Foods Grocery Store and Gas Bar. Loblaws intend to purchase 4 acres from the Town for a total development site of 6.4 acres. He identified the areas for landscaping and fencing. He noted that the only access will be off of Highway 9 South. He explained that a portion of the existing hill has to be removed – the entire hill will not be removed and the hill as seen upon entering the Valley will appear the same. The portion of the hill to be removed is located south of the proposed development. He stated that Drumheller is the focal point in the trading area and he feels that Loblaws will be a significant draw for the Town. He explained that the purchase of the land will bring additional money and taxes to the Town. Loblaws will employ 70-80 employees. He noted that the store will be similar in size to Lacombe’s (42,000 sq. ft. in size) and can accommodate a future expansion as shown on the plot plan. He stated that in discussing the proposal with the residents in the area, some have expressed concern with the location of the loading dock in the back of the building, which is visible from their residence. He further stated that Loblaws may consider positioning the store further to the south west corner on the property to accommodate these concerns – this would provide more distance between the residences and the back of the store. He noted that more landscaping along this area may be possible as well. He stated that he is prepared to work with the community at the development permit stage to reduce concerns. It is Loblaws intention to have the store open by mid-November. They intend to start construction of the store at the

same time as moving the hill. He asked Council to consider the application for rezoning to allow for the development of the Extra Foods Grocery Store and Gas Bar. He further stated that he is prepared to answer any questions.

**Cliff Young** stated *"the store is good for employment. As for the hill, it is covered with weeds, broken glass and other debris"*. He stated that he would welcome the landscaping as he lives next door on the corner to the proposed development. He stated that he would be concerned with the drainage off the parking lot and would like to see proper curbs in place to prevent further mud from building up along Juniper Road. He stated that removing a portion of the hill is not a problem however he would like to know where the dirt is going. He further noted that although the dust in the area may be a problem, the development of a new grocery store would be worth it.

**Eileen Hromada** stated that she is in favor of Loblaws proposal because *"the people will do their shopping in Drumheller instead of outside and there will be employment for young people"*.

Mayor Ainscough asked if anyone wished to speak against the proposed bylaw.

**Tim Gregorash** stated that he is in favor of having the store in Drumheller, however is opposed to the location. *"I have lived in the Greentree subdivision for 24 years and the view from my front window is the hills. I bought the house in this area for the view of the Badlands"*. He further explained that the hill in question has been used by his children for hiking, tobogganing and playing. He thought that this area would remain quiet as it is on the edge of Town. He thought it would be a safe place to raise kids. He stated that if the proposal goes through, the Town will be tearing down the natural beauty of Drumheller. He further stated that if the hill is sloped from the back, the stability of the hill will be affected. He stated that noise levels will increase with the removal of the hill as the hill now provides a natural buffer. He stated that the store will create increased traffic noise at all times of the day, such as, large trucks delivering and the liquor store with possible rowdy patrons. He expressed concern with: changing traffic patterns, dirt removal and its location, drainage patterns, garbage odor and the added attraction this may cause for wildlife, decrease in property values and loss of scenery. He reiterated and questioned whether the removal of dirt and sloping of the hill would cause the hill to be unstable, especially in light of the close proximity to the water tower. He stated, *"If the hill shifted, would the Town see the water tower collapse with 250,000 gallons, which is 2,500,000 lbs., of water being released?"* He explained that currently many tourists just stop to climb the hill. He questioned whether tourists would want to see a big building and parking lot versus the natural environment. He provided a list of other locations for the development which would remove some current eye sores within the Valley and attract individuals to the downtown core without removing any hills: HiHo Restaurant; behind the Boston Pizza, along the Rosedale road, former Consortium property, PetroCanada property, Central School, along North Dinosaur Trail (Schrock property), John Anderson Park *"as there are*

*already an abundance of ball parks within the Valley” or the industrial park – “the people of Drumheller will drive a few extra minutes to shop”. He concluded by stating that the hill is used year round – “Banff Council will not sell the basin”. “What is unique to Drumheller is our Valley and hills, we have unique topography – are we willing to destroy this and let developers come in?” He asked Council to vote opposing the proposed development and taking a stand for the unique topography within the Valley.*

**Jullian Murray** stated that she recently moved to East Coulee from British Columbia. She stated that there is something beautiful about the drive into the Valley from Highway 9 South. She concurs that there are different locations for the development. She expressed concern that Drumheller has allowed other developers to level hills to make way for progress. She concluded by stating that she is opposed to the rezoning and the store would not be a welcomed fixture to the Valley entrance. She related it to a Joni Mitchell song *“paved paradise and put up a parking lot”*.

**Amber Channel** stated that she is not opposed to the store but to removing the hill. She noted that she moved here recently from British Columbia and chose Drumheller due to the beauty of the area. She agrees that Drumheller needs to be more progressive in bringing in jobs however the hills need to be protected. She chose to raise her family in the Greentree area and does not want a view of a parking lot. She stated that she would not stay in the area if this happens.

**Marcel Deschenes** stated that the Badlands scenery is very fragile and unique to Canada. He stated that the hill is within the entry way of the Valley. He said, *“Who is going to speak for the hills? - tourists are attracted to the hills.”* He stated that, *“this development is the beginning – destruction will happen slowly”*. He referred to the Rosedale Industrial Park and noted that this appearance is not appealing to the residents and tourists. He said that Extra Foods is a great store however there are other locations for the Valley. He asked Council to take a deeper look and consider that the hills have the power to attract. He further asked Council to be more conscious towards the Badlands.

Mayor Ainscough asked Council if they had any questions.

**Councillor J. Sparling** asked R. Traylen what are the plans for beautification to make the area more appealing for those in the neighborhood. R. Traylen reiterated that he would consider moving the building further southwest and / or moving the loading dock on the other side of the building. He further noted that the area will be reviewed and with the combination of landscaping, fencing and change of elevation the residents concerns may be reduced. R. Traylen stated that community input would be welcomed.

**Councillor B. Pedersen** asked R. Traylen what is the corporate policy when choosing a municipality. R. Traylen stated that location is the prime consideration – *“you have to have a prime location or you will not get your fair share of the business”*. R. Traylen noted that

other locations within the Valley have been considered however there were several factors that affected suitability.

**Councillor H. Stables** asked if an access is being considered from Juniper Road. R. Traylen referred to the drawing and stated that the only access is off of Highway 9 South. He explained that Loblaws intend to remove the Reptile World building and create a new access off of Highway 9 South – discussions are ongoing with Alberta Transportation. H. Stables questioned whether the removal of the dirt from the hill would cause erosion. He further asked if drainage concerns would be addressed. R. Traylen stated that their company hires professionals to ensure there are no erosion problems. He further stated that the drainage designs will be to the standards as negotiated with the Town.

**Councillor K. Bertamini** noted that she did not see any foot access from the store to the neighborhood. R. Traylen stated that foot access to the back of the store could be considered.

**Councillor L. Davidson** noted that any concerns will be dealt with during the development application process. He asked for the store elevations. R. Traylen stated that the store would be constructed about one metre below the 700 metre contour line – this is dependent on drainage. The area would also be broken up with soft landscaping.

**Councillor D. Cunningham** asked for the distance from the drop of the hill to the water tower. R. Traylen the distance may be 200 ft. D. Cunningham stated that he can not see how this distance would affect the water tower. R. Traylen noted that geotechnical staff will conduct density tests.

**Councillor L. Davidson** asked if the Royal Tyrrell Museum is contacted prior to the hill removal. R. Traylen stated that a paleontologist is hired to study the area for fossils. He further stated that both the grading plan and fossil study will be submitted to the Town for their review.

**R. Romanetz** stated that the developer is required to provide more information at the development application stage. Several of the questions put forward this evening would be addressed in the Development Servicing Agreement. He noted that drainage concerns would be addressed with the requirements that curbs be installed so that water drains to the large storm sewer on Highway 9 South. As well, the parking lot will be designed to accommodate water storage which will drain appropriately, similar to the Canadian Tire and IGA sites. He stated that the dirt material from the hill may be moved to private property to the east and south. He further noted that the Town has identified potential areas where the material can be placed, as done with other developments. He explained that the grading of the hills was the Town's first consideration and advised that the proposed grading plan reflects that the view of the hill will remain essentially the same from the south entrance to the Valley. He further explained that from the peak the hill will be back sloped to the north

– individuals will see the Badlands generally as it is now from the south entrance. R. Romanetz confirmed that the Town will not allow access from Juniper Road. He further confirmed that from the onset of discussions on the development proposal, the water tower was a prime consideration. The water tower holds 500,000 gallons of water and a review will be conducted to ensure the grading work would not affect the structure. He concluded that any hill removal or part thereof requires a development permit from the Province and a paleontologist must be on site to ensure that Provincial requirements are taken into account.

**Councillor K. Bertamini** asked if the dirt to be moved is similar in amount to the IGA development. R. Romanetz stated that the hill height is about 85 ft. and the hill at the IGA was about 75 ft. R. Traylen stated that the amount of dirt to be moved is approximately 120,000 – 130,000 m<sup>3</sup>.

**Mayor P. Ainscough** asked if hills were removed to create the Greentree subdivision. T. Gregorash stated that if hills were removed in the Greentree area it was to allow for the residential development – the hills are park like.

**Councillor L. Davidson** reviewed the areas for the proposed development to be located and explained the reasons why the sites were not suitable. He noted that HiHo and KFC are both contaminated sites. T. Gregorash asked if the Town is pursuing the owners to clean it up so that the businesses have more locations to build. L. Davidson stated that Council considers this matter to be very urgent and the Town has created a strategy to work towards this goal. He noted that other sites identified were either not large enough or there were access problems. T. Gregorash asked what it costs to remove a hill. L. Davidson explained that the Town faces a challenge to find suitable locations for large commercial developments. He stated that although he respects the residents desire to maintain the hills, the Town has to find a balance. T. Gregorash stated that taking down a hill can never be replaced and the Town can not support three grocery stores.

Mayor Ainscough asked for rebuttals.

**Robert Traylen** stated that he is prepared to review the elevations, landscaping, drainage and other issues with the community. The company is not planning to bring a liquor store to Drumheller immediately. The only vehicular access is from the front off of Highway 9 South – there is no access from Juniper Road. He noted that he is relying on expert advice on placement for the dirt, stability of the hill and the drainage design. He further noted that the garbage will be in sealed containers so there will be no odors to the residents.

**Cliff Young** stated that he has lived at his current address for over thirty years, which is the closest residence to the proposed development. He further stated that no one picks up the garbage so the hill is very messy – it was an old garbage dump. He stated that he wants

this mess cleaned up. He concurred that some houses in the Greentree subdivision are sitting on good top soil and some on fill. He further stated that the children sliding on the hill is a safety factor. He noted that he raised his children and he would not allow them to play on the hill because of the broken glass and metal.

**Tim Gregorash** stated that a petition is circulating in opposition to the removal of the hill.

**Jullian Murray** stated that the recently formed Drumheller Revitalization Committee needs to recognize that this proposal is a de-vitalization approach. She reiterated that the hills are the main focus for tourists - not major development – *“on the movie set you see the Badlands, not a big building with a parking lot”*.

**Amber Channel** stated that she would be greatly saddened if the proposed development receives approval.

**Marcel Deschenes** stated the hills are the entry way to the Badlands and the \$2m Dinosaur. He stated that there must be another location for the store. He reiterated that Council should be more conscious towards the Badlands. He asked Council to think of the future for the children.

Mayor Ainscough declared the public hearing closed at 6:25 PM.

#### **4.0 ADOPTION OF AGENDA**

Delegation - Nicky Samuels, Drumheller Composite High School 2004 Graduation not able to attend; Additions to Agenda: Councillor J. Sparling – World Professional Chuckwagon Tour

**MO2004.82** Davidson, Stables moved the adoption of the agenda as amended. Cd.

#### **5.0 MINUTES**

5.1.1 ADOPTION OF REGULAR COUNCIL MEETING MINUTES – March 8, 2004

**MO2004.83** Pedersen, Davidson moved the adoption of the minutes of Regular Council meeting of March 8, 2004. Cd.

#### **5.2 MINUTES OF MEETINGS PRESENTED FOR INFORMATION**

5.2.1 Municipal Planning Commission – February 26, 2004

5.2.2 Management Meeting Minutes – March 2, 2004

#### **5.3 BUSINESS ARISING FROM THE MINUTES**

#### **6.0 DELEGATIONS**

## **7.0 COMMITTEE OF THE WHOLE RECOMMENDATIONS**

### **8.0 REQUEST FOR DECISION REPORTS**

#### **8.1 CAO**

#### **8.2 Director of Infrastructure Services**

#### **8.3 Director of Corporate Services**

#### **8.4 Director of Community Services**

##### **8.4.1 Downtown Development Committee Meeting Update**

D. Meller advised that the Downtown Development Committee members met on March 16<sup>th</sup>. The purpose of the meeting was three fold: to provide a pedestrian and vehicular route from Centennial Park to the downtown core, to provide a gathering place focal point for the downtown core and to provide entrance features to the downtown core. The preliminary design drawings were reviewed. Another meeting is planned for April 6<sup>th</sup>.

## **9.0 PRESENTATION OF QUARTERLY REPORTS BY ADMINISTRATION**

### **(Quarterly Reports due April, 2004)**

#### **9.1 CAO**

#### **9.2 Director of Infrastructure Services**

#### **9.3 Director of Corporate Services**

#### **9.4 Director of Community Services**

## **10.0 PUBLIC HEARING DECISIONS**

10.1 Bylaw 10.04 being a bylaw to amend the Land Use Bylaw 36.98 by redesignating Portion of LSD 4 and 5 SW ¼ 1-29-20-W4M

**MO2004.84 Davidson, Stables** moved first reading to Bylaw 10.04.

### Discussion held on Motion:

Councillor K. Bertamini asked if third reading could be deferred to allow more time to address the public's concerns. The majority of Council agreed to proceed with deliberations and voting of Bylaw 10.04 this evening.

Councillor L. Davidson stated that the affected property owners should be invited to the Municipal Planning Commission meeting to allow for an opportunity for them to review the development proposal.

Councillor J. Sparling stated that he lives in the Twin Hills subdivision and he expressed concern with the placement of dirt. He agreed with the residents that large amounts of dirt piles would affect the adjacent property owners. R. Romanetz stated that as part of the development application, the developer must indicate where the dirt would be placed. If the



dirt is placed on private land, that property owner must apply for a development permit. By way of an advertisement, the public would be made aware of the dirt placement and they would have an opportunity to appeal, if they had concerns. Councillor J. Sparling expressed concern with drainage and the possibility of ponding especially in light of the recent concern with the West Nile virus. R. Romanetz stated that the Town will ensure that any dirt material placed on flat land or within coulees will not block off or impact any drainage channels. He further stated that the Municipal Planning Commission will impose the standard condition that the developer must enter into a development servicing agreement with the Town – at this time, the Town will negotiate all areas, such as grading, drainage, etc. The servicing agreement is then signed off by Council. The Town through the development permit and servicing agreement will ensure that the developer complies with all conditions.

Councillor J. Sparling expressed concern with the hill shifting due to the removal of dirt. R. Romanetz stated that the developer will be asked to provide drawings and confirm through experts that the hill will not be structurally impacted. The Town's consultant will work together with the developer for a second opinion. He reiterated that the Town does not foresee any problems with the slope of the hill. He referred to the hill along Hwy 575 that was cut back due to erosion problems. He stated that generally there is enough moisture in the material for sloping. He further stated that chemicals will not be used to control dust.

If there is a dust concern, a water truck will be available to ensure there is no adverse impact to residents. R. Romanetz referred to Mr. Gregorash's comments that he intends to submit a petition in opposition of the hill removal however he advised there is no authority in the Municipal Government Act to allow a petition to revoke a bylaw on a planning matter.

He further explained that once the development application is presented to the Municipal Planning Commission and they have all the necessary information, the Commission will make their decision. Following this, there is a requirement to advertise the approval for development in the local newspaper at which time, the residents can file an appeal if they have any concerns. R. Romanetz explained that once third reading is given, the developer can proceed with the development permit application. Councillor K. Bertamini asked for assurance that the affected residents would be invited to the Municipal Planning Commission or to a meeting in advance so that the development proposal is shared with them prior to MPC's decision. R. Romanetz stated that he could suggest to the MPC that that this be the approach they should follow. Councillor D. Cunningham agreed that the affected property owners must have another opportunity to review options.

Councillor B. Pedersen questioned whether the normal white and green Extra Foods building could be altered. R. Romanetz advised that appearance of the building would be addressed by the Municipal Planning Commission.

Vote on Motion: Carried unanimously.

Councillor D. Cunningham asked for a recorded vote.

**MO2004.85 Stables, Pedersen** moved third reading for Bylaw 10.04.

5 in favour - Ainscough, Davidson, Pedersen, Sparling, Stables.  
2 opposed – Bertamini, Cunningham.  
Cd.

## **11.0 DELEGATION DECISIONS**

## **12.0 UNFINISHED BUSINESS**

## **13.0 NOTICES OF MOTIONS**

## **14.0 COUNCILLOR REPORTS**

14.1 Councillor Brent Pedersen provided an update on the Sunshine Lodge expansion. He stated that three new wings have been added to Sunshine Lodge and residents have been moved to the new addition. The designated assisted living unit is now up and running 24 hours per day and there are four vacancies in this area. This brings the total residents in the new wings to 29 (14 regular and 15 assisted living). Renovations are underway on the existing building with asbestos removal started on the 1975 wing. To date, four new positions have been added (two full-time and two casual). He noted that the target date for completion of the expansion is mid to late May.

14.2 Councillor Larry Davidson advised that he attended a preliminary meeting for Bike Week in Drumheller as directed by Council. The purpose of his involvement was to act as a liaison for the Town. The Steering Committee intends to hold an event one week in length, July 5<sup>th</sup> – 11<sup>th</sup>, and they will invite all local and non local as vendors to hold events at a variety of locations within the Valley. All scheduled events will be the responsibility of the organizer – licenses, bylaws, etc. The Committee feels that the events would be economically beneficial for the Town. He further explained that the Town would act in an advisory capacity only due to possible liability issues.

14.3 Councillor John Sparling announced the upcoming 2004 Satellite Canvas Auction for the World Professional Chuckwagon Tour to be held on April 1<sup>st</sup>. Reception starts at 5:00 PM and Auction starts at 6:30 PM. The auction will also be broadcasted live from the Red and White Club in Calgary and linked up with Lethbridge and Medicine Hat as well. He invited the public to attend.

**15.0 IN-CAMERA MATTERS MO2004.86 Cunningham, Stables** moved to go in camera at 7:10 PM. Cd.

15.1 Land Matter – Plan 0113494 Block 1 Lot 6 Ptn.

15.2 Bylaw Supervisor

15.3 Kneehill Water Commission Supply Agreement

**MO2004.87** Stables, Sparling moved to revert back to regular Council meeting at 8:46 PM. Cd.

15.1 Land Matter – Plan 0113494 Block 1 Lot 6 Ptn.

**MO2004.88** Stables, Sparling that Council after having considered the facts and circumstances of this matter resolve to take all necessary legal steps to evict James and Linda Paller from the Town's property described Lot 6ER Block 1 Plan 0113494 and that the Town Solicitor be instructed to proceed accordingly. Cd.

There being no further business the Mayor declared the meeting adjourned at 8:48 PM.

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MAYOR

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CHIEF ADMINISTRATIVE OFFICER