

# **Town of Drumheller**

## **COUNCIL MEETING**

### **MINUTES**



**December 12, 2005** 4:30 PM Council Chambers, Town Hall  
703 - 2nd Ave. West, Drumheller, Alberta

#### **PRESENT:**

##### **MAYOR:**

Paul Ainscough

##### **COUNCIL:**

Karen Bertamini  
Don Cunningham  
Larry Davidson  
Karen MacKinnon  
Sharel Shoff  
John Sparling

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

Ray Romanetz

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

Wes Yeoman

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

Michael Minchin

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

Scott Blevins

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

Linda Handy

#### **1.0 CALL TO ORDER**

Councillor Don Cunningham was sworn in as Deputy Mayor for the months of January and February, 2006.

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

2.1 Mayor P. Ainscough presented a letter from Hon. Rob Renner, Minister of Municipal Affairs announcing approval for a grant of \$128,000 under the 2005 Municipal Sponsorship Program which includes the installation of new telephone systems, upgrade the Town's radio, Internet and multi-media systems and build a portable power system.

2.2 Mayor P. Ainscough presented a letter from Hon. Shirley McClellan, Deputy Premier & MLA, responding to the Town's position on the police funding formula. In her letter, Hon.

McClellan advises that Minister of Municipal Affairs, Rob Renner, will respond to the resolutions presented at the AUMA Convention. As well, she noted that Hon. Harvey Cenaiko, Solicitor General has the responsibility for this area and should provide a further response.

2.3 Mayor P. Ainscough presented a letter from Mr. Mike Hanly, A/Warden, Drumheller Institution extending an invitation for Council to visit the Drumheller Institution in January, 2006. Administration to arrange a suitable time and date for the tour.

2.4 **MO2005.236** Sparling, Shoff that the December 26<sup>th</sup> Regular Council Meeting be cancelled. Carried.

2.5 Mayor P. Ainscough presented information on broadcasting of Council's Regular Meeting. Televising of Council's regular meetings will begin early in the new year. In response to Councillor L. Davidson's concern that not all residents receive Shaw Cable service, R. Romanetz advised that the Town of Drumheller is updating their website and Council meeting minutes and other community information will also be available through this avenue.

### **3.0 PUBLIC HEARING**

3.1 Mayor Ainscough called the public hearing to order at 4:40 PM.

L. Handy, Recording Secretary stated that the purpose of the Public Hearing is to consider Bylaw 24.05 being a bylaw to amend Land Use Bylaw No. # 36-98 Section 33 "HWY-C" Highway Commercial district by adding to discretionary uses – Veterinary Clinic

Mayor Ainscough asked if there were any written submissions. Recording Secretary, L. Handy advised there were no submissions.

Mayor Ainscough asked if anyone was present to speak in favour or against the proposal.

J. Brett, Development Officer, Town of Drumheller provided the following comments:

The Municipal Planning Commission discussed the application for amendment of the Land Use Bylaw 36.98 by Dr. Lehman at their meeting of November 3<sup>rd</sup>. At first, the MPC were in favour of adding the description of Veterinary Clinic, small animal hospitals and pet shelters to Section 33 Hwy-C Highway Commercial district however after reviewing a report from Rod Ross of Palliser Regional Municipal Services on December 8th, they are now of a different opinion and recognize the need for defining major and minor veterinary services. Mr. Brett presented suggested definitions from Strathcona County and the City of Lethbridge for Council's consideration. He explained that the most obvious differences are that major veterinary services would allow for the on-site treatment of livestock and minor veterinary services would not allow for the outside storage or keeping of animals. He further advised that by adding minor veterinary service as a discretionary use to HWY-C district would allow this type of development to appear elsewhere in the Town where land is designated as such. He also stated that there is a shortage of animal pound space within the valley and this location in particular would most likely prove unsuitable for outdoor

storage with noise, odour and other such nuisances proving unsuitable for a commercial district.

R. Ross, Palliser Regional Municipal Services stated that his comments would be similar to the recommendations provided by J. Brett. He further noted that Drumheller's Land Use Bylaw does not define animal services, only the word "kennels" is defined. He contacted several municipalities and various definitions have been used to define animal services. He recommended that a review be carried out to define animal services that may impact other land use districts as well.

Mayor Ainscough asked if there were any questions or comments from Council. Councillor K. Bertamini stated that she is not certain if the developer would be satisfied with the definition of minor animal services as being presented this evening. Councillor L. Davidson stated that a developer may choose to intensify any "minor animal services" once approval is given. He further noted that industrial land would be more suited for a Veterinary Clinic.

Mayor Ainscough closed the Public Hearing at 4:50 PM.

3.2 Mayor Ainscough called the public hearing to order at 4:50 PM.

L. Handy, Recording Secretary stated that the purpose of the Public Hearing is to consider Bylaw 25.05 being a bylaw to close a portion of an undeveloped public roadway to public travel and acquiring title to this land in the name of the Town of Drumheller and selling and incorporating same with the adjacent lands subject to concurrent registration of URW easement.

Mayor Ainscough asked if there were any written submissions. Recording Secretary, L. Handy advised there were no submissions.

Mayor Ainscough asked if anyone was present to speak in favour or against the proposal. There were no speakers present.

R. Romanetz stated that letters have been forwarded to utility companies to determine if they have any objections to the proposed closure. All letters have been returned with the exception of Telus. All utility letters must be received before the bylaw and letters can be forwarded to the Minister of Infrastructure and Transportation for his approval.

Mayor Ainscough asked if there were any questions or comments from Council. In response to a question from Council, R. Romanetz stated that in order for the developer to place his units within the required setbacks, the two areas as identified on the map must be closed. The Town would like Phase 1 and 2 to be completed before proceeding to Phase 3 which includes additional road closures.

Mayor Ainscough closed the Public Hearing at 4:57 PM.

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

**MO2005.237** Cunningham, Sparling moved the adoption of the agenda as presented. Carried.

#### **5.0 MINUTES**

##### **5.1. ADOPTION OF REGULAR COUNCIL MEETING MINUTES**

###### **5.1.1 Council Regular Meeting - November 28, 2005**

**MO2005.238** Sparling, Shoff moved the adoption of Council's Regular Meeting of November 28, 2005 as presented. Carried.

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

###### **5.2.1 Management Meeting Minutes – December 6, 2005**

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

#### **6.0 DELEGATIONS**

6.1 Randall Conrade and Associates Ltd. and Graham Edmunds Cartier Architecture – presented the Town of Drumheller's Recreational Master Plan Interim Needs Assessment Summary Report as follows:

- The survey was sent to approximately 3600 households in the Town (621 survey returned), a student survey distributed to students grades 6 and up in the Town (500 responses), 37 user groups surveyed (10 responses); and personal interviews with user group representatives, elected officials and administration, and other community stakeholders were carried out;
- Breakdown of the Town's population: 15.2% is 65+ and 21.6% is under 20 years of age; it was noted that the population growth is consistent however with the increased level of industrial activity, this may increase the number of users at each facility.
- Based on barriers to participation at existing recreation facilities: 28% stated they had "no time to participate"; 19% stated that the "cost of program" was too high while 16% stated that "desired programs are not available"; the students responses were "too much homework" and "lack of transportation";
- The indoor facility development priorities for households are very diverse and there is only a 14% difference between the top priority and the tenth priority; also important to note is that conference/convention, banquet and meeting room space facilities can in some cases be accommodated with the same type of activity space indicating a cumulative priority of these types of spaces of 73% of total respondents.
- 57% of respondents said that outdoor facilities should be developed.
- Of the total respondents, 35% stated that they were willing to pay more for

indoor/outdoor recreation facility development while 35% stated that they would not be willing to do so (26% were not sure and 4% did not answer the question).

- Demand for banquet / meeting / conference centre has been demonstrated by all facets of the public;
- Demand for aquatics upgrades are apparent through household and student consultation;
- Other priorities for development include a fitness / wellness centre, second ice sheet, upgrades to the curling rink, and gymnasium / field house space;
- Residents and user groups are generally satisfied with the existing facilities they use (although there are some concerns with the structure and mechanical systems at the curling rink that may require attention).

R. Romanetz advised that based on the results to date, the Town and Study Team will develop preliminary facility concepts based on these identified needs and will provide capital and operating impacts of such development for further review by the Town and Committee. A draft plan will be prepared in January, 2006 followed by a Public Open House to be held in February, 2006.

Mayor and Council thanked Michael Roma and David Edmunds for their presentation.

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

## **8.0 REQUEST FOR DECISION REPORTS**

### **8.1 CAO**

#### **8.1.1 RFD – Drumheller Recycling Association 2006 Budget**

R. Romanetz, Secretary-Treasurer, Drumheller Recycling Association presented the 2006 operating budget. He noted that Councillor D. Cunningham serves as Chair. The Association has reviewed the budget in detail and they have budgeted a nominal surplus for year-end 2006. The Town of Drumheller has collected a recycling levy of \$1.50 in 2005 with an increase to \$1.75 in 2006, and to \$2.00 in 2007. The projected revenue in the 2006 budget is conservative and Recycling Association Manager, T. Nygaard has worked well to keep budgets within the estimated amounts. In response to a question from Council, R. Romanetz stated that the budget would look considerably different without the donated labour component from the Drumheller Institution.

**MO2005.239** Cunningham, MacKinnon that Council approve the 2006 budget for the Drumheller Recycling Association as presented. Carried.

#### **8.1.2 Update on CNR Crossing Request from Fossum**

R. Romanetz advised that after consulting with the Town's Solicitor and CNR, the Town of Drumheller is under no obligation to provide a road allowance to the Fossum / Leigh

property. The development agreement caveat registered against the Fossum / Leigh property clearly states that the land owners are required to pay all costs related to providing access to their land should they so desire. In discussions with a CNR representative, they do not support creating a public access for one property owner, however their decision is subordinate to that of Transport Canada. Preliminary investigation has indicated that Transport Canada's policy is that unless the crossing serves a minimum of 3-4 properties, the access will remain as private. R. Romanetz further noted two options for Fossum / Leigh to pursue: 1) make an application for a new crossing at an alternate location; or 2) continue to access their property as in the past (as a private crossing with a joint use agreement between the Town and Fossum/Leigh). He further noted that if Fossum / Leigh wish to make a new application for access, it would be subject to the understanding the road allowance would be located across from the landfill and all costs would be the responsibility of the applicant. R. Romanetz advised that he will prepare a RFD for Council's approval when CNR's position is stated in writing and a policy directive is received from Transport Canada.

## **8.2 Director of Infrastructure Services**

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

#### **8.3.1 RFD – Kneehill Water Commission - Water Rates**

M. Minchin advised that the Town of Drumheller officially began delivering water to the Kneehill Regional Water Services Commission in September of this year. However, a price for supply of water has only now been finalized. Administration is recommending that Council approve the Kneehill Water Rate Report for 2005 as presented.

**MO2005.240** Davidson, Sparling that Council approve the 2005 Kneehill Water Rate Report, dated October 24, 2005 as presented.

#### **Discussion on Motion:**

Councillor L. Davidson stated that he thought the rates were previously set. R. Romanetz advised that only target rates were presented and upon further review with Kneehill Water Commission some corrections were required to the Town's calculations. He further noted that the new rate reflects what is fair for 2005 and further discussions will be ongoing to set the rates for 2006.

**Vote on Motion:** Carried.

#### **8.3.2 RFD – Tax Cancellations**

M. Minchin presented three tax cancellations for Council's consideration. He further noted that two submissions were received in appropriate timeframe and they deal with the June flood damage. The third submission was received this date and is being presented only if Council so wishes to address the request.

**Bitner Tax Cancellation Request** – The Mayor received a letter dated July 29, 2005 from Corri Bitner requesting a tax cancellation of the 2005 property taxes for their home located at 333 – 2<sup>nd</sup> Avenue West in Lehigh. Their home was seriously damaged during the flood, along with a number of other homes in Lehigh. The basement was damaged to the point of requiring the construction of a new basement. Historically, the Town has cancelled a portion of property taxes when assessable buildings have been damaged to the point where they could not be used as in this case. For the period from June 20<sup>th</sup> (the date of the flood) to the end of the year, the taxes on the improvement are \$675.00. Administration is recommending that Council approve a tax cancellation of \$675.00 plus penalties.

**MO2005.241** Davidson, MacKinnon that Council approve the cancellation of \$675.00 of the 2005 property taxes and current year penalties for property described as Plan 8168FS, Block 5, Lots 1-3. Carried.

**McFadden Tax Cancellation Request** – During a meeting held on September 9<sup>th</sup>, 2005 with Mark and Liz McFadden, they requested a tax cancellation of the 2005 property taxes for their camp ground located at 332 – 4<sup>th</sup> Avenue South in Rosedale operating as the Kokopelli Kampground. The property received flood damage during the June flood from the Rosebud River. Although the major building on the property was not damaged, some of the gravel roadway and campground areas were damaged. With a significant amount of work the campground was able to reopen in time for the July 1<sup>st</sup> weekend. The McFaddens are requesting the cancellation of taxes in the amount of \$3,369.25. Historically, the Town has cancelled a portion of property taxes when assessable buildings have been damaged to the point where they could not be used. In this case, the property owners did not lose the ability to use the buildings on the property, although business was impacted by the disruption. Since, Council has limited cancellations to assessable improvement loss, Administration is recommending that Council deny the tax cancellation of \$3,369.25.

**MO2005.242** Cunningham, Sparling that Council deny the request for cancellation of \$3,369.25 of the 2005 property taxes for the property described as Plan 9011310, Block 1.

**Discussion on Motion:**

In response to a question from Council, M. Minchin advised that there was damage to electrical areas, roadways, and camping outlets however he reiterated there was not damage to direct building improvement assessments. Councillor L. Davidson asked for the Section of the Municipal Government Act that deals with cancellation of property taxes. M. Minchin stated that Section 347 deals with property tax cancellation and Council also has the option of business tax cancellation if they so wish.

Vote on motion: Carried

**Graham Tax Cancellation Request** – The Town of Drumheller received a letter from Yvonne Graham and family on December 9, 2005 regarding a request for a partial

cancellation of taxes on land described as a portion of NW 22-27-18W4M for the years 2002 and 2003. The Grahams contend that the property was over assessed for this period and is reflected in the fact that the assessment was lowered in 2004 from \$79,270 to \$22,000. The Town has not received any assessment complaints against the assessment for this property for any of the years in questions. Based on the taxes levied, the cancellation would total \$2,400.00. A decision of Council is required at this meeting, as the property is going to public tax auction on December 19, 2005. Administration is recommending that Council deny this request as a cancellation is not consistent with past practices and approving it would set a precedent as there is an assessment appeal system in place.

**MO2005.243** Davidson, Shoff that Council deny the request for partial cancellation of taxes for the 2002 and 2003 tax years for the property described as Portion of NW-22-27-18-W4M. Carried.

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

##### **8.4.1 Update on Smoke Free Places Workshop**

S. Blevins advised that he attended the Smoke Free Places Act workshop in Strathmore on December 6<sup>th</sup>. He noted that from the discussions at the session, implementation of the Act will require a communication strategy; health inspectors do not have the designation to issue tickets - only the RCMP or a Special Constable. It was also noted that signage can be interchanged from indicating a smoking to non smoking building depending on the function of a particular time of day. Private rentals associations will assume the liability and be legally responsible if a contract is not in place to address no smoking within their facilities. Fine revenue not established as of yet as to who retains these dollars – the Province or municipality. Act fully enforceable and operational on January 1<sup>st</sup>.

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

##### **(Quarterly Reports to be presented January, 2006)**

- 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 24.05 being a bylaw to amend the Land Use Amendment 36.98 Section 33 "HWY-C" Highway Commercial District by adding to discretionary uses – Veterinary Clinic R. Romanetz stated that the reports presented by Town Administration and PRMS at the Public Hearing provide good alternatives for Council's consideration. CAO recommended that the bylaw be tabled until definitions for minor and major animal service operations have been reviewed with Dr. Lehman.

**MO2005.244** Sparling, Davidson for Bylaw 24.05 to be tabled until Council's next regular



meeting. Carried.

**11.0 DELEGATION DECISIONS**

**12.0 UNFINISHED BUSINESS**

**13.0 NOTICES OF MOTIONS**

**14.0 COUNCILLOR REPORTS**

**15.0 IN-CAMERA MATTERS 6:30 pm.**

**15.1 Alberta Police and Peace Officer College**

There being no further business the Mayor declared the meeting adjourned at 6:38 PM.

---

MAYOR

---

CHIEF ADMINISTRATIVE OFFICER