

Town of Drumheller

COUNCIL MEETING

MINUTES



July 11, 2005 4:30 PM Council Chambers, Town Hall
703 - 2nd Ave. West, Drumheller, Alberta

PRESENT:

MAYOR:

Paul Ainscough

COUNCIL:

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

ABSENT: Councillor Karen Bertamini

1.0 CALL TO ORDER

2.0 MAYOR AINSCOUGH'S OPENING REMARKS

2.1 Mayor P. Ainscough presented a letter from Dr. Lyle Oberg, Minister of Infrastructure and Transportation advising of the Town's grant payment in the amount of \$1,478,575 under the Alberta Municipal Infrastructure Program. This amount represents the 2005 instalment payment under the program.

2.2 Mayor P. Ainscough presented a letter from Dr. Lyle Oberg, Minister of Infrastructure and Transportation regarding the costs for converting to the new Tourist Oriented Directional Signs (TODS) and Logo Signs under the new Tourism Highway Signage

Program. In his letter, Dr. Oberg advises that the new Tourism Highway Signage Program is operated as a not-for-profit program. He further notes that the fees collected and expenses paid out are being closely monitored to ensure that the program is cost neutral. He states that a typical TODS sign panel is \$720 for five years and a renewal fee of approximately \$200-300 (these signs normally have a life span of ten years). Over a ten year period, the average cost per year for a sign panel is about \$100.

2.3 Mayor P. Ainscough presented a letter from Hon. Heather Forsyth, Minister of Children's Services and Hon. Gene Zwozdesky, Minister of Education announcing the implementation of a program to reduce bullying at the schools.

3.0 PUBLIC HEARING

4.0 ADOPTION OF AGENDA

Additions to Agenda: 6.1.1 Delegation: Robin Digby – 2005 Flood Petition; 6.1.2 Delegation: Renee Charbonneau, Wayne Rally Comments

MO2005.149 Davidson, MacKinnon moved the adoption of the agenda as amended. Carried.

5.0 MINUTES

5.1. ADOPTION OF REGULAR COUNCIL MEETING MINUTES

5.1.1 Council Regular Meeting - June 27, 2005

MO2005.150 Cunningham, Sparling moved the adoption of the regular Council meeting minutes of June 27, 2005 as presented. Carried.

5.2 MINUTES OF MEETINGS PRESENTED FOR INFORMATION

5.3 BUSINESS ARISING FROM THE MINUTES

6.0 DELEGATIONS

6.1.1. Robin Digby presented a flood petition from concerned citizens regarding the Dickson Dam operations. The petition was signed by 354 individuals. The petition stated the following: *"The flood of June 20-21, 2005 was a preventable event and the state of emergency and flood damage experienced by the residents of the Town of Drumheller was due to the mismanagement of the Dickson Dam. The Dickson Dam was built in 1983 for the stated purpose of providing flow management including flood control to downstream communities. But in mid-June 2005, in the middle of our heaviest rainfall month and at the time of year that mountain snowmelt arrives, the reservoir was too full to provide flood protection. Following heavy rains forecast by Environment Canada, emergency water releases were made at flood-causing volumes. We believe that the government was negligent in the operation of the dam and is responsible for the expenses and damages*

caused by the flood. Therefore, we petition the Town of Drumheller to take all necessary steps to ensure that: residents are compensated for flood-related expenses and damages; the Town recovers flood-related costs, so that they are not borne by Town residents and taxpayers; residents are treated equally with respect to communications and assistance during future emergencies; and that the Dickson Dam be managed to provide flood protection so that similar events do not occur in the future." He explained that residents who lost wages due to flood cleanup at their residence should be compensated for flood damages (those costs are not covered by insurance – there is a Provincial Flood Relief Program in place however this program only provides a certain level of support - \$7.50 for hiring a contractor to clean up a basement). He further noted that there were heavy rains warning on Thursday, June 16th yet it was not until Saturday evening, June 18th that there was any communication from the Town about the potential flooding. R. Digby asked the Town to take the residents' concerns to the Province. Mayor P. Ainscough advised that he would be meeting with Hon. Shirley McClellan on July 21st and would present the concerns at this time. He also advised that the Town will be arranging a public meeting with the Dickson Dam officials. R. Romanetz advised that any flood costs relating to roads, dykes, parks, trails, etc. are all eligible costs and will be reimbursed 100% by the Province. R. Digby stated that there was inconsistency as to the evacuation of East Coulee residents- some people were told that they had to leave Sunday, while others were told the following day. R. Romanetz clarified that there was a voluntary evacuation notice conducted door to door followed by a mandatory evacuation for affected areas throughout Drumheller.

Jim Decore, Nacmine Community Association stated that it should be the Town's priority to protect all lift stations. He stated that the Town built dykes around the dinosaur and Spray Park instead of the lift stations. R. Romanetz explained that this work was being carried out however due to a truck losing its axle at the entrance of the lift station, the work was delayed. He further explained that there were a lot of decisions made in a short period of time and reaction to situations was very quick – a lot of effort was put into making the right decisions.

Barb Travis, Rosedale resident expressed concern that her house along with several other costly properties were not protected by a berm. She said that the berm should have been built in front, not behind their property which blocked access to their property. She noted that if there was an emergency they would not have been able to access their property.

Mayor Ainscough stated that any concerns should be put in writing for Administration to consider for future emergencies. R. Romanetz stated that Alberta Environment has acknowledged the inconsistencies of the dyke elevations and the degree of protection provided by the existing dyking system. They have agreed to conduct an assessment of the entire Drumheller dyke network to determine if there are other issues that need to be addressed and to determine remedial measures to be taken. They indicated that it is likely that both the Midlandvale and Newcastle Dykes will need to be raised. He further noted that the Town of Drumheller was aware that the available free board was higher in East

Coulee than other parts of Drumheller. Council has asked that Minister of Alberta Environment review all areas not protected by the dyking system.

6.1.2 Renee Charbonneau, Wayne Rally Comments

Renee Charbonneau, Editor for The Busted Knuckle Chronicles provide comments on her observations of the Wayne Rally. She advised that last year she provided the Town with a list of recommendations for improvements to the Wayne Rally event that were not implemented for this year's event. She stated that the Town needs to take a more proactive approach with regards to welcoming the participants and thanking them for their involvement (participants raised \$3,300 for the CT Scan). She expressed concern with the high costs associated with the event such as vendors, policing, and licensing fees. She stated that the costs under the Festival Bylaw were too extravagant in light of what other communities charge. R. Romanetz stated that two years ago, Council determined that Motorcycle event should be regulated by the Land Use Bylaw not the Festival Bylaw. Prior to this, no permits were required to hold this event. R. Romanetz advised that the Wayne Rally has never been charged for fees under the Festival Bylaw and the amounts she stated the Rally was being charged were totally inaccurate. She commented that the RCMP's presence was too heavy and intimidating. She further noted that it is estimated the average biker will spend \$150.00 on clothes and food while attending the rally and no greeting or recognition from Town officials was given. Mayor P. Ainscough asked R. Charbonneau to put her concerns in writing.

7.0 COMMITTEE OF THE WHOLE RECOMMENDATIONS

8.0 REQUEST FOR DECISION REPORTS

8.1 CAO

8.1.1 Bylaw 16.05 for the purpose of borrowing \$153,750 to finance the Rosedale Wastewater Forcemain Project (Phase 2) – Second and Third Reading

R. Romanetz advised that first reading was given on June 13th and advertised in accordance with the MGA. He further noted that there were no comments received and as such he recommended proceeding to second and third readings.

MO2005.151 Shoff, Davidson moved second reading to Bylaw 16.05. Cd.

MO2005.152 Davidson, Shoff moved third reading to Bylaw 16.05. Cd.

8.1.2 Bylaw 17.05 being a bylaw to amend the Land Use Bylaw 36.98 by redesignating a Ptn. of LSD 14, Sec. 15, Twp. 28, Rge 19 W4M from "SCR" – Suburban Community Residential District to "CR" Country Residential District – First Reading

R. Romanetz presented Bylaw 17.05 for an amendment to reclassify land in the Cambria area from SCR – Suburban Community Residential District to CR – Country Residential. He stated that under the SCR district, an accessory building could be allowed to a maximum height of 15 ft and cannot exceed the lesser of 728 sq. ft. or 15% of lot coverage in area. In the CR district, an accessory building would be allowed to a maximum height of

19.7 ft and cannot exceed the lesser of 1500 sq. ft. or 3% of lot coverage in area. He further advised that a development permit for an accessory building with a height of 19 ft. was denied by both the Municipal Planning Commission and the Subdivision Development and Appeal board, and as such, the property owner is requesting a reclassification.

MO2005.153 Davidson, Shoff moved first reading to Bylaw 17.05.

Clarification on the Motion:

Councillor J. Sparling asked if a further development permit would be required from the applicant following the Land Use Bylaw redesignation. R. Romanetz confirmed yes however once Council gives first reading to the bylaw, a public hearing must be held to allow for public input. He further noted that if the bylaw is adopted by Council, an accessory building would be a permitted use and if any proposed development complied with the requirements of the Land Use Bylaw, i.e. height, size, setbacks, the Development Officer would approve the application. He further noted that in reviewing the files as to why the property was zoned SCR, he explained that the property was originally A – Agricultural however the previous owner considered changed the zoning in 2000 to CR. However the owner after reflecting on the potential subdivision of the property requested that the property be zoned SCR. He further explained that although the MPC did not have a major concern with the proposed size of the garage, they did have a concern with the height and the possibility that the existing home occupation may expand to a more industrial nature either by the current property owner or any new property owner. Councillor L. Davidson stated that as Chair of the SDAB, he understood that this property was originally zone A - Agriculture prior to the amalgamation due the size of the parcel of land which is somewhat isolated from the neighboring properties. R. Romanetz reminded Council that discussion relating to the issuance of a development permit should not be considered at this time, only whether CR would be a suitable zoning for this parcel of land now or in the future if the density of the surrounding area should increase due to the installation of municipal services.

Vote on Motion: Defeated.

8.1.3 Bylaw 18.05 being a bylaw to amend the Land Use Bylaw 36.98 by adding discretionary use: Guest House under SCR – Suburban Community Residential – First Reading

R. Romanetz advised that the applicant wishes to amend the Land Use Bylaw by adding Guest House to discretionary uses under SCR – Suburban Community Residential. The property is located in Nacmine and the guest house may be rented on a daily basis. There is no suitable wording under discretionary use for this purpose. He further explained that Guest House is not defined in the Land Use Bylaw, only Country Inn reference which would not be suitable. Council requested that the classification of Guest House be defined by the MPC. This item was tabled until the next Council meeting on August 8th.

8.1.4 2005 Flood Update

R. Romanetz advised that 95% of the temporary dykes have been removed with the exception of Willow Estates. Cleanup work will commence in Newcastle Beach, Nacmine Ball Diamond, Town parks and the pedestrian trails shortly – in some cases, this will involve relandscaping. He explained that it is difficult to find contractors to do the work. In meeting with Mr. Harvey Alton, Disaster Recovery Program, he clarified that because of the economy and the current lack of contractors, a good portion of the work may not be completed until next year. Improvements to lift stations, road repairs and general cleanup will be cost recovered through Disaster Recovery however other work carried out using municipal equipment may not be totally cost recoverable. Inspection of damaged areas will be carried out with costs identified – these costs may be subject to change.

In discussions with Public Health Inspectors, there still remains a need to boil water in Lehigh. As well, there are issues with gas connections and mould and in some cases, approval is required to reoccupy some homes. The Town has placed port-a-potties in Lehigh. Their roads will be re-gravelled and re-graded. If required, bottled water will be made available to those residents in Lehigh who are not yet in their homes – the majority of Lehigh residents are living elsewhere.

Any tipping fees paid to the landfill for flood debris prior to the amenity going into affect will be reimbursed by residents submitting their claim to the Town Office. Councillor L. Davidson noted that some residents with cisterns are having difficulty finding contractors to repair their wells. M. Minchin noted that any Community Associations who have suffered flood damages should direct their claims to the Provincial Relief Program. The Town does have overland flood insurance however the deductible is \$25,000 and even with other community damage combined it may not be feasible with the high deductible.

8.2 Director of Infrastructure Services

8.2.1 RFD – 5th Street Watermain Replacement & Rosedale Industrial Subdivision Watermain

W. Yeoman advised that in 2004, \$45,000 was budgeted for the replacement of the old cast iron watermain located in the alley east of 5th St. E. As the estimated cost was less than \$50,000 an informal request for quotations procedures was carried out. In September 2004, quotations were received but all three quotes were significantly higher than budgeted. No contract was awarded and the project was put on hold and rebudgeted in 2005. In May, Town Council directed Administration to reject all previous quotations and to proceed with a formal tender. The tender included both the 5th St. watermain replacement and the Rosedale Industrial Subdivision Watermain. The tenders closed on June 16th with three tenders received. The lowest tender was submitted by Brooks Asphalt and Aggregate Ltd. He explained that by adding on the extra work allowance there is a total budgeted amount for both projects of \$100,000 leaving a shortfall of \$43,000 to be taken from water reserves. R. Romanetz explained that the Rosedale watermain installation forms part of Development Agreement requirement between the Town and

developer to service one parcel of land (includes fire hydrant and future water connection – he contributed on a 50/50 basis); the Town is obligated to install this watermain.

MO2005.154 Shoff, Cunningham that Council award the contract for the 5th Street Watermain Replacement Project and Rosedale Industrial Subdivision Watermain Project to Brooks Asphalt & Aggregate Ltd. in the amount of \$134,315 (plus GST). Cd.

8.2.2 Temporary Closure of Highway 9 (at 2nd Street W. CNR Crossing)

W. Yeoman explained that Alberta Infrastructure and Transportation will upgrade the CN crossing of Highway 9 on August 3rd and 4th. He presented the alternate route for Council's information. He further advised that extensive detour signs will be in place to accommodate tourists and truckers.

8.2.3 Public Works Supervisor Recognition Program

W. Yeoman presented a letter from Alberta Public Works Association Supervisor Recognition Program announcing the advancement of Daryl McConkey to Level 3 Certificate and Keith Russell to Level 2 Certificate. Mayor Ainscough will forward a letter to both employees for their achievements in this area.

8.2.4 2005 Centennial Project Update

W. Yeoman advised that the flags and flower beds are in place at the Water Treatment Plant and the project looks attractive.

8.3 Director of Corporate Services

8.3.1 RFD – 2005/06 Municipal Sponsorship Grant Application

M. Minchin presented the 2005/06 Municipal Sponsorship Program Grant Application for Council's consideration. The Town is eligible for an enhanced grant of up to \$155,700. The Town's Management Committee has recommended a project to upgrade the Town's telephone / communication system. During the 2005 flood, the Town's communication equipment was lacking capabilities. The main component of the project would be to upgrade the Town's Centrex analog phone system to a digital phone system and expand the system to include other Town facilities such as the fire hall.

MO2005.155 Sparling, Davidson that Council authorize Administration to submit the application under the 2005/06 Municipal Sponsorship Grant Program for approval of the Telecommunications Upgrade Program as presented. Cd.

8.3.2 CIBC Property

M. Minchin advised that CIBC, through their solicitors, Bennett Jones LLP, has offered Lots 13 to 18, Block 7, Plan 4653BC to the Town for purchase. These lots were acquired by CIBC through foreclosure in 2003. CIBC has an appraisal of \$10,000 for these lots, but is open to any reasonable offer from the Town. Most of the area of the lots is covered by a hill with Lot 18 and 17 being the only two with any useful area. The value to the Town is

limited and therefore an offer of \$5,000 is being recommended by the CAO.

MO2005.156 Sparling, Davidson that Council authorize the CAO to make an offer to CIBC for its lots on 3rd Avenue West as per the CAO's recommendation. Cd.

8.4 Director of Community Services

8.4.1 Community Facility Interviews and Questionnaire

S. Blevins stated that the user group interviews were held today and will continue tomorrow. A total of 45 interviews will be conducted by Randall Conrad and Associates. Household surveys will be carried out in September with the master plan to be completed by the end of October.

9.0 PRESENTATION OF QUARTERLY REPORTS BY ADMINISTRATION

(Quarterly Reports due August, 2005)

- 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

11.0 DELEGATION DECISIONS

12.0 UNFINISHED BUSINESS

13.0 NOTICES OF MOTIONS

14.0 COUNCILLOR REPORTS

14.1 Councillor L. Davidson advised that the Community Recognition Committee (Flood 2005) met with a representative from Encana. It was agreed to hold a barbecue in September with entertainment being provided by Johnny Reid who was unable to meet his obligations on July 1st. The intent would be to invite the community at large. It was also agreed to purchase a plaque of dedication to be unveiled on this date and to be placed within the proposed community facility. This would be an opportunity for the whole community to get involved and raise some dollars for the CT scanner. Date of the event and budget yet to be determined.

15.0 IN-CAMERA MATTERS MO2005.157 Sparling, Mackinnon to go incamera at 6:50 PM.

- 15.1 Re/Max Contract
- 15.2 Rosedale Industrial Subdivision Grading
- 15.3 Out of Scope Personnel

- 15.4 Out of Scope Compensation for Flood
- 15.5 EOC Debriefing Report
- 15.6 HillsvieW Subdivision Lot Sales
- 15.7 CIBC Property
- 15.8 Walmart Development Agreement

MO2005.158 Sparling / Shoff move to revert to regular Council meeting at 9:05 PM. Cd.

15.1 Re/Max Contract

MO2005.159 Sparling, Davidson that Council approve the sale of land described as Pt. of NE LSD 15 & 16 Section 3 Twp 29 Rng 20 – W4M to United Agricore Products (UAP) as the CAO's recommendation. Cd.

MO2005.160 Sparling, Cunningham that no commission be paid to the Town's realtor, Mr. Bob Sheddy, for the proposed sale of the land to the United Agricore Products. Cd.

15.3 Out of Scope Personnel

MO2005.161 Davidson, Shoff that Council approve the 2005 Merit pay report and Salary Schedule for Out of Scope employees retroactive to January 1, 2005 as presented by the CAO. Cd.

15.4 Out of Scope Compensation for the Flood

MO2005.162 Sparling, Cunningham that Council authorize Chief Administrative Officer to pay overtime to Managers during a local state of emergency effective January 1, 2005. Cd.

15.6 HillsvieW Subdivision Lot Sale

MO2005.163 Sparling, Davidson that Council accept the offer from Stevenson Development Corporation to purchase lots in the HillsvieW Residential Subdivision subject to the following conditions: 1) rejection of Term #6 as it relates to the first right of refusal of lots 47 to 54, Block 6, Plan 0512635; 2) that the first of right of refusal on Phase 3 in Term #7 be converted to an option to purchase; and 3) that a land sale agreement be entered into by the Town and Stevenson Development Corporation. Cd.

15.7 CIBC Property

MO2005.164 Davidson, Sparling that Council agree to contribute a maximum of \$15,000 toward the upgrading of culvert construction along Highway 10 adjacent to the proposed Walmart Development. Furthermore, Council agrees to contribute up to 50% of the total costs of the construction of a chain link fence adjacent to CNR right of way from 19th Street East to 11th Street East with Walmart contribution to be not less than \$30,000. Cd.

There being no further business the Mayor declared the meeting adjourned at 9:15 PM.

MAYOR

CHIEF ADMINISTRATIVE OFFICER