

# **Town of Drumheller**

## **COUNCIL MEETING**

### **MINUTES**



**October 16, 2006** 4:30 PM Council Chambers, Town Hall  
703 - 2nd Ave. West, Drumheller, Alberta

#### **PRESENT:**

ACTING MAYOR:

John L. Sparling, Q.C.

COUNCIL:

Karen Bertamini

Larry Davidson

Karen MacKinnon

Sharel Shoff

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 Don Cunningham

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

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

2.1 Acting Mayor J.L. Sparling, Q.C. presented a letter from Hon. Rob Renner, Minister of Municipal Affairs in response to the Town's concerns regarding the eligibility criteria for the new Tank Site Remediation Program. In his letter, he encouraged all private owners of tank sites in Drumheller to submit applications to the Program office as eligibility can only be determined after reviewing a formal application.

2.2 Acting Mayor J.L. Sparling, Q.C. presented a letter from Hon. Clint Dunford, Minister of Economic Development congratulating all parties on the incorporation of the Canadian Badlands Ltd.

2.3 Acting Mayor J.L. Sparling, Q.C. presented a letter from Hon. Ty Lund, Minister of Infrastructure and Transportation announcing the approval of the 50% cost share of the Drumheller Traffic Study, to a maximum of \$107,500.

2.4 Acting Mayor J.L. Sparling, Q.C. proclaimed Waste Reduction Week in Canada from October 16 – 22.

2.5 Acting Mayor J.L. Sparling, Q.C. proclaimed Canada World Youth Week from October 15 to 21.

2.6 Acting Mayor J.L. Sparling, Q.C. proclaimed the month of October is Canadian Library Month.

2.7 Proclamation Canada's Citizenship Week from October 16 – 22.

### **3.0 PUBLIC HEARING**

Acting Mayor J.L. Sparling, Q.C. stated that the purpose of the public hearing is to consider Bylaw 20.06 (Elgin Hill Area Structure Plan)

Acting Mayor J.L. Sparling, Q.C. called the public hearing to order at 4:40 PM.

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

D. Fleming, Palliser Regional Municipal Services, provided an overview of the area structure plan which is to provide a future planning direction to the upper bench land of the known as Elgin Hill. He stated that in 1985, the Elgin Hills Area Structure Plan (Bylaw 2-85) was adopted and this new plan proposes to replace it. He stated that there are several different landowners involved in the study area. He further stated that the new plan provides overall direction that will allow the area to be developed in a cohesive and coordinated fashion. He explained that the development concept will provide for several apartment sites or Town house sites which will create a higher density area. An access road will be created up the escarpment of the hill off Elgin Hill Road.

Mr. Bliske, President of PAL and Planner (from Calgary) representing Jim Goudy advised that he along with the Town and other parties have put a lot of effort in the development of the proposal for future planning direction. He stated that the original development proposal goes back to 1985 however the land was never developed. He stated that the plan has been updated and now provides a suitable location for a good road access. He stated that the new plan is workable and he appreciated the effort by the Town Staff in terms of moving the project forward.

Pat Bobra, adjacent resident, stated that although the proposal provides new accommodations for people, there are some concerns that need to be addressed. Those individuals living on 7<sup>th</sup> Avenue are concerned with truck traffic, speeding, noise and congestion, and that the hill creates a blind spot for traffic. She expressed concern with property values declining as a result of the proposal for construction of apartments and other affordable housing. Other concerns include the hours and length of construction as several neighbors work night shift.

CAO, R. Romanetz, stated that if a booster station is located below ground as in the Hillview Phase 1 subdivision, there is no noise. If the booster station is built above ground, the Town will ensure that the structure is sound proofed and aesthetically pleasing.

He stated that the construction timelines at the present time are unknown as the Town is the primary land owner, and may consider a partnership with the private sector for development of the area - how quickly construction occurs is dependent upon the market. He stated that the access roadway will be built on the high point of Elgin Hill Road – there will be no parking allowed along the northside of Elgin Hill to ensure adequate width for traffic movement.

Acting Mayor asked Council for questions:

Councillor L. Davidson asked if the current water flows will be adequate to serve the existing Bankview area and the new Elgin Hill subdivision. R. Romanetz stated that a booster station is required to meet minimum flow requirements – studies will be carried out including the entire Bankview area to ensure adequate flows. Although, this is the responsibility of the developer, at the same time, the Town may have some responsibility to upgrade other lines to ensure adequate flows for the entire Bankview area.

Councillor K. Mackinnon referred to the total area of 7.8 ha of land and asked for clarification on the developable area. D. Fleming stated that there appears to be an error and he will review the numbers again.

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

Acting Mayor closed the public hearing at 5:15 PM.

3.2 Acting Mayor J.L. Sparling, Q.C. stated Council will rehear comments on Bylaw 19.06 Land Use Amendment in N ½-08-29-20-W4M from RE-1 River Edge Estates Residential District to R-1 Residential District – (Wes Chung)

R. Romanetz advised that a decision on the bylaw was tabled for two weeks at the last Council meeting. He explained that the developer has submitted the proposed architectural controls which have been forwarded to the adjacent property owners and Council for review. C. Grieve, representative of the adjacent neighbors, provided a response to the architectural controls as well.

Acting Mayor asked for the names of those individuals who wish to speak today.

Harry Gough, Solicitor for Canalta and Banorte, stated that the Nacmine Subdivision property has filed an application to be reclassified from RE-1 Riveredge Estates to R-1 Residential District. He stated that the developer wishes to reduce the size of the square footage of the homes from 1500 sq. ft. to 1200 sq. ft. as well as the maximum height limit

from 45 ft. to 35 ft. with architectural controls to include fencing, landscaping, etc. He stated that the developer is hopeful that the concerns of the opposing adjacent neighbors could be resolved today. He stated that if a resolution could not be reached, the developer would remain with the RE-1 zoning as is in place now.

Cori Grieve speaking on behalf of the adjacent neighbors, read her letter of October 16<sup>th</sup> (corrected date) into the record. She stated that they are not opposed to progress in the Town but to the way the Nacmine Subdivision was handled by the Town of Drumheller, Palliser Regional Municipal Services (PRMS), Municipal Planning Commission (MPC), Canalta Real Estate and Banorte Capital Inc. C. Grieve expressed concern with the timelines for this subdivision and the misadvertised address that the development is north of 8<sup>th</sup> Street, which should be 6<sup>th</sup> Street. She stated that of the 26 homes that surround the proposed development, 23 homeowners have concerns with the development including the development permit for the elevation of the site was vague, flood plain levels; elevations of the parcel where walkout basements are permitted and the impact this will have on view and privacy of the adjacent homeowners, no requirement for lift station installation; grading of the land resulting in dust problems, and was there a proper test for compaction of the area carried out.

She further stated that if Nacmine Subdivision is rezoned to R-1, some restrictions would be requested such as minimum 1200 sq. ft. floor homes (only bungalows and bi-levels with a height restriction of 25 ft), a 6 ft. fence around the perimeter at the cost of the developer, plant poplar trees 20 ft. tall and 7 ft. apart, front double attached garages, and a building timeframe from one year from the time of purchase.

She stated that the adjacent neighbors have tried to meet with the developer however the developer was not interested. She stated that they have looked over Banorte Capital Inc.'s proposal and feel they are not willing to come to any compromise. She requested clarification on the purpose of the Nacmine Community Control.

She stated that by leaving the subdivision as RE-1 Riveredge Estates it will sustain the value of the surrounding homes, it was originally planned for the development and the use of this land, the demand for RE-1 style of homes has not changed in the last year. She stated that if there are no restrictions on the style and heights of the homes in the R-1, then it is felt that there is no difference from a small two story home to a large two storey home – both will restrict the view and invade the privacy. She stated that the current zoning will allow for 1500 sq. ft. floor homes, parking will be on the property and not on the cul-de sacs and back alleys, and double attached garages are mandatory.

C. Grieve stated that she had a list of questions to present. Acting Mayor J.L. Sparling asked for the list to be copies and circulated to those in attendance.

Acting Mayor J.L. Sparling recessed the regular Council meeting at 5:40 PM.

Acting Mayor J.L. Sparling reconvened the regular Council meeting at 5:45 PM.

Acting Mayor J.L. Sparling asked R. Romanetz to speak to the questions presented. CAO, R. Romanetz stated that in reference to the question regarding advertising details for a development permit, he stated that normal practice is for the legal description and type of activity only to be advertised – this is standard procedure throughout Alberta. With reference to questions regarding the flood plain elevation, R. Romanetz stated that Alberta Environment is preparing new maps that indicate the new flood plain elevation is expected to be about two feet (.6 m) above the existing elevation of the adjacent properties. With regards to dust abatement, W. Yeoman stated that some concerns were received on this matter however it would have been impractical to spray water when the contractor was excavating because water would have made the area impassible. He further noted that during the soil compaction process, Parkland Geotechnical was on site throughout the process. Harry Hamilton confirmed that the contractors carried out their work in accordance with proper engineering standards. R. Romanetz stated that the consultant, Stantec Engineering, will issue a certificate confirming that all work was carried out to engineering specifications. With regards to why the subdivision was approved prior to the date of appeal, D. Amos stated that Palliser Regional Municipal Services will review their current practices to ensure this is not the case in the future. D. Fleming (PRMS) stated that it was an unfortunate situation as it appears the subdivision was approved on September 22<sup>nd</sup> with the letters being cut and pasted to a new document with the wrong date. With regards to the questions on tying in the development with the back alley, R. Romanetz stated that the grading plans show the fill location – more fill on the north end than the south end. He further explained that the sewer system could not be installed without the proper fill. He explained that the developer chose to bring in fill as opposed to constructing a lift station. W. Yeoman explained that when the Town reviewed the engineer drawings for the sewer system installation. The cover for frost protection was not adequate and a requirement for fill was necessary as well as a portion of insulated line. With regards to walk out basements, Harry Hamilton stated walkout basements are more suited to some properties along the north end where the grades are higher. Harry Hamilton stated that architectural controls that would be registered against the property to protect the intent of the development. He further noted that approval of the R1 reclassification would be the best solution for all involved – to leave as is, RE-1, would restrict what can be built resulting in larger, possibly two storey homes.

C. Grieve asked for further clarification on why a lift station was not required. W. Yeoman stated that a lift station is never a first choice if a gravity sewer system method can be provided (pumping costs and power outages are reasons to avoid a lift station). He further noted that from an engineering perspective, raising the grade to allow for frost coverage for the sewer system was the preferred method. R. Romanetz reiterated that over the last twenty five years, Nacmine has had problems with their sewer system resulting from inadequate ground cover to prevent the lines from freezing.

Acting Mayor J.L. Sparling, Q.C. thanked for C. Grieve for her presentation.

Acting Mayor J.L. Sparling, Q.C. asked for Council's questions:

Councillor S. Shoff asked how the current gravity feed sewer system works in the adjacent neighborhood. R. Romanetz explained that the main sewer line flows to the east and is about 3-4 feet lower at the point where it provides service to the existing RE-1 land while surface elevations remain the same, therefore providing more cover for their sewer line. Councillor K. Bertamini stated that the proposal before Council is to change the district from RE-1 to R1 and Council should be focused on how the residents feel about that issue. C. Grieve referred to the residents' letter and reiterated the four items that need to be met before they will agree to the rezoning. She stated that if they are not met, the residents would like to see the area remain as RE-1.

Councillor K. Mackinnon asked if the walk out basement would take away from privacy. D. Catonio, adjacent resident, stated that they live at the north end of the subdivision and their privacy would be impacted. H. Hamilton stated that grade at the north end is higher because last year's flood waters extended into this subdivision and worked its way down the alley – a number of homes experienced sewer problems because the sewer was too low. He further stated that a lot of consideration was given on grades and a decision was made to build properties that will not cause grief to homeowners.

Councillor L. Davidson asked H. Hamilton if they could develop within the RE-1 district. H. Hamilton stated that the preferred solution is for an R-1 zoning with architectural controls in place – the 35 ft height is reasonable as is the 6 ft fence requirement – this would be a quality subdivision. Councillor L. Davidson asked for clarification on the structure of the Community Control Board. H. Hamilton explained that the intent is to maintain control of the development and to uphold the integrity of the subdivision as outlined in the architectural controls. Councillor L. Davidson referred to the Clause in the architectural controls concerning weeds, animals and asked who would be monitoring these requirements. H. Hamilton stated that the Community Control Board would be responsible to oversee these areas.

Acting Mayor J.L. Sparling, Q.C. closed the discussion at 6:25 PM.

**MO2006.274** Shoff, Davidson to go in camera at 6:30 PM for Item 15.1 Warden Mike Hanly, Drumheller Institution. Carried

**MO2006.275** Shoff, Bertamini 7:00 PM to revert to regular Council meeting at 6:57 PM. Carried.

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

Additions to agenda: 14.2 Badlands Ambulance Society; 15.3 Drumheller Public Library and 15.2 Water Supply (in camera)

**MO2006.276** Davidson, Shoff 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 - October 2, 2006**

**MO2006.277** Shoff, Bertamini moved the adoption of the minutes as presented. Carried.

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

#### **5.2.1 Municipal Planning Commission – September 28, 2006**

### **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**

8.1.1 Bylaw 21.06 to amend the Land Use bylaw 36.98 by redesignating Lots 2 & 3, Block 5, Plan 8111856 from SCR Suburb Community Residential District to CR Country Residential District – first reading

R. Romanetz advised that the area is located in Wayne and the applicant wishes to continue to keep a small use of flock of laying hens. The keeping of livestock in SCR – Suburb Community Residential district does not comply with the Land Use Bylaw however CR – Country Residential district does allow for the keeping of some livestock units including hens, chickens, etc.). Municipal Planning Commission has reviewed the application and they recommended that Council consider amending the Land Use Bylaw.

**MO2006.278** Bertamini Davidson - first reading to bylaw 21.06. Carried.

#### **8.1.2 RFD – HiHo Site Remediation**

R. Romanetz advised that the HiHo property contained underground fuel tanks which were removed in 2002 by the Town under the provisions of the Fire Codes Act. At that time, tests were conducted on site and hydrocarbons were identified in the soil immediately surrounding the tanks. The Town does not know the extent of the contamination. The former owners have abandoned this property and the Town can assume ownership of this property through tax recovery, however the Town does not want to assume the environmental liability associated with owning the property. Under the current terms of the grant program, the Town would have to pay the cost of the Phase II as the Town is not the owner of the property. An estimate obtained by Wes Yeoman from O'Connor Associates

Environmental Inc. was in the range of \$18,500 which will determine the level and extent of contamination. Following this assessment, the Town would be in a better position to make a decision on whether or not to take title to the property through the Tax Recovery process and apply for a grant from the Tank Remediation Program. Under the program guidelines, an owner is eligible for up to \$110,000 for remediation with a further \$50,000 available if contamination is heavy.

**MO2006.279** Council authorize Administration to proceed with acquiring the services of O'Connor Associates Environmental Inc. to conduct a Phase II environmental analysis on the HiHo property located at 903 Highway 9 South at an estimated cost of \$18,500.00. Carried.

Councillor L. Davidson requested that all property owners with potential contaminated sites be given a copy of the new tank remediation site guidelines.

#### 8.1.3 RFD – Drumheller Public Library Board Appointment

R. Romanetz presented an application from Linda Rondeau to serve on the Drumheller Public Library Board. The members of the Library Board have reviewed the application and recommend approval.

**MO2006.280** Shoff, MacKinnon that Council approve the appointment of Linda Rondeau to the Drumheller Public Library Board. Carried.

### 8.2 Director of Infrastructure Services

#### 8.3 Director of Corporate Services

##### 8.3.1 Third Quarter Financial Statements

M. Minchin presented the third quarter financial statements. He stated that the revenues and expenses are generally in line with budget expectations and in some cases ahead of budgeted amounts as in the case of safety codes' permits issued. He stated that some grants have been paid out in full, such as, ambulance, library, and police. He stated that no confirmation of prices has been received from electrical retailers for 2007 as of yet.

##### 8.3.2 RFD – Tax Recovery Reserve Bid

M. Minchin advised that as part of the tax recovery process under the Municipal Government Act, properties with a tax caveat registered against them must be offered for public auction one year after the date of the tax caveat. As part of this process, Council must set the terms and reserve bids for the properties in question. In the past, the terms have been cash and the reserve bid for each property has been equal to its current year's assessment. For 2006, Administration is proposing a change to this practice. Due to the dramatic increase in property values in Drumheller over the past 12 months, using the 2006 assessment values as the reserve bid prices for any residential properties would not be appropriate. Administration is recommending that the reserve bid pricing of the 2006 Tax



Recovery Public Auction be set at the amount equivalent to the 2006 assessment with an additional 25% mark-up.

**MO2006.281** Bertamini, Shoff that Council set the reserve bid price for properties for the January 10, 2007 tax recovery auction at a value equivalent to the 2006 property assessment with a 25% mark-up. Furthermore, the successful bidder must pay via cash, or money order. Carried.

#### 8.3.3 RFD – 2007 Budget Timelines – Tabled at October 2, 2006 Meeting

M. Minchin advised that this item was tabled and Administration would like direction from Council on the preferred method to review the 2007 budget. He stated that there is a motion on table to review the 2007 budget line by line.

Councillor L. Davidson asked for a recorded vote:

#### **Tabled from September 18, 2006 Regular Council Meeting**

**MO2006.256** Davidson, Shoff that Council review the 2007 operating budget line by line.

Davidson Shoff - In favour

Bertamini, Sparling, MacKinnon - Opposed

Motion Defeated.

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

##### 8.4.1 RFD – CFEP Application Drumheller Curling Rink

S. Blevins stated that through the planning of the proposed Community Facility project, it was brought to the Town's attention that there are a number of problems and issues with the current Curling Rink facility. In the proposed plan, the Curling Rink will not be replaced until Phase 2 of the project. The Steering Committee has reviewed the situation and recommends that Council support the Curling Club's application for a CFEP Grant. Council will address the Town's level of contribution to the upgrades of the Curling Rink facility during the 2007 capital budget deliberations.

**MO2006.281** Shoff Bertamini that Council support the CFEP application from the Drumheller Curling Club and review the Town's level of commitment during the 2007 budget deliberations as recommended by the Community Facility Steering Committee.

Discussion on Motion:

In response to a question on the upgrades, R. Romanetz explained that the repairs are critical to continuing operations of the curling rink and to ensure the Curling Club remains operative in the short term.

Vote on Motion: Carried.

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

### **(Presentation of Quarterly Reports October 16, 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 19.06 Land Use Amendment in N ½-08-29-20-W4M from RE-1 River Edge Estates Residential District to R-1 Residential District – (Wes Chung)

**MO2006.282** Shoff, Bertamini that further discussion be deferred to Council's Committee Meeting of October 23<sup>rd</sup>, 2006. Carried.

10.2 Bylaw 20.06 (Elgin Hill Area Structure Plan)

R. Romanetz advised that it was just realized that two different times were advertised for the Public Hearing – the newspaper stated 4:30 PM and Bylaw stated 5:30 PM. He recommended that the Public Hearing be reheard at the next regular Council meeting of October 30<sup>th</sup>. Council concurred with the recommendation.

## **11.0 DELEGATION DECISIONS**

## **12.0 UNFINISHED BUSINESS**

## **13.0 NOTICES OF MOTIONS**

## **14.0 COUNCILLOR REPORTS**

14.1 AUMA Convention Reports

**MO2006.283** Shoff, Bertamini that the AUMA Convention Reports be tabled until the next regular Council meeting of October 30<sup>th</sup>. Carried.

14.2 Councillor L. Davidson advised that the Badlands Ambulance Services Society reached a deal with the Health Region on lease space. The proposal included a revised lease term that will ensure the ambulance service is located at the Drumheller Health Centre for at least seven years.

14.3 Councillor S. Shoff advised that the Drumheller Public Library has been approved for casino fundraising and the library will be eligible to start this program in the Fall, 2008. The library will be hosting a Come and Go Reception in the Library Gallery on October 25<sup>th</sup>. She further noted that Minister's Office for Community Development will be auditing library boards including all areas from budgets to the level of service. The Drumheller Public Library will host the Marigold meeting on November 18<sup>th</sup>. The Drumheller Public Board held their election of officers and Terry Beaupre was appointed as Chair and Ingrid Thorton was appointed as Vice-Chair.

**15.0 IN-CAMERA MATTERS MO2006.284** Davidson, Shoff to go in camera at 8:00 PM. Carried.

15.1 By-Election

15.2 Water Supply

**MO2006.285** Shoff, Davidson to revert to regular Council Meeting at 8:36 PM. Carried.

There being no further business the Mayor declared the meeting adjourned at 8:37 PM.

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ACTING MAYOR

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CHIEF ADMINISTRATIVE OFFICER