

Town of Drumheller

COUNCIL MEETING

MINUTES



September 18, 2006 4:30 PM Council Chambers, Town Hall
703 - 2nd Ave. West, Drumheller, Alberta

PRESENT:

DEPUTY MAYOR:

John Sparling

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

Acting Mayor J. Sparling read a Press Release dated September 18, 2006 as follows – *“At approximately 2:00 PM this afternoon Mayor Paul Ainscough submitted his resignation as Mayor for the Town of Drumheller to the CAO, Ray Romanetz. Pursuant to Section 161 of the Municipal Government Act, the Mayor’s resignation becomes effective immediately. In accordance with Section 152 of the Municipal Government Act, duties and responsibilities shall pass to the Deputy Mayor. The Council will be reviewing the requirements for holding a bi-election to fill the vacant office of Mayor.”*

Acting Mayor J. Sparling read Mayor P. Ainscough’s letter of resignation into the record. He advised that Council will deal with the matter later incamera and Council will request a

report from the CAO outlining options to fill the Mayor's vacancy in accordance with the Municipal Government Act's (MGA) requirements.

2.0 ACTING MAYOR'S OPENING REMARKS

2.1 Acting Mayor J. Sparling presented a letter from Hon. Ty Lund, Minister of Infrastructure and Transportation regarding the department plans for twinning Highway 575 within the Town of Drumheller. In his letter Hon. Lund advised that capital highway projects like the proposed twinning are prioritized based on the estimated cost and the benefits that will be gained by highway users. He states that this project ranks relatively low compared to other projects provincially. He further states that the Province is prepared to advance the project subject to a 30% contribution from the Town of Drumheller however this offer was not acceptable to the Town. He explained that the Province is prepared to fund the Highway 575 twinning project 100% however the timing of the construction will be dependent upon overall provincial priorities and available budgets. Acting Mayor J. Sparling asked CAO, R. Romanetz to respond to the letter. R. Romanetz advised that the wording can be interpreted two ways – good news that the Town will receive 100% of the funding costs for the twinning project however bad news in that there is no definite timeframe. He further noted that it appears projects in Calgary and northern Alberta have become a priority. Council directed Administration to forward a letter to Minister Ty Lund and MLA Shirley McClellan requesting a review.

2.2 Acting Mayor J. Sparling presented a letter from Hon. Harvey Cenaiko, Solicitor General and Minister of Public Security advising that the Town has received a cheque in the amount of \$262,280 under the 2006-07 Municipal Policing Assistance Grant. Council directed CAO, R. Romanetz to provide a report outlining where any additional policing grant dollars were spent.

3.0 PUBLIC HEARING

3.1 Purpose of the Public Hearing is to consider Bylaw 17.06 Land Use Amendment to Bylaw 36.98 to redesignate the area in W ½ -20-28-19-W4M from A- Agricultural District to CR – Country Residential District (Keith Hodgson)

Acting Mayor J. Sparling 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. There were no speakers from the public.

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

Acting Mayor asked if there were any questions from Council. There were no questions from Council.

Acting Mayor closed the public hearing at 4:41 PM.

3.2 Purpose of the Public Hearing is to consider 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)

Acting Mayor J. Sparling called the public hearing to order at 4:41 PM.

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

Wes Chung advised that he is requesting a change in zoning from RE – 1 Riveredge Estates to R-1 Residential District to allow for smaller size houses. He explained that RE-1 would require a minimum 1500 sq. ft. home while the R-1 would require a minimum of 950 sq. ft. home. He further stated that architectural controls would be imposed with the minimum home size at 1200 sq. ft. with the same side yards maintained. Architectural controls would include front garages, exterior finishes, fences and landscaping. A restrictive covenant would be registered against the title. R. Romanetz advised that he met separately with both W. Chung - developer and C. Grieve – neighbor, to explain that a minimum home size of 950 sq. ft. would not fit the general character of the adjacent neighborhood. He further noted that Administration's recommendation would be to set architectural controls similar to the Marshall Estate subdivision. He further noted that C. Grieve expressed concerns with storm sewer and drainage and a site inspection was carried out. Issues such as storm sewer and drainage will be addressed in the development agreement and performance security requirements. He explained that the developer has a concern as to whether 1500 sq. ft. homes would be marketable. He stated that the Banorte subdivision lots are 1/3 of the lot size as the adjacent Riveredge subdivision lots and if the developer proceeds as such, the requirements of the RE-1 district relating to the side yards would reduce the lot footage available for development. This would more than likely require the homes to be two stories in height to meet the footage required. A further concern would be that with the fill brought in homes with additional stories could take away from site lines.

Harry Hamilton stated that the intention was to alleviate the storm water problems by bringing the grade to a higher level. He explained that the drainage site plan was engineered by Stantec and it deals with flood levels and future flood plain levels (currently above the 1:100). He stated that he is a neighbor. He explained that changing from the RE-1 zoning would allow the new subdivision to conform to a more suitable zoning for what is being proposed - 25 lots compared to the original 15 lot proposal. This new proposal will enhance the development.

Cori Grieve, spokesperson for the adjacent neighbors, read a letter into the record, *"We are writing this letter in regards to the proposed amendment to land use bylaw 36.98 in Nacmine. Our concern is why, so late in the development are they trying to change the zoning from RE-1 to R-1. We would now also like to have clarification on what types of homes are going to be built, e.g. bungalow, two story, etc. depending of the outcome of the*

amendment. The developer must have a plan for both scenarios (RE-1 and R-1) and we feel in light of their request to change zoning we should be allowed to see what the plans are for the types of houses to be built behind us". C. Grieve asked why the zoning would not have been changed prior to the subdivision approval because the adjacent neighbors are now concerned with the types of homes being proposed. She expressed other concerns with fencing, timeframes for building, architectural controls, and road repairs. She asked why there was no notification on the subdivision approval. She asked about the dyke proposal. She also noted that the buggy carrying out the grading work drove onto her land and damaged the grass. She asked why Palliser Regional Municipal Services (PRMS), who represents the Town, allowed the subdivision approval to go through knowing that the 1500 sq. ft. minimum homes would not work on the lots. She asked if the drainage would be handled properly.

Acting Mayor asked CAO, R. Romanetz to address those questions relating to the architectural controls, PRMS and the drainage. R. Romanetz advised that the Town would register a caveat with similar architectural controls to that of Marshall Estates if all parties were agreeable. He advised that a copy of the architectural controls would be provided to the adjacent neighbors for their review and comments. He stated that in terms of PRMS notices of the new subdivision, he was advised by their staff that all adjacent neighbors were notified of the application however not of the approval decision. He confirmed that the application was for a subdivision within the RE-1 zoning. When the subdivision was approved by PRMS, it included a 25 lot subdivision in the RE-1 zoning with fill being brought in as opposed to the installation of a lift station. He suggested that the lift station would be very costly (\$600,000) and the fill will provide for flood protection. The application was reviewed through the Municipal Planning Commission with their recommendations submitted to PRMS. C. Grieve stated that PRMS did not respond to the neighbors who wrote appeals to the subdivision. R. Romanetz concurred that once the subdivision was approved, the neighbors should have received notice and he will speak to PRMS. He stated that in regards to the flood and dyking concerns, the Province has provided designs and these were shared in camera with Council. He further noted that the Province will provide for the upgrading of the dying system through Newcastle and Midland with the second phase reviewing the need for a dyking system for the remaining areas of Drumheller. He stated that some low portions of Nacmine were flooded and explained that the Province will be conducting a further review to reassess the 1:100 elevations - once the recalculations are carried out, this may change the dyking elevations throughout the Valley. Council along with Administration will continue to lobby the Province for dyke protection. He further noted that the development agreement has been prepared by professional engineers and is professionally designed. It will be the responsibility of the Town to ensure that the development agreement requirements have been met.

W. Chung stated that there are no specific buildings plans as of yet but homes will be built within the guidelines permitted. He explained that there is a three year plan for building homes. He stated that the 6 ft. fence requirement will form part of architectural controls.

He stated that those lots adjacent to the alley will be fenced to the standard 6 ft. design. He stated that a garage access to a number of lots is through the back alley. With regards to concerns as to why the amendment to the zoning is occurring now and not prior to the subdivision application, H. Hamilton explained that in discussions with new industries moving into Drumheller, their demand is for an averaged size home (1200 sq. ft.). He stated that if one would look at the average home now being built in other areas, it is a split level. He stated that the architectural controls would include a two storey home not in excess of 1800 sq. ft., with a mixture of split level and bungalows. He stated that the two storey home may be rare. C. Grieve stated that she would like the new homes to conform to what is in the area – there is only one two storey house. H. Hamilton stated that if the current zoning would remain, there would be more two storey houses in the area. H. Hamilton stated the reason why the grade is so high is for proper storm water drainage – the storm water flows to the river rather than an overland drainage. He further explained that installation of two engineered swales will allow the storm water to dissipate from the property. R. Romanetz concurred with H. Hamilton's comments but also stated that the sewer system is very shallow and this requires a significant coverage to ensure frost protection.

Council Questions:

Councillor L. Davidson asked if there were controls in place to prevent potential flood waters coming up through the swales. W. Yeoman stated that Town standards require the use of back flow preventers. H. Hamilton stated that the grading itself is going uphill from the lowest point being the reserve land. He stated that all lots are above the 1:100 year plain – basements have to be above that level.

Councillor S Shoff asked for clarification on the exact size of the homes. H. Hamilton referred to the Marshall Estates architectural controls and advised that the minimum bungalow on a river lot would be 1200 sq. ft. and a non river lot would be 1200 sq. ft.; and a river lot for a two storey would be 1800 sq. ft. and non river would be 1400 sq. ft. He stated that the majority of lots are pie shaped. He stated there would be mandatory front driveways with attached garages with some exceptions to rear accesses from the alley.

R. Romanetz advised that concerned neighbors can access a copy of the architectural controls and the Town will work with all parties to alleviate concerns. He advised that a recommendation will be brought back to Council in two weeks.

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 5:20 PM.

4.0 ADOPTION OF AGENDA

8.3.2 Establishment of Charitable Status for Non Profit Fundraising Organization to be tabled for two weeks; 14.3 Councillor S. Shoff – Communities in Bloom; 15.3 Mayor's

letter of resignation.

MO2006.250 Bertamini, 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 - September 5, 2006

MO2006.251 Shoff, Davidson moved the adoption of the minutes of September 5, 2006 as presented. Carried.

5.2 MINUTES OF MEETINGS PRESENTED FOR INFORMATION

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 18.06 for the purpose of borrowing to finance the Rosedale Cambria Water Transmission Line – 2nd and 3rd Readings

R. Romanetz advised that Bylaw 18.06 received first reading on August 8th and the appropriate advertising has been carried out in accordance with the requirements of the Municipal Government Act. He further advised that no petitions were received and he recommended that Council proceed to second and third readings. He stated that the tenders will close on September 26th with a recommendation for approval to Council on October 2nd. He stated that the MGA allows for a 15% increase to the Town's amount of borrowing (\$570,000), if more a new bylaw is required – if less, the Town would only borrow the amount needed for the project.

MO2006.252 Bertamini, Davidson, for second reading to Bylaw 18.06 Carried.

MO2006.253 Davidson, Shoff for third readings to Bylaw 18.06. Carried.

8.1.2 RFD – 2006 Wholesale Water Rates

M. Minchin presented an overview of the external water customers at Council's Committee meeting of September 11th. He stated that with the commissioning of the Starland Water Authority's water system, the Town can now provide the updated wholesale water rates for the last half of 2006. The Town has also received another payment of the Kneehill Capital Contribution, allowing the Town to set the wholesale rate for the first half of 2006. Both the Kneehill Regional Water Services Commission and the Starland Water Authority have also provided capital contributions which further reduce the rate charged at the meter for both customers. There are two wholesale water rates for 2006. This rate model will also be

applied to new external wholesale customers such as local water coops once they sign new water agreements.

MO2006.254 Shoff, MacKinnon that Council set the external wholesale water rate for the period of January 2006 to June 2006 at \$0.952 per m3 and for the period July 2006 to December 2006 at \$0.945 per m3. Carried.

8.2 Director of Infrastructure Services

8.2.1 Paving Program Update

W. Yeoman advised that the paving program has been delayed due to the rains. However, Brooks Asphalt has committed to bringing the paving crew back in Town on September 20th to do the final preparation work with the actual paving to commence on September 26th.

8.2.2 Elgin Mineshaft Mitigation Update

W. Yeoman advised that the Elgin Mineshaft is fully filled in and the contractor used less material than estimated. The material has been compacted and a concrete cap will be installed shortly. R. Romanetz stated that he was on site in W. Yeoman's absence and a camera was used to inspect the mine shaft. Based on the camera information, boulders was put down prior to the fill material, the shaft was then flooded twice with water to ensure further densification.

8.2.3 Rosedale Cambria Waterline Update

W. Yeoman advised that the tender for the project will close on September 26th. He further advised that nine packages have been picked up and it is anticipated that the majority of these companies will submit a bid. He stated that the contract is set up to carry out work in 2006 and 2007 or all in 2007 as the Town did not want to negatively impact the final price by insisting that the project be carried out sooner.

8.3 Director of Corporate Services

8.3.1 RFD – 2007 Budget Assumptions

M. Minchin presented the 2007 budget assumptions and timelines for Council's approval. He noted that one change from 2006 is that preliminary external water rates are due by November 1st with these numbers to be confirmed by December 31, 2006. Discussion held on whether a line by line review would be preferred. M. Minchin noted that if this is Council's wishes, the schedule would have to be changed to allow more review time other than Mondays. R. Romanetz advised that the assumptions are, for the most part, based on inflation and that Staff needs direction to begin the budget process.

MO2006.255 Bertamini, Shoff that Council approve the 2007 budget assumptions as presented. Carried.

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

MO2006.257 Bertamini, MacKinnon to table the motion to Council's next regular meeting. Carried

8.3.2 RFD – Establishment of Chartable Status for Non Profit Fundraising Organization – to be tabled to October 2nd.

8.3.3 August Financial Statements

M. Minchin presented the August Financial Statements for Council's review. He advised that the police grant was recently received and not included in the financial statements.

8.4 Director of Community Services

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 17.06 Land Use Amendment to Bylaw 36.98 to redesignate the area in W ½ -20-28-19-W4M from A- Agricultural District to CR – Country Residential District (Keith Hodgson)

MO2006.258 Bertamini, Davidson for second reading to Bylaw 17.06. Carried.

MO2006.259 MacKinnon, Shoff for third reading to Bylaw 17.06. Carried.

10.2 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)

MO2006.260 Davidson, Bertamini to table second and third readings of Bylaw 19.06 for two weeks to allow for all parties to review the architectural controls. Carried.

11.0 DELEGATION DECISIONS

12.0 UNFINISHED BUSINESS

13.0 NOTICES OF MOTIONS

14.0 COUNCILLOR REPORTS

14.1 Councillors L. Davidson and S. Shoff – Bylaw Review

Council concurred that an incamera review of bylaw enforcement is required to ensure that

proactive awareness and a consistent level of service is provided to the citizens. It was recommended that customer service training be provided for all staff. Acting Mayor J. Sparling stated that there are a significant number of bylaws for review. He requested the CAO to put together a proposal on how to address the review of these bylaws.

Acting Mayor J. Sparling stated that Carrie Dumont has requested to speak to Council on bylaw enforcement and he asked if Council wished to hear from her. Council stated yes.

Carrie Dumont stated that she has been collecting signatures in support of the Mayor and for a change to the Town's bylaws. She stated that she has 400 signatures to date and will continue with her endeavors. She asked where she could obtain copies of the bylaws. Director of Community Services, S. Blevins advised that all bylaws relating to bylaw enforcement are available on the website and are open for public view with the fines and regulations attached. Acting Mayor J. Sparling stated that Council intends to embark on a review process.

14.2 Councillor S. Shoff requested that all materials be included in the Council packages on the Friday prior to the meetings as this would allow for better discussion and she would be more informed on any items that are brought to Council.

14.3 Councillor S. Shoff announced that Drumheller received five blooms by the Communities in Bloom judges. She stated that this is due to the hard work of Committee Chair, Bonnie Pedersen and her entire board as well as the Town Public Work's staff. She advised that Bonnie Pedersen will provide a report to Council at the October 2nd meeting.

15.0 IN-CAMERA MATTERS MO2006.261 Bertamini, Davidson to go in camera at 6:15 PM. Carried

15.1 Update on Community Facility

15.2 Hillsvie Phase 2 Request for Proposal

15.3 Mayor's Resignation

MO2006.262 Bertamini, MacKinnon to revert to regular Council meeting at 6:54 PM. Carried.

There being no further business the Mayor declared the meeting adjourned at 6:55 PM.

ACTING MAYOR

CHIEF ADMINISTRATIVE OFFICER