

Town of Drumheller

COUNCIL MEETING

MINUTES



January 22, 2007 4:30 PM Council Chambers, Town Hall
703 - 2nd Ave. West, Drumheller, Alberta

PRESENT:

ACTING MAYOR:
Karen MacKinnon

COUNCIL:

Karen Bertamini
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 Don Cunningham

1.0 CALL TO ORDER

2.0 ACTING MAYOR'S OPENING REMARKS

2.1 Acting Mayor K. MacKinnon presented a letter from Hon. Ray Danyluk, Minister of Municipal Affairs and Housing advising the petition received by the former Minister's office for an inquiry into the affairs of the Town of Drumheller was insufficient under the provisions of the Municipal Government Act. In his letter, Hon. Ray Danyluk stated that due to the insufficiency of the petition, he would not be proceeding with an inquiry.

2.2 Acting Mayor K. MacKinnon proclaimed January 21 – 27, 2007 as National Non-Smoking Week

3.0 PUBLIC HEARING

4.0 ADOPTION OF AGENDA

Additions: 14.1 Councillor Sharel Shoff – Drumheller Library Board and Drumheller Stampede Board; and 14.2 Acting Mayor K. MacKinnon – Memo from CAO to Council dated January 19, 2007

MO2007.18 Sparling, Bertamini 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 – January 8, 2007

MO2007.19 Shoff, Sparling moved the adoption of the regular meeting minutes of January 8, 2007 as presented. Carried.

5.2 MINUTES OF MEETINGS PRESENTED FOR INFORMATION

5.2.1 Municipal Planning Commission – November 23, 2006

5.3 BUSINESS ARISING FROM THE MINUTES

6.0 DELEGATIONS

Jerry Brett, Development Officer – Presentation of the Town of Drumheller's 2006 Building Permit Statistics

J. Brett stated that the Town of Drumheller has again experienced a year of significant growth. He stated the construction value of the Town's building permits is used as a guide to determine growth in the municipality in any given year and then compares those values with historical figures to observe trends in development. He presented a review of the building permit statistics as follows:

- In 2006, there was a 28% rise in construction values to \$23,469,068 and a 15% increase in building permits issued compared to last year;
- 2006 experienced a decrease in commercial values over 2005 – but was still ahead of the 2004 totals – this decline however was compensated by the increases in industrial and residential activity in Drumheller each exceeding \$8 million in values;
- Total permit values for residential \$8,107,598 (135 permits issued);
- Total permit values for commercial \$4,444,300 (9 permits issued);
- Total permit values for industrial \$8,155,170 (13 permits issued);
- Total permit values for institutional \$1,700,000 (1 permit issued);
- Total permit values for recreational \$62,000 (4 permits issued);
- There has been a similar increase in permits for other safety codes disciplines such as electrical, gas and plumbing;
- In addition to Drumheller's development patterns, the Palliser Regional Municipal Services region – for whom the Town also administers a Safety Codes program – has also seen significant growth for 2006 compared to 2005. Palliser's building permit values for 2006

was \$24,560,740 with a total of 242 permits issued;

- In order to meet the demands of the administrative duties, the Safety Codes Administration Office has added the services of another staff-member in 2006. He thanked Kate Lima, Safety Codes Clerk for her hard work and dedication and the new part-time Safety Codes Clerk, Marie Walroth.

Acting Mayor K. MacKinnon and Council thanked J. Brett for his presentation and hard work in his position as Development Officer.

7.0 COMMITTEE OF THE WHOLE RECOMMENDATIONS

8.0 REQUEST FOR DECISION REPORTS

8.1 CAO

8.1.1 RFD – Palliser Regional Municipal Services Articles of Association

R. Romanetz stated that Council was given a draft copy of the Articles of Association of Palliser Regional Municipal Services Company Limited on January 15th. Since that time one member municipal has recommended a change under Clause 32 to provide greater flexibility in the election of the Directors. He stated that Clause 32(iv) has been added to the final draft and reads as follows: *“such additional Directors as would increase the number of Directors permitted by Article 32(a)(iii), above, upon a resolution of the majority of Shareholders, present, at an Annual General Meeting electing Directors.”* The Articles of Association must be approved by each member municipality. PRMS incorporation is necessary to provide improved liability protection for the members and it will not change their traditional method of operations. He recommended that Council approve the Articles of Association as amended.

MO2007.20 Sparling, Bertamini approve the final draft Articles of Association of Palliser Regional Municipal Services as presented.

Discussion held on motion:

Councillor K. Bertamini asked how incorporation will improve liability protection. R. Romanetz stated that liability protection was the main reason for incorporation and under the new structure liability protection remains with the organization and not the individual member municipalities. Under the former structure, liability could have been shared with member municipalities. He also indicated that he believed Palliser had Director liability insurance in place.

Vote on Motion: Carried.

8.1.2 RFD – Appointment to the Municipal Planning Commission

R. Romanetz advised that the Town of Drumheller has received two applications for the one vacancy on the Municipal Planning Commission from Mr. Leo Rondeau and Mrs.

Tamala Peters. He recommended that Council appoint one board member to the MPC in camera this evening by secret ballot.

8.2 Director of Infrastructure Services

8.2.1 RFD – Private Crossing of CN at Mile 54.32 Drumheller

W. Yeoman advised that the owners of NW 31-28-19-4 have requested to become a party to the existing private crossing at Mile 54.32 located across from the Town of Drumheller Water Treatment Plant. The existing License for Private Crossing Agreement is dated May 1, 1984 between CN and the City of Drumheller. He further explained that CN has indicated that they would need a letter from the Town of Drumheller indicating that they do not object to the applicant using their property to access the private crossing. The applicant would then be required to provide CN with the requested information in the railways application form, and if all information meets CN's requirements, a separate crossing would then be prepared by CN to cover this separate user.

MO2007.21 Bertamini, Shoff that Council authorize Administration to write a letter to CN indicating no objection to CN entering into a License Agreement with the owner of NW 31-28-19-W4M to use the existing private crossing at Mile 54.32 provided that access be controlled by a second lock supplied by the applicant to be connected to the Town's lock. Carried.

8.3 Director of Corporate Services

8.3.1 Quarterly Investment Report

M. Minchin presented the year end investment portfolio and noted that the Town's returns are down compared to historical figures as investments are not paying what they once did (down to 3% on bonds).

8.3.2 RFD – Honorarium for Council's Attendance at Out of Town Meetings

M. Minchin explained that in 2004, the Elected Official's Remuneration Review Task Force recommended changes to the compensation for elected officials. In addition to changes to the monthly honorariums paid to Council, the Committee also recommended that a per diem be paid to Councillors for out of town meetings authorized by Council. The Committee did not provide a recommended per diem amount. Council approved the implementation of the recommendations of the Committee including the provision of the per diem but did not establish a rate per diem. The range of per dies in other municipalities is between \$150 to \$200 for a full day. The approved meetings would also have to be established by Council. Administration is recommending that Council establish the per diem and the eligible meetings. Administration would then incorporate these items into an updated Council Remuneration Policy.

Council agreed to table the matter until the new Mayor and Councillor were in place.

8.3.3 RFD – Rosedale Industrial Park Realtor Agreement

M. Minchin presented the final draft of the proposed Rosedale Industrial Park Realtor Agreement. The agreement is intended for all those eligible realtors who wish to market and sell property in the Rosedale Industrial Park on behalf of the Town. The latest draft includes both council's and local realtor's input. Two areas that have been changed in the latest form are: (1) agents are eligible to work as a dual agent (Clause A.3) and (2) all agents would be eligible for an equal portion of the commission if the purchaser deals directly with the Town (Clause B.3). In order to proceed with marketing of the lots, Administration is seeking Council's approval of the realtor agreement.

MO2007.22 Sparling, Shoff that Council approve the Rosedale Industrial Park Realtor Agreement as presented.

Discussion on Motion:

Councillor S. Shoff asked the obligations of the Town for payment of commission to all agents in the event of a MLS sale. R. Romanetz explained that the commission will be paid to the party that sold the lot regardless of which lot was listed to a specific realtor on MLS. The intention is to split the lots available for sale into equal groupings under each realtor on the MLS system. The same lot is not permitted to be listed by more than one realtor on the MLS. He further explained that the intent is for the agent to work directly with the perspective parties, as well as to encourage realtors to be actively engaged in pursuing sales. He further noted that the realtors have indicated their preference to the above changes. M. Minchin stated that the commission is already calculated into the price of the lot. R. Romanetz stated that if the realtors are not working diligently on the sale of land then Council can make other decisions once the agreement expires on December 31, 2007.

Vote on motion: Carried.

8.4 Director of Community Services

8.4.1 RFD – Canadian Badlands Logo

MO2007.23 Bertamini, Sparling that Council approve the addition of the Canadian Badlands logo to the Town of Drumheller's letterhead.

Councillor K. Bertamini stated that part of the Canadian Badlands Ltd.'s mandate is to become a major tourism icon and as a participating member, Drumheller can support their mandate by incorporating their logo into the Town's letterhead. She further noted that of the four color choices, the brown color base depicts the Drumheller area. She further noted that there are 33 registered members and only the members can use the Canadian Badlands logo.

Vote on motion: Carried.

9.0 PRESENTATION OF QUARTERLY AND ANNUAL REPORTS BY ADMINISTRATION (January 22, 2007)

- 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 Sharel Shoff – Drumheller Public Library Report

Councillor S. Shoff provided an overview of the Library's activities and noted that there is an increase in entrances per hour and computer users. An agreement has been reached with the Province to cost share on service upgrades for those who are disabled. She announced a wine tasting fundraiser planned for March 1st at the Civic Centre AV Room and encourage Council and the public to attend. She further announced that the Library will be hosting a tea in honor of MLA Shirley McClellan – date to be announced.

Councillor S. Shoff advised that the Stampede Board election were held and the new positions are as follows: new president - Mel Lesley, new manager - Janice Armstrong and they are looking for a Treasurer. She announced that membership fees are now due - \$10. per person. She advised that the WPCA Tarp Auction is scheduled for March 27th.

14.2 Councillor K. Mackinnon referred to the Memo from CAO to Council dated January 19th, 2006 and stated that in the interest of ethical responsibility she had to question the validity of the official oath when she was sworn in as Deputy Mayor. She stated that although both the Town and herself received an opinion from Cathy Muth, Senior Advisor with Municipal Affairs that the procedure was followed correctly, there was not a legal opinion provided from Municipal Affairs. She further noted that a legal opinion from the Municipal Affairs office would take up to three weeks. She stated that in the spirit of productivity she did not pursue a legal opinion and continued with her duties as Deputy Mayor.

Councillor K. Bertamini clarified that the Town did receive a legal opinion twice on the matter from Ross, Todd & Company and it was found that the oath was handled properly and the oath is binding. She further stated that the office of Municipal Affairs provided an opinion that all requirements of the Municipal Government Act were complied with and they

do not recommend that any further actions need to be taken.

15.0 IN-CAMERA MATTERS MO2007.24 Bertamini, Shoff to go in camera at 6:10 PM. Carried.

15.1 Local CUPE 4604 Ratification of Agreement

15.2 Personnel Matter – Staff Evaluations

15.3 Appointment to the Municipal Planning Commission

15.4 Legal Matter

MO2007.25 Bertamini, Shoff to revert to regular council meeting at 7:13 PM. Carried.

15.1 Local CUPE 4604 Ratification of Agreement

MO2007.26 Sparling, Bertamini that Council approve the Memorandum of Settlement between the Town of Drumheller and CUPE Local 4604 for the term January 1, 2006 to December 31, 2007. Carried.

15.2 Personnel Matter – Staff Evaluations

MO2007.27 Bertamini, Sparling that Council approve the Merit pay report and Salary Schedule for Out of Scope employees retroactive to January 1, 2006 as presented by the CAO. Carried.

15.3 Appointment to the Municipal Planning Commission

MO2007.28 Shoff, Bertamini that Council approve the appointment of Mr. Leo Rondeau to the Municipal Planning Commission for a three year term. Carried.

There being no further business the Mayor declared the meeting adjourned at 7:16 PM.

ACTING MAYOR

CHIEF ADMINISTRATIVE OFFICER