

Town of Drumheller

COUNCIL MEETING

MINUTES



December 8, 2008 at 4:30 PM

Council Chamber, Town Hall

703 - 2nd Ave. West, Drumheller, Alberta

PRESENT:

MAYOR:

Bryce Nimmo

COUNCIL:

Andrew Berdahl (arrived 4:40 PM)

Karen Bertamini

Blaine McDonald (arrived 4:50 PM)

Don Guidolin

Sharel Shoff

CHIEF ADMINISTRATIVE OFFICER/ENGINEER:

Ray Romanetz

DIRECTOR OF INFRASTRUCTURE SERVICES:

Allan Kendrick

DIRECTOR OF CORPORATE SERVICES:

Michael Roy

DIRECTOR OF COMMUNITY SERVICES:

Paul Salvatore

RECORDING SECRETARY:

Linda Handy

ABSENT: Councillor Terry Yemen

1.0 CALL TO ORDER

2.0 MAYOR'S OPENING REMARKS

2.1 Mayor Bryce Nimmo presented a letter from R.E. (Russ) Tynan, Executive Director, Alberta Tourism, Parks and Recreation congratulating the Town of Drumheller on being selected as a Celebration Community for the Olympic Torch Relay.

2.2 Mayor Nimmo presented a letter from Cindy Amos, Executive Director of Canadian Badlands Ltd. announcing the release of their Tourism Development Strategy and Plan. In her letter, C. Amos states that "*The strategy, when implemented, will provide every*

municipality including counties, towns, villages and cities with opportunities to realize both economic and social benefits from tourism in the Canadian Badlands”.

2.3 Mayor Nimmo presented a letter from Jean D. Patenaude, Assistant General Counsel, CN advising of the Notice of Revision to CN Three-Year Network Plan. In his letter, J. Patenaude advises that a complete copy of the CN Three-Year Rail Network Plan can be located on CN's website at www.cn.ca/three-year-plan.

2.4 Mayor Nimmo presented a letter from David Amos, CEO, Palliser Regional Municipal Services advising of the strategy session regarding the proposed closing of the CN line to be held mid-January and he encourages all member municipalities to send representation. In his letter, D. Amos advises that the meeting will be scheduled around the availability of MLA Jack Hayden and MP Kevin Sorenson.

2.5 Mayor Nimmo presented the proposed December Council / Committee Meeting Schedule for Council's information.

MO2008.254 Bertamini, Shoff moved that the regular Council meeting scheduled for December 22nd and the Council Committee meeting scheduled for December 29th be cancelled. Carried.

3.0 PUBLIC HEARING

Mayor Bryce Nimmo called the public hearing to order at 4:40 PM.

Mayor Nimmo stated that the purpose of the public hearing is to consider Bylaw 34.08 being a bylaw to amend the Land Use Bylaw 10.98 by redesignating Sec 8 Twp 29 Rng 20 W4M (Nacmine) from “A – Agricultural” to “R-1 – Residential” on the north side and “A - Agricultural” to “CR – Country Residential” on the south side of Secondary Highway 575.

Mayor Nimmo asked Secretary L. Handy if there were any written submissions. Secretary, L. Handy advised there was one item of correspondence received from Ed Hofman, Senior Wilife Biologist, Prairies Area, Alberta Sustainable Resource Development opposing the redesignation. His letter was read into the record and an excerpt is as follows: *“This narrow strip of land borders on the edge of the banks of the Red Deer River, and the risks of contamination of the river by silt, construction and waste material would be extreme, including (and especially) after a residence has been built.”*

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

Mayor Nimmo asked Brad Wiebe, Planner – Palliser Regional Municipal Services to provide his planning report which is summarized as follows:

“The subdivision application was conditionally approved on July 16, 2008. The current parcel contains land area north and south of Secondary Highway 575. The proposal is to separate the north and south portions of the parcel using the highway as the boundary. A condition of subdivision is the requirement of a land use amendment as the current parcel

size is less than the 20 acre minimum requirement in the Agricultural land use district and requires a more appropriate land use district with consideration for surrounding land uses.

The land area north of the highway is adjacent to the Red Deer River. Impacts on the Red Deer River were considered during the subdivision process. It was determined that the land within the floodway should be dedicated as Environmental Reserve to keep the land in a natural state for the protection of the river and for public safety. The dedication of environmental reserve is also a condition of the subdivision. The proposed land use designation of R-1 on the north side and CR on the south side of the highway are considered the most appropriate designations for these parcels at the current time.

The Council may consider varying the amendment to apply the "P- Community Service Land Use District" to the area dedicated as Environmental Reserve, however this would not change any potential uses of the property as the Environmental Reserve dedication is applied to the legal plan and registered on title. As ER the uses are restricted to the following: Section 671(1) Subject to section 676(1), environmental reserve must be left in its natural state or be used as a public park. The ER designation protects the land area from development and removal of any vegetation. Removing vegetation from the banks and shore areas of the river can have negative effects such as increased erosion or slumping during high water and flood events. The land use district amendment is recommended to meet the conditions of subdivision and to apply a more appropriate land use district as agricultural land use is not appropriate due to the topography and parcel configuration of the land area."

Mayor called for questions from Council.

Councillor S. Shoff asked how the ER is designated and why Mr. Hofman would not know of the requirement. B. Wiebe advised that the proposed land use change map does not show a designated ER (it is identified on the proposed subdivision map) however the condition of the subdivision approval states that there must be an ER reserve and that this land must be left in its natural state. He further explained that the ER is a titled parcel that will be listed as ER lot 1 and has a higher designation as it is based on the provincial regulated Act. He further explained that the area that is going to be an ER could be designated as a P - Community Service District however this does not change what can be done on the parcel because it is still designated as an ER and no development can occur on the land. Councillor Bertamini asked why the land in question has already been stripped of vegetation. R. Romanetz advised that the property owner proceeded with the removal of vegetation in the flat area in anticipation of a permit being issued however he should not have carried out this work in advance. B. Wiebe identified the area on the map that had been cleared which is from the top of the bank within the boundaries of the Lot 1. In responding to the question on how the ER is determined, B. Wiebe advised that the land surveyor will identify the high water mark and start from that point in determining the requirements for the ER. R. Romanetz clarified that the ER will likely include the area from the top of the bank and the slope to the river. He further advised that any land on the top

of the bank is generally considered to be developable although fill may be required. He further explained that the ER designation will occur during the subdivision approval process and all conditions will have to be in compliance prior to the registration at land titles. R. Romanetz recommended that the subdivision information regarding the requirement for an ER designation be presented to Mr. Hofman to determine if he considers it to be satisfactory.

MO2008.255 Bertamini, Shoff to recess the public hearing until January 5th, 2009. Carried.

3.2 Brad Wiebe, Palliser Regional Municipal Services provided a report on the cancellation of the public hearing for Bylaw 35.08 (being a bylaw to amend the Land Use bylaw 10.98 by redesignating Plan 8111856 Block 5 Lot 2 (Wayne) from "CR – Country Residential" to SCR – Suburb Community Residential"). He advised that the requirement for a land use redesignation was made a condition of subdivision which was conditionally approved on February 20, 2008. He explained that since that time the review and adoption of Land Use Bylaw No. 10.08 was approved in May, 2008. During the review of the LUB it was determined that all areas within existing suburb communities that do not have public water and / or sewer servicing would be redesignated to SCR – Suburb Community Residential Land Use District to conform with the purpose and intent of the LUB. B. Wiebe advised that it was not advertised the second time as it is not necessary to proceed since the property had already been reclassified.

4.0 ADOPTION OF AGENDA

Addition to Agenda: 8.3.1 Communication Systems

MO2008.256 Mcdonald, Guidolin moved to adopt the agenda as amended. Carried.

5.0 MINUTES

5.1 ADOPTION OF REGULAR COUNCIL MEETING MINUTES

5.1.1 Council Regular Meeting – November 24, 2008

MO2008.257 Shoff, Mcdonald moved to adopt the regular Council meeting minutes of November 24, 2008 as presented. Carried.

5.2 MINUTES OF MEETINGS PRESENTED FOR INFORMATION

5.2.1 Municipal Planning Commission – November 13, 2008

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 RFD – 2009 Strategic Business Plan

R. Romanetz advised that the 2009 Strategic Business Plan was presented to Council at their regular meeting of November 24th. He recommended that Council proceed to formal approval if there are no changes.

MO2008.258 McDonald, Berdahl that Council approve the 2009 Strategic Business Plan and that Council conduct quarterly organization success sessions with the CAO using the Organizational Success Indicator Guidelines. Carried.

8.1.2 Certificate of Local Authority for the Town's execution on Condominium Plan of Lots 21 to 24 (incl.), Block 23, Plan 7710 A.P.

R. Romanetz advised that the land is located behind the former Taste Delite which the Town sold to Stevenson Homes for the construction of a commercial / condo. Since that time Mr. Stevenson has decided to convert the building into a condominium. He further explained that there is a requirement under the Condominium Act that prior to the conversion the Certificate of Local Authority must be signed by the Mayor and CAO. He stated that there will be separate ownership to each unit, including both the residential and commercial units.

MO2008.259 McDonald, Shoff moved that Council authorize the Mayor and CAO to sign the Certificate of Local Authority to create a Condominium Plan of Lots 21 to 24 inclusive Block 23, Plan 7710AP pursuant to Section 10 (1) of the Condominium Act. Carried.

8.2 Director of Infrastructure Services

8.2.1 RFD – Purchase of Tandem Truck

A. Kendrick presented a proposal to purchase a 2009 tandem axle gravel truck c/w box, hoist, and accessories necessary to operate a slide in sand. This is an approved project for MSI capital funding for \$175,000. He stated that a third tandem truck will alleviate the need to delay day to day operations where utilities, facilities, and surface crews all need tandems. Three tenders were received with the Freightliner, Red Deer being the recommended supplier.

MO2008.260 Bertamini, Berdahl moved that Administration proceed with the purchase of the 2009 Freightliner M2 106V tandem gravel truck c/w box, hoist, sander, and plow ready, for the quoted price of \$149,535.75 plus \$400 (2 step mounted backup lights with guards) for a total of \$149,935.75 (including GST). Carried.

8.2.2 RFD – Purchase of Grader

A. Kendrick presented a proposal to purchase a motor grader complete with options. This is an approved project for MSI capital funding in the amount of \$250,000. He stated that the purchase of a new grader would allow the Town to replace the existing 17 year old unit which now requires extensive repairs estimated to be \$50,000. Five tenders were received with Brandt Tractor Limited, Calgary being the recommended supplier.

MO2008.261 Berdahl, Bertamini moved that Administration proceed with the purchase of

the John Deere 770D motor grader from Brandt Tractor Limited; and further that Administration delete the steel rear fenders (less \$4500) and the front push block (less \$2700) for a final purchase price of \$247,900. Carried.

8.2.3 RFD - Aquaplex Lockers Tender

A. Kendrick presented a proposal for the purchase of new lockers for the men and womens' change rooms at the Aquaplex. The proposal would provide additional lockers for customers to store items when using the facilities. The new lockers would reduce operating costs as a result of eliminating the need for repairing the existing metal locker unit. He explained that the project is a component on the approved Aquaplex upgrade in the 2008 Capital Plan funded by Community Facility Enhancement Program. In response to a question from Council for the reason the approval is before Council, R. Romanetz advised that although the project has been formally approved and is under the \$75,000 budget, staff had to make revisions to the project components in order for the improvements to fit into the overall budget.

MO2008.262 Shoff, McDonald that Council approve the purchase of the locker package from Dizard for the sum of \$70,850.00.

In responding to a question from Council, A. Kendrick advised that the Aquaplex Manager and staff have been involved in the decision making process. He further advised that the delivery time is eight weeks, which will be in time for the turnaround project schedule for March however staff will carry out some work in advance and as time permits.

Vote on Motion: Carried.

8.3 Director of Corporate Services

8.3.1 RFD – Communication System

M. Roy advised that last December, Council approved a proposal from Telus, who partnered with Nortel, for a VoIP phone system. He further advised that to date the Town has received the hardware but are waiting on installation and configuration of the system. The total project budgeted cost is \$269,412 which includes \$20,000 for new switches. He explained that the actual cost for the switches came in at \$24,291. As well, he explained that following a more detailed site inspection, a scope change was recommended to the original plan because the initial proposal would have cost the Town significantly more. The overrun on the project is \$20,000 of which \$5,000 is for the switches and \$15,000 is for using the Q91 tower for phone service rather than the original proposal (a separate tower installation).

He further explained that arrangements have been made with the Stampede Board and Q91 to lease their tower (the tower is already being utilized for the Town's SCADA system).

MO2008.263 Shoff, Guidolin allocate an additional \$20,000 for the communication project to be funded from operating surplus.

In responding to a question from Council, R. Romanetz advised that after a review in the

field, it was realized that additional work and costs would be required for a tower installation due to the topography of the area.

Vote on Motion: Carried.

8.4 Director of Community Services

8.4.1 RFD – Palliser Regional Municipal Services Request to enhance the delivery of GIS / IT on a Regional Basis (through the Town of Drumheller's Application to the 2008/09 Regional Partnership Initiative Exploration Grant)

P. Salvatore advised that PRMS has prepared a grant application to fund a research and collaboration project aimed at future GIS project enhancements throughout the Palliser regions. The research focus would shed light on the best ways for municipalities to use the service while developing the training systems and sustainable support for GIS on regional basis. In response to a question from Council, R. Romanetz advised that the Town has been approached to sign the application as this application is the second or third phase of the project and as one of the larger municipal members, it is a way the Town can support their endeavors. He further explained that any administrative responsibilities for the grant will be Palliser's and the Town's involvement will not be significant other than possible training enhancements within the Town's own GIS department.

MO2008.264 Guidolin, Shoff be it resolved that Council authorizes the Town of Drumheller to participate in, and submit a Regional Partnerships Initiative Exploration grant application for Palliser Regional Municipal Services Company Limited under the Alberta Municipal Affairs Regional Partnerships Initiative; further that the Town of Drumheller agrees that the Town of Drumheller will be designated the managing partner of Palliser Regional Municipal Services Company Limited for the purposes of receiving, administering, allocating, reporting, and accounting for the grant funds on behalf of the partners; and further that the Town of Drumheller agrees to enter into, a Conditional Grant Agreement governing the purpose and use of the exploration grant funds if it is the managing partner, or if not agrees to abide by the terms of a Conditional Grant Agreement signed by the managing partner on behalf of the other partner municipalities and / or approved participants governing the purpose an use of the exploration grant funds. Carried.

9.0 PRESENTATION OF QUARTERLY AND ANNUAL REPORTS BY ADMINISTRATION (January 19, 2009)

- 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 34.08 being a bylaw to amend the Land Use Bylaw 10.98 by redesignating Sec 8 Twp 29 Rng 20 W4M (Nacmine) from "A – Agricultural" to "R-1 – Residential" on the north side and "A - Agricultural" to "CR – Country Residential" on the south side –

second and third readings (public hearing to be reconvened on January 5, 2008)

11.0 DELEGATION DECISIONS

12.0 UNFINISHED BUSINESS

13.0 NOTICES OF MOTIONS

14.0 COUNCILLOR REPORTS

15.0 IN-CAMERA MATTERS MO2008.265 Guidolin, McDonald moved to go incamera at 5:45 PM. Carried.

15.1 Energy Aggregation Contract

15.2 Personnel Matter

MO2008.266 Bertamini, Shoff moved to revert to regular Council meeting at 8:00 PM. Carried.

There being no further business the Mayor declared the meeting adjourned at 8:00 PM.

MAYOR

CHIEF ADMINISTRATIVE OFFICER