

Town of Drumheller

COUNCIL MEETING

MINUTES



July 7, 2008

Council Chamber, Town Hall

703 - 2nd Ave. West, Drumheller, Alberta

PRESENT:

MAYOR:

Bryce Nimmo

COUNCIL:

Andrew Berdahl

Karen Bertamini

Blaine McDonald

Don Guidolin

Sharel Shoff

Terry Yemen

CHIEF ADMINISTRATIVE OFFICER/ENGINEER:

Ray Romanetz

ACTING DIRECTOR OF INFRASTRUCTURE SERVICES:

Steve Huculak

DIRECTOR OF COMMUNITY SERVICES:

Paul Salvatore

RECORDING SECRETARY:

Linda Handy

ABSENT: DIRECTOR OF CORPORATE SERVICES Michael Roy

1.0 CALL TO ORDER

2.0 MAYOR'S OPENING REMARKS

2.1 Mayor Bryce Nimmo presented a letter from Hon. Ray Danyluk, Minister of Alberta Municipal Affairs regarding development of long term funding formula to be used for the Municipal Sustainability Initiative (MSI) for the 2008 budget year and beyond. In his letter, Hon. Danyluk further advised that Drumheller's allocation is \$917,010 which includes capital project funding of \$790,774, and conditional operating funding of \$126,236. He further advised that the funding formula is a hybrid of population, education property tax requisitions, and kilometres of road.

2.2 Mayor Nimmo presented a letter from Hon. Luke Ouellette, Minister of Transportation

regarding cost shared funding under the 2008 Transportation grant program. In his letter, Hon. Luke Ouellette advised that Drumheller's Streets Improvement Program grant is \$475,920 based on \$60. per capita and a population of 7,932.

2.3 Mayor Nimmo presented a letter from Hon. Stockwell Day regarding the Town of Drumheller's request for an additional RCMP Officer. In his letter, Hon. Day recommends that the Town request an additional RCMP member under the Municipal Police Service Agreement at the customary 70/30 cost share ratio. The 50/50 cost sharing that had been proposed to him in January, 2007 was denied.

2.4 Mayor Nimmo announced that Councillor Karen Ann Bertamini was elected as President of the Canadian Badlands Society.

2.4 Mayor Bryce Nimmo proclaimed Drumheller Stampede Week as July 21st – 27th.

3.0 PUBLIC HEARING

4.0 ADOPTION OF AGENDA

MO2008.139 Berdahl, Yemen moved the adoption of the agenda as presented. Carried.

5.0 MINUTES

5.1 ADOPTION OF REGULAR COUNCIL MEETING MINUTES

5.1.1 Council Regular Meeting – June 23, 2008

MO2008.140 Shoff, McDonald moved the adoption of the regular meeting minutes of June 23, 2008 as presented. Carried.

5.2 MINUTES OF MEETINGS PRESENTED FOR INFORMATION

5.2.1 Municipal Planning Commission – June 12, 2008

5.3 BUSINESS ARISING FROM THE MINUTES

6.0 DELEGATIONS

6.1 Tammi Nygaard, Landfill Coordinator presented the 2008 Spring Clean Up Report as follows:

- Total 267.96 metric tonnes (mt) of household waste includes: wood, compost, & household materials compared to 274.55 mt last year (a decrease of 2.5% in wood, compost, and household material);
- Total 38.84 mt of metal and appliances compared to 52.87 mt last year (a 27% decrease);
- Total 133.37 mt of household materials and compost, with 134.59 mt delivered in the bins;
- On average, the same amount of residents self hauling this year – the total self haul was 18.07 mt compared to 18.23 mt last year;
- Total man hours for 2008 was 792 regular hours and 40.5 overtime hours compared to total man hours for 2007 of 648 regular hours and 195.5 overtime hours;

- Total costs for the 2008 Spring Cleanup was \$24,261.88 compared to last year total costs of approximately \$30,000.
- The decrease in materials may have been attributed to a wet spring and the rescheduling of Spring Cleanup to one week earlier.

T. Nygaard commended Infrastructure Services staff for an excellent job during Spring Clean Up. Mayor Nimmo thanked Tammi for her presentation.

7.0 COMMITTEE OF THE WHOLE RECOMMENDATIONS

8.0 REQUEST FOR DECISION REPORTS

8.1 CAO

8.1.1 Bylaw 18.08 being a bylaw to amend the Land Use Bylaw 10.08 by redesignating Plan 8157GW Block 6 Lot 11 (East 1/2) and 12 809 – 6th Avenue East, Drumheller CAO R. Romanetz presented application for amendment to change the above noted property from R2 to R3. He explained that the applicant wishes to comply with proper zoning under the new Land Use Bylaw for a fourplex building which has been on this property since the 1960's and is currently zoned R2.

MO2008.141 Bertamini, Guidolin for first reading to Bylaw 18.08.

Discussion on Motion:

Councillor T. Yemen asked how the building received approval in the 1960's. R. Romanetz explained that at that time there was no Land Use Bylaw only ordinances which did not deal with density issues.

Vote on Motion: Carried.

8.1.2 Bylaw 19.08 being a bylaw to replace Bylaw 9.83 - North Dinosaur Trail Area Structure Plan (ASP) – first reading

R. Romanetz referred to the application submitted by Christ the Redeemer Catholic Schools and reviewed the proposed changes to three documents: North Dinosaur Trail Area Structure Plan (amendments changing the proposed use from Commercial development to Commercial / Community Service development as shown on the maps); Municipal Development Plan (mapping change of future Highway Commercial to Commercial / Community Service); and Land Use Bylaw (land use redesignation from Hwy-C – Highway Commercial to P – Community Service). He stated that Brad Wiebe, Planner, PRMS has advised that the proposed amendments to the existing Drumheller planning documents are necessary prior to a development permit application being considered for a school facility on the site. B. Wiebe advised that Figure 5 – Site 2 was determined based on the site evaluation to be compatible as commercial or community service land use. In his report, B. Wiebe also provided the recommendation from the Municipal Planning Commission – *"The recommendation is that the community needs have*

not changed and large commercial parcels are needed within the Town of Drumheller as there are few available sites for large commercial development. The recommendation is that Site 2 remains as future commercial land use and not be considered for other land uses in the North Dinosaur Trail ASP". The MPC recommendation is that Site 2 remain designated as commercial land use only due to the lack of suitable highway commercial parcels available in the community. The MPC discussed concerns with the site location as it is along a major tourist corridor with high traffic levels that is not conducive to a school facility location due to the ages of students (K-12) and safety concerns with North Dinosaur Trail and pedestrian movements".

R. Romanetz explained that the MPC's concern is only with one particular site. He stated that the plan was prepared in 1983 and is completely outdated. He further noted that most applications for amendments are taken to Council for first reading to allow for the public hearing process to begin where all parties, including the Municipal Planning Commission can present their concerns.

MO2008.141 Bertamini, Guidolin for first reading to Bylaw 19.08

Discussion on Motion:

Councillor K. Bertamini stated that Council has to recognize that the school board has looked extensively for property to build their new school and this was the only area that was appropriate. Councillor S. Shoff stated that as a member of MPC, they have put a lot of thought into this proposal and their concern is that there is not sufficient highway commercial land for development. She further explained that the board felt it was not appropriate for a school to be located along a major tourist route. She further stated that the School Board's application was submitted at the end of March and they did not see any further information until June. R. Romanetz explained that the architect had to provide additional information to Palliser which took some time. Administration needed to review the infrastructure needs and Palliser needed to review the planning requirements. Councillor A. Berdahl stated that the order of applications is not appropriate in that the project is designed and land purchased prior to the reclassification of the land. R. Romanetz advised that the School Board was advised that they were proceeding at their own risk.

Vote on Motion: Carried.

8.1.3 Bylaw 20.08 being a bylaw to amend Bylaw 10.08 (Land Use Bylaw) by redesignating the west 200.795 metres in perpendicular width throughout the south half of legal subdivision 15 in the NE ¼ Section 10-29-20 W4M that lies north of the service road on Plan 8610553 from Hwy-C Highway Commercial land use district to "P" – Community Service land use district – first reading

R. Romanetz advised that the current land use designation as noted above would require an amendment for Christ the Redeemer School Board's proposal to proceed.

MO2008.143 Yemen, Bertamini for first reading to Bylaw 20.08. Carried.

8.1.4 Bylaw 21.08 being a bylaw to amend Bylaw 11.08 (Municipal Development Plan) by redesignating the west 200.795 metres in perpendicular width throughout the south half of legal subdivision 15 in the NE ¼ Section 10-29-20 W4M that lies north of the service road on Plan 8610553 – first reading

R. Romanetz advised that Figure 2.1 of the Municipal Development Plan would require a mapping change to remove the future land use designation of commercial from the subject property to commercial / community service. He further noted that the proposed North Dinosaur Trail Area Structure Plan suggests a change from commercial to commercial / community service.

MO2008.144 Bertamini, Yemen for first reading to Bylaw 21.08.

Discussion on Motion:

Councillor A. Berdahl advised that MPC have reviewed the MDP within the last 60 days however this change was not considered at that time. R. Romanetz advised that the MPC did not review this change because the School Division had not provided all the necessary information and secondly, the changes to the ASP, MDP and LUB may have affected the review of the general changes proposed in the MDP / LUB.

Vote on Motion: Carried.

8.1.5 Human Resources Policy Manual – Vacation Benefits

R. Romanetz advised that the ratification of the inside and outside union agreements included a change to the vacation benefits. Administration is recommending that those changes to vacation be reflected to out of scope employees to ensure that there is a consistency of application throughout the organization.

MO2008.145 Bertamini, Yemen moved that the Human Resources Policy Manual Vacation Benefits as presented be changed to include union members and out of scope employees. Carried.

8.1.6 Water Clarity Update

R. Romanetz advised that two previous Press Releases on water clarity dated June 13th and June 25th were issued. He presented a further press release dated July 7, 2008 which provides a summary of the action to date and next steps. In the press release, the CAO explains that the water clarity concerns have developed as a result of high capacity pumps being used at the Water Treatment Plant to keep up with high distribution demands resulting from hot dry weather. He further stated that Town staff have and will continue to respond to all calls received from the public where clarity issues are a concern.

8.1.7 Water Extensions Update (Golf Course and Cambria / East Coulee)

R. Romanetz advised that our consulting engineer, MPE, has met with Alberta Transportation regarding the possibility of cost sharing on a water line extension to the golf course. He further advised that the Town has not received any confirmation whether grant programs are available for cost sharing. If the Town's proposal for a west ward line

extension does not qualify under the grant program, the Town intends to resubmit the application for funding based on a regional proposal. With regards to the Cambria to East Coulee water line extension, consultants have updated the cost of the former study with the cost of the transmission line at \$4.4m. He further explained that the encouraging news is that the Town should be eligible for 75% cost sharing based on an agreement for the Valley amalgamation in 1998. He further stated that Alberta Transportation may consider cost share at 90% (Water for Life) as this line becomes an extension of the water line for smaller hamlets. He explained that Alberta Transportation is recommending that the Town submit applications under both programs. He stated that once approved, the Town would prepare a local improvement bylaw and do the costing for those affected residents. Administration will work with the consultants on preparing the updated costs as time permits. R. Romanetz advised that the water line extensions would be considered during the 2009 budget deliberations.

MO2008.146 Bertamini, Shoff to direct Administration to submit applications under both programs, the Municipal Water & Wastewater and Water for Life and authorize Administration to update the local improvement costs up to an estimated cost of \$20,000. Carried.

8.2 Acting Director of Infrastructure Services

8.2.1 RFD – Waste Water Treatment Plant Tender

S. Huculak advised that the tenders for the upgrade to the Waste Water Treatment Plant closed on May 8th with the low bidder submitted from Graham Construction in the amount of \$19,915,897.00. He stated that the budget for this project, as approved by Council, including engineering is \$11,622,480. Administration has directed Stantec to review various options to change the scope of the project while still meeting the basic intent outlined in the approved CAMRIF application. He further explained that Administration and Alberta Transportation indicated support for a reduced scope option with a potential cost saving identified at \$3m. If the Town were to proceed with the award to Graham Construction based on reduced scope of the project, the Town share of the project would increase from the budgeted \$4.3m to \$8.7m. S. Huculak explained that another option available is to repackage the project into smaller components so it can be awarded individually or in its entirety.

MO2008.147 Bertamini, Shoff that Council reject the tenders for the Wastewater Treatment Plan received on May 8, 2008 and instruct Administration to modify the scope of the project and retender.

R. Romanetz explained that Administration feels that the high bids received may be due to the project size which restricted contractors who were not able to meet the bid requirements. He further explained that the smaller components proposal may be the more affordable approach but there are no guarantees that the Town will receive more competitive bidding. He further advised that the project may have to be tendered at the

appropriate time because of the additional costs of construction due to cold weather if the project is delayed to the fall. He stated that the Town will talk with contractors to determine their interest and the timing of the retendering. There is a requirement to start the project within six months as outlined in the CAMRIF application and be completed by March 2010.

Vote on Motion: Carried.

8.2.2 RFD – 2008 Street Improvement Program

S. Huculak advised that tenders closed on June 18th and only one tender was received from Brooks Asphalt and Aggregate Ltd. in the amount of \$3,510,415. He advised that the engineer's construction estimate prepared prior to tendering was \$2,762,979.50. In order to stay within the 2008 budget, Administration is recommending that low priority areas be dropped from the program such as 1st Avenue NW from 14th Street to 15th Street and other miscellaneous items. He further explained that due to the high prices received, Administration is recommending that the tender from Brooks Asphalt be rejected and that Council approve the revised tender as re-negotiated.

MO2008.148 McDonald, Berdahl that Council reject the tender and award to Brooks Asphalt and Aggregate Ltd. for the re-negotiated price of \$1.525 million for the municipal portion of the program, subject to approval by Alberta Transportation. Carried.

8.2.3 RFD – Outdoor Pool

S. Huculak advised that the request for proposals for the outdoor pool closed on June 30th with one bid received from Master Pools out of Calgary in the amount of \$278,540 plus GST. The Town received Provincial grant funding of \$102,500 with a total project budget of \$205,000. To proceed with this project additional funding of \$73,540 is required. He explained that the outdoor pool is losing significant amounts of water due to the leaking plumbing. R. Romanetz advised that there is a \$30,000 savings on the HVAC units in the Civic Centre however the Town is now in a position where there are no other projects to remove to stay within the budget.

MO2008.149 Berdahl, Yemen that Council award the project to Master Pools, with additional funding of \$73,540 to come from reserves. Carried.

8.3 Director of Corporate Services

8.4 Director of Community Services

8.1.3 RFD – Motorcycle Madness Events Update

P. Salvatore advised that the Drumheller Legion requests relaxation of Town's Noise Bylaw on July 12th. This request is in conjunction with events connected to Motorcycle Madness 2008. He stated that Lisa Hansen-Zacharuk, Chairperson for Motorcycle Madness has provided a summary of the events which includes live entertainment on Centre Street.

They are expecting up to 200 motorcyclists attending the event. In her letter, Ms. Hansen-Zacharuk advises that vendors participating may be those vendors with already existing licenses. In addition, the burn out pit will be located at the intersection of Railway Avenue and Centre Street and the road will be protected with a metal plate.

MO2008.150 Shoff, Berdahl that Council approve a relaxation of the Noise Bylaw from 10 PM on July 12th to 2:00 AM on July 13th confined to the proximity to the Royal Canadian Legion Hall and Centre Street North as outlined in their application.

Councillor Karen Bertamini requested that the organizers inform the adjacent residential properties of the evening's activities.

Vote on Motion: Carried.

9.0 PRESENTATION OF QUARTERLY AND ANNUAL REPORTS BY ADMINISTRATION presented their second quarter reports)

- 9.1 CAO
- 9.2 Acting 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

12.1 RFD – Marigold Library Systems Schedule C

MO2008.151 Shoff, McDonald that Council approve the amendment to the Marigold Agreement including Schedule C as presented.

Discussion on Motion:

Councillor S. Shoff advised that at Council's meeting of June 23rd, clarification regarding ownership of assets was requested. She further advised that the paragraphs pertaining to ownership of assets should not have been brought to Council for approval because the matter was dealt with last year. She stated that it is not part of the proposed amendments before Council at this time. Councillor K. Bertamini disagreed and referred to the proposed amendments, noting that paragraph 41 does require Council's approval on ownership of assets "... that Party shall be deemed to have forfeited *"title or interest in"* (new wording) the assets of the Marigold Board". She further stated that the Town should not give up their rights to acquire a portion of the assets because they will go to Marigold Library if the society dissolves. R. Romanetz explained that normally the Society Act governs the distribution of assets if a society dissolves.

Vote on Motion: Carried.

12.2 Bylaw 16.08 being a bylaw to amend the Land Use Bylaw No. 10.08 by re-designating the area in Lots 11 & 12 of Block 3 in Plan 5212 JD (210 9th Avenue SE) in Drumheller from R2 to R4 – third reading

R. Romanetz advised that Council asked for further clarification on the use of a restrictive covenant to restrict the re-development of a higher density of use such as an apartment, which is a discretionary use under R4. He stated that the opinion of the Planner and Town Solicitor was that the proper channel is through the Land Use Bylaw. Further to this, B. Wiebe, Planner has recommended that the property be reclassified to a R3 zoning which would allow for attached dwellings, not apartments. R. Romanetz advised that he met with the developer and advised the developer of requirements for separate entrances for attached housing. He further explained that under the definition in Land Use Bylaw for attached housing, the plan submitted by the developer would not meet the requirements for separate entrances. The developer provided him with a revised drawing showing how he could provide access to the building to meet attached housing requirements. R. Romanetz stated that if Council wishes to consider reclassification to R3, it would allow for the developer's needs. He further stated that an amendment to Bylaw 16.08 would not be permitted and the process for reclassification to an R3 would have to be restarted with a new bylaw.

Councillor T. Yemen abstained from voting and deliberation.

MO2208.152 Bertamini, Berdahl for third reading to Bylaw 16.08.

Councillor A. Berdahl stated that Council was presented with a similar bylaw under Item 8.1.1 and questioned whether the same situation would result. R. Romanetz explained that in the above referenced case, the fourplex has existed since the 1960's and is now a non conforming use that is allowed to continue while the former daycare building being converted into a fourplex is a change in use and requires an amendment to the Land Use Bylaw before the MPC could consider issuing a permit to the applicant.

Vote on Motion: Defeated.

R. Romanetz presented Bylaw 22.08 being a bylaw to amend the Land Use Bylaw No. 10.08 by re-designating the area in Lots 11 & 12 of Block 3 in Plan 5212 JD (210 9th Avenue SE) in Drumheller from R2 to R3 – first reading

MO2008.153 Shoff, McDonald for first reading to Bylaw 22.08. Carried.

13.0 NOTICES OF MOTIONS

14.0 COUNCILLOR REPORTS

15.0 IN-CAMERA MATTERS

There being no further business the Mayor declared the meeting adjourned at 7:02 PM.

MAYOR

CHIEF ADMINISTRATIVE OFFICER