

# **Town of Drumheller**

## **COUNCIL MEETING**

### **MINUTES**



**May 12, 2008**

**Council Chamber, Town Hall**

703 - 2nd Ave. West, Drumheller, Alberta

**PRESENT:**

DEPUTY MAYOR:

Blaine McDonald

COUNCIL:

Andrew Berdahl

Don Guidolin

Sharel Shoff

Terry Yemen

CHIEF ADMINISTRATIVE OFFICER/ENGINEER:

Ray Romanetz

ACTING DIRECTOR OF INFRASTRUCTURE SERVICES:

Steve Huculak

DIRECTOR OF CORPORATE SERVICES:

Michael Roy

DIRECTOR OF COMMUNITY SERVICES:

Paul Salvatore

RECORDING SECRETARY:

Linda Handy

ABSENT: Mayor Bryce Nimmo

Councillor Karen Bertamini

#### **1.0 CALL TO ORDER @ 4:30 PM**

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

2.1 Deputy Mayor B. McDonald advised that Mayor Bryce Nimmo was on vacation.

2.2 Deputy Mayor McDonald announced that Council's next Committee Meeting would be held on May 20<sup>th</sup> at 5:00 PM due to the Statutory Holiday on May 19<sup>th</sup>.

#### **3.0 PUBLIC HEARING**

3.1 Deputy Mayor B. McDonald called the public hearing to order at 4:35 PM. He stated

that in accordance with the Municipal Government Act Section 692 a joint public hearing would be held for both bylaws. The purpose of the Public Hearing was to consider Bylaw 10.08 being a bylaw to replace the existing Town of Drumheller Land Use Bylaw 36.98 and consider Bylaw 11.08 being a bylaw to replace the existing Town of Drumheller Municipal Development Plan Bylaw 35.98

He asked Secretary, L. Handy if there were any written submissions. Secretary, L. Handy advised that Palliser Regional Municipal Services (PRMS) wished to provide verbal comments.

Deputy Mayor B. McDonald asked if anyone was present to speak in favour or against the proposed bylaws. There were no speakers in attendance.

Brad Wiebe, Planner with PRMS provided an overview on some of the proposed changes to the Land Use Bylaw as follows:

- Section 9.1(e) The Municipal Planning Commission may at their discretion provide notice of discretionary uses to adjacent landowners.
- Definition of Tourist Dwelling – *“means a single dwelling unit: (a) occupied by guests for a temporary period less than 28 days; (b) contains sleeping and sanitary facilities and may contain cooking or eating facilities; (c) occupied by a single party at any given time; (d) maximum occupancy to be limited by the number of rooms available for sleeping accommodation and shall be determined by the development authority.”* He explained that tourist dwellings have been included as discretionary uses under the majority of residential and downtown districts. He referenced Section 47 which provided further clarification on tourist dwellings: *“(a) A tourist dwelling may be developed only in a dwelling unit and only in those Land Use Districts where it is listed as a use; (b) A tourist dwelling shall not have signage associated with the use; (c) An owner or manager shall be available within the Town of Drumheller at all times when the tourist dwelling is being used; (f) The development authority shall take into consideration the density of tourist dwellings in the vicinity of an application to ensure that the use is not in conflict to the general purpose of the land use district.”*

Deputy Mayor B. McDonald asked for questions from Council. Councillor S. Shoff asked how a tourist dwelling would be identified. B. Wiebe stated that a tourist dwelling would be identified through advertising via newspaper and brochures by the owner.

Deputy Mayor B. McDonald closed the Public Hearing at 4:50 PM.

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

**Addition to Agenda:** 8.3.1 Municipal Census

**MO2008.95** Yemen, 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 – April 28, 2008**

**MO2008.96** Shoff, Berdahl moved the adoption of the minutes of the regular Council meeting of April 28, 2008 as presented. Carried.

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

#### **5.2.1 Municipal Planning Commission Meeting Minutes – April 24, 2008**

#### **5.2.2 Management Meeting Minutes – May 6, 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 Bylaw 15.08 being a bylaw to set the 2008 tax rate**

R. Romanetz advised that the Municipal Government Act Section 353 requires Council to pass a property tax bylaw annually to raise revenue to cover the payment of expenditures and transfer in the approved budget. He advised that Mike Roy, Director of Corporate Services would provide a PowerPoint presentation on options to set the mill rate.

M. Roy presented three options which would raise the required revenue to cover the budget as follows:

			Municipal Dollar Increase
Option1 Equalized Tax Rate	Residential	Tax Rate 0.0074498	19.35%
	Non Residential	0.0074498	-29.75%
Option 2 Split Mill Rate Equalized Municipal Increase	Residential	0.0064350	6.63%
	Non Residential	0.0103530	6.63%
Option 3 Split Mill Rate with 2 point spread	Residential	0.0069318	13.32%
	Non Residential	0.0089318	-8.23%

He stated that the residential market value has peaked dramatically in the last few years

although it appears to be levelling off for 2008. He further explained that in the past both residential and commercial assessments increased at the same rate which is not the case now. He noted that the assessment change for 2006-2007 for residential properties was a 55% increase compared with the non residential properties at 2.1%. He explained Administration is recommending that a split mill rate equalized municipal increase approach be used as it spreads the increase equally across all ratepayers. Discussion held on the options presented.

**MO2008.97** Yemen, Berdahl for first reading to Bylaw 15.08. Carried.

**MO2008.98** Shoff, Guidolin for second reading to Bylaw 15.08. Carried.

**MO2008.99** Yemen, Berdahl no objection to third reading to Bylaw 15.08. Carried.

**MO2008.100** Shoff, Guidolin for third reading to Bylaw 15.08. Carried.

## **8.2 Acting Director of Infrastructure Services**

### **8.2.1 RFD – RCMP Elevator**

S. Huculak advised that the RCMP elevator has failed and will need a hydraulic microprocessor-based control system. He explained that the existing controller had been replaced on two previous occasions at which time the Town was forewarned that the old controller was out of production and may be difficult to replace. He explained that the upgrade parts were ordered for the new control system in 2006 for \$13,017.00. The labour to complete the work was an additional \$30,373.00 which was not carried over for 2007 or in 2008. Because it is an unbudgeted expense, Administration is recommending delaying other capital projects until 2009 which would include new carpet / furniture in the Civic Centre AV Room - \$10,000; Hoodoo washrooms - \$15,000 and new Christmas decorations - \$7,500.

**MO2008.101** Shoff, Yemen for Council to proceed with the upgrade of the RCMP elevator at a cost of \$30,373.00 plus GST and delay the following capital projects until 2009: Christmas decoration, Civic Centre carpet / furniture for the AV Room and Hoodoo washrooms.

### **Discussion on Motion:**

Councillor A. Berdahl asked how the decision is made to delete capital projects. S. Huculak stated that Administration looks at the facilities budget and assesses which projects would have the least impact on being delayed. Councillor Berdahl stated that delaying the Hoodoo washrooms is contrary to the direction set in Council's Strategic Business Plan. R. Romanetz stated that Council can go back and review the capital plan or increase the capital dollars spent overall. He further stated that the RCMP elevator has to be put back into service. Councillor Shoff stated that the Drumheller Chamber of Commerce might be willing to contribute dollars towards the construction of the Hoodoo washrooms. Chamber representative, Councillor Yemen stated that he would approach the Chamber members with Council's request.

Vote on Motion: Carried.

#### 8.2.2 RFD – 2008 Water Main Replacement

S. Huculak advised that the tenders closed on April 17<sup>th</sup> with only one submission from Brooks Asphalt and Aggregates Ltd. In the amount of \$536,169.00 (excluding GST). The contract was broken into five Schedules (A – E). Schedule D and E, the 3<sup>rd</sup> street lane crossings north and south of 3<sup>rd</sup> Avenue East, were not included within our 2008 Capital Plan and were added to this tender. He explained that replacement of the aged cast iron water lines is necessary prior to paving of 3<sup>rd</sup> Street East within the 2008 Streets Improvement Program. The addition of these two lane crossings total \$99,871.00. He further explained that the 2008 Capital Budget allocation for this project was \$260,000 from MSI funding and an additional \$30,000 for valve replacement from reserves for a total 2008 budget allocation of \$290,000. As well, the Town proposes to delete Schedule A (Centre Street) from this contract until 2009. This will reduce the total cost by \$187,542.00 for a new contract total of \$348,627.00 plus engineering costs of \$60,000 for a total cost of \$408,627.00. This project will be over budget by \$118,627.00. Administration recommends that this project proceed with additional funding for the two lane crossing that were added due to the paving of 3<sup>rd</sup> Street East to come from the 2008 MSI program. It is further recommended that the revised contract price of \$348,627.00 plus 5% GST (\$17,431.00) for a grand total of \$366,058.50 be awarded to Brooks Asphalt subject to funding approval under the MSI Program.

**MO2008.102** Guidolin, Yemen that Council subject to the approval of MSI funding award the tender the 2008 Water Main Replacement Program to Brooks Asphalt & Aggregates Ltd. in the amount of \$366,058.50 inclusive of 5% GST and increase the water main replacement budget to a new project total of \$408,627.00.

#### Discussion on Motion:

Councillor T. Yemen asked if contingency dollars would be returned. S. Huculak stated that it is highly unlikely as project alternations would be required because the project involves isolating other cast iron lines which may be subject to replacement (not identified). Also some valves may be an issue and need to be replaced. He stated that the engineer sets the contingency amount. R. Romanetz advised that over the summer months the Town will review options for service connection to about four businesses on north Railway Avenue to replace the service from the front street and work with owners to reconfigure their plumbing. This line could be replaced with a 2 inch line rather than a 4 inch line as fire fighting service would be provided from an adjacent line. He further explained that directional drilling is the preferred method for the downtown core as these costs are very competitive with open cutting prices. Councillor A. Berdahl asked if the \$261,000 from MSI was in addition to the approved amount of \$500,000. M. Roy confirmed yes.

Vote on Motion: Carried.

### 8.2.3 RFD – Janitorial Contract Town Hall

S. Huculak advised that the janitorial contract for Town Hall expired March, 2008. Two tenders were received however after awarding the tender to the lower bidder that firm was not able to provide the Town with the necessary documentation as outlined in the contract.

As a result the Town had to terminate their contract. The Town re-tendered the janitorial services for Town Hall with a tender closing of May 7<sup>th</sup>, 2008. Two bids were received and Administration is recommending that the contract be awarded to the second lower tender from Carmel Projects for the tendered price of \$34,800 per year or 2,900 per month commencing May 20<sup>th</sup>, 2008 and ending May 20<sup>th</sup>, 2010. He explained that the tendered price is in excess of the 2008 operational budget and would require additional funding to come from the 2008 operating surplus.

**MO2008.103** Shoff, Berdahl for Council to award the janitorial tender for Town Hall to Carmel Projects Incorporated for a two (2) year period commencing May 20, 2008 in the amount of \$2,900 per month. Carried.

## 8.3 Director of Corporate Services

### 8.3.1 Municipal Census

M. Roy advised that under the Municipal Government Act Section 57, Council can conduct a census. Administration is recommending that a municipal census be conducted and that June 2, 2008 be the census date. He further explained that at the same time as the census being done, a set of questions would be asked that gives the public an opportunity to provide input in the future direction of the Town in specific areas.

**MO2008.104** Yemen, Guidolin that Council direct Administration to conduct a census with a census date of June 2, 2008.

Discussion on Motion:

Councillor Berdahl asked if the census expense includes dollars for the additional survey.

M. Roy advised that these dollars are available under the Community Facility budget.

Vote on Motion: Carried.

## 8.4 Director of Community Services

## 9.0 PRESENTATION OF QUARTERLY AND ANNUAL REPORTS BY ADMINISTRATION (next presentation July 7, 2008)

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

10.1 Bylaw 09.08 being a bylaw to amend the Land Use Bylaw by redesignating the area in Lots 11 & 12 Block 3 Plan 5212JK from R2 Residential – R4 Residential (Sharafi) - third reading

R. Romanetz advised that Council received a letter dated May 8<sup>th</sup> and in that letter concerns were expressed that the Town had not complied with proper notice under Section 692 of the MGA. He further explained that after reviewing the matter with the Town Solicitor and Planner, it was confirmed that the Town did not meet the requirements. He recommended that the Town re-advertise the bylaw and notify the adjacent property owners in the area. Councillor S. Shoff asked if Bylaw 09.08 dies on the table. R. Romanetz stated yes as the notice provisions must be sent out prior to second reading.

Councillor A. Berdahl asked why the Email as referred in the letter from Fredrick Bernhardt was not received. R. Romanetz advised that Administration did not receive the Email and will review how the Town conducts business electronically.

10.2 Bylaw 10.08 being a bylaw to adopt a Land Use Bylaw

**MO2008.105** Yemen, Guidolin for second reading to Bylaw 10.08. Carried.

**MO2008.106** Shoff, Berdahl for third reading to Bylaw 10.08. Carried.

10.3 Bylaw 11.08 being a bylaw to adopt the Municipal Development Plan

**MO2008.107** Guidolin, Berdahl for second reading to Bylaw 11.08. Carried.

**MO2008.108** Yemen, Shoff for third reading to Bylaw 11.08. Carried.

## **11.0 DELEGATION DECISIONS**

## **12.0 UNFINISHED BUSINESS**

## **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 5:58 PM.

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MAYOR

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CHIEF ADMINISTRATIVE OFFICER