

Town of Drumheller COUNCIL MEETING MINUTES

November 8, 2010 at 4:30 PM
Council Chamber, Town Hall
703-2nd Ave. West, Drumheller, Alberta



PRESENT:

MAYOR:

Terry Yemen

COUNCIL:

Andrew Berdahl

Jay Garbutt

Lisa Hansen-Zacharuk

Sharel Shoff

Doug Stanford

Tom Zariski

CHIEF ADMINISTRATIVE OFFICER/ENGINEER:

Ray Romanetz

DIRECTOR OF CORPORATE SERVICES:

Michael Roy

DIRECTOR OF COMMUNITY SERVICES:

Paul Salvatore

RECORDING SECRETARY:

Linda Handy

ABSENT: DIRECTOR OF INFRASTRUCTURE SERVICES:

Allan Kendrick

1.0 CALL TO ORDER

2.0 MAYOR'S OPENING REMARK

2.1 Public Communication Coverage

Mayor Terry Yemen requested that the Deputy Mayor, during their term in office, provide a one-time two minute communication coverage on the FM Station. He suggested that the Deputy Mayor provide an overview of those Committees / Boards on which they represent Council.

2.2 Mayor T. Yemen proclaimed November 8 to 12, 2010 as "Remembrance Week".

2.3 Mayor T. Yemen proclaimed November 14 to 21, 2010 as "Restorative Justice Week".

- 2.4 Mayor T. Yemen advised that a motion is required to amend the Deputy Mayor Roster as follows: Councillor Jay Garbutt to change with Councillor Sharel Shoff.

MO2010.148 Shoff, Garbutt that the Deputy Mayor Roster be amended as presented. Carried unanimously.

3.0 PUBLIC HEARING

4.0 ADOPTION OF AGENDA

MO2010.149 Shoff, Zariski moved to adopt the agenda as presented. Carried unanimously.

5.0 MINUTES

5.1. ADOPTION OF REGULAR COUNCIL MEETING MINUTES

- 5.1.1 Regular Council Meeting Minutes of October 25, 2010

MO2010.150 Berdahl, Shoff moved to adopt the regular Council Meeting Minutes of October 25, 2010 as presented. Carried unanimously.

- 5.1.2 Organizational Meeting Minutes of October 25, 2010

MO2010.151 Garbutt, Stanford moved to adopt the Organizational Council Meeting as presented. Carried unanimously.

5.2. MINUTES OF MEETING 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 16.10 (Community Standards Bylaw) - 2nd and 3rd readings
R. Romanetz stated that the Town's Solicitor, C. Kloot will provide an overview of the proposed amendments to the Community Standards Bylaw based on feedback from the public and a further review by Administration.

C. Kloot highlighted the changes as follows:

- Section 18 Bullying - public comments have included that there is a court of law and police services that should handle this type of behaviour. C. Kloot explained that part of the rationale for its inclusion arises from the fact that bullying is a hot issue in Alberta which has received a lot of attention in the press. He further advised that the Town's bylaw only deals with this behaviour in public places. He further explained that the degree of bullying is dependent on what authority should review the matter, i.e., school administration, Town's enforcement department or the court system. The higher the degree of bullying, the greater the probability that the matter should be dealt with in the courts. The Town's bylaw gives an opportunity for the matter to be handled out of the criminal realm. He stated that the Town's bylaw provides a penalty section for bullies as opposed to them receiving a criminal record. However, he did state that he does not feel this section governing bullying is compromised if removed because there are other authorities to deal with this type of behavior.

- Section 6 Unsightly Premises - Clause 6(1)(iv) the exclusion of industrial areas was previously raised in Council however more similar concerns have been raised with its exclusion and it was reviewed again. He stated that although he is confident that industrial areas are dealt with by other means such as through the permit process, there may be need to include industrial areas for other "unsightly" infractions. He stated that Clause 6(1)(iv) now reads "*industrial areas unless otherwise approved.*" He cited an example where one could not apply the same standard for a scrap metal company because the operation is an approved use under the Land Use Bylaw.

- Section 6(4)(iv) added the clause - "*The work on the project has not ceased.*" He explained that this clause was added for construction or renovation undertakings where the work is still in progress before the closure date as allowed under the development permit process. He stated that if there is no progress at the construction site beyond the closure date, the provisions of the bylaw will be enforced.

- Tattered Flags - C. Kloot stated that it was suggested that the Town's bylaw should include the enforcement of tattered government flags however these types of flags are legislated through the federal government and should not form part of the bylaw. He stated that if the public should report a tattered Town of Drumheller flag, the Town's staff can take the appropriate action. With regards to other flags of interest, if the flag is unsightly, the Town can act under the bylaw however he recommended that the Town not be involved in the enforcement of tattered flags.

- The section governing grasses has been removed from Section 11 Weed Control Act and moved to Section 10(6) under Nuisance.

- Other smaller amendments included wording that has been tweaked or a section has been deleted that was duplicated elsewhere in the bylaw.

Questions and Comments:

Councillor T. Zariski referred to Section 14(2) Addressing and stated that currently 95% of the residences do not comply with this Section (displaying of addresses on the back of houses that are visible from the laneway) and asked if the Town was going to enforce this clause. R. Romanetz stated that within the next few months the Town intends to make a concerted effort first through education (via website, mail outs and media) and secondly through the establishment of a Council policy. He stated that if progress is slow, enforcement may have to be implemented.

Councillor J. Garbutt referred to Section 9(4) and 9(5) and asked how the sound levels were arrived at and how they would be measured should a complaint arise. R. Romanetz explained that there are numerous examples of sound levels in the Town's records resulting from an enforcement issue which the Town has used as a guide. R. Romanetz stated that if a complaint should arise the Town may have to bring in a certified technician to verify sound levels. C. Kloot stated that he is confident that the levels used are well within the appropriate range of decibels levels, however the bylaw could be amended if the levels are not appropriate. Councillor A. Berdahl stated that the appropriate equipment and training needs to be in place for the enforcement officers. C. Kloot stated that it would be in the Town's best interests to hire a certified technician should the matter go before the courts.

Councillor L. Hansen-Zachurak referred to Section 7(5) and stated that the time allowed to burn a fire should be changed to 2:00 AM rather than 1:00 AM. Discussion followed on whether the time should be changed. Council agreed to change the time to 2:00 AM.

MO2010.152 Garbutt, Berdahl for second reading of Bylaw 16.10 as amended (Section 7(5) to 2:00 AM).

Discussion on Motion:

Councillor A. Berdahl stated that he would prefer that Section 18 Bullying be removed as he feels the Community Standards Appeal Board may have difficulty in dealing with these matters.

Vote on Motion:

6 in favour - Stanford, Zariski, Yemen, Shoff, Hansen-Zacharuk, Garbutt
1 opposed - Berdahl.

Motion Carried.

MO2010.153 Shoff, Stanford for third reading of Bylaw 16.10 as amended (Section 7(5) to 2:00 AM).

Vote on Motion:

6 in favour - Stanford, Zariski, Yemen, Shoff, Hansen-Zacharuk, Garbutt
1 opposed - Berdahl.

Motion Carried.

8.1.2 Bylaw 20.10 being a bylaw to amend the Permit Bylaw 12.01 - 3rd reading

R. Romanetz advised that Bylaw 20.10, which proposes to amend Schedule A of the Permit Bylaw 12.10 by adding a fee for the installations, removals or alterations of storage tank systems in accordance with new Provincial regulations, received 1st and 2nd reading at Council's meeting of October 12th. He further explained that enforcement for verification is carried out by the Petroleum Tank Management Association of Alberta (PTMAA). He stated that although governed by Provincial regulations, all municipalities have the option for inspections through the Fire Chief to ensure compliance with the Fire Code rather than using the PTMAA. He stated that the bylaw was advertised and no public comments were received.

MO2010.154 Berdahl, Garbutt for third reading of Bylaw 20.10. Carried unanimously.

8.1.3 Bylaw 22.10 (Community Standards Appeal Bylaw) - all three readings
R. Romanetz introduced Bylaw 22.10, which establishes the Community Standards Appeal Board. He further advised that Section 547 of the Municipal Government Act only allows Council to hear appeals of remedial orders.

MO2010.155 Berdahl, Zariski for first reading of Bylaw 22.10. Carried unanimously.

MO2010.156 Shoff, Garbutt for second reading of Bylaw 22.10. Carried unanimously.

MO2010.157 Shoff, Garbutt for no objection to third reading of Bylaw 22.10. Carried unanimously.

MO2010.158 Shoff, Hansen-Zacharuk for third reading of Bylaw 22.10.

Discussion on Motion:

Councillor A. Berdahl stated that he disagreed with the timelines for public notification. R. Romanetz stated that procedures need to be developed.

Vote on Motion:

6 in favour - Stanford, Zariski, Yemen, Shoff, Hansen-Zacharuk, Garbutt

1 opposed - Berdahl

Motion carried.

8.1.4 RFD - Revised Council Board Appointments (Community Futures and Community Standards Appeal Board)

R. Romanetz presented two changes to the 2010/2011 Board Appointments as follows:
Community Futures: Remove Councillor A. Berdahl and add Councillor S. Shoff; and
Community Standards Appeal Board: Add Councillor L. Hansen-Zacharuk (no public at large).

MO2010.159 Berdahl, Garbutt moved that the revised 2010/2011 Council Board Appointments be adopted as presented.
Carried unanimously.

- 8.1.5 Information - Status Report on Oyen-Lyalta Rail Recovery Project
R. Romanetz provided an overview of the next steps:
- 90 day period that allows municipalities to negotiate with CN;
 - due diligence report that includes the need to establish a Part 9 Company to develop a legal entity for the acquisition and ownership of the rail line that will defer any direct liability from any single municipal entity;
 - land evaluation process for the issuance of a tax certificate to CN (rather than paying cash);
 - environment site assessment; and
 - engineering review of the CN Bridge report.

R. Romanetz advised that the former Council had provided an expression of interest to participate in negotiations with CN.

8.2. Director of Infrastructure Services

8.3. Director of Corporate Services

- 8.3.1 RFD - Approval of Fundraising Consultant
M. Roy advised that on October 4, 2010 two proposals were received in response to the Request for Proposals (RFP) for fundraising consultants interested in assisting the capital fundraising campaign for the Badlands Community Facility (BCF) from Nine Lions Development Consulting in the amount of \$223,000 and The Goldie Company in the amount of \$180,000. Both proposals were carefully reviewed by the members of the Fundraising Cabinet however following the reference consultation phase, and it is their recommendation that Nine Lions be retained.

MO2010.160 Berdahl, Garbutt that Nine Lions Development Consulting be hired as the Fundraising Consultant for the Badlands Community Facility for \$223,000.

Discussion on Motion:

Councillor A. Berdahl asked where the \$6,000 shortfall will be expensed. M. Roy stated that the dollars would be expensed from the fundraising operating budget. Councillor T. Zariski asked the expectation for their fundraising. J. Hall, Fundraising Cabinet Chair was in attendance and spoke to this question. J. Hall stated that the company will provide training and guidance to the those individuals doing the asking but they themselves do not approach people for fundraising dollars. Councillor S. Shoff stated that the difference between the two companies is \$40,000 and asked if the references justified the difference. Chair Jeff Hall stated that in his opinion it is clear cut who the Town needs to hire. He stated that the references from Nine Lions were excellent while the references from the other company were not as well received.

Vote on Motion:
Carried unanimously.

8.3.2 RFD - Tax Recovery Reserve Bid

M. Roy advised that as part of the tax recovery process under the Municipal Government Act, properties with a tax caveat registered against them must be offered for public auction one year after the date of the tax caveat. The properties due for auction now had caveats registered against them in 2009. As part of this process Council must set the terms and reserve bids for the properties in question. In the past, the terms have been cash and the reserve bid for each property has been equal to its current year's assessment.

MO2010.161 Shoff, Stanford that Council set the reserve bid price for properties for the January 26, 2011 tax recovery auction at the current assessment value of the property. Furthermore, the successful bidder must pay via cash, or money order.
Carried unanimously.

8.4. Director of Community Services

9.0 PRESENTATION OF QUARTERLY REPORTS BY ADMINISTRATION

9.1 CAO Quarterly Report for the period July to September, 2010 Councillor J. Garbutt extended kudos to Tammi Nygaard, Landfill Coordinator for excellent administration of the landfill.

Councillor J. Garbutt asked that sections of each department's quarterly reports connected to those outcomes that demonstrate effectiveness be communicated to the public, i.e. BCF, current work of Economic Development Task Force, etc.

- 9.2 Director of Infrastructure Services' Quarterly Report for the period July to September, 2010
- 9.3 Director of Corporate Services' Quarterly Report for the period July to September, 2010
- 9.4 Director of Community Services' Quarterly for the period July to September, 2010

10.0 PUBLIC HEARING DECISIONS

11.0 UNFINISHED BUSINESS

12.0 NOTICES OF MOTIONS

13.0 COUNCILLOR REPORTS

14.0 IN-CAMERA MATTERS

MO2010.162 Shoff, Berdahl to go in camera at 6:45 PM. Carried unanimously.

14.1 Land Matters

14.2 Personnel Matter

MO2010.163 Berdahl, Shoff to revert to regular Council Meeting at 8:05 PM. Carried unanimously.

MO2010.164 Garbutt, Berdahl moved that Council direct Administration to send a letter to the Drumheller Valley Ski Club (1997) requiring them to pay off its debt to the Town of Drumheller and undertake all of its obligations set out in the Agreement of Intent dated October 1, 2009 within seven (7) days, failing which the Notice of Termination of Agreement previously served must be enforced. Carried unanimously.

There being no further business, the Mayor declared the meeting adjourned at 8:07 PM.

Mayor

Chief Administrative Officer