

Town of Drumheller COUNCIL MEETING MINUTES

October 12, 2010 at 4:30 PM
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

DIRECTOR OF INFRASTRUCTURE SERVICES:

Allan Kendrick

DIRECTOR OF CORPORATE SERVICES:

Michael Roy

DIRECTOR OF COMMUNITY SERVICES:

Paul Salvatore

RECORDING SECRETARY:

Linda Handy

1.0 CALL TO ORDER

2.0 MAYOR'S OPENING REMARK

- 2.1 Mayor Bryce Nimmo proclaimed - Canadian Foster Families Week
October 18 - 22, 2010

Mayor Bryce Nimmo announced that Anne Wade, Manager of Drumheller Aquaplex received the Commonwealth Service Award (Service Medal) from the Lieutenant Governor of Alberta based on her dedication with teaching Lifesaving Society skills. The award recognizes Anne's dedication and long standing service in providing education and training within her community that supports the public safety mandate for drowning and injury prevention and active living and fitness. The award also recognizes heros for their courage and resourcefulness and for their ability to make the right decision during an aquatic emergency.

3.0 PUBLIC HEARING

4.0 ADOPTION OF AGENDA

MO2010.134 Shoff, McDonald 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 September 27, 2010
MO2010.135 Berdahl, Yemen moved to adopt the regular Council meeting minutes of September 27, 2010. 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) - 1st Reading
R. Romanetz presented the Community Standards Bylaw 16.10 for the purpose of prohibiting certain activities in order to prevent and compel the abatement of noise, nuisances, unsightly premises, control weeds and public disturbances. He further advised that it proposes to repeal four existing bylaws being the Weed Bylaw, Noise bylaw, Nuisance Bylaw, and the Curfew Bylaw. He stated that Administration along with the Town's Solicitor has reviewed the bylaw in detail. He asked C. Kloot to speak to the bylaw.

C. Kloot provided an overview of the bylaw as follows:

- Definition of "Graffiti" has been removed as it is repetitious and there are clauses governing graffiti within the body of the bylaw.
- Definition of "Minor" has been removed and replaced with the words "Young Person" as this is the language used with the Statutes.
- "Weed Control Act" references the new Act and Regulations (RSA 2008 cW-5.1) and under *Section 11 Weeds and Grass* weeds are now

designated as a noxious weed or prohibited noxious weed.

- Definition of "Nuisance" refers to unsightly and there are more details in the body of the bylaw as to what constitutes unsightly under Section 6.

C. Kloot explained that the bylaw allows for the issuance of: 1) Violation tickets which the fine is either paid to the Town or the individual must appear in Court; or 2) Remediation orders (*as set out in Sections 545 and 546 of the Municipal Government Act*) which the offence is either remedied or an appeal is filed under the Town's Community Standards Appeal Bylaw.

Questions and Comments from Council

Councillor B. McDonald asked if words the "Chief Administrative Officer or the Chief Administrative Officer's designate" were appropriate in some areas of the definition and body of the bylaw. C. Kloot explained that by appointing a CAO's designate, it allows for flexibility of resources.

Councillor K. Bertamini questioned the exclusion of industrial properties under *Section 6 Unsightly Premises*. C. Kloot explained that other legislation such as the building permit process and the Land Use Bylaw have specific requirements for control of industrial areas. R. Romanetz concurred that industrial areas are better controlled through a permit system and the Alberta Environmental Protection and Enhancement Act. Councillor K. Bertamini asked how to distinguish between residential and downtown areas under *Sections 9(4) and 9(5) Noise (Continuous Sound in Residential Developments / Downtown)*. C. Kloot explained that the Land Use Bylaw would define the zonings. Councillor K. Bertamini stated that she disagrees with the sound levels, noting that the Town of Drumheller is not the City of Calgary (as sound levels have been cited from their bylaw) and the levels should be lower.

Councillor K. Bertamini referred to *Section 10(3) Nuisances Escaping Property (Smoke and Dust)* and requested that the word "excessive" be added as follows: (a) A Person shall not engage in any activity that is likely to allow "excessive" smoke, dust or other airborne mater, etc. C. Kloot stated that the word "excessive" is not required because the factors are determined by the Courts under Section 10(1)(b) which sets out the frequency, the intensity, the time of day, etc.

Councillor B. McDonald referred to *Section 11 Weeds and Grass (4)* and requested that the words "member of a Fire Department" be changed to Fire Chief. C. Kloot agreed with the word change.

Councillor K. Bertamini referred to *Section 15 Littering* and requested that the words "private property" be added to Clause (1). C. Kloot stating that removing the word "Town" from the clause would serve the same purpose. Council agreed.

C. Kloot referred to *Section 15 Littering* and stated that the words "or part thereof" was added after tobacco product to ensure cigarette butts were included.

Councillor A. Berdahl referred to *Section 18 Bullying* and questioned the need for this section. C. Kloot stated that although an individual could be charged under the Criminal Act, this section allows the matter to be handled through the Town's bylaw and not under the Criminal Act. C. Kloot explained that if the matter is serious enough, it could be referred under the Criminal Justice System.

MO2010.136 McDonald, Yemen moved for first reading to Bylaw 16.10.
In favour - Yemen, McDonald, Nimmo, Shoff, Berdahl, Guidolin
Opposed - Bertamini
Carried.

R. Romanetz advised that the Community Standards Bylaw will be published on the website to allow for public comments. He further stated that a Press Release will be prepared explaining what the bylaw intends to accomplish, that it repeals four existing bylaws and highlight any new sections, such as sound decibels under the Noise Section.

8.1.2 Bylaw 20.10 being a bylaw to amend the Permit Bylaw 12.01 - All Three Readings

R. Romanetz introduced Bylaw 20.10 which proposed 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. 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.

MO2010.137 Yemen, McDonald for first reading to Bylaw 20.10.
Carried unanimously.

MO2010.138 Shoff McDonald for second reading to Bylaw 20.10
Carried unanimously.

MO2010.139 Bertamini, McDonald for no objection to third reading to Bylaw 20.10.

In Favour - Yemen, McDonald, Bertamini, Nimmo, Shoff, Guidolin
Opposed - Berdahl.
Motion defeated.

Councillor A. Berdahl requested that the public be made aware of the new regulations and permit fees.

8.1.3 Bylaw 21.10 being a Bylaw to repeal bylaws that are inoperative, obsolete, expired, spent or otherwise ineffective - All Three Readings
R. Romanetz introduced Bylaw 21.10 which proposed to repeal several

bylaws on the Town's books that have no relevance today. He explained that the majority of the bylaws date back to the 1930's, 1940's and 1950's.

MO2010.140 Berdahl, Shoff for first reading to Bylaw 21.10. Carried unanimously.

MO2010.141 McDonald, Guidolin for second reading to Bylaw 21.10. Carried unanimously,

MO2010.142 Bertamini, Shoff for no objection to third reading. Carried unanimously.

MO2010.143 Shoff, Yemen for third reading to Bylaw 21.10. Carried unanimously.

8.2. Director of Infrastructure Services

8.2.1 RFD - 2010 2011 Loader Backhoe

A. Kendrick advised that the Town received grant funding (MSI) in September of 2010 in the amount of \$225,000 for the purchase of a new loader backhoe. The original grant submission was warranted based on the need for replacing one of the Town's existing backhoes dated 1997 (7500 hrs) tenders and 1998 (9500 hrs). The proposal is to replace Unit #449, a 1998 John Deere Model 710D with 9490 hrs.

MO2010.144 Bertamini, Guidolin that Council instruct Administration to purchase the John Deer 710J inclusion of the front bucket with grapple, a 36" digging bucket, and a 48" clean up bucket, and further that Administration be directed to use Unit #449 as a trade for a total purchase price of \$188,805.75 including GST.

Discussion on Motion:

In response to a question from Council, R. Romanetz advised that the surplus funds will be reviewed as part of the 2011 Capital Plan. He advised that it may be in our best interest to purchase a small backhoe for more maneuverability when replacing the second backhoe in the future.

Vote on Motion:

Carried unanimously.

8.2.2 RFD - 2010-2011 Tandem Combination Sewer Flusher / Hydro-Excavator Truck

A. Kendrick advised that the Town received MSI grant funding in September, 2010 in the amount of \$370,000 for the purchase of a combination sewer flusher-excavator truck. The purchase was identified in the long term Capital plan to replace Unit #307, a 1994 combination

sewer flusher-excavator truck. Tenders closed on September 3, 2010 after being appropriately posted on purchasing websites as per Corporate Services purchasing policies. Six tender proposals were received from three suppliers with the preferred proposal received from WestVac Industrial. This is a demo unit with approximately 500 hours which also had \$48,000 in additional options that was not included in the specs.

MO2010.145 Bertamini, Guidolin that Council instruct Administration to purchase the tandem combination sewer flusher / hydro excavator truck as per Option #1 from WestVac Industrial Ltd. for \$333,000 less trade in of \$35,000 for a total amount of \$298,000 plus GST. Carried unanimously.

8.3. Director of Corporate Services

8.4. Director of Community Services

9.0 PRESENTATION OF QUARTERLY REPORTS BY ADMINISTRATION

10.0 PUBLIC HEARING DECISIONS

11.0 UNFINISHED BUSINESS

12.0 NOTICES OF MOTIONS

13.0 COUNCILLOR REPORTS

14.0 IN-CAMERA MATTERS

Mayor

Chief Administrative Officer