

**Town of Drumheller
COUNCIL MEETING
MINUTES**

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



PRESENT:

MAYOR:

Bryce Nimmo

COUNCIL:

Andrew Berdahl

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

ABSENT: Councillor K. Bertamini

1.0 CALL TO ORDER

1.1 Councillor Terry Yemen was sworn in as Deputy Mayor for the months of September and October, 2010

2.0 MAYOR'S OPENING REMARK

3.0 PUBLIC HEARING

3.1 Mayor Bryce Nimmo called the Public Hearing to order at 4:30 PM.

Mayor Bryce Nimmo stated that the purpose of the Public Hearing is to consider Bylaw 17.10 being an amendment to the Land Use Bylaw 10.08 Section 37 "A" - Agricultural by adding the following to the list of discretionary uses: Boarding or Lodging House, Commercial Tourist Development, Bed and Breakfast Establishment, Restaurant (accessory to an associated principal use), Drinking Establishment - Minor (accessory to an associated principal use) and Active and Passive Recreational Uses (where consistent with general purpose of this district).

Brad Wiebe, Palliser Regional Municipal Services provided the planning report with comments as follows:

"The Land Use Bylaw No. 10.08 currently provides for the proposed uses in various other districts throughout the bylaw. The purpose of the amendment is to allow the consideration of these uses within the Agricultural Land Use District at the discretion of the Municipal Planning Commission.

Discretionary uses are essentially land uses that may be appropriate in certain situations within a land use district but are generally not appropriate in all locations or situations within a given land use district within the municipality. The proposed uses are considered to have potential to be located within this district under the proper circumstances.

The purpose of the "A" - Agricultural Land Use District is to provide a range of agricultural uses as well as recognizing the need for residential and other uses. Upon review of the areas currently included in the "A" Land Use District it is deemed that certain areas within this district would be feasible to provide the proposed discretionary land uses without causing significant conflicts with the surrounding neighbourhood.

He concluded by stating that "the Agricultural Land Use District contains a variety of potential land uses as per the purpose and intent of the district. In consideration of the purpose and intent of the "A" - Land Use District and the potential for the proposed uses in certain areas of this district, it is the recommendation of PRMS that these land uses could be compatible in certain areas within the Land Use District. As any application should be considered on a site specific basis in consideration of the mixed nature of land uses throughout the agricultural district; adding the uses as discretionary is recommended to allow for the MPC to review and decide on all applications in accordance with specific individual site considerations."

Mayor asked if there were any items of correspondence. Secretary, L. Handy advised there were no items of correspondence.

Mayor asked if there were speakers in favour of or against the proposed

amendment.

Zrinko Amerl provided comments with a powerpoint presentation. His comments are summarized as follows:

"The discretionary uses as proposed would affect the Drumheller Valley Ski Hill, Canadian Badlands Passion Play, Drumheller Stampede and Ag Society, Campgrounds in Agriculture Zoning, every business or farm on the way to Wayne or East Coulee and even the smallest Church in the World".

The discretionary uses are compatible with a Boarding or Lodging House because:

- Over the past 3 years the Ski Hill was not able to attract a single full time certified ski instructor;*
- Local Ski Hills are skill development centres - over 50% of revenue is derived from ski school programs: Private and group lessons, regional school programs, and local racing club - Hoodoo Hoppers.*
- We have secured 6 European full time certified ski instructors for 10/11 season, if we want to be in the skiing business we have to subsidize lodging.*

The discretionary uses are compatible with Bed and Breakfasts Establishments because:

- Important new form of tourism worldwide - Agricultural Tourism;*
- Important new segment of tourism for Drumheller Valley - Traditional B&B, Pick your own produce, Live a day in Farmers Boots, Dude Ranch, Reliving History, Amish Style Tourism and Small and Boutique Businesses."*

He concluded by stating that it is not the ski hill's intent to start a B&B. He stated that the amendment to the Land Use bylaw 10.08 is consistent and compatible with current uses and it benefits our community as a whole. He asked Council to consider approval as proposed.

Mayor asked for questions and comments from Council. There were no questions or comments from Council.

Mayor Nimmo closed the Public Hearing at 4:50 PM.

3.2 Mayor Nimmo called the Public Hearing to order at 4:50 PM.

Mayor Nimmo stated that the purpose of the Public Hearing is to consider Bylaw 19.10 being an amendment to the Land Use Bylaw 10.08 Section 9(7)(b) - Deciding on Development Permit Applications.

Brad Wiebe, Palliser Regional Municipal Services, planning report included the following: an overview of the current availability of

relaxations of minimum Land Use District requirements and an introduction of the proposed changes.

His comments included the following:

"Proposed Amendments: The primary intention of the LUB amendments as proposed would allow the MPC to consider relaxing the site area and lot width requirements in circumstances where an existing undeveloped property does not conform to the Land Use District requirements. The additional proposed change includes removing the specific reference to 'setback requirements' within Section 7(b) and allowing the MPC to consider all 'minimum requirements' including setbacks, lot width, building height, floor area and site area in the specific circumstances as listed in Section 7(b)(i)-(iv). Please note that these changes do not apply to all circumstances but rather, only in the circumstances listed including a proposed subdivision, a residential addition, development on a vacant parcel registered with land titles prior to 1967, or the site area may be relaxed for a development on an existing non-conforming lot.

Additional Revisions: Since the time of public hearing advertisement it was realized that the current Section 7(b)(iv) was unintentionally left out of the revised section as it was not intended to be changed. However, to ensure there is no future complications the existing (iv) is intended to be renumbered as (v) and to remain part of the LUB as revised.

Section 7(c) is intended to be deleted and to be contained in 7(b)(iv) as proposed. The wording is intended to be clearer and to contain all the special circumstances in the same section. Lot width to be added to this statement to as per the current 7(c).

A typographical error was also realized in (iii). The LUB currently states 'the standards as outlined in Section 8(7)(a)'. This should read 'the standards as outlined in Section 9(7)(a)' as the Section numbering was changed when LUB 10.08 was adopted."

He concluded by stating that *"the planning recommendation is to allow the amendments as provided to enable the Municipal Planning Commission to make decisions on relaxing the LUB minimum requirements in the specific instances as stated in Section 9(7)(b) to reduce the requirement of unnecessary development appeal hearings. Further, PRMS recommends to clarify the amendments to ensure the existing (iv) remains and is renumbered as (v), the typographical error in (iii) is amended to read correctly and noting that 7(c) is deleted from the LUB as it is a cumbersome and confusing regulation that will be contained in the proposed amendments to Section 7(b)."*

Mayor asked if there were any items of correspondence. Secretary, L. Handy advised there were no items of correspondence.

Mayor Nimmo asked if there were speakers in favour of or against the proposed amendment:

Tony Butt asked for a clarification on whether the new 20% relaxation

would affect subdivision approvals. B. Wiebe stated that the proposed changes do not affect the 20% authority allowed for a relaxation of a subdivision which is administered through Palliser however it proposed to grant the MPC the authority to allow relaxations up to 20% if the proposed development would not impact neighboring properties.

Mayor asked for questions from Council:

Councillor A. Berdahl asked the intent of the proposed changes. Brad Wiebe explained that in special circumstances it was found that the ability for relaxation of minimum requirements is limited in regards to site area and lot width. He further stated that the proposed amendments have been developed to alleviate the unnecessary need for appeal hearings. He stated that the authority of the MPC would be extended for those developments that would most obviously be granted in the SDAB process.

Mayor Nimmo closed the Public Hearing at 5:04 pm

4.0 ADOPTION OF AGENDA

MO2010.131 Shoff, Berdahl moved the adoption of 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 August 16, 2010

MO2010.132 McDonald, Guidolin moved to adopt the regular Council Meeting Minutes of August 16, 2010 as presented. Carried unanimously.

5.1.2 Special Council Meeting Minutes of August 19, 2010

MO2010.133 Shoff, Yemen moved to adopt the Special Council Meeting Minutes of August 19, 2010 as presented. Carried unanimously.

5.2. MINUTES OF MEETING PRESENTED FOR INFORMATION

5.2.1 Municipal Planning Commission Meeting Minutes of July 29, 2010

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

8.2. Director of Infrastructure Services

8.2.1 RFD - Tender Award for the 2nd Avenue Sewer Replacement

A. Kendrick advised that tenders closed for the Sanitary Sewer Line Replacement on August 18th, 2010 with seven tenders received. He further advised that the low bidder was M. Pidherney's Trucking Ltd. with a tender amount of \$240,038.40 including GAST. He stated that the project was identified in the 2009 Strategic Plan as an Operational Priority for Sanitary Sewer Line Replacement Plan as approved by Council. He explained that the replacement will improve reliability of the sewer system and reduce the risk of emergency repairs and service interruptions. A grant was approved for \$300,000 under the New Deals for Cities and Communities Wastewater Collection and Treatment Grant Program.

MO2010.134 Shoff, Yemen that Council moved to approve the project within the 2010 Capital budget financed through the New Deal for Cities and Communities - Wastewater Collection and Treatment Grant Program and further that Council award the low tender bid to M. Pidherney's Trucking Ltd. in the amount of \$240,038.40 including GST.

Discussion on Motion:

Councillor B. McDonald asked for clarification on the funding. R. Romanetz explained that the project was part of the 2009 budget and application was approved through the New Deals for Cities and Communities Program however the project did not proceed. The Town reapplied for funding in 2010 and was approved. He further stated that although the amount is below the authority allowed for approval by the CAO, the project was not completed and not carried forward into the 2010 budget.

Vote on Motion:

Carried unanimously.

8.3. Director of Corporate Services

8.3.1 RFD - Executive Summary Campaign Assessment Report for the Badlands Community Facility (Nine Lions Development Consulting)

M. Roy advised that the Nine Lions Development Consulting (Nine Lions) was retained to conduct a Campaign Review and Assessment on the Badlands Community Facility Campaign initiatives to date. He advised that the Executive Summary is attached. He further advised that some of the recommendations include the formation of a Fundraising Cabinet that is separate from the Steering Committee and would report to Council, a revised fundraising goal, an operational budget and a more aggressive naming rights approach.

MO2010.135 Berdahl, Yemen that Council approve the recommendations as presented in the Executive Summary from Nine Lions Development Consulting dated August 2010.

Discussion on Motion:

Councillor A. Berdahl asked for clarification on the variance in cost - 5-15% of goal (\$475,000-\$1,425,000) and he recalled that the target variance was identified as 5-8% in their detailed report. He stated that the range has expanded since the Nine Lions presentation on August 11th. R. Romanetz confirmed that the amount was identified as \$629,000 over three years based on \$9,500,000 which equates to 6.6% of the goal.

Councillor B. McDonald asked if the formation of the Fundraising Cabinet would entail disbanding the current Fundraising Committee. R. Romanetz clarified that the current Fundraising Committee would be disbanded. He explained that the Steering Committee would work along with the Nine Lions Fundraising Cabinet along with the Town's Fundraising Co-ordinator whose job responsibilities would need to be clarified. He further explained that this group will report to Council, keeping Council informed of their successes and whether they are meeting their targets.

Councillor A. Berdahl asked for an amendment to the Motion to include the wording "budget not to exceed \$629,000 over three years". Councillor Yemen agreed.

MO2010.135A Berdahl, Yemen that Council approve the recommendations as presented in the Executive Summary from Nine Lions Development Consulting dated August 2010 with the budget not to exceed \$629,000 over three years.

Councillor B. McDonald referred to Item Number 9 regarding the delivery of the operational plan and asked who would be involved in the development of the plan. R. Romanetz stated that the Steering Committee discussed this matter and agreed that the responsibility would be that of the Cabinet with direction provided by Administration and approved by Council. He further stated that the Town has commenced interviews for the position of the Business Manager and specific revenue projections and expenses have already been fleshed

out. He further advised that other details relating to the wellness centre and other revenue projections need to be tweaked. Councillor B. McDonald referred to Item Number 3 and asked if communications would be the responsibility of the Cabinet. Councillor A. Berdahl stated that the Cabinet would be relatively independent and responsible for their own communications on the fundraising side of the project. R. Romanetz stated that although the Steering Committee provides direction on communications as well, both groups need to ensure consistent messages.

Councillor S. Shoff asked the liaison between the Cabinet and Council. Councillor A. Berdahl stated that the difference between the previous sub committees and the Cabinet is that there are fewer people in the Cabinet with greater responsibility of which one is a Co chair that would report directly to Council.

Councillor D. Guidolin asked if the Design Committee responsibility has been completed. Mayor Nimmo stated that the Design Committee has not been disbanded and will be involved with the architect on the library and other matters.

Vote on Motion:
Carried unanimously.

8.4. Director of Community Services

- 8.4.1 RFD - Arena Fees - Proposed Change for September Youth Rates
P. Salvatore advised that the 2009 - 2011 Corporate Plan identifies a fee schedule for Arena ice rentals. Within the fee schedule there are established fees - specifically for summer ice rates. Summer rates are defined as April 1 to September 30 each year. Summer ice rental rates have typically been more expensive to reflect the added cost of running the ice making equipment during peak summer months. He explained that the fee structure has had a negative effect on the Town's ability to rent additional ice to youth groups in September, as community organizations consider the costs of September ice (2x the winter rental rate) from \$131.50 per hour as a youth group to \$65.00 per hour.

MO2010.136 McDonald, Guidolin that Council amend the arena fee schedule as referred to the 2009-2011 Corporate Plan for summer rental rates. Carried unanimously.

9.0 PRESENTATION OF QUARTERLY REPORTS BY ADMINISTRATION

10.0 PUBLIC HEARING DECISIONS

- 10.1 Bylaw 17.10 being a bylaw to amend the Land Use Bylaw 10.08 Section 37 "A" - Agricultural District - second and third readings
MO2010.137 Shoff, Guidolin for second reading to Bylaw 17.10.

Vote on Motion:

In Favour - McDonald, Nimmo, Shoff, Berdahl, Guidolin

Opposed - Yemen.

Motion carried.

MO2010.138 Berdahl, Guidolin for third reading to Bylaw 17.10.

Councillor T. Yemen stated that he feels the application is not accurate as Zrinko Amerl is listed as the owner of the land. R. Romanetz confirmed that the land owner is the Town of Drumheller and it may have been more appropriate if the application was made by the Town. R. Romanetz asked Zrinko how the transfer of land was progressing? Z. Amerl stated that the majority of the paper work is signed however they are working on the transfer of assets with the Canadian Badlands Passion Play. R. Romanetz clarified that the application should be dealt with strictly on the impact of the district zoning amendment for an "A" agriculture area across the community. Councillor A. Berdahl stated that the Municipal Planning Commission will deal with the development application and he stated that proper ownership must be in place before the MPC will consider the application. Councillor B. McDonald asked for further clarification if the added discretionary uses were appropriate for all 'A' district across the community. B. Wiebe stated that he agreed with Z. Amerl's comments in that some of these uses exist now in the "A" district and in fact the amendment is a 'catch up' of adding the appropriate discretionary uses. He further stated that the overall use review and whether it is appropriate for the area is decided by the MPC under the development application process.

Vote on Motion:

In Favour - McDonald, Nimmo, Berdahl, Guidolin

Opposed - Yemen, Shoff.

Motion carried.

- 10.2 Bylaw 19.10 being a bylaw to amend the Land Use Bylaw 10.08 Section 9(7)(b) - Deciding on Development Permit Applications - second and third readings
MO2010.139 Yemen, Guidolin for second reading to Bylaw 19.10.

Councillor B. McDonald asked if the bylaw could move forward as amended without being advertised. R. Romanetz stated that if Council does not feel the bylaw as amended is materially different than what

was advertised in the paper, it would be appropriate to move forward. B. Wiebe stated that because the changes were introduced at the Public Hearing it is appropriate to move forward with the bylaw as amended.

Councillors Yemen, Guidolin agreed to record the motion as amended.

MO2010.139A Yemen, Guidolin for second reading to Bylaw 19.10 as amended. Carried unanimously.

MO2010.140 McDonald, Berdahl for third reading to Bylaw 19.10 as amended. Carried unanimously.

11.0 UNFINISHED BUSINESS

- 11.1 Motion Tabled from August 16, 2010 Council Meeting
MO2010.121A Yemen, Guidolin that Council agree to an annual grant to the Community Garden not to exceed \$150.00 per year.
R. Romanetz explained that the motion was tabled as concerns were raised that Council would be setting precedent in passing the motion. He stated that since that time, Administration has confirmed that the Town does have a Communities in Bloom budget and a Community Services Support budget where it would be more appropriate for these funds to be expensed from rather than the utility account. R. Romanetz stated that the reason the request came forward to Council is that it was a policy issue that needed Council direction.

MO2010.122 Yemen, Guidolin that MO2010.121A be withdrawn from the table. Carried unanimously.

Council provided direction that dollars be expensed as a grant from the Communities in Bloom or the Community Support budget.

12.0 NOTICES OF MOTIONS

13.0 COUNCILLOR REPORTS

14.0 IN-CAMERA MATTERS

There being no further business, the Mayor declared the meeting adjourned at 6:00 PM.

Mayor

Chief Administrative Officer