

**Town of Drumheller
COUNCIL MEETING
MINUTES**

May 10, 2010 at 4:30 PM
Council Chamber, Town Hall
703-2nd Ave. West, Drumheller, Alberta



PRESENT:

MAYOR:

Bryce Nimmo

COUNCIL:

Andrew Berdahl

Karen Bertamini

Don Guidolin

Sharel Shoff

Terry Yemen

CHIEF ADMINISTRATIVE OFFICER/ENGINEER:
Ray Romanetz

DIRECTOR OF INFRASTRUCTURE SERVICES:
Allan Kendrick

DIRECTOR OF COMMUNITY SERVICES:
Paul Salvatore

RECORDING SECRETARY:
Linda Handy

ABSENT: Councillor Blaine McDonald
Director of Corporate Services, Michael Roy

1.0 CALL TO ORDER

2.0 MAYOR'S OPENING REMARK

Mayor Bryce Nimmo announced that the Badlands Community Facility was tendered on Friday, May 7th with a closing date of Tuesday, June 1st.

3.0 PUBLIC HEARING

4.0 ADOPTION OF AGENDA

Addition to Agenda: Delegation of Downtown Parking Task Force
MO2010.87 Shoff, Guidolin moved to adoption of the Agenda as amended.
Carried unanimously.

5.0 MINUTES

5.1. ADOPTION OF REGULAR COUNCIL MEETING MINUTES

5.1.1 Regular Council Meeting Minutes of April 26, 2010

MO2010.88 Shoff, Yemen moved to approve the regular Council Meeting Minutes of April 26, 2010.

Discussion on Motion:

Councillor T. Yemen stated that he is not the mover of MO2010.83. Mayor asked Council to identify the mover of the motion. Council did not recall.

Councillor T. Yemen stated that he did move MO2010.86 and his name is not recorded. Councillor K. Bertamini agreed. The minutes will be changed to reflect this change.

No vote on MO2010.88 until Council can identify the mover of MO2010.83.

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

Downtown Parking Task Force - Presenters: Barry Fullerton and John Shoff
B. Fullerton stated that the Task Force met with Jay Magus, iTRANS to review the feasibility of the recommendations. He presented a memorandum from Jay Magus, P. Eng. as a result of that meeting with the following comments: *"This memorandum confirm HDR/iTRANS support the recommendations with 3 minor exceptions. These exceptions do not label these specific recommendations unsafe, they are simply not supported technically:*

- *The intersection analysis for 2nd Avenue - in our opinion Alberta Transportation will not move from their decision to revise the intersection;*
- *Parking Angles - changing the angle of the intersection will have no effect on driver safety, nor improve visibility, along 3rd Avenue;*
- *Lane designation changes - HDR/iTRANS supports the initial proposal of changing the angled parking to parallel parking on 3rd Avenue between 2nd St. and Centre St., not only between 2nd St. and 1st St."*

J. Shoff reviewed the last two changes as recommended by iTRANS. He presented a map which identified the proposed recommendations that would

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affect 3rd Avenue. being Recommendations 1a/b, 2 and 3.

Recommendation 1a Lights at Hwy9 and 3rd Ave. - "iTRANS Study showed that with 2 westbound lanes one would be a left only and other would be a right and thru and the 2 eastbound lanes would be a left and thru and a right only. This scenarios would be the best from all points of view." J. Shoff explained that the original design had both westbound lanes as thru lanes and the change includes a left only lane. iTRANS has stated that this scenario works better with their Syncore software.

Recommendation 1b - Split Phasing at Lights - "iTRANS is also recommending the first 10 seconds of the cycle of the lights being dedicated to westbound traffic only and the remaining timing of the cycle being open to both westbound and eastbound traffic on 3rd Avenue. Lane designations would remain the same. This cycle change will have no impact on north and south bound traffic." J. Shoff explained that originally the Task Force recommended a half / half split however iTRANS recommends 10 s cycle for left turns.

Recommendation 2 Lane Designation Changes - "This again is extremely important as without the lane changes we cannot have the light cycling changes. Task Force Recommended Map shows two lanes westbound and one lane eastbound on 3rd Avenue from 2nd St. (Hwy#9) to 1st Street with parallel parking on both sides of the street. From 1st Street to Centre Street there would be one lane westbound and one lane eastbound and diagonal parking on both sides. The left lane from 1st St. to 2nd St. would be a left only and the right lane would be for straight thru or right turn. This gives us sufficient length to be within the safety perimeters of iTRANS and satisfy Alberta Transportation"

Recommendation 3 Curb Extension Additions - "Curb extension at the NW corner intersection of 1st St. and 3rd Ave. not be a full size curb extension and to include a curb extension at the NW corner of 2nd St. and 3rd Ave. Additional curb extensions to be installed at intersection as per the map presented."

J. Shoff advised that one further change to Recommendation 11 includes wording change from "Gap Study" to Intersection Analysis". He explained that the Intersection Analysis includes a variety of assessments.

J. Shoff stated that the reasoning for the loading zone location in front of RBC is that Valley Bus would not have to back into a parallel parking stall. He explained that the curb extension would be 1/2th of the width of curb extensions in other locations.

B. Fullerton stated that the parking stall angle at 10 degrees sharper was discussed with Jay Magus and he is of the opinion that there would not be an increase in safety with a more acute angle. J. Shoff stated that both the issue of the angle degree and the crowning of the road were discussed with Jay and he did state the crowning of the road would not be an issue for backing out of a more acute angle parking stall. A. Kendrick stated that with the more acute angle of the parking stalls at least three stalls per block would be lost. R. Romanetz confirmed that in an opinion from Jay Magus, he had stated that two stalls would be lost with the more acute angle.

Questions and Comments from Council:

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Councillor A. Berdahl asked if the word "Mandatory" be changed to "Critical Recommendations". B. Fullerton agreed to the change. Councillor T. Yemen asked where the change from angle parking to parallel would be. B. Fullerton stated that the first block from 2nd St. to 1st St. would be parallel parking with no change to the parking in the other blocks. Councillor D. Guidolin asked if the large red dinosaur on the south side of 2nd St. and 3rd Ave intersection would remain. R. Romanetz stated that the dinosaur should be removed to another location. He further stated that although the recommendations are sound, field implications need to be considered when going from the functional design to the actual design and implementation. Some tweaking may have to be carried out such as island cutbacks, etc.

MO2010.89 Berdahl, Bertamini moved that Council accept the Downtown Parking Task Force Recommendations as presented with Recommendations 1-4 for immediate implementation, Recommendations 5-14 and 16 for review and implementation as the earliest practical opportunity and Recommendation 15 referral to Economic Development Task Force.

Discussion on Motion:

Councillor T. Yemen referred to Recommendation 4b and asked for clarification on the paving of the alley. R. Romanetz advised that it is not the Town's intention to do the full blown paving however it is the Town's intention to do skin patching and the alley will look close to a paved lane. He further explained that the lane has to be dug up for installation of a new water line, at which time the lane will be milled and a proper overlay installed. Councillor S. Shoff asked why Recommendation 15 is being referred. Councillor A. Berdahl stated that some recommendations affect the area however they are part of a long term vision for the downtown core and the development of 1st St. W should be considered by the Economic Development Task Force.

Vote on Motion:

Carried unanimously.

Mayor Nimmo thanked the Task Force for their excellent work and efforts in reviewing the matter and presenting the recommendations for Council's consideration.

8.0 REQUEST FOR DECISION REPORTS

8.1. CAO

8.1.1 Bylaw 12.10 Tax Rate Bylaw

R. Romanetz introduced Bylaw 12.10 and stated that the Municipal Government Act requires Council to pass a property tax bylaw annually to raise revenue to cover the payment of expenditures and transfers in the approved budget. He provided an overview as follows:

- the estimated municipal expenditures and transfers set out in the budget for 2010 total \$14,785,349;
- the estimated municipal revenues and transfers from all sources other than taxation is estimated at \$7,981,342 and the balance of \$6,790,302 is to be raised by general taxation;
- the total residential municipal assessment is 620,331,000 and the total non residential (commercial) assessment is 232,828,020;
- the total taxes raised for requisitions is \$2,461,408 (education \$2,336,314 and seniors foundation \$125,094);
- the tax rate is calculated based on past practice and the 2010 budget at an increase of 3.0% over the taxes collected last year (both residential and commercial);
- additional 1.5% reflects new assessment growth;
- the increase on average is 3.0% for an individual taxpayer;
- school rate increase is .31% and is almost identical in 2009;
- the assessment on residential is increased by 3.81% and non residential by 2.5% (over the last number of years residential has been increased more than commercial assessment - this year as a result of the economy slow down, the assessment changes are more balanced).

R. Romanetz recommended that Council give all three readings to allow Administration to proceed with mailing out the Tax Notices.

MO2010.90 Bertamini, Shoff for first reading to Bylaw 12.10.

Discussion on Motion:

Councillor T. Yemen asked if the 3% increase is over and above the total dollars collected for taxes in 2009. R. Romanetz stated yes, however the amount collected from each property owner will vary slightly based on the assessed property value and the area. He further explained that Drumheller is divided into approximately 20 different zones and if one area is higher assessed than another area, these property owners will see more of an increase - the average tax increase is 3%. He further stated that the Province uses comparable sales - as this reflects the market value. Councillor K. Bertamini asked the total dollars raised based on the 3% increase. R. Romanetz explained that \$180,000 revenue is raised from the 3% increase. Councillor K. Bertamini stated that \$180,000 equates to the increased in revenue required to operate in 2010 than 2009. She further stated that the Seniors Foundation requisition has increased significantly in addition to the 3% municipal increase.

Vote on Motion:

Carried unanimously.

MO2010.91 Guidolin, Berdahl for second reading to Bylaw 12.10.

Discussion on Motion:

Councillor A. Berdahl stated that the public should be made aware of the increase. Councillor K. Bertamini stated that Council passed a three year budget with a three year tax increase. R. Romanetz stated that the process of tax collection would be delayed if the bylaw was not adopted this evening. He explained that the numbers presented are exactly as discussed during budget deliberations. Councillor A. Berdahl stated that most people are not familiar with the Town's three year budget and they should be made aware of the proposed increase.

Vote on Motion:

Carried unanimously.

MO2010.92 Bertamini, Guidolin moved no objection to third reading of Bylaw 12.10.

Discussion on Motion:

Councillor K. Bertamini stated that the budget has been made public on several occasions and any delay at this point would cost money on the dollars borrowed to operate until taxes are received.

Vote on Motion:

5 in favour - Yemen, Bertamini, Nimmo, Shoff, Guidolin

1 - opposed - Berdahl.

Defeated.

- 8.1.2 Bylaw 13.10 Amendment to Land Use Bylaw by adding 'Hotel or Motor Hotel' to the list of discretionary uses under Section 30 'DT - Downtown Transitional District' R. Romanetz stated that the applicant is requesting to include hotel / motel in the wording under discretionary uses as he intends to develop a hotel on land in the DT district. He recommended that Council proceed to first reading to allow for the advertising period and to hold a public hearing to consider comments from affected parties.

MO2010.93 Yemen, Shoff moved first reading to Bylaw 13.10. Carried. unanimously.

- 8.1.3 RFD - Affordable Housing Storage Units \$15,000.00 Expense
R. Romanetz advised that the finalized construction costs of the Affordable Housing project did not include the costs to setup tenant storage. He explained that with this project closing in 2009 and no budget carried forward to 2010, a resolution from Council is required to ensure compliance with the financial administration section of the MGA. Administration is requesting a budget from the facility reserves of \$15,000 maximum to complete the storage units.

MO2010.94 Bertamini, Berdahl moved that Council authorize Administration to complete the Affordable Housing Storage Units to a maximum of \$15,000 with the funding coming from reserves. Carried unanimously.

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- 8.1.4 RFD - Palliser Regional Municipal Services Resolution. R. Romanetz advised that in 2009 that Wheatland County had requested to cease to be a shareholder of the Company effective December 31, 2009 and a resolution from each member municipality is required authorizing the withdrawal of membership. Councillor D. Guidolin advised that the Board has already approved Wheatland County's withdrawal from membership however PRMS Administration had noticed that their withdrawal required a motion from each member municipality as well.

MO2010.94 Guidolin, Shoff moved that:

WHEREAS:

1. Wheatland County requested to cease being a Shareholder;
2. The Board of Directors of the Company passed a resolution on September 24, 2009 authorizing Wheatland County to cease to be a shareholder of the Company as of December 31, 2009; and
3. The Shareholders are in agreement that Wheatland County may cease to be a shareholder as of December 31, 2009 notwithstanding the requirement in Section 6 of the Articles of Association of the Company requiring a shareholder to remain a shareholder until the date of the first Annual General Meeting after the withdrawing shareholder gives the Company 600 days notice of its desire to cease to be a Shareholder.

NOW THEREFORE BE IT RESOLVED:

1. Wheatland County ceased to be a shareholder of the Company effective as of December 31, 2009, notwithstanding Article 6 of the Articles of Association of the Company;
2. The Shares issued in the name of Wheatland County shall be cancelled and the Directors are authorized to execute such document and carry out such activities to bring these resolutions into effect; and
3. This Resolution may be signed in counterparts, by facsimile copy, by electronic or digital signature or by other written acknowledgement of consent and agreement to be legally bound by its terms. Each counterpart will be considered an original and together the parts will be considered one document.

Discussion on Motion:

In response to a Councillor's question, R. Romanetz clarified that under the Articles of Association, before a municipality can withdraw from membership they need to give proper notice however in this case, proper notice was not given. He further stated that the Board has approved Wheatland's withdrawal and each Shareholder needs to approve the withdrawal. Councillor K. Bertamini stated that Wheatland County's withdrawal from membership will only increase the costs for the other member municipalities. Councillor D. Guidolin advised that it would serve no purpose for Wheatland to be a member as they have hired their own planner. R. Romanetz further explained that Wheatland County's growth has been significant and PRMS was spending a considerable amount of time working at their office. He further explained that PRMS's Office do not have the staff to

serve Wheatland adequately as well. Councillor D. Guidolin stated that Wheatland's \$24,000 requisition did not cover the services PRMS was supplying to their office.

Vote on Motion.

3 - in favour Berdahl, Guidolin, Shoff

3 - opposed Yemen, Bertamin, Nimmo

Defeated.

8.1.5 RFD - Downtown Parking Lots Development

R. Romanetz advised that the tenders for the parking lot construction closed on May 6th with five tenders received ranging from \$179,471 to \$257,982. The low tender from Brooks Asphalt and Aggregate Ltd. included \$150,889 for the work on the parking lots. The total cost of the three parking areas is expected to be \$261,500 (including all costs incurred to demolish the structures on the sites and complete the parking lots to their final paved and lighted state). He further explained that the project is currently unfunded. Administration has identified funds that can be utilized for this project. With the use of the AMIP grant dollars to cover the 25% municipal portion of the SIP grant, the Town was able to free up \$158,640 that was to come from reserves. In addition, when the budget was done Administration anticipated \$126,200 in MSI Operating grant dollars. The Town's 2010 allotment is \$354,451, Administration has applied to use the excess operating funds within municipal operations which results in the Town freeing up an additional \$228,251 from operations which means that these dollars are available for other Council priorities. Brooks will be able to start the project in 20 days - lighting needs to be worked out with ATCO. Administration is recommending to award the tender to the low bidder with the funding accessed as provided for in the report.

MO2010.95 Shoff, Yemen moved to direct Administration to award the tender to the low bidder Brooks Asphalt and Aggregate Ltd in the amount of \$150,889.00 and to proceed using reserves of \$158,640 and freed up operating dollars of \$102,860. Carried unanimously.

8.2. Director of Infrastructure Services

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

11.1 Downtown Parking Task Force Recommendations

11.2 RFD - Write off of Utility Accounts

R. Romanetz stated that M. Roy had presented a list of the outstanding utility accounts that was not electronically accessible by Council. He further stated that a copy of the policy for collections has been included for Council's information. He explained that a large number of the outstanding accounts are 2-6 years in arrears and some are tied in with commercial development.

MO2010.96 Guidolin, Shoff to authorize Administration to write off \$58,608.75 in outstanding debts.

Discussion on Motion:

Council asked Administration to review the list to ensure that the individual/company do not have another account with the Town or if there are other recourses for collection. Council asked Administration to consider charging the property owner a deposit. R. Romanetz explained that the bylaw would have to be changed to ensure unpaid utility bills from tenants could be charged against the owner (property tax). He further explained that the Town can still collect the outstanding dollars even after writing the amount off the books. R. Romanetz advised that he would contact our Solicitor to confirm procedure and questions raised by Council.

MO2010.97 Shoff, Yemen to table MO2010.96 for more information including Town Solicitor's comments and a move ahead strategy.

5 - in favour - Yemen, Bertamini, Nimmo, Shoff, Berdahl

1 - opposed Guidolin

Vote Carried.

12.0 NOTICES OF MOTIONS

Councillor Sharel Shoff requested that the following motion be removed from the table: MO2010.54 Shoff, Yemen that Council delay the implementation of parallel parking for one year, while the Town completes the offsite parking sites, evaluates the effectiveness of offsite parking and facilitate communication with the citizens at large. Councillor T. Yemen was in agreement.

13.0 COUNCILLOR REPORTS

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14.0 IN-CAMERA MATTERS MO2010.98 Yemen, Berdahl moved to go in camera at 5:55 PM. Carried unanimously.

14.1 Land Matter

MO2010.99 Bertamini, Berdahl moved to revert to regular Council meeting at 6:15 PM. Carried unanimously.

MO2010.100 Bertamini, Berdahl moved that Council lease to Stevenson Development Corporation a portion of Plan 4653BC Block 5, Lot 17 (95 South Railway Ave.) for the placement of a sign at market value that is cancellable on 60 days notice and subject to the issuance of a development permit by the Municipal Planning Commission that addresses placement, landscaping and maintenance requirements. Carried unanimously.

There being no further business, the Mayor declared the meeting adjourned at 6:19 PM.

MAYOR

CHIEF ADMINISTRATIVE
OFFICER