

# **Town of Drumheller COUNCIL MEETING MINUTES**

**July 18, 2011 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 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 T. Yemen presented a letter from Hon. Hector Goudreau, Minister of Municipal Affairs advising that the Town of Drumheller received the Municipal Safety Recognition Award.
- 2.2 Mayor T. Yemen presented a letter from Rocky View County requesting that Schedule B map for all agreements between Kneehill Water Commission and the Town of Drumheller be changed to show the entire map of Rocky View County. He advised that the letter further states that this change would allow them to begin ways to plan use of their full water allocation in the future. R. Romanetz advised that currently the Kneehill Regional Water Services Commission may resell the Town's water outside of the Commission boundaries within a specific quantity and specific location (Kathryn). Council agreed that they would like to

know the proposed boundary changes and their intentions. Council directed Town Administration to prepare a report.

Councillor A. Berdahl asked that the boundaries of the Red Deer River Watershed be included as well. Councillor S. Shoff stated that although the sale of water lowers the price for taxpayers it also increases the Town's liability.

### **3.0 PUBLIC HEARING**

3.1 Mayor T. Yemen advised that the purpose of the public hearing is to consider Bylaw 12.11 being an amendment to the Land Use Bylaw 10.08 to provide the addition of tourist dwelling as a discretionary use within the SCR - Suburb Community Residential district and modifications and additions to the regulations regarding signs within the Town of Drumheller.

Mayor T. Yemen called the public hearing to order at 4:42 PM.

Brad Wiebe, Palliser Regional Municipal Services provided the following report:

- Definitions of signs not currently in the Land Use Bylaw have been added or the signs currently in the bylaw have a more comprehensive definition.
- Tourist dwelling in SCR district has been added to discretionary use (SCR district is not a fully serviced area).
- Application process is more detailed.
- It also includes enforcement measures, under Part V, Section 14 – Contravention which deals with fines and stop orders.
- Part VII - General Land Use Regulations Section 81 deals with:
  - o Sandwich board signs not requiring a development permit as long as it meets regulations of the bylaw. These types of signs have time limits;
  - o Portable signs - amendment to portable sign definition – number of requests for changes relating to this sign definition. The definition and regulations are more comprehensive with less administrative requirements.
  - o Community information signs - the proposal is that there would be an allowance for 20% of the sign copy area to be dedicated to a for-profit sponsoring agency.
  - o Billboard sign zone - design must not have variable or changing messages, or any moving parts unless approved by the MPC.
  - o Addition of Illuminated signs section.

B. Wiebe stated that the MPC has reviewed the changes in detail and support the proposed amendments. R. Romanetz stated that as a result of a number of letters received and a meeting held with a company from Stettler, Administration is proposing the changes to reduce administrative bureaucracy and to reduce the number of permits the applicant would have to take out.

In response to questions from Council, B. Wiebe stated that bench signs are a separate use with their own set of development requirements. He further explained that semi-trailer signs, if within the Town's boundaries, would be considered under the current

bylaw as billboard signs. B. Wiebe stated that semi-trailer signs within 300 metres of a highway (greater than 80 km per hour) are under Alberta Transportation's authority.

Mayor Yemen asked for questions from Council:

Councillor J. Garbutt asked for the definition of a tourist dwelling. B. Wiebe stated that it was defined in the Land Use Bylaw as a dwelling used for the purpose of tourists residing less than 28 days.

Councillor A. Berdahl asked for examples within the SCR area. B. Wiebe stated that areas within Rosedale, East Coulee and Wayne that fall within the SCR district as well as a discretionary use under the R1 District.

Councillor A. Berdahl asked where tourist dwellings are permitted now. B. Wiebe stated that tourist dwellings are permitted in the DT – Downtown Transitional District and there is one on 5<sup>th</sup> Street East.

Councillor L. Hansen-Zacharuk asked if the store front signs in the downtown are considered portable signs or sandwich board signs. B. Wiebe stated that storefront signs in the downtown area are considered to be sandwich board signs because they are for advertising purposes on a temporary basis. He further explained that portable signs have different regulations, such as, they are not to be placed on sidewalks. Sandwich board signs placed on sidewalks should not interfere with pedestrian traffic. Councillor L. Hansen-Zacharuk stated that the downtown area is congested with sandwich board signs and there needs to be a review of the downtown area.

Mayor Yemen asked if there was anyone who wished to speak in favour or against the proposed amendments.

Ossie Sheddy – Drumheller Mail asked to speak. He stated that his company rents portable signs as they are an inexpensive form of advertising for public messages. He stated that his concerns with the proposed amendments are as follows:

- Under Section 81(1) do Town owned signs follow same regulations? B. Wiebe stated yes.
- Under Part V Section 14 – Contravention – if stop order is issued to owner of land, one day is not sufficient time to contact the lessee of a sign (who may not be the owner of the land). O. Sheddy stated that he would like to see three days before a sign is removed. R. Romanetz advised that removal of the sign would be at the discretion of the Development Officer. B. Wiebe noted that as outlined in the new application form, if any sign does not meet the requirements as listed in the Land Use Bylaw, i.e. placed wrong, the Development Officer has the ability to remove it immediately. B. Wiebe further explained that portable signs are temporary in nature and if they are not meeting the regulations, the matter should be dealt with quickly. The removal of signs may not necessarily go to a stop order process.
- Under Section 81(7) Regulations (a) and (b) – O. Sheddy stated that he finds the linear distance of 9 m (30 ft.) between the sign and roadway too restrictive and does not allow businesses such as Western Chev to place a sign along Highway 9.
- Under Section 81(7) Regulation (k) – O. Sheddy stated that the length that a sign could be erected should remain at 90 days and there should be a provision for a process to apply for an extension

O. Sheddy concluded by stating that the proposed amendments are too restrictive and should be worded to the benefit of the user of the signs as he feels they have a right to have a sign placed by their business.

Mayor asked for questions from Council:

Councillor T. Zariski asked O. Sheddy if the individuals who rent signs enter into an agreement stating that they will be in compliance with all the requirements of the Land Use Bylaw. O. Sheddy stated that the sign renters have tried to be in compliance with the Land Use Bylaw and he is not aware of any problems to date. Councillor T. Zariski stated that the new amendments will have to be incorporated into the agreement.

Councillor T. Zariski asked why the timeframe of 90 days for a portable sign to be erected was reduced to 60 days. B. Wiebe stated that the main reason is the permanency of it – the longer you allow signs to be erected, the longer they will remain at the same location. He further explained that portable signs are defined as a temporary use – signs are not intended to be placed permanently. Their purpose is to display time sensitive events and to be removed after the event occurs.

Councillor J. Garbutt asked if the sign at the Winks corner is a portable sign as the message changes frequently. B. Wiebe stated that the sign at the corner of Winks is a community information sign and is designed as a more permanent structure rather than a temporary sign. Councillor J. Garbutt concurred with O. Sheddy's comments in that if a stop order is issued to a property owner, the one day turnaround seems a system that would not realistically work.

Councillor D. Stanford asked if an applicant can request a further 60 days to erect a portable sign. B. Wiebe stated that the new regulations allow for a portable sign to be erected for a maximum of 60 days however then must remain free of portable signs for a minimum of 60 days. There is no process for renewal.

Mayor Yemen asked O. Sheddy if he wished to make a rebuttal.

O. Sheddy stated that a further 30 day extension should be granted for portable signs. He further stated that there are signs around the Town that are not in compliance.

R. Romanetz commented that the Town does respond to sign complaints resulting from the inconsistency of the enforcement. He stated that the Town is trying to bring in regulations that all individuals have to comply with. He stated that the amendments will ensure consistency and enforcement.

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

Mayor Yemen closed the public hearing at 5:18 PM.

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

**MO2011.223** Shoff, Hansen-Zacharuk moved that the agenda be adopted as presented. Carried unanimously.

#### **5.0 MINUTES**

## **5.1. ADOPTION OF REGULAR COUNCIL MEETING MINUTES**

### **5.1.1 Regular Council Meeting Minutes of June 20, 2011**

**MO2011.224** Zariski, Stanford moved that the Regular Council Meeting minutes of June 20, 2011 be adopted as presented. Carried unanimously.

### **5.1.2 Special Council Meeting Minutes of June 27, 2011**

**MO2011.225** Berdahl, Shoff moved that the Special Council Meeting minutes of June 27, 2011 be adopted as presented. Carried unanimously.

## **5.2. MINUTES OF MEETING PRESENTED FOR INFORMATION**

### **5.2.1 Municipal Planning Commission Meeting Minutes of June 9, 2011**

### **5.2.2 Municipal Planning Commission Minutes of June 23, 2011**

## **5.3. BUSINESS ARISING FROM THE MINUTES**

## **6.0 DELEGATIONS**

### **6.1 STARS Presentation**

Councillor Tom Zariski introduced Pamela Reilander, Resource Development Manager, STARS Foundation. P. Reilander provided an overview of the STARS operations which started in 1985. STARS has flown over 20,500 critical missions and serves 94% of Alberta's population from bases in Calgary, Edmonton and Grande Prairie. In 2010, 17 missions were made to Drumheller compared to 14 missions in 2009. It takes 23 minutes for the Calgary helicopter to reach Drumheller. There is no cost to the end uses in Alberta. P. Reilander asked Council to consider an annual per capita contribution. Mayor and Council thanked Pamela for her presentation.

## **7.0 COMMITTEE OF THE WHOLE RECOMMENDATIONS**

## **8.0 REQUEST FOR DECISION REPORTS**

### **8.1. CAO**

### **8.2. Director of Infrastructure Services**

### **8.3. Director of Corporate Services**

#### **8.3.1 RFD - Town of Drumheller Auditor Award**

M. Roy advised that with the completion of the current contract for audit services with Gitzel Krejci Dand Peterson, Administration went out for proposals for a 3-year agreement for audit services and associated organizations (Library, Solid Waste, and Badlands Ambulance). The RFP closed on July 14, 2011 and the Town received six (6) proposals. After review Administration would recommend BDO be awarded the 2011 –

2013 audit services contract. In response to a question from Council, M. Roy stated that BDO has municipal experience.

**MO2011.226** Shoff, Berdahl that Council award the 2011-2013 audit services to BDO Canada Ltd. and appoint BDO as the Town's auditors for 2011-2013.

5 in favor – Stanford, Zariski, Yemen, Shoff, Berdahl

2 opposed – Garbutt, Hansen-Zacharuk

Motion Carried.

#### 8.3.2 RFD - Listing of Outstanding Receivables

M. Roy presented the outstanding debts which have been sent to collections and are from 2009 and older. Per Council Policy #C-07-04, Administration is requesting Council authorize write off of \$22,555.11 in outstanding debts. R. Romanetz stated that one outstanding debt may need more discussion in camera.

**MO2011.227** Garbutt, Stanford moved to go in camera at 6:03 PM. Carried unanimously.

**MO2011.228** Shoff, Zariski moved to revert back to regular Council meeting at 6:25 PM. Carried unanimously.

**MO2011.229** Berdahl, Shoff moved that Council authorize Administration to write off \$22,555.11 in outstanding debts.

Carried unanimously.

#### 8.3.3 RFD (Direction) - Sandstone Manor Tax Cancellation

M. Roy advised that Councillor J. Garbutt, Drumheller Housing Administration raised the question regarding taxes for Sandstone Manor. This property is fully owned by the Town however Section 362 of the Municipal Government Act does not apply to this property due to revenue aspects of the property. Administration has spoken with a Municipal Advisor in Edmonton who stated that this is a relatively new area affecting the MGA and questions on exemption of taxes, education taxes, equalized portion as well as Management Bodies are under review. They should provide their opinion shortly. Regardless, the Town under Section 347 may cancel, reduce, refund, defer the collection of taxes however the Manor would still be responsible for the education taxes and any requisitions.

Councillor J. Garbutt asked for clarification if it is a Town owned building, the Town should be responsible for the maintenance such as the roof so why would DHA build a reserve, especially if it does not allow the Manor to be exempt of property taxes. R. Romanetz stated that the agreement in place states that DHA provide a service on the Town's behalf. The grant application and funding agreement outlined that a reserve is required. He further explained that the Town must set up a reserve which would go towards any future renovations. DHA would prepare a budget for operational costs including an allowance for the reserve and if there is a deficit at year end, the Town would pay the difference.

Councillor J. Garbutt stated that the report should be accepted for information and brought back to the table once the report from Municipal Affairs has been received. Council concurred.

#### 8.3.4 Capital Financing Strategy Discussion / Direction

M. Roy stated that the capital financing strategy has been before Council previously. He stated that the strategy identifies available funding and compares it to the 10 year capital plan to identify funding shortfalls. The capital financing strategy shows that the 10 year capital plan cannot be fully funded with available funding levels and grants. To achieve some elements of the 10 year capital plan limits of the debt management policy would have to be exceeded. The capital financing strategy also identifies caps for the restricted surpluses that would be based on 10% of the gross tangible capital asset cost. Administration is asking Council to approve the strategy for budgeting purposes and it would then be a working document that is reviewed annually depending on the priorities of the day. The 10 year capital plan will be reviewed in October / November and at that time new direction may have to be built into the three year operational plan. The strategy is based on assumptions with projected deficiencies and debt limits.

**MO2011.230** Berdahl, Garbutt moved to approve the capital financing strategy as presented.

#### Discussion on Motion:

Councillor S. Shoff expressed concerns about the debt management. M. Roy stated that the strategy shows how projects are financed however Council may need to review the debt management policy. Councillor S. Shoff stated that currently the 10 year plan did not go beyond the 60% of debt limit. M. Roy stated that Council may wish to find other ways to fund the projects that do not incur debt which would be the preferred option.

Councillor T. Zariski stated that the Town relies on federal and provincial grants – how can the Town estimate what the grants will be two years from now. R. Romanetz stated that the MSI funding is based over a longer period of time. M. Roy stated that the capital plan includes the gas tax but does not go beyond what we have in writing from the provincial government. He further stated that as more grant opportunities become available, Administration looks at how they fit into our programs. Councillor A. Berdahl stated that projects as listed on the capital strategy are important and should not be disregarded because our debt limit may be higher than 60%. Councillor J. Garbutt concurred, stating that the current borrowing conditions are favorable.

#### Vote on Motion:

Carried unanimously.

#### 8.3.5 RFD - Photocopier Replacement

M. Roy stated that the Town currently uses three photocopiers. The cycle of photocopiers is to rotate the existing ones so that the heaviest volume location receives the newest machine and the oldest goes to the infrastructure shop. The tender closed on July 6, 2011 and five proposals were received. Based on the evaluation criteria the best evaluated tendered unit was Konica Minolta for a capital purchase cost of \$16,978.47.

**MO2011.231** Zariski, Garbutt moved that Council authorizes Administration to proceed with the purchase of the Konica Minolta machine for \$16,978.47.

6 in favor – Zariski, Stanford, Garbutt, Yemen, Berdahl, Hansen-Zacharuk

1 opposed – Shoff

Motion carried.

#### **8.4. Director of Community Services**

### **9.0 PRESENTATION OF QUARTERLY REPORTS BY ADMINISTRATION**

9.1 CAO's Quarterly Report to June, 2011

9.2 Director of Infrastructure Services' Quarterly Report to June, 2011

9.3 Director of Corporate Services' Quarterly Report to June, 2011

9.4 Director of Community Services' Quarterly Report to June, 2011

Councillor J. Garbutt requested more specific information on the enforcement numbers in the areas of the community. Councillor A. Berdahl requested information on Economic Development's support for HOPE Health initiative.

### **10.0 PUBLIC HEARING DECISIONS**

10.1 Bylaw 12.11 being a bylaw to amend the Land Use Bylaw 10.08 - second and third readings

**MO2011.232** Shoff, Stanford for second reading of Bylaw 12.11.

Discussion on Motion:

Councillor J. Garbutt stated that he feels some restrictions on the placement of signs may make it difficult for the applicants. He requested examples of unsafe or unsightly signs as it is not an issue in his opinion. R. Romanetz advised that there are signs sitting on Town property or other property without a permit. The Town is trying to bring in rules for consistency and to reduce the bureaucracy involved in issuance of permits for portable signs.

Vote on Motion:

6 in favor – Zariski, Stanford, Yemen, Berdahl, Hansen-Zacharuk, Shoff

1 opposed – Garbutt

Motion carried.

**MO2011.233** Berdahl, Hansen-Zacharuk for third reading of Bylaw 12.11.

6 in favor – Zariski, Stanford, Yemen, Berdahl, Hansen-Zacharuk, Shoff

1 opposed - Garbutt

Motion carried.

### **11.0 UNFINISHED BUSINESS**



**12.0 NOTICES OF MOTIONS**

**13.0 COUNCILLOR REPORTS**

**14.0 IN-CAMERA MATTERS MO2011.234** Garbutt, Hansen-Zacharuk to go in camera at 7:42 PM. Carried unanimously.

14.1 Personnel Matter

**MO2011.235** Shoff, Berdahl to move out of camera at 8:20 PM.

There being no further business, the Mayor declared the meeting adjourned at 8:20 PM.

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Mayor

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Chief Administrative Officer