

# **Town of Drumheller COUNCIL MEETING MINUTES**

January 14, 2013 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

**CHIEF ADMINISTRATIVE OFFICER/ENGINEER:**

Ray Romanetz

**DIRECTOR OF INFRASTRUCTURE SERVICES:**

Allan Kendrick

**ACTING DIRECTOR OF CORPORATE SERVICES:**

Bill Wulff

**DIRECTOR OF COMMUNITY SERVICES:**

Paul Salvatore

**RECORDING SECRETARY:**

Linda Handy

**ABSENT:** Councillor Tom Zariski

## **1.0 CALL TO ORDER**

## **2.0 MAYOR'S OPENING REMARK**

## **3.0 PUBLIC HEARING**

- 3.1 Mayor Terry Yemen stated that the purpose of the Public Hearing is to consider Bylaw 18.12 with amendments to the Land Use Bylaw 10.08 to provide modifications and additions to the land use regulations within the Town of Drumheller

Mayor Yemen called the Public Hearing to order at 4:35 PM.

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

- The Land Use Bylaw is reviewed on an annual basis with specific concerns being addressed over time to ensure the rules and regulations for land use and development provide an appropriate framework for related decision making.

- Bareland Condominium - definitions and regulations relating to bareland condominium development have been added including how setbacks and heights are determined.
- DT – Downtown Transitional Land Use District – this area is in the downtown core with higher density characteristics in a mature neighborhood with smaller lots. Amendments were added to allow for development / renovations of non conforming properties. The main area of concern is dealing with properties not having the right setbacks.
- Manufactured Homes are located throughout the Town in different areas where they are a non conforming use. This has caused problems with insurance availability in these locations. Amendments are proposed in specific districts that would allow existing sites where manufactured homes exist to be compliant with the regulations and any changes to the development on the site would require discretionary review by the MPC.
- Signage – regulations have been set specifically for digital signs (size and height).
- Relocation of Buildings – added details in terms of bonds for moved in-buildings in Drumheller.
- Suburb Community Residential District – areas where full utility service is not available such as East Coulee, Wayne, etc and a private sewage system is required. These areas are evaluated on a per site basis and the regulations of the province are followed.
- Land Use District Map Amendment – From UT – Urban Transitional to SCR – Suburb Community Residential (East Coulee). This property was consolidated over time and the property owners wish to match up with the property lines and have the entire area zoned SCR. The SCR designation is consistent with the area in East Coulee.

Mayor Yemen asked for questions from Council:

Councillor A. Berdahl asked B. Wiebe to summarize the advantages being proposed for the DT District. B. Wiebe explained that in keeping with the recommendations outlined in the Municipal Sustainability Plan, the MPC looked at ways to accommodate new development and upgrades to houses in this area. He stated that the regulations proposed would allow for higher site coverage and lesser setbacks to work within the current framework within the neighborhood. Because this area has 30+ year old homes, the Town wants to keep the urban design as is and retain the character of the homes in this mature neighborhood while at the same time allowing for some upgrades. He further stated that the trend now is to go with a zero lot line on one side of the property with the other side being at 4 ft. The adjacent house would be built 4 ft. from the zero lot line so each house offsets the other and you end up with the required 4 ft. side setback. He explained that 4 ft. is the minimum sideyard you see in most municipalities but there are situations where some cities, i.e. City of Edmonton is going to 3 ft. to order to make denser neighborhoods. In the Town's case, the Town is not looking for denser neighborhoods, but wishes to keep the urban design as is. He further noted that if side yards are less than 4 ft., the development would have to be fire rated (no openings, no windows on the one side). He stated that development applications would have to be reviewed on a case by case basis.

Councillor A. Berdahl asked when the next Municipal Development Plan review will take place. B. Wiebe stated the review is scheduled for 2014.

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

Mayor Yemen asked if there was anyone who wished to speak in favor or against the proposal.

Pat Nelson stated that on behalf of the neighbors in East Coulee, she wanted clarification on whether the dyke was included in the proposed amendment and if the property in question was owned by Repas. B. Wiebe stated that the property owner is Repas and he identified the area on the map. Because the one section of their property to the south is zoned SCR while another area is zoned UT, the property owners wished to have the entire property zoned SCR. P. Nelson asked if the dyke goes across private land. R. Romanetz stated that Repas has an easement agreement with the Town of Drumheller for the Town to have access to that area. He further explained that the property owners have consolidated their property into one large lot. She asked that the Town confirm with her the area of property that has been consolidated and registered and whether the public has a right to access the dyke.

Mayor Yemen closed the Public Hearing at 4:52 PM.

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

**MO2013.01** Hansen-Zacharuk, Shoff 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 December 17, 2012**

**MO2013.02** Garbutt, Hansen-Zacharuk moved to adopt the regular Council meeting minutes of December 17, 2012 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 15.12 being the Livery Transport Bylaw - third reading**

R. Romanetz stated that Bylaw 15.12 was not given third reading at the December 17<sup>th</sup> Council meeting in order to allow for public comments. Administration advised that there were no concerns expressed from the public.

**MO2013.03** Shoff, Hansen-Zacharuk moved third reading to Bylaw 15.12. Carried unanimously.

### **8.1.2 Bylaw 17.12 being the Utility Rate Bylaw as amended (3% increase with a \$1.00 per utility account infrastructure investment surcharge) - second and third readings**

R. Romanetz advised that the Utility Rate Bylaws (3% and 5%) were introduced to Council on December 17<sup>th</sup> and at that time, Council gave first reading to Bylaw 17.12 (3%) with an amendment to include a \$1.00 per utility account infrastructure investment surcharge. Since that time, B. Wulff has calculated some options for discussion. These options follow the meter counts and metered consumption using the 2012 rates as a comparative base (\$1,973,460). Option 1 (base 3% no infrastructure investment) would raised \$58,619 over the comparative 2012 base. No additional increase to reserves. Option 2 (base 3% with additional infrastructure investment at \$1 per month per account) would raise \$37,608 over the 3% comparative. This \$37,608 infrastructure investment would be added to reserves. B. Wulff explained that Option 2 may be contrary to the Utilities Board's policies and principles and may be subject to challenge. Option 3 (base 3% with additional infrastructure investment per month at meter equivalents by Group) Group 1 at \$1.00 would raise \$36,408; Group 2 at \$8.30 would raise \$8,864; and Group 3 at \$39.30 would raise \$5,187 for a total of \$50,460 over the comparative 3%. Option 3 would raise \$50,460 as opposed to \$37,608. This scenario would be a more fair approach and would be in keeping with the Utilities Board's directions. Option 4 (base 5% across the board rate increase with no infrastructure investment) would raise \$97,763. B. Wulff explained that the infrastructure investment surcharge would have to be a separate line item on the bill requiring a change to Vadim software that would take a three month install and would require this line item to be on a separate sheet of paper, increasing the weight of bill and the postage – both factors would have additional costs attached to them.

Mayor Yemen stated that new information has been presented and he asked Council for their comments:

Councillor J. Garbutt asked if a portion Option 4 dollars could be earmarked for reserves. R. Romanetz stated that an amount could be identified for reserves and not be used to support operating. Council agreed to Option 4 with \$40,000 being earmarked for reserves and requested that Bylaw 17.12 which received first reading on December 17<sup>th</sup> be amended to include a water rate increase at 5% with zero increase to wastewater rates, no infrastructure investment surcharge and a reserve of \$40,000.00.

**MO2012.04** Garbutt, Shoff moved to amend **MO2012.170** which reads:

*“First reading to Bylaw 17.12 (3%) with an amendment to include a \$1.00 per utility account infrastructure investment surcharge”* to read First Reading to Bylaw 17.12 with a 5% water rate increase and zero increase to wastewater rate, removal of the \$1.00 per utility account infrastructure investment surcharge and further that \$40,000 annually be directed to reserves. Carried unanimously.

**MO2012.05** Garbutt, Shoff for second reading to Bylaw 17.12 as amended. Carried unanimously.

**MO2013.06** Shoff, Stanford moved third reading to Bylaw 17.12 as amended. Carried unanimously.

8.1.3 Bylaw 01.13 being a bylaw for the purpose of borrowing monies as permitted by Section 256 of the MGA - all three readings

R. Romanetz presented Bylaw 01.13 being an annual bylaw for the purpose of borrowing monies as permitted under Section 256 of the MGA. He explained that the bylaw allows Council to authorize borrowings for operating expenditures, as long as the amount borrowed does not exceed the amount of taxes the municipality estimates will be raised in the year of borrowing.

**MO2013.07** Shoff, Garbutt moved first reading to Bylaw 01.13. Carried unanimously.

**MO2013.08** Garbutt, Berdahl moved second reading to Bylaw 01.13. Carried unanimously.

**MO2013.09** Shoff, Hansen-Zacharuk moved no objections to third reading.

5 in favor – Stanford, Zariski, Yemen, Shoff, Hansen-Zacharuk

1 opposed - Berdahl

Motion defeated.

8.1.4 Bylaw 02.13 being a bylaw providing the assessment of all businesses and for the payment of a business tax by any person, partnership and / or corporation carrying on any business

R. Romanetz presented Bylaw 02.13 being an annual bylaw which sets the business tax rate for 2013 based on the 2012 assessments. He explained that this amount is in addition to the business license and is based on 3% of the annual assessment on their premises. He stated that Council needs to provide direction on whether to continue with the current practice of charging a business tax. He explained that the revenue is required and normally budgeted for, so if it does not come from businesses, it would come from a tax on non residential properties. B. Wulff advised that he checked with several municipalities with similar populations and none collect a business tax. He further explained that currently there is an outstanding amount of \$23,000 on previous years' business tax and it is difficult to collect on a closed business. The collection process would entail using the services of a sheriff as there is no recourse under the Municipal Government Act to collect as regular property taxes.

**MO2013.10** Shoff, Hansen-Zacharuk for first reading to Bylaw 02.13

Discussion on Motion:

Council debated the concerns of imposing a business tax based on 3% of annual assessment on commercial premises while a home base business does not pay a business tax. Council directed Administration to prepare a report on this matter including comparisons with other communities prior to the 2013 budget review.

Vote on Motion:

2 in favor – Berdahl, Hansen-Zacharuk

4 opposed – Garbutt, Shoff, Yemen, Stanford

Motion defeated.

Council directed Administration to prepare a report on options.

8.1.5 Bylaw 03.13 being a bylaw establishing the business tax rate for 2013 - all three readings – tabled.

8.1.6 Bylaw 04.13 being a bylaw to authorize the supplementary assessment for improvements within the Town of Drumheller for the purpose of imposing a tax under Part 10 of the MGA for the 2013 tax year

R. Romanetz presented Bylaw 04.13 being a bylaw to authorize the supplementary assessment for improvements. He advised that the bylaw is an annual requirement under Section 313 of the Municipal Government Act with a deadline of May 1<sup>st</sup>.

**MO2013.11** Shoff, Hansen-Zacharuk for first reading to Bylaw 04.13. Carried unanimously.

**MO2013.12** Hansen-Zacharuk for second reading to Bylaw 04.13. Carried unanimously.

**MO2013.13** Shoff, Garbutt moved no objections to third reading of Bylaw 04.13.

5 in favor - Garbutt, Shoff, Yemen, Stanford, Zariski

1 opposed - Berdahl

Motion defeated.

8.1.7 Bylaw 05.13 being a bylaw to remove and close a Municipal Reserve from public use

R. Romanetz introduced Bylaw 05.13 which proposes to close a Municipal Reserve in the south Newcastle area. He explained that the property has been leased for 15 years and the adjacent property owners wish to purchase the property. He further explained that once the MR designation is removed, the Town will do a survey with costs being recovered by the interested parties, retain a portion for the consolidation with the two adjacent property owners and the remaining property to be serviced and offered for sale as industrial land. He recommended that Council proceed to first reading to allow for the advertising and a public hearing to be held on February 11<sup>th</sup>.

**MO2013.14** Garbutt, Berdahl for first reading to Bylaw 05.13. 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**

10.1 Bylaw 18.12 - second and third readings

**MO2013.15** Shoff, Hansen-Zacharuk for second reading of Bylaw 18.12. Carried unanimously.

**MO2013.16** Hansen-Zacharuk, Stanford for third reading of Bylaw 18.12. Carried unanimously.

**11.0 UNFINISHED BUSINESS**

**12.0 NOTICES OF MOTIONS**

**13.0 COUNCILLOR REPORTS**

13.1 Councillor Lisa Hansen-Zacharuk provided an overview of the activities at the Drumheller Ag Society which includes various track races, dances and social events. On behalf of the Society, she thanked the businesses and the Town who supported the events throughout the year and noted that because of this support and the support of volunteers, the Society is now in the black.

**14.0 IN-CAMERA MATTERS MO2013.17 Garbutt, Shoff** moved to go in camera at 5:45 PM. Carried unanimously.

14.1 Land Matter

**MO2013.18** Shoff, Zariski to revert to regular Council meeting at 6:28 PM. Carried unanimously.

There being no further business Mayor Terry Yemen adjourned the meeting at 6:28 PM.

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Mayor

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Chief Administrative Officer