

Town of Drumheller COUNCIL MEETING MINUTES

January 12, 2015 at 4:30 PM
Council Chamber, Town Hall
224 Centre Street, Drumheller, AB, T0J 0Y4



PRESENT:

ACTING MAYOR:

Lisa Hansen-Zacharuk

COUNCIL:

Jay Garbutt

Patrick Kolafa

Tara McMillan

Sharel Shoff

Tom Zariski

CHIEF ADMINISTRATIVE OFFICER/ENGINEER:

Ray Romanetz

DIRECTOR OF CORPORATE SERVICES:

Barb Miller

DIRECTOR OF COMMUNITY SERVICES:

Paul Salvatore

DIRECTOR OF PROTECTIVE SERVICES:

Greg Peters

RECORDING SECRETARY:

Linda Handy

ABSENT: MAYOR Terry Yemen

DIRECTOR OF INFRASTRUCTURE SERVICES Allan Kendrick

1.0 CALL TO ORDER

2.0 DEPUTY MAYOR'S OPENING REMARK

3.0 PUBLIC HEARING

- 3.1 Acting Mayor Lisa-Hansen Zacharuk called the public hearing to order at 4:30 PM. She advised that the public hearing was being held to consider Bylaw 09.14 being a bylaw to amend the Land Use Bylaw 10.08 Part VI Land Use District by adding "hazardous materials storage" as a discretionary use in M1 - Light Industrial District.

Acting Mayor Lisa Hansen-Zacharuk asked Brad Wiebe – Planning Director – Palliser Regional Municipal Services to provide his report.

B. Wiebe, PRMS provided an overview of his planning report dated December 9, 2014. He stated that the purpose of this report is to provide a review of the existing LUB requirements related to industrial chemical storage and use, how these uses are currently evaluated, and best practices for the location of hazardous material storage. He further advised an application has been made to allow 'Hazardous Materials Storage' as a discretionary use in the 'M-1' – Light Industrial Land Use District. This issue was previously reviewed in October 2013 after investigations into land uses within the Town industrial parks revealed the storage of varying quantities of industrial chemicals for oilfield and other purposes stored within light industrial land use districts without approvals.

He provided an overview of the current land use regulations which allows chemical related storage under the M-2 Medium Industrial District (Section 34 of the Land Use Bylaw) as follows:

"34. M-2 – Medium Industrial District

The purpose of this district is to provide for the development of industrial uses which may not be compatible with surrounding non-industrial land uses due to nuisance effects that may extend beyond the site.

(a) Permitted Uses

- Storage Yard

(b) Discretionary Uses

- Industrial uses that are obnoxious by reason of the emission of odors, dust, smoke, gas, noise or vibration such as, but not limited to, oil and gas refineries, meat packing plants, rendering plants, **chemical and chemical product industries**, fiberglass and plastic plants

(e) Special Requirements

1. Industrial uses which emit airborne pollutants or noxious odors or which have fire or explosive risks will be required to meet minimum separation distances from residential areas and also from other industrial developments in accordance with the requirements of Provincial Legislation.
2. Performance standards: the operation of all uses shall comply with the environmental and public health performance standards of the Provincial Government.
3. The applicant shall submit information describing any noxious, dangerous or offensive feature of the proposed use in relation to:
 - (a) airborne pollutants or odors;
 - (b) release of any toxic, radioactive or environmentally hazardous materials; and
 - (c) flammable or explosive materials.

This information shall be certified by a professional environmental or chemical engineer and indicate the intensity and area of impact from any noxious, dangerous or offensive features. The Development Officer may consult with the appropriate Provincial authorities as necessary and attach such conditions to a Development Permit as he/she considers necessary to protect the safety and amenity of surrounding developments."

He further stated that currently there is no allowance for chemical / hazardous materials storage or use within the M-1 Light Industrial Land Use District. He explained that M-1

areas are intended to be carefully controlled, only allowing light industrial / commercial operations because of the close proximity to residential neighbourhoods. He provided an overview of the current land use regulations under the M-1 Light Industrial District (Section 33 of the Land Use Bylaw) as follows:

33. M-1 -- Light Industrial District

The purpose of this district is to provide for a variety of industrial and business uses that are compatible with each other and do not adversely affect non-industrial land uses.

(b) Discretionary Uses

Storage Yard

Truck and freight terminals

Warehousing, including retail and wholesale outlets

(e) Special Requirements

1. *All uses in this District shall carry out their operations such that **no nuisance factor is created or transmitted beyond the walls of the building housing the industrial operation.** In general, nuisance factors shall include objectionable or dangerous conditions caused by: noise, vibration, smoke, dust, odor, toxic or noxious matter, radiation, flammable or explosive materials, heat, humidity or glare.*
2. *The operation of all uses shall comply with the environmental and public health performance standards of the Provincial Government.*

B. Wiebe presented the following land use considerations:

"The LUB was evaluated to determine if 'Hazardous Material' or 'Chemical' uses should or could be considered in the M-1 – Light Industrial district. The following considerations were reviewed:

- ***Which districts should chemical storage be allowable in consideration of the intention of the district and other permissible land uses?***
 - o *M-2 – Medium Industrial district in accordance with the purpose and intent*
 - o *M-1 – Light Industrial is not appropriate for this type of use due to the general proximity to non-industrial land uses*
- ***What is an appropriate setback for chemical storage from residential/ commercial/ waterways/ drainage collection (dependent on quantity, type, and potential impacts such as explosive, flammable, contamination of water, soil, air)***
 - o *These setback requirements and the area of impact will differ dependent on the chemical and the MSDS requirements and should be detailed per individual DP applications in accordance with Sec. 34 M-2 LUD (e) 3, Section 75 – Industrial and Commercial Development and Section 78 – Physical Environment. The MIACC also has guidelines for hazardous materials uses. The M-2 District lists the requirements for a professional report/ evaluation to determine these aspects in relation to types, quantities, location, surrounding development, etc.*
- ***What are the Provincial/ Federal requirements for chemical storage and handling? How do other jurisdictions work with the local land use authority?***
 - o *Research and discussions with other Alberta municipalities have shown multiple methods of monitoring/ enforcement including Fire or Bylaw inspections however there does not appear to be a failsafe method to ensure chemical storage is applied for through the proper channels (Development Permit application) and maintained in accordance with applicable regulations.*
 - o *There is not a standard setback in any regulation (Fire/ building code/ MSDS) that provides a guideline for distances between chemical storage areas and*

residential/ waterways/ water bodies, etc., the **Major Industrial Accidents Council of Canada (MIACC)** has provided guidelines for risk based assessment of industrial uses involving chemical and hazardous materials storage including guidelines for acceptable risk levels and separation distances related to various common hazardous chemicals. These requirements are part of the M-2 district requirements.

- **Fire Code regulations for Industrial Lands**

- 3.2.7.6: (2) In addition to the separation requirements in Sentence (1), dangerous goods shall be stored in conformance with the information provided in the Material Safety Data Sheet for the specific dangerous good.
- A-3.2.7.6. (2) It is assumed that Material Safety Data Sheets (MSDS) will in many cases be provided as part of the documentation for the "Transportation of Dangerous Goods Regulations," or the "Workplace Hazardous Materials Information System."
- Other sections regarding chemicals are authorized by the PTMAA Alberta Fire Code, 2006."

B. Wiebe stated that the Municipal Planning Commission reviewed this matter on September 19, 2013 and at several meetings over the last year. He stated that it is their recommendation that the M-1 Land Use District remain as is which is to allow compatible uses that do not adversely affect non-industrial land uses. He further advised that MPC will provide their report.

B. Wiebe provided the following conclusions and recommendations:

"Upon review, hazardous materials/ chemical storage and handling are complicated land uses due to the variability of what could be contained by type, quantity, and nuisance or incompatibility affects associated with the use. A relevant aspect to consider is that the proposed amendment does not only affect the current applicants parcel but would make the use of hazardous materials storage available to all M-1 – Light Industrial parcels throughout the Town. The current methodology of the Town of Drumheller Land Use Bylaw is consistent with the standard approach towards industrial land uses. The 'M-1' – Light Industrial District is intended for uses that are contained within a building where no potential nuisance or public safety issues are present beyond the walls of the building. Hazardous materials storage would not fit the purpose or intent of the Light Industrial land use district. 'M-1' – Light Industrial Districts are generally located in close proximity to residential areas. In many cases they serve as a buffer/ separation from the heavier industrial land uses in the 'M-2' – Medium Industrial District to provide for increased public safety and to reduce the risk potential to more sensitive land uses such as residential or community service uses (schools, hospitals, etc.).

The existing regulations in the M-2 Medium Industrial Land Use District provide for chemical uses as a discretionary use with special requirements for application information to be provided; "information shall be certified by a professional environmental or chemical engineer and indicate the intensity and area of impact from any noxious, dangerous or offensive features." Sec. 34(e)3.

As a discretionary use in the M-2 district each application would be reviewed by the Municipal Planning Commission to determine if the use is appropriate for the proposed location taking into consideration recommended setback and storage/ handling requirements (area of impact) as determined by a professional report and provided as part of a complete application. A standard setback from residential/ water bodies/ waterways would be difficult to define as each industrial chemical/ quantity will have varying requirements dependent on the MSDS and Fire Code and

risk based assessment for that particular product. The recommendation is that the M-1 and M-2 land use district requirements and permissible land uses should remain as is in accordance with professional community planning practices. Suitable locations for chemical related industries (among other potential industrial uses that may not be compatible with non-industrial land uses) would require an M-2 Medium Industrial Land Use District designation.”

B. Wiebe presented a map that included the two land use districts: Darker shade showing the M-2 Medium Industrial District and lighter shade showing the M-1 Light Industrial District.

Acting Mayor Lisa Hansen-Zacharuk asked if there were any questions from Council.

Councillor J. Garbutt referred to B. Wiebe’s concluding words “proposed amendment does not only affect the current applicant’s parcel but would make the use of hazardous materials storage available to all M-1 parcels” and stated that the word **would** should be stated as **could**. He explained that the wording “could” would allow an applicant to go through the development application process giving MPC the authority to exercise their powers and review every application before them.

Acting Mayor Lisa Hansen-Zacharuk asked the Municipal Planning Commission to provide their recommendations.

MPC Chair Shawn Francis stated that their report lists references and reference materials as well as Appendix 1 “Small Quantity Exemptions for Dangerous Goods / Designated Hazardous Materials Sites Tables”. S. Francis provided the following comments:

“The application to allow the storage of large quantities of hazardous materials (as determined by Appendix “A”) as a discretionary use in the Light Industrial land use district was discussed at great length at multiple MPC meetings since the original application was received in 2013. It was noted there are currently three (3) businesses operating in the light industrial district that store hazardous materials and all would be affected by the decision.

The goal of the Municipal Planning Commission is to make clear planning decisions that protect the future interest of all residents and businesses within the municipality. In this instance we would recommend that the Land Use Bylaw should allow the business office only, and that the storage of hazardous materials would occur exclusively on a location within the ‘M-2’ district. This arrangement was utilized by the company submitting the application until the property they stored their chemicals on was put up for sale so it appears to be a viable option.

Extensive research on hazardous materials, review of other municipal bylaws and communication with industry professionals was compiled and reviewed prior to the MPC making the decision on the application(s). The MPC determined that storage of hazardous materials should not be allowed near, in or around residential areas and/or in

proximity to a water course as noted in the permit application which is currently under consideration. The MPC acknowledges that existing heavy industrial uses have a historical context initiated by the development of coal mining in Drumheller. These uses and the proximity to residential development would not necessarily be approved under the current Land Use Bylaws today.

The current zoning of the industrial districts considers the relationship between the nuisances and hazards of industrial uses and their proximity to residential areas. The light industrial district(s) has for many years, acted as a buffer to provide separation of these areas.

All MPC members encourage new business within the Town of Drumheller but the recommendation should be to not allow future businesses to operate in an M-1 district if they store or use hazardous materials. The MPC is tasked to provide responsible municipal planning and development consistent with the best interests of businesses and the public as a whole. The MPC does not want to perpetuate the problems from the past or set a precedent by condoning currently existing non-complying businesses.

The MPC recommendation is that the application to allow ‘Hazardous Materials Storage’ as a discretionary use in the ‘M-1’-Light Industrial Land use District should be denied for the following reasons:

- *The proposed application is inconsistent with the purpose and intent of the ‘M-1’-Light Industrial Land Use District as these areas are located in close proximity to residential land uses. The purpose of this district has always been to allow compatible uses that do not adversely affect non-industrial land uses.*
- *M-2 - Medium Industrial land is currently available in other locations throughout the Town where hazardous materials storage would be a more acceptable use (further distance from residential areas and drainage areas).*
- *The storage and use of hazardous materials is not compatible and inconsistent with best practices and regulations for light industrial districts. The ability to monitor this industry is arduous and would prove to be prohibitive. Information gathered concluded this industry should be located in heavy industrial areas as it poses extreme environmental concerns and potential risks to life, health and safety.”*

Acting Mayor Lisa Hansen-Zacharuk asked if there were any questions from Council.

Councillor Tom Zariski explained that he is a MPC member and that they have debated, analyzed and researched this subject with unanimous consensus that it should not be allowed.

Acting Mayor Lisa Hansen-Zacharuk asked for confirmation that there are currently three non conforming businesses in the M-1 district. MPC Chair S. Francis confirmed yes and he stated that is a key point – if this application is approved then it is likely that those three businesses will be approved as well.

Councillor Sharel Shoff explained that she is a MPC member but sees the viewpoints of both sides of the matter. She stated that although the M-1 district allows for inside storage of chemicals, some chemicals will be stored outside. She stated that the MPC spent significant time debating this matter.

Acting Mayor Lisa Hansen-Zacharuk asked if there were any speakers in favor or against the proposed closure.

Chris Knight advised that he wished to speak in favor of the application. He stated that *"there is a lot of talk on status quo however the world does change and bylaws do become antiquated. The distance from the M-1 zoning to the nearest residential area is more than twice the M-2 boundaries to a nearest residential area so the idea of using a M-1 as a buffer is an antiquated notion. The Town has made general assumptions as did the MPC"*. He explained that his business is 700 meters from the river and about the same distance from a residential area. He stated that *"the Town has allowed the placement of fuel stations in this area – the industry states that this use is 10x more dangerous than other industry uses – it is gasoline and everyone knows what happens with gasoline"*. He explained that Director of Protective Services Greg Peters inspected his facility and reviewed the MSDS sheets. He commented that G. Peters was surprised at the lack of flammable products on site. C. Knight stated that their products are not what they are being painted out to be. He referred to the map and stated his business location is a significant distance from a residence. He explained that the nuisance argument does not hold because the business opens at 8:30 AM and closes at dusk with an occasional pick-up truck moving about in any 24 hour period. He advised that the City of Brooks has allowed this use directly across from three hotels and 17 meters from a residential zoned area. He stated that he brought this to the attention of Palliser with no response. He commented that a lot of people are using blanket statements and need to take a hard look at what they are trying to do for the community.

Acting Mayor Lisa Hansen-Zacharuk asked if there were any questions from Council.

Councillor Jay Garbutt asked how the land use amendment application called for the inclusion of hazardous material storage in an M1 area when a more appropriate amendment would be for chemical sales and storage. C. Knight stated that it was another example of the status quo that his chemicals were classified as dangerous goods - hazardous chemicals. He commented that the Town's own shop is imbedded in a residential area as well as Canadian Tire who has more dangerous goods on their site than his business. He stated that it is a matter of semantics. He stated that he has talked to everyone in the room and has extended an invitation to come to see his business – a few have visited but most have not. CAO R. Romanetz advised that the application wording "hazardous materials storage" was introduced by the applicant. Councillor Jay Garbutt questioned, *"Which is a discretionary use under M-2?"*. B. Wiebe confirmed yes.

Councillor Pat Kolafa asked how the chemical is stored. C. Knight stated that *"their chemical products are stored in approved drums on skids which are then put on trailers and transported at highway speeds throughout the nation"*. He further stated that *"the business does not store bulk product; it is packaged in safe containers and stored on a secondary containment facility – some on trays, some on a drum dock - this prevents leaks as any leakage would go into a secondary containment"*. He stated that there would be an entirely different process for storage of 400 lb. barrels – mandated by provincial standards. He questioned why there would be a problem statically storing these drums when transport trucks can drive 100 km with them down the highway – there would be far less risk storing statically than transporting on the road.

Councillor Pat Kolafa asked if there would be fumes to neighboring properties. C. Knight stated no as the product is kept in sealed totes (steel cage and a separate pallet section at the bottom for unloading with a safety valve). R. Romanetz advised that this proposed amendment is not limited to this applicant's business and if passed, other business operations may have significantly larger quantities of chemicals. C. Knight concurred and stated that *"the amendment was not specific to his business but in general for other businesses - every development application must be assessed based on their own merit – a company with neglect perhaps should be considered different"*. He further stated that *"this is not a blanket statement – nothing being said here is going to put chemical storage in your back yard – multi-million dollar companies have to be assessed one at a time"*.

Councillor Tara McMillan asked for the locations of the existing non conforming businesses. Development Officer C. Woods referred to the drawing and identified two companies: east side of berm (two red roofs): Multi-Chem on one side of road and the other is Champion which has storage totes as well. She stated that both businesses are not permitted at the current time. C. Knight stated that there are four other facilities in the M-1 zoning district that have above the required storage limits including Baker Hughes who are also storing in M-2 without acknowledged fire code suppressions and Adams Industrial Sales who stores compression gases.

Vice Chair of MPC, Sharon Clark addressed Council members. She stated that *"the MPC members have discussed this matter at length and they have not taken it lightly. Mr. Knight has not spoken to everyone in the room – and the Town's bylaws are not antiquated as MPC tries to keep them up to date. MPC is not anti development which seems to be a perception – but considers orderly development consistent with the best interest of the community. Some businesses may not get an approval but that is the real world. When businesses that are non complying move into their current location and they have not done their due diligence and if they want to ask us to condone their activities, I will have issues with that"*. She explained that the land use zoning map is a bit of a hodge podge because of the mining industry and there are several businesses that are in full compliance back then but not today. She stated, *"the point is we want to move forward and do not want to keep repeating the problems of the past. We are concerned that this could be the thin edge of the wedge – when chemicals are stored and how do we start controlling the quantities and will enforcement be an issue or the needed manpower to properly manage?"*. She explained that M-1 is a buffer zone

between industrial and residential zones and MPC wants to see it maintained. She stated, *"Why do we to exacerbate an issue by continuing to allow uses that are non compliant?"*. She explained that there are businesses mandated in the M-2 area where these companies can store their product. She stated, *"We have an issue with respect to zoning but let's move forward to make it better"*.

Acting Mayor Lisa Hansen-Zacharuk closed the public hearing at 5:16 PM.

4.0 ADOPTION OF AGENDA

Addition to Agenda: Under CAO: Bylaw 03.15

MO2015.01 McMillan, Garbutt moved the 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 December 15, 2014
- Special Council Meeting Minutes of December 22, 2014

MO2015.02 Zariski, Garbutt moved to adopt the Regular Council Meeting Minutes of December 15, 2014. Carried unanimously.

MO2015.03 Shoff, McMillan moved to adopt the Special Council Meeting Minutes of December 22, 2014. Carried unanimously.

5.2. MINUTES OF MEETING PRESENTED FOR INFORMATION

5.3. BUSINESS ARISING FROM THE MINUTES

6.0 DELEGATIONS

- 6.1 Staff Sgt. Art Hopkins advised that he will be transferred from the Drumheller RCMP Detachment to a District Advisory NCO position based in Airdrie. He stated that he will travel around to eight detachments in southern Alberta to assist in their operations. He thanked Council for their support over the years. Council thanked Art for his service to the community.

- 6.2 Jillian Augey advised that she is the President of Drumheller's Lymelight Society and stated that there are seven individuals in the community with lyme disease. She stated that 2015's focus will be on bringing awareness to the prevention of the disease, i.e. by being mindful of ticks when you go hiking. She asked permission to place green ribbons around trees in local parks as well as information sheets listing lyme disease symptoms during the month of May which is Lyme Awareness Month. Her committee will be responsible for setup and removal of materials. As well as being the

resource person for the community, Jillian will be speaking to local companies in Drumheller to bring awareness of the disease. Council granted permission to Jillian's request.

7.0 COMMITTEE OF THE WHOLE RECOMMENDATIONS

8.0 REQUEST FOR DECISION REPORTS

8.1. CAO

8.1.1 Bylaw 01.15 being a bylaw for the purposes of borrowing monies as permitted by Section 256 of the MGA - three readings

R. Romanetz advised that this borrowing is for the purposes of financing operating expenditures. This borrowing must not exceed the amount the municipality estimates will be raised in taxes in the year the borrowing is made. He recommended that Council pass all three readings to Bylaw 01.15.

MO2015.04 Garbutt, Shoff moved first reading of Bylaw 01.15. Carried unanimously.

MO2015.05 Shoff, Kolafa moved second reading of Bylaw 01.15. Carried unanimously.

MO2015.06 Garbutt, McMillan moved no objections to third reading of Bylaw 01.15. Carried unanimously.

MO2015.07 Zariski, Kolafa moved third reading of Bylaw 01.15. Carried unanimously.

8.1.2 Bylaw 02.15 being a bylaw to amend the Land Use Bylaw 10.08 by redesignating Plan 0210503 Block 2, Lot 1 from HWY-C - Highway Commercial District to CS - Community Service District - first reading

R. Romanetz presented Bylaw 02.15 which is an amendment to the Land Use Bylaw to allow for the construction of assisted supportive units by a private developer. He recommended first reading of the bylaw to allow for advertising of public hearing.

MO2015.08 Shoff, Zariski moved first reading of Bylaw 02.15. Carried unanimously.

Bylaw 03.15 being a bylaw to amend the Area Structure Plan Bylaw 26.08

R. Romanetz presented Bylaw 03.15 which is an amendment to the Area Structure Plan originating 25 years ago with an amendment in 2008 to allow for St. Anthony's school development. The ASP currently identifies six sites for long term commercial use. The ASP takes precedence over the Land Use Bylaw and any amendments must proceed concurrently. He noted that Clause 2 allows for redesignation flexibility to have zoning for either "HWY-C" highway Commercial and / or "CS" – Community Service as identified on the map for site 6 only. He further advised that in this case, the current hotel located on site 6 may change its use to "CS" or remain as "HWY-C" for any future development on that parcel of land.

MO2015.09 Shoff, Garbutt moved first reading of Bylaw 03.15. Carried unanimously.

8.1.3 RFD - 2015 Authorization for Expenditures

R. Romanetz advised that pursuant to subsection 248(2) of the MGA, Council must approve a procedure for authorizing and verifying expenditures not included in the budget. He explained that since the 2015 operating budget has not yet been approved, a resolution from Council is required to authorize the CAO, or his delegate, to pay all current accounts, which are a proper charge of the Town, until the 2015 Operating and Capital Budgets are approved by Council.

MO2015.10 Zariski, Garbutt moved that in accordance with Section 248(2) of the Municipal Government Act, Council authorizes the CAO or his delegate, to pay all current accounts, which are properly charged to the Town, until the 2015 Operating and Capital Budgets are approved by Council. Carried unanimously.

Councillor J. Garbutt requested a list of legislated bylaws and budgets that will come before Council via a calendar format.

8.1.4 Overview of Infrastructure Projects

Council asked for an update on the following three infrastructure projects:

Waterslide – R. Romanetz advised that as indicated in the recent Drumheller Mail story, the exterior piles were poured mid December - since then all the demolition concrete has been removed and the contractor has been bringing in gravel and steel to reinforce the deck as well as the installation of new drains. He further stated that this work is expected to be completed by January 14th with concrete poured by January 19th. This work is in anticipation of the waterslide which has been shipped from Turkey on two separate ships – one left December 25th and the second left December 29th. In checking with Pearl Rose Construction, the containers should be arriving in Montreal clearing customs shortly, will be put on the rail to Calgary and trucked to Drumheller. The pool has remained opened during the pre-work however in accordance with OH&S requirements the pool will require a closure for safety precautions while large portions of the waterslide are lifted into place.

Arena Handrails – R. Romanetz advised that handrails have been installed - two on north end, one beside the visitor box and one beside the announcer booth. He further advised that one location may impact sight lines and will be reviewed with GEC to explore options. It is proposed that where possible, supports will be installed down the middle of the isles however this may require the removal of seats. The cost of the work to date is \$5,000 - to convert all areas will be in the range of \$30,000 – this will be part of Council's capital plan deliberations.

East Coulee Truck Fill Station – R. Romanetz met with the contractor - Knibbs Construction and they indicated that the foundation concrete work has been carried out. Materials are on site to start stick building the fill station tomorrow. Weather permitting the project will be completed within 30 days. Power has been installed by ATCO. He provided Council with a package of information prepared by Stantec Engineering.

Acting Mayor Lisa Hansen-Zacharuk asked for an update on the water taste and odor concerns.

R. Romanetz advised that the Water Treatment Plant had taken measures on the weekend by adding additional potassium permanganate. In speaking with Utilities Manager Brian Bolduc, he has confirmed that cell 1 was frozen over and solar bee

mixers were not circulating resulting in drawing older water and a slug went through. There was odor from hot water on Saturday and taste odor has developed in some areas of the valley. As of this date, the raw water coming in and water leaving the clear well is free of any taste and odor however flushing will be done in some areas.

8.2. DIRECTOR OF INFRASTRUCTURE SERVICES

8.3. DIRECTOR OF CORPORATE SERVICES

8.3.1 RFD - Appointment to the Badlands Community Fundraising Committee

B. Miller advised that Ms. Jen Lavie has expressed an interest in working with the Fundraising Committee as a member- at-large.

MO2015.11 Shoff, McMillan moved that Ms. Lavie be appointed to serve as a member-at-large on the BCF Fundraising Committee. Carried unanimously.

8.3.2 RFD - Utility Account Write-Offs

B. Miller advised that from 2008 – 2013, the Town has over 200 utility accounts in arrears that are uncollectible which equates to \$78,000 (as indicated on the audited 2013 financial statements). The total RFD is \$81,803.03 which includes the 2014 bad debt expenses of \$3,803.03.

MO2015.12 McMillan, Shoff moved that Council approve the write off of uncollectible utility accounts in the amount of \$81,803.03 against the allowance of bad debt (\$78K) and bad debt expense (\$3,803.03).

In response to a question from Council, B. Millar explained that 98% of bad debt results from tenants that pay a deposit but their utility bill exceeds the amount of the utility bill when it was turned off and the tenant moves on without paying the bill. Currently, any tenants' arrears cannot be transferred to the property owners however the Town's new utility bylaw will eliminate the risk attached to these types of accounts by including a clause to address this issue. B. Miller further stated that the Town intends to be a lot more aggressive in turning off utilities within the 60 day arrears policy.

Vote on Motion: Carried unanimously.

8.4. DIRECTOR OF COMMUNITY SERVICES

8.4.1 RFD (Direction) - Request from Travel Drumheller

P. Salvatore presented a request from Chris Curtis – Executive Director, Travel Drumheller to advance \$50,000 from the Town revenues that the Town will collect under the authority of Schedule B of the new Business License Bylaw as presented to Council in December, 2014. He further explained that the dollars being requested are close to the expected amount that would be collected under the new bylaw for the first quarter (March 31, 2015).

MO2015.13 Garbutt, Zariski moved to advance \$50,000 to Travel Drumheller pending the approval of the new business license bylaw.

Vote on Motion:

5 in favour – Zariski, McMillan, Kolafa, Garbutt, Hansen-Zacharuk

1 opposed - Shoff

Carried.

8.4.2 RFD - 2015 User Fees

P. Salvatore provided an overview of the proposed user fee increases. Administration applied a 2% and / or a 5% increase to user fees however in situations where the hard costs have increased beyond this amount due to supplier costs, the user fee would be greater, such as for birthday parties at the BCF where the supplier fees has increased beyond the 2%-5%. Councillor J. Garbutt stated that hopefully BCF fees will be capped at the 2015 rate as we reached our three year price increase. Councillor T. McMillan stated that the drop-in Aquaplex rates should remain at the 2014 rates until next year when users will be able to enjoy the new waterslide.

MO2015.14 McMillan, Garbutt moved to approve the 2015 user fee increases as presented with recreational uses at 2% and no increase for the Aquaplex drop in rates.

R. Romanetz stated that there will be an impact on budget as recreation rates were included at 5%.

Vote on Motion: Carried unanimously.

8.5. DIRECTOR OF PROTECTIVE SERVICES

9.0 PRESENTATION OF QUARTERLY REPORTS BY ADMINISTRATION

10.0 PUBLIC HEARING DECISIONS

10.1 Bylaw 09.14 - second and third readings

MO2015.15 Garbutt, Kolafa moved second reading of Bylaw 09.14.

Discussion on Motion:

Councillor J. Garbutt stated that although he has the upmost respect for the MPC members and Development Officer Cindy Woods for their firm recommendation, there have been businesses in the area that been allowed to operate for years without any adverse incidences to our knowledge. He further stated that unless it is the full intention of Council to cease the operations of these companies then Council is obligated to provide a level playing field. He stated that he does not agree denying the application based on the M-1 and M-2 distances from residences. He stated that approving the application to amend the Land Use Bylaw fully empowers MPC with the authority to arbitrate case by case on whether a business can be trusted to carry out their business.

Councillor T. Zariski stated that MPC has spent considerable time on the matter and concurs with MPC's recommendation that the amendment is a step in the wrong direction – granted there are inconsistency in that zoned area. He stated that MPC is trying to reverse the mistakes that were made and this is the first step - to continue to go down this road is a very poor direction.

Councillor P. Kolafa questioned how the inconsistencies can be fixed.

Councillor S. Shoff stated that businesses have been allowed to operate since 2008 with no enforcement. She further stated that it appears that C. Knight's product will be stored more safely than the two businesses running for the last 6-8 years.

Councillor T. McMillan questioned whether the other two businesses will have to relocate?

R. Romanetz advised that the Town became aware of one business' operations three years ago because of a chemical leak and to date there is no confirmation of whether the cleanup was acceptable or not. He stated that the Town has taken action and recommends that these businesses find different locations however Council needs to make a decision regarding the position taken by the MPC and Administration. He explained that if the bylaw is passed, the MPC will still have to make a decision on the application. He stated that the real concern relates to the fact that there was a spill in the M-1 zone in close proximity to a residential area. R. Romanetz agreed that over the years a number of poor planning decisions were made. He stated that *"then is then, now is now and hopefully we can be smarter"*.

Councillor T. Zariski stated that if Council passed the bylaw, it would be left to MPC to regulate and Council would be ignoring MPC recommendations.

Councillor J. Garbutt stated that the research MPC did was based on generalities and they did not look at it on a case by case basis – this is the level of detail that the businesses are due.

Councillor P. Kolafa questioned the boundaries drawn for zoning and asked if they were arbitrary lines. R. Romanetz explained that the lines are historical and over the last 15 years wherever possible, the Town has incorporated buffers from residential. He explained that there are 100 years of history of how the valley progressed. He further explained that Council has modified zoning over the years but the MGA allows for grandfathering - any amendments would apply to new uses. He explained that a non conforming use of land or a building may be continued but if that use is discontinued for a period of six consecutive months or more, the future use of the land or building must conform with the land use bylaw. If there are no gaps in use, the business is grandfathered.

Councillor T. Zariski stated that the Town has an industrial park in the middle of a residential area and MPC is trying to limit the damage.

R. Romanetz explained that there are numerous properties that were industrial that are now commercial – reclassification evolves over years driven by change and need within the community.

Vote on Motion:

5 in favour – Kolafa, Shoff, McMillan, Hansen-Zacharuk, Garbutt

1 Opposed – Zariski

Carried.

MO2015.16 Garbutt, McMillan moved third reading of Bylaw 09.14.
5 in favour – Kolafa, Shoff, McMillan, Hansen-Zacharuk, Garbutt
1 Opposed – Zariski
Carried.

11.0 UNFINISHED BUSINESS

12.0 NOTICE OF MOTION

13.0 COUNCILLOR REPORTS

14.0 IN-CAMERA MATTERS MO2015.17 McMillan, Garbutt to go in camera at
7:05 PM. Carried unanimously.

14.1 Personnel Matter

MO2015.18 McMillan, Garbutt to revert to regular Council meeting at 7:29 PM. Carried
unanimously.

There being no further business, Acting Mayor L. Hansen-Zacharuk adjourned the
meeting at 7:29 PM.

Acting Mayor

Chief Administrative Officer