

**Town of Drumheller
COUNCIL MEETING
MINUTES**

July 25, 2016 at 4:30 PM
Council Chamber, Town Hall
224 Centre Street, Drumheller, AB, T0J 0Y4



PRESENT:

MAYOR:
Terry Yemen

COUNCIL:

Jay Garbutt
Lisa Hansen-Zacharuk
Patrick Kolafa
Tara McMillan
Sharel Shoff
Tom Zariski

CHIEF ADMINISTRATIVE OFFICER/ENGINEER:
Ray Romanetz

DIRECTOR OF INFRASTRUCTURE SERVICES:
Allan Kendrick

DIRECTOR OF CORPORATE SERVICES:
Barb Miller

DIRECTOR OF COMMUNITY SERVICES:
Paul Salvatore

DIRECTOR OF PROTECTIVE SERVICES:
Greg Peters

RECORDING SECRETARY:
Linda Handy

ABSENT:

1.0 CALL TO ORDER

Mayor Terry Yemen called the meeting to order at 4:30 PM.

2.0 MAYOR'S OPENING REMARK

3.0 PUBLIC HEARING

3.1 Mayor Terry Yemen called the Public Hearing to order at 4:30 PM. He advised that the Public Hearing was being held to consider Bylaw 13.16 for the purpose of closing a portion of the airspace above a public street only to the extent necessary to allow for the construction of second storey private decks attached to an adjacent hotel including support columns for same.

Mayor Yemen asked if there were any items of correspondence to be read into the record. Secretary L. Handy advised there were items of correspondence. She stated that two utility companies – Big Country Gas Co-op and Telus – have indicated that they have no issues with the proposed road closure. She further advised that although ATCO Electric has not submitted anything as of yet in writing they would like to review the dimensions of the balcony to ensure that the proposed road closure does not interfere with their wires. They also indicated that a street light may have to be relocated. She further advised that two letters were received from East Coulee residents - Don Gerlinger and Bruce Coates. She stated that Don Gerlinger is in attendance and wishes to speak to the matter himself. She read Bruce Coates letter into the record which supports the proposed road closure. In his letter, Bruce Coates states, *"I have had the opportunity to see the plans and speak to the owners and fully support their indicated plans for the hotel. In the past, all the other owners have done nothing towards improvements and as a result the building's appearance is a nightmare. As far as I can see from the plans the outside appearance as planned gives an old world look that would fit in well with the structure and the general appearance in town. Along with all the positive upgrades, this will bring a positive spin to the general appearance as one enters East Coulee. It would also be a highlight as one drives by on the highway, resulting in another clean modernized place to stay with all the facilities. This in turn helps the local businesses with customers and having everyone visiting leaves a positive spin to the community"*.

Mayor Yemen asked if there were any speakers in favor or against the proposed closure.

Shawn Lumsden stated that he lives in Lehigh and is here to show his support for Bylaw 13.16 and the expeditious opening of the East Coulee hotel and restaurant. He asked all those present to consider the benefits of the proposed renovations before making a decision. He stated that the amount of private investment dollars to bring a failing building back to life is significant. He explained that the economic benefits of any construction project does not start when the business opens its doors; it starts when the new owner bought the property, paid for the development permit, hired a local engineering firm, hired local construction workers and local employees - putting money back into the economy as well as the potential spin off of revenues when the business opens its doors.

Ed Palm stated that his initial report was given to the Town in favour of the project and that letter is included in the package. He provided a photograph comparison of a hotel in Shellbrook, Saskatchewan which looks similar to the proposed redesign of the hotel

in East Coulee. He explained that the canopy at the two storey level is built over the sidewalk similar to the renovations proposed for the hotel in East Coulee. He stated that the owner wishes to renovate the hotel with an historic appearance. He presented a sketch of a computer generated plan that included a balcony. He explained that the existing building will be renovated with moldings along the top of the building, cedar shingles below that and a copper colored metal roof as well as white columns with dark railing around the bottom. He further explained that columns for the balcony will be placed at 6 ft. line from the hotel and when the overhang of the eaves are included, a road closure of 8 ft. from the property line is required. He explained that the building will be brought to Alberta Building Code standards. He further explained that L. Gerrard has plans for a seafood restaurant which will be an enhancement for the community as well as bringing in tourism to East Coulee – the Atlas Mine and local cottage craft operations in the area. He reviewed the other pictures which included the dimensions of the building. The building and sidewalk will be wheelchair accessible. Councillor T. Zariski asked if the sidewalk will be extended. E. Palm stated that the sidewalk will be raised to create a bumper so that vehicles are not running into the posts. He further stated that the costs to redo the sidewalk will be borne by the owner.

Len Gerrard stated that he along with his son are partners of the hotel project. He stated Ed Palm has provided an overview of the project. He stated that they wish to make the building appearance better and wheelchair accessible. He further stated that the front will look presentable when you drive down the road and hopefully will attract more traffic into the area.

Councillor J. Garbutt stated that he is appreciative of anyone who tries to revitalize an old building in the community and he asked the amount of the investment for the project. L. Gerrard stated that he is proposing an 85 seat restaurant and will be downsizing the bar to 50 – 70 seats as well as adding more windows. He stated that the amount would be in the range of half a million dollars. Councillor P. Kolafa stated that in previous letter, it was stated that the hotel would be a venue for the Spring Festival – is this still an option? L. Gerrard stated that he wishes to stay within the themes of the community.

Don Gerlinger stated that he is representing the state of Elizabeth Gerlinger. He explained that although the renovations to the hotel are great for East Coulee, the Gerlinger house is closely situated to the hotel - 4 feet from the hotel on the east side. He stated that although L. Gerrard has made an offer to buy the property, he is not certain of the offer because at present, things are conditional. He further stated that he is not prepared at this time to relinquish his opportunity to appeal and read the following statement:

“Our main concerns and objections are that this proposed expansion would further devalue our property on the east side of the hotel. We were contacted 6 days ago (July 19) by someone representing Len Gerrard, the presumed owner, presenting a draft offer to purchase our property. On July 20 via Emails back and forth from Gerrard’s representative, we may have come to a tentative agreement. At present things are conditional that his / their bank accepts the appraisal we had done by an outside source – if not, another appraisal would need to take place. In order for us to consider and

proceed with the tentative agreed offer, we require an unconditional sales agreement and a deposit cheque clearing the bank. We also require our lawyer to review all information and paper work regarding this transaction. Due to the eleventh hour time frame for all of this to happen and the existing tentativeness of the situation, we are not prepared at this time to relinquish our opportunity to appeal this expansion proposal. Therefore, we are requesting that Council delay second and third readings on this matter for a period of time to allow proper transactions to take place."

Further to this Don Gerlinger read a statement from a meeting held with Ray Romanetz, Don Gerlinger and Richard Gerlinger on July 11th:

"This is a letter expressing our opposition to the proposed road closure and expansion on the north side of the East Coulee hotel. I am co-owner along with four others of the properties on the west side and the residential properties on the east side of the hotel. I along with my siblings lived in the house east of the hotel for years as we were growing up. There was always a hotel on the west side of us and was really not a problem, I think due to the empty lot that separated the two properties. Sometime in the 1970's a fire destroyed the hotel and when it was rebuilt it was built as close as four feet from our house where it currently sits. I am not quite sure how this was allowed, but it certainly was not a positive thing for our residential house and property. As intrusive as it was and is, we had no choice but to learn to live with it. Some of the negative things we are forced to experience are as follow: Loud music pounding through our wall; People – men and women, relieving themselves on our front yard, on the sidewalk and between the house and hotel; Loud and vulgar language; Smoking of marijuana; Beer cans, cigarette butts, and garbage littering our front yard and surrounding area; Food and waste thrown front the roof and top floor windows onto our house roof on two occasions, causing shingle damage and internal roof leaks requiring repair; Diesel trucks idling for hours filling our house with a foul smell of diesel exhaust; Since no smoking laws on premises came into effect it is common practice for patrons to stand outside with beer in hand smoking cigarettes. Zero privately owned parking for this commercially owned establishment has always been a great problem. Hotel parking has always been provided by the residents of East Coulee or the empty space across the street that is no longer available. Vehicles park in and around our commercial property on the west side, all around and in the driveway of our east side residential property and all down the residential street, depriving some residents and visitors the opportunity of parking in front of their own homes. The new owners of this building ought to have been aware of the proximity of this residential property and the further impact their plans and expansion could have, prior to making their purchase. During the somewhat brief conversations I had with the presumed owner describing how he was going to have a deck and gathering area on the roof and decks on the front and rear of the building, never did he express any concerns to the impact on the surrounding residences. We did take steps in asking the Town for assistance with this intrusive parking but to no avail. We made some attempt on our own. We placed used vehicle tires surrounding our shop property, we parked a vehicle licensed and insured on the street in front of the house, never moving for almost three years so my mother would not have to be disturbed by the vehicles parking and leaving in front of her living room window. This east side residential property has now become an estate property and must be disposed of and we feel the proposed changes on the north side of the hotel would

further devalue our property and exacerbate the problems for future owners. We have had a professional property appraisal done and would expect to sell at a reasonable and fair market value. We have had people view the house and property interested in purchasing but when they ask what's going on with the hotel and I explain what I know, we never hear from them again. I think the Town decision makers should agree that commercial developments should not be allowed to devalue another property or impede one's right to enjoyment of property. If the owner(s) of the hotel property disagree with this way of thinking, the opportunity is there to purchase said property for resale or otherwise."

Mayor T. Yemen explained that Council will not be proceeding to 2nd and 3rd readings this evening. He further explained that the Bylaw along with minutes of the Public Hearing must be forwarded to the Minister of Transportation for this review. The process will take 90 days before the Bylaw will come back to council. R. Romanetz clarified that the Bylaw must be signed by the Minister of Transportation before Council can proceed to 2nd and 3rd readings.

Don Gerlinger asked if there is a stairway coming down from the balcony. Ed Palm stated there is no stairway or fire escape.

Linda Gerlinger stated that Mr. Gerrard mentioned he along with his son are partners – she asked Mr. Gerrard if he was the owner as well? Mr. Gerrard stated the property is owned by himself, his wife and his son.

Mayor Terry Yemen closed the public hearing closed at 4:55 PM.

4.0 ADOPTION OF AGENDA

MO2016.108 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 June 27, 2016

MO2016.109 McMillan, Zariski moved to adopt the Regular Council Meeting Minutes of June 27, 2016 as presented. Carried unanimously.

5.2. MINUTES OF MEETING PRESENTED FOR INFORMATION

5.2.1 Municipal Planning Commission Meeting Minutes of June 23, 2016

5.3. BUSINESS ARISING FROM THE MINUTES

6.0 DELEGATIONS

6.1 Acting Staff Sgt. Kevin Charles - RCMP Detachment Operations

Acting Staff Sgt. Charles stated that he took over the duties of the Staff Sgt. 3 weeks ago with the retirement of Grant Macdonald. He further stated that although he did report for duty in Brooks, he has been reassigned to Drumheller until the new Staff Sgt. arrives or his house sells – whichever comes first – a few months at least. He explained that the Drumheller vacancy was advertised with no lateral interest. He explained that Cpl. Guthrie's replacement is here in Drumheller looking for a house and should be in place by the end of September / October. Mayor Yemen asked Kevin Charles if he is interested in Drumheller's Staff Sgt position. Acting Staff Sgt. K. Charles stated he can apply but will only be considered if no other Staff Sgt meets the criteria as he is missing one component. He stated that he encourages open two way communication with the Town through the Director of Protective Services and if there are any concerns from citizens regarding the delivery of police services, he asked that he be kept informed. In response to a question from Council, Acting Staff Sgt. Kevin Charles asked that the public share in the responsibility of the recent vehicle thefts by ensuring all vehicles are locked.

7.0 COMMITTEE OF THE WHOLE RECOMMENDATIONS

8.0 REQUEST FOR DECISION REPORTS

8.1. CAO

8.1.1 Bylaw 10.16 being a bylaw to amend the Land Use Bylaw 10.08 - first reading

R. Romanetz advised that a similar bylaw did not pass third on May 4, 2014. He further advised that since then Administration and Palliser Regional Municipal Services have gone back to the drawing board to revise some portions of the document and changes are reflected in red. He stated it is not the intention today to review the bylaw line by line as a Public Hearing will be held whereby Cynthia Cvik, Director - PRMS will provide an overview and deal with any questions at that time. He noted that most of the concerns identified by Council relating to environment controls and the reference for additional requirements have been removed from the bylaw. He further noted that there are new definitions relating to granny suites and media production operations. He recommended that Council proceed to first reading to allow for the Public Hearing to be held on September 6th.

MO2016.110 Zariski, Shoff first reading to Bylaw 10.16.

Councillor J. Garbutt referred to "*Section 78 - Physical Environment*" and how the issue of training and qualifications for the SDAB are going to be demanded under the new MGA amendments with no training recommended for training for the MPC. He stated that his issue relates to the clause "*where a development is considered to have*

significant environmental impact beyond the development site, the Development Authority may require the developer to have an environmental evaluation prepared and submitted by an appropriate professional'. He stated that it is the MPC's role to protect the environment of the community while being conscience of setting up the community for doing business. He questioned how significant will be defined and what qualifications will be required for the MPC on environmental awareness because these reports costs thousands of dollars for the developer. He stated that environmental reports need to be demanded only where it is appropriate and in only the most significant and serious of circumstances. R. Romanetz advised that these comments will be referred to Cynthia Cvik and MPC for their review.

Vote on Motion:
Carried unanimously.

8.2. DIRECTOR OF INFRASTRUCTURE SERVICES

8.3. DIRECTOR OF CORPORATE SERVICES

8.4. DIRECTOR OF COMMUNITY SERVICES

8.4.1 Dino Arts (Footprints) Update

P. Salvatore advised that he will be meeting with John Shoff shortly. R. Romanetz advised that Al Kendrick and Kevin Blanchett have been in contact with John Shoff regarding a proposal he put on the table a year ago and at that time, Dino Arts was not in a position to move forward however it appears they want to revisit their proposal. He further advised that one discussion included replacing some trees along the sidewalk. As well, the Town has been working with Dino Arts for the placement of dinosaurs along Hwy 9 as well as at BCF. Councillor J. Garbutt stated that the Royal Tyrrell Museum should partner with Dino Arts for their technical knowledge so that the dinosaur installations are anatomically correct. R. Romanetz advised that he has discussed this matter with John Shoff and he clarified that the dinosaur installations are for the enjoyment of the public and they are not so much concerned with being anatomically correct. Councillor L. Hansen-Zacharuk stated that some merchants have expressed concern with the size of trees blocking their store front signage. R. Romanetz advised that the project was not to remove healthy trees however there may be some need for pruning and any concerns will be passed onto the Public Works department for action.

8.5. DIRECTOR OF PROTECTIVE SERVICES

8.5.1 RFD - Appointment of Weed Inspectors

G. Peters advised that upon review of the Town's records with an official from the Department of Agricultural, Drumheller does not have any formal weed inspectors. He stated that when he first took employment with the Town, an official with the Department at that time stated that it was an appointment by acquiescence however a new official

has taken over and requests formal appointments to be in place as well as training for the Weed Inspectors.

MO2016.110 Shoff, Kolafa moved that Council appoint Tom Pozzolo, Don Urlacher and Greg Peters as the Town of Drumheller Weed Inspectors. Carried unanimously.

9.0 PRESENTATION OF QUARTERLY REPORTS BY ADMINISTRATION

9.1 CAO Quarterly Report to June, 2016

Councillor S. Shoff asked for an update on the Friends of Society progress. B. Miller stated that fall was a good time to advertise for members as well as having an individual speak to Council about the formation / model of the Society.

Councillor J. Garbutt stated that the residents along 4th Avenue SW have indicated that they have seen an improvement with the sewer odor this past summer. R. Romanetz advised that although the application is labour intensive and costly, it will continue until another suitable solution is found.

Councillor T. Zariski requested that Hunts Crescent be considered for an upgrade under the SIP Program next year. R. Romanetz stated the road is scheduled for an upgrade one block at a time with the intent to complete the work in future years. He further explained that the road was not built to the current standards and as such, requires a complete rebuild - the entire roadway needs to be cored out and this rebuild would be very costly.

Councillor T. Zariski stated that the recycling bins on the along the highway are unsightly and recommended that a fence be erected similar to the one adjacent to 7-11. In response to a question regarding the culvert in Newcastle (along Hwy 575), R. Romanetz advised that the culvert was installed in the late 60's and needs replacement as a portion of the culvert has crumbled and barricades are in place. He further advised that the culvert replacement is the responsibility of Alberta Transportation and the matter has been brought to their attention. Alberta Transportation has advised that the installation has been scheduled for next year.

Councillor T. Zariski asked if the cemetery has room for expansion. R. Romanetz advised that a long term plan was updated last year working with Ed Palm – Palm Engineering. He further explained that it was not so much the layout of the plot plan but extension of services and grading for the areas. He explained that the next phase would continue towards the west directly behind the Greentree area. He stated that this year's work includes grading however more significant budget items need to be included for 2017.

In response to a question from Council, R. Romanetz advised that project known as the Elks Trail (behind BCF) is underway and will include a walkway and picnic tables. R. Romanetz further advised that the Town will be bringing the grade of the park higher with topsoil to match the level of the walking path.

9.2 Director of Infrastructure Services Quarterly Report to June, 2016

9.3 Director of Corporate Services Quarterly Report to June, 2016

Councillor L. Hansen-Zacharuk complimented Administration on the electronic e-bill for utility billing. In response to a question from Council, B. Miller stated that the Town will save approximately \$25,000 for postage costs and labour.

Councillor T. Zariski asked the process for selling Town owned vacant land / buildings. R. Romanetz advised that there are different approaches such as hiring a realtor / advertising. He further advised that Colin Kloot is providing advice on how to move forward on the sale on vacant land / buildings as well as clarifying the terms of reference. Those properties that are classified as Brownfields will be handled more cautiously.

Councillor T. Zariski asked how the railway land is now taxed. B. Miller stated that former railway land was returned to the prior zoning before it was a railway, either residential or commercial.

Councillor L. Hansen-Zacharuk asked the timeline as to when a pouring rights agreement will be in place and whether the Town is having to pay higher rates for the product because of a lack of an agreement. R. Romanetz advised that prices are at the same rates as stipulated in the agreement. He further stated that Administration is working on an agreement for all three facilities. He explained that although the agreement is loose at this time, some product is being purchased through stores if the price is cheaper. He explained that Administration should have a new agreement in place within 60 - 90 days.

Councillor J. Garbutt asked if the Town is concerned with the budgeted amount for natural gas with the anticipated increase in prices. B. Miller stated that the drop in July and August should offset the higher costs.

9.4 Director of Community Services Quarterly Report to June, 2016

Councillor S. Shoff asked what is proposed for the communication content calendar. P. Salvatore explained that the purpose is to get the staff thinking about what is happening throughout the year and develop its content - for instance, tax season and what the public need to know about the tax process.

R. Romanetz asked P. Salvatore to speak to the social housing application. P. Salvatore explained that in working with Drumheller Housing Administration, a grant application through CMHC will be submitted for the legwork for a future social housing project (subsidized) in the Hillview Phase 3 subdivision. The grant approval would allow the Town to seek a professional consultant to develop a more detailed plan – the grant deadline is the end of August.

In response to a question on the Storefront Round 1 grant approvals, P. Salvatore stated that three applications were approved and Round 2 submissions have begun. The grant criteria is for exterior improvements and details are on the website. Councillor T. McMillan asked that a news story be carried out on the storefront improvements once the work is complete.

9.5 Director of Protective Services' Quarterly Report to June 30, 2016

Councillor S. Shoff asked if the parking plans have been finalized for Tough Mudder. G. Peters advised that Tough Mudder will use the Drumheller and Ag Society site and if they require overflow at the last minute, the Town has offered up some locations however Tough Mudder must make those arrangements as well as provide a shuttle service.

10.0 PUBLIC HEARING DECISIONS

11.0 UNFINISHED BUSINESS

12.0 NOTICE OF MOTION

13.0 COUNCILLOR REPORTS

13.1 Vendor Carts Contract Concerns

Mayor Terry Yemen explained that there was a request by one vendor operator to move their operation into the Spray Park area and with Council's endorsement, Administration did facilitate the move – near the Aquaplex – because they run a generator. However, it has brought up concerns with the first vendor who felt they were promised exclusivity. He further explained that the first vendor has cited other concerns being that a trailer has now been allowed on site when this option was not available to them as well as being told that no generators were permitted and because of that directive, they bought propane fridges at a cost of \$2000. He concluded by stating that this vendor feels that they have been treated unfairly. P. Salvatore stated that he has provided a briefing as well as the guide for vendors which has been provided to those who are approved for vending locations. Councillor J. Garbutt referred to the vendor agreement and advised that the document clearly states that it is not an exclusive agreement for vendors. He further stated that there is nothing in the document prohibiting generators. P. Salvatore explained that the Town has historically discouraged the use of generators however Administration works with vendors. Councillor J. Garbutt stated that it is not Council's role to protect businesses from competition but to reduce the amount of commercial congestion so that people can enjoy the park; this is the reason for the limitation of vendors – not because of exclusivity for the vendor. He asked P. Salvatore whether the vendor's complaints have any merit. P. Salvatore stated that there was a relocation during the course of the season and this may have lead to the conflict. Councillor L. Hansen-Zacharuk asked if the first vendor was offered the deal of \$50 a month for hooking up to power. R. Romanetz advised that last year this offer was accessed by the donut operation however the new unit is 220 power and they are not able to use the power and are now using a generator. R. Romanetz advised that although there was a change out of the power unit, the Town did not want trailer type units in the middle of the park and it was more suitable up against the wall so as to avoid disruptions to the park. Mayor Terry Yemen asked P. Salvatore if the vendor was discouraged or told they could not have a generator. P. Salvatore stated that the vendor was told that a

generator was not allowed in that location. R. Romanetz advised that in the future, it may be feasible to bring underground power to the park. Mayor Yemen stated that he would provide a response to the vendor who has issued a complaint.

14.0 IN-CAMERA MATTERS

There being no further business, the Mayor declared the meeting adjourned at 6:30 PM.

Chief Administrative Officer

Mayor