

**Town of Drumheller
COUNCIL MEETING
MINUTES**

July 9, 2018 at 4:30 PM
Council Chamber, Town Hall
224 Centre Street, Drumheller, AB, T0J 0Y4



PRESENT:

MAYOR:

Heather Colberg

COUNCIL:

Kristyne DeMott

Jay Garbutt

Lisa Hansen-Zacharuk

Tony Lacher

Tom Zariski

CHIEF ADMINISTRATIVE OFFICER/ENGINEER:

Darryl Drohomerski

DIRECTOR OF CORPORATE SERVICES:

Barb Miller

DIRECTOR OF INFRASTRUCTURE SERVICES:

Armia Mikhaiel

ACTING DIRECTOR OF COMMUNITY SERVICES:

Darren Goldthorpe

RECORDING SECRETARY:

Linda Handy

Absent:

DIRECTOR OF PROTECTIVE SERVICES:

Greg Peters

COUNCILLOR Fred Makowecki

1.0 CALL TO ORDER

Mayor Heather Colberg called the meeting to order at 4:30 PM.

2.0 MAYOR'S OPENING REMARK

Mayor Heather Colberg announced that the Downtown Plaza will be holding its first events this Thursday, Friday and Saturday (July 12th, 13th and 14th). She encouraged all residents to enjoy the free entertainment at the plaza every Thursday, Friday and Saturday from 6:30 – 8:00 PM this summer.

3.0 PUBLIC HEARING

4.0 ADOPTION OF AGENDA

MO2018.118 Hansen, Zariski moved to adopt 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 June 25, 2018

MO2018.119 Lacher, Zariski moved to adopt the Regular Council Meeting Minutes of June 25, 2018 as presented. Carried unanimously.

Mayor Heather Colberg requested that the timelines for short term economic recommendations be presented at the August or September Council Meetings.

5.2. MINUTES OF MEETING PRESENTED FOR INFORMATION

5.3. BUSINESS ARISING FROM THE MINUTES

6.0 DELEGATIONS

Russ Watts – Regional Director and Craig Siewert – Operations Manager, Alberta Transportation were in attendance to address Council's requests on a variety of transportation issues (discussion took place while attending the AUMA held in November 2017).

In response to Council's concerns at that time, Council thanked Transportation for their action on the following items:

- **Removal of island on 2nd Avenue and Hwy 9;** and
- **Mowing along Hwy 10** agreement for two cuttings.

In regard to matters not yet resolved, R. Watts provided the following responses:

- **Median north of Bridge towards the Liquor Store intersection** – the Town is not in agreement that this median will remain and would like to know the rationale why it will not be removed. R. Watts explained that the median assists pedestrians in crossing the highway as it reduces the number of lanes that need to be crossed from five lanes to four lanes; the median puts the pedestrian in the driver's line of sight; the median assists with the vehicular traffic at the Liquor Store intersection who are turning left onto Hwy 9 as they are able to edge forward by one lane; and the median keeps the flow-thru vehicular traffic in the right lane when coming off the bridge as 700 m down the highway it is reduced to a single lane. He explained that the rationale not to remove the median mainly relates to the interaction of vehicular traffic with crossing pedestrians. D. Drohomerski stated that the intersection warrants a signalized crosswalk. Councillor L. Hansen-Zacharuk explained that by limiting this highway to one lane north, at times, there can be a backup of traffic flow created by those turning to the Royal Tyrrell Museum. Mayor H. Colberg cited

examples of pedestrian crossings in Airdrie and stated that she does not understand Transportation's justification to keep the island. C. Siewert explained that a 6 metre crosswalk serves as a refuge and when the pedestrian is on the island, the pedestrian would feel safer. The refuge island in between also serves as a second opportunity to make the next crossing (rather than do the crossing in one go). R. Watts summarized that the best explanation is that the island is for the pedestrian to be in the line of sight of the driver and that the island serves for proper channelization of this highway. Councillor J. Garbutt stated that he was not aware of any vehicle accidents at this location and asked the justification to put the island there in the first place. C. Siewert stated that it came from the recommendations in the iTrans Study (2000) and he explained that the island was installed between 2006 – 2008. Councillor J. Garbutt asked why it took eight (8) years for its installation if there was solid rationale for the installation of the island. C. Siewert stated that it is not uncommon to take several years for a recommendation from a study to be implemented. R. Watts stated that he is willing to discuss Transportation's rationale with any resident.

- **Signalized cross walk will be installed at the Dollarama** (flashing lights on the side with a push button).
- **Additional directional signage for intersection at Hwy 9 and SH575** - Councillor T. Zariski asked for prior directional signage for the highway intersection at Husky / Harper's Tire (Hwy 9 and SH575) because the directional sign is posted at intersection and this causes confusion for drivers who want to get over to the right-hand lane to make the turn on SH575. C. Siewert stated that he would look at the Town's request for posting of additional directional signage prior to the intersection however it would not be feasible for overhead signage; the signage would be posted on the side poles.
- **Gordon Taylor Bridge** – request for the Bridge to be more aesthetically pleasing and agricultural friendly. These upgrades to be discussed in the future.
- **Issue with no left turn off the Bridge to the Large Dinosaur** – Transportation asked the Town to consider a roundabout which would allow for a left turn.
- **Turn at the intersection by Tim Hortons and Dairy Queen** – the Town is asking for a left hand turn to be created for the Drumheller Chrysler because those vehicles travelling south are not able to turn into Drumheller Chrysler – they must go to the Dairy Queen intersection and do a U-turn. To date, the Town has been told this is not feasible. The Town would like to discuss options that would create a long turn out lane by removing the entire median or by cutting into the median for a left turn only at Drumheller Chrysler for the south bound traffic. R. Watts explained he would not compare the Town's request with other cities' traffic flows. He further explained that as it exists now, there is only a bare minimum distance for vehicles to turn in and turn out; operationally it would be difficult to work as an all turn intersection. He stated that there are standards and spacing on what is ideal and the introduction of a new intersection will be problematic for the other intersections and businesses along this highway. He stated that if the urban divide is taken away it would

impact the traffic flow. Councillor J. Garbutt stated that it is not a shared left turn and he does not understand Transportation's comment of competing traffic flows. Councillor T. Lacher requested that Transportation cut into part of the median wide enough for vehicle to make a left hand turn into Drumheller Chrysler. He explained that vehicles would be required to make the right turn coming out of Drumheller Chrysler to head north. He further stated that the Town is not requesting a full intersection coming out of Drumheller Chrysler. He explained that the Town has similar cuts in concrete at the other medians. He further explained that the cut in the median would stop those vehicles doing a U-turn in the middle of an intersection. R. Watts stated that even if it is physically possible to cut into the median, vehicles need enough gap in traffic to make the left turn. R. Watts stated that he would look into the Town's request for a left turn only however if it causes more harm than good the Town's request would be denied. He further explained the importance of intersection spacing and how one intersection reacts with the intersections along the highway. D. Drohomerski stated that the Town has a similar cut into the median that goes into the Hoodoo Motel and the Town is requesting a similar cut for a left turn at Drumheller Chrysler.

Council presented next discussion items as follows:

- Town's request for SH838 upgrade as soon as possible considering the Town has 500,000 visitors per year (and those travelling in RVs) to the Royal Tyrrell Museum. R. Watts stated that this highway is not on their program as of yet however they recognize the significance of the highway.
- Town's request for SH575 to be two lanes. R. Watts stated that there are a lot of other competing priorities throughout the Province. From their last stats, 3500 vehicles on SH575 daily and there are other communities that have greater traffic numbers needing greater improvements. He further explained that when SH575 comes up for an overlay Transportation will look again at the twinning. He further explained that as in the past with some of the lower volume priorities any cost sharing would help with the request.
- Town's request for a sidewalk to Walmart. R. Watts stated that typically sidewalks are a municipal responsibility. He further explained that if the sidewalk is placed within the highway right of way, Transportation would entertain an easement agreement however this does not make it a Provincial responsibility.
- Town's request for an upgrade to the flashing crosswalk at Tim Horton's intersection. C. Siewert stated that there are no plans to upgrade this crosswalk however they will look at the Town's request.

Council thanked Russ and Craig for coming before them and the opportunity to discuss issues / resolutions.

7.0 COMMITTEE OF THE WHOLE RECOMMENDATIONS

8.0 REQUEST FOR DECISION REPORTS

8.1 CAO

8.1.1 Bylaw 08.18 Council's Code of Conduct Bylaw

D. Drohomerski presented Bylaw 08.18 Council's Code of Conduct Bylaw and advised that the bylaw received first reading at Council's June 25th meeting. He noted that the bylaw is based on AUMA's template.

MO2018.120 Lacher, Zariski moved second reading of Bylaw 08.18

In response to a question on whether a Councillor could be privy to matters discussed in-camera when a Councillor is absent, D. Drohomerski explained that a Councillor who is absent at a meeting would contact the CAO for an update; the intent is to keep the content of the in-camera matter confidential from the public at large or the media. In response on who would be the investigator of a complaint, Councillor J. Garbutt stated that the Town's Solicitor would be the best to act in these matters. D. Drohomerski further explained that Council would have to determine the severity of the investigation as a minor issue might be handled by Council however an escalated matter might need to be reviewed by Municipal Affairs. He further stated that putting a staff member in the roll of investigator is not something Council should entertain.

Vote on Motion: Carried unanimously.

MO2018.121 Garbutt, Hansen-Zacharuk moved third reading of Bylaw 08.18. Carried unanimously.

8.1.2 Bylaw 09.18 being a bylaw to close a portion of unused roadway (6th St. W)

D. Drohomerski introduced Bylaw 09.18 and advised that a homeowner hired a contractor to construct a deck and the contractor chose not to go through the proper permitting. He further advised that upon inspection of the property, it was determined that the deck was too close to the sidewalk. He explained that the Town issued a Stop Order as the Real Property Report showed that the deck was one foot onto Town property. He further explained that the Town does not need this strip of land and offered it up to the property owner at their cost which would include the survey and consolidation of the parcel. He recommended that Council proceed to first reading which would allow for a public hearing to be held on August 20th.

MO2018.122 Garbutt, DeMott moved first reading of Bylaw 09.18. Cd unanimously.

8.1.3 Bylaw 10.18 – Amendment to Community Standards Bylaw and Schedule A re Tobacco and Cannabis Use

D. Drohomerski introduced Bylaw 10.18 which is an amendment to the Community Standards Bylaw to regulate the use of tobacco and cannabis in the community. He recommended that Drumheller follow the lead of the Town of Innisfail who have included the requirements in their Community Standards Bylaw as an amendment. He further explained that the Town intends to present a new Community Standards Bylaw to Council in the near future. In response to a question from Council, D. Drohomerski

explained that the bylaw amendment deals with smoking of cannabis; it does not deal with cannabis edibles.

MO2018.123 Zariski, Lacher moved first reading of Bylaw 10.18. Cd unanimously.

8.1.4 Public Participation Policy

D. Drohomerski advised that the Public Participation Policy must be adopted by July 23, 2018 in accordance with the new requirements of the MGA. He further advised that Council discussed the policy at their COW meeting of July 3rd and a survey was undertaken with the results being incorporated into the Policy. He further advised that the Policy is modelled after the AUMA template with the inclusion of some other communities' verbiage on when and how the Town should engage the public

MO2018.124 Zariski, Garbutt moved to adopt Policy 03-18 being the Public Participation Policy.

Councillor J. Garbutt stated the Town's public participation plans needs to be recognized at Council's strategic planning session and it must be counted as a priority as it needs to fall in line with the Town's Communication Strategy. He further explained that Council must be mindful of the level of staff it will require to do this well. Councillor T. Zariski stated that the policy sets out the minimum and that it can be exceeded if the matter needs more public participation.

Vote on Motion: Carried unanimously.

8.2 DIRECTOR OF INFRASTRUCTURE SERVICES

8.3 DIRECTOR OF CORPORATE SERVICES

8.3.1 RFD – Tax Arrears Agreement – Roll No. 01032408

B. Miller advised that Administration is acting on the direction given, has now executed a 3-year tax arrears agreement against Roll No. 01032408 and is seeking a motion of Council to reduce the amount of tax arrears owing on Roll No. 01032408.

MO2018.125 Garbutt, Hansen-Zacharuk moved to go in closed meeting at 5:45 PM re Land Matter – Roll No. 01032408 (FOIPP Act Section 25(1) Economic and other interests of a public body). Carried unanimously.

MO2018.126 Garbutt, Lacher moved to come out of closed meeting at 5:50 PM. Carried unanimously.

MO2018.127 Zariski, Garbutt moved to authorize the reduction of tax arrears on Roll No. 01032408 to the settlement (tax arrears agreement) amount. Carried unanimously.

8.4. DIRECTOR OF COMMUNITY SERVICES

8.5 DIRECTOR OF PROTECTIVE SERVICES

9.0 PRESENTATION OF QUARTERLY REPORTS BY ADMINISTRATION

10.0 PUBLIC HEARING DECISIONS

10.1 Bylaw 06.18 Cannabis Retail – third reading as amended

Amendments to Bylaw 06.18 include:

Cannabis cafés removed as that no requirements set out by the Federal government as of yet;

Section 3 “Cannabis Retail Store” added in:

C-B – Central Commercial District

DT – Downtown Transition District

Hwy-C – Highway Commercial District

C-1 – Local Commercial District

M-1 – Light Industrial District

M-2 – Medium Industrial District

Changes to the land use districts allows the communities of East Coulee and Rosedale to set up a store front operation.

Cannabis retail stores to follow provincial requirements and shall meet the provincial requirements for minimum separation distances (100 m) from schools, a municipal school reserve parcel, a school reserve parcel and provincial health care facilities (this clause does not have to be changed should the Provincial change the requirement); and No separation distance between a store and home education program – following the lead of the Lethbridge planners.

MO2018.128 Zariski, Garbutt moved third reading of Bylaw 06.18 as amended.

In response to Councillor J. Garbutt’s inquiry on Palliser’s previous opinion that a post secondary educational facility would be included under the definition of school and has since retracted that statement as incorrect, D. Drohomerski confirmed that post secondary educational facility falls under the School Act and also falls under the Post Secondary School Act which trumps the School Act so a store is allowed within 100 meters of a post secondary educational facility. Councillor J. Garbutt further asked what jurisdiction covers signage. D. Drohomerski stated that he would have to review the AGLC requirements for signage however the Town can set out standards for the appropriate signage by restricting words such as “high”, etc. Councillor T. Zariski stated that the Town is passing a bylaw to allow the cannabis retail stores in these districts as discretionary uses and as such must be reviewed and approval at the MPC level. He further explained that MPC will set out conditions for each application including signage. Councillor T. Lacher asked for clarity on the store to store distance and asked if this was the requirement of AGLC. D. Drohomerski advised that AGLC has no set distances between cannabis retail stores and the Town is proposing the same. Councillor T. Lacher stated that he wanted it recorded that the Town of Drumheller has removed the separation distance from the originating bylaw and the amended bylaw now has no separation distance between cannabis retail stores.

Vote on Motion: Carried unanimously.

11.0 UNFINISHED BUSINESS

12.0 NOTICE OF MOTION

13.0 MAYOR AND COUNCILLORS REPORTS

13.1 Mayor Heather Colberg – Council’s Summer Schedule for the month of August
MO2018.129 Zariski, DeMott moved that Council accept Council’s summer schedule with the following meetings in August cancelled: and for August 27th to be determined. Carried unanimously.

14.0 CLOSED MEETING

MO2018.130 Garbutt, DeMott moved to go into closed meeting of Council at 6:05 PM. Carried unanimously.

14.1 Land Matter – Elks Demolition (*FOIPP Act Section 25(1) Economic and other interests of a public body*)

14.2 Legal Matter – Community Assistance Policy (Request from Royal Canadian Legion) (*FOIPP Section 23 Local Public Body Confidence*)

MO2018.131 DeMott, Lacher moved to revert to open meeting at 7:28 PM. Carried unanimously.

14.1 Land Matter – Elks Demolition

MO2018.132 Hansen-Zacharuk, Garbutt moved to authorize the purchase of Plan 3099AD, Block 25, Lots 36-38 inclusive for \$1.00 and Plan 3099AD, Block 25, Lot 12 and the most southerly 8’4” Lot 13 for \$1.00.

Carried unanimously

MO2018.133 Garbutt, Zariski moved to direct Administration to request that the Registrar for Land Titles to issue a Certificate of Title for Plan 2691BC, Block 33, Lot 26 in the municipality’s name. Carried unanimously.

There being no further business, the Mayor declared the meeting adjourned at 7:30 PM.

Chief Administrative Officer

Mayor