

**Town of Drumheller
COUNCIL MEETING
MINUTES**

**August 20, 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

Fred Makowecki

Tom Zariski

CHIEF ADMINISTRATIVE OFFICER/ENGINEER:

Darryl Drohomerski

DIRECTOR OF CORPORATE SERVICES:

Barb Miller

DIRECTOR OF INFRASTRUCTURE SERVICES:

Armia Mikhael

RECORDING SECRETARY:

Linda Handy

Absent:

DIRECTOR OF PROTECTIVE SERVICES:

Greg Peters

ACTING DIRECTOR OF COMMUNITY SERVICES:

Darren Goldthorpe

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 welcomed everyone back from the summer break.

3.0 PUBLIC HEARING commenced at 5:30 PM

Mayor Heather Colberg called the public hearing to order at 5:30 PM.

Mayor Colberg asked CAO D. Drohomerski to state the purpose of the Public Hearing. D. Drohomerski stated that the purpose of the Public Hearing is to consider Bylaw 09.18

being a bylaw to close a portion of an unused and undeveloped public street and sell and incorporate the same with the adjacent lands (6th Street West) to accommodate a deck. He further advised that letters have been sent to all utility companies and following the public hearing the bylaw will be sent to the Minister of Transportation for his approval.

Mayor Colberg asked if any correspondence has been received. Secretary L. Handy advised that ATCO Electric has advised that they will require an easement.

There were no speakers in attendance.

Mayor Colberg asked for comments from Council.

Councillor T. Zariski stated that when the property owner or the contractor acting on behalf of the property owner do not obtain the proper permitting, Council needs to consider implementing fines to deter from this type of situation occurring in the future. Councillor J. Garbutt asked if the portion of the unused lane would be sold to the property owner. D. Drohomerski stated yes, confirming that the sale involves a one-foot strip along the length of the property. He advised that closing this portion of unused lane and selling same to the property owner is the fairest way in dealing with the situation. He further advised that the homeowner is responsible for the costs associated with the survey and consolidation of the property including the value of the land. He stated that following the sale and consolidation of the land, the deck will be in compliance with the requirements within the Land Use Bylaw.

Mayor Colberg recommended that Administration communicate to the public informational material on the requirements for proper permitting for property owners and /or contractors to avoid future incidents of this nature and potential fines.

Mayor Colberg closed the public hearing at 5:45 PM.

4.0 ADOPTION OF AGENDA

Addition to Agenda: 14.3 Legal Matter (*FOIPP Section 23 Local Public Body Confidences*)

MO2018.134 Hansen-Zacharuk, 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 July 9, 2018

MO2018.135 Garbutt, Lacher moved to adopt the Regular Council Meeting Minutes of July 9, 2018 as presented. Carried unanimously.

5.2. MINUTES OF MEETING PRESENTED FOR INFORMATION

- 5.2.1 Municipal Planning Commission Meeting Minutes of June 14, 2018
- 5.2.2 Municipal Planning Commission Meeting Minutes of June 28, 2018
- 5.2.3 Municipal Planning Commission Meeting Minutes of July 28, 2018

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 10.18 – Amendment to Community Standards Bylaw and Schedule A re Tobacco and Cannabis Use – 2nd and 3rd readings

D. Drohomerski advised that Bylaw 10.18 received first reading at Council's meeting of July 9, 2018. He recommended that Council proceed to 2nd and 3rd readings of Bylaw 10.18.

MO2018.136 Garbutt, Hansen-Zacharuk moved second reading of Bylaw 10.18.

Councillor J. Garbutt asked if any public comments have been received on the proposed bylaw, in particular with the complete prohibition of public smoking of cannabis. Councillor L. Hansen-Zacharuk expressed concern with the bylaw as written and whether it would allow for a designated area for smoking of cannabis at festivals, special events, etc., similar to what the City of Calgary has implemented. She further stated that the Town needs to provide some leeway to accommodate the smoking of cannabis at some events. Councillor F. Makowecki stated that there are a lot of visitors coming to Drumheller and the Town has no designated area for visitors to smoke cannabis. Councillor J. Garbutt stated that the bylaw does not prohibit smoking of cannabis on private property; the bylaw addresses public property and questioned if the Town would permit smoking of cannabis on park property under a special events permit, such as the rental of the ball diamonds. Councillor K. DeMott stated that the Town must legislate the smoking of cannabis similar to alcohol use. Councillor T. Zariski stated that the Town may have to have two designated smoking areas at Town facilities: smoking of tobacco and smoking of cannabis.

In response to Council's questions, D. Drohomerski explained that providing an area for cannabis smoking may be feasible within the special events permit. He further explained that consumption of cannabis is not permitted within Town facilities, regardless that the facility is being used for a private event. He further noted that regulations for consuming medical cannabis are subject to the Provincial legislation. He further noted that the Town's fines are in line with other communities' fines.

Vote on Motion: Carried unanimously.

MO2018.137 Lacher, Zariski moved third reading of Bylaw 10.18. Carried unanimously.

8.1.2 Bylaw 13.18 being a bylaw to enter into an Agreement granting ATCO Electric Ltd. the right to provide electric distribution service within the Municipality – first reading
D. Drohomerski presented Bylaw 13.18, advising that ATCO representatives were in attendance at Council's meeting of December 18, 2017 to provide an overview of the proposed franchise agreement. At that time, ATCO representatives explained that the current agreement expires in November 2018 and the proposal is for a new 10-year agreement with two 5-year extensions at a franchise rate of 9%.

In response to a question from Council on an explanation regarding invested street lighting versus non-invested street lighting, B. Miller explained that invested street lighting is where ATCO installs the pole and the Town gets a rate equivalent to \$2800. ATCO then takes care of any maintenance that is attached to that pole. She further stated that with the non-invested street lighting, the Town pays for the poles. She explained that the Town pays a higher rate for invested versus non-invested street lighting. In the new franchise agreement, all poles will be transitioned to the new calculations and ATCO will own all the poles. Mayor Colberg asked that the explanation provided by B. Miller be verified prior to next reading of the Bylaw.

MO2018.138 Garbutt, Zariski moved first reading of Bylaw 13.18. Carried unanimously.

8.1.3 RFD – Valley Auto Recyclers (Approval of Subdivision Extension)

D. Drohomerski advised that the Town of Drumheller agreed to sell about an acre of land to Valley Recyclers about five (5) years ago subject to a subdivision application approval and subsequent consolidation with the adjacent land. He further advised that although Palliser Regional Municipal Services approved the subdivision, the time limit for meeting their conditions has expired. Hunter Survey Systems has registered the legal access easement to these lands however a time extension until October 15, 2018 is required to complete the remaining conditions of the subdivision approval. He further advised that a time extension can only be granted by Council.

MO2018.139 Makowecki, Hansen-Zacharuk moved the following:

WHEREAS: The Town of Drumheller agreed to sell a parcel of land (approximately one acre) to Valley Auto Recyclers Ltd. subject to it being consolidated with their adjacent lands,

AND WHEREAS: Valley Auto Recyclers Ltd. has paid the Town of Drumheller the agreed upon price;

AND WHEREAS: Legal access by way of an access easement was required to be provided to these lands which has now been completed;

AND WHEREAS: Subdivision approval was obtained from the Town's Subdivision Approving Authority; Palliser Regional Municipal Services (File: 80/114) but the approved time period has expired;

AND WHEREAS: Although Palliser Regional Municipal Services is willing to grant a time extension to their subdivision approval they find time extensions require the approval of the Council of The Town of Drumheller;

NOW THEREFORE: The Council of The Town of Drumheller enacts this resolution and directs Palliser Regional Municipal Services to extend the time period of their approval of subdivision File: 80/114 to 15 October 2018 to allow time to complete the final approval process and subsequent registration of this subdivision and related documents in the Land Titles Office.

Carried unanimously.

8.2 DIRECTOR OF INFRASTRUCTURE SERVICES

8.2.1 RFD – Drumheller Cemetery Expansion

A. Mikhael advised that on May 11, 2018 the Drumheller Cemetery Expansion (Phase 3) project was tendered out and posted on the Town website and on the Alberta Purchasing Connection. The opportunity was closed on May 24, 2018 at 2:00 PM with a total of six tenders received with Northridge Contracting Ltd. submitting the lowest bid in the amount of \$130,900.00. He explained that the 2018 Capital Budget has allocated a total of \$150,000.00 for this Phase 3 Cemetery Expansion Project. At the time the budget was based on a cost estimate for construction and didn't include monies for engineering or other requirements such as the Paleontological Historical Assessment and Monitoring Program during construction and the engineering. With the inclusion of these components, the total anticipated cost of the project will be \$180,000.00, with a budget overage by \$30,000.00. He explained that there are dollars available in the Facility Reserve to accommodate this over expenditure.

MO2018.140 Zariski, Lacher moved that the budget of the Drumheller Cemetery Expansion (Phase 3) project be increased by the amount of \$30,000.00 (which will be coming out of reserves) and tender be awarded to Northridge Contracting Ltd. for the amount of \$130,900.00 excluding GST.

In response to questions from Council, A. Mikhael stated that the Town needs to move forward on expansion because the Town is running out of plots based on the sale of 50-75 plots per year. D. Drohomerski stated that two years ago when the project was budgeted for, it was determined that the Town would do the project over two years with the landscaping taking place in the second year. Councillor J. Garbutt asked that Administration do whatever they can to avoid using the contingency.

Vote on Motion: Carried unanimously.

8.3 DIRECTOR OF CORPORATE SERVICES

8.3.1 RFD – Remuneration Task Force – Approval of Amended Terms of Reference and Appointment of Public at Large Members

B. Miller advised that Administration is seeking approval of the amended Terms of Reference for Council Wages as well as the appointments of the independent committee to conduct a review of Policy C-04-14 known as the Remuneration and Expense Allowance for Mayor and Council. She further noted that October 9th, 2018 is the date for bringing their report back to Council for approval.

MO2018.141 Lacher, DeMott moved to approve the Elected Official Remuneration Review Task Force Terms of Reference as amended.

Councillor J. Garbutt requested that the Task Force be advised that Council will be losing the preferred 1/3 tax free portion of their general compensation in 2019 resulting in a net compensation decrease. He stated that he would like this factored into their considerations.

Vote on Motion: Carried unanimously.

MO2018.142 Zariski, Makowecki moved to appoint Bob Sheddy, Robert Jackson, Eileen Lefley, Denise Lines, BJ Gallagher and Dwyn-Anne Appleton to the Elected Officials Remuneration Review Task Force for a term ending November 1, 2018.

MO2018.143 Hansen-Zacharuk, Garbutt moved to closed meeting at 5:05 PM. Carried unanimously.

MO2018.144 Garbutt, Makowecki moved to return to open meeting at 5:29 PM. Carried unanimously.

Councillor J. Garbutt put forward a friendly amendment to **MO2018.142** to appoint only five (5) members by secret ballot from the list supplied to ensure no tie votes will result. Councillors T. Zariski agreed to the friendly amendment.

MO2018.142A Garbutt, DeMott moved to appoint only (5) members to the Elected Official Remuneration Review Task Force for a term ending November 1, 2018 by secret ballot from the list supplied to ensure no tie votes will result.

Secretary L. Handy advised that the appointed five (5) names from the secret ballot are: Bob Sheddy, Eileen Lefley, Denise Lines, BJ Gallagher, Dwyn-Anne Appleton. 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

11.0 UNFINISHED BUSINESS

12.0 NOTICE OF MOTION

13.0 MAYOR AND COUNCILLORS REPORTS

14.0 CLOSED MEETING

MO2018.145 Hansen-Zacharuk, Lacher moved to go into closed meeting of Council at 5:45 PM. Carried unanimously.

14.1 Land Matter – Flood Mitigation Priorities (*FOIPP Section 23 Local Public Body Confidences*)

14.2 Labour Matter – (*FOIPP Section 23 Local Public Body Confidence*)

14.3 Legal Matter – (*FOIPP Section 23 Local Public Body Confidence*)

MO2018.146 Hansen-Zacharuk, DeMott moved to revert to open meeting at 8:35 PM. Carried unanimously.

There being no further business, the Mayor declared the meeting adjourned at 8:35 PM.

Chief Administrative Officer

Mayor