

**Town of Drumheller
COUNCIL MEETING
MINUTES**

**February 5, 2018 at 4:30 PM
Council Chamber, Town Hall
224 Centre Street, Drumheller, AB, T0J 0Y4**



PRESENT:

ACTING MAYOR:

Tom Zariski

COUNCIL:

Kristyne DeMott

Jay Garbutt

Tony Lacher

Fred Makowecki

Lisa Hansen-Zacharuk

CHIEF ADMINISTRATIVE OFFICER/ENGINEER:

Darryl Drohomerski

DIRECTOR OF INFRASTRUCTURE SERVICES:

Armia Mikhaiel

DIRECTOR OF CORPORATE SERVICES

Barb Miller

DIRECTOR OF PROTECTIVE SERVICES:

Greg Peters

DIRECTOR OF COMMUNITY SERVICES:

Paul Salvatore

RECORDING SECRETARY:

Linda Handy

ABSENT: Mayor Heather Colberg

1.0 CALL TO ORDER

Acting Mayor Tom Zariski called the meeting to order at 4:30 PM.

2.0 MAYOR'S OPENING REMARK

3.0 PUBLIC HEARING

4.0 ADOPTION OF AGENDA

Addition to Agenda 14.1 Labour Matter

MO2018.17 Garbutt, Hansen-Zacharuk 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 January 22, 2018

Councillor J. Garbutt stated that under his report 13.1 Sandstone Manor the word “red” should read “rent supplement”.

MO2018.18 Garbutt, DeMott moved to adopt the Regular Council Meeting Minutes of January 22, 2018 as amended. Carried unanimously.

5.2. MINUTES OF MEETING PRESENTED FOR INFORMATION

Municipal Planning Commission Meeting Minutes of October 26, 2017

Municipal Planning Commission Meeting Minutes of November 30, 2017

5.3. BUSINESS ARISING FROM THE MINUTES

6.0 DELEGATIONS

6.1 Drumheller Curling Club

Lorelei Martin provided background information on the Curling Club Committee’s operations to date. Larry Needham - President of the Drumheller Curling Club and members of the Badlands Hellraisers Roller Derby Club were in attendance (as they are partnering with the Curling Club on a new building). She explained that the Club’s historical records state that they have been active in the community since 1932; with incorporation as a Society in 1983. She stated that curling brings communities together and the building is more than a recreation facility; it’s a meeting place. Some of their established / recent activities include a Juniors Program, Mixed Double Drop-in League with 14 registered teams, and Bantam Events. She further stated that their expenses include utilities, one paid employee, and \$16,000 towards the cost of the ice plant. Part of their fundraising include: casinos, raffles and cleaning bees. A dedicated group of volunteers do repairs and maintenance to the building which is leased from the Town. They have recently replaced a furnace on the ice surface and one inside the building. She stated that they received a grant for some of the furnace expense as well as a grant for the feasibility study for the new building with the rest being raised by the club members.

L. Martin explained that the Roller Derby Club would like to partner on the new building as they are needing space for their activities and both groups see the partnership as a good fit. Robyn Duncalf – Derby Club explained that they are currently using the Ag Society building for practice however they are not able to host local tournaments.

L. Martin advised that GEC Architecture were retained in February 2016 to undertake a feasibility study for the replacement of the existing Drumheller Curling Club with a new facility. The Club and the Town have jointly funded the study. She explained that the site for the new facility was established based upon previous Master Planning work undertaken for the development of the Badlands Recreation Facility. The new

curling facility is proposed north of the exiting Drumheller Arena and south of the Red Dee River however a second option would be an east and west location. The majority of their members would like to see a new facility with six (6) sheets of ice. The preferred north and south location would yield more parking however the logistics surrounding the dykes and walking trail need to be discussed. L. Martin presented a design of the proposed new facility with an open area that would accommodate the needs of the Roller Derby Club and have a shared refrigeration system with the arena. The estimated cost of construction would be \$5.7M to \$8.4M with the steel four (4) sheet option at the low end and the wood six (six) sheet option at the high end.

L. Martin explained that the request today includes:

- 1) a written formal commitment for the land;
- 2) review of operating costs (ice plant power bills as there have been inability in the past to figure out an accurate usage); both the Town and GEC architect have acknowledge that the best strategy would be for the new building to be hooked up to the new ice plant;
- 3) geotechnical report; need support from Council to cost share; north and south option is close to the river and the geotechnical report will determine if this location is suitable;
- 4) Town to partner with the Curling Club application to the Building Canada Fund – which should be available for submission in 2018 (4 year cycle grant); three way partnering grant with Federal, Provincial and Municipal; if Town makes a commitment on the land this would be an in-kind contribution that would be included as partner costs.

Questions from Council:

Councillor L. Hansen-Zacharuk asked what the financial implications would be to move the existing berms. D. Drohomerski stated that the berms will need to be rebuilt in this location regardless. He stated that a geotechnical report was recommended by the GEC architect as the river has moved in that area and the landfill was once located there. He further stated that soil bore holes will need to be drilled not only for the location of the curling rink but also for the rebuild of the dykes; similar work was carried out prior to the construction of the BCF however the drill holes are too far from the site for the curling rink. Councillor L. Hansen Zacharuk asked the dollar commitment from the Town towards the Building Canada Grant application. L. Martin stated that the dollars are not finalized yet; ground work needs to be considered; the value of land assessed as well as any in-kind contributions; and the Club needs a firm commitment on the land and sharing of the ice plant. She further stated that both the Curling Club and Derby Club will fundraise. She explained that the cost for the geotechnical report is estimated to be \$13,000 to \$18,000 and would be a requirement for submission with the grant application. It is anticipated that the work will take six (6) months to complete. She explained that construction would be 14-18 months.

In response to questions from Council, L. Martin explained that the Roller Derby

needs a surface of 98 x 63 ft.; and the proposed ice surface is 1100 square meters; minimal design changes may need to be made to the building design to accommodate their needs. L. Martin also confirmed that six (6) sheets would attract more tournaments. She also confirmed that the Club has 150 regular members (not including spares and drop-ins) with 100 dedicated volunteers.

Council thanked Lorelei for her presentation.

7.0 COMMITTEE OF THE WHOLE RECOMMENDATIONS

8.0 REQUEST FOR DECISION REPORTS

8.1 CAO

8.1.1 Bylaw 03.18 (RFD – Municipal Government Act Amendments pertaining to appeal timelines and development permit letters of completeness) – first reading

D. Drohomerski presented two changes required under Bill 21 (Modernized Municipal Government Act): 1) notify applicants if their Development Permit application is complete or incomplete within 20 days of the submission; and 2) appeals for a development permit can now be submitted within a “21” day timeframe rather than the previous “14” days. He recommended that Council proceed to first reading to allow for a Public Hearing to be held on March 5th.

MO2018.19 Garbutt, Hansen-Zacharuk moved first reading to Bylaw 03.18. Carried unanimously.

8.2 DIRECTOR OF INFRASTRUCTURE SERVICES

8.3 DIRECTOR OF CORPORATE SERVICES

8.3.1 Bylaw 02.18 being a bylaw to authorize the supplementary assessment for improvements within the Town of Drumheller for the purpose of imposing a tax under Part 10 of the MGA for the 2018 Tax Year – first and second readings

B. Miller presented Bylaw 02.18 which authorizes supplementary assessment for improvements during the taxation year of an improvement. She further explained that in December, the assessor reviews development applications and assesses the development at the point of construction at that time, including machinery and equipment. She recommended that Council proceed with first and second readings of the Bylaw. Councillor J. Garbutt recommended that Council proceed with all three readings of the bylaw as this is an annual bylaw and taxing of supplement assessments has been a long standing practice for the Town.

MO2018.20 Lacher, Hansen-Zacharuk moved first reading of Bylaw 02.18 as presented. Carried unanimously.

MO2018.21 DeMott, Makowecki moved second reading of Bylaw 02.18 as presented. Carried unanimously.

MO2018.22 Garbutt, Hansen-Zacharuk moved no objection to third reading of Bylaw 02.18. Carried unanimously.

MO2018.23 Garbutt, Hansen-Zacharuk moved third reading of Bylaw 02.18. Carried unanimously.

8.3.2 RFD – Bad Debt – Utility Accounts

B. Miller presented outstanding utility account balances deemed uncollectable and recommended that Council approve the write off of five (5) 2016 utility accounts ranging from \$148.40 to \$4,031.03. She explained that Generally Accepted Accounting Principles (GAAP) requires an allowance for bad debt to be recorded at year to reflect probable uncollectable receivables. The allowance for these accounts was recorded as an expense in the financial statements as of December 31, 2017.

MO2018.24 Garbutt, Hansen-Zacharuk moved to approve the write off of the 2016 utility bad debts in the amount of \$5,059.63 against the allowance for bad debt account.

Councillor J. Garbutt asked if the larger amount results from a commercial operation. B. Miller confirmed yes. Councillor L. Hansen-Zacharuk asked if the Town will continue to pursue collection of these outstanding accounts through a third party. B. Miller confirmed yes.

Vote on motion:

Carried unanimously.

8.4. DIRECTOR OF COMMUNITY SERVICES

8.4.1 Bylaw 01.08 being a bylaw to regulate mobile vending – first reading

P. Salvatore presented the Bylaw 01.08 to regulate mobile vending noting that the bylaw captures Council's direction following a previous discussion at Council's meeting of January 29th. He stated that the bylaw is modeled after the Town of Olds and their application process is consistent with the Town's permitting process with a mobile vending fee in place of a development permit fee. He noted Schedule A which sets a \$250 fee for resident business and a \$350 fee for nonresident business per calendar year; and an appeal request fee of \$150.00. Schedule B lists the penalties; and Schedule C is the application for a vending business.

MO2018.25 Garbutt, Lacher moved first reading on Bylaw 01.18.

Councillor F. Makowecki asked if a distance of 25 meters from commercial retail is a standard distance? P. Salvatore explained that this distance appears in a variety of bylaws and he chose 25 meters as a reasonable distance and it can be adjusted, if Council wished. Councillor Makowecki asked how the Town would deal with free roaming units – what are the locations for a food truck? P. Salvatore explained that the locations would be applied for at the time of the application process and all submissions are reviewed by the Municipal Planning Commission. He further explained that if the location is private land, then permission from the land owner would be required (Schedule D). D. Drohomerski explained that if an applicant wanted 2-3 locations, the applicant would state this on their application. He further explained that if there are several applicants wanting the same location, a lottery for that area could be carried out. Councillor F. Makowecki concluded by stating that he does not see flexibility built into the bylaw.

Councillor J. Garbutt stated that there are two separate issues and not sure if they can be built into the one bylaw: 1) mobile vendors wanting prime locations and 2) the idea of roaming vendors. Mobile food vendors have a map identifying areas however no map for roaming vendors. He further stated that more clarity in the bylaw is needed to address the two issues.

P. Salvatore explained that Canada Day vendors would operate under a special event permit as well as the market organizers; the fee is \$50.00 per spot. He further explained that the Canada Day fee is waived for those applicants already approved for vendor permits under this bylaw however they would have to follow the requirements for Canada Day which are somewhat different as the rules provide for synergy. Councillor K. DeMott asked for clarification on vendors coming in from Calgary to sell at Drumheller markets. P. Salvatore explained that they would apply under a market organizer and the market organizer would set the fee for their participants and they also regulate the vendors they bring in. He further explained that the Town may ask for a listing of the marketing participants in case of an issue.

It was clarified that Community Futures Youth Program will need a permit but they will not be charged a fee. However, youth fees could be built into the bylaw.

It was clarified that the MPC would address issues such as noise levels for the generators (which is under the Community Standards Bylaw); and set hours of work.

It was clarified that most vendors are only at \$2M coverage however D. Drohomerski explained that new requirements for contractors are at \$5M. Councillor L. Hansen-Zacharuk stated that \$5M coverage would not be affordable for most seasonal vendors.

Councillor T. Lacher agreed with Councillor Makowecki's earlier comments and stated that the bylaw needs more flexibility for year round mobile unit owners. P. Salvatore explained that this type of business would be covered under the home occupation requirements for permitting.

It was clarified that the appeal fee is \$150 with the hearing being set within five days. P. Salvatore explained that the applicant would meet with the Development Officer who would walk them through the process to ensure that the application is ready for the MPC review process. It is at this stage that the applicant would be advised if there are items that may be questioned by the MPC and subsequently may lead to an appeal.

D. Darryl recommended that the vendors have an opportunity to provide their comments on the bylaw.

MO2018.26 Makowecki, Hansen-Zacharuk moved to table MO2018.25 until the next Council meeting. Carried unanimously.

8.4.2 RFD - Community Donation

P. Salvatore advised that further to an individual who wished to remain anonymous, and presentation to Council on January 15th regarding their donation to the community, Administration recommends that the donation be accepted by means of selling 1000 multi-facility drop-in passes at the cost of \$2.00 per pass with an expiry date of August 31, 2018.

MO2018.27 Garbutt, Hansen-Zacharuk moved to accept the anonymous donation up to 1000 multi-facility passes at \$2.00 per pass with an expiry date of August 31, 2018; and further that Administration and the Donor work together annually to ensure the success of the gift.

In response to a question from Council on the reason for an expiry date, D. Drohomerski explained that the Donor wanted an expiry date to track the usage with a limited time offer which coincides with the school year. As well, the passes will be tracked through color coding and a numbering system. He further explained that this first go around is a trial procedure and if this process is not successful, the logistics will be revisited next year with Town Administration and the Donor.

Vote on Motion:
Carried unanimously.

Acting Mayor T. Zariski, on behalf of Council, thanked the Donor for their gift to the community.

8.5 DIRECTOR OF PROTECTIVE SERVICES

9.0 PRESENTATION OF QUARTERLY REPORTS BY ADMINISTRATION

10.0 PUBLIC HEARING DECISIONS

10.1 Bylaw 13.17 being a bylaw to amend the Land Use Bylaw by redesignating Plan 3099 AD Block 24 Lots 39 and 40 Plan 1712437 Block 24 Lots 39 and 40 from CB (Central Commercial) District to DT (Downtown Transition) District – second and third readings as amended

D. Drohomerski advised that Bylaw 13.17 received first reading at Council's meeting of December 11, 2017 and a Public Hearing was held on January 22nd.

MO2018.28 Garbutt, DeMott moved second reading of Bylaw 13.17.

Councillor T. Lacher abstained from voting due to his absence at the Public Hearing held on January 22nd.

Carried.

MO2018.29 Hansen-Zacharuk, Makowecki moved third reading of Bylaw 13.17.

Councillor J. Garbutt asked if this rezoning would create spot zoning in the downtown core. P. Salvatore explained that the CB (Central Commercial) and DT (Downtown Transitional) districts have compatible uses.

Councillor T. Lacher abstained from voting due to his absence at the Public Hearing held on January 22nd.
Carried.

11.0 UNFINISHED BUSINESS

Motion tabled: MO2018.10 Hansen-Zacharuk, DeMott moved that Council authorize the write-off of 2015 Business License fees that remain outstanding on Account No. R5440 \$925.83 and Account No. R5507 \$4,476.57, against the allowance for bad debt.

12.0 NOTICE OF MOTION

13.0 MAYOR AND COUNCILLORS REPORTS

14.0 IN-CAMERA MATTERS

MO2018.30 Hansen-Zacharuk, Zariski moved to go in camera at 6:17 PM for **Item 11.0** (FOIPP S. 16 Harmful to Business Interests of Third Party / S.23 (FOIPP Act) Local Public Body Confidences) **and (addition to agenda) Item 14.1** (S.17 Disclosure Harmful to Personal Privacy). Carried unanimously.

MO2018.31 Hansen-Zacharuk, DeMott moved to revert to regular Council meeting at 7:55 PM. Carried unanimously.

11.0 Unfinished Business

MO2018.10 Hansen-Zacharuk, DeMott moved that Council authorize the write-off of 2015 Business License fees that remain outstanding on Account No. R5440 \$925.83 and Account No. R5507 \$4,476.57, against the allowance for bad debt. Carried unanimously.

14.1 Labour Matter

There being no further business, the Acting Mayor declared the meeting adjourned 7:56 PM.

Chief Administrative Officer

Acting Mayor