



TOWN OF DRUMHELLER
REGULAR COUNCIL MEETING

MINUTES

TIME & DATE: 4:30 PM – Monday, September 23, 2024

LOCATION: Council Chambers, 224 Centre Street and via Zoom platform

[Live Stream on Drumheller Valley YouTube Channel](#)

IN ATTENDANCE

Mayor Heather Colberg

Councillor Patrick Kolafa (regrets)

Councillor Stephanie Price

Councillor Tony Lacher

Councillor Crystal Sereda

Councillor Tom Zariski (regrets)

Councillor Lisa Hansen-Zacharuk

Chief Administrative Officer: Darryl Drohomerski

Director of Corporate & Community Services: Victoria Chan (regrets)

Director of Infrastructure: Jared Brounstein

Dir. of Emergency and Protective Services: Greg Peters (regrets)

Flood Resiliency Project Director: Deighen Blakely

Manager of Legislative Services: Mitchell Visser

Communications Officer: Erica Crocker

Reality Bytes IT: David Vidal

Recording Secretary: Angela Keibel

1. CALL TO ORDER

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

2. OPENING COMMENTS

Mayor Colberg and Councillor Sereda informed Council that September 30, 2024, is the National Day for Truth and Reconciliation, and there will be a free family friendly event at the plaza from 11:00 -1:00 – everyone is welcome.

3. ADDITIONS TO THE AGENDA

4. ADOPTION OF AGENDA

4.1 **Agenda for September 23, 2024, Regular Council Meeting**

Councillor Hansen-Zacharuk noted that Adjournment should be numbered as item 11, not 10.

M2024.297 Moved by Councillor Hansen-Zacharuk, Councillor Sereda

That Council adopt the agenda for the September 23, 2024, Regular Meeting of Council as amended.

CARRIED UNANIMOUSLY

5. MEETING MINUTES

5.1 **Minutes for the September 9, 2024, Regular Meeting of Council**

Agenda Attachment: Regular Council Meeting – September 9, 2024 – Draft Minutes

M2024.298 Moved by Councillor Lacher, Councillor Price

That Council approve the minutes for the September 9, 2024, Regular Meeting as presented.

CARRIED UNANIMOUSLY

6. COUNCIL BOARDS AND COMMITTEES

7. DELEGATIONS

9. COUNCIL BOARDS AND COMMITTEES

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

9.1 **Chief Administrative Officer**

YouTube Timestamp: 6:02

9.1.1 **Nacmine East End, Road Closure Bylaw #02.24 – Second Reading**

Agenda Attachments: Request-for-Decision; Nacmine East End, Road Closure Bylaw #02.24 – 2nd Reading

M2024.299 Moved by Councillor Hansen-Zacharuk, Councillor Price

That Council give Second Reading to Road Closure Bylaw #02.24, as presented.

CARRIED UNANIMOUSLY

M2024.300 Moved by Councillor Sereda, Councillor Lacher

That Council give Third and Final Reading to Road Closure Bylaw #02.24, as presented.

CARRIED UNANIMOUSLY

9.1.2 **Nacmine 4th Street, Road Closure Bylaw #03.24 – Second Reading**

Agenda Attachments: Request-for-Decision; Nacmine 4th Street, Road Closure Bylaw #03.24 – 2nd Reading

M2024.301 Moved by Councillor Lacher, Councillor Price
That Council give Second Reading to Road Closure Bylaw #03.24, as presented.

CARRIED UNANIMOUSLY

M2024.302 Moved by Councillor Sereda, Councillor Hansen-Zacharuk
That Council give Third and Final reading to Road Closure Bylaw #03.24, as presented.

CARRIED UNANIMOUSLY

9.1.3 Rosedale Mabbott Road, Road Closure Bylaw #06.24 – Second Reading

Agenda Attachments: Request-for-Decision; Rosedale Mabbot Road, Road Closure Bylaw #06.24 – 2nd Reading

M2024.303 Moved by Councillor Price, Councillor Lacher
That Council give Second Reading to Road Closure Bylaw #06.24, as presented.

CARRIED UNANIMOUSLY

M2024.304 Moved by Councillor Sereda, Councillor Hansen-Zacharuk
That Council give Third and Final reading to Road Closure Bylaw #06.24, as presented.

CARRIED UNANIMOUSLY

9.1.4 Rosedale Pinter Drive, Road Closure Bylaw #07.24 – Second Reading

Agenda Attachments: Request-for-Decision; Rosedale Pinter Drive, Road Closure Bylaw #07.24 – 2nd Reading

M2024.305 Moved by Councillor Price, Councillor Sereda
That Council give Second Reading to Road Closure Bylaw #07.24, as presented.

CARRIED UNANIMOUSLY

M2024.306 Moved by Councillor Lacher, Councillor Hansen-Zacharuk
That Council give Third and Final reading to Road Closure Bylaw #07.24, as presented.

CARRIED UNANIMOUSLY

9.1.5 Bylaw #27.24 – East Coulee West PULs

Agenda Attachments: Request-for-Decision; Bylaw #27.24 – East Coulee North PULs

M2024.307 Moved by Councillor Price, Councillor Hansen-Zacharuk
That Council give First Reading to Bylaw #27.24 – East Coulee West PULs

CARRIED UNANIMOUSLY

- M2024.308** Moved by Councillor Sereda, Councillor Lacher
That Council give Second Reading to Bylaw #27.24 – East Coulee West PULs.

CARRIED UNANIMOUSLY

- M2024.309** Moved by Councillor Lacher, Councillor Hansen-Zacharuk
That Council gives unanimous consent for Third Reading to Bylaw #27.24 – East Coulee West PULs.

CARRIED UNANIMOUSLY

- M2024.310** Moved by Councillor Price, Councillor Sereda
That Council gives Third Reading to Bylaw #27.24 – East Coulee West PULs.

CARRIED UNANIMOUSLY

9.1.6 **Bylaw #28.24 – Revision of Bylaw 17.19**

Agenda Attachments: Request-for-Decision; Bylaw #28.24 – Revision of Bylaw #17.19;
Bylaw #17.19 – 3rd Street SW Road Closure; Revised Bylaw #17.19 – 3rd Street SW
Road Closure

D. Drohomerski informed Council of a clerical error on Page 1 of Bylaw #28.24, that was
incorrectly titled and attached to the published agenda as Bylaw #27.24, which has since
been amended to correctly read Bylaw #28.24.

- M2024.311** Moved by Councillor Price, Councillor Price
That Council give First Reading to Bylaw #28.24 – Revision of Bylaw #17.19 as
amended.

CARRIED UNANIMOUSLY

- M2024.312** Moved by Councillor Lacher, Councillor Hansen-Zacharuk
That Council give Second Reading to Bylaw #28.24 – Revision of Bylaw #17.19 as
amended.

CARRIED UNANIMOUSLY

- M2024.313** Moved by Councillor Price, Councillor Sereda
That Council gives unanimous consent for Third Reading to Bylaw #28.24 –
Revision of Bylaw #17.19 as amended.

CARRIED UNANIMOUSLY

- M2024.314** Moved by Councillor Sereda, Councillor Hansen-Zacharuk
That Council gives Third and Final Reading to Bylaw #28.24 – Revision of Bylaw
#17.19 as amended.

CARRIED UNANIMOUSLY

9.2 **Flood Resiliency Project Director**

YouTube Timestamp: 26:28

9.2.1 **Drumheller Resiliency and Flood Mitigation Program – Resolution for Expropriation of a Partial Parcel for Berm Construction affecting Lot 7, Plan 9911430
80 Railway Avenue, Rosedale**

Agenda Attachments: Request-for-Decision; Certificate of Approval; Resolution of Council

M2024.315 Moved by Councillor Lacher, Councillor Hansen-Zacharuk
That Council approve the Certificate of Approval and Resolution for Expropriation pertaining to a portion of the parcel of land described as Lot 7, Plan 9911430; Title Number 171 233 365.

CARRIED UNANIMOUSLY

Mayor Colberg called a recess at 4:55 p.m. until the Public Hearing at 5:30 p.m.

Mayor Colberg resumed the meeting and called the Public Hearing to order at 5:30 p.m.

8. PUBLIC HEARING AT 5:30 P.M.

YouTube Timestamp: 1:04:11

8.1 **Proposed Bylaw #24.24 – Advertising Bylaw**

- Mayor Opened the Public Hearing and Introduced the Matter
- Presentation of Information – Manager of Legislative Services
The Advertising Bylaw was drafted in accordance with section 606.1 of the Municipal Government Act (MGA). There are regulations within the MGA which dictate how municipalities can advertise certain statutory items and also how the municipality operates. Section 606.1 allows municipalities to create an advertising bylaw, which will allow for changes in how municipalities advertise. Advertising Bylaw #24.24 gives the Town of Drumheller some flexibility in how it advertises to its residents. The provisions required the Town to advertise in the paper for two weeks, within a specified time period before public hearings. Example: For some provisions in the MGA this will allow flexibility to post on the Town's website, use social media, other means of advertising to residents rather than only what is in the MGA, as the trend is that people are moving away from getting their information only from print media. The Town will still use print media, but the Advertising Bylaw will allow for flexibility to advertise through digital media as well.

The Circulation and Advertisement Standards Policy is intended to be used with the Advertising Bylaw and provides guidelines both to Town staff and residents regarding specifics about how the Town will advertise.

- Rules of Conduct for Public Participation – Mayor Colberg requested that only subject matter associated with the proposed bylaw be presented; if there are any questions, they may need to be addressed at a future meeting; asked that all views are respected, and to allow each person their time to speak; Council may ask presenters questions once the presentation is complete. All the material related to Public Hearing will be documented and taken into consideration.
- Public Participation – Pre-Registered to Present in Person – Devin Diano pre-registered to present in person.

A summary of Mr. Diano's position to oppose the Advertising Bylaw and Circulation and Advertisement Standards Policy is as follows:

- The proposed bylaw and policy impacts Palliser Regional Municipal Services (PRMS) services.
- The Municipal Government Act (MGA) permits a municipality to determine unique regulations on circulations for subdivision, Subdivision and Development Appeal Boards (SDAB), and development applications. It enables this by allowing a municipality to identify additional lands that would be considered "adjacent". However, sections 616(a), 640(3), 640(2), 642(4) and 686(1)(b) indicate that it must occur in a Land Use Bylaw (LUB), not a separate policy. As such, PRMS has indicated to Town administration that any circulation policies in relation to the items listed above must occur in the LUB and not a policy.
- Circulation requirements for development put in a policy would not be in accordance with the MGA, and those regulations need to be in the LUB specifically. This includes both Sections 10 (circulation requirements for Digital Signs) and Section 11 (circulations requirements for development permits) of the Policy.
- Section 9 and 12 of the Policy - Section 606.1 of the MGA does allow a municipality to create alternative means for advertising for items listed under section 606 (such as public hearings), however, the MGA requires those regulations to be in an advertising bylaw and not a policy. One of the reasons why the above items are required by the MGA to be in either in a LUB or Advertising Bylaw is because these bylaws would need to go through a public hearing process and provide the opportunity for public input prior to their adoption or amendment. Whereas a policy does not require a public hearing process, and therefore, would be able to be changed without input from the public. Residents are required to have the opportunity to provide feedback into how circulations occur through the municipality for these types of items.
- Recommendations provided regarding the proposed Advertising Bylaw:
 - Consistency in public hearing advertising- the Advertising Bylaw should include at least 1 consistent method for providing notice of a public hearing. Section 9 of the Policy does accomplish this and provides clear direction on how notice needs to be provided in the case of a Public Hearing, however again these regulations need to be in the Bylaw and not in the Policy as per Section 606.1 of the MGA.
 - The "and/or" language used in "Section 3 Methods of Advertising" in the Bylaw is likely to be problematic for the Town from a legal standpoint.
 - Mr. Diano provided the City of Edmonton Revised Bylaw 18826 – Public Notification Bylaw as an example supporting the PRMS's concerns.

- Other issues noted by PRMS:
 - “Planning Applications” definition includes subdivision, redesignation applications, or concept/master site plans. All three of these “Planning Applications” have very different processes and requirements under the MGA and shouldn’t be lumped together in one group.
 - Schedule B of the Policy also indicates “Other Circulation and Advertising Requirements”- the Methods of Advertising for “Planning Applications” includes “Website; Newspaper; Adjacent Parcels” but there are no clauses in the Policy which refer to Schedule B.
 - Circulation requirements and distances listed under Schedule A of the Policy are rather large and will create administrative burden and strain on staff Town resources in the perspective of PRMS.
 - Bylaw #24.24 makes no reference to the Policy so PRMS is not sure how they tie together as they seem to be written independently.
- Summary of Recommendations from PRMS to Council:
 - Do not adopt a policy with any circulation requirements for subdivision, SDAB, development processes. These items are required by the MGA to be included in the Land Use Bylaw (LUB). If the Policy includes circulation requirements that the Town would still like to see, those could be included in your Land Use Bylaw.
 - Amend Bylaw #24.24: to include any specific requirements you want to see for advertising items under 606 (such as a public hearing) and ensure there is at least one consistent advertising method that needs to occur. Anything above “Method 1” could be considered above and beyond; Remove “and/or” clauses.

Mayor Colberg invited M. Visser to respond to Mr. Diano’s concerns. He provided the following information:

- The Town has disagreements with the PRMS’s interpretation of the MGA and the LUB. The purpose of the policy is to create a singular document that provides guidelines for Town administration and residents to refer to and to know how the Town will advertise. There is no conflict with the Town’s policy and the MGA. Everything related to planning is included in the policy with no conflict to MGA or LUB but the Town will talk further with PRMS and look at removing those planning references.
- Similarly, in relation to Mr. Diano’s comments concerning development permits and digital signage, there is no conflict between what is in the LUB and what is in the Town’s policy.
- The Purpose of the Bylaw is to create the legislative framework for the Town to advertise the above methods, while the Policy provides the specifics of how this advertising should be done.
- Mr. Diano provided one advertising bylaw from Edmonton which fits more into his model of what an advertising bylaw should look like. However, Edmonton is governed by a charter and is only one example of an advertising bylaw. The Town reviewed 11 municipalities’ bylaws that created clear precedence for the advertising bylaw proposed by the Town and use the exact same framework and also use internal guidelines on how the advertising takes place.
- Section 5.16.3 of the Land Use Bylaw *does “provide for how and to whom notice of the issuance of a development permit is to be given.”* Section 5.16.3 states the following:

“when an application for a development permit is approved, the development authority shall send notice of the decision.... (which) will be sent to:

- *The applicant*
- *The owner of the parcels(s); and,*
- *Each owner of adjacent land at the name and address show for that owner; or,*
- *Each owner at such additional distance and direction from the boundaries of the proposed development as, in the opinion of the development authority, may be materially impacted by the development.”*

The Town is still in accordance with the LUB because section 5.15.3(4) allows discretion from the development officer on the circulation distance for each development permit. The only thing Section 11 of the Policy does (Development Permits) is add guidelines and sets minimum standards to this discretion rather than asking development staff to set circulation distance on a case-by-case basis.

- The Town’s development officer agrees that the bylaw and policy are compliant with the MGA and LUB.
- Some smaller issues brought up by Mr. Diano, such as circulation distances and the definition of “adjacent land” can be addressed easily. The Town agrees that the circulation distances are too large and will be bringing an updated policy to Council with reduced advertising distances.
- The inclusion of certain items in the policy rather than in the bylaw is intended to eliminate the necessity for a public hearing when making changes to administrative items. As the policy is established by the Council, it will still be subject to open discussion within the Council, providing opportunities for public input and feedback. Mayor Colberg asked if there were any questions. Hearing none, she stated Council would take into account all comments from the presentation when considering changes to the Advertising Bylaw.
- Public Participation – Pre-Registered to Present Remotely – No one registered to present remotely
- Public Participation – Written Submissions – There were no written submissions.
- Mayor Colberg declared the Public Hearing closed at 6:08 p.m.

CORPORATE AND COMMUNITY SERVICES DEPARTMENT

EMERGENCY AND PROTECTIVE SERVICES DEPARTMENT

INFRASTRUCTURE SERVICES

10. CLOSED SESSION

11. ADJOURNMENT

M2024.316 Moved by Councillor Price, Councillor Hansen-Zacharuk
That Council adjourn the meeting.

CARRIED UNANIMOUSLY

Council adjourned the meeting at 6:08 p.m.




MAYOR


CHIEF ADMINISTRATIVE OFFICER