



TOWN OF DRUMHELLER
REGULAR COUNCIL MEETING

AGENDA

TIME & DATE: 4:30 PM – Monday March 20th 2023

LOCATION: Council Chambers, 224 Centre St and ZOOM Platform and Live Stream on Drumheller Valley YouTube Channel

1. CALL TO ORDER

2. OPENING COMMENTS

3. ADDITIONS TO THE AGENDA

4. ADOPTION OF AGENDA

4.1 Agenda for March 20, 2023, Regular Council Meeting

Proposed Motion: That Council adopt the agenda for the March 20, 2023, Regular Council meeting as presented.

5. MEETING MINUTES

Minutes for March 06, 2023, Regular Council as presented.

[Regular Council Meeting – March 06, 2023 - Minutes](#)

Proposed Motion: Move that Council approve the minutes for the March 06, 2023, Regular Council meeting as presented.

COUNCIL BOARDS AND COMMITTEES

6. DELEGATION

Drumheller and District Chamber of Commerce
Presentation of the Queen Elizabeth II's Platinum Jubilee Medal; Patrick Bonneville

7. REPORTS FROM ADMINISTRATION

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

7.1 Flood Mitigation Project Manager

Request For Decision: Resolution and Notice of Intention to Expropriate Plan 801 1334, Block 3, Lot 3; Title Number 901 092 160; Civic Address 135 River Dr. East Coulee

RFD

Resolution + NOITE

Proposed Motion: Move that Council approve the Resolution Approving Expropriation of the lands identified as Plan 801 1334; Block 3; Lot 3; Title Number 901 092 160 as presented.

CORPORATE AND COMMUNITY SERVICES DEPARTMENT

EMERGENCY AND PROTECTIVE SERVICES

INFRASTRUCTURE DEPARTMENT

8. CLOSED SESSION

8.1 Facilities Project Planning; Third Party Contracts and Work Plan Process
FOIP 16 – Disclosure harmful to business interests of a third party
FOIP 23 (1) – Local public body confidences
FOIP 24 (1) – Advice from Officials

Proposed Motion: That Council close the meeting to the public to discuss facilities project planning, third party contracts and third party work plan process as per FOIP 16 – Disclosure harmful to business interests of a third party, FOIP 23 (1) – Local public body confidences, FOIP 24 (1) – Advice from Officials

9. ADJOURNMENT

Proposed Motion: That Council adjourn the meeting.



TOWN OF DRUMHELLER
REGULAR COUNCIL MEETING

AGENDA

TIME & DATE: 4:30 PM – Monday March 6th , 2023

LOCATION: Council Chambers, 224 Centre St and ZOOM Platform and Live Stream on Drumheller Valley YouTube Channel link

<https://www.youtube.com/watch?v=aGvIDkuWzCo>

IN ATTENDANCE

Mayor Heather Colberg

Councillor Patrick Kolafa

Councillor Stephanie Price

Councillor Tom Zariski

Councillor Tony Lacher

Councillor Crystal Sereda

Councillor Lisa Hansen-Zacharuk

Chief Administrative Officer: Darryl Drohomerski

Director of Infrastructure: Dave Brett (Regrets)

Director of Corporate and Community Services: Mauricio Reyes

Director of Infrastructure:

Flood Resiliency Project Director: Deighen Blakely

Communication Officer: Franciso Collantes

Legislative Services: Denise Lines

Reality Bytes IT: David Vidal

1. CALL TO ORDER

The Mayor opened the meeting at 4:30pm

2. OPENING COMMENTS

International Women's Day – March 8th

Special Olympics in Edmonton – Congratulations to the Drumheller Athletes

Spring Expo – Badlands Community Facility; March 8th 4pm – 7pm

U18 Raptors – Congratulations to the Team

3. ADDITIONS TO THE AGENDA

4. ADOPTION OF AGENDA

4.1 Agenda for March 6, 2023, Regular Council Meeting

M2023.47 Moved by Councillor Sereda, Councillor Price;
that Council adopt the agenda for the March 6, 2023, Regular Council meeting as presented.

Carried unanimously

5. MEETING MINUTES

5.1 Minutes for February 21, 2023, Regular Council as presented.

Agenda attachment: Regular Council Meeting – February 21, 2023 - Minutes

M2023.48 Moved by Councillor Kolafa, Councillor Hansen-Zacharuk;
that Council approve the minutes for the February 21, 2023, Regular Council
meeting as presented.

Carried unanimously

6. COUNCIL BOARDS AND COMMITTEES

6.1 Rails to Trails Task Force Report

Agenda attachment: Presentation and Report

M2023.49 Moved by Councillor Price, Councillor Kolafa;
that Council extend the term of the CN Rails to Trails Fundraising Task Force to May
31, 2023
and approve the revised Terms of Reference for the CN Rails to Trails Fundraising
Task Force as presented.

Carried unanimously

7 REPORTS FROM ADMINISTRATION

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

7.1 Chief Administrative Officer

Time Stamp: <https://www.youtube.com/live/aGvIDkuWzCo?feature=share&t=1109>

7.1.1 Request For Decision: Proposed East Coulee East Road Closure Bylaw 21A.22 and
Set a Public Hearing for April 21

Agenda attachment: RFD; Bylaw + Schedule

M2023.50 Moved by Councillor Lacher, Councillor Kolafa;
that Council repeal motion M2022.247 that passed first reading of Bylaw 21.22.

Carried unanimously

M2023.51 Moved by Councillor Hansen-Zacharuk, Councillor Sereda;
that Council give first reading to East Coulee East Road Closure Bylaw 21A.22
and set a Public Hearing for April 17, 2023 LHZ, CS

Carried

7.1.2 Request For Decision: Resolution and Notice of Intention to Expropriate
Land Title 101 073 610; RW334; RLY; OT and Title 101 073 610 +1; RW334; RLY; OT

The lands adjacent to the Rosedale Suspension Bridge.

Agenda attachment: RFD; Resolution + NOITE

M2023.52 Moved by Councillor Kolafa, Councillor Hansen-Zacharuk;
that Council approve the Resolution Approving Expropriation of the properties
identified as Short Legal RW334; RLY; OT Title Number 101 073 610 and Short
Legal RW334; RLY; OT, Title Number 101 073 610 +1 as presented.

Carried unanimously

7.1.3 Request For Decision: Municipal Development Plan Amendments-B Bylaw 17.22 –
Third Reading

Agenda attachment: RFD; Bylaw

M2023.53 Moved Councillor Zariski, Councillor Sereda;
that Council give third and final reading to MDP 2022 Amendments-B Bylaw
17.22.

Carried unanimously

7.1.4 Request For Decision: Land Use Bylaw Amendments-B Bylaw 16.22 - Third Reading

Agenda attachments: RFD; Bylaw

[Link to Consolidated Land Use Bylaw – Third Reading](#)

M2023.54 Moved by Councillor Price, Councillor Hansen-Zacharuk;
that Council give third and final reading to LUB 2022 Amendments-B Bylaw 16.22

Carried

7.2 Flood Resiliency Program Project Director

Time Stamp: <https://www.youtube.com/live/aGvIDkuWzCo?feature=share&t=1907>

7.2.1 Flood Program Update Presentation

Briefing Note: East Coulee Berm Alignment

Regular update on the progress of the Flood Mitigation project as well as the recent changes to the East Coulee Berm design.

Agenda attachment: Presentation; Briefing Note

CORPORATE AND COMMUNITY SERVICES DEPARTMENT

EMERGENCY AND PROTECTIVE SERVICES

INFRASTRUCTURE DEPARTMENT

7.3 Director of Infrastructure

Time Stamp: <https://www.youtube.com/live/aGvIDkuWzCo?feature=share&t=3111>

7.3.1 Briefing Note: CN Rail to Pedestrian Bridge Conversion – Midland
Presentation by Kelcie Wilson, Project Manager

A progress update for the conversion from train bridge to pedestrian bridge.

Agenda attachment: Briefing Note

8. CLOSED SESSION

- 8.1 Personnel and Facilities; Third Party Contracts and Process;
FOIP 16 – Disclosure harmful to business interests of a third party
FOIP 23 (1) – Local public body confidences
FOIP 24 (1) – Advice from Officials

M2023.55 Moved by Councillor Sereda, Councillor Price;
that Council close the meeting to the public to discuss personnel, facilities, third party contracts and process as per FOIP 16 – Disclosure harmful to business interests of a third party, FOIP 23 (1) – Local public body confidences, FOIP 24 (1) – Advice from Officials. Time 5:31pm

Carried unanimously

M2023.56 Moved by Councillor Sereda, Councillor Lacher;
that Council open the meeting to the public. Time 8:34pm

Carried unanimously

9. ADJOURNMENT

M2023.57 Move by Councillor Price, Councillor Kolafa;
that Council adjourn the meeting. Time 8:34pm

Carried unanimously

MAYOR

CHIEF ADMINISTRATIVE OFFICER

REQUEST FOR DECISION

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Resolution for Expropriation of One Parcel for Berm Construction; Plan 801 1334; Block 3; Lot 3, Title Number 901 092 0160; Civic Address 135 River Dr. East Coulee
DATE:	March 20, 2023
PRESENTED BY:	Deighen Blakely, P.Eng., Flood Resiliency Program – Project Director
ATTACHMENT:	Draft Drawing of Berm Alignment Resolution to Expropriate Notice of Intent to Expropriate; Schedule 'A'

SUMMARY:

Through the Drumheller Resiliency and Flood Mitigation Program, The Town of Drumheller is undertaking construction of structural flood mitigation in the form of berms. To proceed with construction of the East Coulee Phase 2 Berm starting in the spring of 2024, partial or full acquisition of eight parcels is required. Negotiations with these impacted landowners began in November 2022, and have been on-going over the past several months. One of the full-buyout landowners has these landowners have rejected our full buyout offer at Fair Market Value for his property, as determined by an appraisal. As such, the next step in obtaining the property required for construction is expropriation. A Resolution Approving Expropriation must be passed by Council directing its officers and solicitors to take all necessary steps to complete the expropriation.

RECOMMENDATION:

Administration recommends that Council approve the Resolution Approving Expropriation for the lands identified as Plan 8011334, Block 3, Lot 3, Title Number 901 092 160 as presented.

DISCUSSION:

Under Council Policy C-03-22 for Land Acquisition for the Drumheller Resiliency and Flood Mitigation Program, and the Provincial Grant Funding Agreement for 18GRSTR41, full parcel acquisitions can be made at the higher of the appraised or assessed value. An offer has been made to the impacted property owner for the East Coulee Phase 2 Berm project on this basis and the offer has been rejected. Expropriation is the next step in acquiring the property needed to construct the berm.

FINANCIAL IMPACT:

The costs of the land purchase and associated legal fees for the proceedings are eligible for 100% funding under the Alberta Government 18GRSTR41 Grant. Alberta Environment has indicated that they will not compensate for land acquisition over and above the appraised value of the land which has been their practice for all other flood mitigation projects undertaken in the Province. Damages awarded to plaintiffs due to expropriation of their property may be considered for funding on a case-by-case basis by the Alberta Government. Alberta Environment and Protected Areas' legal team will review the particulars behind any damage award before a decision on whether 18GRSTR41 can be used to support these costs. Any costs deemed ineligible will be the responsibility of the Town.

STRATEGIC POLICY ALIGNMENT:

Town Bylaw 11.21 states that Council's Vision is "through a proactive flood-mitigation strategy, we are committed to changing the channel on flood readiness with a sustainable plan to protect Drumheller from future flooding. Together, we will shape the future of our community by protecting our people, our property, our economic growth, our environment and our cultural heritage". Completing the expropriation is required to obtain the property necessary for the berm construction, and will allow the Town free access to manage and maintain the new berms and associated infrastructure moving forward.

COMMUNICATION STRATEGY:

Direct notice of the intended expropriations will be provided to the affected property owner via legal representatives as soon as practicably possible given the legislated considerations and the registration delays at Land Titles. Concurrent with the affected property owner being served with Notice of the Intention to Expropriate, same will be advertised twice in the local newspaper 7-14 days apart, as contemplated in the Expropriation Act.

MOTION:

Councillor _____ moves that Council approve the Resolution Approving Expropriation for the lands identified as Plan 801 1334, Block 3; Lot 3, Title Number 901 092 160, as presented.

SECONDED:



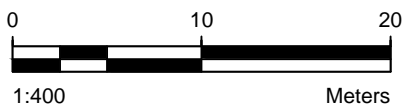
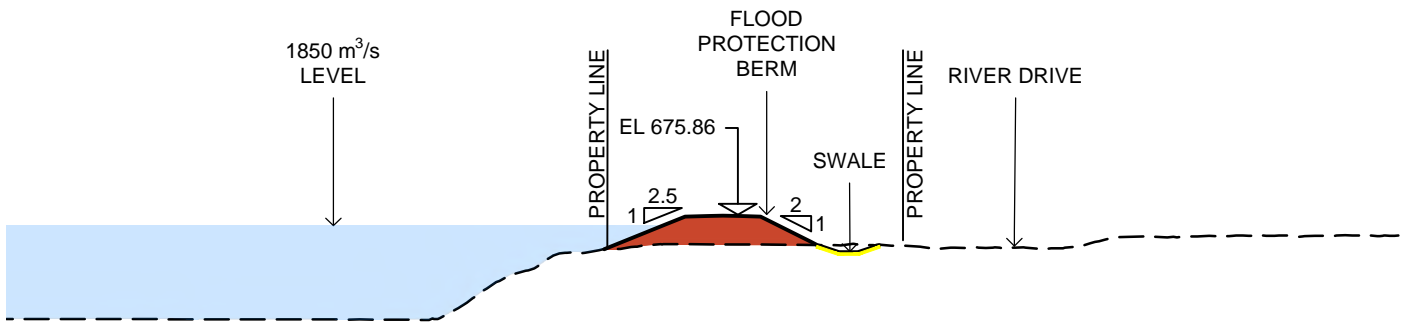
Prepared by:
Deighen Blakely, P.Eng.
DRFMO Project Director





Approved by:
Darryl E. Drohomerski, C.E.T.
Chief Administrative Officer

135 River Drive

Flood Protection Berm



DRAFT

	PROJECT NAME	RESILIENCY AND FLOOD MITIGATION PROGRAM	PROJECT NUMBER CW2384
	SHEET TITLE	EAST COULEE BERM 135 RIVER DRIVE; P8011334, B3, L3	DATE OCT 2022
CLIENT			FIGURE NUMBER 1
			ISSUE/REVISION A

RESOLUTION

REGARDING EXPROPRIATION FOR THE PURPOSE OF ACQUIRING A FEE SIMPLE
INTEREST OVER CERTAIN LANDS LOCATED WITHIN THE TOWN OF DRUMHELLER

WHEREAS the **TOWN OF DRUMHELLER** is desirous of acquiring the entire fee simple estate for the purposes of providing services, facilities or other things to provide flood mitigation to protect surrounding lands from future flooding events and that, in the opinion of council, are necessary or desirable for the benefit of all or a part of the Town:

**Short Legal
8011334;3;3**

**Title Number
901 092 160**

**PLAN 8011334
BLOCK 3
LOT 3**

EXCEPTING THEREOUT ALL MINES AND MINERALS

(as more particularly identified on Schedule "A" attached and hereinafter referred to as the "**Lands**").

AND WHEREAS pursuant to the provisions of the *Municipal Government Act*, RSA 2000, c. M-26, as amended, the **TOWN OF DRUMHELLER** has the authority to acquire a fee simple interest with respect to the Lands by expropriation;

AND WHEREAS the **TOWN OF DRUMHELLER** deems it to be in the public interest and good that the estate in fee simple in the Lands be acquired by expropriation;

AND WHEREAS the **TOWN OF DRUMHELLER** is desirous of acquiring the Lands pursuant to the provisions of the *Expropriation Act*, RSA 2000, c. E-13, as amended;

NOW THEREFORE BE IT RESOLVED:

1. THAT the proceedings shall be commenced by the **TOWN OF DRUMHELLER**, its servants, officers or agents to expropriate the Lands, in fee simple.
2. THAT the officers, servants or agents of the **TOWN OF DRUMHELLER** and the solicitors for the **TOWN OF DRUMHELLER** be, and are hereby authorized and directed to do all things necessary to initiate, carry out and conclude the expropriation proceedings under the provisions of the *Expropriation Act*, and they are hereby authorized and empowered to sign, seal, serve and publish the necessary documents to initiate, proceed with and conclude the said expropriation, as applicable.

DONE AND PASSED by Council this _____ day of _____, 2023.

Town of Drumheller

Heather Colberg, Mayor

Darryl Drohomerski, C.E.T,
Chief Administrative Officer

THE EXPROPRIATION ACT
RSA 2000, Ch. E-13 (Section 8)

NOTICE OF INTENTION TO EXPROPRIATE

1. TAKE NOTICE that the **TOWN OF DRUMHELLER** as Expropriating Authority intends to expropriate the following lands depicted on Schedule 'A' attached hereto and more particularly described as:

PLAN 8011334
BLOCK 3
LOT 3
EXCEPTING THEREOUT ALL MINES AND MINERALS
(and hereinafter referred to as the "**Lands**")

2. The nature of the interest in the Lands intended to be expropriated is: the estate in fee simple.

3. The work or purpose for which the interest in the Lands is required is:

- Construction and/or enhancement of existing dikes, berms, retaining walls, erosion protection, overland drainage courses, storm water outfalls, control structures and associated appurtenances;
- for the retention and development of Natural Areas, Environmental Reserves and other uses as approved by approval authorities; and
- access for purposes of construction and/or maintenance of the above.

4. Section 6 of the *Expropriation Act* provides that:

“6(1) No person may in any proceedings under this Act dispute the right of an expropriating authority to have recourse to expropriate.

(2) In any proceedings under this Act the owner may question whether the taking of the land, or the estate or interest therein, is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority.”

5. Section 10 of the *Expropriation Act* provides that:

“10(1) An owner who desires an inquiry shall serve the approving authority with a notice of objection,

(a) in the case of an owner served in accordance with section 8(2), within 21 days after service on the owner of the notice of intention; and

(b) in any other case, within 21 days after the first publication of the notice of intention.

- (2) The notice of objection shall state:
- (a) the name and address of the person objecting;
 - (b) the nature of the objection;
 - (c) the grounds on which the objection is based; and
 - (d) the nature of the interest of the person objecting.

6. A person affected by the proposed expropriation does not need to serve an objection to the expropriation in order to preserve his right to have the amount of compensation payable determined by the Alberta Land and Property Rights Tribunal or the Court, as the case may be.
7. The Approving Authority with respect to this expropriation is the **TOWN OF DRUMHELLER** located at 224 Centre Street, Drumheller, Alberta, T0J 0Y4

Dated at the Town of Drumheller, in the Province of Alberta, this ____ day of _____, 2023.

TOWN OF DRUMHELLER

Per: _____
(c/s)

Per: _____

The full name and address of the expropriating authority is:

TOWN OF DRUMHELLER
Attention: Darryl Drohomerski, C.E.T.
Chief Administrative Officer
224 Centre Street
Drumheller, AB T0J 0Y4
Phone: 403-823-1312
Fax: 403-823-7739
ddrohomerski@drumheller.ca

EAST COULEE DISTRICT
DRUMHELLER, ALBERTA

PLAN SHOWING AREA TO BE
EXPROPRIATED FOR
FLOOD MITIGATION PURPOSES
AFFECTING ALL OF
LOT 3, BLOCK 3, PLAN 801 1334
WITHIN THE
S.E.1/4 SEC.29, TWP.27, RGE.18, W.4M.

SCALE= 1:2000 ————— W.R.HUNTER, A.L.S.

LEGEND:

Distances are in metres and decimals thereof.
Area affected by this plan is shown thus... 