



TOWN OF DRUMHELLER
REGULAR COUNCIL MEETING

AGENDA

TIME & DATE: 4:30 PM – Monday April 17th, 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

Swearing in Deputy Mayor – May and June - Councillor Sereda
National Volunteer Week April 16th – 22nd
National Public Works Week May 21st - 27th

3. ADDITIONS TO THE AGENDA

4. ADOPTION OF AGENDA

4.1 Agenda for April 17, 2023, Regular Council Meeting

Proposed Motion: That Council adopt the agenda for the April 17, 2023, Regular Council meeting as presented.

5. MEETING MINUTES

5.1 Minutes for April 3, 2023, Regular Council as presented.

[Regular Council Meeting – April 3, 2023 - Minutes](#)

Proposed Motion: Move that Council approve the minutes for the April 3, 2023, Regular Council meeting as presented.

COUNCIL BOARDS AND COMMITTEES

6. DELEGATION

6.1 Badlands Trail Society

[Presentation](#)

7. PUBLIC HEARING TO COMMENCE AT 5:30 PM

7.1 Proposed Road Closure Bylaw 21A.22 – East Coulee East End Road Closure Revision

[RFD + Proposed Amending Bylaw 21A.22](#)

1. Mayor Opens the Public Hearing and Introduces the Matter
2. Presentation of Information – Proposed Road Closure Bylaw 21A.22
3. Rules of Conduct for Public Participation
All the material related to Public Hearing will be documented and taken into consideration and become a part of the public record sent to Alberta Transportation.
4. Public Participation - Registered to Present Remotely
5. Public Participation – Pre - Registered to Present In Person
6. Public Participation - Written Submissions
7. Final Comments
8. Mayor to Call for Public Hearing to Close.

8. REPORTS FROM ADMINISTRATION

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

8.1 Flood Mitigation Project Manager

8.1.1 Request For Decision

Expropriation Documents – Resolution and Notice of Intention to Expropriate

Lot 2, Block 3, Plan 801 1334; 161 River Drive

Lot 7, Block 2, Plan 801 1334; 217 River Drive

[Request for Decision](#)

[Resolution + Notice of Intention to Expropriate](#)

Proposed Motion: Moves that Council approve the Resolution for Expropriation and Notice of Intention to Expropriate documents pertaining to the lands identified as:
Lot 2, Block 3, Plan 801 1334, Title Number 011 092 193
and
Lot, 7, Block 2, 801 1334, Title Number 921 258 594

- 8.1.2 Request For Decision
East Coulee Berm Construction Tender Award

[Request for Decision](#)

Proposed Motion: Move that Council approve the East Coulee Berm Phase 1 and 2 Construction tender be awarded to Brooks Asphalt & Aggregate Ltd. in the amount of \$3,657,442.85 excluding G.S.T.

- 8.1.3 Request For Decision
East Coulee Berm Construction Services Scope of Work Change

[Request for Decision](#)

Proposed Motion: Move that Council approve the engineering and inspection services for the construction phase of the East Coulee Berm project be awarded to WSP E&I Canada Limited through a scope change in the amount of \$506, 295.00 excluding G.S.T.

CORPORATE AND COMMUNITY SERVICES DEPARTMENT

EMERGENCY AND PROTECTIVE SERVICES

INFRASTRUCTURE DEPARTMENT

CLOSED SESSION

9. ADJOURNMENT

Proposed Motion: That Council adjourn the meeting.



TOWN OF DRUMHELLER
REGULAR COUNCIL MEETING

MINUTES

TIME & DATE: 4:30 PM – Monday April 3rd, 2023

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

<https://www.youtube.com/watch?v=trHSYO6pc3c>

IN ATTENDANCE

Mayor Heather Colberg

Councillor Patrick Kolafa

Councillor Stephanie Price

Councillor Tony Lacher

Councillor Crystal Sereda

Councillor Lisa Hansen-Zacharuk

Chief Administrative Officer: Darryl Drohomerski (Regrets)

Director of Infrastructure: Dave Brett (Regrets)

Acting CAO / Director of Corporate and Community Services:
Mauricio Reyes

Director of Emergency and Protective Services: Greg Peters

Flood Resiliency Project Director: Deighen Blakely (Remote)

Communication Officer: Franciso Collantes

Legislative Services: Denise Lines

Councillor Tom Zariski: joined the meeting at 4:50pm

Reality Bytes IT: David Vidal

1. CALL TO ORDER

The Mayor called the meeting to order at 4:30pm

2. OPENING COMMENTS

20/20 Challenge – Help to clean up Drumheller before Earth Day

Alberta Municipalities – Council wants to recognize the collaborative efforts of our neighbouring communities.

Travel Drumheller Annual General Meeting – Wednesday April 5, 2023, 6pm

Drumheller Dragons – Game 7 is in Blackfalds.

3. ADDITIONS TO THE AGENDA

4. ADOPTION OF AGENDA

4.1 Agenda for April 3, 2023, Regular Council Meeting

M2023.69 Moved by Councillor Kolafa, Councillor Hansen-Zacharuk; that Council adopt the agenda for the April 3, 2023, Regular Council meeting as presented.

Carried unanimously

5. MEETING MINUTES

5.1 Minutes for March 20, 2023, Regular Council as presented.

Regular Council Meeting – March 20, 2023 - Minutes

M2023.70 Moved by Councillor Price, Councillor Sereda;
that Council approve the minutes for the March 20, 2023, Regular Council meeting
as presented.

Carried unanimously

COUNCIL BOARDS AND COMMITTEES

DELEGATION

6. REPORTS FROM ADMINISTRATION

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

6.1 Flood Mitigation Project Manager

6.1.1 Request For Decision: Expropriation Documents – Resolution and Certificate of
Approval, Technical Language Amendment to Legal Land Description

Portion of Lot 3, Block 7, Plan 2773GT; Title Number 081 420 693
(1205 Riverside Ave W)

Portion of Lot 4, Block 7, Plan 2773GT; Title Number 851 115 628
(1207 Riverside Ave W)

Agenda attachment: Request for Decision, Resolution + Certificate of Approval

M2023.71 Moved by Councillor Sereda, Councillor Hansen-Zacharuk;
that Council approve the Certificate of Approval and Resolution for Expropriation
documents with the amendments made to clarify parcel description language,
pertaining to a portion of land described as Lot 3, Block 7, Plan 2773GT; Title 081
420 693 and a portion of land described as Lot 4, Block 7, Plan 2733GT, Title 851
115 628.

Carried unanimously

6.1.2 Request For Decision: Expropriation Documents – Resolution and Notice of Intention to Expropriate, Technical Language Amendment to Legal Land Description

Lot 3, Block 3, Plan 801 1334; Title Number 901 092 160
(135 Riverside Dr. East Coulee)

Agenda attachment: Request for Decision, Resolution + Notice of Intention to Expropriate

M2023.72 Moved by Councillor Hansen-Zacharuk, Councillor Kolafa;
that Council approve the Resolution for Expropriation and Notice of Intention to Expropriate documents with the amendment made to clarify parcel description language pertaining to the lands identified as Lot 3, Block 3, Plan 801 1334, Title Number 901 092 160.

Carried unanimously

6.2 Manager of Economic Development

Time Stamp: <https://www.youtube.com/live/trHSYO6pc3c?feature=share&t=559>

2023 Drumheller Housing Strategy

Next Steps and Online link to the Drumheller Valley Housing Strategy Final Report

Council discussion:

Council requests progress updates quarterly.

The Economic Development Committee should be included in the Action Plan.

Are there other incentives that could be created?

Agenda attachment: Presentation

[Link to Drumheller Valley Housing Strategy Final Report on Drumheller.ca](#)

Councillor Zariski joined the meeting at 4:50pm

CORPORATE AND COMMUNITY SERVICES DEPARTMENT

EMERGENCY AND PROTECTIVE SERVICES

INFRASTRUCTURE DEPARTMENT

6.3 Project Manager

Time Stamp: <https://www.youtube.com/live/trHSYO6pc3c?feature=share&t=1864>

Request for Decision: Water Master Servicing Study & Water Treatment Plant Master Plan – Request for Re-Allocation of Funds

Presented by Kelcie Wilson

Agenda attachment: Request for Decision

M2023.73 Moved by Councillor Hansen-Zacharuk, Councillor Kolafa; that Council re-allocate the “WWTP Master Plan” in Wastewater to the “Water Master Servicing Study (MSS) and Water Treatment Plant (WTP) Master Plans” in Water Supply and Distribution.

Carried unanimously

M2023.74 Moved by Councillor Sereda, Councillor Hansen-Zacharuk; that Council approve the re-allocation of \$25,000 from 2022 Capital Project 2.6.4100.611.7129, North Drumheller River Crossing – Water Main to complete this project.

Carried unanimously

7. CLOSED SESSION

7.1 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

M2023.75 Moved by Councillor Lacher, Councillor Hansen-Zacharuk; 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. Time 5:03pm

Carried unanimously

M2023.76 Moved by Councillor Hansen-Zacharuk, Councillor Price; that Council open the meeting. Time 6:19pm

Carried unanimously

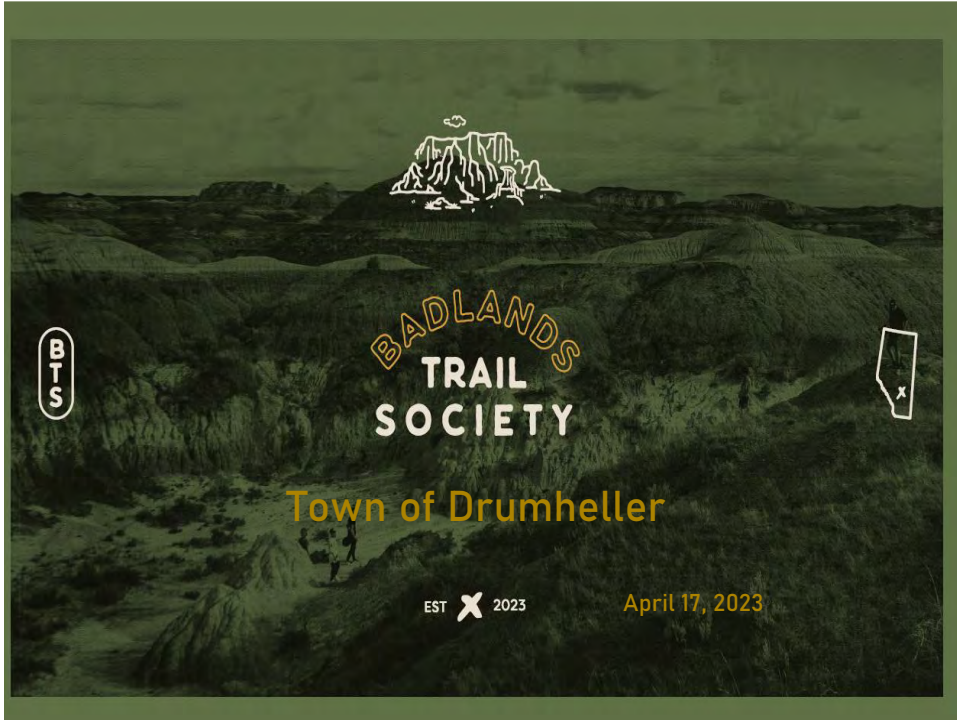
9. ADJOURNMENT

M2023.77 Moved by Councillor Lacher, Councillor Kolafa
that Council adjourn the meeting. Time 6:19pm

Carried unanimously

MAYOR

CHIEF ADMINISTRATIVE OFFICER



1



LAND ACKNOWLEDGEMENT

The Badlands Trail Society respectfully acknowledges we are on Treaty 7 territory, the ancestral and traditional territory of the Blackfoot Confederacy: Kainai, Piikani, and Siksika, as well as the Tsuut’ina First Nation and the Stoney Nakoda First Nation. We recognize the land as an act of reconciliation and gratitude to those on whose territory we reside.

2



Why we became a Society

Passion for the outdoors

A vision to develop trails for Hiking, Biking and Cross-Country Skiing while respecting/protecting the environment, Drumheller residents and creating places for tourists to enjoy the valley.

3



Our Board



President: Amy Barnes

This Carbon native currently manages Valley Brewing and spends plenty of time in the hills hiking and biking. She has a great laugh and will say "yes" to pretty much any outdoor endeavour.



Vice-President: Cheryl Taylor

Cheryl moved to Drumheller from Calgary a year and half ago and has made a cannonball of an entrance into the community by getting engaged in many local events and recreational activities. You'll be able to find her at the pool, the curling rink, on her bike, or if it is Friday, she has a longstanding date at the brewery so best to look there first.

4



Our Board



Secretary: Pam MacDonald

Has been in Drumheller for almost 5 years. She is an enthusiastic plant lover who brings her everyday athleticism to pretty much any activity that involves the outdoors. She also goes by "Joe Vickers' wife" so if that is easier for you to remember, she will understand.



Treasurer: Lovely Lisa Cockshutt

Lisa tromps through the hills regularly with her pooch by her side and her wee one on her back. She is an RN/educator and she grew up in Bragg Creek next to some of the best trails our province has to offer.

5



Our Board



Board Member: Wendy Benzon

Wendy is the walking wizard behind Drumheller Nordic Walking & Wellness. She has a super cute dog and has been clocking kilometers on the trails through the valley for years so she knows where all of the shady spots are (and where they need to be).



Board Member: Wayne Powell

Wayne is a newer Drumhellerian who wants to make our trails as friendly for the plants and animals as possible. He is a part of the team addressing the tree/revegetation strategies for flood mitigation so will be able to keep us in the know for where future shady spots may be!

6



2023 Priorities

- Midland and McMullan Island Parks open year round
- Establish X-country Ski Trails & Snowshoe routes within the valley
- Regular Trail Clean Ups
- Community Activities to build culture of outdoor enthusiasm in Drumheller residents
- Fund Raising Events

7



Long Term Goals

- Develop robust trail network in Midland following best practice guidelines
- Develop and promote single track trails on public and crown lands, where available

8



APPENDIX

9



VISION & MISSION

VISION: A vibrant community connected to each other and the outdoors.

MISSION: To build and maintain multi-use trails to promote year-round active mobility throughout the Drumheller Valley

10



VALUES

QUALITY

We aim to improve the quality of life for folks in the Drumheller Valley by promoting outdoor activities and all the benefits to wellbeing associated with being active in Nature. We will do this by building high quality, safe trails throughout the local landscape so users can have exceptional experiences and lasting relationships with each other and the land.

11



VALUES

STEWARDSHIP

Our society is built around a deep shared love of the Valley, and we believe it is our responsibility to act as stewards of our precious Badlands. We will minimize the ecological impacts of trail development, and build lasting, sustainable trails that have minimal disturbance to surrounding areas. We will also promote active citizenship and stewardship in trail users and set precedence for leaving no trace and respecting natural areas.

12



VALUES

ENJOYMENT

We are a group of people who love to have fun! We especially love to have fun outside. Our goal is to promote outdoor activities – through infrastructure and events – so that others in the Valley can enjoy living here as much as we do.

13



VALUES

DIVERSITY

We understand there are many ways to experience the outdoors while exploring trails, be it walking, hiking, running, mountain biking, cross-country skiing, snowshoeing, geo-caching, bird watching, plant identifying, taking photographs, or simply finding a quiet place to meditate. We want to have trails available to serve all ages, abilities and interests so that going out outdoors is more accessible for everyone.

14

REQUEST FOR DECISION

TITLE:	Proposed East Coulee East End Road Closure Bylaw 21A.22
DATE:	February 28, 2023
PRESENTED BY:	Darryl Drohomerski, C.E.T., CAO
ATTACHMENT:	Bylaw 21A.22; Schedule 8

SUMMARY:

As part of the Town's Flood Mitigation Project and provincial funding agreement, the Province is requiring the Town of Drumheller owns the land that current or proposed berms will be placed, including those berms that currently or would sit on Public road rights-of-way. A portion of these rights-of-way need to be closed for the construction of the new berms. This Bylaw deals with closing a portion of the right of way at the west end of River Drive in East Coulee to facilitate berm placement. The previous Bylaw 21.22 recommended a closure that was approximately 30 meters shorter than the length that is now required because of a change in berm alignment.

RECOMMENDATION:

That Council gives first reading to East Coulee East End Road Closure Bylaw 21A.22 and sets the Public Hearing date for April 3, 2023. Council will first need to repeal motion M2022.247 that passed first reading of Bylaw 21.22.

DISCUSSION:

Under the funding agreement between the Town and Alberta Environment, the construction of any new berms shall be placed on land owned by the Town of Drumheller, including any road rights of way. This road closure bylaw will accomplish that task for the East Coulee Berm that parallels River Drive at the east end of East Coulee as well as closes a portion of an unnamed original road allowance.

There is a difference between a right of way and a road. A road is the surface that is contained within the right of way and is generally 7-9 meters wide. A right of way is a legal entity under the ownership of the Province and is varies from 6 meters (for an alley) to 20-40 meters for a street or avenue. Many rights of way, at least in Drumheller area, may not have a road contained within the boundary. In the case of rights of way adjacent to the Red Deer River, the right of way extends to the water's edge as shown in the attached drawing.

These portions of road closures are necessary in order to wrap the berm around, and protect, the east end, and ultimately all, of East Coulee.

The lands where the berm is being placed will be converted into Public Utility Lot to align with the other land in the valley that berms currently or will reside upon.

FINANCIAL IMPACT:

The costs to convert this land is included with the Flood Mitigation project and is a requirement of the provincial funding agreement.

STRATEGIC POLICY ALIGNMENT:

Flood Mitigation is the key strategic priority of this Council and Administration.

COMMUNICATION STRATEGY:

A notice of the proposed Road Closure and Public hearing will be provided via;

- Newspaper ads in the Drumheller Mail will run on November 30 and December 7
- Letters to properties in the adjacent area will be mailed out by November 25
- Posting on the Town Website, DrumhellerOnline Community Events Page.

MOTION:

That Council repeal motion M2022.247 that passed First Reading of Bylaw 21.22.

That Council give first reading to East Coulee East End Road Closure Bylaw 21A.22 and set the Public Hearing date for April 3, 2023.

SECONDED:

Prepared By:



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

Reviewed By:

Denise Lines

Denise Lines
Legislative Services

Approved By:



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

**TOWN OF DRUMHELLER
BYLAW NUMBER 21A.22
DEPARTMENT: FLOOD MITIGATION / DEVELOPMENT**

East Coulee East End Road Closure

THIS IS A BYLAW of the TOWN OF DRUMHELLER, in the Province of Alberta for the purpose of closing portions of undeveloped roads and undeveloped original road allowance as depicted on the attached:

SCHEDULE – ‘8’; being a portion of the Original Road Allowance between the S.W. ¼ Section 28 and the S.E.1/4 Sec. 29 and portions of 1st. and 2nd. Streets on Plan 801 1334 all within Township 27, Range 18, West of the 4th. Meridian to public travel and acquiring title to these lands in the name of the TOWN OF DRUMHELLER pursuant to Sections 22 and 23 of the Municipal Government Act, Chapter M-26, Revised Statutes of Alberta 2000, as amended.

WHEREAS; the Town of Drumheller, the Province of Alberta and the Government of Canada have entered into an agreement to construct flood mitigation berms along portions of the Red Deer River in the Town of Drumheller to protect properties and the citizens of Drumheller from the ravages of flood waters, and

WHEREAS; it has been found that construction of flood mitigation berms in the subject area is impossible without encroaching upon and using parts of the aforementioned undeveloped roads, and

WHEREAS; the parties to this flood mitigation project have agreed that land used for berm construction must be in the name of the Town of Drumheller, and

WHEREAS; the Council of the Town of Drumheller is satisfied that this activity is in the best public interest and no one will be adversely affected by this road closure Bylaw; and

WHEREAS; a notice of this undeveloped road closure was published in the Drumheller Mail once a week for two consecutive weeks; on _____ and again on _____ the last of such publications being at least five days before the day fixed for the passing of this Bylaw; and

WHEREAS; the Council of the Town of Drumheller held a public hearing on the day of, 2022 at their regular or special meeting of Council in which all interested parties were provided an opportunity to be heard;

NOW THEREFORE; be it resolved that the COUNCIL of the TOWN OF DRUMHELLER, in the Province of Alberta does hereby enact to close a portion of the Original Road Allowance between the S.W. ¼ Section 28 and the S.E.1/4 Sec. 29 and portions of 1st. and 2nd. Streets on Plan 801 1334 all within Township 27, Range 18, West of the 4th. Meridian as shown depicted on the attached Schedule – ‘8’ which is more particularly described as:

PLAN
AREAS ‘ A’, ‘B’ and ‘C’
EXCEPTING THEREOUT ALL MINES AND MINERALS

to public travel and acquiring three titles to these lands in the name of the TOWN OF DRUMHELLER with a mailing address of; 224 Centre Street, DRUMHELLER, Alberta T0J 0Y4 pursuant to Sections 22 and 23 of the Municipal Government Act, Chapter M-26, Revised Statutes of Alberta 200, as amended.

SHORT TITLE

This Bylaw may be cited as East Coulee East End Road Closure Bylaw 21A.22

TRANSITIONAL

This Bylaw takes effect on the day of the third and final reading.

READ AND PASSED THE FIRST TIME BY THE COUNCIL OF THE TOWN OF DRUMHELLER, THIS __ DAY OF __, 2023.

MAYOR: HEATHER COLBERG

DARRYL E DROHOMERSKI, C.E.T
CHIEF ADMINISTRATIVE OFFICER

APPROVED BY: ALBERTA INFRASTRUCTURE and TRANSPORTATION

Seal

MINISTER OF ALBERTA INFRASTRUCTURE AND TRANSPORTATION
ROOM 425, LEGISLATIVE BUILDING,
10800 97TH. AVENUE, EDMONTON, ALBERTA. T5K 2B6

READ AND PASSED THE SECOND TIME BY THE COUNCIL OF THE TOWN OF
DRUMHELLER, THIS __ DAY OF __, 2023.

MAYOR: HEATHER COLBERG

DARRYL E DROHOMERSKI, C.E.T
CHIEF ADMINISTRATIVE OFFICER

READ AND PASSED THE THIRD TIME BY THE COUNCIL OF THE TOWN OF
DRUMHELLER, THIS __ DAY OF __, 2023.

MAYOR: HEATHER COLBERG


DARRYL E DROHOMERSKI, C.E.T
CHIEF ADMINISTRATIVE OFFICER

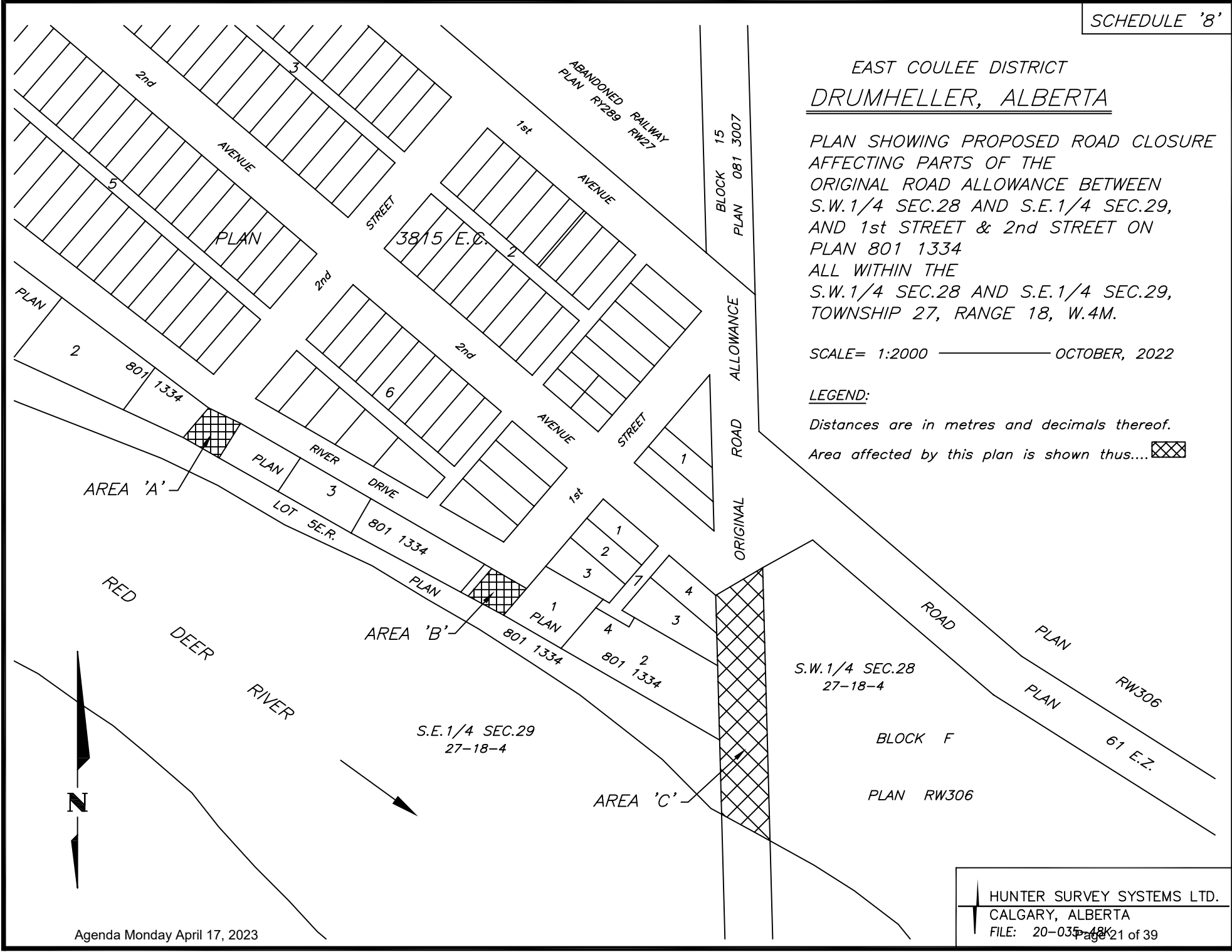
EAST COULEE DISTRICT
DRUMHELLER, ALBERTA

PLAN SHOWING PROPOSED ROAD CLOSURE AFFECTING PARTS OF THE ORIGINAL ROAD ALLOWANCE BETWEEN S.W.1/4 SEC.28 AND S.E.1/4 SEC.29, AND 1st STREET & 2nd STREET ON PLAN 801 1334 ALL WITHIN THE S.W.1/4 SEC.28 AND S.E.1/4 SEC.29, TOWNSHIP 27, RANGE 18, W.4M.

SCALE= 1:2000 ————— OCTOBER, 2022

LEGEND:

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



REQUEST FOR DECISION

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Resolution for Expropriation of Two Parcels for Berm Construction: Plan 801 1334, Block 3, Lot 2; 161 River Drive Plan 801 1334, Block 2, Lot 7; 217 River Drive
DATE:	April 17, 2023
PRESENTED BY:	Deighen Blakely, P.Eng., Flood Resiliency Program – Project Director
ATTACHMENT:	Draft Drawings of Berm Alignment Resolution to Expropriate Notice of Intent to Expropriate Parcel Map Package 1: 161 River Drive (8011334;3;2) Package 2: 217 River Drive (8011334;2;7)

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. Two of the full-buyout landowners have rejected our full buyout offer at Fair Market Value for their properties, as determined by an appraisal. As such, the next step in obtaining the properties 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 for Expropriation and Notice of Intention to Expropriate for 161 River Drive (8011334;3;2) and 217 River Drive (8011334;2;7) 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 these two impacted property owners 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 and Protected Areas 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 for Expropriation and Notice of Intention to Expropriate documents pertaining to lands identified as Lot 2, Block 3, Plan 801 1334 Title Number 011 092 193 and Lot 7, Block 2, Plan 801 1334 Title Number 921 258 594.



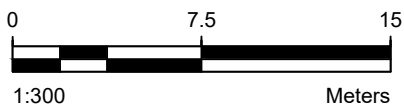
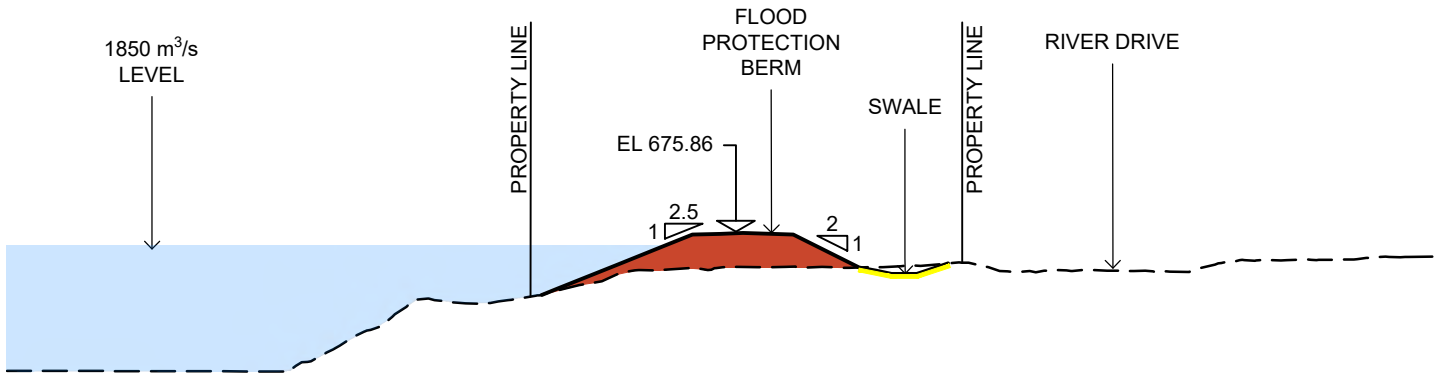
Prepared by:
Deighen Blakely, P.Eng.
DRFMO Project Director



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

161 River Drive

Flood Protection Berm



DRAFT

	PROJECT NAME	RESILIENCY AND FLOOD MITIGATION PROGRAM	PROJECT NUMBER CW2384
	SHEET TITLE	EAST COULEE BERM 161 RIVER DRIVE	DATE OCT 2022
CLIENT			FIGURE NUMBER 1
Agenda Monday April 17, 2023			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, municipal or environmental reserves, public utility lots, 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, said lands being depicted on attached Schedule "A" and more particularly described as:

**PLAN 8011334
BLOCK 3
LOT 2
EXCEPTING THEREOUT ALL MINES AND MINERALS**

(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.

MOVED AND PASSED by Council this _____ day of _____, 2023.
TOWN OF DRUMHELLER

Heather Colberg, Mayor

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 2
EXCEPTING THEREOUT ALL MINES AND MINERALS

(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, Municipal Reserves, Public Utility Lots, 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: _____
Heather Colberg, Mayor (c/s)

Per: _____
Darryl Drohomerski, C.E.T., Chief Administrative Officer

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

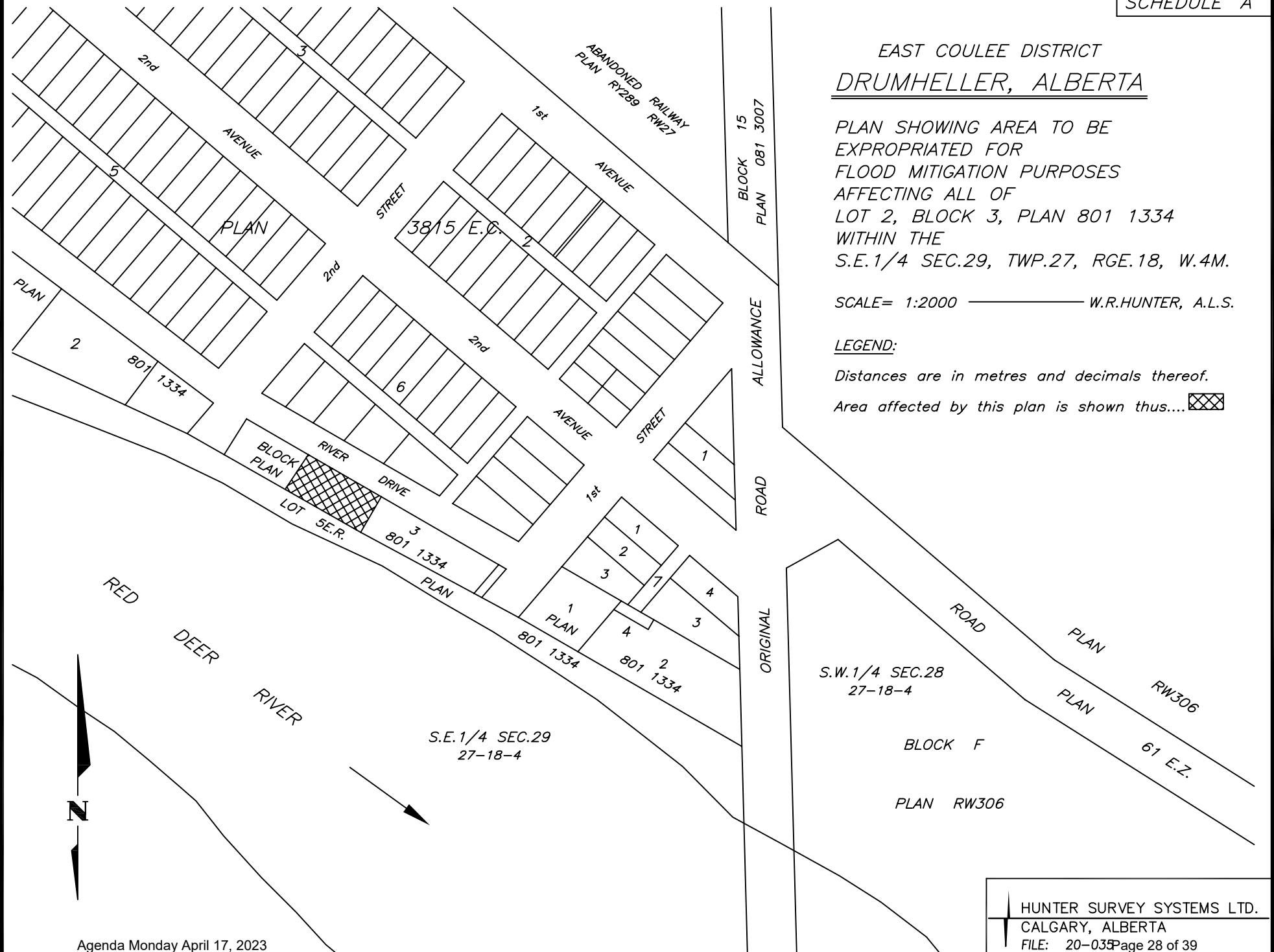
EAST COULEE DISTRICT
DRUMHELLER, ALBERTA

PLAN SHOWING AREA TO BE
EXPROPRIATED FOR
FLOOD MITIGATION PURPOSES
AFFECTING ALL OF
LOT 2, 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.

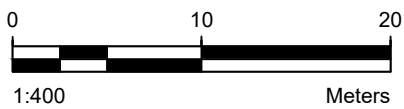
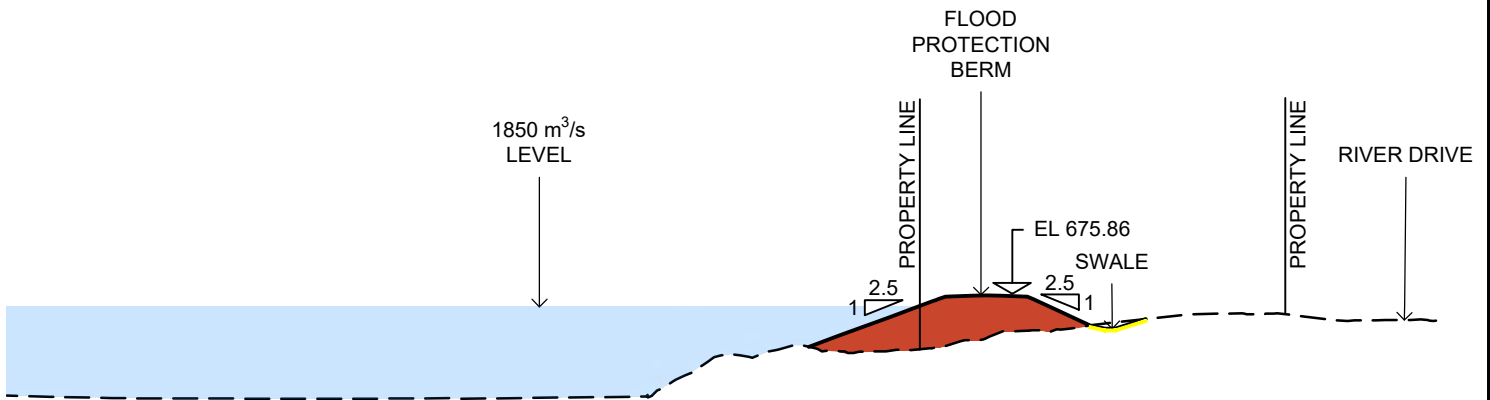
LEGEND:

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





217 River Drive

Flood Protection Berm



DRAFT

	PROJECT NAME	RESILIENCY AND FLOOD MITIGATION PROGRAM	PROJECT NUMBER	CW2384
	SHEET TITLE	EAST COULEE BERM 217 RIVER DRIVE	DATE	OCT 2022
CLIENT		FIGURE NUMBER	1	
Agenda Monday April 17, 2023		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, municipal or environmental reserves, public utility lots, 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, said lands being depicted on attached Schedule "A" and more particularly described as:

**PLAN 8011334
BLOCK 2
LOT 7
EXCEPTING THEREOUT ALL MINES AND MINERALS**

(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.

MOVED AND PASSED by Council this _____ day of _____, 2023.
TOWN OF DRUMHELLER

Heather Colberg, Mayor

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 2
LOT 7
EXCEPTING THEREOUT ALL MINES AND MINERALS

(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, Municipal Reserves, Public Utility Lots, and other uses as approved by approval authorities; and
 - access for purposes of construction and/or maintenance of the above.
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- "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."
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 - (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: _____
Heather Colberg, Mayor (c/s)

Per: _____
Darryl Drohomerski, C.E.T., Chief Administrative Officer

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

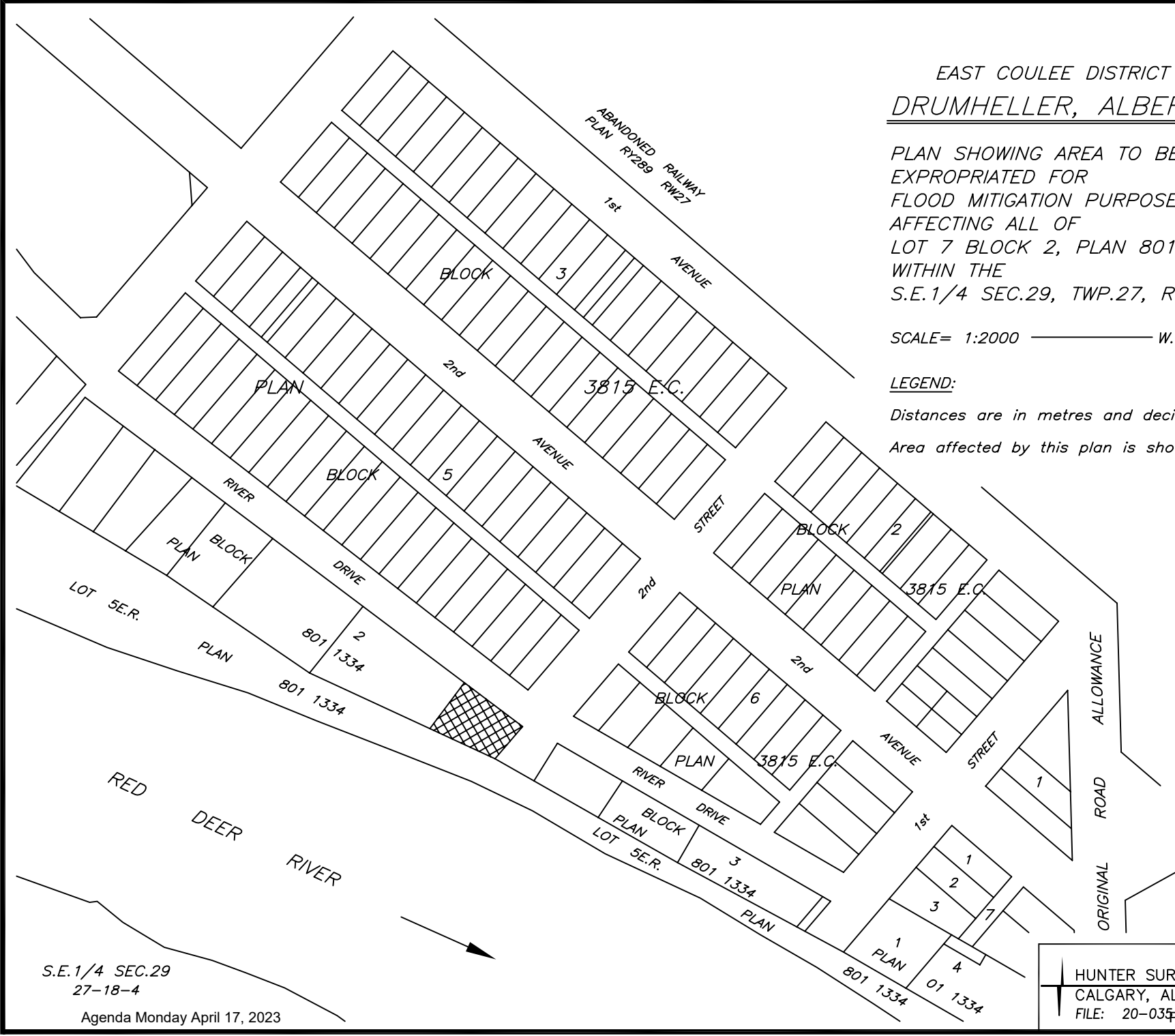
PLAN SHOWING AREA TO BE
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SCALE= 1:2000 ————— W.R.HUNTER, A.L.S.

LEGEND:

Distances are in metres and decimals thereof.

Area affected by this plan is shown thus... 



S.E.1/4 SEC.29
27-18-4

Agenda Monday April 17, 2023

HUNTER SURVEY SYSTEMS LTD.
CALGARY, ALBERTA
FILE: 20-035 Page 33 of 39

REQUEST FOR DECISION

TITLE:	DRFM East Coulee Berm Tender Award
DATE:	April 17 th , 2023
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director
ATTACHMENTS:	Site Plan

SUMMARY:

As part of the Flood Mitigation Program the Town is tendering two (2) projects for construction 2023. These projects include:

- East Coulee Berm
- Downtown Berm

The East Coulee Berm is split into 2 phases. Phase 1 involves the construction of approximately 850m berm upgrade along the west side of East Coulee on River Dr. The berm will tie into Highway 10 on the upstream end and connect downstream to the wastewater treatment plant fill area. Construction of Phase 2 of the project is anticipated for spring 2024 and will extend from the treatment plant and tie in downstream at the intersection of 1st Ave and 1st St. Tree clearing for Phase 1 of the project was completed earlier this year by Wilco Contractors Southwest at a cost of \$12,420, and tree clearing for Phase 2 will be undertaken as part of the current contract. The project area will be relandscaped with topsoil and hydroseed in the fall and vegetation plantings will be completed in Spring 2024.

On February 16, 2023, a Request for Tender for the construction of the East Coulee Berm was advertised on the Town website and on the Alberta Purchasing Connection. The tender closed on April 4th, 2023, with three (3) bids being received. The bid results (Phase 1 and 2) are as follows, compared to the engineer's estimate:

Contractor	Tendered Amount (excluding GST)
Brooks Asphalt & Aggregate Ltd.	\$ 3,657,442.85
Wilco Contractors Southwest Inc.	\$ 3,723,476.00
Pidherney's Inc.	\$ 4,473,776.13
Engineering Pre-Tender Estimate	\$ 5,410,000.00

Phase 1 construction is scheduled to commence in June and to be completed by end of November 2023, with final cleanup and landscaping being completed by the end of May 2024. Phase 2 is currently scheduled to be completed in spring 2024. WSP has reviewed the low bid and found it to be compliant with the tender requirements and is recommending award to Brooks Asphalt &

Aggregate Ltd. Brooks Asphalt has had previous experience working for the Town of Drumheller, has completed large earthworks projects in the past and is well suited to complete the work.

FINANCIAL IMPACT:

The East Coulee Berm construction is funded under the \$55.0M DRFM project grant funding program which has recently received an additional \$27M in funding from the Government of Alberta.

RECOMMENDATION:

Administration recommends that the East Coulee Berm tender be awarded to Brooks Asphalt & Aggregate Ltd. in the amount of \$3,657,442.85 excluding GST.

STRATEGIC POLICY ALIGNMENT:

Awarding the project to Brooks Asphalt aligns with Council's strategic priority to protect Drumheller from future flooding through a proactive, sustainable, flood-mitigation strategy. Together, we will shape the future of our community by protecting our people, our property, our economic growth, our environment, and our cultural heritage.

COMMUNICATION STRATEGY:

An extensive public communication strategy has been employed for the past construction work, and a similar program will be used for the East Coulee construction. The strategy includes:

- Utility bill mailout
- "Construction Notice" on bulletins around town and delivered to nearby residents
- Construction sign at the project site that includes the project name, budget, and timeline
- News page & latest updates page on the flood readiness website
- Social media posts
- Email newsletter
- Newspaper ad
- Pre-construction walking tour
- Pre-construction vibration inspections
- Full time design team personnel on site during construction

In addition, the Contractor is required to have their own communication program to keep residents informed of project schedule and potential impacts.

MOTION: Councilor: _____ moves that Council approve the East Coulee Berm Phase 1 and 2 Construction tender be awarded to Brooks Asphalt & Aggregate Ltd. in the amount of \$3, 657, 442.85 excluding G.S.T



Prepared by:
Spencer Robertson, P. Eng
DRFM Project Engineer

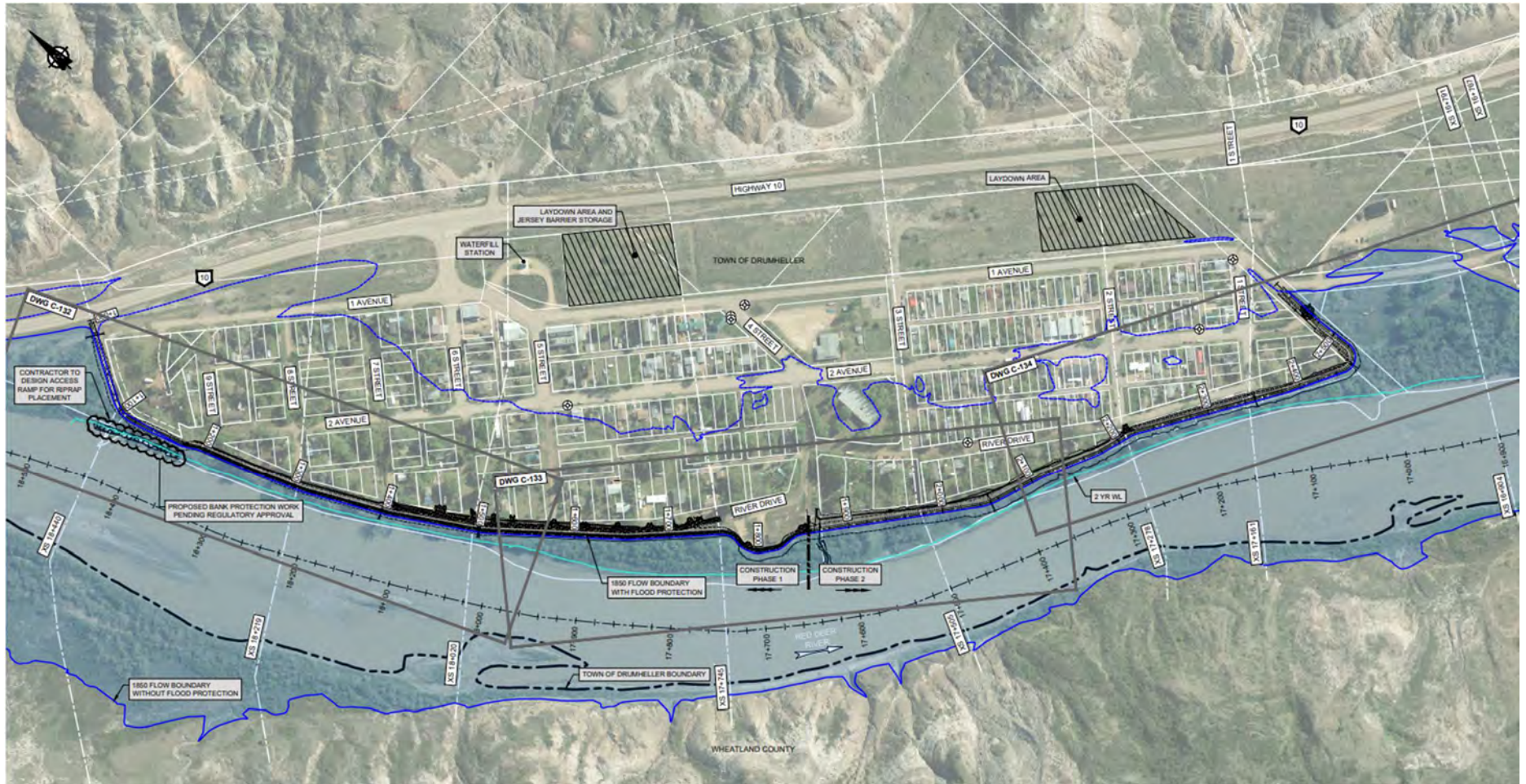


Reviewed By:
Deighen Blakely, P. Eng
DRFM Project Director



Approved by:
Darryl E. Drohomerski,
Chief Administrative Officer

East Coulee Berm Site Plan



REQUEST FOR DECISION

TITLE:	DRFM East Coulee Berm Construction Services Scope Change
DATE:	April 17, 2023
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director
ATTACHMENTS:	None

SUMMARY:

On April 4th, 2023, the Request for Tender for the East Coulee Berm project closed with a low bid of \$3,657,442.85 by Brooks Asphalt & Aggregate Ltd. Currently, the community of East Coulee only has partial flood protection below the design flood elevation and is susceptible to a 1:100 year flood event. The East Coulee Berm project construction consist of 2 phases and involves the construction of 1500m of new and upgraded earth berm. Phase 1 is scheduled for construction in June 2023 and to be completed by the end of November 2023. Construction of Phase 2 is anticipated for 2024.

WSP E&I Canada Limited (WSP) was awarded the contract for design of Package B berms, including the East Coulee Berm project, by Council on January 25, 2021. They have been undertaking the preliminary and detailed design of the berm since February 2021 and have also prepared the tender documents for contractor procurement. WSP has submitted their budget estimate for the engineering and inspection services for the construction phases of the East Coulee Berm project.

The tasks of the scope change request including the following:

- Pre-construction tree clearing and bird and wildlife sweeps
- Soils quality assurance and borrow area quality assurance
- Vibration monitoring for adjacent residential structures
- Construction inspection and contract administration
- Operation and maintenance manual preparation
- Baseline groundwater monitoring

The Flood Office has reviewed the scope change budget request and found that it is within reasonable amounts for the required work and recommends it for award.

FINANCIAL IMPACT:

The Berm construction is funded under the \$82.3M DRFM project grant funding program. The Engineering Design team play an important role during construction to ensure the work is being constructed as per the design drawings and specifications, to ensure that the project will withstand the design flood and last for many decades into the future. The cost of construction support and contract administration is eligible for Provincial and Federal funding.

Here is the budget breakdown of Contractor's estimated construction time frame of 24 weeks:

Task	Pricing (excluding GST)
Bird and Wildlife Sweeps	\$6,765.00
Baseline Groundwater Monitoring	\$46,958.00
Soils QA and Borrow Area QA	\$18,870.00
Vibration Monitoring	\$107,860.00
Construction Inspection & Contract Administration	\$312,740.00
Construction Close Out & Operations Manual	\$13,102.00
TOTAL	\$506,295.00

RECOMMENDATION:

Administration recommends that the engineering and inspection services for the construction phase of the East Coulee Berm project be awarded to WSP through a scope change for the amount of \$506,295.00 excluding GST.

STRATEGIC POLICY ALIGNMENT:

Approving the scope change for WSP aligns with Council's strategic priority to protect Drumheller from future flooding through a proactive, sustainable, flood-mitigation strategy. Together, we will shape the future of our community by protecting our people, our property, our economic growth, our environment and our cultural heritage.

COMMUNICATION STRATEGY:

The communications strategy for the construction services scope changes includes an update post to the flood readiness website as well as a social media post so the public knows the contract extension is being made.

MOTION: Councilor: _____ moves that Council approve the engineering and inspections services for the construction phase of the East Coulee Berm project be awarded to WSP E&I Canada Limited through a scope change in the amount of \$506,295.00 excluding GST.

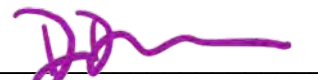
SECONDER:



Prepared by:
Spencer Roberton, EIT
DRFM Project Engineer



Reviewed By:
Deighen Blakely, P. Eng
DRFM Project Director



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