



TOWN OF DRUMHELLER
REGULAR COUNCIL MEETING

AGENDA

TIME & DATE: 4:30 PM – Monday June 5, 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

Pride Week: June 4th-10th Flag Raising at Rotary Park 2:00pm

Seniors' Week: June 5th-11th

Parks and Recreation Month: June

3. ADDITIONS TO THE AGENDA

4. ADOPTION OF AGENDA

4.1 Agenda for June 5, 2023, Regular Council Meeting

Proposed Motion: That Council adopt the agenda for the June 5, 2023, Regular Council meeting as presented.

5. MEETING MINUTES

5.1 Minutes for May 29, Regular Council as presented.

[Regular Council Meeting – May 29, 2023 - Minutes](#)

Proposed Motion: Move that Council approve the minutes for the May 29, 2023, Regular Council meeting, as presented.

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:

Resolution and Notice of Intention to Expropriate of a Partial Parcel for Berm Construction affecting Plan 9611859 that portion of Block 14 which lies north of Public Work (Flood Protection & Michichi Creek Diversion) Area 'D' on Plan 0212715 containing 1.011 hectares (2.50 acres) more or less (75 Beech Street, Drumheller)

[Request for Decision](#)

[Resolution + NOITE](#)

Proposed Motion: Moves that Council approve the Resolution for Expropriation and Notice of Intention to Expropriate pertaining to a portion of land described as Plan 9611859 that portion of Block 14 which lies north of Public Work (Flood Protection & Michichi Creek Diversion) Area 'D' on Plan 0212715 containing 1.011 hectares (2.50 acres) more or less, Title 061 083 429.

6.1.2 Request for Decision:

Resolution and Notice of Intention to Expropriate of a Partial Parcel for Berm Construction affecting Meridian 4 Range 20 Township 29 Section 11 that portion of Legal Subdivision 5 in the south west quarter which lies north of Lot 19ER in Block 1 on Plan 9210893; south and east of Lots 16 to 18 inclusive in Block 1 on Plan 9210893 and southwest of Public Work (Flood Protection & Michichi Creek Diversion) Area 'F' on Plan 0212715 containing 2.577 hectares (6.37 acres) more or less (110 9 Street Northwest, Drumheller)

[Request for Decision](#)

[Resolution + NOITE](#)

Proposed Motion: moves that Council approve the Resolution for Expropriation and Notice of Intention to Expropriate pertaining to a portion of land described as Meridian 4 Range20 Township 29 Section 11 that portion of Legal Subdivision 5 in the south west quarter which lies north of Lot 19ER in Block 1 on Plan 9210893; south and east of Lots 16 to 18 inclusive in Block 1 on Plan 9210893 and southwest of Public Work (Flood Protection & Michichi Creek Diversion) Area 'F' on Plan 0212715 containing 2.577 hectares (6.37 acres) more or less; Title 151 135 434.

6.1.3 Request for Decision

Resolution and Notice of Intent to Expropriate of a Partial Parcel for Berm Construction affecting Plan 2721JK, Block 1, Lot 12 (150 9 Street Northwest, Drumheller)

[Request for Decision](#)

[Resolution + NOITE](#)

Proposed Motion: moves that Council approve the Resolution for Expropriation and Notice of Intention to Expropriate pertaining to a portion of land described as Lot 12, Block 1, Plan 2721JK, Title 221 129 801.

6.2 Manager of Economic Development

6.2.1 Request for Decision:

Residential Incentive Amending Bylaw 04.23 – First and Second Reading.

[Request for Decision](#)

[Amending Bylaw 04.23](#)

[Proposed Consolidation 04.23 +13.20](#)

Proposed Motion:

Move that Council give first reading to Residential Incentive Bylaw 04.23 as presented.

Move that Council give second reading to Residential Incentive Bylaw 04.23 as presented.

6.2.1 Request for Decision:

Non-Residential Development Incentive Program Bylaw 19.19 – Rock Central

[Request for Decision](#)

[Link to Non-Residential Bylaw 19.19](#)

Proposed Motion:

Moves that Council approve a tax credit of \$1,578.35 for a two-year period to the commercial taxation of 130 Centre St., Drumheller per Bylaw 19.19.

CORPORATE AND COMMUNITY SERVICES DEPARTMENT

6.3 Director of Corporate and Community Services

Manager of Community Development and Social Planning (CDSP)

- 6.3.1 Request for Direction
Establish a Community Development and Social Planning (CDSP) Advisory Committee

[Request for Direction](#)

Proposed Motion:

Move that Council directs Administration to develop a Bylaw and Terms of Reference for a Community Development and Social Planning volunteer Advisory Committee to be brought back to Council for approval.

- 6.3.2 Request for Decision:
Cancellation of 2023 Municipal Taxes – Sandstone Manor Roll# 000 04029906

[Request for Decision](#)

Proposed Motion:

Moves that Council proceeds with the cancellation of the 2023 Municipal Tax levied against Roll No. 000 04029906 as per the terms of the agreement.

EMERGENCY AND PROTECTIVE SERVICES

- 6.4 Director of Emergency and Protective Services

- 6.4.1 Request for Decision:
Municipal Paid Parking Program

[Request for Decision](#)

Proposed Motion:

Moves that Council support Administration in the implementation of a paid parking program and to have the program instituted in the municipality as soon as is practicable this year in the designated areas.

INFRASTRUCTURE DEPARTMENT

- 6.5 Director of Infrastructure

- 6.5.1 Request for Decision:
Memorial Arena 5th Dressing Room – Non-Award

[Request for Decision](#)

Proposed Motion:

moves that the Request for Tender for the Memorial Arena 5th Dressing Room tenders received on April 30, 2023, not be awarded, as all tenders exceed the project budget and proceed with Option 3, the installation of an ATCO module as the 5th changing room.

CLOSED SESSION

7. ADJOURNMENT

Proposed Motion: That Council adjourn the meeting.



TOWN OF DRUMHELLER
REGULAR COUNCIL MEETING

MINUTES

TIME & DATE: 4:30 PM – Monday, May 29, 2023

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

<https://www.youtube.com/watch?v=KOXi000Nt9o>

IN ATTENDANCE

Mayor Heather Colberg

Councillor Patrick Kolafa (Regrets)

Councillor Stephanie Price
(Regrets)

Councillor Tony Lacher

Councillor Crystal Sereda

Councillor Lisa Hansen-Zacharuk

Councillor Tom Zariski

Chief Administrative Officer: Darryl Drohomerski

Director of Corporate and Community Services: Mauricio Reyes

Director of Infrastructure: Dave Brett

Director of Emergency and Protective Services: Greg Peters

Flood Resiliency Project Director: Deighen Blakely

Communication Officer: Brett Crowle (Regrets)

Legislative Services: Denise Lines

Administrative Assistant: Mitchell Visser

Reality Bytes IT: David Vidal

1. CALL TO ORDER

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

2. OPENING COMMENTS

Freedom of the Town – Correction Service of Canada, Drumheller Institution.

Celebrate with the Titans – Downtown Plaza, June 2, 2023, 5:00 pm – 9:00pm.

Congratulations to the Drumheller Valley Secondary School graduates.

3. ADDITIONS TO THE AGENDA

4. ADOPTION OF AGENDA

4.1 Agenda for May 29, 2023, Regular Council Meeting.

M2023.116 Moved by Councillor Price, Councillor Lacher
that Council adopt the agenda for the May 29, 2023, Regular Council Meeting as
presented.

CARRIED UNANIMOUSLY

5. MEETING MINUTES

5.1 Minutes for May 15, 2023, Regular Council Meeting as presented.

Agenda attachment: Regular Council Meeting – May 15, 2023 – Minutes.

M2023.117 Moved by Councillor Lacher, Councillor Price
that Council approve the minutes for the May 15, 2023, Regular Council Meeting as
presented.

CARRIED UNANIMOUSLY

5.2 2023 Meeting Schedule Update.

Agenda attachment: 2023 Council Meeting Schedule Version 2.

M2023.118 Moved by Councillor Sereda, Councilor Zariski
that Council approve the revised 2023 Council Meeting Schedule Version 2 as
presented.

CARRIED UNANIMOUSLY

6. OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

6.1 Flood Mitigation Project Manager.

6.1.1 Request for Decision:
Flood Mitigation Downtown Berm and Centennial Park Upgrades Tender Award.

Agenda attachment: Request for Decision

M2023.119 Moved by Councilor Zariski, Councillor Lacher
that Council approve the Downtown Berm and Centennial Park Upgrades
tender to be awarded to Wilco Contractors Southwest Inc. in the amount of
\$7,293,322.60 excluding GST and that Council further allocates an
additional \$135,000 of capital budget to allow for the full scope of the
Centennial Park Upgrades to be completed as a part of this contract.

CARRIED UNANIMOUSLY

6.1.2 Request for Decision:

Resolution and Notice of Intention to Expropriate Plan 2721JK, Block 1, Lot 4 (87 Michichi Drive).

Resolution for Expropriation, regarding expropriation for the purpose of acquiring a fee simple estate and a temporary workspace easement over certain lands located within the Town of Drumheller.

Agenda attachment: Request for Decision; Notice of Intention to Expropriate

M2023.120 Moved by Councillor Lacher, Councillor Price that Council approve the Resolution for Expropriation and Notice of Intention to Expropriate pertaining to a portion of land described as Lot 4, Block 1, Plan 2721JK, Title 991 204 272.

CARRIED UNANIMOUSLY

6.1.3 Request for Decision:

Resolution and Notice of Intention to Expropriate Meridian 4 Range 20 Township 29 Section 10 that portion of the northerly 150 feet of the south east quarter which lies to the north east of a strip of land 25 feet wide adjoining the Red Deer River as shown on the Township Plan approved at Ottawa 30 September 1930 containing 0.441 of a hectare (1.09 acres) more or less 129 9 Street Northwest, Drumheller.

Resolution of Expropriation, regarding expropriation for the purpose of acquiring a fee simple estate and a temporary workspace easement over certain lands located within the Town of Drumheller.

Agenda attachments: Request for Decision; Resolution; Notice of Intention to Expropriate

M2023.121 Moved by Councillor Price, Councillor Lacher That Council approve the Resolution for Expropriation and Notice of Intention to Expropriate pertaining to a portion of land described as Meridian 4 Range, 20 Township 29 Section 10 that portion of the northerly 150 feet of the south east quarter which lies to the north east of a strip of land 25 feet wide adjoining the Red Deer River as shown on the Township Plan approved at Ottawa 30 September 1930 containing 0.441 of a hectare (1.09 acres) more or less; Title 181 197 602.

CARRIED UNANIMOUSLY

6.2.1 Request for Decision:
Stirling and Second Avenue Ditch Repairs.

Agenda Attachment: Request for Decision

M2023.122 Moved by Councillor Sereda, Councillor Lacher
that Council approve the award of the Stirling & Second Avenue Ditch to Kaon
Infrastructure Ltd. for the amount of \$ 348,591.97 excluding GST.

CARRIED UNANIMOUSLY

6.2.2 Request for Decision:
Alberta Community Partnership Grant Support: Trail Viability
Study.

Agenda Attachment: Request for Decision

M2023.123 Moved by Councillor Price, Councillor Lacher
that Council supports Administration in undertaking the Alberta Community
Partnership grant application as the managing partner in support of the regional
trail system study from Rosedale to Rosebud.

CARRIED UNANIMOUSLY

8. ADJOURNMENT

M2023.124 Moved by Councillor Lacher, Councillor Sereda
that Council adjourn the meeting. Time 5:02pm

CARRIED UNANIMOUSLY

MAYOR

CHIEF ADMINISTRATIVE OFFICER

REQUEST FOR DECISION

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Resolution for Expropriation of a Partial Parcel for Berm Construction affecting Plan 9611859 that portion of Block 14 which lies north of Public Work (Flood Protection & Michichi Creek Diversion) Area 'D' on Plan 0212715 containing 1.011 hectares (2.50 acres) more or less 75 Beech Street, Drumheller
DATE:	June 5 th , 2023
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
ATTACHMENTS:	Resolution to Expropriate Notice of Intent to Expropriate Parcel Map – 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 Michichi Creek East Berm starting in the spring of 2024, partial acquisition of land from this parcel and a temporary workspace are required. Negotiations with these impacted landowners began in November 2022, and have been on-going over the past several months. The subject partial acquisition property owners have rejected our purchase offers of Fair Market Value, as determined by an appraisal, for the portion of the property needed for berm construction. As such, the next step in obtaining the land required for Michichi Creek East Berm 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 pertaining to a portion of 75 Beech Street (Plan 9611859 that portion of Block 14 which lies north of Public Work (Flood Protection & Michichi Creek Diversion) Area 'D' on Plan 0212715 containing 1.011 hectares (2.50 acres) more or less) 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, partial parcel acquisitions can be made at the higher of the appraised or assessed value. Temporary workspace compensation is calculated using a formula based on annual tax rates paid by the owner. An offer has been made to the impacted property owner for the Michichi Creek East 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 expropriation 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 pertaining to a portion of land described as Plan 9611859 that portion of Block 14 which lies north of Public Work (Flood Protection & Michichi Creek Diversion) Area 'D' on Plan 0212715 containing 1.011 hectares (2.50 acres) more or less, Title 061 083 429.

SECONDED:



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



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

RESOLUTION

REGARDING EXPROPRIATION FOR THE PURPOSE OF ACQUIRING A FEE SIMPLE ESTATE AND A TEMPORARY WORKSPACE EASEMENT OVER CERTAIN LANDS LOCATED WITHIN THE TOWN OF DRUMHELLER

WHEREAS the **TOWN OF DRUMHELLER** is desirous of acquiring a fee simple estate, as well as a temporary workspace easement to conduct and complete flood mitigation works, for the purposes of facilitating the construction of flood mitigation works to protect surrounding lands from future flooding events in those portions of the following lands depicted on Schedule 'A' attached hereto and more particularly described as:

THAT PORTION OF:

"PLAN 9611859

THAT PORTION OF BLOCK 14 WHICH LIES NORTH OF PUBLIC WORK (FLOOD PROTECTION & MICHICHI CREEK DIVERSION) AREA 'D' ON PLAN 0212715 CONTAINING 1.011 HECTARES (2.50 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS"

INCLUDING:

(FEE SIMPLE ESTATE) WHICH LIES WITHIN:

PLAN

AREA 'A'

EXCEPTING THEREOUT ALL MINES AND MINERALS

AND

(TEMPORARY WORKSPACE EASEMENT) WHICH LIES WITHIN:

PLAN

R.W. 'B'

EXCEPTING THEREOUT ALL MINES AND MINERALS

(such lands to be the subject of the taking 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 estate and a temporary workspace easement 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 and a temporary workspace easement 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 estate and a temporary workspace easement.

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.

EXPROPRIATION ACT
R.S.A. 2000, Chapter E-13, as amended

RESOLUTION

REGARDING EXPROPRIATION FOR THE PURPOSE OF ACQUIRING A FEE SIMPLE ESTATE
AND A TEMPORARY WORKSPACE EASEMENT OVER CERTAIN LANDS LOCATED WITHIN THE
TOWN OF DRUMHELLER

MOVED 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:

THAT PORTION OF:

"PLAN 9611859

THAT PORTION OF BLOCK 14 WHICH LIES NORTH OF PUBLIC WORK (FLOOD PROTECTION & MICHICHI CREEK DIVERSION) AREA 'D' ON PLAN 0212715 CONTAINING 1.011 HECTARES (2.50 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS"

INCLUDING:

(FEE SIMPLE ESTATE) WHICH LIES WITHIN:

PLAN

AREA 'A'

EXCEPTING THEREOUT ALL MINES AND MINERALS

AND

(TEMPORARY WORKSPACE EASEMENT) WHICH LIES WITHIN:

PLAN

R.W. 'B'

EXCEPTING THEREOUT ALL MINES AND MINERALS

(such lands to be the subject of the taking hereinafter referred to as "the Lands")

2. The nature of the interest in the Lands intended to be expropriated is:
 - a. The fee simple estate shown and marked as Area 'A' on Schedule 'A'; and
 - b. An easement for temporary working space until December 31, 2025, over the area shown and marked as R.W. 'B' on Schedule 'A'.
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

DRUMHELLER, ALBERTA


PLAN SHOWING AREA TO BE EXPROPRIATED FOR FLOOD MITIGATION PURPOSES AFFECTING PART OF BLOCK 14, PLAN 961 1859 WITHIN THE W.1/2 SEC.11, TWP.29, RGE.20, W.4M.

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

LEGEND:

Distances are in metres and decimals thereof.

Acquisition by Expropriation:

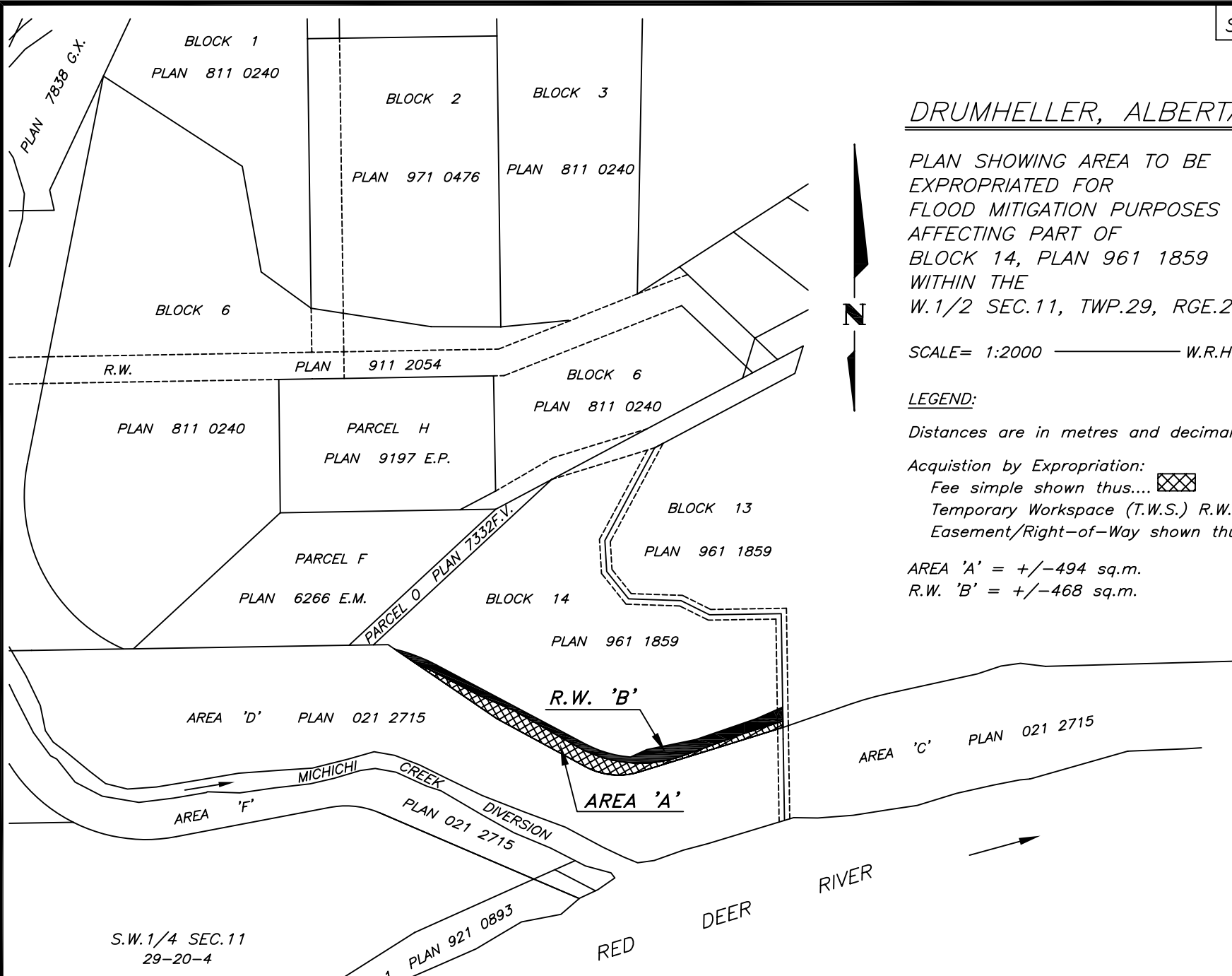
Fee simple shown thus.... 

Temporary Workspace (T.W.S.) R.W.'B'

Easement/Right-of-Way shown thus.... 

AREA 'A' = +/-494 sq.m.

R.W. 'B' = +/-468 sq.m.



1	31 MAY, 2023	ISSUED
NO.	DATE	DETAIL

HUNTER SURVEY SYSTEMS LTD.
 CALGARY, ALBERTA
 FILE: 20-035 (DRUMHELLER F)

REQUEST FOR DECISION

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Resolution for Expropriation of a Partial Parcel for Berm Construction affecting Meridian 4 Range 20 Township 29 Section 11 that portion of Legal Subdivision 5 in the south west quarter which lies north of Lot 19ER in Block 1 on Plan 9210893; south and east of Lots 16 to 18 inclusive in Block 1 on Plan 9210893 and southwest of Public Work (Flood Protection & Michichi Creek Diversion) Area 'F' on Plan 0212715 containing 2.577 hectares (6.37 acres) more or less 110 9 Street Northwest, Drumheller
DATE:	June 5 th , 2023
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
ATTACHMENTS:	Resolution to Expropriate Notice of Intent to Expropriate Parcel Map – 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 Michichi Creek West Berm starting in the spring of 2024, partial acquisition of land from this parcel and a temporary workspace are required. Negotiations with these impacted landowners began in November 2022, and have been on-going over the past several months. The subject partial acquisition property owner has not accepted our purchase offers of Fair Market Value, as determined by an appraisal, for the portion of the property needed for berm construction within the timelines given. As such, the next step in obtaining the land required for Michichi Creek West Berm 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 pertaining to a portion of 110 9 Street Northwest (Meridian 4 Range 20 Township 29 Section 11 that portion of Legal Subdivision 5 in the south west quarter which lies north of Lot 19ER in Block 1 on Plan 9210893; south and east of Lots 16 to 18 inclusive in Block 1 on Plan 9210893 and southwest of Public Work (Flood Protection & Michichi Creek Diversion) Area 'F' on Plan 0212715 containing 2.577 hectares (6.37 acres) more or less) 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, partial parcel acquisitions can be made at the higher of the appraised or assessed value. Temporary workspace compensation is calculated using a formula based on annual tax rates paid by the owner. An offer has been made to the impacted property owner for the Michichi Creek West 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 expropriation 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 pertaining to a portion of land described as Meridian 4 Range 20 Township 29 Section 11 that portion of Legal Subdivision 5 in the south west quarter which lies north of Lot 19ER in Block 1 on Plan 9210893; south and east of Lots 16 to 18 inclusive in Block 1 on Plan 9210893 and southwest of Public Work (Flood Protection & Michichi Creek Diversion) Area 'F' on Plan 0212715 containing 2.577 hectares (6.37 acres) more or less; Title 151 135 434.

SECONDED:



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



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

RESOLUTION

REGARDING EXPROPRIATION FOR THE PURPOSE OF ACQUIRING A FEE SIMPLE ESTATE
AND A TEMPORARY WORKSPACE EASEMENT OVER CERTAIN LANDS LOCATED WITHIN THE
TOWN OF DRUMHELLER

WHEREAS the **TOWN OF DRUMHELLER** is desirous of acquiring a fee simple estate, as well as a temporary workspace easement to conduct and complete flood mitigation works, for the purposes of facilitating the construction of flood mitigation works to protect surrounding lands from future flooding events in those portions of the following lands depicted on Schedule 'A' attached hereto and more particularly described as:

THAT PORTION OF:

"MERIDIAN 4 RANGE 20 TOWNSHIP 29 SECTION 11 THAT PORTION OF LEGAL SUBDIVISION 5 IN THE SOUTH WEST QUARTER WHICH LIES NORTH OF LOT 19ER IN BLOCK 1 ON PLAN 9210893; SOUTH AND EAST OF LOTS 16 TO 18 INCLUSIVE IN BLOCK 1 ON PLAN 9210893 AND SOUTHWEST OF PUBLIC WORK (FLOOD PROTECTION & MICHICHI CREEK DIVERSION) AREA 'F' ON PLAN 0212715 CONTAINING 2.577 HECTARES (6.37 ACRES) MORE OR LESS

EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES (ACRES)	MORE OR LESS
------	--------	------------------	--------------

SUBDIVISION	1313418	0.352	0.87
-------------	---------	-------	------

EXCEPTING THEREOUT ALL MINES AND MINERALS"

INCLUDING:

(FEE SIMPLE ESTATE) WHICH LIES WITHIN:

PLAN

AREA 'A'

EXCEPTING THEREOUT ALL MINES AND MINERALS

AND

(TEMPORARY WORKSPACE EASEMENT) WHICH LIES WITHIN:

PLAN

R.W. 'B'

EXCEPTING THEREOUT ALL MINES AND MINERALS

(such lands to be the subject of the taking 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 estate and a temporary workspace easement 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 and a temporary workspace easement 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;

EXPROPRIATION ACT
R.S.A. 2000, Chapter E-13, as amended

RESOLUTION

REGARDING EXPROPRIATION FOR THE PURPOSE OF ACQUIRING A FEE SIMPLE ESTATE
AND A TEMPORARY WORKSPACE EASEMENT OVER CERTAIN LANDS LOCATED WITHIN THE
TOWN OF DRUMHELLER

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 estate and a temporary workspace easement.
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

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:

THAT PORTION OF:

"MERIDIAN 4 RANGE 20 TOWNSHIP 29 SECTION 11 THAT PORTION OF LEGAL SUBDIVISION 5 IN THE SOUTH WEST QUARTER WHICH LIES NORTH OF LOT 19ER IN BLOCK 1 ON PLAN 9210893; SOUTH AND EAST OF LOTS 16 TO 18 INCLUSIVE IN BLOCK 1 ON PLAN 9210893 AND SOUTHWEST OF PUBLIC WORK (FLOOD PROTECTION & MICHICHI CREEK DIVERSION) AREA 'F' ON PLAN 0212715 CONTAINING 2.577 HECTARES (6.37 ACRES) MORE OR LESS

EXCEPTING THEREOUT:

PLAN	NUMBER	HECTARES	(ACRES)	MORE OR LESS
SUBDIVISION	1313418	0.352	0.87	

EXCEPTING THEREOUT ALL MINES AND MINERALS"

INCLUDING:

(FEE SIMPLE ESTATE) WHICH LIES WITHIN:

PLAN

AREA 'A'

EXCEPTING THEREOUT ALL MINES AND MINERALS

AND

(TEMPORARY WORKSPACE EASEMENT) WHICH LIES WITHIN:

PLAN

R.W. 'B'

EXCEPTING THEREOUT ALL MINES AND MINERALS

(such lands to be the subject of the taking hereinafter referred to as "the Lands")

2. The nature of the interest in the Lands intended to be expropriated is:
 - a. The fee simple estate shown and marked as Area 'A' on Schedule 'A'; and
 - b. An easement for temporary working space until December 31, 2025, over the area shown and marked as R.W. 'B' on Schedule 'A'.
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

DRUMHELLER, ALBERTA


PLAN SHOWING AREA TO BE EXPROPRIATED FOR FLOOD MITIGATION PURPOSES AFFECTING PART OF THE S.W.1/4 SEC.11, TWP.29, RGE.20, W.4M.

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


LEGEND:

Distances are in metres and decimals thereof.

Acquisition by Expropriation:

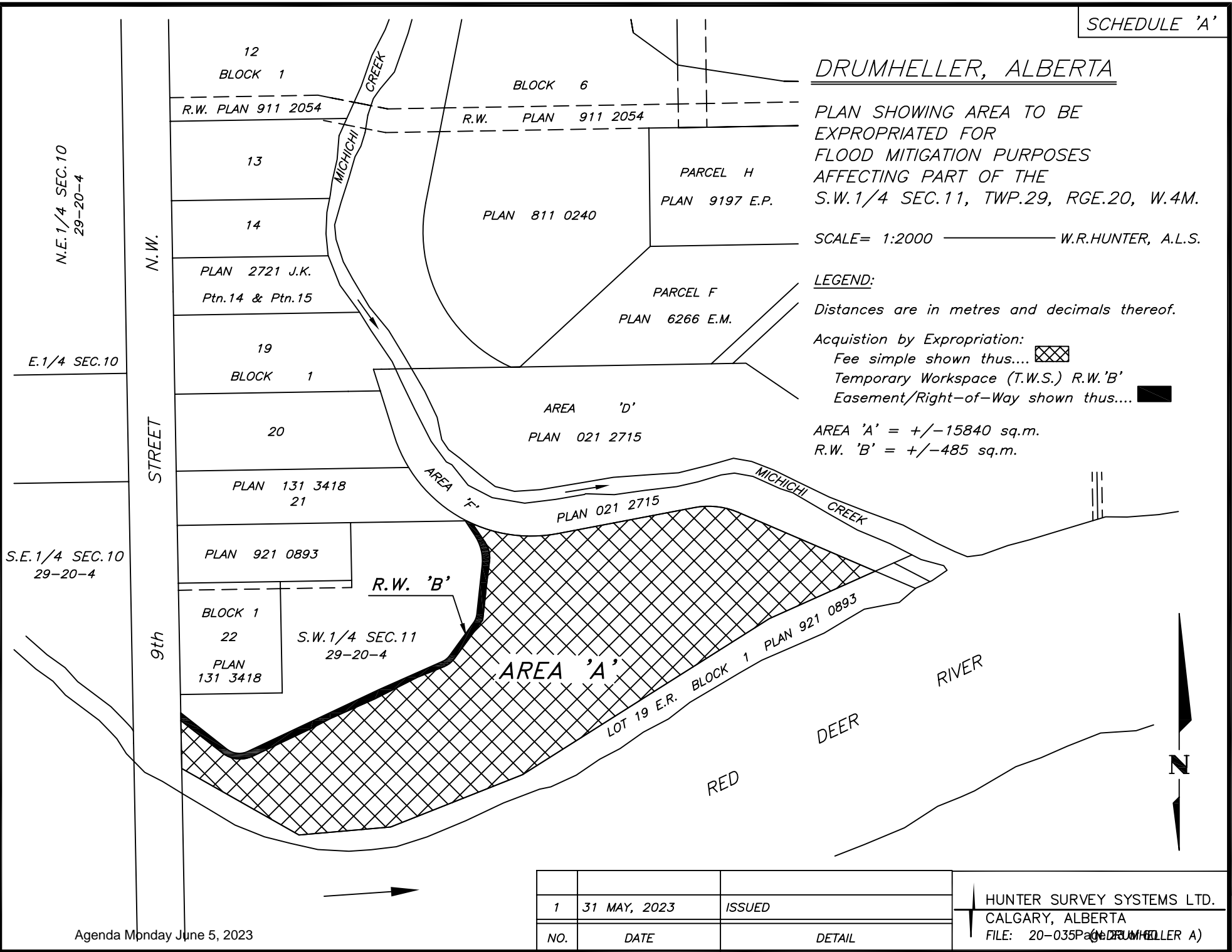
Fee simple shown thus... 

Temporary Workspace (T.W.S.) R.W.'B'

Easement/Right-of-Way shown thus... 

AREA 'A' = +/-15840 sq.m.

R.W. 'B' = +/-485 sq.m.



N.E.1/4 SEC.10
29-20-4

E.1/4 SEC.10

S.E.1/4 SEC.10
29-20-4

N.W.

STREET

9th

12
BLOCK 1

R.W. PLAN 911 2054

13

14

PLAN 2721 J.K.
Ptn.14 & Ptn.15

19

BLOCK 1

20

PLAN 131 3418
21

PLAN 921 0893

BLOCK 1
22

PLAN
131 3418

S.W.1/4 SEC.11
29-20-4

R.W. 'B'

BLOCK 6

R.W. PLAN 911 2054

PLAN 811 0240

PARCEL H
PLAN 9197 E.P.

PARCEL F
PLAN 6266 E.M.

AREA 'D'

PLAN 021 2715

PLAN 021 2715

AREA 'A'

LOT 19 E.R. BLOCK 1 PLAN 921 0893

RED DEER RIVER



1	31 MAY, 2023	ISSUED
NO.	DATE	DETAIL

REQUEST FOR DECISION

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Resolution for Expropriation of a Partial Parcel for Berm Construction affecting Plan 2721JK, Block 1, Lot 12 150 9 Street Northwest, Drumheller
DATE:	June 5 th , 2023
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
ATTACHMENTS:	Resolution to Expropriate Notice of Intent to Expropriate Parcel Map – 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 Michichi Creek West Berm starting in the spring of 2024, partial acquisition of land from this parcel and a temporary workspace are required. Negotiations with these impacted landowners began in November 2022, and have been on-going over the past several months. The subject partial acquisition property owners have rejected our purchase offers of Fair Market Value, as determined by an appraisal, for the portion of the property needed for berm construction. As such, the next step in obtaining the land required for Michichi Creek West Berm 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 pertaining to a portion of 150 9 Street Northwest (2721JK;1;12) 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, partial parcel acquisitions can be made at the higher of the appraised or assessed value. Temporary workspace compensation is calculated using a formula based on annual tax rates paid by the owner. An offer has been made to the impacted property owner for the Michichi Creek West 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 expropriation 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 pertaining to a portion of land described as Lot 12, Block 1, Plan 2721JK, Title 221 129 801.

SECONDED:



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



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

RESOLUTION

REGARDING EXPROPRIATION FOR THE PURPOSE OF ACQUIRING A FEE SIMPLE ESTATE
AND A TEMPORARY WORKSPACE EASEMENT OVER CERTAIN LANDS LOCATED WITHIN THE
TOWN OF DRUMHELLER

WHEREAS the **TOWN OF DRUMHELLER** is desirous of acquiring a fee simple estate, as well as a temporary workspace easement to conduct and complete flood mitigation works, for the purposes of facilitating the construction of flood mitigation works to protect surrounding lands from future flooding events in those portions of the following lands depicted on Schedule 'A' attached hereto and more particularly described as:

THAT PORTION OF:
"PLAN 2721JK
BLOCK 1
LOT 12
EXCEPTING THEREOUT ALL MINES AND MINERALS"

INCLUDING:

(FEE SIMPLE ESTATE) WHICH LIES WITHIN:
PLAN
AREA 'A'
EXCEPTING THEREOUT ALL MINES AND MINERALS

AND

(TEMPORARY WORKSPACE EASEMENT) WHICH LIES WITHIN:
PLAN
R.W. 'B'
EXCEPTING THEREOUT ALL MINES AND MINERALS

(such lands to be the subject of the taking 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 estate and a temporary workspace easement 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 and a temporary workspace easement 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 estate and a temporary workspace easement.

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.

EXPROPRIATION ACT
R.S.A. 2000, Chapter E-13, as amended

RESOLUTION

REGARDING EXPROPRIATION FOR THE PURPOSE OF ACQUIRING A FEE SIMPLE ESTATE
AND A TEMPORARY WORKSPACE EASEMENT OVER CERTAIN LANDS LOCATED WITHIN THE
TOWN OF DRUMHELLER

MOVED 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:

THAT PORTION OF:
"PLAN 2721JK
BLOCK 1
LOT 12
EXCEPTING THEREOUT ALL MINES AND MINERALS"

INCLUDING:

(FEE SIMPLE ESTATE) WHICH LIES WITHIN:
PLAN
AREA 'A'
EXCEPTING THEREOUT ALL MINES AND MINERALS

AND

(TEMPORARY WORKSPACE EASEMENT) WHICH LIES WITHIN:
PLAN
R.W. 'B'
EXCEPTING THEREOUT ALL MINES AND MINERALS

(such lands to be the subject of the taking hereinafter referred to as "the Lands")

2. The nature of the interest in the Lands intended to be expropriated is:
 - a. The fee simple estate shown and marked as Area 'A' on Schedule 'A'; and
 - b. An easement for temporary working space until December 31, 2025, over the area shown and marked as R.W. 'B' on Schedule 'A'.
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

DRUMHELLER, ALBERTA


PLAN SHOWING AREA TO BE EXPROPRIATED FOR FLOOD MITIGATION PURPOSES AFFECTING PART OF LOT 3, BLOCK 1, PLAN 2721 J.K. WITHIN THE N.W.1/4 SEC.11, TWP.29, RGE.20, W.4M.


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


LEGEND:

Distances are in metres and decimals thereof.

Acquisition by Expropriation:

Fee simple shown thus... 

Temporary Workspace (T.W.S.) R.W.'B' 

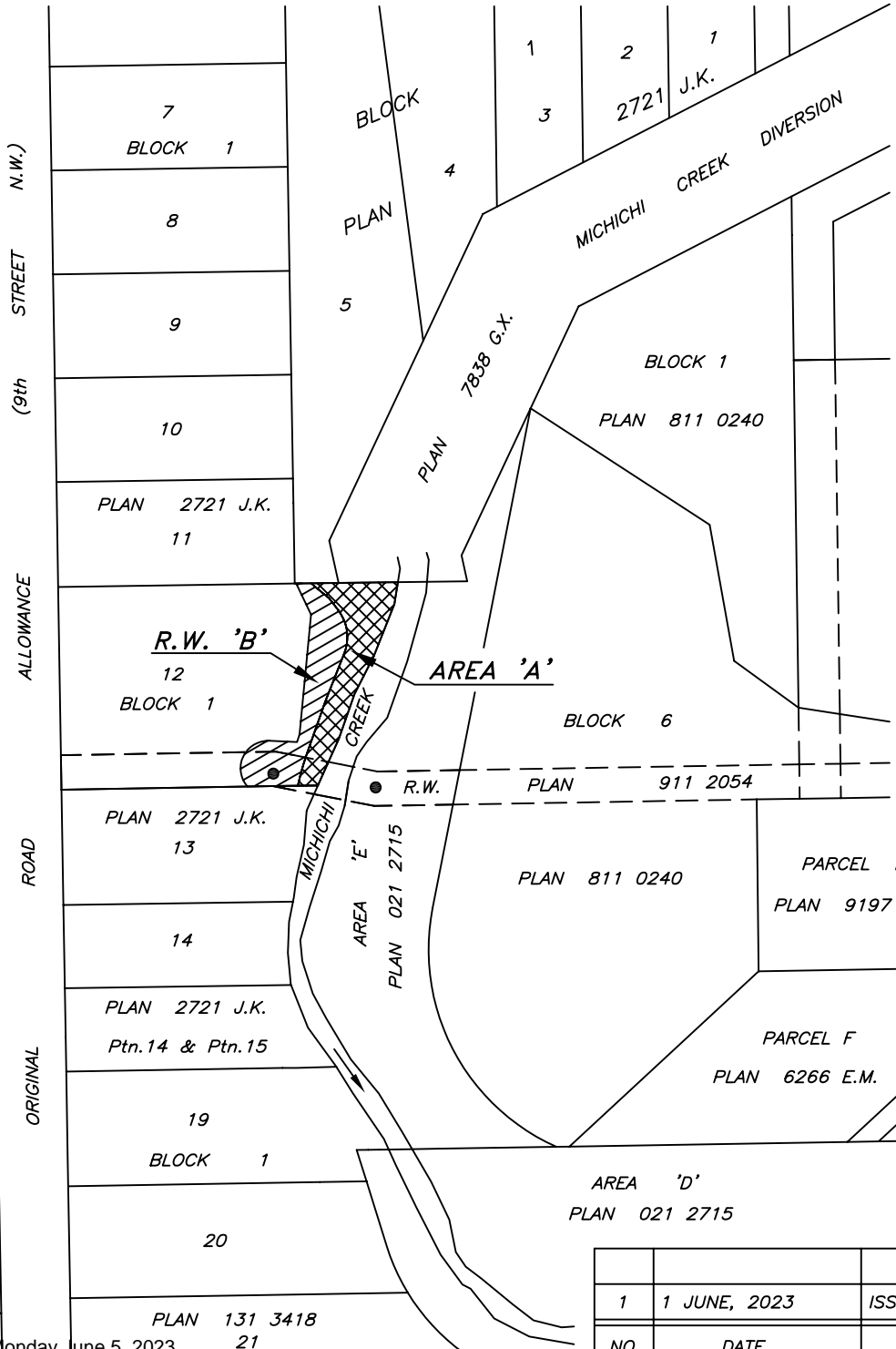
Easement/Right-of-Way shown thus... 

AREA 'A' = +/-594 sq.m.

R.W. 'B' = +/-589 sq.m.



N.E.1/4 SEC.10
29-20-4



1	1 JUNE, 2023	ISSUED
NO.	DATE	DETAIL

HUNTER SURVEY SYSTEMS LTD.
CALGARY, ALBERTA
FILE: 20-034 (DRUMHELLER H)

REQUEST FOR DECISION

TITLE:	Amendment of Bylaw 13.20 Residential Development Incentive Programs
DATE:	June 5, 2023
PRESENTED BY:	Reg Johnston, Manager of Economic Development
ATTACHMENTS:	Office Consolidation –13.20, Residential Development Incentive Programs Bylaw (draft) Bylaw 04.23, Residential Development Incentive Amending Bylaw

SUMMARY:

On May 15th, 2023, Economic Development provided a Request for Direction for the amendment of Bylaw 13.20, offering the following suggested areas for change, in order to meet the goals outlined in the Drumheller Valley Housing Strategy (DVHS):

- removal of price caps on residential listings;
- removal of price caps and size cap on rentals; and,
- addition of titled RV lot incentives.

On May 15th, Council passed motion M2023.110, which moved “*that Administration bring back an amended Residential Incentive Bylaw 13.20 to reflect changes that will better meet the goals of the Drumheller Housing Strategy.*” At the meeting, Council also requested Economic Development gather information on the following topics prior to moving forward with the amendment of Bylaw 13.20:

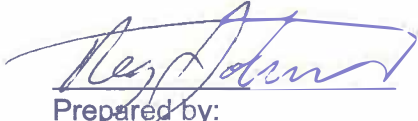
1. research if other municipalities use a utility rebate as an incentive; and,
2. research if the Greenwood Villa would be eligible for residential incentives.

The answers to the above questions are as follows:

1. Economic Development has conducted significant research and has not found any municipality that issues utility incentives to spur development; and
2. residential development incentives would apply to mobile home parks if the lots have separate title and the mobile home park is a **new** development. As Greenwood Villa is not a new development and does not sell individual lots, Greenwood Villa would not be eligible. However, Bylaw 13.20 states that “*If a unique incentive request is submitted to the Town of Drumheller, upon approval of Town Council, the above criteria may be waived or modified to recognize the uniqueness of a request.*” This allows for flexibility when offering tax abatements to properties that do not sell individual lots.

MOTION:
Councillor: _____
Moves that Council give first reading to Residential Incentive Amending Bylaw 04.23 as presented.
Moves that Council give second reading to Residential Incentive Amending Bylaw 04.23 as presented.

Seconded: _____
Councillor: _____



Prepared by:
Reg Johnston
Manager of Economic Development



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

TOWN OF DRUMHELLER
BYLAW 04.23
DEPARTMENT: ECONOMIC DEVELOPMENT

**BEING A BYLAW FOR THE PURPOSE OF AMENDING BYLAW 13.20 IMPLEMENTING
RESIDENTIAL DEVELOPMENT INCENTIVE PROGRAMS FOR THE TOWN OF
DRUMHELLER IN THE PROVINCE OF ALBERTA.**

WHEREAS, pursuant to the provision of *Section 191 of the Municipal Government Act, RSA 2000, Chapter M-26*, Council has the power to pass a bylaw to amend or repeal a bylaw;

AND WHEREAS, the Town of Drumheller Council deems it desirable to amend Bylaw 13.20;

NOW THEREFORE, the Town of Drumheller, in the Province of Alberta, hereby enacts as follows:

1.0 SHORT NAME

- 1.1 This Bylaw will be known as “Residential Development Incentive Amending Bylaw 04.23”

2.0 CHANGES / DELETIONS

- 1.1 Added “Schedule C: Titled Recreational Vehicle Lots” to section 2 of the enacting clause;
- 1.2 Section 2.6 of Schedule A and Section 2.4 of Schedule B removed; section 3 of the enacting clause will be changed to the following:
3. The tax abatements apply to the municipal portion of property taxes only. Special levies, improvement levies, Drumheller and District Senior Foundation Requisition and school taxes are not exempt for the purposes of this incentive;
- 1.3 Sections 2.7, 2.8, 2.10, 2.11, 3.1, 3.2, 4.1, 4.2 and 4.3 from *Schedule A* and sections 2.5, 2.6, 2.7, 2.9, 3.1, 3.2, 4.1, 4.2, 4.3 from *Section B* will be removed from the schedules and rewritten under the enacting clause as follows:
4. *This Bylaw applies to new development only; expansions or renovations to existing buildings or structures do not qualify for this incentive;*

PROCESS

1. *Developers must submit a development proposal and incentive request to the Town of Drumheller prior to the start of construction;*
2. *The development proposal shall include details on the type of development(s) being built, the estimated time of construction, and an*

approximate time that the new developments(s) will be available on the market;

3. *Developments must comply with the Land Use Bylaw and Municipal Development Plan, imposed design guidelines, and the laws of the Province of Alberta and Canada;*
4. *The developer must have a Town of Drumheller Business License;*
5. *All servicing costs will be the responsibility of the developer;*
6. *If a developer sells the development(s) during the incentive period, the balance of the incentive is automatically transferred to the new owner, if the conditions of this program are maintained and subject to the conditions listed in the corresponding schedules;*

RESPONSIBILITIES

1. *If a unique incentive request is submitted to the Town of Drumheller, and with the approval of Town Council, the above criteria may be waived or modified to recognize the uniqueness of a request;*
2. *Review and recommendations of changes to this program shall be the sole responsibility of Town Council, upon recommendation of the Town's Chief Administrative Officer;*
3. *The Town of Drumheller, through Town Council, may, at their sole discretion, refuse, limit, or cancel, any property tax abatement granted under this incentive program;*

1.4 'TRANSITIONAL' heading added to the enacting clause to increase clarity;

1.5 Section 2.1 of Schedule A changed from "with a listing sale price between \$180,000 to \$350,000" to "with a listing sale price greater than \$180,000" and added "or condominiums built to be sold as individual units" to the definition of "eligible dwelling";

1.6 Section 2.4 of Schedule A changed to the following:

2.4 For single family detached homes, the incentive shall be granted at the beginning of the tax year following the transfer of title. For attached or unattached townhouses, row houses or condominiums built to be sold as individual units, the incentive shall be granted at the beginning of the tax year following the transfer of title **or**

issuance of the building permit, depending on the preference of the developer. The tax abatement schedule will be as follows:

1.7 Tax abatement schedule changed in Section 2.4 of Schedule A and Section 2.3 of Schedule B to the following:

- I. *First Year – 100% Property Tax Abatement;*
- II. *Second Year – 75% Property Tax Abatement;*
- III. *Third Year – 50% Property Tax Abatement;*
- IV. *Fourth Year – 25% Property Tax Abatement; and*
- V. *Fifth Year – 0% Property Tax Abatement.*

1.8 Sections 2.5 of Schedule A and sections 2.8 of Schedule B removed as the program is already established under the authority of Section 347(1) of the *Municipal Government Act (MGA)* in the purpose clause;

1.9 Section 2.1.1 from Schedule B changed from 'Minimum of four (4) units and a maximum of sixteen units' to "Minimum of two (2) Units;"

1.10 Section 2.1.3 from Schedule B is removed.

1.11 Section 2.1 from Schedule B changed from "eligible property" to "eligible building" to maintain consistency and increase clarity

1.12 Section 2.3 of Section B changed to:

2.3 The Incentive shall be granted at the beginning of the tax year following the issuance of a building permit. The tax abatement schedule will be as follows:

3.0 ADDITIONS

3.1 The addition of:

SCHEDULE 'C'

TITLED RECREATIONAL VEHICLE LOTS

1.0 PURPOSE:

1.1 *To establish an incentive program for the development of titled recreational vehicle lots and create a positive environment for construction.*

2.0 GENERAL PURPOSE:

- 2.1 *For the purposes of this schedule, the term, "eligible lot" is defined as any titled recreational vehicle lot that meets the following requirements:*
- 2.1.1 *Is sold to an individual owner after construction;*
 - 2.1.2 *Has the minimum services of electrical and water or sewer;*
 - 2.1.3 *All individual units in the development share services that are not the responsibility of the Town of Drumheller (e.g. roads, sewer, garbage);*
- 2.2 *Developers applying for the Titled Recreational Vehicle Lot Incentive must enter into an Incentive Agreement with the Town of Drumheller under the following terms:*
- 2.2.1 *The Titled Recreational Vehicle Lot must be sold within five (5) years on entering into the agreement.*
- 2.3 *The incentive shall be granted at the beginning of the tax year following the request of the developer. The tax abatement schedule will be as follows*
- i. First Year — 100% Property Tax Abatement*
 - ii. Second Year — 75% Property Tax Abatement*
 - iii. Third Year — 50% Property Tax Abatement*
 - iv. Fourth Year — 25% Property Tax Abatement*
 - v. Fifth Year — 0% Property Tax Abatement*

4.0 **TRANSITIONAL**

- 4.1 Bylaw 04.23 comes into full force after third reading.

READ A FIRST TIME THIS 5th DAY OF JUNE, 2023

READ A SECOND TIME THIS 5th DAY OF JUNE, 2023

READ A THIRD TIME AND PASSED THIS __ DAY OF __, 2023

MAYOR

CHIEF ADMINISTRATIVE OFFICER

OFFICE CONSOLIDATION

**TOWN OF DRUMHELLER
BYLAW NUMBER 13.20**

*Amending Bylaw 01.22
Amending Bylaw 04.23*

BEING A BYLAW FOR THE PURPOSE OF IMPLEMENTING RESIDENTIAL DEVELOPMENT INCENTIVE PROGRAMS FOR THE TOWN OF DRUMHELLER IN THE PROVINCE OF ALBERTA.

WHEREAS pursuant to the provision of *Section 347 (1) of the Municipal Government Act, RSA 2000, Chapter M-26*, Council may, by bylaw, cancel, reduce, refund or defer taxes, if it considers it equitable to do so, or phase-in increases or decreases from the preparation of a new assessment;

WHEREAS pursuant to the provision of *Section 347 (1) of the Municipal Government Act, RSA 2000, Chapter M-26* and amendments thereto, the Council of the Town of Drumheller deems it equitable to provide for a Bylaw for the purposes of implementing "Residential Development Incentive Programs."

NOW THEREFORE, be it resolved that the Council of the Town of Drumheller, in the Province of Alberta, duly enacts as follows:

1. This Bylaw may be referred to as the "Residential Development Incentive Programs" Bylaw;
2. Minimum qualifying criteria and property tax abatements are outlined per programs attached hereto and outlined in Schedules A: Residential Developers Housing Incentive Program, Schedule B: Multi-Unit Residential Rental Incentive Program, and Schedule C: Titled Recreational Vehicle Lots.
3. The tax abatements apply to the municipal portion of property taxes only. Special levies, improvement levies, Drumheller and District Senior Foundation Requisition and school taxes are not exempt for the purposes of this incentive; and
4. This Bylaw applies to new developments only, expansions or renovations to existing buildings or structures do not qualify for this incentive.

PROCESS

1. Developers must submit a development proposal and incentive request to the Town of Drumheller prior to the start of construction;
2. The development proposal shall include details on the type of development(s) being built, the estimated time of construction, and an approximate time that the new development(s) will be available on the market;
3. Developments must comply with the Land Use Bylaw, imposed design guidelines, and the laws of the Province of Alberta and Canada;
4. The developer must have a Town of Drumheller Business License;
5. All servicing costs will be the responsibility of the developer; and
6. If a developer sells the development(s) during the incentive period, the balance of the incentive is automatically transferred to the new owner, if the conditions of this program are maintained and subject to the conditions listed in the corresponding schedules.

RESPONSIBILITIES

1. If a unique incentive request is submitted to the Town of Drumheller, upon approval of Town Council, the above criteria may be waived or modified to recognize the uniqueness of a request;
2. Review and recommendations of changes to this program shall be the sole responsibility of Town Council, upon recommendation of the Town's Chief Administrative Officer;
3. The Town of Drumheller, through Town Council, may, at their sole discretion, refuse, limit, or cancel, any property tax abatement granted under this incentive program; and
4. This Bylaw and corresponding schedules will be reviewed by Town Council at the beginning of each Council term.

TRANSITIONAL

1. This Bylaw will come into full force and effect on the date of final passing thereof.

SCHEDULE “A”
RESIDENTIAL DEVELOPER HOUSING INCENTIVE PROGRAM

1.0 PURPOSE:

- 1.1 To establish an incentive program for the development of residential lots and create a positive environment for residential construction.

2.0 GENERAL PROGRAM:

- 2.1 For the purposes of this Schedule, the term “eligible dwelling” is defined as any new development of single family detached residences, attached or unattached townhouses, row houses or condominiums built to be sold as individual units with a listing sale price greater than \$180,000;
- 2.2 The developer must sign an Incentive Agreement with the Town prior to development starting;
- 2.3 Developers building eligible dwelling(s) on Town property will be required to place a 20% deposit in accordance with the Land Purchase Agreement. The developer will not be required to pay the balance until the property has been sold or when the incentive period ends, whichever occurs first;
- 2.4 For single family detached homes, the incentive shall be granted at the beginning of the tax year following the transfer of title. For attached or unattached townhouses, row houses or condominiums built to be sold as individual units, the incentive shall be granted at the beginning of the tax year following the transfer of title **or** the issuance of the building permit, depending on the preference of the developer. The tax abatement schedule will be as follows:
- i. First Year – 100% Property Tax Abatement;
 - ii. Second Year – 75% Property Tax Abatement;
 - iii. Third Year – 50% Property Tax Abatement;
 - iv. Fourth Year – 25% Property Tax Abatement;
 - v. Fifth Year – 0% Property Tax Abatement;
- 2.5 If a developer sells a dwelling approved under this program, the balance of the incentive is automatically transferred to the new registered owner provided that:
- 2.5.1 The new registered owner is not a business;
 - 2.5.2 The dwelling is not used as an income property.

SCHEDULE “B”
MULTI-UNIT RESIDENTIAL RENTAL INCENTIVE PROGRAM

1.0 PURPOSE:

- 1.1 To establish an incentive program for the development of affordable multi-unit residential rental dwellings and create a positive environment for residential construction.

2.0 GENERAL PROGRAM:

- 2.1 For the purposes of this schedule, the term, “eligible building” is defined as any multi-unit residential building that meets the following requirements:
- 2.1.2 Minimum of two (2) units;
 - 2.1.2 Minimum of \$400,000 construction value;
 - 2.1.3 All individual units in the building must contain a balcony or access to a shared green space; and
 - 2.1.4 Located within the Downtown District (DTD), Neighbourhood District (ND) and Neighbourhood Centre District (NCD).
- 2.2 Developers applying for the Multi-Unit Residential Rental Incentive must enter into an Incentive Agreement with the Town of Drumheller under the following terms:
- 2.2.1 The units within the eligible building shall remain solely as rentable dwelling units for a period of no less than ten (10) years and the developer shall not convert the units to condominiums or otherwise sell the units during this time;
 - 2.2.2 The Incentive Agreement shall be registered as a “miscellaneous interest” on title of the property to prevent the conversion to condominiums or sale of units; and
 - 2.2.3 The “miscellaneous interest” will be removed upon request of the registered owner after the ten (10) year Incentive Agreement has expired.
- 2.3 The Incentive shall be granted at the beginning of the tax year following the issuance of a building permit. The tax abatement schedule will be as follows:
- i. First Year – 100% Property Tax Abatement;
 - ii. Second Year – 75% Property Tax Abatement;
 - iii. Third Year – 50% Property Tax Abatement;
 - iv. Fourth Year – 25% Property Tax Abatement;
 - v. Fifth Year – 0% Property Tax Abatement.

SCHEDULE 'C'

TITLED RECREATIONAL VEHICLE LOTS

1.0 PURPOSE:

- 1.1 To establish an incentive program for the development of titled recreational vehicle lots and create a positive environment for construction.

2.0 GENERAL PURPOSE:

- 2.1 For the purposes of this schedule, the term, "eligible lot" is defined as any titled recreational vehicle lot that meets the following requirements:

- 2.1.1 Is sold to an individual owner after construction;
- 2.1.2 Has the minimum services of electrical and water or sewer;
- 2.1.3 All individual units in the development share services that are not the responsibility of the Town of Drumheller (e.g. roads, sewer, garbage);

- 2.2 Developers applying for the Titled Recreational Vehicle Lot Incentive must enter into an Incentive Agreement with the Town of Drumheller under the following terms:

- 2.2.1 The Titled Recreational Vehicle Lot must be sold within five (5) years after entering into the agreement.

- 2.3 The incentive shall be granted at the beginning of the tax year following the request of the developer. The tax abatement schedule will be as follows:

- i. First Year — 100% Property Tax Abatement;
- ii. Second Year — 75% Property Tax Abatement;
- iii. Third Year — 50% Property Tax Abatement;
- iv. Fourth Year — 25% Property Tax Abatement;
- v. Fifth Year — 0% Property Tax Abatement;

Bylaw 13.20 passed July 20th, 2020

Amendments
Bylaw 01.22 - May 9 th , 2022
Bylaw 04.23 – June 19 th , 2023

REQUEST FOR DECISION

TITLE:	Bylaw Number 19.19 IMPLEMENTING NON-RESIDENTIAL DEVELOPMENT INCENTIVE PROGRAM – Rock Central Tattoo Application
DATE:	June 1, 2023
PRESENTED BY:	Reg Johnston
ATTACHMENT:	

SUMMARY:

Rock Central Tattoo has converted 130 Centre St., Drumheller from a residence to a commercial location for their business operation. They opened on February 16, 2022. The location was vacant for more than 6 months. There is one tenant in the commercial space. The development permit was issued December 1, 2021 and final inspection was completed January 26, 2023. This conversion qualifies them to apply to Schedule B, Council Policy #C-10-19, New Business Vacant Building Incentive Policy.

RECOMMENDATION:

As per Section 3.1. of the Policy, provide a 50% credit to their municipal portion of commercial taxation to their tax account for 2022 (to a max of \$2,000); prorated for the calendar year. This will be pro-rate from February 16, 2022 from the date the business opened.

As per Section 3.1. of the Policy, provide a 25% credit to their municipal portion of commercial taxation to their tax account for 2023 tax year (to a max. of \$1,000).

DISCUSSION:

Rock Central Tattoo has created two jobs in the community, created additional commercial space in downtown and occupied a former vacant building on Centre St. They have also created a wheelchair accessible business.

130 Centre St., Drumheller can now access this incentive program three additional times, if this application is approved.

FINANCIAL IMPACT:

The credit for 2022 tax year will be \$972.00 (pro-rated at 50%). The 2023 credit is \$606.35 (25% of full year). The total credit is \$1,578.35.

STRATEGIC POLICY ALIGNMENT:

Stimulate new business growth by utilizing existing vacant buildings and commercial spaces.

COMMUNICATION STRATEGY:

A letter will be sent to the business owner and an agreement will be signed.

MOTION: Councillor _____ moves that Council approve a tax credit of \$1,578.35 for a two-year period to the commercial taxation of 130 Centre St., Drumheller per Bylaw 19.19.

SECONDED:



Prepared By:

Reg Johnston
Manager of Economic Development



Approved By:

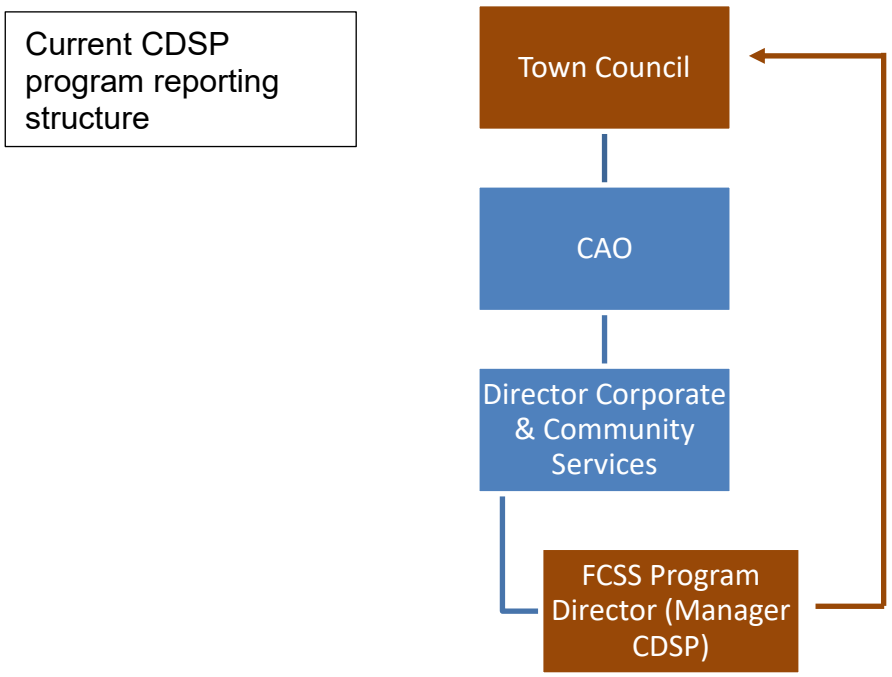
Darryl E. Drohomerski, C.E.T.
Chief Administrative Officer

REQUEST FOR DIRECTION

TITLE:	Establish a CDSP Advisory Committee
DATE:	5 June 2023
PREPARED BY:	April Harrison – Manager Community Development & Social Planning
PRESENTED BY:	Mauricio Reyes – Director of Corporate and Community Services
ATTACHMENT:	NA

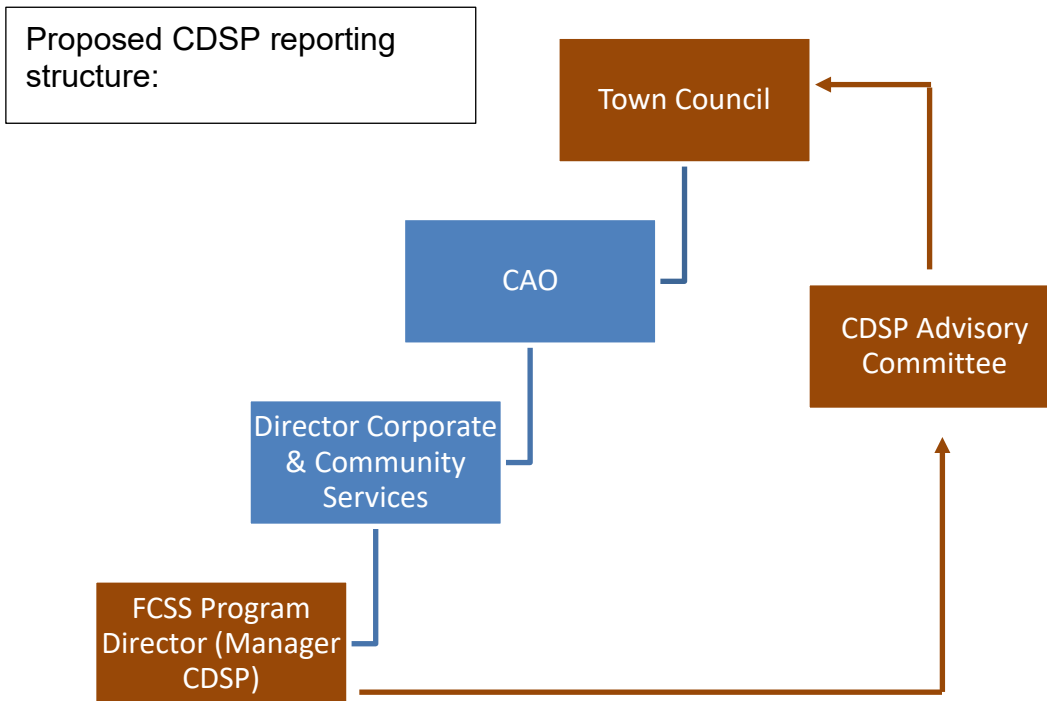
SUMMARY:

Drumheller Valley FCSS is currently operating without a volunteer Advisory Committee. Instead, the Town of Drumheller undertakes the roles and responsibilities of a municipality in the operation of an FCSS program, and the FCSS Program Director (Manager, CDSP) provides updates to Council throughout the year. This structure is uncommon, as an Advisory Committee is often established under a bylaw to oversee the FCSS program. Where this is no Advisory Committee, these duties are often delegated to the FCSS Program Director.



RECOMMENDATION:

To direct Administration to develop a bylaw and Terms of Reference for a volunteer Advisory Committee and to recruit members. Administration would also request that a member of Council, with an interest in social programming, support this development work.



DISCUSSION:

The FCSS program is a funding partnership between the Government of Alberta and participating municipalities and Metis Settlements. FCSS receives its mandate from the FCSS Act and the FCSS Regulation. The program promotes and enhances the well-being of Albertans, families, and communities.

FCSS is based on a shared understanding that municipalities and Metis Settlements are in the best position to:

- Assess community needs and set priorities.
- Support individuals, families and communities through preventative social programs and services.

As a result, FCSS initiatives and program delivery vary from community to community, based on locally identified needs, which inform the program’s strategic and work plans. In addition, many municipalities offer community services to residents that extend beyond the scope of FCSS. This is the case within the Community Development and Social Planning (CDSP) department at the Town of Drumheller. The budget and funding of FCSS programs and non-FCSS programs within the CDSP department are complex. In addition to the FCSS grant, the CDSP team applies for other grant funding and seeks alternative revenue sources to support the delivery of initiatives and programs identified as needs in the community, some of which is not FCSS fundable. This also results in multiple reporting requirements for the department.

Municipal role in FCSS

There are several potential governance structures for FCSS, the most common of which is municipal. Regardless of the FCSS structure adopted, the FCSS contract is always signed between the municipality and the province, and as such the municipality commits to the following duties as outlined in the Regulation: *“In providing for the establishment, administration and operation of a [FCSS] program, a municipality must do all of the following:*

- a) *promote and facilitate the development of stronger communities;*

- b) promote public participation in planning, delivering and governing the program and services provided under the program;*
- c) promote and facilitate the involvement of volunteers;*
- d) promote efficient and effective use of resources;*
- e) promote and facilitate co-operation and co-ordination with allied service agencies operating within the municipality”.*

Current governance model

Program structure: Drumheller Valley FCSS is a single municipal FCSS and receives a grant transfer from Starland Regional FCSS, the value of which is determined annually.

Program Administration and governance: Drumheller Valley FCSS is part of a municipal department entitled Community Development and Social Planning. There is no volunteer Advisory Committee at present, meaning that the program operates under direct municipal management. In instances where this is the case, the FCSS Program Director (Manager CDSP) typically undertakes many of the duties of the Advisory Committee (e.g. developing the strategic plan, developing the budget etc.) and provides reports to Council on a regular basis (quarterly, annually) and ad hoc where the need arises. They may also provide training/updating workshops to Council every year or two. While this model is uncommon, one example where it is operating (other than Drumheller) is in Canmore.

Volunteer Advisory Committees

FCSS programs often establish a volunteer Advisory Committee under a bylaw, to support and oversee the FCSS program. The scope of these committees varies but may include both FCSS and non-FCSS programs. Establishing an Advisory Committee provides municipalities with the assurance that a governance structure is in place that can ensure accountability and assist the municipality in meeting the duties outlined in the FCSS Act and Regulation. While the explicit duties of an Advisory Committee vary from community to community, they typically support the municipality by:

- Working with the Program Director to develop a strategic plan and an annual program/work plan.
- Working with the Program Director to develop an annual operating budget for Council approval.
- Providing oversight of the program(s) within its scope.
- Providing advice and recommendations on related policy.
- Supporting the administration of certain grant applications (e.g. the Drumheller Valley FCSS grant to external agencies).
- Supporting grant writing to enhance program funding.
- Promoting the programs within its scope
- Supporting relevant community engagement activities.

Importantly, establishing an Advisory Committee ensures that there is public participation in the planning and governance of the FCSS program, a requirement under the FCSS Regulation.

To ensure that Advisory Committees are equipped to fulfil these roles, they are provided with introductory and ongoing training. This training includes mandate, roles and responsibilities, the budget and funding sources, understanding community needs and program development etc. They are also supported to understand FCSS in the wider provincial context through participation in/updates from FCSSAA Regional meetings and conference.

In addition, Advisory Committees are involved in the social research undertaken by the program/department. Using this data, they work with the Program Director to develop recommendations on policy, strategic direction and programming to address the identified local needs and gaps, and to align work with the provincial prevention priorities, where applicable. Composition of FCSS Advisory committees vary from community to community, but *may* include positions that are 'appointed' from specific organizations (e.g. Town of Drumheller Council, specific service providers etc.), in addition to members at large.

Options

Option 1 (recommended): Establish a volunteer Advisory Committee for the CDSP department

Advantages:

- ensures public participation in the FCSS program (a regulatory requirement)
- supports Council in meeting municipal duties under the FCSS program
- improves accountability and transparency
- improves understanding of and advocacy for FCSS and other social programs and initiatives
- the bylaw can be adapted to ensure that the Advisory Committee's duties and authority are clear, specific, and that the committee composition is appropriate for the community.

Disadvantages:

- delegation of decision-making authority, reduced autonomy, recruitment challenges (depending on community interest and structure adopted), increased staff time assigned to Advisory Committee development, recruitment, and administration.

Option 2: Not to establish a volunteer Advisory Committee.

Advantages:

- Staff time not assigned to committee development, onboarding, administration.

Disadvantages:

- Lack of public participation in FCSS program planning and governance
- actions required to enhance transparency
- staff time required to support Council training in its role in FCSS and that of the FCSS director
- reduced opportunities for enhancing community awareness of and engagement in social research and community development

FINANCIAL IMPACT:

According to the FCSS Regulation, Municipal costs of a program may include:

- Operation of a board or committee for the municipal program;
- Training volunteers (including advisory committee members);
- and reimbursing volunteers for incidental expenses necessarily incurred in providing volunteer services to the program, but not including loss of wages.

However, expenditures of the FCSS program shall not include:

- any payment to a member of a board or committee beyond these (e.g. honoraria are not fundable).

Introducing an Advisory Committee would mean an increase in some of these committee specific expenses, for example to facilitate training and to support participation in FCSSAA regional meetings/conference. Where possible, mileage expenses would be limited by vehicle pooling. Estimated costs: \$2500 in the first year.

STRATEGIC POLICY ALIGNMENT:

Establishing the volunteer Advisory Committee/Board will support the work of the CDSP department, including any strategic priorities assigned. It will also ensure that the municipality meets its obligation to “[p]romote public participation in planning, delivery and governing the [FCSS] program and of services provided under the program” (FCSS Regulation section 2).

COMMUNICATION STRATEGY:

The public will be notified via the Town’s website and social media of the intention to establish an Advisory Committee.

Once the Bylaw and Terms of Reference are approved by Council, the CDSP department will advertise committee vacancies using their numerous distribution lists, committees, and the Volunteer Connector newsletter, in addition to the methods identified above, the Town page and two minutes on the town. Targeted recruitment may also occur based on the agreed committee composition (e.g. if a specific organization has a designated seat on the committee).

MOTION: Councilor _____

Moves to direct Administration to develop a Bylaw and Terms of Reference for a CDSP volunteer Advisory Committee to be brought back to Council for approval.

SECONDED:

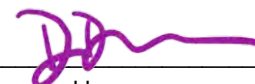
Councilor: _____

April Harrison

Prepared by:
April Harrison
Manager, Community Development
& Social Planning

Mauricio Reyes

Reviewed by:
Mauricio Reyes
Director, Corporate & Community
Services



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

REQUEST FOR DECISION

TITLE:	2023 Municipal Taxes – Sandstone Manor Roll# 000 04029906
DATE:	June 5, 2023
PRESENTED BY:	Mauricio Reyes – Director of Corporate Services
Sponsored By:	Councillor Crystal Sereda

SUMMARY:

The Drumheller Housing Administration has requested that the municipal portion of the 2023 property taxes be cancelled for the property occupied by Sandstone Manor.

The contract between the Town and the Housing Authority, signed May 19, 2009, determined that the property would be exempt from municipal taxation. Since the Town is mandated to remit the requisitioned amounts for Alberta School Foundation Fund and the District Seniors Foundation, the exemption request is limited to the municipal levy only.

Current legislation does not permit the Town to make this property exempt from taxation however, the Municipal Government Act 347(1) (b) provides that Council may cancel or refund part of a tax. The decision for the cancellation must be made annually.

Cancellation of the municipal tax levy provides financial relief for the Housing Administration in order to keep rental rates charged at Sandstone Manor at an affordable level.

RECOMMENDATION:

Administration recommends that Council proceeds with the cancellation of the 2023 Municipal Tax levied against Roll No. 000 04029906 as per the terms of the agreement.

FINANCIAL IMPACT:

The loss of revenue impacts the Towns annual operating budget/results; however, the adopted tax-supported operating budget recognizes the commitment embedded in the 2009 agreement and includes a budget line item that reflects the annual expense resulting from the municipal tax waiver. The municipal tax levy for 2023 amounts to \$14,526.74.

WORKFORCE AND RESOURCES IMPACT:

N/A

STRATEGIC POLICY ALIGNMENT:

Poverty reduction Provincial Housing Strategy/Community Housing.

COMMUNICATION STRATEGY:

Drumheller Housing Administration will be notified in writing of Council's decision

MOTION:

Councillor _____

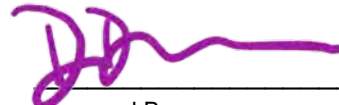
That Council approve the cancellation of the 2023 Municipal Tax levied against Roll No. 04029906 (Drumheller Housing Administration) in the amount of \$14,526.74.

SECONDED:

Councillor _____

Mauricio Reyes

Prepared by:
Mauricio Reyes, CPA, CMA, CAMP
Director of Corporate & Community Services



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

REQUEST FOR DECISION

TITLE:	Hotspot Digital Paid Parking Program
DATE:	31 May, 2023
PRESENTED BY:	G. Peters Director of Emergency and Protective Services
ATTACHMENT:	Proposed Parking Plan, Hotspot Presentation, Hotspot App, Hotspot standard signage, Jasper Signage

SUMMARY:

In January 2023, Council directed Emergency and Protective Services to search out and implement an appropriate paid parking solution for the town. In April, after reviewing the submissions, Hotspot Parking Inc. was awarded the contract. Hotspot Parking will be implementing the system, including all signage, in July 2023.

Hotspot will also be managing the Residential Permits system, which allows citizens of Drumheller the ability to obtain a residential parking exemption permit quickly and professionally.

With changes to paid parking in town, there are additions added to the Traffic bylaw to address the enforcement and administrative requirements of a paid parking system, that will be coming forward in June for third reading.

RECOMMENDATION:

A paid parking program is new for the Town of Drumheller. This project is a Council priority and is in alignment with Council’s strategic goals of fiscal responsibility. Administration is seeking support for this new program in keeping with the instructions of council earlier this year.

DISCUSSION:

With a population of approximately 8,000 residents, Drumheller hosts more than a half million visitors each year. In recent years, Drumheller has experienced a record number of visitors, surpassing all previous annual counts since data collection began. Increased visitation places a heavy demand on municipal services, infrastructure and resources and creates enormous challenges for staff to maintain appropriate standards for many services, including bylaw enforcement. In light of these costs, which are anticipated to increase with time, Council has directed Administration to implement a paid parking system within the Town that would operate annually from May 1st to October 31st. This is an unused and unexplored source of revenue to help alleviate further strain on municipal resources.

These funds will not be held in surplus but would be used in maintaining existing services that are challenged by the influx of people to the valley.

New parking systems now exist, and the parking industry is changing. With the adoption of this program, we are part of a new kind of traffic management and enforcement that is gaining support across North America.

FINANCIAL IMPACT:

Currently, there is no approved budget funding for this project. The department of Emergency and Protective Services was approved to investigate, outline operating procedures, and determine feasibility of such a program starting in the municipality in 2023.

Corporate Services and the Town IT provider are aware of the program and the changes that will be required to collect and monitor the generated revenue. The vendor selected takes a percentage of total fees collected. Additional features can be added in time such as stationary pay sites.

STRATEGIC POLICY ALIGNMENT:

A paid parking system is in keeping with fiscal responsibility, public and traffic safety and good government.

COMMUNICATION STRATEGY:

This program will require a substantial amount of information in order to allay the questions and concerns of citizens. We intend to use the many lessons learned by other communities that have utilized paid parking programs.

We intend to employ a variety of methods including but not limited to, open houses/town hall events, the town website, social media, radio interviews , newspaper interviews, and enforcement staff distributing Q and A pamphlets with contact information.

MOTION: Councilor: _____
moves that Council approves Administration implementation plan for a paid parking program and to have the program instituted in the municipality as soon as is practicable this year in the designated areas.

SECONDED:

Prepared By:

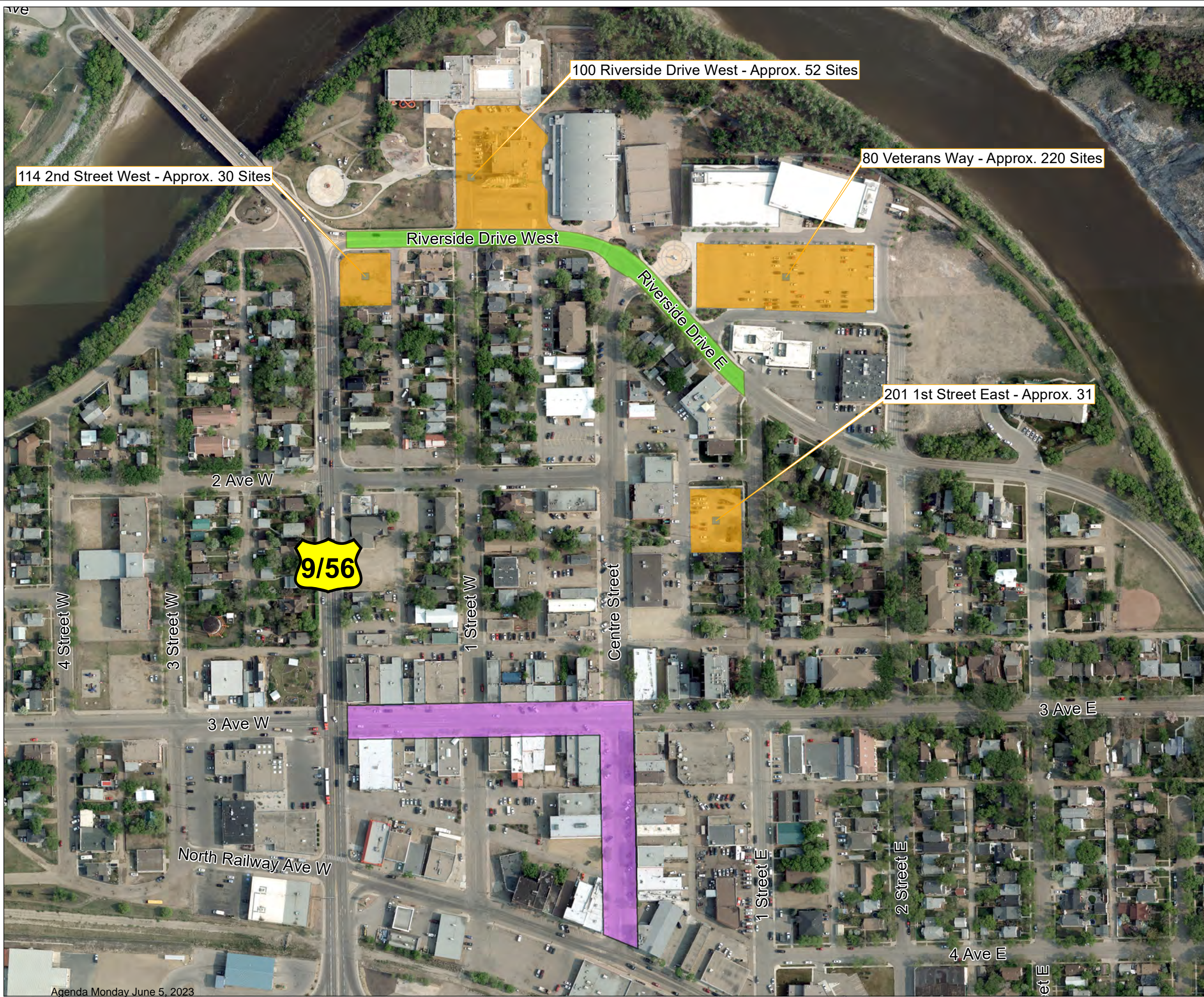
Greg Peters

Greg Peters
Director of Emergency & Protective Services

Approved By:



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



114 2nd Street West - Approx. 30 Sites

100 Riverside Drive West - Approx. 52 Sites

80 Veterans Way - Approx. 220 Sites

201 1st Street East - Approx. 31



4 Street W

3 Street W

2 Ave W

3 Ave W

North Railway Ave W

1 Street W

Centre Street

1 Street E

2 Street E

3 Ave E

4 Ave E

et E



Title: Proposed Public Parking Fee Model

- AS BUILT
- FOR CONSTRUCTION
- FOR TENDER
- FOR DISCUSSION
- CONCEPTUAL

Central Drumheller Public Parking Spaces Approx. 1,025 Sites

Intended Print Size: A3 ANSI D Scale 1:2700

Municipal Public Parking - Approx. 1025 Spaces Paid Parking Model

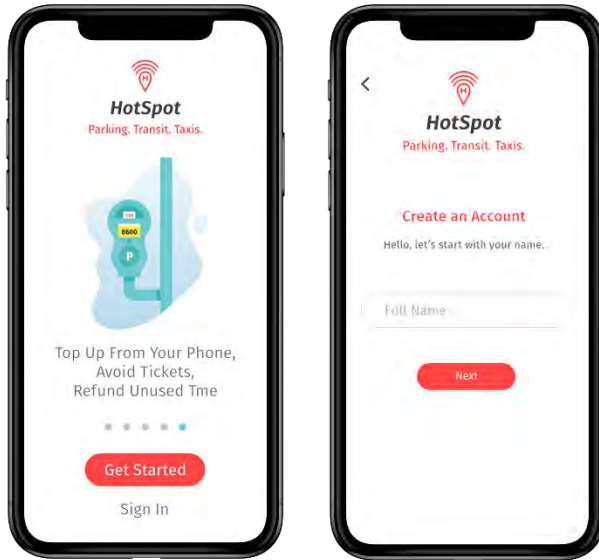
- Paid Parking - Approx. 333 Spaces
 - 114 2nd Street West - Approx. 30 Parking Stalls
 - 100 Riverside Drive West - Approx. 52 Parking Stalls
 - 80 Veterans Way - Approx. 220 Parking Stalls
 - 201 1st Street East - Approx. 31 Parking Stalls
- Street Parking
- Downtown Business Core

How the Hotspot APP Works

Signup

Users can sign up for our application on iOS, and Android devices, which will require the following:

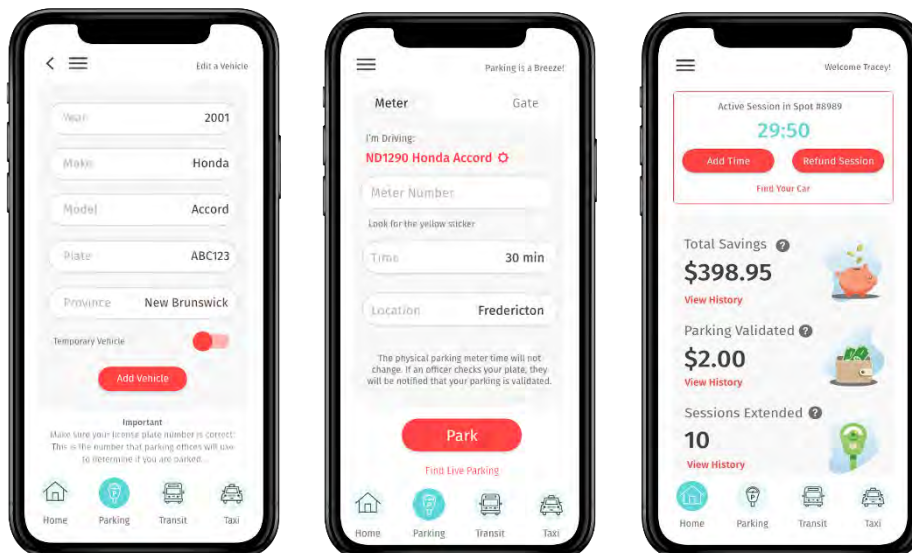
- User name
- Unique phone number
- Unique Email
- Password



First Session

Upon sign-up, HotSpot provides the user with the first 30 minutes free as a way of educating our users about how the service works. We do this by:

1. Asking them to enter their license plate for enforcement;
2. Asking them to enter their “Meter number”; and
3. Starting a 30-minute session and giving them a reminder to “Add more time” at the 15-minute mark.



Payment Method

Once a user has signed up, we prompt them to enter a payment method (any major credit cards, visa debit, Mastercard debit, visa gift cards, Apple Pay/Google Pay, and AMEX). From here they can add a virtual balance to their wallet which allows the users to draw down from that fund. Typically, funds of \$5.00 or \$10.00 increments are used to avoid multiple credit card transaction fees.

Time Extensions

The user can then simply add time from their mobile phone without the need to go back and use the pay station. This increases compliance with the existing system, and cuts down on enforcement needs, which provides a better overall experience for the users.

Fast Tap Signs

Allowing users with Android Phones and newer iPhones to simply pay for parking has never been easier. Simply approach a fast tap sign and:

- Tap your phone and a web page will be detected
- Open the webpage and enter:
 - Length of stay
 - License plate
 - Payment choice (Apple Pay, Google Pay, Credit card, Debit Visa)





Download the **HotSpot Parking app**

Enter the zone number below to park

0000

or

PAY HERE

NO APP REQUIRED

Scan the QR code below



Powered By:



HotSpot



DRUMHELLER VALLEY

support@htsp.ca • 1 (855) 712-5888



REQUEST FOR DECISION

TITLE:	Memorial Arena 5th Dressing Room Addition
DATE:	May 29, 2023
PRESENTED BY:	Reg Bennett, Facilities Manager
ATTACHMENT:	

SUMMARY:

For the past 2 years Administration has been renting a portable ATCO structure to act as a temporary 5th dressing room at the Memorial Arena. This solution was to be in place while engineering design work was completed for future permanent structure. The rental of the ATCO structure and associated work to attach it to the Memorial Arena has cost the Town approximately \$57,597.66 from September 1, 2021, to March 31, 2023.

In 2022 Administration started the design phase to permanently add a 5th dressing room onto the Memorial Arena, with a final set of Issue for Tender drawings being completed in early 2023. The replacement of the arena flooring was also added to the Memorial Arena 5th Dressing Room project to reduce overall project costs. It was determined in early 2023 to pre-purchase the new flooring material due to long lead times. The total cost for the new flooring material is approximately \$71,259.91 with an overall budget for the project of \$140,000.00.

The tender for the Memorial Arena 5th Dressing room project closed on April 30, 2023, where Administration received 7 bids.

Contractor	Tendered Amount (excluding GST)
Brenex Building Corporation Ltd.	\$ 655,121.00
JC Master Contracting Inc.	\$ 698,124.00
Russpet Construction Ltd.	\$ 729,900.00
Prologic Construction Ltd.	\$ 829,103.00
Chandos Construction Ltd.	\$ 876,792.00
Svemy Construction Ltd.	\$ 999,000.00
Armor Building Developments Ltd.	\$ 1,177,604.36

The total budget for the Memorial Arena 5th Dressing Room addition is \$350,000.00 with approximately \$50,000 being allocated for consulting fees bringing the construction total to \$300,000.00. The quotes received for the project are substantially over the allocated budget for the project.

An overall project budget breakdown is as follows:

Description	Amount
Arena Flooring Replacement Capital Budget	\$140,000.00
Pre-purchase Flooring Material Cost	\$71,259.91
Remainder of Budget	\$68,740.09
5 th Dressing Room Addition Capital Budget	\$350,000.00
Approximate Amount Allocated for Consulting Fees	\$50,000.00
Remainder of Budget	\$300,000.00
TOTAL CAPITAL BUDGET	\$368,740.09

Administration has identified the following options:

Option 1: add an additional \$286,380.91 to the 2023 capital budget to allow the project to proceed on the current design and schedule.

Option 2: create a 2024 capital budget of \$286,380.91 and delay the project to the 2024 summer season for construction. Re-tendering the project in spring of 2024.

Option 3: purchase an ATCO module and install it as a permanent dressing room structure.

- The estimated minimum cost of this solution is \$200,000.00.
- There would be additional operational requirements for this option including trucking out septage and delivering water.

RECOMMENDATION:

Administration recommends Option 3: Purchase an ATCO module and install it as a permanent dressing room structure. We believe this option represents the most responsible use of public funds.

DISCUSSION:

The goal of the work is to add a 5th dressing room onto the Memorial Arena and replace the flooring.

FINANCIAL IMPACT:

For options 1 & 2, to complete the permanent dressing room structure and flooring installation, an additional \$286,380.91 will need to be added to the remaining capital budget of \$368,740.09. This would bring the total allocated budget to \$ 655,121.00.

Option 3 would fit within the remaining capital project budget; however, the Town would incur the permanent operational expense of trucking septage and delivering water to the ATCO module.

WORKFORCE AND RESOURCES IMPACT:

For options 1 & 2 the workforce and labour impact will be negligible, as we will just have staff observe and oversee the work as it is performed.

For option 3, there would be additional work required of our Operational staff to perform required septage removal and water trucking to the ATCO module.

STRATEGIC POLICY ALIGNMENT:

This work is in alignment with the Town's priority of ensuring the safety of our staff, the public and our infrastructure. This work is mandatory to meet current Occupational Health and Safety legislation. It also aligns with Council's dedication to inclusivity.

COMMUNICATION STRATEGY:

If option 1 is chosen, the Tender can be evaluated, and an RFD drafted to award the project. Upon award, the successful proponent will receive a Letter of Award and the unsuccessful proponents will receive a Letter of Non-Award. The project Award Summary will be posted on the Town of Drumheller's website and the Alberta Purchasing Connection.

If Option 2 is chosen, the existing project tender will need to be cancelled. Proponents will receive notification of the cancelled tender. Administration will then proceed with a new tender in 2024.

If Option 3 is chosen, the existing project tender will need to be cancelled. Proponents will receive notification of the cancelled tender. Administration will then proceed with a new tender for the ATCO module and associated work for installation.

Regardless of the chosen option, Administration will meet with the appropriate stakeholders to provide a brief on the tender outcome and next steps.


COUNCIL MOTION:

MOTION:
Councilor: _____ moves that the Request for Tender for the Memorial Arena 5th Dressing Room tenders received on April 30, 2023, not be awarded, as all tenders exceed the project budget and proceed with Option 3, the installation of an ATCO module as the 5th changing room.

Seconded:

Reg Bennett
Prepared by:
Reg Bennett
Facilities Manager

Dave Brett
Reviewed by:
Dave Brett, P. Eng, PMP
Director of Infrastructure Services


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