#### TOWN OF DRUMHELLER REGULAR COUNCIL MEETING

#### AGENDA

TIME & DATE: 4:30 PM – Monday September 18, 2023 LOCATION: Council Chambers, 224 Centre St and ZOOM Platform and Live Stream on Drumheller Valley YouTube Channel

- 1. <u>CALL TO ORDER</u>
- 2. <u>OPENING COMMENTS</u> National Legion Week
- 3. ADDITIONS TO THE AGENDA
- 4. ADOPTION OF AGENDA
  - 4.1 Agenda for September 18, 2023 Regular Meeting

**Proposed Motion:** That Council adopt the agenda for the September 18, 2023 Regular Council meeting as presented.

#### 5. <u>MEETING MINUTES</u>

5.1 Minutes for September 5, 2023 Regular Council as presented.

Regular Council Meeting - September 5, 2023 - Minutes

**Proposed Motion:** Move that Council approve the minutes for the September 5, 2023, Regular Council meeting as presented.

#### COUNCIL BOARDS AND COMMITTEES

#### 6. <u>DELEGATION</u>

6.1 ATCO – Street Lights Invested Lights and the Conversion to LED Street Lights

**Presentation** 

#### 7. PUBLIC HEARINGS TO COMMENCE AT 5:30 PM

7.1 Proposed East Coulee Trestle Bridge Area Structure Plan Repeal Bylaw 09.23

Link to RFD + Proposed East Coulee Trestle Bridge Area Structure Plan

- 1. Mayor Opens the Public Hearing and Introduces the Matter
- 2. Presentation of Information Chief Administrative Officer
- 3. Rules of Conduct for Public Participation

All the material related to Public Hearing will be documented and taken into consideration.

- 4. Public Participation Registered to Present Remotely
- 5. Public Participation Pre Registered to Present In Person
- 6. Public Participation Written Submissions
- 7. Final Comments
- 8. Mayor to Call for Public Hearing to Close.

#### 8. <u>REPORTS FROM ADMINISTRATION</u>

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

- 8.1 Flood Resiliency Project Director
- 8.1.1 Drumheller Resiliency and Flood Mitigation Office Project Update

#### **Presentation**

8.1.2 Request for Decision: Environmental Management Services Award

**Request for Decision** 

#### **Proposed Motion:**

Moves that the Drumheller Flood program Environmental Management Services be awarded to Ridge Environmental Planning Ltd. in the amount of \$315,000 (excluding GST).

#### 8.1.3 Request for Decision:

Certificate of Approval and 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)

#### Request for Decision

#### **Proposed Motion:**

Moves that Council approve the Certificate of Approval and Resolution for Expropriation 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 231 190 652.

8.1.4. Request for Decision:

Certificate of Approval and Resolution for Expropriation of a Partial Parcel for Berm Construction affecting Lot 4, Block 1, Plan 2721JK (87 Michichi Drive, Drumheller)

#### **Request for Decision**

#### **Proposed Motion:**

Moves that Council approve the Certificate of Approval and Resolution for Expropriation pertaining to a portion of the parcel of land described as Lot 4, Block 1, Plan 2721JK; Title Number 991 204 272.

CORPORATE AND COMMUNITY SERVICES DEPARTMENT

EMERGENCY AND PROTECTIVE SERVICES

- 8.2 Director of Emergency and Protective Services
- 8.2.1 Request for Decision: Paid Parking Project - Trial

#### **Request for Decision**

#### **Proposed Motion:**

Move that Council directs Administration to operate the HotSpot Parking as a trial from October 2-31, 2023 and bring back a report to Council no later than December 11, 2023 on the outcomes of the trial.

#### INFRASTRUCTURE DEPARTMENT

#### 9. <u>CLOSED SESSION</u>

9.1 Third Party Contract and Development and Planning
 FOIP 16 – Disclosure harmful to business interests of a third party
 FOIP 21 – Disclosure harmful to intergovernmental relations
 FOIP 24 – Advice from Officials

#### **Proposed Motion:**

That Council close the meeting to the public to discuss third-party contracts and development and planning as per FOIP 16 – Disclosure harmful to business interests of a third party, FOIP 21 – Disclosure harmful to intergovernmental relations, FOIP 24 – Advice from Officials

#### 10. ADJOURNMENT

Proposed Motion: That Council adjourn the meeting.

# TOWN OF DRUMHELLER



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# REGULAR COUNCIL MEETING

#### MINUTES

TIME & DATE: 4:30 PM – Tuesday September 5, 2023 LOCATION: Council Chambers, 224 Centre St and ZOOM Platform and Live Stream on Drumheller Valley YouTube Channel

IN ATTENDANCE	
Mayor Heather Colberg	Chief Administrative Officer: Darryl Drohomerski (Remote)
Councillor Patrick Kolafa	Director of Corporate and Community Services: Vacant
Councillor Stephanie Price	Acting Director of Infrastructure: Kelcie Wilson
Councillor Tony Lacher	Director of Emergency and Protective Services: Greg Peters
Councillor Crystal Sereda	Flood Mitigation Project Manager: Deighen Blakely
Councillor Tom Zariski	Communication Officer: Bret Crowle
	Legislative Services: Denise Lines
Regrets	Reality Bytes IT: David Vidal
Councillor Lisa Hansen-Zacharuk	Recording Secretary: Mitchell Visser

#### 1. CALL TO ORDER

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

#### 2. <u>OPENING COMMENTS</u>

Reminder that school is back in session and that residents should watch out for school zones and for children.

Congratulations on the success of the well-organized festivals held during the Labour Day Weekend.

Thank you to businesses and residents on a successful summer season. Thank you to everyone who was involved in keeping the Town clean by picking weeds and garbage. Thank you to the Public Works staff for keeping the valley clean.

Swearing in of Deputy Mayor Tom Zariski for the months of September and October, 2023.

- 3. ADDITIONS TO THE AGENDA
- 4. ADOPTION OF AGENDA

- 4.1 Agenda for September 5, 2023 Regular Meeting
- M2023.225 Moved by Councillor Kolafa, Councillor Sereda That Council adopt the agenda for the September 5, 2023 Regular Council meeting as presented.

#### CARRIED UNANIMOUSLY

#### 5. <u>MEETING MINUTES</u>

5.1 Minutes for August 28, 2023 Regular Council as presented.

Agenda attachment: Regular Council Meeting – August 28, 2023 – Minutes.

M2023.226 Moved by Councillor Lacher, Councillor Kolafa that Council approve the minutes for the August 28, 2023, Regular Council meeting as presented.

#### CARRIED UNANIMOUSLY

#### 6. <u>COUNCIL BOARDS AND COMMITTEES</u>

6.1 Board and Committee Minutes Drumheller and District Seniors Foundation – June 2023

Agenda attachment: Drumheller and District Seniors Foundation – June 2023 - Minutes

M2023.227 Moved by Councilor Zariski, Councillor Sereda that Council, approve for information, the Drumheller and District Seniors Foundation June 2023 Minutes as presented.

#### CARRIED UNANIMOUSLY

NOTE Agenda Item 7 was the Public Hearing which was schedule for 5:30pm. Council addressed the other items on the agenda prior to opening the Public Hearing, the minutes and numbering reflect the order of the meeting.

#### 8. <u>REPORTS FROM ADMINISTRATION</u>

#### OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

- 8.1 Chief Administrative Officer
- 8.1.1 Request for Decision: Proposed East Coulee Trestle Bridge Area Structure Plan Repeal Bylaw 09.23

Agenda attachment: Request for Decision, Bylaw 13.21, Proposed Bylaw 09.23

M2023.228 Moved by Councillor Price, Councillor Lacher that Council give first reading for Area Structure Plan Repeal Bylaw 09.23 as presented and set a Public Hearing for Monday September 18<sup>th</sup> 2023 at 5:30pm.

CARRIED UNANIMOUSLY

#### CORPORATE AND COMMUNITY SERVICES DEPARTMENT

EMERGENCY AND PROTECTIVE SERVICES

#### INFRASTRUCTURE DEPARTMENT

- 8.2 Acting Director of Infrastructure Timestamp: <u>7:36</u>
- 8.2.1 Briefing Note: Aquaplex Repairs Update

Agenda attachment: Briefing Note

#### 9. <u>CLOSED SESSION</u>

- 9.1 Third Party Contract and Development and Policy
   FOIP 16 Disclosure harmful to business interests of a third party
   FOIP 21 Disclosure harmful to intergovernmental relations
   FOIP 24 Advice from Officials
- M2023.229 Moved by Councillor Sereda, Councillor Price That Council close the meeting to the public to discuss third-party contracts and development as per FOIP 16 – Disclosure harmful to business interests of a third party, FOIP 21 – Disclosure harmful to intergovernmental relations, FOIP 24 – Advice from Officials

CARRIED UNANIMOUSLY

The regular council meeting was closed to the public at 4:46 PM

M2023.230 Moved by Councillor Lacher, Councillor Sereda That Council open the meeting to the public.

CARRIED UNANIMOUSLY

The regular council meeting was opened to the public at 5:30 PM.

#### 7. PUBLIC HEARINGS TO COMMENCE AT 5:30 PM

7.1 Proposed Business Licence Bylaw 06.23 Timestamp: 1:01:57

Agenda attachment: Briefing Note, Business License Bylaw 06.23

1. Mayor Opens the Public Hearing and Introduces the Matter

The Mayor opened the Public Hearing and introduced the matter at 5:30 PM

2. Presentation of Information – Manager of Economic Development

The Manager of Economic Development presented a Briefing Note on Short-Term Rental Public Feedback and the results from a Short-Term Rental Survey.

- Rules of Conduct for Public Participation
   All the material related to the Public Hearing will be documented and taken into consideration
- 4. Public Participation Registered to Present Remotely

No registrations to present remotely were received.

5. Public Participation – Pre - Registered to Present in Person

No registrations to present in person were received.

6. Public Participation - Written Submissions

Letter from Travel Drumheller

7. Final Comments

There were no final comments

8. Mayor to Call for Public Hearing to Close.

The Mayor closed the Public Hearing at 5:37 PM.

#### 10. ADJOURNMENT

M2023.231 Moved by Councillor Lacher, Councillor Price That Council adjourn the meeting.

CARRIED UNANIMOUSLY

The regular council meeting was adjourned at 5:38 PM.

MAYOR

CHIEF ADMINISTRATIVE OFFICER



# **Street Lights**

- Street lights within your community primarily are:
  - Built within the scope of a development and turned over to the community to pay monthly distribution charges.
  - Owned by ATCO
  - Street light options are outlined in the Franchise Agreement between your community and ATCO.
    - Non-Invested Street light Rate
    - Co-Invested Street light Rate



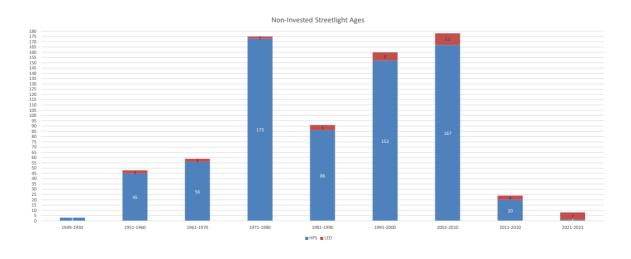
#### ATCO

ATCO

# **Streetlight Summary**

- Drumheller has 1100 streetlights
  - Non-Invested Street light Rate-714 Lights
  - Co-Invested Street light Rate-370 Lights
  - Sentinel lights-16 Lights





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**ATCO** 

# Benefits of Co-Invested Option

- ATCO Investment-714 lights X \$1,013.00= \$723,874.00
- Responsibility of ATCO to cover all maintenance.
- Responsibility of ATCO to cover end-of-life replacement.

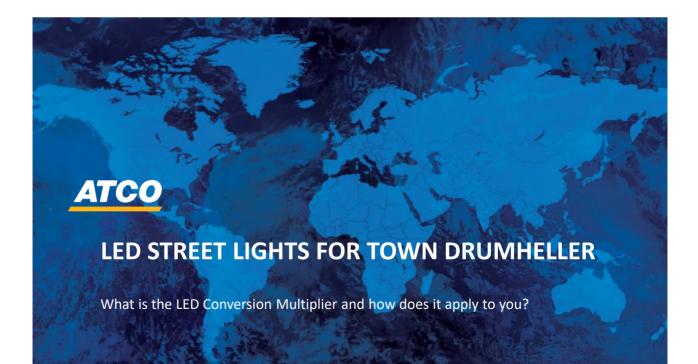
# Monthly Streetlight Costs

- Our calculations show, your community's monthly wires charges per month for all Streetlights =\$35,119
- After converting all remaining Non-invested Streetlights to Co-Invested your community's monthly wires charges per month will = \$47,976
- Total monthly bill will increase \$12,857

#### **Review**

#### Drumheller has 714 Non-Invested streetlights and 370 Co-Invested

- Approx. \$35,119 /month in distribution charges
- Approx. \$4,284,000.00 in future replacement costs
- If the Town of Drumheller choses to convert to the Invested streetlight rate.
  - Approx. \$47,976/month in distribution charges
  - An investment provided to you of \$723,874.62
  - All maintenance will be fully covered.
  - No future capital replacement cost
  - \* The Current failed Streetlights would be invested assets and the cost to replace them would be on ATCO's.
  - Available Multiplier rate option to convert HPS lights to LED technology



## LED CONVERSION MULTIPLIER

- Alberta Utilities Commission (AUC) approved a multiplier rate for the conversion of HPS to LED
- LED Conversion Multiplier (LCM) applied in place of a capital contribution
- 63 Communities already converted
- Current LCM rate 8.42%



# LED CONVERSION MULTIPLIER

- LED Conversion Multiplier (LCM) applied in place of a capital contribution
- Cost savings to the Town of Drumheller of approximately \$800,000
- 923 HPS lights to be converted to LED technology
- The multiplier would be approximately an extra \$200.00 per month.



# Town of Drumheller Streetlight Conversion Analysis

Monthly Current State Streetlight Cost Estimate Current State Total ATCO Distribution Wires Charges Per Month (As of July 2023) Current Retail Energy Charge Projection Per Month Total Monthly Charges	\$ 35,119.46 \$ 2,216.15 <b>\$ 37,335.61</b>
Monthly LED Streetlight Conversion Cost Estimate All Lights Invested Total ATCO Distribution Wires Charges Per Month LED Conversion on Multiplier Distribution Wires Charges Per Month Additional Monthly Cost of Multiplier	\$ 47,976.56 \$ 48,173.19 <b>\$ 196.63</b>
Monthly LED Streetlight Energy Projection Current Retail Energy Charge Projection Per Month LED Conversion Retail Energy Charge Projection Estimated Retail Energy Monthly Savings	\$ 2,216.15 \$ 1,059.35 <b>\$ 1,156.80</b>
Monthly LED Streetlight Cost Estimate, if fully converted. LED Conversion on Multiplier Distribution Wires Charges Per Month LED Conversion Retail Energy Charge Projection Multiplier rate Total Monthly Charges	\$ 47,976.56 \$ 1,059.35 \$ 196.63 <b>\$ 49,232.54</b>
Fully Invested but not converted to LED Lights Energy Rate: \$0.04489	\$ 50,192.71

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# **BENEFITS TO YOUR COMMUNITY**

- No upfront capital by the community
- Improved energy efficiency and cost savings
- Long life span up to 100,000 hours
- Dark sky compliant with zero up-light and reduced light trespass
- Consistency of lighting throughout the community.

ATCO



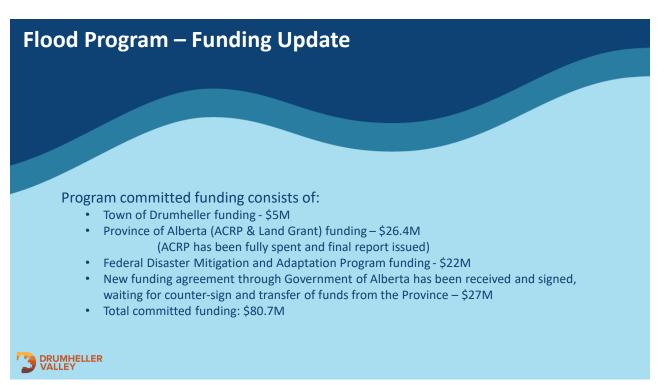
# Drumheller Resiliency and Flood Mitigation Office

Project Update September 18, 2023



Status of Berm Projects							
Berm	Prelim. Design	Landowner 1:1	Community Info Session	Tender Package Ready	Land Acquisition complete	Tree Clearing Completed	Construction Underway
Nacmine	$\checkmark$	$\checkmark$	$\checkmark$				
Midland	$\checkmark$	$\checkmark$	$\checkmark$	$\checkmark$	$\checkmark$	$\checkmark$	$\checkmark$
Newcastle	$\checkmark$	$\checkmark$	$\checkmark$	$\checkmark$	$\checkmark$	$\checkmark$	$\checkmark$
Hospital Berm Extension	$\checkmark$	$\checkmark$	$\checkmark$				
Michichi Creek West (Dike A)	$\checkmark$	$\checkmark$	$\checkmark$				
N. DH Michichi Creek (Dike B)	$\checkmark$	$\checkmark$	$\checkmark$	$\checkmark$			
N. DH Grove Plaza Berm (Dike C)	$\checkmark$	$\checkmark$	$\checkmark$	$\checkmark$	n/a	$\checkmark$	$\checkmark$
Downtown Berm	$\checkmark$	$\checkmark$	$\checkmark$	$\checkmark$	$\checkmark$	$\checkmark$	$\checkmark$
Willow Estates	$\checkmark$	$\checkmark$	$\checkmark$	$\checkmark$	n/a	$\checkmark$	$\checkmark$
East Rosedale Berm	$\checkmark$						
East Coulee Berm – Ph 1	$\checkmark$	$\checkmark$	$\checkmark$	$\checkmark$	$\checkmark$	$\checkmark$	$\checkmark$
East Coulee Berm – Ph 2	$\checkmark$	$\checkmark$	$\checkmark$	$\checkmark$			

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# Flood Program – Fall & Winter Agenda

- Regulatory approvals submissions for 2024 construction
- Construction wrapping up for East Coulee Phase 1
- Downtown berm and Centennial park construction
  - Retaining wall construction along Riverside Dr, Aquaplex, Riverview Terr.
- Tender for North Drumheller Berms & Michichi Sanitary Sewer Line

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Flood Program – Fall & Winter Agenda (cont'd)
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- Tree clearing for Phase 2 East Coulee
- Continue land acquisition process:
  - · Hospital berm extension · Michichi Creek West and East Berms
  - · Rosedale Berms
    - le Berms · East Coulee Berm Phase 2
  - · Nacmine Berm
- Community Information Sessions for Nacmine Berm, Rosedale Berm & North
   Drumheller
- Work with Alberta Transportation to complete their North Drumheller Michichi Creek





# Flood Program – Downtown Berm & Centennial Park Projects

- On Aug 28, 2023 Council approved the removal of twenty-three at-risk poplar trees from Centennial Park, following a near-miss earlier in the summer
- An additional tree fell during the tree removal process, so the Town completed further assessment in Centennial Park, taking into consideration the planned park improvements and potential impacts to tree stability
- Seventeen additional trees were identified for removal to mitigate future risk to construction crews and park users



#### DRUMHELLER VALLEY

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### Flood Program – Downtown Berm Project **Retaining Wall**



Terrace retaining walls for Downtown Berm is underway:

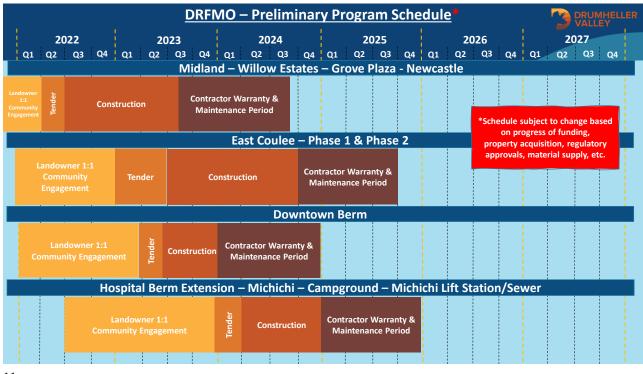
- During Construction wall will appear in its natural concrete color
- Post-Installation: wall will be stained a beautiful brown/tan hue called "Buckskin", based on resident input at our Community Info Sessions
- Staining Process Overview process uses a specialized spray-on acid that initiates a chemical reaction, resulting in a unique and permanent coloration
- Protection & Maintenance: Following staining a weather/graffiti coating will be applied



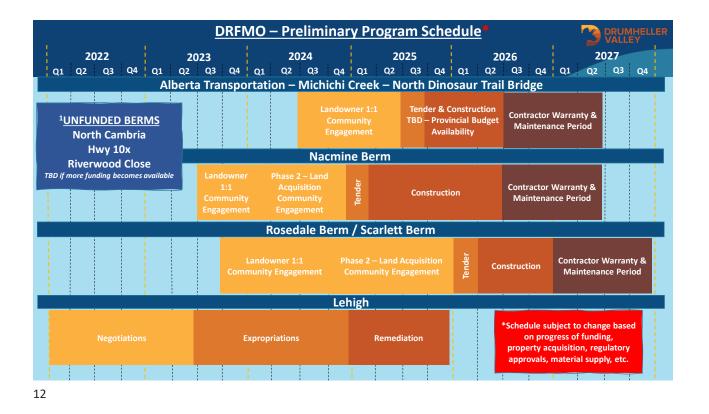




- Construction sites are hazardous areas, and unauthorized entry can result in serious injury or harm to oneself and others
- Please adhere to pedestrian pathway closures, road closures and site closure fencing and signage
- Do not approach our staff while the y are working on site, contact the Flood Office with questions
- Adhering to these safety protocols will to keep yourself and our construction crews safe.



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# **Communication Update**



Nacmine Berm Landowner and Information Sessions Complete:

- August 16th Impacted and Adjacent Landowner Session held at Nacmine Hall
- September 14<sup>th</sup> Community Information Session hosted at BCF
- Impacted Landowner 1:1 meetings on-going since mid-August

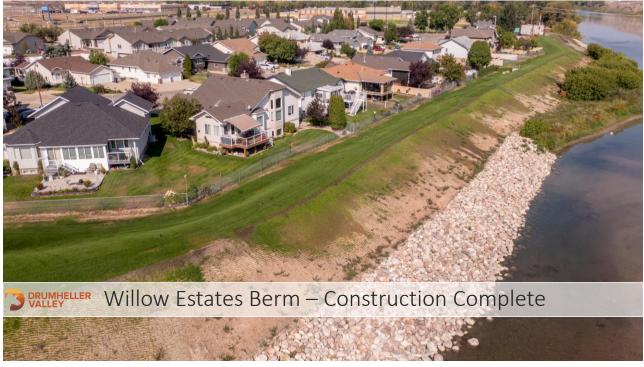
Rosedale Information Sessions Upcoming:

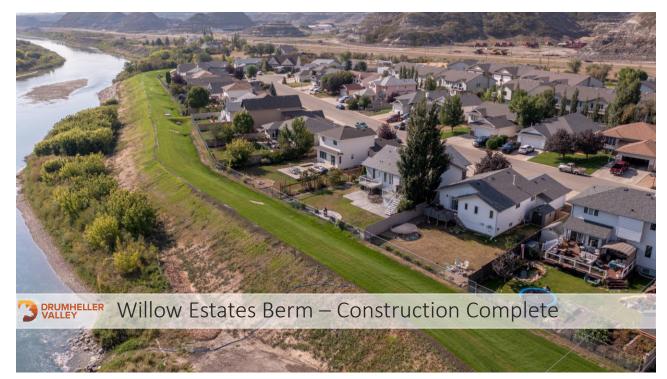
- Mid-October Impacted and Adjacent Landowner Session planning underway
- Mid-November Community Information Session planned for BCF

North Drumheller Berms and Michichi Creek Realignment

Late November Community Information Session planned for BCF

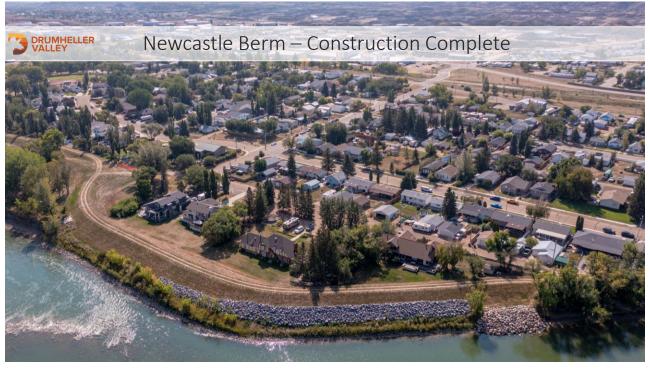


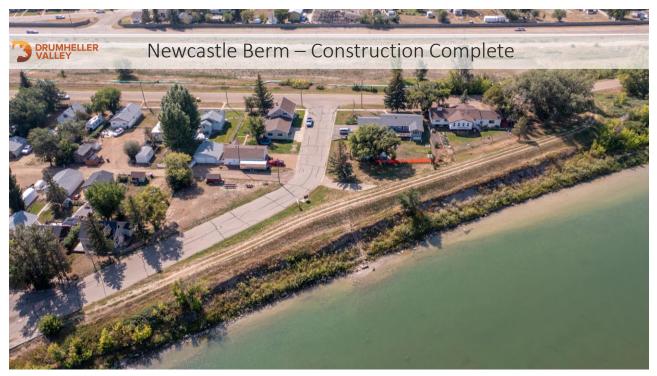














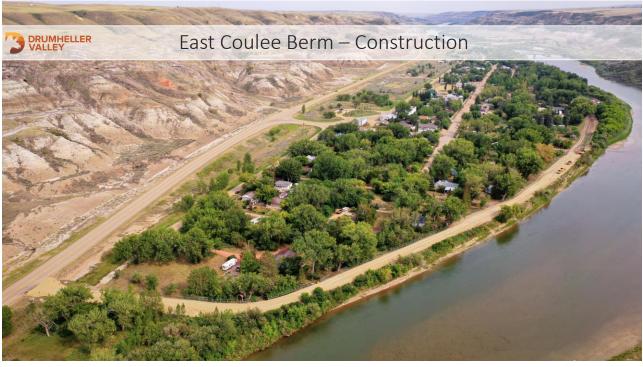


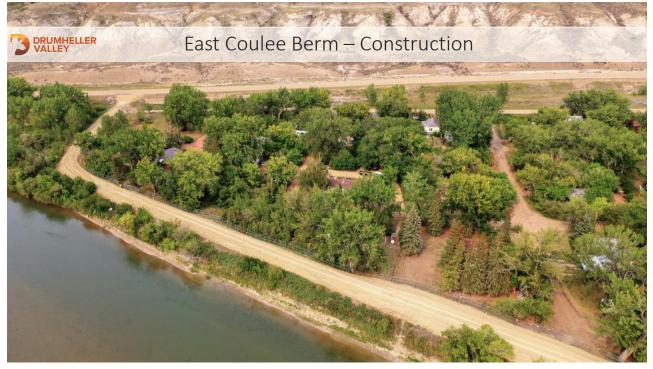


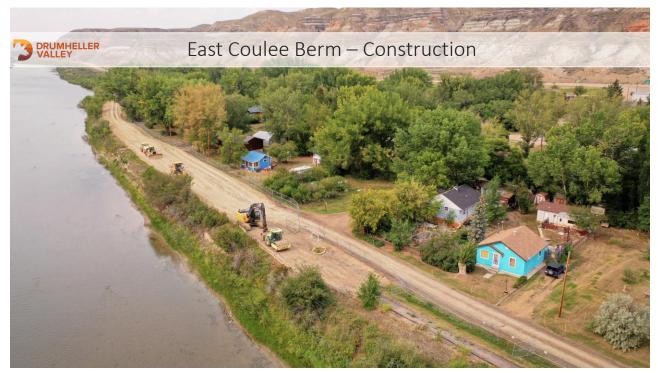


























# **REQUEST FOR DECISION**

TITLE:	Drumheller Resiliency and Flood Mitigation		
	Environmental Management Services Award		
DATE:	September 18, 2023		
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director		
ATTACHMENT:	None		

#### SUMMARY:

For the past year, the Environmental Management Services for the Flood Mitigation Program has been provided by SweetTech Engineering Consultants. The existing contract is set to expire at the end of September 2023. Due to staff changes at the current Environmental Services team, the Flood Office posted a Request for Proposal (RFP). This successful firm will undertake the following work:

#### **Environmental Coordination**

- Coordinate with the Flood Office on identifying regulatory approvals needed for upcoming work, develop a schedule for the regulatory submissions and work with project consultant teams on regulatory submission packages.;
- Liaison and act as main point of contact for regulatory agencies related to all Flood Mitigation projects;

#### **Construction Services**

- Review contractor's environmental related submissions;
- Provide quality assurance construction inspection services for environmental measures during active construction.

To fulfill Federal and Provincial funding requirements, the RFP was posted on Town of Drumheller's Bids & tenders page as well as on Alberta Purchasing Connection (APC) website (notice only). Proposals closed at 2:00pm on Thursday August 31, 2023 with four (4) firms submitting proposals:

- SLR Consulting (Canada) Ltd. (SLR)
- Ridge Environmental Planning Ltd. (RIDGE)
- Action Land & Environmental Services Ltd. (Action)
- CCI Inc. (CCI)

The proposals were evaluated based on the following criteria:

- Project Understanding,
- Key Staff and Qualifications,
- Relevant Project Experience;
- Budget
- Proposal Completeness and Organization.

Proponent		SLR		RIDGE		ACTION		ССІ	
Average Hourly Rate (/hr)		\$181		\$130		\$105		\$148	
PM Hourly Rate (/hr)		\$2	234	\$	145	\$	110	\$	150
Location		Calgary, AB Calgary, AB Me Rating		Medicir	Medicine Hat, AB		Calgary, AB		
Criteria	Weighting	Score	Weighted	Score	Weighted	Score	Weighted	Score	Weighted
Project Understanding	25%	3.0	0.8	5.0	1.3	2.7	0.7	3.7	0.9
Key Staff Qualifications	25%	2.5	0.6	4.7	1.2	3.0	0.8	3.3	0.8
Relevant Project Experience	25%	1.3	0.3	4.7	1.2	3.0	0.8	2.3	0.6
Budget	20%	2.3	0.5	3.3	0.7	4.7	0.9	3.3	0.7
Proposal Organization	5%	3.0	0.2	3.3	0.2	2.7	0.1	3.3	0.2
Total Score		12.17	2.33	21.00	4.42	16.00	3.23	16.00	3.17
Rank	c		4		1		2		3

The scores for the four firms submitting proposals for this work are as follows:

Notes 1. Submitted budgets varied between the consultants based on their assumption of project time requirements. Average Hourly Rate was estimated using total submitted budget divided by identified time requirements.

2. Ranking Score: 1 Poor - 5 Excellent

#### **RECOMMENDATION:**

Administration recommends that the Environmental Management Services be awarded to Ridge Environmental Planning Ltd.

#### **DISCUSSION:**

Ridge Environmental Planning is currently working on the Environmental Services contract for the Flood Program as a sub-consultant to SweetTech Engineering Consultants. They were involved in the regulatory components of the Midland, Newcastle, Grove Plaza and Willow Estates Berms. They are currently completing the construction services for the Downtown Berm and East Coulee Berm while preparing the regulatory submissions for the North Drumheller Berms. The decision award to Ridge was based on the following factors:

- Experience, knowledge, and understanding of the Drumheller flood program,
- Past experience on river and flood related project regulatory authorization work,
- Good working relationship with several of the regulators the Drumheller Flood Program requires authorizations from, and
- Relevant experience completing environmental monitoring during in-stream construction.

The following table provides a summary of the anticipated 2023 quarterly budgets for the Environmental scope of work for the construction season and outside of construction. Construction season for 2023/2024 will include the Downtown Berm, East Coulee Phase 2 and the North Drumheller berm projects. The scope will also include the planning stages for Nacmine and Rosedale, starting in the fall of 2024.

Year	Quater	Budget		
2023	Q4	\$83,000		
	Q1	\$66,000		
2024	Q2	\$75,000		
	Q3	\$91,000		
То	tal	\$315,000		

Under the terms of the RFP, the award is for one calendar year from date of award, with option for the Town to extend for up to two (2) additional years.

#### FINANCIAL IMPACT:

Funding for the Environmental Management Services is part of the overall project design and is eligible for funding under the \$80.7M DRFM project grant funding program.

#### STRATEGIC POLICY ALIGNMENT:

Awarding the project to Ridge Environmental Planning Ltd. aligns with Council's strategic priority of protecting the community, and the residents of Drumheller from future floods, while still recognizing the unique wildlife, aquatic, environmental and historical characteristics of the Valley.

#### **COMMUNICATION STRATEGY:**

A letter of award will be provided to the successful proponent, and letters of non-award will be provided to the unsuccessful proponents as well as posted on Bids&Tenders and Alberta Purchasing Connection.

#### MOTION:

Councillor \_\_\_\_\_\_ moves that the Drumheller Flood program Environmental Management Services be awarded to Ridge Environmental Planning Ltd. in the amount of \$315,000 (excluding GST).

SECONDED:

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

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

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



# **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:	September 18 <sup>th</sup> , 2023
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
ATTACHMENTS:	Certificate of Approval
	Resolution to Proceed with Expropriation
	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 the 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.

A Resolution approving Expropriation was passed by Council on June 5, 2023. The Notice of Intention to Expropriate has been served on the registered property owners and affected parties in accordance with the Expropriation Act and no Notice of Objection has been received during the 21 days following the Notice. The next step in the expropriation process is for Council to decide whether to approve or disapprove the expropriation based on the terms outlined in the attached Certificate of Approval.

# **RECOMMENDATION:**

Administration recommends that Council approve the Certificate of Approval and Resolution 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 owners for the Michichi Creek West Berm project on this basis and the offer has been rejected. Following service of the Notice of Intent to Expropriate, no Notice of Objection has been filed in relation to this property. Affidavits of service are retained on file.

The next step in the process is for the approving authority, in this case Council, to review and decide if it wishes to approve the expropriation, and if so, then pass a resolution to approve the Certificate of Approval to proceed with expropriation. This would be followed by Notice of Proposed Payment and Notice of Possession, with Actual Possession taking place 90 days after the notice is made, allowing our selected contractor access to the land to complete construction of the Michichi Creek West 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 expropriation Certificate of Approval, Resolution, and Notice of Proposed Payment will be provided to the affected property owners via legal representatives as soon as practicably possible given the legislated considerations and the registration delays at Land Titles.

# MOTION:

Councillor \_\_\_\_\_\_ moves that Council approve the Certificate of Approval and Resolution for Expropriation 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 231 190 652.

# SECONDED:

la 12

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

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

#### Form 4 Expropriation Act (Section 18)

# **CERTIFICATE OF APPROVAL**

The Town of Drumheller, whose address is 224 Centre Street, Drumheller, Alberta, T0J 0Y4, hereby approves the expropriation of the lands being depicted on the attached Schedule 'A' 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 ..... AREA 'B' EXCEPTING THEREOUT ALL MINES AND MINERALS

(hereinafter referred to as the "Lands")

- 1. The nature of the interest in the lands 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 Area 'B' on Schedule 'A'.
- 2. The work or purpose for which the interest in the lands is expropriated is:
  - Construction and/or enhancement of existing dikes, berms, retaining walls, erosion protection, overland drainage courses, storm water outfalls, control structures and associated appurtenances;
  - for the retention and development of Natural Areas, Environmental Reserves and other uses as approved by approval authorities; and
  - access for purposes of construction and/or maintenance of the above.

- 3. The expropriating authority is the: Town of Drumheller 224 Centre Street Drumheller, Alberta, T0J 0Y4
- 4. The land stands in the Register of the South Alberta Land Registration District in the name of Jean D Warkentin, Jenine E Warkentin-Trotz, and Tyler Nelsen Warkentin in Certificate of Title Number 231 190 652.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

TOWN OF DRUMHELLER

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

#### 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

WHEREAS a Notice of Intention to Expropriate was served by the **TOWN OF DRUMHELLER** on August 11, 2023, on the Landowners and all parties with a registered interest in the subject lands, which lands are depicted on attached Schedule 'A' 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 ..... AREA 'B' EXCEPTING THEREOUT ALL MINES AND MINERALS

(hereinafter referred to as the "Lands")

AND WHEREAS no Notice of Objection has been received from the Landowners or any party with a registered interest in the Lands;

AND WHEREAS the period during which an Objection can be issued by the Landowners or any party with a registered interest in the Lands has expired;

AND UPON consideration of the Request for a Decision September 18, 2023, completed by the Town of Drumheller Flood Program Director, as well as the recommendations of the Town Administration, including the Town Solicitor, Council has determined that the proposed expropriation of the Lands is fair, sound, and reasonably necessary, and in the public interest and good to achieve the objectives of the Town.

# NOW THEREFORE BE IT RESOLVED:

1. THAT the proceedings shall be commenced by the **TOWN OF DRUMHELLER**, its servants, officers or agents to expropriate the Lands, in fee simple.

2. THAT the officers, servants or agents of the **TOWN OF DRUMHELLER** and the solicitors for the **TOWN OF DRUMHELLER** be, and are hereby authorized and directed to do all things necessary to initiate, carry out and conclude the expropriation proceedings under the provisions of the *Expropriation Act*, or otherwise 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.

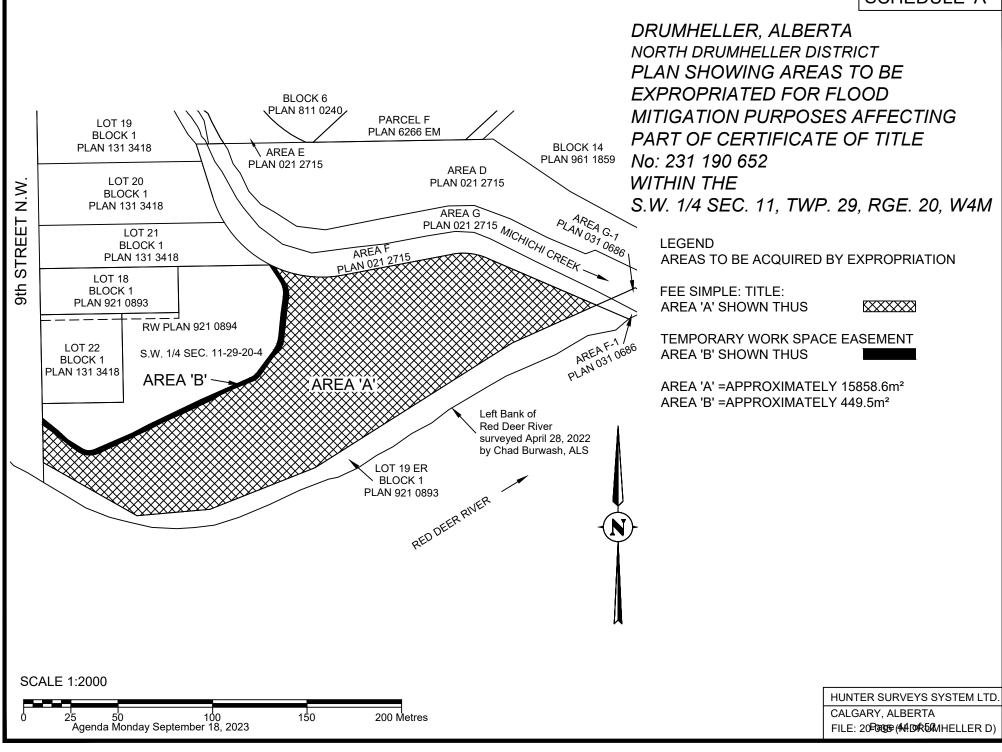
MOVED AND PASSED by Council this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

# TOWN OF DRUMHELLER

Heather Colberg, Mayor

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

# SCHEDULE 'A'





# **REQUEST FOR DECISION**

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Resolution for Expropriation of a Partial Parcel for Berm Construction affecting Lot 4, Block 1, Plan 2721JK 87 Michichi Drive, Drumheller
DATE:	September 18 <sup>th</sup> , 2023
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
ATTACHMENTS:	Certificate of Approval
	Resolution to Proceed with Expropriation
	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 the 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.

A Resolution approving Expropriation was passed by Council on May 29, 2023. The Notice of Intention to Expropriate has been served on the registered property owners and affected parties in accordance with the Expropriation Act and no Notice of Objection has been received during the 21 days following the Notice. The next step in the expropriation process is for Council to decide whether to approve or disapprove the expropriation based on the terms outlined in the attached Certificate of Approval.

# **RECOMMENDATION:**

Administration recommends that Council approve the Certificate of Approval and Resolution pertaining to a portion of 87 Michichi Drive (2721JK;1;4) 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 owners for the Michichi Creek West Berm project on this basis and the offer has been rejected. Following service of the Notice of Intent to Expropriate, no Notice of Objection has been filed in relation to this property. Affidavits of service are retained on file.

The next step in the process is for the approving authority, in this case Council, to review and decide if it wishes to approve the expropriation, and if so, then pass a resolution to approve the Certificate of Approval to proceed with expropriation. This would be followed by Notice of Proposed Payment and Notice of Possession, with Actual Possession taking place 90 days after

the notice is made, allowing our selected contractor access to the land to complete construction of the Michichi Creek West 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 expropriation Certificate of Approval, Resolution, and Notice of Proposed Payment will be provided to the affected property owners via legal representatives as soon as practicably possible given the legislated considerations and the registration delays at Land Titles.

# MOTION:

Councillor \_\_\_\_\_\_ moves that Council approve the Certificate of Approval and Resolution for Expropriation pertaining to a portion of the parcel of land described as Lot 4, Block 1, Plan 2721JK; Title Number 991 204 272.

SECONDED:

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

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

#### Form 4 Expropriation Act (Section 18)

# **CERTIFICATE OF APPROVAL**

The Town of Drumheller, whose address is 224 Centre Street, Drumheller, Alberta, T0J 0Y4, hereby approves the expropriation of the lands being depicted on the attached Schedule 'A' and more particularly described as:

THAT PORTION OF:

"PLAN 2721JK BLOCK 1 LOT 4 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

(hereinafter referred to as the "Lands")

- 1. The nature of the interest in the lands 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'.
- 2. The work or purpose for which the interest in the lands is expropriated is:
  - Construction and/or enhancement of existing dikes, berms, retaining walls, erosion protection, overland drainage courses, storm water outfalls, control structures and associated appurtenances;
  - for the retention and development of Natural Areas, Environmental Reserves and other uses as approved by approval authorities; and
  - access for purposes of construction and/or maintenance of the above.
- 3. The expropriating authority is the: **Town of Drumheller** 224 Centre Street Drumheller, Alberta, T0J 0Y4
- 4. The land stands in the Register of the South Alberta Land Registration District in the name of Ronald Urch and Carol Urch in Certificate of Title Number 991 204 272.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

# TOWN OF DRUMHELLER

# 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

WHEREAS a Notice of Intention to Expropriate was served by the **TOWN OF DRUMHELLER** on August 22, 2023, on the Landowners and all parties with a registered interest in the subject lands, which lands are depicted on attached Schedule 'A' and more particularly described as:

THAT PORTION OF: "PLAN 2721JK BLOCK 1 LOT 4 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

(hereinafter referred to as the "Lands")

AND WHEREAS no Notice of Objection has been received from the Landowners or any party with a registered interest in the Lands;

AND WHEREAS the period during which an Objection can be issued by the Landowners or any party with a registered interest in the Lands has expired;

AND UPON consideration of the Request for a Decision September 18, 2023, completed by the Town of Drumheller Flood Program Director, as well as the recommendations of the Town Administration, including the Town Solicitor, Council has determined that the proposed expropriation of the Lands is fair, sound, and reasonably necessary, and in the public interest and good to achieve the objectives of the Town.

# NOW THEREFORE BE IT RESOLVED:

1. THAT the proceedings shall be commenced by the **TOWN OF DRUMHELLER**, its servants, officers or agents to expropriate the Lands, in fee simple.

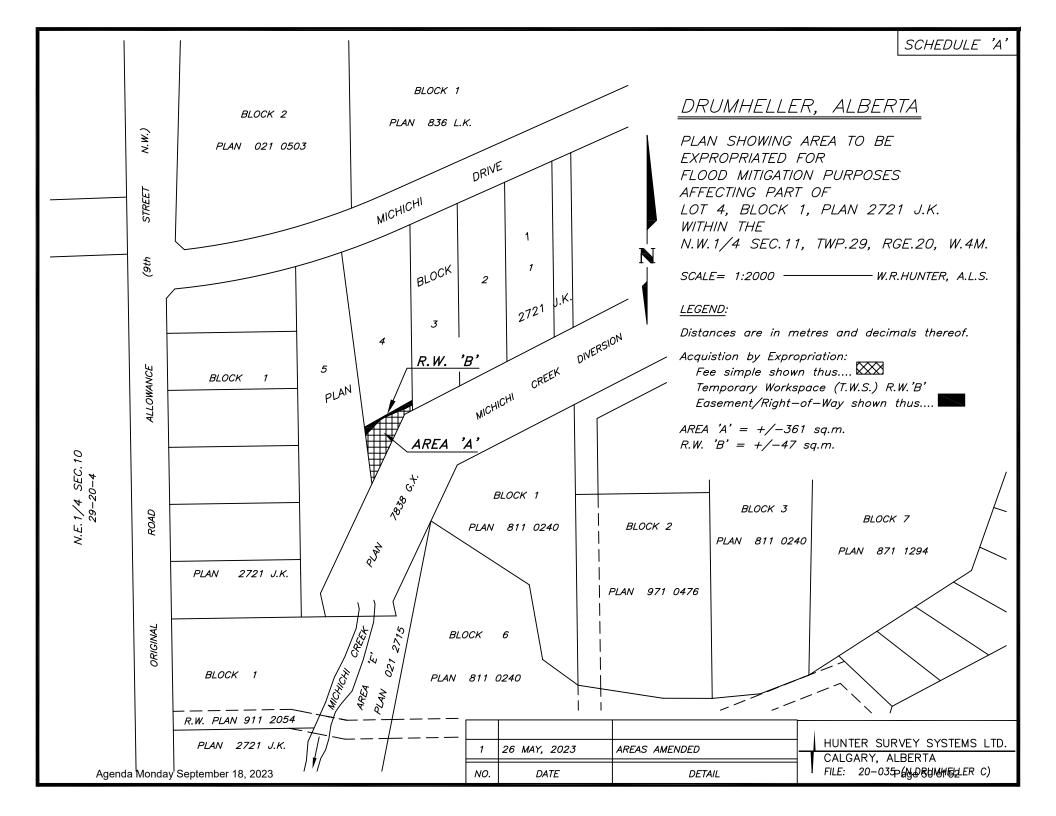
2. THAT the officers, servants or agents of the **TOWN OF DRUMHELLER** and the solicitors for the **TOWN OF DRUMHELLER** be, and are hereby authorized and directed to do all things necessary to initiate, carry out and conclude the expropriation proceedings under the provisions of the *Expropriation Act*, or otherwise 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





TITLE:	Paid Parking Program – Trial	
DATE:	September 18, 2023	
PRESENTED BY:	Greg Peters, Director of Emergency & Protective Services	
ATTACHMENTS:	NA	

# **REQUEST FOR DECISION**

# SUMMARY:

On Monday, September 11, 2023, Council was updated on the Paid Parking Trial wherein the webpage containing project-specific details and a link to provide feedback online went live to the public.

On September 13, 2023, from 4:00pm – 7:00pm an information booth was set up at the Recreation, Arts & Wellness Event at the Badlands Community Facility. The booth contained information regarding the project including a sample of the signage, and attendees were given the opportunity to engage directly with our Emergency and Protective Services team to answer any questions and provide feedback.

As the next step, Administration is recommending launching a trial of the program from October 2-31. The trial period tests the implementation approach, and its purpose is to understand how the program will work from the public standpoint as well as how it will be administered by both Hotspot and Town staff. This would be to introduce the program to residents, answer any questions and work through any issues that may arise prior to a full season in 2024.

# **RECOMMENDATION:**

That Council directs Administration to operate the HotSpot Parking as a trial from October 2-31, 2023, and bring back a report to Council no later than December 11, 2023, on the outcomes of the trial. The report will compile the feedback received from the Open House and the October trial.

# **DISCUSSION:**

Below are the key dates for the trial:

# Monday Sept 18

Residents can start registering their vehicles. Please see the website to find the link for the HotSpot.

# Monday Sept 18 – Monday Oct 2

Paid Parking signage will be installed in the designated areas.

Alternate Payment Kiosk – Administration will be working with the IT department to explore the options for a kiosk at one of the facilities in the designated paid parking area.

# October 2 - The Paid Parking Trial will start.

Residents can continue to register for the program.

The HotSpot system will be active, and payments can be made but no infraction tickets will be produced.

# October 2 – 31

Will be used to introduce and inform residents and visitors that Drumheller is implementing Paid Parking. It will allow Administration time to monitor usage, work through issues and answer questions prior to the full roll out in 2024.

# FINANCIAL IMPACT:

The total transaction will be assessed after the trial ends, Nov 1, 2023.

# STRATEGIC POLICY ALIGNMENT:

The Paid Parking Program supports financial sustainability. The Trial Program allows for public participation and feedback.

# **COMMUNICATION STRATEGY:**

A media release and social media will be posted after the meeting outlining the information presented on Monday Sept 18.

Information will go out with the water bill at the beginning of October to remind residents to register.

#### **PROPOSED COUNCIL MOTION:**

MOTION: Councillor: \_\_\_\_\_\_ move that Council directs Administration to operate the HotSpot Parking as a trial from October 2-31, 2023 and bring back a report to Council no later than December 11, 2023 on the outcomes of the trial.

Prepared by: Greg Peters Director of Emergency & Protective Services

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