



TOWN OF DRUMHELLER
REGULAR COUNCIL MEETING

AGENDA Version 2

TIME & DATE: 4:30 PM – Monday December 4, 2023

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

1. CALL TO ORDER

2. OPENING COMMENTS

3. ADDITIONS TO THE AGENDA

4. ADOPTION OF AGENDA

4.1 Agenda for December 4, 2023 Regular Meeting

Proposed Motion: That Council adopt the agenda for the December 4, 2023 Regular Council meeting as presented.

5. MEETING MINUTES

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

[Regular Council Meeting – November 20, 2023 - Minutes](#)

Proposed Motion: Move that Council approve the minutes for the November 20, 2023, Regular Council meeting as presented.

6. COUNCIL BOARDS AND COMMITTEES

6.1 Request for Decision: Drumheller Public Library Bylaws

[Request for Decision, \(Draft\) Drumheller Public Library Bylaws – January 11, 2023.](#)

Proposed Motion:

Moves that Council approve the bylaws of the Town of Drumheller Public Library Board passes January 11, 2023.

DELEGATION

7. REPORTS FROM ADMINISTRATION

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

7.1 Chief Administrative Officer

7.1.1 Request for Decision: ATCO Invested Streetlights and LED Conversion

[Request for Decision, ATCO – Street Light Rate Conversion, ATCO Agreement – LED Conversion.](#)

Proposed Motion:

Moves that Council request ATCO Electric proceed with the conversion of 714 lights to the Investment Option and request ATCO Electric proceed with the implementation of the LED Conversion Option.

7.2 Flood Resiliency Project Director

7.2.1 Request for Decision:

Resolution for Expropriation an Notice of Intention to Expropriated One Parcel for Berm Construction affecting Lot 5, Block 1, Plan 4125FH, (198 9 Street, Nacmine)

[Request for Decision, Resolution to Expropriate, Notice of Intention to Expropriate, Parcel Map – Schedule ‘A’](#)

Proposed Motion:

Moves that Council approve the Resolution for Expropriation and Notice of Intention to Expropriate pertaining to the parcel of land described as Lot 5, Block 1, Plan 4125FH; Title Number 151 140 939.

7.2.2 Request for Decision:

Resolution for Expropriation and Notice of Intention to Expropriate of a Partial Parcel for Berm Construction affecting that portion of the north west quarter of Section 8 Township 29 Range 20 West of the 4 Meridian described as follows: commencing at the point of intersection of the north easterly limit of 3 Avenue with the northerly production of the north westerly limit of 3 Street as said avenue and street are shown on Plan Nacmine 7125DD thence northerly along said production of said limit of 3 Street to the right bank of the Red Deer River shown on Plan 53/46 thence westerly along said right bank to its intersection with the said north easterly limit of 3 Avenue thence south easterly along said limit to the point of commencement containing 0.648 hectares (1.6 acres) more or less (301 3 Street, Nacmine)

[Request for Decision, Resolution to Expropriate, Notice of Intention to Expropriate, Parcel Map – Schedule ‘A’.](#)

Proposed Motion:

Moves that Council approve the Resolution for Expropriation and Notice of Intention to Expropriate pertaining to a portion of land described as that portion of the north west quarter of Section 8 Township 29 Range 20 West of the 4 Meridian described as follows: commencing at the point of intersection of the north easterly limit of 3 Avenue with the northerly production of the north westerly limit of 3 Street as said avenue and street are shown on Plan Nacmine 7125DD thence northerly along said production of said limit of 3 Street to the right bank of the Red Deer River shown on Plan 53/46 thence westerly along said right bank to its intersection with the said north easterly limit of 3 Avenue thence south easterly along said limit to the point of commencement containing 0.648 hectares (1.6 acres) more or less; Title Number 191 049 429.

7.2.3 Request for Decision:

Resolution for Expropriation and Notice of Intention to Expropriate a Partial Parcel for Berm Construction affecting Plan 1622FB, the westerly 19.50 metres in perpendicular width throughout of Lot 4 (810 2 Avenue, Nacmine)

[Request for Decision, Resolution to Expropriate, Notice of Intention to Expropriate, Parcel Map – Schedule ‘A’.](#)

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 1622FB, the westerly 19.50 metres in perpendicular width throughout of Lot 4; Title Number 871 123 537.

7.2.4 Request for Decision:

Resolution for Expropriation and Notice of Intention to Expropriate a Partial Parcel for Berm Construction affecting Plan 1622FB, Lot 4, excepting thereout the westerly 19.50 metres in perpendicular width throughout (820 2 Avenue, Nacmine)

[Request for Decision, Resolution to Expropriate, Notice of Intention to Expropriate, Parcel Map – Schedule ‘A’.](#)

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 1622FB, Lot 4, excepting thereout the westerly 19.50 metres in perpendicular width throughout; Title Number 081 362 428.

- 7.2.5 Request for Decision:
Resolution for Expropriation and Notice of Intention to Expropriate a Partial Parcel for Berm Construction affecting Lot 3, Plan 1622FB
(932 Hunter Drive, Nacmine).

[Request for Decision, Resolution to Expropriate, Notice of Intention to Expropriate, Parcel Map – Schedule ‘A’.](#)

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 3, Plan 1622FB; Title Number 021 377 241.

- 7.2.6 Request for Decision:
Resolution for Expropriation and Notice of Intention to Expropriate a Partial Parcel for Berm Construction affecting 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)

[Request for Decision, Resolution to Expropriate, Notice of Intention to Expropriate, Parcel Map – Schedule ‘A’.](#)

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 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.

7.3 Manager of Economic Development

- 7.3.1 Request for Decision:
Business Licence Bylaw Changes Prior to Third Reading & Short-Term Rental (STR) Clarification.

[Request for Decision – 3 Proposed Motions](#)

Proposed Motion:

Moves that Council direct Administration to implement different business licensing fees for principal and non-principal residences to align with our current fees for resident and non-resident business licenses, \$245 and \$810 respectively, for a total estimated annual revenue of \$75,920.

Proposed Motion:

Moves that Council direct Administration to implement Short Term Rental business license cap and set the cap at 120 for a given year. The Town of Drumheller will provide first opportunity to current holders of the license to register for renewal in subsequent years. The cap will not apply to new builds. The cap will be reviewed on an annual basis. Principal residences will be given priority when applying.

Proposed Motion:

Moves that Council direct Administration to mandate that applicants provide proof of Home-Sharing or Short-Term Rental specific insurance during their business license application process, in an amount determined by the Chief Administrative Officer or delegate.

CORPORATE AND COMMUNITY SERVICES DEPARTMENT

7.4 Director of Corporate and Community Services

7.4.1 Request for Direction:

2024 Capital Utilities Budget – Draft v2 - *Corrected Project Managers*
Proposed 2024 Utility Bylaw 12.23 – First reading

[Request for Direction](#)

Proposed Motion:

1. That Council approves the 2024 Utility capital budget as presented in the 10-year Capital Budget Plan.
2. That Council direct Administration to finance the River-Crossing (North Drumheller) Sanitary Sewer Project of \$1.25 million from the Town's internal water reserve. Wastewater Department will repay \$162,344 annually for the next ten years to the water reserve until the end of 2034.
3. That Council give first reading to the 2024 Utility Rate Bylaw 12.23 as presented.

EMERGENCY AND PROTECTIVE SERVICES

INFRASTRUCTURE DEPARTMENT

8. CLOSED SESSION

- 8.1 Strategic Development and Planning
FOIP 23 – Local public body confidences
FOIP 24 – Advice from Officials
FOIP 25 – Disclosure harmful to economic and other interests of a public body

Proposed Motion:

That Council close the meeting to the public to discuss Strategic Development and Planning as per FOIP 23 – Local public body confidences,
FOIP 24 – Advice from Officials and
FOIP 25 – Disclosure harmful to economic and other interests of a public body.

9. ADJOURNMENT

Proposed Motion: That Council adjourn the meeting.



TOWN OF DRUMHELLER
REGULAR COUNCIL MEETING

MINUTES

TIME & DATE: 4:30 PM – Monday, November 20, 2023

LOCATION: Council Chambers, 224 Centre St and ZOOM Platform and [Live Stream on Drumheller Valley YouTube Channel](#)

IN ATTENDANCE

Mayor Heather Colberg

Councillor Patrick Kolafa

Councillor Stephanie Price

Councillor Tony Lacher

Councillor Crystal Sereda

Councillor Lisa Hansen-Zacharuk

Councillor Tom Zariski

Chief Administrative Officer: Darryl Drohomerski

Dir. of Corporate & Community Services: Victoria Chan

Acting Director of Infrastructure: Kelcie Wilson

Director of Emergency and Protective Services: Greg Peters

Flood Mitigation Project Manager: Deighen Blakely

Communication Officer: Bret Crowle (Regrets)

Legislative Services: Denise Lines

Reality Bytes IT: David Vidal

Recording Secretary: Mitchell Visser

1. CALL TO ORDER

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

2. OPENING COMMNETS

Congratulations to the Drumheller Valley Secondary School (DVSS) senior girl's volleyball team who won Zones this weekend and who are headed to Whitecourt, AB.

Congratulations to the Drumheller Senior Titans for winning the South Championship against Taber this weekend and who are headed to Red Deer this Friday night to play Saint Paul in the Tier IV, Alberta Bowl Championships.

Christmas season is upon us, and Christmas Season in Drumheller begins with a number of festivals. The Festival of Trees will be taking place this Friday, November 24th, at the Badlands Community Facility (BCF) from 5:00 to 7:00 PM. The Festival of Lights will be taking place at 4:00 PM this Saturday, November 25th, in Downtown Drumheller.

Thank you to Kelcie W. for her role as Acting Director of Infrastructure for the last couple of months. The Town of Drumheller is welcoming Kevin B. as the new acting Director of Infrastructure.

3. ADDITIONS TO THE AGENDA

4. ADOPTION OF AGENDA

4.1 Agenda for November 20, 2023 Committee of the Whole Meeting

M2023.295 Moved by Councillor Hansen-Zacharuk, Councillor Price
That Council adopt the agenda for the November 20, 2023 Regular Council meeting
as presented.

CARRIED UNANIMOUSLY

5. MEETING MINUTES

5.1 Minutes for November 6, 2023, Regular Council meeting, as presented.

Agenda attachment: Regular Council Meeting – November 6, 2023 – Minutes.

M2023.296 Moved by Councillor Price, Councillor Hansen-Zacharuk
That Council adopt the minutes for the November 6, 2023, Regular Council meeting
as presented.

CARRIED UNANIMOUSLY

COUNCIL BOARDS AND COMMITTEES

COUNCIL REPORTS

NOTE Agenda Item No. 6 was moved to a later point in the meeting in order to start the Public Hearing
at 5:30 PM, as scheduled. As a result, Council addressed other items on the Agenda prior to the
Public Hearing. The numbering of the minutes reflects the order established in the Agenda.

7. REPORTS FROM ADMINISTRATION

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER

7.1 Chief Administrative Officer
Timestamp: [2:59](#)

7.1.1 Request for Decision: Relief of Municipal Property Tax on Destroyed Improvements
1100 2nd Ave W – Council Policy C-02-19

Agenda Attachment: Request for Decision; Letter; Policy C-02-19

M2023.297 Moved by Councillor Lacher, Councillor Kolafa
that Council waive the municipal portion of property taxes for the destroyed
improvements at 1100 2nd Avenue West for the period September 1, 2023 to
December 31, 2023 in accordance with Council Policy C-02-19.

CARRIED UNANIMOUSLY

7.2 Flood Resiliency Project Director

Timestamp: [7:25](#)

7.2.1 Request for Decision:

Certificate of Approval and Resolution for Expropriation of One Parcel for Floodway Buyout affecting Lots 6 to 8 Inclusive, Block 5, Plan 8168FS (222 4 Street West, Lehigh)

Agenda Attachment: Request for Decision; Certificate of Approval and Resolution

M2023.298 Moved by Councillor Kolafa, Councillor Hansen-Zacharuk that Council approve the Certificate of Approval and Resolution for Expropriation pertaining to the parcel of land described as Lots 6 to 8 Inclusive, Block 5, Plan 8168FS; Title Number 961 099 949.

CARRIED UNANIMOUSLY

7.2.2 Request for Decision:

Certificate of Approval and Resolution for Expropriation of One Parcel for Floodway Buyout affecting Lot 2, Block 2, Plan 8810626 (224 2 Avenue West, Lehigh)

Agenda Attachment: Request for Decision; Certificate of Approval and Resolution

M2023.299 Moved by Councillor Lacher, Councillor Hansen-Zacharuk that Council approve the Certificate of Approval and Resolution for Expropriation pertaining to the parcel of land described as Lot 2, Block 2, Plan 8810626; Title Number 201 181 865.

CARRIED UNANIMOUSLY

7.2.3 Request for Decision:

Certificate of Approval and Resolution for Expropriation of One Parcel for Floodway Buyout affecting Lots 9 to 11 Inclusive, Block 5, Plan 8168FS (228 4 Street West, Lehigh)

Agenda Attachment: Request for Decision; Certificate of Approval and Resolution

M2023.300 Moved by Councillor Sereda, Councillor Lacher that Council approve the Certificate of Approval and Resolution for Expropriation pertaining to the parcel of land described as Lots 9 to 11 Inclusive, Block 5, Plan 8168FS; Title Number 921 181 898.

CARRIED UNANIMOUSLY

7.2.4 Request for Decision:

Certificate of Approval and Resolution for Expropriation of One Parcel for Floodway Buyout affecting Lot 1, Block 1, Plan 8810626
(244 3 Street West, Lehigh)

Agenda Attachment: Request for Decision; Certificate of Approval and Resolution

- M2023.301 Moved by Councilor Zariski, Councillor Hansen-Zacharuk that Council approve the Certificate of Approval and Resolution for Expropriation pertaining to the parcel of land described as Lot 1, Block 1, Plan 8810626; Title Number 141 206 331.

CARRIED UNANIMOUSLY

7.2.5 Request for Decision:

Certificate of Approval and Resolution for Expropriation of Two Parcels for Floodway Buyout affecting Lots 12 and 13, Block 5, Plan 8168FS and Lots 14 to 17 Inclusive, Block 5, Plan 8168FS
(245 3 Street West, Lehigh)

Agenda Attachment: Request for Decision; Certificate of Approval and Resolution

- M2023.302 Moved by Councillor Hansen-Zacharuk, Councillor Kolafa that Council approve the Certificate of Approval and Resolution for Expropriation pertaining to the parcels of land described as Lots 12 and 13, Block 5, Plan 8168FS; Title Number 921 125 157, and Lots 14 to 17 Inclusive, Block 5, Plan 8168FS; Title Number 921 125 157 +1.8810626; Title Number 141 206 331.

CARRIED UNANIMOUSLY

7.3 Manager of Economic Development

Timestamp: [17:02](#)

7.3.1 Request for Decision:

Non-Residential Development Incentive Program Bylaw 19.19 – Roll Number 1030816

Agenda Attachment: Request for Decision; Bylaw 19.19

- M2023.303 Moved by Councillor Price, Councillor Kolafa that Council approve the abatement of the \$531.87 in municipal taxes for Roll 1030816 in accordance with the Non-Residential Development Incentive Program Bylaw 19.19.

CARRIED UNANIMOUSLY

CORPORATE AND COMMUNITY SERVICES DEPARTMENT

EMERGENCY AND PROTECTIVE SERVICES

INFRASTRUCTURE DEPARTMENT

8. CLOSED SESSION

- 8.1 Land Development and Planning
FOIP 27 – Privileged information
FOIP 24 – Advice from Officials

M2023.304 Moved by Councillor Price, Councillor Lacher
That Council close the meeting to the public to discuss land development and planning as per FOIP 27 – Privileged information and FOIP 24 – Advice from Officials

CARRIED UNANIMOUSLY

Council went into a closed session at 4:52 PM.

M2023.305 Moved by Councillor Price, Councillor Lacher
That Council open the meeting to the public.

CARRIED UNANIMOUSLY

Council opened the meeting to the public at 5:33 PM.

6. PUBLIC HEARINGS TO COMMENCE AT 5:30 PM

Timestamp: [1:03:00](#)

- 6.1 Proposed Removal of Municipal Reserve Bylaw 10.23

Agenda Attachment: Request-for-Decision; Proposed Municipal Reserve Bylaw

1. Mayor Opens the Public Hearing and Introduces the Matter – Proposed Removal of Municipal Reserve Bylaw 10.23

The Mayor opened the Public Hearing and introduced the matter at 5:33 PM.

2. Presentation of Information – Chief Administrative Officer

The Chief Administrative Officer presented information of the Removal of Municipal Reserve Bylaw 10.23.

3. Rules of Conduct for Public Participation

The Mayor reviewed the Rules of Conduct for Public Participation.

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

No registrations to present in written submissions were received.

7. Final Comments

Councillor Hansen-Zacharuk inquired about the difference between a Municipal Reserve and an Environmental Reserve, and why Municipal Reserves can be changed and Environmental Reserves can not be changed. D. Drohomerski responded that an Environmental Reserve is defined by the *Municipal Government Act* as some sort of natural feature that has an environmental consideration that should not be altered. This is why you can only shrink and not eliminate an Environmental Reserve. A Municipal Reserve is a part of land that is set aside for some municipal purpose, such as a school or firehall. These Municipal Reserves are used at the discretion of the municipality, and therefore the designation can be altered by the municipality.

8. Mayor to Call for Public Hearing to Close.

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

- M2023.306 Moved by Councillor Price, Councillor Hansen-Zacharuk that Council approve the Lease Agreement for Lot 28, 29, 30, Block 2, Plan 4317QC; 83 Bridge Street including the lump sum contribution provided by the Estate for future property taxes.

CARRIED UNANIMOUSLY

- 8.2 Strategic Development and Planning
FOIP 23 – Local public body confidences
FOIP 24 – Advice from Officials
FOIP 25 – Disclosure harmful to economic and other interests of a public body

M2023.307 Moved by Councillor Sereda, Councillor Price
That Council close the meeting to the public to discuss Strategic Development and Planning as per FOIP 23 – Local public body confidences, FOIP 24 – Advice from Officials, and FOIP 25 – Disclosure harmful to economic and other interests of a public body.

CARRIED UNANIMOUSLY

Council closed the meeting to the public at 5:42 PM.

M2023.308 Moved by Councillor Price, Councillor Hansen-Zacharuk
That Council open the meeting to the public.

CARRIED UNANIMOUSLY

Council opened the meeting to the public at 7:54 PM

9. ADJOURNMENT

M2023.309 Moved by Councillor Lacher, Councillor Sereda
That Council adjourn the meeting.

CARRIED UNANIMOUSLY

Council adjourned the meeting at 7:54 PM

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Request for Decision

TITLE:	Drumheller Public Library Board Bylaws – January 11, 2023
DATE:	December 4, 2023
PRESENTED BY:	Denise Lines
ATTACHMENTS:	Drumheller Public Library Board Bylaws – January 11, 2023

SUMMMARY:

The *Libraries Act* provides the legal framework for public library service in Alberta at the municipal and regional level. Section 3(1) of the *Libraries Act, R.S.A. Chapter L-11, 2000* states that the Council of a municipality may, by bylaw, establish a municipal library board.

The Drumheller Public Library Board was established in 1922, and is currently governed by *Bylaw #18.09*. The Library Board consists of five (5) to ten (10) members appointed by Council and has full management and control of the library.

Section 36 of the *Libraries Act* states that a library board may pass bylaws for the safety and use of the library. Section 37 and Section 38 states that, when a library board passes a bylaw, the board shall forward a copy to the municipal council and that the council has the power to disallow any bylaw passed by the library board.

On January 11, 2023, the Drumheller Public Library Board passed the attached bylaws in accordance with Section 36. In accordance with the *Libraries Act*, Council shall review and make a decision on the Library Board Bylaws.

RECOMMENDATION:

Administration recommends that Council review the bylaws and forward any questions or concerns to the council representative for the board. Following review and resolution of concerns, Council shall make a motion to approve the bylaws.

DISCUSSION:

The bylaws are the internal rules that help to govern the day to day business at the library and impacts library employees and community members. Council did have questions for the Library Board about health and emergency procedures within the BCF. Those concerns are being addressed through a separate document that is being created between the Library and the Town leaving the Bylaws to reflect the *Libraries Act* and Regulations that govern the Library.

FINANCIAL IMPACT:

N/A

STRATEGIC POLICY ALIGNMENT:

The library bylaws set guidelines for good governance and assist in creating a safe work environment. These bylaws are in alignment with the responsibilities of the board outlined in the *Libraries Act*.

COMMUNICATION STRATEGY:

Any revisions to the bylaws will be brought back to Council for approval.

MOTION:

Moves that Council approve the bylaws of the Town of Drumheller Public Library Board passed January 11, 2023.

Mitchell Visser

Prepared by:
Mitchell Visser
Sr. Administrative
Assistant

Denise Lines

Reviewed by:
Denise Lines
Manager of Legislative
Services



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

The Town of Drumheller Library Board enacts the following by-laws pursuant to The Libraries Act, R.S.A. Chapter L-11, 2000:

Interpretation

- a) For the purposes of this by-law the expression:
 - i. "Act" refers to The Libraries Act, R.S.A., Chapter L-11, 2000.
 - ii. "Board" refers to the Town of Drumheller Library Board.
 - iii. "Borrower" means the person to whom a library membership card has been issued.
 - iv. "Good Standing" means a borrower with no outstanding account charges.
 - v. "Library" means the Drumheller Public Library.
 - vi. "Library materials" include any materials, regardless of format, held in the collection of the Drumheller Public Library or lent by the Drumheller Public Library.

Admittance to/Conduct in the Library Space and on the Grounds

- a) The portion of the Badlands Community Facility building used for public library purposes ("library space") is open to any member of the public free of charge during the hours of opening as set out by the Town of Drumheller Library Board from time to time.
- b) Charges and requirements for the use of library premises not normally used for public library purposes, i.e., meeting rooms, are set out in Schedule B.
- c) No person using the library space shall:
 - i. Cause unnecessary disturbance to other library users, speak or act in a way that causes harm to library users or staff members, or violate library policies or procedures.
 - ii. Remove any library item from the Library unless the item has been properly checked out in accordance with the procedures established for checking out library items.
 - iii. Enter or remain in the library space except during those periods designated as open for public use. Town employees, contractors, and emergency personnel may enter the library as needed for professional purposes.
 - iv. Solicit other library users and staff for personal, commercial, religious, or political purposes.
 - v. Smoke any type of material or consume any product that may be considered an illicit drug while on the premises.
- d) Persons who do not conduct themselves in accordance with 2(c) shall be asked to discontinue their actions. If the action continues or the severity of the action warrants it, the person will be asked to leave the Library for the day and/or staff members may seek outside assistance.

Procedure for Acquiring a Membership

- a) Any resident of the geographical region covered by the Marigold Library System is eligible to apply for a membership card.
- b) Any resident of another part of Alberta will be encouraged to register for a card at their local library and join ME Libraries to use their card at the Drumheller Public Library.
- c) Any individual whose permanent residence is outside of Alberta or who lives in Alberta but is unable to fulfill (b) may be permitted to register for a visitor library card as defined in Schedule B.
- d) A library membership card is issued upon:
 - a. Completion of a Drumheller Public Library registration form (online or in person).
 - b. Signing of the registration form by the borrower or a parent/guardian if the borrower is under age 18.
 - c. Presentation of one piece of photo identification bearing the borrower's current address or an alternative piece of identification **plus** evidence of current address (e.g., a piece of mail recently delivered via Canada Post to the borrower's current address, a utility bill, or a tenancy agreement). A parent/guardian must present ID if the card is for a minor.
- e) Library membership cards are valid for one year from the date of registration or renewal.

Responsibilities of a Member

- a) A membership card may only be used by the person to whom it is issued or a designate as defined in Schedule C.
- b) A member shall notify the library of any change of address, email, and/or telephone number.
- c) A member is responsible for the library materials borrowed and will compensate the Library for any items damaged or lost while borrowed on their card.
- d) A member is responsible for returning library materials to the library on or before the due date as set out in Schedule C. In the case of a due date falling on a day when the Library is closed to the public the date shall be extended to the next open day.

Loan of Materials

- a) In accordance with The Libraries Act s.36 (3) there shall be no charge for the use of library materials. This includes materials used on the premises or materials loaned.
- b) The loan periods for various materials are set out in Schedule C.
- c) Library materials may be reserved or renewed in accordance with policy established by the Library.
- d) Borrowers may use library cards issued by other Marigold libraries to borrow materials from the Drumheller Public Library only if their home library account is in good standing.

Penalty Provisions

- a) When library material is kept beyond its due date, the borrower or the adult who signed on their behalf will be responsible for any penalties set out in Schedule D.
- b) Replacement charges for damaged or lost materials will be charged according to Schedule B.
- c) The circumstances resulting in suspension of borrowing privileges are as set out in Schedule D.
- d) The cost of lost or damaged items may be reduced or waived by the owning library at the discretion of the owning library's director or manager.

Prosecution

- a) In cases of serious dereliction, the Board may prosecute an offense under The Libraries Act, s.41. Such an offense is punishable under The Libraries Act, s.41. The penalty applying on conviction for such an offense is set out in Schedule B.
- b) Any fine or penalty imposed pursuant to an offense under these bylaws inures to the benefit of the Town of Drumheller Library Board in accordance with The Libraries Act, s.42.

2023 Revision

Read a first time on this **14** day of **December 2022**

Read a second time on this **11** day of **January 2023**

Read a third time on this **11** day of **January 2023**

Board Chair

Board Vice-Chair

Request for Decision

TITLE:	Street Light Conversion
DATE:	December 4, 2023
PRESENTED BY:	Darryl Drohomerski, C.E.T., CAO
ATTACHMENTS:	ATCO – Street Lights Invested Lights and the Conversion to LED Street Lights Letter from ATCO – Street Light Rate Conversion – “Non-Investment” Rate to “Investment” Rate Letter from ATCO - Streetlight LED Conversion Option

SUMMMARY:

On September 18, 2023 at the Regular Council Meeting, ATCO presented on Non-Invested Vs. Invested streetlights in Town. Currently within the municipal limits of the Town of Drumheller, there are 1100 streetlights. Of the 1100 streetlights, 714 are currently on the ATCO Non-Invested, 370 are Co-Invested, and 16 are Sentinel Lights.

TRANSITION TO CO-INVESTED STREETLIGHTS:

For Non-Invested streetlights, the **Town** is responsible for the full cost of replacement. For Invested streetlights, **ATCO** is responsible for the full cost of replacement and the Town receives company investment as per the Alberta Utilities Commission (AUC) approved investment rate.

Due to the age of our streetlight assets, by placing responsibility on ATCO for end-of-life cost we are reducing future asset management costs by an estimated \$4,284,000.00. Additionally, The Town of Drumheller will receive \$723,874.62 in investment from ATCO to convert the 714 lights. However, this will increase the monthly charge for all streetlights from \$35,119 to \$47,976, a monthly increase of \$12,857. These costs do not include consumption of power.

LED CONVERSION:

Additionally, ATCO is recommending that we convert our high-pressure sodium (HPS) fixture to a light-emitting diode (LED) fixture. This would involve the conversion of 923 HPS lights, which are anticipated to offer the following benefits:

- Reduced energy consumption.
- Reduced maintenance costs.
- Increased fixture lifespan; and
- Equal or better lighting quality

ATCO estimates that this will result in approximately \$800,000 of cost savings to the Town of Drumheller. New monthly wires charges rate will be approximately \$43.11/fixture/month* for 100W HPS streetlights and \$40.66fixture/month* for 38W LED streetlights. Rather than requiring immediate capital costs to make the changeover, ATCO applies a current LED Conversion Multiplier (LCM) of 8.42% to invested streetlights. This results in approximately \$200 increase in monthly costs, an increase \$ 47,976.56 to \$48,173.19. However, with the

estimated energy savings, the Town will actually save approximately \$960.17 per month by switching to LED streetlights.

RECOMMENDATION:

Administration recommends that Council moves to convert to co-invested and LED streetlights, upon recommendation of ATCO, in order to decrease future asset management costs and reduce energy consumption.

FINANCIAL IMPACT:

If all non-invested streetlights are converted to investment streetlights, our ATCO Distribution Wires Charges Per Month will increase from \$ 35,119.46 to \$ 47,976.56 per month, an increase of 12,857.10. However, ATCO estimates we will save approximately \$4,284,000.00 in future replacement costs and will receive \$723,874.62 in investment from ATCO. Therefore, this will result in a net financial benefit to the Town if all streetlights are replaced within an approximate 32-year time frame.

With the current Retail Energy Charge Projection, the total cost per month would be \$ 50,192.71 without the conversion to LED streetlights.

If the Town converted all streetlights to LED, the projected monthly costs would be lower due to an estimated energy savings of \$1,156.80 per month. With a full conversion to invested streetlights and LED lights, the estimated total monthly charges are \$ 49,232.54, or a savings of \$960.17 per month when compared to invested HPS fixtures.

STRATEGIC POLICY ALIGNMENT:

The conversion to invested and LED streetlights is anticipated to result in cost-savings to the Town due to the reduction of future asset management costs and energy consumption.

COMMUNICATION STRATEGY:

Communications will be distributed on all media channels informing residents of the conversion to LED streetlights upon signature of the contract with ATCO

MOTION:

Moves that Council request ATCO Electric proceed with the conversion of 714 lights to the Investment Option and request ATCO Electric proceed with the implementation of the LED Conversion Option.

Mitchell Visser

Prepared by:
Mitchell Visser
Sr. Administrative
Assistant



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

November 22, 2023

Town of Drumheller
224 Center Street
Drumheller, AB
T0J 0Y4

RE: Streetlight LED Conversion Option

Dear Darryl Drohomerski

In 2016, ATCO Electric changed its streetlight engineering standard from high pressure sodium (HPS) fixtures to a light-emitting diode (LED) fixture. The change in standard was due to the following benefits offered by LED technology:

- Reduced energy consumption.
- Reduced maintenance costs.
- Increased fixture lifespan; and
- Equal or better lighting quality

At your request, ATCO Electric is pleased to assess your needs and offer an LED conversion solution for your community. Upon acceptance of this offer, ATCO Electric will identify existing HPS fixtures that qualify for conversion to LED fixtures. Qualifying fixtures include those that are currently billed on the invested Street Lighting Service Rate D61B, are not decorative-style streetlights, yard lights or streetlights owned and operated by your municipality.

ATCO Electric will review the costs and savings associated with LED conversions annually and adjust the multiplier as required.

To proceed with the conversion, please review and sign the attached acknowledgement form. This signed document will be shared with the Alberta Utilities Commission.

Yours truly,

Tracy Volker

Customer Sales Representative

Tracy.volker@atco.com

403-741-4792

On behalf of the Community, the undersigned hereby acknowledges and agrees that:

- a) Your acceptance of this proposal will constitute a formal request to ATCO Electric to proceed to the next steps of an LED conversion option outlined for your community.
- b) This acceptance will form part of our submission to the Alberta Utilities Commission to acknowledge your acceptance of the implementation of the *LED Conversion Maintenance Multiplier*.
- c) The acceptance of this proposal confirms that charges equal to 8.42% of the existing Rate 61B Distribution fixture charge will be added to the monthly bill, which is amended and approved by the Commission from time to time, to arrive at the distribution charges for all fixtures that have been converted to LEDs in your community.
- d) This acceptance confirms your understanding that the *LED Conversion Maintenance Multiplier* may be amended and approved by the AUC from time to time. The adjustment factor may also be discontinued because of further application to the AUC.
- e) ATCO Electric will proceed with the implementation of this offer if and when the AUC acknowledges and approves the use of the *LED Conversion Maintenance Multiplier* for the purpose of converting fixtures from HPS to LED.
- f) In its capacity as an electric distribution service provider to the Municipality, ATCO Electric has presented all material required to make an informed decision.
- g) The costs and savings presented in this offer, along with other materials presented, are estimates only and are for illustrative purposes. The electricity service costs and savings will ultimately depend on the AUC-approved ATCO Electric distribution tariff, which is adjusted and approved by the Commission periodically, as well as the retail energy costs as set by your retailer.

Town of Drumheller

Community Manager

Date

November 22, 2023

Town of Drumheller
224 Center Street
Drumheller, AB
T0J 0Y4

Attention: Darryl Drohomerski, CAO

**RE: Town of Drumheller – Street Light Rate Conversion
'Non-Investment' Rate to 'Investment' Rate**

Within the Town of Drumheller municipal limits there are 1100 streetlights. Of the 1100 lights, 714 are currently on the ATCO non-invested streetlight rate (61E).

ATCO would like to offer the Town of Drumheller the opportunity to change the non-invested streetlights to the investment rate (61B). The invested rate places responsibility for all end-of-life costs on ATCO, in addition, the Town of Drumheller will receive \$723,874.62 in investment to convert 714 lights. Please find attached a copy of our current price schedules for lights for your information.

New monthly wires charges rate will be approximately \$40.66/fixture/month* for 38W LED streetlights and \$43.11/fixture/month* for 100W HPS streetlights.

If you wish to proceed with the proposed conversion, please sign this proposal and return to us by December 18, 2023.

We also highly recommend that following conversion to the invested rate you also take advantage of the LED conversion program to update all your existing streetlights to the newest technology and realize additional monthly savings. Details of LED conversion will be provided under separate cover.

If you have any questions or concerns, please call me at (403)741-4792.

Yours truly,

Tracy Volker
Customer Sales Representative

CUSTOMER ACKNOWLEDGEMENT
PROJECT ACCEPTANCE

Project Acceptance

I _____ am legally authorized to execute this agreement on behalf of
Print Name

The Town of Drumheller. I request ATCO Electric to proceed with the conversion of 714 lights to the Investment Option. I acknowledge that I have reviewed this Proposal for Electric Service in its entirety and understand these Terms and Conditions, Additional Terms of Agreement, Project Scope and Commercial Terms and agree to be bound by them.

Customer Signature: _____ Date: _____

Thank You

Tracy Volker

Customer Sales Representative
Electricity Division

C. 403-741-4792
A. P.O Box 730, 4105, 50th Ave, Stettler AB T0C 2L0



ATCO.com [LinkedIn](#) [Facebook](#) [Instagram](#) [Twitter](#)

* The monthly wire charges based on current interim 2023 Distribution Rates (effective January 1, 2023)

REQUEST FOR DECISION

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Resolution for Expropriation of One Parcel for Berm Construction affecting Lot 5, Block 1, Plan 4125FH 198 9 Street, Nacmine
DATE:	December 4 th , 2023
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
ATTACHMENTS:	Resolution to Expropriate Notice of Intention 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 Nacmine Berm starting in the spring of 2024, full acquisition of this parcel is required. Negotiations with the impacted landowners began in August 2023, and have been on-going over the past several months. The subject full acquisition property owners have not accepted our purchase offers of Fair Market Value, as determined by an appraisal, within the timelines given. As such, the next step in obtaining the land required for Nacmine 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 198 9 Street (4125FH;1;5), 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, parcel acquisitions can be made at the higher of the appraised or assessed value. An offer has been made to the impacted property owners for the Nacmine 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 owners, and all parties with a registered interest in the subject lands, as soon as practicably possible given the legislated considerations and the registration delays at Land Titles. Concurrent with the affected property owners 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.

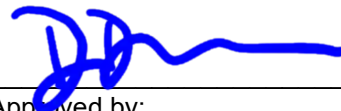
MOTION:

Councillor _____ moves that Council approve the Resolution for Expropriation and Notice of Intention to Expropriate pertaining to the parcel of land described as Lot 5, Block 1, Plan 4125FH; Title Number 151 140 939.

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
OVER CERTAIN LANDS LOCATED WITHIN THE TOWN OF DRUMHELLER

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

PLAN 4125FH
BLOCK 1
LOT 5
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

(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 with respect to the Lands by expropriation;

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

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

NOW THEREFORE BE IT RESOLVED:

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

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

NOTICE OF INTENTION TO EXPROPRIATE

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

PLAN 4125FH
BLOCK 1
LOT 5
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

(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: fee simple.
3. The work or purpose for which the interest in the Lands is required is:
 - Construction and/or enhancement of existing dikes, berms, retaining walls, erosion protection, overland drainage courses, storm water outfalls, control structures and associated appurtenances;
 - for the retention and development of Natural Areas, Environmental Reserves, Municipal Reserves, Public Utility Lots, and other uses as approved by approval authorities; and
 - access for purposes of construction and/or maintenance of the above.
4. Section 6 of the *Expropriation Act* provides that:
 - "6(1) No person may in any proceedings under this Act dispute the right of an expropriating authority to have recourse to expropriate.
 - (2) In any proceedings under this Act the owner may question whether the taking of the land, or the estate or interest therein, is fair, sound and reasonably necessary in the achievement of the objectives of the expropriating authority."
5. Section 10 of the *Expropriation Act* provides that:
 - "10(1) An owner who desires an inquiry shall serve the approving authority with a notice of objection,
 - (a) in the case of an owner served in accordance with section 8(2), within 21 days after service on the owner of the notice of intention; and
 - (b) in any other case, within 21 days after the first publication of the notice of intention.
 - (2) The notice of objection shall state:
 - (a) the name and address of the person objecting;
 - (b) the nature of the objection;
 - (c) the grounds on which the objection is based; and
 - (d) the nature of the interest of the person objecting.

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

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

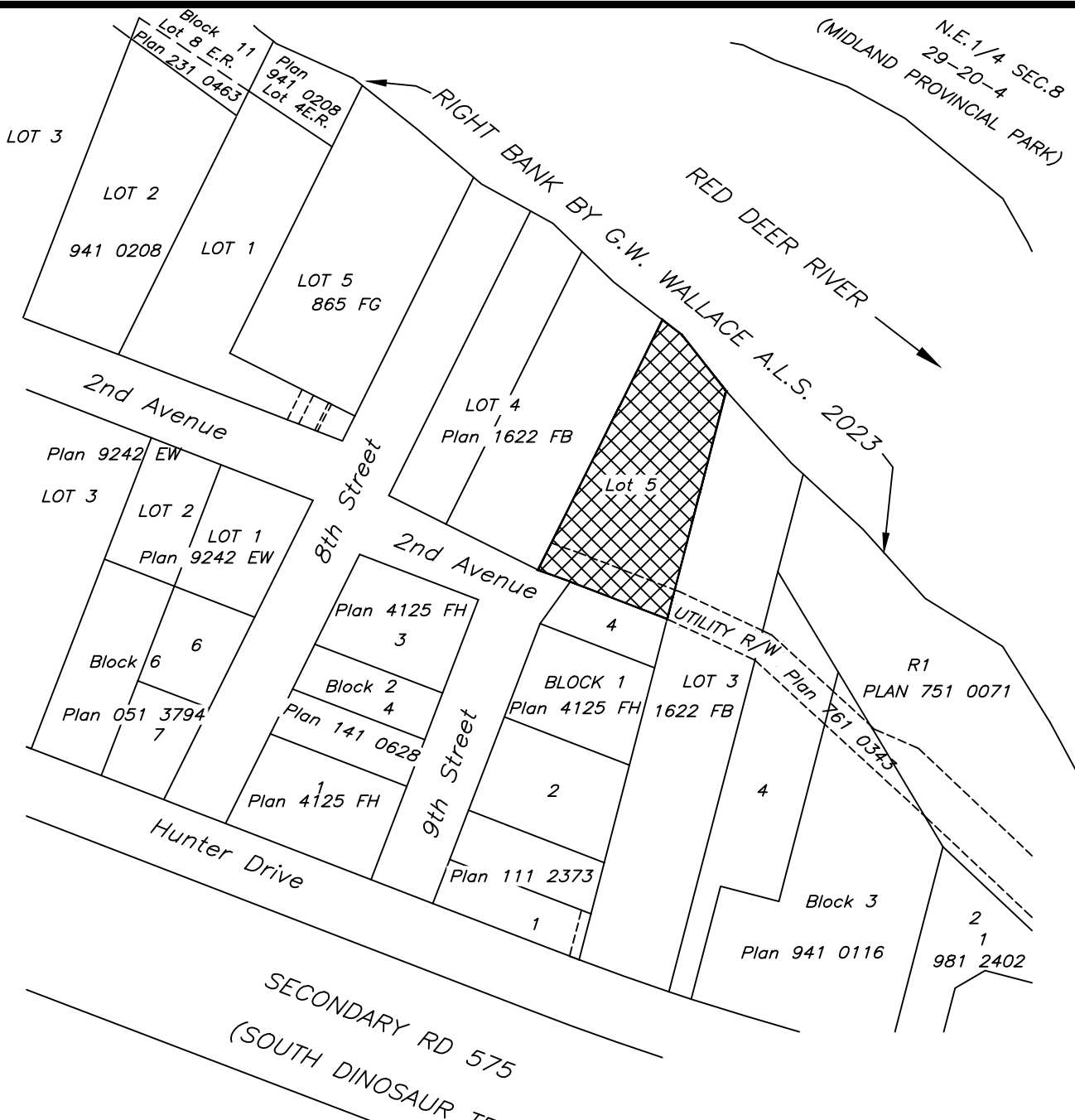
TOWN OF DRUMHELLER

Per: _____
Heather Colberg, Mayor (c/s)

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


The full name and address of the expropriating authority is:

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



**NACMINE DISTRICT
DRUMHELLER, ALBERTA**

PLAN SHOWING AREA TO BE ACQUIRED BY
EXPROPRIATION FOR FLOOD MITIGATION
PURPOSES AFFECTING
ALL OF LOT 5, BLOCK 1, PLAN 4125 F.H
WITHIN THE
N.E.1/4 SEC.8, TWP,29, RGE.20, W.4M.
SCALE= 1:1000 — 2023 — W.R.HUNTER, A.L.S.

LEGEND:
Distances are in metres and decimals thereof.
Area affected by this plan is shown thus... 
And contains 2675.0sq.m. = 28793sq.ft.

1
1
081 5076

REQUEST FOR DECISION

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Resolution for Expropriation of a Partial Parcel for Berm Construction affecting That portion of the north west quarter of Section 8 Township 29 Range 20 West of the 4 Meridian described as follows: commencing at the point of intersection of the north easterly limit of 3 Avenue with the northerly production of the north westerly limit of 3 Street as said avenue and street are shown on Plan Nacmine 7125DD thence northerly along said production of said limit of 3 Street to the right bank of the Red Deer River shown on Plan 53/46 thence westerly along said right bank to its intersection with the said north easterly limit of 3 Avenue thence south easterly along said limit to the point of commencement containing 0.648 hectares (1.6 acres) more or less 301 3 Street, Nacmine
DATE:	December 4 th , 2023
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
ATTACHMENTS:	Resolution to Expropriate Notice of Intention 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 Nacmine Berm starting in the spring of 2024, partial acquisition of land from this parcel is required. Negotiations with the impacted landowner began in August 2023, 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 Nacmine 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 301 3 Street (that portion of the north west quarter of Section 8 Township 29 Range 20 West of the 4 Meridian described as follows: commencing at the point of intersection of the north easterly limit of 3 Avenue with the northerly production of the north westerly limit of 3 Street as said avenue and street are shown on Plan Nacmine 7125DD thence northerly along said production of said limit of 3 Street to the right bank of the Red Deer River shown on Plan 53/46 thence westerly along said right bank to its intersection with the said north easterly limit of 3 Avenue thence south easterly along said limit to the point of commencement containing 0.648 hectares (1.6 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. An offer has been made to the impacted property owner for the Nacmine 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, and all parties with a registered interest in the subject lands, 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.

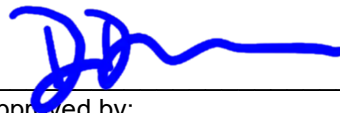
MOTION:

Councillor _____ moves that Council approve the Resolution for Expropriation and Notice of Intention to Expropriate pertaining to a portion of land described as that portion of the north west quarter of Section 8 Township 29 Range 20 West of the 4 Meridian described as follows: commencing at the point of intersection of the north easterly limit of 3 Avenue with the northerly production of the north westerly limit of 3 Street as said avenue and street are shown on Plan Nacmine 7125DD thence northerly along said production of said limit of 3 Street to the right bank of the Red Deer River shown on Plan 53/46 thence westerly along said right bank to its intersection with the said north easterly limit of 3 Avenue thence south easterly along said limit to the point of commencement containing 0.648 hectares (1.6 acres) more or less; Title Number 191 049 429.

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
OVER CERTAIN LANDS LOCATED WITHIN THE TOWN OF DRUMHELLER

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

THAT PORTION OF:

"THE NORTH WEST QUARTER OF SECTION 8
TOWNSHIP 29
RANGE 20

WEST OF THE 4 MERIDIAN

DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH EASTERLY LIMIT
OF 3 AVENUE WITH THE NORTHERLY PRODUCTION OF THE NORTH WESTERLY LIMIT
OF 3 STREET AS SAID AVENUE AND STREET ARE SHOWN ON PLAN NACMINE 7125DD
THENCE NORTHERLY ALONG SAID PRODUCTION OF SAID LIMIT OF 3 STREET TO THE
RIGHT BANK OF THE RED DEER RIVER SHOWN ON PLAN 53/46
THENCE WESTERLY ALONG SAID RIGHT BANK TO ITS INTERSECTION WITH
THE SAID NORTH EASTERLY LIMIT OF 3 AVENUE
THENCE SOUTH EASTERLY ALONG SAID LIMIT TO THE POINT OF COMMENCEMENT
CONTAINING 0.648 HECTARES (1.6 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

(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 with respect to the Lands by expropriation;

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

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

NOW THEREFORE BE IT RESOLVED:

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

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.

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

RESOLUTION

REGARDING EXPROPRIATION FOR THE PURPOSE OF ACQUIRING A FEE SIMPLE ESTATE
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

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:

"THE NORTH WEST QUARTER OF SECTION 8
TOWNSHIP 29
RANGE 20

WEST OF THE 4 MERIDIAN
DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE NORTH EASTERLY LIMIT OF 3 AVENUE WITH THE NORTHERLY PRODUCTION OF THE NORTH WESTERLY LIMIT OF 3 STREET AS SAID AVENUE AND STREET ARE SHOWN ON PLAN NACMINE 7125DD THENCE NORTHERLY ALONG SAID PRODUCTION OF SAID LIMIT OF 3 STREET TO THE RIGHT BANK OF THE RED DEER RIVER SHOWN ON PLAN 53/46 THENCE WESTERLY ALONG SAID RIGHT BANK TO ITS INTERSECTION WITH THE SAID NORTH EASTERLY LIMIT OF 3 AVENUE THENCE SOUTH EASTERLY ALONG SAID LIMIT TO THE POINT OF COMMENCEMENT CONTAINING 0.648 HECTARES (1.6 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

(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: the fee simple estate shown and marked as Area 'A' 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

NORTH DINOSAUR TRAIL

R/W
PLAN 841 0620

N.W.1/4 SEC.8-29-20-4
(MIDLAND PROVINCIAL PARK)

ISLAND
N.W.1/4 SEC.8-29-20-4

RIGHT BANK BY G.W. WALLACE A.L.S. 2023

RED DEER RIVER

OLD RED DEER RIVER CHANNEL

N.W.1/4 SEC.8-29-20-4

C. OF T.
191 049 429

3rd AVENUE

1st STREET

1
2
BLOCK
PLAN 7935 EM
4
5

PLAN 7125 DD
6

PLAN 7125 DD
6


2nd AVENUE

**NACMINE DISTRICT
DRUMHELLER, ALBERTA**

PLAN SHOWING AREA TO BE ACQUIRED BY
EXPROPRIATION FOR FLOOD MITIGATION
PURPOSES
AFFECTING PART OF C. OF T. 191 049 29
WITHIN THE
N.W.1/4 SEC.8, TWP,29, RGE.20, W.4M.
SCALE= 1:1000 — 2023 — W.R.HUNTER, A.L.S.

LEGEND:

Distances are in metres and decimals thereof.

Area affected by this plan is shown thus... 
And contains 4526sq.m. = 48717sq.ft.

7125 DD

B

2

8
PLAN 7125 DD

9
BLOCK

PLAN 7125 DD 13
9

10
BLOCK

951 0437

REQUEST FOR DECISION

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Resolution for Expropriation of a Partial Parcel for Berm Construction affecting Plan 1622FB, the westerly 19.50 metres in perpendicular width throughout of Lot 4 810 2 Avenue, Nacmine
DATE:	December 4 th , 2023
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
ATTACHMENTS:	Resolution to Expropriate Notice of Intention 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 Nacmine Berm starting in the spring of 2024, partial acquisition of land from this parcel is required. Negotiations with the impacted landowners began in August 2023, and have been on-going over the past several months. The subject partial acquisition property owners have 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 Nacmine 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 810 2 Avenue (Plan 1622FB, the westerly 19.50 metres in perpendicular width throughout of Lot 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. An offer has been made to the impacted property owners for the Nacmine 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 owners, and all parties with a registered interest in the subject lands, as soon as practicably possible given the legislated considerations and the registration delays at Land Titles. Concurrent with the affected property owners 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.

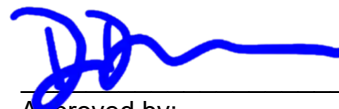
MOTION:

Councillor _____ moves that Council approve the Resolution for Expropriation and Notice of Intention to Expropriate pertaining to a portion of land described as Plan 1622FB, the westerly 19.50 metres in perpendicular width throughout of Lot 4; Title Number 871 123 537.

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
OVER CERTAIN LANDS LOCATED WITHIN THE TOWN OF DRUMHELLER

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

THAT PORTION OF:

"PLAN 1622FB
THE WESTERLY 19.50 METRES IN
PERPENDICULAR WIDTH THROUGHOUT OF LOT 4
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME"

INCLUDING:

FEE SIMPLE ESTATE WHICH LIES WITHIN:

PLAN
AREA 'A'
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

(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 with respect to the Lands by expropriation;

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

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

NOW THEREFORE BE IT RESOLVED:

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

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

RESOLUTION

REGARDING EXPROPRIATION FOR THE PURPOSE OF ACQUIRING A FEE SIMPLE ESTATE
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 1622FB
THE WESTERLY 19.50 METRES IN
PERPENDICULAR WIDTH THROUGHOUT OF LOT 4
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME"

INCLUDING:

FEE SIMPLE ESTATE WHICH LIES WITHIN:

PLAN
AREA 'A'
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

(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: the fee simple estate shown and marked as Area 'A' 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.

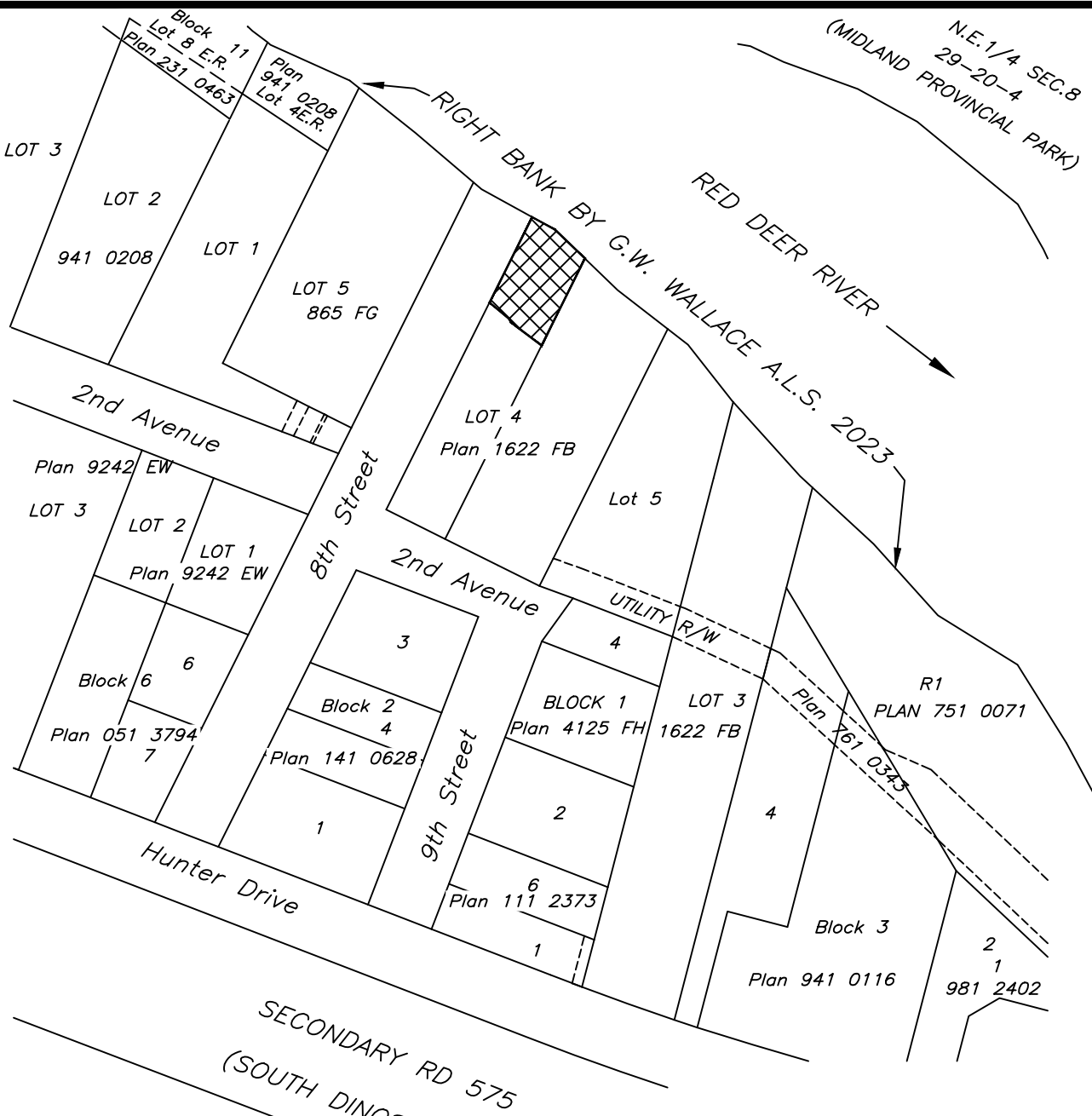
TOWN OF DRUMHELLER

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



NACMINE DISTRICT
DRUMHELLER, ALBERTA
PLAN SHOWING AREA TO BE ACQUIRED BY
EXPROPRIATION FOR FLOOD MITIGATION
PURPOSES AFFECTING
PART OF THE WESTERLY 19.50 METRES
OF LOT 4 PLAN 1622 FB
WITHIN THE
N.E.1/4 SEC.8, TWP,29, RGE.20, W.4M.
SCALE= 1:1000 — 2023 — W.R.HUNTER, A.L.S.

LEGEND:
Distances are in metres and decimals thereof.
Area affected by this plan is shown thus... 
And contains 573sq.m. = 6168sq.ft.

1
1
081 5076

REQUEST FOR DECISION

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Resolution for Expropriation of a Partial Parcel for Berm Construction affecting Plan 1622FB, Lot 4, excepting thereout the westerly 19.50 metres in perpendicular width throughout 820 2 Avenue, Nacmine
DATE:	December 4 th , 2023
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
ATTACHMENTS:	Resolution to Expropriate Notice of Intention 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 Nacmine Berm starting in the spring of 2024, partial acquisition of land from this parcel is required. Negotiations with the impacted landowner began in August 2023, 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 Nacmine 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 820 2 Avenue (Plan 1622FB, Lot 4, excepting thereout the westerly 19.50 metres in perpendicular width throughout), 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. An offer has been made to the impacted property owner for the Nacmine 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, and all parties with a registered interest in the subject lands, 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.

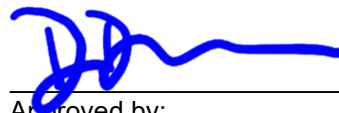
MOTION:

Councillor _____ moves that Council approve the Resolution for Expropriation and Notice of Intention to Expropriate pertaining to a portion of land described as Plan 1622FB, Lot 4, excepting thereout the westerly 19.50 metres in perpendicular width throughout; Title Number 081 362 428.

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
OVER CERTAIN LANDS LOCATED WITHIN THE TOWN OF DRUMHELLER

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

THAT PORTION OF:

"PLAN 1622FB

LOT 4

EXCEPTING THEREOUT

THE WESTERLY 19.50 METRES IN PERPENDICULAR WIDTH THROUGHOUT

EXCEPTING THEREOUT ALL MINES AND MINERALS

AND THE RIGHT TO WORK THE SAME"

INCLUDING:

FEE SIMPLE ESTATE WHICH LIES WITHIN:

PLAN

AREA 'A'

EXCEPTING THEREOUT ALL MINES AND MINERALS

AND THE RIGHT TO WORK THE SAME

(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 with respect to the Lands by expropriation;

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

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

NOW THEREFORE BE IT RESOLVED:

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

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.

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

RESOLUTION

REGARDING EXPROPRIATION FOR THE PURPOSE OF ACQUIRING A FEE SIMPLE ESTATE
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 1622FB

LOT 4

EXCEPTING THEREOUT

THE WESTERLY 19.50 METRES IN PERPENDICULAR WIDTH THROUGHOUT

EXCEPTING THEREOUT ALL MINES AND MINERALS

AND THE RIGHT TO WORK THE SAME”

INCLUDING:

FEE SIMPLE ESTATE WHICH LIES WITHIN:

PLAN

AREA 'A'

EXCEPTING THEREOUT ALL MINES AND MINERALS

AND THE RIGHT TO WORK THE SAME

(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: the fee simple estate shown and marked as Area 'A' 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.

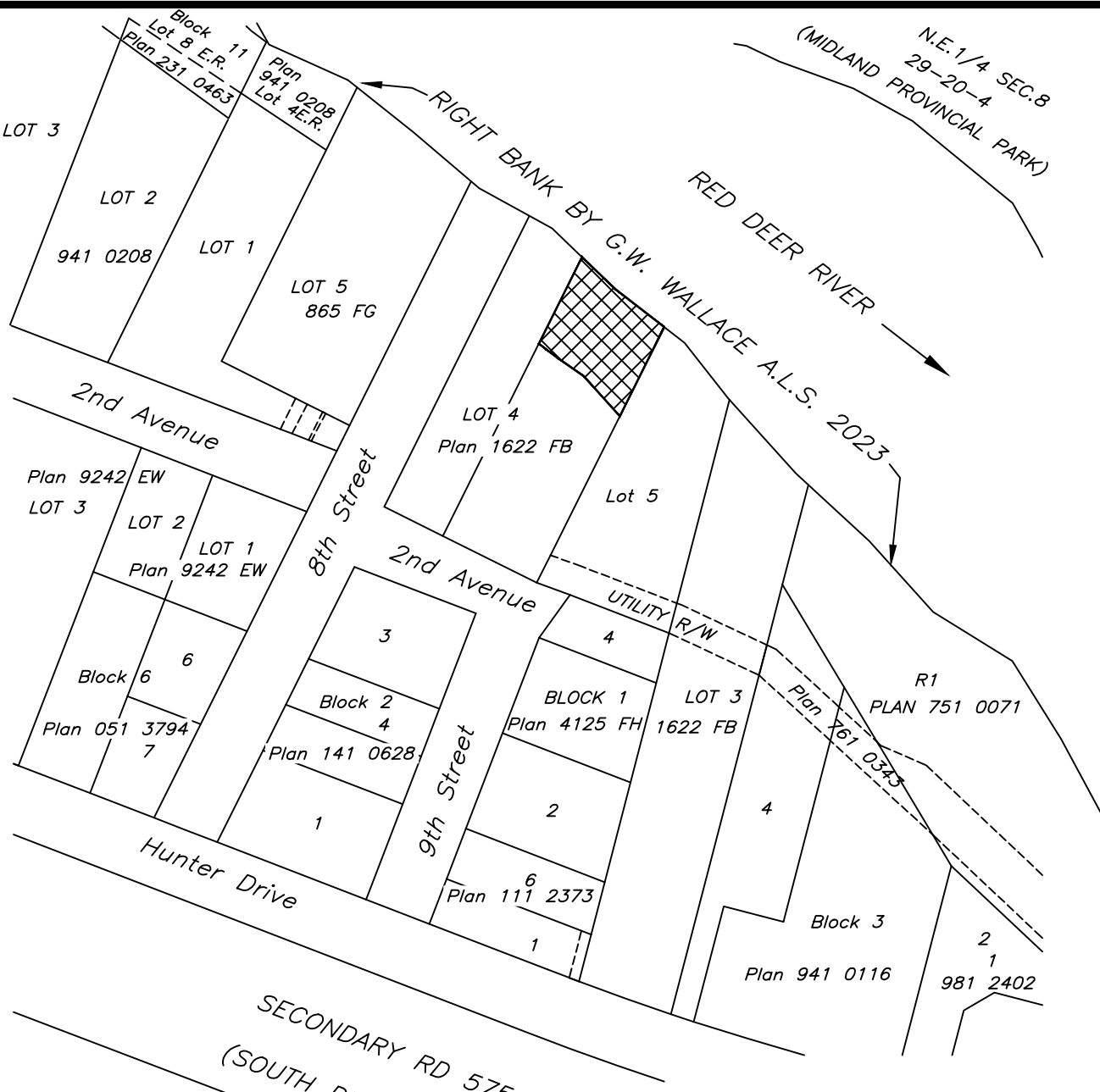
TOWN OF DRUMHELLER

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



**NACMINE DISTRICT
DRUMHELLER, ALBERTA**

PLAN SHOWING AREA TO BE ACQUIRED BY
EXPROPRIATION FOR FLOOD MITIGATION
PURPOSES AFFECTING PART OF
LOT 4, PLAN 1622 F.B.
EXCEPTING THEREOUT
THE WESTERLY 19.50 METRES IN
PERPENDICULAR WIDTH THROUGHOUT

WITHIN THE
N.E.1/4 SEC.8, TWP,29, RGE.20, W.4M.
SCALE= 1:1000 — 2023 — W.R.HUNTER, A.L.S.

LEGEND:
Distances are in metres and decimals thereof.
Area affected by this plan is shown thus... 
And contains 874sq.m. = 9408sq.ft.

1
1
081 5076

REQUEST FOR DECISION

TITLE:	Drumheller Resiliency and Flood Mitigation Program – Resolution for Expropriation of a Partial Parcel for Berm Construction affecting Lot 3, Plan 1622FB 932 Hunter Drive, Nacmine
DATE:	December 4 th , 2023
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
ATTACHMENTS:	Resolution to Expropriate Notice of Intention 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 Nacmine Berm starting in the spring of 2024, partial acquisition of land from this parcel is required. Negotiations with the impacted landowners began in August 2023, and have been on-going over the past several months. The subject partial acquisition property owners have 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 Nacmine 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 932 Hunter Drive (1622FB;;3), 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. An offer has been made to the impacted property owners for the Nacmine 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 owners, and all parties with a registered interest in the subject lands, as soon as practicably possible given the legislated considerations and the registration delays at Land Titles. Concurrent with the affected property owners 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 3, Plan 1622FB; Title Number 021 377 241.

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
OVER CERTAIN LANDS LOCATED WITHIN THE TOWN OF DRUMHELLER

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

THAT PORTION OF:
"PLAN 1622FB
LOT 3
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME"

INCLUDING:

FEE SIMPLE ESTATE WHICH LIES WITHIN:
PLAN
AREA 'A'
EXCEPTING THEREOUT ALL MINES AND MINERALS
AND THE RIGHT TO WORK THE SAME

(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 with respect to the Lands by expropriation;

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

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

NOW THEREFORE BE IT RESOLVED:

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

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

RESOLUTION

REGARDING EXPROPRIATION FOR THE PURPOSE OF ACQUIRING A FEE SIMPLE ESTATE
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 1622FB

LOT 3

EXCEPTING THEREOUT ALL MINES AND MINERALS

AND THE RIGHT TO WORK THE SAME”

INCLUDING:

FEE SIMPLE ESTATE WHICH LIES WITHIN:

PLAN

AREA 'A'

EXCEPTING THEREOUT ALL MINES AND MINERALS

AND THE RIGHT TO WORK THE SAME

(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: the fee simple estate shown and marked as Area 'A' 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.

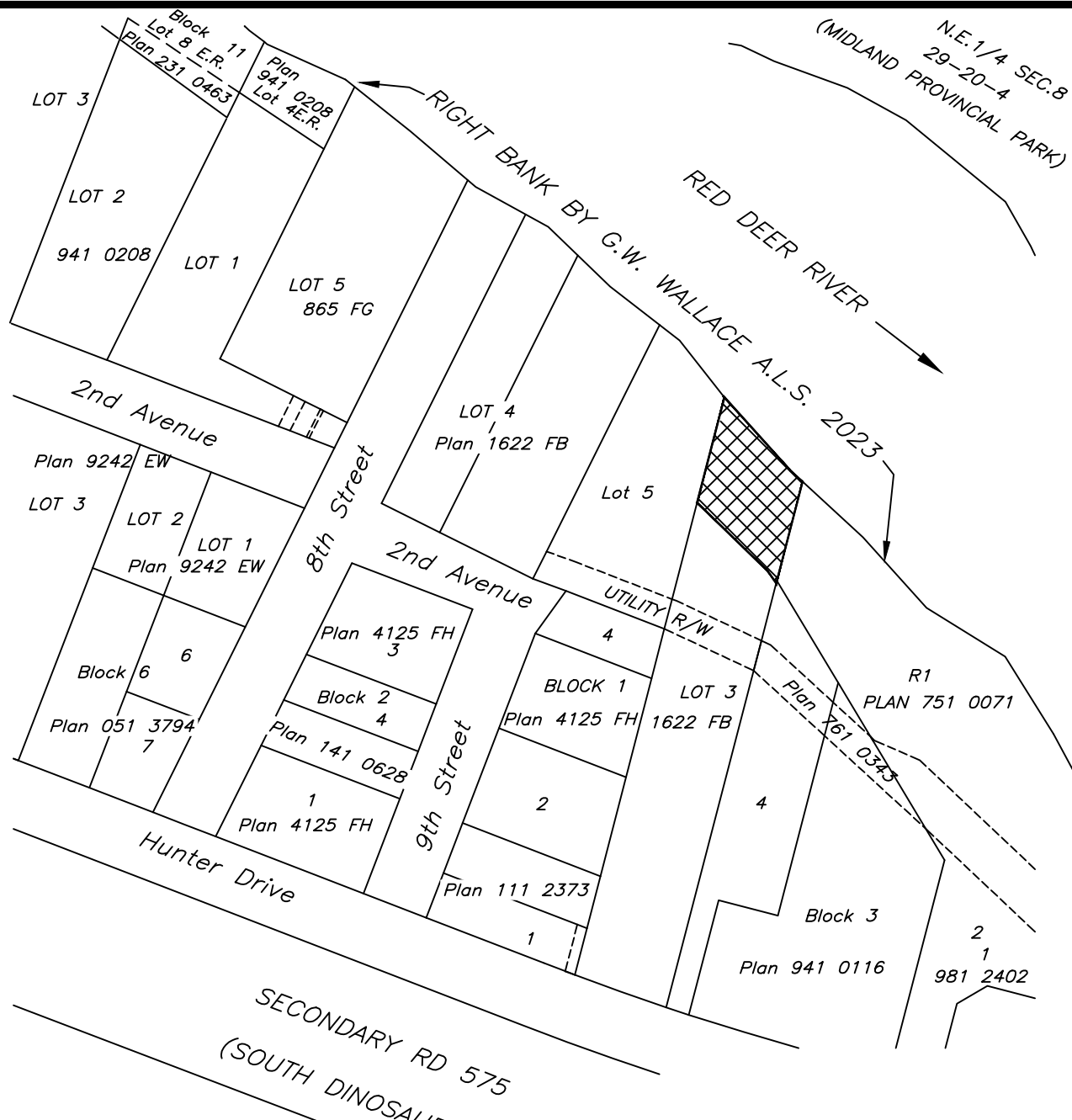
TOWN OF DRUMHELLER

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



**NACMINE DISTRICT
DRUMHELLER, ALBERTA**

PLAN SHOWING AREA TO BE ACQUIRED BY
EXPROPRIATION FOR FLOOD MITIGATION
PURPOSES AFFECTING
PART OF LOT 3, PLAN 1622 F.B

WITHIN THE
N.E.1/4 SEC.8, TWP,29, RGE.20, W.4M.
SCALE= 1:1000 — 2023 — W.R.HUNTER, A.L.S.

LEGEND:
Distances are in metres and decimals thereof.
Area affected by this plan is shown thus... 
And contains 914sq.m. = 9838sq.ft.

1
1
081 5076

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 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
DATE:	December 4 th , 2023
PRESENTED BY:	Deighen Blakely, P.Eng., Project Director Flood Resiliency Program
ATTACHMENTS:	Resolution to Expropriate Notice of Intention to Expropriate Parcel Map – Schedule 'B'

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 Hospital Berm Extension starting in the spring of 2024, partial acquisition of land from this parcel and a temporary workspace are required. Negotiations with the impacted landowner began in November 2022, and have been on-going over the past several months. The subject partial acquisition property owner has rejected our purchase offer 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 Hospital Berm Extension 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. A Resolution Approving Expropriate was passed by Council on May 29, 2023, but due to uncertainty in the property line survey, the expropriation was subsequently abandoned on October 10, 2023. The surveyed property line has since been updated and a Resolution Approving Expropriate is again being put forward to Council.

RECOMMENDATION:

Administration recommends that Council approve the Resolution for Expropriation and Notice of Intention to Expropriate pertaining to a portion of 129 9 Street Northwest (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) 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 Hospital Berm Extension

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 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.

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 as shown on the plan attached as Schedule 'B' to this Resolution:

THAT PORTION OF:

"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
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.

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 'B' attached hereto and more particularly described as:

THAT PORTION OF:

"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 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 'B'; and
 - b. An easement for temporary working space until December 31, 2025, over the area shown and marked as R.W. 'B' on Schedule 'B'.
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

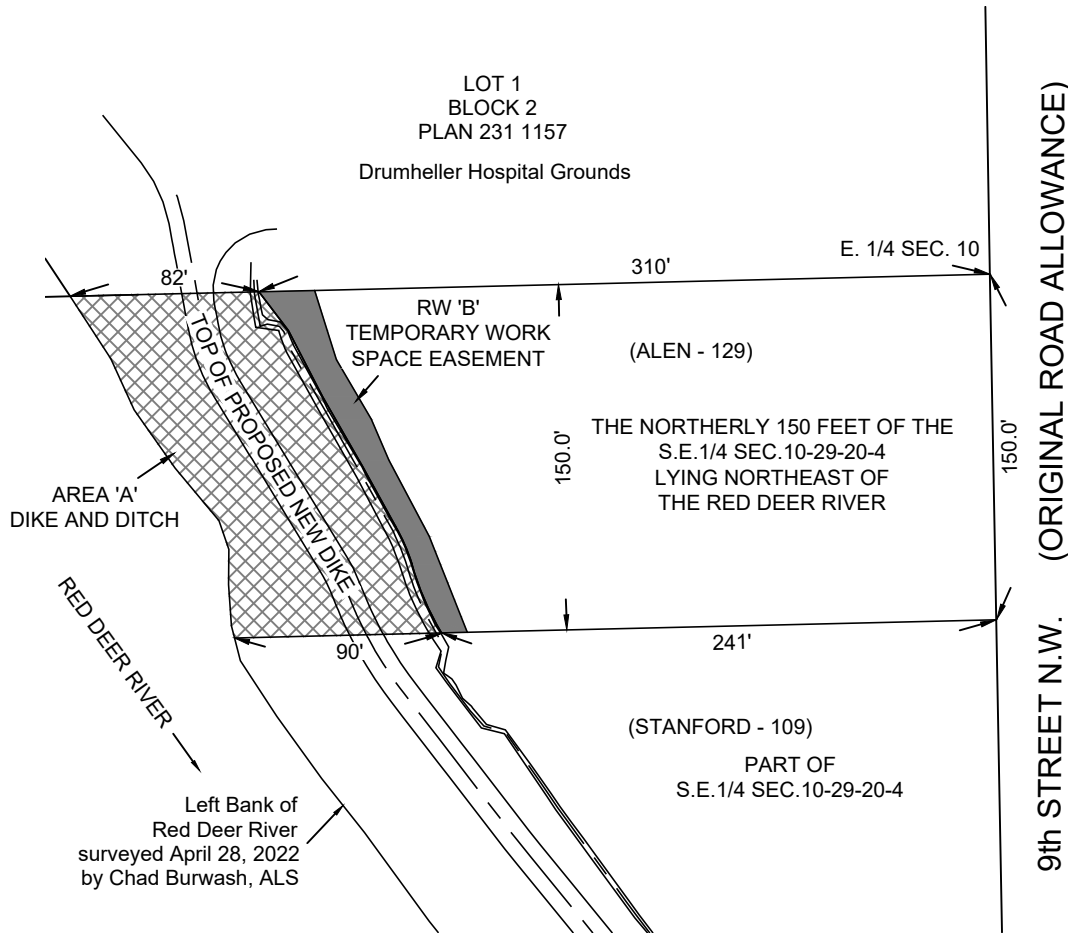
The full name and address of the expropriating authority is:

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

NORTH DRUMHELLER DISTRICT
DRUMHELLER, ALBERTA

PLAN SHOWING AREAS REQUIRED
 FOR PROPOSED DIKE
 WITHIN PART OF
 S.E.1/4 SEC.10, TWP.29, RGE.20, W.4M.

SCALE= 1:500 ————— W.R. HUNTER, A.L.S.




LEGEND:

Distances are in feet and decimals thereof.

Areas Required

Fee simple Area A shown thus... 

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

Easement shown thus... 

AREA 'A' = +/- 1134.5m² (12212ft²)

R.W. 'B' = +/- 197.8² (2129ft²)

2	21 NOVEMBER 2023	SCHEDULE 'A' TO SCHEDULE 'B'
1	19 OCTOBER 2023	ISSUED
NO.	DATE	DETAIL

Request for Decision

TITLE:	Business License Bylaw – Short Term Rentals
DATE:	December 4, 2023
PRESENTED BY:	Reg Johnson, Manager of Economic Development
ATTACHMENTS:	Business License Bylaw 06.23 (Draft)

SUMMMARY:

On November 14th, 2023, during the Committee of the Whole (COTW), Administration presented an updated proposal for the regulation of Short-Term Rentals (STRs) and received feedback from Council.

Since November 14th, Administration has received more accurate data on the number of STRs within the community. We now estimate that there are approximately 130 STRs within the community. This is 26 more than our previous estimate of 104.

As Council does not make motions during the COTW. We are bringing back our recommendations to Council during this Regular Council Meeting to receive a formal decision of Council. In accordance with S.188(b) of the *Municipal Government Act (MGA)*, if a Bylaw is defeated on the 2nd or 3rd reading, any previous readings will be rescinded and the Bylaw approval process will recommence at 1st reading. Therefore, Administration would like to receive a clear decision of Council before proceeding to the 3rd and final reading.

COMMERCIAL TAXATION

During the COTW, Administration received the suggestion from some members of Council that STRs need to be taxed like a business if they are operated as a Non-Principal Residence STR. Administration recommends charging fees through a business license application, rather than through property tax or a residential subclass due to the following rationale:

- a) The fluid nature of operating an STR makes tracking and applying property tax or a residential subclass extremely difficult. Especially since there is a one-year lag between when assessment is calculated and when taxation is applied;
- b) The potential for a large amount of appeals may cause a significant administrative burden on Town employees; and,
- c) The tracking, enforcement, potential appeals, and other administrative tasks associated with applying a property tax or a residential subclass will result in significantly higher administrative costs.

By recovering monies through the business license fee, Administration will recover similar amounts of revenue while saving upwards of **\$50,000** annually in costs. Therefore, Administration again recommends the following (please note that revenue estimates have changed from previous presentations to Council due to the updated estimate on the number of STRs.):

- Option I:** Implement different Business Licensing Fees for principal and non-principal residences to align with our current fees for resident and non-resident business licenses, \$245 and \$810 respectively. The total estimated annual revenue is \$75,920.
- Option II:** Limit STRs to principal residences and secondary suites and/or accessory dwelling units on the property of principal residences ONLY.
- Option III:** Administration increase the Non-Principal Residence Business Licensing Fees by 25% to \$1010, and retain the principal resident license at \$245, for a total estimated annual revenue of \$91,520.

Recommendation: Option I

CAP ON THE NUMBER OF STRS:

Feedback from Council demonstrated support for a cap on STRs. Discussion took place on whether or not the cap should include principal residences or just be placed on non-principal residences. In order to assist with compliance, Administration recommends that principal residences remain included in the cap, and that priority be given to principal residence when distributing new licenses. By including principal residences as part of the cap, Administration will be better able to manage address identification and licensing. Administration will review the cap on an annual basis to ensure the cap is achieving the stated goals. Therefore, Administration again recommends the following:

- Option I:** Town of Drumheller implement an STR business license cap and set the cap at 120 for a given year. The Town of Drumheller will provide first opportunity to current holders of the license to register for renewal in subsequent years. The cap will not apply to new builds. The cap will be reviewed on an annual basis. Principal residences will be given priority when applying.
- Option II:** Town of Drumheller implement an STR business license cap for non-principal residences only and set the cap at 70 for a given year. The Town of Drumheller will provide first opportunity to current holders of the license to register for renewal in subsequent years. The cap will not apply to new builds. The cap will be reviewed on an annual basis.

Recommendation: Option I

INSURANCE:

The inclusion of insurance was received positively by Council members. Therefore, Administration will continue with their original recommendation to require proof of insurance as part of the application process. However, after talking with other jurisdictions, Administration recommends requiring all applicants to provide Short-Term Rental or Home-Sharing Insurance. Home-Sharing Insurance is designed specifically for short term rentals and covers risks that are not covered by Home Insurance or the insurance offered by online brokers.

Recommendation: Mandating applicants provide proof of Home-Sharing or Short-Term Rental specific insurance during their business license application

process, in an amount determined by the Chief Administrative Officer or designate.

RECOMMENDATION:

Administration recommends the following changes:

1. Implement different rates for principal and non-principal residences to align with our current fees for resident and non-resident business licenses, \$245 and \$810 respectively, for a total estimated annual revenue of \$75,920.
2. Implement an STR business license cap set the cap at 120 for a given year. The Town of Drumheller will provide first opportunity to current holders of the license to register for renewal in subsequent years. The cap will not apply to new builds. The cap will be reviewed on an annual basis. Principal residences will be given priority when applying.
3. Mandate that applicants provide proof of Home-Sharing or Short-Term Rental specific insurance during their business license application process, in an amount determined by the Chief Administrative Officer or designate.

Additionally, Administration would like to reiterate that the program will be reviewed on an annual basis to ensure that the objectives of neighborhood quality, housing availability, safety and compliance are being met. The initial goal of the program will be to identify and collect data on the estimated 130 STR operating within the Town. This information assists Administration with shaping the program to meet the objectives.

FINANCIAL IMPACT:

An estimated annual revenue of \$75,920, with the anticipation that the program will require approximately 0.25 FTE, or \$25,000 in administration fees.

STRATEGIC POLICY ALIGNMENT:

The implementation of STR regulations is one of the goals identified in the Drumheller Valley Housing Strategy (DVHS)

COMMUNICATION STRATEGY:

A final copy of the Good Host Guide will be brought to 3rd reading, with the addition of a communications plan outline.

MOTION:

Moves that Administration implement different business licensing fees for principal and non-principal residences to align with our current fees for resident and non-resident business licenses, \$245 and \$810 respectively, for a total estimated annual revenue of \$75,920.

MOTION:

Moves that Administration implement Short Term Rental business license cap and set the cap at 120 for a given year. The Town of Drumheller will provide first opportunity to current holders of the license to register for renewal in subsequent years. The cap will not apply to new builds. The cap will be reviewed on an annual basis. Principal residences will be given priority when applying.

MOTION:

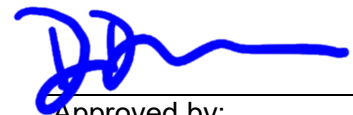
Moves that Administration mandate that applicants provide proof of Home-Sharing or Short-Term Rental specific insurance during their business license application process, in an amount determined by the Chief Administrative Officer or delegate.

Mitchell Visser

Prepared by:
Mitchell Visser
Sr. Administrative
Assistant

Reg Johnston

Reviewed by:
Reg Johnston
Manager of Economic
Development.



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

TOWN OF DRUMHELLER
BYLAW NUMBER 06.23
DEPARTMENT: CORPORATE SERVICES

Repeals Bylaw 04.15
Repeals Bylaw 01-18

**A BYLAW OF THE TOWN OF DRUMHELLER, IN THE PROVINCE OF ALBERTA, TO
PROVIDE FOR THE DEVELOPMENT AND REGULATION OF A BUSINESS LICENSE
REGISTRY.**

WHEREAS pursuant to Section 7 and Section 8 of the *Municipal Government Act, R.S.A. 2000, c. M-26*, a municipal council may pass bylaws respecting the regulation of businesses, business activities and persons engaged in business;

AND WHEREAS, it is deemed appropriate to require the licensing of businesses operating within the Town of Drumheller;

NOW, THEREFORE, the Council of the Town of Drumheller, duly assembled, enacts as follows:

1. SHORT NAME

This Bylaw shall be cited as the Town of Drumheller "*Business License Bylaw.*"

2. DEFINITIONS

2.1 For the purposes of the Bylaw, the following definitions shall apply:

- a) "*Agent*" means every Person who, by mutual consent, acts for the benefit of another, including a sales representative or a Person in care and control of the premises where a Business is being conducted;
- b) "*Annual License*" means a License that is valid for the period between January 1st and December 31st of the year it was issued,
- c) "*Applicant*" means a Person who applies for a Business License or a renewal of a Business License, in accordance with this Bylaw,
- d) "*Application*" means a written request for a Business License or a renewal of a Business License as required by this Bylaw, in the form prescribed by the Chief Administrative Officer;
- e) "*Business*" means:
 - i) a commercial, merchandising or industrial activity or undertaking,
 - ii) a profession, trade, occupation, calling or employment; or
 - iii) an activity providing goods or services;

- f) *“Business Premises”* means any store, office, dwelling, warehouse, yard, building, enclosure, Mobile Business Unit or other place occupied or capable of being occupied for the purpose of carrying on a Business in a permitted and discretionary use in accordance with the Land Use Bylaw;
- g) *“Busker”* shall mean a Person who plays music or performs entertainment in a public place while soliciting money;
- h) *“Carry on”, “carrying on”, “carried on” and “carries on”* means:
 - i) to conduct, operate, perform, keep, hold, occupy, deal in or use, for a fee or exchange of benefits, whether as principal or Agent; and
 - ii) to Advertise for a business, where in the opinion of the Chief Administrative Officer, there is an intent for the Business to be carried out within the Town;
- i) *“Charitable organization”* means any incorporated or unincorporated organization that is formed for a charitable purpose;
- j) *“Charitable purpose”* includes a philanthropic, benevolent, educational, health, humane, religious, cultural, artistic or recreational purpose;
- k) *“Chief Administrative Officer”* means the Chief Administrative Officer of the Town of Drumheller, or their designates;
- l) *“Community Standards Bylaw”* means the Town of Drumheller Community Standards Bylaw 06.19, as amended from time to time, and its successor legislation;
- m) *“Day Time”* means between the hours of 7:00 AM and 10:00 PM of the same day, on weekdays, and between the hours of 9:00 AM and 10:00 PM of the same day, on weekends;
- n) *“Development Authority”* means the Town of Drumheller Development Officer or the Town of Drumheller Municipal Planning Commission (MPC), as established in the Land Use Bylaw;
- o) *“Dwelling Unit”* means one or more rooms used, or designed to be used, as a residence by one or more persons and containing sleeping areas and that meets the definition(s) established in the Land Use Bylaw for the corresponding Land Use District;
- p) *“Fee Schedule”* means the Town of Drumheller *Fees, Rates and Charges Bylaw 23.22* and attached Service Fee Schedule, as amended annually, and its successor legislation;
- q) *“Home Occupation”* means any business of any sector that meets the definitions established in the Land Use Bylaw for the corresponding Land Use District;
- r) *“Land Use Bylaw”* means the Town of Drumheller Land Use Bylaw 16.20 as amended from time to time, and its successor legislation;
- s) *“License”* means a business license, issued pursuant to this Bylaw, for the

purpose of licensing any Person carrying on Business within the Town;

- t) *"Licensee"* means the holder of a valid and subsisting Business License, issued pursuant to this Bylaw;
- y) *"Market"* means the business of providing for rent, stalls, tables, or spaces to merchants displaying for sale, offering for sale, and selling goods to the public;
- v) *"MGA"* means the *Municipal Government Act, R.S.A. 2000, c. M-26*.
- w) *"Micro Business"* means a Resident Business whose annual revenues are less than \$30,000 per year as verified by the Canada Revenue Agency;
- x) *"Mobile Business Unit"* means a motor vehicle, temporary structure or display, or stand from which a business is carried on and for which the Licensee is not listed on the property tax assessment roll;
- y) *"Mobile Vendor"* means a Person who carries on Business from a Mobile Business Unit.
- z) *"Municipal Enforcement Officer"* means any person appointed as a Bylaw Enforcement Officer pursuant to Section 555 of the *MGA* or as a Community Peace Officer pursuant to Section 7 of the Peace Officer Act, R.S.A. 2006, c. P-3.5.
- aa) *"Night Time"* means the hours between 10:00 PM and 7:00 AM of the next day, on weekdays, and between the hours of 10:00 PM and 9:00 AM of the next day, on weekends.
- bb) ***"Non-Principal Residence" means any dwelling unit that is not a principal residence.***
- cc) *"Non-Resident Business"* means a business carried on in whole or in part within the Town, but which does not have business premises within the Town and is not listed on the current property tax assessment roll;
- dd) ***"Principal Residence" means the usual place where an individual makes their home for the majority of a calendar year, and for these purposes, a person can only have one principal residence at any given time.***
- ee) "Person" means a natural person or a corporation and includes a partnership, an association or a group of persons acting in concert unless the context explicitly or by necessary implication otherwise requires;
- ff) *"Resident Business"* means a Business that is carried on in whole or in part within the Town, and which has a business premises within the Town;
- gg) *"Short Term Rental", "Rental" or "STR"* means the Business of offering a dwelling unit or portion of a dwelling unit, as defined in the Land Use Bylaw, for temporary accommodation to a single party of guests for a period of twenty-eight (28) days or less, and includes those Businesses offering accommodation through an online broker or marketplace, but does not include;
 - a) Campgrounds

- b) Bed and Breakfasts
- c) Hotels/Motels
- hh) "Special Event" means any organized gathering of people:
 - i) with the primary purpose of supporting a community, cultural, recreational or sport experience;
 - ii) that would have a significant impact on public property and/or public safety, in the opinion of the Chief Administrative Officer;
 - iii) that require temporary structures installed in a public space;
 - v) in a private space that generate any impact on pedestrian or vehicular traffic or parking in excess of that which is considered normal for the community, in the opinion of the Chief Administrative Officer; or
 - vi) that involves temporary changes to the activities or access in a public space, including road closures and noise bylaw exemptions.
- ii) "*Temporary License*" means a Resident or Non-Resident Business License that is granted for the following temporary period of time:
 - i) one (1) day;
 - ii) one (1) week;
 - iii) one (1) month;
 - iv) four (4) months.
- jj) "*Town*" means the Town of Drumheller, a municipal corporation in the Province of Alberta, and includes the area contained within the corporate boundaries of the Town of Drumheller, as the context may require;
- kk) "**Types of Business Licenses**" means licenses for Businesses with distinct provisions and include:
 - i) **General Business License**
 - ii) **Mobile Vendor Business License**
 - iii) **Charitable Organization Business License**
 - iv) **Buskers Business License**
 - v) **Market Business License**
 - vi) **Short Term Rental Business License**
 - vii) **Special Event Business License**
 - viii) **Contractor Business License**

3. LICENSE

- 3.1 No Person shall carry on a Business in the Town or advertise for a Business in the Town unless that Person has a valid and subsisting Licence issued by the Chief Administrative Officer.
- 3.2 Notwithstanding section 3.1, a Business License is not required:
- a) for a Business carried on by the Town; or,
 - b) for a Business carried on by the Government of the Province of Alberta, the Government of Canada, or a Crown Corporation created by either Government.
- 3.3 A Licence is required for each Business Premises where the Business is carried on.
- 3.4 Separate Business Licences are required if two (2) or more Persons are carrying on Businesses from or within the same Business Premises.
- 3.5 Every License, issued pursuant to this Bylaw, shall be posted in a conspicuous location in the Business Premises of the Licensee, so as to be clearly visible to the public.
- 3.6 All Licenses shall remain the property of the Town.
- 3.7 A Licence is not transferable from one Person to another Person or between Business Premises or Mobile Business Units.
- i) If a Licensee is moving Business Premises within the Town, the Chief Administrative Officer, may, at their discretion, reissue a License without the associated fee(s), if the move of the Business Premises does not necessitate a change in the Intensity or Use of the Business, as defined in the Land Use Bylaw.

4. APPLICATION REQUIREMENTS

- 4.1 Every Applicant for a Licence must provide the following information, in the form prescribed by the Chief Administrative Officer:
- a) the civic and legal address for the proposed place of Business;
 - b) the trade name(s) under which the proposed Business will operate;
 - c) where the Applicant is a sole proprietorship or partnership, the full name, mailing address, telephone number, and email address of the Applicant(s):
 - i) confirmation of this information may be required through presentation of two pieces of identification, one of which must be government issued picture identification;
 - d) where the Applicant is a corporation, the full name, mailing address, telephone number, and email address of the principal managing employee(s) or board members:
 - i) confirmation of this information may be required through presentation of two

pieces of identification, one of which must be government issued picture identification;

- e) Any certificate, authority, licence or other document of qualification under this or any other Bylaw, or under any Statute of the Province of Alberta or the Government of Canada, that may be required in connection with the carrying on of the Business; and,
- f) other such information as the Chief Administrative Officer may reasonably require.

4.2 No Person shall give false information in an application pursuant to the provisions of this Bylaw.

5. LICENSE FEES & TERM

5.1 An Application for a Licence or for a renewal of a Licence shall not be considered by the Chief Administrative Officer until the fee(s), as set out in the *Fee Schedule*, or any fines incurred pursuant to this Bylaw, have been received by the Chief Administrative Officer.

5.2 The Chief Administrative Officer may establish different rates, as outlined in the *Fee Schedule*, for:

- a) different *Types of business licenses*;
- b) *resident and non-resident businesses*;
- c) *short-term rentals operated as principal and non-principal*
 - i) *for the purposes of this Bylaw, a Short-term rental situated within a Dwelling Unit – Secondary or a Dwelling Unit – Garden, as established in the Land Use Bylaw, situated on the same lot as a principal residence, shall be treated as a principal residence.*

5.3 Every Annual License shall be for the period between January 1st and December 31st of the year in which said License was issued and shall be purchased for the full amount set out in the Fee Schedule, regardless of the date of purchase.

5.4 Every Annual Licence issued, unless revoked, shall terminate at midnight on the 31st day of December of the year in which said Licence was issued.

5.5 Every Annual Licence that was renewed by the Chief Administrative Officer must be paid by the Licensee by March 31st of the year it was renewed.

5.6 Every Temporary License issued, unless revoked, shall terminate after the prescribed time listed on the License, beginning from the date of issuance.

5.7 The Licensee must adhere to all conditions prescribed by the Chief Administrative Officer in association with the License at the time of approval.

5.8 Notwithstanding Section 5.1, any Business exempt from fees under the provisions of any Statute of the Province of Alberta or the Government of Canada, or any Charitable Organization, will be granted an exemption upon providing proof of exemption in a

manner deemed sufficient by the Chief Administrative Officer.

6. PROVISIONS FOR CHARITABLE ORGANIZATIONS

- 6.1 Every Charitable Organization carrying on Business within the Town shall require a Business License, in accordance with Subsection 3.1
- 6.2 Charitable Organizations that wish to be exempt from the Business License fees, in accordance with subsection 5.6, must provide proof that they are a registered non-profit organization.
- 6.3 A Charitable Organization which receives an exemption under this section must otherwise comply with all provisions of this Bylaw.

7. PROVISIONS FOR MOBILE VENDORS

- 7.1 No Person shall carry on a Business from a Mobile Business Unit within the Town unless that Person has a valid and subsisting Business Licence, in accordance with Subsection 3.1.
- 7.2 In addition to Subsection 4.1, an Applicant must provide the following items to the Chief Administrative Officer as part of their application;
 - a) an Alberta Health Services Food Handling Permit, if food will be served or sold from the Mobile Business Unit.
- 7.2 A Mobile Vendor operating on Town Property *must* provide Liability Insurance to the Chief Administrative Officer in the manner described under **Section 13** of this Bylaw.
- 7.3 A Mobile Vendor shall not sell goods or provide services within ten (10) metres of a brick and mortar Business that sells similar goods or provides similar services, as determined by the Chief Administrative Officer.
- 7.4 A Mobile Vendor that wishes to carry on Business on Town property must:
 - a) remain within the permitted area(s), as approved by the Chief Administrative Officer;
 - i) A Mobile Vendor shall not be granted priority or exclusive rights to carry on Business in a permitted area(s), but shall have the right to carry on Business on a first-come, first-served basis; and,
 - b) only operate during Day Time hours.
 - i) A Mobile Vendor shall not leave their Business Premises within the permitted area(s) during Night Time hours.
- 7.5 A Mobile Vendor that wishes to carry on Business on private property is only permitted within the Neighbourhood Centre District (NCD), Tourism Corridor District (TCD) and the Employment District (EC), as established in the *Land Use Bylaw*, and must provide written authorization from the landowner(s) to the Chief Administrative Officer; indicating,
 - a) approval to operate a Mobile Business Unit at the specific address; and,

- b) any additional requirements of the landowner(s), which will be reviewed by the Chief Administrative Officer.

7.6 A Mobile Vendor may be requested to relocate at any time, at the sole discretion of the Chief Administrative Officer, if:

- a) the safety of the Mobile Vendor operator or the general public are at risk;
- b) the operation of the Mobile Business Unit unreasonably impedes the movement of vehicles or pedestrians; or,
- c) the operation of the Mobile Business Unit is deemed a Nuisance in accordance with the *Community Standards Bylaw*.

8. PROVISIONS FOR BUSKERS

8.1 No Person shall carry on a Business of busking within the Town unless that Person has a valid and subsisting Business Licence, in accordance with Subsection 3.1.

8.2 A Busker that wishes to carry on Business on Town property must:

- a) remain within the permitted area(s), as approved by the Chief Administrative Officer;
 - i) a Busker shall not be granted priority or exclusive rights to carry on Business in a permitted area(s), but shall have the right to carry on Business in a first come, first served basis; and,
- b) only operate during Day Time hours.

8.3 A Busker that wishes to carry on Business on private property must provide written authorization from the landowner(s) to the Chief Administrative Officer, specifying;

- a) approval to busk at the specific address; and,
- b) any additional requirements of the landowner(s), which will be reviewed by the Chief Administrative Officer.

8.4 A Busker may be requested to relocate at any time, at the sole discretion of the Chief Administrative Officer, if:

- a) the safety of the Busker or the general public are at risk;
- b) the operation of the Busker unreasonably impedes the movement of vehicles or pedestrians; or,
- c) the operation of the Busker is deemed a Nuisance in accordance with the *Community Standards Bylaw*.

9. PROVISIONS FOR MARKETS

9.1 No Person shall carry on the Business of operating a Market within the Town unless that

Person has a valid and subsisting Business Licence, in accordance with Subsection 3.1.

9.2 A Market Licensee must, upon request, furnish to the Chief Administrative Officer, the following:

- a) the name and address of any operator of any stall, table or space; and
- b) the type of goods, wares or merchandise sold by the operator.

9.3 A Person who rents a stall, table or space in a Market and operates within the Market's hours of operation are not required to obtain an individual License.

9.4 A Market that wishes to carry on Business on private property is must provide written authorization from the landowner(s) to the Chief Administrative Officer; indicating,

- a) approval to operate a Mobile Business Unit at the specific address; and,
- b) any additional requirements of the landowner(s), which will be reviewed by the Chief Administrative Officer.

9.5 For the purposes of this Bylaw, A Market operating on Town Property is considered a "Special Event" and is subject to the provisions in Section 11.

10. PROVISIONS FOR SHORT TERM RENTALS

10.1 No Person shall carry on the Business of operating a Short-Term Rental within the Town unless that Person has a valid and subsisting Business Licence, in accordance with Subsection 3.1.

10.2 ~~A Short-Term Rental Licensee must meet all minimum standards of the most recently issued National Fire Code – 2019 Alberta Edition, prior to the issuance of a Business License.~~

10.2 In addition to Subsection 4.1, an Applicant for a Short-Term Rental Business License must provide the following items as part of their application, **in a form satisfactory to the Chief Administrative Officer;**

- a) a floor plan and photos detailing the location of sleeping areas and other facilities, intended to be used by the guest(s) within the Short-Term Rental;
- b) **evidence that the Short-Term Rental is either occupied by the operator as their principal residence or is operated as a non-principal residence; and,**
- c) **Proof of current liability insurance, in the amount deemed appropriate by the Chief Administrative Officer**
- c) any other such information as the Chief Administrative Officer may reasonably require.

10.3 A Short-Term Rental Licensee must not allow overlapping bookings, whereby two (2) or more unrelated or unassociated Persons are accommodated in the Dwelling Unit(s) at the

same time.

10.4 No Person shall Advertise a Short-Term Rental without a valid License, and:

- a) Short-Term Rental Licensee who advertises or causes advertising to be distributed respecting the Short-Term Rental, must include the valid Business License number within the advertisement, in a conspicuous location.

10.5 A Short-Term Rental Licensee must post, in a conspicuous location within the interior of the ~~Dwelling Unit(s) used for the Business:~~ **Rental:**

- a) **An Emergency Response Plan, which includes:**
 - i) the name, phone number and email address of an emergency contact Person who can be reached twenty-four (24) hours per day during rental periods;
 - (ii) the contact information for local emergency services in the Town of Drumheller**
- b) A map detailing emergency evacuation routes **and the location of fire extinguishers** in case of emergency;
- c) The occupancy limit, as determined by the Development Authority; and
- d) The valid License, in accordance with Section 3.5 of this Bylaw.

10.6 **A Short-Term Rental Licensee must possess and maintain the following within the Rental, to the standard determined by the Chief Administrative Officer.**

- a) portable fire extinguisher(s)**
- b) smoke detector(s)**
- c) carbon monoxide detector(s)**
- d) exit signage**
- e) a source of emergency lighting**

10.7 An applicant for a property owned by a landlord or under a condominium association, homeowner's association, property management company, or similar authority, must submit a letter from their respective affiliation outlining:

- a) the approval to operate a Short-Term Rental at the specific address; and,
- b) any additional requirements of the landlord, condominium association, homeowner's association or property management company, which will be reviewed by the Chief Administrative Officer.

10.8 Only one (1) Short-Term Rental is permitted per parcel unless otherwise specified in the Land Use Bylaw for the Land Use District in which the Short-Term Rental is located.

10.9 A Short-Term Rental is **only** permitted within approved Dwelling Units, as defined in the *Land Use Bylaw, which are only permitted within the* following Land Use Districts:

- a) Countryside District (CSD);
- b) Downtown District (DTD);
- c) Neighborhood Centre District (NCD);
- d) Neighborhood District (ND); and,
- e) Rural Development District (RDD).

10.10 A Short-Term Rental may be required to undertake an inspection by Alberta Health Services, or a Fire Inspection by the Town of Drumheller Fire Department, at the discretion of the Chief Administrative Officer.

10.11 The Chief Administrative Officer will set an annual cap on the number of Business Licenses distributed to Short-Term Rental Applicants for non-principal residences.

11. PROVISIONS FOR SPECIAL EVENTS

11.1 No Person shall carry on the Business of operating a Special Event within the Town unless that Person has a valid and subsisting Business Licence, in accordance with Subsection 3.1.

11.2 For the purposes of this Bylaw. The location of the Special Event shall be considered the Business Premises of the Special Event.

11.3 An Applicant must submit an application no later than fifteen business (15) days prior to hosting a Special Event; and,

- a) if the Special Event requires a road closure, the application must be submitted no less than thirty (30) business days prior to hosting a Special Event;

11.4 In addition to Subsection 4.1, an Applicant for a Special Events Business License must provide the following items as part of their application, in the form prescribed by the Chief Administrative Officer:

- a) a plan outlining the description, anticipated size and duration of the event and the safety and security measures being taken;
- b) a map detailing the location of activities, temporary structures, and other details as may be required by the Chief Administrative Officer;
- c) liability Insurance, in the manner described under Section 13 of this Bylaw;
- d) an Alberta Health Services Food Handling Permit, if food will be served or sold at the Special Event;
- e) an Alberta Gambling and Liquor Commission (AGLC) liquor license, if liquor will be

served or sold at the Special Event; and,

f) other such information as the Chief Administrative Officer may reasonably require.

11.5 Mobile Vendors participating in the Special Event must be licensed in accordance with Section 7 of this Bylaw.

11.6 Special Events that involve noise that may disturb the peace of the general public, or which involves the use of sound amplifying equipment during the Night Time, must apply for a temporary permit in accordance with the *Community Standards Bylaw*.

11.7 In addition to Section 14, The Chief Administrative Officer will evaluate and approve all applications based on the criteria of this Section as well as the safety, health and welfare of the general public;

a) Road closures and bylaw exemptions shall be granted subject to the time, date and location of the Special Event, in accordance with the *Town of Drumheller Street, Sidewalk and Public Place Use Bylaw*.

12. PROVISIONS FOR CONTRACTORS

12.1 No Person shall carry on the Business of operating as a contractor within the Town unless that Person has a valid and subsisting Business Licence, in accordance with Subsection 3.1.

12.2 A Contractor shall ensure that every sub-contractor it employs has a valid and subsisting Business License, in accordance with Subsection 3.1, and

a) a Contractor must provide an accurate listing of all its sub-contractors to the Chief Administrative Officer prior to being issued a license.

13. LIABILITY INSURANCE

13.1 The Chief Administrative Officer may require a policy of liability insurance to be held in connection with the carrying on of any business, and:

a) the Applicant shall furnish the Chief Administrative Officer with evidence of such insurance in a form satisfactory to the Chief Administrative Officer;

13.2 The liability insurance policy required to be held by an applicant under this Section must:

a) be issued by an insurance company registered and licenced to do business in the Province of Alberta;

b) be in an amount sufficient, in the opinion of the Chief Administrative Officer to cover public liability for all personal injury and property damage which may occur by reason of the operation of the business; and

c) include the Town as an additional named insured with thirty (30) days written notice to be given to the Town prior to cancellation of, or material change to, the

policy.

- 13.3 Notwithstanding the existence of any liability insurance or the failure of the Town to require the acquisition of such insurance, neither the Town nor any official, servant, employee or agent of the Town is liable for any damage or loss sustained or suffered by any person by reason of:
- a) the issuance of any licence;
 - b) any acts or omissions of a licensee or person acting on his behalf; or
 - c) anything done or not done in any way connected with a licence or this Bylaw.
- 13.4 Where a policy of liability insurance expires during the licence year, the Licensee shall provide the Chief Administrative Officer with proof of the renewal. Where a policy of liability insurance expires or is cancelled or terminated, the applicable licence shall be automatically revoked and the Licensee shall cease carrying on business until the revocation is lifted or a new Business Licence is issued by the Town.
- 13.5 Where the Chief Administrative Officer requires a policy of liability insurance in connection with the carrying on of any business, a licence to carry on the business shall not be issued or renewed unless the applicant indemnifies and saves harmless the Town against any and all loss, damage, claims, actions, judgments, costs and expenses suffered or sustained by reason of or in connection with the carrying on of the business.

14. CONSULTATIONS & APPROVALS

- 14.1 The Applicant shall, prior to the Chief Administrative Officer issuing a licence, consult with the Development Authority and ensure that all necessary approvals and permits required under Land Use Bylaw have been obtained, and shall provide satisfactory proof thereof to the Chief Administrative Officer.
- 14.2 The Chief Administrative Officer may consult, prior to issuing or renewing a licence, with the Province of Alberta, the Royal Canadian Mounted Police, Alberta Health Services, the Drumheller Fire Department, any Town Department, or other bodies or Persons the Chief Administrative Officer deems necessary in order to render a decision regarding the renewal or issuance of a License.
- 14.3 The Applicant or Licensee is responsible for obtaining and maintaining any certificate, authority, licence, permit, insurance, or other document of qualification under this or any other Bylaw, Statute of the Province of Alberta, or Statute of the Government of Canada, that may be required in connection with the carrying on of their Business.

15. SUSPENSION AND REVOCATION

- 15.1 The Chief Administrative Officer may refuse, suspend, or revoke, a License if:
- a) The Applicant or Licensee fails to comply with the requirements of this Bylaw;
 - b) The Applicant or Licensee fails to comply with the provisions of the *Community Standards Bylaw*, any other Bylaw of the Town, or any applicable Statute of the

Province of Alberta or the Government of Canada;

- c) The License has been issued in error;
- d) The Chief Administrative Officer has reasonable grounds to believe that operation of the Business poses a danger to the safety, health or welfare of the general public.

15.2 A suspension of a Licence may be:

- a) for a period of time not exceeding the remaining term of the Licence; or,
- b) where the suspension is for non-compliance with the licensing requirements of this Bylaw, until the holder of the suspended Licence proves compliance to the satisfaction of the Chief Administrative Officer.

15.3 The Chief Administrative Officer may make inquiries and receive information, including information from the Applicant or Licensee, to determine whether there are just and reasonable grounds for the refusal, suspension, or revocation of a License.

15.4 The Chief Administrative Officer shall notify the Applicant or Licensee, in writing, when there is a refusal, suspension, or revocation of a License, which shall include the corresponding reasons for the decision and shall be issued to the Applicant or Licensee by means of:

- a) In-person delivery;
- b) registered mail; or,
- c) by leaving it with a Person who appears at least eighteen (18) years of age at the address of the Applicant or Licensee.

15.5 After the delivery of a notice of refusal, suspension, or revocation of a License, the Business shall not be carried on until such time as a Licence is reissued or the suspended Licence is reinstated.

15.6 A License that has been revoked, pursuant to this Section, must be returned to the Chief Administrative Officer as soon as reasonably possible.

16. APPEALS

16.1 Any Applicant or Licensee who wishes to challenge a decision regarding the refusal, suspension, or revocation, of a License, shall make a formal appeal through the *Tourism Corridor and Community Standards Appeal Board* as outlined in the *Tourism Corridor and Community Standards Appeal Board Bylaw*.

16.2 Where an Applicant Licensee has given notice of an intention to appeal the suspension or revocation of a License, the Chief Administrative Officer may, in the Chief Administrative Officer's sole discretion, stay the suspension or revocation of a License pending the hearing of the appeal, if the continued operation of the business does not create a danger to the safety, health or welfare of the public.

16.3 All notices of appeal shall be accompanied by a notice of appeal deposit in the amount

specified in the *Tourism Corridor and Community Standards Appeal Board Bylaw*.

17. VIOLATIONS

- 17.1 A Person who contravenes or fails to comply with a provision of this Bylaw, or who interferes with or obstructs a Municipal Enforcement Officer in the execution of their duties under this Bylaw is guilty of an offence and shall be liable, upon summary conviction
- a) to a fine not less than three hundred (\$300.00) dollars but not exceeding ten thousand (\$10,000.00) dollars and in default of payment of any fine imposed, to a period of imprisonment not exceeding one (1) year; and,
 - i) the fine for the specific offence, in respect to the contravention of this Bylaw, shall be established in *Schedule A* of this Bylaw.
- 17.2 Where a Municipal Enforcement Officer has reasonable grounds to believe that a Person has contravened or failed to comply with a provision of this Bylaw, that Municipal Enforcement Officer may serve that Person with a Violation Tag by means of:
- a) in-person delivery;
 - b) registered mail; or,
 - c) by leaving it with a Person who appears at least eighteen (18) years of age at the address of the Applicant or Licensee.
- 17.3 The Violation Tag shall be in a form prescribed by the issuing Municipal Enforcement Officer and shall include:
- a) the name of the defendant;
 - b) the nature of the offence;
 - c) the fine for the offence, in accordance with Section 17.1 and Schedule A;
 - d) the statement that the penalty shall be paid within thirty (30) days of the issuance of the Violation Tag; and,
 - e) any other information as may be required by the Municipal Enforcement Officer.
- 17.4 A Person convicted multiple times of the same offence, under this Bylaw, within a twenty-four (24) month period shall be subject to a fine
- a) twice (2x) the amount established in *Schedule A* of this Bylaw, if convicted at least two (2) times; or,
 - b) thrice (3x) the amount established in *Schedule A* of this Bylaw, if convicted at least three (3) times;
- 17.5 Where an issued Violation Tag has not been paid within the prescribed time, the Municipal Enforcement Officer may issue a Violation Ticket in accordance with the *Provincial Offences Procedure Act, R.S.A. 2000, c. P-34*:
- a) nothing in this Section shall prevent a Municipal Enforcement Officer from

immediately issuing a Violation Ticket Where a Municipal Enforcement Officer has reasonable grounds to believe that a Person has contravened or failed to comply with a provision of this Bylaw.

18. TRANSITIONAL

- 18.1 If any portion of this Bylaw is found to be invalid, that portion shall be severed from the remainder of the Bylaw and shall not invalidate the whole Bylaw.
- 18.2 Bylaw 04-15, Town of Drumheller Business License Bylaw, and Bylaw 01-18, Mobile Vendor Bylaw, and all amendments thereto, shall be repealed on December 31st, 2023. All licenses issued in accordance with Bylaw 01-18 and Bylaw 04-15 shall be subject to the corresponding Bylaw until the date of repeal.
- 18.3 This Bylaw comes into force when it receives third reading and is signed by the Mayor and the Chief Administrative Officer.

READ A FIRST TIME THIS 10th DAY OF JULY, 2023

READ A SECOND TIME THIS 3rd DAY OF OCTOBER, 2023

READ A THIRD AND FINAL TIME THIS ____ DAY OF _____

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Schedule "A" Offences

<u>Section</u>	<u>Offence Description</u>	<u>Penalty</u>
GENERAL OFFENCES		
General Penalties	All bylaw sections not specified in this schedule.	\$300
3.1, 8.1, 9.1, 10.1, 10.5	Operate or Advertise a Business without a License	\$1000
4.2	Provide false information on a Business License Application	\$1000
3.5, 10.6	Failure to advertise Business License in conspicuous location	\$300
15.5	Carry on business while license suspended or revoked	\$1000
15.6	Failure to surrender a revoked license.	\$300
MOBILE VENDORS & BUSKERS		
7.4	Operating outside of a permitted area	\$300
7.4	Operating outside of the approved times	\$300
7.6	Failure to relocate upon notice	\$1000
MARKETS		
9.2	Failure to furnish information regarding stalls.	\$300
GENERAL CONTRACTORS		
12.2	Failure to furnish information regarding sub-contractors	\$300
SHORT TERM RENTAL		
10.4	Allowing Overlapping Bookings	\$1000
10.6	Failure to post required information in a conspicuous location	\$1000
10.8	Operating multiple Short-Term Rentals on a single parcel	\$1000

REQUEST FOR DECISION

TITLE:	2024 Utility Rate Bylaw
DATE:	December 4, 2023
PRESENTED BY:	Victoria Chan, CFO, Director of Corporate & Community Services CGA, CPA, LLB, LLM
ATTACHMENT:	<ol style="list-style-type: none"> 1. 2024 Utility Bylaw– First Reading 2. 2024 Utility Capital Projects

SUMMARY:

Municipal Affairs directs that municipal utility services of water and wastewater be self-sustaining. Redirecting other sources of revenue, such as property taxes, to support the utility operations is strongly discouraged. Currently the Town of Drumheller runs its water and wastewater program on a user-pay basis.

Council is asked to pass a Bylaw whenever the rates of these services change.

RECOMMENDATION:

That Council give first reading to the Utility Rate Bylaw 23.21 as presented.

DISCUSSION:

The rates in the proposed Bylaw are in accordance with the water rate model that Council adopted in 2022, which recommended rate increases of 3% for water and 6% for wastewater annually, for a five-year period ending in 2027. As noted in the Utility Budget report, a new water rate study was completed in 2022 to determine the long-range plans and rates for the utility system.

The Town has been charging monthly meter charges based on four rate groups. In this context, Group 1 is a typical residential user. The Town currently has 10 users under Group 3 and zero in Group 4. The proposed Bylaw will see the elimination of Group 4 and the existing Group 3 users would be charging in proportion to their current and future usage to support the increased infrastructure and capital needs in accordance with the polluter-pay model.

Council has previously approved the 2024 Operating Utilities Budget on November 6, 2023, and Council is now presented with the 2024 Capital Utilities Budget. Both budgets and the 2022 Utility Rate Model become the impetus to the 2024 Water and Wastewater rate.

The enclosed 2024 Utility Capital Projects depict the project requirements for Water and Wastewater departments. In summary:

Department	2023 Carry Forwards	2024 New Projects	Total Projects	Reserve Balance
Water	\$1.162 million	\$1.85 million	\$3.012 million	\$6.3 million
Wastewater	\$2.42 million	\$2.28 million	\$4.7 million	\$4.0 million

As the Town's Reserve for wastewater will be insufficient to address the capital needs for 2024, the Town will likely need the financing for the River Crossing.

Given the shortfalls in the wastewater reserve, the River Crossing (North Drumheller) Sanitary Sewer project would require financing. The project is estimated at \$1.25 million with an estimated useful life of 75 to 100 years. The Town could issue a debenture with a repayable period up to 30 years.

Council has previously passed Bylaw 09.22 to issue debenture of \$1.3 million for the Penitentiary Booster Station. While this Bylaw is still valid, the Town has not issued any debenture as authorized as of today.

The following chart shows the annual payment requirement and total interest costs under each scenario:

Terms	Interest Rate	Annual Repayment	Total Interest Costs
3 years	5.47%	\$457,449	\$122,346
5 years	5.26%	\$287,569	\$187,845
10 years	5.26%	\$162,344	\$373,437
15 years	5.42%	\$122,814	\$592,204
20 years	5.50%	\$103,829	\$826,576
25 years	5.55%	\$93,054	\$1,076,346
30 years	5.55%	\$86,023	\$1,330,695

Options:

1. That the Town issues debenture of \$1.25 million with a repayment period up to 10 years;
2. That the Town finances \$1.25 million from other reserves – and that the Wastewater Department is to replenish the said reserve in an equalized annual repayment for 10 years; or
3. The impact will be absorbed by increased monthly flat fee.

Impact Scenario:

- (a) No Financing – one-time capital cost of \$1.25 million to be fully funded by the monthly flat fee. It will result in a one-time increase of \$36.52 to the monthly flat fee in 2024.
- (b) Financing with a repayable of 10 years. It will result in an increase of \$4.74 every month for the next 10 years, ending in 2034.
- (c) No Financing – one-time capital cost of \$1.25 million to be fully funded by the monthly flat fee. Based on the polluter-pays model, the industrial and commercial groups would pay a proportionate higher monthly flat fee. It will result in a one-time increase to the monthly flat fee in 2024.

Impact Analysis:

Group	(a) No Financing	(b) Financing – 10 years	(c) No Financing (tiered)
Wastewater-connection only	\$83.00	\$51.50	\$70.00
Group 1	\$52.50	\$21.00	\$30.25
Group 2	\$126.00	\$94.00	\$120.00
Group 3	\$1,086.23	\$1,054.45	\$1,075.00

FINANCIAL IMPACT:

Passing the bylaw will allow the utility to continue to move towards financial sustainability and to address the infrastructure deficits.

Administration is recommending Option (b) of which spreading the financing cost over 10 years.

STRATEGIC POLICY ALIGNMENT:

Good governance and financial sustainability are key requirements of operating the Drumheller water and wastewater utility.

COMMUNICATION STRATEGY:

Upon approval of the Bylaw, a media release will be circulated to local stakeholders and published in traditional and digital media.

MOTIONS:

1. That Council approves the 2024 Utility capital budget as presented in the 10-year Capital Budget Plan.
 2. That Council direct Administration to finance the River-Crossing (North Drumheller) Sanitary Sewer Project of \$1.25 million from the Town’s internal water reserve. Wastewater Department will repay \$162,344 annually for the next ten years to the water reserve until the end of 2034.
 3. That Council give first reading to the 2024 Utility Rate Bylaw 12.23 as presented.
- SECONDED:**



Prepared By:
Victoria Chan, CGA, CPA, LLB, LLM
Chief Financial Officer

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



2024 - 2033 Capital Plan- Utility

	Project Manager	*Priority	Funding Source	Carry Forwards	2024	2025	2026	2027	2028	2029-2033
Water Supply & Distribution										
River Crossing- North Drumheller Watermain	Kelcie Wilson	2			\$ 1,250,000					\$ -
Water Treatment Plant Make Up Air Handling	Reg Bennett	4			\$ 95,000	\$ 140,000	\$ 140,000	\$ 140,000	\$ -	\$ -
DBP Control (Outcome of DBP Study)	Bill Adams	1			\$ 80,000	\$ 55,000	\$ -	\$ -	\$ -	\$ -
SCADA Upgrade	Bill Adams	2			\$ 75,000	\$ 400,000				\$ -
Huntington Booster Station - Upgrade/Replacement(Water Master Servicing Study)	Kelcie Wilson	1,2,4			\$ 100,000	\$ 800,000				\$ -
Bankview Booster Station - New Construction(Water Master Servicing Study)	Kelcie Wilson	1,2,4			\$ 100,000		\$ 800,000			\$ -
Chlorine Room Upgrades	Bill Adams	1,2			\$ 75,000	\$ 315,000				\$ -
Chemical Analyzers (x15)	Bill Adams	1			\$ 75,000	\$ 75,000				\$ -
Irrigation Meters and Backflow Prevention		1,4	Reserve	\$ 75,000						
Drumheller Water Treatment Plant UV Replacement		2,4	Reserve	\$ 580,000						
Water Tower Programs		2,4	Reserve	\$ 100,000						
Low Lift Pump Program(2023)		2,4	Reserve	\$ 65,000						
East Coulee Water Station Billing System Updates		4	Reserve	\$ 12,000						
Water Treatment Plant Make Up Air Handling		4	Reserve	\$ 80,000						
WTP HVAC Building Maintenance System		4	Reserve	\$ 50,000						
Penitentiary Booster Station(2022)		4	Reserve	\$ 200,000						
WTP Distribution Pump	Kelcie Wilson								\$ 160,000	\$ -
Low Lift pump Rebuild	Bill Adams					\$ -	\$ -			\$ 80,000
Water Tower Program	Bill Adams					\$ 26,000	\$ 100,000	\$ 550,000	\$ 20,000	\$ 340,000
Water Tower - Security Improvements	Reg Bennett								\$ 100,000	\$ -
Water Tower Bankview - Slope Protection	Kelcie Wilson						\$ 100,000	\$ 1,000,000		\$ -
Rosedale Pump Building Demolition	Bill Adams									\$ 200,000
RWR - Security Upgrades	Reg Bennett					\$ 100,000				\$ -
Raw Water Reservoir Cleaning Program	Bill Adams					\$ 180,000				\$ 100,000
RWR to Low Lift Pipe Twinning	Kelcie Wilson								\$ 100,000	\$ 750,000
WTP Generator Replacement	Kelcie Wilson									\$ 2,150,000
River Crossing - Midland Water Main	Kelcie Wilson					\$ 125,000	\$ 750,000	\$ -	\$ -	\$ -
Water Main Replacement Program	Kelcie Wilson					\$ 75,000	\$ 425,000	\$ 75,000	\$ 500,000	\$ 2,500,000
Pen Watermain	Kelcie Wilson					\$ 100,000	\$ 1,000,000			\$ -
WTP Main Waterline- Twinning(Central Drumheller)	Kelcie Wilson									\$ 5,300,000
Water Master Servicing Study & Water Treatment plant Master	Bill Adams								\$ 125,000	\$ 125,000
Irrigation meters and backflow prevention	Kelcie Wilson					\$ 75,000	\$ 75,000			\$ -
Total Water Supply & Distribution					\$ 1,162,000	\$ 1,850,000	\$ 2,466,000	\$ 3,390,000	\$ 1,765,000	\$ 1,005,000
										\$ 11,545,000



2024 - 2033 Capital Plan- Utility

	Project Manager	*Priority	Funding Source	Carry Forwards	2024	2025	2026	2027	2028	2029-2033	
Wastewater											
River Crossing- North Drumheller Sanitary Sewer	Kelcie Wilson	2			\$ 1,250,000					\$ -	
Wastewater Master Servicing Study & WWTP Master Plan	Kelcie Wilson	1,4			\$ 150,000					\$ 150,000	
Waste Water Treatment Plant Blower- Additional Funds	Kelcie Wilson	4			\$ 130,000						
Michichi Creek- Sanitary Crossing- Additional Funds (with North Drumheller Berm Tender)	Kelcie Wilson	1,2,3,4	Reserve	\$ 1,395,000	\$ 750,000						
North Drum Lift Station/Forcemain		4	Reserve	\$ 780,000							
North Drum River Crossing		4	Reserve	\$ 245,000							
Drumheller WWTP - Septic Receiving Station	Bill Adams							\$ 100,000	\$ 750,000	\$ -	
Drumheller WWTP - Pen Lift Station	Bill Adams				\$ 100,000	\$ 700,000				\$ -	
Drumheller WWTP - Centrifuge Upgrade	Bill Adams				\$ 125,000	\$ 500,000				\$ 500,000	
Drumheller WWTP - MAU Replacement	Reg Bennet					\$ 120,000	\$ 120,000			\$ -	
Lagoons Cleaning Program	Bill Adams	2,4			\$ 350,000					\$ 300,000	
5th Street Lift Station assessment/rebuild/replace	Kelcie Wilson				\$ 200,000	\$ 6,000,000				\$ -	
Nacmine Lift Station- Upgrade	Kelcie Wilson									\$ 2,150,000	
Sewer Main Replacement program	Kelcie Wilson				\$ 75,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 500,000	\$ 1,500,000	
Pen Sanitary Main	Kelcie Wilson				\$ 100,000	\$ 1,000,000				\$ -	
Total Wastewater					\$ 2,420,000	\$ 2,280,000	\$ 950,000	\$ 8,820,000	\$ 720,000	\$ 1,250,000	\$ 4,600,000
Grand Total					3,582,000	4,130,000	3,416,000	12,210,000	2,485,000	2,255,000	16,145,000

***Priority Legend:**

1. Legislative/Regulatory Requirement
2. Public Safety
3. Council Initiative
4. Asset/Service Enhancement

Grant Dependant Projects

Projects that are Grant Dependant										
Watermain Extension- Museum to Golf Course	Kelcie Wilson	3	Grant Funded		\$ 125,000	\$ 3,000,000				\$ -

TOWN OF DRUMHELLER
BYLAW NUMBER 12.23
DEPARTMENT: CORPORATE SERVICES

Repeals Bylaw 22.22

A BYLAW TO PROVIDE FOR THE LEVYING AND COLLECTING OF CHARGES AND RATES FOR WATER SERVICE, SEWER SERVICE, RECYCLING SERVICE AND SOLID WASTE SERVICE.

WHEREAS, the *Municipal Government Act, R.S.A. 2000, c. M-26* hereinafter referred to as the M.G.A provides for Council to pass bylaw, and;

WHEREAS, the Municipal Council of the Town of Drumheller deems it necessary to raise such funds as required in order to finance these services;

NOW THEREFORE, the Council of the Town of Drumheller, duly assembled, enacts as follows:

1. SHORT NAME

This Bylaw shall be cited as the "2024 Utility Rate Bylaw".

2. DEFINITIONS

2.1 For the purposes of the Bylaw, the following definitions shall apply:

- a) "Commercial Premises" or "Industrial Premises" for the purpose of this bylaw shall mean one or more spaces useable for business purposes and having its own sanitary facilities connected to a single meter.
- b) "Dwelling Unit" shall mean a complete building or self-contained portion of a building containing a room or suite of rooms operated as a single housekeeping unit, intended to be used as a permanent or semi-permanent domicile by one or more persons and usually containing cooking, eating, living, sleeping, and sanitary facilities, and including serviced lots in a manufactured home park, and not necessarily connected to an individual meter, excluding institutional premises.
- c) "Group 1" includes connections with meters 1" and under "Group 2" includes connections with meters from 1 ¼" to 2". "Group 3" includes connections with meters 3" and more.
- d) "Institutional Premises" shall mean a complete building that operates as a school, hospital, nursing home, or seniors lodge.
- e) "Manufactured Home Park" means a parcel of land under one title which has been planned, divided into manufactured home lots and improved for placement of manufactured homes for permanent residential use and may include convenience stores, parking facilities, home occupations and other accessory uses.

- f) "Unit" shall mean a Dwelling Unit, Commercial Premises, Industrial Premises, or Institutional Premises

3. CHARGES AND FEES

3.1 Monthly Meter Charges - zero (0) consumption included

Rate Group	Water	Wastewater
Group 1	\$18.10	\$21.00
Group 2	\$62.20	\$94.00
Group 3	\$1,158.88	\$1,054.45

3.2 Water Rate

Per cubic meter	\$2.3058
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3.3 Waste Water Rate

Per cubic meter	\$2.5579
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Sewage volume is calculated at 80% of water consumption as a means to account for summer water usage that may not enter the sanitary sewer system **or**;

Properties with only a sewer connection pay \$51.50 monthly.

3.4 Bulk Water

Per cubic meter	\$7.6015
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3.5 Recycling

Fee per Unit per month	\$3.09
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3.6 Solid Waste

Fee per Unit per month	\$8.24
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4. PENALTIES

All accounts are subject to a penalty of 2.50% per month compounded monthly (effective rate of 34.49% per annum) if remain unpaid after the due date each month.

5. DISCONNECTION / RECONNECTION FEES

Disconnection Notice Service	\$50.00
Reconnection / Disconnection During Business Hours	\$75.00
Reconnection / Disconnection During Non-Business Hours	\$200.00

5.2 If the water supply has been disconnected for non-payment of accounts, all fees and costs must be fully paid prior to reconnection.

6. TRANSITIONAL

6.1 Bylaw 22.22 is hereby repealed.

6.2 This Bylaw comes into effect on January 1, 2024.

READ A FIRST TIME THIS __ DAY OF DECEMBER, 2023

READ A SECOND TIME THIS __ DAY OF DECEMBER, 2023

READ A THIRD AND FINAL TIME THIS __ DAY OF DECEMBER, 2023

MAYOR

CHIEF ADMINISTRATIVE OFFICER