

**TOWN OF CANMORE
MINUTES**

Special Meeting of Council
Council Chambers at the Civic Centre, 902 – 7 Avenue
Tuesday, January 17, 2023 at 4:30 p.m.

COUNCIL MEMBERS PRESENT

Sean Krausert	Mayor
Jeff Mah	Deputy Mayor
Tanya Foubert	Councillor
Wade Graham	Councillor

COUNCIL MEMBERS ABSENT

Jeff Hilstad	Councillor
Karen Marra	Councillor
Joanna McCallum	Councillor

ADMINISTRATION PRESENT

Sally Caudill	Chief Administrative Officer
Therese Rogers	General Manager of Corporate Services
Whitney Smithers	General Manager of Municipal Infrastructure
Scott McKay	General Manager of Municipal Services
Adam Driedzic	Town Solicitor
Cheryl Hyde	Municipal Clerk (recorder)
Allyssa Rygersberg	Deputy Municipal Clerk

Mayor Krausert called the January 17, 2023 special meeting to order at 4:33 p.m.

A. CALL TO ORDER AND APPROVAL OF AGENDA

1. Agenda for the January 17, 2023 Special Meeting of Council

4-2023

Moved by Mayor Krausert that Council approve the agenda for the January 17, 2023 special meeting as presented.

CARRIED UNANIMOUSLY

B. PUBLIC HEARINGS - none

C. DELEGATIONS – none

D. APPROVAL OF MINUTES – none

E. BUSINESS ARISING FROM THE MINUTES - none

Minutes approved by: AR JK

F. UNFINISHED BUSINESS

1. Three Sisters Mountain Village Properties Ltd. Litigation Application for Mandamus

5-2023

Moved by Mayor Krausert that Council take the meeting in-camera at 4:50 p.m. to prevent disclosure of solicitor-client privilege in accordance with Section 27(1)(a) of the *Freedom of Information and Protection of Privacy Act*.

CARRIED UNANIMOUSLY

The following members of administration were present for the in-camera session: Sally Caudill, Whitney Smithers, Therese Rogers, Scott McKay, Adam Driedzic, Cheryl Hyde, and Allyssa Rygersberg.

Marco Baldasaro, McLennan Ross LLP, the Town's external legal counsel, was also present for the in-camera session.

6-2023

Moved by Mayor Krausert that Council return to the public meeting at 5:59 p.m.

CARRIED UNANIMOUSLY

7-2023

Moved by Mayor Krausert that Council authorize external litigation counsel to sign an agreement on behalf of the Town with Three Sisters Mountain Village Properties Ltd. to

- a) adjourn the mandamus application to no set date;
- b) not take steps to reschedule the mandamus application until the sooner of the date a decision is issued by the Alberta Court of Appeal in relation to the Land and Property Rights Tribunal (LPRT) appeals or a date as negotiated by legal counsel; and
- c) pay court costs for steps taken to date for the mandamus application to TSMVPL in accordance with column 1 of Schedule C of the Alberta Rules of Court;

On condition that, if the Court of Appeal affirms the decisions and orders the Town to adopt the Area Structure Plans,

- a) the Town will do so within 30 days of the date of the Court of Appeal's decision;
- b) the Town will forego all additional appeals of the LPRT decisions, including seeking leave to appeal from the Supreme Court of Canada;
- c) the Town will adopt the MDP amendments related to the ASPs within 30 days of the pronouncement of the Alberta Court of Appeal's decision by way of issuance of Reasons for Decision, without convening public hearings, their necessity relieved by the Municipal Government Act s. 619(9); and
- d) the Town will not charge any fees to TSMVPL for processing the ASPs and MDP amendments related to the approval of the ASPs.

CARRIED UNANIMOUSLY

Minutes approved by: AK SE

G. BYLAW APPROVAL – none

H. NEW BUSINESS – none

I. REPORTS FROM ADMINISTRATION – none

J. NOTICES OF MOTION – none

K. IN CAMERA

1. Three Sisters Mountain Village Properties Ltd. Litigation Application for Mandamus

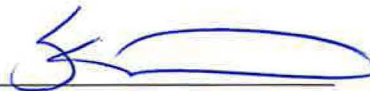
Considered under item F1.

L. ADJOURNMENT

8-2023

Moved by Mayor Krausert that Council adjourn the January 17, 2023 special meeting at 6:05 p.m.

CARRIED UNANIMOUSLY



Sean Krausert, Mayor



Allyssa Rygersberg, Deputy Municipal Clerk

Minutes approved by: AR 