



TOWN OF CANMORE

AGENDA

Regular Meeting of Council

Council Chamber at the Civic Centre, 902 – 7 Avenue

Tuesday, December 3, 2024 at 9:00 a.m.

Times are estimates only.

- 9:00 – 9:05 **A. CALL TO ORDER AND APPROVAL OF AGENDA**
1. Land Acknowledgement
 2. Agenda for the December 3, 2024 Regular Meeting of Council
- 9:05 – 9:25 **B. PUBLIC HEARINGS**
1. **Revised Land Use Bylaw Amendment 2024-30 – Tourist Home Conversions**
 - (1) Call to order
 - (2) Administration Summary
 - (3) Public Verbal Submissions
 - (4) Public Written Submissions
 - (5) Closing Comments from Administration
 - (6) Council Questions of Administration
 - (7) Adjournment of the Public Hearing
- 9:25 **C. DELEGATIONS – none**
- 9:25 **D. APPROVAL OF MINUTES**
1. Minutes of the October 22, 2024 Annual Organizational Meeting of Council
 2. Minutes of the November 5, 2024 Regular Meeting of Council
- 9:25 – 9:45 **E. BUSINESS ARISING FROM THE MINUTES – none**
- 9:25 – 9:45 **F. UNFINISHED BUSINESS – none**
- 9:25 – 9:45 **G. BYLAW APPROVAL**
1. **Revised Land Use Bylaw Amendment 2024-30 – Tourist Home Conversions**

Recommendation:

 - 1) That Council give second reading to Revised Land Use Bylaw Amendment 2024-30 – Tourist Home Conversions.
 - 2) That Council give third reading to Revised Land Use Bylaw Amendment 2024-30 – Tourist Home Conversions.

9:45 – 9:50

2. Outdated Election Bylaw Repeals

Recommendation:

- 1) That Council give first reading to Election Bylaw Repealing Bylaw 2024-32.
- 2) That Council give second reading to Election Bylaw Repealing Bylaw 2024-32.
- 3) That Council give leave to go to third reading of Election Bylaw Repealing Bylaw 2024-32.
- 4) That Council give third reading to Election Bylaw Repealing Bylaw 2024-32.

9:50 - 9:55

3. Road Closure Bylaw 2024-17 – Mountain Avenue

Recommendation:

- 1) That Council give second reading to Road Closure Bylaw 2024-17 – Mountain Avenue.
- 2) That Council give third reading to Road Closure Bylaw 2024-17 – Mountain Avenue.

H. NEW BUSINESS

9:55 – 10:10

1. Land Transaction – Teepee Town Right of Way Pilot Project

Recommendation:

- 1) That Council approve the sale of parcel of land created by Road Closure Bylaw 2024-17 to ReNu Construction Limited; 2361524 Alberta Limited; FGH Capital Investing Limited; Fianna Capital Management Group Limited; and One Four Five Investments Limited for the amount of \$480,000.
- 2) That Council direct the proceeds of the above-referenced sale to Canmore Community Housing for the purpose of advancing their Palliser lands development portfolio.

10:10 – 10:25

Meeting Break

10:25 – 10:30

2. 2025 Municipal Election Returning Officer Appointment

Recommendation:

- 1) That Council appoint Cheryl Hyde, Manager, Municipal Clerk's Office, as the returning officer for the 2025 municipal election.
- 2) That Council appoint Ben Stiver, Municipal Clerk, as the substitute returning officer for the 2025 municipal election.
- 3) That Council authorize the returning officer to:
 - provide for special ballots, for which application may be made in writing, by telephone, by fax, in person, by e-mail, and by secure website;
 - enter into an agreement with Canadian Rockies Regional Division 12 and Christ the Redeemer Catholic Schools to conduct their election for school board trustees, if required; and
 - designate the location of one or more institutional voting stations in addition to the require voting station.

- 10:30 – 10:40 **3. Request for Exemption to Collection of Levies and Fees Policy**
Recommendation: That Council grant an exemption from Policy PD-001 (Collection of Levies and Fees Policy) for Canmore Community Housing Corporation to pay off-site levies, related to their Palliser development, on a phased basis.
- 10:40 – 10:55 **4. WWTP Odour Control Construction (CAP #7370) – Scope Change and Funding Increase**
Recommendation: That Council approve a scope change and a budget increase for WWTP - Odour Control – Construction (CAP #7370) from \$2,000,000 to \$2,600,000, with the \$600,000 increase funded from the Wastewater Utility Reserve.
- 10:55 – 11:10 **5. Local Growth and Sustainability Grant – Council Resolution**
Recommendation:
1) That Council approve an application to the Local Growth and Sustainability Grant program for 17th Street and Railway Avenue Transportation Improvements.
2) That Council approve a new capital project 17th Street and Railway Avenue Transportation Improvements - Design for \$200,000 to be funded from the Asset Replacement/Rehabilitation Reserve.
- 11:10 – 11:30 **6. Rocky Mountain Heritage Foundation Co-ownership Agreement**
Recommendation: That Council approve the Rocky Mountain Heritage Foundation Co-ownership Agreement as presented.
- 11:30 – 11:35 **7. 2024 Capital Budget Amendment – FireSmart Document Review**
Recommendation: That Council approve a new 2024 capital project for a FireSmart review of municipal documents funded in full by the Forest Resource Improvement Association of Alberta (FRIAA) grant in the amount of \$33,400.
- 11:35 – 1:15 **Meeting Break**
- I. REPORTS FROM ADMINISTRATION – none**
- J. NOTICES OF MOTION – none**
- K. CLOSED SESSION**
- 1:15 – 1:45 **1. Confidential – Moustache Lands Update**
Recommendation: That Council close the meeting to the public to prevent disclosure of advice, proposals, recommendations, analyses, or policy options developed for the Town, in accordance with section 24(1)(a) of the *Freedom of Information and Protection of Privacy Act*.
- 1:45 **L. ADJOURNMENT**

**TOWN OF CANMORE
MINUTES**

Annual Organizational Meeting of Council
Council Chamber at the Civic Centre, 902 – 7 Avenue
Tuesday, October 22, 2024 at 9:00 a.m.

COUNCIL MEMBERS PRESENT

Sean Krausert	Mayor
Joanna McCallum	Deputy Mayor (Arrived at 9:15 a.m. during agenda item B3)
Tanya Foubert	Councillor
Wade Graham	Councillor
Jeff Hilstad	Councillor
Jeff Mah	Councillor
Karen Marra	Councillor

COUNCIL MEMBERS ABSENT

None

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
Cheryl Hyde	Manager of the Municipal Clerk's Office
Ben Stiver	Municipal Clerk (recorder)

Mayor Krausert called the October 22, 2024 annual organizational meeting of council to order at 9:00 a.m.

A. CALL TO ORDER AND APPROVAL OF AGENDA

- 1. Land Acknowledgement**
- 2. Agenda for the October 22, 2024 Annual Organizational Meeting of Council**

218-2024 Moved by Mayor Krausert that Council approve the agenda for October 22, 2024 annual organizational meeting as presented.

CARRIED UNANIMOUSLY

B. New Business

1. Council Meeting Schedule

219-2024 Moved by Mayor Krausert that Council approve the following meeting schedule effective January 1, 2025 – December 31, 2025:

- first Tuesday of each month at 9 a.m. regular council meeting
- third Tuesday of each month at 1 p.m. committee of the whole meeting
- second and fourth Tuesdays of each month at 9 a.m. reserved for special meetings
- in July and August 2025, the only meetings scheduled are regular meetings on July 8 and August 19 at 9 a.m. (no committee of the whole meetings scheduled)
- annual organizational meeting on October 30, 2025 at 9 a.m.

CARRIED UNANIMOUSLY

2. Deputy Mayor Schedule

220-2024 Moved by Mayor Krausert that Council approve the deputy mayor schedule from November 2024 to October 2025 as follows:

- November and December 2024 – Councillor Marra
- January and February 2025 – Councillor Mah
- March and April 2025 – Councillor Graham
- May and June 2025 – Councillor Foubert
- July and August 2025 – Councillor Hilstad
- September and October 2025 – Councillor McCallum

CARRIED UNANIMOUSLY

3. Committee Appointments

221-2024 Moved by Mayor Krausert that Council close the meeting to the public at 9:08 a.m. to prevent disclosure of personal information in accordance with section 17(4)(g) of the Freedom of Information and Protection of Privacy Act.

CARRIED UNANIMOUSLY

Administration present at the closed session: Sally Caudill, Therese Rogers, Whitney Smithers, Scott McKay, Chery Hyde, and Ben Stiver.

Councillor McCallum arrived at the meeting at 9:15 a.m.

222-2024 Moved by Mayor Krausert that Council return to the public meeting at 10:30 a.m.

CARRIED UNANIMOUSLY

223-2024 Moved by Mayor Krausert that Council appoint the mayor and councillors to internal and external committees in accordance with Attachment 1 of these minutes.

CARRIED UNANIMOUSLY

224-2024 Moved by Mayor Krausert that Council appoint Mayor Krausert as the voting representative for Council acting as a shareholder of Canmore Community Housing.

CARRIED UNANIMOUSLY

Minutes approved by: _____

- 225-2024 Moved by Mayor Krausert that Council direct Canmore Community Housing shareholders to appoint Dan Roycroft, Leah Lechelt, and Todd Kunst to two-year terms on the Canmore Community Housing board of directors.
CARRIED UNANIMOUSLY
- 226-2024 Moved by Mayor Krausert that Council appoint public members to committees as follows:
- a) Jennifer Marran and Andrea Williams to three-year terms on the Assessment Review Board beginning on January 1, 2025 and ending on December 31, 2027.
 - b) Sharon Hawkins, Sarah Hildebrand, and Chesa Peter to three-year terms on the Canmore Library Board.
 - c) Spencer Thackray to a two-year term and Hannah Perry to a one-year term (mid-term replacement) on the Canmore Planning Commission.
 - d) Muriel Davidson, Lorel Hammerstad, and Suzan Shellian-Frey to one-year terms on the Community Events Committee.
 - e) David Gunn and Victoria Meah to one-year terms on the Community Grants Selection Committee.
 - f) Kendall Holland and Liv Witkowski to two-year terms (mid-term replacements) on the Cultural Advisory Committee.
 - g) David Curry, Frank Liszczak, and Nadege Luquet to three-year terms on the Heliport Monitoring Committee.
 - h) Larry Bohn and Bronte Valk to two-year terms on the Subdivision & Development Appeal Board beginning on January 1, 2025 and ending on December 31, 2026.
- CARRIED UNANIMOUSLY**
- 227-2024 Moved by Mayor Krausert that Council approve an exception to section 12 of Development Authority Bylaw 2019-07 to appoint Florian Jungen to a two-year term on the Canmore Planning Commission.
CARRIED UNANIMOUSLY
- 228-2024 Moved by Mayor Krausert that Council direct administration to source additional appointees to Assessment Review Board by:
- 1) seeking an agreement with a neighbouring municipality to second members of their Assessment Review Board, and bring said agreement to Council for approval by April 30, 2025 or
 - 2) if said agreement is not feasible, then initiate a further round of recruitment from residents of Canmore to sit on the Assessment Review Board and bring the candidates to Council for consideration prior to April 30, 2025.
- CARRIED UNANIMOUSLY**
- 229-2024 Moved by Mayor Krausert that Council direct administration to engage with neighbouring municipalities the Town of Banff and the Municipal District of Bighorn to explore working with the Town of Canmore to develop a regional Assessment Review Board.
CARRIED UNANIMOUSLY

Minutes approved by: _____

- 230-2024 Moved by Mayor Krausert that Council appoint Andrea Williams as General Chair of the Assessment Review Board for a term ending on December 31, 2027.
CARRIED UNANIMOUSLY
- 231-2024 Moved by Mayor Krausert that Council appoint the following people as clerks of the Assessment Review Board for a term ending on December 31, 2027:
- Lisa Wong, Tax and Utility Assistant
 - Megan Dalrymple, Property Tax Coordinator
 - Ann Kan, Tax and Utility Customer Service Representative
 - Karina Larade, Tax and Utility Customer Service Representative
- CARRIED UNANIMOUSLY**

C. CLOSED SESSION

1. Committee Appointments

Addressed during item B3.

D. ADJOURNMENT

- 232-2024 Moved by Mayor Krausert that Council adjourn the annual organizational meeting at 10:38 a.m.
CARRIED UNANIMOUSLY

Sean Krausert
Mayor

Ben Stiver
Municipal Clerk

Minutes approved by: _____

Council Appointments 2024-2025

Committee	# required	Krausert	Foubert	Graham	Hilstad	Mah	Marra	McCallum
Internal advisory committees								
1 CAO Performance Review Committee	Mayor + 2							
2 Cultural Advisory Committee	1							
3 Finance Committee	7							
4 Heliport Monitoring Committee	1							
Internal committees required by legislation								
5 Assessment Review Board (ARB)	Up to 3 (certified)							
6 Canmore Planning Commission (CPC)	2							
7 Emergency Advisory Committee (incl. Regional Emergency Cttee)	Mayor + 2							
8 Enforcement Appeal Review Committee	2							
9 Subdivision & Development Appeal Board (SDAB)	1 + Alt						ALT	
10 Weed & Pest Control Appeal Panel	Mayor							
Town of Canmore governs or is a funding partner								
11 Bow Valley Regional Transit Services Commission	2							
12 Bow Valley Waste Management Commission	2 + Alt			ALT				
13 Community Grants Selection Committee	1							
14 Bow Valley Regional Housing (BVRH)	2							
15 Canmore Community Housing (CCH)	3							
16 Canmore Library Board	1							
17 Canmore Mountain Arts Foundation Board	1							
18 Canmore Museum Society	1							
19 Downtown Canmore Business Improvement Area (BIA)	1							
20 Tourism Canmore Kananaskis (TCK)	Mayor or Alt							
External intermunicipal/interagency groups								
21 Biosphere Institute of the Bow Valley	Mayor or Alt							
22 Bow Valley WildSmart	1							
23 Canmore/MD of Bighorn Intermunicipal Committee	Mayor + 1 + Alt							ALT
24 Rocky Mountain Heritage Foundation	Mayor							
25 Southern Alberta Municipal Waste Management Association (SAEWA)	1 + Alt			ALT				

**TOWN OF CANMORE
MINUTES**

Regular Meeting of Council
Council Chamber at the Civic Centre, 902 – 7 Avenue
Tuesday, November 5, 2024 at 9:00 a.m.

COUNCIL MEMBERS PRESENT

Sean Krausert	Mayor
Karen Marra	Deputy Mayor
Tanya Foubert	Councillor
Wade Graham	Councillor (via Zoom)
Jeff Hilstad	Councillor
Jeff Mah	Councillor
Joanna McCallum	Councillor

COUNCIL MEMBERS ABSENT

None

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
Cheryl Hyde	Manager of the Municipal Clerk's Office
Ben Stiver	Municipal Clerk (recorder)
Harry Shnider	Manager of Planning and Development
Eleanor Miclette	Manager of Economic Development
Johanna Sauve	Manager of Human Resources
Chelsey Gibbons	Manager of Finance
Adam Driedzic	Town Solicitor

Mayor Krausert called the November 5, 2024 regular meeting to order at 9:05 a.m.

A. CALL TO ORDER AND APPROVAL OF AGENDA

1. Land Acknowledgement

2. Agenda for the November 5, 2024 Regular Meeting of Council

233-2024

Moved by Mayor Krausert that Council approve the agenda for November 5, 2024 regular meeting as presented.

CARRIED UNANIMOUSLY

B. PUBLIC HEARINGS

1. Revised Land Use Bylaw Amendment 2024-22 – Wildlife Exclusion

Fencing

(1) Call to order

Mayor Krausert called the public hearing to order for Revised Land Use Bylaw Amendment 2024-22 – Wildlife Exclusion Fencing at 9:09 a.m.

(2) Administration Summary

Administration provided a verbal briefing on proposed Revised Land Use Bylaw Amendment 2024-22 – Wildlife Exclusion Fencing.

(3) Public Submissions

In favour

Name	Verbal	Written
Karpat, Jessica	X	

Neutral or Unstated

Name	Verbal	Written
Rogers, Audrey		X

Opposed

Name	Verbal	Written
Auld, Jerry		X
Dalman, Dave		X
MacFadyen, Heather (BowCord)		X
Sargent, Randall		X

The recording secretary read into the record the names of those who provided written submissions. These submissions are recorded in the list of public submissions above and are published in the record of public submissions for this meeting.

(4) Closing Comments from Administration – none

(5) Council Questions of Administration – none

(6) Adjournment of the Public Hearing

Mayor Krausert adjourned the public hearing at 9:29 a.m..

2. Business Registry Licence Bylaw Amendment 2024-27 – Omnibus

(1) Call to order

Mayor Krausert called the public hearing to order for Business Registry Licence Bylaw Amendment 2024-27 – Omnibus at 9:30 a.m.

Minutes approved by: _____

(2) Administration Summary

Administration provided a verbal briefing on the proposed Business Registry Licence Bylaw Amendment 2024-27 – Omnibus.

(3) Public Submissions

In favour

Name	Verbal	Written
Rogers, Audrey		X

Neutral or Unstated – none

Opposed

Name	Verbal	Written
Peden, Emily & Whidden, Bradlee (CFIB)		X

The recording secretary read into the record the names of those who provided written submissions. These submissions are recorded in the list of public submissions above and are published in the record of public submissions for this meeting.

(4) Closing Comments from Administration – none

(5) Council Questions of Administration – none

(6) Adjournment of the Public Hearing

Mayor Krausert adjourned the public hearing at 9:44 a.m.

Meeting Break 9:45 a.m. – 9:50 a.m.

C. DELEGATIONS – none

D. APPROVAL OF MINUTES

1. Minutes of the October 1, 2024 Regular Meeting of Council

234-2024

Moved by Mayor Krausert that Council approve the minutes of the October 1, 2024 regular meeting as presented.

CARRIED UNANIMOUSLY

2. Minutes of the October 15, 2024 Special Meeting of Council

235-2024

Moved by Mayor Krausert that Council approve the minutes of the October 15, 2024 special meeting as presented.

CARRIED UNANIMOUSLY

Minutes approved by: _____

E. BUSINESS ARISING FROM THE MINUTES

1. Town of Canmore Municipal Development Plan Amendment 2024-07 – Discouraging Employee Housing in Industrial Areas and Revised Land Use Bylaw Amendment 2024-08 – Removal of Employee Housing from Industrial Districts

236-2024 Moved by Mayor Krausert that Council give second reading to Town of Canmore Municipal Development Plan Amendment 2024-07 – Discouraging Employee Housing in Industrial Areas.

236-2024A Moved by Mayor Krausert that Council amend motion 236-2024 by adding: amend section 1 by inserting “some” before “Industrial Areas”.

CARRIED UNANIMOUSLY

236-2024B Moved by Mayor Krausert that Council amend motion 236-2024 by adding: amended as follows:

- a. Section 5 is amended by:
 - i. striking out “Housing for employees within industrial areas north of the Trans-Canada Highway shall not be supported by the Town.”; and
 - ii. inserting “, land directly adjacent to the west side of Elk Run Boulevard, and land accessed by Alpine Meadows” after “industrial areas south of the Trans-Canada Highway”.
- b. Section 6 is amended by inserting “except land directly adjacent to the west side of Elk Run Boulevard and land accessed by Alpine Meadow,” after “Excluding industrial areas north of the Trans-Canada Highway,”.
- c. Section 7 is amended by inserting “land directly adjacent to the west side of Elk Run Boulevard, and land accessed by Alpine Meadows,” after “only within industrial areas south of the Trans-Canada Highway,”.

DEFEATED

**In favour: Krausert, Foubert, Marra,
Opposed: Mah, Graham, McCallum, Hilstad**

236-2024 The vote followed on motion 236-2024 that Council give second reading to the Town of Canmore Municipal Development Plan Amendment 2024-07 – Discouraging Employee Housing in Industrial Areas amended as follows:

- amend section 1 by inserting “some” before “Industrial Areas”.

CARRIED

**In favour: Graham, Hilstad, Mah, McCallum
Opposed: Krausert, Foubert, Marra**

Minutes approved by: _____

237-2024 Moved by Mayor Krausert that Council give third reading to the Town of Canmore Municipal Development Plan Amendment 2024-07 – Discouraging Employee Housing in Industrial Areas.

CARRIED

In favour: Graham, Hilstad, Mah, McCallum

Opposed: Krausert, Foubert, Marra

238-2024 Moved by Mayor Krausert that Council amend Revised Land Use Bylaw Amendment 2024-08 by adding the following section after section 20 and renumbering subsequent sections accordingly: “21 Section 5.4.6.6 is repealed.”

CARRIED UNANIMOUSLY

239-2024 Moved by Mayor Krausert that Council give second reading to Revised Land Use Bylaw Amendment 2024-08 – Removal of Employee Housing from Industrial Districts.

239A-2024 Moved by Mayor Krausert that Council amend motion 239-2024 by adding: amend section 1 by inserting “some” before “Industrial Districts”.

CARRIED UNANIMOUSLY

Meeting Break 10:55 a.m. – 11:15 a.m.

239B-2024 Moved by Councillor McCallum that Council amend motion 239-2024 by adding:

- in 5.1 TID Transitional Industrial District, reinstate “Employee Housing” as a discretionary use and remove references to “Dwelling Units” by
 - striking out sections 5 and 6, and
 - amending section 7 by striking out all occurrences of “Dwelling Units” and substituting “Employee Housing”.
- in 5.4 SB Southern Business District, reinstate “Employee Housing” as a discretionary use and remove references to “Dwelling Units” by
 - striking out sections 14, 15, 16, 17, 18, 19, 20, and 21.

CARRIED UNANIMOUSLY

239-2024 The vote followed on motion 239-2024 that Council give second reading to Revised Land Use Bylaw Amendment 2024-08 – Removal of Employee Housing from some Industrial Districts amended as follows:

- amend section 1 by inserting “some” before “Industrial Districts”.
- in 5.1 TID Transitional Industrial District, reinstate “Employee Housing” as a discretionary use and remove references to “Dwelling Units” by
 - striking out sections 5 and 6, and

Minutes approved by: _____

- amending section 7 by striking out all occurrences of “Dwelling Units” and substituting “Employee Housing”.
- In 5.4 SB Southern Business District, reinstate “Employee Housing” as a discretionary use and remove references to “Dwelling Units” by
 - striking out sections 14, 15, 16, 17, 18, 19, 20, and 21.

CARRIED

In favour: Graham, Hilstad, Mah, McCallum

Opposed: Krausert, Foubert, Marra

240-2024 Moved by Mayor Krausert that Council give third reading to Revised Land Use Bylaw Amendment 2024-08 – Removal of Employee Housing from some Industrial Districts.

CARRIED

In favour: Graham, Hilstad, Mah, McCallum

Opposed: Krausert, Foubert, Marra

2. Council Paid Medical, Family Caregiver, and Compassionate Care Leaves Policy

241-2024 Moved by Mayor Krausert that Council approve the Paid Medical, Family Caregiver, and Compassionate Care Leaves for Members of Council Policy EX-010 as presented.

CARRIED UNANIMOUSLY

F. UNFINISHED BUSINESS – none

G. BYLAW APPROVAL

1. Revised Land Use Bylaw Amendment 2024-22 – Wildlife Exclusion Fencing

242-2024 Moved by Mayor Krausert that Council give second reading to Revised Land Use Bylaw Amendment 2024-22 – Wildlife Exclusion Fencing.

CARRIED UNANIMOUSLY

243-2024 Moved by Mayor Krausert that Council give third reading to Revised Land Use Bylaw Amendment 2024-22 – Wildlife Exclusion Fencing.

CARRIED UNANIMOUSLY

2. Business Registry Licence Bylaw Amendment 2024-27 - Omnibus

244-2024 Moved by Mayor Krausert that Council give second reading to Business Registry Licence Bylaw Amendment 2024-27 – Omnibus.

244A-2024 Moved by Mayor Krausert that Council amend motion 244-2024 by adding: amend section 40.2 by striking out “for short-term rental” and substituting “as a Business.”

CARRIED UNANIMOUSLY

Minutes approved by: _____

244-2024 The vote followed on motion 244-2024 that Council give second reading to Business Registry Licence Bylaw Amendment 2024-27 – Omnibus amended as follows:

- amend section 40.2 by striking out “for short-term rental” and substituting “as a Business.”

CARRIED UNANIMOUSLY

245-2024 Moved by Mayor Krausert that Council give third reading to Business Registry Licence Bylaw Amendment 2024-27 – Omnibus.

CARRIED UNANIMOUSLY

246-2024 Moved by Councillor Graham that Council direct administration to return with recommended amendments to the Business Registry Licence Bylaw that will explore requiring all individually titled visitor accommodation units to obtain a business licence and that the display of the licence be subject to the same requirements as tourist homes and that administration include any additional resources required to process the anticipated increase in business licences as an option for Council as part of the 2025/2026 budget process.

CARRIED UNANIMOUSLY

Lunch Break 12:10 p.m. – 1:15 p.m.

3. Revised Land Use Bylaw Amendment 2024-30 – Tourist Home Conversions

247-2024 Moved by Mayor Krausert that Council give first reading to Revised Land Use Bylaw Amendment 2024-30 – Tourist Home Conversions and schedule a public hearing for December 3, 2024.

CARRIED UNANIMOUSLY

H. NEW BUSINESS

1. Extended Producer Responsibility

248-2024 Moved by Mayor Krausert that Council approve the signing of contracts with Producer Responsibility Organizations to allow the Town to opt in and become an Extended Producer Responsibility service provider.

CARRIED UNANIMOUSLY

2. Property Tax Policy FIN-005 Amendment and Division of Class 1 Property Bylaw Amendment 2024-31 – Subclass Addition

249-2024 Moved by Mayor Krausert that Council give first reading to Division of Class 1 Property Bylaw Amendment 2024-31 – Subclass Addition.

CARRIED
In favour: Graham, Hilstad, Mah, McCallum, Marra, Krausert
Opposed: Foubert

Minutes approved by: _____

- 250-2024 Moved by Mayor Krausert that Council give second reading to Division of Class 1 Property Bylaw Amendment 2024-31 – Subclass Addition.
CARRIED
In favour: Graham, Hilstad, Mah, McCallum, Marra, Krausert
Opposed: Foubert
- 251-2024 Moved by Mayor Krausert that Council give leave to go to reading to Division of Class 1 Property Bylaw Amendment 2024-31 – Subclass Addition.
CARRIED UNANIMOUSLY
- 252-2024 Moved by Mayor Krausert that Council give third reading to Division of Class 1 Property Bylaw Amendment 2024-31 – Subclass Addition.
CARRIED
In favour: Graham, Hilstad, Mah, McCallum, Marra, Krausert
Opposed: Foubert
- 253-2024 Moved by Mayor Krausert that Council approve Property Tax Policy FIN-005 as presented.
- 253A-2024 Moved by Mayor Krausert that Council amend motion 253-2024 by adding: amend section 7 by inserting “the residential vacant unserviced land subclass” after “residential vacant serviced land subclass” and by inserting “primary” before “residential subclass”.
CARRIED
In favour: Foubert, Hilstad, Mah, McCallum, Marra, Krausert
Opposed: Graham
- 253-2024 The vote followed motion 253-2024 that Council approve Property Tax Policy FIN-005, amended as follows:
 - amend section 7 by inserting “the residential vacant unserviced land subclass” after “residential vacant serviced land subclass” and by inserting “primary” before “residential subclass”.**CARRIED**
In favour: Graham, Hilstad, Mah, McCallum, Marra, Krausert
Opposed: Foubert
- 254-2024 Moved by Mayor Krausert that Council direct administration to include exploration of the collection of Livability Program revenue from the “Residential Vacant Services Land” subclass as part of the upcoming Property Tax Task Force.
CARRIED UNANIMOUSLY

Minutes approved by: _____

3. Reserves Policy FIN-007 Amendment

255-2024 Moved by Mayor Krausert that Council approve Reserves Policy FIN-007 as presented.

CARRIED UNANIMOUSLY

Meeting Break 2:18 p.m. – 2:30 p.m.

4. 2024 Capital Budget Amendment – Community Fireguard Construction

256-2024 Moved by Mayor Krausert that Council approve a new 2024 capital project for the construction of community fireguards in Stoneworks Creek, Harvie Heights, and the East Park Gates funded in full by the Forest Resource Improvement Association of Alberta (FRIAA) grant in the amount of \$750,000.

CARRIED UNANIMOUSLY

I. REPORTS FROM ADMINISTRATION – none

J. NOTICES OF MOTION – none

K. CLOSED SESSION

1. Confidential – LPRT Hearing Update

257-2024 Moved by Mayor Krausert that Council close the meeting to the public to prevent disclosure of information that is subject to legal privilege in accordance with section 27(1)(a) of the *Freedom of Information and Protection of Privacy Act*.

CARRIED UNANIMOUSLY

Administration present at the closed session: Sally Caudill, Whitney Smithers, Therese Rogers, Scott McKay, Cheryl Hyde, Ben Stiver, Chelsey Gibbons, Andreas Comeau, Peter Kinsberg, Adam Robertson, and Adam Driedzic.

258-2024 Moved by Mayor Krausert that Council return to the public meeting at 3:06 p.m.

CARRIED UNANIMOUSLY

Minutes approved by: _____

L. ADJOURNMENT

259-2024

Moved by Mayor Krausert that Council adjourn the November 5, 2024 Regular Council meeting at 3:07 p.m.

CARRIED UNANIMOUSLY

Sean Krausert
Mayor

Ben Stiver
Municipal Clerk

Minutes approved by: _____



Request for Decision

DATE OF MEETING: December 3, 2024 **Agenda #: G 1**

TO: Council

SUBJECT: Revised Land Use Bylaw Amendment 2024-30 – Tourist Home Conversions

SUBMITTED BY: Harry Shnyder, Manager of Planning and Development

RECOMMENDATION: That Council give second reading to Revised Land Use Bylaw Amendment 2024-30 – Tourist Home Conversions.

That Council give third reading to Revised Land Use Bylaw Amendment 2024-30 – Tourist Home Conversions.

EXECUTIVE SUMMARY

Revised Land Use Bylaw Amendment 2024-30 – Tourist Home Conversions received first reading on November 5, 2024 and is the subject of a public hearing on December 3, 2024.

Administration’s analysis on this matter was presented at first reading of this bylaw. Please see Attachment 2 for the Request for Decision and related attachments presented at first reading.

ATTACHMENTS

- 1) Revised Land Use Bylaw Amendment 2024-30 – Tourist Home Conversions
- 2) RFD and attachments from the November 5, 2024 council meeting

AUTHORIZATION

Approved by: Sally Caudill
Chief Administrative Officer

Date November 21, 2024

BYLAW 2024-30

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO
AMEND REVISED LAND USE BYLAW 2018-22**

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

TITLE

- 1 This bylaw shall be known as “Revised Land Use Bylaw Amendment 2024- 30 – Tourist Home Conversions”.

INTERPRETATION

- 2 Words defined in revised Land Use Bylaw 2018-22 shall have the same meaning when used in this bylaw.

PROVISIONS

- 3 Revised Land Use Bylaw 2018-22 is amended by this bylaw.
- 4 Section 1.9.0.1 Development Permits Not Required is amended by adding the following after subsection w:
 - x. The conversion of an existing Tourist Home to a corresponding residential use.

ENACTMENT/TRANSITION

- 6 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 7 This bylaw comes into force on the date it is passed.

FIRST READING: November 5, 2024

PUBLIC HEARING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

Sean Krausert
Mayor

Date

Cheryl Hyde
Manager, Municipal Clerk’s Office

Date



Request for Decision

DATE OF MEETING: November 5, 2024 **Agenda #: G 3**

TO: Council

SUBJECT: Revised Land Use Bylaw Amendment 2024-30 – Tourist Home Conversions

SUBMITTED BY: Harry Shnider, Manager, Planning and Development

RECOMMENDATION: That Council give first reading to Revised Land Use Bylaw Amendment 2024-30 – Tourist Home Conversions and schedule a public hearing for December 3, 2024.

EXECUTIVE SUMMARY

The proposed amendment will permit the conversion of an existing Tourist Home to a corresponding residential use without the requirement to obtain a development permit.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

On August 20, 2024, Council passed Division of Class 1 Property Bylaw 2024-19.

DISCUSSION

Bylaw 2024-19 requires that all active Tourist Homes be taxed at the same Tourist Home tax rate. The bylaw also added the primary residential subclass. To be included in the primary residential subclass, one has to make an annual declaration that they qualify for the subclass. A Tourist Home is specifically excluded from the primary residential subclass. If a Tourist Home wants to declare their property as their primary residence, first they need to convert it to a Residential property and then they can make the annual declaration. This must be done by December 31st to take effect for the following taxation year.

The proposed bylaw amendment facilitates the conversion of a Tourist Home to a corresponding residential use (e.g., Detached Dwelling) from requiring a Development Permit.

ANALYSIS OF ALTERNATIVES

Status Quo – if the proposed amendment is not advanced, the result would be an extended review and notification period to the adjacent neighbourhood including the requirement to notify adjacent landowners about a discretionary use on the subject land.

FINANCIAL IMPACTS

Council approved the waiving of development application fees for conversions until December 31, 2025.

ATTACHMENTS

- 1) Revised Land Use Bylaw Amendment 2024-30 – Tourist Home Conversion
- 2) Revised Land Use Bylaw 2018-22 – REDLINE

AUTHORIZATION

Submitted by:	Harry Shnider, RPP, MCIP Manager of Planning and Development	Date: <u>October 11, 2024</u>
Approved by:	Chelsey Gibbons Manager of Finance	Date <u>October 17, 2024</u>
Approved by:	Whitney Smithers General Manager of Municipal Infrastructure	Date <u>October 17, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>October 29, 2024</u>

RFD Submitted November 5, 2024

BYLAW 2024-30

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO
AMEND REVISED LAND USE BYLAW 2018-22**

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

TITLE

- 1 This bylaw shall be known as “Revised Land Use Bylaw Amendment 2024- 30 – Tourist Home Conversions”.

INTERPRETATION

- 2 Words defined in revised Land Use Bylaw 2018-22 shall have the same meaning when used in this bylaw.

PROVISIONS

- 3 Revised Land Use Bylaw 2018-22 is amended by this bylaw.
- 4 Section 1.9.0.1 Development Permits Not Required is amended by adding the following after subsection w:
 - x. The conversion of an existing Tourist Home to a corresponding residential use.

ENACTMENT/TRANSITION

- 6 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 7 This bylaw comes into force on the date it is passed.

FIRST READING:

PUBLIC HEARING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

Sean Krausert
Mayor

Date

Cheryl Hyde
Manager, Municipal Clerk’s Office

Date

1.9 DEVELOPMENT PERMITS NOT REQUIRED

1.9.0.1 The following developments do not require a development Permit where the work proposed or development complies with all regulations of this Bylaw:

- a. Those uses exempted by the Act and regulations thereto.
- b. Works of maintenance, renovation, or repair on a structure, either internally or externally, if, in the opinion of the development officer, such work is consistent with any development Permits issued for the site, and does not include:
 - i. Structural alterations;
 - ii. Changes to the use or intensity of the use of the structure; and
 - iii. Multi-unit residential buildings and buildings within commercial Land Use districts, which do not, in the opinion of the development Authority, substantially change the exterior appearance of the building.
- c. The completion of a building which was lawfully under construction at the date this Bylaw comes into full force and effect, provided that:
 - i. the building is completed in accordance with the terms of any permit granted by the municipality, subject to the conditions of that permit; and
 - ii. the building, whether or not a permit was granted in respect of it, is completed in accordance with 1.12.0.1 or as otherwise specified in the development Permit or in the conditions of development approval. [2021-24]
- d. The use of any building referred to in subsection 1.9.0.1c for the purpose for which construction was commenced.
- e. The erection or installation of machinery and equipment needed in connection with construction of a building for which a development Permit has been issued, for the period of construction.
- f. The construction and maintenance of a Public Utility by the town placed in or upon a public thoroughfare or public utility easement provided any required authorizations have been obtained.
- g. The erection, construction, or the maintenance of pedestrian gates, fences, walls, or other means of enclosure less than 2.5 m in height.
- h. The installation and operation of a satellite dish antenna 1.0 m or less in diameter and the installation of tower antenna no more than 1.0 m higher than the maximum height of the principal building on site.
- i. The installation of solar collectors or other energy collecting and storage devices, including geothermal or other subsurface works.
- j. The use by the municipality of publicly owned or controlled land in connection with any municipal project and may without restricting the generality of the foregoing, include buildings, roads, traffic management projects, interchanges, vehicular and pedestrian bridges, water, gas, telephone and power installations, substations and pumping stations, water reservoirs, storm and sanitary sewer including treatment or related facilities, street furniture, street lighting, public recreational facilities, or similar facilities, works depots, parks, playgrounds, landscaping and streetscape improvement projects.
- k. The construction, maintenance and repair of private walkways, pathways, landscaping and similar works. driveways are not excluded from requiring a

development Permit unless they are approved by the town of Canmore as part of a valid Building Permit.

- l. Removal of trees or soil from a site or stockpiling of soil on a site when a development Permit or subdivision approval has been issued, and where a development Agreement has been duly executed for that site and said permit or agreement allows for or requires such activity.
- m. The digging of test holes requiring less than 6.0 m² in surface area for exploration purposes.
- n. The erection of a retaining wall that is no more than 1.0 m in height measured from the lowest ground elevation adjacent to the wall, and does not require a letter of engagement from a professional engineer as per the Engineering design and Construction Guidelines (EdCG). **[2020-16]**
- o. The construction of an Accessory Building located in a residential district.
- p. A change of use or interior renovations within an existing commercial or industrial building where the following requirements are met to the satisfaction of the development officer:
 - i. The change of use is from a Permitted or discretionary Use to a Permitted Use in the Land Use district applicable to the site; and
 - ii. the total GFA of the structure or structures constituting the development is less than 500 m²; and
 - iii. **[Repealed by 2023-18]**
 - iv. A Certificate of Conformance has been applied for and received from the development Authority that certifies that the proposed change of use conforms to the above clauses; and
 - v. the change is to a use that has required Employee Housing no greater than that of the use it is replacing; and
 - vi. the change of use is not located within a building or on a portion of a site identified to be in the steep Creek Hazard development overlay. **[2021-24]**
- q. Construction of, internal or external addition to, or demolition of a detached dwelling (with or without an Accessory dwelling Unit), manufactured dwelling, or duplex dwelling, where: **[2021-24]**
 - i. The total gross floor area of the structure or structures constituting the development is less than 500 m²; and
 - ii. The use is a Permitted Use, or for an external renovation or addition to an approved discretionary Use; and
 - iii. The construction complies with all provisions of this Bylaw; and
 - iv. **[Repealed by 2023-18]**
 - v. The development is not located in the steep Creek Hazard development overlay; and
 - vi. Where there are no off-site levies, local improvement levies, or municipal fees owing against the land, or where the present owner has entered into an agreement with the town for the payment of such levies or fees. **[2020-15]**
- r. An Accessory dwelling Unit, Attached or Accessory dwelling Unit, detached.
- s. Home occupation – Class 1.

- t. The installation of a sign that is compliant with all the regulations as set out in section 9: signage or is exempt as per section 9.14. **[2021-24]**
- u. The restoration, rehabilitation or reclamation of disturbed areas.
- v. The use of a dwelling Unit as a show Home. **[2021-24]**
- w. Construction and development of a Wildlife Exclusion Fence, as required by an Area Structure Plan or Area Redevelopment Plan, or under the jurisdiction of the Province of Alberta. (Pending approval of Bylaw 2024-22.)
- x. **The conversion of an existing Tourist Home to a corresponding residential use. [2024-22]**

RFD Submitted November 5, 2024



Request for Decision

DATE OF MEETING: December 3, 2024 **Agenda #: G 2**

TO: Council

SUBJECT: Outdated Election Bylaw Repeals

SUBMITTED BY: Cheryl Hyde, Municipal Clerk

RECOMMENDATION: That Council give first reading to Election Bylaw Repealing Bylaw 2024-32.

That Council give second reading to Election Bylaw Repealing Bylaw 2024-32.

That Council give leave to go to third reading of Election Bylaw Repealing Bylaw 2024-32.

That Council give third reading to Election Bylaw Repealing Bylaw 2024-32.

EXECUTIVE SUMMARY

Administration recommends that Council repeal two outdated election bylaws and consider amendments to the Candidate Nomination Bylaw recommended by the Committee of the Whole

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

Establishment of Institutional Voting Stations Bylaw 29-2004 was approved in 2004 and Automated Voting System Bylaw 35-2007 was approved in 2007.

DISCUSSION

Establishment of Institutional Voting Stations

Section 80(1) of the Local Authorities Election Act authorizes council to establish institutional voting stations either by resolution or by passing a resolution authorizing the returning officer to establish the stations. Council always has the option of passing a bylaw for anything requiring a resolution, however it's recommended that this bylaw be repealed in favour allowing the returning officer flexibility in responding to the needs of our electors.

Automated Voting System

The 2024 Municipal Affairs Statutes Amendment Act has prohibited the use of voting tabulators, therefore this bylaw is no longer required.

ANALYSIS OF ALTERNATIVES

None.

FINANCIAL IMPACTS

To account for the prohibition of voting tabulators, administration has budgeted an additional \$7,000 to cover costs related to ballot printing and hiring additional staff to hand count ballots.

INTEREST HOLDER ENGAGEMENT

None.

ATTACHMENTS

- 1) Election Bylaw Repealing Bylaw 2024-32
- 2) Establishment of Institutional Voting Stations Bylaw 29-2004
- 3) Automated Voting System Bylaw 35-2007

AUTHORIZATION

Submitted by:	Cheryl Hyde Manager, Municipal Clerk’s Office	Date: <u>November 14, 2024</u>
Approved by:	Therese Rogers General Manager of Corporate Services	Date: <u>November 20, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>November 21, 2024</u>



BYLAW 2024-32

A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, TO REPEAL ESTABLISHMENT OF INSTITUTIONAL VOTING STATIONS BYLAW 29-2004 and AUTOMATED VOTING SYSTEM BYLAW 35-2007

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

TITLE

- 1 This bylaw shall be known as Election Bylaw Repealing Bylaw 2024-32.

REPEAL

- 2 Establishment of Institutional Voting Stations Bylaw 29-2004 is hereby repealed.
- 3 Automated Voting System Bylaw 35-2007 is hereby repealed.

ENACTMENT/TRANSITION

- 4 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 5 This bylaw comes into force on the date it is passed.

FIRST READING:

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

Sean Krausert
Mayor

Date

Cheryl Hyde
Manager, Municipal Clerk’s Office

Date

Bylaw approved by: _____

TOWN OF CANMORE

BYLAW 29-2004

PROVINCE OF ALBERTA

BEING A BYLAW TO ESTABLISH INSTITUTIONAL VOTING STATIONS FOR MUNICIPAL ELECTIONS, OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA

WHEREAS

Pursuant to section 80 of the *Local Authorities Election Act*, Statutes of Alberta, 2000, Chapter L-21 as amended, an elected authority may establish by bylaw where institutional voting stations are to be established for municipal election purposes;

WHEREAS

It is desirable to establish certain care and accommodation facilities as institutional voting stations;

NOW THEREFORE


The Council of the Town of Canmore enacts as follows:

1. For the purposes of this Bylaw the following definitions shall apply:
 - (a) "hospital" means any approved hospital as defined in the *Hospitals Act*, R.S.A. 2000, Chapter H-12 or a hospital owned or operated by the Crown in right of the Province of Alberta or its agent, and located within the boundaries of the Town of Canmore;
 - (b) "lodge accommodation" means lodge accommodation as defined in the *Alberta Housing Act*, R.S.A. 2000, Chapter A-25.1 and located within the boundaries of the Town of Canmore.
2. In any municipal general election or by-election in the Town of Canmore, the Canmore Hospital and Bow River Senior Citizens Lodge are hereby established as institutional voting stations.
3. This Bylaw repeals Bylaw 24-2001 and shall come into force and take effect upon the date of third reading thereof.

FIRST READING: August 17, 2004

SECOND READING: August 17, 2004

THIRD READING: August 17, 2004



MAYOR



DESIGNATED OFFICER



TOWN OF CANMORE

BYLAW 35-2007

PROVINCE OF ALBERTA

BEING A BYLAW TO PROVIDE FOR AN AUTOMATED VOTING SYSTEM FOR THE MUNICIPAL ELECTIONS, OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA

WHEREAS

Pursuant to Section 84 of the Local Authorities Election Act, Statutes of Alberta, 1983, Chapter L-27.5, as amended (hereinafter referred to as the "Act") provides for the taking of votes of the electors by means of automated voting systems;

NOW THEREFORE

The Council of the Town of Canmore hereby enacts as follows:

CITATION

- 1. This Bylaw may be cited as "The Town of Canmore Automated Voting System Bylaw".

DEFINITIONS

- 1. In this Bylaw:
 - a. Any capitalized words not defined within this Bylaw will have the meaning as set out in the Town of Canmore interpretation Bylaw, as amended from time to time
 - b. The use of the words, "Deputy", "Presiding Deputy" and "Returning Officer" shall have the meaning as set out in the Local Authorities Election Act (Alberta), as amended.
 - c. "Automated Voting System" shall mean an automated or electronic system designed to automatically count and record votes and process and store the election results;
 - d. "Ballot" means the part of the Ballot Card on which is printed the office to be voted on, the names of the candidates, the bylaw name and number or the questions, if any, and containing the spaces in which the elector is to mark his vote;
 - e. "Ballot Box" means a container in a form approved by the Returning Officer intended to contain the voted Ballot Cards;
 - f. "Ballot Card" means a paper card in a form approved by the Returning officer, listing the ballots to be voted on in the election;
 - g. "Counting Area" means an area designated by the Returning officer in a Voting Station which is equipped for the counting of votes and the tabulation of election results;
 - h. "LAEA" shall mean Local Authorities Election Act (Alberta) as amended from time to time;
 - i. "Marking Device" means the pen or other instrument approved by the Returning Officer for use in marking ballots by the elector;
 - j. "Secrecy Sleeves" means an open ended envelope in a form approved by the Returning officer, intended to be used to cover the Ballot Card so as to conceal the markings made on the Ballot Card by the elector without covering the initials of the election official;

- k. "Tally Register Tape" means the printed record generated by a Vote Tabulator showing the number of accepted ballots, the ballots read and the results of the ballots read by that Vote Tabulator;
 - l. "Vote Tabulator" means the automated voting system unit designed for use at the Voting Station to receive ballots;
 - m. "Voting or Polling Station" means a controlled-access area within a building designated by the Returning Officer, where electors cast their ballots.
2. Words importing the masculine gender only shall include the feminine gender when the context requires.
 3. Words importing the singular shall include the plural or vice versa when the context requires.

AUTOMATED VOTING SYSTEM

1. The tabulation of election results may be done by means of an automated voting system, as may be directed by the Returning officer.
2. When an automated voting system is used in the election, the Returning Officer shall:
 - a. ensure that the automated voting system has been pre-tested and is accurate and in good working order; and
 - b. take whatever reasonable safeguards may be necessary to secure the automated voting system for unauthorized access, entry, use, tampering or any unauthorized use of the Ballot Cards or tabulated results.

BALLOTS

1. Following Nomination Day (per LAEA), the Returning Officer shall cause sufficient Ballot Cards to be printed.
2. The ballots on the Ballot Card shall be assembled in more or less the following order and contain separate ballots for the following unless elected by acclamation or inapplicable:
 - a. candidates for the office of the Mayor
 - b. candidates for the office of Councillor
 - c. candidates for the office of Public School Trustee/Representative
 - d. questions
 - e. bylaws
 - f. any other office as may be specified or required by the LAEA or any other applicable legislation.
3. Ballots for candidates may be in the general form prescribed by Schedule "A" attached hereto or as otherwise prescribed by the Returning Officer.

VOTING PROCEDURES

1. Each elector eligible to vote shall be given one Ballot Card which has been initialled by a Deputy, and a secrecy sleeve.

2. Upon receiving the Ballot Card and secrecy sleeve, the elector shall forthwith proceed to the voting compartment to vote.
3. In the voting compartment, the elector shall mark the ballots only with the marking device provided in the compartment, by completing the oval pointing to his choice of candidate or, where there is more than one vacancy, the candidates of his choice.

Where the ballot includes a bylaw or question, the elector shall mark his vote within the portion of the ballot containing the affirmative or negative, or containing the "for" or "against", whichever way he decides to vote, by completing the arrow pointing to his choice.

4. After the elector has finished marking the Ballot Card and has completed voting he shall:
 - b. forthwith insert the Ballot Card into the secrecy sleeve without showing the markings on the Ballot Card to anyone and without folding the Ballot Card; and
 - c. forthwith leave the voting compartment and deliver the secrecy sleeve containing the Ballot Card, to the Deputy supervising the ballot box.
5. The Deputy supervising the ballot box shall, after verifying the ballot contains the initials of a Deputy in the specified area, shall insert the marked Ballot Card contained in the secrecy sleeve, into the ballot box so that the Ballot Card is extracted from the secrecy sleeve without exposing the marks made on the Ballot Card by the elector.
6. When the elector's Ballot Card has been deposited in the ballot box, the elector shall forthwith leave the Voting Station.
7. The voting procedure prescribed herein shall apply during an Advance Vote, an Institutional Vote and an Incapacitated Elector Vote, insofar as is practicable and may be modified as necessary at the discretion of the Returning Officer.

POST VOTE PROCEDURE

1. Immediately after the close of the Voting Station, the Presiding Deputy or Returning Officer shall close, seal and deliver any ballot box or boxes containing the completed Ballot Cards to the Counting Area designated by the Returning Officer.
2. The Returning Officer shall ensure that the ballot boxes used for the Advance Vote and the Institutional Vote are closed and sealed upon completion of the vote and are stored securely and shall cause the ballot boxes to be delivered to the Counting Area.
3. The Returning Officer or their designated Deputy supervising at the Counting Area shall:
 - a. receive all sealed ballot boxes and shall record receipt on the form provided;
 - b. open any sealed ballot boxes from the Institutional Vote and cause the ballots to be counted by inserting the Ballot Cards through the Vote Tabulator;
 - c. upon completion of the ballot count for each Voting Station, place the counted Ballot Cards and any Ballot Cards rejected pursuant to Sections 21 and 22 below, into the ballot box and close and seal the ballot box;

- d. activate the Vote Tabulator to produce one copy of the Tally Register Tape for each Voting Station, or in such other manner as may be directed by the Returning Officer and deliver to the Returning Officer the Tally Register Tapes and the sealed ballot boxes.
4. The Presiding Deputy shall thereafter complete the ballot account (in a form as required by the LAEA). The unused ballots, voting registers and all statements as required under the LAEA shall be placed in a ballot box or boxes and seal the box or boxes after verification of all ballot accounts.

REJECTED BALLOTS

1. A ballot which is rejected shall not be counted.
2. A ballot or ballots shall be rejected by the Returning Officer or the Vote Tabulator if:
 - a. a ballot does not bear the initials of the deputy who issued the ballot;
 - b. a ballot has been marked for more candidates than there are offices to be filled; or
 - where there is only one vacancy, for more than one candidate; or
 - in the event of a bylaw or question, has been marked both in the affirmative and the negative;
 - c. a ballot has not been marked by the elector or has not been marked sufficiently for the Vote Tabulator to discern a vote;
 - d. a ballot has been marked outside of the space indicated on the ballot for the placing of the mark;
 - e. a ballot has been torn, defaced or dealt with in such a way by an elector that the elector can be identified;
 - f. a ballot has been rejected by the Vote Tabulator.

RETURNING OFFICER RECOUNT

1. If the Returning Officer makes a recount pursuant to Section 98 of the LAEA, the voted ballots shall be recounted by the automated voting system.

GENERAL

1. Upon completion of the tabulation of the election results the Returning Officer shall retain the programs and memory packs from the automated voting system in accordance with the provisions of the LAEA pertaining to the retention of election material.
2. The Returning Officer, when necessary, is hereby authorized to make application to the Minister of Municipal Affairs and to the Lieutenant Governor in Council for the requisite directions pursuant to Section 5 and Section 161 of the LAEA respectively, for the approval and implementation of the procedures prescribed by the Bylaw or any other directions or regulations for conducting an election permitted by the LAEA.
3. In the event that the elections for the offices of Mayor and Aldermen are held in conjunction with the elections for School Board Trustees,

or in any other election, the provisions of the Bylaw shall apply in a like manner to the other election.


REPEAL/ENACTMENT

- 1. This Bylaw repeals bylaw 30-2004 and I becomes effective at the time of third reading.

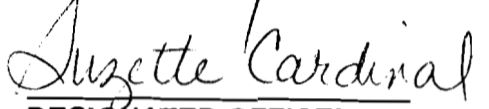
FIRST READING: July 3, 2007

SECOND READING: July 3, 2007

THIRD READING: July 3, 2007



MAYOR



DESIGNATED OFFICER



Request for Decision

DATE OF MEETING: December 3, 2024 **Agenda #: G 3**

TO: Council

SUBJECT: Road Closure Bylaw 2024-17 – Mountain Avenue

SUBMITTED BY: Harry Shnider, Manager, Planning and Development

RECOMMENDATION: That Council give second reading to Road Closure Bylaw 2024-17 – Mountain Avenue.

That Council give third reading to Road Closure Bylaw 2024-17 – Mountain Avenue.

EXECUTIVE SUMMARY

Road Closure Bylaw 2024-17 – Mountain Avenue received first reading on September 3, 2024 and was the subject of a public hearing on October 1, 2024. Following the public hearing, the Road Closure Bylaw 2024-17 – Mountain Avenue was sent to the Minister of Transportation and Economic Corridors and received ministerial approval for the road closure on November 5, 2024.

Administration’s analysis and position on this matter presented at first reading of this bylaw remains unchanged. Please see Attachment 2 for the Request for Decision and related attachments presented at first reading.

ATTACHMENTS

- 1) Road Closure Bylaw 2024-07 – Mountain Avenue – Approved by the Minister of Transportation and Economic Corridors
- 2) RFD and attachments from the October 1, 2024 regular council meeting.

AUTHORIZATION

Approved by: Sally Caudill
Chief Administrative Officer

Date November 21, 2024



TRANSPORTATION AND ECONOMIC CORRIDORS
TECHNICAL STANDARDS BRANCH
2ND FLOOR, TWIN ATRIA BUILDING
4999-98 AVENUE
EDMONTON, ALBERTA, CANADA
T6B 2X3

TELEPHONE NO: 780-427-7902
Toll Free Connection Dial 310-0000

November 5, 2024

Town of Canmore
902 7th Avenue
Canmore, AB T1W 3K1

Attention: Harry Shnider, Manager of Planning & Development

RE: ROAD CLOSURE – BYLAW 2024-17 (RPATH0046311)

Enclosed is the above noted bylaw which was approved by Alberta Transportation and Economic Corridors for closure and disposal on November 5, 2024.

Following the second and third readings by Council, the bylaw may be registered at Land Titles.

Please notify me when registration is complete.

Yours truly,

Laura Miller
Digitally signed by Laura Miller
Date: 2024.11.05 11:34:38 -07'00'

Road Closure Coordinator

cc: Yubin Chen
Development and Planning Technologist
Calgary, Alberta

Enclosures



BYLAW 2024-17

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA,
FOR THE PURPOSE OF CLOSING A ROAD TO PUBLIC TRAVEL**



The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

TITLE

- 1 This bylaw shall be known as "Road Closure Bylaw 2024-17 – Mountain Avenue."

ROAD CLOSURE

- 2 The following road is hereby closed to public travel for the purpose of disposing the road, subject to rights of access granted by other legislation:

a portion of the lands described as Mountain Avenue, comprised of approximately 255 m², as shown as Area A in the Survey Plan attached as Schedule A, excepting thereout all mines and minerals.

ENACTMENT/TRANSITION

- 3 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 4 Schedule A forms part of this bylaw.
- 5 This bylaw comes into force on the date it is passed.

FIRST READING: September 3, 2024

ADVERTISED: Rocky Mountain Outlook on September 12, 19, and 26, 2024.

PUBLIC HEARING: October 1, 2024

Approved on behalf of the Town of Canmore:


Sean Krausert
Mayor

October 1, 2024
Date


Cheryl Hyde
Manager, Municipal Clerk's Office

October 1, 2024
Date

Bylaw approved by: _____

Approved by the Minister of Transportation and Economic Corridors:



[Signature]
Minister of Transportation and
Economic Corridors

Nov 5, 2024
Date

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

Sean Krausert
Mayor

Date

Cheryl Hyde
Manager, Municipal Clerk's Office

Date

Bylaw approved by: _____



Request for Decision

DATE OF MEETING: October 1, 2024 **Agenda #: G 1**

TO: Council

SUBJECT: Road Closure Bylaw 2024-17 – Mountain Avenue

SUBMITTED BY: Harry Shnider, Manager of Planning & Development

RECOMMENDATION: That Council amend section 2 of Road Closure Bylaw 2024-17 – Mountain Avenue by striking out “875” and substituting “255”.

That Council direct administration to forward the required materials respecting Road Closure Bylaw 2024-17 – Mountain Avenue to the Minister of Transportation and Economic Corridors for approval.

EXECUTIVE SUMMARY

Council gave first reading to Bylaw 2024-17 on September 3, 2024, and held a public hearing at the October 1 regular council meeting. Administration is requesting that Council authorize the circulation of the relevant information to the Minister of Transportation and Economic Corridors for bylaw approval. After ministerial approval, Council shall further consider the Road Closure Bylaw application through second and third reading of the bylaw.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

None.

DISCUSSION

As noted in the September 1 Request for Decision report, administration has been approached by a developer of 1405 and 1409 Mountain Avenue, (Lots 26, 27 and 28, Block 94, Plan 1095F), to redevelop these lots from single detached dwellings to a multi-unit development.

To close the road, a road closure bylaw (Attachment 2) must be given three readings by Council as well as approved by the Minister of Transportation. A road closure bylaw requires first reading of the bylaw by Council, an opportunity for the public to make their opinions known to Council at a public hearing, and circulation and approval of the bylaw to the Minister of Transportation and Economic Corridors. Following ministerial approval, the bylaw returns to Council for second and third reading. The road closure bylaw is also required to be circulated to utility companies to determine any required easements or utility-right-of way.

Since first reading of the bylaw, the Towns’ surveyor has advised that the area proposed for closure measures 255 m², not 875 m² as was stated in the bylaw at first reading and is a typographical error. Administration recommends that Council approve an amendment to the bylaw before sending it to the Minister.

ANALYSIS OF ALTERNATIVES

None.

FINANCIAL IMPACTS

None.

INTEREST HOLDER ENGAGEMENT

Administration has notified landowners within 60 metres of the subject property of the public hearing. The public hearing was also advertised in the Rocky Mountain Outlook on September 12, 19, and 26, 2024.

ATTACHMENTS

- 1) Request for Decision from the September 3, 2024 Regular Council Meeting
- 2) Road Closure Bylaw 2024-17 – Mountain Avenue

AUTHORIZATION

Submitted by:	Harry Shnider Manager of Planning and Development	Date:	<u>September 9, 2024</u>
Approved by:	Whitney Smithers GM of Municipal Infrastructure	Date:	<u>September 11, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date:	<u>September 20, 2024</u>

RFD Submitted October 1, 2024



Request for Decision

DATE OF MEETING: September 3, 2024 **Agenda #: G 3**

TO: Council

SUBJECT: Road Closure Bylaw 2024-17, Portion of Plan 1095F

SUBMITTED BY: Harry Shnider, Manager of Planning and Development

RECOMMENDATION: That Council give first reading to Bylaw 2024-17 and schedule a public hearing for October 1, 2024

EXECUTIVE SUMMARY

Road closures are regulated in Section 22 of the Municipal Government Act. In established areas of the Town, the road right-of-way (ROW) is often wider than what is required for physical transportation and utility access. Closure of this portion of the road would allow this underutilized land to be disposed and consolidated for a higher density development. This will facilitate the provision of the Teepee Town Road Right of Way Pilot Project, which is discussed in item H1 on this agenda. Following first reading, a Public Hearing for the Bylaw will be advertised and held, then circulation to the Minister of Transportation and Economic Corridors for approval. Following Ministerial approval, Council shall further consider the Road Closure Bylaw application through second and third reading of the bylaw.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

None.

DISCUSSION

In some of the older neighbourhoods in Canmore, road rights-of-way are often wider than what is necessary to meet physical transportation needs and underground utilities. This often results in portions of the road ROW that are underutilized. The Teepee Town Road Right of Way Pilot Project presents an opportunity to adjust the width of these ROWs and dispose of excess land to an adjacent property owner who would then consolidate with their existing lands. This would support re-development to a higher density on a larger parcel area.

Administration has been approached by a developer of 1405 and 1409 Mountain Avenue, (Lots 26, 27 and 28, Block 94, Plan 1095F), to redevelop these lots from single detached dwellings to a multi-unit development. The portion of road right-of-way that is the subject of this report is currently within the road right-of-way, to the east of these lots. The proposed road closure runs parallel to these lots and is 4.0m wide and 59.1m long (see Attachment 1). Note that the lots shown on the plan of survey in the bylaw correspond to the legal description, not the municipal address.

To close the road, a Road Closure Bylaw (Attachment 2) must be given three readings by Council as well as approved by the Minister of Transportation. The process is as follows:

1. A Road Closure Bylaw requires first reading of the bylaw by Council,

2. Following first reading, the bylaw must be advertised and there must be an opportunity for the public to make their opinions known to Council at a Public Hearing,
3. Following the Public Hearing, circulation and approval of the Bylaw to the Minister of Transportation and Economic Corridors is required, and
4. Following ministerial approval, the Bylaw returns to Council for second and third reading.

Administratively, the road closure bylaw is also circulated to utility companies to determine any required easements or utility-right-of way.

ANALYSIS OF ALTERNATIVES

None.

FINANCIAL IMPACTS

Costs associated with the land transfer for the pilot project are nominal, and include a survey, contract development, and registration of the newly created parcel on title.

INTEREST HOLDER ENGAGEMENT

The road closure bylaw process has mandatory requirements for a public hearing.

ATTACHMENTS

- 1) Road Closure Bylaw 2024-17 - Mountain Avenue

AUTHORIZATION

Submitted by:	Jennica Collette Development Planner	Date: <u>August 12, 2024</u>
Approved by:	Harry Shnider Manager of Planning and Development	Date: <u>August 12, 2024</u>
Approved by:	Whitney Smithers GM of Municipal Infrastructure	Date: <u>August 12, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>August 26, 2024</u>

REF Submitted October 1, 2024



BYLAW 2024-17

A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF CLOSING A ROAD TO PUBLIC TRAVEL

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

TITLE

- 1 This bylaw shall be known as "Road Closure Bylaw 2024-17 – Mountain Avenue."

ROAD CLOSURE

- 2 The following road is hereby closed to public travel for the purpose of disposing the road, subject to rights of access granted by other legislation:

a portion of the lands described as Mountain Avenue, comprised of approximately 875 m², as shown as Area A in the Survey Plan attached as Schedule A, excepting thereout all mines and minerals.

ENACTMENT/TRANSITION

- 3 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
4 Schedule A forms part of this bylaw.
5 This bylaw comes into force on the date it is passed.

ADVERTISED: Rocky Mountain Outlook on (date 1) and (date 2).

FIRST READING:

PUBLIC HEARING:

Approved on behalf of the Town of Canmore:

Sean Krausert
Mayor

Date

Cheryl Hyde
Manager, Municipal Clerk's Office

Date

Bylaw approved by: _____

Approved by the Minister of Transportation and Economic Corridors:

Minister of Transportation

Date

SECOND READING:

THIRD READING:

Approved on behalf of the Town of Canmore:

Sean Krausert
Mayor

Date

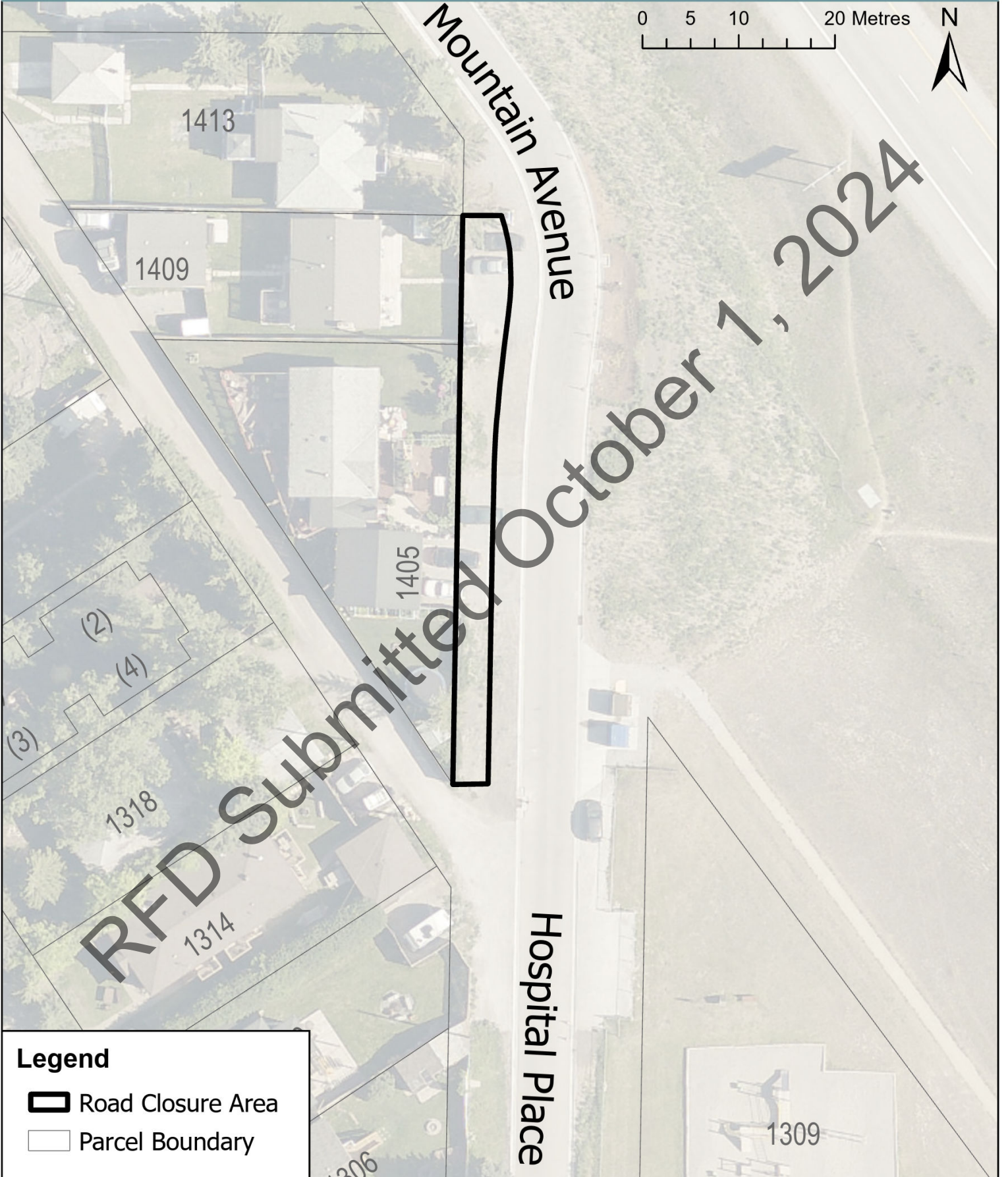
Cheryl Hyde
Manager, Municipal Clerk's Office

Date



RFD Submitted October 1, 2024

Bylaw approved by: _____

Schedule A: Road Closure Bylaw 2024-17



Legend

-  Road Closure Area
-  Parcel Boundary



BYLAW 2024-17

**A BYLAW OF THE TOWN OF CANMORE, IN THE PROVINCE OF ALBERTA,
FOR THE PURPOSE OF CLOSING A ROAD TO PUBLIC TRAVEL**

The Council of the Town of Canmore, in the Province of Alberta, duly assembled, enacts as follows:

TITLE

- 1 This bylaw shall be known as “Road Closure Bylaw 2024-17 – Mountain Avenue.”

ROAD CLOSURE

- 2 The following road is hereby closed to public travel for the purpose of disposing the road, subject to rights of access granted by other legislation:

a portion of the lands described as Mountain Avenue, comprised of approximately 875 m², as shown as Area A in the Survey Plan attached as Schedule A, excepting thereout all mines and minerals.

ENACTMENT/TRANSITION

- 3 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
- 4 Schedule A forms part of this bylaw.
- 5 This bylaw comes into force on the date it is passed.

FIRST READING: September 3, 2024

ADVERTISED: Rocky Mountain Outlook on September 12, 19, and 26, 2024.

PUBLIC HEARING:

Approved by the Minister of Transportation and Economic Corridors:

Minister of Transportation and
Economic Corridors

Date

SECOND READING:

THIRD READING:

Bylaw approved by: _____

Approved on behalf of the Town of Canmore:

Sean Krausert
Mayor

Date

Cheryl Hyde
Manager, Municipal Clerk's Office

Date

RFD Submitted October 1, 2024

Bylaw approved by: _____

LAND TITLES OFFICE

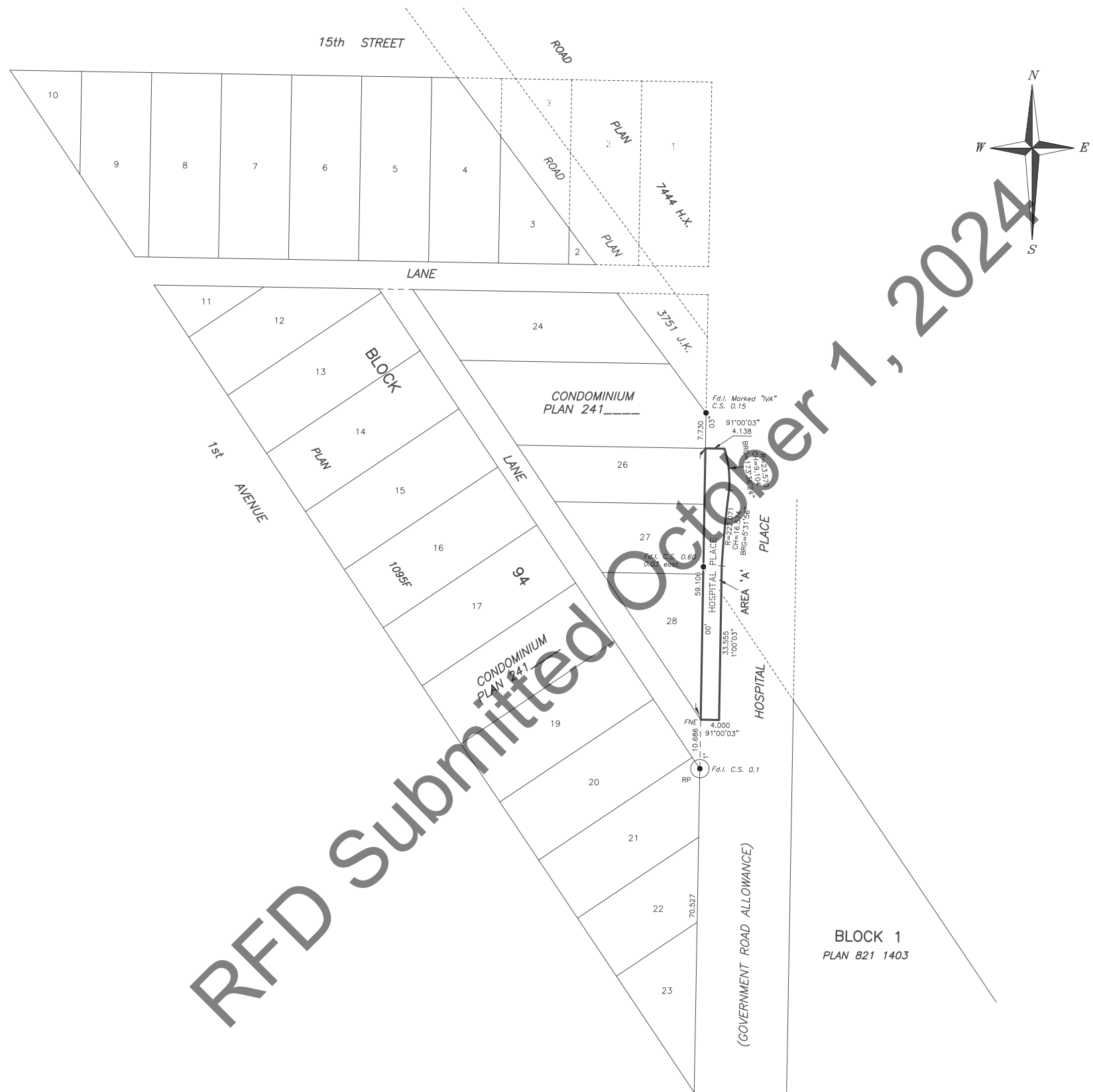
PLAN NO. _____

ENTERED AND REGISTERED

ON _____

INSTRUMENT NO : _____

A.D. REGISTRAR

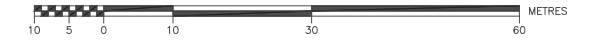


CANMORE, AB

PROPOSED PLAN OF SURVEY
SHOWING AREA REQUIRED
FOR
ROAD CLOSURE PURPOSES
AFFECTING PART OF
ROAD, SUBDIVISION PLAN 1095F
WITHIN THE
N.E.1/4 SEC.32, TWP.24, RGE.10, W5M.

BY: GARRET DILLABOUGH, 2024

SCALE = 1:500



LEGEND:

- STATUTORY IRON POSTS FOUND SHOWN THUS: ● Fd.I.
- FOUND NO EVIDENCE: ○ FNE
- SECTION: SEC.
- TOWNSHIP: TWP.
- RANGE: RGE.
- MERIDIAN: M.
- HECTARE: ha.
- GEO-REFERENCE POINT: ○ RP

NOTES:

DISTANCES SHOWN ARE IN METRES AND DECIMALS THEREOF AND ARE BETWEEN SURVEY MONUMENTS UNLESS SHOWN OTHERWISE.
COORDINATES AND BEARINGS ARE GRID, BASED ON NAD83(CSR) DATUM, 3TM PROJECTION, REFERENCE MERIDIAN 114° WEST LONGITUDE AND WERE DERIVED USING GNSS OBSERVATIONS. A COMBINED SCALE FACTOR OF 0.999807 CAN BE APPLIED TO REDUCE DISTANCES TO MEAN SEA LEVEL AND THE PROJECTION PLANE FOR CALCULATION OF 3TM COORDINATES.
STATUTORY IRON POSTS PLANTED MARKED 'P057'.
AREA AFFECTED BY THE REGISTRATION OF THIS PLAN SHOWN BOUNDED THUS: _____ AND CONTAINS: 0.025 ha.
THE 3TM COORDINATES OF THE GEO-REFERENCE POINT ARE:
NORTHING: 5662932.889
EASTING: -944695.382

SURVEYOR:

NAME: GARRET DILLABOUGH, A.L.S.
SURVEYED BETWEEN THE DATES OF _____, 2024 AND _____, 2024 IN ACCORDANCE WITH THE PROVISIONS OF THE SURVEYS ACT.



SURVEY PLAN REQUESTED BY:

TOWN OF CANMORE
PURSUANT TO SECTION 81(2) OF THE LAND TITLES ACT.

BLOCK 1
PLAN 821 1403

McElhanney
Land Surveys (Alta.) Ltd.
203 - 502 BOW VALLEY TRAIL, CANMORE, ALBERTA T1W 1N9
PH (403) 678-6363; FAX (855) 407-3895

FILE: 00628	00628TRC.DWG
DRAWN BY: K.G.	DATE PLOTTED: AUG/30/2024



Request for Decision

DATE OF MEETING: December 3, 2024 **Agenda #: H 1**

TO: Council

SUBJECT: Land Transaction - Teepee Town Road Right of Way Pilot Project

SUBMITTED BY: Whitney Smithers, General Manager of Municipal Infrastructure

RECOMMENDATION: That Council approve the sale of parcel of land created by Road Closure Bylaw 2024-17 to ReNu Construction Limited; 2361524 Alberta Limited; FGH Capital Investing Limited; Fianna Capital Management Group Limited; and One Four Five Investments Limited for the amount of \$480,000.

That Council direct the proceeds of the above-referenced sale to Canmore Community Housing for the purpose of advancing their Palliser lands development portfolio.

EXECUTIVE SUMMARY

On September 3, 2024, Council approved an exception to Land Transactions Policy EX-007 for the purpose of advancing the Teepee Town Road Right of Way Pilot Project. This report recommends the sale of the legal parcel created by the road closure associated with the Pilot Project, and further recommends the proceeds of the sale be directed to Canmore Community Housing (CCH) to support their development portfolio in the Palliser area.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

Council Policy EX-007, the Land Transactions Policy, sets parameters around the Town's acquisition and disposal of land to ensure land transactions are carried out in an open, transparent and accountable manner. Section 3 of the policy requires that the Town shall acquire or dispose of land only if authorized by Council resolution.

Section 9 of the policy states that the Town will use a competitive process open to any person wishing to purchase the land, and provides direction related to the process of disposal. Section 13 states that Council may, by resolution, approve an exception to Part 5 (Disposal of Municipal Land) if it is determined the exception will provide a clear community benefit. On September 3, 2024, Council approved an exception to EX-007 for this transaction.

DISCUSSION

In older residential areas of Canmore, the Town's road right-of-way (ROW) is wider than necessary. In Teepee Town, for example, the ROWs are 20 metres wide. The Engineering Design and Construction Guidelines require residential road cross sections in new subdivisions to provide a ROW width of 15.3m,

which is sufficient both for transportation infrastructure within the ROW and spacing of underground utilities.

Administration is testing a program to narrow some of these existing ROWs and sell the remnant land parcels to adjacent landowners. To pilot this program, we have partnered with a local homebuilder, ReNu Construction (ReNu). ReNu is acting on behalf of a group of companies including ReNu Construction Limited; 2361524 Alberta Limited; FGH Capital Investing Limited; Fianna Capital Management Group Limited; and One Four Five Investments Limited. They have acquired two lots in Teepee Town with the intent to redevelop them from two single detached dwellings to a multi-unit development. The lots are located near the intersection of Hospital Place with Mountain Avenue. The municipal addresses of the lots are 1405 and 1409 Mountain Avenue. The blue shaded area in Figure 1 includes the two sites currently owned by the developer; the red shaded area represents the approximate area of the newly created legal parcel.



Figure 1 – Site Map

ReNu plans to build a multi-unit development on the site, with a focus on smaller, entry-level units.

In June 2024, administration commissioned an appraisal of the potential legal parcel that could be created through the narrowing of the ROW. It was found to have a market value of \$600,000 as a developable parcel

of land. Given that it is a four-metre-wide remnant parcel on its own, with no development value other than to the adjacent landowners, administration and the landowner believe that it is fair to apply a discount to this value. Accordingly, administration and ReNu Construction have agreed upon \$480,000 as a reasonable sale price. The sale would be conditional on approval of the development permit associated with the new consolidated parcel. The attached Draft Term Sheet shows the key terms of the transaction as negotiated between administration and ReNu.

The design of the pilot project assumed that transfer of the remnant parcel to a private builder would be in exchange for Vital Homes units in new developments or for funds that could be redirected to Canmore Community Housing (CCH). In discussion with CCH, it was determined that their preference for the pilot program would be for a transfer of funds received through the disposal of land, instead of acquisition of units in the project. Given the current building program of CCH, greater value was seen to be had in funding to support that program.

ANALYSIS OF ALTERNATIVES

Council could choose to direct the proceeds of the sale to CAP 7327, the capital project that supports the Town’s housing initiatives. Similar to CCH, the Town is undertaking a portfolio of initiatives related to increasing the supply of housing for residents of Canmore, including development of the moustache lands in Palliser. The funds could be used to advance some of this work.

Council could choose to direct the proceeds to the Vital Homes reserve. The projected closing balance for 2024 in the Vital Homes Reserve, not including this potential transfer, is \$2.4 million.

Council could choose to establish a different purchase price for the parcel. This is not recommended, as administration believes the existing recommendation represents a fair and reasonable price for the Town and the landowner.

FINANCIAL IMPACTS

None.

INTEREST HOLDER ENGAGEMENT

This pilot project is a result of collaboration between ReNu Construction, CCH, the Town’s Municipal Infrastructure division, and the Town Solicitor.

ATTACHMENT

- 1) Draft Term Sheet

AUTHORIZATION

Approved by:	Chelsey Gibbons Manager of Financial Services	Date: <u>October 17, 2024</u>
Written by:	Whitney Smithers General Manager, Municipal Infrastructure	Date: <u>October 17, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>November 21, 2024</u>

DRAFT TERM SHEET**1. PARTIES**

- a) SELLER: The Town of Canmore
- b) BUYER: ReNu Construction Limited; 2361524 Alberta Limited; FGH Capital Investing Limited; Fianna Capital Management Group Limited; and One Four Five Investments Limited

2. PURPOSE

- a) This Term sheet is a non-binding statement of intent to support an application to Town Council for approval of the transaction described below.
- b) If Town Council approves the transaction, then the parties will execute a binding contract on the terms and conditions stated below.
- c) Nothing in this Term Sheet fetters the discretion of Town Council or the municipal development authority under the *Municipal Government Act* and Town bylaws and policies.

3. PROPERTY

- a) The Seller will sell the Buyer a portion of a road allowance shown on the drawing attached as Schedule "A" (the "Lands").
- b) The approximate size of the Lands is 2745 square feet.
- c) The Seller will provide the Buyer with a survey plan to show the legal boundaries of the Lands.

4. PRICE

- a) The purchase price for the Lands will be \$480,000.
- b) GST will apply to the purchase price. If the Buyer is a GST registrant, the Seller will allow the Buyer to provide a GST Undertaking and Indemnity in lieu of paying GST to the Seller.

5. CONDITIONS

- a) The contract for sale of the Lands will be conditional on the following:
 - i. Buyer's review of the survey plan for the Lands to the Buyer's sole satisfaction.
 - ii. Approval of a municipal Development Permit for the Buyer's project making use of the Lands and the Buyer's adjacent property at 1405-1409 Mountain Avenue, Canmore.
 - iii. Town Council approval of an exception to the Land Transaction Policy [EX-007].
 - iv. A Road Closure Bylaw made by Town Council to create a legal parcel for the Lands.
 - v. Approval of the Road Closure Bylaw by Alberta Transportation.
 - vi. Town Council approval of the transfer of the parcel created by the Road Closure Bylaw.
 - vii. Any other conditions that the parties agreed to in the contract.

- b) If any of the above conditions are not met by dates set in the contract, then the contract will die with no further obligations on either party.

6. TERMS

- a) **Costs:** The Seller will be responsible for the costs of preparing the survey plan, the bylaw applications necessary to create the parcel to be sold and preparing all documents necessary for registration of the transfer.
- b) **Payment:** The Buyer will have thirty (30) months from the date of registration of the Transfer to pay the purchase price in full.
- c) **Vendor’s lien:** The Seller will register an unpaid vendor’s lien against the Lands before the Seller consolidates the Lands with their own land and converts the consolidated land into condominium units.
- d) **Discharge of lien:** The Seller will progressively discharge the vendor’s lien from each unit the Buyer sells if the Buyer makes a payment of at least [\$X] towards the total purchase price at the time the unit is sold. The amount of [\$x] payable to the Town on each unit sold will be the total debt of \$480,000 divided by the number of units comprising 50% of the units permitted to be constructed under the Development Permit.
- e) **Buy-back option:** The Seller will register a buy-back option on one unit identified by the Buyer. If any of the purchase price remains unpaid after thirty (30) months from the date of registration of the land transfer, then the Seller shall have the right, but not the obligation, to buy this unit at fair market value as determined by an independent appraiser. The remaining amount of any debt owing by the Buyer to the Seller shall be credited towards the price paid by the Buyer for this unit.
- f) **Use of sale proceeds:** The Seller shall put the sale proceeds from the Lands into a reserve fund for use for affordable housing programs administered by the Canmore Community Housing Corporation.
- g) **As-is, where is:** The Buyer will acquire the Lands as-is, where is.

Signed:

The Town of Canmore

Per: _____

Whitney Smithers, General Manager of Municipal Infrastructure

ReNu Construction Ltd.

Per: _____

[Name, title]



Request for Decision

DATE OF MEETING: December 3, 2024 **Agenda #:** H 2

TO: Council

SUBJECT: 2025 Municipal Election Returning Officer Appointment

SUBMITTED BY: Ben Stiver, Municipal Clerk

RECOMMENDATION: That Council appoint Cheryl Hyde, Manager, Municipal Clerk's Office, as the returning officer for the 2025 municipal election.

That Council appoint Ben Stiver, Municipal Clerk, as the substitute returning officer for the 2025 municipal election.

That Council authorize the returning officer to:

- 1) provide for special ballots, for which application may be made in writing, by telephone, by fax, in person, by e-mail, and by secure website;
- 2) enter into an agreement with Canadian Rockies Regional Division 12 and Christ the Redeemer Catholic Schools to conduct their election for school board trustees, if required; and
- 3) designate the location of one or more institutional voting stations in addition to the required voting station.

EXECUTIVE SUMMARY

With the 2025 election under a year away, planning measures are currently in progress. The Local Authorities Election Act (LAEA) has several requirements for Council's authorization before certain activities related to the municipal election can be carried out. This report provides recommendations for the appointment of a returning officer and substitute returning officer, and authorization for the returning officer to provide special ballots, enter into agreements to provide election services to our local school boards, and designate locations for institutional voting stations.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

The recommended resolutions are required by the LAEA.

DISCUSSION

Returning Officer

The LAEA authorizes Council to appoint a returning officer for the purposes of conducting an election and requires the appointment of a substitute returning officer to conduct the election if the returning officer is unable to do so. The returning officer's function is to ensure the election is conducted in a fair and transparent manner. Duties include:

- appointing election workers, including presiding deputy, deputies, constables and other persons as required;
- establishing voting stations;
- designating deputies to work at all voting stations;
- ordering election supplies, ballots, and ballot boxes and ensure they are available at the voting stations;
- giving notice of nomination day;
- receiving and processing candidate nomination papers;
- declaring acclamations;
- giving notice of election day; and
- doing all things necessary for the conduct of an election.

It is recommended that Council appoint the manager of the municipal clerk's office as the returning officer for the 2025 election. The manager has several years of experience, having been appointed as the returning officer for 6 previous municipal elections, and has accounted for election work and expenses in the department's 2025 budget and business plan. Administration further recommends that Council appoint the municipal clerk as the substitute returning officer in the event the manager becomes unable to fulfill their obligations. With the municipal clerk already reporting to the manager of the municipal clerk's office, there is already a relationship in place to keep the municipal clerk current with election preparation and legislated requirements.

Special Ballots

Special ballots are the official name for mail-in ballots. During the last election, over 100 electors took advantage of this service, so administration feels it is well worth offering it again. The LAEA requires Council to authorize the use of special ballots.

School Trustee Elections

Elections for the board of trustees for the Canadian Rockies Regional Division 12 and Christ the Redeemer Catholic Schools take place at the same time as the municipal elections. If one or both of the boards require an election, they typically enter into an agreement with Town to provide their election services. As above, the LAEA requires Council authorization before administration can proceed with the agreements.

Institutional Voting Stations

The LAEA provides for the returning officer to designate institutional voting stations if authorized by Council to do so. In 2021 we held institutional votes at the Canmore Hospital, the Bow River Lodge, and Origins.

ANALYSIS OF ALTERNATIVES

None.

FINANCIAL IMPACTS

There are no increased costs associated with the recommendations in this report and there is potential for revenue if one or both school boards enter into an agreement with the Town, since they will pay a portion of the expenses.

The overall budget for the municipal election has increased significantly, from \$25,000 in 2021 to \$90,000 in 2025. The increase is related to new costs associated with creating a permanent electors register and with hiring additional staff to hand count election ballots.

INTEREST HOLDER ENGAGEMENT

None.

ATTACHMENTS

None.

AUTHORIZATION

Submitted by:	Ben Stiver Municipal Clerk	Date:	<u>November 7, 2024</u>
Approved by:	Cheryl Hyde Manager, Municipal Clerk’s Office	Date:	<u>November 12, 2024</u>
Approved by:	Therese Rogers General Manager of Corporate Services	Date:	<u>November 15, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date:	<u>November 21, 2024</u>



Request for Decision

DATE OF MEETING: December 3, 2024 **Agenda #: H 3**

TO: Council

SUBJECT: Request for Exemption to Collection of Levies and Fees Policy

SUBMITTED BY: Harry Shnider, Manager of Planning and Development

RECOMMENDATION: That Council grant an exemption from Policy PD-001 (Collection of Levies and Fees Policy) for Canmore Community Housing Corporation to pay off-site levies, related to their Palliser development, on a phased basis.

EXECUTIVE SUMMARY

Canmore Community Housing Corporation has made application and is in the final approval stages for a two-building development at 100 Palliser Lane. The development will total 144 apartment units within two buildings. At this density, the developer can expect to pay approximately \$1.45 million in off-site levies, which was calculated according to the Off-site Levy Bylaw. As the project will be built in a single phase, the developer has requested to pay off-site levies in three (3) installments: upon issuance of an Occupancy Permit for the development, and at the one and two-year anniversaries of receiving the Occupancy Permit. The existing policy only allows for one payment due at the execution of the development agreement, or three payments over two years.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

Policy PD-001 (Levies and Fees Policy) came into effect on November 16, 1999.

DISCUSSION

GGA Architecture, on behalf of Canmore Community Housing Corporation (CCH), submitted a development permit application (PL202402024) earlier this year. The development, named '100 Palliser Lane', encompasses 144 apartment units within two buildings. The developer (CCH) will be required to enter into a development agreement with the Town, including a payment schedule of approximately \$1.45 million in off-site levies and other fees.

Off-site levies are normally payable in full at the execution of the development agreement; however, the Payment of Levies and Fees Policy allows for off-site and other levies (e.g., cash-in-lieu of parking) to be deferred over a two-year period, as follows: 25% of the levy amount payable at the signing of the development agreement; 50% at the one-year anniversary of the development agreement signing; and 25% at either the second anniversary of the development agreement signing, or when an occupancy permit is requested.

As it is CCH's intention to develop the project in a single phase, they have requested that payment of off-site levies be deferred and staged as follows: occupancy permit is issued (25 percent payment); one-year anniversary of occupancy permit (50 percent payment); and two-year anniversary of occupancy permit

(payment of remaining 25 percent of levies). Given that CCH is owned by the Town of Canmore, this request is considered to be low risk.

In anticipation of larger residential projects requiring flexibility in payment of levies, and in consideration of existing provincial regulation related to the collection of levies and related fees, administration intends to recommend rescinding the current Payment of Levies and Fees Policy in 2025, replacing it with a Corporate Directive that can guide the use of discretion for the development authority in determining how to best structure the collection of levies, and manage associated risks.

ANALYSIS OF ALTERNATIVES

None.

FINANCIAL IMPACTS

None.

INTEREST HOLDER ENGAGEMENT

None.

ATTACHMENTS

None.

AUTHORIZATION

Submitted by:	Harry Shnider Manager of Planning and Development	Date: <u>November 14, 2024</u>
Approved by:	Whitney Smithers General Manager of Municipal Infrastructure	Date: <u>November 15, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>November 22, 2024</u>



Request for Decision

DATE OF MEETING: December 3, 2024 **Agenda #:** H 4

TO: Council

SUBJECT: WWTP Odour Control Construction (CAP #7370) – Scope Change and Funding Increase

SUBMITTED BY: Shannon Woods, Water Resource Engineer

RECOMMENDATION: That Council approve a scope change and a budget increase for WWTP - Odour Control – Construction (CAP #7370) from \$2,000,000 to \$2,600,000, with the \$600,000 increase funded from the Wastewater Utility Reserve.

EXECUTIVE SUMMARY

The scope change and additional funds for this capital project is requested to allow for the timely installation of an odour control system at the wastewater treatment plant. Early approval, in advance of the 2025 capital budget, will assist in working to ensure the system is operational prior to peak summer temperatures next year. The increased scope requires procurement of a photoionization unit, which has a minimum lead time of 20 weeks, followed by an estimated 4-week installation period.

DISCUSSION

An increase in concerns around odours from the wastewater treatment plant began approximately three years ago. In 2022, Council approved a 2023 capital project for an odour assessment study to identify the sources of odour and provide recommendations to mitigate the odours. The study recommended a phased solution. Capital project 7370 was approved for the first phase consisting of the installation of a chemical injection (dosing) system at the front of the plant, at the headworks. This was completed in early 2024. The dosing system did address high hydrogen sulphide (H₂S) levels, but did not address the broader odours generated from the plant based on regular odour concerns shared by the community this past summer. CAP 7370 included a budget of \$2 million, and approximately \$400,000 was spent on the first phase.

It is now recommended to amend the scope of the CAP 7370 to proceed with the second phase of the project to address odours at the back of the plant, at the dewatering/solids handling building, with the installation of an air scrubber. The total cost of the second phase exceeds the amount remaining in the current project budget. Another \$600,000 is required for the project to proceed with the next phase.

The preferred technology includes a photoionization unit that has a minimum lead time of 20 weeks plus another four weeks to install/commission. Accordingly, this change in project budget is being brought forward in advance of Council's budget deliberations to have the second phase operational by summer of 2025.

ANALYSIS OF ALTERNATIVES

Rather than an amendment to the current project, Council could direct the development of a new capital project approved as part of the 2025 Capital Plan. However, as approval of the capital plan is not anticipated until February, this would significantly delay the project. Considering ongoing odour complaints during the summer season, and the lead time to receive the specialized equipment this alternative is not recommended.

FINANCIAL IMPACTS

Of the original \$2 million budget approximately \$400,000 was spent on the first phase. The \$600,000 in additional funding needed to complete the increased scope/second phase will be included in the Utility Rate Model and funded through the wastewater utility reserve.

ATTACHMENTS

- 1) Capital Project Sheet – WWTP Odour Control Construction (7370)
- 2) Capital Project Sheet – WWTP Odour Control Construction (7370) Revised

AUTHORIZATION

Submitted by:	Shannon Woods Water Resource Engineer	Date: <u>November 7, 2024</u>
Approved by:	Andreas Comeau Manager of Public Works	Date: <u>November 13, 2024</u>
Approved by:	Chelsey Gibbons Manager of Finance	Date: <u>November 15, 2024</u>
Approved by:	Whitney Smithers General Manager of Municipal Infrastructure	Date: <u>November 15, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date: <u>November 22, 2024</u>



WWTP - Odour Control - Construction

H4 Attachment 1

Project Summary

Project Number

7370

Budget Year:	2024
Department:	Utility - Waste Water
Questica Reference:	UTI-23-09

Budget:	\$2,000,000
Project Type:	New Equipment
Priority:	A

Project Description:

Project description is to implement an Iron Salt dosing system at the Headworks of the Wastewater Treatment Plant. There is a dosing system already in place (that became obsolete) requiring an investigative to determine if it is still operable. If not a new dosing system will need to be installed.

There were odours and H2S sampled during July 2023, and it was determined the primary odour source location was the dewatering building (end of the plant), and the Headworks Building (front of the plant). The primary source for H2S was the Headworks Building and Influent Wet Well (front of the plant).

The sampling/study also determined the H2S levels exceed the Alberta Ambient Air Quality Objectives so this project must go forward to ensure it is compliant.
END

Budget Funding:

	2024	2025	2026	2027	2028	2029	Total
Debenture	\$1,600,000	0	0	0	0	0	\$1,600,000
Wastewater Utility Reserve	\$400,000	0	0	0	0	0	\$400,000
Total	\$2,000,000	0	0	0	0	0	\$2,000,000

Operating Budget Impact:

Operational impacts will be determined once system is estimated to be \$250K per year in power and chemicals.

END

Project Rationale:

Public complaints are growing and as weather patterns continue to change, we have been experiencing more hot weather and easterly winds moving odours into the Avens, South Canmore and Prospect area.

The project will ensure compliance with the Alberta Ambient Air Quality Objectives
END

Options Considered:

Options considered include implementing Phase 2: Carbon Filter - Dewatering Building at the same time as Phase 1: Iron Salt Dosing. It was recommended to complete after the iron salt dosing system is in place to better determine if Phase 2 would be necessary, meaning Phase 1 may address the majority of the odours.
END

Budget Year:	2024	Budget:	\$2,600,000
Department:	Utility - Waste Water	Project Type:	New Equipment
Questica Reference:	UTI-23-09	Priority:	A

Project Description:

Project description is to implement an Iron Salt dosing system at the Headworks of the Wastewater Treatment Plant. There is a dosing system already in place (that became obsolete) requiring an investigative to determine if it is still operable. If not a new dosing system will need to be installed.

There were odours and H2S sampled during July 2023, and it was determined the primary odour source location was the dewatering building (end of the plant), and the Headworks Building (front of the plant). The primary source for H2S was the Headworks Building and Influent Wet Well (front of the plant).

The sampling/study also determined the H2S levels exceed the Alberta Ambient Air Quality Objectives so this project must go forward to ensure it is compliant.

November 2024 amendment:

Phase 1 – Headworks / Front End is complete and was a success in treating H2S at the plant inlet. Odours at the back end of the plant were largely unaffected.

Phase 2 – Dewatering / Solids Handling is being added to the scope for implementation in 2025, prior to the summer months. This will require a \$600 k increase in the original budget (from \$2M to \$2.6M).

END

Budget Funding:

	2024	2025	2026	2027	2028	2029	Total
Debenture	\$1,600,000	0	0	0	0	0	\$1,600,000
Wastewater Utility Reserve	\$1,000,000	0	0	0	0	0	\$1,000,000
Total	\$2,600,000	0	0	0	0	0	\$2,600,000

Operating Budget Impact:

Operational impacts will be determined once system is estimated to be \$250K per year in power and chemicals.

END

Project Rationale:

Public complaints are growing and as weather patterns continue to change, we have been experiencing more hot weather and easterly winds moving odours into the Avens, South Canmore and Prospect area.

The project will ensure compliance with the Alberta Ambient Air Quality Objectives
END

Options Considered:

Options considered include implementing Phase 2: Carbon Filter - Dewatering Building at the same time as Phase 1: Iron Salt Dosing. It was recommended to complete after the iron salt dosing system is in place to better determine if Phase 2 would be necessary, meaning Phase 1 may address the majority of the odours.

Nov 2024 amendment:

Phase 1 of the odour control project was successful in treating H₂S at the inlet to the plant. Odours at the back end of the plant were largely unaffected, and odour complaints continued in the summer of 2024. Administration is now recommending that Phase 2 be implemented to control odours from the Dewatering / Solids handling building.

END



Request for Decision

DATE OF MEETING: December 3, 2024 **Agenda #:** H 5

TO: Council

SUBJECT: Local Growth and Sustainability Grant – Council Resolution

SUBMITTED BY: Andy Esarte, Manager of Engineering

RECOMMENDATION: That Council approve an application to the Local Growth and Sustainability Grant program for 17th Street and Railway Avenue Transportation Improvements.

That Council approve a new capital project 17th Street and Railway Avenue Transportation Improvements - Design for \$200,000 to be funded from the Asset Replacement/Rehabilitation Reserve.

EXECUTIVE SUMMARY

The Local Growth and Sustainability Grant (LGSG) is Province of Alberta initiative launched in October 2024 to support municipalities facing infrastructure challenges due to rapid population growth and economic development pressures. The program allocates \$60 million over three years, with \$20 million available annually. Administration has applied for the grant to fund the 17th Street and Railway Avenue Transportation Improvements capital project in advance of the November 29, 2024 deadline. This application includes currently planned priority work for transportation and roadway infrastructure for safety, growth and rehabilitation. The project stands out for its importance for current and future travel, and as one of the Town’s few ‘shovel ready’ capital projects, a funding requirement. The application requires a resolution of Council by December 20, 2024.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

In 2018, Council approved the Integrated Transportation Plan for planning purposes.

In 2019 (169-2019) Council accepted the Railway Avenue Concept Design Brief for planning purposes and approved the detailed design and construction for Phase 1 - Railway Avenue South; and (170-2019) Council directed administration to return to Council for approval of Phase 2 - Railway Avenue Central and Phase 3 - Railway Avenue North prior to commencing detailed design of those phases.

Since the acceptance of the Railway Avenue Concept Design Brief for planning purposes in 2019, Council has approved a project within the 6-year capital plan for upgrades to Railway Avenue. In 2024 Council approved capital project ENG-19-28 for Railway Avenue North Design for \$700,000 for 2026 and capital project ENG-24-04 Complete Street Improvements Railway Ave North – Construction for \$5,000,000 for 2027 construction. While the design project was funded, the construction project was unfunded due to the fiscal impacts of Cougar Creek budget increase. As the design and construction projects were outside the 2-year capital window, detailed capital project sheets were not included in the budget package.

In 2023, Council approved the Utility Master Plan for planning purposes.

DISCUSSION

The Local Growth and Sustainability Grant (LGSG) program was announced by the Province in October 2024 to support municipalities sized 10,000 – 200,000 people. The grant program includes \$20,000,000 a year for each of 2025, 2026, and 2027 and is for projects with a construction value of at least \$1,000,000. Successful projects will have funding allocated in equal installments in each of the program years.

The following projects are eligible for the grant:

- roads and bridges;
- drinking water;
- storm water;
- solid waste management;
- wastewater;
- public transit;
- public safety and security; and
- disaster mitigation and resilience.

This is a merit-based grant scored on the following criteria:

- addressing population growth and/or tourism pressures, or supporting industrial and commercial development;
- demonstrated financial need for Provincial funding;
- ability to maintain assets after construction;
- other benefits to the community;
- partnerships with other local governments;
- industry/commercial partnerships;
- creation of permanent jobs;
- project addresses housing pressures or challenges;
- project addresses tourism growth pressures; and
- communities must have established asset management plans within the past 5 years.

Eligibility

A number of other capital projects required by the Town were reviewed for eligibility, however the Province is seeking ‘shovel ready’ projects that can begin construction by September 30, 2025. Of the project list of currently approved and not-yet-started projects, and planned projects in the current draft capital plan, several met the eligibility requirements of the program. However, beginning construction in 2025 requires selection of a project where design work is sufficiently advanced to ensure risks of delay to construction start do not occur. Administration’s assessment is summarized in the analysis of alternatives below. Based on that analysis, a capital project for Railway Ave and 17th Street Transportation Improvements (the Project) is proposed. The Project contains the following eligible elements:

- roads;
- drinking water;
- storm water;
- wastewater;

- public transit; and
- public safety.

The scope of the work addresses growth, supports tourism, and provides connectivity for new housing and industrial development on Industrial Place. It includes:

1. Utility rehabilitation work identified through condition assessments and utility master planning;
2. Stormwater management improvements to address acute ponding and environmental issues associated with existing infrastructure along 17th Street;
3. Roadway rehabilitation identified in roadway condition assessments;
4. Intersection improvements at 8th Avenue/17th Street and 17th Street/Railway Avenue as identified in the ITP, and Railway Avenue/Bow Valley Trail to improve safety for all road users, most notably children travelling to school and the high volume of cyclists accessing the Legacy Trail;
5. Linking visitor accommodation on Bow Valley Trail to the Town Centre;
6. Linking a key tourism offer in Legacy Trail to visitor accommodation and the community; and
7. Providing important connection points for the future Palliser Trail underpass to key destinations on the Town Centre side of the highway in support of significant new affordable housing developments.

The scope of work identified for the project is illustrated below.



Agreements are in place for developer contributions for sidewalk and pathway connections between Industrial Place and the adjacent transit stops in support of employee housing. The Town is a partner of the Bow Valley Regional Transit Commission, who provide design and operational input for four bus stops in the project area and four bus routes that operate through the project area.

Shovel-readiness

Council approved a capital project CAP 7358 Pathway Network Connectivity 2024 (Attachment 1) for design and construction of limited pathway connectivity improvements along 17th Street, connecting new development to existing transit stops. The scope of work included completing design connections between new developments on Industrial Place with adjacent transit stops, funded in part through offsite contributions of those developments. Design is at a preliminary stage and will be incorporated into the larger corridor design. This scope will be delivered together with construction of the proposed Project for efficiency.

Council has approved the Railway Avenue preliminary design, including designs for the intersections at 17th Street and Bow Valley Trail. This concept design will inform the preliminary design of these main intersection improvements.

As part of undertaking the preliminary design work for the Project, other corridor improvement requirements have been identified, including water and sewer lifecycle upgrades, and improvements to stormwater management to address significant disruptive ponding issues experienced in recent years and to better manage stormwater flows entering the environmental reserve and Policeman Creek directly from the roadway. This preliminary design included survey work and development of options that will provide the basis for detailed design. It has also informed the development of capital project scope for future street and drainage rehabilitation projects in 2026.

By using the conceptual and preliminary design work completed through these three initiatives, detailed design for the Project can begin immediately, in preparation for a 2025 tender. It is expected that an enabling works contract can be awarded in 2025 for scopes of work that may include deep utilities, stormwater management, and procurement of signal infrastructure. Scope will be finalized through detailed design. Surface works would primarily be completed in 2026, with landscaping and remaining work completed in 2027 to coincide with the final year of the grant.

The Utility Master Plan has identified lifecycle replacement projects along the corridor. It is recommended that the utility components be delivered as part of the Project, however funded separately through the Utility Rate Model as currently planned.

Design

Administration is recommending that Council approve a capital project in the amount of \$200,000 for Railway Avenue North preliminary design. This funding will be sufficient to progress the work ahead of the January funding announcements, and February budget approvals. This advance design work will enable the Town to deliver on a 2025 construction start.

The design project will also allow administration to address motion 170-2019, and Council's desire to provide approvals for future phases of Railway Avenue prior to detailed design. The deliverable of this capital project will be presented to Council for approval prior to finalizing the detailed design.

Capital Budget Approvals

As funding announcements may not come in time for budget deliberations, administration is preparing the budget without grant funding included. Should the grant be approved, administration will return to Council

for approval of the construction project. Whether or not the grant is approved, the design project would continue and be completed in 2025, in support of future grant applications and required capital upgrades.

ANALYSIS OF ALTERNATIVES

In arriving at the best candidate project for grant submission, Administration considered the full list of previously approved and incomplete projects, as well as the Council approved 2024 capital plan, and Council’s priorities. Options considered and analysis are provided below:

- Housing projects – housing itself is not eligible for this grant. Servicing for housing developments is eligible, however planning and design is not in place to ensure a 2025 construction start.
- Ladder Truck Replacement – this project is required to maintain service levels of the fire department, and allow for growth, however asset replacement is not eligible for the grant.
- Town Centre Transit Hub – identified in Canmore’s Local Transit Service Review, this project includes a washroom and bus facility to accommodate current use and future growth. While aligned well with grant eligibility and evaluation criteria, it is not reasonable to expect construction to begin on this project in 2025.

FINANCIAL IMPACTS

The total project cost is estimated at \$6,000,000 for surface works and that value has been submitted for the grant application. The Town’s share of the project costs is expected to be \$3,000,000 based on the 50/50 cost sharing formula. The scope of the Street and Drainage Rehabilitation capital project for 2026 had considered work in the 17th Street corridor as part of the 2025 budget process. This funding, if approved, would be used to match the LGSG grant. Water and sewer scope is relatively minor on this project, with costs under \$1,000,000. The scope will be included in the grant application, with matching funding through separate utility capital projects.

Should the grant be approved, Administration will bring forward a recommendation as part of the 2025 budget process, or afterwards depending on timing, for a capital project for 17th Street and Railway Avenue Transportation Improvements - Construction. This will replace an existing unfunded project - Complete Street Improvements Railway Ave North and use funding from the 2026 Street and Drainage Rehabilitation Project to provide matching funds. The full scope of the 2026 Street and Drainage Rehabilitation Project will still be completed under the resulting two capital projects.

These two scenarios are shown below, for reference:

Without grant	2025	2026
Street & Drainage Rehabilitation (2025)	1,000,000	
Street & Drainage Rehabilitation (2026)		3,500,000
Complete Street Improvements Railway Ave North - construction	unfunded	
With grant		
Street & Drainage Rehabilitation (2025)	\$1,000,000	
Street & Drainage Rehabilitation (2026)		\$1,000,000
17th Street and Railway Avenue Transportation Improvements	6,000,000	

Operational impacts will include additional traffic signal, sidewalk, pathway, and transit infrastructure for maintenance. These costs will be captured as part of operating budgets should the grant and project be approved.

INTEREST HOLDER ENGAGEMENT

Partners in the project include: the developers at 1 Industrial Place who have funded a portion of offsite pathway connections and will construct a portion of the work along their frontages on 17th Street and Industrial Place; and the Bow Valley Regional Transit Services Commission. Both partners will be engaged throughout design and construction.

Key stakeholders include Canmore Collegiate High School and Alpenglow, with connections required adjacent to and onto school property; and the rail authority (CPKC).

Significant stakeholder engagement has taken place for the Integrated Transportation Plan and development of the Railway Avenue Concept Design Report. Both have been accepted by Council for planning purposes. Administration will incorporate lessons learned from prior major projects on Railway Avenue and Bow Valley Trail to complete detailed design, however broad engagement on the design is not planned.

Engagement with directly impacted stakeholders will include consultation with directly fronting properties affected by the design.

Significant communications will be required with adjacent properties, BVRTSC, CPKC, and the travelling public throughout construction to manage impacts.

ATTACHMENTS

- 1) CAP 7358 Pathway Network Connectivity 2024 Project Sheet
- 2) CAP 7388 17th Street and Railway Design Project Sheet

AUTHORIZATION

Submitted by:	Andy Esarte Manager of Engineering	Date:	November 13, 2024
Approved by:	Chelsey Gibbons Manager of Financial Services	Date:	November 15, 2024
Approved by:	Shannon Woods Water Resources Engineer	Date:	November 15, 2024
Approved by:	Whitney Smithers GM, Municipal Infrastructure	Date:	November 15, 2024
Approved by:	Sally Caudill Chief Administrative Officer	Date:	November 26, 2024



Pathway Network Connectivity (2024)

H5 Attachment 1

Project Summary

Project Number

7358

Budget Year:	2024	Budget:	\$865,000
Department:	Engineering	Project Type:	Growth
Questica Reference:	ENG-23-09	Priority:	B

Project Description:

Project includes completion of key path and sidewalk connections in the active transport network including end of trip facilities like bike racks. Projects are identified based on the Integrated Transportation Plan, development activity, and operational requirements. Projects are prioritized using criteria for safety, accessibility, mode shift potential, cost, and ability to leverage developer contributions. Where projects are substantially developer responsibility, the budget will be used to contribute a Town share.

Scope for 2024 includes:

- Design of pathway connections on 17th Street near the High School, construction as budget allows
- Stewart Creek pathway connections along Three Sisters Parkway - design and construction
- Contributions to construction of the west side of 8th Avenue at 8th street in conjunction with redevelopment of the old Rexall building
- Additional opportunities for design, construction, and/or contribution to development related improvements based on developer activity
- Bicycle parking at major trip generating destinations. Secure bicycle parking for e-bikes in the pedestrian zone of Main Street.

END.

Budget Funding:

	2024	2025	2026	2027	2028	2029	Total
Federal Grants	\$100,000	0	0	0	0	0	\$100,000
MSI Capital	\$350,000	0	0	0	0	0	\$350,000
Operating (Capital)	\$200,000	0	0	0	0	0	\$200,000
Other	\$215,000	0	0	0	0	0	\$215,000
Total	\$865,000	0	0	0	0	0	\$865,000

Operating Budget Impact:

Projects have operating impacts that are coordinated with Public Works to inform the Streets & Roads operating budget. Projects identified above are expected to add approximately 500m of new pathway and sidewalk to the network by fall 2024 and parking spaces for approximately 100-150 bicycles that will be maintained by both the Town and partners in the Bike Friendly Business program.

END.

Project Rationale:

This program seeks to complete connections identified in the Integrated Transportation Plan that are required to enable achievement of 2030 mode-shift targets, and goals of the Climate Action Plan.

By leveraging developer contributions, and by contributing to improved developer constructed facilities, the program utilizes external funding sources to maximize positive impact and reduce traffic impacts of new development.

Adequate end of trip facilities for secure bicycle parking and storage is a key factor in completing routes.

This program addresses barriers identified through School Travel Planning, transportation planning, and community input.

Promotion of new and existing cycle and walk infrastructure has been demonstrated to substantially increase use and return on investment.

END.

Options Considered:

Projects are prioritized based on safety, accessibility, mode-shift potential, developer contribution and timing, costs, and ease of implementation.

END.



17th St. & Railway Ave Transportation Improvements - Design

H5 Attachment 2

Project Summary

Project Number 7388

Budget Year:	2024
Department:	Engineering
Questica Reference:	ENG-24-10

Budget:	\$200,000
Project Type:	Design
Priority:	D

Project Description:

Scope of work includes design of 17th Street between 8th Avenue and Railway Avenue, and the north end of Railway Avenue at the intersections of 17th Street and Bow Valley Trail. This preliminary design work will build on the Railway Avenue Concept Design Brief to inform improvements to this area for two purposes:

- Prepare a shovel-ready projects for grant opportunities
- Inform future capital project approvals

See attached map for the project area.

END

Budget Funding:

	2024	2025	2026	2027	2028	2029	Total
Asset Rehab - Replacement	\$200,000	0	0	0	0	0	\$200,000
Total	\$200,000	0	0	0	0	0	\$200,000

Operating Budget Impact:

Participation of multiple departments in the development of designs will require operational staff time.

Operating budget impacts of the construction phase of work will be considered as part of the preliminary design process and will be included in operating budgets as part of future approvals for construction.

END

Project Rationale:

Railway Avenue is the backbone of our transportation system, and is in need of rehabilitation and transportation upgrades. Complete street enhancements will allow our traffic network to grow and evolve to better manage Canmore's growth, and changes in travel patterns. Intersection improvements at 17th Street and Bow Valley Trail are needed to safely and efficiently handle the growing volumes of people walking, cycling, using transit and driving. The design will be developed in a manner consistent with the goals and direction of the MDP, the ITP, and the Council-accepted for planning purposes Railway Avenue Concept Design Brief.

17th Street is an arterial roadway with a growing share of traffic flowing on this corridor and around the Town Centre in alignment with transportation plans. The corridor is home to key civic facilities including the Recreation Centre, Curling Rink, Golf Course, High School, and Alpenglo. There is local industrial and residential development that requires connection to the transportation network. In order to safely and efficiently handle growth and encourage mode-shift, better connectivity is required throughout the corridor.

END

Options Considered:

The Railway Avenue Concept Design Brief explores options for configurations of the streetscape based on functional requirement. During preliminary will be developed based on recommendations of the brief, lessons learned from prior phases of Railway Avenue, engagement, and issues and opportunities identified through design development.

Delaying complete street improvements or rehabilitating like-for-like are options for deferring or saving costs. These options will not address acute growth pressures on the corridors, nor address safety and accessibility, and mode-shift goals. Not recommended.

END



Request for Decision

DATE OF MEETING: December 3, 2024 **Agenda #:** H 6

TO: Council

SUBJECT: Rocky Mountain Heritage Foundation Co-ownership Agreement

SUBMITTED BY: Sally Caudill, Chief Administrative Officer

RECOMMENDATION: That Council approve the Rocky Mountain Heritage Foundation Co-ownership Agreement as presented.

EXECUTIVE SUMMARY

The Rocky Mountain Heritage Foundation (RMHF) are 50% landowners of the Quarry Lake lands. For years, there has been an informal arrangement for the shared responsibility of these lands. Two events occurred within close proximity of each other, the founder of RMHF passed away and the paid parking program was implemented at Quarry Lake, making it clear to both the Town and RMHF that a more formal agreement with clear roles, responsibilities, and cost sharing of paid parking revenue was needed.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

58-2021 That Council direct administration to implement paid parking at Quarry Lake as presented with the following addition: That residential permit parking program include all of Rundlevue Drive, Deer Place, Pendergast, and Olympic Drive in Rundlevue as well as Lawrence Grassi Ridge to Peaks Drive, including Kamenka Green and Wilson Way.

312-2023 That Council approve the Paid Parking Revenue Allocation Model (PPRAM) as presented.

DISCUSSION

What is now known and beloved by residents and visitors alike as Quarry Lake Park was once the No.3 open pit coal mine and was active between 1969-1971. Former mine employees Gerry Stephenson and Walter Riva are credited with working to reclaim the site in the 1970s and 1980s by removing debris and equipment and planting grass around the lake.

In the late 1990s, 220-230 acres of Crown land was being considered for rezoning to allow for a golf course surrounding the lake. Pennie Casey, Brenda Davison, Cathy Jones, Genevieve Wright, and Nora Storey wrote as Friends of Quarry Lake, to then MLA Brian Evans asking for support to ensure it would be used for public recreation and retained in perpetuity as a park with the vision of providing wide open, natural, green space for generations of Canmore citizens and visitors.

To assist with its preservation, Stan Milner became the primary founder and financial supporter of the Quarry Lake Foundation (now Rocky Mountain Heritage Foundation). The RMHF and the Town bought the land from the province in a 50-50 partnership, with the purchase funded by Mr. Milner. Until his passing in 2021, RMHF through Mr. Milner provided the funding for capital projects, while management of the land has been funded by the Town.

Mr. Milner's contributions ensured that the land was protected from potential development and maintained for public use. In partnership with the Town of Canmore, he helped secure Quarry Lake Park and supported it to become the cherished community space it is today. In recognition of his significant contributions, a commemorative plaque was placed at Quarry Lake Park. Known for his philanthropic work beyond Quarry Lake Park, Mr. Milner supported various causes, including the arts and education, and was honoured with several awards throughout his life.

During the COVID-19 pandemic, the Town implemented Paid Parking at Quarry Lake as a tool to manage significant overuse that started during the pandemic. The relationship between the Town and the RMHF had been fairly casual and managed largely through Mr. Milner. Both his passing and the success of paid parking at Quarry Lake meant it was time to revisit things and apply some business transformation learnings. Attachment 1 is an agreement that has been negotiated between the current board of the RMHF and administration. It outlines the working relationship between the Town and RMFH and formalizes operational and funding agreements to ensure the longevity of Quarry Lake Park and the RMHF aside from individuals who may work for the Town or sit on the RMHF board in the future.

One issue of concern in developing the agreement was the long-term financial viability of RMHF without Mr. Milner's historic contributions. In keeping with past arrangements, the agreement specifies capital funding timelines that RMHF will have to meet. If unsuccessful, the Town will acquire full ownership of the Quarry Lake lands. In 2002, a Retransfer Agreement between the Town and RMHF was signed (Attachment 2). This agreement allows the Town to re-transfer the RMHF's 50% ownership of the land back to the Town should RMHF become insolvent or other specific circumstances. As part of developing this agreement, administration worked with RMHF to ensure that all documentation required by the agreement is in place.

ANALYSIS OF ALTERNATIVES

None.

FINANCIAL IMPACTS

As 50% owners of the lands, RMHF is entitled to 50% of the Paid Parking program profits from Quarry Lake. The Town's financial system is not set up, however, to track Quarry Lake Paid Parking as a separate item, as many expenses are shared by the Paid Parking program as a whole, and it is cumbersome and time consuming to separate out fine revenue from Paid Parking tickets at Quarry Lake Park. So, administration and RMHF have worked through program expenses and revenue to generate a fee schedule. See Schedule A (attachment 1) for a summary of the anticipated payment to the Rocky Mountain Heritage Foundation for 2023. The specific amount of the payment will be determined annually based on actual costs as outlined in the agreement.

INTEREST HOLDER ENGAGEMENT

Meetings and conversations with the Rocky Mountain Heritage Foundation Board have been ongoing for about two years. Finance, Public Works, Protective Services, Legal, and members of the Corporate Strategic Team have all been involved in the negotiation and several staff have reviewed the final agreement.

ATTACHMENTS

- 1) Rocky Mountain Heritage Co-ownership Agreement
- 2) 2002 Retransfer Agreement

AUTHORIZATION

Approved by: Chelsey Gibbons
Manager of Financial Services Date: November 5, 2024

Approved by: Sally Caudill
Chief Administrative Officer Date: November 20, 2024

THIS CO-OWNERSHIP AGREEMENT made this 3rd day of December, 2024.

BETWEEN:

The Town of Canmore
(hereinafter referred to as, the "**Town**")

- AND -

The Rocky Mountain Heritage Foundation
(hereinafter referred to as, "**RMHF**")

WHEREAS:

- A. The Town and the RMHF are each owners of an undivided ½ interest as tenants in common to the parcel of land legally described as Plan 0213712; Block 1; Lot 1; Excepting Thereout all Mines and Minerals, generally known as Quarry Lake Park ("**Quarry Lake**");
- B. The Town and RMHF are parties to an agreement made effective October 15, 2002, registered against title to Quarry Lake by way of Caveat # 021 397 145 (the "**Re-Transfer Agreement**");
- C. The Re-Transfer Agreement required RMHF to execute land transfer agreements to effect the re-transfer RMHF's interest in Quarry Lake back to the Town, such land transfer documents to be held in trust, and for the Town to use in circumstances set out in the Re-Transfer Agreement;
- D. The Town and RMFH are mutually interested in the long-term conservation and environmental sustainability of Quarry Lake in a manner that ensures the beautification and public enjoyment of a valued community space;
- E. The Town has historically operated and managed Quarry Lake;
- F. RMRF has historically funded capital improvements at Quarry Lake;
- G. Starting in or around 2021 the Town has operated a Paid Parking program at Quarry Lake and other locations in Canmore;
- H. The Town does not budget or track finances by project or location, with respect to Paid Parking revenues or the general operations and maintenance of municipal parks and public spaces;
- I. The parties wish to create a formal agreement for further matters related to their co-ownership of Quarry Lake, including ongoing operations, management, capital improvements, revenue sharing, and the conservation and sustainability of Quarry Lake;

NOW, THEREFORE, IN CONSIDERATION of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which is acknowledged by each of the parties, it is agreed:

1. Definitions

1.1 In this Agreement unless the context otherwise requires:

- a. **"Agreement"** means this co-ownership agreement, including all schedules and exhibits attached hereto, as amended, restated or supplemented from time to time.
- b. **"Annual Payment"** means the fee payable annually by the Town to the RMHF as outlined and attached to this Agreement as Schedule A as amended, restated or supplemented from time to time.
- c. **"Capital Project"** means a long-term, high-value endeavour with the express purpose of replacing, building upon, adding to, or improving the land or property at Quarry Lake except Paid Parking Capital Projects (which are defined separately). Without limitation, this includes projects related to conservation and environmental sustainability.
- d. **"Capital Project Default"** means the inability for RMHF to meet its funding requirement 12 months from the date the Town has delivered a written notice to RMHF of its obligation to fund a Capital Project.
- e. **"Discretionary Capital Project"** means capital projects that are not required for legislative or regulatory compliance, routine maintenance, and safety
- f. **"Minimum Enforcement Time"** means 32 hours per week during the peak season (May 15th through October 15th) and 12 hours per week in the off-peak season (Calendar year excluding May 15th through October 15th) Parking Ambassador person hours for the enforcement of paid parking management at Quarry Lake.
- g. **"Paid Parking"** means parking that, according to a traffic control device, is permitted upon the payment of a fee or registration for free resident parking.
- h. **"Paid Parking Capital Projects"** means any capital project relating solely to the Paid Parking Management and not otherwise included in a Capital Project Plan. Examples of Paid Parking Capital Projects include, without limitation:
 - i. vehicles used in the Paid Parking Program;
 - ii. the paving of parking areas; and
 - iii. upgrades, major repairs or replacements to parking areas or to any physical infrastructure installed at Quarry Lake that is used solely for the Paid Parking program.
- i. **"Paid Parking Management"** means a combination of people, hardware, and software and refers to the complete paid parking program.
- j. **"Paid Parking Operations"** the process and costs of actively sustaining and managing smooth day-to-day and repetitive activities that are required for the successful operation of a paid parking program.

- k. **“Paid Parking Revenue”** means all monies collected by the Town of Canmore for registered parking in the paid parking program.
- l. **“Park Operations”** means the ongoing management and maintenance of the Town and RMHF owned lands at Quarry Lake.
- m. **“Regulatory Compliance Capital Project”** means capital projects required for legislative or regulatory compliance, routine maintenance, and safety.

2. Paid Parking at Quarry Lake

- 2.1 The Town sets the amount of paid parking rates as a tool for traffic and demand management.
- 2.2 The Town will administer the Paid Parking Management and Paid Parking Operations of the Paid Parking program in full. This includes setting service levels, running the program, and funding the Paid Parking Management and Paid Parking Operations programs through revenues. Funding the Paid Parking program includes but is not limited to all program administration, corporate overhead, equipment, and reserves as more particularly described in Schedule A.
- 2.3 The Town and RMHF acknowledge that enforcement of Paid Parking is necessary for the program to be successful as without enforcement, non-compliance will proliferate. Enforcement of both Paid Parking and other bylaws at Quarry Lake is a separate program for the Town and not part of the Quarry Lake financial accounting. In addition, separating enforcement revenue for Quarry Lake is not feasible. Given these constraints and to help ensure the long-term viability of Paid Parking at Quarry Lake, RMHF will pay a portion of the minimum threshold of costs for an effective enforcement program. This will be equal to fifty percent (50%) of the Minimum Enforcement Time spent by the personnel with the position of Municipal Enforcement Officers used by the Town for Paid Parking Management at Quarry Lake only, and the pro-ratio of Quarry Lake costs as part of the direct costs of parking enforcement (see note #2 in schedule A).

3. Annual Payment Calculations and Timing

- 3.1 Schedule A of this Agreement sets out the sample calculations for determining net revenues and expenses of Paid Parking and enforcement of Paid Parking at Quarry Lake.
- 3.2 The Annual Payment payable by the Town to RMHF shall be 50% of the net revenues of Paid Parking attributable to Quarry Lake. Should there be years with no net revenue, no payment will be made to RMHF. Similarly, if there are years with negative net revenue, RMHF shall not be required to contribute funds to or reimburse the Town for any portion of the negative net revenue in respect of the Paid Parking program at Quarry Park.
- 3.3 The Town will provide the Annual Payment to RMHF annually within 30 days of the Paid Parking audited revenues and expenses for Quarry Park for the applicable fiscal year having been presented to Council.

- 3.4 Ongoing Park Operations costs for which the Town is responsible, including the costs for washrooms, greenspace, waste management, parking lots and roads work shall not be considered in the calculation of the Annual Payment.
- 3.4 RMHF may, at its expense, review or cause to be reviewed by an accountant of its choice, the Town's calculation of the Annual Payment and if required, the Town shall grant RMHF, or its agent, access to all documents, materials, reports or data used in the Town's calculation of the Annual Payment. If after RMHF's review of the calculation of the Annual Payment it is determined that any adjustments or corrections are to be made to the Annual Payments, the parties agree to meet and attempt to resolve any discrepancies to the Annual Payment calculation within 10 Business Days. If the parties are unable to resolve such discrepancies within 10 Business Days, the parties shall resolve the dispute in accordance with the provisions set forth in Schedule C.
- 3.5 RMHF shall use the Annual Payment to pay for Capital Projects that it is required to pay for under this Agreement before any other purpose, including use of the entire Annual Payment for this purpose if necessary to meet the obligation. The Town may, at its own expense, review or cause to be reviewed by an accountant of its choice, RMHF's use of the Annual Payment, and if required RMHF shall grant the Town, or its agents, access to all documents, materials, reports or data used to confirm use of the Annual Payment. If, after the Town's review of the use of the Annual Payment, it is determined that RMHF has not used the Annual Payment to pay for Capital Projects before other purposes, then RMHF shall be deemed in default on this Agreement subject to the outcome of any dispute filed and determined in accordance with Schedule C.
- 3.6 The parties shall meet at least once a year to review their respective financials and the Capital Project plan.

4. Park Operations

- 4.1 The Town shall have sole discretion to set all operational practices, services, and service levels that may be deemed part of the Park Operations according to the legislative, financial, and insurance regime within which the Town operates, and the principles of this Agreement outlined above. Subject to the Town's discretion to set services and service levels, the services to Quarry Lake will generally include waste management, enforcement patrols, snow and ice removal, parks maintenance, and pavement and surface management.
- 4.2 The Town shall manage, oversee, and regulate all aspects of Park Operations, including, but not limited to setting wedding and event rates, managing photoshoots, approving the number of wedding and events permitted, and fully administering all events and permits.
- 4.3 The Town shall seek permission from RMHF before issuing permits for larger events that make use of Quarry Lake. Schedule B defines larger events and outlines RMHF's involvement and the process for consultation.

5. Quarry Lake Capital Projects

- 5.1 This article 5 does not apply to Paid Parking Capital Projects. Paid Parking Capital Projects shall be solely planned, managed, and paid for by the Town. Notwithstanding the foregoing, the Town will seek the approval of RMHF, within a reasonable timeline, for any Paid Parking Capital Project that includes expansion of the parking lot or construction of a permanent structure.
- 5.2 The Town shall define the minimum requirements for the 10-year Capital Project plan and schedule for Quarry Lake based on lifecycle, safety, human-wildlife interaction, legislation, risk management, and asset management replacement in a manner consistent with the general municipal administration of public parks. The Town shall consult with RMHF with respect to the minimum requirements for the 10-year Capital Project plan and schedule for Quarry Lake and shall in good faith consider any comments of RMHF in respect of the 10-year Capital Project plan and schedule for Quarry Lake.
- 5.3 Additional Capital Projects outside of the 10-year Capital Project Plan that provide for plans, enhancements, or upgrades to Quarry Lake shall be as agreed to by the Town and RMHF.
- 5.4 The Town shall present the final 10-year Capital Project plan to RMHF before any such Capital Projects are presented to municipal Council for approval.
- 5.5 All **Regulatory Compliance Capital Project** will be presented to RMHF for awareness. Any Regulatory Compliance Capital Project that may place a financial burden on RMHF to complete shall be discussed between the parties and the parties shall work co-operatively towards finding a reasonable alternative timeframe for RMHF to complete funding for the Regulatory Compliance Capital Project which, for greater certainty, may take longer than 12 months from the date the Town provided RMHF with notice of such Regulatory Compliance Capital Project (provided that any alternative timeline to complete the Regulatory Compliance Capital Project is permitted under the relevant legislation or regulation). Any such agreed upon alternative timeline to complete funding of a Regulatory Compliance Capital Project between the Town and RMHF that extends the completion of the Regulatory Compliance Capital Project past 12-months from the date the Town presented such Regulatory Compliance Capital Project to RMHF shall not be considered to be a Capital Project Default as set out in Section 5.7 as long as agreed upon timelines for payment by RMHF are documented and met.
- 5.6 Any Discretionary Capital Project including enhancements or new services (other than Paid Parking Capital) shall be approved by RMHF before being brought forward to municipal Council for approval.
- 5.7 From the date of this Agreement, RMHF shall pay for 100% of the approved Capital Projects at Quarry Lake.
- 5.8 The Town shall invoice RMHF for any operating costs incurred by the Town for the delivery of Capital Projects to Quarry Lake. The Town shall present RMHF with the structure for these costs in advance of incurring the costs. If RMHF disagrees with reasonable costs proposed by the Town for delivery of the Capital Projects, or incurred by the Town during project delivery, then the dispute

process outlined in Schedule C shall be followed.

- 5.9 As of the date of this Agreement, there are no existing Capital Project requirements. After the initial 48 months of this Agreement, the term for meeting any Capital Project requirements shall be twelve (12) months from the date that the Town notifies RMHF in writing of the obligation to fund a Capital Project. If RMHF is unable to meet its funding requirement pursuant to a Capital Project within twelve (12) months from the date the Town has delivered a written notice to RMHF of its obligation to fund such Capital Project, the Town shall be entitled to initiate the dispute resolution process set out in Schedule C. If RMHF has committed a Capital Project Default, the Town shall be entitled to withhold the Annual Payment and set off the Annual Payment against any unfunded Capital Project requirement until such time as the Capital Project Default has been cured by RMHF or the unfunded Capital Project commitment has been satisfied by way of set-off against the Annual Payments, or such other remedy has been granted by a Mediator or Arbitrator pursuant to the dispute resolution process set out in Schedule C.

6. No Liability

- 6.1 The Town shall not be liable to RMHF for any direct or indirect damages, costs, or losses resulting from any delay, cancellation, or failure to provide Paid Parking program, Park Operations, or any other services or deliverables on the part of the Town under this Agreement. RMHF acknowledges and agrees that all programs and services delivered to Quarry Lake by the Town under this Agreement or otherwise are municipal programs and services that are subject to the sole discretion of the Town and any administrative or Council decisions required by the Town for delivery of the same. RMHF hereby releases the Town from any claim that RMHF may have in relation to delay or non-delivery of Paid Parking programs, Park Operations, or any other services or deliverables to Quarry Lake on the part of the Town under this Agreement, regardless of whether such claims are based in tort, breach of contract, or any other legal cause of action.

7. The Re-transfer Agreement

- 7.1 The parties agree that reference to the parties as Joint Tenants in Caveat # 021387145 is a clerical error, and that Certificate of Title # 021 287 144 for Quarry Lake accurately reflects the parties' ownership as Tenants in Common, each to an undivided ½ interest.
- 7.2 This Agreement shall be separate and in addition to the Re-Transfer Agreement. The Re-Transfer Agreement shall remain in full force and effect unless expressly altered by this Agreement. In the event of a conflict between this Agreement and the Re-Transfer Agreement the terms and provisions of this Agreement shall prevail.

8. General terms of Co-Ownership

- 8.1 Each party shall at all times carry general liability insurance policies providing coverage for personal injury, bodily injury, death, and property damage at Quarry Lake and any other insurance policies appropriate for a reasonable non-profit society holding land for public park use in the case of RMHF and for an Alberta municipality in the case of the Town. Each party shall provide their insurance certificates to the other party upon request and shall not cancel their policies of insurance during

- the term of this Agreement. RMHF's insurance policies shall provide coverage for the Town and shall include cross liability and severability of interest clauses with respect to the Town.
- 8.2 RMHF and the Town each agree to advise their insurers of the terms of this Agreement and obtain from their insurers confirmation that their insurers are aware of the terms of this Agreement as it may apply to their respective insurance policies.
 - 8.3 The Town and the RMHF acknowledge that this Agreement is based upon the existing Paid Parking program at Quarry Lake at the date of this Agreement. Should the Town wish to make any fundamental changes to the Paid Parking program impacting revenues, expenditures, and/or the share of revenue owed to the RMHF, the Town shall provide 30 days prior written notice to RMHF of such changes or adjustments. This notice shall not be construed as limiting the Town's discretion to administer the Paid Parking Program. The Town shall retain full discretion to determine its service levels, operating costs and budgets.
 - 8.4 RMHF shall hold all funds provided to the RMHF by the Town from the Annual Payments or otherwise from Paid Parking in a separate bank account. If RMHF dissolves, then RMHF shall transfer the remainder of funds in the reserve account to the Town upon dissolution. RMHF shall take the necessary steps to ensure that this transfer to the Town is allowable under any laws or rules applicable to non-profit foundation accounting and dissolution.
 - 8.5 The Town shall forego and hereby quit claims any right to the payment of the outstanding invoice No. INV097977 in the amount of \$27,984.60, or any other balances in full, issued by the Town to RMHF.
 - 8.6 RMHF acknowledges and agrees the Town shall not owe RMHF any amount of Annual Payment for the calendar years of 2022 or earlier.
 - 8.7 The Town and RMHF will meet and attempt to resolve any dispute that may arise under this Agreement. In the event the parties are unable to resolve a dispute, the parties submit the dispute to the resolution process outlined in Schedule C.
 - 8.8 Neither party shall pledge, mortgage or encumber Quarry Lake or their respective interests in Quarry Lake without the expressed written consent of the other party.
 - 8.9 This Agreement shall create an interest in land. Either party may register a Caveat referencing the existence of this Agreement against title to Quarry Lake but shall not attach this Agreement. This interest in land shall apply only to the two original parties to this Agreement and not to their respective successors in title, unless this Agreement is assigned with the expressed written consent of the original parties remaining on title following the succession in title. Absent this assignment, either of the original parties shall be entitled to request and receive a discharge of any Caveat referencing this Agreement.
 - 8.10 Each party expressly disclaims any intention to create a partnership with the other party through their co-ownership of Quarry Lake or this Agreement. Each party covenants with the other not to allege that any relationship of partnership or agency was created by their co-ownership or this

Agreement. Each party hereby declares their intention to rely on any statutes providing that tenancy in common or joint ownership of property does not itself create a partnership, whether or not the tenants or owners of this property share any profits or revenues made by use of the property.

9. Term and Termination

- 9.1 This Agreement shall remain in force and effect for a period of ten (10) years, beginning December 3, 2024 and ending December 3, 2034 unless otherwise terminated.
- 9.2 Either party may terminate this Agreement at any time for convenience upon providing the other party six (6) months prior written notice. In the event of termination, any Annual Payments and reconciliations or fees related to the Annual Payments shall be adjusted on a pro rata basis as at the termination date.
- 9.3 The parties shall from time to time and at all times do all such further acts and execute and deliver all such further documents and assurances as shall be reasonably required in order to fully perform and carry out the terms of this Agreement and such acts, documents and assurances shall be in writing and shall be delivered via email whenever possible or by registered mail, postage prepaid, addressed as follows:

As to the Town:

Chief Administrative Officer
Town of Canmore
902 7th Avenue
Canmore, Alberta, T1W 3K1
cao@canmore.ca

As to the Rocky Mountain Heritage Foundation:

Board of Directors
Rocky Mountain Heritage Foundation
P.O. Box 8471
Canmore, AB, T1W 2V2

- 9.4 This Agreement constitutes the sole and entire agreement of the parties to this Agreement with respect to the subject matter contained herein and supersedes all prior and contemporaneous representations, warranties, understandings and agreements, both written and oral, with respect to such subject matter. In the event of any inconsistency between the statements in the body of this Agreement and the Schedules, the statements in the body of this Agreement will control.
- 9.5 This Agreement may only be amended, modified or supplemented by an agreement in writing signed by each party hereto. No waiver by any party of any of the provisions hereof shall be effective unless explicitly set forth in writing and signed by the party so waiving. No waiver by any party shall operate or be construed as a waiver in respect of any failure, breach or default not expressly identified by such written waiver, whether of a similar or different character, and

whether occurring before or after that waiver. No failure to exercise, or delay in exercising, any right, remedy, power or privilege arising from this Agreement shall operate or be construed as a waiver thereof; nor shall any single or partial exercise of any right, remedy, power or privilege hereunder preclude any other or further exercise thereof or the exercise of any other right, remedy, power or privilege.

- 9.6 This Agreement shall be governed by and construed in accordance with the Laws of the Province of Alberta and the federal Laws of Canada applicable in therein.
- 9.7 This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall be deemed to be one and the same agreement. A signed copy of this Agreement delivered by facsimile, e-mail or other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original signed copy of this Agreement.

[Remainder of this page intentionally left blank; signature pages follow.]

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed as of the date first written above by their respective officers thereunto duly authorized.

THE TOWN OF CANMORE

ROCKY MOUNTAIN HERITAGE FOUNDATION

Per: _____
Mayor

Per: _____
Board Chair

Per: _____
Chief Administrative Officer

Per: _____
Board Treasurer

SCHEDULE A

This Schedule provides the breakdown of revenues and expenses based on the Council 2023 approved budget. Final net revenues and the Annual Payment will be determined annually and based on audited actual figures.

2023 Approved Budget

Revenue	2023 Budget	
Quarry Lake Wedding and Events	\$	21,100
Quarry Lake Paid Parking	\$	171,000
Total:	\$	192,100

Expenses	2023 Budget	
DIRECT COSTS		
<i>Weddings and Events</i>		
Administration Expenses(note 1)	\$	4,500
<i>Paid Parking</i>		
Paid Parking Expenses(note 2)	\$	56,092
Paid Parking Enforcement(note 3)	\$	15,000
INDIRECT/OVERHEAD COSTS		
Transfer to Reserve - Paid Parking Reserve (see note 4)	\$	6,158
Administrative Fee (note 5)	\$	7,559
Corporate Administration Overhead Fee (note 6)	\$	10,609
Total:	\$	99,918
Net:	\$	92,182

RMHF Portion: \$ 46,091

Notes:

- (1) Based on actual number of billable events at Quarry Lake x (2.5 hours x SWB). Where SWB = hourly wage x 1.25 (to account for benefit and burden costs).
- (2) Based on pro-ration of Quarry Lake Paid Parking Revenue/ Total Town Paid Parking Revenue x (operational salaries and benefits related to paid parking program directly + Contracted services (i.e. Third party provider fees) + Parking terminal supplies + Service Fees (i.e. Parking credit card & bank fees)).
- (3) 50% of Minimum Enforcement Time (does not include any Peace Officer staff time). Includes operational salaries and benefits.
- (4) 15% reserve contribution will be adjusted once a full amortization program for the paid parking program has been developed and historic amounts contributed to the reserve will be reconciled and credited or additional contributions will be required.
- (5) 10% of all Direct Costs.
- (6) 0.15% of Corporate Administration Expenses.

SCHEDULE B

Film and Event Approval Parameters

Quarry Lake Park is a picturesque location that continues to attract film producers, still photographers, and a variety of events. The Town issues permits for commercial activities and/or activities that require the exclusive use of some or all of Quarry Lake Park. The Town will seek approval from RMHF before issuing permits for major events/film and will not consult RMHF before issuing permits for minor events/film as outlined below.

Major Events/Film meet one or more of the following criteria:

- Have been evaluated by the Community Events Committee (events only)
- Require the exclusive use of a large portion of Quarry Lake Park
- Are likely to have a significant impact on the experience of other park users
- Include the use of Manned or Unmanned Aerial Vehicle(s)
- May be multi-day in duration
- Are likely to result in media attention
- Specific examples include:
 - Filming/photo for a major motion picture, television, music video, commercial, or documentary
 - Large events (e.g. triathlon race, music festivals)

Minor Events/Film:

- Have minimal impact on the experience of others of the Quarry Lake Park
- Are a regular occurrence in a given year
- Specific examples include:
 - Weddings
 - Small group photography (e.g. Family photo shoot)
 - Recreation/school group programs

RMHF will respond to requests to approve Major Events/Film within 14 calendar days of receiving a summary of the event. Should no response be received, the decision made by Town of Canmore administration will prevail.

SCHEDULE C

Dispute Resolution Provisions

1. DEFINITIONS

In this Schedule C, unless the context otherwise requires:

- a) **"Agreement"** means the Co-Ownership Agreement between the Town of Canmore and the Rocky Mountain Heritage Foundation dated even the date herewith to which this Schedule is an integral part thereof.
- b) **"Arbitrator"** means the person appointed by the parties and approved by the Mediator to facilitate, through Arbitration, the resolution of a dispute between the parties.
- c)
- d) **"Initiating Party"** means a party which gives notice under Section 2 of this Schedule.
- e) **"Mediation"** means a process involving a qualified mediator who assists the parties to a matter and any other person brought in with the agreement of the parties to reach their own mutually acceptable settlement of the matter by structuring negotiations, facilitating communications and identifying the issues and interests of the parties
- f) **"Mediator"** means the person or persons appointed to facilitate, by mediation, the resolution of a dispute between the parties; the person or persons must have, as a minimum qualification, Alberta Arbitration and Mediation Society Level 2 accreditation.

2. NOTICE OF DISPUTE

- 2.1 When a party believes there is a dispute under the Agreement and wishes to engage in dispute resolution, the party must give notice of the matters under dispute to the other party.

3. NEGOTIATION

- 3.1 Within fourteen (14) days after the notice is given under Section 2.1 of this Schedule, each party must appoint a representative to participate in one or more meetings, in person or by electronic means, to attempt to negotiate a resolution to the dispute.

4. MEDIATION

- 4.1 If the dispute cannot be resolved through negotiations, within forty-five (45) days of the notice being given, the representatives must appoint a mutually agreed mediator to attempt to resolve the dispute by mediation.

- 4.2 If the Parties cannot agree upon a Mediator within seven (7) days of election to mediate, either party may by written notice to the other party, request that the Arbitration and the ADR Institute of Canada select a Mediator whose qualifications are appropriate for the dispute to be mediated.
- 4.3 Each party must provide the Mediator with an outline of the dispute and any agreed statements of fact.
- 4.4 The parties must give the Mediator access to all records, documents and information that the mediator may reasonably request.
- 4.5 The parties must meet with the Mediator at such reasonable times as may be required and must, through the intervention of the Mediator, negotiate in good faith to resolve the dispute.
- 4.6 All proceedings involving a Mediator are without prejudice, and unless the parties agree otherwise, the cost of the Mediator (including any remuneration, travel and lodging expenses associated with the Mediation) must be shared equally (50/50) between the parties.

5 REPORT

- 5.1 If the dispute has not been resolved within three (3) months after the appointment of a Mediator, and the parties have not mutually-agreed to extend the term of Mediation, then the Mediator shall, within twenty-one (21) days after the expiry of the aforementioned three month period, prepare and provide to the parties a report which lists the matters that the parties have agreed on, and those on which there is no agreement between the parties (the "**Mediation Report**").
- 5.2 Despite subsection 5.1 of this Schedule C, the Mediator may prepare a Mediation Report under subsection 5.1 before the three month period has elapsed, if the parties reach agreement and resolve the dispute.

6 APPOINTMENT OF ARBITRATOR

- 6.1 Within fourteen (14) days of a Mediation Report being provided under Section 5 of this Schedule C, the parties must appoint an Arbitrator.

7 ARBITRATION PROCESS

- 7.1 Where an arbitration is used to resolve a dispute, the Arbitrator's powers, duties, functions, practices and procedures shall be the same as those outlined by the ADR Institute of Alberta or the ADR Institute of Canada as available.
- 7.2 In addition to the Arbitrator's powers under subsection 7.1, the Arbitrator may do the following:

- a) require an amendment to the Agreement;

- b) require any party to cease any activity that is inconsistent with the Agreement;
- c) require any party to perform anything the arbitrator finds that party is required to do under the Agreement, including transfers of land and money;
- d) order monetary damages or compensation for breach or default under the Agreement;
- e) award any costs, fees, and disbursements incurred in the dispute resolution process and who bears those costs.

8 DEADLINE FOR RESOLVING DISPUTE

8.1 The Arbitrator must resolve the dispute within twelve (12) months from the date the notice is given under Section 2 of this Schedule.

9 ARBITRATOR'S AWARD

9.1 Unless the parties resolve the disputed issues during the arbitration, the Arbitrator must make an award as soon as possible after the conclusion of the arbitration proceedings.

9.2 The Arbitrator's award must:

- a) be in writing;
- b) be signed and dated;
- c) state the reasons on which it is based; and
- d) include the timelines for the implementation of the award.

9.3 The Arbitrator must provide a copy of the award to each party.

9.4 If the award of an Arbitrator under subsection 9.2 is silent as to costs, a party may apply to the Arbitrator within thirty (30) days of receiving the award for a separate award respecting costs.

10 COSTS OF ARBITRATOR

10.1 Subject to an award of the Arbitrator or an agreement by the parties, the costs of an Arbitrator's per diems must be shared equally (50/50) between the parties.

**THIS AGREEMENT made effective at Canmore Alberta this 15th
Day of October 2002**

BETWEEN:

**ROCKY MOUNTAIN HERITAGE FOUNDATION of 1201 TD Tower, 10088 – 102nd
Avenue, Edmonton, Alberta, T5J 2Z1 ('Rocky Mountain')**

Of the First Part

and

THE TOWN OF CANMORE of 600 – 9th Street, Canmore, Alberta, T1W 2T2 ('the Town')

Of the Second Part

1.00 RECITALS

1.01 The Town and Rocky Mountain have agreed to jointly maintain and preserve lands to be conveyed to the Town by the Government of Alberta, which lands are legally described as;

Lot 1

Block 1

Plan _____

Excepting thereout all mines and minerals

('the Lands')

1.02 Rocky Mountain is a Society registered pursuant to the laws of the Province of Alberta, and currently in good standing;

1.03 The Parties have decided to make this Agreement to address the potential situations and circumstances which will allow the Town to re-transfer the interest which the Town has granted Rocky Mountain in the Lands;

WHEREFORE THE PARTIES agree, for good and valuable consideration, being the sum of \$10.00 paid to Rocky Mountain by the Town, together with the terms and conditions of this Agreement and the understandings and agreements made by the Parties in respect of the Lands, the sufficiency and receipt of which is acknowledged by each Party, as follows;

2.00 RETRANSFER

- 2.01 Concurrent with the execution by the Town of a transfer of land for the Lands granting Rocky Mountain a one half undivided interest therein as joint tenants, Rocky Mountain will execute a retransfer of that interest in favour of the Town.
- 2.02 The Town will hold the retransfer in trust, and is entitled to use the retransfer in accordance with the terms of this Agreement.

3.00 TERMS OF USE OF THE RETRANSFER

- 3.01 The Town will be entitled to use the retransfer, without notice to Rocky Mountain, in the event that the Town, in its sole, absolute discretion, acting reasonably; determines that Rocky Mountain:

- (i) Ceases to be in good standing as a Society with the Province of Alberta, or
- (ii) Ceases to be registered as a Society with the Province of Alberta; or
- (iii) Makes an assignment for the benefit of its creditors; or
- (iv) Is the subject of proceedings in a Court of competent jurisdiction to be wound up or dissolved; or
- (v) Has any encumbrance registered against its interest in the Lands without the express prior written consent of the Town, which consent may be unreasonably or arbitrarily withheld; or
- (vi) Is the subject of proceedings in a Court of competent jurisdiction to be reorganized or amalgamated; or
- (vii) Is insolvent, bankrupt or unable to meet its financial obligations, whether or not proceedings in these respects have been commenced, thus creating for the Town a reasonable concern that the Lands may or could be encumbered as a result; or
- (viii) Has attempted or attempts or does purport to transfer the whole or any part of its interest in the Lands to any other person, whether at arms length or not, whether by operation of law or not, without having first contained the express prior written consent of the Town, which consent may be unreasonably or arbitrarily withheld; or
- (ix) Should the Parties agree for other reasons and in writing that the Town can use the retransfer.

3.02 In the event that the Town uses the retransfer pursuant to 3.01 of this Agreement, then in that event Rocky Mountain shall be obligated to pay to the Town all costs incurred by the Town in using the retransfer and in removing from title to the Lands, any and all encumbrances registered against title to the Lands relating to the interest of Rocky Mountain therein, which costs include, but are not limited to all solicitors fees, disbursements and other charges incurred by the Town, and which costs are to be paid within thirty (30) days of a request to do so being delivered by the Town, by ordinary mail, addressed to Rocky Mountain at its address indicated in this Agreement, which request will be conclusively deemed to have been received by Rocky Mountain within 35 days of the date of mailing.

3.03 It is further agreed by Rocky Mountain that it will have no claim against the Town arising from or related to the use of the Retransfer or in respect of the Lands, in the event that the Town uses the Retransfer and will hold harmless and fully indemnify the Town from any and all third party claims, demands or actions, including but not limited to all costs incurred by the Town in dealing with such claims, including but not limited to lawyers fees charges and disbursements, for which third party claims, demands or actions Rocky Mountain is legally responsible,

3.04 It is further agreed that these hold harmless provisions shall survive the termination of this Agreement.

4.00 TIME OF THE ESSENCE

4.01 Time shall be of the essence of the performance of the terms and conditions of this Agreement.

5.00. SUCCESSORS AND ASSIGNS

5.01 This Agreement will enure to the benefit of and be binding upon the Parties and Parties' successors and assigns.

6.00 NON WAIVER

6.01 The waiver by the Town of the strict performance of any condition, covenant herein contained will not constitute a waiver of or abrogate such or any other condition or covenant, nor will it be deemed a waiver of any subsequent breach of the same or of any other condition or covenant.

7.00 SEVERABILITY

7.01 Should any provision or provisions of this Agreement be illegal or not enforceable, it or they shall be considered separate and severable and the remaining provisions will remain in force and be binding upon the Parties as though the said provision or provisions had never been included.

8.00 ENTIRE AGREEMENT AND AMENDMENT

8.01 This Agreement constitutes the entire agreement between the Parties in relation to its subject matter, and all matters implied by or necessarily related thereto, and no representations, warranties other agreements or promises in respect of the said subject matter, and all matters implied by or necessarily related thereto are effective or in force save as those are contained herein.

8.02 This Agreement may only be amended in writing, signed by both Parties.

9.00 TERM AND CAVEAT

9.00 This Agreement will survive and continue in force for as long as the Parties both hold title to the Lands, unless sooner terminated as provided herein.

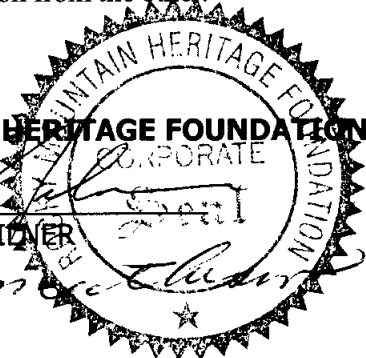
9.01 Rocky Mountain acknowledges that this Agreement shall constitute a charge against its interest in the Lands and that the Town may file and maintain caveat against the Lands in respect to the retransfer herein granted

IN WITNESS WHEREOF the Parties have signed this Agreement, agreeing to be bound thereby as of the Effective date hereof, and warranting and representing, each to the other, intending the other to rely upon such warranty and representation that;

- (i) The signatures of the Parties under seal are those of the proper officers of that Party; and
- (ii) Each Party has read and understood this Agreement prior to signing it; and
- (iii) Each Party has obtained proper authorization to enter into and to execute this Agreement; and
- (iv) Each Party has had the opportunity to seek independent legal advice in respect of the contents of this Agreement prior to signing it; and
- (v) Each Party has entered into this Agreement freely and voluntarily, without any duress or compulsion from the other.

ROCKY MOUNTAIN HERITAGE FOUNDATION

Per:

Stanley A. Milder
 STANLEY A. MIDLER


THE TOWN OF CANMORE

Per:

Bertram Dyck
 BERTRAM DYCK

APPROVED AS TO CONTENT
[Signature]

Glen Craig
 Glen Craig, Mayor



Request for Decision

DATE OF MEETING: December 3, 2024 **Agenda #:** H 7

To: Council

SUBJECT: 2024 Capital Budget Amendment – FireSmart Document Review

SUBMITTED BY: Caitlin Miller, Manager of Protective Services

RECOMMENDATION: That Council approve a new 2024 capital project for a FireSmart review of municipal documents funded in full by the Forest Resource Improvement Association of Alberta (FRIAA) grant in the amount of \$33,400.

EXECUTIVE SUMMARY

Following Motion 195-2024, administration applied for grant funds through the Forest Resource Improvement Association of Alberta (FRIAA) FireSmart non-vegetation management program. Administration was notified that the grant application was successful on November 15, 2024. This request is to approve CAP 7387 and allow work to begin as soon as possible.

RELEVANT COUNCIL DIRECTION, POLICY, OR BYLAWS

Motion 195-2024 – Moved by Mayor Krausert that Council approve the submission in response to the FireSmart Request for Proposal for the 2024 Forest Resource Improvement Association of Alberta grant for a municipal document FireSmart review project.

DISCUSSION

Following motion 195-2024 at the September 4, 2024 Council meeting, administration applied for grant funds through the Forest Resource Improvement Association of Alberta (FRIAA) FireSmart non-vegetation management program and was awarded \$33,400 to have a FireSmart review done on municipal documents related to planning and development, engineering, and landscaping. Subject to Council approving this capital project construction is expected to begin as soon as possible.

ANALYSIS OF ALTERNATIVES

None.

FINANCIAL IMPACTS

The grant award is for \$33,400. There are no anticipated impacts to the 2024 or 2025 operational budgets as a result of this work.

INTEREST HOLDER ENGAGEMENT

Alberta Forestry and Alberta FireSmart wrote letters of support for this grant application.

ATTACHMENTS

- 1) CAP 7387 FireSmart Municipal Document Review

AUTHORIZATION

Submitted by:	Caitlin Miller Manager of Protective Services	Date:	<u>November 18, 2024</u>
Approved by:	Chelsey Gibbons Manager of Finance	Date:	<u>November 27, 2024</u>
Approved by:	Scott McKay General Manager of Municipal Services	Date:	<u>November 22, 2024</u>
Approved by:	Sally Caudill Chief Administrative Officer	Date:	<u>November 25, 2024</u>



Firesmart Municipal Document Review

H7 Attachment 1

Project Summary

Project Number

7387

Budget Year:	2024
Department:	Municipal Enforcement
Questica Reference:	PRO-24-11

Budget:	\$33,400
Project Type:	Studies
Priority:	B

Project Description:

This project will:

- provide the Town of Canmore with tangible recommendations for amendments to municipal plans, guidelines, policy, and bylaws that will reduce the threat of wildfire to life and property, including critical infrastructure and special values at risk, in new developments and areas undergoing redevelopment.
- making both Canmore municipal employees, developers, and landscape design and construction employees more aware of the wildfire threat and methods that can be taken to reduce the threat to the community on individual properties and developments.

END

Budget Funding:

	2024	2025	2026	2027	2028	2029	Total
Provincial Grants	\$33,400	0	0	0	0	0	\$33,400
Total	\$33,400	0	0	0	0	0	\$33,400

Operating Budget Impact:

absorbed into current operating budgets.

END

Project Rationale:

This project aligns with recommendations in the Town of Canmore Wildfire Mitigation Strategy (2018).

END

Options Considered:

N/A