



REGULAR MEETING OF COUNCIL
Held on Monday June 26, 2023
In Person & Virtually,
Commencing at 6:00 p.m.

IN ATTENDANCE:

Mayor: D. Anderberg

Councillors: M. Barber, D. Green, W. Oliver,
G. Cleland, S. Nodge, and B. Wright

Staff: A. Lucas, Chief Administrative Officer; W. Catonio, Director of Finance and Human Resources; A. Grose, Recreation Manager; T. Walker, Energy Lead; and L. Rideout, Director of Community Services

1. CALL TO ORDER

Mayor Anderberg called the meeting to order at 6:00 pm.

2. SCHEDULED PUBLIC HEARINGS

3. AGENDA APPROVAL
NODGE:

That Council for the Town of Pincher Creek agrees to add items 11.4 June 14, 2023 Letter from MD on PCEMS and to the June 26, 2023 Regular Council meeting agenda.

CARRIED 23-287

GREEN:

That Council for the Town of Pincher Creek approves the June 26, 2023 Regular Council meeting agenda as amended.

CARRIED 23-288

4. DELEGATIONS

4.1 MP John Barlow

5. ADOPTION OF MINUTES

5.1 Minutes of the Committee of the Whole held on June 7, 2023

GREEN:

That Council for the Town of Pincher Creek approves the minutes of the Committee of the Whole held on June 7, 2023 as presented.

CARRIED 23-289

5.2 Minutes of the Regular Meeting of Council held on June 12, 2023

WRIGHT:

That Council for the Town of Pincher Creek agree to bring back the minutes of the Regular Meeting of Council held on June 12, 2023 to the July Committee of the Whole.

CARRIED 23-290

6. BUSINESS ARISING FROM THE MINUTES

6.1 Disposition of Delegation – Snow Removal (Hochstein & Mitchell)

GREEN:

That Council for the Town of Pincher Creek accept the snow removal presentation as information and inform the delegation that their comments will be considered in the future drafting of snow management policies.

CARRIED 23-291

6.2 Tennis Courts Windscreen Fencing

WRIGHT:

That Council for the Town of Pincher Creek direct administration to add tennis court wind screen fencing to the 2024 budget deliberations.

CARRIED 23-292

6.3 Disposition of Delegation - Stacey McRae - Allied Arts

CLELAND:

That Council for the Town of Pincher Creek direct administration to move forward with motion 23-257 from the June 12, 2023 council meeting.

CARRIED 23-293

6.4 Oldman Rose Society Fencing Options

NODGE:

That Council for the Town of Pincher Creek receive fencing pricing as information with thanks.

CARRIED 23-294

6.5 Letter of Confirmed Funding

GREEN:

That Council for the Town of Pincher Creek agree to provide the municipal portion of each residential application under the Clean Energy Improvement Program up to a maximum of \$53,046.75 per year for four years

CARRIED 23-295

GREEN:

That Council for the Town of Pincher Creek agree to fund the \$53,046.75 each year from the Municipal Income Stabilization Reserve account #0000004705 and further, that the Municipal Income Stabilization Reserve will be replenished as the loan is paid back through a tax agreement.

CARRIED 23-296

GREEN:

That Council for the Town of Pincher Creek authorizes the Mayor to sign and send the letter of commitment.

CARRIED 23-297

7. BYLAWS

7.1 Clean Energy Improvement Program Bylaw 1634-22 – Second Reading

OLIVER:

That Council for the Town of Pincher Creek agree and give second reading to the Clean Energy Improvement Program Bylaw 1634-23.

CARRIED 23-298

NODGE:

That Council for the Town of Pincher Creek agree to give third and final reading to the Clean Energy Improvement Program Bylaw 1634-23 and that a copy of which be attached hereto and form part of the minutes.

CARRIED 23-299

8. NEW BUSINESS

8.1 Funding acceptance from Enel Green Power for the Lebel Mansion Solar Installation

WRIGHT:

That Council for the Town of Pincher defer indefinitely to the August 28, 2023 Council meeting in consideration with proceeding with the project.

CARRIED 23-300

T. Walker left meeting at 7:33 pm

8.2 Food Bank Donations Fund

GREEN:

That Council for the Town of Pincher Creek direct administration to forward the balance in the Food Bank Trust Account of \$182,487.67 to the Pincher Creek and District Community Food Centre.

CARRIED 23-301

Councillor Oliver recused himself for item 8.3 at 7:34pm

8.3 Evolugen Proposed Solar Project - Objection Letter

BARBER:

That Council for the Town of Pincher Creek agree and approve the objection letter to Evolgen regarding a proposed Solar Power Plant Proposal in the Urban Fringe land use zone in the Municipal District of Pincher Creek.

CARRIED 23-302

Councillor Oliver rejoined the meeting at 7:42pm

8.4 Communities in Bloom Judging Agenda and Council Participation

OLIVER:

That Council for the Town of Pincher Creek review the information for the Communities in Bloom judging schedule and agenda and commit to participating in key aspects of the program and Council members are encouraged to participate in all aspects as their time commitments allow.

CARRIED 23-303

8.5 Library Board Appointment

BARBER:

That Council for the Town of Pincher Creek agree that Anja Van Der Heijden be appointed to the Library Board for a term of three years.

CARRIED 23-304

A. Grose left meeting at 7:47 pm

9. COUNCIL REPORTS

9.1 Upcoming Committee Meetings and Events

10. ADMINISTRATION

10.1 Council Information Distribution List

BARBER:

That Council for the Town of Pincher Creek accepts the June 26, 2023 Council Information Distribution List as information.

CARRIED 23-305

Mayor Anderberg called a recess at 7:56 pm

L. Rideout left meeting at 7:56 pm

Mayor Anderberg called the meeting back to order at 8:06 pm

11. CLOSED MEETING DISCUSSION

CLELAND:

That Council for the Town of Pincher Creek agree to move into closed session of Council on Monday June 26, 2023 at 8:07 pm in accordance with section 16 & 24 of the Freedom of Information and Protection of Privacy Act, with the Chief Administrative Officer, Executive Assistant, Director of Operations and Director of Finance and Human Resources in attendance.

CARRIED 23-306

CLELAND:

That Council for the Town of Pincher Creek agree to move out of closed session of Council on Monday June 26, 2023 at 9:20 pm in accordance with section 16 & 24 of the Freedom of Information and Protection of Privacy Act.

CARRIED 23-307

11.1 Mutual Release Agreement – Roll #8600600- FOIP s. 16

OLIVER:

That Council for the Town of Pincher Creek That Council for the Town of Pincher Creek direct administration to garner further legal advice on the options to deal with plan 0613747 block 5 lot 6

CARRIED 23-308

11.2 Community Medical Care Discussion- FOIP s. 24

ANDERBERG:

That Council for the Town of Pincher direct administration to set up a meeting as discussed.

CARRIED 23-309

11.3 Administration Transition – FOIP s. 24

OLIVER:

That Council for the Town of Pincher Creek accept the Administration Transition as information

CARRIED 23-310

11.4 Letter from MD on PCEMS - FOIP s. 24

NODGE:

That Council for the Town of Pincher Creek directs administration to respond to the Letter from MD on PCEMS from June 14, 2023 with thanks.

CARRIED 23-311

12. NOTICE OF MOTION

NODGE:

That Council for the Town of Pincher Creek direct administration to prepare an amendment to Land Use Bylaw 1547, to enable short term rental as a discretionary use in the Transitional Commercial Land uses designation C4.

CARRIED 23-312

13. ADJOURNMENT

WRIGHT:

That this meeting of Council on June 26, 2023 be hereby adjourned at 9:25 pm.

CARRIED 23-313

Regular Council Meeting
June 26, 2023

MAYOR, D. Anderberg

A. Lucas

CAO, A. Lucas

**APPROVED BY RESOLUTION
OF THE COUNCIL OF THE
TOWN OF PINCHER CREEK,
THIS 24th DAY OF JULY 2023**

S E A L

**NEXT REGULAR MEETING OF COUNCIL TO BE HELD ON
MONDAY JULY 24, 2023 AT 6:00 P.M.**



BY-LAW #1634-23
of the
TOWN OF PINCHER CREEK

**A BYLAW OF THE MUNICIPALITY OF THE TOWN OF
PINCHER CREEK, IN THE PROVINCE OF ALBERTA, TO
ESTABLISH A CLEAN ENERGY IMPROVEMENT PROGRAM.**

WHEREAS, the purpose of a municipality is to foster the well-being of the environment and provide services, facilities, and more that, in the opinion of council are necessary or desirable for all, or as part of the municipality;

WHEREAS, the Clean Energy Improvement Program is a financing program that uses municipal financing to facilitate the implementation of clean energy improvements to residential and non-residential, and non-designated industrial properties through the use of a local assessment mechanism to provide security for repayment of the financing;

WHEREAS, Alberta Municipal Services Corporation (operating as Alberta Municipalities) has been designated by the Minister as the Program Administrator responsible for the Clean Energy Improvement Program to support municipalities in Alberta that finance clean energy improvements;

WHEREAS, the Council of Pincher Creek wishes to enable a Clean Energy Improvement Tax Bylaw to establish a Clean Energy Improvement Program pursuant to section 390.3 of the Municipal government Act, R.S.A 200, c. M-26 ('the Act');

WHEREAS, the Council of the Town of Pincher Creek wishes to enable financing for clean energy improvements for eligible properties in their municipality.

NOW THEREFORE, the Council of the Town of Pincher Creek; duly assembled enacts as follows:

1. SECTION 1: TITLE

1.1 This Bylaw be cited as the "Clean Energy Improvement Tax Bylaw" of the Town of Pincher Creek.

2. SECTION 2: DEFINITIONS

In this bylaw, unless the context otherwise requires, the word, term, or expressions:

2.1 ACT - means the Municipal Government Act, R.S.A. 2000, c. M-26 as amended, and any amendment or substitutions thereof;

2.2 BYLAW - means this Clean Energy Improvement Tax Bylaw;

2.3 CHIEF ADMINISTRATIVE OFFICER (CAO) - means the person appointed to the position of the chief administrative officer for the Town of Pincher Creek, within the meaning of the Municipal Government Act.

Initials 



- 2.4 CLEAN ENERGY IMPROVEMENT AGREEMENT or AGREEMENT - means the agreement executed between the Municipality and the Owner of an Eligible Property whereby the Owner agrees to pay an amount required to cover the costs of financing each Eligible Clean Energy Improvement approved by the Program Administrator, as drafted in accordance with section 390.4 of the Act;
- 2.5 CLEAN ENERGY IMPROVEMENT TAX - means a tax levied against an Eligible Property pursuant to an Agreement;
- 2.6 ELIGIBLE PROPERTY - means a property located within the Municipality that is designated as residential, non-residential or not-designated industrial property but does not include designated industrial property or government-owned properties;
- 2.7 DESIGNATED MANUFACTURED HOME - means a manufactured home, mobile home, modular home or travel trailer;
- 2.8 MUNICIPALITY - means the Town of Pincher Creek;
- 2.9 OWNER - means, collectively, the registered owners of a property;
- 2.10 PROGRAM - means the Clean Energy Improvement Program as described in the Act and Regulation and defined henceforth.
- 2.11 PROGRAM ADMINISTRATOR - means the Alberta Municipal Services Corporation (operating as Alberta Municipalities) or provincially designated Program Administrator as defined in the Clean Energy Improvements Regulation.
- 2.12 REGULATION - means the Clean Energy Improvements Regulation, A.R. 212/2018 and amendments thereto.

3. SECTION 3: GENERAL RULES


- 3.1. A property Owner of an Eligible Property within the Municipality can apply to the Program Administrator to seek financing for a clean energy improvement to their property.
- 3.2. Participation in the Program is limited to eligible properties, defined as a property located within the Municipality that is designated as residential, non-residential, or not-designated industrial property, but does not include designated industrial property, government owned properties, and designated manufactured homes.
- 3.3. An applicant of a non-profit property that is tax-exempt would be responsible to pay any and all principal and interest of the Clean Energy Improvement Program costs as per the Clean Energy Improvement Agreement.
- 3.4. The Chief Administrative Officer, or designate of the Town of Pincher Creek is hereby authorized to impose a Clean Energy Improvement Tax, in respect of each clean energy improvement made to a property, where a municipality has entered into a Clean Energy Improvement Agreement with the property Owner(s) of that property.
- 3.5. The Clean Energy Improvement Tax will be voluntarily levied against a property when there is a Clean Energy Improvement Agreement to raise revenue to pay the amount required to recover

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the costs of those clean energy improvements, including principal and interest, to do so between the Municipality and the property Owner.

- 3.6. The property Owner(s) must meet the criteria listed below to be eligible to participate in the Clean Energy Improvement Program:
- i) They must be current on their taxation payment for the property, for a period of five years, prior to the date of the application to the Program;
 - ii) They must have never been in collections for a property in the Town of Pincher Creek;
 - iii) They may, for first time property Owners that have purchased the property within the last 5 years, be subject to an enhanced financial eligibility review;
 - iv) They must, for property Owners that are new to the Municipality and do not have a financial history with the Municipality, submit a record of property tax verification from another municipality, for any property previously owned in a different Municipality;
 - v) They must provide mortgage information, if the mortgage amount exceeds the assessed value of the home. In such case the Municipality reserves the right to deny the applicant;
 - vi) They must be in good standing with the Municipality. The Municipality reserves the right to deny the applicant if the applicant is not in good standing with any Department of the Municipality. The Municipality reserves the right to define what “good standing” entails, and can include but is not limited to any development compliance issues, or any other accounts receivable outstanding or unresolved issues.;
 - vii) They must not be in bankruptcy (or insolvency), the property must not be in foreclosure, and the property Owner(s) will be required to provide a sworn statement confirming this;
 - viii) They must be current on their mortgage payment, current on any other debts secured by the property and have not been late on any such payments. They may be required to submit a letter from their financial institution confirming this;
 - ix) They must not be in more than three (3) Clean Energy Improvement Agreements
 - x) They must meet any additionally eligibility criteria as identified by the Municipality or the Program Administrator.
- 3.7. For a clean energy improvement to be eligible, it must be an installation that is permanently affixed to the eligible property which:
- i) Will result in increased energy efficiency or use of renewable energy on that property;
 - ii) Involves:
 - a) Interior and Exterior Lighting and Lighting Controls;
 - b) HVAC (I.e., high efficiency furnace);
 - c) Water Heating
 - d) Building envelope improvements (i.e., insulation)
 - e) Renewable energy upgrades (i.e., photovoltaic solar system);
 - f) Or such other clean energy improvements as are approved and agreed to in writing by the Municipality within the Agreement, and those improvements provided on the list of eligible upgrades available through the Program Administrator’s website <https://www.myceip.ca/residential/>;
 - iii) Is not less than three thousand (\$3,000) dollars in capital cost of the project value;
 - iv) Capital costs do not exceed \$50,000 for residential
 - v) Total project costs will not exceed \$500,000 for non-residential or non-designated industrial property.

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- 3.8. Whereby the amount of the tax authorized by a bylaw under section 353 (property tax) of the Municipal Government Act most recently, and imposed on the property is greater than or equal to the annual payment calculated in accordance with the following Formula:

$$\frac{A + B + C}{D}$$

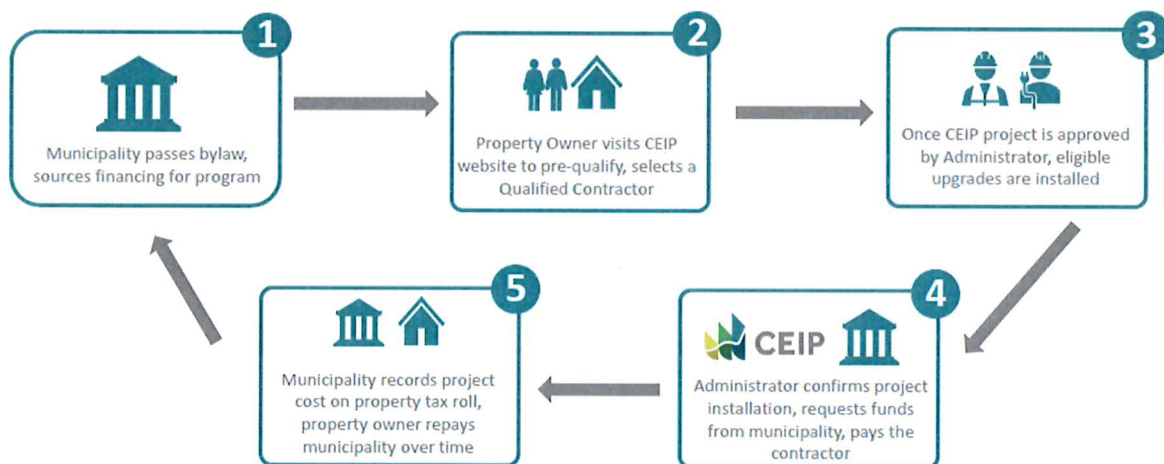
Where

- A is the capital cost of undertaking the clean energy improvement;
- B is the total cost of professional services needed for the clean energy improvement;
- C is the total cost of all incidental costs;
- D is the lesser of the probable lifetime, calculated in years, of the improvement or the maximum financing term established by the Municipality.
- 3.9. The Clean Energy Improvement Agreement will be as set out under section 390.4 of the Municipal Government Act, and as amended.
- 3.10. The period over which the cost of each eligible clean energy improvement will be spread will be to a maximum, over the probable lifetime of the improvement, and where the annual repayment amount does not exceed the annual taxation amount for the property in question. For multiple upgrades each improvement will be calculated individually, and the repayment term set at the discretion of the Municipality.
- 3.11. A property Owner may submit one application per year.
- 3.12. The property Owner(s) can apply for the program by submitting an application to the Program Administrator for the Clean Energy Improvement Program, including any required supporting documentation, and following all program requirements as outlined by the Program Administrator and the Municipality;
- 3.13. A property Owner must pay the required application fee, pursuant to section 8 of the Regulation.
- 3.14. That for the purpose of the Clean Energy Improvement Program, the sum of project amounts as they are approved may be borrowed by the Municipality.
- 3.15. The annual maximum amount to be borrowed by the Municipality towards the Clean Energy Improvement Program is \$300,000 for residential and \$500,000 for non-residential, and not-designated industrial properties.
- 3.16. The annual borrowed amount by the Municipality will have a maximum rate of interest of ten percent (10%), and a maximum term of twenty-five (25) years.
- 3.17. The borrowed amount by the property Owner will have a maximum rate of interest calculated at the time of the agreement, and repayment term based on the lifespan of the improvement(s).



- 3.18. The principal and interest owing under the borrowing will be paid using the proceeds from Clean Energy Improvement Tax and payments made by the approved project recipients through to the Municipality on the annual improvement levy.
- 3.19. A Clean Energy Improvement Tax will be imposed on the property that is subject to a Clean Energy Improvement Agreement at any time following the signing of the Clean Energy Improvement Agreement.
- 3.20. In the event that a property owner wishes to repay the Clean Energy Improvement Program financing early, the amount owing will be calculated at the time of the request, based on the principal and interest remaining and the terms of the financing being used for the project(s).
- 3.21. Any project(s) that has been approved under the Clean Energy Improvement Program must be completed within the time limit as set out under the Agreement.
- 3.22. If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of this bylaw and shall not invalidate the whole bylaw.
- 3.23. Upon third and final reading, Clean Energy Improvement Program Bylaw 1634-22 is hereby repealed.
- 3.24. This bylaw comes into force upon third reading and is signed by the Mayor and Chief Administrative Officer or Designate.

How does CEIP work?





Read a first time by Council on April 24, 2023.



Mayor

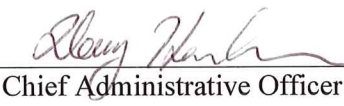


Chief Administrative Officer

Public Hearing held on May 23, 2023.




Mayor

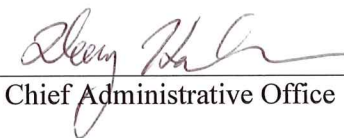


Chief Administrative Officer

Read a second time by Council on June 26, 2023.



Mayor



Chief Administrative Office

Read a third time by Council on June 26, 2023.



Mayor



Chief Administrative Officer

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