Town of Pincher Creek

Item no. 10.3

Legislative Services Manager

Highlight Report – 2nd and 3rd Quarter 2022

28 November 2022

Highlight Report

This report is to provide the Chief Administrative Officer (*CAO*) and Council for the Town of Pincher Creek with a summary of projects, files in progress and/or completions as it pertains to the Manager of Legislative Services area. The report is used to monitor project(s) progress. The report is also used to inform and advise Council and request directives of any aspect wherever needed.

Bylaws reviewed by Council

Bylaws that were reviewed, approved and/or rescinded by Council for the Town of Pincher Creek are as follows:

2022 Property Tax Bylaw 1620-22

On April 11, 2022 Council gave first, second and third and final reading to the 2022 Property Tax Bylaw authorizing administration to process the 2022 property tax levies. The Town is required to pass a property tax bylaw each year which determines the revenue necessary to meet the current municipal budget, school requisitions, Crestview Lodge requisition, and the Government of Alberta Requisition for Designated Industrial Properties including linear property. This file is closed.

Animal Control Bylaw 1598-22

On April 25, 2022 Council gave direction to administration to amend the Animal Control Bylaw 1598-18 to allow for residents within Pincher Creek to obtain and house chickens. First reading of Animal Control Bylaw 1598-22 was passed on June 27, 2022. The bylaw received second reading on July 25, 2022 and third and final reading on August 22, 2022 with additional amendments around trapping of animals, guard dogs and dangerous dogs, offence penalties and fees. This file is closed.

Land Use Bylaw Amendment 1547-AN

On May 9, 2022 Council gave first reading to Bylaw 1547-AN amending the Land Use Bylaw, to re-designate the lands legally described as Unit 7, a portion of legally designated Lot 3, Block 2, Plan 1113492 from Manufactured/Mobile Home – R2 to Highway/Drive-in Commercial – C2. A Public Hearing was held on June 13, 2022. Second reading of the proposed bylaw was defeated at the regular meeting of Council on June 13. This file is closed.

Tax Incentive Bylaw No 1629-21

On February 22, 2021, Town Council gave first reading of the tax incentive bylaw to encourage development and revitalization of non-residential properties for the general benefit of the Town and directed administration to garner internal referral comments. However, on October 12, 2021 Town Council repealed resolution #21-064 approving first reading for the Tax Incentive Bylaw No 1629-21 and directed administration to bring back the bylaw for Council's consideration within a three month period (Resolution 21-386). In addition, on December 13, 2021 Town Council

directed administration to bring the proposed Tax Incentive Bylaw No 1629-21 to the Committee of the Whole for their review and recommendations (Resolution 21-472). Committee of the Whole discussed the bylaw at their regular meeting in January. On May 24, 2022 Council gave first reading to Tax Exemption Bylaw 1629-22 with amendments and subsequently received second reading on June 13, 2022 and third and final reading on June 27, 2022. This file is closed.

Land Use Bylaw Amendment 1547-AO
On May 24, 2022 Council agreed to move forward with regulations of Tourist Homes in Pincher Creek, to require both business licenses and development permits as per Bylaw 1550-11 and 1547. This file is in progress.

Fee Structure Bylaw 1584-22
On July 25, 2022 Council gave first reading to Fee Structure Bylaw 1584-22. The bylaw received second reading on August 22, 2022 and third and final reading on August 30, 2022. This file is closed.

Chief Administrative Officer Bylaw 1573-22
On September 12, 2022 Chief Administrative Officer Bylaw 1573-22 received first reading. Second and third readings passed on September 26, 2022. The amendment was a recommendation as a result of the Municipal Affairs Municipal Accountability Program review conducted in 2021. This file is closed.

North East Area Structure Plan Bylaw
The final report has been received from Stantec and has been forwarded to the Oldman River Regional Services Commission with direction to prepare the bylaw for Council consideration. There were some minor revisions/additions required. On September 12, 2022 direction was given to administration to circulate the North East Area Structure Plan for referral to main government agencies and affected parties and subsequently prepare and present a bylaw for adoption of the North East Area Structure Plan. This file is in progress.

Regional Assessment Review Board Bylaw 1633-22
On September 26, 2022 Council gave first reading to the Regional Assessment Review Board Bylaw 1633-22. This file is in progress.

Traffic Bylaw No 1599 and 1599-11
On May 11, 2020, Council received the Traffic Bylaws No. 1599-09 and 1599-11 Amendment as information and directed administration to review and bring recommendations back to Council. (*Resolution 20-239*) This file is in progress.

Renewal of Leases/Agreements

Council will be presented with all relevant leases/agreements' information on as needed bases. Leases/Agreements that were reviewed and renewed, subject to Council approval, are as follows:

1) On April 25, 2022, Town Council was presented with a one year extension to the Safety Codes Services Agreement for consideration and agreed to the extension through to May 31, 2023 with Park Enterprises Ltd. This file is in progress.

2) On May 24, 2022, Town Council was presented with, authorized and approved an encroachment agreement with the property owner of Roll #0361400 granting an encroachment of a fence and concrete retaining walls onto municipal property (Albert Avenue) and all costs associated to prepare and register the agreement be borne by the property owner(s) of the subject property. This file is in progress.

3) At the March 28, 2022 regular meeting of Council an Offer to Purchase Roll #4102000, 4101000 & 4101800 (1370, 1372 Dobbie Avenue and 1374 McEachern Street) was accepted. One of the conditions of the offer was first right of refusal on 1376 and 1370 McEachern Street of which Council directed administration to research the ramifications of. At the May 9, 2022 regular meeting of Council it was agreed to offer a 5-year contract on first right of refusal on 1376 and 1380 McEachern Street as a condition of the offer to purchase 1370, 1372 Dobbie Avenue and 1374 McEachern Street. The draft agreement was reviewed by the Grantee and agreed as is. On July 25, 2022, Council agreed and approved the Right of First Refusal and the Option to Purchase Agreement for Roll #'s 04101600 and 04101400 as presented. This file is closed.

4) On July 25, 2022 Town Council approved a three (3) year service agreement between the Pincher Creek Humane Society, the Town of Pincher Creek and the Municipal District of Pincher Creek No. 9 commencing January 1, 2023. The three partners have had an ongoing service agreement to provide animal services to the Pincher Creek area. The partnership has worked well and the ICF Committee recommended amending the agreement from one year to three years. No other changes were made. This file is closed.

5) On October 13, 2020, Town Council was presented with the Pincher Creek Golf Club Society lease agreement, which was deferred to the November 4th, 2020, Committee of the Whole meeting and 2021 Budget deliberations for discussion. On November 4, 2020 the Committee of the Whole received the Golf Course Lease Agreement as information to be reviewed during budget deliberations. (*Resolution COTW 2020-113*) On January 25, 2021, Town Council directed administration to schedule a meeting with representatives of the Pincher Creek Golf Club to discuss the expired lease agreement and funding requirements and bring back items to Council for consideration as required. On April 12, 2021, Town Council authorized and approved the Pincher Creek Golf Club Society five (5) year Lease Agreement dated January 1st, 2021 with amendments as discussed. (*Resolution 21-148*). The revised agreement was shared with the Golf Club Society on July 22, 2021 however has not been executed at the time of writing. This file is in progress.

Land Sale

A Summary List of Town Lots for sale is available on the Town of Pincher Creek website. A total of twenty-four (24) commercial zoned town owned properties are listed. These are Highway Drive-in Commercial – C2, Transitional Commercial – C4, Business Park – I3, General Industrial and Warehousing – I1 zoned lots in the Northeast Industrial area.

On August 7, 2019 Town Council accepted the offer to purchase for Plan 0613747, Block 5, Lot 6 – 1124 Table Mountain Street in the amount of $70,700 plus GST and directed administration to provide North & Company Law Office to act on the Town's behalf regarding the real estate transaction. On January 17, 2020 North & Company provide confirmation of the balance of the land sale proceeds and advised that the transfer of title is held in abeyance until receipt of further direction. The review regarding the level of completion and requests to provide a progress report of the building is ongoing of which the purchaser has up to two (2) years to complete. Administration has had ongoing communication with the purchaser and looks forward to finding resolution to suit both parties. This file is in progress.

On November 9, 2020 Town Council accepted the Wild Winds Brewery Inc offer to purchase in the amount of $60,000.00 plus GST for Plan 0614431, Block 1, Lot 4 at the corner of Scott Avenue and Veterans Street and directed administration to provide North & Company Law Office to act on the Town's behalf regarding the real estate transaction. On May 25, 2021 Town Council granted a five (5) month time extension for the Real Estate Purchase Contract dated November 12, 2020 (*Resolution 21-201*). On January 10, 2022 Council received a request from Wild Winds Brewery regarding the utility services costs for the parcel as information and directed administration to advise the developer that the Town has no incentive programs to facilitate the request to cover new development costs. On February 14, 2022 Town Council agreed to propose to the developer that the Town will bring the water and sewer services to the property line for the parcel and recover the cost through a local improvement agreement contingent on the building permit for the project being issued. This file is in progress.

On April 11, 2022 Town Council agreed to a request to purchase a portion of Plan 1728F Lot 74 and a portion of Lot 73 subject to the subdivision and lot consolidation and that the costs associated with he land transfer, subdivision and lot consolidation be borne by the purchaser. This file is in progress.

On April 11, 2022 Town Council accepted an offer to purchase in the amount of $100,000 (Plus GST) for Plan 160B Lot 103 and Plan 552LK Lot 102; 659 Main Street with amendments and subject to advertisement. This file is in progress.

General Insurance

In cooperation with the finance department, we have been reviewing the property and equipment schedules including all certificates of insurance and coverage of Town owned properties. Regarding the reporting requirements for additions, deletions of assets and claims we confirm that it is current and the activities for this second and third quarter ending have been minimal.

Tax Recovery

We confirm that the Tax Recovery Arrears List for Lands and Mobile Homes dated March 22nd , 2022 have been registered covering a total of twelve (12) properties (8 *Lands and 4 Mobile Homes*). Notification have been mailed to the property owners in accordance with the Municipal Government Act. Discharge of tax notifications for paid tax arrears accounts are being filed with Land Titles Office after confirmation of payments. This file is ongoing and in progress.

On August 24, 2020, Town Council authorized and approved to engage TAXervice to manage the property tax arrears recovery for the Town of Pincher Creek. The tax arrears recovery program is revenue neutral as all associated costs are at the rate-payers expense.

As at the time of writing this report the Tax Recovery Arrears of outstanding accounts for Land stands at four (4) and Mobile Homes at three (3) accounts.

Development Activities

Administration receives applications for development permits, home occupation and sign permits, on an ongoing basis. Any discretionary use applications and application for development waivers are referred to the Municipal Development and Subdivision Authority (*MDSA*) for decisions and/or recommendations.

Summary of development activities
this third quarter year-to-date are as follows:

24 - Development Permit Applications for an estimated total value of **$4,441,000**
Y-T-D: 28 Development Permits for an estimated aggregate total value of **$4,467,000**
1 - Sign Permit Application
Y-T-D: 5 Sign Permit Applications
6 - Home-Based Occupation Permits
Y-T-D: 8 Home-Based Occupation Permits
1 – Demolition Permit
Y-T-D: 1 – Demolition Permit
19 Compliance Certificates issued
Y-T-D: 31 Compliance Certificates issued
16 MDSA applications heard/decided
Y-T-D: 22 MDSA Applications heard/decided

Freedom of Information and Protection of Privacy (FOIP)

As a public body the Town of Pincher Creek manages a FOIP program under the Freedom of Information and Protection of Privacy Act and Regulation. All public bodies are required to submit annual statistics to the Government of Alberta. The annual FOIP statistics are aggregated with other agencies for annual reporting.

Bylaw Enforcement

The Bylaw Enforcement Department is to enforce the bylaws, provincial acts and regulations including developments without permits, expired permit and unsightly premises. The internal incidents/activities reporting and tracking process of the Community Peace Officer, which is on an ongoing basis, is current and reviewed daily, and in compliance with the Public Security Peace Officer Program. For the second and third quarter 2022 there were a total of **198 counts** of incident types reported of which the detailed report is attached. Currently, the Community Peace Officers are handling all incoming dog and general animal complaints.

Peace Officer Shared Services

In addition to providing peace officer services to the Village of Cowley the Town also provides animal control services to the MD of Pincher Creek on an on-call basis. Internal reporting regarding bylaw enforcement services, including time allocations, in each jurisdiction is ongoing and reviewed by administration accordingly.

Weed Control/Inspection

The Community Peace Officers provide and oversee the Town's weed control program which typically runs from May to November in each year.

Noxious weeds are on the list of things that Community Peace Officers watch for while on routine patrols during spring and summer months. Complaints from property owners allows Bylaw Enforcement to be successful in keeping the community for most part noxious weed free.

When invasive plant species (*noxious weeds*) are detected by the CPOs or by residents, there are several ways that CPOs handle weed concerns in town.

1) Weeds on town property; CPO will contact the licenced pesticide applicator.
2) Make a service request to maintain the area.

3) CPO will pull or dig up weeds if it's on a small-scale infestation. Small-scale meaning one or two invasive plants along an alley way.
4) Weeds on private property are handled by the property owner. CPO contact the property owner to maintain weed infestations as property owners' see fit. Authority is provided under the town's nuisance bylaw 1574-19. Section 3. This includes dandelions.

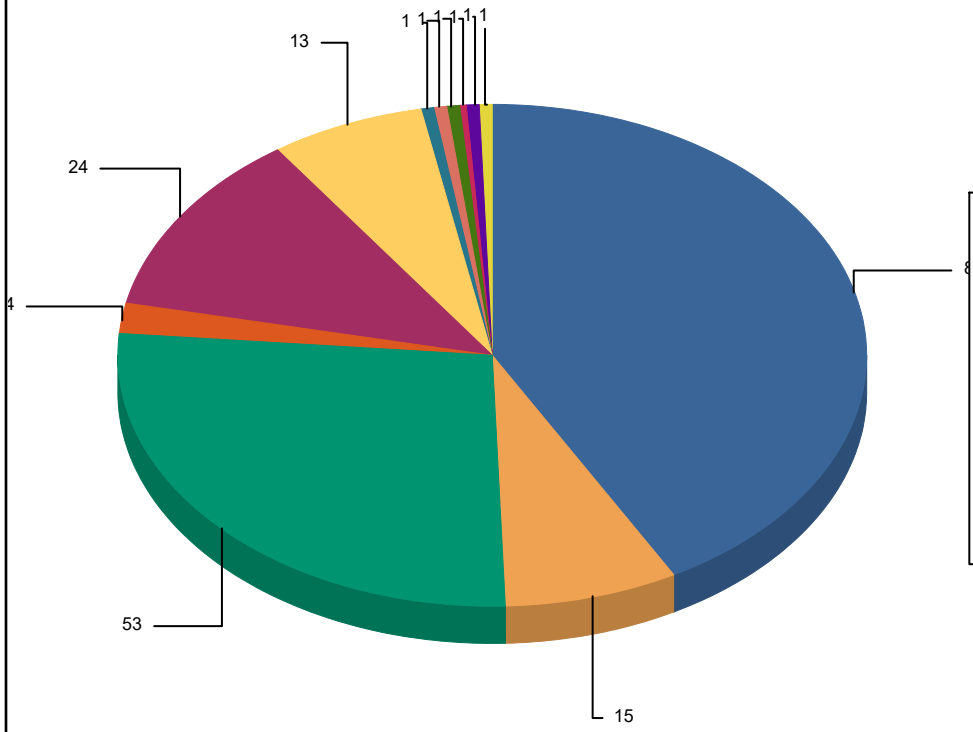
Respectfully Submitted,

Lisa Goss,
Legislative Services Manager
/lg
Attachments

QUARTERLY REPORT Statistics from Occurred Date: 4/1/2022 12:00:00AM to 9/30/2022 11:59:00PM

File/Complaint Report

Count of Incident Types



PINCHER CREEK : BYLAW : # 1348 TRAFFIC	83
PINCHER CREEK : BYLAW : # 1476 CPO / BYLAW OFFICER	15
PINCHER CREEK : BYLAW : # 1525 ANIMAL CONTROL	53
PINCHER CREEK : BYLAW : # 1539 NOISE	4
PINCHER CREEK : BYLAW : # 1550 BUSINESS LICENSING	24
PINCHER CREEK : BYLAW : # 1574-06 NUISIANCES / UNTIDY / UNSIGHTLY	13
PINCHER CREEK : BYLAW : PROBLEM WILDLIFE	1
PINCHER CREEK : LOST AND FOUND	1
PINCHER CREEK : MD OF PINCHER CREEK	1
PINCHER CREEK : MD OF PINCHER CREEK : BYLAW	1
PINCHER CREEK : MD OF PINCHER CREEK : BYLAW : ANIMAL CONTROL BYLAW	1
PINCHER CREEK : PROVINCIAL : ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT	1
Total:	198

PINCHER CREEK : BYLAW : # 1348 TRAFFIC: 83 42%

Omnigo Software c(2022)

File/Complaint Report

PINCHER CREEK : BYLAW : # 1476 CPO / BYLAW OFFICER: 15 8%

PINCHER CREEK : BYLAW : # 1525 ANIMAL CONTROL: 53 27%

PINCHER CREEK : BYLAW : # 1539 NOISE: 4 2%

PINCHER CREEK : BYLAW : # 1550 BUSINESS LICENSING: 24 12%

PINCHER CREEK : BYLAW : # 1574-06 NUISIANCES / UNTIDY / UNSIGHTLY: 13 7%

PINCHER CREEK : BYLAW : PROBLEM WILDLIFE: 1 1%

PINCHER CREEK : LOST AND FOUND: 1 1%

PINCHER CREEK : MD OF PINCHER CREEK: 1 1%

PINCHER CREEK : MD OF PINCHER CREEK : BYLAW: 1 1%

PINCHER CREEK : MD OF PINCHER CREEK : BYLAW : ANIMAL CONTROL BYLAW: 1 1%

PINCHER CREEK : PROVINCIAL : ENVIRONMENTAL PROTECTION AND ENHANCEMENT ACT: 1 1%

Grand Total: 100.00% Total # of Incident Types Reported: **198**

Omnigo Software c(2022)