

**TOWN OF BANFF**  
**ORDER OF BUSINESS**  
Special Council Meeting  
Town of Banff Council Chambers  
Wednesday, August 27, 2014 at 9:00 a.m.

**1.0 CALL TO ORDER**

**2.0 APPROVAL OF AGENDA**

**3.0 ITEMS FOR CONSIDERATION**

3.1 CAO's Declaration on the Sufficiency of Petition Filed July 31, 2014 (Parking Initiatives)

As required by the Municipal Government Act section 226(1), within 30 days after the date on which a petition is filed, the chief administrative officer must make a declaration to council on whether the petition is sufficient or insufficient.

Council will receive a declaration on the sufficiency of the petition and determine a meeting date to consider options dealing with the subject matter and to receive public input.

3.2 Banff Hockey Academy Request Dated August 11, 2014

Part of the discussion of this matter may be held in camera in compliance with section 16 of the Freedom of Information and Protection of Privacy Act to protect third party business information from disclosure.

**4.0 ADJOURNMENT**

Agenda prepared by: Tara Johnston-Lee

# CAO's Declaration on the Sufficiency of Petition Filed July 31, 2014 (Parking Initiatives)



Presented to: Council

Date: August 27, 2014

Submitted by: Robert Earl, Town Manager

Agenda #: 3.1

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## Recommendations:

1. That council receive, for information, the report from the Town Manager declaring the petition received July 31, 2014 as sufficient.
2. That the Mayor call a special meeting of council for Monday, September 15, 2014 at 9:00 a.m. to consider options and to receive public input submissions on the subject of the petition.

## BACKGROUND

### Reason for Report

To declare to council that the petition filed on July 31, 2014 is sufficient.

### Summary of Issue

As required by the Municipal Government Act section 226(1), within 30 days after the date on which a petition is filed, the chief administrative officer must make a declaration to council on whether the petition is sufficient or insufficient.

The following required validation activities were performed to determine whether the petition submitted met the requirements stipulated by the Municipal Government Act:

- Validated that the petition included a Statement of Representative of Petitioners;
- Converted a copy of the petition into an analytics-readable format (i.e. Excel), and assessed whether the printed names on the petition were reasonably legible;
- Reviewed the petition for duplicate names;
- Reviewed the pages of the petition to determine if the same purpose statement was contained on all pages of the petition;
- Reviewed the signatures contained within the petition to assess whether each signature appeared to be unique;
- Verified that each petitioner stated the date on which the petition was signed;
- Crossed referenced the addresses on the petition with Town of Banff address lists generated through the GIS system, tax roll and census address databases to determine if the address provided is a correct address for an elector of Banff;
- Verified that each witness affidavit was commissioned; and
- Reviewed the witness signatures and cross-reference the signatures with the signatures on the 53 affidavits provided to assess whether each signature had been witnessed by a person taking an oath that they witnessed the person signing the petition and to the best of their knowledge the person signing the petition was an elector of the Town of Banff.

The table below outlines the results of the procedures performed as required by the Municipal Government act to determine the sufficiency of a petition.

Attributes	Observations
Signed statement of person representing the petitioners:	Yes – Submitted by Ms. Alanna Pettigrew
Total number of names submitted	1473
Exceptions, based on petitioner requirements*:	
<ul style="list-style-type: none"> <li>• Duplicate records</li> </ul>	30
<ul style="list-style-type: none"> <li>• Not able to match a witness signature to a person taking affidavit that to the best of the person’s knowledge the signatures witnessed are those of a person entitled to sign the petition (Section 225(3)(a))</li> </ul>	254
<ul style="list-style-type: none"> <li>• Page did not contain identical statement of the purpose of the petition (Section 225(3)(b))</li> </ul>	14
<ul style="list-style-type: none"> <li>• Not “reasonably legible” given names of the petitioner (Section 225(3)(c))</li> </ul>	10
<ul style="list-style-type: none"> <li>• Did not include a street address or street address was incorrect (Section 225(3)(d))</li> </ul>	73
<ul style="list-style-type: none"> <li>• Not eligible electors, based on information provided (Section 225(3)(f)(i))</li> </ul>	21
Thresholds	
Total population based on the 2011 census	8,244
Minimum number of petitioners required (10%)	825 (10%)
Valid petitioners based on above	1,071 (12.99%)

Within 30 days council must give first reading to a bylaw dealing with the subject matter of the petition and other related matters that council considers necessary.

The electors have petitioned to repeal the following motions made on June 9, 2014:

COU14-210 Moved by Mayor Sorensen that council direct administration to implement a 2014 pilot user pay parking system from August 1 to October 31, 2014.

COU14-211 Moved by Councillor Olver that council direct administration to implement the 2014 pilot user pay parking system in the surface parking lot located on the 200 block of Bear Street (across from Bison Courtyard) with the associated capital costs of \$5,000 being funded by user pay parking revenues.

COU14-212 Moved by Councillor Olver that council direct administration to implement the 2014 pilot user pay parking system in the surface parking lot located on the 200 block of Beaver Street North (behind the Visitor Center) with associated capital costs of \$5,000 being funded by user pay parking revenues.

COU 14-213 Moved by Councillor Olver that council direct administration to implement the 2014 pilot user pay parking system in the surface parking lot located on the 100 block of Bear Street (beside Town Hall) with associated capital costs of \$5,000 being funded by user pay parking revenues.

COU14-214 Moved by Councillor Standish that council direct administration to implement the 2014 pilot user pay parking system in the surface parking lot located on the 100 block of Buffalo Street East (behind the Clock Tower Mall) with the associated capital costs of \$5,000 being funded by user pay parking revenues.

COU14-215 Moved by Councillor Standish that council direct administration to implement the 2014 pilot user pay parking system in the surface parking lot located on the 100 block of Beaver/Caribou Street (behind the Mount Royal Hotel) with associated capital costs of \$5,000 being funded by user pay parking revenues.

COU14-216 Moved by Mayor Sorensen that council direct administration to:

- implement a vendor supplied advanced License Plate Recognition technology enforcement system from July 15 to October 31, 2014 with an estimated net cost of approximately \$15,000 funded from user pay parking revenues; and
- implement a parking data collection program in the downtown core from July to October 31, 2014 with an associated operating costs of \$80,000 funded from user pay parking revenues.

COU14-217 Moved by Mayor Sorensen that council give first reading to Bylaw 337 – Traffic Bylaw Amendment Bylaw No. 4 as presented.

COU14-218 Moved by Councillor Standish that council give second reading to Bylaw 337 – Traffic Bylaw Amendment Bylaw No. 4 as presented.

COU14-219 Moved by Councillor Olver that council go to third reading of Bylaw 337 – Traffic Bylaw Amendment Bylaw No. 4.

COU14-220 Moved by Councillor Standish that council give third reading to Bylaw 337 – Traffic Bylaw Amendment Bylaw No. 4 as presented.

Submitted By:

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Robert Earl, Town Manager



## \*\*NOTIFICATION\*\*

Please Note: The Attachment to Item 3.1, CAO's Declaration on the Sufficiency of Petition Filed July 31, 2014, was included as part of the Public Agenda for Council's Consideration. This Attachment, the Petition filed July 31, 20214, contained personal information and, as such, is not included as part of the version available online through [www.banff.ca/AgendaCenter](http://www.banff.ca/AgendaCenter)

Should you wish to view this Attachment, please contact the Municipal Clerk's at 403-762-1209 or [municipal.cler@banff.ca](mailto:municipal.cler@banff.ca)

*Libbey McDougall*

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Libbey McDougall,  
Municipal Clerk



Robert Earl  
Town of Banff

**Date: August 11, 2014**

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[www.banffhockey.ab.ca](http://www.banffhockey.ab.ca)

Dear Mr. Earl,

The BHA would like to formally request to be included in the Council Meeting Agenda for Monday, August 18, 2014. We would like our presentation to be in camera. We would like to include any Canadian Rockies Public School officials that would like to attend.

Our presentation will include the following:

- 1) We will bring the council up to date on where the BHA is twenty years later.
- 2) We will request to have the pressure of the current debt with the Town of Banff be placed on a repayment schedule that will allow for a more patient approach to debt reduction and reflective of the BHA cash flow.
- 3) We will request that the summer week fee for August 11-17, 2014 be removed or at least minimized to help us with our cash flow.
- 4) Reinstatement of the long term lease.
- 5) Finally, we would like to request a reduced rate for the non-prime ice being used by the BHA for the upcoming years and especially that ice used by our girls program as we try to build this program.

We will provide support and rationale for our requests. Please let me know what else you will need from the BHA for our presentation.

Thank you for your support!

Sincerely,

Billy G. Doherty  
President  
Banff Hockey Academy  
P.O. Box 2242  
Banff, Alberta  
Canada  
403-760-2134  
[bdoherly@banffhockey.ab.ca](mailto:bdoherly@banffhockey.ab.ca)

# MEMO

**To: Council**  
**From: Kelly Gibson, Manager of Corporate Services**  
**Date: August 27, 2014**  
**Re: BHA Financing Request**



Banff Hockey Academy (BHA) is our largest facility user at the Fenlands using approximately 750 hours of ice per year, 225 hours of which are non-prime daytime use that is difficult ice to rent otherwise. Annual revenue from BHA is estimated to be as follows (based on 2013):

\$93,000 in ice revenue  
\$38,400 in rent and utilities  
\$21,100 in leasehold improvements  
\$152,500

BHA pays \$126 per hour of ice for practice/games and \$134 per for tournaments (2014/15 rates)

The BHA is currently in arrears in the amount of \$116,299.63 for both facility and ice rental at the Fenlands. The arrears are aged as follows:

0-30 days	\$42,456.74
30-60 days	\$4,956.74
60-90 days	\$5,325.53
90+	\$63,560.62

BHA has requested assistance to rectify the arrears situation, Council may consider the following solutions to assist BHA:

- Pay back the arrears over 36-60 months with a preferential interest rate of 3-5%.
- Initial lump sum payment to enter into an agreement in the range of 10-20%
- Forgiveness of ice committed to for the week of August 11-15, 2014. No ice was used for this period but BHA was billed the minimum \$7,500 weekly charge.
- Discount of girls program non-prime ice up to a maximum of 120 hours.

10% discount = Maximum of \$1,512  
20% discount = Maximum of \$3,024  
30% discount = Maximum of \$4,536  
40% discount = Maximum of \$6,048  
50% discount = Maximum of \$7,560

- Extend the term of leasehold improvements from 60 to 84 months as per clause 7 in the MOU signed with the BHA. This would reduce the payment from \$1,758.33 to \$830.08/month.

7. As further Rent, the Operator shall pay to the Town \$105,500.00 for leasehold improvements made to the Facilities by the Town, as indicated in Appendix "B", by way of 60 monthly payments of \$1,758.33 commencing on July 1, 2011. The Operator may seek to extend this payment schedule by 24 months for a total of 84 months. Any such extension of the repayment period is subject to the prior written consent of the Town.

- Upon sale or new investment in the BHA, Town of Banff debt excluding leasehold improvements is to be paid first.