

**MINUTES  
MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9  
REGULAR COUNCIL MEETING  
JANUARY 12, 2021**

9360

The Regular Meeting of Council of the Municipal District of Pincher Creek No. 9 was held on Tuesday, January 12, 2021, at 1:00 pm, via GoToMeeting.

**PRESENT** Reeve Brian Hammond, Deputy Reeve Rick Lemire, Councillors Terry Yagos, Quentin Stevick and Bev Everts.

**STAFF** Director of Development and Community Services Roland Milligan, Director of Finance Meghan Dobie, Director of Operations Aaron Benson and Executive Assistant Jessica McClelland.

Reeve Brian Hammond called the meeting to order, the time being 1:00 pm.

**A. ADOPTION OF AGENDA**

Councillor Bev Everts 21/001

Moved that the Council Agenda for January 12, 2021 be amended to include:

- J1e Fire Fighting Services – Letter from Jim Welsch

And that the agenda be approved as amended.

Carried

**B. MOMENT OF SILENCE**

Reeve Brian Hammond requested Council and staff pay respect to the following people by observing a moment of silence:

- a) For Colleague and Councillor of the Town of Pincher Creek, Cllr S. O'Rourke – who succumbed to complications from COVID-19
- b) Sgt. Andrew Harnett – A Calgary Police Officer and representative of our rule of law and a just society in Alberta and Canada – killed in the line of duty.

Council and staff send condolences to the family and friends of Cllr O'Rourke and Sgt. Harnett.

**C. PUBLIC HEARING BYLAW 1322-20 ROAD CLOSURE**

1. Call to Order - Reeve Hammond called the public hearing to order at 1:05 pm.

2. Advertising requirement

Reeve Hammond advised that this Public Hearing has been advertised in accordance with Section 606 of the Municipal Government Act. This Public Hearing was advertised in the Pincher Creek Echo and Shootin the Breeze on December 30, 2020 and January 6, 2021, as well as the MD website and MD Social Media pages.

3. Purpose of the hearing

Reeve Hammond advised that the purpose of this Public Hearing is to receive public input on proposed Bylaw No. 1322-20. The purpose of Bylaw No. 1322-20 is to close to public travel and creating title to and disposing of land described as:

FIRSTLY:

THAT PORTION OF GOVERNMENT ROAD ALLOWANCE LYING ADJACENT TO N.E. ¼ SEC. 6, TWP. 6, RGE. 1, W5M AND N.W. ¼ SEC. 5, TWP. 6, RGE. 1, W5M FORMING PART OF LOT 3, BLOCK 1, PLAN \_\_\_\_\_ CONTAINING 0.201 HECTARES (0.50 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS

SECONDLY:

THAT PORTION OF ROAD PLAN 041 0705 FORMING PART OF LOT 3, BLOCK 1, PLAN \_\_\_\_\_

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CONTAINING 0.202 HECTARES (0.50 ACRES) MORE OR LESS  
 EXCEPTING THEREOUT ALL MINES AND MINERALS

4. Overview of Bylaw 1322-20

Director of Development and Community Services Roland Milligan gave an overview of Bylaw 1322-20.

5. Presentations:

VERBAL:

Reeve Hammond asked if anyone in the audience wishes to make a statement, none wanted to speak.

WRITTEN:

Reeve Hammond asked if any written submission have been received, none have been received.

6. Closing Comments

Reeve Hammond asked if Council has any further questions, there were no further questions.

7. Adjournment from Public Hearing

Reeve Hammond adjourned the public hearing, the time being 1:07 pm.

D. DELEGATIONS

Fire Response Charges

Members of the community attended the meeting at this time to discuss concerns with fire response charges from the Snake Trail fire in August 2020.

Mark Burles

- Received a bill for the August 24, 2020 fire for \$52,603 for which his insurance will pay only \$10,000
- Bill includes \$20,150 the second day, \$8,700 for the third day and \$7,930 for the fourth day
- Concerned people are going to react by not calling the fire Dept at all if they think they can handle it or by sending them home as quickly as they can
- He would have kicked them off his land that evening as forestry and neighbors had the fire pretty much out before the Fire engines arrived
- One truck helped reload the farmers' tanks till they ran out of water. Others sat on the road
- He understands that the MD would want to recover costs where appropriate for fire response
- The right to recover costs should also be qualified, which the bylaw does not do
- There than a single clause (i) allowing a landowner to request adjustments
- In some cases, the property owner is blameless, and their liability and cost should be **appointed** accordingly
- Generally sympathetic with the position of the MD understands they do not have unlimited funds and the province is making the situation worse, they do not want to create cases where every claim is contested and unresolvable
- MD bylaw and practices also need to be fair, and the recovery provisions should be limited
- Landowners should be liable or partially so in certain circumstances, and they are advised to carry some issuance
- Landowners also pay taxes for public services, and fire protection should be one of those where no fault or negligence exists
- Suggestion that the bylaw needs some careful consideration of several amendments making the imposition and recovery of charges by the MD discretionary rather than mandatory and specifically recognizing
- exceptions or circumstances where billing and recovery are likely to be pursued
- Should be providing a portion of liability that is appropriate providing a mechanism or process for landowner appeal and landowner MD resolution.

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Barbara Boyer

- Concerns how the bylaw reads the landowner is burdened with finding fault in order to collect from the person that started the fire
- Where does the MD fit in?

Jim Welsch (provided a letter as well as presented)

- How much effort was put into finding who started the fire instead of billing landowners? No one in the area was contacted by police

Councillor Scott Korbett with Town of Pincher Creek and Chair for Pincher Creek Emergency Services Commission

- Stated he was just in attendance to listen to concerns of residents, not to comment on situation

Harold Hollingshead

- Was shocked at the amount for fire fighting costs, and the bills were laughable
- Requested the MD suspend the current charges pending an evaluation of the process and charges
- Requested to attend a subsequent Council meeting to further discuss his concerns

Blaine Moen

- People don't want to call 911 and can't afford to cover the cost of assistance
- MD should look into purchasing fire insurance for people who don't have insurance
- He appreciates the efforts of the MD and understands the process needs to be looked into

Neil Kathol

- Would be cheaper to let it burn than to call for help
- Fire that threatens neighbors shouldn't be charged to the landowners
- How can landowners ensure neighbors aren't involved in dangerous activities that could start fires

All community members left the meeting at 1:41 pm.

E. MINUTES

1. Committee Meeting Minutes

Councillor Terry Yagos 21/002

Moved that the Minutes of the Committee Meeting on December 8, 2020 be amended to correct "aminded" to "amended" on page 1,

AND THAT the minutes be approved as amended.

Carried

2. Council Meeting Minutes

Councillor Rick Lemire 21/003

Moved that the Minutes of the Council Meeting on December 8, 2020 be approved as presented.

Carried

F. BUSINESS ARISING FROM THE MINUTES

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G. UNFINISHED BUSINESS

H. COMMITTEE REPORTS / DIVISIONAL CONCERNS

1. Councillor Quentin Stevick – Division 1

Councillor Terry Yagos 21/004

Moved that as it was missed in error during the 2020/2021 Organizational Meeting, Councillor Quentin Stevick be appointed to the Chinook Arch Regional Library Board for the 2020/2021 term

Carried

2. Councillor Rick Lemire – Division 2

a) Emergency Advisory Committee

Councillor Rick Lemire 21/005

Moved that Council approve the 2020 Regional Emergency Management Plan, as presented.

Carried

3. Councillor Bev Everts– Division 3

a) Family and Community Support Services

b) ORRSC Annual General Meeting

4. Reeve Brian Hammond - Division 4

a) Mayors and Reeves

5. Councillor Terry Yagos – Division 5

a) Emergency Advisory Committee

Councillor Terry Yagos 21/006

Moved to accept the Committee Reports and information.

Carried

Public Works Superintendent Eric Blanchard attended the meeting at this time to discuss the call logs, and left the meeting at 2:22 pm.

I. ADMINISTRATION REPORTS

1. Operations

a) Operations Report

Councillor Quentin Stevick 21/007

Moved that Council receive for information:

- Report from Director of Operations dated January 6, 2021
- Public Works Call logs, dated January 6, 2021
- Capital Budget Summary, dated January 6, 2021
- Program Capital Budget Projects Status, dated January 6, 2021

Carried

2. Development and Community Services

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a. Request for Land Use Bylaw Amendments – Lundbreck Dog Park

Councillor Terry Yagos 21/008

Moved that Council direct administration to prepare the bylaw required to amend Land Use Bylaw 1289-18, for the purpose of allowing the development of an off-leash dog park within the Hamlet of Lundbreck.

Carried

b. Road Closure Bylaw 1325-21 - Adjacent to SW 6-8-1 W5M

Councillor Terry Yagos 21/009

Moved that Council give first reading to Road Closure Bylaw 1325-21,  
 AND THAT the date for Public Hearing be set for February 9, 2021 at 1:00 pm.

Carried

3. Finance

4. Municipal

a) Chief Administrative Officer Report

Councillor Bev Everts 21/010

Moved that Council receive for information, the Chief Administrative Officer's report for the period of December 7, 2020 to January 12, 2021.

Carried

b) PCREMO Change in Structure

Councillor Rick Lemire 21/011

Moved that Council approve the recommendation of the Emergency Advisory Committee that the Pincher Creek Regional Emergency Management Organization be included under the umbrella of the Pincher Creek Emergency Services Commission.

Carried

c) C-AES-006 Agricultural Pest Policy

Councillor Bev Everts 21/012

Moved that Council approve C-AES-006 Agricultural Pest Policy.

Carried

J. CORRESPONDENCE

1. For Action

a) RMA Board Governance Review Survey

Council completed the RMA Board Governance Review Survey, and submitted, during the meeting.

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b) Meeting with the Minister - RMA Spring 2021

Rick Lemire 21/013

Moved that administration contact the Stakeholder Relations Team for Municipal Affairs to thank them for the offer to request a meeting, but at this time one is not being requested.

Carried

c) Request for Payment Re: Fire (Alan Michalsky)

Councillor Terry Yagos 21/014

Moved that the request for payment from Alan Michalsky be tabled until the meeting on January 26, 2021 pending clarification on costs associated with fire assistance.

Carried

d) Letter of Concern Re: Mining (Dixon Hammond)

Councillor Bev Everts 21/015

Moved that a letter be sent to Dixon Hammond to thank him for advising Council of his concerns, and that Council is aware of the changes to the coal policy and is working on gathering information on what these changes will mean for the Municipality.

Carried

e) Fire Fighting Services – Letter from Jim Welsch

Councillor Terry Yagos 21/016

Moved that a letter be sent to Jim Welsch to thank him for bringing his concern to Council and that they be made aware that the current process for fire billing is being reviewed.

Carried

2. For Information

Councillor Terry Yagos 21/017

Moved that the following be received as information:

- a) Grant Specialist Report
  - November 2020
- b) Waterton 61 Pipeline Notification - Application Q1 2021
  - Pieridae Energy December 2020
- c) Grassy Mountain proposal and cumulative effects due to a NOVA/TC Energy proposal
  - Email from David McIntyre
- d) ORRSC Executive Committee Meeting Minutes
  - November 12, 2020
- e) Thank you and Update Regarding Emergency Dispatch Services Support
  - Letter from City of Red Deer, Regional Municipality of Wood Buffalo, City of Lethbridge and City of Calgary
- f) Oldman River Regional Water Allocation Order
  - Letter from MD of Pincher Creek to MLA

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Carried

K. NEW BUSINESS

a) Next Steps for Water Allocation Order

Councillor Bev Everts

21/018

Moved that Council agree to support the MD of Ranchland as a seconder of the following motion during the Foothills Little Bow Municipal Association Agenda on Friday January 15, 2021:

Title - Preservation of Water Quality and Access to Water by Albertans

WHEREAS the Headwaters of the South Saskatchewan River Basin found within the Eastern Slopes of the Rocky Mountains are the source of water for a significant number of Alberta industries and residents, and beyond into Saskatchewan.

WHEREAS water is a limited resource that all Albertans rely on and requires careful management.

WHEREAS downstream users, both rural and urban depend on an ample supply of high-quality water to sustain their communities and livelihoods.

WHEREAS specific water allocation commitments have been made to Agriculture Producers, Residential uses, Municipalities and Industry.

WHEREAS in the past, the process for the allocation of water has been implemented in an orderly manner with opportunity for meaningful input from Albertans.

WHEREAS some industrial uses consume large quantities of water and are unable to restore the quality of that water before it is returned to the system.

WHEREAS the South Saskatchewan Regional Plan 2014-2024 cites the creation of the South Saskatchewan Region Surface Water Quality Management Framework as a proactive and dynamic management approach that assures water quality and a collaborative approach to water quality management.

WHEREAS the South Saskatchewan Regional Plan 2014-2024 states that "Collaboration and shared stewardship will be essential to achieving responsible management" (of the Headwaters).

WHEREAS the South Saskatchewan Regional Plan 2014-2024 clearly states under (section 4. Water) that "shared stewardship is essential. The Province will continue to work with municipalities and other stakeholders to ...encourage protection of water resources and responsible development."

THEREFORE, BE IT RESOLVED that the Rural Municipalities of Alberta request the Government of Alberta to: Proactively take measures to ensure that the Headwaters of the South Saskatchewan River Basin are managed to maintain water recharge capabilities, to sustain high water quality and to provide access to significant water supplies for a large number of Albertans.

Carried

L. CLOSED SESSION

Councillor Terry Yagos

21/019

Moved that Council move in to closed session to discuss the following, the time being 4:10 pm:

- a) Employee Benefits – FOIP Section 17
- b) Pincher Creek Emergency Services Fire Response – FOIP Section 17
- c) AEP Engagement on Draft Guide to Assessing Risk of Pits in the 1:100 Year Floodplain- FOIP Section 17

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Councillor Rick Lemire 21/020

Moved that Council open the Council meeting to the public, the time being 5:06 pm.

Carried

a) Employee Benefits

Councillor Quentin Stevick 21/021

Moved that Council rescind policies 155 Management Employee Benefits and 155A Non-Union Employee Benefits as of December 31, 2021;  
 AND THAT Administration provide employees notice that they will be grandfathered into the accrued sick leave policy based on their balance as of December 31, 2021;  
 AND THAT Administration work with Council to provide updated Employee Benefit Policies within 2021;  
 AND FINALLY THAT included in these updated policies, employees will receive 6 sick days to utilize within a 12 calendar month period. There will be no carry over, payout or accrual from one year to the next.

Carried

b) Pincher Creek Emergency Services Fire Response

Councillor Rick Lemire 21/022

Moved that in regards to the five (5) landowners previously billed for the fire on Snake Trail, which took place in August 2020, that the MD advise that the penalties will be waived for 90 days while Council further investigates a more equitable way for future billing that would be of mutual benefit for the community.

Carried

Councillor Rick Lemire 21/023

Moved to direct administration to provide a template to further the discussion and provide solutions to present to the Emergency Services Commission in regards to the current issues in fire response billing.

Carried

Councillor Bev Everts 21/024

Moved that Council approve funding invoice MD-23-20 and MD-28-20, in the amount of \$16,134.73, through operations.

Carried

M. ADJOURNMENT

Councillor Terry Yagos 21/025

Moved that Council adjourn the meeting, the time being 5:17 pm.

Carried

  
 REEVE  
  
 CHIEF ADMINISTRATIVE OFFICER