

MINUTES
MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
REGULAR COUNCIL MEETING
JANUARY 26, 2021

9371

The Regular Meeting of Council of the Municipal District of Pincher Creek No. 9 was held on Tuesday, January 26, 2021, at 1:00 pm, via GoToMeeting.

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

STAFF CAO Troy MacCulloch, 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 Quentin Stevick 21/036

Moved that the Council Agenda for January 26, 2021 be amended to include:

- New Business:
 - c) Coal Development Policy
 - d) Meeting Agenda with Ranchland
 - e) MOST Grant Finalization
 - f) Pincher Creek Emergency Services Commission

And that the agenda be approved as amended.

Carried

B. DELEGATIONS

a) Sgt. Ryan Hodge

RCMP Sgt. Ryan Hodge with the Pincher Creek Detachment attended the meeting at this time to review with Council the 2020 year end crime statistics. Council thanked the Sgt. for updating them on the community crime information.

Sgt. Hodge left the meeting, the time being 1:12 pm.

b) Harold Hollingshead - Fire Response Charges

Mr. Hollingshead attended the meeting at this time and read a submission to Council with the following points:

- Has spoken with neighbours and ratepayers in the MD of Pincher Creek concerning the PC Fire Commission and the Emergency services commission
- Concerns over how much longer can the MD/Ratepayers continue to support what Town of Pincher Creek Councillor Mark Barber referred to as “the fantastic capital requirements of the emergency services commission “, an estimated \$15 million over the next 10 years, to which the MD is committed to 67% which is more or less \$10 million.
- Maybe it’s time to say enough is enough
- We need a fire department, we also need transparency and fairness.
- Appears that the ambulance service is a money pit. Why are we continuing to run a venture that the provincial government would gladly take over?
- We don’t believe that the equipment that fire commission is of much use other than for structural fires, as evidenced on the fire on Snake Trail August 24 2020
 - 8 pieces of fire equipment were billed out plus 2 command units at a cost of about \$24,243 for that day alone not counting labour costs
 - To my knowledge of that equipment only 2 of those units actually put water on the fire
 - Old Cowley fire truck and a pickup, the tender truck did fill farmers/neighbors who were actively fighting the fire
 - No reflection on the fire fighters, only commenting on the equipment which for the most part was parked on the road and at the bottom of the hill

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- Does it seem fair to send a bill for equipment that was not used
- Seems that our memory of the Kenow fire and its shortcomings have faded
- Many recommendations coming from the audit of that fire, how many of those recommendations were acted upon?
- It appears that we are passengers on a runaway train with no chance of taking control
- We have many rate payers who are now hesitant to call the fire department because of the cost, this is totally against what we believe should be the norm
- We need a fire department that works for us not one that's trying to make the most revenue from our misfortune
- Get control of the budget of the fire commission or withdraw from Emergency Services funding entirely and taking MD's proportions of those assets, all for the MD have it's own Fire Commission/Emergency services commission
- I would imagine that even the thought of this proposal will be unsettling to the Town of Pincher Creek
- At which point we can buy the equipment that is relevant to MD ratepayers needs
- A million dollars a year is a significant amount. I guess the question is do we want to put the effort into this
- If we choose to stay in the existing commission
 - At present we are paying 2/3 of the cost
 - Commission should represent our ratepayers with 2/3rd of the vote on the commission
 - We believe there needs to be a total reshaping of the fire department starting from the top
 - We think 2 MD ratepayers should be added to the Fire commission with voting privileges
 - We propose that what ever the MD's share of the fire commission's budget, 20% should be held back in a fund to help fund purchase firefighting equipment for rate payers
 - Our neighbours are always the first at the fire, our readiness will reduce fire costs if we are better equipped, at arms length from the fire department
 - We would suggest 50% of cost to a maximum of \$1000/year for ratepayers buying fire fighting equipment to help with the purchasing of such things as pumps and hoses and refunding rate payers costs associated with fires
- We believe that when there is a bill for fire service any equipment charges should be returned to the MD and the town of Pincher Creek proportionally related on the percentage contributed
 - Example of costs on the fire of august 24, 2020 equipment charges were \$24,243 for equipment
 - MD's contributed 67% to the fire commission budget, the MD should be refunded \$16,242.82
 - The town contributed 33% so they should be refunded \$8000.19
- We believe that you are faced with some hard decisions, but we believe that given these challenges we can have a better fire service

Harold Hollingshead left the meeting at this time, the time being 1:20 pm

Blaine Moen - Fire Response Charges

Mr. Moen attended the meeting at this time to discuss his opinion regarding the fire on Snake Trail last year and the MD of Pincher Creek policy(s) regarding billing/invoicing MD residents. He provided the following information:

- Last year my wife and I were at home when I received a call from a friend/neighbor asking if I could see the fire which was difficult to see, but after a minute I could see smoke south, southwest of us
 - We drove my water truck to the fire and immediately joined the Wildfire Fire Fighters who were being flown into the north east area of the fire
 - We provided water to them to refill their backpacks until the water bombers were able to stop the leading edge of the fire
 - At the time I did not know whose land it was, nor the cause of the fire, nor the MD fire policy, all I knew was there was a fire and we, like so many others, went to help

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- We did so not because we were told, not because I knew Mark Burles, but because there was a fire on a windy day and we needed to stop it before it damaged buildings or worse, injured someone

1) Why do we Fight Fires?

- When there is a fire, everyone I know here comes to help. Why? Some people would rather let their pasture burn as it helps to regenerate the grass. Others, like me, do everything we can to stop the fire as soon as possible. Why? I do it because in the case of the Snake Trail fire, I knew Tom Ross' place is to the east of the fire right in the fire's path. So, when we helped with that fire, we went to save Tom Ross' place. So, when it comes to responsibility to pay for firefighting, should Mark pay or should Tom pay? Neither. The MD should pay as we are fighting the fire for ALL of us, so we should all pay via the MD

2) How much should we pay?

- Respectfully, in my defence, this is “hearsay”, but I heard that these invoices may have been inflated initially. I heard there was an initial invoice then it was sent back and reduced and sent out again. Is that true? No matter, where an invoice is sent, whether to a resident, to the MD or an insurance company, the invoices need to reflect REAL costs. If invoices to insurance companies are inflated then eventually, we will not even be able to purchase fire insurance. There are places in the States where you cannot buy fire insurance. That may eventually happen here, so the invoices need to be reasonable to help ensure that we can continue to get fire insurance.
 Question, who and how are water bomber invoices charged from? G of A?

3) Who should pay how much when?

- With respect, in my opinion, gross negligence is the only situation whereby a resident should be invoiced for firefighting, and in that instance, the entire amount. If someone does something insanely stupid and/or reckless, then they should be held responsible, without question. Otherwise, how do we know what or who caused a fire? When a fire starts along an MD road, and gross negligence is not the cause, then the MD should pay the entire invoice, no matter whose place the fire is on. Unless the cause of a fire is black and white gross negligence, we should all pay those costs via our MD taxes.
 - From Bennett Jones law firm:
 Gross Negligence / Wilful Misconduct means any act or failure to act (whether sole, joint or concurrent) by any person or entity which was intended to cause, or which was in reckless disregard of or wanton indifference to, harmful consequences such person or entity knew, or should have known, such act or failure would have on the safety or property of another person or entity. With respect, that is the ONLY time someone should receive an invoice for a fire.

4) Safety

- Right now, many people are hesitant to call 9-1-1 if they have a fire because they believe they will get the invoice. This is going to lead to someone getting injured or god forbid, killed. Then what will be the liability to the MD?

5) Opinion

- In the specific case of the Snake Trail fire and Mark Burles invoice, I am strongly against any landowners paying anything. I have met Mark one time; I have no other motive here than fairness. If this fire were set by some idiot making a campfire on a dry windy day, would the MD still expect Mark to pay even though this was clearly someone else's fault? I doubt it, or at least I hope not. So

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why should a fire started along an MD road be any different? The MD should cover costs of fires, then pass them along to all MD Ratepayers via taxes or another method.

- Mr. Moen Requested:

1. The MD should pay all fire costs other than gross negligence because it is in all our benefit to stop fires.
2. The MD review invoicing practices and ensure any invoice is reviewed by a group that must include MD residents.
3. The MD ensure all residents know they can call 9-1-1 without worrying about having to pay out of pocket for a service we should all reasonably expect with our taxes. Someone is going to get injured or worse if this continues.

Blaine Moen left the meeting at this time, the time being 1:34 pm.

C. MINUTES

1. Committee Meeting Minutes

Councillor Terry Yagos 21/037

Moved that the Minutes of the Committee Meeting on January 26, 2021 be approved as presented.

Carried

2. Council Meeting Minutes

Councillor Bev Everts 21/038

Moved that the Minutes of the Council Meeting on January 12, 2021 be approved as presented.

Carried

3. Special Council Meeting Minutes

Councillor Bev Everts 21/039

Moved that the Minutes of the Special Council Meeting on January 14, 2021 be amended with the changes as discussed,

AND THAT the minutes be approved as amended.

Carried

D. BUSINESS ARISING FROM THE MINUTES

E. UNFINISHED BUSINESS

F. COMMITTEE REPORTS / DIVISIONAL CONCERNS

1. Councillor Quentin Stevick – Division 1
2. Councillor Rick Lemire – Division 2
 - a) Emergency Advisory Committee
 - b) Intermunicipal Collaboration Framework Committee with Town of Pincher Creek

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3. Councillor Bev Everts– Division 3
 - a) Family and Community Support Services
 - b) Castle Mountain Community Association
 - c) Beaver Mines Community Association
4. Reeve Brian Hammond - Division 4
 - a) Joint Health and Safety
 - b) Special Council Meeting (Joint Council with Town of Pincher Creek)
 - c) Crowsnest Pincher Creek Landfill Association
 - d) Recycle Committee
5. Councillor Terry Yagos – Division 5
 - a) Emergency Advisory Committee

Councillor Terry Yagos 21/040

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 2:07 pm.

I. ADMINISTRATION REPORTS

1. Operations

a) Operations Report

Councillor Bev Everts 21/041

Moved that Council receive for information:

- Report from Director of Operations dated January 21, 2021
- Public Works Call logs, dated January 21, 2021
- Addition of letter from Pat Moskaluk regarding call log number 2596
 - During the summer of 2020, they had dust suppression product applied to 100 meters of gravel road adjacent to their yard on Township Road 5-4, otherwise known as Alberta Ranch Road.
 - The dust suppression portion of the road survived the winter conditions very well and was in a good state with just a very few small divots at one end. Doesn't feel there were any potholes or any breaks or a safety issue.
 - On or about January 12 or 13, 2021, I feel that an MD grader operator destroyed the dust suppression area by grading the whole area and turning it back into an ordinary gravel road.
 - Requesting that we be given an application of dust suppression product for 2021 at no charge
- Capital Budget Summary, dated January 21, 2021
- Program Capital Budget Projects Status, dated January 21, 2021
- AND THAT a letter is sent to Mrs. Moskaluk denying the request for 2021 dust control at no cost, explaining that as per the agreement to purchase dust control, there is no warranty on the product and that winter maintenance and safety conditions are paramount in road maintenance within the MD.

Carried

2. Development and Community Services

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a) Request for Reimbursement for North Burmis Fire Work

Councillor Terry Yagos 21/042

Moved that Council thank residents Alan Michalsky et al for their actions to help contain the spread of the September 1, 2020 fire on the North Burmis Road,

AND FURTHER THAT the landowner be reimbursed for the use of his weed spraying truck in the amount of \$700.00, to come from Admin Miscellaneous Expenses, Account No. 2-12-0-590-2590.

Carried

3. Finance

4. Municipal

a) Chief Administrative Officer Report

Councillor Bev Everts 21/043

Moved that Council receive for information, the Chief Administrative Officer’s report for the period of January 13, 2021 to January 26, 2021.

Carried

b) Amending Cowley Water Agreement

Councillor Bev Everts 21/044

Moved that an amending agreement with the Village of Cowley be signed, stating that “in accordance with schedule E of Bylaw 1320-20 (Utilities), Section 1 Part G of the Operations Agreement signed May 28, 2014 amend “fees to MD” means that One Dollar and Fifteen Cents (\$1.15) per cubic meter payable by the Village to the MD, for the MD to treat the Village’s Raw Water. And that the base rate for capitol repair and replacement for Cowley be based on Schedule E, at a rate of \$300.00 per month

AND THAT this amendment will remain in effect from March 1, 2021 until such time that the rates change as per Bylaw 1320-20 (Utilities).

Carried

c) Airport Authority – ACP Grant

Councillor Terry Yagos 21/045

Moved that the MD of Pincher Creek approve the Town of Pincher Creek to be the managing partner for the Alberta Community Partnership (ACP) Grant application through the Province of Alberta to be used in the application for the Airport Master Plan project.

Carried

J. CORRESPONDENCE

1. For Action

a) Heritage Acres – Letter of Support – Shell Legacy Funds

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Councillor Bev Everts 21/46

Moved that a letter of support be written for Heritage Acres for their application towards the Shell Legacy Fund.

Carried

b) 2021 Census of Population

Councillor Terry Yagos 21/047

Moved that the MD of Pincher Creek supports the 2021 Census, and encourages all residents to complete their census questionnaire online at www.census.gc.ca as accurate and complete census data support programs and services that benefit our community.

Carried

c) Xplornet Communications Ltd. Letter of Support Request

Councillor Quentin Stevick 21/048

Moved that as Council sees the importance of reliable high-speed internet for all residents, Council send a letter of support for Xplornet Communication to use in their upcoming applications for funding that would allow for a cost effective build out of a hybrid fiber and wireless network to service costumers and utilize satellite for remote and less dense service.

Carried

d) Request for Councillor – Transportation Committee

Councillor Rick Lemire 21/049

Moved that Council appoint Reeve Brian Hammond to the Town of Pincher Creek Transportation Committee.

Carried

2. For Information

Councillor Bev Everts 21/050

Moved that the following be received as information:

- a) Chinook Arch Regional Library Board Report
 - Report for December 2020
- b) Alberta Conservation Association survey
 - Information for survey
- d) Foothills Little Bow Municipal Association Minutes
 - Minutes from Friday January 17, 2021

Carried

c) Coal Project Letters

Councillor Bev Everts 21/051

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Moved that letters be sent to the following residents that provided feedback on the changes to the Coal Development Policy by the Province,

- Email from Curtis Sinnott
- Email from Brandon Smith

AND THAT they be advised that Council appreciates the feedback from residents regarding issues affecting our Municipality.

Carried

K. NEW BUSINESS

a) Draft CNP Recreation Agreement

Councillor Terry Yagos 21/052

Moved that the draft Recreation Agreement with the Crowsnest Pass be approved as presented.

Councillor Quentin Stevick requested a recorded vote:

For	Against
Reeve Brian Hammond Councillor Rick Lemire Councillor Bev Everts Councillor Terry Yagos	Councillor Quentin Stevick

Carried

b) Alberta Community Partnership Grant Application – Cowley

Councillor Terry Yagos 21/053

Moved that the MD of Pincher Creek supports the Village of Cowley as a managing partner, in their submission of a 2020/21 Alberta Community Partnership grant application in support of the Regional Infrastructure Master Plan project.

Carried

c) Coal Development Policy

Councillor Quentin Stevick 21/054

Moved that Council direct administration to draft a letter to Premier Jason Kenney, requesting the immediate reinstatement of the June 15, 1976 Coal Development Policy for Alberta, which was rescinded on June 1, 2020,

AND THAT we further request that the Government of Alberta begin public consultation with all stakeholders in Alberta on any proposed revision or replacement to this policy,

AND FINALLY THAT this letter be copied to Environment & Parks Minister Jason Nixon, Energy Minister Sonya Savage, MLA for Livingstone-Macleod Roger Reid, Town of Pincher Creek, Village of Cowley, Municipality of the Crowsnest Pass, MD of Ranchland, MD of Willow Creek, Cardston County and the Piikani Nation.

Carried

d) Meeting Agenda with Ranchland

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Administration was directed to draft an agenda for the meeting with Ranchland for Friday January 29, 2021 and that this meeting be a special meeting of Council to allow for resolutions to be made.

e) MOST Grant Finalization

Councillor Bev Everts 21/055

Moved that Council approve the use of the Municipal Operating Support Transfer (MOST) grant of \$171,390.72 to support and financially assist the 19 community organizations, as decided by Council, that have suffered economic hardship as a result of COVID-19,

AND THAT once the organizations receiving funding have been notified, the list be made public.

Carried

f) Pincher Creek Emergency Services Commission

Councillor Rick Lemire 21/056

Moved that Council direct members sitting on PCESC to rescind section 4.01.2.1 of PCESC Bylaw 3 as the MD is no longer willing to bill on behalf of PCESC,

AND THAT Council direct Administration to recover the costs from PCESC for invoice MD-23-20 either directly or by applying a credit to the levy payment,

AND THAT Council direct members sitting on PCESC to review fire response charges specific to MD-23- 20 by answering the following queries:

- Invoice MD-23-20 outlines the revenue for fire response, what was the cost?
- If the cost of fire response is less than the revenue, why is PCESC generating profit?
- Is the above cost for fire response reasonable?
- What of the above cost is already covered through the levy (i.e. part of the approved budget and already funded by MD tax payers)?
- What cost, if any, is remaining, who should cover that cost and by what means?

AND THAT Council direct members sitting on PCESC to review and update the internal processes of PCESC to ensure the process is efficient, fair and equitable,

AND FURTHER THAT administration forward the necessary correspondence to the PCEMS as discussed.

Carried

L. CLOSED SESSION

M. ADJOURNMENT

Councillor Quentin Stevick 21/057

Moved that Council adjourn the meeting, the time being 3:49 pm.

Carried



 REEVE



 CHIEF ADMINISTRATIVE OFFICER