

MINUTES
MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
REGULAR COUNCIL MEETING
JANUARY 10, 2023

9641

The Regular Meeting of Council of the Municipal District of Pincher Creek No. 9 was held on Tuesday, January 10, 2023 at 6:00 pm, in the Council Chambers of the Municipal District Administration Building, Pincher Creek, Alberta.

PRESENT Reeve Rick Lemire, Deputy Reeve Tony Bruder, Councillors Dave Cox, Harold Hollingshead and John MacGarva.

STAFF CAO Roland Milligan, Director of Finance Meghan Dobie, Public Works Superintendent Eric Blanchard, Utilities & Infrastructure Manager David Desabrais, Development Officer Laura McKinnon, and Executive Assistant Jessica McClelland.

Reeve Rick Lemire called the meeting to order at 6:00 pm.

A. PUBLIC HEARING BYLAW 1334-22

In order to receive public input on proposed Bylaw No. 1344-22, a Public Hearing, conducted by the Council of the Municipal District of Pincher Creek No. 9, was held on Tuesday, January 10, 2023.

1. Call Public Hearing to Order

Reeve Rick Lemire recessed the Council meeting and called the Public Hearing to order, the time being 6:00 pm.

A Public Hearing is Council's opportunity to hear from anyone who is affected by the proposed bylaw. General rules of conduct when a Public Hearing is held are as follows:

- The developer and/or proponent is given the first opportunity to present to Council and the public. After the public has made their statements, the developer has the opportunity to rebut or answer any questions.
- Members of the public will be invited to speak to the subject matter. We will ask members of public who wish to speak to state their name for the record. The speaking time limit is 5 minutes per speaker. If you have previously submitted a written response, unless you have new information to present, be assured that Council has read your letter. Please do not come to the podium to read your submitted response.
- The Reeve will call for any additional speakers to make sure everyone wishing to speak has had the opportunity to do so. As this is not a situation for debate, speakers may come up one time only.
- Following all presentations from members of public, the developer has the opportunity to rebut or answer any questions, Council may ask questions to Administration and/or developer.
- Council will then close the Public Hearing. This ends the opportunity for the public or Administration to provide information on the matter.

2. Advertising requirement

Reeve Rick Lemire stated that this Public Hearing had been advertised in accordance with Section 606 of the Municipal Government Act. This Public Hearing was advertised in the Pincher Creek Echo on December 28, 2022 and January 4, 2023, as well as the MD website and MD social media pages.

3. Purpose of the hearing

The purpose of Bylaw No. 1344-22 is for regulating and providing for the terms, conditions, rates and charges for the supply and use of water services, wastewater services and solid waste services provided by the Municipal District of Pincher Creek No. 9.

4. Presentations:

VERBAL:

Reeve Rick Lemire asked if anyone in the audience wishes to make a statement. The following people in attendance spoke:

Lynn Calder (on behalf of Rick Czerny and the Beaver Mines Community Association)

Minutes

Council Meeting

Municipal District of Pincher Creek No. 9

January 10, 2023

- Questioning the mandatory signup – this is different than what was told to the community by past administration and Council
- Questioned well decommissioning and misinformation
- Bylaw says decommissioning is mandatory or can be overruled by CAO
- Letter to community says no wells are allowed
- Q & A document says wells will need a separate water license
- 20 year payout was removed
- Final date to connection needs to be changed, currently it reads December 31, 2022
- Questioned why maintenance and repair of the line would be up to the landowner
- Past CAO stated that the new connection fee (\$300) wouldn't apply to Beaver Mines residents and that wells can remain as long as they aren't connected to the system
- Prior administration stated that MD was planning to contract the work for the residents, from the curb stop to homes. That 8 contractors were lined up, and that the MD cannot charge interest rates
- Email chain was ending November 23, 2022 with Troy

Lynn Calder

- Has been a resident since 2003
- Bylaw states the MD can cut off water and wastewater, there needs to be rationing and hopes the MD would provide temporary water should this happen. Prospect unacceptable, especially with abandonment. Request bylaw be changed to reflect that
- Understand the bylaw states wells must be abandoned if they are no longer used. Contradicts what residents were told in the Spring. Would encourage people to make the switch and reduce demand in times of drought. – Why does the MD get to oversee this if they aren't connected? If the laws must remain, what allowance can be made for people who wish to maintain existing wells?
- MD should offer additional incentive to sign up for water/wastewater. Meter incentive not enough.
- Fails to see Alberta Environments point to decommission wells

Buck Waters

- Wants to keep his well in case there are issues with new water service
- Water is important
- MD better be doing everything they can to advocate to Alberta Environment for residents to keep existing wells

Cody Spencer

- Questioned if the water is coming from the Oldman, what will happen if the Coal Mines are approved
- Reeve Lemire stated that the MD began testing a couple years ago to monitor any fallback from current/future development up the Oldman water way

Gary Middleton

- Questioned how he can find out if he has a well and if a cistern is considered the same as a well if it isn't connected. Reeve Lemire advised he reach out to Alberta Environment with his legal description to find records of any wells on his property

Utilities & Infrastructure Manager David Desabrais

- Thanked everyone for the written and verbal responses on proposed Bylaw 1344-22
- Responding on behalf of the MD's Administrative team regarding the bylaw and will be focusing on responses to common statements to clarify facts related to comments received
- Bylaw 1344-22 is a successor to Bylaw 1320-20, many of the questions and comments received relate to pieces of the bylaw which were unchanged from the existing, currently in-effect, bylaw. While this does not preclude changes, it is important to note.
- The Utility Services Guidelines are not a legal pre-requisite to passing the utility bylaw. Section 6 of the main body states that the CAO "may adopt, amend, repeal and replace Utility Services Guidelines from time to time as the Chief Administrative Officer deems advisable." Note the Section (6)(2) further states that "the USG's must not be inconsistent with the bylaw, and that in the event of an inconsistency, this Bylaw shall prevail"
- This section was not modified from the in-effect bylaw. There were also no modifications made to Sections 7 through 16 which relate to Notice, CAO authority, and bylaw enforcement
- Based on the responses received it is also worth clarifying the definitions related to Service Connections. No Changes were made to Schedule A Sections 4, 5, & 7 regarding service connections from bylaw 1320-20.

Minutes
 Council Meeting
 Municipal District of Pincher Creek No. 9
 January 10, 2023

- It is critical to note that the definition of a Service Connection, Water Service Line, and Private Water Line. Service Connections are inclusive of the connection from the MD Water Main to the property line and the Private Water Line, which is owned by the Customer on private property. These definitions are unchanged from Bylaw 1320-20.
- All residents within the MD are required to pay for the Water and Wastewater Service Lines (that is, the line from Water Main to property edge) Per Schedule A Section 6(1), which is typical in utility development. The new section and exemption to this is stated in Section (6)(2) of Schedule A. Hamlet of Beaver Mines residents are not bearing this cost "due to the bulk of the construction being installed under the MD's supervision with use of grant funding to complete the work."
- The Date set out in this section (December 31, 2022) will be modified prior to next reading of the bylaw, as not all Water and Wastewater Service Lines were completed prior to the end of year within Beaver Mines as originally anticipated.
- Future requests for Water and Wastewater Service Lines that were not provided as part of the grant covered construction will be paid for by property owners throughout the MD.
- This Section must be updated. The predecessor bylaw Schedule A Section (6) stated that the MD shall install the facilities up to property edge (from the MD Main), but that the costs for these connections were to be paid for by the Customer. No exemption was stated for Hamlet of Beaver Mines residents. It also stated that the responsibility of the Private lines, including costs, were to be borne by the Customer. This is consistent with the approach of Bylaw 1344-22.

Other quick things to address:

- Water Meter anticipated costs for 2023 are \$720
- No changes were made to Sections 6-19 of the Main body, and Schedule A Section 10, Schedule B Section 19 of the bylaw from the predecessor
- The section regarding Alternate Water Supply (Wells) does need to be updated. Currently it states they need to be decommissioned. Whereas wells can be relicensed through AEP. This section was in the previous bylaw. We have reached out to AEP regarding the requirement to decommission/relicense, but have not been successful to date.

Reeve Rick Lemire asked if anyone else wanted to present a verbal submission, no one else requested to speak.

WRITTEN:

Reeve Rick Lemire asked if any written submissions were received, the following were received and part of the public package:

- Beaver Mines Community Association
- Rick Czarny
- Linde Farley/Dave McNeil
- James Miller
- Burt Nyrose

5. Closing Comments

Reeve Rick Lemire asked if Council had any further questions. No further questions were asked.

6. Adjournment from Public Hearing

Councillor Harold Hollingshead adjourned the Public Hearing, the time being 6:35 pm.

B. ADOPTION OF AGENDA

Councillor Tony Bruder

23/001

Moved that the Council Agenda for January 10, 2023 be amended to include:

- Finance b) Discussion on Bid Process
- Planning b) Pause on re-zoning to either Rural Recreation 1 (RR-1) or Rural Recreation 2 (RR-2) Land Use Districts

Minutes
 Council Meeting
 Municipal District of Pincher Creek No. 9
 January 10, 2023

AND THAT the agenda be approved as amended.

Carried

B. DELEGATIONS

C. MINUTES

1. Committee Meeting Minutes –December 13, 2022

Councillor Harold Hollingshead 23/002

Moved that the Committee Meeting Minutes of December 13, 2022 be approved as presented.

Carried

2. Council Meeting Minutes – December 13, 2022

Councillor Dave Cox 23/003

Moved that the Council Meeting Minutes of November 22, 2022 be approved as presented.

Carried

3. Beaver Mines Open House

Councillor John MacGarva 23/004

Moved that the notes from the Beaver Mines Open House on December 1, 2022 be accepted as presented.

Carried

4. Twin Butte Coffee with Council

Councillor Tony Bruder 23/005

Moved that the notes from the Twin Butte Coffee with Council on December 8, 2023 be accepted as presented.

Carried

E. UNFINISHED BUSINESS

F. BUSINESS ARISING FROM THE MINUTES

a) Heritage Acres Presentation

Councillor John MacGarva 23/006

Moved that a presentation from Heritage Acres on December 13, 2022 be accepted as information.

Carried

G. COMMITTEE REPORTS / DIVISIONAL CONCERNS

1. Councillor Tony Bruder – Division 1

a) ORRSC

b) Crowsnest Pincher Creek Landfill

c) Waterton Biosphere

2. Reeve Rick Lemire – Division 2

3. Councillor Dave Cox– Division 3

a) Pincher Creek Foundation

4. Councillor Harold Hollingshead - Division 4

a) Blowing Garbage South of Cowley

Minutes
 Council Meeting
 Municipal District of Pincher Creek No. 9
 January 10, 2023

- b) Rate payers plowing snow onto MD roads
- 5. Councillor John MacGarva – Division 5
 - a) Lundbreck Citizens Council

Councillor Tony Bruder 23/007

Moved to accept the Committee Reports as information.

Carried

H. ADMINISTRATION REPORTS

1. Operations

- a) Operations Report

Councillor Harold Hollingshead 23/008

Moved that Council receive the Operations report, which includes the call log, and the MD vehicle fuel usage report, for the period December 8, 2022 to January 4, 2023 as information.

Carried

- b) Maycroft Road Discussion

Discussion took place regarding the temporary plan to mitigate issues with Maycroft Road.

2. Finance

- a) 2022 Property Tax Write-Off - Lexin Resources Ltd. and Houston Oil and Gas

Councillor Tony Bruder 23/009

Moved that in the 2022 fiscal year, Council write off the property taxes owing from Lexin Resources Ltd. in the amount of \$1,617.48 and Houston Oil and Gas in the amount of \$1,525.32 through the Tax Rate Stabilization Reserve (6-12-0-735-6735);
 AND THAT Council support a submission of a Provincial Education Requisition Credit (PERC) application.

Carried

- b) Bid Process Discussion

Councillor Harold Hollingshead 23/010

Moved to direct administration to research a bid process for equipment purchases and return to a future Council meeting for discussion.

Carried

3. Development and Community Services

- a) Use Planning Agreements (JUPA); Alberta Community Partnership Grant Application

Councillor Dave Cox 23/011

Moved Council support a submission of a 2023 Alberta Community Partnership Grant Application in support of the Joint Use Planning Agreement mediation with Livingstone School Range Division.

Carried

- b) Pause on re-zoning to either Rural Recreation 1 (RR-1) or Rural Recreation 2 (RR-2) Land Use Districts

Minutes
 Council Meeting
 Municipal District of Pincher Creek No. 9
 January 10, 2023

Councillor Tony Bruder 23/012

Moved that Council not process any re-zoning applications for Rural Recreation 1 (RR-1) and Rural Recreation 2 (RR-2) until June 30, 2023 or until such time that required changes are made to Land Use Bylaw 1289-18.

Carried

4. Municipal

a) Chief Administrative Officer Report

Councillor Dave Cox 23/013

Moved that Council receive for information, the Chief Administrative Officer's report for the period of December 10, 2022 to January 5, 2023.

Carried

b) Appointment of Development Officer

Councillor John MacGarva 23/014

Moved that Council rescind Resolution 08/318,

AND THAT Council appoint Laura McKinnon as the Development Officer for the Municipal District of Pincher Creek No. 9, commencing this day, January 10, 2023.

Carried

I. POLICY REVIEW

J. CORRESPONDENCE

1. For Action

a) Joint Advocacy for Improved Solar Farm Governance

Administration was directed to research the Joint Advocacy for Improved Solar Farm Governance - Letter from Rocky View County, and return to a future Council meeting.

b) Letter of Engagement - AVAIL LLP

Councillor Tony Bruder 23/015

Moved that Council accept the letter of engagement from AVAIL.

Carried

2. For Information

Councillor Harold Hollingshead 23/016

Moved that the following be received as information:

a) Invite to Virtual Community Justice Centre Engagement Sessions - Justice and PSES Engagement Team

b) Chinook Arch Regional Library System - December Board Report

c) 2022 Top 100 Good Practice Story - Alberta South West

Carried

K. NEW BUSINESS

L. CLOSED SESSION

Minutes
 Council Meeting
 Municipal District of Pincher Creek No. 9
 January 10, 2023

Councillor Harold Hollingshead 23/017

Moved that Council move into closed session to discuss the following, the time being 8:30 pm:

- a) Beaver Mines Water Distribution & Collection Underground Completion Follow Up – FOIP Sec 24
- b) 2022 PERC Application – FOIP Sec 16
- c) A-ADMIN-004 Org Chart – FOIP Sec 17
- d) Salary Grid – FOIP Sec 17

Councillor Harold Hollingshead 23/018

Moved that Council move out of closed session, the time being 8:59 pm.

Carried

- a) Beaver Mines Water Distribution & Collection Underground Completion Follow Up

Councillor Tony Bruder 23/019

Moved that Council rescind resolution 22/505,

AND THAT Council enforce the "Damages for Delay" clause on BYZ's contract for the Water Distribution & Collection Project under Section 6.13.1 of the contract by charging \$1,000/day flat rate in liquidated damages until substantial completion of the work on Schedule A & B of the contract for damages charged from November 1, 2022 onward.

Carried

- b) 2022 PERC Application

Councillor Harold Hollingshead 23/020

Moved that Council support the submission of a Provincial Education Requisition Credit (PERC) application for Pennine Petroleum Co./Nomad Exploration Ltd./ Tri-Energy Resources.

Carried

M. ADJOURNMENT

Councillor Harold Hollingshead 23/021

Moved that Council adjourn the meeting, the time being 9:00 pm.

Carried


 REEVE


 CHIEF ADMINISTRATIVE OFFICER