

**MINUTES**  
**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9**  
**REGULAR COUNCIL MEETING**  
**MARCH 28, 2023**

9669

The Regular Meeting of Council of the Municipal District of Pincher Creek No. 9 was held on Tuesday, March 28, 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, Utilities & Infrastructure Manager David Desabrais, Development Officer Laura McKinnon, and Executive Assistant Jessica McClelland.

**ALSO** Planner Gavin Scott

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

**A. ADOPTION OF AGENDA**

Councillor Harold Hollingshead 23/107

Moved that the Council Agenda for March 28, 2023 be amended to include:

Committee Reports:

6) Pincher Creek Climate Risk Assessment and Community Resilience Planning Session

Municipal:

b) Purchasing Committee

Development:

3a) Late Addition Letters

- Sandra and Randy Baker
- James Doleman and Dori Wood
- Duncan and Sandra Gana
- Leo and Ruth Reedyk

Closed Meeting Session:

- c) Joint Meeting Concerning Recreation Agreement – FOIP Sec. 24.1.b
- d) Screwdriver Creek Issue – FOIP Sec. 23.1.a
- e) Letter to Pincher Creek Foundation – FOIP Sec. 24.1.b

AND THAT the agenda be approved as amended.

Carried

**B. DELEGATIONS**

**C. MINUTES**

1. Committee Meeting Minutes – March 14, 2023

Councillor Tony Bruder 23/108

Moved that the Committee Meeting Minutes of March 14, 2023 be approved as presented.

Carried

2. Council Meeting Minutes – March 14, 2023

Councillor Dave Cox 23/109

Moved that the Council Meeting Minutes of March 14, 2023 be approved as presented.

Carried

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E. UNFINISHED BUSINESS

F. BUSINESS ARISING FROM THE MINUTES

G. COMMITTEE REPORTS / DIVISIONAL CONCERNS

1. Councillor Tony Bruder – Division 1
  - a) Crowsnest Pincher Creek Landfill Minutes February 2023
  - b) Crowsnest Pincher Creek Landfill Association Financial Statements 2022
  - c) Recycle Use at Obies and Beaver Mines Store – cardboard only, working well
  - d) Police Advisory
  - e) Rural Crime Watch AGM is March 30, 2023 at 6:00pm at Napi Center
  - f) Joint Council with Town
2. Reeve Rick Lemire – Division 2
  - a) Pincher Creek Emergency Services
  - b) Joint Council with Town
  - c) Multiple residents calling, various issues
3. Councillor Dave Cox– Division 3
  - a) Pincher Creek Foundation
  - b) Joint Council with Town
  - c) Pincher Creek Municipal Library
  - d) Pincher Creek Emergency Services
  - e) Multiple residents calling, various issues
4. Councillor Harold Hollingshead - Division 4
  - a) Family and Community Support Services
  - b) Pincher Creek Community Housing
5. Councillor John MacGarva – Division 5
  - a) RMA Spring Convention
  - b) Mayors and Reeves (in absence of Reeve and Deputy Reeve)

Councillor Dave Cox 23/110

Moved to accept the Committee Reports as information.

Carried

6. Pincher Creek Climate Risk Assessment and Community Resilience Planning Session

Councillor John MacGarva 23/111

Moved that any interested Councillor be authorized to attend the upcoming Pincher Creek Climate Risk Assessment and Community Resilience Planning Session on April 13, 2023 at 6:00pm at Heritage Inn.

Carried

H. ADMINISTRATION REPORTS

1. Operations
  - a) Operations Report

Councillor Tony Bruder 23/112

Moved that Council receive the Operations report, which includes the call log, for the period March 8, 2023 to March 21, 2023 as information.

Carried

b) 2nd Avenue Drainage Issues Funding Guidance

Councillor Tony Bruder 23/113

Moved that Council approve \$11,500 for preliminary design work on 2nd Ave drainage, with said funds coming from the Road Infrastructure Reserve (6-12-0-757-6740).

Carried

2. Finance
3. Development and Community Services

Several residents in the area and the developer attended the meeting at this time.

Development Officer and Planner reviewed the history of this anticipated development and read the proposed conditions. Four letters of concern were received late and read into the minutes:

1) Sandra and Randy Baker:

At that time, the Recommendation to Council setting out proposed approval conditions had not yet been disclosed to adjacent land owners.

In reviewing those conditions, we are concerned that there is no substantial provision relating to noise suppression from extraction operations, backup alarms and gravel hauling. There is no mention of construction of berms and their design or location. The applicant's proposal shows berms built from stripped topsoil placed only at the northwest corner of the approved parcel. The applicant openly admits in his filed material that there is only a very thin soil layer over Lot 14 which leads to the conclusion that there is minimal material with which to construct berms of any appropriate size.

The only reference to noise in the conditions is for existing stands of trees and shrubbery outside the development area to be preserved for environmental and sound attenuation purposes. In fact, there is no growth of trees and shrubs on Lot 14 between the proposed site and five adjoining properties with residences. Therefore, the proposed conditions do not place any effective restriction on noise transmission from Lot 14. Our comments of March 22nd identify the noise issue as the one that will affect us the most on a daily basis. The comments filed by adjoining land owners Rowena Cromwell and Cheryl Welsh also express the same concern. Other owners have filed comments that show the proposed conditions fall short of what is needed in other respects. A standard for excessive or disturbing noise should be included as a condition so that it can be used to modify or shut down the operation.

Other suggestions for consideration have been made in our comments. There are no doubt other solutions that can be considered. Councillor Magarva, at the Public Hearing, acknowledged that noise from backup alarms would be a concern but that there were ways that it could be addressed. His solutions should be made known to all Councillors.

We respectfully request that Council openly discuss the noise suppression issue, and its inclusion in the conditions to be applied to the development, during the Council meeting of March 28th. We deserve to know that it has been fully considered and will be resolved to the best standard possible.

Further, the requirement for registration of the proposed development as a Class One pit should also be closely examined. When the area of haul roads is factored into the development - as required by Provincial pit regulations - the size moves it up to that higher Class. We also ask that Council not rush to approve the Development Permit at this meeting. That only benefits Alberta Rocks. You are allowing establishment of a development that will be in existence for a great many years. Please take the time to set conditions that respect the interests of the neighbours who have to live with your decisions.

And, as a final consideration, if it becomes obvious to Council that trying to control the development through conditions is unworkable, you still have the option of repealing your decision to allow the Land Use Amendment in accordance with the procedure set out in The Municipal Government Act.

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2) Dori Wood and James Doleman:

As registered landowners within the Villa Vega subdivision for 2 decades, and as acquaintances and sometime customers of the owners/operators of Alberta Rocks, we (Dori Wood and James Doleman) wish to voice our support for the Subject Application, and the ability/integrity of the owners/operators to manage a quality operation within the guidelines of the Municipal District of Pincher Creek No. 9.

3) Duncan and Sandra Gano:

I would like to express my continued concern for the proposed gravel pit as well as include potential conditions for operating. Just running some quick numbers based on the proposed 4.9 Hectare area to be developed: if we assume that the average gravel truck hauls 10 cubic metres per load (equivalent to 12 cubic yards) based on the area and calculating an extraction depth of 3 metres, this equals to 14'700 truck loads of gravel over the lifetime of this pit. Considering the trucks will cross Highway 3 going to and from the proposed pit to the main operating and crushing location at the existing base for Alberta Rocks that is just shy of 30'000 crossings between Highway 507 and Highway 3. This intersection is already a high risk, particularly in summer with numerous campers going to and from B.C. Should Council decide to move forward with approving this gravel pit, I feel that to reduce the risk of a MVC occurring at this intersection, that the proposed gravel pit operation be seasonal, restricted from late fall to spring, avoiding the higher volume of summer traffic. In addition to reducing the risk of an accident at this high risk intersection, this proposed seasonal use would decrease impact on the quality of life of Villa Vega residents by moving the operating months to a time when people are spending less time outside.

To the best of my understanding, one the main purpose of the Lundbreck-Burnis Corridor is to protect the migratory route of our local elk herd. I feel not enough consideration or significance on this point was taken into account in approving altering the land use designation from agriculture to direct control. The proximity of the proposed gravel pit and the operating of it will undoubtedly impact elk migration.

Our concern for potential impact to our personal aquifer also remains. I am unaware of any tests having been conducted as to depth of the aquifer and whether or not the gravel pit operation could potentially affect those of us dependant on this water source.

Both my wife Sandra and I are hoping the proposed designated use of lot 14 as a gravel pit be reconsidered all together. There is no shortage of gravel deposits within the MD that could be developed without adversely impacting so many individual families.

4) Ruth and Leo Reedyk:

Having reviewed the application and Recommendation to Council briefing, we have a few additional comments that have come to light because of information we were not aware of when we submitted our response last week. A significant issue that is not found within the briefing of either the applicant or Administrations briefing to Council is the wording in the document "A Guide to the Code of Practice for Pits". This Alberta Environment document defines and lays out the processes for pits from application, *Environmental Protection and Enhancement Act* requirements, *Water Act*, *Weed Control Act*, *Historical Resources Act* and others as well as how to determine the amount of the security deposit owed to the Crown. Our understanding of the definition of pit size indicate the pit area on private land would be added to the disturbed area for infrastructure including construction of an access road for a total pit area. Given this information, this pit and access road is over 15 acres and as such is a Class one pit and is subject to the *Environmental Protection and Enhancement Act* processes.

We recommend that Council instruct the applicant to provide a copy of the Registration received from the responsible Director at Alberta Environment prior to Council proceeding with issuing the Development Permit. This would ensure that the requirements of the Municipal permit do not lessen the restrictions on the applicant below the already prescribed provincial minimum.

If Council chooses to overlook the provincial requirements of this information and takes on the liability, we recommend some more descriptive wording in the proposed clauses in the MD's Development Permit. The first has to do with the access route construction mentioned in Condition 1. The applicant has indicated that our property is 700 meters from the pit location. The application includes reference to the proposed access route but

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fails to mention that it comes to within 180 meters of our home. The applicant also mentions the access route directly south of the proposed pit location. We would request that Council take the time necessary to fully confirm the availability of the directly south option as it best aligns with current Council policy. Sound transportation engineering would find it to be a better location to build an adequate intersection. Given that these pit operations will likely be there for 100 years, taking the time to do this responsibly should be done. The Council Briefing notes indicate that a development agreement will be required to develop a minimum standard road within the road allowance but it does not specify which road allowance of the two described.

The second has to do with reclamation of the existing pit in Condition 3. The condition mentions that the pit is to be reclaimed but fails to indicate to what standard ie. the Alberta Code of Practice for Pits. We recommend that council brief themselves with the Code of Practice for Pits and then takes a tour of the existing Alberta Rocks site and the existing pit on the proposed property. Council may wish to be specific on the requirements for reclamation including removal of the truck chassis and the reclamation standard proposed. The proposed pre disturbance reclamation plan should be provided to Alberta Environment by the applicant for consideration.

The third concern we have is with the wording of Condition 5 as it indicates that the reclamation will occur incrementally as per the applicant's attached plan. The attached plan indicates that the applicant will reclaim to the requirements of the Code of Practice for pits of this size. Our concern with the wording of this Condition is that that Council may not be technical experts on the reclamation requirements for pits.

Our fourth concern is with the wording of Condition 7. We feel that the grass mixture to be used to vegetate stockpiles and reclaimed pit area should be as recommended by the MD's Agricultural Fieldman to ensure the best possible outcome if Alberta Environment doesn't make comment.

Our fifth Concern is with the wording of Condition 9. The briefing indicates "Topsoil, overburden and gravel...", while the applicant refers to the "thin layer of well drained soil". The lack of topsoil at this location will impede any reclamation on this site to the extent that additional topsoil may be required to remediate the site successfully.

Our sixth concern is with Condition 12. We believe the wording should include excluding asphalt plants and the time of the exclusions should be in perpetuity as construction of Highway 3 twinning may impact their current location requiring them to move their operations.

Our seventh concern is Condition 15. We feel that the pit should be operated as a Weed Free Gravel Pit as described in the MD's Agricultural Policy C-AES-003 Weed Free Gravel. This should be a condition of all new gravel pits whether Class one or not.

Our eighth concern is with Condition 16. The wording is weak as the water table provides drinking water for residents in Villa Vega Acres. We would suggest vegetable oils and fluids for all equipment and vehicles operating in the pit to reduce the potential impact of fluid spills on the water table below the pit.

Our ninth comment is on Condition 17. We feel "Developer in accordance with Provincial *Water Act*. We fear that the existing 4.9 Hectare site will become depleted in time and the applicant will request an additional 4.9 Hectares or more to continue his operation. As such the development Council is approving today will have implications for potentially the next 100 years. We would rather look at ground mount solar panels for the next 100 years than see a gravel pit for one. Solar would be a more responsible development. The wording "Development...." should read Council should not feel rushed to make the decision as there are long term implications. As previously stated we are not in agreement with the development of an industrial gravel pit, adjacent to our Country Residential subdivision.

Reeve Lemire asked if anyone in the gallery wanted to speak.

Leo Reedyk:

Doesn't like the path this is taking. Certainly there is 100 years of gravel in the area. The developer told residents that built there it would always be agriculture land. Alberta Transportation won't allow for a turn onto the highway, they see it as a safety issue. It's an industrial development next to country living and goes against the MD policy. There are gravel pits elsewhere.

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Randy Baker:

What about the noise? Backup beepers, trucks, that we have to listen to and it effects our lives. Look at the conditions and make them work for the people that live there. Read the Burmis Lundbreck Corridor Area Structure Plan, it states that development shouldn't effect the neighbors.

Ruth Reedyk:

The trucks are the ones making the noise, the beeping is constant and ruins are peace and quiet.

a) Development Permit 2023-02 Alberta Rocks - Natural Resource Extraction Pit

Councillor John MacGarva 23/114

Moved that Development Permit No. 2023-02, for the development of a Natural Resource Extraction Pit, be tabled pending further clarification on conditions and brought back to the Council meeting on April 11, 2023.

Carried

Residents and planner left the meeting at this time, the time being 8:08 pm.

Councillor Tony Bruder declared a conflict of interest and recused himself from the meeting at this time, the time being 8:12 pm.

b) Bylaw 1333-22 Bruder Road Closure (SE 15-4-29 W4)

Councillor Dave Cox 23/115

Moved that Council give second reading to Bylaw 1333-22, being the Bylaw to close to public travel for the purpose of creating title to, the following described highways, subject to rights of access granted by other legislation:

THOSE PORTIONS OF GOVERNMENT ROAD ALLOWANCE SOUTH OF SE 1/4  
 SEC. 15 TWP. 4 RGE. 29 W4M  
 BETWEEN THE WEST LIMIT OF ROAD PLAN 4852 HU PRODUCED NE AND THE  
 EAST LIMIT OF ROAD PLAN 221 \_\_\_\_\_  
 AND  
 BETWEEN THE WEST LIMIT OF ROAD PLAN 221 \_\_\_\_\_ AND THE EAST LIMIT  
 OF ROAD PLAN 881 1275  
 CONTAINING 0.652 HECTARES (1.61 ACRES) MORE OR LESS.  
 EXCEPTING THEREOUT ALL MINES AND MINERALS.

Carried

Councillor John MacGarva 23/116

Moved that Council give third reading to Bylaw 1333-22.

Carried

Councillor Tony Bruder returned to the meeting, the time being 8:15 pm.

b) Notification of Subdivision - 2023-0-036

Councillor Tony Bruder 23/117

Moved that Council receive the Notice of Application for Subdivision 2023-0-36 as information and direct Administration that no comments are required.

Carried

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4. Municipal

a) Chief Administrative Officer Report

Councillor Harold Hollingshead 23/118

Moved that Council receive for information, the Chief Administrative Officer's report for the period of March 10, 2023 to March 23, 2023.

Carried

b) Purchasing Committee

Councillor Tony Bruder 23/119

Moved to table the discussion of the Purchasing Committee to the next Council Committee Meeting.

Carried

I. POLICY REVIEW

J. CORRESPONDENCE

1. For Action

a) Economic Development Week Proclamation - May 8 through 12, 2023

Reeve Rick Lemire proclaimed:

Whereas, communities rely on economic development professionals to promote economic well-being and quality of life; for communities like the MD of Pincher Creek No.9 that means coordinating activities that create, retain, and expand jobs in order to facilitate growth, enhance wealth, and provide a stable tax base; and

Whereas, economic developers stimulate and incubate entrepreneurship in order to help establish the next generation of new businesses, which is the hallmark of Alberta's economy; and

Whereas, economic developers are engaged in a wide variety of settings including rural and urban, local, state, provincial, and federal governments, public-private partnerships, chambers of commerce, universities, and a variety of other institutions; and

Whereas, economic developers attract and retain high-quality jobs, develop vibrant communities, and improve the quality of life in their regions; and

Whereas, economic developers work in the MD of Pincher Creek No.9 within the Province of Alberta.

NOW THEREFORE BE IT RESOLVED, that MD of Pincher Creek No.9, Alberta recognizes May 8 through May 12, 2023 as Economic Development Week, and reminds individuals of the importance of this community celebration which supports expanding business opportunities and making lives better.

b) In-person Town Halls - Minister of Public Safety and Emergency Services and Minister of Justice - Lethbridge April 4, 2023

Councillor John MacGarva 23/120

Moved to accept the In-Person Town Halls Minister of Public Safety and Emergency Services and Minister of Justice as information.

Carried

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c) Group Group Youth Request for Sponsorship - Community Safety Net Request

Councillor Tony Bruder 23/121

Moved that Council support the Community Safety Net by becoming a sponsoring partner in the amount of \$84.00, to be taken from account 2-75-0-770-2765.

Carried

2. For Information

Councillor Tony Bruder 23/122

Moved that the following be received as information:

a) Alberta Community Partnership (ACP) program

- Letter from Municipal Affairs

Carried

K. NEW BUSINESS

L. CLOSED SESSION

Councillor John MacGarva 23/123

Moved that Council move into closed session to discuss the following, the time being 8:28 pm:

a) ~~Review Recycling Services – FOIP Sec 16.1.a.ii~~ *Removed due to time constraints*

b) Minister of Health – FOIP Sec 24.1.b.i

c) ~~Joint Meeting Concerning Recreation Agreement – FOIP Sec. 24.1.b~~ *Removed due to time constraints*

d) Screwdriver Creek Issue – FOIP Sec. 23.1.a

e) Pincher Creek Foundation – FOIP Sec. 23.1.a

Councillor John MacGarva 23/124

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

Carried

a) Minister of Health

Councillor Tony Bruder 23/125

Moved that Council support the Town of Pincher Creek to approach Dr. Parker and invite him to a joint council meeting with the Town and MD to talk about health care worker recruitment in Pincher Creek.

Carried

e) Pincher Creek Foundation

Councillor Dave Cox 23/126

Moved that the MD direct the Pincher Creek Foundation to write a letter to Minister of Seniors Housing to take their part with the deficiencies in the construction.

Carried



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M. ADJOURNMENT

Councillor Harold Hollingshead

23/127

Moved that Council adjourn the meeting, the time being 9:01 pm.

Carried

  
\_\_\_\_\_  
REEVE

  
\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER