

Beaver Mines Water & Wastewater; On Property Work Discussion
Meeting Notes
Thursday, December 1, 2022
6:30pm
MD Council Chambers

Attendees:

MD of Pincher Creek:

Reeve Rick Lemire, Deputy Reeve Tony Bruder, Councillors Dave Cox, Harold Hollingshead and John MacGarva, CAO Roland Milligan, Director of Finance Meghan Dobie, Utilities & Infrastructure Supervisor David Desabrais, Planning and Development Assistant Laura McKinnon, and Executive Assistant Jessica McClelland.

Audience:

Garry Marchuk, Garry Middleton, Ken Fast, Bernie Bonertz, David and Mona Rae Seward, Pat and Bob Black, Dan Brownrigg, Lynn Calder, Buck Waters and Peter Falkenburg.

Virtual:

Wayne McLaurie, Bert Nyrose, David McNeill, Fred Christie/K Drake, Gordon Petersen, Karla Guyn, Keith MacMillan, Kim Gelber, Lorin Calder, Marie Everts, Pat McDonald, Rhonda Oczkowski, Rick Czarny, Sandra Stafford.

6:30PM Welcome from Reeve Rick Lemire

- Welcomed all to the meeting and thanked everyone for coming out.
- The reason for this meeting is to provide transparency regarding proposed changes and give a chance for feedback prior to bylaws putting the changes in effect.
- The wastewater system has been approved, but that approval remains under appeal. We respect all residents' right to due process. We have the right to proceed with construction of the wastewater system and have proceeded with that right. Council remains committed to installing infrastructure that has minimum impact on the quiet enjoyment of homes and lifestyles within and surrounding Beaver Mines.
- We understand that construction has disrupted the day to day life of residents and we all look forward to turning the taps on.
- Councillor Introductions.

6:35PM Introduction and Housekeeping from CAO Roland Milligan

- Notified residents of sign-in sheet and that they can provide their email to be included on the BM email list if they are not already.
- Reminded attendees to please hold questions until end.
- Decisions will not be made today regarding any potential changes that come out of the meeting. Council will deliberate changes at next meeting.
- Property specific questions can be sent via email for direct follow up.
- Virtual attendants will be muted, meeting is being recorded.
- Virtual attendants may ask questions in the chat.

6:40PM MPE Presentation: Hamlet of Beaver Mines Off-Property Work Update (Refer to Presentation)

6:50PM MDPC Presentation: On-Property Work Proposed Changes (Refer to Presentation)

7:00PM Q/A

Garry Marchuk

- Change in rules since past Council and administration.
- $\frac{3}{4}$ done project now the rules are different.
- MD indicated it would be amortizing the cost over 20 years.
- Concerned changing now is unethical, ask to reconsider.
- Liability being the main concern is wrong.
- Everything is a liability, building a bridge, fixing road, etc.
- Council needs to do what is best for all ratepayers.
- Concern this will further divide community, cause hardship when it's not necessary.
- MD has put minimal money into this project, its all been Government funds.
- MD should be putting money into Beaver Mines as it will benefit the entire MD.

MD Administration

- MSI used was \$3.4 million that could have been used elsewhere in the MD.
- \$14.1 Million could have gone to other water projects elsewhere in the MD.
- This is the least risky path forward financially for the MD.

Garry Marchuk

- There are always projects elsewhere.
- Changing the rules from the day the whole project started.
- Landowners would be willing to sign a liability clause against MD of Pincher Creek if that is a legitimate concern.
- Council should talk to their lawyers.

Lynn Calder

- Has the same opinion as Garry.
- Concern regarding change in rules now as opposed to many years ago.
- Understand why Council wants to make connection mandatory. In interest of MD and most people who will hookup. Not sure it is necessary.
- Information around public health issue and need to recover cost has not changed over course of the project.
- Does plan on hooking up to services, always did.
- Can the MD provide a letter or communication to residents for insurance purposes once fire hydrants are functional.
- As per the draft bylaw, CAO does have discretion to allow people to not hook up right away.
- Bylaw says wells can't be used, why can't people use them just for yards? Were told in writing that could be done.
- Utilities bylaw says MD is not under obligation to provide water and sewer services.
- Looking for a timeline for trees and pathways.
- In terms of rules related to hookup, when can residents apply to hookup?
- 90 days to install meters is a very short time frame.
- How far down from store will get completed this year?

MD Administration

- Regarding no info changing, the big change was the attempted update of the utility bylaw to support the previously proposed pathway. Legal consultation was made, Council and Administration were not happy

with legal responses regarding the changes. That is the new information. Trying to make responsible decisions with information we have.

- MD can provide a letter to residents for insurance purposes once fire hydrants are functional, additional connection required in system before Pincher Fire can complete testing and update underwriters survey
- The decision on Wells lays with Alberta Environment & Parks. Wells are their jurisdiction. When residents connect to a municipal system, resident lose their “household right” as a well user. Residents have the ability to either relicense or reclaim their well. MD discussions indicate that cost to relicense older wells is often not worthwhile. *Contact for AEP for direct discussion:*
 - Jeff Gutsell M.Sc., P.Geol. Hydrogeologist. Regulatory Assurance Division Alberta Environment and Parks Southern Region
 - Jeff.Gutsell@gov.ab.ca
 - Tel. 403-381-5301
- Regarding utilities bylaw obligation to provide water and sewer services, this is standard bylaw wording and was in the previous bylaw. Not updated as part of this change.
- Regarding intent for the 90 days, this is to help get the system operational, the waste system is more cost effective to operate if more residents are hooked up in a tight time period. Will make commissioning more cost effective, enables the MD to keep rates lower over the long term.

MPE

- BYZ has until end of June to complete restoration. If the Beaver Mines Community is planning something, look at mid to late Summer or Fall. Tree restoration not within BYZ contract
- Objective for this years work is to get through store parking lot

Garry Middleton

- Part time resident, new to community.
- Thought this process would be seamless, MD had installed utilities before (Lundbreck).
- Thought cost could be spread out over years, no legal precedent. Always a first for different ways to get through a problem.

MD Administration

- Regarding Lundbreck process, a bit of difference. Connections existed to households in Lundbreck, work consisted of water main work and water meter installation. MD is working through this for the first time
- Regarding legal precedent, want to keep risk low overall for the project. Don't want to open up residents to more risk regarding challenge on the bylaw preventing anyone from connecting in the next 2 years. Project has gone on for 10 years, do not want to be in a situation where delays for residents continue.

Garry Marchuk

- Seems like Council has their minds made up, this isn't a public hearing

Councillor Tony Bruder

- This is not a public hearing. This is an information session and gathering for both of us so concerns can be raised.

Peter Falkenburg

- What are the cost estimates for hook up?

MPE

- Will be different for every property, depends how far you are from the road, if trees need to be removed, etc.
- Rough estimate would be between \$5k and \$10k.
- One of risks with single Tender is that costs are averaged out across the board. Some lots would be artificially inflated for residents with shorter connections.

MD Administration

- We did work on setting up a Tender to deal with averaged costs. One resident may want street repaved, one may want trees cleared, trenched, landscape restoration, etc. This is stuff that would all need to be defined up front in a Tender in order for a contractor to provide secure pricing. Could be done a unit pricing basis, but because of variability between different properties, contractor ends up in a situation where there is risk, and risk has to be priced into the contract.
- Did not want to put residents in a situation where they could get work done for cheaper after they have agreed to a contract that is more costly.

David Seward

- Must line bore water line in. Need cooperation from MD to go on ROW behind house. Must enter MD ROW to get the right slope. Concerned regarding no cooperation.

MD Administration

- Reach out to MD directly regarding specific properties.

Pat Black

- Questioned the removal of water softeners.

MD Administration

- Ion Exchange Water Softeners are specifically the concern, as they produce sodium based waste (salt water in high concentration). Not an acceptable household wastewater product. An explanation on the types of water softeners can be found here: [Types of Water Softeners - The Home Depot](#)

Bernie Bonertz

- Understands that the change is due to liability, but feels like a “bait and switch”
- What if residents don’t have funds to pay for the hookup?

Buck Waters

- Can residents do own backhoe work?
- How long do we have to hook up?
- Do septic tanks need to be decommissioned and removed?

MD Administration

- Yes, residents can do their own work as long as permit and inspection requirements are met. Working through details of these requirements.
- Residents have 3 years. 90 days refers to the incentive period timeline for free water meters as opposed to at a cost for residents.
- Septic tanks will not need to be extracted, although this is an option. Not a code requirement to remove them. Residents may abandon in place by removing solids from the tank, flushing it, rupturing the bottom, and filling with a suitable fill material. Utility Service Guidelines will provide more detail around this. Residents will need to complete decommissioning within a reasonable time frame afterwards.
- No cross connection between water and wastewater systems allowed when municipal connections are made.

Virtual Question

- Is there a plan for restoration work with the trees?

MD Administration

- There is no tree restoration within the existing construction contract. There is some budget for trail work in Beaver Mines, we will be working the BMCA on that in early 2023.

Garry Middleton

- 90 days for MD to pay for the meter. How much time in advance will residents know when they can start hookups?

MD Administration

- As we progress in 2023, will have a better idea of exact date system will be online. Will provide tighter updates as the date comes closer.
- Intent is to allow residents (whom are not logistically constrained) to begin on-property work prior to the date where connection will be allowed. On the day the MD allows connection, contractor can come back, complete final tie-in to the house connections and then final inspections. Then residents can connect to MD infrastructure and taps can turn on.

Garry Middleton

- Concern regarding technical logistics of property. Is there any help from anybody at the MD technically?
- Permitting costs; will they be covered by the MD?
- Are there plenty of qualified local contractors? Concerns regarding concentration of work

MD Administration

- Encourage owners to reach out to contractors once pre-qualification process is complete. For the meantime, reach out to the MD.
- All on-property work shall be paid for by landowners, including permitting costs.
- Regarding contractors, the MD is planning a pre-qualification process for landowners whom do not have the resources or relationships with contractors in the area. Yes, there are contractors in the area whom are qualified to do the work.

David Seward

- If there are problems with groundwater will it be looked at before a private contractor is on site?

MPE

- Groundwater is prevalent throughout Beaver Mines. Ground has been disturbed, so likely to see a bit more coming to surface right now. Contractors can perform dig tests to assess ground conditions. Contractors should be prepared to expect high groundwater.

Virtual Question

- With the change to the funding, has the MD looked at ways to assist residents with the cost? MD guaranteed payment over multiple years could be made. Is the option for the MD to pay over years totally off the table and if so, what solutions have been discussed to assist residents whom may not be able to afford hookup fees in a lump sum?

MD Administration

- Residents are responsible for their own financing, encourage residents to reach out to local finance institutions if payment over time is desired.

Councillor Tony Bruder (MD)

- The MGA is clear that the MD is not allowed to loan money to residents. Should have never been an option that was provided.

Garry Marchuk

- This wouldn't be a loan, the MD should just pay for the project and the MD would get paid back over 20 years in monthly payment by everyone.

Councillor Tony Bruder (MD)

- Payback over time is a loan.

Garry Marchuk

- This is a change in rules and interpretation. 20 year payback over 20 years.

Virtual Question

- What would the average monthly cost be for the residents?

MD Administration

- Estimating at current utility rates an average user would pay \$25-\$35/month (\$20 base rate every 2 months, \$1.15/m³ consumption for water, \$12 base rate sewer)

Peter Falkenburg

- How many tie-ins in the community for the Beaver Mines project?

MPE

- 60-80 residents.

Garry Marchuk

- So \$600,000 maximum to finish the job, do it right. MD gets everything back over a period of time. Funds spent on whole project are provincial funds sent down to provide water to Beaver Mines. Finish the job. Don't change rules now, will cause hardship and create division in community. No need for that. All liability issues can be addressed.

MD Administration

- For clarification, grants received were never inclusive of on-property work, we can't use the grants for on-property work.

Garry Marchuk

- Commitment from MD would be \$600,000 on top end to invest in a community. Spend more on a bridge, never an issue on liability and payback. ³/₄ done, rules are changing.

MD Administration

- Concerns will be deliberated.

Bob Black

- Questions again on the decommissioning of current wells. Why do perfectly good systems need to be changed?
- Cost for relicensing wells?

MD Administration

- This is out of MD jurisdiction, AEP has indicated that residents must relicense wells for another use or reclaim their wells. AEP has indicated that relicensing for old wells is not always a good option depending on what residents have as wells must be drilled to current license requirements for successful application.
- Ballpark was just over \$1,000. Low volume wells still needs a pump test, well log, and water chemistry completed.

Lynn Calder

- With the new rules in place, this is going to prevent people from hooking up to the system. How many people need to hookup to make the system work?
- Incase appeal process goes on for extended period or it fails, is there a backup plan for sewage if the appeal is granted?

MD Administration

- MD is planning for alternatives if not enough people are hooked up right away.
- The MD is working on backup plans incase of successful appeal.

7:45PM Closing Remarks from Deputy Reeve Tony Bruder

We are here now because there were statements or promises made that can not be followed up on. This puts us as Council in a bad position. We have to sit in front of you right now and answer questions to the best of what we can answer. I hope none of you think we as Council are getting enjoyment out of this.

The MGA does not allow the MD to loan money. In legal terms, this is a loan. This is not Council's interpretation of this. It is legal counsels' interpretation. This should never have been an option provided by previous Councils.

Please understand that we as council are mandated to make decision based on what is best for the entire municipality, not for specific communities within. As all of you know and understand, this project has hit many snags and changes throughout the process. We have been making decisions that we feel work best for the MD as a whole, and will continue to do so, just like and of you would if you were sitting at this front table. This set of bylaws is for those portions of the MD who are fortunate enough to have these services provided, not just for Beaver Mines. It will affect all communities within the MD that have water and sewer.

Please feel free to submit any further questions by email to the MD. Meeting notes and follow up questions will be answered prior to the public meeting, which will be held JANUARY 10.

I would like to thank you all for attending on a night like this. We as council appreciate your time and concerns on this matter. We will continue looking into this bylaw, changes that are presented and will take your comments and concerns into consideration.

Once again, thanks for coming out and drive safe.

8:00PM

Meeting concluded.

Hamlet of Beaver Mines

Potable Water Distribution and
Wastewater Collection Project
Schedule Update



General Construction Schedule

- BYZ Enterprises commenced water and wastewater installations in the fall of 2021.
- Construction resumed in May 2022 and will continue until December 16.
- BYZ will shut down for the winter season and return in the spring to complete remaining portions of the work.
- BYZ will be responsible for ensuring all unpaved roads are maintained throughout the winter and provide appropriate interim drainage measures where required.



System
Layouts

MPE
Engineering Ltd.













Additional Comments

- All work required by BYZ to complete the Water Distribution and Wastewater Collection Project is anticipated to be completed in 2023 prior to the system being available for water and sewer service connections.
- With completion of the water system by BYZ in 2022, hydrants will be operational. The Pincher Creek Emergency Services team will be completing hydrant testing and updating the Fire Underwriters Survey for the Hamlet.
- The Beaver Mines Lift Station and Forcemain is anticipated to be complete by May 31, 2022.
- The building envelope of the Lift Station is currently being finished and electrical/mechanical/process work will be completed throughout winter.

MD OF PINCHER CREEK: BEAVER MINES WATER AND WASTEWATER

ON-PROPERTY WORK UPDATE

MD of Pincher Creek
December, 2022



AGENDA

- ▶ Mandatory Connections to Water System
 - ▶ What is changing?
 - ▶ Why will connections be mandatory?
- ▶ Private Property Work Responsibility of Property Owner
 - ▶ What is changing?
 - ▶ Why is it changing?
 - ▶ Why is this changing now?
 - ▶ What supports will be provided?
 - ▶ When can I connect?
- ▶ Next Steps

MANDATORY CONNECTIONS

WHAT IS CHANGING?

- ▶ Connection will be required by January 1, 2027, or 3 years from acceptance of wastewater flow, whichever is later
- ▶ Utility bylaw update underway, public hearing: January 10, 2023
- ▶ MD will issue a letter confirming the final required tie-in date
 - ▶ Applies to Hamlet of Beaver Mines



MANDATORY CONNECTIONS

WHY WILL CONNECTIONS BE MANDATORY?

- ▶ Septic system failures
 - ▶ AHS letters have indicated there are serious concerns regarding drinking water quality
 - ▶ 5 letters received between 2014 and 2022

The groundwater table in the area is very shallow making it particularly susceptible to contamination from sewage. Sewage harbours many disease causing organisms specifically E. Coli, a bacteria that can cause serious illness or death (e.g., the Walkerton tragedy in 2000).

... Despite this, results of water tests show there is persistent contamination from both E. Coli and Total Coliform bacteria (commonly used as an indicator of contamination).

By connecting to the new system, residents will limit groundwater contamination and avoid potential negative health impacts from consuming contaminated groundwater.



- ▶ Wastewater connection legislatively required for new water distribution systems

MANDATORY CONNECTIONS

WHY WILL CONNECTIONS BE MANDATORY?

- ▶ Large capital and resource investment by ratepayers
 - ▶ \$14.1M total, \$3.4M useable for other projects
- ▶ Infrastructure will have ongoing operational and maintenance costs
 - ▶ Lower utility usage costs
- ▶ More efficient system operation



ON PROPERTY WORK

WHAT IS CHANGING?

- ▶ Private property work responsibility of landowner
 - ▶ Hire and pay contractors
 - ▶ Responsible to ensure contractor complies with permit and inspection requirements
 - ▶ Direct liaison regarding scope of work



ON PROPERTY WORK

WHY IS IT CHANGING?

- ▶ Legal consultation indicated unacceptable level of risk
 - ▶ Municipal contractors on private property for bylaw enforcement
 - ▶ Municipal Government Act prohibits MD from “being a bank”
 - ▶ Damaged relationships in event of disagreements on quality/scope of construction or use of certain contractors
 - ▶ No assurance on securing preferred pricing



ON PROPERTY WORK

WHY IS THIS CHANGING NOW?

- ▶ Bylaw changes required to support connecting
- ▶ Legal implications were reviewed in depth during change
- ▶ Development of on-property Tender made risks clear



Unacceptable level of risk to ratepayers

ON PROPERTY WORK

HOW WILL THE MD SUPPORT OWNERS?

- ▶ Utility Service Guidelines, outlining requirements and direction around:
 - ▶ Permits & inspections
 - ▶ Construction
 - ▶ Decommissioning existing systems
- ▶ Pre-authorized contractors
 - ▶ Allow application on owners behalf



ON PROPERTY WORK

WHEN CAN OWNERS CONNECT

- ▶ MD will issue an exact date
 - ▶ When wastewater treatment system can take flow
 - ▶ Anticipated Autumn 2023
- ▶ Owners may start work (excluding municipal connection) prior to connection allowance
 - ▶ Must not connect to MD infrastructure prior to MD allowing connection
 - ▶ Meter cost will be waived if connection is complete within 90 days



NEXT STEPS

UTILITY BYLAW

- ▶ Will bring changes into effect
- ▶ Reading 1 of 3 passed November 22, 2022
- ▶ Public hearing planned January 10th, 2023 prior to 2nd reading

Time for input is now

adminutility@mdpinchercreek.ab.ca



Questions

SUMMARY

- ▶ Mandatory Connections to Water System
 - ▶ Connections required within Hamlet within 3 years from wastewater flow acceptance
 - ▶ Concerns regarding area water quality and desire to keep utilities affordable
- ▶ Private Property Work Responsibility of Property Owner
 - ▶ 20 year financing not an option
 - ▶ Unacceptable level of risk to have MD complete private property work
 - ▶ Utility Service Guidelines in development along with pre-authorized contractor process
 - ▶ Connection anticipated Autumn 2023. No connection allowed until MD issues date
- ▶ Utility Bylaw Public Hearing January 10th, 2023