

MINUTES
MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
REGULAR COUNCIL MEETING
OCTOBER 25, 2022

9609

The Regular Meeting of Council of the Municipal District of Pincher Creek No. 9 was held on Tuesday, October 25, 2022, 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 (attended virtually), Councillors Dave Cox, Harold Hollingshead and John MacGarva.

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

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

A. DELEGATION

Member Dick Burnham from the Royal Canadian Legion of Pincher Creek Branch #43 attended the meeting at this time to present a poppy to Reeve and Council.

Dick Burnham left the meeting at this time, the time being 6:05 pm.

B. PUBLIC HEARING BYLAW 1342-22

In order to receive public input on proposed Bylaw No. 1342-22, a Public Hearing, conducted by the Council of the Municipal District of Pincher Creek No. 9, was held on Tuesday, October 25, 2022.

1. Call Public Hearing to Order

Reeve Rick Lemire recessed the Council meeting and called the Public Hearing to order, the time being 6:06 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 Shootin the Breeze and Pincher Creek Echo on October 12 and October 19, 2022, as well as the MD website and MD Social Media pages.

3. Purpose of the hearing

The purpose of Bylaw No. 1342-22 being the bylaw to amend Bylaw 1289-18 (being the Land Use Bylaw) to change the land use designation of lands legally described A portion of Lot 14, Plan 971 0740 within SE 18-7-2 W5M from "Agriculture - A" to "Direct Control - DC" with the purpose of the proposed amendment is to allow for the development of a 12.1 acre (4.9ha) gravel pit.

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Planner Gavin Scott provided an overview of the bylaw.

4. Presentations:

VERBAL:

Developer Craig Anderson and Rick Casson spoke regarding landowner concerns from the letters presented to Council:

- Alberta Rocks has been operating at their current location for 15 years with no complaints
- Development will be to eventually allow the business to proceed with resource extraction
- Plans are for no retail sale, or crushing, at this location
- Hours can be negotiated with Council to ensure least amount of disturbance to residents
- Geo Technical data is available
- Have dug test holes 6 meters down and has not found water or hit the aquifer

Reeve Rick Lemire asked if anyone wanted to present a verbal submission:

Randy Baker:

- Year round resident
- Gravel pit would be very close to his home
- Anderson's should have taken the gravel and reclaimed the area prior to subdividing
- Noise/dust/water concerns are apparent
- Direct control is very unusual as due diligence to prevent issues and risks
- 12 of the 16 letters of support are form letters from business partners and only 1 letter is from a resident in the area

Leo Reedyk:

- Lives full time at lot 9 adjacent to the proposal
- Bought here for the quiet enjoyment of the area
- Application for direct control should be denied
- Gravel pits in this area are a problem
- Council should put a moratorium on new gravel pits within the Municipality until the issues are fixed
- Understands that various pits in the MD are beneficial to the Municipality but shouldn't be allowed in the Burmis Lundbreck Corridor
- MD should look at having gravel operators pay fees to maintain roads

Greg Townsend:

- Historical Resources
 - All pits on both public and private land are subject to the requirements of the Historical Resources Act. Historical resources are significant pieces of Alberta's history that must be recognized and conserved.
 - For operations that are less than 5 hectares (12.4 acres) in size, the pit operator must consult Alberta Culture's Listing of Historic Resources prior to initiating any development activities. Development activities may not proceed until Historical Resources Act approval has been obtained
- Water
 - operator of a pit must obtain the appropriate authorizations under the Water Act. This includes any authorization needed for dewatering, altering surface drainage, constructing an end pit lake, disturbing ground water or using water.
 - Adjacent landowners may be concerned about erosion and siltation of water bodies and other potential impacts.
 - General provisions of both the Water Act and Environmental Protection and Enhancement Act prohibit siltation and erosion and releases that may degrade water quality.
- Fish and Wildlife
 - Various legislation exists to protect fish and wildlife features and habitats.
- Reclamation

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- Goal of reclamation is to bring land back to "equivalent land capability," which refers to the ability of the land to support uses similar to before it was developed.
- All sand and gravel pits on private land - regardless of their size or class - are required to abide by the Conservation and Reclamation Regulation and require a Reclamation Certificate from Alberta Environment and Parks (AEP).
- pre-plan the reclamation intended at the end of the life of the pit.
- Safety
 - Safety considerations should be addressed for foot/bicycle traffic, and anglers accessing/leaving the Crowsnest River at or near the bridge.
 - Total distance from Highway 3 to pit access road on 507: 2.1 km. one level RR crossing, one RR access road, one bridge over the Crow, one "pullout" where anglers access the Crow, 12 driveways/road intersections. A busy little road section accommodating well over 100 residential home owners.
 - Should not to add gravel trucks to the mix, at a minimum of 8 hours a day 5 days a week.
- Find this entire process to be aggravating, frustrating, and really not necessary given the previous application was turned down unanimously, and the current proposal is equally unjustifiable. The changes this time are minor, and our litany of concerns last time are not mentioned, never mind addressed. But here we are.
- If approved - Horrifying Precedence. This area has the most clearly defined sensitive habitat.
- Personal affects - of our remaining years, lead to erosion of our quiet wildlife filled environment during retirement.

Tom Penner:

- Owns property directly East of development
- Development will cause access issues
- It's a beautiful area and a gravel pit will distract from that
- Conservation easement on his parcel has a defined location for future residential development adjacent to the proposed pit

Richard McCowan:

- The letters of support are form letters
- The crowd of people attending tonight are worried about their lifestyle
- Unauthorized pit caused issues
- Owners want to enjoy the outdoors

Craig Anderson and Rick Casson:

- Direct control would put rules in the hands of Council
- Dust can be controlled with products

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:

- | | |
|---|-------------------------------------|
| ● Craig Anderson | ● Will Hebenik (Quality Excavating) |
| ● Vince Anderson | ● JRT Contracting |
| ● Sandra & Randall Baker | ● Jura Creek Enterprises Ltd |
| ● John Cervo | ● KT Contracting |
| ● Liam Connelly-Engel | ● Claudette Landry & Randy Axani |
| ● Rowena Cromwell | ● Richard & Susan McCowan |
| ● Richard & Lorna Erickson | ● Ryan & Kayla Menzies |
| ● Duncan & Sandra Gano | ● Lucas Michalsky |
| ● Margaret, Joshua & Benjamin Haag | ● Glen & Lois Mumey |
| ● Theresa Hann (Three Rivers Rentals Ltd) | ● Brandon Naumczyk |
| | ● Jana Naumczyk |

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- Bill Ogertschnig
- Leo Reedyk & Ruth Skene-Reedyk
- Randy Rinaldi
- Thomas Penner
- Sage Management
- Southwest Concrete
- TIG Contracting
- Greg & Lori Townsend
- Two Feathers Contracting
- Vicary Resources
- Kevin & Sandy Watson
- Lucas Weatherbee
- General Letter

Reeve Rick Lemire asked if any written submissions were received, a late submission from Silvertone Services was read out by the CAO

“We have been customers of Alberta Rocks for many years and consider them to be an important part of our area infrastructure; they supply necessary products for continuing development and growth in our region. They are a very reputable company that can be counted on to produce and deliver top quality gravel and related products in a timely and cost effective manner. They operate at their present location in the most unobtrusive manner possible, and approving the necessary amendments and permits to allow the proposed extraction only operation would allow this service to continue to be provided.

Alberta Rocks service a wide area of south west Alberta, without them our options as customers would be severely restricted and necessitate transporting product from a much greater distance. This extra trucking would put further stress on our roads and highways and would create unnecessary adverse environmental issues while increasing costs. We would very much like to continue to support this local, multi-generational family owned operation.

Please consider these issues as you debate the requested Land Use By-law Amendment and subsequent licensing and permits.”

5. Closing Comments

Reeve Rick Lemire asked if Council had any further questions, Council discussed aquifer depth (it was unknown) and what kind of volume Alberta Rocks is looking at for this pit (unknown at this time).

6. Adjournment from Public Hearing

Councillor Dave Cox adjourned the Public Hearing, the time being 6:55 pm.

C. ADOPTION OF AGENDA

Councillor Harold Hollingshead 22/410

Moved that the Council Agenda for October 25, 2022 be amended to include:

Finance:

- PCESC Reserves

And that the agenda be approved as amended.

Carried

D. MINUTES

1. Committee Meeting Minutes – October 11, 2022

Councillor Dave Cox 22/411

Moved that the Committee Meeting Minutes of October 11, 2022 be approved as presented.

Carried

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2. Council Meeting Minutes – October 11, 2022

Councillor John MacGarva 22/412

Moved that the Council Meeting Minutes of October 11, 2022 be approved as presented.

Carried

E. BUSINESS ARISING FROM THE MINUTES

a) Pincher Creek Climate Risk Assessment and Adaption Plan

Councillor Harold Hollingshead 22/413

Moved that the Pincher Creek Climate Risk Assessment and Adaption Plan be received as information.

Carried

F. UNFINISHED BUSINESS

F. COMMITTEE REPORTS / DIVISIONAL CONCERNS

a) Councillor Tony Bruder – Division 1

- Strategic Plan online workshop
- Waterton Biosphere
- ALUS

b) Reeve Rick Lemire – Division 2

- Thank you to Councillor John MacGarva for attending the Awards ceremony on behalf of Council

c) Councillor Dave Cox– Division 3

- Strategic Plan online workshop
- Castle Community Association

d) Councillor Harold Hollingshead - Division 4

- Strategic Plan online workshop
- RCMP Open House
- Solicitor Generals

e) Councillor John MacGarva – Division 5

- Strategic Plan online workshop
- RCMP Open House
- Crowsnest Pincher Creek Landfill Association
- Pincher Creek Chamber awards night

Councillor Dave Cox 22/414

Moved to accept the Committee Reports as information.

Carried

H. ADMINISTRATION REPORTS

1. Operations

a) Operations Report

Councillor John MacGarva 22/415

Moved that Council receive the Operations report, which includes the call log, for the period October 6, 2022 to October 19, 2022 as information.

Carried

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b) 150M Grader Purchase Timing

Councillor Tony Bruder 22/416

Moved that Council approve \$675,000 in funding for the CAT 150M grader in 2022, through the Municipal Sustainability Initiative (MSI) grant.

Carried

2. Finance

a) PCESC Reserves

Councillor Tony Bruder 22/417

Moved that Council direct Administration to provide Pincher Creek Emergency Services Commission (PCESC) with a reserve contribution of \$140,631, as requested and levied by PCESC in 2021, with said funds coming from the PCESC Equipment Reserve (6-12-0-761-6740)

Carried

3. Development and Community Services

a) Bylaw 1340-22 (Silo's)

Councillor Dave Cox 22/418

Moved that Bylaw 1340-22, being the Bylaw to change the land use designation of lands legally described as Portion of SW16 3-29 W4M to allow for a recreational accommodation, be given second reading.

Carried

Councillor Tony Bruder 22/419

Moved that Bylaw 1340-22 be given third reading.

Carried

4. Municipal

a) Chief Administrative Officer Report

Councillor John MacGarva 22/420

Moved that Council receive for information, the Chief Administrative Officer's report for the period of October 7, 2022 to October 20, 2022.

Carried

I. POLICY REVIEW

J. CORRESPONDENCE

1. For Action

2. For Information

Councillor Tony Bruder 22/421

Moved that the following be received as information:

- a) A round table presentation of Addiction and Mental Health Resources in the South Zone
 - Invitation from Oldman River Health Advisory Council

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- Councillor Dave Cox indicated he wishes to attend, administration will register him.
- b) Health Engagement Tour Update
 - Newsletter from Alberta Health Services
- c) D56 Notification Update 10-07 to 07-07-006-02 W5M (Pieridae)
- d) Harvest Gala Invitation
- e) KBPV Spooky Town
- f) Pincher Planters Letter to MD/Town
 - Request for Water to Blue Mouse Greenhouse

Carried

K. NEW BUSINESS

L. CLOSED SESSION

Councillor Dave Cox 22/422

Moved that Council move into closed session to discuss the following, the time being 7:43 pm:

- a) Beaver Mines Water Distribution & Collection – FOIP Sec. 24

Councillor Dave Cox 22/423

Moved that Council move out of closed session, the time being 8:15 pm.

Carried

- a) Beaver Mines Water Distribution & Collection

Councillor Harold Hollingshead 22/424

Moved that Council deny the extension request to December 15, 2022 from BYZ Enterprises Inc. on the Substantial Performance Date for Schedule A & B of the Hamlet of Beaver Mines Potable Water Distribution & Collection Project,

AND THAT the MD enforces the contractual penalties starting November 1, 2022 on schedule A and schedule B until completion.

Carried

M. ADJOURNMENT

Councillor Dave Cox 22/425

Moved that Council adjourn the meeting, the time being 8:21 pm.

Carried


 REEVE


 CHIEF ADMINISTRATIVE OFFICER