

MINUTES
MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
REGULAR COUNCIL MEETING
AUGUST 23, 2022

9580

The Regular Meeting of Council of the Municipal District of Pincher Creek No. 9 was held on Tuesday, August 23, 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, Councillors Dave Cox, Harold Hollingshead and John MacGarva

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

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

Ba. PUBLIC HEARING BYLAW 1337-22

Planner Gavin Scott attended virtually.

1. Call Public Hearing to Order

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

2. Advertising requirement

Reeve Rick Lemire stated that the Public Hearing has 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 August 10 and August 17, 2022, as well as the MD website and MD Social Media pages.

3. Purpose of the hearing

Reeve Rick Lemire stated that the purpose of Bylaw No. 1337-22 being the bylaw to amend being an amendment to Bylaw No. 1289-18, being the Land Use Bylaw, change the land use designation of lands legally described as SE 15-4-30 W4M from "Agriculture - A" to "Rural Recreation 1 – RR1"; and whereas the purpose of the proposed amendment is to allow for the development of a campground.

Planner Gavin Scott attended virtually and provided an overview of the proposed bylaw.

4. Presentations:

VERBAL:

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

Nancy Barrios

- Questioned if Shell doesn't have an issue with the development of a campground that close, why not? (It was explained that Shell being an adjacent landowner wrote a letter stating they had no issue to the change in land use)

Leanne Riviere

- Questioned how will the campground be managed? (It was explained that this was a public hearing for the land change usage and specifics to the campground would be part of the development permit stage)

Val Carlson

- Concerns about the impact to adjacent landowners

Kim Hardy

- Stated the proposed plan doesn't seem to cover all the concerns of neighbors

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Barrie Clayton

- Proposed campground is an intrusion to the area
- MD should designate it Direct Control
- He doesn't live in area, but has seen too much development in other areas around cities

Heidi Matheson

- Lives on Hardy farm
- Feels that there isn't enough farm land in the area as is

Lisa Hardy

- Stated there should be a way to make it work for everyone

Michael Olsen (Developer)

- Trying to provide a get-away in a quiet place
- Leasing the land from the Kirby's
- Wanting to provide a place of wellness or a retreat
- Marketing to people to come and detach
- Location was chosen for the minimal impact to the area

Nancy Barrios

- Questioned it being a place of wellness as it is a mile down the road from a large gas plant
- Concerns over gas leaking and flaring from the plant

Ron Mantle

- Spent ½ million dollars to have seclusion, doesn't want more people in area
- Questioned how Shell can approve of this
- People diversified with wildlife ranching and it caused issues

Ethan Hardy

- Stated the campground would fail
 - Cows are in the area and smell
 - Trains and fairing from Shell plant is a nuisance
 - No one would want to stay there
 - Its loud and not an enjoyable place to live

Darryl Carlson

- Feels that if Council approves this redesignation it will open the flood gates to more problems and more rezoning
- Developments may end up like the orphaned wells
- Will cause "people pollution"

Kim Hardy

- Stated that the submitted letter was from the entire family
- Questioned if this is the best place for this type of development

Michael Olsen (Developer)

- He is a business owner in Waterton who has enjoyed the area most of his life
- Hoping to set a standard on how to build a business like this without taking away from agriculture
- Looking at this as an opportunity to change how people tour
- In all the years in the area, he hasn't noticed excess noise and finds the area relaxing

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- Hoping to provide an opportunity for others to enjoy the area

Murray Kirby

- Stated that all his friends and neighbors are in the room
- Suzanne and him didn't enter into this idea lightly and has been working with Mike for 2 years
- Stated that when people think campground, they think quads and recreation, that isn't what this proposal is
- There is a 1 year contract with the developer, if it isn't working the land would be put back into agriculture

Kathy Day

- Has been approached by people outside of the area for development of her property and found they were not in the best interest of the community
- Feels that since Castle has been developed, it is not accessible to locals
- There are developments such as Cowley Boat Club and Three Rivers Campsite that were agriculture land and are no longer
- Challenges Council to establish a committee to discuss what is good for the community with regards to development
- The wind mill by Lundbreck Falls is an eyesore
- Hopes Council thinks long and hard before making a decision

Pauline Zukiwsky

- Doesn't live in area but would love to visit and stay at a place that is being proposed
- Saddened at the negativity in the room

Heidi Matheson

- Concerned that the 12 domes could house 40 people that would be across from her house
- Campers leave gates open
- People will want to swim in her pond and tease her bulls

Ron Mantle

- States that Government already set aside public lands for these type of developments
- No one should be coming out and enjoying private lands

Tracy Delay

- Concerns
 - With people comes lights and noises
 - Should be built in Waterton
 - Will drive up land prices
 - Visitors buy up land and take away from agriculture
 - Council should be more concerned with protecting the environment

Michael Olsen (Developer)

- Stated that sustainable growth is needed
 - Growth can be done properly
 - This is less impactful than some proposals

WRITTEN:

Reeve Rick Lemire stated that 7 written presentations were received and are part of the Council package,

- Nancy Barrios
- Clayton Farms
- KPM Farm

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- Richard Hardy
- Anne Stevick
- Carlson Ranches/Delay Ranches
- Southern Alberta Land Trust

Reeve Rick Lemire asked if any other submissions have been received, Roland Milligan read in the late submission from Shell Canada which stated “Murray and Suzanne Kirby outlined the proposal to me last week and we have discussed this internally at Shell. The application as explained and has the support of Shell Canada Limited, and we are happy to work with the Kirby’s and the MD throughout this process, should we be needed.”

5. Closing Comments

Reeve Rick Lemire asked if Council has any further questions, Council had no further questions.

6. Adjournment from Public Hearing

Councillor Tony Bruder adjourned the Public Hearing, the time being 7:00 pm.

Gavin Scott and members of the public left at this time.

Bb. PUBLIC HEARING 1339-22

1. Call Public Hearing to Order

Reeve Rick Lemire called the public hearing to order, the time being 7:06 pm.

2. Advertising requirement

Reeve Rick Lemire stated that the Public Hearing has 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 August 10 and August 17, 2022, as well as the MD website and MD Social Media pages.

3. Purpose of the hearing

Reeve Rick Lemire stated that the purpose of Bylaw No. 1339-22 being a bylaw for the purpose of closing to Public Travel and creating title to and disposing of the following described highways, subject to rights of access granted by other legislation:

ALL THAT PORTION OF GOVERNMENT ROAD ALLOWANCE EAST OF SE 4-7-2-5 AND FORMING PART OF LOT 1, BLOCK 1, DESCRIPTIVE PLAN _____ CONTAINING 1.50 HECTARES (3.71 ACRES) MORE OR LESS EXCEPTING THEREOUT ALL MINES AND MINERALS

4. Presentations:

VERBAL:

Reeve Rick Lemire asked if anyone in the audience wishes to make a statement. No one wished to speak.

WRITTEN:

Reeve Rick Lemire stated that the following submissions were received and are a part of the Council package:

- Ken Croteau
- AZ Lawyers (on behalf of Michael Monaghan)

And questioned if any other submissions had been received, no other submissions were received.

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5. Closing Comments

Reeve Rick Lemire ask if Council had any questions. There was discussion on access to other sections of land, maps were displayed showing access points to other areas.

6. Adjournment from Public Hearing

Councillor Harold Hollingshead adjourned the public hearing, the time being 7:18 pm.

A. ADOPTION OF AGENDA

Councillor Dave Cox 22/321

Moved that the Council Agenda for August 23, 2022 be amended to include:

- o Finance
 - Joint Funding and Joint Budget Process

And that the agenda be approved as amended.

Carried

C. DELEGATION

D. MINUTES

a) Committee Meeting Minutes – July 12, 2022

Councillor John MacGarva 22/322

Moved that the Council Meeting Minutes of July 12, 2022 be approved as presented.

Carried

2. Council Meeting Minutes – July 12, 2022

Councillor Tony Bruder 22/323

Moved that the Council Meeting Minutes of July 12, 2022 be approved as presented.

Carried

E. BUSINESS ARISING FROM THE MINUTES

F. UNFINISHED BUSINESS

a) Delegations July 12, 2022

Councillor Tony Bruder 22/324

Moved that the request for funding from the Cowley Lions club be tabled pending further funding information from the grant writer;

AND THAT the Crowsnest Pincher Creek Waste & Recycle Centre and SASCI presentations be received as information.

Carried

G. COMMITTEE REPORTS / DIVISIONAL CONCERNS

1. Councillor Tony Bruder – Division 1
2. Reeve Rick Lemire – Division 2
 - a) Shindig at Kootenai Brown Pioneer Village

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- b) Emergency Services Commission
- c) Fair and Rodeo Parade
- 3. Councillor Dave Cox– Division 3
 - a) Castle Mountain Community Association
 - b) Beaver Mines Community Association
 - c) Family and Community Services
 - d) Chinook Arch Regional Library
 - e) Pincher Creek Foundation
- 4. Councillor Harold Hollingshead - Division 4
- 5. Councillor John MacGarva – Division 5
 - a) Fair and Rodeo Parade
 - b) Provincial Police
 - c) Joint Health and Safety
 - d) Public Works Safety
 - e) Crowsnest/Pincher Creek Landfill

Councillor Harold Hollingshead 22/325

Moved to accept the Committee Reports as information.

Carried

H. ADMINISTRATION REPORTS

1. Operations

- a) Operations Report

Councillor John MacGarva 22/326

Moved that Council receive the Operations report, which includes the call log, for the period July 7, 2022 to August 17, 2022 as information.

Carried

2. Finance

- a) 2022 Mileage Rate Change

Councillor John MacGarva 22/327

Moved that as of September 1, 2022 Council approve a mileage rate change to \$0.61/km and that administration be directed to draft a mileage policy.

Carried

- b) Waste Management and Recycling Fee on Utilities Invoice

Councillor Harold Hollingshead 22/328

Moved that Council direct Administration to write a letter to the Town of Pincher Creek, requesting that waste management and recycling charges, should be removed on utilities invoices to the MD as of September 1, 2022.

Carried

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c) Request to Waive Tax Penalty – Tax Roll 6091.630

Councillor Harold Hollingshead 22/329

Moved that the request to waive tax penalties on roll 6091.630 be authorized with the following conditions:

- The current penalty of \$703.29 remain on account 6091.630,
- AND THAT Council will stay the November 1, 2022 penalty of an additional 4% provided that account 6091.630 be made current by end of 2022,
- AND FURTHER THAT should tax account 6091.630 not be paid in full by end of 2022, the January 12% penalty (and subsequent penalties) be placed on the account as per the MD's Tax Penalty Bylaw 1264-15.

Carried

d) Joint Funding and Joint Budget - Process Improvement

Councillor Tony Bruder 22/330

Moved that Council move the Oldman River Antique Equipment and Threshing Club (Heritage Acres Farm Museum), Pincher Creek and District Historical Society (Kootenai Brown Pioneer Village) and the Grant Specialist from the joint funding process to the joint budget process;

AND THAT Council request a four year budget (including financial ask) as part of all joint budget presentations;

AND THAT in an effort to provide stable and predictable funding to all parties involved in the joint budget process, Council may agree in principal to fund joint budgets for their current term or require a presentation annually.

Carried

3. Development and Community Services

a) AES June/July Activity Report

Councillor Tony Bruder 22/331

Moved that Council accept for information AES August Activity Report.

Carried

b) Bylaw 1340-22 Land Use Bylaw Amendment - Agriculture to Rural Recreation 1

Councillor Tony Bruder 22/332

Moved that Bylaw 1340-22 Land Use Bylaw Amendment - Agriculture to Rural Recreation 1, be tabled pending further information from the applicant regarding zoning and size of development.

Carried

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c) Bylaw 1341-22 Land Use Bylaw Amendment – Group Country Residential to Agriculture

Councillor Dave Cox 22/333

Moved that Council give first reading to Bylaw No. 1341-22, being a bylaw to amend Land Use Bylaw No. 1289-19, and the required Public Hearing be scheduled for September 27, 2022 at 6:00 pm.

Carried

d) Bylaw 1338-22 Land Use Bylaw Amendment – Agriculture A to Rural Recreation 1 – RR1 (Dam Campground)

Councillor Harold Hollingshead 22/334

Moved that Council give Bylaw 1338-22 Land Use Bylaw Amendment – Agriculture A to Rural Recreation 1 – RR1 (Dam Campground) second reading,

AND THAT Council direct that the portion of land to be redesignated be reduced to the satisfaction of the Council and the map corrected prior to third reading

Carried

4. Municipal

a) Chief Administrative Officer Report

Councillor John MacGarva 22/335

Moved that Council receive for information, the Chief Administrative Officer’s report for the period of July 8, 2022 to August 18, 2022.

Carried

b) Grant Specialist Report

Councillor Tony Bruder 22/336

Moved that Council receive for information the Grant Specialist report for June 2022.

Carried

I. POLICY REVIEW

J. CORRESPONDENCE

1. For Action

a) 100th Anniversary of Pincher Creek Co-op Luncheon - Invitation to lunch on September 17, 2022

Administration to place in Council calendar

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- b) Intermunicipal Collaboration Framework Committee - Request from Town of Pincher Creek dated July 28, 2022

Councillor Dave Cox 22/337

Moved that Council budget \$5,000 for the 2023 operating budget to engage a facilitator for a regional facilities/capital structures planning session,

AND THAT prior to a facilitator being hired there be a Joint Council meeting discussion to outline what both Councils' goals are with respect to the facilitator,

AND FINALLY THAT the Humane Society Operating Agreement and the ICF discussion be tabled to the September 13, 2022 Council meeting.

Carried

- c) Nominations for the Queen Elizabeth II's Platinum Jubilee Medal (Alberta) - Nominations accepted until November 1, 2022

Council requested Administration post on social media for nominations from the community.

- d) Castle Mountain Community Association – Letter of Support for Forest Resource Improvement Grant

Council directed that Administration suggest Castle Mountain Community Association collaborate with Pincher Creek Emergency Services in a joint effort to apply for the Forest Resource Improvement Grant.

- e) Request for Member on Board - Request from Heritage Acres dated August 18, 2022

Councillor Harold Hollingshead 22/338

Council moved that the request for a board member from Heritage Acres be deferred to the joint budget meeting on October 5, 2022 for further discussion with Heritage Acres.

Carried

2. For Information

Councillor Harold Hollingshead 22/339

Moved that the following be received as information:

- a) Follow up to Nature Positive presentations by Yellowstone to Yukon'
 - Nature-Positive Economic Development for Southwest Alberta Executive Summary
- b) Ukrainian Independence Day 2022
 - Request to display Ukrainian Flag August 24 and September 7, 2022
- c) Police Advisory Committee: Crime Stats and September meeting date
 - Request for Preferred Meeting Dates
- d) Government of Alberta (GoA) Mobile Wireless Services Contract and Procurement
 - Letter from Alberta Municipal Affairs dated July 18, 2022
- e) What We Heard - Conversation about Healthcare in Alberta – Lethbridge
 - Report from Alberta Health Services dated July 19, 2022
- f) Orphan Well Association Annual Report
 - Annual Reports - Orphan Well Association
- g) Strategic Transportation Infrastructure Program (STIP) Funding Approval
 - Letter from Alberta Transportation dated July 19, 2022
- h) Unsafe Intersection on Highway 22 at Willow Valley Road
 - Letter from Livingstone Range Recreation Park Society to Minister of Transportation dated July 25, 2022
- i) STARS Thank you letter
 - Letter dated July 25, 2022
- j) Alberta Air Tour; Southern Leg, Claresholm Airport
 - Invitation to attend August 27th

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- k) Indigenous Cultural Awareness Training
 - Information from South Canadian Rockies
- l) Chief Mountain Gas Staff Appreciation Golf Day
 - Invitation to August 25, 2022 Golf Day
- m) New Website on the Future of Provincial Policing
 - Information from Ministry of Justice
- n) Alberta Police Service: Detachment Deployment Model
 - Information from Minister of Justice and Solicitor General

Carried

K. NEW BUSINESS

L. CLOSED SESSION

M. ADJOURNMENT

Councillor John MacGarva

22/340

Moved that Council adjourn the meeting, the time being 9:07 pm.

Carried



REEVE



CHIEF ADMINISTRATIVE OFFICER