

Agenda Overview
Village of Carmangay
Regular Council Meeting
Carmangay Community Centre
Tuesday, July 18, 2023
6:00 p.m.

1. Call to Order
2. Approval of Agenda for Tuesday, July 18, 2023 Regular Council Meeting
3. Guests:
4. Question Period
5. Approval of Minutes of Tuesday, June 20, 2023 Regular Meeting of Council
 - a) See pages 5 to 7
6. Public Works Report
 - Borrowed genie lift to cut down tree on Alberta / Whitney St., tree split
 - Changed the flags at the cemetery for Canada Day
 - Over night town water shut down from 9pm to 8:30 am
 - Been over helping TA Excavating With parts and finding valves , Several times
 - Mowed the nature trail
 - Mowing larger fields
 - MPE meetings x2
 - Helped move old cinema cameras
 - Hand delivered letters to the west side of tracks about water shut down for 2 inch line
 - Did June's month end for the lift station
 - Put out and picked up barricades for library hot dog day
 - Water meter readings for the village
 - Hydrant flushing the lines from being shut down on west side of tracks
 - Unplugged sewer over at Whitney St (roots under sidewalk or close to it from boulevard trees)
 - Champion to look at hydro vac job (waiting on locates)
 - Delivered a bucket load of gravel to resident
 - Lethbridge for parts and to ORRSC for cemetery maps
 - Mowed private lot as requested by property owner
 - Water plant just in case I had to shut down station because they put in new line and they were worried if it hit the live line

7. Administrator Report

- Completed NACLA course
- MPC meeting re: development permit application for industrial lot
- Attended public works interview in Champion
- Researched OHV bylaws in other communities
- Signed various agreements and change orders for water project
- Ported phone and fax lines to Telus Business Connect. Phones working great, ongoing issues with fax machine not working
- Wi-Fibre upgraded modem to work with VoIP phones
- Troubleshooting with Xerox for fax issues
- Ongoing support calls and emails with Telus for fax issues
- Processed utility bills and sent
- Printed and mailed newsletters
- Created spreadsheet to track problem water meters
- Created spreadsheet to track resident meters, readings and antenna numbers then updated information into Munisoft utility program
- Dealt with dogs at large complaints with Bylaw
- ATB huddles and training bi-weekly
- Attended bi-weekly construction meetings for water project
- Completed land sale for industrial lot
- Worked on bylaw for land use rezoning

8. Correspondence

- a) Letter from Municipal Affairs re: MSI Capital, MSI Operating and CCBF funding allocations for 2023

9. Financial Reports

See pages 8 to 16

10. Old Business

- a) AMWWP Project Update
 - Residents on east side of tracks are on temporary water until further notice
 - Residents on west side of tracks will be on temporary water potentially by Thursday, July 20
 - Pump house upgrades going out for bidding over next two weeks, project will most like start as the pipeline construction project is wrapping up
 - Some change orders have been made to scope and materials which will be absorbed by the contingency fund worked into the project costs
 - At this point, the project is on budget and likely to stay that way

- b) Library Memorandum of Understanding
 - Has been submitted to Library Manager and will be discussed at their July meeting
- c) OHV Use in Village
 - Information regarding OHV bylaws from other municipalities shown on page 17 to 19
- d) Tiny Homes
 - Inquiry from resident about amending the Land Use Bylaw to allow for tiny homes and/or container homes (residences built from shipping containers)
 - Current requirements state minimum building size is 800 square feet for residential lots and 600 square feet for manufactured home lots
- e)

11. New Business

- a) Bylaw #841 – Land Use Bylaw Amendment
 - Application to rezone 618 Grand Ave from “Manufactured Home” to “Residential”
 - First reading
 - Public Hearing to be held at 6 p.m., Tuesday, August 15, 2023
 - See pages 20 to 21
- b) Transfer of Unpaid Utilities or Accounts Payable to Tax Roll
 - Discuss transfer of unpaid utilities to tax roll for delinquent accounts
 - Sample wording from another municipality on page 22
- c) Rental Property Utilities
 - Policy moving forward will be that all utility bills will be only sent to the property owners as we have had ongoing issues with collections from renters

12. Reports

- a) ORRSC
- b) Marquis Foundation
- c) Vulcan District Solid Waste – no meeting
- d) FCSS
- e) SouthGrow:
 - Guest Speaker Melody Garner talking about what we need to do to keep our agricultural surviving.

- Had Nathan Neudorf speak on behalf of the gov.t on how they can help us.
- Fortis reported on how they are giving us money to start our 4.5 mega watt solar farm and with the money the
- Alta. Govt supplied we have enough to get our solar park started. It will help sustain Southgrow to be viable.
- Auditors did a financial presentation and for our last year report we basically broke even which is very positive.
- Next meeting will be in September

f) Twin Valley Regional Water Services Commission

g) Mayors and Reeves of Southern Alberta

h) Vulcan County Regional Emergency Partnership Committee

13. Closed Session

- a) Third Party Business Interests, Section 17 FOIP

14. Adjournment

Minutes
Village of Carmangay
Regular Council Meeting
Carmangay Community Centre
Tuesday, June 20, 2023
6:00 p.m.

1. **Call to Order:** Mayor Kym Nichols calls the meeting to order at 6:00 p.m.
Attendance: Mayor Kym Nichols, Deputy Mayor Doug Fraser, Councillor Sue Dahl, CAO Kelly McLeod

2. **Approval of Agenda:** for Tuesday, June 20, 2023 Regular Council Meeting
Deputy Mayor Doug Fraser motions to approve the agenda for Tuesday, June 20, 2023 Regular Meeting of Council.

CARRIED

3. **Guests:** No guests

4. **Question Period:** question from resident asking for clarification of times of water shut off on Thursday, June 22.

5. **Approval of Minutes**
 - a. Approval of minutes of Tuesday, May 16, 2023 Regular Meeting of Council
Councillor Sue Dahl motions to approve the minutes of Tuesday, May 16, 2023, Regular Meeting of Council.

CARRIED

 - b. Approval of minutes of Wednesday, May 31, 2023 Special Meeting of Council
Deputy Mayor Doug Fraser motions to approve the minutes of Wednesday, May 31 Special Meeting of Council.

CARRIED

 - c. Approval of minutes of Friday, June 2, 2023 Special Meeting of Council
Councillor Sue Dahl motions to approve the minutes of Friday, June 2, 2023 Special Meeting of Council.

CARRIED

6. **Public Works Report**
7. **Administrator Report**
Councillor Sue Dahl motions to accept the Public Works and Administrator report as presented.

CARRIED

8. **Correspondence** – Administration shared two items of correspondence with Council for information

9. Financial Reports

Deputy Mayor Doug Fraser motions to accept the Financial Reports as presented.

CARRIED

10. Old Business

a. AMWWP Project Update

- For information

b. Holiday Trailers on Vacant Lots – Bylaw #838 Land Use Bylaw Amendment

Deputy Mayor Doug Fraser motions to pass second reading of Bylaw #838 – Land Use Amendment Bylaw as amended.

CARRIED

Councillor Sue Dahl motions to pass third and final reading of Bylaw #838 – Land Use Amendment Bylaw as amended.

CARRIED

c. Library Memorandum of Understanding

- For information

d. Marquis Lodge Build

- Council directs Administration to respond to Vulcan County letter and respectfully decline the offer of a three-year loan to cover the funding request from Marquis for the new Marquis Lodge project.

e. Resident Request to Allow Operating of OHVs in the Village

- Administration is gathering information and will report back to Council at July meeting.

11. New Business

a. Historical Society:

- **Deputy Mayor Doug Fraser motions authorize the repair and painting of the Carmangay Historical Church. (Mayor Kym Nichols abstains from vote.)**

CARRIED

b. Fire Ban Request

- The Village will implement a “Fire Restriction” at this time, with the ability to transition to a complete “Fire Ban” at any time. Fire Ban can be implemented by Village Fire Chief at any point.

c. Industrial and Commercial Lot Policy

- Discussion. Decision to leave policy as is and make no changes at this time.

d. Tiny Homes

- Administration directed to contact ORRSC and get direction on Land Use Bylaw as it relates to tiny homes and inquire if other municipalities are allowing tiny homes to be built or moved into their communities.

12. Reports

- a. as presented

13. Closed Session

Deputy Mayor Doug Fraser motions to enter closed session (FOIP Section 17, Third Party Business Interests) at 7:09 p.m.

CARRIED

Mayor Kym Nichols motions to exit closed session at 7:45 p.m.

CARRIED

14. Adjournment

Mayor Kym Nichols adjourns the meeting at 7:45 p.m.

Date

Mayor Kym Nichols

CAO Kelly McLeod

9. Financial Report:

Statement of Cash Position as of June 30, 2023 and July 12, 2023			
	30-Jun-23	12-Jul-23	Interest Income
Current Cash (operating account)	\$ 160,795.62	\$ 239,021.00	\$ 396.88
Current Cash (ATB deposit account)	\$ 2,062.44	\$ 4,062.44	\$ 8.68
Reserves	\$ 135,823.81	\$ 135,823.81	\$ 571.58
AMWWP Grant Account	\$ 12,463.53	\$ 512,563.53	\$ 114.49
ACF Loan (rec'd March 15, 2023)	\$ 400,825.41	\$ 400,825.41	\$ 1,686.77
Investments	\$ 35,799.47	\$ 35,799.47	\$ 155.02
Savings Account *	\$ 17,326.01	\$ 17,326.01	\$ 72.91
Accounts Receivable**	\$ 910.17	\$ 2,044.00	
Tax Arrears Owing (from pre-Jan 1, 2023)	\$ 21,358.65	\$ 18,997.48	
Current Tax Owing (pre-payments on 2023 taxes)	\$ 204,187.34	\$ 149,166.53	
Overdue & Current Utilities Owing***	\$ 4,064.52	\$ 33,440.36	
Revolving Credit	-\$ 47,036.69	\$ -	
Mastercard	-\$ 697.00	-\$ 697.00	
Total Cash & Near Cash	\$ 947,883.28	\$ 1,548,373.04	\$ 3,006.33
*includes \$10,000 grant for Curling Club			
**inlcudes outstanding invoice for Champion and cemetery			
***includes current billing on July 4, due July 28 - most anticipated to be paid by due date or by PAD			

10. c. OHV Use In Village

OHV Operation in Village of Carmangay

Overview and Recommendations to Council

In May 2023, a resident requested that Village Council consider passing a bylaw authorizing the use of ATVs/OHVs within the Village. Council directed Administration to collect information on existing bylaws of other municipalities, as well as investigate how other Villages within Vulcan County deal with OHV use within their boundaries.

Alberta Transportation prohibits the use of OHVs on provincial roadways (this includes municipal streets, highways, . “An OHV may not be operated on any highway, road or ditch unless permission has been expressly granted by the Minister of Transportation through written documentation, such as a Ministerial Order or a permit, or a municipality has a bylaw allowing operation on the road and / or within the road right of-way.” (<https://www.alberta.ca/off-highway-vehicle-helmet-law.aspx#:~:text=An%20OHV%20may%20not%20be,the%20road%20right%20of%20Dway>)

After researching multiple other municipalities, it was found that all bylaws that allow OHV use within the municipality do so expressly for travel via the shortest/most direct route in order to access service or maintenance for the OHV. Some bylaws also allow for the use of municipal roadways only to proceed via the most direct route from the point of origin to outside of municipal limits and back again. Most municipalities that allow OHV use in/out of their municipality are in the northern part of the province and have accessible OHV spaces surrounding their communities.

Administration was unable to find any bylaws that allow for use of OHVs on municipal road or alleyways for the purposes of day-to-day transportation around the municipality.

Examples of various bylaws that allow OHV use:

Vulcan County

Town of Vulcan:

Currently has a bylaw in place that allows for OHVs to be driven in the town limits but **only for the ‘purpose of proceeding via the most direct route from the point of origin to the nearest point outside the Corporate limits of the Town of Vulcan, or for the purpose of returning to the point of origin by the most direct route from the nearest point outside the said Corporate boundaries’** (Bylaw #1331-05 passed July 27, 2015)

Village of Milo:

Milo looked into this in the past and was told OHVs could only be operated within a gated community with specified paths that limit exposure to regular traffic. Also told it may impact liability insurance for the Village. Information was from Alberta Transportation at that time.

Other Municipal Bylaws in Alberta:

City of Cold Lake Bylaw #540-PL-14 A Bylaw Regulating Off Highway Vehicles (November 25, 2014)

Allows OHV use on existing approved pathways within the municipality. They can be used to travel the shortest route to/from a place of storage, residence, gas station, or to approved designated trails. They must be driven in the ditch beside the highway, or on the graveled shoulder of the highway, or if no ditch or shoulder exists, they must be driven on the furthest right side of the roadway so as to impede traffic as little as possible. Whenever possible, designated trails, alleyways or service roads shall be used for travel instead of streets. Prohibited from operating in school grounds, playgrounds, parking lots, private property without express permission of owner, in City parks, at arenas or city facilities, on any City property without prior written permission of CAO, on any pedestrian pathway, any commercial establishment, any cemetery or anywhere that is prohibited by signage.

Drivers and passengers must wear an approved safety helmet at all times. Prohibited between hours of 10pm and 7am. No one under 14 years old may operate OHV without a supervisor of over 18 years old, as a lawful passenger on the same OHV or else traveling in close proximity. The OHV can operate with no more passengers than designed to carry. Must have functioning head lights and tail lights, must be insured and registered. Must not be altered in any way to cause loud, unnecessary or unusual noise that could disturb public. Maximum speed is 30 km/h, or less if posted. Drivers must drive in single file and obey all traffic control devices and yield the right of way to other vehicles or pedestrians using the highway.

Town of Legal Bylaw #14-2022 Off Highway Vehicles Bylaw

Allows for operation of OHV on any alley or roadway by the most direct and shortest route of travel through Town or for service or maintenance. A map clearly showing permitted access routes is attached to bylaw. Prohibited from operating OHVs on any parkland area, environmentally sensitive area, school ground, developed or landscaped area, recreation area, private property without permission of owner, trail system or Highway 651. Cannot operate at a speed in excess of twenty (20) kilometers per hour. Must yield to all traffic and pedestrians at all times and places. Can only tow with hitch or attachment is designed to control the vehicle being towed so it will substantially follow in the tracks of the towing vehicle; doesn't exceed 1.83 m in length, prevents towed vehicle from colliding with towing vehicle in case of a downhill travel or stop.

Must have insurance, registration and license plate attached to vehicle. Operator must have a valid operator's license, must be over the age of 14 years old. Must have operating head lights and tail lights. Must not be operated between 10pm and 7am. If the OHV is equipped with a seatbelt, that seatbelt must be worn during operation. Safety helmet must be securely attached to head of operator and passenger while in motion. Exhaust muffler must not be altered in any way and must cool gases and have a spark arrester in place.

Parkland County

The Alberta Traffic Safety Act allows municipalities to enact a bylaw to permit people to operate OHVs on highways and public property as long as the operator follows all of the rules set out in the bylaw and in the Traffic Safety Act. OHV operators who do not follow municipal regulations are committing an offence and will be penalized accordingly. Under Parkland County's bylaw, fines for offenders range from \$57 to \$500 for a first offence. For a second offence, the fine is doubled, and for a third offence, the fine is tripled. Parkland County's bylaw does not apply to primary and secondary highways, which are under the jurisdiction of the Province of Alberta. OHVs are not allowed within primary and secondary right-of-ways.

<https://www.parklandcounty.com/en/resourcesGeneral/Documents/OHVBrochure2008.pdf>

Whitcourt

Whitcourt is one of a limited number of communities that allows for seasonal operation of off-highway vehicles in public areas throughout town. The OHV Bylaw governs the use of recreational vehicles (such as snowmobiles, all-terrain vehicles, etc.) within Town limits.

- Bylaw 1138 governs the use of OHVs and allows for the seasonal use of OHVs within Town limits.
- OHV use is permitted between December 1 and March 31 annually. Use between 10pm and 7am is prohibited.
- Operators are permitted to use various streets, alleys and designated trails provided they are the most direct route from where the vehicle is normally stored to the nearest location where OHVs are permitted to operate. All operators should be familiar with the prohibited areas and respect these sites.
- The maximum speed of operation for an OHV within Town limits is 20km/hour. It is important to know that Centennial Park is within Town limits.
- OHV operators are required to carry a Certificate of Registration and a Certificate of Insurance. Those under the age of 14 are prohibited from operating an OHV unless accompanied by, or are in close proximity to, an adult who is giving instruction.
- Highway 43, Highway 32, Dahl Drive and Rotary Park are prohibited areas. Unmarked areas are generally private property and can only be used with the owner's permission. Use only designated OHV trails.
- Penalties for contravening Bylaw 1138 range from monetary fines to vehicle seizure. Please refer to a complete copy of Bylaw 1138 for more details.
- <https://www.whitcourt.ca/your-town/bylaws-policies>

11. a. Bylaw #841 Land Use Bylaw Amendment:

**VILLAGE OF CARMANGAY
IN THE PROVINCE OF ALBERTA**

BYLAW NO. 841

BEING a bylaw of the Village of Carmangay in the Province of Alberta, to amend Bylaw No. 742, being the municipal Land Use Bylaw.

WHEREAS the Village Council is in receipt of an application for a Land Use Bylaw Amendment to redesignate lands within the municipality as shown on the map in Schedule 'A' attached hereto and legally described as:

**LOTS 11-13 INCLUSIVE, BLOCK 5, PLAN 570X within NW SEC 32, TWP 13, RGE 23, W4M
(618 Grand Ave.)
LOCATED IN THE VILLAGE OF CARMANGAY.**

AND WHEREAS the purpose of the proposed Bylaw No. 841 is to redesignate the above-noted lands from **“Manufactured Home – MH” to “Residential – R”** to enable the land to be brought into compliance for the existing site-built single-detached dwelling on the parcel.

AND WHEREAS the municipality must prepare a corresponding bylaw and provide for its consideration at a public hearing.

NOW THEREFORE, under the authority and subject to the provisions of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, the Council of the Village of Carmangay in the Province of Alberta duly assembled does hereby enact the following:

1. Lands illustrated on the map in Schedule 'A' and legally described above shall be redesignated from “Manufactured Home – MH” to “Residential – R”.
2. The Land Use District Map of the Village of Carmangay Land Use Bylaw No. 742 shall be amended to reflect this redesignation.
3. Bylaw No. 742, being the municipal land use bylaw, is hereby amended.
4. This bylaw No. 841 shall come into effect upon third and final reading hereof.

READ a **first** time this _____th day of _____, 2023.

Mayor – Kim Nichols

Municipal Administrator – Kelly McLeod

READ a **second** time this _____th day of _____, 2023.

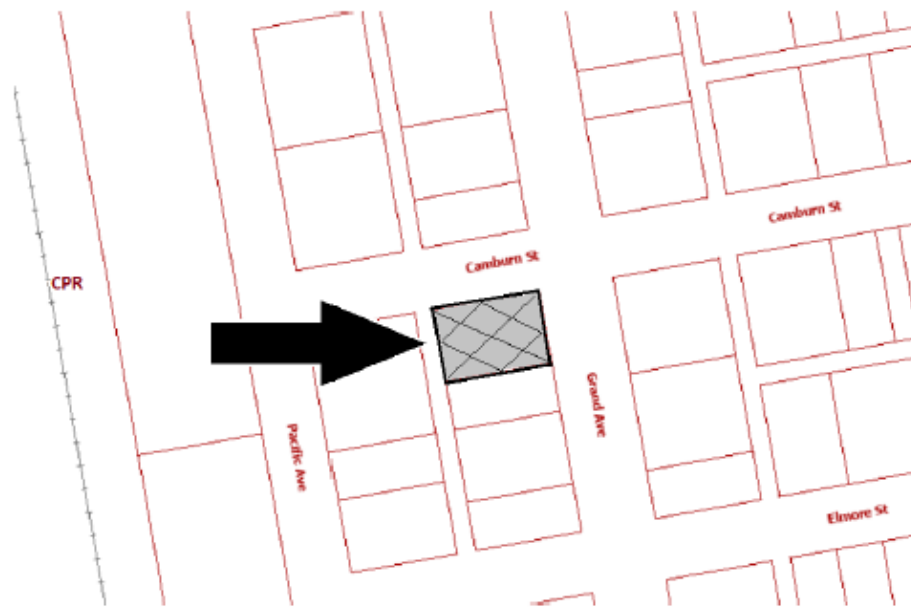
Mayor – Kim Nichols

Municipal Administrator – Kelly McLeod

READ a **third** time and finally PASSED this _____th day of _____, 2023.

Mayor – Kim Nichols

Municipal Administrator – Kelly McLeod



**LAND USE DISTRICT REDESIGNATION
SCHEDULE 'A'**

BYLAW NO: 841
DATE: _____

From: "MANUFACTURED HOME – MH"



To: "RESIDENTIAL – R"

LOTS 11-13, BLOCK 5, PLAN 570X

ALL WITHIN NW 32-13-23-W4M

MUNICIPALITY: VILLAGE OF CARMANGAY

DATE: July 12, 2023

*Diagram prepared by:
The Oldman River Regional Services Commission
3105 16 Ave N Lethbridge, Alberta, T1H 5E8
** Not Responsible for Errors or Omissions ***



11. b. Transfer of Unpaid Utilities to Tax Roll:

Billing and Overdue Accounts

- 3.7 Utility billing shall be issued on a bi-monthly basis, unless otherwise required due to a change in property ownership.
- 3.8 Utility accounts are due 30 days after mailing of the account. The penalty rate for late payment, as well as guidelines for imposing penalties, is set out in Schedule "A".
- 3.9 The Village of Champion shall have the right to discontinue providing utility services to those sites with overdue accounts.
- 3.10 At the discretion of the Village, as provided for under Section 553 of the Municipal Government Act, any outstanding utility account balance may be transferred to the property tax account of the utility service site if the overdue account is not paid.

-
- 3.11 Once services have been discontinued or disconnected, the outstanding utility account balance along with a reconnection service charge specified in Schedule "A" must be paid prior to the Village re-establishing service to the customer or owner of the lands to which service has been discontinued. At the discretion of the Village of Champion, a reasonable payment plan may be accepted.