



MINUTES

Monday, September 18, 2023 at 7:00 p.m.
Council Chambers at the Tom Hornecker
Recreation Centre, 2122 – 18 Street

REGULAR COUNCIL MEETING

COUNCIL PRESENT: Mayor Jennifer Handley and Councillors Victor Czop, Roger Miller, Dave Mitchell, Ken Sorenson and Kevin Todd.
Absent: Councillor John Dozeman

OTHERS PRESENT: Neil Smith Chief Administrative Officer
Lisa Lockton Legislative Services Manager
Clayton Gillespie Corporate Services Manager
Georgina Sharpe Planning & Development Officer

Via Electronic Kelsey Becker Brookes Reynolds, Mirth, Richards & Farmer LLP
Andrew Skeith Associate, RMRF LLP
Steven Butt D2S Farms Ltd.
Chris Ollenberger Consultant for D2S Farms Ltd.

1. CALL TO ORDER & ADOPTION OF THE AGENDA:

The Regular Meeting was called to order by Mayor Handley at 7:00 p.m.

RESOLUTION # 239 – 23/09/18 - Mitchell

The Regular Council agenda for September 18, 2023, was accepted with the following addition:
7.2 Nanton School Advantage – FOIP Section 16(1) Disclosure harmful to business interests of a third party. CARRIED

2. PRESENTATIONS:

**2.1 Bylaw #1375/23 – Amend Land Use Bylaw #1246/13 to redesignate lands, and
Bylaw #1376/23 – Repeal of Lancaster Landing Area Structure Plan Bylaw #1235/11**

RESOLUTION # 240 – 23/09/18 - Todd

Moved to recess the Regular Meeting of Council at 7:01 p.m. in order to hold a Public Hearing in regards to firstly:

- Town of Nanton Bylaw #1375/23, an amendment to the Land Use Bylaw #1246/13, to redesignate the unsubdivided Phase I area of the Lancaster Landing Area Structure Plan (PTN NE 16-16-28 W4) from Multiple Residential – R3 and Public Institutional – P1 to Agricultural Transitional – AT; and secondly,
- Town of Nanton Bylaw #1376/23, a Bylaw to repeal the Lancaster Landing Area Structure Plan Bylaw #1235/11.

CARRIED

2.2 INTRODUCTION FROM ADMINISTRATION:

No introductions from Administration were made.

2.3 SUBMISSIONS RECEIVED TO DATE, AS READ BY THE CHAIR:

NAME	BYLAW #	POSITION
M.D. Willow Creek	1375, 1376	Neutral
AB Transportation and Economic Corridors	1375, 1376	Neutral
Marion Murphy, Resident	1376	In Favour
Shores Jardin/D2S Farms Ltd.	1375, 1376	Opposed

2.4 CALL FOR PRESENTATIONS BY THE CHAIR:

The Chair read:

“The advertisement for the Public Hearing in regards to Town of Nanton Bylaw #1375/23 and #1376/23 was conducted in accordance with the Municipal Government Act, and will be conducted in accordance with the Council and Committee Procedural Bylaw #1354/21.

If there are those present or registered who wish to speak to Council, the general rules for presentations are:

- Please note that each person that has a submission or speaks to the bylaws will have their name and position regarding the bylaw to which they are addressing, recorded in the minutes
- Each presentation will be limited to five minutes for individuals and ten minutes for groups, unless a time extension is granted by Council.
- Presentations are not to include questions to Council or Administration.
- Council Members may question the speakers after each presentation for clarification of the presentation.
- The Chair may recall the presenter in order to allow Council to ask additional questions of clarification, if required.
- Council must not ask questions of Administration until the Public Hearing on a matter is concluded.
- Improper conduct by members of the public will result in that person being asked to leave the Public Hearing by the Chair.
- Any person, group or authorized representative wishing to speak must state their name for recording in the minutes and which of the Bylaws, #1375 or #1376, or both, to which the person wishes to address.
- Any person(s) or group(s) present who are IN FAVOUR of the subject matter of the Public Hearing and wish to be heard by Council.
 - Those IN FAVOUR present.
- Any person(s) or group(s) present who are AGAINST the subject matter of the Public Hearing and wish to be heard by Council.
 - Those AGAINST present. – D2S Farms Ltd. and/or representative.”

Chris Ollenberger 7:07 to 7:13 p.m. Bylaws #1375/23 and #1376/23 AGAINST
(no written submission provided)



Steven Butt 7:13 to 7:18 p.m. Bylaws #1375/23 and #1376/23 AGAINST
(no written submission provided)

The Chairs asked if any other person(s), group(s) or authorized representative(s) other than those above who wish to be heard by Council. There was no one else present who wished to be heard.

The Chair thanked everyone and stated that all information received and presented at this hearing will be considered by Council.

2.5 RESOLUTION # 241 – 23/09/18 – Czop

Moved to **CLOSE** the Public Hearing in regards to Town of Nanton Bylaw #1375/23 and Bylaw #1376/23 and reconvene the Regular Meeting of Council at 7:20 p.m. **CARRIED**

RESOLUTION # 242 – 23/09/18 – Miller

Move that all written submissions received in regards to the Public Hearing for Town of Nanton Bylaw #1375/23 and #1376/23, from the following person(s) or groups(s):

- M.D. Willow Creek
- AB Transportation and Economic Corridors
- Marion Murphy, Resident
- Shores Jardin/D2S Farms Ltd.

be attached to these minutes collectively as Schedule "A".
CARRIED

3. REPORTS:

3.1 CHIEF ADMINISTRATIVE OFFICER:

- 3.1.1 Status Report – E
- 3.1.2 Monthly Report - E

3.2 FINANCIAL:

- 3.2.1 Accounts Payable Reports to August 31, 2023

3.3 DEPARTMENT:

- 3.3.1 Corporate Services Manager - E
- 3.3.2 Operations Manager - E
- 3.3.3 Planning & Development Officer - E
- 3.3.4 Fire Chief – No report
- 3.3.5 Peace Officer - E

3.4 COUNCIL:

3.4.1 MAYOR JENNIFER HANDLEY

- (a) Proclamation of Legion Week, September 17 to 23, 2023 - E

3.4.2 COUNCILLOR VICTOR CZOP July & August – E

3.4.6 COUNCILLOR KEVIN TODD

- (a) Alberta SouthWest Board Minutes Aug 2/23 – E
- (b) Alberta SouthWest Sept. Bulletin - E

RESOLUTION # 243 - 23/09/18 - Todd

Moved that all written reports, as recorded on the agenda for September 18, 2023 be received for information and filing. **CARRIED**



Georgina Sharpe left the meeting at 7:30 p.m.

4. ADOPTION OF MINUTES OF PREVIOUS MEETINGS:

4.1 ADOPTION:

4.1.1 Regular Council Meeting September 5, 2023 Minutes – E

RESOLUTION # 244 - 23/09/18 - Mitchell

The Councillors all having read the minutes and there being no errors, omissions or corrections, the Minutes of the Regular Meeting of the Council of the Town of Nanton held September 5, 2023, were accepted as distributed. CARRIED

4.1.2 Special Meeting of Council September 11, 2023 Minutes - E

RESOLUTION # 245 - 23/09/18 - Czop

The Councillors all having read the minutes and there being a correction to note the absence of Councillor Mitchell for this meeting, the Minutes of the Special Meeting of the Council of the Town of Nanton held September 11, 2023, were accepted as corrected. CARRIED

4.2 BUSINESS ARISING FROM THE MINUTES: None

5. NEW & UNFINISHED BUSINESS:

5.1 Proposed Gopher Control Policy – E

Council discussed the policy presented for gopher control. Research for accommodating requests for control on private property was requested from Administration prior to further consideration.

5.2 Amendment for Dust Suppression Policy #32-20-23/01/16 - E

RESOLUTION # 246 - 23/09/18 - Mitchell

Moved to approve the update to Dust Suppression Policy #32-20-23/01/16 as presented and attached to these minutes as Schedule "B". CARRIED

5.3 Update for Animal Bylaw #1352/21 - E

RESOLUTION #247 – 23/09/18 - Todd

Move to read Town of Nanton Bylaw #1378/23, a bylaw for the licensing, control and regulation of Animals, for a first time. CARRIED

RESOLUTION #248 – 23/09/18 - Miller

Move to read Town of Nanton Bylaw #1378/23 for a second time. CARRIED

RESOLUTION #249 – 23/09/18 - Czop

Unanimous consent to read Town of Nanton Bylaw #1378/23 for a third time was granted by Council present. CARRIED

RESOLUTION #250 – 23/09/18 - Sorenson

Move to read Town of Nanton Bylaw #1378/23 for a third and final time. CARRIED



6. CORRESPONDENCE:

6.1 FOR ACTION:

6.1.1 Alberta Food Rescue and Distribution Warehouse – E

Council accepted the correspondence for information with no action at this time.

6.2 FOR INFORMATION:

6.2.1 Nanton Animal Protection Society September 30, 2023 event - E

7. CLOSED CONFIDENTIAL SESSION:

RESOLUTION # 251 - 23/09/18 - Todd

IT WAS MOVED to recess the Regular Meeting at 7:50 p.m. in order to hold "Closed Confidential Sessions" pursuant to Section 197(2) of the Municipal Government Act, RSA 2000, Chapter M-26 and the Freedom of Information and Protection of Privacy Act, as follows:

7.1 Alberta Municipalities Meetings – FOIP Section 21 Harmful to Intergovernmental Relations.

7.2 Addition - Nanton School Advantage – FOIP Section 16(1) Disclosure harmful to business interests of a third party.

CARRIED

RESOLUTION # 252 - 23/09/18 - Mitchell

IT WAS MOVED to reconvene the Regular Meeting at 8:34 p.m. CARRIED

8. ADJOURNMENT:

RESOLUTION # 253 - 23/09/18 - Todd

IT WAS MOVED to adjourn the Regular Meeting of Council at 8:34 p.m.

TOWN OF NANTON



CHIEF ELECTED OFFICIAL



CHIEF ADMINISTRATIVE OFFICER

NS:ll

These minutes accepted and signed this 2nd day of October, 2023.



Municipal District of Willow Creek

Office of the Administrator

www.mdwillowcreek.com
273129 Secondary Highway 520
Claresholm Industrial Area
Box 550, Claresholm Alberta T0L 0T0

Office: (403) 625-3351
Fax: (403) 625-3886
Shop: (403) 625-3030
Toll Free: 888-337-3351

July 19, 2023

Town of Nanton
Box 609
1907 – 21st Ave
Nanton, AB
T0L 1R0
cao@nanton.ca
development@nanton.ca Town

**RE: Bylaw No. 1375-23 and 1376-23
Land Use Bylaw Amendment and repeal Area Structure Plan**

The MD of Willow Creek No. 26 has reviewed the Notice of Public Hearing on July 19, 2023 for Bylaws No. 1375-23 and 1376-23.

The MD of Willow Creek recognize the requirement of the Intermunicipal Development Plan Bylaw No. 1613 and Bylaw No. 1227/10, to notify the MD of Willow Creek for proposed bylaws for comments to be provided. The MD of Willow Creek have no comments.

The M.D. of Willow Creek thank you for the referral and the opportunity to comment. If you any questions, please call (403) 625-3351, extension 235 or email at chisholm@mdwillowcreek.com

Thank you

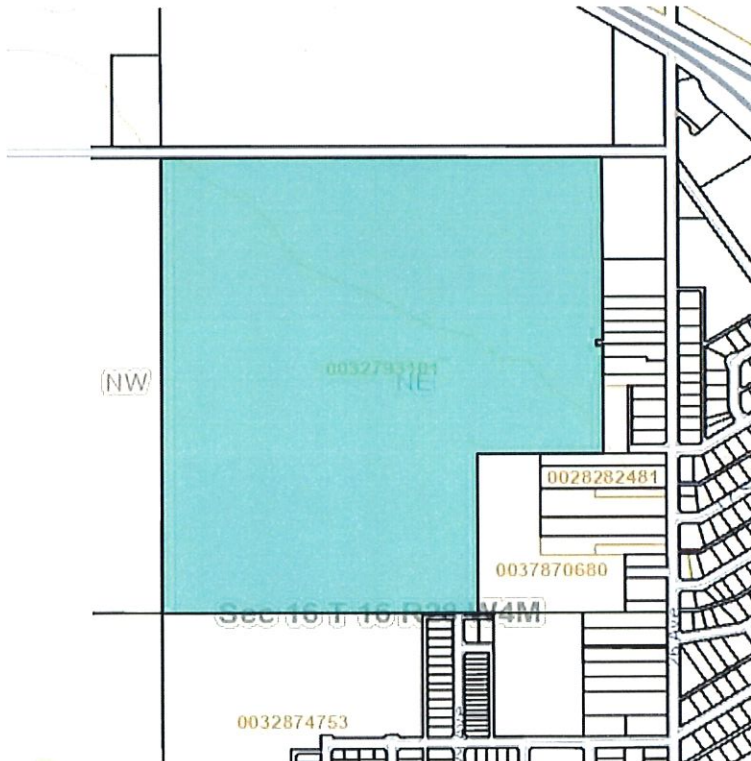
(VIA EMAIL ONLY)

Cindy Chisholm
Director of Planning and Development

Transportation and Economic Corridors Notice of Referral Decision

Statutory Plan in Proximity of a Provincial Highway

Municipality File Number:	Repeal Bylaw #1376/23 - Public Hearing Notice	Highway(s):	533, 2
Legal Land Location:	QS-NE SEC-16 TWP-016 RGE-28 MER-4	Municipality:	Nanton
Decision By:	Leah Olsen	Issuing Office:	Southern Region / Lethbridge
Issued Date:	2023-07-31 14:06:10	AT Reference #:	RPATH0036706
Description of Development:	Proposed bylaws to repeal the Lancaster Landing Area Structure Plan (Bylaw #1235/11) and to redesignate a portion of the Lands to Agricultural Transitional - AT		




LO

This will acknowledge receipt of your circulation regarding the above noted proposal. Transportation and Economic Corridors primary concern is protecting the safe and effective operation of provincial highway infrastructure, and planning for the future needs of the highway network in proximity to the proposed development(s).

Transportation and Economic Corridors offers the following comments and observations with respect to the proposed development(s):

- Pursuant to Section 618.3(1) of the Municipal Government Act (MGA), the department expects that the municipality will comply with any applicable items related to provincial highways in an ALSA plan if applicable
- Pursuant to 618.4(1) of the Municipal Government Act, the department expects that the Municipality will mitigate the impacts of traffic generated by developments approved on the local road connections to the highway system, in accordance with Policy 7 of the Provincial Land Use Policies.

Please contact Transportation and Economic Corridors through the [RPATH Portal](#) if you have any questions, or require additional information.

	<p>Issued by Leah Olsen, on 2023-07-31 14:06:10 on behalf of the Minister of Transportation and Economic Corridors pursuant to <i>Ministerial Order 52/20 – Department of Transportation and Economic Corridors Delegation of Authority</i></p>
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Marion Murphy
1511 - 26 Avenue

Nanton, Alta. TOL 1R0
31 July, 2023

Council Members
Town of Nanton
Nanton, Alberta

Dear Members:

I am writing this to say that I am absolutely in favor of adopting Bylaw #1376/23 to repeal Bylaw #1235/11.

Bylaw #1235/11 should never have been adopted in the first place. Most people that attended the open house presentations and public hearing were opposed to it on the grounds of lack of water, Town of Nanton could not afford the infrastructure, traffic and congestion. Those concerns still stand.

The plan was to build a lot of high-density "multi-family" dwellings. They also used the term "affordable housing." That term, presumably, means people on the lower end of the income scale. Whom do they think would live there? There is no industry in Nanton that could hire enough workers to fill those places. And anyone who had a lower-income job in Calgary would hardly move his family to Nanton - any savings in housing would be eaten up in transportation costs.

The result would be mostly - empty buildings left to decay. In other words, an eye-sore.

Marion Murphy

MS



SHORES JARDINE LLP

August 9, 2023

Delivered Via Email <cao@nanton.ca>

Town of Nanton
Box 609, 1907 – 21 Avenue
Nanton, AB T0L 1R0
Attention: Neil Smith, CAO

Dear Sir:

Re: Public Hearing, Monday August 14, 2023 re: Bylaws 1375-23 and 1376-23

I write to request an adjournment of the public hearings scheduled for Monday, August 14, 2023 re: proposed bylaws #1375/23 and #1376/23 to amend Land Use Bylaw 1246/13 and repeal the Lancaster Landing ASP Bylaw 1235/11 respectively.

Upon our initial review of the proposed bylaws and publicly available materials, we have some significant concerns regarding the justification for the bylaws proposed by administration, the procedural fairness that has been afforded the landowner, and the possibility that the lands at issue are at risk of being sterilized by the municipality. We note that recent legal cases across Canada have significantly shifted the landscape for municipal planning matters, particularly with respect to the duties of municipalities.

We are in the process of being retained by D2S Farms to represent them with respect to the above noted matters given the grave concerns they have with how their lands are being addressed by the Town of Nanton. At this time, we have not had the opportunity to review all of the pertinent information in order to provide written submissions by the deadline of August 9, 2023, or effectively participate in the public hearing scheduled for August 14, 2023. We have been advised that D2S Farms has also asked Mr. Chris Ollenberger, P. Eng. of QuantumPlace Developments Ltd. to review the file using his over 20 years of experience in development and planning applications to assist us.

We respectfully request that the public hearing be adjourned for four weeks (to September 11, 2023) to provide us with sufficient time to review the file and prepare submissions, and that the deadline for submission be correspondingly extended (September 6, 2023). Given the significant impact on the development rights of our client if these bylaws are to go ahead, it is essential that they have full opportunity to present their case to council, and have opportunity to discuss the matter with Administration in detail.



SHORES JARDINE LLP

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Thank you for your consideration.

Yours truly,

SHORES JARDINE LLP

Per:

M. Joseph Redman
joseph@shoresjardine.com

MJR/

Cc: Planning and Development Officer,
develop@nanton.ca

C. Ollenberger, Agent for D2S Farms
C. McMorran, D2S Farms
S. Butt, D2S Farms



POLICY

Policy No. 32 – 246 – 23/09/18
Department: Common Services
Regular Minutes 23/09/18 – Schedule "B"

DUST SUPPRESSION

PURPOSE:

To formalize the Town's approach to annual dust suppression provided to select unpaved road surfaces within town limits.

POLICY:

1. Unabated dust from gravel roads may pose safety and nuisance concerns, with the Town identifying critical areas for annual treatment from the Operations budget.
2. The Town cannot accommodate requests for additional areas or treatments of dust suppression (at cost as a sale of service) at this time.
3. While nuisance concerns are sympathized with, the Town has a limited annual budget available for dust suppression and prioritizes this work accordingly in line with this policy.
4. This policy represents a formalised 'baseline' to enable better understanding by the public and an easier, more transparent, starting place for discussing levels of service and value for money in future.

PROCEDURE:

1. The Town will implement the use of products that meet environmental standards and its discretionary needs, while always reviewing and exploring different options.
2. The Town will apply dust suppression annually in front of the properties and lands identified in Schedule 'A'.
3. Property owners and businesses can be included in the Town's annual program, on an invoiced cost-recovery basis, provided that:
 - a. a Minimum linear frontage be met for cost effectiveness, and
 - b. a deadline date or time frame for inclusion in the annual program is stated, be included in the parameters for the addition.
4. Property owners or residents who wish to independently arrange and pay for additional or repeat applications of dust suppression on any unpaved municipal streets, avenues or alleys privately from contracted service providers may do so as long as the Operations Department have an opportunity to first review and approve the proposed location(s), product and application methodology.



MAYOR

Sept 25, 2023

Date



CHIEF ADMINISTRATIVE OFFICER

Sept 26 2023

Date

Man