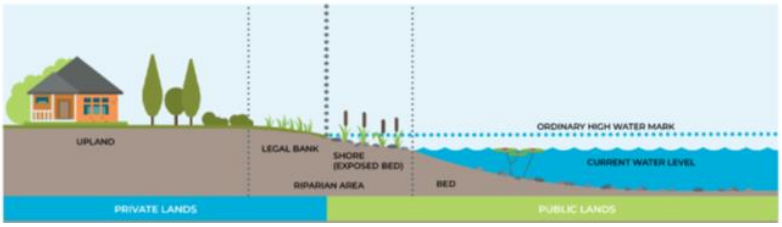
	PRESENT	Mayor: Tim Wiles via teleconference Deputy Mayor: John McIvor via teleconference Councillor: Tim Kirby via teleconference Administration: Emily House, CAO Public Works: None Others Present: Jane Dauphinee, Municipal Planning Services via teleconference There were no members of the Public present.
1.	CALL TO ORDER	Mayor Wiles called the January 28, 2021 Regular Council Meeting to order at 6:34p.m.
2.	AGENDA 001-21 (Agenda)	**MOVED** by Deputy Mayor McIvor that the January 28, 2021 Regular Council Meeting Agenda be approved as presented. **CARRIED**
3.	MINUTES 002-21 (Confirmation of Minutes – Regular Council Meeting – December 16, 2020)	**MOVED** by Councillor Kirby that the minutes of the December 16, 2020 Regular Council Meeting be approved as presented. **CARRIED**
4.	APPOINTMENTS	None
5.	BYLAWS 003-21 (Bylaw No. 269-2020 – Municipal Development Plan – Amend Bylaw)	**MOVED** by Deputy Mayor McIvor that Council approves to amend Bylaw No. 269-2020 with the following: 1. That the bylaw be amended to correct minor typographical, sentence structure, and document formatting errors that would not change the intent of statements or policies in the bylaw. 2. That the Table of Contents be updated to reflect the amendments proposed herein. 3. That a Table of Figures be inserted after the Table of Contents and that it reflect the figures within the Municipal Development Plan (including the amendments proposed herein. 4. That the Interpretation section be amended to include a new subsection called Environmental Terms, and the following be included in the new subsection: "Environmental Terms

		Bed and Shore Definition: The bed and shore of a body of water shall be the land covered so long by water as to wrest it from vegetation or as to mark a distinct character on the vegetation where it extends into the water or on the soil itself. The bed and shore ends at the legal bank, which is a natural boundary and may fluctuate over time. The bed and shore of all permanent and naturally occurring water bodies and all naturally occurring rivers, streams, and watercourses are owned by the Crown as per Section 3 of the Public Lands Act. For clarification, lands within the Bed and Shore are owned by the Crown. Lands within riparian areas may by privately and/or publicly owned however, development or disturbance to lands within riparian areas may require provincial and municipal approval. Legal Bank: As defined in Section 17 of the Surveys Act, the bed and shore of a water body ends at the legal bank, also known as the ordinary high water mark. The legal bank is a natural boundary formed by the presence of water that typically results in vegetation distinct from the upland vegetation. The legal bank may fluctuate over time. Riparian Area: Includes any land that adjoins or directly influences a water body and includes floodplains and land that directly influences alluvial aquifers. Typical examples include: green ribbons of lush vegetation that grow on floodplains and watercourse banks. They usually are distinctly different from surrounding lands because of unique soil and vegetation characteristics that are influenced by the presence of water above the ground and below the surface. Water is present due to a water body or elevated water table such as in a seep or spring. NOTE: Riparian area/upland boundaries in some regions of Alberta can be difficult to see, such as in the Central Parkland or Boreal forest where the transitions can be quite subtle. The presence of water may also be difficult to detect. For example, Silver Sagebrush/Western Wheatgrass communities are the driest of the riparian types and water may only be present for a few weeks during the year." 5. That Section 1.B – Principles be amended by deleting Principle 5 and that paragraph 1 be revised to reflect this revision. 6. That the Future Land Use Goal in Section 1.C – Vision and Goals be deleted and replaced with the following: "Redevelopment on existing lots maintains the existing community character and is designed to mitigate environmental risks and conserve significant environmental features." 7. That the first sentence in paragraph 1 of Section 3.A – History and Geography be revised as follows: "The Summer Village of Kapasiwin was first incorporated as a Village on October 25, 1913." 8. That Section 3.A – History and Geography be further revised by deleting paragraph 5 and replacing it with the following:

"An easement extends parallel to the shoreline across most residential lots within the Summer Village. This easement follows the right-of-way of a former registered road (Wapameg Avenue). There is a footpath within the Wapameg Avenue easement which is identified on Map A1 – Development and Environmental Considerations."

9. That Subsection 3.C – Environmental Features be amended by inserting the following figure (adapted From Alberta Environment and Parks) as Figure 5: Private and Public Lands Illustration:



10. That paragraph 4 of Section 4 – Cooperation be amended to insert "stakeholders" after "neighbouring municipalities".

11. That Section 4 – Cooperation be further amended by inserting "other stakeholders" after "First Nations" in Objective 1.

12. That Section 5 – Future Land Use is amended by deleting the goal statement and replacing it with the following:

    "Redevelopment on existing lots maintains the existing community character and is designed to mitigate environmental risks and conserve significant environmental features."

13. That Section 5.C – Environment and Recreation Area is amended by deleting paragraphs 1 and 2 and replacing then with the following:

    "The Wapumeg Avenue lands have a long history in Kapasiwin. These lands were transferred from the Federal Crown to the Provincial Government in 1934. The Province of Alberta then transferred these lands to Kapasiwin in 1935. This transfer to Kapasiwin was effected by an Order of the Board of Public Utility Commissioners. The effect of this Order was twofold: (1) to cancel the title certificate for a portion of the Wapumeg Avenue lands and issue a new title certificate in the name of Kapasiwin; and (2) to grant an easement across all the affected Wapumeg Avenue lands in favour of the adjacent lots, with a record of such easement to be registered on the resulting title.

    In 1954, in conjunction with a re-plotting exercise, the Wapumeg Avenue lands were transferred by Kapasiwin to the adjacent landowners. The transferred lands remained subject to the easement. The validity and nature of the easement were confirmed by a court decision in 2018. This easement grants to the owners of these lands a right of passage over the Wapumeg Avenue lands owned by the other owners of land also subject to the easement. The walking trail inside of the easement area continues to be used by these residents.

In 1990, a survey was completed to confirm the location of the actual walking trail inside the easement area. An associated survey plan was registered at Land Titles as survey plan 902-1906. This survey plan has been used to determine setback requirements for development under Kapasiwin's Land Use Bylaw.

The Wapumeg Avenue story is an important part of the Summer Village's history. The easement affecting the Wapumeg Avenue lands continues to enhance the local sense of community and contributes to the shared enjoyment of the lake view among neighbours and friends."

14. That Section 5.C – Environment and Recreation Area be further amended by deleting the first sentence in paragraph 4 and replacing it with the following:

    "In the southeastern portion of the Summer Village there are lands that largely remain, and are intended to remain, in a natural state."

15. That Section 5.C – Environment and Recreation Area be further amended by deleting Objective 1 and replacing it with the following:

    "Objective 1 - Support preservation of the Footpath Easement."

16. That Section 5.C – Environment and Recreation Area be further amended by deleting Policy 1 and replacing it with the following:

    "Maintain development policies such as set-back requirements which preserve the purpose and use of the Footpath Easement."

17. That Policy 5.D.3 in Section 5.D – General Development be deleted and subsequent policies in this section be renumbered accordingly.

18. That Section 6.A – Land Use Activities and Site Suitability be amended by deleting Policy 6.A.1 and replacing it with the following:

    "Applicants who wish to redevelop a lot within the Summer Village may be required to provide engineering information at time of development permit application to demonstrate that:
    a. The site is not subject to environmental hazards such as shallow groundwater or unstable soils; and/or
    b. Appropriate design mitigations will be provided to reduce risk from hazards and prevent groundwater contamination."

19. That Map A1 – Development & Environmental Considerations be deleted and replaced with the map on following page which identifies the approximate location of the Wapameg Avenue Easement Area.

CARRIED

004-21
(Bylaw No. 269-2020 – Municipal Development Plan – 2nd Reading)

MOVED by Deputy Mayor McIvor that Council give 2nd Reading to Bylaw No. 269-2020 Municipal Development Plan.

CARRIED

6. BUSINESS

005-21
(Online Banking Access)

MOVED by Councillor Kirby to approve the setup of online banking for the Summer Village of Kapasiwin Accounts held with ATB and approve Emily House as the Administrator for on-line banking.

CARRIED

006-21
(Returning Officer and Substitute Returning Officer)

MOVED by Deputy Mayor McIvor to appoint Emily House as the Returning Officer and Steve Provence as the Substitute Returning Officer for the 2021 General Municipal Election.

CARRIED

7.	FINANCIAL	
	007-21 (Accounts Payable)	MOVED by Councillor Kirby that the accounts payable and cheque listings for the following months be accepted as information: • November 2020 - cheque numbers 210 to 213 and auto withdrawals totaling $43,071.47 • December 2020 – cheque number 214 to 226 and auto withdrawals totaling $39,330.98 CARRIED
	008-21 (Bank Reconciliations)	MOVED by Deputy Mayor McIvor that the bank reconciliations for November and December 2020 be accepted as information. CARRIED
	009-21 (Balance Sheet and Income and Expense Statements)	MOVED by Councillor Kirby that the balance sheets and income and expense statements for November and December 2020 be accepted as information. CARRIED
8.	REPORT FROM COUNCIL	None
9.	ADMINISTRATION REPORT	
	010-21 (Admin/PW reports)	MOVED by Councillor Kirby that the Administration Report, as verbally presented, be accepted for information. CARRIED
10.	INFORMATION / CORRESPONDENCE	
	011-21 (Correspondence)	MOVED by Councillor Kirby that the following information and correspondence be accepted as information. a) January 11, 2021, Wild Water Commission, Re: 2021 Rates and Budget Estimates b) January 19, 2021, Alberta Municipal Affairs, Re: Amendments to Bill 45 and Bill 48 CARRIED
11.	CLOSED MEETING SESSION	
	012-21 (Enter Closed Session)	MOVED by Councillor Kirby that Council close the public portion of the meeting for Agenda Item No. 11 a) Legal – Footpath Easement, per FOIPP Section at 7:36pm. CARRIED Present: Mayor Tim Wiles, Deputy Mayor John McIvor, Councillor Tim Kirby, and Chief Administrative Officer, Emily House.

	013-21 (Open Closed Session)	**MOVED** by Deputy Mayor McIvor that Council open the closed session of the meeting to the public at 7:38pm. **CARRIED** No motions arose from the Closed Session.
12.	**NEXT MEETING** 014-21 (Next Meeting Date)	**MOVED** by Deputy Mayor McIvor that Council schedule the next Regular Council Meeting for March 18 at 6:30pm to be held via tele/video conference. **CARRIED**
13.	**ADJOURNMENT** 015-21 (Adjournment of Meeting)	**MOVED** by Councillor Kirby that the November 12, 2020 Regular Council Meeting by adjourned at 7:39pm. **CARRIED**

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Mayor

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Chief Administrative Officer