



## The Corporation of the Township of Huron-Kinloss

### Special Council Meeting Minutes

Council Chambers

April 11<sup>th</sup>, 2016

7:00 p.m.

Mitch Twolan, Mayor	Present
Wilfred Gamble, Deputy Mayor	Present
Lillian Abbott, Councillor	Present
Jeff Elliott, Councillor	Present
Jim Hanna, Councillor	Present
Don Murray, Councillor	Present
Carl Sloetjes, Councillor	Present
Mary Rose Walden, Administrator	Absent
Sonya Watson, Clerk	Present
Jodi MacArthur, Treasurer	Absent
Grant Collins, Drainage Superintendent	Present

Others Present: Jeremy Taylor, Ed Delay, George Guse, Tom Downey, Herman Fischer, Kim Colling, Murray Ferguson, Dennis Courtney on behalf of Joe Courtney, Greg Nancekivell, Bill Dietrich, Steve Brickman, Linda & Eric Thacker, Corey Pollock, Jim & Fran Farrell, Peter Schlegel, Darryl Coote, Sandy Pollock, Wayne Kerr, Don Reid, Joel Armstrong, Doug MacDonald, Dianne & Don Simpson, Don Houston, Paul Murray, Bill Smith, Ralph Spletstoesser, Geoff Farrell, Eli Stauffer, Rene Zoller, Bert Von Westerholt, Bill Hodgins, Levi Bauman, Brian Reid, Simeon Brubacher, Menno H, Brubacher, Joe McIlhargey, Sean Gander

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#### **Council Meeting**

##### **1. Call to Order**

Mayor Twolan called the meeting to order at 7:00 p.m.

##### **2. Disclosure of Pecuniary Interest**

Name: N/A    Item: N/A                      Nature of Interest: N/A

##### **3. Delegations**

3.1    Ed Delay, P. Eng                      R.J. Burnside & Associates Limited

Mr. Delay will be attending to present the Final Report for the Doelman Municipal Drain. Please refer to item 4.1.

3.2    Steven Brickman, P.Eng    Dietrich Engineering Limited  
Greg Nancekivell, C.E.T.    Dietrich Engineering Limited

Mr. Brickman and Mr. Nancekivell will be attending to present the Final Reports for the Nesbitt Municipal Drain and the Royal Oak Municipal Drain.

Please refer to item 4.2 & 4.3.

#### **4. Staff Reports**

##### **4.1 [Report Number DRAIN-2016-04-06](#) prepared by Grant Collins Doelman Municipal Drain Report**

The Clerk has provided notice to all parties assessed on the drain.

Ed Delay presented the Final Report for the Doelman Municipal Drain for Council's review.

Council had no further questions on the drainage report.

Mayor Twolan offered the opportunity for the landowners to ask questions. No questions were raised by the landowners.

Motion No: 134

Moved by: Murray Seconded by: Elliott

That the Township of Huron-Kinloss Council hereby accepts the Doelman Municipal Drain 2016 report as presented by R.J. Burnside and Associates Ltd.; and

Further that Council hereby authorizes the Provisional By-Law for the Doelman Municipal Drain be brought forward to the April 18<sup>th</sup>, 2016 Council Meeting for adoption.

Carried.

##### **4.2 [Report Number DRAIN-2016-04-04](#) prepared by Grant Collins Nesbitt Municipal Drain Report**

The Clerk has provided notice to all parties assessed on the drain.

Greg Nancekivell from Dietrich Engineering presented the Final Report for the Nesbitt Municipal Drain for Council's review.

Mr. Nancekivell noted an error on the "Schedule of Net Assessment for Construction" V. Von Tripps do not qualify for the 1/3 government grant and the schedule will be revised to reflect this.

Murray Ferguson questioned the timing of construction. Mr. Nancekivell responded that it is anticipated that construction will occur this fall.

Dennis Courtney asked a question around the catch basin at Highway 21 and clarification on the connection for Joe Courtney's property was provided.

Clarification was made that the open ditch on the "B" Drain will remain.

Motion No: 135

Moved by: Hanna Seconded by: Abbott

That the Township of Huron-Kinloss Council hereby accepts the Nesbitt Municipal Drain Report as presented by Dietrich Engineering Limited; and

Further that Council hereby authorizes the Provisional By-Law for the Nesbitt Municipal Drain be brought forward to the April 18<sup>th</sup>, 2016 Council Meeting for adoption.

Carried.

4.3 [Report Number DRAIN-2016-04-05](#) prepared by Grant Collins  
Royal Oak Municipal Drain Report

The Clerk has provided notice to all parties assessed on the drain.

Bill Dietrich from Dietrich Engineering spoke and informed residents that the drain was initiated under Section 78 and Section 4 of the Drainage Act. Purpose on the meeting is to present the Final Report and not to discuss assessment of cost to individual landowners.

Greg Nancekivell presented a very detailed power point presentation for Council and the numerous land owners present. He stated that this meeting was being treated as an additional information meeting to ensure landowners were aware of the scope of the work and given an additional opportunity to ask questions. Mr. Brickman presented the findings from Dietrich's survey work. Pictures were presented on various locations along the drain showing the erosion issues and where farming practices are taking place right along the drain edge with no land buffer present. Mr. Brickman commented that there is essentially erosion occurring along the length of the drain. Mr. Brickman also presented pictures showing the deteriorated crossings on the length of the drain and detailed the newly proposed crossings. He also presented pictures of some positive areas of the drain where vegetation is flourishing. He informed those present that the maintenance schedules from the (1967 & 1970) reports are out of date and need to be updated.

Mr. Brickman then presented detail on the design and specifications in the proposed report. He outlined the peak flow areas, the two stage ditch system, and proposed bank repair plans. He noted the private crossings have been designed for a 5 year rain fall event and the road crossings have been designed for a 25 year event. Rifle pools, Flexmat bank protection and buffer strips were also described in detail. The total estimated cost of the drain is \$1,049,200.

Councillor Hanna questioned how much excavation work was actually taking place. Mr. Brickman noted that excavation will be occurring on approx. 7 km of

the 9 km of drain so quite extensive. There was a discussion around how much money could potentially be saved by eliminating certain aspects to the drain.

Greg Nancekivell then presented a pie chart graph that outlined the various costs. Greg Nancekivell explained the buffer strips and that they were included to encourage best farm practices. The land is still owned by the landowners, but what they can do on the property is limited and the Drainage Superintendent would have access to perform drainage work.

Councillor Murray questioned whether all the crossings were necessary. He also stated that if the Township could accept the fill at the landfill this already resulted in a cost savings to landowners rather than having to truck it away so he did not feel the Township should pay anything additional for this fill. He felt if the main concern was assessments they should be discussed tonight to determine a potential area to reduce costs.

Greg Nancekivell then did a detail review on the assessment schedule and described the formula for calculating the outlet according to the *Drainage Act*. He also described how the benefit was arrived at. The cost for a particular land owner including benefit, outlet liability, less gov't grant, less allowances and how it resulted in the net assessment was detailed for the benefit of everyone in attendance.

The Thackers questioned the use of Flexmats and the cost to the project. Greg Nancekivell responded that they have been proven to work well in other locations and they are anchored so they do not move. Thackers are concerned about the removal of trees. Greg Nancekivell suggested they will work to save as many trees as possible and will be working on the clear side rather than the bush side along the length of the drain. Mrs. Thacker questioned what started this drain project. Greg Nancekivell stated that erosion was a concern and a section 4 petition was received.

Sandy Pollock and the Thackers questioned if the Flexmats are more expensive than the conventional rip rap and whether they have been used in other places and where they could be viewed for performance. Greg Nancekivell reported they are approx. 40% more expensive but they are also more permanent and he will report back to the Drainage Superintendent on a location for viewing.

Jim Farrell spoke in favour of the project. He feels the work needs to be done and with the ability to receive the 1/3 grant from the Province this is the time to do it.

There was further discussion on the riffle strips and the slowing of the water. Council was not in favour of slowing the water down to be stagnant and Greg Nancekivell confirmed this was not the case.

Joe McIlhargey questioned the life expectancy of the drain if designed and constructed to the specifications in the report. Greg Nancekivell suggested the crossings should last for 75 years. The work on the drain once established should be self-sustaining for a long time. Nancekivell did caution that once the construction is complete there may be some "touch up" work that would be need to be done in the year following until the vegetation takes hold.

Joel Armstrong questioned if the drain was as bad as proposed in the pictures why are there no other landowners requesting work on this drain. Greg Nancekivell responded that Dietrich's was appointed under Section 4 and Section 78 to look at the drain after a valid petition was received.

Corey Pollock questioned why the drain took 6 ½ years to complete. Greg explained that their workload caused the delay.

A landowner made a statement that a second quote should be obtained for a project of this magnitude. It was noted that a tender would be posted and various contractors would now bid on the project.

There was a question on the H. Von Westerholt's crossing and why if already in place it would be included in the drainage report. Greg Nancekivell reported that this crossing was included as a cost to the drainage works and is part of the drainage report which is consistent with the inclusion of the rest of the drain crossings.

Greg Nancekivell noted that they had looked at options with staff to reduce the cost burden to landowners and the option of phasing the project over three years was discussed. This would mean the lower west section would be done first and then move east in year two and three. With billing to occur in thirds over three years.

Von Westerholt's commented that he is dealing with everyone's water and this work needs to be done. The longer we wait to do the work on the drain the more earth that then enters the lake.

Thacker's questioned why the work was necessary on the whole drain and could it not just focus on Lot 19. There was further discussion on this but then Grant Collins was asked to summarize his contact with the landowners who signed the petition received at the April 4<sup>th</sup>, 2016 meeting. Grant Collins did a general summary of the comments he received from 26 of the 38 people; signed to support my neighbour, buffer strips a good idea but should be part of good farm practices and compensation shouldn't be included, crossings seem expensive, understand they have a duty to be responsible for the water leaving their land- but should only be fixing what is necessary and do the rest later, can see the benefit of doing the work as one contract but could it be staged over a few years, Not fully understanding the *Drainage Act* and why they are involved at all, cost vs

benefit especially for those not on the open ditch, some feel any work on the drain is not necessary.

Geoff Farrell then stated he feels it is short term pain for long term gain and work needs to be done.

Councillor Murray questioned having a cost for the report to start at Lot 19 and go west only and the landowners east of that be responsible for their own crossings. Greg Nancekivell reported that there had been some comments received from landowners about stopping the project at County Road 7. A very rough estimate had been done by Dietrich and the project if stopped at County Road 7 would then cost approx. \$428,000.

Mayor Twolan summarized the comments received and suggested there had been a very good discussion on the project. He summarized his work on the Great Lakes St. Lawrence Cities Initiative and the work with the Great Lakes Guardian Counsel and how the environment was going to become a big factor in farming. He stated that although the costs may seem high the report and design of this project was the right thing to do.

Mayor Twolan then asked the landowners present if in accordance with the *Drainage Act* anyone wished to withdraw their name from the petition or if any other landowner wanted to add their name to the petition.

Mr. Von Westerholt stated he would not be removing his name as the work needed to be done.

Motion No: 136

Moved by: Hanna Seconded by: Gamble

That the Township of Huron-Kinloss Council hereby accepts the Royal Oak Municipal Drain Report as presented by Dietrich Engineering Limited; and Further that Council hereby authorizes the Provisional By-Law for the Royal Oak Municipal Drain be brought forward to the April 18<sup>th</sup>, 2016 Council Meeting for adoption; and

Further that Council directs that the Royal Oak Municipal Drain Construction Tender allow for construction to occur in three phases over three years.

Carried.

Greg Nancekivell then described the next process after adoption of the report is the Court of Revision. He suggested if landowners have concern with their assessment they should provide a case for why their assessment should be altered. If they are not satisfied with the decision of the Court of Revision they can then appeal to The Ontario Drainage Tribunal for revision of the assessment.

## 5. Adjournment

### 5.1 Motion to Adjourn

Motion No: 137

Moved by: Sloetjes Seconded by: Hanna

That the Township of Huron-Kinloss Council hereby adjourns.

Carried.

Original Signed by Mitch Twolan

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Mayor

Original Signed by Sonya Watson

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Clerk

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