

THE CORPORATION OF THE MUNICIPALITY OF HURON SHORES
October 25th, 2017 (17-21)

A Special Public Meeting of the Council of the Corporation of the Municipality of Huron Shores was held on Wednesday, October 25th, 2017, and called to order by Mayor Gil Reeves at 7:00 p.m.

PRESENT WERE: Mayor Gil Reeves, Councillors Jane Armstrong, Gord Campbell, Nancy Jones-Scissons, Debora Kirby, Leo Persia, Darlene Walsh and Dale Wedgwood (arrived 7:08 p.m.)

REGRETS: Councillor Blair MacKinnon

ALSO PRESENT: G. Brisson; Tanya Allen; Brian Whelan; Laurel Kirkhart-Owens; Matt Seabrook; Eloise E. Eldner; James Chillman; Colin Trivers, Algoma Community Pasture Committee; Peter Woolcott; Drainage Engineer Neal Morris; Drainage Superintendent John Linley, K. Smart Associates Ltd.; Deputy Clerk Beverly Eagleson; Administrative Assistant Carla Slomke

AGENDA REVIEW

Mayor Reeves called the special public meeting to order. He advised that this meeting was to receive the Engineer's Report with respect to the Little Rapids Municipal Drain, as per Section 76 of the *Drainage Act of Ontario*.

Mayor Reeves introduced Mr. Neal Morris, P. Eng. who prepared the Report and Drain Superintendent Mr. John Linley, both of K. Smart Associates Ltd.

DECLARATION OF PECUNIARY INTEREST

None.

4. Receive Engineering Report from K. Smart Associates Ltd. re: Little Rapids Drain as per Resolution #17-20-09 dated October 11/17

Mr. Morris provided an outline of the content of the report. He spoke to the original *Drainage Act*, first introduced in the 1830s in order to control water on the land. Every property owner with lands in a watershed that drains into a specified municipal drain, shares in the maintenance costs of that drain to keep it functioning effectively. MTO also benefits from a Municipal Drain as it allows water to drain away from the highways. MTO's shared cost would be greater than average property owners.

Methodology – MTO has a higher run-off rate therefore a greater contribution. An average property owner i.e. a bush lot, would have a lower run-off rate than a flat lowland, therefore would contribute less.

Councillor Wedgwood arrived at 7:08 p.m.

Mr. Morris spoke to the process that would have unfolded when the drain was originally established in 1963; identified that public meetings would have been held to allow for feedback from affected landowners and subsequently a by-law was adopted by Council and the Drain was established. The Township was then responsible for maintenance of the drain in perpetuity. Subsequent to the current state of the drain and the fact that maintenance work is required for its proper function, the Drainage Superintendent advised Council that due to severances of parcels of land over the years in the drainage area, it was necessary to prepare a new report. In undertaking that review, the Engineer, through current tools available for establishing elevations and flow of water over the land, advised

THE CORPORATION OF THE MUNICIPALITY OF HURON SHORES
October 25th, 2017 (17-21)

it was also identified that the limit of the watershed was actually a bit larger area than that established at the time of the report prepared that established the drain in 1963. Thus the Report presented this evening reflects the new data available and new land owners in the watershed. Mr. Morris qualified that the Little Rapids Drain is already an established drain, thus the meeting this evening was not to establish or re-establish that drain, but to update the lands assessed in the existing drain.

A Drainage Grant is available through Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) for agricultural production lands, but the assessment schedules must be current and properly reflect the properties in the watershed or Grant applications could be rejected. Given the 40+ years since the drain was established it was in the Municipality's best interest to update the Assessment Schedules. The Grant Program allocations could cover up to 2/3 of the costs for engineering fees to update the Report as well as for physical work to be undertaken on the lands to maintain the drain for the portions of the drain that fall under the agricultural land class.

Mr. Morris explained that:

Under the *Drainage Act*, the Engineer is obligated to assess every property in the watershed, whether agricultural or not and establish a rate for each, i.e. Small properties - \$50.00; Larger properties - \$200.00; etc.

The costs to be shared by all lands within the watershed of this Drain is \$8,926.00 for Engineering and approximately \$1,500.00 in a minimal amount of maintenance that has been undertaken to date near the outlet on the south side of Sherwood Road, with a total estimated cost of \$10,976.00 at the time of this meeting. Mr. Morris identified that additional work needs to be done to clean out the existing drain and that work will be done in the near future after this update to the Report is completed. Costs for that work will also be billed as per the Schedule as presented or amended by the Engineer, and as finalized upon third and final reading and adoption of the By-law.

Mr. Morris referred Council members and members of the public in the gallery to Schedule C on Page 13 of the Report referenced as Schedule C and explained that this schedule identifies the Gross Assessment and Net Assessment derived for each of the properties and roadways within the Little Rapids Drain, with the net amount that which would be paid by the lands assessed as identified.

Upon inquiry of Ms. Kirkhart-Owens regarding property owned on Feltham Road as to why the neighbour directly across the road from her property was not included in the circulation, Mayor Reeves asked that this inquiry be addressed following the conclusion of Mr. Morris's presentation.

Mr. Morris advised that there is an appeals process included in the *Drainage Act* for lands assessed in a Municipal Drain and qualified that not until the appeals process is concluded, is the Report considered adopted with Final Reading of the By-law, at which time invoices are processed and issued to the affected property owners according to the final report. Mr. Morris advised that this was the conclusion of his report.

Mayor Reeves invited those present to ask questions and/or provide comments regarding the Report before them this evening and asked that questions be directed through the Chair. Mayor Reeves also qualified, that while the By-law was on the Regular Meeting Agenda after the Special

THE CORPORATION OF THE MUNICIPALITY OF HURON SHORES
October 25th, 2017 (17-21)

Meeting, for consideration, the By-law would not be given final reading for adoption, so as to allow for the *Drainage Act* process and review of any technical matters that could possibly result in changes to be recommended by the Drainage Engineer prior to final adoption of the By-law.

In response to query from Councillor Jones-Scissons, as to what is considered a small or large parcel, Mr. Morris advised that the rationale used in this report as per the table on Page 7 of the Report, was Small were properties less than 1.5 hectares in size and Large were greater or equal to 1.5 hectares.

Mrs. Eldner identified herself as a property owner on Thomas St., and within the drainage area as well as a member of the Thessalon Township Heritage Association, and she inquired about the sizing of the culverts crossing Little Rapids Road at Highway 129 and whether those culverts were sized adequately given the flood event and damage the museum suffered in the 2013 flood.

Mr. Morris advised that the culverts are sized for roughly a 2-year storm. There is always a 50-50 chance that water may overflow ditches and roads. MTO has 25-year storm policy. If the drains do overflow, they are designed, if kept clear and maintained, to allow water to recede within a few hours in order to prevent crop damage. Crops can withstand being inundated with water for a short period; but will not survive if flooded for 24 hours or more.

Mayor Reeves recognized Mr. Colin Trivers, retired Drainage Superintendent. Mr. Trivers advised that he was attending in his capacity as Chair of the Algoma Community Pasture Committee. He provided context with respect to his past experience. He identified that due to the existence of the natural gas pipeline at this location, the culverts at the Highway 129/Little Rapids Road intersection had not been installed at a depth that allowed for maximizing the capacity of the pipes. In response to query from Mr. Linley, Mr. Trivers advised that the gas line was supposed to be down 1.5 metres, which should be sufficient.

Mr. Linley advised that this new Engineer's Report came about as a result of work done in the drain for cleanout south of Sherwood Rd. down to the Railway tracks. Mr. Peter Woolcott, who had requested cleanout due to the effects on his land, was asked if the maintenance done to date had improved function of the drain. He advised that it was better, but noted that there is more clean-out necessary as the extremely heavy rainfall of just the day before, wasn't flowing well. He also noted there was a tree blocking the ditch in one location. Mr. Linley advised that he is in the process of seeking quotes in order to undertake additional clean-out work.

Engineer Neal Morris advised that if a utility is involved within the drainage works, such as natural gas, that utility can be required to become involved and have employees on-site when work is being conducted with those costs being assessed back to the utility.

Mrs. Eldner advised that with the previous day's heavy rainfall, water was built up by the trees at the Heritage Park Museum property and it almost seemed something was necessary to block the laying of that water. Mayor Reeves suggested something like a berm perhaps.

In response to query from Councillor Kirby, Mr. Morris advised that if a landowner wants a larger size culvert than the report specifies as a

THE CORPORATION OF THE MUNICIPALITY OF HURON SHORES
October 25th, 2017 (17-21)

minimum, it can be accommodated, however additional cost for the materials and installation would be assessed back to the landowner.

Councillor Kirby asked if an owner requested a larger culvert placed at their property, would that be billed separately or with the total costs of the drainage works. Mr. Morris advised that they speak with the Drainage Superintendent and the Clerk/Administrator to establish the preference and procedure for same.

In response to Ms. Owens' earlier query, Mr. Morris advised that the watershed is determined using information from the original 1963 report, aerial photography, topographic maps and 2016 digital elevation model data. He began a power point presentation of the report to illustrate the map provided to affected landowners in the watershed. It was explained that Ms. Owen's neighbour was not involved and notice was not given to those landowners, as the topography and land elevation was such that the neighbour property benefitted from a natural drainage system i.e. watershed that does not feed into the Little Rapids Drain. Ms. Owens also identified that a lot of her property is forested. Mr. Morris explained that adjustments are made for forested lands, as the trees absorb a lot of the water thus the land does not drain as much as an agricultural land or road system.

Ms. Tanya Allen queried why one of her two properties on May St. is included in the watershed, but the other one is not. Mr. Morris advised that the smaller property was not included as it does not meet the minimum size requirement for being assessed.

Mr. Colin Trivers queried if the Engineer, had been on the land. Mr. Morris advised that he had not, but that Drainage Superintendent Linley had visited the affected areas.

Mr. Trivers stated that the Community Pasture paddocks are at a high point of land on the south boundary, and that he doesn't think the boundary of the watershed is correct, and if necessary may have to be part of the appeals process. He identified that he thinks the Station Road boundary is wrong as there are no culverts to take water to the east side of that road.

Mr. James Chillman, lives at the north end of Station Road and stated that all of his land drains into the Thessalon River; that there are no ditches to the west side of Station Road.

Mr. Trivers stated there is definitely a difference from the 1963 mapping, and made reference to work done in the early 2000's.

His third area of concern was of properties along Collver Road. The old report from 1963 did not include any of those properties north of Collver Road and there are no road crossing pipes to take water from the north to the south side to outlet through the Little Rapids Drain.

Mayor Reeves requested that Mr. Trivers provide written documentation to staff, containing the data and comments he has brought forward for consideration by the Drainage Engineer and Drainage Superintendent.

Ms. Owens advised that the waterflow has definitely changed since 1963 if it now includes her property.

Acting Clerk Eagleson spoke to clarify that any work to be undertaken at this time, would only be carried out within the existing Little Rapids Drain excavations and that no additional work such as new ditching, new culverts

THE CORPORATION OF THE MUNICIPALITY OF HURON SHORES
October 25th, 2017 (17-21)

or work on Highway 129 was being proposed at this time. This was confirmed by Mr. Linley.

Peter Woolcott queried the minimum culvert size in the report. Mayor Reeves reiterated the Engineer's earlier reference to the mechanisms used to determine culvert sizing.

Mr. Matt Seabrook spoke to culvert sizes as well, inquiring whether another report would be required. Mr. Morris advised that he has studied the current size of the culverts, and is of the opinion that the current sizing is appropriate given that much more of the drainage area is more forested than when the drain was originally established, and forested area reduces flow generated from that type of land. Mr. Seabrook advised that one quarter of the drain through his land very seldom overflows, but that other portions have flooded and that water has flooded his field in other areas of the drain and on occasion has eroded topsoil. He did acknowledge that even though his land does flood, and while the water does recede, there appeared to be more cleanout necessary.

Mr. Trivers spoke again to his previous Report on this Drain in the early 2000's, and he will attempt to find it. He also referenced the 2013 flood event that caused serious infrastructure damage to the roads and farm properties.

He also stated that the culverts at Sherwood Rd. are 1,500 mm diameter, not what is listed in the report.

Mr. Brian Whelan, queried if the railroad would be assessed as well, Mr. Morris confirmed that it would. Mr. Trivers advised that the railroad culvert was installed in 1915.

Mr. Morris identified that the original drawings showed a concrete box culvert, 2.4 metres x 2.4 metres (approx. 10 ft x 10 ft.) under the railway. Peter Woolcott advised that he had inspected the existing box culvert under the railway and indicated that size seemed appropriate according to what he saw. Mr. Linley confirmed that it has a solid bottom. Mr. Morris advised that undertaking installation of an additional culvert or change to the existing culver under the railway takes much time and effort. He's currently working on a railroad crossing in another area and without yet having approval, to the point that it is, has taken over a year.

Mrs. Eldner queried the costs in the Appendices. Mr. Morris qualified the costs.

Mr. Morris then explained the process of moving to potential provisional adoption of the by-law at the regular meeting to follow this evening, then the Court of Revision and appeals process, advising that the final reading would be completed at a Meeting of Council once all appeals (if any) have been dealt with. He also explained the process – provisional adoption at the following regular meeting.

Mr. Trivers spoke to another part of the community pasture, being the northeast corner, regarding a 16-inch pipe that moves water on Highway 129 that is not identified in this Engineer's Report. He recommended that the Report be re-done now, prior to provisional adoption to save costs on appeals procedures.

ADJOURNMENT

17-21-01
J. Armstrong
G. Campbell

WHEREAS Consideration of the Report received from Neal Morris, P. Eng. With K. Smart Associates Ltd., to Update Assessment of Properties in the Little Rapids Drain, shall be given at the Regular Meeting of Council to follow this evening;

NOW THEREFORE BE IT RESOLVED THAT Council does adjourn this Public Meeting held under the *Drainage Act* at 8:09 p.m. CARRIED.

MAYOR

CLERK