

The Corporation of the City of Kawartha Lakes

Minutes

Drainage Board Meeting

DB2019-03

Tuesday, September 17, 2019

7:00 P.M.

Victoria Room

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Councillor Ron Ashmore

Councillor A. Veale

Charles Clarke

Jim Oriotis

Mike Verbik

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1. Call to Order

Chair A. Veale called the meeting to order at 7:00 p.m. Drainage Board members Councillor Ashmore, C. Clarke, J. Oriotis, and M. Verbik were in attendance.

Supervisor of Technical Services M. Farquhar, Drainage Superintendent L. Feitler, and Recording Secretary and Deputy Clerk J. Watts were also in attendance.

Chair Veale welcomed all in attendance and introduced the members of the Board and staff present.

2. Administrative Business

2.1 Adoption of Agenda

DB2019-018

Moved By C. Clarke

Seconded By J. Oriotis

That the agenda be adopted as circulated.

Carried

2.2 Declaration of Pecuniary Interest

There were no declarations of pecuniary interest disclosed.

2.3 Adoption of Minutes from Previous Meeting

2.3.1 DB2019-03.2.3.1

Minutes from the July 2, 2019 Drainage Board Meeting

DB2019-019

Moved By M. Verbik

Seconded By C. Clarke

That the minutes of the Drainage Board meeting held on July 2, 2019, be adopted as circulated.

Carried

2.3.2 DB2019-03.2.3.2

Minutes from the August 15, 2019 Court of Revision (Webster Drain)

DB2019-020

Moved By Councillor Ashmore

Seconded By J. Oriotis

That the minutes of the Court of Revision - Webster Drain meeting held on August 15, 2019 be adopted as circulated.

Carried

3. Deputations

3.1 DB2019-03.3.1

Deputation from the Petitioners for Drainage Works

Robert and Lynda MacEachern

Scott Brown (for D. S. & B. Farms Inc.)

Robert and Lynda MacEachern spoke as the petitioners for drainage works. Mr. MacEachern shared they petitioned for a municipal drain to replace an old Award Drain (known as the Budd, and Hopkins Award Drains) that were awarded in 1904. They stated that a portion of the award drain had been filled-in on the Brown property, and replaced with a closed drain system that was too small to accept their water. After considering their options under the Drainage Act for dealing with an altered Award Drain, Mr. & Mrs. MacEachern signed the petition for drainage work with Mr. Brown. He responded to questions from the members of the Board.

DB2019-021

Moved By Councillor Ashmore

Seconded By C. Clarke

That the deputation of Robert and Lynda MacEachern, regarding Petition for Drainage Works by Owners, be received.

Carried

4. New Business

4.1 Petition for Drainage Works by Owner(s): D. S. & B Farms Inc and Robert and Lynda MacEachern

Memorandum, Lucas Feitler, Drainage Superintendent

Drainage Superintendent L. Feitler presented an overview of the existing drainage infrastructure in the area. He stated that several site meetings were held with the property owners, and they discussed future options following filling-in of the open award drain on the Brown property. Under the Drainage Act the assessed land owners could:

- initiate a civil lawsuit
- appeal to the Drainage Referee
- petition to the municipality for Drainage Works

The Brown's options discussed included:

- appeal to the Drainage Referee to determine the validity of the report, for allowing changes to the award, or any other power of the referee under section 106(1) of the drainage act
- petition to the municipality for Drainage Works

Based on the discussions it was felt that the MacEacherns and Browns would sign on to a petition under Section 4 of the Drainage Act to turn the 1904 and 1907 Award Drains into a Municipal Drain. Mr. Feitler provided the options to the Board for how to respond to the petition, and that if approved to proceed, a recommendation to Council would come to the October 22, 2019 Regular Council Meeting. He responded to questions from the members of the Board.

DB2019-022

Moved By Councillor Ashmore

Seconded By J. Oriotis

That the memorandum from the Drainage Superintendent - Engineering and Corporate Assets L. Feiter, dated September 17, 2019, regarding the petition for drainage works by owners of Concession 2, Part Lot 16, Geographic Township of Eldon (being Scott Brown of D.S.& B. Farms Inc.), and Concession 3, Part Lot 16, Geographic Township of Eldon (being Robert and Lynda MacEachern), be received;

That Council proceed with the petition submitted by D. S. & B. Farms Inc. and Robert and Lynda MacEachern for drainage works for Concession 2, Part Lot 16, and Concession 3 Part Lot 16 Geographic Township of Eldon to be known as the “MacEachern-Brown Drain” and instruct the City Clerk to proceed with the notices required under Section 5 of the Drainage Act;

That Staff concurrently continue to pursue with the petitioners options for a mutual drain agreement as per the City Policy; and

That pursuant to Section 8(1) of the Drainage Act, R.S.O. 1990, Chapter D. 17, staff recommend to Council a Drainage Engineer for the examination of the area requiring drainage and proceed with the requirements of the proposed MacEachern-Brown Drain.

Carried

5. Other Business

5.1 DB2019-03.5.1

Verbal Update on the Webster Drain

Mr. Farquhar provided an update on the Webster Drain stating that no appeals had been received after the Court of Revision was held on August 15, 2019. He stated that preparations are now underway to present By-law 2019-110 for Third Reading at Council, and tendering for construction in consultation with the Lake Simcoe Region Conservation Authority.

DB2019-023

Moved By C. Clarke

Seconded By Councillor Ashmore

That the update by M. Farquhar, regarding Webster Drain, be received.

Carried

5.2 DB2019-03.5.2

Verbal Update on the Waite Drain

Mr. Farquhar advised that staff are still in discussions with the Ministry of Transportation regarding the proposed crossing of Highway 35. Once their review is complete, they will be able to proceed with the Court of Revision.

DB2019-024

Moved By C. Clarke

Seconded By J. Oriotis

That the update by M. Farquhar, regarding the Waite Municipal Drain, be received.

Carried

6. Adjournment

DB2019-025

Moved By C. Clarke

Seconded By M. Verbik

That the Drainage Board Meeting adjourn at 7:36 p.m.

Carried