

The Corporation of the City of Kawartha Lakes
Minutes
Drainage Board Meeting

DB2022-01
Thursday, January 20, 2022
6:30 P.M.
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:
Councillor Ron Ashmore
Councillor Patrick O'Reilly
Councillor Andrew Veale
Charles Clarke
Jim Oriotis
Mike Verbik
Tim Willcox

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1. Call to Order

Chair A. Veale called the meeting to order at 6:33 p.m. Drainage Board Members Councillors Ashmore and O'Reilly, and J. Oriotis, M. Verbik, and T. Willcox were in attendance.

Director of Engineering and Corporate Assets J. Rojas, Engineering Manager of Technical Services M. Farquhar, and Senior Engineering Technician R. Monaghan were also in attendance.

Absent: C. Clarke

2. Administrative Business

2.1 Adoption of Agenda

DB2022-001

Moved By J. Oriotis

Seconded By Councillor O'Reilly

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

December 12, 2021 Drainage Board Meeting Minutes

DB2022-002

Moved By Councillor O'Reilly

Seconded By Councillor Ashmore

That the Minutes of the December 12, 2021 Drainage Board Meeting, be received.

Carried

3. Meeting to Consider - MacEachern Brown Municipal Drain

3.1 Presentation of Report - MacEachern Brown Municipal Drain

Mark Hoar, P. Eng., Senior Water Resources Engineer, DM Wills Associates Limited

Ken Smith, P. Eng., Manager Water Resources Engineer, DM Wills Associates Limited

The Chair asked Drainage Engineer, Ken Smith & Mark Hoar of D.M. Wills Associates Ltd., to present their engineering report on the MacEachern Brown Municipal Drain.

Mr. Smith provided a brief summary of their report prepared pursuant to Section 4 of the Drainage Act, RSO 1990. On September 3, 2019, the City of Kawartha Lakes Clerk's Office received a petition by Robert and Lynda MacEachern, and DS&B Farms (represented by Dave Brown) requesting improved drainage for their properties in the geographic Township of Eldon, Concession 2 and 3, and Lot 16. Mr. Smith advised that on-site meetings were held on July 7, 2020 and July 20, 2020. The objective of this report is to provide improved drainage for the above described lands of the petitioners. In Mr. Smith's presentation (attached to the minutes) he outlined the following topics:

- The Drainage Act Process in relation to the proposed MacEachern Brown Municipal Drain
- Validity of the Petition
- Floodplain Assessment in coordination with Lake Simcoe Region Conservation Authority
- Preparation of the Engineer's Report
- Meeting to Consider options and process
- Correspondence from area landowners
- Future steps, including tender, construction, and/or appeals
- Proposed watershed plan
- Construction plans and profiles; and
- Schedule of assessment

He finally noted that the the 4th version of the report circulated as part of the agenda included two minor updates from the 3rd version circulated by the Clerk's Office, being:

- Updates to the contact information for four legal property owners; no change to technical details or assessment values; and
- Removal of one secondary construction access on the Macintosh's property that was determined to be infeasible

Mr. Smith and Mr. Hoar made themselves available for any questions from those in attendance.

3.2 Question and Answer Period

The Chair advised all in attendance today that they would each be given an opportunity to provide comments and questions to the members of the Drainage Board and the Engineers. The following members of the public presented the following themes in their questioning:

- Robert and Lynda MacEachern advised that they had no additional questions at this time.
- Douglas and Constance Druery advised that they had no additional questions at this time.
- Carson and Margaret Thorn questioned how this matter could be reverted back to the original Eli Budd Award Drain, the cost estimates of the total proposed project, enforcement matters by the City and Lake Simcoe Regional Conservation Authority, and logistics for the owners to remove their names from the petition.
- Christena and Kevin Mitchell questioned about the legal notification process for this meeting, whether the proposed drain follows the same route as the award drain, future municipal drain maintenance, and options for potential future connections to the drain.
- Karen and John Mackintosh were unable to connect to audio in the meeting.
- Christine Halbot and Fraser Currie questioned about the legal notification process for this meeting, on-site meeting notices, costs and affordability of the drain, and the possibility of returning the drain to its original condition. In addition, Ms. Halbot also presented an overview of a community petition (attached to the minutes) filed with the Clerk's Office in opposition to the municipal drain.
- Paul Lokoff questioned whether the proposal would enhance water flow on his property, whether other reasonable alternatives exist to solve the problem of drainage here, enforcement matters and potential repercussions, and potential costs to be levied for the construction of this drain.
- Matt Balsdon questioned how boundaries for the drainage watershed are established.
- Dave Brown (with Jim McComb) provided some comments in response to questions raised, and emphasized the need to allow their land to drain to the

lands to the south, and their inability to establish an mutual drain agreement with neighbouring land owners.

- Ryan Clarke questioned how the drainage plan could go back to the original award drain model, how estimated construction pricing was determined, how the drain might effect drinking water.
- Donna Perry advised that she had no additional questions at this time.

To each of the questions posed by the members of the public, the Chair permitted the Engineers (Mr. Smith and Mr. Hoar), Mr. Farquhar, or Mr. Watts to respond to the questions put forward. The Chair inquired if any other persons had any other final questions for the Engineer at this time. Carson and Margaret Thorn questioned about future maintenance requirements and potential impacts to property tax assessment. Mr. Currie and Ms. Halbot reiterated comments made in their initial questioning. Mr. Smith responded to these questions. No other questions were presented.

3.3 Opportunity to Add or Withdraw Signatures from Petition

The Chair inquired with Robert and Lynda MacEachern if they wish to keep or withdraw their signatures from the petition. They requested to leave their name on the petition at this time.

The Chair inquired with Dave Brown (on behalf of DS&B Farms) if he wishes to keep or withdraw his signature from the petition. He requested to leave the corporation's name on the petition at this time.

The Chair inquired if any other persons in attendance at the meeting wish to add their name to the petition. No other persons indicated that they wish to sign the original petition at this time.

Councillor Ashmore left the meeting at 8:26 p.m.

3.4 Recommendation of Drainage Board to City Council

DB2022-003

Moved By Councillor O'Reilly

Seconded By T. Willcox

Recommend that the City of Kawartha Lakes Drainage Board recommend that Council adopt the MacEachern Brown Municipal Drain Engineer's Report as prepared by Mark Hoar and Ken Smith of DM Wills Associates Limited and instruct the Clerk to prepare the necessary by-law;

That Council proceeds with the first and second reading of the by-law to provisionally adopt the report; and

That Council instructs staff to make the necessary arrangements for a Court of Revision to be held on the MacEachern Brown Municipal Drain Engineer's Report as prepared by Mark Hoar and Ken Smith of DM Wills Associates Limited.

Carried

4. Meeting to Consider - Hugh Davidson Municipal Drain

4.1 Presentation of Report - Hugh Davidson Municipal Drain (Section 78 Improvement)

Michael Gerrits, P. Eng., M. Gerrits Consulting Inc.

The Chair asked Drainage Engineer, Michael Gerrits, to present his engineering report on the Hugh Davidson Drain.

Mr. Gerrits provided a brief summary of his report prepared pursuant to Section 78 of the Drainage Act, RSO 1990, noting that this report was prepared at the request of a landowner who filed an application for Drainage Improvement with the City Clerk's Office. He noted that the objective of this report is to address a request to enclose a portion of the open channel on Part of the West 1/2 of Lot 19, Concession 8 in the geographic Township of Mariposa, and to prepare updated schedules of maintenance for the drain while minimizing disturbances downstream. Other items from his report he highlighted included the following:

- Existing conditions of the Municipal Drain
- Historic overview of the Hugh Davidson Municipal Drain, and highlights and deficiencies of the existing Engineer's report
- Issues arising from the covering of a portion of the drain with concrete tile; and
- Assessment matters, and total proposed costs and allowances

Mr. Gerrits made himself available for any questions from the members of the Board and the public.

4.2 Question and Answer Period

Mr. Gerrits responded to questions from the members of the Board in regards to discussions with the applicant to the proposed drainage improvement. The following member of the public presented the following themes in their questioning:

- Antony Augustine questioned how the drain would benefit his property, matters of potential taxation or assessment changes, and matters how costs may increase due to COVID inflationary concerns.

No other questions were posed by members of the public.

The Chair permitted Mr. Gerrits to respond to each of the questions put forward.

4.3 Opportunity to Add or Withdraw Signatures from Petition

The applicant for the Section 78 improvement was not in attendance at the meeting.

4.4 Recommendation of Drainage Board to City Council

DB2022-004

Moved By Councillor O'Reilly

Seconded By T. Willcox

Recommend that the City of Kawartha Lakes Drainage Board recommend that Council adopt the Hugh Davidson Municipal Drain Section 78 Engineer's Report as prepared by M. Gerrits P. Eng and instruct the Clerk to prepare the necessary by-law;

That Council proceeds with the first and second reading of the by-law to provisionally adopt the report; and

That Council instructs staff to make the necessary arrangements for a Court of Revision to be held on the Hugh Davidson Municipal Drain Section 78 Engineer's Report as prepared by M. Gerrits P. Eng.

Carried

5. **Other Business**

6. **Adjournment**

DB2022-005

Moved By J. Oriotis

Seconded By M. Verbik

That the Drainage Board Meeting adjourn at 8:46 p.m.

Carried