



## The Corporation of the Township of Huron-Kinloss

### Council Meeting Minutes

Date: May 8, 2023  
Time: 7:00 pm  
Location: Council Chambers

Members Present Don Murray, Mayor  
Jim Hanna, Deputy Mayor  
Larry Allison, Councillor  
Shari Flett, Councillor  
Scott Gibson, Councillor  
Carl Sloetjes, Councillor

Members Absent Ed McGugan, Councillor

Staff Present Jennifer White, Manager of Legislative Services/Clerk  
Mary Rose Walden, Chief Administrative Officer

Staff Absent Michele Barr, Chief Building Official

Others Present Ken, McCallum Drainage Engineer

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#### 1. Call to Order

Mayor Murray called the meeting to order at 7:08 p.m.

#### 2. Disclosure of Pecuniary Interest

None disclosed.

#### 3. Adoption of Minutes

Resolution No.: 05/08/23 - 01

Moved by: Scott Gibson

Seconded by: Jim Hanna

THAT the minutes of the Council meetings of March 31, 2023 (Special), April 12, 2023 (Planning) and April 17, 2023 be adopted as presented.

**Carried**

#### **4. Public Meetings Required Under the Planning Act**

##### **4.1 Z -2023 - 022 Huron-Kinloss**

The purpose of the application is for a Local Official Plan Amendment and Zoning By-Law Amendment to change the designation on the subject lands from Residential to Industrial and change the Zoning from Residential to Light Industrial.

If approved, the application would facilitate the development of the lands for a Municipal Industrial Park.

The Planner, Monica Walker-Bolton explained the report and recommendation.

There were additional comments submitted after the posting of the agenda by the transportation department of the County of Bruce. It is the opinion of the Planner that comments from the County can be addressed by the Township.

##### **Presentations from the Applicant**

The applicant provided no comment on the application.

##### **Presentations from the Public**

No comments were provided.

##### **Questions and Clarifications from Council**

None noted.

**Resolution No.:** 05/08/23 - 02

**Moved by:** Carl Sloetjes

**Seconded by:** Larry Allison

THAT the Township of Huron-Kinloss Council approve the planning application Z-2023 - 022 Huron-Kinloss to change the designation on the subject lands from Residential to Industrial and change the Zoning from Residential to Light Industrial;

AND FURTHER THAT the Staff bring forward the appropriate by-laws as a matters arising.

**Carried**

## **5. Public Meetings Required Under the Drainage Act**

### **5.1 Clark Creek Drain**

Neal Morris, K Smart Associates provided a verbal report to Council. According to Section 59 (1) of the Drainage Act, if the contract price exceeds 133% of the engineer's construction estimate, the Council of the initiating municipality shall call a meeting to consider the contract price with the affected landowners and discuss the next steps. As the lowest tendered bid for this drainage project was above 133 percent of the estimated construction costs, this public meeting has been scheduled to permit affected landowners to represent any concerns to Council prior to considering the tender. No decision is made at this time. Council will consider whether to proceed with the drainage project after receiving comments from the public, and the Staff Report in item 6.1 of this agenda.

The Engineer explained that after meeting with the contractor, they are satisfied that the lowest bid does have the ability to complete the work.

Morris provided an explanation for the increase in the construction costs. The Engineer speculated that the rise may be attributed to the overall increase to construction costs over the last few years, and the non-standard (environmental features) of the construction, as well.

The Engineer estimated an approximate \$10,000 increase to the Township's portion of the assessment.

The Engineer provided information on the current condition of the drain and the value of proceeding with the works at this time to stabilize the slope and works.

#### **Presentations from the Applicant**

The applicant provided no comment on the application.

#### **Presentations from the Public**

Name not identified - Harriston, Ontario - this member of the public is looking after a property at an address on the Second Concession, and

inquired about seeing the actual plans for construction. The Engineer provided this information at the close of the meeting.

Murray Ferguson - address not provided. Ferguson inquired as to where the Clark Creek Municipal Drain ends. The proposed work ends about a half mile east of Lake Range drive, roughly at the end of the bend. Ferguson spoke again later in the meeting regarding erosion problems that have already occurred in the area.

Mike from Amberly - inquired about the options that are available to Council and what would happen if they don't proceed. Mike also inquired as to whether core samples were taken to establish geology. The Engineer indicated that the soil should not present a problem to the construction as engineered.

Ian Courtney - address on Second Concession- inquired about the original costs estimated, and what the assessment schedule they recently received includes.

The Drainage Engineer provided more information on what could increase costs, and what the process would be should that happen throughout the project. Unforeseen circumstances may include uncovering something unexpected such as an archeological site.

The Engineer explained that additional meetings, such as this required one have increased engineering costs.

Ken Alms- Concession 2 landowner inquired as to whether less stone could be used in the construction. The Engineer identified that this was a requirement from the department of Fisheries. Alms also inquired as to what location the rock would need to come from. The Engineer said location wasn't important, but size was.

The Engineer indicated that a Fluvial Geo-Morphologist was engaged to prepared the requirements to meet Department of Fisheries and Oceans (DFO) standards and to meet natural channel design.

The Engineer explained that they have met with the contractors to ensure that they are able to complete the tasks.

Rob - no address provided -Inquired about if Council is responsible for any damages if they are not moving forward today.

The Drainage Engineer provided information as to how this report provides maintenance requirements within it.

The Engineer confirmed that the existing structure can't be replaced as per the DFO which provides constraints on what can be done in this drain.

Peter Sleygal - no address provided- inquired about how the costs had escalated. The Engineer confirmed that the construction costs due to the pandemic shutdown contributed, and that costing going forward has been adjusted to reflect the new pricing norms. This additionally has steep embankments which affect the type of material that is required to be used.

Kyle Smeltzer - no address provided - inquired as to the proposal from the contractor to get the stone in place. Smeltzer inquired as to whether landowner will be involved or contacted prior to construction to discuss this.

The Engineer is anticipating a Pre-construction meeting about two weeks prior to construction beginning (approximately July) will be held. Tile drain damages would be at the contractors expense. The Drainage Superintendent will meet with the landowner to discuss crop corridors

Crop loss and compaction damage would be built into the allowance and the assessment report. The Engineer uses a five year sliding scale. There is a one year warranty period and issues would need to be reported within that time. There are three proposed spots to access; the existing trail at the bottom of the dam, the opposite side of there for other work and an upstream option for other work.

Smeltzer additionally inquired about the schedule assessments and confirmed that the assessment received with the notice of the meeting shows the full costs.

name not provided - 4th Huron - inquired about the potential for more work- to be required. If the existing channel erodes, there are provisions in the Engineers Report to permit the Drainage Superintendent to do more maintenance work (bank stabilization) if required and this can be done routinely rather than as a tendering process.

Council has the ability to debenture costs if required. Staff provided information on the Drainage Assessment Loan Policy.

### **Questions and Clarifications from Council**

Council expressed concerns that there is a big difference between the lowest tender and the next one highest one. The Drainage Superintendent discussed that the scope of work, and a site visit had been

undertaken with the lowest bidder. The contractor will be required to provide the scope of work as described.

## **6. Staff Reports**

### **6.1 Drainage**

#### **6.1.1 Clark Creek Municipal Drain Tender Results, DRAIN-2023-05-8**

Council inquired about the scope of work and whether there are recommendations to remove any of the construction items. The Drainage Superintendent confirmed that any changes would need to go through the DFO and they are not recommending any changes.

July 15 and March 15 is when works are permitted by the DFO. The Contractor intends to start on July 15 and are expected to finish in the fall.

Council inquired about whether landowners would be notified about the process would be so that planting timing could be discussed in advance of the project.

**Resolution No.:** 05/08/23 - 03

**Moved by:** Shari Flett

**Seconded by:** Jim Hanna

**THAT** the Township of Huron-Kinloss Council hereby receives for information Report DRAIN-2023-05-08;

**AND FURTHER THAT** Staff bring forward a by-law to award the construction of drainage works to Elliott Construction in the amount of \$542,472.74, exclusive of applicable taxes.

**Carried**

## **7. By-Laws and Agreements**

### **7.1 Matters Arising from Public Meeting**

**Resolution No.:** 05/08/23 - 04

**Moved by:** Larry Allison

**Seconded by:** Scott Gibson

THAT the "OPA#4 (L-2023-006) to the Township of Huron-Kinloss Official Plan" By-law be deemed to be read a first, second, third time and finally passed and numbered as By-law No. 2023 - 47.

**Carried**

**Resolution No.:** 05/08/23 - 05

**Moved by:** Carl Sloetjes

**Seconded by:** Shari Flett

THAT the "Zoning Amendment By-law Z-2023-022 Ripley Industrial Park" By-law be deemed to be read a first, second, third time and finally passed and numbered as By-law No. 2023 - 48.

**Carried**

**8. Confirming By-Law**

**Resolution No.:** 05/08/23 - 06

**Moved by:** Jim Hanna

**Seconded by:** Carl Sloetjes

THAT the "Confirmatory May 2023 " By-law be deemed to be read a first, second, third time and finally passed and numbered as By-law No. 2023-49.

**Carried**

**9. Adjournment**

**Resolution No.:** 05/08/23 - 07

**Moved by:** Shari Flett

**Seconded by:** Larry Allison

THAT the Township of Huron-Kinloss Council hereby adjourn at 8:10 p.m.

**Carried**

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Mayor

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Clerk