



The Corporation of the Township of Huron-Kinloss  
**Council Meeting Minutes**

Date: April 12, 2023  
Time: 7:00 pm  
Location: Council Chambers

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

Members Absent Scott Gibson, Councillor

Staff Present Jennifer White, Manager of Legislative Services/Clerk  
Mary Rose Walden, Chief Administrative Officer  
Michele Barr, Chief Building Official  
Julie Steeper, Bruce County Planner

Others Present Ken McCallum, Drainage Superintendent

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**1. Call to Order**

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

**2. Disclosure of Pecuniary Interest**

**3. Adoption of Minutes**

**Resolution No.:** 04/12/23 - 01

**Moved by:** Jim Hanna

**Seconded by:** Carl Sloetjes

THAT the minutes of the Council meeting of March 20, 2023 be adopted as presented.

**Carried**

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

##### **4.1 Z -2023 - 100 MacLennan**

The purpose of the application is to rezone the property from Environmental Protection (EP) to Agricultural Residential Special (AG3-25.175-H1) to recognize the existing lot size, a reduction of the rear yard setback, and to allow for a secondary dwelling. If approved, the application would facilitate the new construction of an additional dwelling. A holding provision requiring an Archaeological Assessment for the lands containing high archaeological potential is proposed.

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The Planner, Julie Steeper explained the report and recommendation.

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

The applicant provided comment on the application. Secondary residential unit for family to join the family farm business.

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

No comments were received from the public.

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

Council inquired about the shape of the property.

**Resolution No.:** 04/12/23 - 02

**Moved by:** Shari Flett

**Seconded by:** Larry Allison

THAT the Township of Huron-Kinloss Council approve the planning application Z-2023 - 100 MacLennan;

AND FURTHER THAT Staff bring forward the appropriate by-law at the next meeting of Council.

**Carried**

## 5. Public Hearing to Consider Drainage Report

### 5.1 Park Street Municipal Drain (Phase 1) Report

**Presentation from the Engineer:** Ed Delay, Project Engineer at R.J. Burnside and Associates provided a presentation to Council.

The Project Engineer provided an overview of the Municipal Drain Process and the steps of the Park Street Municipal Drain Project.

Delay informed Council that 3 public information meetings were held in addition to the statutory information sessions.

Delay provided information to the public and Council regarding the Court of Revision (CoR) process, identifying that the CoR is the time for owners to discuss any issues with the assessed amounts. The Project Engineer also provided information on the appeal process.

The Project Engineer reviewed the maps included with the report, using them to provide an explanation of how the project developed and what is included within it.

The project began when a request for improvement to the existing Park Street Drain was submitted for an outlet for a proposed new development. Delay noted that additional older existing drains were identified during the process, and it was determined that these older drains needed to be incorporated into the Park Street project. An additional request was made during the report preparation process, to improve the Railway Street Drain, and a petition was received to incorporate the Ripley Street 1947 drain.

The Project Engineer discussed why it was split into Phases. Phase one includes from the Fair Frain to the proposed development. The Engineer briefly discussed Phase 2 - which is proposed for the future after development occurs.

The Stanley property includes the original Park Street Drain, and the report is recommending that this drain may eventually be considered for abandonment but that it remain hooked up until that or a neighboring property is developed. Delay agreed to an onsite meeting with the Meyer and Stanley property owners to discuss exact locations with respect to trees.

The Engineer reviewed the Drainage Act, the concept of a Watershed Boundary, how costs are determined and assessed, the history of

drainage works in the area and the reviewing agencies involved. Delay discussed benefit and outlet liability assessments and grant eligibility in detail.

The Engineer requested assistance from the public to identify any other information that could assist with construction, such as unofficial hookups to the drains, blockages, difficult terrain, etc.

**Presentations from the Public:** Concerns regarding individual assessments will not be dealt with at this time. A notice of the Court of Revision, which hears appeals, will be mailed to the owner of every property that has been assessed with this drain.

Question from unidentified member of the public - A member of the public questioned why not everyone received a full printed copy of the report. Delay indicated that it has to do with the value of the assessment and for those properties under \$100 assessment, the full report it is not required to be mailed.

Doug Dundas - 5 Huron street - Inquired whether there was an existing drainage issue that prompted this report. Dundas also questioned the benefit to landowners who are not the developer who initiated the report. The Engineer discussed how the developer is paying more than all the other landowners. The extra engineering and construction costs for additional improvements related to the development have been attributed to the developer.

Delay explained that it can be more difficult for landowners to understand the benefit with in-town properties, compared to rural farmland. There is benefit to upstream properties in that drainage works provide an outlet for the water which would flow from/through their property and otherwise may create flooding or other water issues to downstream properties.

Dundas further inquired about the costs of constructions, and what happens if the construction costs are much higher. The Engineer responded that prior to using the considerations in the Drainage Act with respect to overages in construction tenders, that the Engineers would consider various alternative options such as exploring material changes, re-tendering for additional bids or at a different time of year. Delay also provided information on the requirements of the Drainage Act should the tenders for construction costs be greater than 133% of the anticipated costs in the report.

Mary-Lynn McLean - 26 Huron Street - McLean questioned the Engineer regarding whether an environmental assessment study had been done and how it was incorporated. The Engineer responded that any regulated areas in the project area such as wetlands are reviewed by the Conservation Authorities, the Ministry of the Environment and the Department of Fisheries. The Engineers also considered related previous flooding experiences which had been reported within the report.

Jeff Stanley - address not provided for the record. The proposed swale will be located on his property. Stanley questioned why the swale was not proposed for the Brown property and how that is considered equitable. The Engineer spoke briefly about allowances in assessments for land that is not able to be used or developed. Within the Drainage Act, landowners are compensated (through the assessment process) for those lands which are used in drainage works.

Bill Meyer - 10 Huron street - Meyer inquired regarding the elevation change across the Brown property to the Stanley property - The Engineer responded that this was a 0.6 grade or approximately 1.2 meters. Meyer questioned the impact to the tree line along his property and Meyer suggested that there has been no discussion about phases during information meetings they attended.

Connection fee for drains - section 65 drainage act - unfair connections can be brought back for consideration at Council.

Unidentified landowner - 34 Park Street - inquired about the process if tenders were higher than expected. The engineer responded as noted above. They also inquired about whether there was a guarantee that these areas would no longer flood ever. The Engineer responded that while there are no guarantees when it comes to watershed and drainage, landowners could expect that this drainage works would assist with insurance issues.

Courtney Liddle - 36 Park Street - Liddle had comments regarding the existing drain and how it currently doesn't work well.

Maria Spampinato - 15 Gladstone Street - Spampinato inquired about why the process was delayed and why drainage wasn't dealt with earlier before the developer requested it. The Engineer and the Township's drainage superintendent spoke regarding how the project developed, timelines and how the project is moving forward now. The Public were reminded that any landowner can initiate a drainage petition to improve drainage works.

Spampinato also inquired about why the old drains were being connected rather than replaced? The engineer indicated that properties may still be connected in different ways along the older drains. It is difficult to know all the existing connections (legal or otherwise) on drains that were built that long ago. Removing the drains may create other unintentional drainage problems. Repairs will be made to the drainage to improve existing drains, as they are working adequately now, and will be improved with the addition of other drainage works, as less water will be diverted to them. Delay indicated that full replacement could be done if the ratepayers required it, but that this would substantially increase costs.

Charlene Gomes - 1 Gladstone Street - Gomes inquired about how this process was initiated and whether it would have been started without a petition having been received.

Joel Toner - 24 Park St - Toner inquired about what the proposed construction start date would be. The Engineer identified the timelines, which are increased if there is an appeal. The earliest construction start date is expected to be this summer or the fall. Toner additionally inquired about how roads are assessed and who is responsible for those lands. The Engineer provided information on how roads are assessed. Road works are assessed at a different higher rate because they are asphalt and this affects drainage. Delay provided information on where and how to find the figure assessed to roads on the assessment schedule.

The Engineer discussed how improving the downstream works would provide better drainage across the watershed, and all owners should see an improvement when these works are completed.

Shawn Farrell - 27 Huron Street - Farrell inquired about the amount owing for the Ripley Southwest Storm Sewer. The Engineer confirmed that this was not part of a drainage work and would not be billed in the same way. Farrell also inquired about the stages, and what is expected to happen if no development occurs. Delay stated that the goal is to separate costs for the phases, so that regardless of whether the development proceeds in a timely manner, the required work to improve and incorporate the drains is done, and the landowners who would benefit most are assessed and pay their share.

Wally Houston - Ripley and Railway street - 22 Ripley Street - Houston inquired about flooding which was experienced recently even though the area was serviced with a "new" drain. The Drainage Superintendent explained that the recent storm was very unusual in the amount of

rainwater received over a small area in such a short time. The extreme rainfall was further complicated by power outages, which meant sump pumps weren't working.

Nick Gallant - 6 Gladstone Street - Gallant inquired about why they weren't on the assessment schedule. They can contact the Drainage Superintendent after the meeting to discuss.

Doug Martyn - 53 Park Street - Martyn inquired regarding what actual construction work would be done and whether realistically the look on this Park Street property would be the same. The engineer responded that the design was intended to give a similar look as currently exists, while improving the existing flows.

Joel Toner - 24 Park Street - Toner spoke again to question the process to abandon drains and the impact to the shed on this property. The Project Engineer explained what a legal abandonment is, and that the existing drains would be by-passed if necessary. Meyer questioned who is responsible for abandoned drains.

Toner questioned why the old drains weren't being kept or replaced in total. The Engineer indicated that they drains had been found to be working adequately and it was felt that improvements in other drains, and maintenance on existing drains would resolve most drainage issues. Additionally, it was noted that Bruce County is not upgrading Huron Street in the near future, so changes to storm water management infrastructure could be a ways off still.

Staff indicated that drain systems are being located along property lines where possible to avoid development in the future that would fall overtop of these drains, as has occurred in the past.

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

Council discussed the difference in pricing between an entirely new drainage system to the proposed improvements and maintenance.

In response to Council's question, the Engineer indicated that as part of the early consideration storm sewers were considered, however Council appointed the Engineers to provide the report as a municipal drain. As there were existing drains, and no other plans for construction, it wasn't really considered as storm sewer project.

Council inquired about page 179 of the report; the Stormwater management pond and where it was intended to drain to.

Council discussed the grassy swale location, depth of tile under swale and the retention pond size (maximum depth of 4 or 5 meters). The Engineer indicated that engineers for developments will typically try to minimize the footprint of any retention ponds.

## **6. Staff Reports**

### **6.1 Park Street Municipal Drain (Phase 1) Engineers Report 2023, DRAIN-2023-04-7**

Council inquired about whether further information could be provided on how costs are assessed and how development affected the costs. Staff provided information on the information meetings conducted to date, and how assessments could be appealed.

Council inquired about the options and what impacts were if Council rejected the report.

Council discussed the soundness of the engineering in the report and the benefit to landowners who reported flooding. Council requested that an on-site meeting take place with three specifically affected landowners, the appointed engineer and the Township's Drainage Superintendent. The three landowners, where the majority of construction works will take place are the Meyer, Stanley and Martyn.

**Resolution No.:** 04/12/23 - 03

**Moved by:** Ed McGugan

**Seconded by:** Jim Hanna

That the Township of Huron-Kinloss Council hereby approves Report number DRAIN 2023-04-7 prepared by Ken McCallum, Drainage Superintendent.

**Carried**

**Resolution No.:** 04/12/23 -04

**Moved by:** Carl Sloetjes

**Seconded by:** Shari Flett



THAT the Township of Huron- Kinloss Council accepts the Park Street Municipal Drain (Phase 1) Report dated March 29, 2023, prepared by R.J. Burnside & Associates Limited;

and FURTHER refers the by-law as a Matters Arising from Public Meeting to be read a first and second time;

AND FURTHER appoints a chair to the Court of Revision and sets a date and time for the Court of Revision to address this drain as a matters arising.

**Carried**

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

### **7.1 Park Street Municipal Drain (Phase 1) By-Law**

**Resolution No.:** 04/12/23 - 05

**Moved by:** Carl Sloetjes

**Seconded by:** Ed McGugan

THAT the "Park Street Municipal Drain (Phase 1) By-law" be deemed to be read a first and second time and provisionally passed and numbered as By-law No. 2023- 38.

**Carried**

**Resolution No.:** 04/12/23 - 06

**Moved by:** Larry Allison

**Seconded by:** Ed McGugan

THAT the Court of Revision for the Park Street Municipal Drain (Phase 1) By-law be scheduled for May 15, 2023 at 7:00 p.m.;

AND FURTHER THAT Deputy Mayor Hanna be appointed Chair of the Court of Revision;

AND FURTHER THAT the appropriate notices required by the Drainage Act be sent to inform landowners of their assessment appeal rights.

**Carried**

## **8. Confirming By-Law**

**Resolution No.:** 04/12/23 - 07

**Moved by:** Jim Hanna

**Seconded by:** Carl Sloetjes

THAT the "Confirmatory April (1)" By-law be deemed to be read a first, second, third time and finally passed and numbered as By-law No 2023-39.

**Carried**

**9. Adjournment**

**Resolution No.:** 04/12/23 - 08

**Moved by:** Ed McGugan

**Seconded by:** Larry Allison

THAT the Township of Huron-Kinloss Council hereby adjourn at 9:32 pm.

**Carried**

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Mayor

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Clerk