

COUNTY OF BRANT COUNCIL MINUTES**SPECIAL MEETING RE: BRANCH CREEK DRAIN**

Burford Community Centre
June 23, 2008
7:00 p.m.

Present: Mayor Eddy, Councillors Schmitt, Simons, Atfield, Powell, Chambers, Hodge, Coleman and Gatward.

Regrets: Councillors Wheat and Haggart.

Staff: Compeau, Tout, Johnston and Carman.

Others: Chris Allen, K. Smart Associates Limited.

Mayor Eddy in the Chair.

Approval of Agenda

Moved by – Councillor Chambers
Seconded by – Councillor Gatward

That the agenda for this special meeting of Council on the Branch Creek Drain be approved as circulated.

. Carried

PRESENTATION OF DRAINAGE REPORT

Mayor Eddy declared a public meeting to consider the Engineer's Report for the Branch Creek Municipal Drain dated May 28, 2008 as prepared by K. Smart Associates Limited.

Chris Allen, Drainage Engineer with K. Smart Associates Limited, advised that the project was initiated in 2002, with additional drain upgrades added in 2004. The total drainage area affected by this project is approximately 7,600 acres in the County of Brant and the Township of Norwich. This project involves a number of culvert replacements and/or improvements, reconstruction of road crossings, reconstruction of one existing low flow crossing, and improving and incorporating a private open ditch as a municipal branch drain. The other item that is addressed in the report is the provision of a new maintenance schedule for the proper apportionment of future maintenance work on the drain to all lands that are affected. Mr. Allen indicated that the petitions for this work were valid, in that a majority of the area represented by owners in the sub-watersheds have signed petitions for the drain. He noted that the County of Brant had circulated condensed copies of the report to property owners with assessments under \$50. If the petition is still valid after tonight's meeting, and if there are no appeals from the Court of Revision, the drain construction may be commenced in the Fall, 2008.

Mr. Allen reviewed the alternatives for replacing all three pipes or only removing the middle pipe and relining the other two pipes with a slightly smaller diameter pipe at the crossing at the Bowlby property, including a new permanent sediment trap. If there is a 30% savings by utilizing the alternative to only replace the middle pipe, that alternative will be accepted. If there is a savings between 15 – 30%, Mr. Bowlby has the option of requesting this alternative. Mr. Allen recommended that an improved gradient be considered for this crossing in the future.

Brant County Council
June 23, 2008

An onsite meeting was held in November 2002, and additional meetings have been held with the majority of key landowners in 2007 to outline the drainage project.

Mr. Allen reviewed some of the design considerations that have been included in this report for culvert sizing, turning radii, slope grades, etc.

The assessments have been calculated based on benefit assessment and outlet assessment, with special benefit assessments for the culvert work and for the road crossings. The assessment schedule indicates the breakdown of assessments for the Main Drain, the Bishop Drain, Branch A and Branch B. It was also noted that a grant of one-third of the costs is available for farmers and has been included on Schedule C of the report.

QUESTIONS FROM COUNCIL

It was noted that excess dirt from the drain cleanout is to be dumped on the Kloepfer property, and an allowance for the loss of land has been included, as well as an allowance for crop loss at a declining balance of 20% per year for five years.

Any assessment over \$100 is payable over five years, and amounts under \$100 are payable in the first year after completion of the project. County staff is responsible for applying for the Provincial grant portion of the assessment for the farm properties.

Mr. Allen noted the Provincial Endangered Species Act that is scheduled to come into effect on June 30, 2008 that increases the environmental measures that need to be included on any drainage or other construction projects. Approval will be required from Fisheries and Oceans Canada, through the Long Point Region Conservation Authority, prior to the work commencing. Mr. Allen reviewed measures that were being taken to meet these standards, including construction of a silt fence at the Branch A outlet to catch sediment and the installation of a sediment trap on the Kloepfer property to improve fish habitat and the quality of the water as it travels downstream. These environmental features will result in less sediment and less clean-outs required in the future. These additional environmental costs have been allocated to all property owners within the entire watershed.

QUESTIONS FROM THE PUBLIC

Elizabeth Fekete, Part Lot 21, Concession 13, advised that they were located below the Bowlby crossing. She expressed her concern that the replacement of culverts and drain cleaning on the upper Main Drain will result on flooding on her property because the carrying capacity of the drain is comprised due to the area being very overgrown and requiring brushing and clean-out. It was noted that there are no plans at this time to clean out this section of the drain. The County's Drainage Superintendent or the landowners in this section of the drain could initiate a clean-out under Section 76 of the Drainage Act. Mrs. Fekete noted her concern about paying an assessment for the Branch Creek Drain when no work is being done to benefit her property. She also noted that if more than 25% of the work to be done falls under Section 76 of the Drainage Act, the County will not receive the full grant from the Province for the agricultural lands.

Ed Kloepfer, Lots 22 and 23, Concession 12, questioned how the new Endangered Species Act will affect work being done on the Branch Creek Drain. Mr. Allen responded that at this time, he is unsure how this will affect approval of the drainage work, as all details have not been released at this time.

3546
Brant County Council
April 1, 2008

In discussions with the Long Point Region Conservation Authority, verbal confirmation of a Class C approval for the Upper Branch has been received. Confirmation of a Class C approval is expected for the Lower Branch section of the drain. It was suggested that Councils should approve resolutions opposing this legislation for forwarding to the Ministry of the Environment, AMO and local members of Provincial Parliament.

Larry Martin, Township of Norwich Councillor, questioned how this work will impact the Walker-Crabbe Drain. Mr. Allen advised that the design for the Branch Drain takes into account the proposed design grade for the Walker-Crabbe Tile Drain to be built in the future. Mr. Allen also noted that he has included a recommendation that when the road culvert to Base Line Road needs replacing (Bishop Drain), a slightly larger and longer pipe should be used to allow for an improved turning radius.

There being no further questions from the public, Mayor Eddy declared the public meeting closed.

Mr. Allen advised that there was compliance with the requirements of the Drainage Act. In accordance with Section 4, 78.5% of the area represented by petitioners on Branch A and 62.2% of the area represented by petitioners on Branch B results in valid petitions in both cases and allows the drainage work to proceed for both of these two new municipal drains.

Mr. Allen outlined the next steps in the process for approval of the Branch Creek Drain. Council should adopt the Branch Creek Municipal Drain Report 2008 and provisionally approve the report through two readings of a by-law for this purpose. All property owners will then be mailed a notice for the Court of Revision meeting to specifically address assessment issues. The Court of Revision has the power to overrule the assessments included in the report prepared by the Drainage Engineer. Appeals of the decisions of the Court of Revision can then be made to the Drainage Tribunal of Referee. If there are no appeals within forty days of the mailing of the decisions of the Court of Revision, the work can proceed once a tender for the work has been awarded. Mr. Allen noted that there are narrow time periods to do the work to meet the Department of Fisheries regulations.

Moved by – Councillor Coleman
Seconded by – Councillor Hodge

That the Branch Creek Drain 2008 report dated May 28, 2008, as prepared by K. Smart Associates Limited be accepted as presented;

That the Clerk be instructed to prepare the necessary by-law for provisional approval;

And that the Court of Revision for the Branch Creek Drain be held at 9:00 a.m. on Wednesday, July 23, 2008 in the Brant County Council Chambers.

. Carried

BY-LAWS

Moved by – Councillor Hodge
Seconded by – Councillor Chambers

That By-law Number 123-08 to provide for drainage works (Branch Creek Drain 2008) be now read a first time.

. Carried

Brant County Council
June 23, 2008

Moved by – Councillor Hodge
Seconded by – Councillor Chambers

That By-law Number 123-08 to provide for drainage works (Branch Creek Drain 2008) be now read a second time and all clauses and preamble be adopted.

. Carried

OTHER BUSINESS

County staff was requested to investigate brushing and clean-out of the Lower Main Drain in a timely manner in order to resolve problems and take advantage of including this work in the maintenance schedule for the Branch Creek Drain.

NEXT MEETING

The meeting adjourned at 8:30 p.m. to meet again on **Wednesday, June 25 at 7:00 p.m.** for a special meeting to consider the Draft Transportation Master Plan and on **Tuesday, July 8, 2008 at 7:00 p.m.** in the Council Chambers for the next regular meeting.

Mayor

Date Minutes Approved

Clerk