**The Corporation of the Township of Burpee and Mills**

**Special Council Meeting Minutes (Burpee Drain 1)**

**Tuesday, August 16, 2022 at 6:00 p.m.**

The Corporation of the Township of Burpee and Mills Council met for the Special Council Meeting at the Municipal Complex. Reeve Ken Noland and Councillors, Martin Ainslie, Penny Palonen, Arthur F. Hayden and Wayne L. Bailey were in attendance. Lynn Jackes, Deputy Clerk-Treasurer recorded the minutes. John Kuntze, John Linley and Joel Miller attended from K. Smart Associates. Drainage Burpee Drain 1 landowners, Alice Ogden, Phil Dean, Midge Dean, Brad O’Bomsawin, Matt Hollands (Wm Sharpe Farms), Brad Nead, Steve Maxwell, Robert Maxwell, Melanie Blain, Mike Wright, Deb Wright, Lorrie Wright, Ches Witty, and Larry Pfeifer attended. Lynn Mainville Beach attended by phone.

The meeting was called to order by Reeve Noland 6:00 p.m.

There was no Conflict of Interest.

MOTION: 2022-115

Moved By: Wayne L. Bailey

Seconded By: Penny Palonen

THAT Council approve the Agenda for the August 16, 2022 Special Council Meeting (Burpee Drain 1)………………carried K.N.

*John Kuntze was introduced and made a 2-part presentation.*

Copies of the 2014 Burpee Drain 1 maps were handed out.

The first part of the presentation explained the history of the Drain and how the Drainage Act ties into the Drain.

Burpee Drain 1 was constructed as a municipal drain under the Drainage Act under Burpee Township Bylaw 8-70 which adopted an Engineer’s Report dated July 15, 1970.

Outlet for Burpee Drain 1 was into the north end of Lorne Lake.

Drainage improvements continued upstream from this point.

Under Bylaw 8-70 and Section 74 of the Drainage Act the Township of Burpee and Mills is responsible for maintenance work as required on Burpee Drain 1. Cost of maintenance work is assessed to the lands and roads as identified in the Engineer’s Report.

In 2012 Section 74 maintenance work (ditch cleanout) was completed on Drain A upstream from McKinley Road.

Ditch cleanout downstream of McKinley Road to Lorne Lake was not possible due to high water level in the ditch.

At that time it was determined that the high water level at the north end of Lorne Lake may be due to obstruction in the outlet channel at the south end of the lake.

When an improvement is required to an existing municipal drain that cannot be completed as drain maintenance the municipal council can direct a new Engineer’s Report under Section 78 of the Drainage Act for the improvement required.

September 2014 Burpee and Mills Council appointed K Smart Associates to prepare a new report under Section 78 of the Drainage Act for improvement to Burpee Drain 1 from McKinley Road downstream to the outlet at the south end of Lorne Lake.

Council further directed that a Preliminary Report under Section 10 of the Drainage Act be prepared. The Preliminary Report process allows for options to the work required to be presented and discussed before proceeding under Section 78 with a final recommendation.

Preliminary Report was dated May 25, 2015.

This report provides full detail on the investigation completed.

First step was a site meeting October 30, 2014 with all landowners with frontage on Lorne Lake being invited along with MNR and the owners from McKinley Road downstream.

Main recommendation was to make 125m of the Lorne Lake outlet channel part of Burpee

Drain 1. Obstructions to be cleared from the channel.

Township would then be responsible for future maintenance on the 125m long Lorne Lake Outlet.

Preliminary Report was circulated to all owners in the Burpee Drain 1 watershed, all owners with frontage on Lorne Lake and to MNR and DFO.

Preliminary Report was considered by Council on July 6, 2015. Council then directed a final report be prepared under Section 78.

Final report was dated August 28, 2017.

Further site examination and survey was completed in 2015 on the Lorne Lake Outlet and all parts of Burpee Drain 1 upstream from Lorne Lake.

All affected landowners around Lorne Lake and in the Burpee Drain 1 watershed were invited to a public information meeting on September 22, 2016 to review the final recommended work and provide further input to the Engineer.

2017 report contains full detail on investigation completed, recommended work, estimated cost for work and assessment of total cost to lands and roads affected.

Lorne Lake Outlet

Incorporate 92m of channel south from south edge of lake

Remove debris from channel cross-section to grade line on profile

Defined access for current work and future maintenance on private road from Bailey Line

Final report was circulated to all assessed landowners and to MNR.

Final report was considered by Council on September 18, 2017 and was adopted by Bylaw 09-2017 on July 4, 2018.

Under Bylaw 09-2017 and Section 74 of the Drainage Act the Township of Burpee and Mills is responsible for maintenance work as required on Burpee Drain 1 as provided for in the 2017 Engineer’s Report.

When maintenance work is required or requested the Township Drainage Superintendent determines the extent of maintenance work required before proceeding with the maintenance work.

For the Lorne Lake Outlet, bedrock removal would not be considered drain maintenance since bedrock removal was not provided for in the 2017 report.

Under Section 95(3) the Township Drainage Superintendent has the authority to enter upon lands and roads identified in the Engineer’s report to complete a maintenance investigation.

Under Section 63 a contractor retained by the municipality has the authority enter upon lands and roads identified in the Engineer’s Report to complete drain maintenance work.

Anyone who interferes with the above right of access can be charged.

A Drainage Superintendent and a contractor will normally discuss access in advance with affected landowners.

Any affected landowners that feel that further improvements are required to Burpee Drain 1 that cannot be completed under drain maintenance can file a Section 78 request with the municipality. Owners can also file a petition for further improvements or changes to the Lorne Lake Outlet.

Both of the above would require a new Engineer’s Report.

*The second part of Mr. Kuntze’s presentation focused on the current conditions of the Drain.*

There has been recent activity to improve drainage on the cultivated farmland at the north end of Lorne Lake by installing tile drainage.

The new tile drainage outlets into Burpee Drain 1 Drain A near the north end of Lorne Lake.

The tile drainage work raised a question about the need for maintenance work on Burpee Drain 1.

K. Smart Associates, as Drainage Superintendent, has completed an investigation on the need for drain maintenance as a result of the new tile drainage work.

Our findings are that no maintenance work is currently required on the Lorne Lake Outlet. Water level at south end of lake on July 26, 2022 was 183.57.

New 300mm diameter tile outlet invert at the north end is 183.50.

On July 26, 2022 water level was 183.81 at the tile outlet – 300mm tile outlet was submerged.

This would indicate that maintenance may be required on Drain A from the tile outlet to the north end of Lorne Lake.

A submerged tile outlet is still a functional tile outlet.

Profile on the 300mm tile indicates that even with a lake water level of 183.81 none of the new drains north of the unopened road allowance between Con 5/6 would be submerged.

The current high bedrock elevation on the Lorne Lake Outlet recorded on July 26 was 183.54 With the Lorne Lake water level at this elevation, the 300mm tile would not be submerged.

The gravel/sand bar elevation at the outlet of Lorne Lake does not appear to change significantly. Top elevation in 2014 was 183.65. Top elevation in 2022 was 183.65.

Therefore, the gravel/sand bar at the south end of Lorne Lake does not need to be lowered.

Two drawings attached:

Drawing one shows both ends of Lorne Lake and includes the survey information from July 25-26 2022 and also the beaver dam location found on August 16, 2022.

Drawing two is the profile from the 2017 report for Drain A from McKinley to the south end of Lorne Lake. This profile drawing has been updated for the water levels and tile outlets recorded July 25-26, 2022 along with the beaver dam location.

*The floor was opened for discussion.*

Mr. Dean mentioned that in 1988 it was a very dry summer and the lake was dry all around the lake but the north end was a quagmire.

Mr. Witty was concerned with the fertilizer buildup from the farms and vegetation are causing blockages at the north end of the lake. John Kuntze replied that the vegetation is not stopping the water. In 2019 the vegetation was removed.

The property owners were concerned that the MNR and DFO were not consulted during the design of the drain. John Kuntze responded by saying MNR was consulted. MNR’s response included commentary about fish populations and MNR’s comments were considered when the final report recommendations were assembled.

The landowners around the Lake are concerned with the water level in the Lake being low and Melanie Blaine and Brad Nead complained that their trees were dying because of too much water downstream of the outlet channel.

Mike Wright suggested putting in a dam and leaving the sediment/sand bar where it is, so more water stays in the Lake. Mike was informed by Mr. Kuntze that installing a dam in the outlet channel would amount to obstructing a Municipal Drain which would carry a hefty fine. Also, if the water levels were changed, the MNR and the DFO would have to be consulted.

Joel Miller and John Kuntze explained that many things contribute to variation in the Lake levels including, evaporation, seasonal variations in spring runoff and annual precipitation, infiltration /exfiltration through bedrock cracks in the vicinity of the Lake perimeter, beaver dams near the inlet and outlet of the Lake, etc.

John Kuntze explained that on August 16, 2022 he and John Linley reviewed Burpee Drain 1 using a canoe from McKinley Road downstream to a location within 100m of the north end of Lorne Lake. Mr. Kuntze stated that currently the water level in the drain north of the lake is 12-14 inches higher than the water level at the south end due a beaver dam in the Burpee Drain 1 ditch near the north end of the lake. Removing the beaver dam would lower the water level at the new tile outlets and field tiles further north will be fine.

The was a comment that there were incorrect rumours floating around about blasting the rock at the South end of the Lake. John Kuntze reiterated that there will be no blasting. The Township can only maintain the outlet channel to the specifications in the Drainage report.

Alice Odgen and Steve Maxwell thanked John Kuntze for his presentation.

Melanie Blain and Brad Nead expressed concern that the Drainage Superintendent and the Drainage Superintendent’s surveyor recently came onto their property with no prior notice to inspect the outlet.

Mr. Kuntze again pointed out that under Section 95(3) the Township Drainage Superintendent has the authority to enter upon lands and roads identified in the Engineer’s report to complete a maintenance investigation. The municipality has the statutory duty and obligation to maintain the drain in accordance with the Engineers report and landowners cannot interfere with this process. This provision is mandated under the Drainage Act, which also including penalties for noncompliance.

The landowners asked for better communication when a maintenance investigation was to occur. The Drainage Superintendent agreed to attempt to give notice before entering their property.

Brad O’Bomsawin pointed out that the Drainage Superintendent would not enter a person’s property during hunting season because of the danger of being shot. Even before hunting season a hunter may be doing target practice.

Note: There were concerns raised by Melanie Blain, Brad Nead and Brad O’Bomsawin that when the South end outlet was cleaned out by Shane Chatwell, it was done incorrectly. All work was done when the outlet was dry, with the Drainage Superintendent present and Shane working under his direction based on the drawings in the engineer’s report.

MOTION: 2022-116

Moved By: Martin Ainslie

Seconded By: Wayne L. Bailey

THAT the Burpee Drain Special Council Meeting be adjourned at 7:15 p.m………carried K.N.

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Reeve Ken Noland

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Deputy Clerk-Treasurer, Lynn Jackes