1) **Call to order:** The meeting was called to order by Mayor Paul Gowing at 4 pm, with all council in attendance.

**Council in Attendance:**
- Paul Gowing, Mayor
- Jamie Heffer, Councillor
- Dorothy Kelly, Councillor
- Jim Nelemans, Councillor
- John Smuck, Councillor
- Sharen Zinn, Councillor

**Others in attendance:**
- Nancy Michie, Administrator Clerk-Treasurer
- Sid VanderVeen, Drainage Coordinator, OMAF
- Jeremy Taylor, RJ Burnside & Associated Limited
- Chris Dietrich, Drainage Superintendent
- Mike Alcock, Huron County Highways Department

**Landowners:**
- Steve Fritz, Scott Somers, John Huether, Ron McNichol, Jim Phelan and Don Nicholson

**Purpose:** Special meeting was authorized by Council to review the request and reports to give consideration to ‘stop the process for the Section 78 request for the Blyth Creek Drain’.

2) **Agenda:**

**Adoption of Agenda:**

**Motion:** 151-2017

Moved by Jim Nelemans, Seconded by Dorothy Kelly

“That the agenda for the meeting of March 27th, 2017 be adopted as circulated.”

Disposition: Carried
3) Declaration of Pecuniary Interest:
   No member declared a pecuniary interest at this time.

4) Business:
   1. Request received from a landowner to stop the Section 78 process
      John Huether submitted a request to stop the Section 78 process.

   2. Clerk's report-
      A report on a summary of the drainage file was submitted from Nancy Michie.

   3. RJ Burnside report-
      A report from R J Burnside was presented, a listing of actions taken since the
      appointment by the Municipality. This was presented by Jeremy Taylor.

   4. Public Works report-
      A report submitted by Wray Wilson – Interim Director of Public Works was
      submitted and reviewed.

   5. Report from the Drainage Superintendent
      A summary of proposed work under Section 74 for Drain Maintenance was
      submitted by Chris Dietrich.

5. Motion to receive Reports:
   Motion: 152-2017
   Moved by Dorothy Kelly  Seconded by Jim Nelemans
   “That the Council of the Municipality of Morris-Turnberry receive the following reports:
   1. Clerk’s report dated March 27, 2017
   2. R J Burnside Report, dated
   3. Public Work’s Report, dated
   4. Drainage Superintendent Report.”
   Disposition Carried

6. Landowners Deputation
   Two landowners – John Huether and Jim Phelan made a presentation to the Council:
   The presentation consisted of information as follows:
   John Huether: He advised the council that he started the process and understood that
   the Blyth Creek was a sensitive stream.
Burnside had quoted on an Aquatic assessment and he felt that work should have been done. He was concerned about the brushing work that cost $38,000. He felt it could have been done a different way with less cost. He felt the work should have been done under Section 74 Drain Maintenance. He felt that the DFO was onboard with a maintenance proposal. He felt that the engineer should of given options to the landowners. The current costs are around $100,000, to date. He stated that he understood that some engineers bill for the work at the end of the project and some bill intermittently throughout the project.

Jim Phelan:
Jim Phelan stated that all the landowners wanted was a cleanout. The DFO was prepared to authorize the project.

July 30th, 2014, Nancy Michie and Gary Pipe talked to Sid VanderVeen about the proposal.

John Huether then was presented with a form for an improvement under Section 78.

7. Comments from Sid VanderVeen- OMAF
Sid VanderVeen stated that maintenance is allowed under Section 74 to concur with the current Plan and Profile. Maintenance to that standard, only. If a project is to deepen, add, improvement or modifications, a new report is required.

8. Other comments:
Mayor Gowing questioned if the work could be done under the 1911 report. The Landowners stated that they didn’t want a channel dug in the middle of the drain.

Jeremy Taylor: The 1911 profile has no date or title on it. Chris Dietrich feels that the 1911 profile relates to the By-law and is confident that the profile is for the 1911 report.

Sid VanderVeen- if Morris-Turnberry is convinced that the profile is part of the report, it can be used.

John Huether doesn’t feel that the cost is the landowners. The project has been dragging since 2014. A cleanout is needed.

Paul Gowing stated that the Municipality works under timelines under the Drainage Act.
Jim Phelan:
Where did the wording come from for the Section 78 request. It stated ‘improvement’. The resolution that was passed, was not the intent of the landowners.

He doesn’t agree with the Public Works report to move the ditch, that should be separate from the cleanout.

Sid VanderVeen:
The Drainage Act is powerful under Section 26 for costs to the road authority.

Jim Phelan: stated that the 1911 report is still viable, there would be extra costs for a new maintenance schedule.

Chris Dietrich: Feels confident with the By-law. The watershed has changed. A new maintenance schedule could be considered to address the changes in the watershed, properties never assessed and the hydro corridor.

Jeremy Taylor: They surveyed the area, looked at watershed boundaries, landowner comments. In 2014, the information was not available, that is now following the survey work.

John Huether: Maintenance work will give John Huether drainage, some sediment needs to be removed. John Huether signed a Section 74 request and then a Section 78. The DFO was involved during the maintenance option, that is why a site meeting was held. He was advised by the Drainage Superintendent that the work may be difficult with the DFO involved. John said he signed only for an aquatic assessment.

Jeremy Taylor: When Burnside was given the appointment under Section 78, Chris Pfohl was involved in the work.

Sid VanderVeen:
Where does the project go now. The issue appears to be the $100,000 in costs, to date. Assuming that the DFO will authorize the work, he dealt with DFO for this drain in 1999, they have great interest in this drain.

Options:
1. Request Burnside to prepare a Section 40 report and by whom to be paid. This can be appealed to the Tribunal - no grant.
2. Council can proceed with the Section 78 report – landowners can appeal to the Referee for an order to stop the process. Landowners would require a lawyer as this is a court proceedings.
3. Proceed with Section 78 report and proceed with maintenance. Can consider a cost share.
John Huether:  
The suggestion was made to proceed with the Section 74 - if successful with the DFO. It may cost $120,000. Need another public meeting of landowners. 1/3 grant on agricultural lands.

Burnside/ landowners / Morris-Turnberry – do a cost sharing. This is making a bad situation better.

Paul Gowing: this is assuming that the DFO approves of the proposal.

Chris Dietrich: has never talked to DFO on this proposal.

John Huether: DFO said they should be happy with silt traps and disturbing less fish habitat.

Jeremy Taylor: does council want the drain relocated off the right of way.

Chris Dietrich: there are many changes on the assessment schedule - not a fair by-law. Maybe could be updated maintenance assessment schedule .

Sid VanderVeen: The old assessment schedule is not fair. He suggested there could be a new maintenance schedule. There is grant if new maintenance schedule with maintenance work. If no maintenance work - no grant is available.

Jim Nelemans: The brushing was discussed. Jeremy Taylor advised that the brushing was discussed with the Drainage Superintendent prior to the work.

Chris Dietrich: There are 2 methods of tree removal- brushing and mulching and chain saw cutting.

John Huether: The landowners would of preferred the chain saw cutting.

John Smuck: He questions relocating the road channel. Maintenance schedule should be updated.

Dorothy Kelly: There should be a new maintenance schedule to work with.

Paul Gowing: The council doesn’t know the relocation cost for the road ditch. Questioned Jeremy Taylor if a lot of work done already for the maintenance schedule.

Sharen Zinn: She thinks there was a misunderstanding. There should be a new maintenance schedule. Move forward. Let the landowners decide how to move forward.
Sid VanderVeen: To maximize the grant, proceed with the report, maybe do the relocation and prepare a new maintenance schedule, can do the maintenance work under Section 78.

Jamie Heffer: $100,000 spent now. Require a new maintenance schedule and maintenance work.

Jeremy Taylor: The $450,000 was an initial estimate. They do not have the numbers for the new design.

Jim Phelan: Creek has been there for 100 years. Farmer doesn’t want to lose part of his field for relocation.

Don Nicholson left the meeting.

Sid VanderVeen: The DFO was excited about the fish habitat in the 1990’s. He thought the approvals would be difficult.

Sid VanderVeen advised that the OMAF has had new drainage forms since 2014.

John Smuck: He thinks that John Huether doesn’t understand the process.

Jamie Heffer: Can Burnside prepare an estimate of the costs for a new maintenance schedule and maintenance work and determine if the DFO will approve the proposal. The relocation of the road ditch is questionable.

Jim Phelan: Should just do minimum work, cleanout, DFO should approve. Riffles are a good dam starter.

Paul Gowing asked Council - do you think that a relocation of the Drain on Clyde Line should be included.

Don Nicholson returned to the meeting.

Jim Nelemans- expensive to purchase property to relocate the drain.

Paul Gowing: A proper way is to have information to make a decision.

Jim Phelan: handed out a ‘timeline for information’ sheets.
9. Council Motion - Road Relocation:

Motion: 153-2017
Moved by Jim Nelemans  Seconded by John Smuck
"That the Council of the Municipality of Morris-Turnberry hereby give direction that the road side drain relocation on Clyde Line be removed from the Section 78 Blyth Creek Drain project."
Disposition Carried

10. Motion of Direction - Drainage Project:

Motion No. 154 -2017 Moved by Jim Nelemans  Seconded by Sharen Zinn
"That the Council of the Municipality of Morris-Turnberry hereby give direction that the Municipality continue with the improvement to the Blyth Creek Drain under Section 78 of the Drainage Act; and prepare a new maintenance schedule."

Motion No. 155 -2017 Moved by Dorothy Kelly  Seconded by Sharen Zinn
"That the Council of the Municipality of Morris-Turnberry hereby give direction that the motion No. 154-2017 be hereby tabled."
Disposition Carried

11. Further Discussion:

Jeremy Taylor: It is understood that the Council want the project for maintenance work, only.

Jamie Heffer: Trying to accomplish the best solution. He feels it would be negligent to not proceed. Maybe negotiate costs with the landowners.

Dorothy Kelly: If don’t proceed with the project, the landowners maybe back with the same problems.

John Huether: Why Section 78 report?
Sid Vanderveen: If a new maintenance schedule and no maintenance work, there is no grant applicable to the project. Council is saying, to continue with Section 78 and the maintenance work under Section 78. Eliminating the allowances may help to keep the costs down.

Jeremy Taylor: will provide an estimate for the drain maintenance.

12. Motion of Direction- Drainage Project:

**Motion No. 156-2017** Moved by Jamie Heffer Seconded by Sharen Zinn
"That the Council of the Municipality of Morris-Turnberry hereby give direction to R J Burnside & Associates to provide an estimate of Costs for the revised scope of work for the Blyth Creek Drain project, for proceeding under Section 78, subject to the DFO approval; and providing a new maintenance assessment schedule for the Blyth Creek Drain."
Disposition Carried

5) **By-law No. 29-2017 Confirming By-law**

**Motion No. 157-2017** Moved by Sharen Zinn Seconded by Dorothy Kelly
"That By-law No. 29-2017 be passed as given first, second, third and final readings, being a by-law to Confirm the actions of the Municipality of Morris-Turnberry for the meeting March 27th, 2017."
Disposition Carried.

6) **Adjournment:**

**Motion No. 158-17**
Moved by Jamie Heffer Seconded by Sharen Zinn
"That the meeting be adjourned at 6:05 pm."
Disposition Carried
Mayor, Paul Gowing

Clerk, Nancy Michie