

MUNICIPALITY OF LEAMINGTON AGENDA



PUBLIC MEETING

Sturgeon Creek Drain
Repairs and Improvements

MONDAY, JUNE 14, 2010
COMMENCING AT 7:00 P.M.
IN THE COUNCIL CHAMBERS

ITEMS FOR CONSIDERATION:

1. Report DR 13/10 dated May 10, 2010 re: Sturgeon Creek Drain - Repairs and Improvements - Pt. Lot 242, Conc. STR to Pt. Lot 6, Conc. 3 - Municipality of Leamington
Pages 2- 7
2. Notice of Public Meeting
Page 8
 - Engineer's Report prepared by Dillon Consulting dated April 30, 2010 available under separate cover.
3. Correspondence from Mark Whittle dated June 2, 2010 re: Engineer's Report - Sturgeon Creek Drain
Page 9

JB

REPORT

REPORT TO: MAYOR AND MEMBERS OF COUNCIL

FROM: LU-ANN BARRETO
DRAINAGE SUPERINTENDENT

DATE: MAY 10TH, 2010

SUBJECT: STURGEON CREEK DRAIN
REPAIRS & IMPROVEMENTS
PT LOT 242, CONC. STR to PT LOT 6, CONC 3
MUNICIPALITY OF LEAMINGTON

AIM:

To obtain a resolution of Council to adopt the Engineer's Report prepared by Dillon Consulting Engineer's dated April 30th, 2010, for the repairs and improvements to the Sturgeon Creek Drain pursuant to the provisions of Section 78 of *The Drainage Act* R.S.O. 1990.

BACKGROUND:

Council passed the following resolution on Monday, April 11th, 2003:

Res. C-291-03

That Leamington Council appoints Todgham and Case Associates Incorporated Consulting Engineers to prepare the necessary plans and reports to provide for the repairs and improvements of a portion of the Sturgeon Creek Drain;

And further that the Essex Region Conservation Authority be advised of the repairs and improvements to a portion of the Sturgeon Creek Drain;

And further that such recommendations be in accordance with Report DR 17/03.

Please note Dillon Consulting purchased Todgham and Case in 2009 therefore any reference to Todgham and Case Associates will now be referred to Dillon Consulting.

The report has been completed and is dated April 30th, 2010. A copy of the report has been forwarded under separate cover for your review.

This project began in 2003 and took several turns over the years. The writer will try to highlight reasons, issues that arose during the course of this project:

May 2004 - Major storm event - Municipality appointed Ed Dries, Engineer to provide reports on the East Marsh, West Marsh and Lloyd Drainage Schemes under the Disaster Relief Program.

2004 - Cervini Farms submitted a Plan of Subdivision to the Municipality

2007 - Owner/Developer submitted a request to provide improvements to the Sturgeon Creek for the subdivision. The Municipality then amended the instruction to the Engineer.

2009 - The owner of Cervini Farms confirmed that the proposed development would not proceed at this time. Therefore the scope of the repair and improvement of the drain through this property revert back to maintenance and repair only and would not include consideration for

complete reconstruction. The writer notes that any time associated with this work has been assessed to the owner as a Benefit Assessment.

COMMENTS:

The writer has generally highlighted the proposed work noted in the report.

The Sturgeon Creek Drain from Talbot Road East to the former Railway (running south to north) is heavily overgrown with trees, brush and weeds along both banks and in the channel for much of the length. There are many dead trees and branches in the drain and this woody material has collected in several areas to form significant obstructions to flow in the drain. There are also extensive piles of growing medium used in the greenhouse industry lining the top of the banks in various locations. Various piles of broken concrete, rock, scrap equipment were also identified.

There are also several areas that require erosion protection due to the above noted obstructions.

Bylaw enforcement are investigating removal of debris pursuant to the Land Maintenance By-law.

The writer and the Engineer met with an ERCA representative and a representative from DFO (Department of Fisheries and Oceans) on site and review the proposed report and suggested that refuge pools and boulder clusters would be installed in the channel to support and fish habitat.

FINANCIAL IMPACT:

The project has been budgeted in the past budgets for engineering only and is now in the 2010 draft budget for engineering and construction at an amount of \$190,000.00 which includes work already completed in 2009.

Total Engineer's estimates are as follows:

Engineering	\$ 69,250.00
Construction	\$130,750.00
Total	\$200,000.00

The estimated breakdown of assessment is as follows:

Leamington's Breakdown	
MTO Roads	\$ 9,316.00
County of Essex Roads	\$ 3,999.00
Leamington Roads	\$ 3,311.00
Leamington Owned Utility Corridor	\$ 702.00
Leamington Urban - Block Assessment	\$ 24,117.00
Residents Share - Non-Agricultural Lands	\$ 10,273.00
Residents Share - Agricultural Lands	\$ 99,882.00
Kingsville's Breakdown	
MTO	\$ 3,810.00
County of Essex Roads	\$ 3,908.00
Kingsville Roads	\$ 2,383.00
Residents Share - Non-Agricultural Lands	\$ 13,202.00
Residents Share - Agricultural Lands	\$ 25,097.00
Total Estimate	\$200,000.00

Staff note that those properties with the farm tax designation may be entitled to the 1/3rd grant from Ontario Ministry of Agriculture Food and Rural Affairs ADIP Program.

Staff recommend this project be charged to Account # 2-680-8785-7630.

RECOMMENDATION:

That the Engineer's Report dated April 30th, 2010 as prepared by Dillon Consulting, re: Sturgeon Creek Drain Repairs & Improvements, be adopted;

AND THAT By-law 44-10 authorizing the work be presented to Council for 1st and 2nd reading. And that the Clerk send by prepaid mail a copy of the By-law and Notice of the Court of Revision to each of the affected parties;

AND THAT a Court of Revision be held on July 12th at 6:30 p.m. and that a Member of Kingsville Council be requested to sit on the Court.

AND THAT Ed Dries, P.Eng., Allan Botham, P.Eng., Manager of Engineering Services and Lu-Ann Barreto, Drainage Superintendent, be appointed as Commissioners to let and superintend the said drainage works (DR-13-10);

Respectfully submitted,

Lu-Ann Barreto
Drainage Superintendent

Allan Botham, P.Eng.
Manager of Engineering
Services

John Tofflemire, P.Eng.
Director of Community
Services



Drain Obstructions



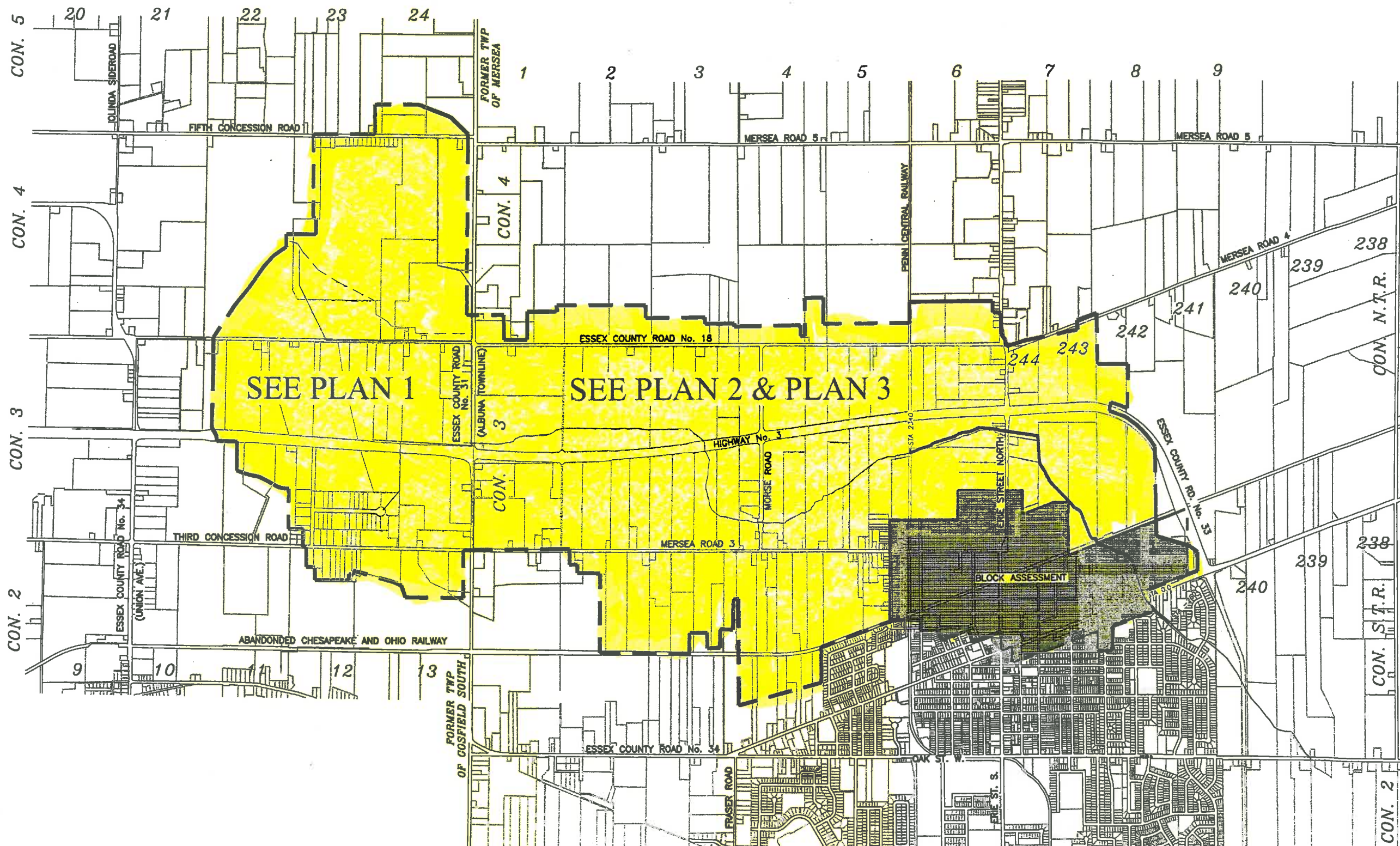
Erosion



Growing Medium
from Greenhouses

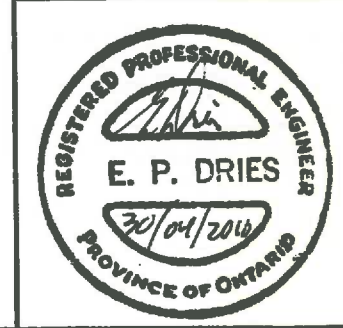


Broken concrete



 Watershed

SCHEDULE " C "




DILLON
 CONSULTING
OVERALL PLAN
 SCALE: NOT TO SCALE

DRAINAGE REPORT FOR THE STURGEON CREEK DRAIN	
MUNICIPALITY OF LEAMINGTON	
30 APRIL 2010	
PROJECT No. 08-9388	
Page 1 of 10	



THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

38 Erie Street North, Leamington, Ontario, Canada N8H 2Z3
Telephone (519) 326-5761 ▪ Fax (519) 326-2481

NOTICE - PUBLIC MEETING

Leamington, Ontario
May 26, 2010

To: All Affected Owners

Dear Sir or Madam:

Re: **ENGINEER'S REPORT - Sturgeon Creek Drain**
Municipality of Leamington, County of Essex

This is to notify that you have property affected by the above proposed drainage project, pursuant to the provisions of The Drainage Act, R.S.O. 1990, as amended.

The Engineer's Report as prepared by Dillon Consulting dated April 30, 2010, a copy of which is attached, was filed with the Clerk of the Municipality of Leamington on May 5, 2010, and **will be considered** at a meeting of the Leamington Council:

Date: Monday, June 14, 2010

Time: 7:00 p.m.

**Location: Council Chambers of the Municipal Building
38 Erie St. N., Leamington, Ontario**

Yours truly,

Kim Siddall,
Manager of Corporate Services

/cd
Attach.

T:\Community Services\Drainage\DRAINS FILES BY NAME\STURGEON CREEK\44-10 - R&I-Todgham\notices\PUBLIC MEETING - NOTICE TO CONSIDER - June 14, 2010.doc

Internet Site: <http://www.learmington.ca> ▪ E-mail: info@learmington.ca

"Building on the Past... Preparing for Future Prosperity"

Jennifer Bavetta

From: Mark Whittle [REDACTED]
Sent: Wednesday, June 02, 2010 10:40 AM
To: Kim Siddall
Cc: [REDACTED] Council Members
Subject: Engineers Report - Sturgeon Creek Drain

Kim,

I will be unable to make the public meeting on June 14th, 2010. Reference roll numbers for me are 660-004 and 660-003.

I would like it noted that I am opposed to Waste Material removal (" Load, Haul & Dispose of Waster Materials.....\$14,000) to be absorbed as part of the the project and hence the costs born by all who share the drain. The property owners who have seen fit to place waste material near a shared drain have been the beneficiaries of the "cost avoidance" of not properly disposing of said waste. Therefore the individual property owners should bear the direct costs associated with the removal of all waste materials.

I also recommend that if an "act" is created to manage this drain that the act contain a clause that specifically prohibits the storage of waste (including biodegradable agricultural waste) within four metres (or whatever distance is required to ensure the drain can be maintained in the future) of the drain.

In addition residents who have built or acquired a residential property that is located too close to a drain and hence their principal residence is at risk due to erosion should bear the direct cost of adjacent drain improvements given they are the beneficial recipients of the drain modifications. "Caveat Emptor" applies to these properties and it is the responsibility of the individual property owners to ensure the property is suitable for a residence. Unless I misunderstand the Estimate of Costs there is significant costs (Supply Precast Concrete Block System.....\$25,200; Installation and Backfill.....\$25,200) associated with this work.

Mark Whittle
1426 Mersea Road 5
Leamington, ON
N8H 3V6

[REDACTED]