

C6 Motions, District of Muskoka

THE DISTRICT MUNICIPALITY OF MUSKOKA
ENGINEERING AND PUBLIC WORKS COMMITTEE

MEETING NO. PW-10-2008

PLACE: Council Chamber, District Administration Building

TIME: 9:00 a.m.

DATE: August 13, 2008

PRESENT: Committee Chair L. Braid; District Chair G. Adams;
Members B. Boivin; B. Colhoun; S. Martin

ABSENT: G. Smith; B. Thompson

OFFICIALS PRESENT: J. Green, Chief Administrative Officer; T. White, Commissioner
of Engineering & Public Works

OTHERS PRESENT: District Councillors M. Casey, D. Coates, S. Pryke and
N. Thompson; J. Patterson and others, re:- realignment of
Muskoka Road No. 27; G. Bache, Director of Environmental
Services; J. Delaney, Manager of Waste Management; S.
Donald, Director of Budgets & Financial Planning; S. Yeoman,
Deputy Clerk

CALL TO ORDER

Committee Chair Braid called the meeting to order at 9:07 a.m.

DECLARATION OF PECUNIARY INTERESTS

None were declared at this time.

DELEGATIONS

a) Muskoka Road No. 27 (Ferndale Road) Realignment

Committee Chair Braid introduced Mr. John Patterson who advised that he was attending the meeting on behalf of Muskoka Lakes Golf and Country Club to request support of the proposed realignment of Muskoka Road No. 27. He advised that permission to proceed with the project, subject to certain terms and conditions, has been received from the Ministry of Natural Resources.

Permission was requested and granted to bring the matter forward for the consideration of Committee at this time.

72-81

- b) Proposed Realignment of Muskoka Road No. 27 (Ferndale Road)
Township of Muskoka Lakes
Report No. PW-10-2008-5

Mr. White presented his report. He advised that the recommendation shown on the agenda had been revised to include an additional condition that all of the work required to upgrade the existing Muskoka Road No. 27 north of the realignment is to be completed to the satisfaction of the Public Works Superintendent of the Township of Muskoka Lakes.

Moved by S. Martin and seconded by B. Boivin

R86/2008

THAT subject to the following conditions, the proposal of the Muskoka Lakes Golf and Country Club (MLGCC) to realign a portion of Muskoka Road No. 27 (Ferndale Road) as indicated in the plan attached to this resolution be endorsed, and the realigned section of road be assumed into Muskoka's District Road system:

- 1) All work required to realign the road is to be completed to the satisfaction of the Commissioner of Engineering and Public Works;*
- 2) All work required to upgrade the existing Muskoka Road No. 27 north of the realignment to be completed to the satisfaction of the Public Works Superintendent of the Township of Muskoka Lakes;*
- 3) All costs associated with the realignment, including but not necessarily limited to environmental assessment, design, construction, property, project management and legal costs, are to be borne by the MLGCC;*
- 4) The acquisition and transfer to Muskoka of all property interests required for the new road allowance are to be completed to the satisfaction of the District Solicitor, and*
- 5) To ensure compliance with the preceding conditions, the MLGCC is to enter into an agreement with Muskoka, the terms of which are to be satisfactory to the District Solicitor and the Commissioner of Engineering and Public Works.*

Carried.

AWARD OF TENDERS

80-83

- a) Tender No. 08-316-314
Resurfacing on Muskoka Road No. 117
Township of Lake of Bays
Report No. PW-10-2008-1

Mr. White highlighted the report of the Director of Contract and Engineering Services. In response to questions from Councillors Martin and Boivin, Mr. White advised that this project would be financed entirely from the 2008 Municipal Road and Bridge Infrastructure Investment (MRBII) funding provided by the Province. He further noted that three drainage projects previously earmarked for completion using MRBII funding had been deemed ineligible and will be postponed until such time as they can be completed using municipal funding, which will likely be in 2009.

Moved by S. Martin and seconded by B. Boivin

R87/2008

THAT Tender No. 08-316-314 for resurfacing on Muskoka Road No. 117 in the Township of Lake of Bays be awarded to Fowler Construction Company Limited, in the amount of \$1,903,870.85, which is included in the 2008 capital budget;

AND THAT the 2008 Capital Budget and Forecast for projects 316.314 and 316.315 be amended from \$1,400,000 and \$390,000 to \$1,550,000 and \$435,000 respectively;

AND FURTHER THAT savings in the Municipal Road and Bridge Infrastructure Investment funding, from not proceeding with the three projects outlined under the Financial section of Report NO. PW-10-2008-1, be used to finance the budget amendment.

Carried.

TRANSPORTATION

84-85

- a) Muskoka Road No. 169 – Parking Restrictions
Bala Cranberry Festival 2008
Report No. PW-10-2008-2

Moved by S. Martin and seconded by B. Colhoun

R88/2008

THAT a by-law be prepared creating a no parking tow-away zone along both sides of Muskoka Road No. 169 from North Burgess Avenue to Grey Street, and along the East Side of Muskoka Road No. 169

only, from the North entrance to Bala Falls to Windsor Drive commencing at 8:00 a.m. on October 17, 2008 and terminating at 6:00 p.m. on October 19, 2008, during the Bala Cranberry Festival.

Carried.

- 86-90 b) Dorset Bridge Closure – Muskoka Road No. 39
Township of Lake of Bays
Report No. PW-10-2008-3

Mr. White advised that temporary closure of the Dorset bridge does not present a problem as an alternate route to divert vehicular traffic is readily available.

Moved by B. Boivin and seconded by S. Martin

R89/2008

THAT the Dorset bridge located on Muskoka Road No. 39, be temporarily closed on Sunday, September 14, 2008 between the hours of 9:00 a.m. and 12:30 p.m. to accommodate the Subaru Ironman 70.3 Muskoka event.

Carried.

- 91-94 c) Proposed Hydroelectric Generation Facility
Muskoka Road No. 169, South Side of Bala Falls North Dam
Report No. PW-1-2008-4

The report of the Director of Roads and Waste Management with regard to a proposal by Swift River Energy to construct a hydroelectric generating facility on property owned by The District Municipality of Muskoka was presented by Mr. White.

In response to Councillor Boivin's question, Mr. White advised that financial considerations with regard to the public property will be discussed in closed session at a future meeting.

Moved by S. Martin and seconded by B. Boivin

R90/2008

THAT The District Municipality of Muskoka agrees "in principle" with the proposal by Swift River Energy to construct a Hydroelectric Generating Facility on property owned by The District Municipality of Muskoka, located on the south side of the Bala Falls North Dam, subject to the successful completion of the Environmental Screening process and reaching a satisfactory agreement with The District Municipality of Muskoka regarding the use of District owned lands.

Carried.



THE DISTRICT MUNICIPALITY OF MUSKOKA

LEGAL DEPARTMENT
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TO: Chair and Members
Muskoka District Council

FROM: David G. Royston
District Solicitor

DATE: October 8, 2008

SUBJECT: Bala North Falls – Muskoka Road No. 169 – Swift River Energy Ltd. – Our File: DR-169-014

REPORT NO.: 17(2008)-2

RECOMMENDATIONS

None. For information only.

ORIGIN

Ongoing matter.

ANALYSIS

Attached is a copy of a draft resolution that may be considered by Council under “New Business” on Monday, October 14, 2008 if Council, after having the opportunity to a site visit as well as receiving a presentation from Swift River Energy Ltd., wishes to deal with the matter. The attached resolution is more explanatory than the one previously tabled by Council. As the extent of the changes is significant, introduction of a new resolution is preferred over attempting to amend the tabled resolution.

Under the Muskoka District Council procedure by-law, resolutions that are tabled and not taken up from the table within six (6) months automatically expire. Accordingly, if Council considers the attached resolution, the tabled resolution may remain on the table and be permitted to automatically expire.

Respectfully submitted,

David G. Royston,
District Solicitor

DGR:sb
Encl.

WHEREAS the Province of Ontario is the owner of the Bala Falls Dam and a parcel of land immediately south of the Bala North Falls (the Crown Land site);

AND WHEREAS the Province of Ontario in 2004, in accordance with its Competitive Site Release Program, identified and released the Crown Land site for the purposes of developing the site as a small generation facility;

AND WHEREAS the Province requested proposals for the development of the small generation facility on the Crown Land site and Swift River Energy Ltd. was the successful proponent;

AND WHEREAS The District Municipality of Muskoka (Muskoka) is the owner of a parcel of land (the Muskoka District site) immediately south of the Crown Land site;

AND WHEREAS Swift River Energy Ltd. is investigating the possibility of using the Muskoka District site as a possible alternative to the Crown Land site to address public concerns;

AND WHEREAS development of either the Crown Land site or the Muskoka District site require certain environmental assessments as well as compliance with the Muskoka River Water Management Plan;

AND WHEREAS the environmental approval processes require the identification of possible alternative sites to the Crown Land site for the proposed facility;

AND WHEREAS use of the Muskoka District site in lieu of the Crown Land site may be of assistance in reducing the impacts of the proposed facility, preserve public access to the Bala North Falls, result in improvements to the park system in Bala as well as establish a modest tourist attraction;

AND WHEREAS a refusal by Muskoka to consider the use of the Muskoka District site as an alternative site will indirectly result in confirming the Province's selection of the Crown Land site as the ultimate and preferred site for the facility;

THEREFORE BE IT RESOLVED THAT:

- 1) The District Municipality of Muskoka advise Swift River Energy Ltd. and the Province of Ontario that use of the District site as an alternative to the presently selected Crown Land site will be considered by Muskoka District Council, subject to the conditions in section 2 of this resolution.
- 2) The consideration in section 1 is conditional upon:
 - (i) the Muskoka District site being identified in the ongoing environmental approval process as a preferred alternative to the presently selected Crown Land site;
 - (ii) compliance with all applicable approvals by the proponent; and
 - (iii) on completion of 2 (i) and (ii), an agreement satisfactory to Muskoka.