

Special Council Meeting – Sea Bluff Trail

<https://metchosin.civicweb.net/document/5581>

The meeting started at ~8:35am with 17 people viewing.

Present: Mayor Ranns and Councillors Epp, Kahakauwila, Little, MacKinnon.

District Staff: Allan Herle (District Engineer), Fire Chief Stephanie Dunlop, Tammie van Swieten, Tina Hansen.

Absent: Chief Administrative Officer Lisa Urlacher.

Agenda

Motion to waive the 24-hour notice requirement in accordance with Section 94 of the Community Charter regarding Section 90. Carried.

Mayor Ranns explained that he would be adding to the agenda a list of questions that were provided by a resident on Sea Bluff Trail. He would be addressing these questions verbally, with the help of others. *Mayor Ranns* said that public participation was not part of the agenda, as this was a one-item meeting.

He explained that the meeting was being held so quickly to accommodate a request from Councillor Little to allow for a start on trail reclamation work on Monday (June 28, 2021).

Agenda approved.

Mayor Ranns then outlined the two purposes of the meeting: 1) approval for the expenditure of funds relating to trail work and 2) assigning of Allan Herle as the District's project manager for this work.

Mayor Ranns addressed the questions put forward by the resident prior to the meeting.

Question:

Who prepared the Terms of Reference for this work undertaken by Ryzuk which precluded any examination or evaluation of the 1:1 clay berm of the Stormwater retention pond constructed on the municipal Statutory Right of Way (SRW)?

Answer:

Mayor Ranns explained that the Terms of Reference were done by CAO Urlacher and Allan Herle. He noted that the clay berm is not the District's responsibility, that there have been engineering approvals for the berm undertaken by the landowner; the District would not take any liability for the berm. Allan Herle confirmed this.

Question:

Why was there no request to examine the stability of the clay berm placed on the SRW?

Answer:

Mayor Ranns stated that this was addressed in the previous question.

Question:

Why was Metchosin's contracted Municipal Engineer, Al Herle, P.Eng., not able to prepare these two very simple and basic cross section designs for the trail rather than hiring an additional consultant? [This is in reference to the drawings provided in the agenda package].

Answer:

Mayor Ranns indicated that "this process" has been going on for ten years and that the work was something that has been talked about over that time period and recommended to have done. Due the highly politicized nature of this issue both Mayor Ranns and CAO Urlacher wanted to have this done "by the book." Also wanted Al Herle to be the project manager. That is why the District contracted out to Ryzuk.

Question:

Where did the funds come from to hire Ryzuk for this work and when and how did Council authorize retaining Ryzuk?

Answer:

Mayor Ranns asked both Al Herle and Councillor MacKinnon about where the funds had come from. Are the funds not from the overall funding of this trail?

Councillor MacKinnon was not sure if funds were coming from Parks and Trails or an additional source.

Mayor Ranns asked if Councillor Little could shed further light on the funding.

Councillor Little indicated that she did not know where the funding for the remediation of the trail was coming from.

Mayor Ranns indicated that CAO Urlacher had told him where the funding was coming from. He could not recall where at that moment.

Question:

Is there not a perceived conflict of interest on Ryzuk's part since they were also retained by the party that caused the damage to Sea Bluff Trail that Metchosin is now trying to repair?

Answer:

Mayor Ranns stated that he saw no conflict of interest at all, since this was simply about repairs on the trail that were required. Noted the highly politicized nature of the issue and thus the need to do things "by the book."

Question:

Is Council considering repairing Sea Bluff Trail using taxpayer's funds without seeking reimbursement from the party which caused the need for the reconstruction?

Answer:

Mayor Ranns noted that the District has been seeking "for many years" the repairs on the trail that are now being considered. Noted the residents who had previously worked to try to find resolutions to the trail. The final intent was always to get an "all weather" trail that did not go along the top of the berm, but went along the side, and a trail that could be worked on without having to involve the landowner and could be maintained throughout the winter. Wanted to do this with the trail all along the bottom. Mayor Ranns believes there have been contributions by

the landowner; however, he could not confirm what those were. This will be addressed when the final accounting is done.

Question:

What steps are being taken by Council to have the Stormwater retention berm and other unauthorized material removed from the SRW?

Answer:

Mayor Ranns asked *Al Herle* to address this question.

Al Herle stated that he did not understand the nature of the question. If the question is whether the storm water berm is going to be removed entirely, it's obvious that the berm **will not be removed**. Removing it would have significant negative impacts. The berm is serving an important storm water function. If it were removed now, that could create problems downstream.

Mayor Ranns asked *Al Herle* if he had further thoughts that he wanted to add to the questions addressed.

Al Herle noted that involving a geotechnical engineer was appropriate. The cost of doing so was "not outrageous" and believes the District received good value for doing so.

Sea Bluff Trail – Ryzuk Geotechnical Field Review/ Site Instruction

Mayor Ranns asked Councillor Little to address the Ryzuk report.

Councillor Little summarized the report, noting that it was in keeping with what had been discussed earlier by Parks and Trails Committee members and contractors. In summary: The design calls for layers of rock of various sizes over geotextile filter fabric. 150 mm of soil will be excavated prior to the laying of this material. Additional rock layers would be added to areas that have been noted as being particularly wet in previous years. The berm is not part of the project. There were two drawings for sections of the trail, the first for the 70M length of trail, the second for a 15M portion. The 15M portion has been noted as being extremely wet in previous years during the wetter months. [additional note: the drawings indicated that the width of the trail will be ~2 metres]

Councillor MacKinnon asked Councillor Little about her comment about the recommendations that had previously been received by Parks and Trails members and contractors. Did the Ryzuk report differ in any way?

Councillor Little reviewed comments by those members. Noted that layering of rock sizes was typically used on trails where heavy moisture was expected, including the recently completed Pears roadside trail.

Mayor Ranns noted that he'd had a conversation with the contractor yesterday about the plan. The contractor appeared happy with the plan. The contractor said that this was the "deluxe version" and not the normal way they'd approaching such projects. Mayor Ranns explained to the contractor the importance of the trail and that this was the culmination of ten years of work

by various Councils, staff and the landowner. For that reason, the District wanted to have the “deluxe version.”

No further questions

Discussion of the motions

Mayor Ranns raised the matter of the funds for the work. Asked Councillor MacKinnon to address this.

Councillor MacKinnon asked what is the nature of the expenditure being considered?

Mayor Ranns could not answer this; noted that the District CAO was not present. Asked if Al Herle had an estimate as to the cost.

Al Herle indicated he did not have an estimate.

Mayor Ranns asked if Councillor Little if the funding was “in place” for this work; that it has been budgeted or allocated for the trail.

Councillor Little did not think so but didn’t know for certain.

Mayor Ranns asked Tammie Van Swieten if she was aware of where the funds were coming from. She was not.

Mayor Ranns commented on the absence of the CAO. Noted that because of the public interest and public pressure, they want to get on with the work. Mayor Ranns stated that he will take responsibility for the funding, as he believes that the funding has been budgeted. Suggested that Council look at a motion to go ahead with the project.

Councillor Kahakauwila moved that the project proceed and that information about the budget be brought forward as soon as possible. Seconded by Councillor MacKinnon. Carried.

Mayor Ranns outlined a second motion to appoint Al Herle as the project manager. The contractor will be working through Al, who will be on-site as required and taking public questions. Discussed the involvement of the Parks and Trails members. Carried.

Mayor Ranns asked Al Herle if there was anything he wanted to say before work begins on Monday. He did not.

Councillor Little noted that signage should be prepared and landowners notified.

Mayor Ranns indicated that it will be a relief to have the work done and the trail opened up.

Councillor Little sought to further clarify that the work would begin on Monday morning, June 28 at 9:00am.

Mayor Ranns indicated yes.

Meeting adjourned at ~8:55am.

These notes were done by Jay Shukin and brought to you courtesy of the [Association for the Protection of Rural Metchosin](#).