

DEEP BAY IMPROVEMENT DISTRICT
MINUTES OF THE SPECIAL BOARD MEETING

July 26, 2022

Trustees: Tony Botica, Chair
Claire Hilscher
Bob Leggett
Colin Thompson
Robert Hale
Diane Koch
Susan Mielke

Staff: Leslie Carter, Administrator

Guests: 10

Also in attendance: Chris Pogson, B.Eng., P.Eng., McElhanney

1. Call to Order: 5:30 pm

The chair respectfully acknowledged the Qualicum First Nation on whose traditional territory the meeting took place.

2. Introduction of late items: none

3. Approval of agenda for current meeting

Motion: to approve agenda for current meeting

Diane Koch Seconded: Susan Mielke Vote: Carried

4. Correspondence In

4.1. July 21 2022 – G. & J. Cousineau, regarding slope repairs

Motion: to receive correspondence in from G. & J. Cousineau regarding slope repairs

Diane Koch Seconded: Claire Hilscher Vote: Carried

Correspondence was read out for the benefit of the public attendees.

5. Old Business

5.1. Slope Remediation project

Chris Pogson spoke to the project and provided some history. Slope erosion issue and culvert issue were brought to the DBID's attention by the property owner. Regional District of Nanaimo (RDN) remediated the culvert in 2021. McElhanney was brought in to look at slope and noted it was adjacent to the water main and should be addressed.

Permitting from Min. of Environment has been secured and tender documents prepared based on scope outlined by McElhanney. Work is constrained by bird and fish windows. McElhanney is now looking for direction from the board with regards to engaging contractors.

Questions to Chris Pogson from trustees:

Q: Has it been determined which side will be used to access the site (Ocean Trail or Thompson Clarke Dr. West) and is there a cost difference?

A: This has not been prescriptive. There are challenges with both options and feedback would be solicited from contractors.

Q: There are erosion issues with the culvert work that wasn't done satisfactorily

A: The proposed project is just addressing slope erosion. Culvert work was undertaken by the RDN. The second (east) culvert has not been addressed. Section where work is to take place is the slope where fencing is on the trail, between the two culverts.

Q: Will McElhanney commit to working with the owners? This work is expected to go forward and owners need to be included with all parties talking.

A: This is a DBID remediation project. McElhanney has had a number of informal discussions with the owners but McElhanney does not speak for the board. McElhanney will continue to include the owner in discussions under direction of the board. McElhanney doesn't want to commit to something that the board hasn't agreed to.

Owner could assist with information on the project. McElhanney will engage contractors and owner can participate. Contractors will provide the process and can't be directed how to do the job as this would be a liability. Wacor and Edgett have both done work for the district in the past but may not get the job.

Q: Has McElhanney received a copy of the Geotech report? The east culvert is noted as being partially blocked. Could this work be done at the same time?

A: Yes, the Geotech report was received. The east culvert wasn't fundamental to the operation of the water main and has not been addressed. Will need to determine who owns the culvert (DBID or RDN) and this work could be part of the discussions.

At this point, the meeting was opened to allow technical questions from the audience for Chris Pogson.

Q: Property Owner spoke and would like project to access site from the Ocean Trail side, and has asked for this repeatedly. Owner expressed concern about further instability if upper bank is excavated for setbacks. There are no fish in the creeks and Min. of Environment has indicated an extension may be applied for in the fall, if it is dry.

With regards to the Technical Memo, owner does not feel due diligence was done in the initial review by McElhanney with instability not taken into account and is worried about this going forward. Owner feels equipment type should be specified. Owner has issues with liability being deferred to the contractor.

Q: For 3 years, the owners, with support from some DBID trustees and RDN representative has worked to abandon the pipe and move it over. What are the consequences of relinquishing the ROW? Will the owner or the DBID be running the project?

A: The project being discussed at this meeting is to secure the slope.

Q: This slope is always going to be an issue. Has anyone checked the lacustrous nature?

A: This is why the project is being done when it is.

Q: DBID needs to know who carries the liability on this project.

Q: Is the pipeline under the steps?

A: Yes, the watermain goes under the creek and back up.

Q: There are two technical reports that indicate the remediation work should be done. Does McElhanney agree with the report recommendations?

A: Yes.

Motion: to proceed as quickly as possible with tendering of document and obtaining bids for the slope remediation project as laid out by McElhanney

Bob Leggett Seconded: Robert Hale Vote: Carried

Q: Is there a cost estimate for this work?

A: A cost estimate was provided in 2021 of \$25,700. This may no longer be accurate given the current economic situation and DBID will need to see what bids come in at.

Motion: to determine who is responsible for the east culvert and determine if it can be repaired at the same time as the slope

Claire Hilscher Seconded: Robert Hale Vote: Carried

Motion: that the project engineer communicate directly with the property owners for the duration of the project

Colin Thompson Seconded: Bob Leggett Vote: Carried

Q: Is there the possibility of cost sharing with the RDN for slope remediation?

A: This project may be eligible for Community Works Funds and amount available would depend on tender amounts. Once bids have been received, a letter should be sent to RDN Area Director.

6. Question Period

Q: Owner provided history of the public trail, agreement with the RDN is renewed every 5-years. RDN erected the fence as part of the agreement. Owners' rights need to be recognized – concern noted that information doesn't flow from office. Liability for the project should be addressed.

A: Standard construction contract provides for the contractor to add consultants, DBID and land owners to their liability insurance as additional named insured.

Q: Is there a risk of the ground giving way and the waterline rupturing?

A: Yes, there is a risk.

Q: DBID needs to know what their liability insurance coverage is and what the deductible is on their CGL.

Q: What connection does the trail have with DBID?

A: The slope remediation project is specific to the water main which runs under the trail.

Q: Has a soil scientist looked at the site?

A: No, a soil scientist has not looked at the site.

Q: Does the McElhanney acknowledge there is a risk?

A: Yes, there is always a risk. For this project there is also a risk to doing nothing given the current erosion and recent weather patterns such as atmospheric rivers.

Previous remediation work was an RDN project and is separate from the work approved tonight.

Q: Will the underlying issues regarding this property be addressed at a future public meeting?

A: In-Camera issues are confidential. Public meetings, and special board meetings such as this one, are held as needed.

A trustee noted they would bring this request up at the next board meeting.

Q: Owner provided photos to McElhanney of remediation work performed by the RDN and settlement that has occurred.

Q: Will trees have to come down on the Ocean Trail side if this is how the site is accessed?

A: The intention is to keep as light a footprint as possible. Adjacent property owners will be kept advised.

Once a contract is awarded, notification is provided to the affected area. Trail way will be impacted but will be kept to a minimum. There may be some vegetation removal.

Q: Are there funds available for this work or will this require a future tax increase?

A: There are existing monies available to fund this project. Additional work is still to be determined.

There being no further business the meeting was adjourned at 6:57 pm.

The above minutes were approved by the Board of Trustees on August 18, 2022.

By: _____
Chair of the Trustees

Officer