

**Millbourne Flood Mitigation Task Force  
Minutes of Meeting #13 – Final  
held May 10, 2018 at Leefield Community Hall**

Present:

- Richard Medlock, Michaels Park
- Philip Richardson, Lee Ridge
- Denise Tonowski, Leefield Community League
- Carmen Messer, Tweddle Place
- Kathy Brower, Tweddle Place
- Anthony Canada, Richfield
- Todd Wyman, Director, Network Integration, Sustainable Development, City of Edmonton
- Godfrey Huybregts, EPCOR consultant and Task Force Coordinator
- Byron Nicholson, Director, Construction Project Management, Drainage Services, EPCOR
- Gary Fei, Project Manager for Tweddle Place Drainage Improvements, EPCOR
- Darwin Smith, Project Manager for Malcolm Tweddle & Edith Rogers Dry Pond and Sewer Improvements, EPCOR
- Dawn Fenske, Senior Advisor, Communications, Drainage Services, EPCOR
- Laura Carlson, Senior Manager, Communications, Drainage Services, EPCOR
- Jason Bale, Research Assistant, Councillor Nichol's office

Regrets:

- Leigh Makarewicz, North Millbourne Community League
- Wil Tonowski, Leefield Community League
- Karrie Baker, North Millbourne Community League
- Ward 11 Councillor Mike Nickel
- Jack Middleton, Director, Shared Services, Drainage Services, EPCOR

**1. Introductions**

The meeting opened with introductions as two people in attendance were new to the Task Force.

**2. Agenda**

The agenda was accepted presented.

### 3. Update on Projects

#### Tweddle Place

Mr. Fei reviewed the status of the construction work in Tweddle Place and noted more than 50% of the drainage improvements planned for the neighbourhood have been completed.

A handout was provided outlining the expected milestones. It also showed a map that marked 2018/2019 construction locations (*attached to these minutes*). Mr. Fei noted the dry pond along 91 Street, including a new trail and the Living Wall, will be completed by the end of this year. During dry periods, water trucks will be used to minimize dust. Vibrations from machinery that were reported by some residents last year should be minimized this year now that most of the major excavation has been completed. As part of the Living Wall construction, Mr. Fei noted all of the willows on the existing (pilot) wall will be replaced. He confirmed a dedicated irrigation line will be in place to help the willows grow and remain healthy but the wall is not expected to be fully in leaf until the summer of 2019.

Storm and sanitary sewer upgrades on 42 Avenue between 89 Street and Millbourne Road West will begin after contractor procurement. **Prior to construction, Mr. Fei and Ms. Fenske will visit residents along the construction route to brief them on the work and address any special needs they may have.** Since complete street removal is required for sewer repairs on 42 Avenue, issues such as chronic sink holes along the construction path should be resolved as part of road reconstruction.

#### Malcom Tweddle & Edith Rogers Dry Pond and Sewer Improvements

Mr. Smith reported that a land agreement between the City of Edmonton and the Edmonton Public School Board (EPSB) has still not been finalized. This continues to cause a delay in the project. Once the agreement is in place, a tender can be issued, a contractor selected and dry pond excavation at the schools begun.

The EPSB Board of Trustees met May 8 in camera to review a recommendation for land agreement approval. Their decision will be made public at the Board's May 22 meeting. The Minister of Education has already provided his agreement to the transfer. If approved on May 22, the City of Edmonton can sign the land agreement, which is expected to be relatively quick. **The Task Force will be informed of the outcome of the May 22 meeting regarding the land agreement.** The actual process to transfer ownership of the land is a lengthy 6 to 8 month process.

Mr. Nicholson confirmed EPCOR will be able to proceed with the tender process once EPSB and the City approves the land agreement. If all goes well, Mr. Smith indicated dry pond construction could begin in October, approximately one year later than the original schedule. An open house for residents will be held after the contract is awarded but before construction begins, tentatively in September.

Mr. Smith confirmed provincial and EPCOR funding is in place. There is no formal agreement in place yet for the previously arranged federal funding commitment but it is assumed this funding will occur.

In response to a question, Mr. Smith said it was the preference of the City of Edmonton's recreation department and the schools that dry pond construction be done in the fall/winter/spring to minimize the amount of time sport fields are not available. Assuming an October, 2018 start, dry pond excavation and grading is expected to be completed by July of 2019. Landscaping will follow, with the fields back in use by the spring of 2020.

Mr. Smith related TransEd, the LRT contractor, has agreed to construct the open cut drainage inlet work required on the east side of 66 Street so EPCOR does not have to perform the work later and disturb the reconstructed road. Open cut work required on the west side of 66 Street timing is still being discussed with the LRT team. The remainder of the drainage work required on 66th Street will be trenchless (originating from a main working shaft at 38th Avenue and 66th Street) and therefore can be done with minimal surface disruption after the LRT line is complete. This work will not begin until the summer of 2019, when LRT construction in the area is expected to finish. Although this may delay the original start date for the planned sewer line upgrades, Mr. Smith indicated this should not affect the overall completion target of 2023 for all elements of his project.

A Task Force member expressed concern that LRT construction may cause additional flooding at 41 Avenue and 66 Street, a low spot which has flooded significantly in the past following a heavy rain. Mr. Fei noted the drainage system has not been affected by LRT construction and while a heavy rain may cause some additional issues for vehicles, adjacent homes are at low risk of flooding.

#### **4. Damage Claims Process**

Ms. Brower related her experience in trying to resolve with the City of Edmonton a damage claim caused by drainage construction. While the contractor has now agreed to pay for the damages, she said it was a frustrating experience that no resident should have to endure.

Ms. Carlson reviewed EPCOR's Insurance Claims Process (*attached to these minutes*). She noted some key points:

- The process applies to all new claims submitted after September 1, 2017, even if the resident believes the damage was caused before September 1, 2017.
- Residents have a single point of contact – Janice Loberg of Crawford Adjusters. Ms. Loberg and her team are independent of EPCOR, and will work with residents throughout the claims process to investigate and provide a recommendation to EPCOR regarding liability. Task Force members were invited to contact Ms. Loberg to learn more about her role (780-486-8000).
- If the damage is found to have been caused by the contractor, EPCOR will pursue the contractor on behalf of the resident to obtain compensation.

The Task Force offered some suggestions to improve the Claims Process document:

- Delete the last sentence (Currently reads: *'You may also choose an alternative option and make a claim through your personal homeowner's insurance'*) as this will anger residents who have had negative experiences with homeowner insurance policy flood claims.
- Highlight that this claims process refers to construction activities only, not any failure of the drainage system itself.
- Consider the audience regarding phasing and clarity.

**Ms. Carlson committed to revise the document and email it to the Task Force for review and any additional comments.**

Mr. Bale shared that Councillor Nickel has initiated a discussion at City Council's Executive Committee regarding the City's claims process. Councillor Nickel would like to see changes that would make the process more sensitive to the needs of residents.

*Note: After the meeting, Mr. Bale forwarded the following details:*

At the April 16, 2018 Executive Committee Meeting, Councillor Nickel moved the following motion, and was passed unanimously, with a due date of September 10, 2018: *'That Administration proceed the investigation and engagement on the implementation of Options 1-4, as outlined in the February 22, 2018, Financial and Corporate Services report CR\_5326, and provide an update in September 2018.'*

Options 1-4 of the report are as follows:

1. Expand the mandatory reporting requirements of contractors relating to resolution of disputes with residents in the City's standard construction General Conditions;
2. Amend the indemnity clause in the standard construction General Conditions to allow the City authority to settle low value construction related claims when denied by the contractor and then charge back to the contractor;
3. Make evaluation of contractors' performance in relation to claims by residents a mandatory evaluation criteria for City projects in the City's Supplier Performance Program and use this information when scoring subsequent bids by that contractor;
4. Increase claims information online so that the public has easy access to more information to help them understand the claims process and why a claim might be appropriately denied by the City or its contractors

## 5. Next Meeting

It was agreed the next Task Force meeting should be held prior to a pre-construction open house for the Malcom Tweddle & Edith Rogers Dry Pond and Sewer Improvements project. This may occur in September. **Mr. Huybregts will call a meeting of the Task Force once an open house date is identified.**

## Actions Resulting from the Meeting

1. Prior to construction, Mr. Fei will visit residents along the construction route to brief them on the work and address any special needs they may have. *Assigned to Mr. Fei and Ms. Fenske.*
2. The Task Force will be informed of the outcome of the May 22 EPSB meeting regarding the land agreement. *Assigned to D. Fenske.*
3. Revise the EPCOR Insurance Claims Process document and email it to the Task Force for review and any additional comments. *Assigned to L. Carlson.*
4. Call a meeting of the Task Force once an open house date is identified. *Assigned to Mr. Huybregts.*