

**The Colliery Dams Select Committee has been disbanded.
These Minutes dated 2015-AUG-31 will remain in UNADOPTED status.**

**MINUTES OF THE COLLIERY DAMS SELECT COMMITTEE
HELD IN THE BOARD ROOM, SERVICE & RESOURCE CENTRE, 411 DUNSMUIR STREET
ON MONDAY, 2015-AUG-24 COMMENCING AT 4:00 P.M.**

PRESENT:

Councillor Jim Kipp
Emmy Manson, Snuneymuxw First Nation
Leon Cake, Community-At-Large Member
Wally Wells, Community-At-Large Member
Peter Urquhart, Colliery Dam Park Preservation Society

Absent:

Councillor Bill Yoachim
Chris Good, Snuneymuxw First Nation
Lorne Gale, Colliery Dam Park Preservation Society

Michelle Corfield, Facilitator and Acting Chair
Holly Pirozzini, Recording Secretary

1. CALL THE MEETING TO ORDER:

The meeting was called to order at 4:00 p.m.

2. ADOPTION OF AGENDA:

The Committee requested the following items be added to the agenda:

- Discussion of construction timeline and Comptroller concerns
- Timber value and use

It was moved and seconded that the agenda, as amended, be adopted. The motion carried unanimously.

3. ADOPTION OF MINUTES:

It was moved and seconded that the Minutes of the Colliery Dams Select Committee held in Room 1, Beban Park Complex, 2300 Bowen Road, Nanaimo, BC on Tuesday, 2015-AUG-18 at 6:00 p.m. be adopted as circulated. The motion carried unanimously.

4. UPDATE ON OUTSTANDING ACTION ITEMS:

Facilitator advised:

- park use numbers – park usage has not been recorded in recent years; however, in the past over 200 users per month were recorded.
- fish-bearing and fish habitat reports – There is no new information to provide to the Committee.
- archaeological studies - Letter from Millennia Research Limited to Snuneymuxw First Nation, dated 2015-JUL-31, regarding *Archaeological Monitoring – Geotechnical Testing Colliery Dam Auxiliary Spillway Option*. The City of Nanaimo requested archaeological monitoring to ensure due diligence in

identifying and protecting heritage resources. A Snuneymuxw First Nation representative participated in one day of field work on 2015-AUG-06. No updated information has been provided from Snuneymuxw First Nation Council.

- map of railway location – a map was not available for today's meeting.
- rationale for the location of the auxiliary spillway from Golder Engineering – Golder Engineering will provide a response within a week. Discussion occurred regarding adjustments to current auxiliary spillway location or relocation due to information gathered from test pits, significant tree locations, and presence of coal slag.
- request for another bore hole to be drilled – three bore holes were drilled during the week of 2015-AUG17 to -21 to determine bedrock depth.

5. UPDATE ON TENDERING PROCESS:

Four tender packages have been received and will be opened by a selection committee at the City's Purchasing Department, Public Works at 8:00 a.m. on Tuesday, 2015-AUG-25. The Colliery Dams Select Committee Facilitator will be present as a fairness monitor.

6. UPDATE ON TEST SITES (AUG 17 – 21 WORK ON SITE):

Bore holes were drilled and core samples were collected during the week of 2015-AUG-17 to -21. Bore hole drilling discovered glacial till and bedrock was reached in one bore hole at approximately 55 feet. Additional bore hole results will be available in the next two weeks.

7. REVIEW STUDY / REPORT DOCUMENT:

A Tree Management Plan will be provided by City Staff. Awaiting a written report regarding fisheries from Golder Engineering. Permits will be submitted to the Province through Front-Counter BC. Received a letter to the City from Transport Canada Navigable Waters Protection Program, dated 2015-AUG-04, advising that the spillway location falls outside the mandate of the *Navigation Protection Act*.

8. CURRENT RISK MITIGATION STRATEGY FOR THE PROPOSED CONSTRUCTION:

The Committee requested that staff provide a mitigation strategy for the construction phase, an updated evacuation plan, and information on riparian rights for City-based projects.

Recommendation: That Council request a reference check be done for the contractor awarded the construction contract to complete the auxiliary spillway construction at the Lower Colliery Dam, prior to awarding of the contract and that City staff oversee the project.

Requested the Facilitator to provide:

- information on the selection process by the Selection Committee and how negotiation will begin regarding all of the unknown costs;

- other terms and conditions to be negotiated between staff and the contractors;
- confirmation that a reference check will be done for the contractor awarded the construction contract for the auxiliary spillway; and
- confirmation that an independent monitor (could be City staff member) will be appointed to oversee the construction.

The Facilitator reported that she has been advised by Bylaw Services that police interaction will occur for civil disobedience usually within 7 days.

The Facilitator advised that the Selection Committee will provide an award recommendation for Council's approval at the 2015-AUG-31 Council meeting.

9. TIMBER VALUE AND USE:

Recommendation: That Council direct the trees removed from the auxiliary spillway construction site be utilized for park uses (construction of benches, tables for the park), City uses and Snuneymuxw ceremonial purposes.

Recommendation: That Council direct that Snuneymuxw First Nation be given procurement opportunities in Colliery Dam Park associated with clearing of the trees and other employment possibilities.

Recommendation: That Council be aware of the negotiated figure for the contractor awarded the construction contract and that a fairness monitor be present during the negotiations.

10. CONSTRUCTION TIMELINE AND COMPTROLLER CONCERNS:

This item was discussed and no action was forthcoming.

Emmy Manson left the meeting at 5:38 p.m.

11. IDENTIFY POTENTIAL REQUESTS TO GOLDER AND OTHER CONTRACTORS:

Request that Golder Engineering submit to the Select Committee all drawings and documentation that have been forwarded to the Comptroller.

Wally Wells left the meeting at 5:43 p.m.

12. IDENTIFY POTENTIAL LOGISTICAL AND TIMING ISSUES IN REGARDS TO THE REQUESTING OF ITEMS FROM CONTRACTORS AND RELEASE OF THE INFORMATION TO THE COMMITTEE:

This item was discussed and no action was forthcoming.

At this point, Councillor Kipp stated that he would no longer be able to be part of this Committee.

13. ADJOURNMENT:

The meeting concluded at 5:50 p.m.

ACTING CHAIR

CERTIFIED CORRECT:

CORPORATE OFFICER