

# City moves in to crush neighbourhood's storm water rink

By **BILL JACKSON**  
Post Staff

Families on Topper Woods Crescent woke up to the sound of ice being crushed on Tuesday morning, Jan. 2, but it wasn't the sound of a snow plow.

City workers had brought in a backhoe to destroy a portion of an outdoor ice rink on a municipal storm water pond out back.

The city says using storm water ponds for skating is unsafe, as they're susceptible to road salt and fluctuating water levels under the ice surface.

A sign posted at the side of the Topper Woods North pond, off Robert Ferrie Drive, says the water management area has been designed to function as a wetland and has been landscaped to assist the storm water management function and to provide an esthetic feature for the neighbourhood. Another sign prohibits use of storm water ponds for skating, boating, fishing, swimming and dumping and asks people to call a number if they see the pond be used for recreational purposes. It also highlights a maximum fine of \$5,000.

Nick Gollan, manager of the city's storm water utility, said storm water ponds aren't meant for recreational use. The city has an active program to maintain their structural viability.

"Water flows in and flows out and things are left on the ice and can sink into the ice, which has happened in the past," he said. "We had a whole hockey rink setup with boards and nets and lights and everything go into a pond a few years ago, and if that stuff ever floods up the outlet, there are other concerns that stem from that like flooding, if we get a thaw."

Regularly scheduled storm water remediation for the Topper Woods North pond is scheduled later this month, and Gollan said staff noticed the pond being used for recreational purposes and had removed some equipment from the ice.

"They came back a second time and noticed those activities had resumed," he said.

Local resident Brett Mulligan, whose home

backs onto the pond, has maintained the ice for the past six years, making it a neighbourhood nucleus for skating and shinny during the colder months. His kids Hayden, 9, and Tessa, 12, both practice outdoors on a regular basis.

"The better you keep it, the safer it is," Mulligan said, adding that only about two feet of frozen ice sits below the surface.

Mulligan said that safety is paramount and that no one goes on the ice without his knowing. His wife, Judy, said the rink was one of the reasons they purchased their home where they did.

Gollan conceded many people pay a premium to back on to the ponds, which they see as an amenity, but fail to realize that the ponds are engineered infrastructure that serve a function. He said people are welcome to skate at any one of the 38 designated outdoor community rinks across the city.

Kids of all ages, including Cooper Blundell, 18, have been playing on the storm water rink most of their life and say the closest community outdoor rink is located near the Pioneer Park library, about a 45-minute walk from their home.

Blundell's mother, Lisa Frank, said property lines in most modern subdivisions no longer accommodate backyard rinks, and that seeing her kids go outdoors is a lot better than watching them stay inside and play video games.

"Are we going to bubble-wrap our kids?" she wonders, comparing the storm water rink to other community amenities, such as toboggan hills and skateboard parks.

"Accidents can happen anywhere," she said.

Ward 4 Kitchener Coun. Yvonne Fernandes said she understands concerns from both the city's and residents' perspectives, and hopes to start a discussion to see how the rink can be maintained in the future.

"We have policies around community gardens and we have liabilities around community gardens, around our toboggan hills, around our skateboard parks. Isn't this issue in the same vein?" she said. "So, let's have a discussion and decide how we can allow some of these outdoor rinks to happen."



BILL JACKSON PHOTO

Brett Mulligan (front right) stands with his son Hayden, 9, daughter Tessa, 12, neighbour Jim Lawrence and his son Josh, 8. Behind the net is where the city dug up part of the outdoor rink they maintain on a city storm water pond in Topper Woods. Most of the ice surface was left untouched, however, allowing for some play before pond remediation work gets underway later this month.

Fernandes says she's working on crafting a motion for an upcoming council meeting with the help of city staff.

It costs money to send out an excavator and Fernandes suggested the city maybe needs a better safety inspection process for storm water ponds instead.

Gollan said the city's existing bylaw doesn't allow for any recreational use of storm water facilities, summer or winter, "and as of right now, I am not aware of any plans the city has to change that," he said.

Regardless of the outcome, residents say they were given no prior notice of the scheduled storm water remediation that's supposed to get underway later this month, and feel the

city used a strong-arm approach to come in and partially destroy the rink with no prior warning.

"The way it happened was upsetting," said Mulligan's wife, Judy, who said the workers showed up without notice and simply told them they weren't allowed to use the pond.

Because only a very small portion of the rink was destroyed, she actually thinks they felt a little bad about it, perhaps allowing a brief reprieve for kids during the holiday break.

Gollan said he couldn't speak to the project's "staging," but that the city wanted to make sure the message was clear to the community.

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