



Subject: Billing of the Skelton Municipal Drain

To: Council

From: Public Works Department

Report Number: 2023-240

Meeting Date: December 12, 2023

Recommendation:

That Public Works Department Report 2023-240 be received; and

That the billing of the Skelton Municipal Drain be invoiced in accordance with the *Drainage Act*, as outlined in Appendix A of Public Works Department Report 2023-240; and

That the By-law to Amend the Assessment Schedule to Levy the Actual Costs Incurred in Constructing a Drainage Works Known as the Skelton Municipal Drain, be approved.

Purpose:

This report has been prepared to inform Council of the completion of construction works for the Skelton Municipal Drain and that the application to the Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA) grant for farm parcels has been completed. Staff is also seeking authorization to complete the billing for the said works of the Skelton Municipal Drain in advance of receipt of the OMAFRA grant.

Background:

On May 27, 2013, Spriet Associates Engineers & Architects was appointed to complete a new engineer's report for the Brown's Tap located in the City of Welland and Skelton Municipal Drain in the City of Port Colborne. At that time, the Drainage Superintendent recognized that the Welland River as an outlet through the Brown's Tap Drain was a deeper and more stable outlet than the Welland Canal.

The Brown's Tap Municipal Drain report was completed and dated April 3, 2018. The City of Welland held two 'Meetings to Consider' and ultimately the Council of the Corporation of the City of Welland did not approve the Engineer's Report.

When the Brown's Tap drain failed, Port Colborne continued with a report to address only the Skelton Drain which drains lands in Port Colborne, Wainfleet and Welland.

Spriet Engineers & Architects completed a survey and held two public meetings. The report was completed and dated October 29, 2019. This report was presented to the Council of the City of Port Colborne at the 'Meeting to Consider' held on December 9, 2019. There were no appeals received for either the Court of Revision or the Tribunal.

The drain itself not only provides drainage for all three municipalities but also extends from Port Colborne into Wainfleet. For this reason, the work on the drain was completed by Port Colborne municipal staff in the City of Port Colborne and by Wainfleet municipal staff in the Township of Wainfleet. Construction began on August 14, 2020. The project went smoothly for both Port Colborne and Wainfleet and was deemed complete by the Engineer on January 4, 2021.

Discussion:

The original estimate of this project as outlined in the Engineer's Report was \$240,000.

The total project cost amounted to \$214,501.56. As a result of staff carrying of the maintenance work, this project recognised a reduction in cost by 10.62%. The net cost of the project to be billed to the watershed is \$163,341.26. The net cost is inclusive of two components. The first is an OMAFRA (Ontario Ministry of Agriculture, Food and Rural Affairs) grant for farm parcels, a total of \$29,370.30 has been applied for. The second are allowances provided by the Engineer for payment to the parcel owners for affected land for right of way and damages, a total of \$21,790. The amount of \$21,790 is raised as a part of the overall project and is apportioned to all the properties assessed through the project.

The net cost of the project is as follows:

Municipality	Residential properties/MTO properties	Tax Base	Total
City of Port Colborne	\$ 36,401.40	\$ 42,371.54	\$ 78,772.94
City of Welland	\$ 535.00	\$ 64.13	\$ 599.13
Township of Wainfleet	\$ 41,674.12	\$ 42,295.07	\$ 83,969.19
Total to be collected			\$ 163,341.26
Net Cost	Residential/Other	Tax Base	Total
OMAFRA Grant			\$ 29,370.30

Allowances			\$ 21,790.00
Total			\$ 214,501.56

Internal Consultations:

Consultation was held with the finance department to relay the duties required to complete the invoicing of this work.

Financial Implications:

When the municipality completes work on a municipal drain, the costs are held at the City's expense until the time of billing, at which point those funds can be collected from the owners of property within the watershed. Should these amounts not be collected from the assessed parties, the costs will need to be paid by the general tax base.

Public Engagement:

All public consultation requirements provided for in the *Drainage Act* were met as prescribed throughout the completion of this report and construction of the drain.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Environment and Climate Change
 - Welcoming, Livable, Healthy Community
 - Sustainable and Resilient Infrastructure
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Conclusion:

Staff would like to proceed with the passing of the by-law as defined in Section 61(1), a Levy by-law, of the *Drainage Act R.S.O. 1990* to complete the billing of the drainage work. If these funds are not collected from ratepayers, the City would need to absorb these costs. The total assessment for the Skelton Drain is \$214,501.56, approval of this report will allow staff to proceed with the billing of these works and collect the amount of \$120,969,72. This amount is derived from the Port Colborne residential properties/MTO properties and the total amounts from the Township of Wainfleet and City of Welland. The remaining balance of \$42,371.54 is the City's portion of the assessment and will be

paid through the City's approved drainage reserve.

Appendices:

- a. Skelton Drain Levy By-law

Respectfully submitted,

Alana Vander Veen
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Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.