

Subject: Wignell Municipal Drain
To: Council
From: Public Works Department

Report Number: 2024-52

Meeting Date: March 26, 2024

Recommendation:

That Public Works Department Report 2024-52 be received; and

That Council direct the Drainage Superintendent to advance the Wignell Municipal Drain Engineer's Report to a 'Meeting to Consider', in accordance with section 41, Chapter D.17 of the *Drainage Act*.

Purpose:

This report has been initiated in response to the final delivery of the Wignell Municipal Drain Engineer's Report, as prepared by Paul Marsh, P. Eng of EWA Engineering. The purpose of this report is to provide Council with an update on the delivery of the Engineer's Report and requisite actions pertaining to the Meeting to Consider.

Background:

Municipal records indicate the Wignell Municipal Drain has been in existence since about 1855. This drainage system has undergone several changes, both in name and location, since 1855 including the addition of many branches.

In 2001 Wiebe Engineering Group Inc was appointed by Council to undertake a new report. Following that appointment, Wiebe completed a full survey of the drainage system and the engineering, design, and construction inspection for the installation of a retaining wall located near the lower end of the drain. At that time, the municipality paid Wiebe for the time and expenses; however, the main report was not completed prior to the firm going bankrupt. The fees paid to Wiebe Engineering Inc. for the work completed have not yet been billed to the affected members of the watershed.

In 2011, Council rescinded the appointment of Wiebe Engineering Group Inc. while appointing Paul Smeltzer, P. Eng of AMEC, who later became AMEC/Foster Wheeler to complete the new engineer's report. Under that appointment, AMEC was also appointed to complete a new report for the abutting watershed of the Beaver Dam Drain. The scope for these municipal drains included investigations for both water quality and outlet control structures. The outline of a new Engineer's report was drafted for both the Wignell and Beaver Dam Municipal Drains but never finished. AMEC experienced a loss of staff as their appointed engineer and other staff working on this project left the firm. In May of 2017, the municipality received documentation stating AMEC could no longer fulfil the terms of their appointment and that they were exercising their rights within the terms of the signed agreement to cancel their contract with the City of Port Colborne.

On July 23, 2018, after a review of the progress and search for another engineering firm, Council rescinded the appointment of AMEC, while appointing Paul Marsh, P. Eng of EWA Engineering Inc. to finish the new engineer's report. Municipal Staff and EWA Engineering Inc. reviewed the work completed to date by both Wiebe Engineering Inc. and AMEC to identify what aspects could be utilized and define a path to completion. The City and Engineer identified the need to fully rewrite the report due to the lack of material and thoroughness in preparing the document. Prior to the completion of the Wignell Municipal Drain report, the sub-watershed reports for the Michener Municipal Drain and Port Colborne Municipal Drain reports were completed. As per the practice of EWA Engineering Inc., supporting documents for the Wignell were issued including a Baseline Report describing all the changes and areas of concern within the watershed to date and a Hydrology and Hydraulics Report. Both supporting documents have been presented to the members of the watershed.

The *Drainage Act R.S.O. 1990*, states that a report shall be completed one year after the time of appointment. Having not met that clause of the Act, due to the changes in scope as described above and with the lapse of time taken to get to a final report, the appointment of Paul Marsh of EWA Engineering Inc. was renewed at the January 25, 2022, Council meeting.

Discussion:

The Wignell Municipal Drain is located wholly within the City of Port Colborne municipal boundary. Additionally, some of the parcels within this watershed are also assessed through the Storm Sewer assessment fees. As per Council policy, those select parcels will have their assessments paid through the storm fees collected. Those fees are collected annually with municipal taxes.

The main drain is 6,922 meters (22,709.97 feet) in length, servicing an overall area of 1,555.4 hectares. The Wignell Drain watershed is comprised of the main drain and many branch drains, some of which have their own reports adopted.

While working on the background and understanding of the Wignell Drain watershed and branches, it was determined by staff and the newly appointed Engineer, EWA Engineering Inc., that the larger branches of this drain be segmented into their own reports being the Michener Drain and Port Colborne Drain.

The breakdown of the drainage system can be defined as follows:

- The Michener Municipal Drain
 - Presented in the Engineer's report dated May 7, 2020, and adopted on March 8, 2022, through By-law 6827/77/20.
- The Port Colborne Municipal Drain
 - Presented in the Engineer's report dated July 12, 2022, and adopted on February 13, 2024, through By-law 7053/89/22.
- The Wignell Municipal Drain
 - Present in the Engineer's report dated February 9, 2024.

Through the Wignell report, the municipality petitioned under Section 4 of the *Drainage Act* for three new branch drains to allow for legal drainage across private land. The three branch drains are defined below and detailed in Appendix "A".

- The Bower Drain
 - Outlets the north end of Reuter Road and east to the main drain. This channel previously existed under the *Ditches and Watercourse Act* and will now be recognized through the *Drainage Act*. This Drain will be 413 metres (1,355 feet) in length.
- Wignell Branch Drain #2
 - This branch incorporated an existing private drainage system and is located west of Lorraine Road. The existing piped system is proposed to be abandoned and the drainage channel will be relocated to the open field west of the existing house. This drain will be 285 metres (935 feet) in length.
- Wignell Branch Drain #3
 - This branch incorporated an existing private system and is located east of Lorraine Road. This drain will be 242 metres (794 feet) in length.

The purpose of this Engineer's report was to incorporate the many changes in the assessment schedules, as well as changes to the drain names and to incorporate the proposed branch drains and alterations to the existing drain.

The final version of the Engineer's Report by EWA Engineering Inc. was delivered to the City on February 27, 2024, and filed with the City Clerk on March 11, 2024.

Receipt of the Engineer's Report, under Section 41, Chapter D.17 of the *Drainage Act*, requires advancement of the report to a Meeting to Consider and initiates the obligations of the public process, including mailing of the report and Meeting to Consider date to each property owner within the watershed. Subject to Council approval, the tentative date for the Meeting to Consider will be April 23, 2024.

Financial Implications:

The fees incurred by the municipality to date, for works constructed and for the completed engineer's report, total approximately \$655,100. As per the Engineer's Report, the estimated cost of the project is approaching nearly \$1,643,000 inclusive of the Engineer's fees.

The costs associated with the work completed to date includes:

Wiebe Engineering Fees

- \$53,400 - Report
- \$32,100 - Engineering and Construction Inspection (retaining wall 2007)

Wignell Drain Erosion Control & Debenture Fees

- \$242,000 – Construction of Retaining Wall (2007)
- \$17,200 – Debenture Fees

AMEC Fees

- \$19,400 (1/2 of total Engineering Fees, as per the direction of the Court of Revision for the Michener and Port Colborne Drain Reports)

EWA Engineering Fees

- \$259,000 - Report
- \$28,800 - Report, Taxes, Administration

Construction of Access Road on Lakeshore Road East

- \$3,200 – Construction of Access Road

Should this report not proceed, the municipality will not have the opportunity to collect the funds expensed to date.

As the City of Port Colborne is the only contributing municipality within this drainage project, it will continue to bear all costs until completion of construction of this project, at which time those costs can be assessed to the respective property owners as detailed in the engineer's report.

All construction to comply with the Engineer's Report will be recorded and finances will be tracked accordingly. To finance the drainage works, the expenses of the project will be charged interest at the City's Bank Prime Rate + 2% until the Engineer signs the

certificate of final completion. At that time, the members of the watershed will be invoiced for the works completed.

Public Engagement:

Any reports or works completed through the *Drainage Act* must follow all regulations of the *Drainage Act*. To date, many meetings have been held with the members of the watershed with the most recent being on March 7, 2019. Following Council's direction to proceed with the Meeting to Consider, staff will initiate a mailing to the owners of properties in the watershed which will contain notification of the Meeting to Consider and a copy of the Engineer's Report on a flash drive. The report will also be posted on the City's website or will be available in hard copy for those that can not access the report digitally.

Strategic Plan Alignment:

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

- Sustainable and Resilient Infrastructure
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Conclusion:

An up-to-date Engineer's Report allows for routine drain maintenance, effective roadside ditching programs ensuring road safety, enhancing community resiliency, and allows staff to provide residents with a standard level of service.

The Municipality is bound by the *Drainage Act* to comply and proceed accordingly, thus advancing the Engineer's Report to the Meeting to Consider, under Section 41 of the Act, complies with these requirements.

The advancement of this report initiates a public process, beginning with the mailing of the Engineer's Report and a notification for the upcoming 'Meeting to Consider' to each owner within the watershed.

Appendices:

- A. Plan of the Wignell Municipal Drain

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.