



PORT COLBORNE

Subject: Oil Mill Creek Municipal Drain

To: Council

From: Public Works Department

Report Number: 2024-141

Meeting Date: July 23, 2024

Recommendation:

That Public Works Department Report 2024-141 be received; and

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

Purpose:

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.

Receipt of an Engineer's Report, under Section 41, Chapter D.17 of the *Drainage Act*, requires Council's advancement of the report to a Meeting to Consider the report.

The Meeting to Consider the Report is tentatively set for September 3, 2024, pending acceptance of this report and direction for staff to complete a mailing of the required notification to the affected landowners.

Background:

Municipal records indicate the Oil Mill Creek Municipal Drain has been in existence since about 1888. The original single main drain was approximately 1,000 metres long and outlets at the lake to a termination point on the eastern edge of the current Pinecrest Road. The drain has evolved to what it is today with a main branch extending to the Friendship Trail, three easterly branches, and one westerly branch. The drainage area has not appeared to increase since the original report. The original report described the drain as "running through quite lowlands".

On October 28, 2019, Paul Marsh, P. Eng of EWA Engineering Inc., was appointed under Section 74 of the Drainage Act R.S.O. 1990 to complete a new report for this watershed.

Discussion:

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 lapse of time taken to get to a final report, the reappointment of Paul Marsh of EWA Engineering Inc. occurred at the January 25, 2022 Council meeting. Staff acknowledge that the requirements of the Drainage Act were not completed within the 1-year mark, however changes to the original scope of work and delays with the commenting agencies accounted for this delay.

The Oil Mill Creek Municipal Drain is located within the City of Port Colborne municipal boundary. As this municipal drain is outside the urban boundary there will be no funds used from the City's collected storm sewer fees.

The main drain is 1,991 meters in length, servicing an area of 265 hectares. The Oil Mill Creek Drain watershed is comprised of the main drain and four branch drains. The boundary is slightly adjusted based on the updated mapping in 2012 from the last report.

At the onset of appointment, a petition through the Drainage Act was signed by the Road Authority to provide drainage for the landowners in Bell Acres Subdivision. This request was for a fifth branch that would extend north and east to incorporate the existing swales in the subdivision as municipal drains. Although this would be an added cost to the residents of the subdivision, it would allow for more frequent maintenance of the subdivision swales and roadside ditches.

After the most recent public meeting regarding the drain, held on November 27, 2023, it was determined by staff to withdraw the petition and complete the swale and roadside ditching under the roadside ditching program.

Other works proposed with this report include:

- A small realignment at the connection of East Branch 2 and East Branch 3 to the Main Drain just north of Vimy Ridge Road,
- Adjustments to the winch at the gate structure at the lake,
- Changing the grade of East Branch 1 and the West Branch to improve drainage upstream, and
- A gravel riffle and pool upstream of the culverts in Centennial Park, and a new wetland stormwater management feature in Centennial Park that will provide excess runoff storage during gate closure due to high lake levels.

The purpose of this Engineer's report was to capture any newly created lots (severances) within this watershed bringing the assessment schedules up to date, as well as incorporate the proposed changes within the drainage area.

Staff received a copy of the Engineer's Report prepared by EWA Engineering Inc. dated June 24, 2024, and subsequently filed with the City Clerk on July 18, 2024.

Internal Consultations:

Consultation with various departments regarding the financials and the proposed work outlined in the Engineers report have taken place.

Financial Implications:

The total fees incurred by the City to date for the survey of the drain, the drafting fees, and the engineering fees for the completed engineer's report, are approximately \$270,000. As per the Engineer's Report, the total project estimated cost is approaching \$612,000, inclusive of the Administration and Engineer's fees.

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 staff will bill to the respective property owners as detailed in the engineer's report.

To finance the drainage works, the City will charge interest on funds that have been spent. The interest rate is calculated at the City's Bank Prime Rate + 2%. As per the Drainage Act, interest will be calculated until the Engineer signs the certificate of final completion.

Public Engagement:

Any reports or works completed through the *Drainage Act* must follow all regulations of the *Drainage Act*. Two meetings with all landowners assessed for the works of the Oil Mill Creek Drain have taken place with the most recent meeting being on November 27, 2023. Following Council's direction to proceed with the Meeting to Consider, staff will initiate a mailing to the landowners assessed in this report. The mailing will contain notification of the Meeting to Consider and directions to obtain a copy of the Engineer's report on the City's website. For those that are unable to use the website or prefer an electronic version of the report, they will be provided directions to contact staff.

Strategic Plan Alignment:

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

- Sustainable and Resilient Infrastructure
-

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 City 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 Oil Mill Creek Municipal Drain

Respectfully submitted,

Alana Vander Veen
Drainage Superintendent
905-228-8127
Alana.VanderVeen@portcolborne.ca

Report Approval:

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