



PORT COLBORNE

Subject: Billing of the Zavitz Municipal Drain

To: Council

From: Public Works Department

Report Number: 2024-194

Meeting Date: November 26, 2024

Recommendation:

That Public Works Department Report 2024-194 be received; and

That the Zavitz Drain Levy By-law be approved to allow for the billing of the Zavitz Municipal Drain and associated Branch Drains, as outlined in Appendix B of Public Works Department Report 2024-194.

Purpose:

This report has been prepared to inform Council that construction on the Zavitz Municipal Drain was completed by the Town of Fort Erie and has resulted in an invoice for the City of Port Colborne's portion, received on September 27, 2024. The Town of Fort Erie applied for a grant for the farm parcels and has subsequently removed that portion from the invoice. This report also requests Council's approval to bill the landowners assessed for the Zavitz Municipal Drain work.

Background:

On October 12, 2010, the Town of Fort Erie approved the appointment of Drainage Engineer, Paul Smeltzer from AMEC Foster Wheeler to complete a new report. Similarly, on May 12, 2011, the City of Port Colborne approved the same appointment of Paul Smeltzer to complete a new report for the Zavitz Municipal Drain in Port Colborne and also petitioned for Branch Drains.

In 2016, the Town of Fort Erie received a completed report dated October 2016. The Town of Fort Erie preliminarily adopted and further proceeded with the process of appeal to both the Court of Revision and the Tribunal prior to the final adoption of the report. The Town of Fort Erie issued a tender and the successful bidder who completed the work was

Anthony's Excavating Central Inc. Construction began in fall of 2017 and was completed in December of 2019.

Discussion:

The original estimate of this project and the actual cost are outlined in the table below:

	Estimate	Actual
Zavitz Drain	\$190,679	\$102,148
Sherkston North Branch	\$71,370	\$98,460
East Trail Branch	\$21,873	\$12,344
West Trail Branch	\$33,942	\$21,076

The actual amounts assessed to both the municipality and the landowners are as follows:

	City Cost	Landowners Portion	Ministry of Transportation	Fort Erie Portion
Zavitz Drain	\$6,341	\$29,501	\$5,082	\$929
Sherkston North Branch	\$68,146	\$29,571	\$0	\$744
East Trail Branch	\$8,090	\$4,254	\$0	\$0
West Trail Branch	\$17,622	\$3,454	\$0	\$0

Note that the amounts shown above vary slightly from Appendix A. The difference is from an error in the Engineers Report assessing a portion of Holloway Bay Road to the City of Port Colborne. This section of road is entirely owned by the Town of Fort Erie therefore a complete cost to Fort Erie. Further details of the above are included in Appendix A.

Internal Consultations:

Consultation was held with the City's Finance Division 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. As the Town of Fort Erie was the initiating

municipality, Fort Erie has held all costs to date on this project. The City of Port Colborne has incurred no additional costs for the completion of this project.

Public Engagement:

The *Drainage Act R.S.O 1990* has many points of public consultation. The following is a list of events identifying when mailings occur to inform the property owners defined within the engineer's report of the public meetings and public appeal processes set out by the *Drainage Act R.S.O 1990*:

- Notice of Public consultation prior to the completion of the report,
- Notice of Meeting to consider the report,
- Notice of Court of Revision,
- Notice of Tribunal, and
- Notice of Meeting to Consider Contract Price

It is worth noting that the construction of this drain was completed in late 2019 and there has been no communication with the assessed landowners since the construction phase.

Strategic Plan Alignment:

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

- Sustainable and Resilient Infrastructure
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Conclusion:

It is recommended the City 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 to the City of Port Colborne for the Zavitz Drain is \$172,061. Approval of this report will allow staff to proceed with the billing of these works and collect the amount of \$71,862 from the affected property owners. The remaining balance of \$100,199 is the City's portion of the assessment and will be paid through the City's drainage reserve budget.

Appendices:

- a. Town of Fort Erie Levy Bylaw and Report 094-2024 Final Assessment Levy
Zavitz Municipal Drain
- b. Assessment Schedule and Zavitz Municipal Drain By-law

Respectfully submitted,

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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.