



Subject: Meeting to Consider the Oil Mill Creek Municipal Drain Report – Second Sitting

To: Council

From: Public Works Department

Report Number: 2025-90

Meeting Date: May 6, 2025

Recommendation:

That Public Works Department Report 2025-90 be received; and

That the Mayor and Clerk be directed to execute a by-law to provisionally adopt the Oil Mill Creek Engineer's Report, dated February 27, 2025, prepared by Paul Marsh, P. Eng of EWA Engineering Inc. under Section 78, Chapter D. 17 of the *Drainage Act* R.S.O. 1990; and

That Councillor _____, Councillor _____, and Councillor _____ be appointed to sit on the Court of Revision and that Councillor _____ be appointed as alternate.

Purpose:

At the March 11, 2025 Council Meeting, Council approved Report 2025-22, authorizing staff to proceed to the Meeting to Consider (second sitting) for the Oil Mill Creek Municipal Drain. The purpose of this report is to present the findings of the Oil Mill Creek Engineer's Report at the Meeting to Consider and to seek approval to advance the report to the next step, which is the Court of Revision.

Background:

Council Report 2025-22 provided the history and background of the Oil Mill Creek Municipal Drain. In the report, staff informed Council of the receipt of the Oil Mill Creek Municipal Drain Engineer's Report, which was then filed with the Clerk's Division on April 11, 2025 and Council directed staff to proceed to the Meeting to Consider.

The *Drainage Act, R.S.O. 1990*, requires the Clerk to send a copy of the Oil Mill Creek Municipal Drain Engineer's Report to all assessed landowners within 30 days of receipt. To meet this requirement, a notification was mailed on April 22, 2025, which provided instructions on how to review the Engineer's Report on the City's website, at City Hall or the City Library. If there were any issues encountered, the Drainage Superintendent could be contacted for a hard copy of the report.

Discussion:

The Oil Mill Creek Municipal Drain Report, prepared by the appointed engineer Paul Marsh, P. Eng., of EWA Engineering Inc., will be presented for Council's consideration. In accordance with the *Drainage Act*, property owners notified under Sections 41(1) and 41(2) have the opportunity at the Meeting to Consider to ask questions or raise concerns related to design or gross errors in the Engineer's Report; if necessary, Council may refer the report back to the Engineer for reconsideration, but not regarding assessments, which are addressed through the Court of Revision. At this meeting, property owners may also add or remove their names from a drainage petition under Section 42. Council must appoint three members and an alternate to the Court of Revision as required under Section 97(3), with an agenda and guidance to be provided prior to the Court's session.

Updating Municipal Drain Engineer's Reports is a municipal responsibility under the Act, and with development changes and concerns raised about drainage capacity, a revised assessment schedule and further engineering studies, including a Baseline Report and a Hydraulics and Hydrology Report, have been completed to support the final Engineer's Report.

The Oil Mill Creek Municipal Drain has been the subject of an ongoing review and has been reported on through Council Reports 2024-164 and 2025-22. The original Engineer's Report, presented in 2024, identified a range of drainage concerns and proposed several improvement options, including a wetland storage facility, rock removal, flap-gate upgrades, and potential pump installation. These options were explored in detail at that time and formed the basis of the Municipal Drain Report.

Following Council's direction in 2024 to reconsider the scope and cost of the proposed works, staff and the appointed Engineer undertook a revised review of the Report and associated design features. As outlined in Report 2025-22, the updated version of the Municipal Drain Report reflects a cost-conscious, "bare bones" approach that prioritizes essential drainage improvements. Key changes include the removal of the engineered wetland feature from the current design, which results in a cost savings of approximately \$150,000 while still maintaining the necessary drainage upgrades.

While certain drainage enhancements such as rock removal in the West Branch and flap-gate improvements at the outlet remain critical and have been retained, the overall

scope has been refined to align with Council's direction to reduce financial impact on assessed landowners. Stormwater management can be inherently expensive, and staff recognize the financial impact this has on property owners within the drainage area. The goal of this review was to find equitable solutions that balance cost with necessary improvements to the Oil Mill Creek. Modernizing the Engineer's Report was essential to ensure the Oil Mill Creek Municipal Drain functions effectively. While the updated version reflects Council's direction to reduce costs wherever feasible, there are unavoidable expenses associated with achieving proper and reliable drainage.

Staff are pursuing grant funding opportunities to support stormwater enhancements through the proposed wetland within Centennial Park in the Oil Mill Creek Watershed, which will be implemented outside the current drainage report process.

This revised Engineer's Report is now being brought forward for consideration and potential advancement to the Court of Revision. Council will decide whether to:

- Adopt the Engineer Report and give the Provisional By-law two readings, which will then begin the formal appeal process to begin as prescribed by the *Drainage Act* R.S.O. 1990
- Reject the Report
- Refer the Report back to the Engineer to make changes related to errors, omissions, design or scope of work

Financial Implications:

All upfront administration and financing have already been borne by the City of Port Colborne. Once the report is adopted, construction will begin, and all construction costs will additionally be borne by the City of Port Colborne. These costs will then be expensed to the affected landowners according to the assessment schedule contained in the report through the adoption of a drain levy by-law.

Eligible drainage works costs will be recorded to a drainage account established for the drainage set out in this report. That account will continue to be charged interest at the City's Bank Prime Rate + 2% to temporarily finance the drainage works until the Engineer's certificate of final completion.

The total estimated cost of the project is \$436,808.69, excluding interest charges that will accrue over the project, as indicated in the assessment summary schedule. Additionally included in the report is one maintenance schedule with six intervals. There are four branch drains which are assessed through intervals 2-5 and intervals 1 and 6 are variations of the main drain depending on what work is completed along the drain.

The following provides a summary of the estimated assessments for all works considered through this report:

Privately owned lands – \$346,524.12

Municipal Parcels and Friendship Trail – \$37,670.02

Municipal Roads - \$52,614.55

The Oil Mill Creek Municipal Drain is completely outside the limit of the urban storm sewer so there will be no charges funded through the urban storm sewer funds.

Public Engagement:

The process of the *Drainage Act* is a public process and adhering to the Act, public meetings were held. The first was virtual via Zoom on February 23, 2022, and the second was at City Hall on November 27, 2023. Many additional meetings with individual assessed landowners also took place.

The last public meeting with the assessed landowners was on September 3, 2024, which was the first Meeting to Consider.

As per the *Drainage Act*, following the Meeting to Consider, a copy of the provisional by-law and notices for appeals will be mailed to all parcels assessed.

Strategic Plan Alignment:

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

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

The updated Oil Mill Creek Municipal Drain Engineer's Report reflects Council's direction to revise the scope which maintains critical upgrades necessary for effective drainage while removing higher-cost features to reduce the financial burden. Advancing the Engineer's Report and associated by-law to the Court of Revision is the next step required under the *Drainage Act*, providing landowners the opportunity to appeal assessments before construction proceeds.

Appendices:

- a. Oil Mill Creek Municipal Drain Report dated February 27, 2025

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.