



Subject: Billing of the Schihl Municipal Drain

To: Council

From: Public Works Department

Report Number: 2022-67

Meeting Date: April 26, 2022

Recommendation:

That Corporate Services Department Report 2022-67 be received;

That the billing for the Schihl Municipal Drain be invoiced in accordance with the Drainage Act, as outlined in Appendix A of Public Works Department Report 2022-67; and

That the Schihl Drain Levy By-law be approved.

Purpose:

This report has been prepared to inform Council of the completion of construction and the receipt of the Ontario Ministry of Agriculture, Food, and Rural Affairs (OMAFRA) grant for farm parcels, and to seek permission to complete the billing for said works of the Schihl Municipal Drain.

Background:

John Kuntze, P. Eng of K. Smart Associates Limited was appointed on November 6, 2002, and Neal Morris, P. Eng of K. Smart Associates Limited was appointed on November 27, 2017, to review and finalize the Schihl Municipal Drain Report under Section 4 of *The Drainage Act R.S.O. 1990*.

A tender was issued, awarded to Anthony's Excavating Central Inc., and construction of the drain began in February of 2020. The project was complete and final inspection was held on May 13, 2020. Substantial completion was provided by the appointed Engineer on December 18, 2020. An application for the construction grant was made through OMAFRA, and notification of approval was received on March 17, 2022.

Discussion:

As required for all new engineer's reports, 3 points of appeal were presented to the members of the watershed, however, no individuals chose to challenge the report and the construction continued as originally presented.

The original estimate of this project as outlined in the Engineer's Report was \$392,980.

Through the tendering process and the ability to compete a portion of the project with municipal staff, the total project cost amounted to \$363,000.71, reducing the amount of the project by 7.16%. The net cost of the project to be billed to the watershed is \$222,347.49. 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 \$35,853.23 has been received. 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 \$104,800. The amount of \$104,800 is raised as a part of the overall project and is apportioned to all the property assessed through the project.

The net cost of the project is as follows:

	Residential*	Municipal	Total
City of Port Colborne	\$ 129,725.24	\$ 6,994.73	\$ 136,719.97
Town of Fort Erie	\$ 29,600.77	\$ 56,026.77	\$ 85,627.52
Total	\$ 159,326.01	\$ 63,021.50	\$ 222,347.49

Details of the above are included in Appendix A.

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.

Public Engagement:

The Drainage Act has many points of public consultation. All of these points were exercised through 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:

- City-Wide Investments in Infrastructure and Recreational/Cultural Spaces
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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 Schihl Drain is \$222,347.49, approval of this report will allow staff to proceed with the billing of these works and collect the amount of \$215,352.76 from the affected property owners. The remaining balance of \$6994.73 is the City's portion of the assessment and will be paid through the City's approved drainage budget.

Appendices:

- a. Assessment Schedule
- b. Schihl 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.