



**Engineering and Operations Department
Engineering Division**

Report Number: 2020-146

Date: October 26, 2020

SUBJECT: Michener Municipal Drain Meeting to Consider

1. PURPOSE

This report, prepared by Alana Vander Veen, Drainage Superintendent, and authorized by Steve Shypowskyj, Acting Director of Engineering and Operations, is a follow-up to Council's direction to proceed to the "Meeting to Consider", regarding the final delivery of the Michener Municipal Drain Engineer's Report, prepared by EWA Engineering Inc. The purpose of this report is to provide Council with the requisite procedure pertaining to the October 26, 2020 Meeting to Consider and the subsequent Court of Revision.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

Further to Engineering and Operations Department, Engineering Division Report No. 2020-73, which presented Council with a history, background and summary of events leading up to the delivery of the final version of the Engineer's Report, the following update is provided.

Following Council's decision, staff completed a mailing of the Engineer's Report and notification to all properties and/or entities in the watershed that would be affected by this drainage works, stating the date of filing of the Engineer's Report with the City Clerk; the name of the drainage works; and the date and time of the Council meeting at which the Engineer's Report would be considered. This mailing was completed pursuant to the requirements of Sections 41(1) & 41(2) of the *Drainage Act R.S.O. 1990* (the Act).

3) STAFF COMMENTS AND DISCUSSIONS

At this meeting, Council will be provided with a verbal presentation by the Engineer of record, Paul Marsh, P. Eng., of EWA Engineering Inc., outlining the intricacies of the Michener drainage works.

The property owners who were notified under Sections 41(1) & 41(2) of the Act have been provided an opportunity to submit any questions or concerns regarding the design or any gross errors in the Engineer's Report prior to the Council meeting. Should the Meeting to Consider reveal any errors in the Engineer's Report, Council may refer the report back to the Engineer for reconsideration. However, under no circumstances is Council to refer the Report back to the Engineer regarding assessments. Concerns related to assessment are a function of the Court of Revision, which is legislated to occur within 60 days of the Meeting to Consider.

As per Section 97 of the Act with respect to the Court of Revision, three members are to be appointed by the Council of the City of Port Colborne. The three members appointed do not have to be standing members of the current Council; however, they must be eligible to run for Council within this municipality. A recommendation to that effect is contained in the recommendation section of this report.

4) OPTIONS AND FINANCIAL CONSIDERATIONS

a) Do nothing.

This is not an option as it is a mandate under the Act to ensure that Municipal Drain Reports are up to date for future maintenance.

b) Other Options

An up-to-date Engineer's Report allows for drain maintenance and roadside ditching programs, which allows staff to provide a reasonable level of service moving forward. All upfront administration and financing is borne by the City of Port Colborne. Once the report is adopted and the construction is completed, the financing or cost of the project will be expensed to the City of Port Colborne property owners, according to the assessment schedule contained in the report. There will be some assessment to the general levy for City-owned roads and properties within the watershed.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

The Municipal Drain Maintenance Strategic Planning is currently in progress. This project complies with all City legislative requirements.

6) ATTACHMENTS

Appendix A - A copy of the Engineer's Report containing plan and profile of the Michener Municipal Drain

7) RECOMMENDATION

That the Mayor and Clerk be directed to execute a by-law to provisionally adopt the Michener Municipal Drain Engineer's Report, dated May 7, 2020, prepared by Paul Marsh, P. Eng. of EWA Engineering Inc., under Section 78, Chapter D.17 of the *Drainage Act R.S.O. 1990*;

That staff be directed to advance the Michener Municipal Drain Engineer's Report to that of the Court of Revision, as per Section 46(1), Chapter D.17 of the *Drainage Act R.S.O. 1990*; and

That Councillor _____, Councillor _____ and Councillor _____ be appointed as a members of the Michener Municipal Drain Court of Revision and Councillor _____ be appointed as an alternate to be tentatively scheduled for December 9, 2020.

8) SIGNATURES

Prepared on October 6, 2020

Reviewed by:



Alana Vander Veen
Drainage Superintendent



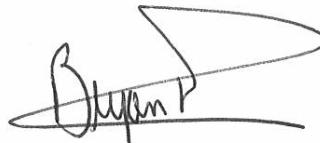
Steve Shypowskyj
Acting Director of Engineering &
Operations

Reviewed and respectfully submitted by:

Reviewed by:



Scott Luey
Chief Administrative Officer



Bryan Boles
Director of Corporate Services / Treasurer