



Subject: Port Colborne Municipal Drain 2nd Meeting to Consider

To: Council

From: Public Works Department

Report Number: 2022-250

Meeting Date: December 13, 2022

Recommendation:

That Public Works Department Report 2022-250 be received; and

That the Mayor and Clerk be directed to execute a by-law to provisionally adopt the Port Colborne Municipal Drain Engineer's Report, dated July 12, 2022, prepared by Paul Marsh, P. Eng. of EWA Inc., under Section 78, Chapter D. 17 of the Drainage Act R.S.O. 1990; and

That Councillor _____, Councillor _____ and Councillor _____ be appointed as members of the Port Colborne Municipal Drain Court of Revision and Councillor _____ be appointed as an alternate to be tentatively scheduled for January 25, 2023.

Purpose:

This report is a follow-up to the previously scheduled council meeting of July 26, 2021, where Council directed the appointed Engineer, Paul Marsh of EWA Engineering Inc., to make corrections to the previously presented report dated April 16, 2021.

The purpose of this report is to acknowledge the changes made and to provide Council with the requisite procedure to move the Engineer's Report forward to the Meeting to Consider and the subsequent Court of Revision should they be required.

Background:

This report is a follow up to report 2021-211 which was presented at the regularly scheduled Council meeting of July 26, 2021. The July 2021 meeting was the first Meeting to Consider, however a number of residents came forward with concerns regarding the

completeness of the Engineer's Report. Based on that feedback, Council referred the report back to the Engineer to review the concerns raised and to revise the report as necessary.

Following Council's decision, staff met with the Engineer to discuss the concerns presented. The report was reviewed and revised and resubmitted to the Clerk's office on November 15, 2022.

Some of the concerns addressed include:

- Grants were recognized and applied against the total drain works from 2015,
- Update to the parcel fabric,
- A request for the option of a culvert installation,
- Council's directions regarding assessments to the quarry land

Staff have notified, via mail, all property owners and/or entities in the watershed of this 'Meeting to Consider' and included a copy of the Engineer's Report on a USB Drive with instructions to contact staff should there be any concerns with viewing the drive. The notification stated 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. Instructions were also included regarding date and time to comment on the Report to be submitted to the Clerk's office. This mailing was completed as per the requirements of Sections 41(1) and 41(2) of the *Drainage Act R.S.O. 1990* (the Act).

For a more extensive background of this project, details can be found in Public Works Department Report 2021-148 which presented Council with a history, background, and summary of events.

Discussion:

At this meeting, Council will be provided with a verbal presentation by the Engineer of record, Paul Marsh, of EWA Engineering Inc., outlining the intricacies and revisions within the Port Colborne drainage works.

Members of the watershed shall be provided the opportunity to ask Mr. Marsh questions regarding further concerns raised related to the design or any gross errors in the Engineer's Report. Should the Meeting to Consider reveal further errors in the Engineer's Report, Council may again refer the report back to the Engineer for reconsideration. However, under no circumstances is Council to refer the Report back to the Engineer for any concerns regarding assessments. Concerns related to assessment are a function of the Court of Revision, and this process, under the Drainage Act, must occur within 60 days of the Meeting to Consider.

Section 97 of the Act states, the Court of Revision shall consist of three members 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.

Prior to the Court of Revision, the selected panel members will be provided an agenda, guide and key notes outlining the appeals presented to help them through the process.

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.

Financial Implications:

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

Once the report is adopted and the construction is completed, the financing and cost of the project will be assessed to the City of Port Colborne property owners, according to the assessment schedule contained in the report. There will be assessments to the general levy for City-owned roads and properties within the watershed, as identified in the assessment schedule. Additionally, as per council directive, properties in the drainage watershed that are also within the urban stormwater boundary and pay annual storm sewer fees will have their assessments paid by the City's stormwater budget.

The total estimated cost of the drainage works, in present value dollars and before financing cost, is \$313,126.19. The breakdown of assessments based on this figure are as follows:

- Estimated portion to the members of the watershed = \$264,584.87
- Estimated portion to be paid by the drainage reserve to cover the costs assessed to Municipal Roads and Municipal Parcels = \$36,417.35
- Estimated portion for the storm taxed parcels = \$12,123.97

Public Engagement:

The Drainage Act, R.S.O. 1990 provides a comprehensive list of details for public engagement.

Strategic Plan Alignment:

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

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
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Conclusion:

Staff look forward to completing the required steps under the Drainage Act with the end goal of field work to provide better drainage for the residents of this watershed.

Appendices:

- a. A copy of the Engineer's Report containing plan and profile of the Port Colborne Municipal Drain dated July 12, 2022

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.