



PORT COLBORNE

Subject: Biederman Municipal Drain Meeting to Consider

To: Council

From: Public Works Department

Report Number: 2023-35

Meeting Date: March 7, 2023

Recommendation:

That Public Works Department Report 2023-35 be received; and

That the Mayor and Acting Clerk be directed to execute a by-law to provisionally adopt the Biederman Municipal Drain Engineer's Report, dated January 12, 2023, prepared by Brandon Widner, P. Eng. Of Spriet Associates Engineers & Architects, under Section 4 & 78, Chapter D. 17 of the *Drainage Act R.S.O. 1990*; and

That Councillor _____, Councillor _____ and Councillor _____ as an alternate for the City of Port Colborne be appointed to sit on the Court of Revision; and

That the Acting Clerk be directed to request that the City of Welland and the Township of Wainfleet each appoint one representative to sit on the Court of Revision.

Purpose:

This report is a follow-up to the February 14, 2023, Council meeting where staff were directed to proceed to the Meeting to Consider for the Biederman Municipal Drain.

The purpose of this report is to provide Council with the requisite procedure to move the Engineer's Report forward to the Court of Revision.

Background:

Council was provided with the history and background of the Biederman Municipal Drain in Public Works Department Report 2023-16, presented at the February 14, 2023, Council meeting. In the report, staff informed Council that the final version of the Engineer's Report for the Biederman Municipal Drain was received from Spriet

Associates Engineers & Architects and was filed with the City Clerk on February 1, 2023. Council directed staff to proceed to the Meeting to Consider.

Section 41(1) of the *Drainage Act, R.S.O. 1990*, outlines the requirement of the Clerk, to send a copy of the Report, within 30 days of receipt, to all property owners in the drainage area, with the exception of owners whose assessment is less than \$100.

The Engineer's report has been reviewed by Staff and found to be free of any errors or omissions that should withhold this report from proceeding to the Court of Revision.

Discussion:

On February 17, 2023, a notice of the Meeting to Consider was mailed to all properties assessed in the report. A digital copy of the Engineer's Report, and the directions on accessing the report on the City of Port Colborne's website were provided with the notice. As this drainage system affects properties in both the Township of Wainfleet (Wainfleet) and the City of Welland (Welland), notices were also sent to those respective municipalities, as per Section 41 (2) of the Act.

At this meeting, Council and the invited property owners will be provided with a presentation by the Engineer of record, Brandon Widner, P. Eng., of Spriet Associates Architects & Engineers, outlining the intricacies of the Biederman Municipal Drain Report.

The property owners who were notified under Sections 41(1) and 41(2) that choose to attend the Meeting to Consider are to be provided an opportunity to ask questions of the Engineer or express any concerns over the Engineer's Report related to design or any gross errors in the report. 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 assessments are a function of the Court of Revision.

Additionally, at this meeting, as per Section 42 of the Act, anyone wishing to remove or add their name to a petition for further drainage, may do so at this time.

At this meeting, the City's representatives on the Court of Revision are to be appointed. As per Section 97(3) of the Act, as there are assessed properties in neighbouring municipalities, Council is required to appoint two members, with one of the members acting as chair of the Court of Revision. The Councils for Wainfleet and Welland are also required to each appoint a member.

An agenda to guide the selected Council members through the Court of Revision along with key notes will be provided prior to the Court of Revision which is tentatively scheduled for Monday April 17, 2023.

Financial Implications:

All upfront administration and financing have already been borne by the City of Port Colborne. All construction costs will additionally be borne by the City of Port Colborne as Wainfleet has requested that the City complete all construction on this project. Once the report is adopted and the construction is completed, the financing and cost of the project will then be expensed to the affected landowners in all three municipalities, according to the assessment schedule contained in the report.

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.

The total estimated cost of the project is \$518,000. Included in the report are four assessment schedules, one for each section of the drain, the main drain, both Branch 'A' and 'B', and the newly petitioned Sugar Branch. The breakdown of the total estimate for all works is as follows:

City of Port Colborne - \$211,069

City of Welland - \$535

Township of Wainfleet - \$306,396

The following provides a further breakdown for the estimated assessments within the City of Port Colborne for all works considered through this report:

Privately owned lands – \$80,876

Region of Niagara – \$13,426

Ministry of Transportation – \$ 25,911

Municipal Parcels – \$16,893

Municipal Roads and Railway - \$73,963

The Biederman Municipal Drain is one of the drains that is both within the rural area and the urban storm levy area. As per the direction of Council, the assessments for the privately owned lands located in the urban storm area are to be paid from the storm sewer levy. This cost is estimated at \$720.

Public Engagement:

Two public meetings have been held to date. An onsite meeting on February 11, 2020, shortly after the appointment of Mr. Widner and a preliminary meeting on April 6, 2022. For both meetings all assessed property owners were invited to attend.

Following this Meeting to Consider, additional mailings and meetings will be held following the requirements of the Drainage Act.

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:

That Council approve this report and attached bylaw for the Biederman Municipal Drainage works to proceed to the next step of the Drainage Act, the Court of Revision.

Appendices:

- a. A copy of the Engineer's Report containing plan and profile of the Biederman Municipal Drain

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.