



Council Report

Report Number:	ENG2024-010
Meeting Date:	April 30, 2024
Title:	Short and 2A Drain –Minor Improvement- Consideration of Engineer’s Report
Description:	Recommendations from the Drainage Board after holding a Meeting to Consider the Engineer’s Report pursuant to Section 42 of the Drainage Act.
Author and Title:	Richard Monaghan, Drainage Superintendent

Recommendation(s):

That Report **ENG2024-010, Short and 2A Drain – Minor Improvement - Consideration of Engineer’s Report**, be received;

That the Short and 2A Municipal Drain Minor Improvement Engineer’s Report, as prepared by M. Gerrits P.Eng, be adopted;

That a by-law be provisionally adopted by first and second reading to provide for the minor improvement amendment to the drainage works in the City of Kawartha Lakes known as the Short and 2A Municipal Drain;

That staff be instructed to provide the necessary notice following adoption of the provisional by-law; and

That following the last date of appeal to the Drainage Referee on the necessary notice, and if no appeals are filed, Council adopt the provisional by-law with a third reading at the next available Regular Council Meeting.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the Regular Council Meeting of March 21, 2023, Council adopted the following resolution:

CR2023-180

That Report **ENG2023-007, Short and 2A Municipal Drain – Request for Minor Improvement**, be received;

That Council accept the Request for Minor Improvement on the Short and 2A Municipal Drain submitted by Guy Masters, and that the City Clerk proceed with the notice required under Section 78(5) of the Drainage Act; and

That pursuant to Section 8(1) of the Drainage Act, R.S.O. 1990, Chapter D. 17, staff recommend that Council appoint Michael Gerrits, P. Eng of M. Gerrits Consulting Inc. for the examination of the area and proceed with the requirements of the proposed Minor Improvement project.

Carried

Since that time, in accordance with Section 9(1) of the Drainage Act, an on-site meeting was held on June 5, 2023. Affected landowners, City staff and the Engineer were in attendance. The Engineer examined the site to confirm the request met the requirements of a minor improvement project and provided information about the drainage act and the process to follow.

At the Drainage Board meeting of April 2, 2024, under Section 42 of the Drainage Act, a Meeting to Consider the Engineer's Report was held. The engineer presented the report to the board and members of the public. Following the presentation, the Engineer answered questions from the board and affected landowners. At the conclusion of the meeting, the petitioner confirmed that they wish to remain on the petition and the board adopted the following recommendation:

DB2024-04

Moved By Councillor Richardson

Seconded By Councillor Ashmore

Recommend that the Short and 2A Municipal Drain Minor Improvement Masters Level Crossing Engineer's Report, as prepared by M. Gerrits P. Eng, be adopted;

That a by-law be provisionally adopted by first and second reading to provide for the minor improvement amendment to the drainage works in the City of Kawartha Lakes known as the Short and 2A Municipal Drain;

That staff be instructed to provide the necessary notice following the adoption of the provisional by-law; and

That following the last date of appeal to the Drainage Referee on the necessary notice, and if no appeals are filed, Council adopt the provisional by-law with a third reading at the next available Regular Council Meeting.

Carried

This report addresses that direction.

Rationale:

The City of Kawartha Lakes Drainage Board is established under the authority of the City of Kawartha Lakes Act, 2000. The Act states the following regarding Drainage Matters:

6 (1) The council may by by-law,

(a) establish a drainage board;

(b) delegate to the drainage board any of the council's powers and duties under the *Drainage Act*, except for its power to make by-laws and resolutions; and

(c) require the drainage board to exercise the council's powers and duties with respect to any matter under the *Drainage Act* in which the council is required by law to hold hearings or afford an opportunity to be heard. 2000, c. 43, s. 6 (1).

As the City of Kawartha Lakes Drainage Board does not have authority to make resolutions or pass by-laws, this report is presented to Council to confirm the recommendations made at the most recent Drainage Board meeting.

The recommendations made at the last Drainage Board meeting were made based on the material submitted to the Drainage Board. The material is attached to this report for Council's review.

Other Alternatives Considered:

Where a report is not adopted by Council, a petitioner may appeal to the Drainage Tribunal or where lands used for agricultural purposes are included in the area to be drained, the Minister may refer the matter to the Drainage Tribunal.

Alignment to Strategic Priorities

The Kawartha Lakes Strategic Plan identifies the following two priorities that bolster support for an active and effective Drainage Program in the City of Kawartha Lakes:

- Protect and support agricultural land and agri-business

- Offer business development programs to support the agricultural, tourism, arts, culture, heritage, small business, manufacturing and innovation sectors

Financial/Operation Impacts:

Minor Improvement Projects proposed under Section 78(5) of the Drainage Act have full project cost assessed to the Requesting Landowner only. There are no financial impacts to the City or other landowners assessed to the Short and 2A Municipal Drain.

Consultations:

Manager of Technical Services

City Clerk

Attachments:

Appendix A – Short and 2A Drain – Minor Improvement Engineer's Report



Appendix A - Short
and 2A Drain - Mino

Appendix B – Minutes of the April 02, 2024 Drainage Board Meeting



Appendix B -
Minutes of the April

Department Head email: jrojas@kawarthalakes.ca

Department Head: Juan Rojas