



Council Report

Report Number:	ENG2022-008
Meeting Date:	February 22, 2022
Title:	Hugh Davidson Municipal Drain Improvement Consideration Report
Description:	Municipal Drains
Author and Title:	Michael Farquhar, Supervisor of Technical Services, Engineering and Corporate Assets

Recommendation(s):

That Report ENG2022-008, **Recommendations from the January 20, 2022 Drainage Board Meeting (Hugh Davidson)**, be received;

That Council adopt the Hugh Davidson Municipal Drain Section 78 Improvement Report (as prepared by M. Gerrits P. Eng.) and proceed with first and second reading of a by-law to provide for improvements to existing drainage works in the City of Kawartha Lakes known as the Hugh Davidson Municipal Drain; and

That Council instructs staff to make the necessary arrangements for a Court of Revision to be held on the Hugh Davidson Municipal Drain Section 78 Improvement.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Hugh Davidson Municipal Drain Improvement Consideration Report**Background:**

At the Drainage Board Meeting of September 3, 2020, the Board adopted the following recommendation

DB2020-019

Moved By C. Clarke

Seconded By Councillor Ashmore

Recommend That the memorandum from the Drainage Superintendent - Engineering and Corporate Assets L. Feiter, dated September 3, 2020, regarding the Request for Drain Improvement for the Hugh Davidson Municipal Drain by owners Ed Bagshaw of Concession 8, PT W1/2 Lot 19, geographic Township of Mariposa, be received;

That the City proceed with the Request for Drain Improvement submitted by Ed Bagshaw for an improvement to the Hugh Davidson Municipal Drain and the City Clerk proceed by sending notices required under Section 5 and 78 of the Drainage Act, R.S.O. 1990, Chapter D. 17;

That pursuant to Section 8(1) and 78(2) of the Drainage Act, R.S.O. 1990, Chapter D. 17, and subject to any objection from Kawartha Conservation, that M. Gerrits Consulting Inc. be appointed as the Drainage Engineer on a date 30 days from the notice to the Kawartha Conservation for the examination of the drainage works and to proceed with the requirements of the proposed improvement under section 78 of the Drainage Act, R.S.O. 1990, Chapter D. 17.

Carried

Based on that recommendation forwarded to Council from the Drainage board Council passed the following resolution at the September 15, 2020 regular Council meeting

Recommendations from the August 13, 2020 and September 3, 2020**Drainage Board Meetings**

Mike Farquhar, Supervisor of Technical Services

- CR2020-272

That Report ENG2020-019, **Recommendations from the August 13, 2020 and September 3, 2020 Drainage Board Meeting**, be received;

That Council directs the appointed Engineering Firm D. M. Wills to proceed with an Engineer's Report for the MacEachern-Brown Municipal Drain under the provisions of the Drainage Act, R.S.O. 1990, c. D.17;

Hugh Davidson Municipal Drain Improvement Consideration Report

That the City proceed with the Request for Drain Improvement submitted by Ed Bagshaw for an improvement to the Hugh Davidson Municipal Drain and the City Clerk proceed by sending notices required under Section 5 and 78 of the Drainage Act, R.S.O. 1990, Chapter D. 17; and

That pursuant to Section 8(1) and 78(2) of the Drainage Act, R.S.O. 1990, Chapter D. 17, and subject to any objection from Kawartha Conservation, that M. Gerrits Consulting Inc. be appointed as the Drainage Engineer on a date 30 days from the notice to the Kawartha Conservation for the examination of the drainage works and to proceed with the requirements of the proposed improvement under section 78 of the Drainage Act, R.S.O. 1990, Chapter D. 17.

Carried

After appointment, Mr Gerrits began reviewing the area requiring drainage and improvements to the existing drain. Based on this review he held a public meeting for residents along the drain on November 10, 2020 to discuss the process under the drainage act as well as to receive input on his preliminary review.

At the Drainage Board Meeting of January 20, 2022, Mr Gerrits presented his section 78 report to Board and the Board adopted the following recommendation:

DB2022-004

Moved By Councillor O'Reilly

Seconded By T. Willcox

Recommend that the City of Kawartha Lakes Drainage Board recommend that Council adopt the Hugh Davidson Municipal Drain Section 78 Engineer's Report as prepared by M. Gerrits P. Eng and instruct the Clerk to prepare the necessary by-law;

That Council proceeds with the first and second reading of the by-law to provisionally adopt the report; and

That Council instructs staff to make the necessary arrangements for a Court of Revision to be held on the Hugh Davidson Municipal Drain Section 78 Engineer's Report as prepared by M. Gerrits P. Eng.

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 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:

Council holds the authority to alter any recommendation made by the Drainage Board prior to adoption.

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 businesses
- Offer business development programs to support the agricultural, tourism, cultural, manufacturing and innovation sectors

Financial/Operation Impacts:

Engineer's Reports prepared under the Drainage Act have costs assessed to affected landowners as outlined within the assessment schedule in the report.

Consultations:

Clerk's Office
Drainage Superintendent

Attachments:

Appendix A – Hugh Davidson Municipal Drain Improvement Report



Appendix A – Hugh
Davidson Municipal

Appendix B – Minutes of the January 20, 2022 Drainage Board Meeting



Appendix B –
Minutes of the Janu

Department Head email: jrojas@kawarthalakes.ca

Department Head: Juan Rojas