



Council Report

Report Number: ENG2022-007
Meeting Date: February 22, 2022
Title: OPS 4 Municipal Drain Improvement
Description: Municipal Drains
Author and Title: Michael Farquhar, Manager of Technical Services,
Engineering and Corporate Assets

Recommendation(s):

That Report ENG2022-007, **Recommendations from the December 9, 2021 Drainage Board Meeting (OPS # 4 Municipal Drain)**, be received;

That Council adopt the Ops 4 Municipal Drain Section 78 Improvement Report (as prepared by M. Gerrits P. Eng.) and proceed with first, second and third reading of a by-law to provide for improvements to existing drainage works in the City of Kawartha Lakes known as the Ops 4 Municipal Drain; and

That as the City of Kawartha Lakes is the sole assessed property owner for the Section 78 Improvement of the Ops 4 Municipal Drain, Council deems no further Court of Revision proceedings are required.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

In the spring of 2021, a culvert that forms part of the OPS 4 Municipal Drain failed. This culvert crosses the Victoria Rail Trail approximately 350m Southeast of River Road. Shortly after the failure, a temporary repair was made to ensure public safety for trail users.

Due to the complexity of the permanent repair required, the Drainage Act requires a new Engineer's Report created for this crossing under Section 78 of the Drainage Act. Mike Gerrits P.Eng. of Mike Gerrits Consulting prepared the section 78 Engineer's Report and presented the Report to the Drainage Board for Consideration on December 9, 2021.

At the Drainage Board Meeting of December 9, 2021, the Board adopted the following recommendation:

(Regarding the OPS #4 Municipal Drain)

DB2021-005

Moved By C. Clarke

Seconded By Deputy Mayor O'Reilly

That the City of Kawartha Lakes Drainage Board recommend that Council adopt the Ops 4 Municipal Drain Section 78 Report as prepared by M. Gerrits P. Eng, and instruct the Clerk to prepare the necessary by-law(s);

That as the City of Kawartha Lakes is the sole assessed property for the Section 78 improvement of the Ops 4 Municipal Drain, Council deems no further Court of Revision proceedings are required; and

That Council proceeds with the first second and third reading of a by-law to adopt the report.

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. However, it is recommended by staff that Council adopt the Drainage Board's recommendation in this report as the existing structure is compromised and replacement is required.

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:

All costs for work done under Section 78 Engineer's Report under the Drainage Act are assessed to land owners as per the Engineer's Report. As shown in the assessment schedule, the City is the only assessed landowner and the Engineer's estimate for this work is \$96,470.00. Actual costs will not be known until construction is completed.

Financial and Operation Impacts are identified in the attached memorandum to the Drainage Board.

Consultations:

City Clerk's Office
Drainage Superintendent

Attachments:

Appendix A – OPS 4 Improvement Engineer's Report



Appendix A – OPS 4
Improvement Engine

Appendix B – Minutes of the December 9, 2021 Drainage Board Meeting



Appendix B –
Minutes of the Dece

Department Head email: jrojas@kawarthalakes.ca

Department Head: Juan Rojas