



Council Report

Report Number:	ENG2022-009
Meeting Date:	March 22, 2022
Title:	MacEachern Brown Municipal Drain Consideration Report
Description:	Municipal Drains
Author and Title:	Michael Farquhar, Manager of Technical Services, Engineering and Corporate Assets

Recommendation(s):

That Report ENG2022-009, **MacEachern Brown Municipal Drain Consideration Report**, be received;

That Council adopt the MacEachern Brown Municipal Drain Engineer's Report (as prepared by Ken Smith and Mark Hoar of DM Wills Consulting) and proceed with first and second reading of a by-law to provide drainage works In the City of Kawartha Lakes known as the MacEachern Brown Municipal Drain;

That Council instructs staff to make the necessary arrangements for a Court of Revision to be held on the Engineer's Report for the MacEachern Brown Municipal Drain.

Department Head: _____

Financial/Legal/HR/Other: _____

Chief Administrative Officer: _____

Background:

At the October 22nd 2019, Council meeting the following resolution was adopted for the MacEachern / Brown drain petition.

CR2019-585

That Report ENG2019-023, **MacEachern / Brown Petition Drain**, be received;

That Council proceeds with the petition submitted by D.S. & B. Farms Inc., Robert MacEachern and Lynda MacEachern for drainage works by owners for Lot 17 Con 3, Lot 16 Con 3 and Lot 16 Con 2 in the Former Eldon twp., and instruct the City Clerk to proceed with the notices required under Section 5 of the Drainage Act; and

That Council appoints and retains, D.M. Wills and Associates Limited, in accordance with the Drainage Act, as the Engineer of Record for the petition and to proceed with the requirements of a petition drain.

Carried

Since that time the Engineer's of Record Ken Smith and Mark Hoar of D.M. Wills has held 2 public meetings for the land owners in the drainage shed of the proposed drain.

In accordance with Section 9(1) of the Drainage Act, an on-site meeting was held on July 7, 2020 at 11:00 am, on Palestine Road just west of County Road 46. A second land owner information meeting was held on July 20th, 2020 at 11:00 am, on Palestine Road to accommodate land owners who were unable to attend the first meeting.

Persons in Attendance were:

Engineers and City

Lucas Feitler – Drainage Superintendent, CKL
Mike Farquhar – Supervisor, Technical Services, CKL
Ken Smith – Project Manager, Wills
Mark Hoar – Project Engineer, Wills

Parties Present and Properties (by Roll No.) Represented:

Robert MacEachern (165116001014000), Scott Brown & Dave Brown (165116001010000), John Mackintosh & Karen Buck-Mackintosh (165116001009800), Paul Lokoff & Bridgid Wilson (165116001009900), Kevin & Christena Mitchell (165116005005400), Bill Perry and Christine Halbot

At the Drainage Board Meeting of January 20, 2022, a Meeting to Consider the MacEachern Brown Municipal Drain Report was held. Ken Smith presented the Engineer's Report to the Drainage Board and members of the public. At the conclusion

MacEachern Brown Municipal Drain Consideration Report

of the Meeting to Consider the Engineer's Report, the Drainage Board adopted the following recommendation:

DB2022-003

Moved By Councillor O'Reilly

Seconded By T. Willcox

Recommend that the City of Kawartha Lakes Drainage Board recommend that Council adopt the MacEachern Brown Municipal Drain Engineer's Report as prepared by Mark Hoar and Ken Smith of DM Wills Associates Limited 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 MacEachern Brown Municipal Drain Engineer's Report as prepared by Mark Hoar and Ken Smith of DM Wills Associates Limited.

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:

Where a report is not adopted by Council, any petitioner may appeal to the Tribunal or, where lands used for agricultural purposes are included in the area to be drained, the Minister may refer the matter to the Tribunal. In light of the Drainage Board's position, it is recommended that Council adopt the Webster Municipal Drain Report.

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:

City Clerk's Office
Drainage Superintendent

Attachments:

Appendix A – MacEachern Brown Municipal Drain Report



Appendix A -
MacEachern Brown

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



Appendix B –
Minutes of the Janu

Department Head email: jerojas@kawarthalakes.ca

Department Head: Juan Rojas