



Infrastructure Services Staff Report

Report Number: IS19-2023
Report Title: Breslau Drain 1 – Consideration of Engineer’s Report,
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Reviewed By: Jared Puppe, Director of Infrastructure Services
Final Review: Senior Management Team

Recommendation:

That the Council of the Township of Woolwich, considering Report IS19-2023 respecting the Breslau Drain 1 – Consideration of Engineer’s Report, pass the provisional by-law to adopt the Engineer’s Report for improvements to the drain.

Background:

In September and October of 2018, the Township received a petition for drainage works under Section 4 of the *Drainage Act*, and three requests for drain improvement under Section 78 of the *Drainage Act*. Subsequently, a Preliminary Report was prepared to improve the Breslau Municipal Drainage System No. 1. On December 10, 2019, Council accepted the Preliminary Report for Breslau Drain 1 and directed Joel Miller of K. Smart Associates Limited (KSAL) to prepare a Final Report respecting improvements to the Breslau Municipal Drainage System No. 1.

During the preparation of the final report, an additional Section 4 petition for drainage works was filed by Midwest Breslau Limited (Midwest) for proposed development between Fountain Street North and the Elroy Acres subdivision. On April 25th, 2022, Council directed K. Smart Associates Limited to address the Midwest petition as part of the Breslau Drain 1 Final Report.

On December 14th, 2022, a public meeting was held at the Breslau Community Centre to provide an update to residents on the status of the project, to present the proposed improvements, and to answer any questions residents may have about the project. The meeting was well attended, with at least 37 attendees filing out the attendance form.

Questions that were unable to be adequately answered during the public meeting were either addressed via a follow-up phone calls or meetings with the project team, or are addressed in the Final Report.

K. Smart Associates Limited has completed a comprehensive review of the watershed, including preliminary development plans that were available at the time of report preparation. The engineering design contained within the Final Report includes drainage improvements to existing developed areas, as well as allows for future development of the Midwest lands. In addition, the drain improvements have been designed to allow for future municipal servicing within existing developed lands. The Final Report was filed with the Township on September 25th, 2023. A copy of the Final Report is provided in Appendix A.

Drain maintenance (open ditch cleanout, clearing of blocked pipes) was completed in 2018 through 2020 to keep the drain functional until permanent improvements can be completed. Maintenance costs total \$37,786.75 and are included in Appendix B of the Engineer's Report. These costs will be levied once construction is complete.

Comments:

Under the *Drainage Act*, an Engineer's Report filed with the municipality must be considered by Council at a public meeting. All property owners affected by the drainage works are invited to attend and are given an opportunity to comment on the report. No changes regarding individual assessments are entertained at the consideration meeting; assessment details and appeals (if any) are addressed at the Court of Revision, which will be held at a later date. A cover letter and notice for the public meeting was recently distributed to property owners within the watershed; a copy of the cover letter and notice is provided in Appendix B.

Council must determine whether or not to proceed with the project. If Council determines that the project should proceed:

- a) The by-law is given two readings and the report is provisionally adopted under by-law (Section 45(1)). A copy of the by-law is provided in Appendix C;
- b) Council has previously appointed Councillors Eric Schwindt, Nathan Cadeau and either Bonnie Bryant or Kayla Grant to sit on the Court of Revision for this term of Council.
- c) A date to hold the Court of Revision shall be determined by the members of the Court of Revision. The earliest date to hold the Court of Revision is 20 days after Court of Revision notices are mailed (Section 46(3)). Township Staff recommend the Court of Revision be held during the week of November 20th or November 27th.

If Council determines the project should not proceed:

- a) Council may refer the report back to the Engineer and instruct the Engineer to make changes (Section 57);
- b) Council may terminate the project. If the project is terminated, Council must determine how incurred engineering costs are distributed. This decision can be appealed to Tribunal (Section 45(2))

The public meeting to Consider the Engineer's Report is planned to occur during the October 17th Committee of the Whole Meeting.

Interdepartmental Impacts:

Corporate Services staff support the Court of Revision. Infrastructure Services staff will coordinate the Court of Revision with Corporate Services staff.

Financial Impacts:

The estimated total cost for the project is \$5,650,000, with the Township assessed 40%, development lands assessed 48% and private residential/commercial lands assessed the remaining 12%. The average private residential/commercial assessment is between \$1,000 and \$6,000.

Based on the assessment schedules contained within the Engineer's Report, the Township is assessed \$2,235,200 for lands (roads) owned by the Township within the Breslau Drain 1 watershed.

This project was identified in the 2023 Capital Budget which was approved by Council. At that time, the project was estimated to cost \$5,091,950, and the Township's assessment was \$2,016,563. Construction is anticipated to occur in 2024, so Township Staff will be recommending costs identified in the 2023 Capital Budget be carried-over to the 2024 Capital Budget, and the additional \$558,050 be approved in the 2024 Capital Budget. Additional costs can be attributed to refinement of the detailed design, as well as costs associated with proper handling of excess soils.

The estimated engineering cost for the preliminary report and the final report totals \$368,100. The assessment schedules that are provided within the Report include this \$368,100 estimate. This estimate does not include costs which may be incurred should the project be appealed to the Drainage Tribunal.

One of the frequently asked questions that project team members have been asked throughout the project is related to landowner invoices and when and how they are to be paid. Traditionally, the Township invoices each landowner's portion of the cost once the project is complete, and the invoice is due within 30 days. Given the scope of this project and the significance of some of the individual invoices, Township Staff recommend landowners of residentially assessed properties with invoices \$6,000 and greater be

afforded the opportunity to finance their invoice over a 10 year period. A map showing estimated assessments is provided in Appendix D. Should this opportunity be provided, Township Staff recommend such opportunity be provided on all future Municipal Drain projects.

Strategic Plan Impacts:

This report supports the Strategic Plan focus area of Infrastructure Maintenance ensuring that stormwater infrastructure provides the required capacity for current and proposed land uses.

Conclusion:

Staff recommends Council adopts the Breslau Drain 1 Engineer's Report prepared by K. Smart Associates Limited dated September 25th, 2023 by by-law.

Attachments:

1. Appendix A – Breslau Drain #1 Engineer's Report by K. Smart Associates Limited
2. Appendix B – Notice of Meeting to Consider the Engineer's Report
3. Appendix C – Provisional By-law to adopt an Engineer's Report for Breslau Drain 1
4. Appendix D – Map showing distribution of estimated assessments
5. Appendix E – Engineer's Presentation for Public Meeting