City of Port Colborne
Council Meeting Addendum

Date:	August 9, 2021
Time:	6:30 pm
Location:	Council Chambers, 3rd Floor, City Hall 66 Charlotte Street, Port Colborne

Pages

7. Staff Reports

7.1. Port Colborne Municipal Drain Meeting to Consider, 2021-211

*a. Delegation material from Jack Hellinga, resident *1*

*b. Memo from Alana Vander Veen, Drainage Superintendent - Port Colborne Municipal Drain *18*

7.3. Tow Truck Parking Inquiry, 2021-213

*a. Delegation from Nicolas Desrosiers

From: Jack Hellinga [redacted]
Sent: August 3, 2021 9:03 AM
To: Alana VanderVeen <Alana.VanderVeen@portcolborne.ca>
Cc: [redacted] Mayor <mayor@portcolborne.ca>; Mark Bagu <mark.bagu@portcolborne.ca>; Eric Beauregard <eric.beauregard@portcolborne.ca>; Amber LaPointe <Amber.LaPointe@portcolborne.ca>; Donna Kalailieff <donna.kalailieff@portcolborne.ca>; Harry Wells <harry.wells@portcolborne.ca>; Frank Danch <frank.danch@portcolborne.ca>; Angie Desmarais <angie.desmarais@portcolborne.ca>; Ron Bodner <ron.bodner@portcolborne.ca>; Gary Bruno <gary.bruno@portcolborne.ca>; chriskalimootoo@portcolborne.ca
Subject: Site Visit Summary for Port Colborne Drain Engineer's Report and Meeting to Consider

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Alana,

Thank you for meeting me on site on July 29, 2021 for the Port Colborne Drain Project. It is unfortunate it was on such short notice and we could not be accompanied by more interested parties.
I will summarize my site comments in the same sequence as your response at the Council Meeting on July 26th, 2021.

1. **Renaming of the Wignell Drain:** I have lived at 770 Hwy #3 for 47 years. There are residents in the Wignell Drain watershed that have lived there their entire life, and for longer than 47 years. These drains have always been known by the local residents as the Wignell Drain. I provided to you after the site meeting a copy of a project conducted in 2015 by a Niagara College student for the City of Port Colborne Drainage Superintendent, detailing the History of the Wignell and Michener Drains. The link to access the report is https://core.ocls.ca/islandora/object/niagara%3A2162. Although this was a research project by a student, it does capture the historical progress of the construction and extensions to the drain. The history starts in 1884 with the west branch of a drain named the Wignell Ditch commencing at the property of Wm Wignell, and the east branch named the Mitchener Ditch, and the two joining before outletting to the lake. There may still be members of that Wignell family in Humberstone. Over the years these ditches were extended north and reverted to Municipal Drains, and retained their names until the now Michener M2 Drain was connected to the Wignell Drain north of the CNR. The OMAF map in the Engineer's Report (Figure 2) retains the east branch name Michener Drain M2. The history shows that at times these branches extended to Second Concession Road, but the extensions were not recognized as Municipal Drains but privately maintained ditches. The impact of the progress of quarrying and need for abandonments is shown on several of the historical maps, and will be

addressed in subsequent related paragraphs. Most area residents are not confused by the drain names and the branch names.

2. **Storm Intensity:** The storm intensity of July 17, 2021 was recorded as a 1:25 to 1:50 year rainfall event. There were no flood issues north of Hwy #3 during this rainfall event.

3. **Abandonment of W1 and Reactivation of West Branch:** In Mr. Marsh of EWA Engineering's presentation to Council on July 26, 2021 (starting approximately 38:10 of the July 26, 2021 meeting live stream) he showed a map showing the W1 West Branch #1 Drain to Second Concession Road, and an arrow from Snider Road to the W1 Branch. However, he has not identified that between Snider Road and W1 Drain is a secondary private drainage swale that runs southwest to the intersection of Snider Road and Hwy #3, intercepting the Snider Road drainage from the branch drain. Figure 7, Circa. 1934, suggests the west branch of W1 extended to Second Concession, between Lot 21 and Lot 22 Concession 2. This shows that there was never an outlet for Snider Road through W1. The Circa 1934 aerial shows a dark pathway between W1 and Snider Road which follows the ground contours diagonally across my property to the southwest, and crosses Hwy #3 west of Snider Road. That is also the current flow path. What is currently in place and proposed to be reactivated is entirely a private drain created by PCQ to intercept drainage from their berms to prevent excess flows from impacting Snider Road and the homes and property to the southwest, and thus was abandoned as a Municipal Drain in 1999.

4. **Petition for Drain for Snider Road and reactivation of 1999 abandonment:** The petition for drainage for Snider Road requests an outlet to the east. However, as evident from topographic maps and confirmed by a site visit, the natural ground slope is southwest. It is the responsibility of the Drainage Superintendent or Drainage Engineer to respond appropriately to the petition based on the direction of flow of the runoff. The petition identifies the entire reach of Snider Road from Hwy #3 to Second Concession, but it should be remembered that the north 600m **+/-** is clay road and has never had roadside drainage ditches and there is no need for roadside ditches. South of the start of the clay road is an adequate roadside ditch on the east side of Snider Road, which flows south to the intersection of Snider Road and Hwy #3, and then west to a road crossing under Hwy #3, and then flowing south to the roadside ditch on the west side of Snider Road south of Hwy #3 toward Killaly Street. It should be noted that PCQ requested the abandonment of W1, and they should be responsible for all the costs related to the abandonment. The necessity for abandonment is shown on the 1999 map in the history report referenced in 1, and also mentioned by Mr. Marsh and shown on his presentation at approximately 38:20 of the recorded council meeting of July 26, 2021. Further comments on this is included in the comments on the extension of W2 in 6. and 7.

5. **Missing assessed properties:** The third property north of Hwy #3 (roll # 4124000) is shown on the main drain assessment schedule (and the future

maintenance schedule), but is not shown on the Branch #1 drain schedule. Properties on both sides of this property are shown on all schedules. Also, since these properties drain south and are below the proposed invert of the Branch Drain #1, and therefore cannot flow to the proposed Branch #1 Drain, they should not be on the assessment schedule for Branch #1 Drain.

6. **Babion Road W2 extension:** It was noted the west side roadside ditch was adequate, but the issue of safety was raised because of the depth, and thus the proposed moving of the drain to private property. I identified that the new extension to Second Concession Road was necessitated by the interception of the former drainage from the east-west ditches by the progress of the Pit 3 mining. Further, the abandonment report of 2013, copy of which is attached, states that all construction and engineering as a result of the abandonment will be the responsibility of PCQ. Another question is whether the west ditch will be filled to reduce its depth, which is not addressed in the Engineer's Report. The same rationale for cost assessment would apply for Branch #1 Drain should it still be considered necessary to conduct any work on the abandoned portion of that drain, since any potential work required is the result of quarry activity.

7. **Culvert Replacement under Second Concession Road and Babion Road:** As presented earlier, the culvert replacements are only necessary if it is deemed necessary to move the main drain, formerly known as the Wignell W2 Branch Drain. The costs of these grade adjustments should be borne by PCQ.

8. **Runoff Coefficients:** Mr. Marsh of EWA Engineering stated that the runoff coefficients are based on like uses. However, many of the properties have different uses and these differences are not reflective of the runoff coefficients. I would suggest a horse farm is not an active crop farm, and should be treated differently. And, all large lots outside the Urban Serviced areas have 2 zonings. Attached is Schedule A5 of the 2017 Zoning ByLaw. In the case of my property, only the residential portion of the property is R1, and the remainder 60% +/- is zoned RD. That remainder portion is primarily planted at 800 trees/acre. If the runoff coefficient represents like uses as presented by Mr. Marsh, the Zoning Bylaw identifies that large lots have a substantial portion that is not a residential use.

9. **Branch Drain vs Main Drain assessment schedules:** The Drainage Superintendent asked that I reach out should this item be misunderstood. The intention of my presentation was to identify that Branch #1 Drain has a separate assessment schedule from the Main Drain. However, W2 is a branch drain north of the intersection with W1, but is designated as the main drain, north of the intersection. This means that the W1 watershed contributes to the cost of the W2 branch, but not vice versa. In the 1978 RV Anderson report, W1 was the main drain. This is shown on the abandonment drawing in Figure 7 of the Engineer's Report, where the W1 west branch drain stations continue on the W1 side of the intersection, and the W2 east branch stations begin at STA 0+00. Designation of the main drain is arbitrary, and fairness dictates that each

watershed contributor to branches pay for their particular branch to the next intersection.

10. **Abandoned Drain cost responsibility:** The costs of maintenance in 2016 of the abandoned portion of W2 are added to the cost of the maintenance of the drains. A major portion of the cost was to clean the drain from the end of the abandoned W2 at the Babion Road culvert crossing, to the PCQ pump discharge from Pit 3. Since this was abandoned by 2016, it was not part of any Municipal Drain, and therefore the costs are not assessible to the watershed. Further, as described in 6. above, if the work is as a result of the abandonment, the entire cost should be borne by the party that petitioned for the abandonment.

11. **Public Meeting Dates:** It has been over 2 years since the last public meeting for the Wignell Drain. To my recollection, the last meeting discussion centred on work on the Michener M1 branch, and very little or no discussion on the abandoned branch extension(s). The petition for the Snider Road drainage improvement was not filed until February 1, 2019. and the Drainage Engineer and Drainage Superintendent did not conduct on site reconnaissance of Branch #1 Drain, where I met them on site, until after the March 7, 2019 meeting. It is unfortunate that COVID protocols did not allow for an in-person Public Meeting to present such important proposals, but an on-line virtual meeting could have been held.

I trust I have captured our on-site discussion, and clarified my comments on my submission for the Meeting to Consider. I will be pleased to respond to any questions on the above.

Sincerely,
Jack S Hellinga

PORT COLBORNE

ENGINEERING AND OPERATIONS DEPARTMENT
ENGINEERING DIVISION

Report Number: 2013- 1 **Date: January 14, 2013**

SUBJECT: Wignell/Michener & Beaverdam Drains – Abandonments & Subsequent Connections

1. PURPOSE:

This report prepared by Henri Bennemeer, Drainage Superintendent has been authorized by Chris Lee, Manager of Projects & Design in response to a request from Port Colborne Quarries to have the Wignell 2A (W-2A) and a portion of the Wignell 2 (W-2) east of Babion Road abandoned and to have a remnant portion of the Wignell 2 watershed redirected to the Michener 2 (M2). The purpose of this report is to provide Council with background information and requisite actions.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

Some years previous, circa 1998 the former owners of Port Colborne Quarries had requested that certain portions of the Wignell Municipal Drain system (W-1, W-2 & W-2A) be abandoned (see attached plan). An engineer's report was prepared by Wiebe Engineering Group dated February 19, 1999 dealing with an initial request to have a portion of the W-2 drain west of Babion Road, within the quarry lands, relocated as part of their rehabilitation plan, as well as the abandonment of a portion of the W-1 drain. The request to have the W-2 & W-2A drains abandoned was postponed until sometime in the future, when needed.

As Council may be aware the Wignell/Michener Municipal Drain Report has been under review for a number of years through a former appointment of Wiebe Engineering Group Inc. and more recently, combined with the Beaverdam Municipal Drain, through the appointment of AMEC Environment & Infrastructure. Throughout the review process, in discussions between AMEC and the current owner of Port Colborne Quarries (who now wish to move the abandonments forward), it was anticipated that the report, including the abandonments, would be finalized by the time quarry operations necessitated the removal of the aforementioned drains and ancillary works related to the redirection of the remnant portion of the W-2 watershed. A number of factors have affected this timing, namely the scope of the project and increased activity at the quarry that has moved the timelines forward, requiring that interim or alternate measures under the Drainage Act be taken.

3) STAFF COMMENTS AND DISCUSSIONS

Under Section 84 Chapter D.17 of the Drainage Act R.S.O. the Council of the initiating municipality may give notice on its own initiative, to the property owners affected, of its intention to abandon a drainage works or part thereof as specified in the notice, without any written request of the landowners assessed for benefit, in respect of the drainage

works. If within ten days of the mailing of the notice, no landowners receiving the notice request that an engineer's report be prepared on the proposed abandonment, then Council may by by-law abandon the drainage works or part thereof and thereafter the municipality will have no further obligation with respect to the drainage works.

In the case of the abandonment of the W-2 and W-2A east of Babion Road there are only two properties affected, that of Port Colborne Quarries, through which the drains pass and that of Mr. Paul Fehrman, who's lands drain into the W-2 at their west property line with Port Colborne Quarries. In discussions with both property owners, neither require the report of an engineer for the abandonment, provided that the drainage of the Fehrman lands can be redirected to the east into the M-2 drain.

In regard to redirecting or subsequently connecting lands to a drainage works to which the lands are not assessed, Section 65(3) & 65(5) Subsequent Connections to a Drainage Works, Chapter D.17 of the Drainage Act R.S.O. 1990, respectively provides for the clerk to instruct an engineer to inspect the subject lands and to assess it for a just proportion of the drainage works and to provide for Council authority to allow the connection. Again, similar to the abandonment, there will be no appeals as all construction costs and engineering related to the subsequent connection process are to be borne by Port Colborne Quarries. Staff is in receipt of the appropriate documentation from both parties in regard to the aforementioned requests/releases/commitments.

As a further assurance the new report by AMEC will address any oversights and or inequities that may develop as a result of this alternative measure.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do nothing.

This is an option. However, it would cause serious hardship and additional costs to Port Colborne Quarries if they were delayed until the outcome of the Engineer's Report on the Wignell/Michener Municipal Drain.

b) Other Options

None.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Municipal Drain Maintenance Strategic Planning is currently under review. This project is in compliance with all City legislative requirements.

6) ATTACHMENTS

Aerial plan of the subject area.

7) RECOMMENDATION

A. That Council receives this report as information.
B. That Council hereby authorizes the subsequent connection of the Fehrman lands identified as Roll # 2711-040-003-15310 to the Michener M-2 Municipal Drain.
C. That the City Clerk be authorized to send notice to the affected parties as defined in Section 84(2) Chapter D.17 of the Drainage Act R.S.O. 1990 and to prepare the appropriate by-law for the abandonment of those portions of the Wignell W-2 and W-2A Municipal Drains east of Babion Road, which by-law will come into effect once the conditions of Section 84(5) Chapter D.17 of the Drainage Act R.S.O. 1990 are met.

8) SIGNATURES

Prepared on January 2, 2013

Henri Bennemeer
Drainage Superintendent

Reviewed by:

Chris Lee
Manager of Projects & Design

Reviewed by:

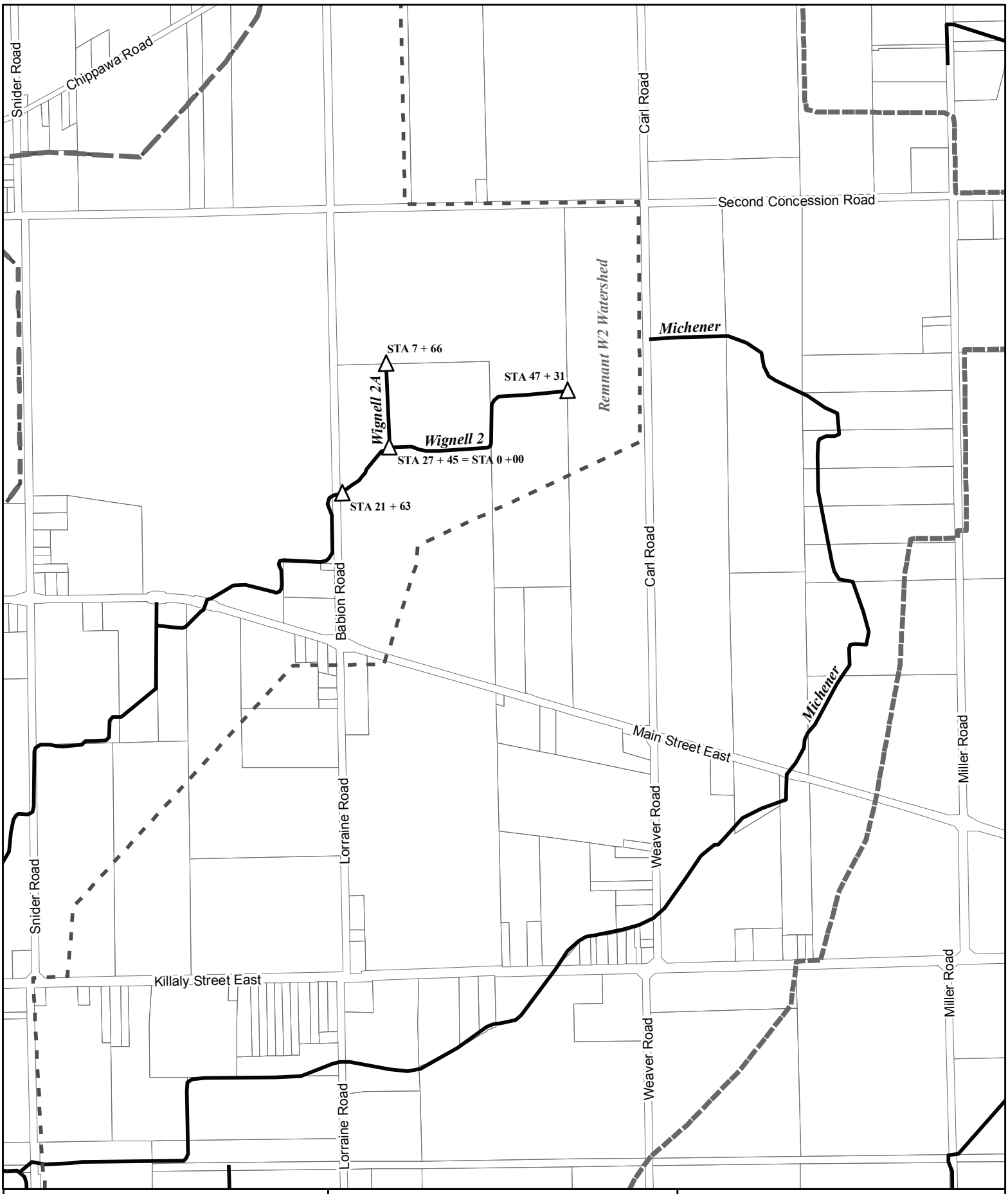
Ron Hanson, C.E.T.
Director, Engineering & Operations

Reviewed by:

Peter Senese
Director of Corporate and Community Services

Reviewed and Respectfully Submitted:

Robert J. Heil
Chief Administrative Officer



Municipal Drain

Wignell - Sub Watershed

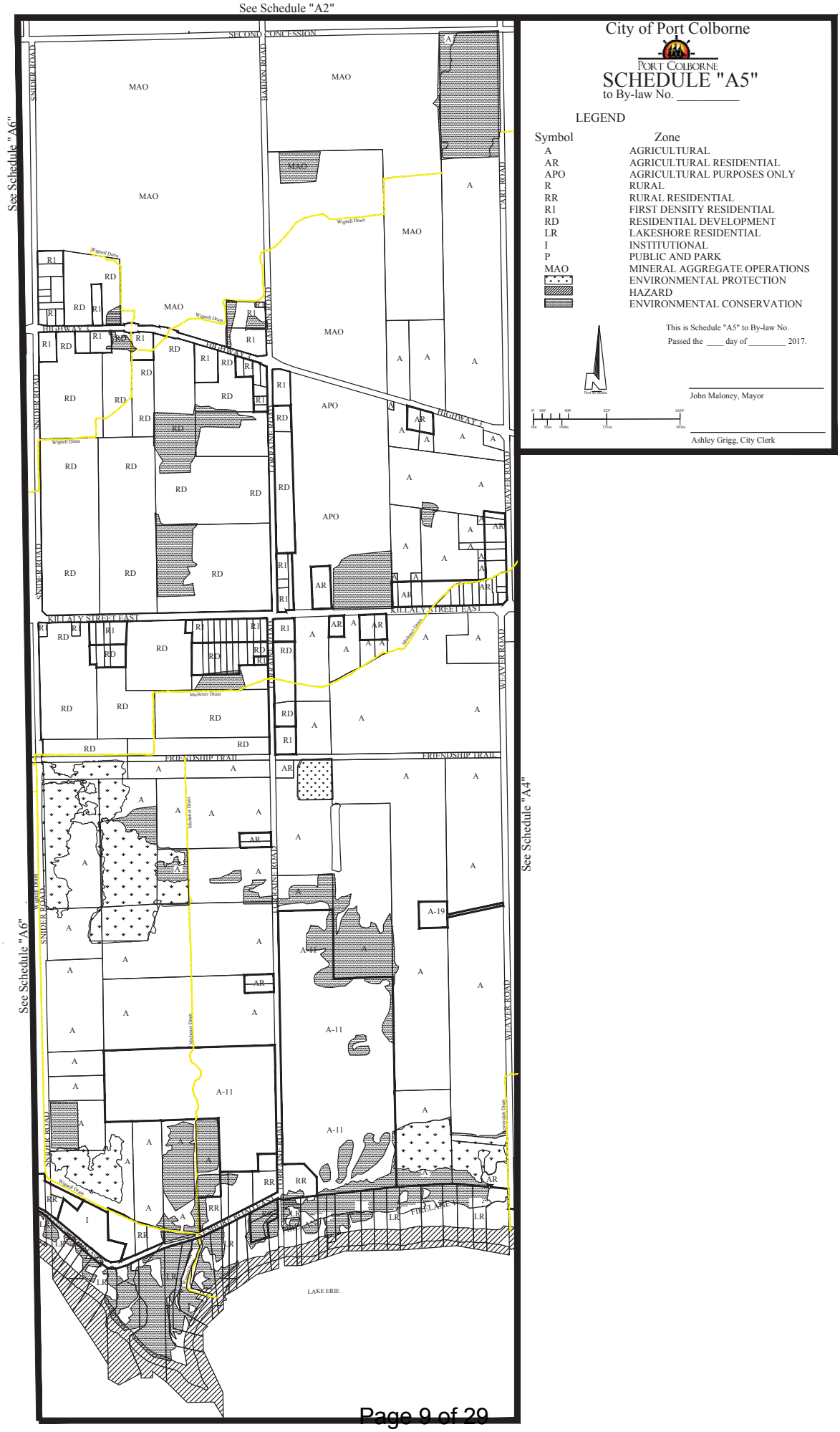
Watershed

Wignell 2 & Wignell 2A Abandonment

N W E S

PORT COLBORNE

January 02, 2013



City of Port Colborne

PORT COLBORNE

SCHEDULE "A5"

to By-law No. _____

LEGEND

Symbol	Zone
A	AGRICULTURAL
AR	AGRICULTURAL RESIDENTIAL
APO	AGRICULTURAL PURPOSES ONLY
R	RURAL
RR	RURAL RESIDENTIAL
R1	FIRST DENSITY RESIDENTIAL
RD	RESIDENTIAL DEVELOPMENT
LR	LAKESHORE RESIDENTIAL
I	INSTITUTIONAL
P	PUBLIC AND PARK
MAO	MINERAL AGGREGATE OPERATIONS
	ENVIRONMENTAL PROTECTION
	HAZARD
	ENVIRONMENTAL CONSERVATION

Not to Scale

0' 100' 400' 820' 1650'
0m 50m 100m 250m 500m

This is Schedule "A5" to By-law No.
Passed the ____ day of _____ 2017.

_____
John Maloney, Mayor

_____
Ashley Grigg, City Clerk

From: Jack Hellinga <[redacted]>
Sent: August 6, 2021 3:32 PM
To: Amber LaPointe <Amber.LaPointe@portcolborne.ca>
Cc: Ron Bodner <ron.bodner@portcolborne.ca>; Harry Wells <harry.wells@portcolborne.ca>; Mayor <mayor@portcolborne.ca>; Angie Desmarais <angie.desmarais@portcolborne.ca>; Mark Bagu <mark.bagu@portcolborne.ca>; Gary Bruno <gary.bruno@portcolborne.ca>; Frank Danch <frank.danch@portcolborne.ca>; Eric Beauregard <eric.beauregard@portcolborne.ca>; Donna Kalailieff <donna.kalailieff@portcolborne.ca>; Alana VanderVeen <Alana.VanderVeen@portcolborne.ca>; chriskalimootoo@portcolborne.ca; Darlene Suddard <Darlene.Suddard@portcolborne.ca>
Subject: Port Colborne Drain and Site Visit

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I had a site visit with the Drainage Superintendent on July 29, 2021, and we have exchanged emails summarizing our own interpretation of our on site discussion. The summaries are generally in agreement. There is also agreement that there are discrepancies in the Report. I provided to you my summary of our discussion, but you were not Cc'd on Alana's summary.

I have attached two plan view drawings that show the reasons for abandonments of drains in 1999 and 2013. The Engineering Department Report 2013 - 1, also attached, indicates an agreement that construction and engineering costs associated with abandonment of the W2 Drain would be borne by the proponent (PCQ). This is not reflected in the Engineer's Report for the Port Colborne Drain. The same philosophy would apply to the abandonment of W1 Drain in 1999, as all the proposed works are the result of the proponent's operations.

I have been told the renaming of the Port Colborne Drain is to make it easier to understand. I have suggestions and don't mind if they are ignored:
I researched information on drain naming, and for most drains, they are named after the petitioner, or the most dominant property owner. That has also occurred on the subject drain, with a plan from 1884 showing the top end of the drain commencing at the property of Wm Wignell, and thus the naming of the Wignell Ditch and subsequently the Wignell Drain. Drains are extended and then lateral drains (or branches) are added, with most lateral drains just adding numbers or direction.
The Wignell Drain was originally in Humberstone Township. Why not then call it the Humberstone Drain?
I have another suggestion that would go back to naming a drain for its furthest reach:

1. Name the east branch (formerly Wignell W2) the Babion Drain, since it is proposed to commence at the Babion farm property, a multi-generation farm,

which is the top end of the watershed. That is also less confusing since it commences at Babion Road.

2. Name the west branch (formerly W1) the Quarry Drain, since it was interrupted by the Quarry operations in Pit 2, and may one day in the future commence at Quarry Lake.

Thank you for your consideration of the above,
Jack S Hellinga

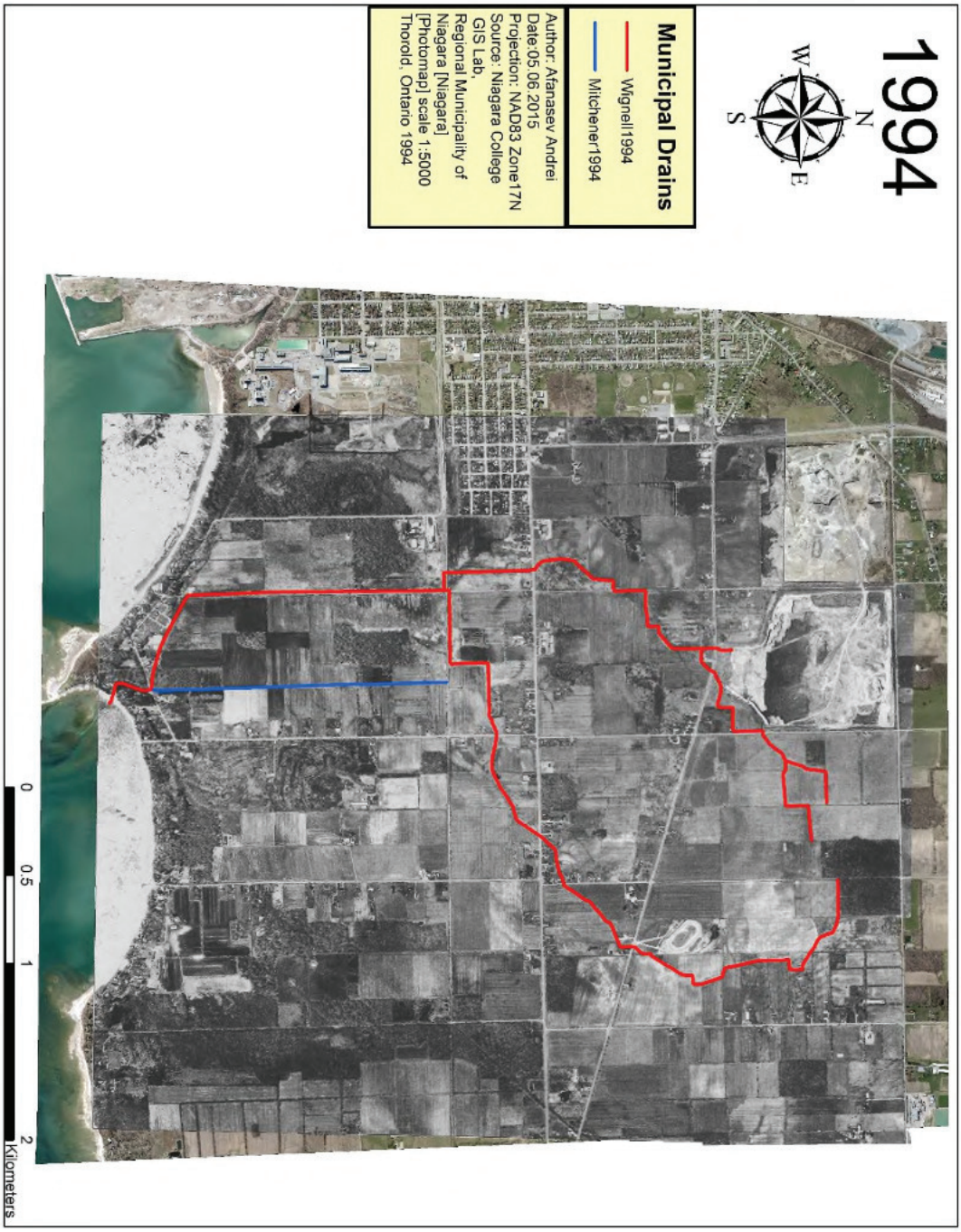


Figure 20 1994 Wignell Mithener Drain

Figure 21 2013 Wignell Mithener Drain

PORT COLBORNE

ENGINEERING AND OPERATIONS DEPARTMENT
ENGINEERING DIVISION

Report Number: 2013- 1 **Date: January 14, 2013**

SUBJECT: Wignell/Michener & Beaverdam Drains – Abandonments & Subsequent Connections

1. PURPOSE:

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2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

Some years previous, circa 1998 the former owners of Port Colborne Quarries had requested that certain portions of the Wignell Municipal Drain system (W-1, W-2 & W-2A) be abandoned (see attached plan). An engineer's report was prepared by Wiebe Engineering Group dated February 19, 1999 dealing with an initial request to have a portion of the W-2 drain west of Babion Road, within the quarry lands, relocated as part of their rehabilitation plan, as well as the abandonment of a portion of the W-1 drain. The request to have the W-2 & W-2A drains abandoned was postponed until sometime in the future, when needed.

As Council may be aware the Wignell/Michener Municipal Drain Report has been under review for a number of years through a former appointment of Wiebe Engineering Group Inc. and more recently, combined with the Beaverdam Municipal Drain, through the appointment of AMEC Environment & Infrastructure. Throughout the review process, in discussions between AMEC and the current owner of Port Colborne Quarries (who now wish to move the abandonments forward), it was anticipated that the report, including the abandonments, would be finalized by the time quarry operations necessitated the removal of the aforementioned drains and ancillary works related to the redirection of the remnant portion of the W-2 watershed. A number of factors have affected this timing, namely the scope of the project and increased activity at the quarry that has moved the timelines forward, requiring that interim or alternate measures under the Drainage Act be taken.

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As a further assurance the new report by AMEC will address any oversights and or inequities that may develop as a result of this alternative measure.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do nothing.

This is an option. However, it would cause serious hardship and additional costs to Port Colborne Quarries if they were delayed until the outcome of the Engineer's Report on the Wignell/Michener Municipal Drain.

b) Other Options

None.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Municipal Drain Maintenance Strategic Planning is currently under review. This project is in compliance with all City legislative requirements.

6) ATTACHMENTS

Aerial plan of the subject area.

7) RECOMMENDATION

A. That Council receives this report as information.
B. That Council hereby authorizes the subsequent connection of the Fehrman lands identified as Roll # 2711-040-003-15310 to the Michener M-2 Municipal Drain.
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8) SIGNATURES

Prepared on January 2, 2013

Henri Bennemeer
Drainage Superintendent

Reviewed by:

Chris Lee
Manager of Projects & Design

Reviewed by:

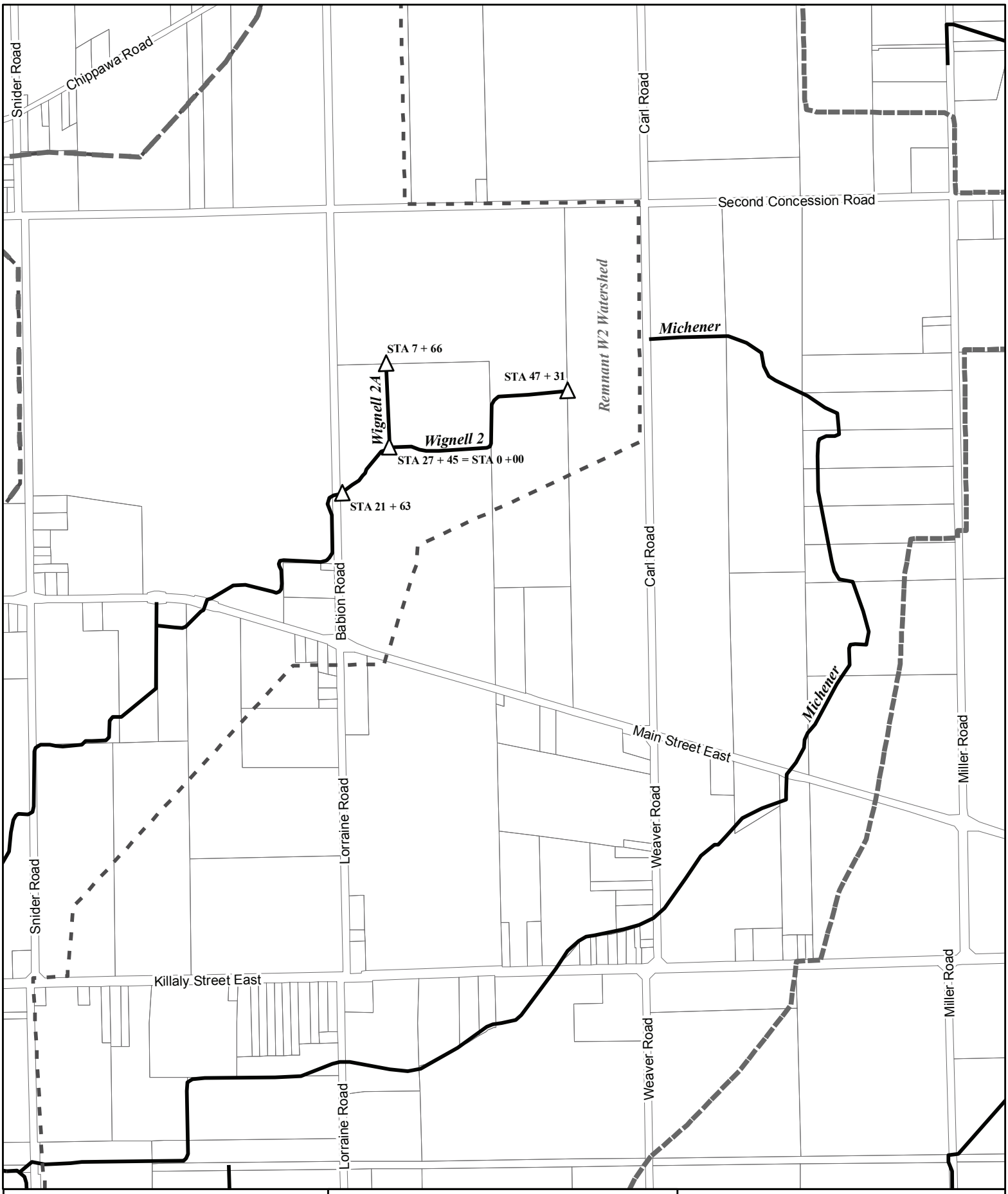
Ron Hanson, C.E.T.
Director, Engineering & Operations

Reviewed by:

Peter Senese
Director of Corporate and Community Services

Reviewed and Respectfully Submitted:

Robert J. Heil
Chief Administrative Officer



Municipal Drain

Wignell - Sub Watershed

Watershed

Wignell 2 & Wignell 2A Abandonment

N W E S

PORT COLBORNE

January 02, 2013

PORT COLBORNE

Memorandum

To: Mayor Steele and Members of Council

From: Alana Vander Veen, Drainage Superintendent

Date: August 9, 2021

Re: Port Colborne Municipal Drain

At the July 26, 2021 Council Meeting, during the 'Meeting to Consider' for the Engineer's Report of the Port Colborne Municipal Drain, Council passed a motion to defer the Report to the August 9, 2021 Regular Council Meeting.

The following is a summary of the communications that have taken place since the July 26, 2021 Council meeting.

Attachments:

1. Site visit notes and response to Mr. Hellinga
   A site visit was held with Mr. Hellinga on July 29, 2021 to discuss a number of the questions raised in his written delegation. Notes were taken at the meeting and some responses were provided. Further responses to Mr. Hellinga were sent via email on August 6, 2021.

2. Memo from Paul Marsh, appointed Engineer
   Due to some of the information that was brought forward by Mr. Hellinga and other supporting documentation that was provided to Mr. Marsh, a memo was prepared requesting that the Engineer's Report for the Port Colborne Municipal Drain dated April 16, 2021 be referred back to the Engineer to address some of the concerns.

Section 57 of the *Drainage Act, R.S.O. 1990*, entitled "Referral back to the Engineer" states the following:

> "The Council of the initiating municipality, at any time before passing the by-law, if it appears that there are or may be errors in the report of the engineer or that for any other reason the report should be reconsidered, may refer the report back to the engineer for reconsideration, and the engineer shall thereupon reconsider the report and shall further report to the council, which report has the same effect and shall be dealt with in the same manner and the proceedings thereon shall be the same as upon the original report."

I am therefore requesting that the motion in Public Works Department Report 2021-211 Subject: Port Colborne Municipal Drain Meeting to Consider, be amended as follows:

> *That Public Works Department Report 2021-211 and the Engineer's Report pertaining to the Port Colborne Municipal Drain be referred back to the Engineer, Mr. Paul Marsh, for reconsideration.*

Thank you for your consideration,

Alana Vander Veen
Drainage Superintendent
Water/Waste Water Division
City of Port Colborne

Alana VanderVeen

From: Alana VanderVeen
Sent: August 6, 2021 11:29 AM
To: Jack Hellinga
Cc: Darlene Suddard
Subject: Port Colborne Drain Site Visit July 29 -Response
Attachments: PortColborneDrain _Jack Hellinga_response to July 29 meeting.pdf

Hello Mr. Hellinga

Please find attached field correspondence that was exchanged at our meeting of July 29th, 2021.
I have colour coded the conversation, your comments in blue and my responses in black. Additionally, I have further comments in purple with a confirmation date stating when the response was confirmed.
This email and attached discussion will be submitted as part of a memo to Council on the August 9th, 2021 council meeting as a request by the clerks office.

I hope these responses satisfy your concerns.

As stated at the July 26th, 2021 Council Meeting, the decision of accepting or referring the report back to the Engineer will be decided at the August 9th, 2021 Council meeting.

Alana VanderVeen
Drainage Superintendent
City of Port Colborne

Phone 905-835-2900 Ext. 291

Email Alana.VanderVeen@portcolborne.ca

1 Killaly Street West,
Port Colborne, ON L3K 6H1

www.portcolborne.ca

PORT COLBORNE

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Site Meeting following the July 26, 2021 Meeting to Consider the Port Colborne Drain Report

Date: July 29, 2021, 11:30 - 12:00

Present : Jack Hellinga property owner of 040-004-11000
Alana Vander Veen – Drainage Superintendent for the City of Port Colborne

Pleasantries exchanged

JH comments on site – Shawn Fitzgerald of roll 040-001-18000 has not been assessed on PC Branch Drain #1, why?

AV response on site – I will check and confirm, from the description given in the delegation of Wignell 1 Drain, it was believed that roll 040-004-11300 from the Main Port Colborne Branch was missing

Confirmed on August 4, 2021 - Page 2 of Appendix 'A' shows the up to date parcel fabric. Roll 2711-040-001-18000 was recently merged with Roll 2711-040-001-12000 and this was not reflected on the drawing entitled PC. Plan.

JH – 2nd Concession never drained down Snider Road, why is it being assessed when water can not flow up hill. It was pointed out and confirmed by flow that the water south of the branch drain flows to the south

Confirmed on July 29, 2021 – The entirety on Snider Road is not being charged for Branch #1, only the portion north of the Branch Drain. 2nd Concession Road will continue to flow east as it has, that will not change. That was an error on my part as I did not have the document in front of me and those parcels north of Third Concession are not assessed to Branch drain #1, please consult Page 2 of Appendix 'A' for the sub watershed boundary.

JH – Jack completed a field stomp test (swishing of the sediment to indicate flow direction) and this proved that the direction of flow at the intersection of Snider and Highway #3 is east to west to the Highway #3 field crossing.

AV - A copy of the petition for the outlet of Snider Road was provided to Mr. Hellinga.

JH – Would like to know why ditching on Snider Road would be completed. This is a clay road and unimproved?

AV – Snider Road does not drain and although it is an unimproved road, it still requires drainage.

JH – If the petition is not valid shouldn't the Engineer say so?

Confirmed on August 4, 2021 – Yes, the Engineer believe this to be a valid petition, that was the reason for Branch #1.

JH – Latest zoning by law was 2017 passed in 218. Please have the Engineer reconfirm what Hellinga's property is zoned therefore assessed. JH stated his parcel is RD however the current use is environmental. Was the parcel assessed for RD?

Confirmed on August 4, 2021 – This is a rural residential property and is assessed as such.

JH – Jack questioned why the original Port Colborne Drain is not acknowledged? The drain the runs through 543 Highway #3. MTO would not drain to private property if this was not a drain.

AV - The private crossing through the field west of Snider Road is not now, nor was ever a municipal drain. I have completed a search for this and have no documentation that this location was ever a drain. The second comment is incorrect, there are other areas in the city that the MTO drains to that are not recognised though the Drainage Act.

JH – I will provide you documentation from a study that was completed by Niagara College and presented to Henri Bennemeer that shows the original locations.

JH – There is a report completed (maybe not completed) by RV Anderson that shows the location of drain that he is referring to. I did work on it when I was at RV Anderson back in the day. It is from 1979.

Confirmed on August 3, 2021 – The 1979 RV Anderson drawings show W1 in the location of what is referred to in the 2021 report as the Port Colborne Drain to. The drain commences at the point of the Friendship trial and proceeds to the point junction point of Port Colborne Branch Drain 1. At this point, the drain continues north between the Konc and van Ruyven lots and extends north into what is now the open quarry.

JH - Questioned why the east side of the Road is now the drain and not the west side as this is now an existing ditch?

AV – Reiterated that it was for the purpose of safety for the travelling public that the municipality is trying to get some of the drains off the road allowance and pushed back on to private property where we are able to. This area we are able to.

JH - Why is the watershed being charged for the maintenance of Babion Road? Rankin should be paying for the maintenance and realignment of the drain north of Highway #3 as they are the ones that caused these issues.

AV - Rankin completed a maintenance in 2017 from Highway #3 to the east side of Babion Road. They also completed maintenance on the east side of Babion Road to the discharge point for the quarry. The majority of the work was completed on the existing municipal drain.

Confirmed on August 3, 2021 – An additional 345 m plus or minus was cleaned by Rankin at the approval of the previous drainage superintendent. It was conformed that Rankin was not paid for this work. An invoice was submitted to the city to show a paper trail and be able to provide an idea of cost for this work. No money was ever exchanged.

JH – Please review the 2013-1 report to Council that stated Rankin agreed to pick up any additional cost for the realignment of the drain. Henri was the Author of this report.

Confirmed on August 4, 2021 – The document was provided by the clerks office and subsequently provide to the Engineer. Thank you for being this to light.

JH – Rankin's pump for pit 3 east of Babion has been running since the July 17th storm.

Confirmed on August 4, 2021 – Not a relevant material to the report, only an observation. It is expected that the pump would still be running as it does after all storms.

JH – Paul's report fig 7 abandoned W1. 1934 aerial photo just east of Snider Road behind Jack's property shows a dark line from N to SW, this is a swale that drains the land from N to SW. That is still there. This is the low point of Jacks' property. It does not, nor will not drain to branch 1.

Confirmed on August 4, 2021 – Pending decision of Council on August 9, 2021 meeting, further investigations will be made.

JH – to send Alana a link to the Niagara College report that was completed and sent to the City.

Received on July 29th, 2021 – Thank you for this report

EWA Engineering Inc.
647.400.2824 www.ewaeng.com

City of Port Colborne
Port Colborne Drain

memorandum

From: **Paul C. Marsh, P.Eng.**
To: **Alana Vander Veen, Drainage Superintendent**
City of Port Colborne
Date: **August 4, 2021**

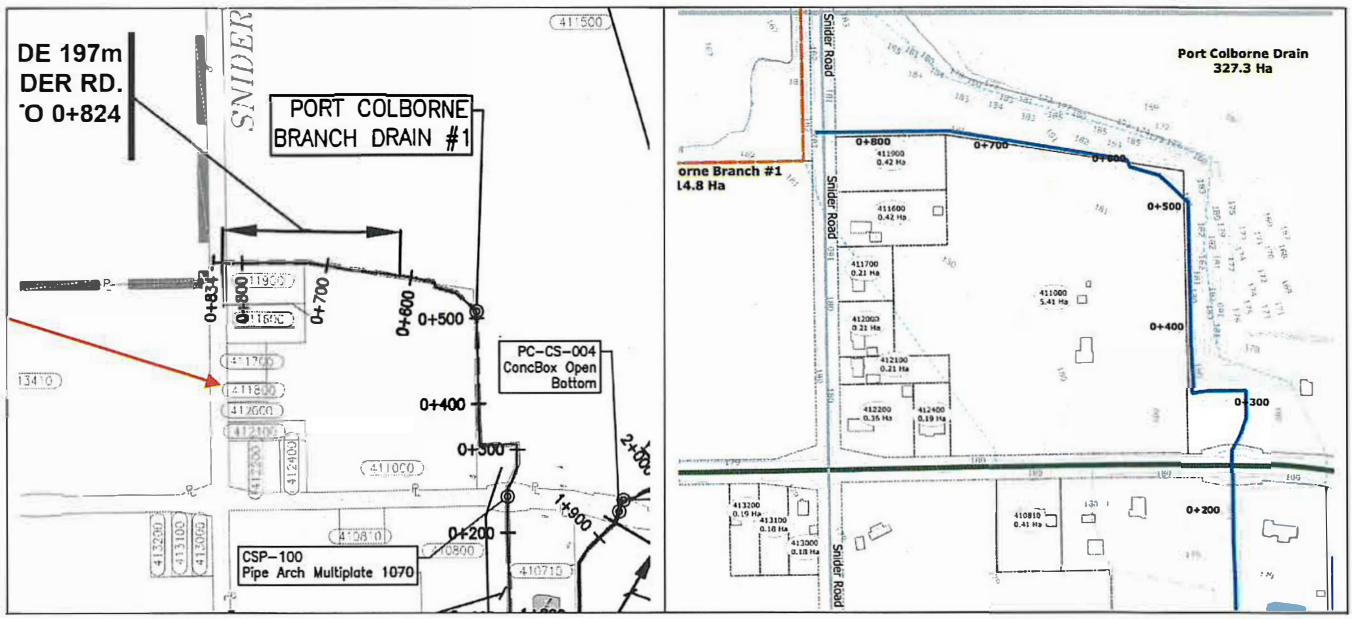
Re: **Port Colborne Drainage Report Considerations from Meeting to Consider**

From council's deferral of the meeting to consider and based on new information; including new documents and specific field information provided by local property owners, we respectfully suggest that the following actions will improve the report presented previously. Actions are in response to specific comments received by specific delegations at the meeting to consider. All other comments provided by delegates are or assumed to have been suitably answered and resolved unless noted otherwise.

#1. Roll No. included but not assessed. (Mr. Hellinga)

The CAD plan shows outdated property Roll No's which the Assessment Plan prepared by GIS shows correctly.

Action: CAD plan to be updated with current property lines to match the assessment maps prepared by EWA for the report.



#2. Mr Hellinga questioned the Port Colborne Branch #1 boundary catchment. Upon review of past years of orthophoto images and Alana's site visit, July 29th, we will review the catchment boundary for PC Branch #1 based on additional field survey data to be collected.

Action: City of Port Colborne to schedule additional survey along the north side of Highway #3 and the existing private drain including Mr. Hellinga's identified swales and the swale path to the outlet. A review of the Port Colborne Branch #1 catchment north of Highway #3 will be performed using this additional data collected. This work will not change or affect the Port Colborne Drain catchment boundary.

#3. Mr. Hellinga provided a copy of a report to council in 2013-1 in draft form (unsigned). This report was subsequently found in signed and submitted form, which was approved by council and dated January 14, 2013. This reports an agreement was made by Port Colborne Quarries to pay for the cost of construction and engineering a drain on the east side of Babion road to 2nd Concession Rd. as compensation for the abandonment of W-2, W-2a. (see attached).

Action: Mr. Marsh, P.Eng. the appointed drainage engineer, to revise the assessment schedule to show the following changes:

a) The forecasted work, (construction) to extend the drain to the Second Concession Rd. on the east side be allocated to the PC Quarry as per the report to council 2013-1.
b) That the re-laying of the culverts at Babion Rd. and Second Concession Rd. be 50% allocated to the City of Port Colborne and 50% to the Port Colborne Quarry as responsible and beneficiary parties.

#4. Mr. Hellinga, Ms Konc and Mr. Wells asked questions regarding the 'C' factor as a weighted adjustment. In review and in response, Mr. Marsh presented during the meeting to consider that the quarry property is not directly connected but could be ½ of the industrial factor typically accepted and ½ of the farm values accepted; (85 and 35). The current assessment 'C' factor is not the average of these two values but a differing number for the four properties affected.

Action: Mr. Marsh will adjust the quarry property 'C' factor to be exactly the average between 85 and 35, which will be 60 and that this will apply to all properties currently being quarried but will not apply to those properties purchased to be quarried at a future date (applies to the future Wignell report).

#5. Additional cost reports discovered since the Port Colborne Drain Report was prepared indicates that funds were granted to the City of Port Colborne for the works completed in 2016. This additional information provided will change the figures reported for past construction costs assessed within the Port Colborne Drain Report. The costs recorded for the work on the drain will also be adjusted pending clarifications on the cost reports provided to EWA Engineering.

Action: Mr. Marsh P.Eng. the appointed drainage engineer, will update the past costs in the report based on the updated cost reports.

PORT COLBORNE

ENGINEERING AND OPERATIONS DEPARTMENT
ENGINEERING DIVISION

APPROVED BY COUNCIL
JAN 14 2013
A. GREGG
CITY CLERK
CITY OF PORT COLBORNE

Report Number: 2013- 1 **Date: January 14, 2013**

SUBJECT: Wignell/Michener & Beaverdam Drains – Abandonments & Subsequent Connections

1. PURPOSE:

This report prepared by Henri Bennemeer, Drainage Superintendent has been authorized by Chris Lee, Manager of Projects & Design in response to a request from Port Colborne Quarries to have the Wignell 2A (W-2A) and a portion of the Wignell 2 (W-2) east of Babion Road abandoned and to have a remnant portion of the Wignell 2 watershed redirected to the Michener 2 (M2). The purpose of this report is to provide Council with background information and requisite actions.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

Some years previous, circa 1998 the former owners of Port Colborne Quarries had requested that certain portions of the Wignell Municipal Drain system (W-1, W-2 & W-2A) be abandoned (see attached plan). An engineer's report was prepared by Wiebe Engineering Group dated February 19, 1999 dealing with an initial request to have a portion of the W-2 drain west of Babion Road, within the quarry lands, relocated as part of their rehabilitation plan, as well as the abandonment of a portion of the W-1 drain. The request to have the W-2 & W-2A drains abandoned was postponed until sometime in the future, when needed.

As Council may be aware the Wignell/Michener Municipal Drain Report has been under review for a number of years through a former appointment of Wiebe Engineering Group Inc. and more recently, combined with the Beaverdam Municipal Drain, through the appointment of AMEC Environment & Infrastructure. Throughout the review process, in discussions between AMEC and the current owner of Port Colborne Quarries (who now wish to move the abandonments forward), it was anticipated that the report, including the abandonments, would be finalized by the time quarry operations necessitated the removal of the aforementioned drains and ancillary works related to the redirection of the remnant portion of the W-2 watershed. A number of factors have affected this timing, namely the scope of the project and increased activity at the quarry that has moved the timelines forward, requiring that interim or alternate measures under the Drainage Act be taken.

3) STAFF COMMENTS AND DISCUSSIONS

Under Section 84 Chapter D.17 of the Drainage Act R.S.O. the Council of the initiating municipality may give notice on its own initiative, to the property owners affected, of its intention to abandon a drainage works or part thereof as specified in the notice, without any written request of the landowners assessed for benefit, in respect of the drainage

works. If within ten days of the mailing of the notice, no landowners receiving the notice request that an engineer's report be prepared on the proposed abandonment, then Council may by by-law abandon the drainage works or part thereof and thereafter the municipality will have no further obligation with respect to the drainage works.

In the case of the abandonment of the W-2 and W-2A east of Babion Road there are only two properties affected, that of Port Colborne Quarries, through which the drains pass and that of Mr. Paul Fehrman, who's lands drain into the W-2 at their west property line with Port Colborne Quarries. In discussions with both property owners, neither require the report of an engineer for the abandonment, provided that the drainage of the Fehrman lands can be redirected to the east into the M-2 drain.

In regard to redirecting or subsequently connecting lands to a drainage works to which the lands are not assessed, Section 65(3) & 65(5) Subsequent Connections to a Drainage Works, Chapter D.17 of the Drainage Act R.S.O. 1990, respectively provides for the clerk to instruct an engineer to inspect the subject lands and to assess it for a just proportion of the drainage works and to provide for Council authority to allow the connection. Again, similar to the abandonment, there will be no appeals as all construction costs and engineering related to the subsequent connection process are to be borne by Port Colborne Quarries. Staff is in receipt of the appropriate documentation from both parties in regard to the aforementioned requests/releases/commitments.

As a further assurance the new report by AMEC will address any oversights and or inequities that may develop as a result of this alternative measure.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do nothing.

This is an option. However, it would cause serious hardship and additional costs to Port Colborne Quarries if they were delayed until the outcome of the Engineer's Report on the Wignell/Michener Municipal Drain.

b) Other Options

None.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Municipal Drain Maintenance Strategic Planning is currently under review. This project is in compliance with all City legislative requirements.

6) ATTACHMENTS

Aerial plan of the subject area.

7) RECOMMENDATION

A. **That Council receives this report as information.**
B. **That Council hereby authorizes the subsequent connection of the Fehrman lands identified as Roll # 2711-040-003-15310 to the Michener M-2 Municipal Drain.**
C. **That the City Clerk be authorized to send notice to the affected parties as defined in Section 84(2) Chapter D.17 of the Drainage Act R.S.O. 1990 and to prepare the appropriate by-law for the abandonment of those portions of the Wignell W-2 and W-2A Municipal Drains east of Babion Road, which by-law will come into effect once the conditions of Section 84(5) Chapter D.17 of the Drainage Act R.S.O. 1990 are met.**

8) SIGNATURES

Prepared on January 2, 2013

Henri Bennemeer
Drainage Superintendent

Reviewed by:

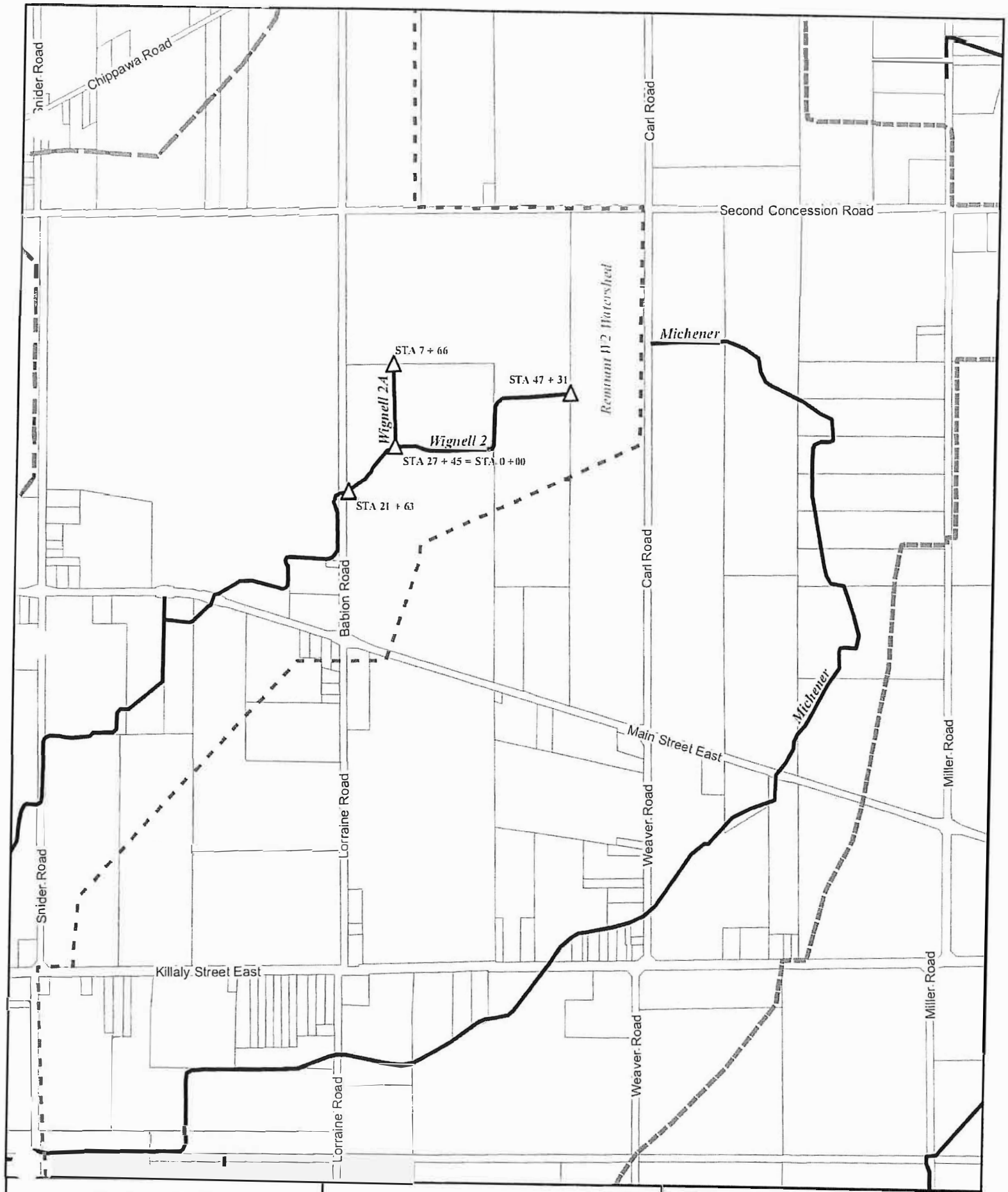
Chris Lee
Manager of Projects & Design

Reviewed by:

Ron Hanson, C.E.T.
Director, Engineering & Operations

Reviewed and Respectfully Submitted:

Robert J. Heil
Chief Administrative Officer



Municipal Drain

Wignell - Sub Watershed

Watershed

Wignell 2 & Wignell 2A Abandonment

PORT COLBORNE

January 02, 2013