



The Corporation of the Town of Tecumseh

Public Works & Engineering Services

To: Mayor and Members of Council

From: Phil Bartnik, Director Public Works & Engineering Services

Date to Council: July 25, 2023

Report Number: PWES-2023-56

Subject: West Townline and Mooney Creek Drain
Emergency Replacement of Residential Access Bridge, 5285 County Road 19

Recommendations

It is recommended:

That report PWES-2023-56 for the Emergency Replacement of Residential Access Bridge for 5285 County Road 19 over the West Townline and Mooney Creek Drain **be received**;

Background

At the Regular Council Meeting held on July 28, 2015, Dillon Consulting Ltd. (Dillon) was appointed under Section 78 of the Drainage Act (the Act) for the repair and improvement of the West Townline and Mooney Creek Drain (Drain) under PWES Report No. 43/15. The request was submitted by the landowner at 5465 County Road 19 for a bridge failure. As part of their appointment, Dillon inspected the bridge at 5465 County Road 19 as well as the entire condition of the Drain. Dillon is currently finalizing a Drainage Report that encompasses the replacement of two residential access bridges and repair on the lower portion of the Drain. It is anticipated that this report will be brought forward to Council in the Fall 2023.

The bridge failure at 5285 County Road 19 was brought to the Drainage Superintendent's attention in 2021. Dillon inspected the bridge and found that the structure is in very poor condition with severe corrosion and section loss throughout the original steel girders, deck soffit delamination at the joints and severe spalling on the west abutment stem and bearing seat. A steel plate was installed on the west side of the deck as a temporary repair and

signage for no truck traffic has been posted at the entrance. It was discussed with the landowner of 5285 County Road 19 that the bridge is load restricted to passenger vehicles only. The structure is currently being monitored with monthly inspections by Dillon's structural engineer until the structure is replaced.

Administration has had ongoing discussions with Dillon, the County of Essex and the landowner of 5285 County Road 19. The owner has been provided updates on the deterioration of the bridge and is anxious to have it replaced as soon as possible due to the restricted access to their property. The condition of the bridge, cost estimate and replacement strategy has been discussed along with the *Drainage Act* process.

Emergency Designation

On August 17, 2021, Administration sent a letter to the Minister of Agriculture, Food and Rural Affairs (OMAFRA) requesting emergency designation under Section 124 of the Act for the access bridge to 5285 County Road 19 over the West Townline and Mooney Creek Drain:

Section 124 – Authorization of Emergency Work R.S.O. 1990, c. D.17, s. 124

“Where the Minister declares that an emergency exists, the council of a municipality may authorize emergency work under this Act before obtaining and adopting an engineer’s report.”

On September 9, 2021, the OMAFRA granted the Town with the emergency designation on the condition that the replacement is made under the supervision of a drainage engineer from Dillon, appointed by Council under Section 78 of the Act. The emergency designation letter is appended to this report as Attachment 1.

The design for the new access bridge is quite extensive which has caused a delay in getting the bridge constructed for 5285 County Road 19. Dillon reviewed three (3) options and is recommending an entirely new access bridge to be built to the north of the existing bridge and the original bridge will be demolished.

Comments

Regulatory Timeline Challenges

When it comes to performing drainage works, there are certain time frames in which work can be completed. These are some of the regulations that must be considered:

1) Department of Fisheries and Oceans Canada (DFO) – *Fisheries Act*

In-water works are anticipated to facilitate construction of the structure footings and as such, consideration for impacts to fish and fish habitat is required. Consultation with DFO is recommended to fulfill due diligence in preventing contravention of the *Fisheries Act*. Under DFO regulations, the fish timing window is March 15th to July 15th, which is

considered the fish spawning season where no in-water works are to take place during that time.

2) Ministry of Environment, Conservation and Parks (MECP) – *Endangered Species Act*

During an on-site Species At Risk (SAR) assessment in January 2022, Dillon identified the potential for the proposed works to negatively impact the Eastern Foxsnake and the Barn Swallow. With the presence of Barn Swallow nests, appropriate mitigation measures are recommended (e.g. bird exclusion measures, such as netting to prevent nesting, are recommended prior to April 1st). The Town has been advised to adhere to the Barn Swallow nesting and complete construction after the active season (August 31st).

3) Ministry of Natural Resources and Forestry (MNR)

Isolation of an in-water work area and dewatering is anticipated to facilitate construction in the dry. Prior to the complete dewatering of the isolated work area, a fish salvage will be completed under a Licence to Collect Fish for Scientific Purposes from MNR.

Construction Tender

Administration posted the tender for the emergency bridge replacement on the Town's Bids and Tenders website the week of July 17th, while Dillon finalizes the Drainage Report. This is being done prior to passing the by-law due to the emergency designation and restrictive timing windows.

Another constraint to be considered is that asphalt plant operations are closed between December and April. With the various timing windows Administration needs to abide by, the construction window of the new bridge would have to take place between September and November in any given year. If the Town were to wait until the completion of the Drainage Report, construction of the access bridge at 5285 County Road 19 would not commence until September 2024. This would further impact the landowner and their ability to access their property.

Next Steps

It is being recommended by the Drainage Engineer to complete these next steps for the construction of the residential bridge and the completion of a Section 78 report under the *Drainage Act*.

<p align="center">5285 County Road 19 Access Bridge Construction under Emergency Designation</p>	<p align="center">Drainage Act Process</p>
<p>August 2023 – Tender closes</p>	<p>August 2023 - Administration will review the draft report and submit comments back to Dillon</p>
<p>August 2023 - A report will be brought to Council for the tender award</p>	<p>September 2023 - Administration will hold a Public Information Centre with the affected parties to review the Drainage Report</p>
<p>September 2023 - Construction will start</p>	<p>October 2023 - A Meeting to Consider will be held for Council to consider the technical aspects of the Drainage Report and provisionally adopt the By-law</p>
<p>November 2023 - Construction is anticipated to be completed</p>	<p>November 2023 - The Court of Revision will be held between 20 and 30 days following the Meeting to Consider hearing any appeals on assessments</p>
<p>December 2023 - A final walk-through with Administration, Dillon and the landowner will be completed for the final inspection</p>	<p>January 2024 - The 3rd and final reading of the By-law can be given after all appeal periods have expired</p>

Consultations

Financial Services

Financial Implications

Dillon is still in the process of finalizing the Drainage Report. However, it is anticipated that the estimated project costs for the 5285 County Road 19 access bridge will be \$850,000. It is also anticipated that the landowner’s assessment will be \$75,000, the County’s assessment will be \$345,000 and the upstream landowners’ assessments will be \$430,000. These costs and assessments are estimated at this time but will be finalized in the Drainage Report and brought to Council for consideration at a future Public Council Meeting.

Link to Strategic Priorities

Applicable	2019-22 Strategic Priorities
<input type="checkbox"/>	Make the Town of Tecumseh an even better place to live, work and invest through a shared vision for our residents and newcomers.
<input checked="" type="checkbox"/>	Ensure that Tecumseh’s current and future growth is built upon the principles of sustainability and strategic decision-making.
<input type="checkbox"/>	Integrate the principles of health and wellness into all of Tecumseh’s plans and priorities.
<input checked="" type="checkbox"/>	Steward the Town’s “continuous improvement” approach to municipal service delivery to residents and businesses.
<input type="checkbox"/>	Demonstrate the Town’s leadership role in the community by promoting good governance and community engagement, by bringing together organizations serving the Town and the region to pursue common goals.

Communications

Not applicable

Website

Social Media

News Release

Local Newspaper

This report has been reviewed by Senior Administration as indicated below and recommended for submission by the Chief Administrative Officer.

Prepared by:

Alessia Mussio, E.I.T.
Drainage Superintendent

Reviewed by:

Phil Bartnik, P.Eng.
Director Public Works & Engineering Services

Reviewed by:

Tom Kitsos, CPA, CMA, BComm
Director Financial Services & Chief Financial Officer

Recommended by:

Margaret Misek-Evans, MCIP, RPP
Chief Administrative Officer

Attachment Number	Attachment Name
1	Emergency Designation Letter from Minister of Agriculture, Food and Rural Affairs (dated September 9, 2021)
2	Drain Location Map