

**Appendix C:
Past Financing and Cost
Reports**

**CORPORATION OF THE CITY OF PORT COLBORNE
CONCRETE RETAINING WALL, WIGNELL MUNICIPAL DRAIN
CITY OF PORT COLBORNE**

PROGRESS PAYMENT CERTIFICATE NO. 4 CERTIFICATE NO. 4

CONTRACT NO.: 2006-12C **WORK COMPLETED TO:** May 15, 2009

PROJECT TITLE: Concrete Retaining Wall, City of Port Colborne

CONTRACTOR: Rankin Construction Inc.

G.S.T. REGISTRATION NO. R100130376 **TENDER AMOUNT:** \$148,690.00

Total Value of work to date per attached schedule \$241,254.46
 Less 10% Lien Holdback (0)
 Less: 2% Maintenance Holdback (0)

Total net to Date: \$241,254.46

Less amount on 3 previous certificates

CITY OF PORT COLBORNE OPERATIONAL SERVICES OFFICE				
Approval			Extensions	Checked
Checked			Checked	
G/L Account No.		Amount	GST	PST
3560 33205 3328		4625.09	r/b	

A) Amount due contractor this certificate \$4,825.09
 B) GST applicable to amount due \$241.25

C) TOTAL DUE CONTRACTOR \$5,066.34

Recommended for payment: *Neil Bensen* May 15, 2009
Date

Approved for payment: *[Signature]* June 17/09
 (City of Port Colborne) Date

I, NEIL E. GRAHAM of Rankin Construction Inc., do hereby certify that the above Account amounting to the sum of \$5,066.34 is correct, and I do further certify that my firm and all sub-contractors engaged on the job, have discharged all liabilities incurred for labour, materials, or services, used or reasonably required for use in the performance of this contractor on the date upon which this payment becomes due.

That payment of the amount due this progress certificate shall not in any way imply acceptance of any part of the work.

Date: June 15/09. *Neil Graham*
(Contractor)

Page 1

City of Port Colborne		PROGRESS PAYMENT #1 QUANTITY REPORT	
RANKIN CONSTRUCTION INC. 27 Macdougall Rd. P.O. Box 1116 St. Catharines, Ont. L2A 7A3		CONTRACT NO. 2006-12C	P.Q.R. # 4
		CONTRACT: Concrete Retaining Wall WE0123	PAYMENT PERIOD 8-Jan-07 15-May-09
		TENDER :	\$148,690.00

QUANTITIES ACCEPTED FOR CALCULATIONS								
ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITIES TO DATE	PREVIOUS CERT.	THIS CERT.	UNIT PRICE	\$ VALUE TO DATE	TOTAL THIS PERIOD
			1	2	3	4	5	6
Part 'A'								
A1	Bonding (not subject to GST)	L.S.	1.00	0.00	1.00	\$1,200.00	\$1,200.00	\$1,200.00
A2	Construction Layout - All Works	L.S.	1.00	0.00	1.00	\$3,250.00	\$3,250.00	\$3,250.00
A3	Preconstruction Survey - All Works	L.S.	1.00	0.00	1.00	\$800.00	\$800.00	\$800.00
A4	Install, Maintain and Remove Silt Control Devices	L.S.	1.00	0.00	1.00	\$950.00	\$950.00	\$950.00
A5	Contingency Allowance	L.S.	0.00	0.00	0.00	\$10,000.00	\$0.00	\$0.00
Part 'B'								
B1	Cleanout and Deepen Open Ditch with Low Flow Channel, including Trucking of Spoils	m	158.00	0.00	158.00	\$58.00	\$9,164.00	\$9,164.00
B2	Supply and Install Concrete Retaining Wall	m	158.00	0.00	158.00	\$290.00	\$45,820.00	\$45,820.00
B3	Install 100mm dia. Subdrain	m	164.00	0.00	164.00	\$21.50	\$3,526.00	\$3,526.00
B4	Earthworks							
B4a	Excavation of North Bank	m ³	145.00	0.00	145.00	25.00	\$3,625.00	\$3,625.00
B4b	Backfill Behind Wall	m ³	0.00	0.00	0.00	26.50	\$0.00	\$0.00
B5	Granular Material							
B5a	Granular 'B'	t	301.80	0.00	301.80	\$30.00	\$9,054.00	\$9,054.00

Page 2

ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY TO DATE	PREVIOUS CERT.	THIS CERT.	UNIT PRICE	\$ VALUE TO DATE	TOTAL THIS PERIOD
B5b	Clear Stone	t	161.80	0.00	161.80	\$48.00	\$7,766.40	\$7,766.40
B6	Core Block							
B6a	Station 5+73 300mm dia. Culvert	ea	1.00	0.00	1.00	\$165.00	\$165.00	\$165.00
B6b	Station 5+23 150mm dia. Culvert	ea	1.00	0.00	1.00	\$110.00	\$110.00	\$110.00
B7	Supply and Install Extension							
B7a	to 300mm dia. Culvert Station 5+73	m	5.50	0.00	5.50	\$165.00	\$907.50	\$907.50
B7b	to 150mm dia. Culvert Station 5+23	m	3.00	0.00	3.00	\$160.00	\$480.00	\$480.00
B8	Dewatering of Site Area	m	158.00	0.00	158.00	\$275.00	\$43,450.00	\$43,450.00
B9	Reseed Ditch Bank and Spill	m ²	623.00	0.00	623.00	\$5.50	\$3,426.50	\$3,426.50
B10	(Provisional Item) Removal and Disposal of Unsuitable Subgrade Material	m ³	64.10	0.00	64.10	\$54.00	\$3,461.40	\$3,461.40
B11	Extras	L.S.	104,098.66	92,309.36	11,789.30	\$1.00	\$104,098.66	\$11,789.30

Value to date: \$241,254.46

10% Lien Holdback:

2% Maintenance Holdback:

Less Amount on Previous Certificates: \$236,429.37

Amount due to Contractor this certificate: \$4,825.09

GST Applicable to Amount Due: \$241.25

Total Due Contractor: \$5,066.34

Worked Completed: 162.25%

Approved By:

PROJECT MANAGER

CERTIFICATE

TO: Borden Ladner Gervais LLP

IN THE MATTER OF By-law Number 71-2007 (the “**Debenture By-law**”) authorizing an issue of instalment debentures of The Regional Municipality of Niagara (the “**Upper-tier Municipality**”) in the aggregate principal amount of \$22,809,804.00 - \$845,000.00 of which relates to The Corporation of the City of Port Colborne (the “**Lower-tier Municipality**”);

AND IN THE MATTER OF certain authorizing by-laws of the Lower-tier Municipality.

I, Peter Senese, Treasurer of the Lower-tier Municipality, DO HEREBY CERTIFY THAT:

1. The Lower-tier Municipality has received from the Ministry of Municipal Affairs its annual debt and financial obligation limit for the year 2007 (the “**2007 Limit**”).
2. With respect to the undertaking of the purposes of the Lower-tier Municipality described in the Debenture By-law (individually a “**Project**”, collectively the “**Projects**”), before the Council of the Lower-tier Municipality authorized the Projects, the Treasurer calculated an updated limit in respect of the 2007 Limit in accordance with Ontario Regulation 403/02 (the “**Regulation**”). The Treasurer thereafter determined that the estimated annual amount payable in respect of each Project would not cause the Lower-tier Municipality to reach or to exceed the updated 2007 Limit as at the date of the Council’s approval and the Treasurer then determined that the approval of the Ontario Municipal Board was not required pursuant to the Regulation.
3. As at the date hereof the Lower-tier Municipality has not reached or exceeded its updated 2007 Limit.
4. In updating the 2007 Limit the estimated annual amount payable described in Section 4(2) of the Regulation was determined based on current interest rates and amortization periods which do not, in any case, exceed the respective lifetime of any of the purposes of the Lower-tier Municipality described in such section, all in accordance with generally accepted accounting principles for local governments as recommended, from time to time, by the Public Sector Accounting Board of the Canadian Institute of Chartered Accountants.
5. The term within which the debentures to be issued for the Lower-tier Municipality in respect of each of the Projects pursuant to the Debenture By-law are made payable does not exceed the respective lifetime of each such Project.

DATED at the City of Port Colborne as at the 10th day of July, 2007.

A handwritten signature in black ink, appearing to read "Peter Senese", written over a horizontal line.

Peter Senese
Treasurer

CERTIFICATE

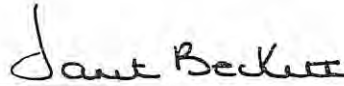
TO: Borden Ladner Gervais LLP

IN THE MATTER OF By-law Number 71-2007 (the "**Debenture By-law**") authorizing an issue of instalment debentures of The Regional Municipality of Niagara (the "**Upper-tier Municipality**") in the aggregate principal amount of \$22,809,804.00 - \$845,000.00 of which relates to The Corporation of the City of Port Colborne (the "**Lower-tier Municipality**");

AND IN THE MATTER OF certain authorizing by-laws of the Lower-tier Municipality.

I, Janet Beckett, refer to my declaration declared July 5th, 2007. I hereby certify that all statements contained in such declaration are true and correct as at the date hereof.

DATED at the City of Port Colborne as at the 10th day of July, 2007.



Janet Beckett,
Clerk



CITY OF PORT COLBORNE
Municipal Offices
66 Charlotte Street
Port Colborne, Ontario
L3K 3C8

OFFICE OF THE DIRECTOR OF
COMMUNITY AND CORPORATE SERVICES

May 18th, 2007.

Mr. John Murphy,
Manager, Policy & Development,
Regional Municipality of Niagara,
2201 St. David's Rd., P. O. Box 1042,
Thorold, ON L2V 4T7

Dear Mr. Murphy:

2007 Public Debenture Issue

Please find enclosed the following documentation you require for a debenture issued for the City of Port Colborne:

- ▶ Debenture Issue Request signed by myself as City Treasurer
- ▶ two certified copies of the resolution of Council requesting the issue of debentures for \$745,000 and \$100,000.
- ▶ a certified copy of both by-laws passed for the issue of debentures for \$745,000 and \$100,000.
- ▶ copy of Director's Reports applicable to the Debenture Financing for the two projects.

Yours very truly

Peter Senese,
Director of Community and
Corporate Services/City Treasurer

PS:lw
encls.

THE REGIONAL MUNICIPALITY OF NIAGARA

2007 Debenture Issue Financing Request

Item No.	Description	Account No	Authorizing By-Law	MOE File No.	MOE Date	Debentures Authorized by Council	Debentures Previously Issued	Debentures Now Being Issued	Debentures Available for future Use
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
City of Port Colborne									
<u>Term 1-5 Years</u>									
1						-	-	-	-
2						-	-	-	-
3						-	-	-	-
Sub-Total for 5 year debentures						\$0	\$0	\$0	\$0
<u>Term 1-10 Years</u>									
4	Construction of the Eastwall of the Sugarloaf Harbour Marina Boat Ramp		4993/49/07			100,000	-	100,000	-
5	Construction of the Wignell and Michener Municipal Drains		4988/44/07			745,000	-	745,000	-
Sub-Total for 10 year debentures						\$845,000	\$0	\$845,000	\$0
Total - City of Port Colborne						\$845,000	\$0	\$845,000	\$0

Signature: Peter M Senese

 Treasurer

City of Port Colborne

DATE: APRIL 23RD, 2007

MOVED BY COUNCILLOR G. BRUNO

SECONDED BY COUNCILLOR B. Butters

WHEREAS the Council of the Corporation of the City of Port Colborne passed By-law No. 4988/44/07 Being a By-law to Authorize the Borrowing of the Sum of Seven Hundred and Forty-Five Thousand Dollars (\$745,000) Upon the Issuance of Debentures for Such Purposes, for the construction of Wignell and Michener Municipal Drains;

WHEREAS the estimated cost of construction of the Wignell and Michener Municipal Drains amount to \$745,000;

WHEREAS it is deemed desirable to issue debentures in the amount of \$745,000 in accordance with the terms of the various authorizing by-laws applicable to such expenditures;

NOW THEREFORE be it resolved by the Council of the Corporation of the City of Port Colborne as follows:

THAT the City Clerk be and is hereby directed to request the Council of the Regional Municipality of Niagara to issue debentures, on behalf of the said City of Port Colborne in the amount of \$745,000 to finance the construction of the Wignell and Michener Municipal Drains and to be a 10 year debenture;

AND THAT the City Clerk and the Treasurer be and they are hereby directed to make available to the said Regional Municipality of Niagara certified copies of all By-laws and Orders of the Ontario Municipal Board applicable and all other information required in this connection, to ensure the issue of the said debentures in the amount of \$745,000. for the construction of the Wignell and Michener Municipal Drains as described in the attached schedule.

Vance Badawey (sgd.)
MAYOR

No.....

CITY OF PORT COLBORNE
CERTIFIED TRUE AND CORRECT COPY
City Clerk Jane Beckett
05/01/07

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NO. 4988/44/07

BEING A BY-LAW TO AUTHORIZE
THE BORROWING OF THE SUM OF
SEVEN HUNDRED AND FORTY-FIVE THOUSAND DOLLARS
(\$745,000)
UPON THE ISSUANCE OF DEBENTURES FOR SUCH PURPOSES

WHEREAS Section 401(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, authorizes the municipality to borrow money or incur a debt for municipal purposes and may issue debentures for the money borrowed or for the debt.

WHEREAS the Council of the Corporation of the City of Port Colborne deemed it desirable to undertake the following Capital Project in 2007 by issuance of debentures:

The construction of the Wignell and Michener Municipal Drains, as approved by Council in the Department of Operational, Planning & Development Services Report No. 2007-25, for the amount of \$745,000.

WHEREAS the Treasurer of the Corporation of the City of Port Colborne has confirmed that the debt repayment limit for the City of Port Colborne has been updated and this project will not cause the Corporation to exceed its limit.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT COLBORNE ENACTS AS FOLLOWS:

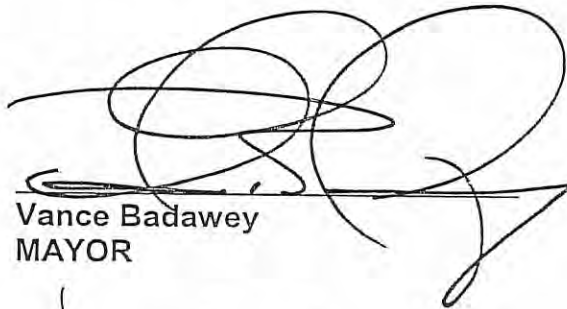
1. In this By-law:

"Council" means the Council of the Corporation of the City of Port Colborne.
"Corporation" means the Corporation of the City of Port Colborne.
2. The Council authorizes and approves the Capital Project, being the construction of the Wignell and Michener Municipal Drains in 2007 for the amount of \$745,000.
3. That the cost of the project, namely \$745,000, to be borne by the ratepayers within the Wignell and Michener Municipal Drain Watershed, shall be paid for by the issue and sale of debentures for the amount of \$745,000 over a period of ten (10) years.
4. Any debentures to be issued by the Council of the Regional Municipality of Niagara, with respect to the said project or part thereof, shall bear interest at such rate or rates as shall be determined by the Regional Council.

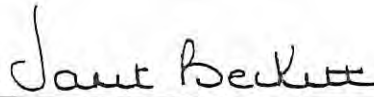
5. The Mayor and Treasurer are hereby authorized on behalf of the Corporation to borrow from any bank, person, firm or corporation from time to time, pending the issue and sale of debentures, any money necessary to meet the expenditures incurred up to the amount of the estimated cost thereof, and the Mayor and Treasurer are hereby authorized to execute a promissory note or notes thereof and the Clerk is hereby authorized to affix the corporate seal thereto.
6. The City Clerk of the Corporation is hereby authorized and directed to request the Council of the Regional Municipality of Niagara to borrow money for the purposes hereinbefore set out to a maximum amount of \$745,000 and to issue debentures therefore to the credit of the Regional Corporation and to suggest to the Regional Municipality of Niagara that such debentures shall be payable within ten (10) years.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS

23rd DAY OF APRIL, 2007.



Vance Badawey
MAYOR



Janet Beckett
CITY CLERK

CITY OF PORT COLBORNE
CERTIFIED TRUE AND CORRECT COPY

City Clerk Janet Beckett
05/01/07



PORT COLBORNE

APPROVED BY
COUNCIL
APR 23 2007
J. BECKETT
CITY CLERK
CITY OF PORT COLBORNE

DEPARTMENT OF OPERATIONAL
PLANNING & DEVELOPMENT SERVICES

Report No. 2007-25

Agenda Date: April 23, 2007

Division: Engineering Division

Subject: FINANCING OF THE WIGNELL-MICHENER MUNICIPAL DRAINS

RECOMMENDATION:

That the Council of the City of Port Colborne approve the works contained in this report for the construction of the Wignell and Michener Municipal Drains.

That the Council of the City of Port Colborne approve the attached resolution to authorize the Regional Municipality of Niagara to issue the debenture in the amount of \$745,000.00 over a period of 10 years for the works related to construction for the Wignell and Michener Drains.

That the Council of the City of Port Colborne authorize the City Clerk and Mayor to sign the appropriate by-law to authorize the issuance of debentures by the Region.

Purpose of the Report

The City of Port Colborne has appointed Wiebe Engineering Group to prepare a report for the repair and improvement of the Wignell, Michener M - 1 and the Michener M - 2 Municipal Drains. The estimated cost of the work is \$780,000.00 and Council should consider debenturing the cost of this project as the City cannot finance this amount on behalf of the benefiting landowners within the watershed.

Analysis

Council appointed Wiebe Engineering Group on December 21, 2001 to prepare a drainage report for the Wignell and Michener Municipal Drains, under the appropriate sections of *The Drainage Act, R.S.O 1990*. The primary reason for the Report was to amalgamate 5 different by-laws for various portions of the Wignell Municipal Drain into one by-law, to confer municipal drain status on a short section connecting two portions of the Wignell Drain, to update the assessment schedules to reflect current land use and watershed boundaries, and to provide for needed repairs and improvements.

The "on-site" meeting for this project was held the evening of January 9, 2002 and was attended by about 90 landowners as well as Councillors Butters and Bodner. Many issues were raised and discussed at the meeting, including a storm water management system to control discharge of sediment and nutrients into Lorraine Bay, the ongoing erosion problem in the muck type soils in the portion of the Wignell Drain located south of the Friendship Trail, and others.

A treatment wetlands / storm water management system was designed, however, the cost was so high that it was decided not to proceed with that as part of the Report. The concept has not been abandoned, we are trying to receive funding for the wetlands through Water Smart Niagara. Concerns were raised about contaminants in the sediment in the bottom of the drain, so soil samples of the drain bottom were taken and tested and the test results indicate that the sediment is within provincial guidelines so the excavated material is safe to spread along the side of the drain.

The existing building housing the pump at Lakeshore Road East must be replaced, the starter on the pump inside the building must be replaced, the controller for the Grindex pump on the north side of the floodgates must be moved to inside the building, "bubblers" must be installed inside the pump wetwell to prevent freezing, the existing transformer must be upgraded to provide more power, the power supply cables must be moved underground, the floodgates require remedial work, and various

electrical components and installations for the pumps and floodgates must be upgraded to meet current Hydro regulations.

Erosion continues to worsen, to the extent that we had to install a concrete block wall along the Smith property between Snider Road and the Cemetery at a cost of \$226,000. Repairs and improvements are required all along the Wignell and Michener Drains to improve flows and reduce erosion.

The work has escalated beyond what was originally considered when the engineer was appointed in late 2001. The cost of the required works is now estimated at \$780,000, as follows:

■	Construction: Main Drain = \$400,000 (includes the \$226,000 for the concrete wall)	
	Wignell W-1 = \$38,000	
	Wignell W-2 = \$23,000	
	Michener M-1 = \$15,000	
	Michener M-2 = \$56,000	
	Total construction & Contingency = \$532,000	
■	Allowances =	\$53,000
■	Engineering & Administration =	\$151,000
■	GST =	\$44,000
■	TOTAL COST =	\$780,000

Resource Implications

The estimated \$780,000 cost will have to be borne upfront by the municipality. It is estimated that approximately 15% of that cost will be assessed to City owned lands and road allowances and the remainder will be invoiced to affected landowners within the watershed. The actual cost to be debentured, net of GST and commission/legal fees, amounts to \$745,000.00.

Policies Affecting The Proposal

The attached resolution provides the authority for the Region to issue a 10 year debenture for the construction of the Wignell and Michener Drains. This confirms that the Treasurer has updated the municipalities 2006 annual repayment limit respecting long term debt and financial obligations and determined that the estimated annual amount payable in respect of the drain construction, the additional cost amount and additional debenture authority, would not cause the municipality to reach or to exceed the updated 2006 limit.

Comments From Relevant Departments, Agencies & Corporate Partners

None.

Alternatives

None

Conclusions

That the construction of the Wignell and Michener Drains be approved with financing from the issuance of debentures from the Region in the amount of \$745,000.00. Costs will be recovered from the affected landowners following completion of the works.

Attachments

The attached by-law and resolution is required to authorize the borrowing of \$745,000.00 upon the issuance of debentures by the Region in June, 2007.

Prepared by:



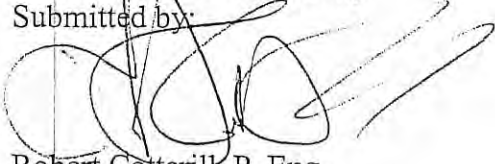
René Landry, C.E.T., CST
Drainage Superintendent
Engineering Assistant

Reviewed and Approved by:



Tim Stuart, P.Eng.
Director of Operational, Planning
and Development Services

Approved and Respectfully
Submitted by:



Robert Cotterill, P. Eng.
Chief Administrative Officer

Financing strategy reviewed and
Approved by:



Peter Senese
Director of Community & Corporate
Services

Wignell/Michener Debenture

	December 31, 2007.	2008 TOTAL	December 31, 2008.	2009 TOTAL	December 31, 2009.	2010 TOTAL	December 31, 2010.	2011 TOTAL
Total	\$ 745,000.00		\$ 685,773.55		\$ 623,570.98		\$ 558,277.98	
	\$ 6,065.29	\$ 96,388.48		\$ 96,422.90		\$ 96,485.90		\$ 96,556.81
PRINC.		\$ 59,226.45		\$ 62,192.57		\$ 65,303.00		\$ 68,573.75
INT.		\$ 37,162.03		\$ 34,230.33		\$ 31,182.90		\$ 27,983.06

	December 31, 2011.	2012 TOTAL	December 31, 2012.	2013 TOTAL	December 31, 2013.	2014 TOTAL	December 31, 2014.	2015 TOTAL
	\$ 489,704.23		\$ 417,715.44		\$ 342,126.42		\$ 262,748.73	
		\$ 96,577.48		\$ 96,614.26		\$ 96,661.28		\$ 96,665.48
		\$ 71,988.79		\$ 75,589.02		\$ 79,377.69		\$ 83,350.75
		\$ 24,588.69		\$ 21,025.24		\$ 17,283.59		\$ 13,314.73

	December 31, 2015.	2016 TOTAL	December 31, 2016.	2017 TOTAL	December 31, 2017.	Total Interest Paid
	\$ 179,397.98		\$ 91,889.76		\$ -	
		\$ 96,613.74		\$ 96,576.12		
		\$ 87,508.22		\$ 91,889.76		
		\$ 9,105.52		\$ 4,686.36		\$ 220,562.45

2007-2009 Contract cost
for Rankin Construction
Retaining Wall
Erosion Protection Wall
Engineering Fee
2001-2007 Weibe
Engineering Fees

		2008	2009	2010	2011
\$241,254.45					
\$27,894.59	\$2,191.23	\$13,425.67	\$12,366.52	\$11,265.57	\$10,109.55
\$100,750.62	\$820.24	\$5,025.63	\$4,629.16	\$4,217.04	\$3,784.31
\$369,899.66	\$3,011.47	\$18,451.31	\$16,995.69	\$15,482.61	\$13,893.86
		4.99%	4.59%	4.19%	3.76%
		2012	2013	2014	2015
		\$8,883.25	\$7,595.87	\$6,244.11	\$4,810.26
		\$3,325.27	\$2,843.36	\$2,337.36	\$1,800.63
		\$12,208.52	\$10,439.23	\$8,581.47	\$6,610.89
		3.30%	2.82%	2.32%	1.79%
		2016	2017	Total	
		\$3,289.59	\$1,693.06	\$47,167.31	
		\$1,231.39	\$633.76	\$17,656.15	
		\$4,520.98	\$2,326.82	\$ 109,511.38	
		1.22%	0.63%	29.61%	