

CITY OF DUNCAN

Agenda

Special Council Meeting

Tuesday, September 7, 2010, 6:45 p.m.

Committee Room, City Hall

200 Craig Street

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1. Adopt Agenda	1-2
2. Introduction of Late Items	
2.1.	
3. Unfinished Business	
3.1. None.	
4. New Business	
4.1. Report from Peter de Verteuil, Director of Finance – Cowichan Commons / Rail Corridor Trail – CIPP funding	3-6
Recommendation:	
“<u>That</u> the City of Duncan Council approve the Cowichan Commons Trail Project from Queens Road to Philip Street at an estimated cost of \$287,150 with funding of \$100,000 from the Bike B.C. Cycling Infrastructure Partnerships Program, and the remainder from the Public Transit Funding and the City’s Community Works (Gas Tax) funds.”	
4.2. Cowichan Valley Flood Protection Memorandum of Understanding – Peter de Verteuil, Director of Finance - to be discussed	
5. Bylaws	
5.1. Bylaw for First, Second and Third readings	7-9
“Bylaw Enforcement Officer Appointment Bylaw No. 3000, 2010”	
<u>That</u> “Bylaw Enforcement Officers Appointment Bylaw No. 3000, 2010”, be given first, second and third readings	
6. Question and Answer	

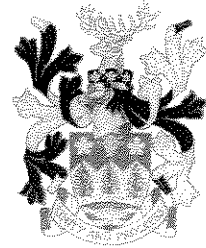
7. Closed Session

7.1. None.

8. Adjournment

Report

To: Mayor and Council – September 7, 2010 Special Council
 From: Peter de Verteuil, Director of Finance
 Date: September 3, 2010
 Re: Cowichan Commons / Rail Corridor Trail – CIPP funding



RECOMMENDATION:

That the City of Duncan Council approve the Cowichan Commons Trail Project from Queens Road to Philip Street at an estimated cost of \$287,150 with funding of \$100,000 from the Bike B.C. Cycling Infrastructure Partnerships Program, and the remainder from the Public Transit Funding and the City's Community Works (Gas Tax) funds.

KEY ISSUES AND BACKGROUND:

In November of 2007, both the City of Duncan Council and the District of North Cowichan Council approved an application to the UBCM for the \$225,161 that was allocated to the Duncan/North Cowichan Paratransit system, to fund a commuting trail way between the District and the City of Duncan, and in particular the connection of the Cowichan Commons to Downtown Duncan utilizing the Rail Right of Way.

District and City Staff have had many meetings to discuss the funding determined a suitable project that staff from both municipalities could support while also fitting within the funding guidelines, then met to develop the priorities, later adding funding of \$19,136 in late 2008.

There was much delay in waiting for the railways standards to be developed. In late 2009 FJM Services was approved to do the feasibility review.

In April 2010 Council approved:

That priority be given to the Alington Road to Green Road section of the Cowichan Commons Trail including improvements to the Sherman Road pedestrian crossing (shown as part of phase 4 in the assessment) and approval to proceed with this initial phase be granted, providing that North Cowichan Council commits to additional future financial support and completion of the Commons Trail in the near future.

North Cowichan's response was to have the entire trail designed and then split the remaining proceeds, committing to build the section from Green Road to the end of Alington Road (likely using some of their Forest Legacy funds), with the City committing to build the sections adjacent to the City (up to Philip Street).

North Cowichan's proposal was agreed to in July 2010 with Council agreeing to spend just under \$100,000 in Community Works Gas Tax funds to complete the section from Queens Road to Beverly Street. Since then Creative Engineering services has been working on survey and design work (not yet complete)

Request for Decision – September 3, 2010 – Cowichan Commons / Rail Corridor Trail – CIPP funding

In late August, North Cowichan staff became aware of the Cycling Infrastructure Partnerships Program (CIPP) and the ability for both the City and North Cowichan to apply for up to \$100,000 each towards the Commons Trail. Both City and NC staff acted quickly, working feverishly with Creative Engineering and their associates to put a grant application together. The cost for this extra work was up to \$1,000 per municipality (good value based on previous grant application assistance) The application was submitted on September 1st. The application requires a Council resolution authorizing the project.

During the Grant application work, updated projections have been made by Creative Engineering. Note this is still not detailed design.

It is estimated that the North Cowichan section from Sherman Road to Green Road should be able to be constructed for \$365,300 (only slightly more than our projections earlier this year). NC will likely fund this \$100,000 from CIPP, \$104,663 from Transit and \$160,637 from their Forest Legacy funds. It is estimated that this trail can be constructed to a 4 meter width so that 3 meter paving in the future is possible.

It was believed that with an extra \$100,000 the City would be able to build from Queens Road to Philip Street while still only using \$100,000 in Gas Tax funds. However, the City's costs initially projected by Creative Engineering at over \$450,000 this is mainly due to their desire for a 4 meter width and over conservative estimates for fencing and rail crossings. 4 meters was mainly to accommodate perfect circumstances for future 3 meter width paving of the path (currently estimated at approximately \$150,000). Staff felt the added cost for something that may never come to be was simply not worth it.

During the application work we have pared down their estimates so that we are not committing to a standard we likely won't build. The trail will now be 4 meters wide from James to Beverly, but 3 meters everywhere else due to various circumstances. Fencing is avoided in most areas by maintaining a 5 meter separation from the train tracks, but there will still be a couple areas with fencing. We also believe we can avoid having to spend \$40,000 to upgrade the pedestrian shoulder of James Street. This has brought the estimate for the purposes of the grant down to \$287,150. Based on this estimate we should be able to build a very pedestrian and cyclist friendly trail way.

This should complete the City's commitment to the Commons Trail. North Cowichan will still need to construct the section from Philip Street to Sherman Road (costs not yet updated). This section will most likely have to wait for grants (or community sponsorships) due to NC's financial woes.

Creative Engineering has been informed that it is the City's wish to involve the service clubs very early after the first run at detailed design.

STRATEGIC SIGNIFICANCE:

The Commons Trail was previously on the Strategic Priorities list. It is now considered operational. Maximizing grant applications is still on the Strategic Priorities list.

OPTIONS AND ALTERNATIVES:

1. Pass the recommendation
2. Commit an additional \$80,000 of Gas Tax Funds and make the entire trail 4 meters wide. This includes additional retaining wall and fencing north of Beverly due to lack of width between ditch and Canada Ave.
3. Do not approve the additional spending now on the section from Beverly to Philip

BENEFITS DISADVANTAGES AND NEGATIVE IMPACTS:

1. Benefit: Secures \$100,000 in CIPP funds and builds the entire City portion of the Commons Trail
Disadvantage: not whole trail is 4 metres
2. Benefit: Still secures \$100,000 in CIPP funds and builds the entire City portion of the Commons Trail to a higher standard
Disadvantage: 4 meters could be considered excessive due to the added costs and since we may never pave it.
3. Benefit: Saves some Gas Tax Funds for other projects
Disadvantage: likely forgoes the possibility of the CIPP grant.

COSTS AND BUDGET IMPACT - REVENUE GENERATION:

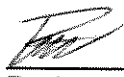
The City's portion of the Transit funds remaining after engineering the entire Commons Trail is estimated at \$66,832. Therefore with a \$100,000 CIPP grant, the City will need to utilize approximately \$120,320 of Community Works Gas Tax Funds to complete the \$287,150 trail from Queens Road to Philip Street.

COMMUNICATION:

Advise NC of Council's approval and write letter including Council resolution to CIPP funders.



Peter de Verteuil, Director of Finance



Reviewed by CAO
fo

**2010/2011 PROJECT COST
ESTIMATE SHEET**

BIKE BC – Moving Cycling Forward

WORKS DETAIL		QUANTITY	UNIT	UNIT COST	AMOUNT
Excavation	Type "A" (Solid) Rock)		m ³		
	Type "B" (Other)	1935	m ³	30	58050
Granular Sub-Base: Depth	150mm/Width 3.5	1890	t	20	37800
Granular Base: Depth	100mm/Width 3.5	860	t	30	25800
Compaction					
Watering					
Primer					
Pavement: Depth	mm/Width m		t		
Shouldering					
Culvert - Type: CSP	/Size: 250mm	10	m	150	1500
Storm Drain					
Utility Relocation (Road Authority's Share)					
Catch Basins					
Utility Access Covers					
Pavement Markings					
Traffic Signs					
Intersection Lighting					
Cyclist Activated Signals and Duct Works: (attach warrant sheets)					
Cyclist Actuation Loops					
Cyclist Actuation Push Buttons					
Traffic Calming Devices (circles, bulges, etc.)					
Drop Curbs					
Retaining Walls					
Guardrail					
Bridge Structures					
Fencing					
Obstruction Removal (conc foundations)					
Project Management (up to 15%)					
Other: Trail head signage, pole relocate					
TOTAL COST					\$287,150
All contributions by a third party (including a developer) must be deducted (-)					\$66,830
TOTAL COST - SHAREABLE AMOUNT					\$220,320
Local government share - Minimum of 50%					\$120,320
CIPP share - Maximum of 50% or \$100,000 (whichever is less)					\$100,000

Staff Recommendation



Date: August 31, 2010
To: Special Council Meeting – September 7, 2010
From: Lynn Ketch, Director of Corporate Services
Re: Bylaw Enforcement Officers Appointment Bylaw

RECOMMENDATION:

That 'Bylaw Enforcement Officers Appointment Bylaw No. 3000, 2010', be given 1st, 2nd, and 3rd readings.

KEY ISSUES AND BACKGROUND:

Currently the only Bylaw Enforcement Officer appointed by Council is Commissionaire Sgt. William (Bill) Wahlman. It would be advantageous to have more than one Bylaw Enforcement Officer appointed at any given time to allow MTIs to be written when Mr. Wahlman is unavailable (holidays/sick time). In most instances, the Building Inspector is also authorized to write these tickets, but serving them can be time consuming and not necessarily the best use of his time.


It is inefficient for appointments to go to Council every time a new Commissionaire is hired and also again each time they leave their position as Commissionaire under contract for the City of Duncan. There could also be a lag of up to one month between the time they may come on stream and the time they can issue tickets.

Bylaw No. 3000 ensures the official creation of the position and a more efficient process for appointing new Bylaw Enforcement Officers.

The attached Bylaw No. 1588, 2010 needs to be repealed since it is no longer relevant.



Lynn Ketch
Director of Corporate Services



Reviewed by CAO
for

THE CORPORATION OF THE CITY OF DUNCAN

BYLAW NO. 3000, 2010

A Bylaw to authorize the appointment of officers and employees to enforce City Bylaws.

WHEREAS pursuant to the *Community Charter* the Municipal Council of the City of Duncan may, by bylaw, establish positions and assign powers, duties and functions to those positions,

NOW THEREFORE, the Municipal Council of the City of Duncan enacts as follows:

1. The position of Bylaw Enforcement Officer is hereby established.
2. Bylaw Enforcement Officers may enforce the bylaws of the City of Duncan in accordance with the *Community Charter* and the *Local Government Bylaw Notice Enforcement Act*.
3. The Chief Administrative Officer is authorized to appoint individuals to the position of Bylaw Enforcement Officer.
4. "Bylaw Enforcement Officers Bylaw No. 1588, 1990" is hereby repealed.
5. This Bylaw may be cited for all purposes as "Bylaw Enforcement Officer Appointment Bylaw 3000, 2010."

READ A FIRST TIME this ___ day of _____, 2010.

READ A SECOND TIME this ___ day of _____, 2010.

READ A THIRD TIME this ___ day of _____, 2010.

ADOPTED this ___ day of _____, 2010.

Corporate Officer of the Municipal
Council of the Corporation of the
City of Duncan

Phil Kent
Mayor

THE CORPORATION OF THE CITY OF DUNCAN

BYLAW NO. 1588

A Bylaw to Provide for the Appointment of "Bylaw Enforcement Officers" of the City of Duncan.

The Council of the City of Duncan in open meeting assembled for purposes of Section 934.1 (1) (b) of the Municipal Act of the Province of British Columbia, enacts as follows:

1. The following positions, as defined in the "Officers and Employees Indemnity Bylaw, 1985, No. 1498" and amendments thereto, are hereby designated as "BYLAW ENFORCEMENT OFFICERS" of the Corporation of the City of Duncan:

Building Inspector (also Local Assistant Fire Commissioner)

Commissionaires

Animal Control Officer

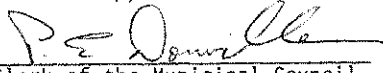
2. This Bylaw may be cited for all purposes as the "Bylaw Enforcement Officers Bylaw, No 1588 , 1990".

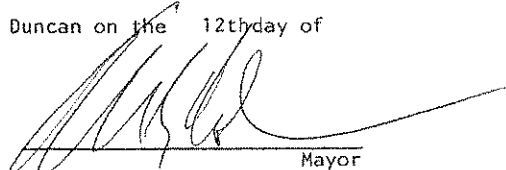
READ THE FIRST TIME on the 22nd day of January, 1990.

READ THE SECOND TIME on the 22nd day of January, 1990.

READ THE THIRD TIME on the 22nd day of January, 1990.

RECONSIDERED, FINALLY PASSED and ADOPTED by the Municipal Council of The Corporation of the City of Duncan on the 12th day of February, 1990.


Clerk of the Municipal Council
of The Corporation of the City
of Duncan.


Mayor

I HEREBY CERTIFY that the foregoing is a true copy of Bylaw No. of The Corporation of the City of Duncan, being "Bylaw Enforcement Officers Bylaw, No. , 1990" as reconsidered, finally passed and adopted on the day of 1990.

Dated at Duncan, B. C.
this day of
1990.

City Clerk