Minute No. 797
Report - Standing Policy Committee on Infrastructure Renewal and Public Works– September 12, 2006

Item No. 3 **Conversion of the Temporary Clay Dike at 275 to 299 Scotia Street to a permanent secondary clay dike**
File PD

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and adopted the following:

1. That the temporary clay dike located at 275 to 299 Scotia Street be converted to a permanent clay secondary dike conditional on receiving unanimous approval from the eight private property owners involved.

2. That funds in the total amount of $197,000.00 from the Floodplain Management Project (Account No. 003 181000 200652 2070000402) be utilized for this project.

3. That the residents of 275 to 299 Scotia Street inclusive contribute to the project through payment of ten percent (10%) of the project cost or “work in-kind” contributions.

4. That the Chief Administrative Officer be delegated authority to do all things necessary to enter into agreements with each property owner between 275 and 299 Scotia Street to cause the secondary dike to be constructed.

5. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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DECISION MAKING HISTORY:

Moved by Councillor Clement,

That the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 21, 2006, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 12, 2006, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

RE: CONVERSION OF THE TEMPORARY CLAY DIKE AT 275 TO 299 SCOTIA STREET TO A PERMANENT SECONDARY CLAY DIKE

FOR SUBMISSION TO: THE STANDING POLICY COMMITTEE ON INFRASTRUCTURE RENEWAL AND PUBLIC WORKS

ORIGINAL REPORT SIGNED BY: The Director of the Water and Waste Department

REPORT DATE: September 1, 2006

RECOMMENDATION(S):

1. That the temporary clay dike located at 275 to 299 Scotia Street be converted to a permanent clay secondary dike conditional on receiving unanimous approval from the eight private property owners involved.

2. That funds in the total amount of $197,000.00 from the Floodplain Management Project (Account No. 003 181000 200652 2070000402) be utilized for this project.

3. That the residents of 275 to 299 Scotia Street inclusive contribute to the project through payment of 10% of the project cost or "work in-kind" contributions.

4. That the CAO be delegated authority to do all things necessary to enter into agreements with each property owner between 275 and 299 Scotia Street to cause the secondary dike to be constructed.

REPORT SUMMARY

KEY ISSUES:

New Capital Projects must be approved by Council.

IMPLICATIONS OF THE RECOMMENDATION(S):

General Implications

	None
	For the organization overall and/or for other departments
x	For the community and/or organizations external to the City of Winnipeg
	Involves a multi-year contract

Comment(s): The conversion of the temporary clay dike to a permanent secondary clay dike benefits the residents by providing flood protection during the "nuisance" floods, and reduces the recurring costs to the City for providing and delivering sandbags to these properties.

Policy Implications

	No
x	Yes –

Comment(s): Constructing this dike on private property may create a policy precedent for other properties located outside of the Primary Line of Defence.

Regulatory Implications

x	None
	Eliminates or reduces regulatory impact
	Proposes regulatory impact

Comment(s):

Environmental Implications

x	None
	Yes - Comment(s):

Human Resources Implications

x	No
	Yes - Comment(s):

Financial Implications

x	Within approved current and/or capital budget
	Current and/or capital budget adjustment required

Comment(s): Funding for this project is included in the approved Capital Budget.

REPORT

REASON FOR THE REPORT:

Redefining an existing capital project by a "program change" to cover a new project must be approved by Council.

HISTORY:

Funds in the amount of $300,000.00 are included in the 1999 to 2003 Capital budgets for the Floodplain Management Project.

The Secondary Dyke Corridor By-law No. 59/2005 requires the owners and occupants of properties on which a secondary dike is located to prepare for and construct temporary dikes when necessary to prevent flooding. There is a Secondary Dyke Corridor located on the properties located between 275 and 299 Scotia Street.

DISCUSSION:

To provide flood protection for the nine properties located from 275 to 299 Scotia Street during the 2005 spring freshet, a temporary clay dike was constructed within the prescribed Secondary Dyke Corridor. The City was constructing a clay dike at the Jefferson Pumping Station, and during construction of this dike, several of the residents of 275 to 299 Scotia Street requested extending the temporary clay dike onto their properties for flood protection.

The residents of the affected properties signed waivers to allow the construction of the temporary clay dike and Water and Waste Department personnel coordinated the dike construction.

Residents have enquired as to the possibility of converting the temporary clay dike to a permanent clay dike. The temporary clay dike was constructed to 20.5 feet James Avenue datum, Red River level. An engineering investigation of the conversion from temporary to permanency was done. This investigation included geotechnical concerns, the impacts on riverbank stability, internal drainage design, temporary dike integrity and the conversion to permanent alignment.

The geotechnical assessment and impacts on riverbank stability have been provided to the City's Riverbank Management Engineer for his review. Internal drainage and the permanent alignment have been prepared on engineering drawings, and an estimate for the works has been prepared. The estimated total project cost is $197,500.00.

Meetings with the residents to discuss the project and their financial or work in-kind contributions to the project are required. A contribution to the project from the benefiting properties would be consistent with previous policies for the 1996 Secondary Sandbag Dike Conversion initiative and the Canada-Manitoba-City of Winnipeg Agreement on Secondary Diking Enhancements.

The residents of the benefiting properties for the Sandbag Dike Conversion initiative were required to arrange and fund final landscaping of the converted dikes.

Under the tripartite Agreement on Secondary Diking Enhancements, City Council adopted a policy where 10% of the total cost for a community ring dike not covered by the Federal and Provincial Governments was to be recovered from the benefiting properties. Flood Proofing Agreements were entered into before a property was eligible for funding assistance.

A Flood Proofing Agreement for the Scotia properties where the temporary clay dike is to be converted to a permanent secondary clay dike would include clauses that:

- would allow the City to enter, construct and inspect the permanent secondary clay dike
- would save the City harmless during construction
- would identify the property owner's responsibility to maintain and not alter the permanent secondary clay dike
- would allow the City to caveat the property to ensure subsequent owners would be apprised of the Flood Proofing Agreement and the property owner's responsibilities
- would identify the property owner's agreement to provide their share of the project cost, either the $1/9^{th}$ of 10%(approximately $2,200) or their agreement for "work-in-kind", namely sodding and final restoration of the permanent secondary clay dike

The nine individual property owner contributions (City is one contributor – 299 Scotia Street, Jefferson Pumping Station) would be approximately $2,200.00 each and the option of the property owner arranging or completing the final landscaping as a "work-in-kind" alternative is recommended.

The project to convert the temporary clay dike to a permanent dike would only be undertaken subject to the unanimous consent of all property owners. Otherwise, the conversion would not proceed and the temporary clay dike will be removed.

The properties located at 265, 271 and part of 275 Scotia Street did have a permanent clay dike installed to 20.5 feet James Avenue datum, Red River level, under the Secondary Diking Enhancement Agreement, however, those property owners were not required to make a financial contribution. The reason was that project was done as a Special Case Project at a total cost of approximately $120,000.00 and the senior funding partners, the Federal and Provincial Governments agreed to fund 90% of this project's costs. Waiving the 10% contribution by these property owners was approved by Council. Although this project did not meet the Flood Proofing Program's requirements of dike height, the project did meet the Program's objective of

reducing future government flood fighting costs. These properties were exceptionally low and required sandbags for any Red River elevation above 16 feet James Avenue datum, therefore there was an economic benefit to the City to waive the 10% contribution.

The financial status of the Floodplain Management Project is as follows:

Authorized Capital	$300,000.00
Amount of Previous Awards or Expenditures	$20,000.00
Estimated Costs of this Project	$197,000.00
Funds Remaining	$83,000.00

FINANCIAL IMPACT:

The following financial impact statement for this project has been prepared in accordance with the recommendation adopted by Council on December 13, 2000.

Financial Impact Statement

Date: September 1, 2006

Project Name:

First Year of Program 2006

CONVERSION OF THE TEMPORARY CLAY DIKE AT 275 TO 299 SCOTIA STREET TO A PERMANENT SECONDARY CLAY DIKE

	2006	2007	2008	2009	2010
Capital					
Capital Expenditures Required	$ 197,000	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	197,000	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ 5,004	$ 19,700	$ 19,700	$ 19,700	$ 19,700
Less: Incremental Revenue/Recovery	5,004	-	-	-	-
Net Cost/(Benefit)	$ -	$ 19,700	$ 19,700	$ 19,700	$ 19,700
Less: Existing Budget Amounts	-	19,700	19,700	19,700	19,700
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: Funds for this project are included in the approved Capital Budget and are financed by Equity in Capital Assets Fund.

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Moira L. Geer C.A.

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By: N/A

External Consultation With: N/A

THIS REPORT SUBMITTED BY:

Water and Waste Department
Engineering Division
Prepared by: CT/GM
File No. 020-08-09-11-00