

Date: 12 July 2011



City Council Committee Report - amended

To: Mayor Canfield & Members of Council

Fr: Rick Perchuk, Operations Manager

Re: Request for use of municipal property – accessible community garden

Recommendation:

That the Council of the City of Kenora approves use of a portion of the municipal road allowance (Sixth Street South and Third Avenue South), by letter of comfort and subject to the provision of a certificate of insurance and any other requirements recommended by the Risk Management and Loss Prevention Officer; and THAT before proceeding with the construction of the retaining wall an inspection of the proposed works will be conducted by the Engineering Department; and THAT KACL undertakes to maintain the municipal lands during and/or after the garden's existence.

Background:

In April of 2007, after meeting with staff from the KACL Arts Hub, the City received a request for a letter of comfort for use of a portion of both the Sixth Street South and Third Avenue South road allowances for use as part of an accessible garden area.

The proposal was circulated internally with a recommendation from staff that the garden be maintained on the private property only; Staff was not willing to issue a letter of comfort in order to protect both the City and the garden operator from future issues if the City requires the road allowance, for municipal purposes. One of the elements of the garden area is a retaining wall, which would be located on municipal property.

The KACL attended the Property and Planning Committee meeting on July 12th, to present the plans and proposal for the community garden. In order to be accessible, the additional lands, owned by the municipality, are required. Any elevation/grade change will not be significant; it was indicated by KACL that it will not exceed the height of an existing hydrant.

Comments from Risk Management and Loss Prevention Officer:

Certificate of Insurance naming the City of Kenora as an additional insured is required. The Risk Management and Loss Prevention Offices is unaware of anything that could happen in a community garden that would give rise to any sort of liability against the City. It may be worthwhile suggesting to KACL that their participants sign a user agreement that absolves KACL of liability if they do not already have such a mechanism in place.

Budget: N/A

Communication: Art Partners