Minute No. 153
Report - Standing Policy Committee on Property and Development - January 16, 2004

Item No. 12 Joint Use Agreement with the Winnipeg School Division for David Livingstone School and Lord Selkirk Park/Turtle Island
File PR-2.3

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submits the following to Council:

1. That the City of Winnipeg enter into a Joint Use Agreement with the Winnipeg School Division for long term care and maintenance of the shared property at Lord Selkirk Park (Turtle Island Neighbourhood Centre) and David Livingstone School in accordance with the Terms and Conditions outlined.

2. 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 Vandal,
That the recommendation of the Standing Policy Committee on Property and Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On January 16, 2004, the Standing Policy Committee on Property and Development concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

RE: Proposed Joint Use Agreement with Winnipeg School Division for David Livingstone School & Lord Selkirk Park/Turtle Island.

FOR SUBMISSION TO: Standing Policy Committee on Property and Development

ORIGINAL REPORT SIGNED BY: Kathy Knudsen, Acting Director, Community Services Department

REPORT DATE: December 12, 2003

RECOMMENDATION(S):

1. That the City of Winnipeg enter into a Joint Use Agreement with the Winnipeg School Division for long term care and maintenance of the shared property at Lord Selkirk Park (Turtle Island Neighbourhood Centre) and David Livingstone School, as per the Terms and Conditions outlined in this report.

2. That the Proper Officers of the City be authorized to do all things necessary to implement foregoing, including the execution of documents related thereto.

REPORT SUMMARY:

Key Issues:

- Through integrated planning and negotiations it was recognized that the most efficient use of the lands would see the Lord Selkirk Park play structure straddle the property line between City lands and the adjacent lands of the Winnipeg School Division.
- The City of Winnipeg is the owner of the lands known as Lord Selkirk Park and the building on those lands known as Turtle Island Neighbourhood Centre;
- The Winnipeg School Division is the owner of the lands and facility known as David Livingstone School adjacent to Lord Selkirk Park.
- The Turtle Island Neighbourhood Centre, Volunteer Board desires an involvement in the long term care of the playground facilities.
- Playground project 2000 has resulted in considerable improvements to the shared site valued at $325,800.00; the City's portion was $270,000.00.
- By letter dated February 14, 2003 the Winnipeg School Division has advised that they concur with the proposed terms and conditions.
- On June 10, 2003 the Lord Selkirk-West Kildonan Community Committee concurred with the draft terms of the Joint Use Agreement.

Implications of the Recommendation(s):

General Implications

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

Comment(s):

The Joint Use Agreement is proposed for a term of 10 years, with the option of renewal for 2 additional 5-year terms based upon the same conditions.

Policy Implications

X	No
	Yes

Comment(s):

Environmental Implications

X	No
	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):
Approval of the recommendation and the Joint Use Agreement has no impact on current or capital budgets. Public Works requires no additional funding to meet its maintenance obligations.

REASON FOR THE REPORT:

Joint Use Agreements require approval by Council.

HISTORY:

The School Division and the City of Winnipeg share the subject property identified in Appendix A. The properties have been maintained separately, with the Winnipeg School Division maintaining the school property and the City of Winnipeg maintaining the property of Lord Selkirk Park. These jurisdictions were clearly defined and have worked reasonably well. The addition of the playground structure, which straddles the property line, necessitates the creation of a Joint Use Agreement.

From 1999 to 2000, the Parent Council developed plans and were actively involved in developing a funding base for the development of the play area at David Livingstone School and Lord Selkirk Park adjacent to Turtle Island Neighbourhood Centre. Playground Project 2000 resulted in considerable improvements to the shared site. This project raises the Community's awareness of Neighbourhood safety, health and community well being as identified in the Lord Selkirk Neighbourhood Revitalization Strategy.

At a meeting held on June 10, 2003 the Lord Selkirk-West Kildonan Community Committee advised of its concurrence with the draft terms of the Joint Use Agreement to be entered into between the City of Winnipeg and the Winnipeg School Division at the David Livingstone School & Lord Selkirk Park/Turtle Island site.

DISCUSSION:

Through the planning discussions and negotiations surrounding this project, it was recognized that the most efficient and effective use of the lands would see the play structure straddle the property line. This would require an Agreement for sharing the property. This requirement opened the door for discussions on possible improvements in the maintenance patterns for the site.

This partnership will enhance the site and have a positive impact on the community. There is no additional cost to either party to meet the obligations of this proposed Joint Use Agreement. Representatives of the School Division and the Public Works Department have agreed to a division of responsibilities as outlined in the proposed terms and conditions. By letter dated February 14, 2003 the Winnipeg School Division has advised that they concur with the proposed terms. They have also requested that the City administration proceed with the necessary approvals and forward a draft joint use agreement for their review and approval.

Proposed Terms and Conditions for David Livingstone School & Lord Selkirk Park/Turtle Island Community Centre

Therefore the City of Winnipeg and the Winnipeg School Division agree that:

1. The area shown on the attached plan shall be designated as Joint Use;
2. Both parties have contributed to the development of the Joint Use area, with the City of Winnipeg contributing $270,000 and the Winnipeg School Division contributing $55,800 for a total project cost of $325,800;
3. This is a 10-year agreement, with an option to renew for 2 additional 5-year terms on the same conditions;
4. The School Division shall have priority use of the Joint Use facilities on school days until 4:00 p.m.;
5. The City of Winnipeg shall have priority use of the Joint Use facilities after 4:00 p.m. on school days, for community recreation purposes, delivered by the Turtle Island Neighbourhood Centre, and on all days when school is not in session;
6. The City of Winnipeg agrees to provide maintenance services to the Joint Use area as outlined below:

- Operation and maintenance of the wading pool each season, to Departmental Standards;
- Routine turf care and trimming, including weed control, on regular cycles to Departmental Standards;
- Playground safety inspections and repairs;
- Litter control and garbage collection;
- Maintenance to limestone pathways;
- Tree care and replacement according to approved budgets;
- Maintenance of all internal fencing, and the fence along Stella Walk;
- Daily litter control of the Joint Use Area during the months of July and August

7. The Winnipeg School Division agrees to provide maintenance on the Joint Use area as outlined below:

- Care and repairs of all asphalt surfaces and decorations;
- All snow clearing in the play areas and on the pathways, to School Division standards;
- Maintenance of the perimeter fencing along King Street;
- Daily safety inspections of the play structure and related playground equipment, for the period of September to the end of June;
- Daily litter control of the Joint Use area for the period of September to the end of June;

8. The parties mutually agree to consult on matters of maintenance through the Agreements Coordinator, of the Community Services Department;
9. Both parties agree to establish a planning committee with representatives of the Turtle Island Community Centre, David Livingstone School, the Winnipeg School Division, and the City of Winnipeg Community Services Department to deal with matters of site operation and resolution of disputes.
10. Referral to the Manitoba Arbitration Act for problems not resolved by the joint planning group;
11. Standard insurance and indemnification clauses to apply.

FINANCIAL IMPACT STATEMENT

The Public Works Department is responsible for the maintenance services and the corresponding budget.

Financial Impact Statement

Date: December 12, 2003

Project Name: **First Year of Program** 2003

Proposed Joint Use Agreement with Winnipeg School Division at David Livingstone School & Lord Selkirk Park / Turtle Island

	2003	2004	2005	2006	2007
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Total Additional Debt Required	$ -	$ -	$ -	$ -	$ -
Current Expenditures/Revenues					
Direct Costs	$ 8,250	$ 8,415	$ 8,583	$ 8,755	$ 8,930
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 8,250	$ 8,415	$ 8,583	$ 8,755	$ 8,930
Less: Existing Budget Amounts	8,250	8,415	8,583	8,755	8,930
Net Budget Adjustment Required	$ (0)	$ (0)	$ 0	$ (0)	$ 0

Additional Comments: The Public Works Department has the existing budget dollars required to provide the maintenance services outlined in Appendix A, "Terms for David Livingston School and Lord Selkirk Park/Turtle Island Community Centre". No additional funds are required as the costs will be absorbed within their own operations.

Original signed by Rick Pelletier
Manager of Finance & Administration

IN PREPARING THIS REPORT THERE WAS CONSULTATION WITH, AND CONCURRENCE BY:

Winnipeg School Division

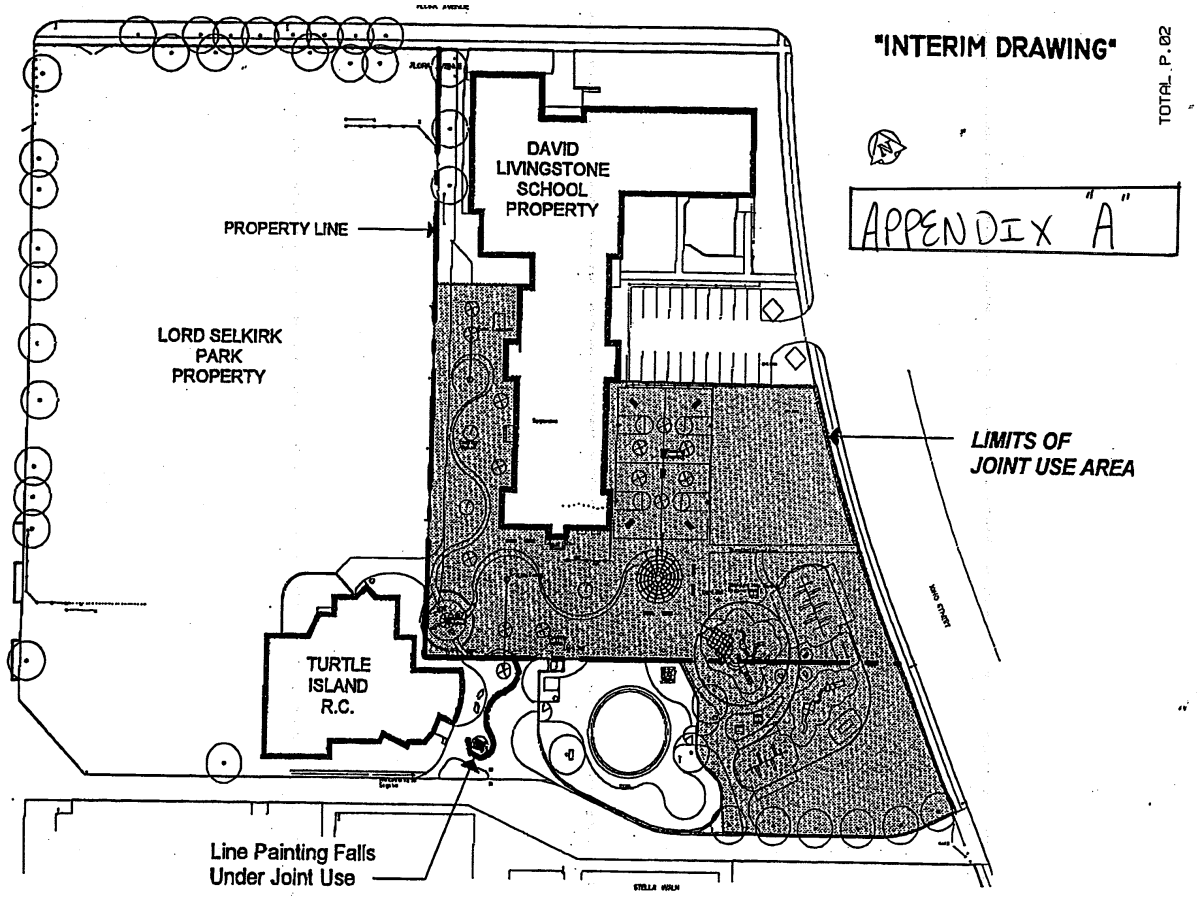
Public Works Department

Planning Property and Development

Legal Services Division

THIS REPORT SUBMITTED BY:

Department: Community Services Department
Division: Community Development and Recreation Services Division
Prepared by: Andrew Glassco
File No.



DAVID LIVINGSTONE SCHOOL / LORD SELKIRK PARK JOINT USE AREA