Minute No. 79
Report – Standing Policy Committee on Infrastructure Renewal and Public Works – November 20, 2018

Item No. 2 **Results of the May 23, 2018 advertisement of the proposed Asphaltic Concrete Lane Pavement local improvement project (Coniston Street, Lyndale Drive, Ferndale Avenue and Lawndale Avenue) (St. Boniface Ward)**

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 following Local Improvement Project proceed as part of the Local Improvement Program which is funded 50/50 through the Local Improvement Program and the Public Works Granular Roads Capital account, namely:

Local Improvement	***Location***
Asphaltic Concrete Lane Pavement 16' x 5"	On all lanes in the block bounded by Coniston Street, Lyndale Drive, Ferndale Avenue and Lawndale Avenue.

2. That a By-law to authorize the proposed local improvement outlined in Recommendation 1 of this report be enacted (draft By-law is attached as schedule 'A').

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

Report – Standing Policy Committee on Infrastructure Renewal and Public Works – November 20, 2018

DECISION MAKING HISTORY:

Moved by Councillor Allard,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 5, 2018, 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 November 20, 2018, the Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

Further on November 20, 2018, the Standing Policy Committee on Infrastructure Renewal and Public Works received a submission from David Lettner in support of the matter.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 12, 2018, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Infrastructure Renewal and Public Works.

Further on September 12, 2018, the Riel Community Committee received a submission from David Lettner in support of the matter.

ADMINISTRATIVE REPORT

Title: Results of the May 23, 2018 advertisement of the proposed Asphaltic Concrete Lane Pavement local improvement project

Critical Path: Riel Community Committee – Standing Policy Committee on Infrastructure Renewal and Public Works – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
T. Austin	M. Chambers	Mike Ruta	

EXECUTIVE SUMMARY

This Administrative Report provides information regarding a local improvement advertisement and subsequent objections (if any) that have been returned to the City of Winnipeg by property owners.

This report addresses the proposed local improvement project and communicates the results of the local improvement advertisement to the area Councilors. The petition for the local improvement project proposed by this report has not received sufficient objections to defeat the said local improvement project and therefore is considered by the Public Service to be successful.

The Public Service recommends that the proposed local improvement project proceed as part of the Local Improvement program in conjunction with the City of Winnipeg's pilot project for Asphalt Lane Pavement.

RECOMMENDATIONS

1. That the following Local Improvement Project **proceed** as part of the Local Improvement Program which is funded 50/50 through the Local Improvement Program and the Public Works Granular Roads Capital account, namely:

Local Improvement	***Location***
Asphaltic Concrete Lane Pavement 16' x 5"	On all lanes in the block bounded by Coniston Street, Lyndale Drive, Ferndale Avenue and Lawndale Avenue.

2. That City Council enact a by-law to authorize the proposed local improvement outlined in recommendation 1 of this Report (draft by-law is attached as schedule ‘A’).

3. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

Since this proposed Local Improvement Project is within the Riel Community and St. Boniface Ward boundary, the Public Service requests that the Riel Community Committee review the proposed local improvement project and provide a recommendation to Council as to whether the said local improvement project should proceed.

A by-law to authorize the proposed local improvement project is required in order for the said local improvement project to proceed, and only Council may enact a by-law.

IMPLICATIONS OF THE RECOMMENDATIONS

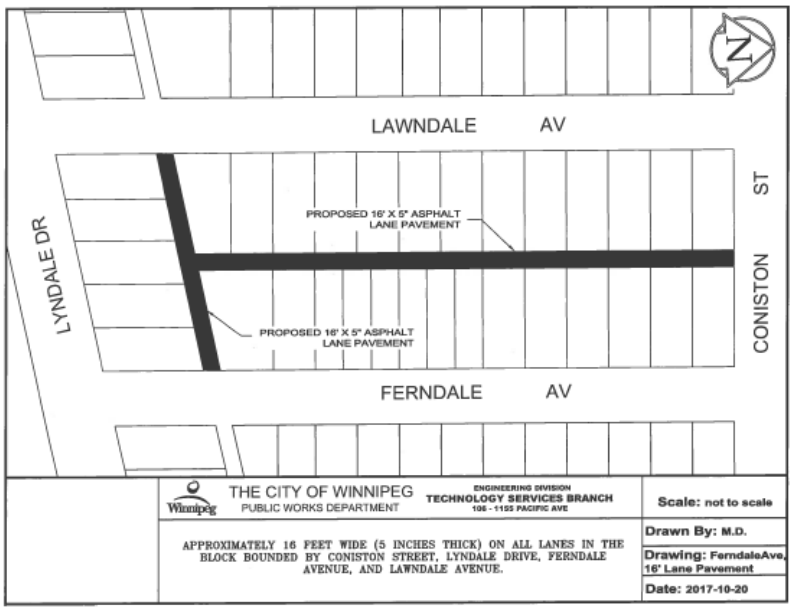
Budget for the proposed local improvement is within the local improvement capital budget and the Public Works Granular Road capital accounts.

HISTORY/DISCUSSION

On November 20, 2013, City Council amended the Local Improvement process by creating a pilot project for six years whereby the City of Winnipeg will finance the asphalt lane local improvements to the maximum of 50% of the total cost of the improvement. The City has capped support for this program to $1,000,000 per year or roughly 10 lanes. Funding will be provided on a first come first served basis determined by submission of a successful formal petition prepared by the City for an initiating property owner. Similar to concrete lane improvements, the required catch-basins and land drainage sewers are included and fully paid for by the City.

Asphaltic Concrete Lane Pavement 16’ x 5”
Approximately 16 feet wide (5 inches thick) on all lanes in the block bounded by Coniston Street, Lyndale Drive, Ferndale Avenue and Lawndale Avenue.

On November 1, 2017, a “Petition For” was issued to David L. Lettner who resides at 55 Ferndale Avenue for a proposed Asphaltic Concrete Lane Pavement Local Improvement Project within the Riel Community and St. Boniface Ward boundary which is depicted in the following drawing:



A Filing Deadline of January 30, 2018 was determined for the *"Petition For"* form to be returned to the City Clerk's Department. (90 days after the first signature is dated on the *"Petition For" form)*

The City Clerk's Department received the signed *"Petition For"* form on December 14, 2017. As the petition was signed by the registered owners representing 71.95% of the total assessable frontage, it was recommended that this project proceed to be advertised.

On, January 15, 2018, the Riel Community Committee concurred with the recommendation of the Winnipeg Public Service and authorized the advertisement of the proposed Asphaltic Concrete Lane Pavement Local Improvement Project.

On May 23, 2018, this proposed local improvement project was advertised in the Winnipeg Free Press newspaper.

Per Section 409 of The City of Winnipeg Charter, objections to the proposed local improvement must be filed at least 30 days after the notice is published. A deadline of June 22, 2018 was published for this proposed Local Improvement Project.

Subsequent to the advertisement, on May 29, 2018, a *"Notice of Objection"* was released to Richard Goulet who resides at 23 Ferndale Avenue.

On June 20, 2018 a request to extend the objection period by 60 days was received from the petitioner. Although the Public Service did not grant the 60 day extension the Public Service did approve a 42 day extension with a revised deadline of August 3, 2018.

The City Clerk's Department received the signed *"Notice of Objection"* on August 7, 2018, which is after the deadline as the petition of objection was returned to the Assessment and Taxation Department customer service counter on August 3, 2018. On Monday August 7, 2018 the Assessment and Taxation Department delivered the petition to the City Clerk's office for official receipt.

In compliance with Section 125 of *The City of Winnipeg Charter*, it was ascertained and certified by the Manager of Taxation and Finance that the signatures obtained from the benefiting registered property owners on the *"Notice of Objection"* form represent 41.37% of the total assessable frontage, as summarized below:

Total Assessable Frontage	1784.2 Feet
Less City Share (Flankage)	240.0 Feet
Total Assessable Frontage (Flankage Factored Out)	1544.2 Feet
Petitioners Object Represent	638.9 Feet
Percentage Signed	***41.37%***

In analysis of both the petition for and the petition of objection it has been noted that six property owners signed the original petition for and then signed the petition of objection after the advertisement stage of the local improvement process. The total frontage feet for these six properties totaled 255.7 feet. The Public Service has considered all signatures in the calculation of the percentage signed for both petitions.

Per Section 411 of *The City of Winnipeg Charter*, where registered owners of at least 3/5 (60%) of the total real property that is to be benefited by a proposed local improvement object to the local improvement, the proposed local improvement must not be proceeded with.

Given the result of 41.37%, and that the 3/5 threshold has not been met in the petition of objection, the Winnipeg Public Service recommends that this project **proceed** as part of the Local Improvement Program in conjunction with the City of Winnipeg's pilot project for Asphalt Lane Pavement. This project will be funded 50/50 through the Local Improvement Float and Public Work's Granular Roads Capital Account.

It is estimated that the total cost of the project is $350,000.00 of which 35.30% is to be recovered from the registered property owners' share.

FINANCIAL IMPACT

Financial Impact Statement

Date: August 22, 2018

Project Name: **First Year of Program** **2018**

Results of advertisement for proposed ashpalt local improvement on all lanes in the block bounded by Coniston Street, Lyndale Drive, Ferndale Avenue and Lawndale Avenue.

	2018	2019	2020	2021	2022
Capital					
Capital Expenditures Required	$ 361,375	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	361,375	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Cash to Capital	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ 39,802	$ 39,802	$ 39,802
Less: Incremental Revenue/Recovery	-	-	16,122	16,122	16,122
Net Cost/(Benefit)	$ -	$ -	$ 23,680	$ 23,680	$ 23,680
Less: Existing Budget Amounts	-	-	23,680	23,680	23,680
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

1. The estimated construction cost for this local improvements (which excludes advertising fees) is $361,375, funded by the 2018 Local Improvement Program and The 2018 Local Street Program.
2. The costs to be recovered from the registered property owners is 35.3%. Note that this project has a local improvement term of 10 years and therefore the recoverable amount will be fully included on the property tax bills of the respective property owners in the year of tax imposition; expected to start in 2020. Recovery from property owners is $16,122 per year using the Local Improvement Financing Rates of 3.50% plus 1% administration fee. The Recovery from property owners beyond 2022 is $112,851.
2. Annual Debt & Finance Charges are calculated at 6.28% interest per annum over the term of each local improvement. The Debt & Finance charges beyond 2022 is $278,615.
3. Capital Cost of Proposed Projects includes 3.25% Corporate Finance Administration Charges and all applicable taxes.

original signed by
Tanis Yanchishyn
Manager of Finance (Campus)
Corporate Finance Department

CONSULTATION

This Report has been prepared in consultation with:

- Legal Services Department, as to legal issues

OURWINNIPEG POLICY ALIGNMENT

The Local Improvement process is generally aligned with the enabling strategies provided for in OurWinnipeg Policy 01-1a: Direction 3.

SUBMITTED BY

Department: Assessment and Taxation
Division: Taxation and Finance
Prepared by: Tim Austin, Manager of Taxation and Finance Services
Date: August 22, 2018
File No: N/A

Attachments:

1. **Schedule "A" – Draft By-law**