Minute No. 188
Report – Standing Policy Committee on Water and Waste, Riverbank Management and the Environment – February 14, 2019

Item No. 1 Proposed Agreement for Services – Water Main Works – North of 861 Panet Road

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Water and Waste, Riverbank Management and the Environment and adopted the following:

1. That the City enter into, execute and deliver an Agreement for Services, pursuant to Section 211 of the City of Winnipeg Charter, with 7332999 Manitoba Ltd. in accordance with the terms set out in the attached Proposed Terms and Conditions document (Schedule "A"), and to fulfill all the requirements outlined in the Proposed Terms and Conditions document, and such other agreements as are determined necessary by the Director of Legal Services and City Solicitor to implement the intent of the foregoing (the "Ancillary Agreements").

2. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of the Agreement for Services and the Ancillary Agreements in accordance with this report and such other terms and conditions deemed necessary by the Director of Legal Services and City Solicitor to protect the interests of the City.

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 Water and Waste, Riverbank Management and the Environment – February 14, 2019

DECISION MAKING HISTORY:

Moved by Councillor Gilroy,

That the recommendation of the Standing Policy Committee on Water and Waste, Riverbank Management and the Environment be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 19, 2019, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Water and Waste, Riverbank Management and the Environment and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 14, 2019, the Standing Policy Committee on Water and Waste, Riverbank Management and the Environment concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: PROPOSED AGREEMENT FOR SERVICES – WATER MAIN WORKS – NORTH OF 861 PANET ROAD

Critical Path: The Standing Policy Committee on Water and Waste, Riverbank Management and the Environment – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
G. K. Patton, P. Eng., Manager of Engineering Services	Tim Shanks, M. Eng., P. Eng., Acting Director, Water and Waste Department	N/A	D. McNeil

EXECUTIVE SUMMARY

The landowner, 7332999 Manitoba Ltd., wishes to construct multi-family residential buildings on the land immediately north of 861 Panet Road. Developing the land in this manner requires the construction and installation of water main and associated works in Panet Road and Molson Street.

An Agreement for Services with the landowner is required to allow the landowner to proceed with undertaking the water main works as part of developing the property.

RECOMMENDATIONS

1. That the City enter into, execute and deliver an Agreement for Services, pursuant to Section 211 of the City of Winnipeg Charter, with 7332999 Manitoba Ltd. in accordance with the terms set out in the attached Proposed Terms and Conditions document (Schedule “A”), and to fulfill all the requirements outlined in the Proposed Terms and Conditions document, and such other agreements as are determined necessary by the Director of Legal Services and City Solicitor to implement the intent of the foregoing (the “Ancillary Agreements”).

2. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of the Agreement for Services and the Ancillary Agreements in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor / Director of Legal Services to protect the interests of the City.

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

Entering into an Agreement for Services requires City Council approval.

IMPLICATIONS OF THE RECOMMENDATIONS

Concurrence with the recommendations will enable servicing conditions to be applied to the development of the property located immediately north of 861 Panet Road. 7332999 Manitoba Ltd. will be responsible for all costs associated with undertaking the water main works.

HISTORY/DISCUSSION

The City received a development application, DAZ 221/2010, which proposed rezoning of lands located at 851 – 867 Panet Road. Council granted conditional approval to the proposed rezoning at their January 26, 2011 meeting.

In October 2018, the Water and Waste Department received a submission as part of the screening process for the City's Optional Professional Certificate Program, regarding prospective admission to that Program of the proposed multi-family residential development project at the property located immediately north of 861 Panet Road shown outlined on the Misc. Plan No. 15462, attached as Schedule "B" to this Report (the "Land"). During the review process, the Water and Waste Department identified that the Land did not benefit from a water main adjacent to the property, and determined that a 300mm diameter water main and associated works was required to be constructed from the current terminus in Panet Road north to the 300mm water main in Molson Street (the "WM Works"), to ensure that the proposed development would have adequate water servicing.

Therefore, the appropriate mechanism for undertaking the WM Works is for the City and 7332999 Manitoba Ltd. to enter into an agreement under Section 211 of the City of Winnipeg Charter for 7332999 Manitoba Ltd. to undertake the WM Works. Section 211 permits the City to enter into agreements with any person to provide services in the City.

In late November 2018, 7332999 Manitoba Ltd. agreed to proposed terms and conditions related to the WM Works (the "TCs"), which are attached as Schedule "A" to this report. The purpose of the TCs is to outline the common understanding of the City and 7332999 Manitoba Ltd. regarding 7332999 Manitoba Ltd.'s obligation to undertake the WM Works to provide adequate servicing for the multi-family residential development proposal.

7332999 Manitoba Ltd. will be responsible for all costs associated with undertaking the WM Works, including the cost of engineering services. After completion of a warranty period, the City will be responsible for the water main and appurtenances thereto.

Before 7332999 Manitoba Ltd. (or 7332999 Manitoba Ltd.'s contractor) can commence the WM Works, Council approval of the proposed Agreement for Services is necessary, as well as satisfaction of particular construction-related requirements pursuant to the Agreement for Services.

FINANCIAL IMPACT

Financial Impact Statement Date: December 27, 2018

Project Name:

PROPOSED AGREEMENT FOR SERVICES – WATER MAIN WORKS – NORTH OF 861 PANET ROAD

COMMENTS:

Concurrence with the recommendations will enable servicing conditions to be applied to the development of the property.

"Original signed by L. Szkwarek, CPA, CGA"
Lucy Szkwarek, CPA, CGA
Manager of Finance and Administration

CONSULTATION

This Report has been prepared in consultation with:

Legal Services Department (as to legal issues)

OURWINNIPEG POLICY ALIGNMENT

This report is in accordance with the OurWinnipeg policies through:

OurWinnipeg Reference:

01-1a OurWinnipeg's Approach to City Building

Direction 3: Promote Compact Urban Form and Manage the Extension of Municipal Services for New Growth

SUBMITTED BY

Department: Water and Waste
Division: Engineering Services
Prepared by: M. Gajda, P. Eng., Services Development Engineer
Date: December 28, 2018
File No.: 020-06-02-07-00

ATTACHMENTS:

Schedule "A" - Proposed Terms and Conditions (the "TCs")
Schedule "B" - Misc. Plan No. 15462 (the "Land")