Minute No. 163
Report – Standing Policy Committee on Water, Waste and Environment – January 6, 2023

Item No. 2 Proposed Agreement for Services – Land Drainage Works – 2140 Portage Avenue

COUNCIL DECISION:

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

1. That the Proposed Terms and Conditions for an Agreement for Services, attached hereto as Schedule A, in favour of 2140 Portage Avenue Ltd., to construct land drainage sewer works, be approved.

2. That the City enter into, execute and deliver an Agreement for Services, pursuant to Section 211 of the City of Winnipeg Charter, with 2140 Portage Avenue 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").

3. 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.

4. 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, Waste and Environment – January 6, 2023

DECISION MAKING HISTORY:

Moved by Councillor Mayes,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 17, 2023, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Water, Waste and Environment and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 6, 2023, the Standing Policy Committee on Water, Waste and 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 – LAND DRAINAGE WORKS – 2140 PORTAGE AVENUE

Critical Path: Standing Policy Committee on Water, Waste and Environment – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
C. D. Wiebe, P. Eng., CAMP, Manager, Engineering Services	T. W. Shanks, M. Eng., P. Eng. Director, Water and Waste	N/A	M. Jack

EXECUTIVE SUMMARY

2140 Portage Avenue Ltd., the landowner of 2140 Portage Avenue ("the Land"), wishes to construct a multi-family building on the property. Developing the Land in this manner requires the construction and installation of land drainage sewer and associated works in Portage Avenue, routing a portion of rain storm runoff away from the combined sewer system, to ensure compliance with Environment Act Licence No. 3042.

An Agreement for Services with the landowner is required to define and apply the obligations related to undertaking the land drainage works.

RECOMMENDATIONS

1. That the Proposed Terms and Conditions for an Agreement for Services, attached hereto as Schedule A, in favour of 2140 Portage Avenue Ltd., to construct land drainage sewer works, be approved.

2. That the City enter into, execute and deliver an Agreement for Services, pursuant to Section 211 of the City of Winnipeg Charter, with 2140 Portage Avenue 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").

3. 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.

4. 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 municipal servicing conditions to be applied to the development of the property located at 2140 Portage Avenue. 2140 Portage Avenue Ltd. is responsible for all costs associated with undertaking the land drainage servicing works.

HISTORY/DISCUSSION

2140 Portage Avenue ("the Land," see Schedule B) is serviced by the City's combined sewer system. The combined sewer system and land development serviced by the combined sewer network are subject to Environment Act Licence (EAL) No. 3042. An overview of this licence is in the administrative report attached to Minute No. 145 of the December 17, 2020, Council Minutes.

In July 2021, the Water and Waste Department received an enquiry respecting the wastewater and land drainage servicing of a proposed multi-family building on the Land. The engineering consultant representing the developer of the Land identified that the property did not currently contribute any flow to the combined sewer, as the land was vacant and all rain storm runoff was routed directly to the river. Given this situation, the proposed wastewater discharge from development of the Land prevented compliance with EAL No. 3042, without appropriate flow offsetting. As a means to achieve compliance with this licence, the engineering consultant proposed to extend a land drainage sewer in Portage Avenue across the front of the property and re-connect catch basins in Portage Avenue near Sharp Boulevard from the combined sewer to the new land drainage sewer (the "LD Works"). The Water and Waste Department reviewed and concurred with the proposed works as to adequately offsetting the wastewater discharge to the combined sewer system with the reduction of land drainage flow.

The appropriate mechanism for undertaking the LD Works is for the City and 2140 Portage Avenue Ltd., to enter into an agreement under Section 211 of the City of Winnipeg Charter, to apply important obligations related to undertaking the LD Works. Section 211 permits the City to enter into agreements with any person to provide services in the City.

In late September 2022, 2140 Portage Avenue Ltd. agreed to the Proposed Terms and Conditions related to the LD Works, which are attached as Schedule “A” to this report. The purpose of the Terms and Conditions is to outline the common understanding of the City and 2140 Portage Avenue Ltd. regarding 2140 Portage Avenue Ltd.’s obligations in undertaking the LD Works.

2140 Portage Avenue Ltd. is responsible for all costs associated with undertaking the LD Works, including the cost of engineering services. After the completion of a warranty period, the City will be responsible for the land drainage sewer and associated components.

FINANCIAL IMPACT

Financial Impact Statement **Date:** November 24, 2022

Project Name:
PROPOSED AGREEMENT FOR SERVICES – LAND DRAINAGE WORKS – 2140 PORTAGE AVENUE

COMMENTS:

There is no financial impact associated with these recommendations.
2140 Portage Avenue Ltd. is responsible for all costs associated with undertaking the land drainge servicing works.

Lucy 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 aligns with OurWinnipeg 2045, Policy 2.17 Regional Water Resource Management, by protecting local and regional watershed resources from the negative impacts of development, flooding, and pollution.

Objective: Protect and value ecosystems as essential components to quality of life through municipal activities and urban environment.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

This report aligns with the Winnipeg Climate Action Plan through Strategic Opportunity #4 Facilitate Compact, Complete Development and Increase Density.

Key Direction:

4.1 Increase Strategic Infill Development that Provides Access to and Capitalizes on Existing and Planned Corridors with Frequent Transit Service

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

N/A

SUBMITTED BY

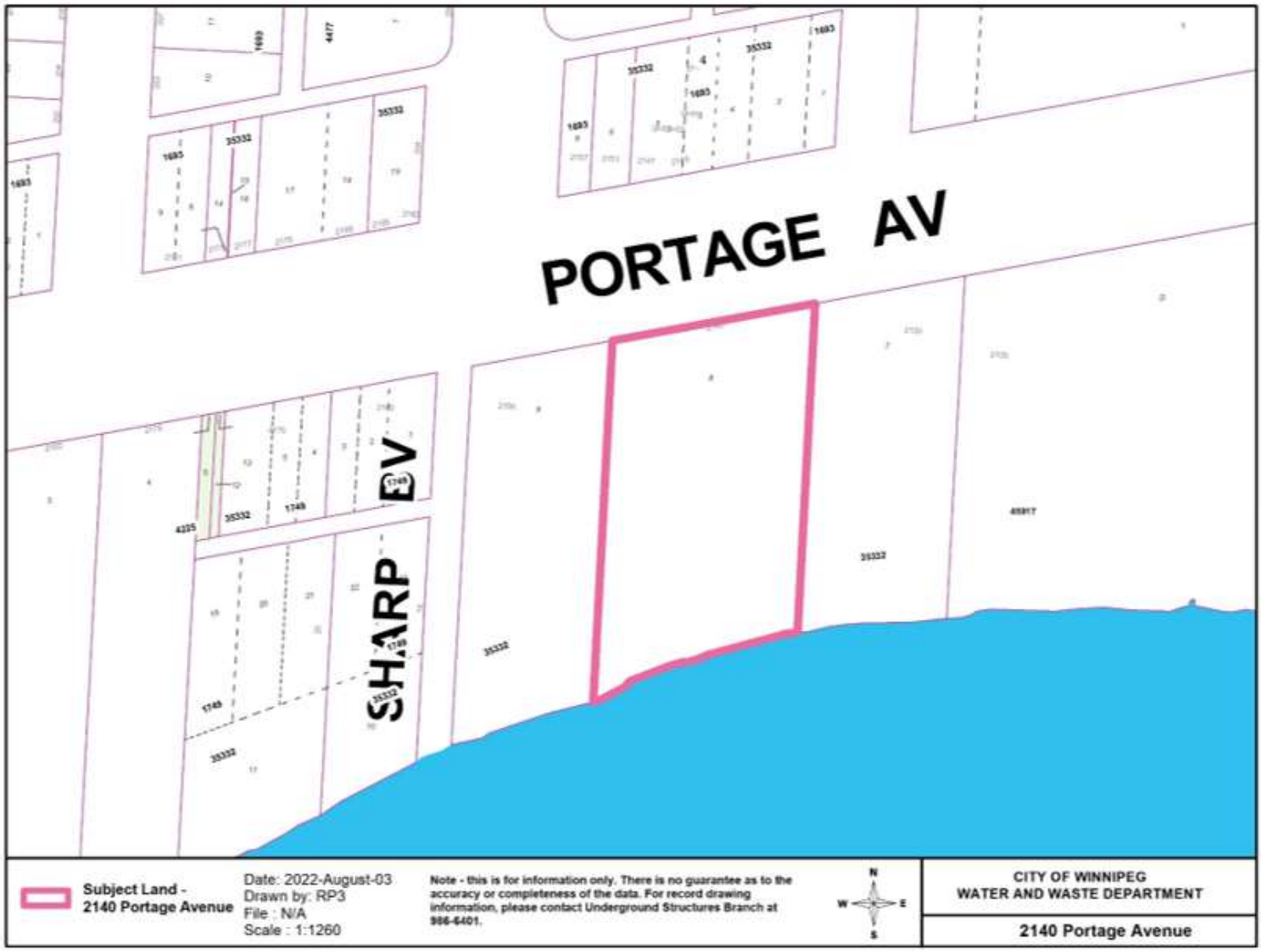
Department: Water and Waste
Division: Engineering Services
Prepared by: M. Gajda, P. Eng.
Date: November 24, 2022
File No.: 020-06-02-07-00

ATTACHMENTS:

APPENDIX A: Schedule A - Proposed Terms and Conditions

APPENDIX B: Schedule B - Plan Drawing Outlining the Land
APPENDIX B: Schedule B - Plan Drawing Outlining the Land

Schedule "B"


PORTAGE AV
SHARP BV
Subject Land -
2140 Portage Avenue
Date: 2022-August-03
Drawn by: RP3
File : N/A
Scale : 1:1260
Note - this is for information only. There is no guarantee as to the accuracy or completeness of the data. For record drawing information, please contact Underground Structures Branch at 986-6401.
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CITY OF WINNIPEG
WATER AND WASTE DEPARTMENT
2140 Portage Avenue