Minute No. 521
Report – Standing Policy Committee on Water, Waste and Environment – June 5, 2023

Item No. 1 Proposed Agreement for Services – Land Drainage Works – 215 Sinawik Bay (St. James Ward)

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 St. James Kiwanis Courts Inc., to construct and install land drainage 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 St. James Kiwanis Courts Inc., 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 terms and 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.

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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 June 12, 2023, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Water, Waste and Environment and submitted the natter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 5, 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 – 215 SINAWIK BAY

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	Tim W. Shanks, M. Eng., P. Eng., Director of Water and Waste Department	N/A	M. Jack

EXECUTIVE SUMMARY

St. James Kiwanis Courts Inc., owner of 215 Sinawik Bay (the "Land"), wishes to construct a multi-family building on the Land. Developing the Land in this manner requires the construction and installation of a new land drainage sewer and associated works crossing the Land from Sinawik Bay to the public lane on the west side of the Land, and abandoning the existing land drainage sewer that crosses the Land. These works are required to address the proposed building's risks to the existing pipe, and properties that rely on the same pipe, for adequate municipal land drainage service.

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 St. James Kiwanis Courts Inc., to construct and install land drainage 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 St. James Kiwanis Courts Inc., 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 terms and 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 Council approval.

IMPLICATIONS OF THE RECOMMENDATIONS

Concurrence with the Recommendations will enable municipal land drainage servicing conditions to be applied to the re-development of the property located at 215 Sinawik Bay. St. James Kiwanis Courts Inc. is responsible for all costs associated with undertaking the municipal land drainage works.

HISTORY/DISCUSSION

In March 2022, the Water and Waste Department (WWD) received a pre-application outlining a proposed re-development of lands then addressed as 167-188 Sinawik Bay for a single, four storey multi-family residential building. WWD provided feedback to the pre-application, identifying the presence of the existing land drainage sewer crossing the property from Sinawik Bay to the public lane abutting the west boundary of the subject lands. 215 Sinawik Bay (the "Land") is shown on the attached Schedule B.

In November 2022, WWD received a building permit application for the proposed 51-unit, four-storey apartment complex at the Land. Through the permit application submission and review of the permit application information, St. James Kiwanis Courts Inc. and WWD determined that

certain municipal land drainage works were required to be undertaken. The required municipal land drainage works were for a new land drainage sewer to be constructed around the proposed building location, along with abandonment of the existing land drainage sewer (the "LD Works"). The LD Works are required to remove the risk of damage to the land drainage system and avoid risk of property damage and/or nuisance to users relying on the adequate operation of the land drainage system.

No subdivision or rezoning application applies to the St. James Kiwanis Courts Inc. re-development proposal. The appropriate mechanism for undertaking the LD Works is for the City and St. James Kiwanis Courts Inc. 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.

On February 9, 2023, WWD received confirmation that St. James Kiwanis Courts Inc. intended to proceed with the LD Works under an Agreement for Services, subject to Council approval.

On March 9, 2023, St. James Kiwanis Courts Inc., 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 St. James Kiwanis Courts Inc. regarding St. James Kiwanis Courts Inc.'s obligations in undertaking the LD Works.

St. James Kiwanis Courts Inc. is responsible for all costs associated with undertaking the LD Works, including the cost of engineering services. After the completion of a maintenance period, the City will be responsible for the land drainage sewer and appurtenances (accessory items) thereto.

FINANCIAL IMPACT

Financial Impact Statement **Date:** March 29, 2023

Project Name:
PROPOSED AGREEMENT FOR SERVICES – LAND DRAINAGE WORKS – 215 SINAWIK BAY

COMMENTS:

There is no financial impact associated with these recommendations.
St. James Kiwanis Courts Inc. is responsible for all costs associated with undertaking the land drainge servicing works.

Darlene Capp for Lucy Szkwarek
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:

- OurWinnipeg 2045, Policy 2.4 Climate Resilient Growth, by facilitating the development of compact and complete communities through integrated planning in support of climate targets.

  Objective: Prioritize the transition to a resilient, low-carbon future through demonstrated organizational and community leadership, and collaborative actions that mitigate and adapt to a changing climate.

- OurWinnipeg 2045, Policy 6.5 Climate Resilient Growth, by facilitating development toward achieving the intensification target in alignment with climate change mitigation and adaptation goals, objectives, and adopted greenhouse gas emissions reduction targets.

  Objective: Responsibly plan, prioritize and accommodate growth in areas that best support Complete Communities principles, to achieve this Plan's sustainable development goals.

  Objective: Facilitate development opportunities that complete established communities, and plan new communities as complete and connected from the outset.

- OurWinnipeg 2045, Policy 6.39 Affordable and Supportive Housing Options, by facilitating non-profit housing development as part of the continuum of private and non-profit housing development that includes a mix of sizes, forms and tenures; resilient, low-carbon, and energy-efficient construction; adaptable, universal design accessibility; and proximity to integrated and, sustainable transportation options.

  Objective: Responsibly plan, prioritize and accommodate growth in areas that best support Complete Communities principles, to achieve this Plan's sustainable development goals.

  Objective: Facilitate development opportunities that complete established communities, and plan new communities as complete and connected from the outset.

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

This report aligns with the Winnipeg Poverty Reduction Strategy (WPRS) by helping advance the expansion of social housing (owned by a non-profit) geared toward seniors as part of implementing:

Goal: Equity and a Culture of Caring are Demonstrated through Strategy Implementation and Systems Change.

Goal: The City Actively Plans for and Partners in Affordable Housing

SUBMITTED BY

Department: Water and Waste
Division: Engineering Services
Prepared by: M Gajda, P. Eng.
Date: March 31, 2023
File No.: 020-06-02-07-00

ATTACHMENTS:

Schedule A: Proposed Terms and Conditions

Schedule B: Plan drawing outlining the Land

Schedule B: Plan drawing outlining the Land

Schedule "B"

