Agenda – Council – July 13, 2023

Report – Standing Policy Committee on Water, Waste and Environment – June 23, 2023

Item No. 10 Proposed Agreement for Services – Wastewater Sewer Works – 73 Macbell Road

STANDING COMMITTEE RECOMMENDATION:

On July 5, 2023, the Executive Policy Committee concurred in the recommendation of Standing Policy Committee on Water, Waste and Environment and submitted the following to Council:

1. That the Proposed Terms and Conditions for an Agreement for Services, attached hereto as Schedule A, in favour of Lorna May Winterburn and Fausto Pereira, to construct and install wastewater 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 Lorna May Winterburn and Fausto Pereira, 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.

Report – Standing Policy Committee on Water, Waste and Environment – June 23, 2023

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 5, 2023, the Executive Policy Committee concurred in the recommendation of Standing Policy Committee on Water, Waste and Environment and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 23, 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 – Wastewater Sewer Works – 73 Macbell Road

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 Department	C. Kloepfer	M. Jack

EXECUTIVE SUMMARY

The landowners of 73 Macbell Road (the "Land"), Lorna May Winterburn and Fausto Pereira, wish to construct a single-family dwelling on the Land. Developing the Land in this manner requires the construction and installation of a new wastewater sewer and associated works south from Cloutier Drive to the south limit of Macbell Road. These works are required to provide municipal wastewater servicing to the Land and lands fronting on Macbell Road in an orderly manner that is consistent with City development policy and the Sewer By-law No. 106/2018.

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

RECOMMENDATIONS

1. That the Proposed Terms and Conditions for an Agreement for Services, attached hereto as Schedule A, in favour of Lorna May Winterburn and Fausto Pereira, to construct and install wastewater 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 Lorna May Winterburn and Fausto Pereira, 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 City Council approval.

IMPLICATIONS OF THE RECOMMENDATIONS

Concurrence with the recommendations will enable municipal wastewater servicing conditions to be applied to the development of the property located at 73 Macbell Road. Lorna May Winterburn and Fausto Pereira are responsible for all costs associated with undertaking the municipal wastewater sewer works.

HISTORY/DISCUSSION

In May 2022, the Water and Waste Department (WWD) received a building permit application for the proposed two-storey single-family dwelling at 73 Macbell Road (the “Land”). The Land is somewhat unique in that it does not front on legally opened right-of-way (ROW), and that the address is associated with ROW that does not have wastewater sewer servicing. Through the permit application submission and related correspondence, Lorna May Winterburn and Fausto Pereira requested municipal wastewater servicing for this development. The engineering consultant representing the developers and WWD determined that construction and installation of a new wastewater sewer and associated works in Macbell Road, from Cloutier Drive to the south limit of Macbell Road (the “WWS Works”) was necessary. The WWS Works are required for planned and orderly wastewater servicing of the Land, as well as lands fronting on Macbell Road, which involves municipal wastewater sewer benefiting multiple properties with anticipated better long-term public health and environmental protection than interim, higher risk solutions for obtaining servicing for individual sites interested in servicing. The WWS Works are also required to meet Sewer By-law No. 106/2018 provisions regarding non-conforming private service pipes.

No subdivision or rezoning application applies to the Lorna May Winterburn and Fausto Pereira development proposal. The appropriate mechanism for undertaking the WWS Works is for the City and Lorna May Winterburn and Fausto Pereira to enter into an agreement under Section 211 of the City of Winnipeg Charter, to apply important obligations related to undertaking the WWS Works. Section 211 permits the City to enter into agreements with any person to provide services in the City.

On December 15, 2022, WWD received confirmation that Lorna May Winterburn and Fausto Pereira intended to proceed with the WWS Works under an Agreement for Services, subject to Council approval. On March 3, 2023, Lorna May Winterburn and Fausto Pereira agreed to the Proposed Terms and Conditions (the “TC’s”) related to the WWS Works, which are attached as Schedule A to this report. The purpose of the TC’s is to outline the common understanding of the City and Lorna May Winterburn and Fausto Pereira regarding Lorna May Winterburn and Fausto Pereira’s obligations in undertaking the WWS Works.

Lorna May Winterburn and Fausto Pereira are responsible for all costs associated with undertaking the WWS Works, including the cost of engineering services. After the completion of a maintenance period, the City will be responsible for the wastewater sewer and appurtenances thereto.

FINANCIAL IMPACT

Financial Impact Statement **Date:** May 10, 2023

Project Name:

PROPOSED AGREEMENT FOR SERVICES – WASTEWATER SEWER WORKS – 73 MACBELL ROAD

COMMENTS:

There is no financial impact associated with these recommendations.
Lorna May Winterburn and Fausto Pereira are responsible for all costs associated with undertaking the wastewater sewer 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 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.

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

Consideration was given as to whether this report connects to the Winnipeg Poverty Reduction Strategy (PRS) and its Goals and Objectives, and it was determined that the PRS is not applicable to this specific report.

SUBMITTED BY

Department: Water and Waste
Division: Engineering Services
Prepared by: M. Gajda, P. Eng., Services Development Engineer
Date: May 23, 2023
File No.: 020-06-02-07-00

ATTACHMENTS:

Schedule A: Proposed Terms and Conditions

Schedule B: Plan drawing outlining the Land