

AGENDA

Regular Meeting of Council of the City of Kenora

**Tuesday, August 9, 2022
12:00 p.m.**

City Hall Council Chambers

Live Stream Access: <https://kenora.civicweb.net/Portal/>

1. Call to Order

2. Blessing and Land Acknowledgment – Councillor McMillan

3. Public Information Notices

As required under Notice By-law #144-2007, the public is advised of Council's intention to adopt the following at today's meeting:

- Approve a budget amendment in the amount of \$100,000 from the Insurance Deductible Reserves to cover the deductible for the a flood damage claims
- Authorize a budget amendment in the amount up to \$225,000 plus HST to be funded through the contingency reserve for emergency costs related to the replacement of the Coney Island footbridge

4. Declaration of Pecuniary Interest and the General Nature Thereof

Any Member of Council that has any Declarations of Pecuniary Interest and the General Nature Thereof pertaining to any items as follows will declare:

- i) On today's agenda or from a previous meeting;
- ii) From a meeting at which a Member was not in Attendance

5. Confirmation of Previous Council Minutes

- Regular Council –July 19, 2022

6. Presentations/Deputations

Approximately five (5) minutes per person/group.

- Janet Hyslop – Request to waive or assist in fees for Olympic Training costs in 2021

7. Additions to Agenda (urgent only)

-Budget Amendment – Coney Island Foot Bridge Replacement

8. Appointments

- None

9. Reports from Committee of the Whole

9.1 Corporate Services / Finance / Human Resources-Insurance & Risk

- June 2022 Financial Statements
- Section 357's
- Budget Amendment-Insurance Deductible Reserve
- Committee Review

9.2 Fire & Emergency Services

- No Reports

9.3 Engineering & Infrastructure

- E & I Second Quarter Report

9.4 Community Services

- Community Services Second Quarter Report

9.5 Development Services

- Tourism & Economic Development Strategy Year One Update

10. Housekeeping Resolutions

- Deputy Treasurer Appointment – Ryan Marsh
- Municipal Disaster Recovery Assistance Program Application Approval
- Repeal of Zoning Bylaw #34-2021 Central Park
- Vacancy Rebate bylaw
- Various Agreements Execution
- Various Committee Minutes

11. Tenders

- None

12. By-laws

Council will give three readings to the following by-laws: -

- Confirmatory
- Budget Amendment-Insurance Deductible Reserve
- Deputy Treasurer Appointment
- Repeal of Zoning Bylaw #34-2021 Central Park
- Vacancy Rebate bylaw
- Site Plan Control Agreement – CP Rail/Two Bears Marina
- NOHFC Funding Agreement – LOW Museum
- ICIP Funding Agreement – water main replacements

13. Notices of Motion

14. Proclamations

- None

15. Announcements (non-action)

16. Adjourn to a Closed Session

That pursuant to Section 239 of the Municipal Act, 2001, as amended, authorization for Council to move into a Closed Session to discuss items pertaining to the following: -

- i) Education & Training Members of Council (3 matters – CAO, Mayor & KDSB updates)
- ii) Labour Relations (1 matter-staffing compliment)

17. Adjourn Meeting

Information on Voting by Mayor & Council under The Municipal Act, 2001

243. Except as otherwise provided, **every member** of a council shall have **one** vote;

245. Any question on which there is a **tie vote shall be deemed to be lost**, except where otherwise provided by any Act;

246. (1) If a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the clerk shall record each vote;

(2) A **failure to vote** under subsection (1) by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be **deemed to be a negative vote**.

August 9, 2022

City Council Committee Report

To: Kyle Attanasio, CAO

**Fr: Stace Gander, Director of Community Services
Marco Vogrig, Acting Director of Infrastructure & Engineering
Charlotte Edie, Treasurer**

Re: Budget Amendment – Coney Island Footbridge Replacement Project

Recommendation:

That Council hereby approves a budget amendment in the amount up to \$225,000 plus HST to be funded through the contingency reserve for emergency costs related to the replacement of the Coney Island footbridge; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2022 Capital budget at its August 9, 2022 meeting for this purpose; and further

That Council give three readings to a By-law to amend the 2022 Capital budgets for this purpose.

Background:

The 2022 melt, high water, and exceptional weather conditions led to a situation where on May 9th at approximately 7 pm, the Coney Island foot bridge released from its anchor point on the shore. This situation worsened throughout that evening due to an extraordinary south wind resulting in the footbridge getting hammered by wave action causing extreme flexing under force. The result was an extensively damaged structure.

Images of damage

Damaged Beams and Surface Decking



Damaged Luminaire



As a result of the damage, administration engage the services of Stantec Engineering to review the situation and evaluate two options:

1. Repair of the existing structure
2. Replacement

On Thursday, July 28th, Stantec Engineering delivered the findings of their analysis with the following recommendation:

“There are several unknowns as it relates to the existing Coney Island Footbridge structure; the high cost associated with repairs and the vulnerability and risk of re-using any materials that was originally part of the initial footbridge construction. Further, the cost of repair is 65% the cost of replacement; however with several unknowns associated with the repair this cost can significantly increase. As no engineering drawings exist for this existing footbridge, extensive engineering and potential modifications would also be required to approve the repair for public use. For these reasons, it is Stantec’s opinion that the City of Kenora should not pursue the repair of the existing Coney Island Footbridge.”

Preliminary estimates of the replacement cost of the bridge is approximately \$160,000 plus HST. Administration is requesting a budget in the amount of up to \$225,000 plus HST to provide adequate buffers for cost overruns related to this project and the higher level estimate of the project at this time. There are also other factors such as supply chain concerns, time to freeze-up and the time required to complete engineering and design, procurement, fabrication and installation that create a high level of urgency to proceed with this project as quickly as possible.

Budget / Financial Implications: The total cost of the project is up to \$225,000 plus HST and will be funded through the contingency reserve.

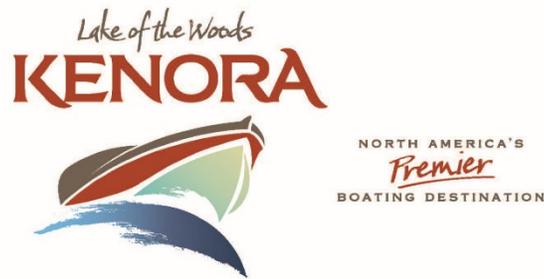
Risk Analysis: There is a medium to high risk associated with this project if not undertaken given the cost of the project and the potential disruption of access to Coney Island as a result of not getting a replacement in place by the 2022 fall freeze.

Communication Plan/Notice By-law Requirements: Bylaw and public notice required

Strategic Plan or other Guiding Document:

Charting Our Course 2027 – Strategic Plan

2.1 Ensure well maintained and sustainably financed City infrastructure.



Housekeeping Reports
NOT attached to
Committee of the
Whole Agenda



July 28, 2022

Housekeeping Council Briefing

(direct to Council – does not appear at COW)

Agenda Item Title: Deputy Treasurer Appointment

Background Information:

Ryan Marsh was the successful candidate for the new Director of Finance/Treasurer position. With Council moving into Lame Duck, we will not have the ability to appoint Ryan as the Treasurer until the regular meeting of Council in December. There will be an approximate 5 month transition from the current Director until she retires in early 2023.

Appointing Ryan as the Deputy Treasurer provides all the same authorities as the Treasurer and the formal appointment to Treasurer will take place at the end of the year closer to the retirement of Charlotte Edie.

Resolution for Council:

That Council hereby appoints Ryan Marsh to the position of Deputy Treasurer for the City of Kenora.

Briefing By: Heather Pihulak, Director of Corporate Services

Bylaw Required: Yes



August 9, 2022

Housekeeping Council Briefing (direct to Council – does not appear at COW)

Agenda Item Title:

Municipal Disaster Recovery Assistance Program Authorization

Background Information:

The Municipal Disaster Recovery Assistance program helps municipalities recover from extraordinary costs not covered by insurance after a natural disaster. Eligible operating and capital costs are those incurred to protect public health, safety and access to essential services. These costs must be at least 3% of a municipality's own purpose taxation levy. For Kenora this threshold amount is \$775,348. Once this level is reached 75% of the costs are covered by the program. For eligible costs above the 3% reimbursement by the program will be 95%.

Resolution for Council:

Whereas the municipality of the City of Kenora recently experienced a flood event commencing on May 4, 2022 which remains ongoing, and has experienced incremental operating and capital costs, the Council of the Corporation of the City of Kenora hereby requests the Minister of Municipal Affairs and Housing to activate the Municipal Disaster Recovery Assistance program; and further

That Ryan Marsh, Director of Finance is given delegated authority to verify and attest to the accuracy of the attached claim.

Budget: Funding from the Ministry of Municipal Affairs and Housing per the shares described above with the remainder from Contingency Reserve.

Risk Analysis: There is a medium level of financial risk given that the City of Kenora is required to contribute to a percentage of the costs incurred.

Communication Plan/Notice By-law Requirements: Resolution required

Strategic Plan or Other Guiding Document: Administrative only

Briefing By: Charlotte Edie, Director of Finance/Treasurer

Bylaw Required: No



July 25, 2022

Housekeeping Council Briefing (direct to Council – does not appear at COW)

Agenda Item Title: Repeal of Zoning By-law Amendment–By-law #34-2021

Background Information:

In a decision dated June 28, 2022, in regards to an appeal of the passage of official plan and zoning by-law amendments in relation to the western half of Central Park located at 700 First Street South, the Ontario Land Tribunal ordered that By-law Number 34-2021 is repealed.

After careful consideration and consultation with legal counsel, Development Services is not recommending an appeal of the Tribunal's decision. It is therefore necessary to proceed with the repeal as ordered.

Resolution for Council:

That Council hereby repeals Zoning Bylaw Amendment Bylaw #34-2021; and further

That Council gives three readings to a by-law for this purpose.

Budget: N/A

Risk Analysis: N/A

Communication Plan/Notice By-law Requirements: bylaw required

Strategic Plan or Other Guiding Document: Strategic Plan Goal 2.1: Promote new investment and development of City-owned and private lands in Kenora.

Briefing By: Kevan Sumnar, City Planner

Bylaw Required: Yes



August 5, 2022

Housekeeping Council Briefing (direct to Council – does not appear at COW)

Agenda Item Title: Vacancy Rebate bylaw

Background Information:

On December 19, 2021, Council passed the following resolution which included a bylaw to be passed at the same time. Council authorized the new rebate program by resolution and we are now executing the bylaw which will enact the vacancy rebate program effective December 19th, 2021.

Whereas Section 364 of the Municipal Act, 2001, as amended (hereinafter referred to as the "Municipal Act") sets out the program by which tax rebates may be provided for property in respect of eligible vacant buildings for properties within the commercial, industrial or other prescribed property class; and

Whereas a local municipality, pursuant to subsection 364(1.1) of the *Municipal Act*, may choose that it will not maintain a program to provide rebates under section 364 for the 2022 vacancies; and

Whereas for the purposes of this by-law the Commercial classes shall be considered a single property class and the Industrial classes shall be deemed to be a single property class; and

Whereas the Minister of Finance may by regulation under paragraph 364(a.0.1) identify property classes other than the commercial and industrial property classes to be *Prescribed Classes* for the purposes of Section 364; and

Whereas the Council of the Corporation of the City of Kenora deems it appropriate to end the application of section 364;

Now Therefore the City of Kenora enacts as follows:

1. That in accordance with subsection 364(1.1) of the *Municipal Act*, Council hereby supports a phase-out on the elimination of the vacant unit rebate, and pass a by-law to support fifty percent of rebates on the 2021 vacancies and elimination of the program entirely for 2022 or any subsequent taxation years; and
2. That this by-law shall apply to property in the commercial property class, the industrial property class, and to property in any other class identified as a prescribed class, including but not limited to the landfill property class.

Resolution for Council:

That three readings be given to a vacancy rebate program bylaw as per the December 19, 2021 Council resolution.

Budget: N/A

Risk Analysis: There is a minimal risk associated with this report. It is an administrative process to complete the bylaw as per the December 19, 2021 Council resolution.

Communication Plan/Notice By-law Requirements: bylaw

Strategic Plan or Other Guiding Document: administrative only

Briefing By: Heather Pihulak, City Clerk

Bylaw Required: yes

THE CORPORATION OF THE CITY OF KENORA

BY-LAW ##-####

A By-law to Phase Out and End the City's Vacancy Tax Rebate Program

WHEREAS subsection 364(1) of the *Municipal Act, 2001*, as amended (hereinafter referred to as the "*Municipal Act*") set out a requirement that every local municipality have a program to provide tax rebates to owners of property that has vacant portions if that property is in any of the commercial classes or industrial classes prescribed in section 308 (1) or in a class prescribed under clause 364 (12) (a.0.1);

AND WHEREAS pursuant to subsection 364(1) of the *Municipal Act*, The Corporation of the City of Kenora (the "City") created such a program;

AND WHEREAS subsection 364(1.1) of the *Municipal Act* was enacted in 2020 and provides that a local municipality is no longer required to have such a vacancy rebate program if it passes a by-law providing that subsection 364(1) of the *Municipal Act* does not apply in the municipality;

AND WHEREAS the Council of the City of Kenora deems it appropriate to reduce the vacancy tax rebate that is provided for under the City's present vacancy rebate program by 50% for the taxation year 2021 and, pursuant to section 364 (1.1) of the *Municipal Act*, to, for the 2022 taxation year and subsequent taxation years, end the vacancy tax rebate program altogether;

NOW THEREFORE the Council of the City of Kenora enacts as follows:

1. Vacancy rebates for eligible properties for the 2021 taxation year are reduced to 50% of the vacancy rebate that is provided for such eligible properties under the City's present vacancy rebate program.
2. Commencing with the 2022 taxation year, subsection 364(1) of the *Municipal Act* does not apply in the City.
3. The vacancy rebate program is ended entirely for the 2022 taxation year and subsequent taxation years.
4. Any by-law, resolution or policy of the City that is inconsistent with the contents of this By-law is hereby repealed.
5. This by-law shall come into force on the date of its passing.

By-law read a First and Second Time this 9th day of August, 2022

By-law read a Third and Final Time this 9th day of August 4, 2022

The Corporation of the City of Kenora:

Daniel Reynard, Mayor

Heather L. Pihulak, City Clerk



August 2, 2022

Housekeeping Council Briefing

(direct to Council – does not appear at COW)

Agenda Item Title: Ratifying Numerous Agreements

Background Information:

In accordance with the City's Procurement Policy, various agreements pertaining to matters that have been discussed by Council in previous meetings, or for items that have been procured in accordance with the Procurement Policy authorities through approved annual budgets, the Mayor and Clerk have executed the following agreements on behalf of the Corporation. These are now ready for bylaw.

This report will appear monthly before Council to outline the agreements that are executed on behalf of the Corporation and each agreement is available in the Clerk's office should a member of Council wish to review.

These agreements include:

Services Agreements

Site Plan Control Agreement – CP Rail/Two Bears Marina

Contribution Agreements

NOHFC Funding Agreement – LOW Museum – building mechanical - \$550,000

ICIP Funding Agreement – water main replacements - \$1,847,031.25

Resolution for Council:

That the Mayor and Clerk be hereby authorized to execute the following agreements on behalf of the Corporation of the City of Kenora:

Site Plan Control Agreement – CP Rail/Two Bears Marina

NOHFC Funding Agreement – LOW Museum

ICIP Funding Agreement – water main replacements

That three readings be given to bylaws for this purpose.

Budget: in accordance with each project

Risk Analysis: These items have been procured or agreed to in accordance with the policy. The adoption of the bylaws for these agreements are the administrative portion of the procurement process and must be finalized.

Communication Plan/Notice By-law Requirements: bylaws

Briefing By: Heather Pihulak, Director of Corporate Services/City Clerk

Bylaw Required: Yes

July 26, 2022



Housekeeping Council Briefing (direct to Council – does not appear at COW)

Agenda Item Title:

Receipt and Approval of Various Committee Minutes

Background Information:

This static monthly report is for the purpose of Council approving and/or receiving various Committee Minutes. Those being approved are the Committees of Council which Council should be approving the actions of those Committees and does so in the form of a by-law under the Confirmatory By-law.

The Minutes being received are typically from local Boards or Corporations for information only (and cannot be 'approved' by Council).

The various Minutes will appear under separate cover as an attachment on SharePoint to this report.

Resolution for Council:

That Council hereby adopts the following Minutes from various City of Kenora Committees:

- March 24, 2022 & May 5, 2022 – The Muse
- June 22, 2022 - Kenora Public Library Board Minutes

That Council hereby receives the following Minutes from other various Committees:

- May 5 & 26, 2022 - District of Kenora Home for the Aged
- May 24, 2022 – Police Services Board; and further

That these Minutes be circulated and ordered filed.

Briefing By: Kelly Galbraith, Deputy Clerk

Bylaw Required: No