



City of Kenora

Committee of the Whole Agenda

Wednesday, July 12, 2023

9:00 a.m.

City Hall Council Chambers

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

A. Public Information Notices

As required under Notice By-law #160-2022, the public is advised of Council's intention to adopt the following at its, 2023 meeting:-

- Authorize a budget amendment in the amount of \$46,688.30 for the purchase of replacement servers for the City IT asset replacement funded through the IT reserves
- Declare lands surplus to the needs of the Municipality – 117 Main Street South and sell lands

Land Acknowledgement

Councillor Moncrief

B. Declaration of Pecuniary Interest & the General Nature Thereof

- 1) On Today's Agenda
- 2) From a Meeting at which a Member was not in Attendance.

C. Confirmation of Previous Committee Minutes

Motion:

That the Minutes from the last regular Committee of the Whole Meeting held June 14, 2023 and Special Committee of the Whole Minutes June 16 and 22, 2023 be confirmed as written and filed.

D. Deputations/Presentations

E. Reports:

1. Corporate Services / Finance / Human Resources

Item Subject

- 1.1. Council Committee Work Updates
- 1.2. 2023/2024 Insurance Renewal
- 1.3. Budget Amendment – IT Server Replacements
- 1.4. Section 357's

2. Fire & Emergency Services

Item Subject

No Reports

3. Engineering & Infrastructure

Item Subject

3.1 Notice of Motion Report – Keewatin Dog Park Potential

3.2 Coker Road Geotechnical Report Options

4. Recreation & Culture

Item Subject

No Reports

5. Planning & Building Services

Item Subject

5.1 D14-21-05 – Removal of Holding Provision -321 First Ave S

5.2 Deeming certain lands not to be a registered plan of subdivision

5.3 Declare Lands Surplus to the Needs of Municipality and Sell Lands – 117
Main Street South

6. Economic Growth & Recovery

Item Subject

No Reports

Other:

12:00 p.m. – Public Zoning Amendment Meeting – D14-23-05 725 Railway St

Next Meeting

- Wednesday, September 13, 2023

Motion - Adjourn to Closed Meeting:

Pursuant to Section 239 of the Municipal Act, 2001, as amended, authorization will be provided for Committee to move into a Closed Session to discuss items pertaining to the following:-

- Personal Matters about an Identifiable Individual (1 matter – Crime Prevention Committee Appointment, recruitment status)
- Educating & Training Members of Council (3 matters-Development, CAO and Mayor updates)

July 12, 2023

Committee of the Whole Meeting Agenda



July 4, 2023

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Roberta Marsh, Director of Human Resources, Risk and Insurance

Re: 2023/2024 Municipal Insurance

Recommendation:

That Mayor and Council accept the premium quoted by Intact Public Entities (IPE) in the amount of \$686,194.00 plus applicable taxes; and further

That Council directs administration to finalize the 2023 Municipal Insurance Program for the policy term July 1, 2023 to July 1, 2024.

Background:

In spring of 2023 the Corporation's insurance renewal was provided to the market for bid with the support of Westland Insurance. Intact Public Entities (IPE) was successful.

The 2023/2024 Municipal Insurance Program represents an overall increase of 28% (\$155,181.00) from the 2022/2023 program.

Liability insurance took a hit this year as claims in the Kenora region increased significantly due to the floods, fires and windstorms. The City's General Liability Insurance premium for 2023 rose from \$125,931 to \$145,522. Most notable increases occurred in Property Insurance (\$100,721), Environmental, Liability (\$1,735), and Errors and Omissions Liability (\$1,365).

In 2023 the Corporation increased its property and owned automobiles resulting in increased coverage for:

Description	2022	2023
Buildings	\$180,795,900	\$200,638,700
Contents/Equipment	\$22,419,900	\$22,990,800
Fleet - # of Units	115	121

Budget:

A 20% increase was approved through the 2023 Operating Budget to support the 2023 Insurance renewal, leaving a shortfall of 8% approximately \$21,000 to be applied to the 2024 Operating Budget.

Risk Analysis:

The 2023 Municipal Insurance Program supports the Corporation's Enterprise Risk Management framework.

Communication Plan/Notice By-law Requirements:

Strategic Plan or Other Guiding Documents:

2022-2027 City of Kenora Strategic Plan

Focus Area: Service Delivery and Organizational Capacity

Goal 4.3 Improve fiscal planning capacity of our administration

City of Kenora Enterprise Risk Management Strategy

Consultation:

Bruce Graham, Risk Management & Loss Prevention Officer



July 4, 2023

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Heather Pihulak, Director of Corporate Services

Re: Budget Amendment - Immediate Servers Upgrade

Recommendation:

That Council hereby authorizes a budget amendment in the amount of \$46,688.30 for the purchase of replacement servers for City IT asset replacements to be funded through the IT reserves; and further

That in accordance with the Public Notices Bylaw 160-2022, notice is hereby given that Council intends to amend their 2023 capital budget for the immediate replacement of these servers from the IT reserves; and further

That three readings be given to a bylaw for this purpose.

Background:

Launched in 2012, Windows Server 2012 has been a reliable and widely used server operating system, supporting small businesses with their IT infrastructure for years. However, as technology evolves, so must the systems that keep businesses running efficiently and securely.

End of Life (EOL) is a term used in the software industry to indicate that a product has reached the end of its supported lifecycle. This means that the product will no longer receive updates, bug fixes, security patches, or technical support from the developer. Unsupported, this can leave us susceptible to malware attacks and security breaches.

For Windows Server 2012, the EOL deadline is October 10th, 2023. As of this date, Microsoft will cease to provide any support or updates, leaving systems running on Windows Server 2012 vulnerable to potential security threats and compatibility issues.

As the [End of Life \(EOL\) deadline](#) for Windows Server 2012 approaches, the City had needs to ensure that these servers are replaced prior to the EOL deadline.

What are the risks?

Security vulnerabilities

Once the EOL deadline passes, Windows Server 2012 will no longer receive security patches and updates, making it more susceptible to cyberattacks and exploitation of known vulnerabilities. Small businesses running on unsupported server operating systems are at a higher risk of data breaches, ransomware, and other security incidents, leading to financial loss, reputational damage, and legal consequences.

Compliance

Many industries and regions have strict data protection and privacy regulations, such as General Data Protection Regulation (GDPR) and Payment Card Industry Data Security Standard (PCI DSS). Running an unsupported server operating system can result in non-compliance, leading to fines, penalties, or even loss of business licenses.

No technical support

With Windows Server 2012 EOL, Microsoft will no longer offer technical support for the operating system. This means that small businesses cannot access official resources or assistance to troubleshoot or resolve issues.

Plan the upgrade:

Identify systems running Windows Server 2012

We have critical IT infrastructure and systems running on Windows Server 2012. Currently the City of Kenora has an inventory of twenty-one (21) servers running Server 2012. These include critical duties, such as Database server for GP financial systems, email servers, file servers, surveillance systems and domain controllers.

Upgrade to Windows Server 2022

Upgrading to Windows Server 2022, the latest version of Microsoft's server operating system offers a variety of benefits, such as improved security, enhanced performance, and better support for hybrid cloud environments. Small businesses can take advantage of these features by upgrading while ensuring continued support, updates, and compatibility with modern applications and hardware.

You must ensure your existing server hardware is compatible with Windows Server 2022 and meets the system requirements.

Our IT support provider has impressed the importance of this purchase in early fall of 2023 and cannot wait until the 2024 budget, requiring a 2023 budget amendment.

Budget: \$46,688.30 for the upgrades which would be taken from the IT Reserves

Risk Analysis: The risk associated with this report is high. As outlined above, our servers will reach end of life in October 2023, and immediate replacement is required to ensure the stability and security of our servers.

Communication Plan/Notice By-law Requirements: Budget Amendment

Strategic Plan or Other Guiding Document:

Focus Area #4: Service Delivery and Organizational Capacity



July 5, 2023

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Rachel Jaworowicz, Tax Collector

Re: Tax Appeals under Section 357 of the Municipal Act, 2001

Recommendation:

That Council hereby approves Section 357 tax adjustments with potential refunds totaling \$2,431.41.

Background:

The cancellation and refund of taxes are authorized by Council under Section 357 of the Municipal Act, 2001. A Section 357 tax appeal is filed due to a change of event that occurred during the current taxation year. The owner, spouse, tenant, other occupant or person in possession of the land may submit an application to the municipality by February 28th of the year following the taxation year to which the application is made.

Applications are typically submitted for the following reasons:

- The property is eligible to be reclassified in a different class of real property
- The land has become vacant land or excess land
- The land has become exempt from taxation
- A building on the land:
 - (i) was razed by fire, demolition or otherwise, or
 - (ii) was damaged by fire, demolition or otherwise so as to render it substantially unusable for the purposes for which it was used immediately prior to the damage

The Municipal Property Assessment Corporation (MPAC) assists municipalities by providing further information and commentary on each application, this helps to ensure that a tax refund, cancellation or reduction is warranted. MPAC's recommended assessment values and taxation periods are used to calculate property tax adjustments. In an effort to facilitate timely processing, municipalities have the authority to rectify assessment changes without having to go through the formal assessment review board process.

Budget/Finance Implications:

The municipal share of the tax reduction relating to the Section 357 adjustment is \$1,781.81, the remaining \$649.60 is attributed back to the related school boards.

Communication Plan/Notice By-law Requirements:

Property owners receiving a tax adjustment will be notified in writing of the applicable refund amount.

Strategic Plan or other Guiding Document:

Legislative requirement.



July 7, 2023

City Council Committee Report

To: Kyle Attanasio, CAO

**Fr: Stace Gander, Director Economic Development and Tourism
Greg Breen, Director of Engineering and Infrastructure**

Re: Establishment of City of Kenora Off-Leash Dog Park in Keewatin

Recommendation:

That Council receives a land evaluation and report required by resolution #22 from the April 19, 2023 meeting of Council to evaluate the potential addition of an off-leash dog park in the City; and further

That the development of this off-leash dog park location within Keewatin be added to the unfunded list, for discussion and decision as a part of the upcoming 2024 budget deliberations.

Background Information:

On April 19, 2023, by way of Resolution No. 22, Councillor Moncrief brought forward a Notice of Motion for Administration to explore the development of an off-lease dog park within the western neighbourhood of the City (Keewatin). As part of that Notice of Motion, Administration was to identify and evaluate location options and costs associated with the development as well as sponsorship opportunities for Council consideration by the July Committee of the Whole meeting.

Through a GIS exercise, staff representing Development Services, Parks and Facilities identified all City owned properties located in what is locally known as Keewatin, north of the shores of Lake of the Woods, south of the shores of the Winnipeg River System, east of Mink Bay and west of Keewatin bridge. Staff evaluated prospective sites firstly on size to ensure ample area to accommodate a park that could provide two separate enclosed areas so that large and small dogs can run and play independently, but also parking and amenities such as water fountain and park seating. Six (6) municipally owned sites were selected.

Staff toured the six (6) municipally owned properties in Keewatin, and further evaluated the locations on the following criteria: on-site parking, accessibility, walkability, service availability, shade structure, terrain, identified hazards or risk factors and Official Plan and Zoning By-law designation.

Staff presented their findings in the attached location evaluation to the Director of Engineering and Infrastructure and the Director of Economic Development and Tourism with a recommendation of Keewatin Central Park to host a new Keewatin Dog Park.



Keewatin Central Park currently offers approximately 0.67 ha of green space, a 40 m² picnic shelter, and a 300 m² playground which will receive upgrades in 2023. Additionally, the Park is home to Harvest Kenora community garden.

Street parking is available along Superior Street, Tenth Street and Erie Street. The location is accessible from Superior Street and walkable from other areas of Keewatin, offering sidewalks along many local streets.

The south side of Keewatin Park provides a 6.0 m grade elevation change transitioning from flat grassy lands to a rocky wooded area which can act as a dog climbing structure, the varied play space provides an enriched experience for dogs and owners.

During internal review, it was determined that a portion of Keewatin Central Park is privately owned. Keewatin Central Park is legally described as Lots 1-5 and 7-16 Block 40, Plan 18 and PIN: 421580089. Lot 6 Block 40 Plan 18 is under separate title not owned by the Municipality. Creating an off-leash dog park with a long running length for larger dogs would require construction that is considerate of the privately owned lot.



The area is designated as OS-Open Space in the Official Plan and OS-Open Space in the Zoning By-law which are areas designed to include parks and recreation space. Implementation of an off-leash dog park at Keewatin Central Park would replace some of the passive and active recreational space. The preliminary layout below indicates that total open space would be reduced from approximately 0.67 ha to 0.4 ha.

Staff encourage public consultation with user groups and the Keewatin community prior to passing a by-law authorizing the creation of an off-leash dog park. Community consultation is an opportunity to identify possible concerns and the effect on the proposal on existing land uses. Where there are potential compatibility concerns, consideration shall be given to the extent to which site plan requirements can reduce the potential impacts such as traffic, noise, and odor.

Budget: The total cost is estimated at approximately \$125,000.00. Administration would look to sponsorship or potential for funding through available programs following Council decision to help reduce the overall cost to the City.

Risk Analysis: There is a low risk associated with this report. The project creates an alternate open space utilization by reducing the current amount of passive and active recreational space. This project would take place in 2024 or later, if it was approved through the 2024 budget process.

Strategic Plan or other Guiding Document:

Goal 2.1 – Promote new investment and development of City-owned and private lands in Kenora.

Goal 3.1 – Deliver coordinated four-season cultural and recreational infrastructure, programs and events.

Lake of the Woods
KENORA



Keewatin Dog Park

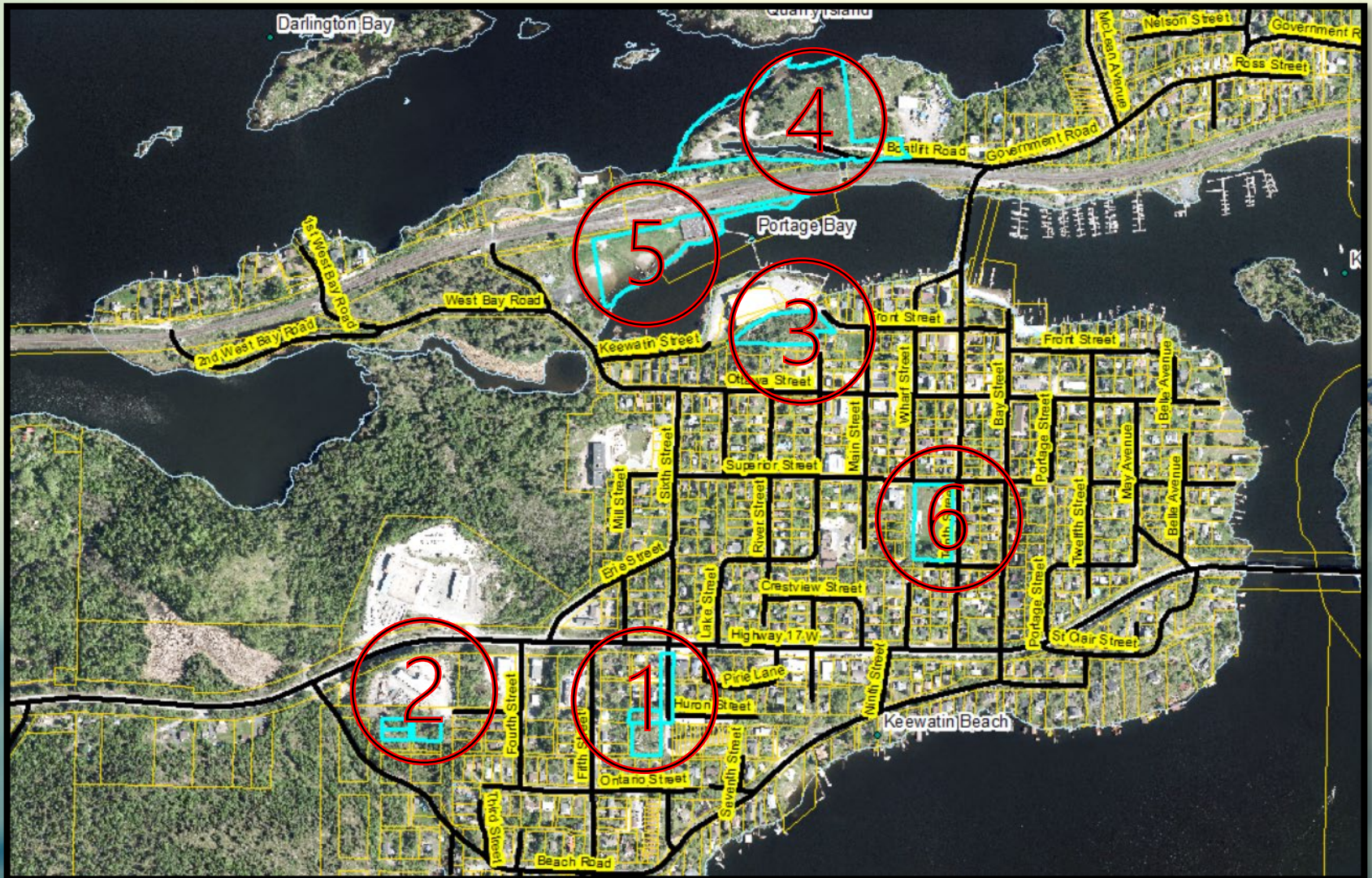
Municipally owned properties in Keewatin

Source: Kenora, GIS 2022 Image



Staff Short-listed Six (6) Municipally owned properties for review.

Source: Kenora, GIS 2022 Image



Criteria for Evaluation

Parking	Ample parking on-site to accommodate users
Accessibility	Is the site and access to the proposed site accessible? Is it centrally located in Keewatin? Is it walkable?
Servicing (water)	Hydration
Lighting on-site	Extended use of the park into the night. Safety feature. Lighting must not trespass into residential areas.
Shade structure	Safety and comfort
Terrain	Grass is soft underfoot and naturally provides good drainage. Varied terrain, such as open field, woods, rock- enrichment of experience.
Official Plan Designation and Zoning- Open Space	Open Space land use designation include parks, and provides land for active and passive recreational uses.
Identified hazards	Escape routes, other hazards around the space
Other	Relevant information for consideration

Site 1: Keewatin Rockholes



Site Photos:



Evaluation:

Site 1: Keewatin Rockholes		
Parking	On-site and street parking available	✓
Accessibility	Steep incline from Highway 17E up 6 th Street to access the site. Not accessible from the parking area to the proposed dog park location. Uneven terrain, steep in grade.	✗
Servicing	Extension required	✗
Shade Structure	Tree canopy	✓
Terrain	Steep, rocky, wooded for shade, however limited grass area	✗
OP/Zoning Designation	CD- Commercial Development Area, and OS- Open Space	✗
Identified Hazards	Keewatin Rockholes, although it	✗
Other	Clustering of tourism attractions.	✓









Site 2: Vacant land Huron Street



Site Photos:



Evaluation:

Site 2: Vacant Land Huron Street		
Parking	Street parking available	
Accessibility	Walkable from Highway 17E up Huron Street, however the site is rugged, with uneven terrain and a steep slope down to the proposed park area.	
Servicing	Extension required	
Shade Structure	Tree canopy	
Terrain	Rocky, wooded for shade however limited grass area	
OP/Zoning Designation	CD- Residential Development, R1- Residential First Density	
Identified Hazards	Uneven terrain, rocky, proximity to Highway	
Other	Lands are under-serviced, residential may not be highest and best use.	

Site 3: Vacant land behind the Keewatin Fire Hall



Site Photos:



Evaluation:

Site 3: Vacant land behind the Keewatin Fire Hall		
Parking	On-site parking	✓
Accessibility	Central location off Ottawa Street, relatively flat.	✓
Servicing	Available from the Fire Hall.	✓
Shade Structure	Limited tree canopy	✗
Terrain	Rocky, relatively flat on top with grassy areas.	✓
OP/Zoning Designation	ES- Established Area, R1- Residential First Density	✗
Identified Hazards	Cliff on the north side of the subject lands.	✗
Other	Potential economic spin-off promoting traffic among Keewatin local commercial corridor.	✓

Site 4: Greenspace adjacent Keewatin Public Works Yard



Site Photos:



Evaluation:

Site 4: Greenspace adjacent Keewatin Public Works Yard		
Parking	On- street parking along Government Road	✓
Accessibility	Walkable location, gentle slope to access the proposed park area.	✓
Servicing	Available from the old Keewatin public work yard.	✓
Shade Structure	Scattered trees	✓
Terrain	Rocky, relatively flat on top with grassy areas.	✓
OP/Zoning Designation	OS- Open Space, OS- Open Space	✓
Identified Hazards	Cliff on the north side of the subject lands down to the Winnipeg River.	✗
Other	Lands offer development potential other than open space.	✗

Site 5: Portage Bay Ball Diamonds



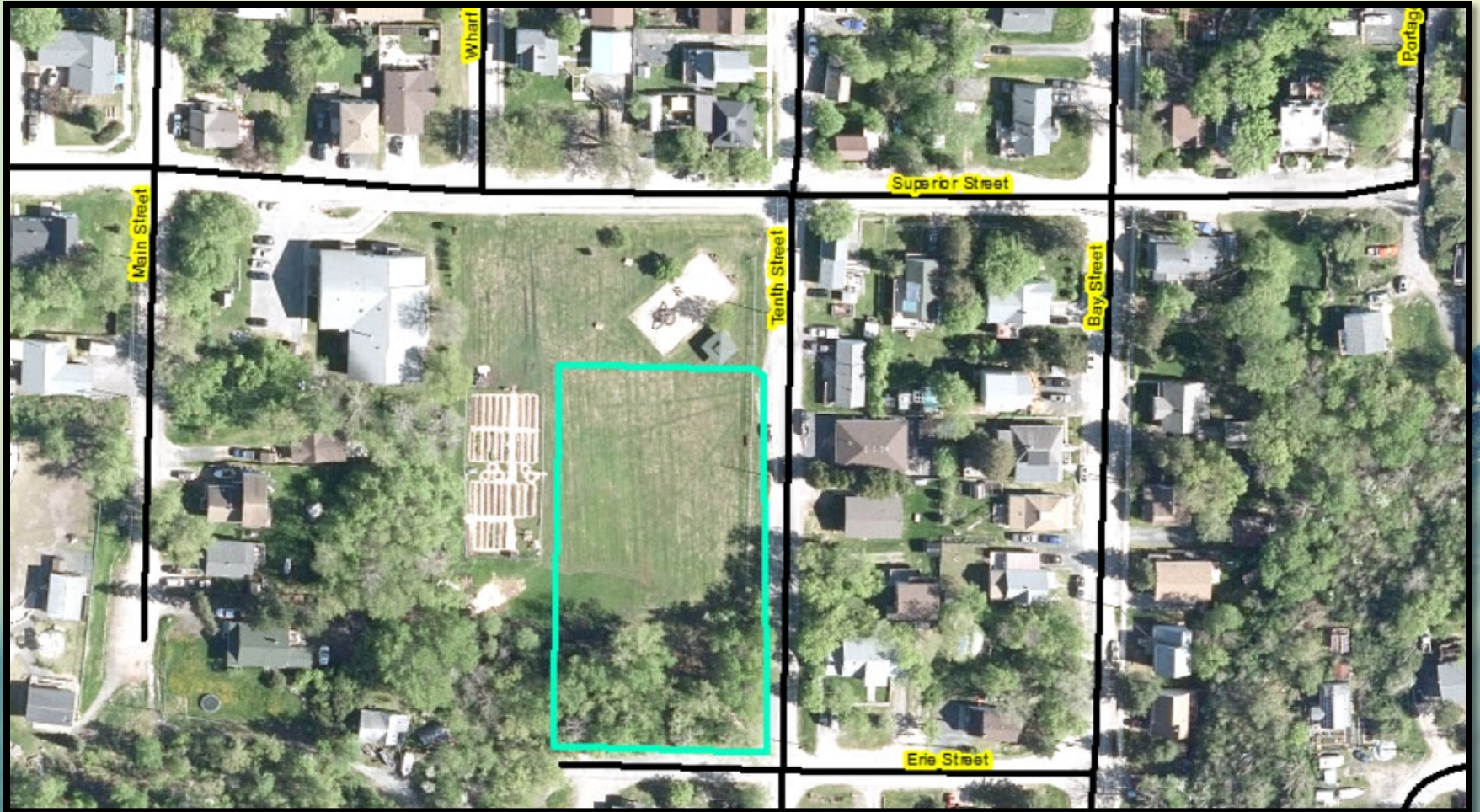
Site Photos:



Evaluation:

Site 5: Portage Bay Ball Diamonds		
Parking	Parking on site	✓
Accessibility	Walkable location, flat land.	✓
Servicing	Available on-site	✓
Shade Structure	Open space	✗
Terrain	Flat grassy area.	✓
OP/Zoning Designation	OS- Open Space, OS- Open Space	✓
Identified Hazards	Susceptible to flooding, below control board flooding contour. Adjacent rail line.	✗
Other	Staff has concern with mixing user groups and the negative smell that may occur introducing a dog park.	✗

Site 6: Keewatin Central Park



Site Photos:



Evaluation:

Site 6: Keewatin Central Park		
Parking	On-street parking	
Accessibility	Walkable location, flat land, sloped trail through wooded area on the south side of the lot.	
Servicing	Available on-site	
Shade Structure	Wooded, rocky area on south side of the lot	
Terrain	Flat grassy area, with rocky wooded area on the south end of the park.	
OP/Zoning Designation	OS- Open Space, OS- Open Space	
Identified Hazards	Removal of Open Space- Mixing user groups- potential hazard.	
Other	Encourage mixed users, additional amenity to the park for existing users, improving the space. Smell?	



July 7, 2023

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Greg Breen, Director of Engineering and Infrastructure

Re: Coker Road Geotechnical Investigation and Recommendation

Recommendation:

That Council receives the Coker Road geotechnical investigation and recommendation report provided by Stantec Consulting Ltd; and further

That given the stabilization of Rice Bay water levels during June 2023, Council directs administration to proceed immediately with the reopening of Coker Road, subject to both:

- the recommended conditions of Option 3, and
- the required road maintenance, culvert repair, and drainage ditching, acknowledging that the costs for the City of Kenora's Engineering Department support and the required contractor costs and contract administration costs are not included in Stantec's Option 3 opinion of probable cost; and further

That administration presents a budget amendment, to be developed through total scope pricing of Option 3, to Council in Council's September 2023 Committee of the Whole meeting; and further

That Council directs administration to proceed with Option 2B – Realignment of Coker Road with a 50km/h design speed and that a placeholder for this work be incorporated into the 2024 budget development process.

Background Information:

Coker Road, having been constructed several decades ago, has historically performed well, similar to other gravel roads in the City of Kenora. During the spring of 2022, approximately 350m of the road was flooded by high water levels to a depth of approximately 0.75m. This flooding damaged the gravel surface, creating rutting and potholes.

Similar to gravel roads repaired historically, the City proceeded with a grade raise in June of 2022 to correct the damage and reduce the future flood risk. Coker Road performed normally until early November 2022 when settlement of the road was noted during routine maintenance works. Settlement continued through mid-November 2022, while the City proceeded with reconstruction works and further grade raising to late November 2022. To the South of Coker Road, a 1-2m high bulge of the swamp peat became visible, indicating significant failure within the road sub-base.

The City engaged a contractor to complete air-track drilling to determine bedrock depth beneath the roadway. This would aid in calculating the volume of new fill that would be required to re-establish proper sub-base stability.

The City then engaged Stantec Consulting to perform a geotechnical drilling and investigation program in February 2023, with continued instrument monitoring to early June 2023.

Through drilling program material sampling, laboratory testing and computation stability modelling, Stantec has determined that primary failure mechanism was a bearing failure due to the added material from grade raises. Although this repair method had been successful in other locations, at the Coker Road, the material below the roadway was unable to support the added weight. Stantec has also indicated that rapid water level changes and frost heave are contributing factors.

Stantec initially looked at 6 remedial methods to return the road to operating condition, and further shortlisted the following 3 options based on site characteristics.

1. Soil Mixing – mechanically mixing in a cement-based binding material to stabilize the subgrade material at an estimated cost of \$3.4M, excluding contract administration.
2. Road Realignment – the roadway would be relocated to the north onto Crown Land. 3 alignment options were provided allowing travel speeds of 40, 50 and 80km/h. Estimated costs range from \$1.15M to \$4.25M, excluding contract administration.
3. Repair and Monitor – the existing roadway would be repaired with contractor services (grading, but without additional material added, culvert repair, adjacent ditching). Ongoing monitoring would be required by both Stantec and City of Kenora Engineering. Stantec's cost to monitor is estimated at \$29,500.00. The costs for the repair works require determination.

Budget: Preliminary cost estimates are provided above and require further evaluation following Council decision. As recommended, a preliminary total cost estimate, including both Option 3 and Option 2B, is expected to total approximately \$4M. This total cost would be partially funded in 2023 for the immediate works and partially funded through development of the 2024 budget.

Risk Analysis: The risks associated with the recommendation weigh providing a consistent service level for Coker Road users against the cost of these works and the potential for additional costs associated with future repair work being required.

Option 1 provides for road stabilization along a portion of the Coker Road, but the risk of ongoing closures is not eliminated. Future flood risk remains as does additional subgrade repair risk further to the north-east. At the estimated cost provided, it is not perceived as the best option.

Option 2C, which carries the highest construction cost and comes with a travel speed of 80km/h, which is a higher travel speed than the surrounding roadways, is not worth the additional investment when compared to the other available options 2A and 2B.

Option 2A, which has a lower construction cost, reduces the travel speed to 40km/h and leaves a portion of the road adjacent to the swamp that could be impacted by future flooding and failure. Continued closures and future repair works may likely recur with this option.

Option 2B, includes a mid-point construction cost estimate, maintains the existing travel speed, and minimizes the length of road adjacent to the swamp. This option will provide road users with the most consistent service level.

All Option 2 choices require that the City work through the necessary approvals and allowances to construct on crown land. The construction period is therefore expected to last 2 construction seasons including administrative work that could take place through the off-season.

Lastly, with water levels data now indicating stable levels through the month of June, implementing Option 3 is achievable following the risk mitigation steps provided by Stantec, and repair work to the road surface, culverts and ditching.

Strategic Plan or other Guiding Document:

Goal 1.1– Position Kenora for growth through proactive infrastructure planning.

Goal 1.2 – Ensure well maintained and sustainably finances City Infrastructure.

Coker Road Geotechnical Report – Summary of Key Findings and Recommendations

July 4, 2023

Purpose and Background:

The purpose of this document is to summarize the key information for Council detailed within the report.

The Coker Road which failed in early November 2022 remains closed pending a geotechnical investigation and recommendations. Stantec Consulting Engineers have provided the attached geotechnical report detailing the background information collected, investigations completed and the investigation results consisting of failure mechanisms, technical analysis of potential solutions and recommendations to reopen the road.



Figure 1: Coker Road : Left : May 2022 Middle: June 2022: Right: April 2023

Analysis and Investigation:

Stantec used City of Kenora survey data of water levels and during different states of the Coker Road over the past year to create baselines during different key events.

Stantec mobilized a borehole drilling contractor in February 2023, who sampled the ground conditions along the Coker Road within the failed and non-failed areas. Stantec also installed monitoring equipment to measure ground water data and any additional movement occurring within the roadbed.

The borehole samples were laboratory tested to determine the road and subbase material strength characteristics and to create a model of the ground conditions surrounding the Coker Road. An

unexpected result from the borehole sampling was the presence of typical granular fill material 10 m below the failed area to bedrock, indicating a long history of infill. Typically, in an area like this, peat, organics and clay are expected. More detail on the investigation and results is contained within sections 3.0 and 4.0 of the report.

Failure Mechanism:

Stantec identified four potential failure mechanisms and determined that the road distresses were caused by a bearing capacity failure. A bearing capacity failure is when the load from the fill material exceeds the resisting force or strength of the soil material beside the road.

Section 5.0 of the report includes a timeline of events and more detail of the failure mechanism. In summary, the City completed a grade raise during high water levels. The high water acted as a counterbalance, providing additional strength, holding the road base in place. However, when water levels subsided, in the Fall, to typical winter levels, an imbalance was created. This resulted in a material bearing failure and the road distresses.

Remediation Options:

Stantec assessed five options to remediate the road. The five remedial options assessed were soil mixing, realignment of the road, sheet piling, lightweight fill and stabilizing buttresses. Stantec determined that high construction costs, physical conditions and potential for future maintenance issues were barriers that eliminated sheet piling, lightweight fill and stabilizing buttress from further analysis or assessment. Section 7.0 of the report provides more detail on the options assessed and commentary on their application to the Coker Road.

There are four recommended solutions detailed below. Additional information related to remedial options is contained within Sections 8.0, 9.0 and 10.0 of the report. Appendix J contains three alignment options provided by Stantec for realignment. Note that the costs provided do not include design or contract administration costs which are typically 10% of the construction costs.

1. Soil Mixing – Soil mixing is a process in which soil strength is increased by mixing a cement like product with the existing soil. The total cost for soil mixing is \$3,395,000, excluding detailed design costs.
2. Road Realignment – Three realignment options have been provided allowing the following travel speeds and their respective estimated cost, excluding detail design costs.
 - a. 40km/h - \$1,154,500
 - b. 50km/h - \$3,174,600
 - c. 80 km/h - \$4,239,300
3. Reopening and Monitoring - Stantec provided the option of reopening the road with minor rehabilitation work and ongoing geotechnical monitoring at a cost of \$29,500 for a duration of 1 year. The reopening would see additional costs from City of Kenora Engineering of approximately \$25,000. Road maintenance work resume and would be subject to the following conditions:
 - a. No additional fill can be placed on the road during work to smooth the surface.
 - b. Consider reducing the speed limit to 30km/h as poor surface conditions may persist.
 - c. Perform weekly monitoring by the City of Kenora.
 - d. City of Kenora to perform a topographical survey occurring when instrument measurements occur.
 - e. Temporarily closing the road during high water events.



July 12, 2023

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Kevan Sumner, City Planner

Re: D14-21-05 Inlett – Removal of Holding Provision from 321 First Avenue South

Recommendation:

That Council hereby approves the removal of the Holding “[h]” provision, to allow the use of the land in accordance with the “GC” General Commercial Zone, for the property located at 321 First Avenue South.

Background:

In June 2021, Council approved a zoning amendment for the property at 321 First Avenue South (commonly known as the former location of the Blue Heron). That amendment removed the “HL” Hazard Land Zone from the property, which was formerly zoned “GC” General Commercial Zone with an HL Zone overlay.

The HL zone identifies lands which are susceptible to flooding or erosion or any other physical characteristic which could cause harm to persons or lead to deterioration of buildings and structures and restricts use of property to a very small set of uses including wildlife conservation reserves, docks, farms (excluding buildings), parks, or parking lots. It was therefore necessary to remove the HL zone to permit future redevelopment of the property.

During the review of the zoning amendment application, it was identified that a Record of Site Condition (RSC) would be required under Ministry of the Environment, Conservation and Parks regulation, as the proposed redevelopment of the property to include residential use would be a change to a more sensitive land use. The holding provision was included in the zoning to ensure that it was completed prior to any future planning approvals for redevelopment of the property.

Since that time, the owners of the property have completed a Record of Site Condition. As part of that process, they filed a Phase 1 Environmental Site Assessment to evaluate the property for potential contamination and a subsequent Phase 2 Environmental Site Assessment to validate with on-site testing. These studies were conducted by qualified professionals and filed with the Ministry, and the recommendations will be considered by the City of Kenora in reviewing any future Site Plan Control application.

As the property owner has fulfilled the condition for removal of the holding provision, the Planning Department is recommending that Council formally do so.

Budget: N/A

Risk Analysis: There is no risk to approving the removal of the holding provision. The property owner has fulfilled the condition for removal and the recommendations of the

report will help the Planning and Building Services Department to ensure that any future redevelopment of the property is completed appropriately.

Communication Plan/Notice By-law Requirements: No public notice or public hearing is required for removal of a holding provision, per section 36(1) of The Planning Act, R.S.O., 1990.

Strategic Plan or other Guiding Document: Strategic Plan Goal 2.1: Facilitate opportunities for more and diverse housing development across the housing spectrum.

City of Kenora Official Plan, Section 8.3.3: Council may utilize Holding provisions as permitted under Section 36 of the Planning Act in order to establish zoning provisions prior to completing technical, administrative, or financial aspects of the development. Where Council uses a Holding provision, the use of land may be restricted to existing uses until... site contamination or other environmental constraints have been appropriately addressed.



July 12, 2023

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Janis Pochailo, Director of Planning and Building Services

Re: Deeming certain lands not to be a registered plan of subdivision

Recommendation:

Pursuant to the provisions of Section 50(4) of the Planning Act, RSO 1990, c. P.13, as amended, the Council of a local municipality may by bylaw designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of Subsection 50(4) of the said Act; and further

That Lots 11 and 12, Block 72 on Registered Plan of Subdivision Plan 18 in the City of Kenora are within a plan of subdivision registered for more than eight years; and further

That Council gives three readings to a bylaw to deem the above-mentioned lands not to be a registered plan of subdivision for the purposes of Subsection 50(3) of the Planning Act.

Background:

Bylaw 9-2023 Declared lands described as Lot 11 Block 72 Plan 18, Kenora as surplus and authorized a sale to Angela Breed and Kyle Hawkes. Staff recommended an application for deeming by-law be applied for after the sale as a condition of purchase and be registered against title.

This deeming bylaw will ensure that Lot 11 and lot 12 Block 72 Plan 18 cannot be separately conveyed without an approved consent (severance) and will ensure that the Lot 11 Block 72 Plan 18 which was sold for purposes of maintaining access to civic address 1115 Superior Street, will remain in perpetuity.

Section 50(4) of the Planning Act states that the Council of a local municipality by by-law designate any plan of subdivision or part thereof that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection (3) R.S.O. 1990 c. P. 13, s.50(4).

Budget: The property owner (Breed/Hawkes) shall be responsible for all costs associated with such registration.

Risk Analysis: Analysis of planning applications is accomplished in accordance with the legislation provided through the Planning Act. The recommendation the proposed deeming by-law is a technical and procedural matter related to the merging of land.

Communication Plan/Notice By-law Requirements:

Strategic Plan or other Guiding Document:

2.1

- a) Promote new investment and development of City-owned and private lands in Kenora.
- b) Facilitate opportunities for more and diverse housing development across the housing spectrum.

July 4, 2023



City Council Committee Report

To: Kyle Attanasio, CAO

**Fr: Janis Pochailo, Director of Planning and Building Services
Stace Gander, Director of Economic Development and Tourism**

**Re: Request for Declaration of Surplus Land and Authorize the Sale –
117 Main Street South**

Recommendation:

That The Corporation of the City of Kenora identify the lands commonly described as 117 Main Street South as surplus land to the needs of the municipality; and further

That Council hereby authorize the Mayor and Clerk to execute a purchase and sale agreement between the Corporation of the City of Kenora and Kenora HK Properties Ltd. for the sale of the identified lands with civic address 117 Main Street South in the amount of \$135,000 plus HST; and further

That in accordance with public notices bylaw 160-2022 Council hereby provides notice of the intention of Council to pass this By-law to sell the surplus lands; and further

That three readings be given to two by-laws for this purpose.

Background Information:

The City of Kenora issued an Expression of Interest (EOI) in May 2023 for the subject land locally known as 117 Main Street South, and identified in Schedule 'A'.

The EOI closed on June 8, 2023 – one (1) submission was received. City staff representing Planning and Building Services, Economic Development, and Tourism undertook an evaluation of the proposal based on the evaluation criteria found within the EOI.

In evaluating the proposal, staff were encouraged that the original proposal aligned with policy of the Strategic Plan to promote new investment and economic development within the community. However, the proposal did not include a housing component. Housing is an important component of the City of Kenora Official Plan (OP). Section 4.3.2 of the OP encourages growth in the residential component of the Harbourtown Centre and peripheral areas.

Staff met with the proponent on June 14, 2023 to discuss options for housing and an amendment to the EOI submission to add housing within the Harbourtown Centre.

Following this meeting, the proponent contacted staff regarding an amended submission that would include the development of a mixed-use building that would consist of 1250 square foot of commercial space on the main floor to support a restaurant franchise and two additional stories creating four (4) new affordable housing units within the Harbourtown Centre. The proposed revised building plan is a total of three stories in height, with a total private investment of \$1.9 million, and approximately 15-20 jobs created for local residents.

Draft site plans have been submitted for review by the Planning and Building Services Department, in review of the draft proposal, the development conforms to the policies of the Official Plan (2015) and complies to the provisions of the Zoning By-law 101-2015.

Once an agreement of purchase and sale is executed, the proponent will make application the City of Kenora for consideration under the City's Capital Facilities Bylaw for financial support of eligible costs including the removal of the existing subgrade foundation and costs associated with assessing the environmental condition of the site. Secondly, an application under the Harbourtown Centre Community Improvement Plan (CIP), Tax-Based Increment Grant is anticipated.

Budget:

The proponent has submitted a purchase price of \$135,000 + HST which meets the minimum bid requirements of the EOI. All future requests or applications under the Municipal Capital Facilities Bylaw or the Harbourtown Centre CIP would be brought forward for Council's consideration and approval at a later date.

Advertising fees will be removed from the land sale revenue. All costs associated with the transfer shall be the responsibility of the applicant as per the City's Tariff of Fees By-law for planning applications and the City's Disposition of Lands Policy. The sale will generate revenue of \$135,000 + HST., less advertising fees.

Risk Analysis:

There is minor financial risk associated with this recommendation should Council accept a purchase price at the minimum bid of \$135,000 + HST. By-Law 8-2020 ratified an Agreement of Purchase and Sale between the Corporation of the City of Kenora and the private owners of 117 Main Street South in 2020, in the amount of \$135,000.

There has not been an appraisal completed on the subject lands since 2020.

The proposed purchase price is equal to the value of the land paid by the Municipality in 2020.

Communication Plan/Notice By-law Requirements:

A notice of Intent to Declare Land Surplus of Complete Application to Purchase City Property was mailed to the owners of all neighbouring properties located within 60 m of the subject properties and advertised in the Municipal Memo on July 13th, 2023 and July 20th, 2023.

Strategic Plan or other Guiding Document:

2.1.2 Continuously identify and divest City-owned vacant and surplus lands as recommended by the City of Kenora Vacant Lands and Growth Strategy.

Schedule 'A'

Legal Description: PCL 220 SEC DKF; SLY PT LT 3 BLK 2 PL 3 LYING ON THE E/S MAIN ST, DESCRIBED AS FOLLOWS: COMM AT THE SW CORNER OF SAID LT THENCE NLY ALONG THE E SIDE OF MAIN ST 30 FT MORE OR LESS TO A POINT 20 FT DISTANT FROM THE NW CORNER OF SAID LT THENCE ELY PARALLEL TO THE SLY BOUNDARY OF SAID LT 150 FT MORE OR LESS TO THE E BOUNDARY OF SAID LT THENCE SLY ALONG THE ELY BOUNDARY OF SAID LT 30 FT MORE OR LESS TO THE SE BOUNDARY OF SAID LT THENCE WLY ALONG SAID S BOUNDARY 150 FT MORE OR LESS TO THE POB; KENORA

117 Main Street South, Aerial map, Kenora GIS- 2020

