



City of Kenora
Committee of the Whole
Minutes

Wednesday, September 13, 2023
9:00 a.m.

City Hall Council Chambers

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

Present: Mayor Andrew Poirier
Councillor Robert Bernie
Councillor Graham Chaze
Councillor Barbara Manson
Councillor Lisa Moncrief
Councillor Kelsie Van Belleghem

Regrets: Councillor Lindsay Koch

Staff: Kyle Attanasio, CAO, Heather Pihulak, Director of Corporate Services/City Clerk, Stace Gander, Director of Economic Growth and Recovery, David Pratt, Director of Fire & Emergency Services, Greg Breen, Director of Engineering & Infrastructure, Ryan Marsh, Director of Finance, Janis Pochailo, Director of Planning & Building Services

Land Acknowledgment – Councillor Bernie

As we gather, we recognize that we are on Treaty Three Lands which are steeped in rich Indigenous history and home to many First Nations and Metis people today. We continue to be thankful for the partnerships with Indigenous people.

We give thanks for the many blessings we enjoy in the City of Kenora. We seek wisdom in our minds, clearness in our thinking, truth in our speaking and always love in our hearts, so that we may try always to unite the Citizens of Kenora. Let these principles guide us in our decision making.

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 September 20, 2023 meeting:-

- Stop up, permanently close, declare surplus and authorize sale of Shoreline Road Allowance, Part 1 23R 14935
- Financial contribution in the amount of \$39,220 to Kenora HK Properties Ltd. enabled by the City's Municipal Capital Facilities By-law for Municipal Housing Project Facilities to be funded through the Future Land Development Reserve

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.
There were none declared.

C. Confirmation of Previous Committee Minutes

Resolution #1-Moved by Councillor K. Van Belleghem, Seconded by G. Chaze & Carried:

That the Minutes from the last regular Committee of the Whole Meeting held July 12, 2023 and the Special Committee of the Whole meeting held September 5, 2023 be confirmed as written and filed.

D. Deputations/Presentations

Stefan Robinson, Kenora Hospitality Alliance – MAT Funding

An alliance of accommodations working together with tourism partners to make Kenora a year-round destination. The Kenora Hospitality Alliance is a non-profit organization serving Kenora since July 2004.

The Destination Marketing Fee (DMF) is a voluntary collection by accommodations within city limits prior to the existence of the MAT which was provided to Tourism Kenora. The Municipal Accommodation Tax (MAT) has been in place since 2018 by bylaw which defines the share of the tax between the Tourism department and the KHA.

KHA's Request of Council:

- To be recognized as the DMO (Key Pillar)
- To be allocated a minimum of 50% of the annual collection of MAT
- To be part of the tourism planning process
- An agreement that states that any change in MAT tax percentage must be agreed upon by the City and the KHA before being enacted.

Mayor Poirier thanked Mr. Robinson for his deputation and a copy was left with the Clerk.

Wes Manulak, Kenora Soccer Association – Property tax penalties

Lake of the Woods Soccer Association is a not-for-profit association operated by a Board of volunteers. Now own and operate Tom Nabb Park on Valley Drive.

The LOWSA has operated and maintains the park without any government assistance for over 30 years. Most of the improvements to the park have been made through donations. They lost 90% of their income for two years during the pandemic however the costs remained stable. They did not receive any direct funding from the City but were successful in receiving three grants from other levels of government, however, they had outstanding debts owed to the City of Kenora totaling \$16,482 in taxes plus penalty interest. 2020 and 2021 and 2022 interest is what they are seeking.

Mayor Poirier thanked Mr. Manuluk for his deputation and Council requested this matter be brought forward at the September 20, 2023 Council meeting.

E. Reports:

1. Corporate Services / Finance / Human Resources

1.1 Council Committee Work Update

Councillor Manson

nothing to report at this time.

Councillor Bernie

Expressed they had their first Community Safety Committee meeting. The new Coordinator has been working to connect with partners in the community. Christiane Sadler is writing the community safety and well being plan. She has extensive background in this, and is well respected in the field and recognized nationally. Councillor Bernie is optimistic about the work and they will need to set the short and long term goals for the committee.

The Board of Health for the NWHU did a delegation with the Minister of Health as part of that Board, one was healthy babies, healthy children and a school program. Today the NWHU is hosting their all staff meeting with an in-person board meeting later this month. The BIZ has not met but he has talked to individual members.

Councillor Chaze

Nothing to report at this time.

Councillor Van Belleghem

Advised the Accessibility Advisory Committee has requested a list of all the City projects that have occurred over the summer and those that are upcoming. There was a discussion with the Committee about deeper inclusion in projects and would like to ensure they are included in developments to provide feedback.

Have not had a meeting with Kenora Police Service Board but Zone 1 meetings are yesterday and today, and member Dave Canfield is attending on Committee's behalf.

Five members of Council attended AMO in London. We at the municipal level are the government of proximity and are the closest touch point and there is a lot of ways that are the conduit to others level of government. Housing needs to be addressed collaboratively through all levels of government. There are things we can do at the local level by making changes to our bylaws. Councillor Koch asked a question in the bear pit in which her question had over a minute long standing ovation. We at this level of Council still are not held to the same level of accountability of staff who work for us. The highest penalty is 3 months without pay. Bill 5 has not been supported and the request was when will the province address this and pass legislation to address stronger consequences.

Councillor Moncrief

There is some good news with the KDSB but cannot share at this time.

Councillor Moncrief attended AMO and noted there is a lot of value in connecting with people and was afforded the opportunity to do that at this conference.

Encouraged citizens to keep calling the customer service line to report concerns or request service. Staff are working hard to address your concerns, but they should be tracked through this process.

Mayor Poirier

Had the opportunity to attend 150th Anniversary of Treaty 3 and had nice conversation with Lieutenant Governor.

Had three very good meetings with Ministers while at AMO and have had follow up from Solicitor Generals office and we need to continue to address the cost of policing. At the end of the day our focus is to keep our costs down for taxpayers of Kenora.

Brought up the issue with the Minister of Health that the City of Kenora pays over \$1M to the District Home for the Aged, but the unorganized territory does not contribute. We want to see TWOMO organization to contribute towards these costs. They benefit the same way as we do, and taxpayers in the municipalities are the only ones contributing. Dr. Jillie Retson joined the delegation at the conference to discuss the physician funding formula which needs to be changed.

1.2 Financial Status and Forecast Report at June 30, 2023

Recommendation:

That Council hereby accepts the Financial Status and Forecast Report as of June 30, 2023, as information.

Discussion: The financial status and forecasting report is as of June 30, 2023. The financial forecast is used to evaluate current and future fiscal conditions. An effective forecast allows for future decision making. As of June 30, 2023, it is anticipated that the forecast surplus is \$874,288 for the Net Tax Levy supported budget. The self-supported Utilities, Water & Wastewater and Solid Waste, forecasted surplus/(deficit) is (\$226,202) and \$431,959 surplus for Solid Waste. For the most part, there is a chemical cost increase and some emergency repairs that are driving the shortfall.

1.3 National Truth & Reconciliation Day – September 30

Recommendation:

That Council declare September 30th – National Day for Truth and Reconciliation as a civic holiday; and further

That Council encourages all municipal employees and the community to observe the occasion as intended.

Discussion: This report comes following June 3, 2021 as the Government of Canada declared National Day for Truth and Reconciliation on September 30 of each year. The Province of Ontario did not recognize the National Day for Truth and Reconciliation as a public holiday and therefore the City of Kenora also did not declare.

Through communications arbitration was undertaken by CUPE, Local 191 and the arbitrator ruled in favour of the Union's interpretation of the language. As a result, members of the CUPE Local 191 Agreement will receive September 30th as a paid holiday subject to the entitlements under Article 11. CUPE has 60% of our workforce and therefore the recommendation is to recognize the stat holiday for all the workforce.

If approved by Council, the holiday would fall on Monday, October 2nd, 2023 as September 30th falls on a Saturday this year.

Each collective agreement outlines how each holiday will be observed. If a holiday falls on a weekend, it will be observed the following day. We used the day previously to ensure we honoured and recognized the day through education for all staff.

1.4 Human Resources Policy #HR-2-11 and #HR-3-2 Amendments

Recommendation:

That Council hereby adopts amended Human Resources Policy #HR-3-2 Vacation Policy and Human Resources Policy #HR-2-11 Minimum Standards Policy; and further

That these policies form part of the City's Comprehensive Policy Manual; and further

That bylaw numbers 153-2019 and former HR-2-11 policy be hereby repealed; and further

That three readings be given to two bylaws for this purpose.

Discussion: This report provides amendments to two policies. HR-2-11 Minimum Standards Policy and HR-3-2 Vacation Policy. These policies form part of the comprehensive policy manual and are subject to regular review. The minimum standards policy has been updated to reflect the prior requirements of a grade 12 education, which is not required across every position in the City. This minimum standards policy now outlines what is reasonable based on the work that is being performed. The vacation policy referred to whatever was negotiated in the collective agreement, but needed clarification how vacation is used.

There are concerns about carry over of vacation by Council and vacation time should be used. Members of Senior Leadership are committed to managing vacation and are promoting disconnecting from work and taking their vacation time. They are seeking a pre-retirement policy that may be considered at a later date.

1.5 Human Resources Q2 Report

Recommendation:

That Council hereby receives the 2023 Second Quarterly Report for the Human Resources, Risk and Insurance Department.

Discussion: Emphasize the last quarter was focused on summer employment and the efforts to ensure the summer staffing was aligned with the summer activities.

1.6 Sustainability Advisory Committee Terms of Reference

Recommendation:

That Council hereby amends the Terms of Reference for the Sustainability Advisory Committee; and further

That three readings be given to a bylaw to adopt a new Terms of Reference.

Discussion: This is a recommendation of the Sustainability Advisory Committee for changes to the Terms of Reference. This is to define the reporting mechanism for the committee and how the information gets back to Council. The committee was provided funding from Council and the former committee was a different structure. Having an overall plan for the committee will help shape the required budget for the Committee and help shape the direction.

It was questioned if these changes go far enough. Council agreed to table this item for further discussion and Heather will attend the next committee meeting to discuss the changes that should be included in the amended terms of reference. This committee does not have authority to give direction and is concerned about a communication piece that went out on behalf of the committee.

Item Back to Committee for Further Discussion

1.7 Corporate Services Q2 Report

Recommendation:

That Council hereby receives the 2023 Second Quarter Report for the Corporate Services Department.

Discussion: The Q2 report for Corporate Services focuses on the statistics of calls for service, including customer service and bylaw enforcement. Council supported staff in the volume of calls that are received and would like to see staff continue to work on returning calls as there is an expectation to receive a call back. It is an organizational responsibility to customer service and the supervisory group will be reviewing the policy and discussing the expectations within the policy for the organization as a whole.

1.8 Closed Meeting Protocol Policy #CC-2-5

Recommendation:

That Council hereby adopts Council Policy #CC-2-5 a Closed Meeting Protocol Policy to be included and form part of the Comprehensive City Policy Manual; and further

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

Discussion: This is a new policy to address how closed meetings of Council are managed. It exists in other municipalities; however, we have not had a policy like this. This formalizes our process and follows the practices of other municipalities. Follows legislation under the Municipal Act and finalizes for Administration how we manage closed meeting reporting.

2. Fire & Emergency Services

2.1 Emergency Services Q2 Report

Recommendation:

That Council hereby receives the 2023 Second Quarter Report for Fire & Emergency Services.

Discussion: Medical first response calls, currently we don't have a tiered response agreement with the organization, but we will respond to requests for service, respiratory arrest, ambulance delay, cardiac arrest. We are not fully tiered, meaning we will only go to those specific type requests. In southern Ontario Police, Fire Ambulance responds to every call. The dispatcher enters the information, and the system advises them if they need to dispatch fire. Not having a tiered response puts more pressure on ambulance services.

2.2 Station 2 - McKenzie Clearwater Lease Agreement

Recommendation:

That Council hereby authorizes the Mayor and Clerk to enter into a five (5) year lease agreement between the Corporation of the City of Kenora and McKenzie Clearwater Fire Protection Corporation, effective September 1, 2023, for five (5) years; and further

That three readings be given to a by-law for this purpose.

Discussion: The McKenzie Clearwater Fire has always had one bay in Station 2 in Keewatin. We share a bunker gear room and they requested to have a second bay. This agreement changes the percentage of payment in terms of operation of the building, as they will have two bays instead of one. We get proof of insurance and 40% of operating maintenance costs.

2.3 Station 2 - St Johns Council for Ontario Lease Agreement

Recommendation:

That Council hereby authorizes the Mayor and Clerk to enter into a one (1) year lease agreement, with the option of four (4) one-year extensions, between the Corporation of the City of Kenora and St. John's Council for Ontario, effective September 1, 2023 to December 31, 2024; and further

That three readings be given to a by-law for this purpose.

Discussion: St. John Ambulance was in the Legion and with the sale of the Legion, they needed to find an alternate location. We have an area not being used, and speaking with the facility staff and created a lease agreement with them. This space is currently underutilized and meets the needs of St. John Ambulance. Further, this relationship will assist with providing training opportunities for the community and CKFES staff. It is an income draw, but also builds relationships with another community partner.

3. Engineering & Infrastructure

3.1 Engineering & Infrastructure Q2 Report

Recommendation:

That Council hereby receives the 2023 Second Quarter Report for the Engineering and Infrastructure Department.

Discussion: The Moncrief Construction Sports Centre project, the underground water main work is wrapped up and they are getting ready for paving. The paving will continue through to the end of September. The launch will reopen in the next few days. Surface treatment on the north roads, the contractor is in town and is working through Essex Road, James Road, East Mellick Road and Anderson Branch Road. The line painting project will not be completed in 2023. There was only one bidder, and it came in over budget, which required a budget amendment. There were scheduling issues with staff shortages, and they indicated they would not be back until September. They brought one crew in August but with overnight rain it pushed all the work they were here to do. We are trying to get the crosswalks completed and will take the savings for the remainder of the work. Council questioned if this is a service we could consider taking in-house and if any further work has been done internally to explore this. This is a service we could potentially offer in the future. We have not had discussions about adding to services the staff provide now. We anticipate better tendering results with the budget timelines being moved up. It was questioned what local contractors could do. It is a public tender and depending on what local contractors are bidding on or the work they have, will determine if they can bid for work. 9th Street repaving contract, there are pieces that are not complete yet but they will complete this work by end of season. There will be resurfacing in front of Safeway as well. The Gould Road/Railway corner where the new intersection for Gould will come into Railway, previously it was very swampy area and therefore there is a lot of new granular material that has been installed there. We are experiencing a great deal of settlement in the area and we are waiting to see if the material settles before paving. We do not want to pave the road prematurely and experience further settlement in the road and need to tear up new pavement. We will be making a call next week to determine if we are going to leave the road gravel for the winter to ensure that all settlement has occurred. We want to ensure the results we are getting are permanent results. Dust suppression typically is only applied once per season, and this year we have gone through and completed a second application in the last week.

3.2 Crossing Guard Contract

Recommendation:

That Council hereby approves a contract with Alpine Janitorial (Kenora) Inc. for the purposes of crossing guard services for the 2023-2024 and 2024-2025 school years; and further

That in accordance with Section 15.1 (c) (ii) of Procurement Policy AF-1-1 this contract was sole-source-procured to Alpine Janitorial (Kenora) Inc. in the amount of \$145,803.10; and further

That three readings be given to a bylaw authorizing a contract with Alpine Janitorial (Kenora) Inc. for this purpose.

Discussion: Alpine Janitorial has been successfully providing these services for 20 years and has proven their ability to retain and deploy crossing guards dependably at the required locations. The pricing is primarily driven by the increase in minimum wage. It would be nice if they were in the same budget year as us. It is covered under the Highway Traffic Act that the municipality provides crossing guard services. The locations that they are now have been established for many years. The Director of Engineering & Infrastructure does receive additional locations and those requests are evaluated by the OPP and the Director.

3.3 Amendment to Water & Wastewater Bylaw-Leak Responsibility

Recommendation:

That Council hereby approves an amendment to the Water and Sewer By-law Number 70-2018, Section 29 (1) to correct and clarify the determination of City and Property Owner responsibility for Leaks in the Water Distribution System; and further

That three readings be given to an amending by-law for this purpose.

Discussion: This is to make a correction to the bylaw regarding leaks in the water distribution system and the responsibility for the repair.

3.4 Rural Roads Study

Recommendation:

That Council hereby receives the rural roads study and recommendation report provided by Stantec Consulting Ltd; and further

That staff are directed to provide Council with a request for budget decision report in the 2024 draft capital and/or operating budget review meetings with options to maintain or increase the service levels for the roads north of the bypass.

Discussion: The study was conducted by Stantec Consulting Ltd. and they presented the information to Council in July. Our engineering department has summarized the findings and as we move into the 2024 budget process Council will receive a budget decision report that reviews the current services delivered and the options where decisions will need to be made on the work. Staff will be focusing on recommendation #5 in the decision report as it gives the broadest focus to all roads in the rural area. The classes of roads are based on the volume of traffic and speeds.

4. Recreation & Culture

4.1 Recreation & Culture Q2 Report

Recommendation:

That Council hereby receives the 2023 Second Quarter Report for the Recreation and Culture Department.

Discussion: The department is making a lot of positive changes in the department. The strong social media numbers that are identified and through communication, there may be inefficiencies in one department creating communication. They are changing their process where it is being vetted through communication first. It will be considered during the communication strategy work. It was noted that the ice time process, people now have more information on what it costs per hour and why there is such a competition for the ice times and premium times.

4.2 The Muse Bylaw Amendment

Recommendation:

That Council gives three readings to a bylaw to authorize a bylaw respecting the Muse Board; and further

That bylaw number 88-2020 be hereby repealed.

5. Planning & Building Services

5.1 Planning & Building Services Q2 Report

Recommendation:

That Council hereby receives the 2023 Second Quarter Report for the Planning and Building Department.

Discussion: It has been very busy in this area, and numerous applications continue to come in. The building permit application numbers are slightly down from last year but the projects that they are dealing with are bigger projects because the value of the permits are higher. The department is moving forward with e-permitting which will also increase efficiencies in the department. Administration had a conversation with the Ministry regarding our Official Plan and they requested a follow up meeting scheduled for mid-September. They will provide us their written comments, and Council requested a follow-up to what transpires at the meeting with Ministry staff.

5.2 Declare Surplus and Authorize the Sale of Shoreline Road Allowance

Recommendation:

That Council hereby authorizes to stop up, permanently close, declare surplus and authorize the sale of Part 1 23R 14935; and further

That Council hereby authorizes the Mayor and Clerk to complete purchase and sale agreements between the Corporation of the City of Kenora and Ray and Donna Gagnon for the sale of Part 1 23R 14935 in the amount of \$1,150 + HST; and further

That in accordance with public notice bylaw 160-2022 public notice is hereby given of the intention of Council to stop up, permanently close, declare surplus and authorize sale of said lands; and further

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

5.3 D14-19-09 Mill Site–Removal of Holding Provision from Part of Lot 5

Recommendation:

That Council hereby approves the removal of the Holding “[h]” provision from a portion of lot 5 for which a Record of Site Condition has been completed, to allow the use of the land in accordance with the “R3” Residential – Third Density Zone; and further

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

6. Economic Development & Tourism

6.1 Economic Development & Tourism Q2 Report

Recommendation:

That Council hereby receives the 2023 Second Quarter Report for the Economic Growth Development and Tourism.

Discussion: We invested in influencers this summer, which was very successful. It was a partnership with BIZ, wherein BIZ funded the influencers, and our role was to host the influencers, but the matrix that came out of the process was amazing. It is appreciated that the large chair at the Discovery Centre is being completed to ensure it is accessible for all.

6.2 Capital Facilities Contribution–HK Properties 117 Main St S

Recommendation:

That Council approves a financial contribution in the amount of \$39,220 to Kenora HK Properties Ltd. enabled by City of Kenora By-law 58-2023 Municipal Capital Facilities By-law for Municipal Housing Project Facilities to be funded through the Future Land Development Reserve; and further

That Council hereby authorizes the Mayor and Clerk to execute a Municipal Capital Facilities Agreement between the Corporation of the City of Kenora and Kenora HK Properties Ltd. for the provision of four (4) new affordable housing units to be located at 117 Main Street South; and further

That in accordance with Notice By-law Number 160-2022 public notice is hereby given that Council intends to amend its 2023 Budget at its September 20, 2023 meeting; and further

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

Background: The City of Kenora issued an EOI in May 2023 for the property of 117 Main Street South. At its July 19, 2023 meeting, by By-law 97-2023, Council approved to surplus and sell 117 Main Street South to Kenora HK Properties Ltd. After the approval, in August 2023, Kenora HK Properties Ltd. made formal request for financial support under the Municipal Capital Facilities By-law. Kenora HK Properties Ltd. is proposing the construction of a three-storey mixed-use building that will include 1,250 square feet of commercial restaurant space on the main level and the construction of four (4) affordable rental housing units on the second and third floors. It was questioned what kind of timelines we are placing on the funding. We can use whatever language we wish under a capital facilities agreement and are working with legal counsel to formalize the agreement and Council will have the opportunity to review.

6.3 Application to Housing Accelerator Fund

Recommendation:

That Council hereby authorizes an application for funding to the CMHC under its Housing Accelerator Fund to support housing developments in the City of Kenora.

Discussion: The application stream opened in July 2023 and closed August 18, 2023. To be eligible for funding, applicants must demonstrate that new housing unit starts will exceed the historic average of housing starts by 10%. One key element of the application process was that a Housing Needs Assessment study had to be undertaken. The City of Kenora was able to use the Kenora District Services Board's 2023 – Kenora District Housing Strategy to satisfy this requirement.

F. Proclamations

Mayor Poirier then read the following proclamations:

- Arthritis Awareness Month – September 2023

G. Other

H. Next Meeting

- Wednesday, October 11, 2023

I. Adjourn to Closed

Resolution #2 - Moved by Councillor G. Chaze, Seconded by K. Van Belleghem & Carried:

That Council now adjourn to a closed session at 11:23 a.m.; and further

That pursuant to Section 239 of the Municipal Act, 2001, as amended, the Closed Session will discuss items pertaining to the following:-

- i) Educating & Training Members of Council (2 matters-Development & Mayor updates)

J. Reconvene to Open Meeting

Council reconvenes to open session at 1:21 p.m. with no reports from its closed session.

K. Close Meeting

Meeting adjourned at 1:22 p.m.