



City of Kenora Committee of the Whole Agenda

Tuesday, June 2, 2020

9:00 a.m.

Electronic Attendance / City Hall Council Chambers

Due to the COVID-19 Pandemic, Council will be meeting electronically as permitted by Council's Procedural Bylaw. Citizens and our Media Partners are encouraged to attend the virtual meeting via the Public Live Stream Event at:

<https://video.isilive.ca/kenora/>

A. Public Information Notices

As required under Notice By-law #144 -2007, the public is advised of Council's intention to adopt the following at its June 16, 2020 meeting:-

- Amend its 2020 Capital Budget in the amount of \$28,798.59 for the purchase of a new Bylaw Enforcement vehicle
- Authorize the application of section 418.1 of the *Municipal Act, 2001* to it, as a Founding Municipality in the Prudent Investor Board
- Adopt a new Tariff of Fees and Charges By-Law Number to give effect to rates outlined in the revised Schedule "A and Schedule E" pertaining outdoor patios

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 May 12, 2020 be confirmed as written and filed.

D. Deputations/Presentations

None

E. Reports:

1. Administration & Finance

Item Subject

1.1. April 2020 Monthly Financial Statements

- 1.2. Prudent Investor Founding Municipality Enabling Bylaw
- 1.3. Municipal Asset Management Grant Application
- 1.4. Municipal Insurance Renewal
- 1.5. Budget Amendment – Bylaw Enforcement Vehicle

2. Fire & Emergency Services

Item Subject

No Reports

3. Operations & Infrastructure

Item Subject

- 3.1 Wauzhushk Onigum Nation Water and Sewer Agreement

4. Community Services

Item Subject

- 4.1 Lake Navigation (Kenora) Ltd. Lease Agreement
- 4.2 Concessions for City of Kenora Tenants Impacted by COVID-19

5. Development Services

Item Subject

- 5.1 Variance Application to the City Sign Bylaw – Market Square
- 5.2 Outdoor Commercial Patios

Other:

Next Meeting

- Tuesday, July 14, 2020

Motion - Adjourn to Closed Meeting:

That this meeting now be adjourned to a closed session at _____ a.m.; and further

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

- i) Educating & Training Members of Council (1 matter-KDSB Update)
- ii) Personal Matters about an Identifiable Individual (1 matter-CAO Recruitment)

Adjournment



May 23, 2020

City Council Committee Report

To: Mayor and Council

Fr: Jon Ranger, Deputy Treasurer

Re: April 2020 Financial Statements

Recommendation:

That Council hereby accepts the monthly Financial Statements of the Corporation of the City of Kenora at April 30, 2020.

Background:

Attached for your information, please find the April 2020 summary expense and user fee statements for the City of Kenora and the Council department. At the end of April, the year is 33.33% complete, and therefore, not including any seasonal differences, should be 66.67% of the budget remaining.

Overall:

- Expenses at the end of April 2020 were slightly below budget with 72.28% remaining to be spent. Water & Sewer 74.37% and Solid Waste 76.39% left in the budget.
- User fee revenues to the end of April 2020 are behind the budget with 72.70% left to collect. Water & Sewer 70.15% and Solid Waste 74.19% is left to collect at the end April.

Expenditures:

- **General Government** - The General Government expenses to date are close to budget with 70.55% remaining in the budget.
 - **Mayor and Council** – With the Doctors recruitment donation and the Triple Play donation made, most of the Mayor & Councils donations budget has been spent for the year.
 - **Administrators Office** – No contracted services or legal budget has been spent to date, leaving this department under budget. The vacant CAO position has also left this department under budget at this time.
 - **Human Resources** – Under budget as no training, travel, or computer maintenance budgets have been spent to date. The vacant Human Resources Manager position has also left this department under budget.
- **Protection** – The Protection Segment expenses to date are under budget with 73.55% remaining in the budget.
 - **Police Building** – Over budget as expected, building expected to be disposed of during year therefore only a portion of the year was budgeted for.
 - **Ontario Provincial Police** – April's payment had not yet been paid at the end of April, putting this department below budget. OPP have had some disruptions in their billing process which has caused a delay in invoicing.

- **Emergency Measures** – Very few expenses recorded to date. Mass notification annual renewal has not yet been paid. Also sandbags have not yet been purchased.
- **Health and Safety Committee** – 7 different Health and safety training courses were budgeted for in 2020, only 1 has been completed by the end of April 2020.
- **Transportation** – The Transportation Department expenses to date are under budget with 74.77% remaining in the budget.
 - **Bridge Maintenance** – Minimal spend on bridge maintenance to date. \$25,000 in contracted services expected during the summer months.
 - **Paved/Surface Treated/Loosetop Roads** – Under budget at the end of April as expected, as work is typically completed on these departments during the summer months.
 - **Winter Control Maintenance** – Winter control maintenance is over budget at the end of April with 46.82% remaining. This is significantly better than last year at the same time there was only 13.87% remaining. The reason for some of this difference is that the winter sand/salt for March has not yet been recorded.
 - **Safety Devices** – A large expense in this department is the line painting contract. This department will be underspent until the line painting contract is completed and paid.
 - **Docks** – No expenses have been spent on docks maintenance at the end of April, we expect these expenses to increase moving into the summer months.
 - **PW Barsky Facility** – Barsky facility is currently over budget. Some wages from roads employees has been coded to this department for work at the building. Contracted services is currently over budget as there was work done for mechanical optimization. Funding for this work is expected to offset these costs.
- **Environmental** – The Environmental Department expenditures is under budget with 80.09% remaining. 74.37% left in the budget in Water & Sewer and 76.39% remaining in Solid Waste.
 - **Storm Sewers** – Less work completed on storm sewers at the end of April compared to prior year.
 - **Recycling Facility** – Under budget, as most of the City's expenses related to recycling are from contracted services related to volume of recycled materials. This increases in the summer months. Some repair work budgeted for the recycling facility has not yet been completed.
 - **4 R Initiatives** – Much of this budget already spent on Recycled Poly bags for the year.

Water & Sewer

- **Sanitary System** – Wages currently under budget as more time has been spent in waterworks than sanitary system, this should even out throughout the year.
- **Water & Sewer Vehicles** – Equipment time has not been recorded in our system for March or April yet.
- **Water Standpipe and Booster** – Under budget as very little materials and supplies or contracted services have been purchased to date.
- **Water Treatment Plant** – Materials and supplies currently below budget, also this property has significant taxes associated with it that typically don't get recorded until after the final tax deadline.

Solid Waste

- Departments are in line with prior year spending at the end of April, however equipment time has not yet been recorded for March and April for 2020.
- **Health Services** – Health Services are all close to budget at this time.
- **Social and Family Services** – Social and Family Services expenses are right on budget for the year.
- **Community Services** – Overall Community Services expenses are below budget with 72.81% remaining.
 - **Parks departments** – These departments are all currently under budget as most of the expenses for these departments incur in the summer months.
 - **Harbourfront** – Department in line with prior year spending, spending will catch up to budget over summer months with plant maintenance contract.
 - **KRC External Facilities** – Under budget as much of this work is in the spring, summer and fall.
 - **Recreation programs** – These programs have not yet started for the year.
 - **Teams & Clubs** – The outdoor rink Community clubs submit their forms to receive the \$8,000 funding every year to the City. At the end of April the City had received the forms and payment to the clubs went out in May.
 - **Fitness Centre** – Expenses higher than prior year at the end of April. More of the maintenance workers time has been allocated to the fitness centre. In prior year, we had just started coding maintenance workers time to the fitness centre.
- **Planning & Development** – Planning & Development expenses are under budget with 78.80% left in the budget.
 - **Planning Operations** – Planning Operations is slightly under budget at this time as a City planner was budgeted for the full year however the city's new planner started in May.
 - **Planning Advisory Committee** – No expenses to date as expected. Much of this department budget relates to travel and training.
 - **Development Services** – In 2020 you will see this new department related to work from our Development Services Manager and Research and Special Projects Officer.
 - **Tourism Facilities** – Many expenses relate to general maintenance related to the Whitecap and Pavilion which we will see increase throughout the summer months. Expenses to date down from prior year. Per our insurance premium breakdown, premiums for the Whitecap and Discovery Centre have gone down compared to prior year.

User Fees:

- Overall, user fees are below budget projections with 72.70% collected at the end of April.
- **General Government**
General Government is close to budget at the end of April with 68.87% left to be collected.

- **City Clerk** – Under budget at this time and less revenues than prior year as lottery license fees, business licenses and civil marriage revenues are down this year. This is expected at this time with COVID-19.
- **Protection to Persons and Property**
Protection to Persons and Property is close to budget at the end of April with 68.05% remaining to be collected.
 - **Fire Department** – Exceeded budget at the end of April as Fire Marque revenue has already exceeded its annual expected budget of \$20,000 by more than 10k
 - **Building Inspection** – A large building permit transaction in April has put this department ahead of budget at the end of April.
 - **Provincial Offences** revenue is dependent on the fines assessed in this area. First quarter revenues have not yet been calculated and recorded.
- **Transportation Services**
Transportation user fees are under budget with 70.45% left to collect.
 - **Docks & Wharfs** – Docks revenue has continued throughout April, however we do see less revenues than prior year which is likely due to the uncertainty of these times with COVID-19.
 - **Metered parking** – Metered parking is also under budget however we typically see this department increase in the summer months. We are down significantly from prior year at this time which is likely due to COVID-19 causing a reduction in traffic and parking.
 - **PW Barsky Facility** – Actual revenues are currently down from prior year in this department as a new lease is being negotiated with our current tenants at this facility.
- **Environmental Services**
Environmental services user fees are under budget with 79.04% remaining to be collected. 70.15% of Water & Sewer User fees are also still to be collected and Solid Waste still have 74.19% left to collect
 - **Blue box collection** – Under budget as these user fees are recorded on a quarterly basis, however we seem to be on track with our revenues from prior year.

Water & Sewer

- **Water and Sewer** user fees are close to budget with 70.81% and 69.48% not yet collected respectively. These revenues in the past have typically been a month behind budget however our new billing system records the bills on the billing read end date so these revenues should be closer to actual now on these financial statements.

Solid Waste

- **Garbage Collection** – Bag tag sales are up compared to the same month last year. The transfer station has been encouraging the public to use curbside pickup as much as possible during the COVID-19 pandemic, and the City's Solid Waste supervisor believes this has caused an increase in bag tag sales.
- **Transfer Facility** – Tipping fees are below budget at this time, and a little below last year at this time.

- **Community Services**

Community Services are below budget with 75.08% left to collect. This is typically expected in these departments as the arenas and pool are seasonal and bring in more during the winter months. We have seen very little change in revenues as expected from last month with the recreation centre being closed for all of April due to COVID-19.

- **Planning and Development**

Planning and Development user fees are under budget with 83.58% remaining to be collected. User fees in planning and development vary from year to year and depend on activities and developments in the community.

- **Tourism Facilities** – This includes all of the rentals of the white cap pavilion, we typically won't see any revenue here until the warmer months. This budget was reduced from prior year as there were many events in 2018 that did not return in 2019, and we don't expect them again in 2020. We are expecting whitecap Pavilion rental fees to be even lower this year due to COVID-19.

Please let me know if you have any questions, or would like to see any of the department statements in further detail.

Strategic Plan or other Guiding Document:

Fiscal Responsibility: We manage the municipal finances in a responsible, prudent and transparent manner.

ERM Assessment: Monitoring financial statements on a monthly basis mitigates some of the uncertainty related to projected costs vs actual expenditures.

May 29, 2020

City Council Committee Report

TO: Mayor and Council

FR: Charlotte Edie, Manager of Finance/Treasurer

RE: Founding Municipality Prudent Investor Enabling By-law

Recommendation:

That Council gives three readings to a bylaw to be known as the Prudent Investor Enabling By-law to authorize the application of Section 418.1 of the Municipal Act, 2001 to the Corporation of the City of Kenora as a Founding Municipality.

Overview:

This report highlights:

- The steps to opt into the prudent investor (PI) regime via ONE Joint Investment Board (ONE JIB)
- The steps previously undertaken by Council to become a Founding Municipality in the establishment of ONE JIB
- The Prudent Investor Enabling By-law (Attachment) which is a requirement under the Municipal Act, 2001 for entering the PI regime

Background Information:

Investing under the *Municipal Act, 2001* (Act) and O. Reg. 438/97 (Regulation) contemplates two different investment regimes. One of the investment regimes authorizes investment in a prescribed list of securities. It is commonly referred to as the Legal List (LL) regime. The other investment regime, which is new, authorizes investment in any securities provided that the investment is made in a prudent manner. It is commonly referred to as the PI regime. The LL regime includes many restrictions and conditions that limit or restrict municipal investing in order to minimize the risk of loss. The new PI regime removes these prescribed restrictions and conditions on municipal investments but also includes a new governance model to ensure that the investments are made in a prudent manner. To opt into the new PI regime, a municipality must delegate its investing powers and duties by giving control and management of its money and investments that are not required immediately to a municipal service board, referred to as an Investment Board (IB) or to a joint municipal service board, referred to as a Joint Investment Board (JIB).

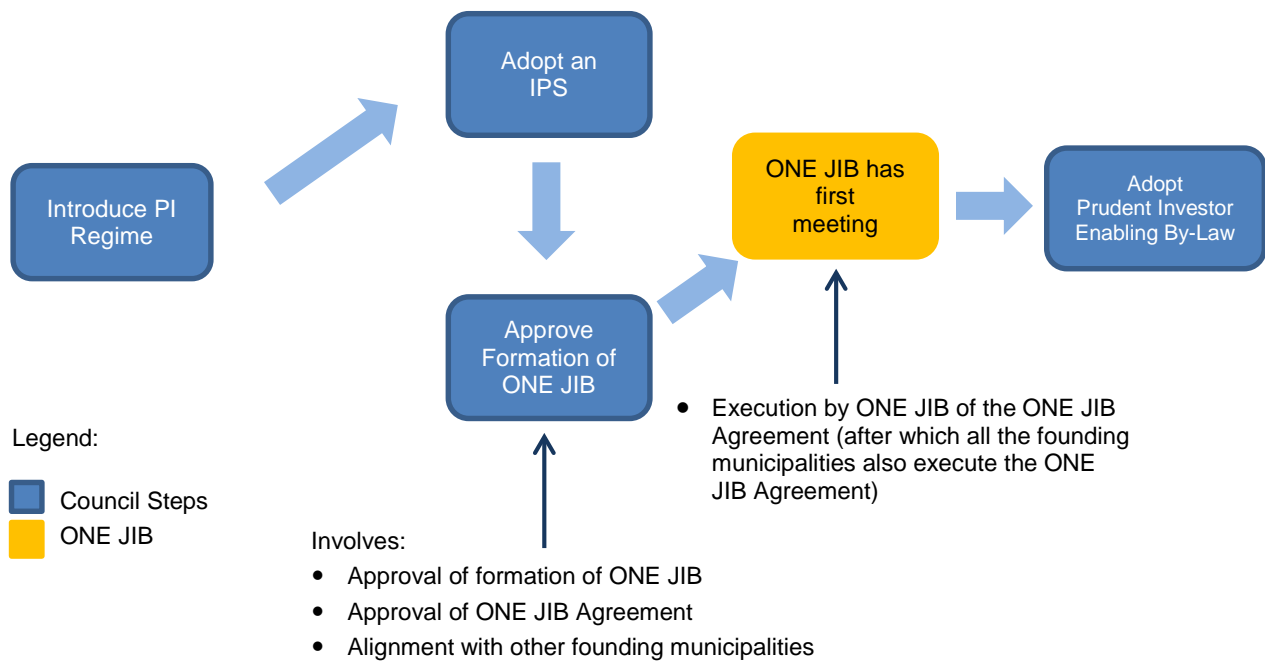
On September 17, 2019, Council directed staff to pursue the option of investing under the PI regime with other Founding Municipalities through a JIB being coordinated by ONE Investment that would be known as ONE Joint Investment Board (ONE JIB).

On March 31, 2020, Council enacted the Authorizing By-law, through which the City of Kenora authorized the:

- Adoption of an Investment Policy Statement (IPS) which outlines the manner in which the City of Kenora will invest under the PI regime.
- Execution of the Initial Formation Agreement which establishes ONE JIB.
- Execution of the ONE JIB Agreement which establishes the relationship between the City of Kenora, ONE JIB and ONE Investment.
- Establishment of a code of conduct for ONE JIB
- Appointment of an integrity commissioner and a closed meeting investigator for ONE JIB and the delegation to ONE JIB of the authority to appoint their successors.

See figure 1 for a visual overview of the PI process coordinated by ONE Investment.

Figure 1 - Overview of Prudent Investor Process



The City of Kenora joined five other Founding Municipalities (appendix 1 for full list) in establishing ONE JIB.

On May 19, 2020 ONE JIB held its initial meeting and executed the ONE JIB Agreement. Subsequently the Founding Municipalities executed the ONE JIB Agreement. With ONE JIB established, the last remaining prescribed step is passing a By-law (Prudent Investor Enabling By-law) officially opting into the PI regime as at the Prudent Effective Date of July 2, 2020.

ANALYSIS:

Prudent Investor Enabling By-law

The Prudent Investor Enabling By-law is the last required step to authorize investment under the PI regime. The By-law affirms that the City of Kenora, together with the other Founding Municipalities, met the financial requirement to establish a JIB under the PI regime and that they collectively established ONE JIB in compliance with the requirements of the legislation. As a consequence, the City of Kenora is authorized to:

1. Declare that section 418.1 of the Act applies to the City of Kenora, as at the Prudent Effective Date, thereby officially opting into the PI regime on that date
2. Delegate the necessary authorities to the Mayor, treasurer and clerk to act on behalf of the City of Kenora to ensure ONE JIB can exercise control and management of its money and investments that are not required immediately
3. Establish the City of Kenora's Prudent Effective Date as July 2, 2020.

On the Prudent Effective Date, which is set out in the Prudent Investor Enabling By-law, the City of Kenora will give management and control of its money and investments that are not required immediately to ONE JIB for investment in accordance with the PI regime.

CONCLUSION:

The PI regime provides the City of Kenora with the ability to pursue an investment program for its money and investments that are not required immediately which allows for better risk-adjusted returns than would be available under the LL regime. Enhanced returns can help to reduce future tax rate increases.

The Regulation requires that control and management of money and investments that are not required immediately be transferred to an IB or JIB. ONE Investment has facilitated the establishment of ONE JIB, which provides a cost-effective approach to the PI regime. The City of Kenora has entered all the necessary agreements to establish ONE JIB with the five other Founding Municipalities. ONE JIB was established on May 19, 2020 as a joint municipal service board to act on behalf of the City of Kenora with respect to its money and investments that are not required immediately.

Enacting the Prudent Investor Enabling By-law is the last step required by the legislation before the City of Kenora can transfer control and management of its money and investments that are not required immediately to ONE JIB for investment on its behalf. Staff recommends Council enact the Prudent Investor Enabling By-law.

Appendix 1 – Founding Municipalities

Municipality	Money and Investments Not Required Immediately (\$ Millions) *
City of Kenora	50.0
District Municipality of Muskoka	127.8
Town of Bracebridge	36.4
Town of Innisfil	37.7
Town of Huntsville	19.7
Town of Whitby	167.2
Total	438.9

*includes in-kind securities and locked-in investments (e.g., Hydro shares)



May 28, 2020

City Council Committee Report

To: Mayor and Council

**Fr: Jon Ranger, Deputy Treasurer
Shaun Clifford, Facilities Division Lead
Adam Smith, Manager of Development Services**

Re: FCM Municipal Asset Management Program Application

Recommendation:

That Council approved the 2017 Asset Management Plan (AMP) for the City of Kenora as prepared by Public Sector Digest (PSD); and further

That Council has directed administration to continue to improve the data underlying the plan and strategies with which to manage the City's infrastructure; and further

That Council directs staff to apply for a grant opportunity from the Federation of Canadian Municipalities' Municipal Asset Management Program for the following project scope:

- CityWide Maintenance Manager License
- CityWide Maintenance Manager Implementation, Data Work and Training
- O.Reg 588/17 Compliant Asset Management Plan

Background:

The City of Kenora has been recently informed that the Municipal Asset Management Program (MAMP) is reopening intake for eligible projects. The program offers grant funding as well as training and capacity building activities to increase skills within municipalities and local governments to sustainably maintain their asset management programs now and in the future.

In 2017, the City was successful in receiving funding from this program for a pavement condition assessment program delivered by StreetScan which further improved the condition data underlying the City's road network. As a result of an interdepartmental discussion, staff have decided to pursue a major upgrade to its asset management program. The CityWide Maintenance Manager solution offers service requests, work orders, and preventative maintenance. The module will enable the City to prioritize, schedule, and track maintenance requests, events, and projects. This will be particularly advantageous for improving data collection and prioritizing work among facilities which has been an identified need since the City has implemented an asset management plan. It is an addition to the software that the City already uses to manage capital assets ensuring that an integrated approach is employed.

The City will also be seeking to update its 2017 Asset Management Plan to further comply with O.Reg 588/17. By doing so, the City will be able to meet the 2023 requirement whereby municipal governments must have an adopted asset management plan for all of its other municipal infrastructure assets, which also discusses current levels of service and the cost

of maintaining those services. Moreover, the municipality is to have set the technical metrics and qualitative descriptions for other assets (e.g., culture and recreation facilities).

Budget:

The proposed scope of work will cost approximately \$101,000. If the grant application is successful, FCM will provide funding to a maximum of \$50,000 meaning \$51,000 will need to be provided through Contingency Reserve.

Risk Analysis:

As per the City's ERM Policy, staff have identified a high compliance risk. However, this is deemed to be an opportunity to meet the Provincial regulation three years in advance and should be pursued.

There is a moderate risk to service delivery. Based on potential improvements to service delivery and infrastructure performance, particularly among facilities, this is an opportunity that should also be pursued.

There is also a moderate financial risk in not pursuing this project at this time. It is unclear on intake under the MAMP moving forward. Given the need for both the AMP update and a maintenance manager system, the City may need to completely cover expenses in the future if an application is not submitted.

Communication Plan/Notice By-law Requirements: N/A

Strategic Plan or other Guiding Document:

2-1 The City will ensure that our municipal infrastructure assets are managed and maintained using available resources through a robust asset management plan and process, with the intent of moving towards all City infrastructure being in a good state of repair to ensure certainty, security and long-term stability of our systems

2-2 The City will keep in the forefront that there is a significant infrastructure deficit, and current and future Councils will need to continue to work towards allocating sufficient resources to be able to adequately address this issue



May 29, 2020

City Council Committee Report

TO: Mayor and Council

FR: Bruce Graham, Risk Management & Loss Prevention Officer

RE: Municipal Insurance Renewal

Recommendation:

That Council hereby accepts the proposal for renewal of Municipal Insurance as presented by Gillons and Frank Cowan Company in the amount of \$355,859.00 excluding taxes; and further

That Council accept the proposal for Volunteer Firefighter Coverage as presented by VFIS in the amount of \$6,192.00 excluding taxes.

Background:

The proposal for the Municipal Insurance represents an overall increase of 19% compared to last year. Last year's premiums for property, automobile, and general liability, exclusive of taxes, were \$298,374.00, compared to this year's proposal of \$355,859.00. This increase is due to hardening of the market, our municipal claims history, and an increase in property limits.

The 2020 proposed renewal from Gillons and Frank Cowan includes the following changes:

The General Liability premium has increased by 15% from \$85,891.00.00 to \$98,878.00. This increase is reflective of general market increases as well as claims related increases.

The Crime premium has increased by 3% from \$1,364.00 to \$1,405.00. This increase is reflective of general market increases.

The Property premium has increased by 34% from \$121,356.00 to \$162,149.00. This increase is the result of adjustments to some of our building valuations, the addition of buildings that were not included last year, and claims related increases.

The Equipment Breakdown premium has increased by 2% from \$9,882.00 to \$10,080.00. This increase is the result of equipment valuations being adjusted.

The Owned Automobile premium has increased by 8% from \$45,418.00 to \$49,051.00. This increase is reflective of market conditions and claims trends within this sector.

The Transit premium has decreased by 4% from \$1,884.00 to \$1,807.00.

The proposal for Volunteer Firefighter Coverage from VFIS of \$6,192.00 has not increased from last year.

The 2020 Municipal Insurance Program Renewal Report as prepared by Frank Cowan Company and the Gillons Insurance Renewal Proposal as prepared by Shelley McCool accompany this report as attachments.

Budget: As per 2020 budget.

Risk Analysis: There is no perceived risk with this recommendation, and in fact, this recommendation is being made to mitigate and transfer existing risks.

Communication Plan/Notice By-law Requirements:

Upon approval by council, the appropriate renewal documents will be signed.

Strategic Plan or Other Guiding Documents:

Goal #1: Develop Our Economy

1-2 The City will forge strong, dynamic working relationships with the Kenora business community.

The Gillons office in Kenora and is a very active part of the local business community.

Goal #2: Strengthen Our Foundations

2-1 The City will ensure that our municipal infrastructure is maintained using available resources with the intent of moving towards all City infrastructure being in a good state of repair to ensure certainty, security and long-term stability of our systems.

By maintaining adequate insurance coverage we are ensuring that our assets are protected from loss.



May 28, 2020

City Council Committee Report

To: Mayor and Council

Fr: Heather Pihulak, Manager of Administration/City Clerk

Re: Replacement of Bylaw Vehicle

Recommendation:

That Council hereby approves a budget amendment for replacement of a Bylaw Enforcement vehicle to be funded through Fleet Reserves in the amount of \$28,798.59; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2020 Capital Budget in the amount of \$28,798.59 at its June 16, 2020 meeting for this purpose; and further

That Council give three readings to a by-law to amend the 2020 capital budgets for this purpose.

Background:

In April 2020 one of our Bylaw Enforcement Officers was in a vehicle collision which resulted in the vehicle being written off. The vehicle was an older vehicle and the insurance replacement value, after the deductible, was \$15,201.41.

The Fleet Division Lead and I have discussed this purchase at great lengths. We have contemplated moving a vehicle out of another department and purchasing a used one to replace that movement. Purchasing a used vehicle for this value makes little sense from a long term planning perspective and it has been determined that it is in the best interest of the City to replace with a new vehicle rather than used.

Budget: The Fleet Division Lead estimates that the purchase of a new truck will be approximately \$44,000 with the topper that is required for Bylaw Enforcement activities. The difference between the insurance payment of \$15,201.41 and the cost of replacement of \$44,000 is \$28,798.59.

Risk Analysis: There is a low risk associated with this report. Council could ultimately choose not to use reserve dollars for a new vehicle replacement, however, capital planning for our fleet would put this used vehicle purchase in need of replacement sooner than if we purchased new now.

Communication Plan/Notice By-law Requirements: bylaw

Strategic Plan or other Guiding Document: Administrative



May 26, 2020

City Council Committee Report

To: Mayor and Council

Fr: Jeff Hawley, Operations & Infrastructure Manager

Re: Wauzhushk Onigum Nation Water and Sewer Agreement

Recommendation:

That Council hereby authorizes the Mayor and Clerk to execute a water and sewer services agreement between the Corporation of the City of Kenora and Wauzhushk Onigum First Nation (WON); and further

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

Background:

On or about August 16, 2018, discussions began between WON and the City of Kenora regarding the possible connection of WON to the City Sewer and Water System (herein after referred to as City Services). On September 25, 2018, the Council of the day issued a letter of intent regarding the City's willingness to work towards an Agreement wherein the residents of WON would receive City Services in an effort to assist them in removing the need for a boil water order. From the outset, it has been an objective of the City to ensure that WON is treated in a manner that as closely reflects the treatment of Kenora citizens as possible. This is particularly true in regards to billing and the process for approval of potential future connections to WON.

Over the intervening twenty one (21) months, hundreds of hours of work and negotiations have gone into achieving an agreement that meets WON's need for City Services, and the City's objectives for fairness and equality related to Kenora Citizens and WON. Both the past and current Council have remained focused on ensuring that this important and historic Agreement was achieved. It is through their vision and dedication, and that of the Chief and Council of WON, that we find ourselves with an Agreement that meets the needs of both the City and WON.

WON has already undertaken much of the work related to this project in hopes that an Agreement would be reached. The signing of this agreement will pave the way for the final work to be conducted and connection made to the City's Services. This Agreement and the resulting project represent an important milestone in the relationship between our two communities.

Budget:

There is no cost to the City for the implementation of these services. The City will receive user pay revenue from WON for providing City Services.

Risk Analysis:

As per the City's ERM Policy, there is a high financial risk in excess of \$250k annually and senior management have been informed. This risk is mitigated by the economic opportunity for the City with the signing of this Agreement.

Communication Plan/Notice By-law Requirements: Resolution & By-law required.

Strategic Plan or Other Guiding Document:

Goal #3 - Focus on Our People

3-13 - The City will continue to build and strengthen our working relations with other neighbouring municipalities and our Treaty 3 First Nations partners.



June 2, 2020

City Council Committee Report

TO: Mayor and Council

**FR: Stace Gander, Community Services Manager
James Tkachyk, Parks and Facilities Division Lead
Shaun Clifford, Parks and Facilities Division Lead**

RE: Lease – Lake Navigation (Kenora) Ltd.

Recommendation:

That Council hereby authorizes the Mayor and Clerk to enter into a new five year lease agreement between the Corporation of the City of Kenora and Lake Navigation (Kenora) Ltd., authorizing under Land Use Permit No. 169, to occupy and use Federal Water Lot Location CL-4631 on Lake of the Woods, Kenora, Ontario; and further

That the appropriate by-law be passed for this purpose.

Background:

In 1989 the Town of Kenora ratified a fifteen (15) year lease with Lake Navigation for use of the Harbourfront to operate the MS Kenora. As part of the agreement Lake Navigation constructed docking facilities and contributed funding for water and sewer services.

In May, 2005 The Corporation of the City of Kenora entered into a ten (10) year lease agreement with Lake Navigation (Kenora) Ltd. and a five (5) year term in 2015. The lease agreement is to operate, maintain, and replace, as required, at its own expense, a sixty-five (65) foot dock adjacent to Land Use Permit No. 169, and for the use of a storage building on a portion of the Landlord’s property on the southwest corner for docking, storage and ticket sales associated with the MS Kenora.

The proposed lease will include all of the existing terms of the lease signed in May 2015, however, the rent charged in 2020 will directly reflect docking fees as outlined in our Tariff of Fees By-Law Number 48 – 2019, and will become subject to a two (2%) percent rate increase in each year thereafter. Rates for the five year term are as follows:

Budget:

Lake Navigation Rental					
Year	Dock Size (ft)	Price/ft.	Docking Cost	Storage Building	Total Lease
2020	65	\$ 34.38	\$ 2,234.38	\$ 129.52	\$ 2,363.89
2021	65	\$ 35.06	\$ 2,279.06	\$ 132.11	\$ 2,411.17
2022	65	\$ 35.76	\$ 2,324.64	\$ 134.75	\$ 2,459.40
2023	65	\$ 36.48	\$ 2,371.14	\$ 137.45	\$ 2,508.58
2024	65	\$ 37.21	\$ 2,418.56	\$ 140.20	\$ 2,558.76

Risk Analysis: There is a low operational and financial risk associated with this approval.

Communication Plan/Notice By-law Requirements:

Finance, Property and Planning, Filing

Strategic Plan or other Guiding Documents:

1-1 The City will provide clear and decisive leadership on all matters of economic growth in Kenora and the surrounding district.

1-2 The City will forge strong, dynamic working relationships with the Kenora business community.

1-9 The City will promote and leverage its recreation and leisure amenities as a means to support local economic activity, tourism and to strengthen community ties with our regional neighbors.

1-10 The City will support Kenora's "North America's Premier Boating Destination" Brand implementation strategy.

2-2 The City will keep in the forefront that there is a significant infrastructure deficit, and current and future Councils will need to continue to work towards allocating sufficient resources to be able to adequately address this issue.





June 2, 2020

City Council Committee Report

To: Mayor and Council

Fr: Stace Gander, Community Services Manager

Re: Request for Lease Concessions as a result of COVID 19

Recommendation:

That Council hereby approves lease concessions for direct tenants of the City of Kenora that have experienced a material loss in revenue as a result of restrictions due to COVID 19.

Background:

In March and April 2020, the Province of Ontario and the Government of Canada imposed restrictions on workplaces by declaring certain types of businesses as being deemed essential, or non-essential. In addition, travel restrictions were imposed. This has led to some of the City of Kenora tenants who lease facilities or have land leases with the City of Kenora as being unable to operate their businesses or the volume of business has been drastically reduced. City staff have been approached by several impacted tenants who have requested that City Council give consideration to lease concessions to provide financial relief for those companies impacted.

Staff have confirmed that the City of Kenora and all municipalities are ineligible for financial assistance through the Canadian Emergency Commercial Rent Assistance (CECRA) program which is offered by the Canadian Mortgage and Housing Corporation.

Council recommended that staff look at the guidelines of the CECRA program to assist staff in developing a concession model for City of Kenora commercial tenants. Under the CECRA program, the tenant is responsible to pay 25% of the rent owed. The program runs for the months of April, May and June with the potential for an extension.

12 Month per year tenant operations:

There are two (2) tenants in this category. These tenants operations have ceased primarily due to the pandemic, however, also due to the fact that they operate within a City facility that is closed. Tenants have reduced operations drastically and are primarily operating the balance of the businesses from their homes.

Administration Recommendation - Reducing the monthly rent by 75% for the months the businesses have been closed. To help with the cash flow of the impacted organization, staff recommend deferring the remaining balance owed and have the balance repaid in equal installments August through December 2020.

Tourist Based Seasonal Tenants:

There are six (6) tenants in this category. While it is too early to identify the concluded losses and impacts for these tourist based tenants, the tenants are anticipating revenue losses between 75 and 90% of their annual average revenue, dependent upon when and if travel restrictions are lifted. These are businesses that only generate revenue within a two to four month period depending on the business.

Administration Recommendation – For each tenant that falls within this category administration would establish the standard number of months the business operates for. Some operate as little as two (2) months and others operate for up to four (4) months. Once determined, Administration would reduce that tenant's rent by 75% of their annual rent for the months they are impacted. To assist with the loss of revenue of the impacted tenant, administration would defer the remaining balance owed and have it repaid in equal installments September through December 2020.

Eg: Business doesn't operate for one (1) month.

Business pays \$30,000 per year for rent and operates (generates revenue) for three (3) months per year.

Each month the business operates the business pays the equivalent of \$10,000 in rent.

City of Kenora waives 75% or \$7,500 of the rent.

Business pays \$2,500 in equal installments of \$625 per month for September to December.

Budget: The financial impact for a 12 month per year operation would be \$3,622 per month for each month that the business is closed.

The financial impact for a tourism based tenant is approximately \$16,000 per month with a maximum of \$53,000 in 2020.

Risk Analyses: As per the requirements in the City's ERM Policy, there is a risk to the communities' well-being if certain businesses are unable to manage through the financial challenges related to COVID.

Communication Plan/Notice By-law Requirements: Impacted tenants who have come forward prior to the June 9, 2020 meeting of Council will be communicated to directly on Council's decision.

Strategic Plan or other Guiding Document:

This issue is tied to the Declaration of a State of Emergency by the Mayor.



May 28, 2020

City Council Committee Report

TO: Mayor and Council

FR: Adam Smith, Manager of Development Services

RE: Application for Variance to Sign By-law– HTFC Planning & Design

Recommendation:

That Council approves an application for a variance to the Sign By-law #115-2010 seeking approval to remove the awnings at Market Square and replace the current signs with new externally illuminated tenant signs.

Background:

The applicant, HTFC Planning & Design is seeking approval for a variance to the Sign By-law 115-2010 under the provisions of 8.1.2. Harbourtown Centre. The by-law states that the awning or wall signs shall be non-illuminated or externally illuminated. Based on the renderings provided, the signs would be illuminated and not external. This would be the only element of the by-law the applicant is seeking relief from as it doesn't appear that the size of sign is changing.

The proposed signs are part of a broader redevelopment plan for Market Square which also includes landscaping improvements. As part of the departmental circulation, there were no concerns expressed with the proposal. From a heritage perspective, the building is not a historic building so the Ontario Heritage Act would not apply. The proposal is also aligned with the Urban Design Principles in the City of Kenora's Official Plan.

The variance would allow for a sign permit to be acquired and further, would enable the proponent to access grants from the Harbourtown Centre Community Improvement Plan for which staff have made uptake a priority.

Under the bylaw, Section 13 – Variance: - a variance may be authorized by the Sign Committee, if in the opinion of the Sign Committee, the general intent and purpose of this By-law are maintained. In lieu of a Sign Committee, the variance would need to be granted by Council.

Under the variance provisions, 13.3, states that in considering the application for a variance, the Sign Committee shall have regard to:

- (a) special circumstances or conditions applying to the land, building, or use referenced in the variance application;
- (b) whether strict application of the provisions of this By-law in the context of special circumstances applying to the land, building or use would result in practical difficulties or unnecessary and unusual hardship for the applicant that is inconsistent with the general intent and purpose of this By-law;
- (c) whether such special circumstances or conditions are pre-existing and not created by the property owner or applicant; and

(d) whether the sign that is the subject of the variance application will alter the essential character of the general area or premises in which the sign is proposed to be located, erected or displayed.

Budget: N/A

Risk Analysis:

There is a moderate risk to governance given the potential precedence in issuing a variance under the current Sign By-law. This risk should be accepted as the variance is minor in nature as there does not appear to be any other non-conformities with the by-law at this present time.

Communication Plan/Notice By-law Requirements:

HTFC Planning & Design, Planning, Chief Building Official, and City Clerk

Strategic Plan or Other Guiding Document:

1-2 The City will ensure Kenora is recognized as being 'Open for Business' and facilitating development through streamlining application and approval processes, effectively eliminating any 'red tape'

2-4 - The City will act as the catalyst for continuous improvements to the public realm

3-4 - The City will embrace the importance of empowering Staff to make decisions that consistently demonstrate our commitment to making prompt, efficient and courteous customer service to our residents



May 20, 2020

City Council Committee Report

To: Mayor and Council

**Fr: Adam Smith, Manager of Development Services
Megan Dokuchie, Economic Development Officer
Allyson Pele, Manager – Northwest Business Centre**

Re: Outdoor Commercial Patios

Recommendation:

That Council approves the use of municipal parking spaces to a maximum of four parking stalls and waives associated fees for the purpose of the establishment of Outdoor Commercial Patios for the period of June 2, 2020 – October 15, 2020, subject to staff application approval; and further

That Outdoor Commercial Patio Policy #DS-6-2 be hereby amended to reflect language which regulates the development of these commercial outdoor patios and waives fees associated with these patios; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to give three readings to a new Tariff of Fees and Charges By-Law Number at its June 16, 2020 meeting to give effect to these rates outlined in the revised Schedule "A and Schedule E"; and further

That bylaw number 68-2020 and 78-2012 be hereby repealed.

Background:

The COVID-19 global pandemic has created great uncertainty for the Kenora business community. Since March 2020, Development Services staff, alongside partner organizations including the Lake of the Woods Business Incentive Corporation, Harbourtown BIZ, the Kenora and District Chamber of Commerce and the Northwestern Ontario Innovation Centre, have been working to assist local businesses by providing resources and information, data collection, and linkage to financial supports. Efforts have also included the development of a partnership with the Manitoba Tourism Education Council to deliver free training to businesses intended to build consumer confidence post COVID-19.

The Province of Ontario has made recent announcements regarding preliminary re-opening processes, many details of which are still unknown. Through internal discussions, staff have endeavoured to identify areas where the municipality could provide additional supports to local businesses to assist in recovery. In particular, staff have discussed how the City of Kenora could be positioned to support local restaurants post COVID-19.

One area includes the opportunity to develop or expand outdoor patio spaces within the municipality. The City of Kenora Outdoor Commercial Patio Policy (2012) recognizes that

the development of commercial outdoor patios can create spaces that are interesting and stimulating, and accessible for residents and visitors. The current policy outlines a framework for application by businesses to develop these outdoor areas.

Other communities such as Thunder Bay, Ottawa and Toronto are also considering options for outdoor patio expansion. The benefits for doing so include more opportunity to practice social distancing in restaurant settings and further, expand the number of clientele these businesses can serve, creating greater revenue potential.

Development Services staff are requesting to amend the current Outdoor Commercial Patio Policy to reflect flexibility in the required insurance provisions from \$5,000,000 to \$2,000,000, subject to approval from the Risk Management and Loss Prevention Officer, as well as to revise the current fees to align with By-Law Number 68 - 2020 - General Tariff of Fees and Charges for the City of Kenora. In addition, staff are seeking Council approval to waive any associated fees for the establishment of Outdoor Commercial Patios for the 2020 season, including those related to the use of municipal parking spaces. The use of and/or impact to municipal parking spaces will be limited to four spots maximum, and subject to staff application approval.

Budget: Uptake for outdoor patio applications under the current policy has been limited in recent years and so budget impacts are unknown. There will be foregone revenue should a business choose to occupy municipal parking spaces in the downtown. The current fee for hooding a meter is \$15/day for a double meter.

Risk Analysis: There is minor financial risk associated with the waiving of fees. This risk should be assumed. There is positive governance risk to amending the policy as it represents additional municipal relief measures offered to the local business community.

Communication Plan/Notice By-law Requirements: By-law required.

Strategic Plan or other Guiding Document:

Guiding Principle 1-2 The City will forge strong, dynamic working relationships with the Kenora business community

1-2 The City will ensure Kenora is recognized as 'Open for Business' and facilitating development through the streamlining of application and approval processes, effectively eliminating any 'red tape'

2-4 The City will act as the catalyst for continuous improvements to the public realm

Outdoor Commercial Patio Policy



Section	Date	By-Law Number	Page	Of
Development Services	June 18, 2012 <u>June 16, 2020</u>	78-2012	1	4
Subsection	Repeals By-Law Number		Policy Number	
Outdoor Commercial Patio Policy	<u>78-2012</u>		DS-6-2	

Background

The City of Kenora recognizes that the development of commercial outdoor patios can create spaces that are interesting and stimulating, and accessible for residents and visitors. The City of Kenora Official Plan, the Downtown Revitalization Plan (2004) and the Economic Development Plan all contain policies and recommendations in support of this type of development. In order to promote private investment, the City has developed a system that includes minimum standards for all outdoor patios and establishes an application system that streamlines the process and creates an efficient and consistent method of doing so.

The use of municipal property for sidewalk retail sales is not part of this policy.

The use of municipal parking stalls, [to a maximum of four spots](#), for development of outdoor commercial patios [will be considered through this policy](#).

Definition of Outdoor Commercial Patio

~~There are two categories for classification of outdoor commercial patios on City lands:~~

Unlicensed Outdoor Patio - Refers to a less formal outdoor area where seating and tables are provided; with refreshments and meals being served in close proximity to a restaurant. The serving and consumption of alcohol would not be permitted on these types of patios.

Licensed Outdoor Patio - Refers to an outdoor area where tables and seating is provided together with serving meals and refreshments in proximity to a restaurant or bar. The serving and consumption of alcohol will be permitted on the outdoor patio as the establishment will be licensed by the Alcohol and Gaming Commission of Ontario (AGCO). Fencing or some type of wall or partition is required by the [OAGC AGCO](#) for patio areas that will be associated with liquor.

Sidewalk Cafe

[Intended but not limited to use by Coffee Shops, Bakeries, Delis, and confectionary stores. Sidewalk Café Licences of Occupation will be restricted to establishments located on the ground floor, with the use of single row, tables, chairs and/or benches up against the building face](#)

Outdoor Commercial Patio Policy

Policy Number	Page	Of
DS-6- <u>21</u>	2	4

Small Sidewalk Patio

With occupancy of twenty (20) people or less

Large Sidewalk Patio

With occupancy of twenty-one (21) people or more.

Criteria for Approval of Application

Outdoor Patio Minimum Standards:

- a) The outdoor patio must be associated with the Tenant's contiguous indoor restaurant.
- b) Patio setup must be removable and sturdy enough to withstand actions such as patrons leaning on fencing or movement by wind.
- c) No structures shall be erected within the licensed area with the exception of a non-permanent barrier or railing to meet the requirements of the Alcohol and Gaming Commission of Ontario;
- d) Notwithstanding c) above, approved outdoor patio heaters may be located in accordance with comments by the City of Kenora Fire and Emergency Services Department;
- e) The patio setup must not create any visibility or sightline issues. Corner lot applications must not present any sight line/visibility issues or traffic issues.
- f) Applicant must submit a waste management plan
- g) It is the responsibility of the applicant for maintenance and upkeep of the patio.
- h) Applications may be subject to site plan control.
- i) All applications must indicate that proper width (a minimum of 1.5 metres) for pedestrian traffic is maintained between the patio and the curb or utility strip.
- j) All applicants must provide a certificate of insurance (\$5,000,000 per occurrence) to save the City of Kenora from liability relating to the use of municipal property for an outdoor commercial patio - [exceptions for \\$2,000,000 per occurrence may be considered subject to approval from the Risk Management and Loss Prevention Officer-](#)
- k) The property owner or business may not use any part of the outdoor patio area for any other use (eg. parking).
- l) That all outdoor patios be accessible.
- m) All applications must comply with the Sign By-law, if signage is to be part of the patio design.
- n) All patios must be connected to an existing business and shall not be stand alone businesses.
- o) All applicants must obtain, or possess a current City of Kenora Business License through the City of Kenora licensing.

- p) That the queuing of patrons be contained within the patio area (or the interior of the restaurant establishment) and be shown on the site plan.
- q) All applicants must submit a site plan elevations of proposed patio.
- r) Patios may not be used for storage or food preparation, with the exception of table-side food preparation.
- s) Signs, advertisements, promotional banner or the like, are prohibited in or around the outdoor patio or on the non-permanent barrier or railing enclosing the outdoor patio
- t) Bicycles or any other items shall not be affixed, or otherwise leaning against the outdoor patio railings or barriers
- u) All patios must comply with ~~City of Kenora Smoking By-law No. 145-2007 and~~ the current Provincial smoking legislation as well as any existing municipal bylaw which pertains to smoking.
- v) Use of the patio must comply with all other Federal, Provincial and Municipal laws.

Outdoor Commercial Patio Policy

Policy Number	Page	Of
DS-6- 21	3	4

- w) Planters/decorations used as part of a patio design must be moveable and not negatively affect pedestrian traffic (see (f)).
- x) The applicant, by signing the application, acknowledges that the City of Kenora, [Kenora HydroSynergy North](#) and other utilities such as ~~Union Gas~~[Enbridge](#) and cable companies reserve the right to conduct maintenance on services at any time and will not be responsible for any disturbance and/or loss of business that they may incur, as well any rehabilitation work to the patio area after.

Term of Use

Outdoor commercial patios are only permitted to operate between April 15th and October 15th, annually.

The City of Kenora reserves the right to cancel the lease, at any time, if the agreed-upon terms are not met.

The landlord’s property shall be returned to its original condition at the termination of the license period.

Approval of Applications

Applications are to be made, in the appropriate form to the City of Kenora [Licensing Clerk](#)~~Planning Division-Development Services Department.~~

Applications will include two copies of a site plan (maximum size of 11 x 17, minimum size of 8 ½ x 11) site plans in the appropriate format. Plans should be to scale and show dimensions and indicate the following:

- Proposed licensed area, if applicable, on the outdoor patio
- Proposed locations and dimensions, including area of the outdoor patio in relation to the contiguous building and the outdoor patio's proposed entrances and exits
- The location and dimensions of barriers or railing and gates that enclosed parts of the outdoor patio, if applicable
- The location of any City infrastructure within the outdoor patio area or the distance of the outdoor patio to curbs, light standards, parking meters, trees, etc., including dimension of sidewalk

Outdoor Commercial Patio Policy

Policy Number	Page	Of
DS-6- 21	4	4

Applications will be circulated to the following for comment:

- Fire & Emergency Services
- Roads ~~Supervisor~~[Division Lead](#)
- Municipal Engineer
- ~~Operations Manager~~[Manager of Operations & Infrastructure](#)
- ~~Sign Commissioner~~
- ~~City Clerk~~
- ~~City Planner~~
- Planning ~~Administrator~~[Analyst](#)
- Chief Building Official
- ~~Kenora Hydro~~[Synergy North](#)
- ~~Risk Management & Loss Prevention Officer~~

The ~~Licensing Clerk~~[Planning Analyst and/or City Planner](#) will be authorized to issue approval of the application by signing the completed application form. The signed application, including conditions if any, will form the license to operate an outdoor commercial patio on municipal property.

Processing times may vary between 3 and 10 business days.

Fees/Leases

In order to be eligible for a patio licence, the applicant shall have purchased a bona fide City of Kenora business licence for its applicable business.

In addition ~~the following~~, seasonal rates will apply based on a term of 183 days (April 15th – October 15th); payable on or before April 15th of the calendar year and in accordance with appropriate patio definition and By-Law Number 68 - 2020 - General Tariff of Fees and Charges for the City of Kenora:-

~~Unlicensed Outdoor Patio~~

~~\$100 flat rate, per season.~~

~~Licensed Outdoor Patio~~

~~\$4.50 per square feet of space, per season.~~

~~2012 Pro-Rating Exception~~

~~Applications will only be pro-rated for the 2012 season to half the applicable required rate regardless of when application is made during 2012. No other pro-rating will apply.~~

Schedule 'A' – Administration & Finance

To By-Law Number 68-2020

<u>19.</u> <u>BY-LAW</u> <u>ENFORCEMENT</u>	<u>Bagging of Parking Meters</u>	<u>\$15.00/day/double</u> <u>\$ 8.25/day single</u> <u>Waived for the purpose of the establishment of outdoor commercial patios to a maximum of four spots, and subject to staff application approval</u>
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SCHEDULE 'E' – DEVELOPMENT SERVICES

To By-Law Number 68-2020

Section	Fee Description	Fee	Details
Property Sales and Leases			
	Application to purchase or lease municipal property – road/shore allowance abutting property owned by applicant(s)	\$ 500.00	+all costs including survey, legal, transfer and a minimum of either \$1000 or the established fair market value, whichever is more
	Application for purchase or lease of municipal property – property not a part of a road/shore allowance abutting property owned by applicant(s)	\$ 500.00	+ Fair market value or as established by Council
License of Occupation			
	Sidewalk Cafe	\$75.00 Annually May 15-October 15	Intended but not limits to use by Coffee Shops, Bakeries, Delis, and confectionary stores. Sidewalk Café Licences of Occupation will be restricted to establishments located on the ground floor, with the use of single row, tables, chairs and/or benches up against the building face
	Small Sidewalk Patio	\$ 200.00 Annually May 15-October 15	With occupancy of twenty (20) people or less
	Large Sidewalk Patio	\$ 350.00 Annually May 15-October 15	With occupancy of twenty-one (21) people or more.

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			Currently restricted to Bernier Drive where installed patios offer unobstructed sidewalk width for pedestrian movement along the abutting sidewalk. Perimeter fencing is required regardless of sales and or consumption of alcohol