



City of Kenora

Committee of the Whole Agenda

Wednesday, March 8, 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 March 22, 2023 meeting:-

- Adopt the 2023 Municipal Operating Budget
- Adopt the 2023 Water & Wastewater Utility Budget
- Adopt the 2023 Solid Waste Utility Budget

Blessing & Land Acknowledgement

Councillor Bernie

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

That the Minutes from the last regular Committee of the Whole Meeting held February 8, 2023 and Special Committee of the Whole meetings held January 30th, February 1st, February 2nd February 6, and March 1, 2023 be confirmed as written and filed.

D. Deputations/Presentations

- Tamara Howard-Bachinsky, Blair McCallum, Mount Evergreen Ski Hill
- Peter Kirby & Doug Orchard Composting Project -Feasibility Study & Pilot Project
 - Ken Ames, Project on the corner of Sunset Bay & Transmitter Road
 - Wes Siemens, Multi Unit Residential Water Rates
 - Detective Constable Scott Chalkley - Anti-Human Trafficking

E. Reports:

1. Administration / Finance / Human Resources

Item Subject

- 1.1. External Salary Survey – Compensation Review
- 1.2. 2023 Operating, Water & Wastewater & Solid Waste Utility Budgets
- 1.3. Electronic Monitoring Policy #HR-2-5

2. Fire & Emergency Services

Item Subject

No Reports

3. Engineering & Infrastructure

Item Subject

- 3.1 2022 Kenora Drinking Water System Summary Report
- 3.2 DWQMS Element 20 – Management Review Information
- 3.3 DWQMS Element 15 – Infrastructure Maintenance, Rehabilitation & Renewal Information

4. Community Services

Item Subject

No Reports

5. Development Services

Item Subject

- 5.1 NPC-300 Class 4 Designation for property owned by 1000059403 ON Inc
- 5.2 New Site Plan Control Bylaw

Other:

12:00 p.m. – Zoning Bylaw Amendment D14-23-01 Unaddressed Property-Jones Road

Next Meeting

- Wednesday, April 12, 2023

Motion - Adjourn to Closed Meeting:

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) Personal Matter about an Identifiable Individual (1 matter-Kenora Age Friendly Committee)

Adjournment.



March 1, 2023

City Council Committee Report

To: Kyle Attanasio, CAO

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

**Re: External Salary Survey
HR-3-1 Salary Administration Policy**

Recommendation:

That Council hereby supports the adoption of the new City of Kenora non-union salary grid; and further

That Council directs future salary administration to streamline the Professional and Managerial Pay Grid to reflect the 100% percentile of the midpoint of the established external salary range based on the external 2021 Compensation Review Survey results; and further

That the implementation placement of existing employees on the Professional and Management Pay Grid is set at the step closest to the salary of the current incumbent, in accordance with policy, effective January 1, 2023, or as otherwise approved by Council; and further

That administration modernize total compensation for those in the employee group of Professional and Management – Non Union.

Background:

In accordance with HR-3-1 Salary Administration Policy ("Policy"), Administration has performed an external salary survey to compare the current salary levels for City of Kenora Non-Union staff to the external market. Total compensation considers salary range, healthcare benefits, paid holidays, etc. while upholding company culture, values, and strategies.

40 Municipalities across Ontario participated in the survey. Data was collected on 22 compensation metrics such as direct salary comparison, compensation philosophy and structure, standard annual hours, health and wellness benefits, performance metrics, COVID-19 related impacts, etc.

It is important to note that the data collected was based on 2021 Salary information. Annual economic adjustments to the Management Pay Grid may have been authorized during this period. Following Council approval, the Management Pay Grid will be updated to include any Council approved Economic Adjustments applied in 2022.

Survey participants studied to identify "Comparator Municipalities" based on factors such as population, tier, staff complement, etc. Detailed salary information as provided by our comparators was reviewed, analysed to establish external salary ranges reflective of +/- 10% of the midpoint, as per Policy.

Administration presented the analysis and proposed adjustment of the Management Pay Grid to Council and received direction at a Special Committee of the Whole meeting on February 2nd, 2023 to proceed to the 2023 Operating Budget at the 100% midpoint and to implement at the salary level closest to that of the current incumbent's salary for 2023.

Budget / Financial Implications:

The financial impacts are to be incorporated into the 2023 Operating Budget for consideration and approval.

Risk Analysis:

- Critical strategic risk to the City's ability to attract
- Critical operational risk to the City's ability to maintain a sustainable retention rate
- Moderate risk to pay equity
- Moderate risk to performance & productivity and improved employee engagement

Impact x Likelihood = Risk Level

Likelihood	Impact				
	Insignificant (1)	Minor (2)	Moderate (3)	Major (4)	Extreme (5)
Almost Certain (5)	M	H	H	C	C
Likely (4)	L	M	H	C	C
Possible (3)	L	M	M	H	H
Unlikely (2)	L	L	M	M	H

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

Strategic Plan or other Guiding Document:

Charting Our Course 2027 – Strategic Plan

4.2 Maximize human capacity and capability

4.3 Improve the fiscal planning capacity of our administration.



March 8, 2022

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Ryan Marsh, Director of Finance

Re: 2023 Municipal Operating Budget, Solid Waste and Water & Wastewater Utility Budgets

Recommendation:

That Council hereby approves the City of Kenora's 2023-2025 Municipal Operating Budget, Solid Waste and Water & Wastewater Utility Budget as reviewed and amended; and further

That in accordance with Notice By-law Number 160-2022, public notice is hereby given that Council intends to formally adopt the 2023 Municipal Operating Budget, Solid Waste, and Waste & Wastewater Utility budgets at its March 22nd Council Meeting; and further

That Council authorizes City Administration to proceed with the implementation of all budget related decisions in accordance with those reflected within the amended budgets; and further

That Council give three readings to a By-law to adopt the 2023 Municipal Operating Budget, Solid Waste and Water & Wastewater Utility budget.

Background:

Draft Operating Budget

The draft Municipal Operating Budget was reviewed at a special budget meeting held on February 2, 2023 and further summarized on March 1st, 2022. The amendments to the original draft are as follows:

- 1) Contribution to Kenora District Service Board for land ambulance services be increased by the amount of \$150,000 for 2023 budget
- 2) Community Safety Well-Being position and operating budget of \$162,000 be included in the 2023 budget
- 3) Addition of operating funding for the Sustainability Committee of \$75,000
- 4) Approved Compensation Review Implementation of \$395,410 for 2023 budget
- 5) Reserve contribution holiday of \$316,000
- 6) Utilization of the Tax Write-Off Reserve, appropriation from reserve of \$653,630 for the 2023 budget
- 7) Reduction in Policing Costs in the amount of \$511,417 for 2023

The resulting total additional requirement for 2023 is \$1.533 million or 5.36% increase from the 2022 budgeted tax levy. The draft budget maintains existing levels of service.

Draft Solid Waste Utility Budget

The draft solid waste operating budget and five year capital plan were reviewed with Council at a special budget meeting held March 1st, 2023. It should be recognized that the draft budgets are based on maintaining existing service levels and reflect existing approved rate structure.

Draft Water and Wastewater Utility Budget

In accordance with the Safe Drinking Water Act (2002) Council received the Water and Wastewater Long Range Financial Plan Forecast on September 15, 2020. One of the recommendations of the Financial Plan was to implement a 3.1% increase to water and sewer rates for 2021. Council did not act on that recommendation. The plan was then amended to cancel the 2021 increase. The 3.1% annual increases for the remaining term from 2022 to 2026 remain in the plan. These increases would support the ongoing replacement of existing assets, begin to address the infrastructure deficit, and improve revenue stability. The firm BMA Management Consultants Inc. prepared the amended Financial Plan.

Budget: The 3.1% increase effective January 1st, 2023 is to be reflected in the 2023 water and sewer operating budget.

Full disclosure of the budget discussions can be found in the February 2nd and March 1st Special Committee of the Whole Meeting minutes or livestream recording.

Communication Plan/Notice By-law Requirements: Notice will be given in accordance with the provisions of the Notice Bylaw

Strategic Plan or other Guiding Document:

Our Mission: To be an accountable, collaborative, and informed team that takes pride in delivering value-added municipal services.

Corporate value: We administer municipal finances in a prudent, accountable, and transparent manner that is mindful of the financial implications of our daily decisions.

Goal 4.3: Improve the fiscal planning capacity of our administration.

ERM Assessment:

While the impact of an Operating Budget related risk has potential to be significant, likelihood is low, making it a moderate but necessary risk to be retained and monitored. This is a positive risk and should be pursued.

Strategic Plan – Charting our Course 2027:

Strategic Focus Areas:

1. Infrastructure and Environment
2. Tourism, Economic Growth, and Delivery
3. Community Recreation, Well-Being, and Safety
4. Service Delivery and Organizational Capacity
5. Relations with Treat 3 Partners



March 1, 2023

City Council Committee Report

To: Kyle Attanasio, CAO

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

Re: Electronic Monitoring Policy #HR-2-5

Recommendation:

That Council hereby adopt a new Electronic Monitoring Policy #HR-2-5 in accordance with the Employment Standards Act, 2000 (ESA); and further

That this policy form part of the City of Kenora's Comprehensive Policy Manual; and further

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

Background:

On April 11th, Bill 88, the Working for Workers Act, 2022, received Royal Assent. The Bill contains a number of changes for employers including a requirement for a policy on electronic monitoring in the workplace. The new requirement falls under the ESA and so applies to provincially regulated workplaces.

Specifically:

An employer that, on January 1 of any year, employs 25 or more employees shall, before March 1 of that year, ensure it has a written policy in place for all employees with respect to electronic monitoring of employees.

The policy must state whether or not the employer electronically monitors employees. If the employer does, the policy must include:

- a description of how and in what circumstances the employer may electronically monitor employees
- the purposes for which the information obtained through electronic monitoring may be used by the employer
- the date the policy was prepared
- the date any changes were made to the policy

The ESA requirements:

- do not establish a right for employees not to be electronically monitored by their employer
- do not create any new privacy rights for employees

Using information collected through electronic monitoring

The ESA's rules about the employer's written policy on electronic monitoring do not affect or limit an employer's ability to use information obtained through the electronic monitoring of its employees in any way it sees fit.

Under the ESA, the employer is required to state in its written policy the purposes for which it may use information obtained through electronic monitoring. However, the ESA does not limit the employer's use of the information to the stated purposes.

The employer can, for example, rely on that information to discipline or terminate the employee. It could also use that information to support its position that the employee was guilty of wilful misconduct, disobedience, or wilful neglect of duty that is not trivial and has not been condoned by the employer and is therefore exempt from the ESA's termination and severance entitlements.

Similarly, nothing in the ESA limits the use of information the employer obtained through the electronic monitoring of an assignment employee who is assigned to its workplace.

Budget: N/A

Risk Analysis: There are no perceived risks for adopting this policy. There is a risk of legislative non-compliance if we do not adopt the policy.

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

Strategic Plan or Other Guiding Documents:

Employment Standards Act, 2000 (ESA)

Bill 88, Working for Workers Act, 2021

Strategic Plan - Focus Area 4 Service Delivery and Organizational Capacity

4.2 Maximize human capacity and capability

Electronic Monitoring Policy



Section	Date	By-Law Number	Page	Of
Human Resources	March 1, 2023	- 2023	1	4
Subsection	Repeals By-Law Number		Policy Number	
All Employees	N/A		HR-2-5	

Purpose

This Policy identifies the circumstances in which the City of Kenora (“City”) engages or may engage in electronic monitoring of employees, directly or indirectly, and the purposes for which the information obtained through the electronic monitoring may be used.

Background

Amendments to the Employment Standards Act, 2000, require all employers, including the City, to prepare a written policy concerning electronic monitoring of employees and to provide a copy of that policy to all employees.

The Policy must outline the following:

- If, how, and in what circumstances electronic monitoring occurs;
- The purposes for which information obtained through electronic monitoring may be used; and
- The date the policy was prepared and the date of any changes made.

The amendments do not establish a right for employees not to be electronically monitored, nor create any new privacy rights for employees.

Definitions

Electronic Monitoring

Includes all forms of monitoring of employees that is done electronically throughout the workplace, directly or indirectly, whether continuously, episodically, or on an as needed basis.

Application

This Policy applies to all City of Kenora employees.

How and In What Circumstances Electronic Monitoring Occurs

City resources are provided to employees to deliver services for residents, reduce work related risk, improve productivity of business operations, and enhance the effectiveness of communications.

The City reserves the right to electronically monitor employees, directly or indirectly, at its discretion. Employees should not expect absolute privacy in relation to their use of City resources, and should not assume that any use of City resources is exempt from electronic monitoring in accordance with this Policy.

As of the date of this Policy, electronic monitoring may be performed directly or indirectly, whether continuously, episodically, or on an as needed basis, through the following assets, systems, services, equipment, and devices at the City:

Asset

- Lynxfield Global Positioning System & Automatic Vehicle Locator GPS/AVL
- PSD Citywide (on-board diagnostic technology to provide information and mapping of assets)

Systems

- Office 365 / internal shared drives
- Outlook email
- Software and internet usage
- HRIS MyWay Electronic time and attendance reporting
- Other third party systems: Canada Revenue Agency, Backcheck, Ontario Provincial Police Vulnerable Sector search
- CCTV
- WSIB Incident Reporting
- City of Kenora Social Media Accounts

Service

- Customer Service – Citywide incident reporting
- Mailroom
- Purchasing Cards

Equipment

- Telephone and cellular phone systems/voice mail (roaming and data usage)
- Laptop and tablet work stations
- Fax
- Photocopier/scanner password equipped
- Live monitoring as an extension of quality monitoring programs

Hard device

- Security key-fobbed access
- Duress buttons or wearable tools.
- This list is not exhaustive and may be updated as policies, practices, and procedures change, or as assets, systems, services, equipment, and devices, are upgraded or replaced.

How Information Obtained Through Electronic Monitoring May Be Used

Information obtained through electronic monitoring may be used for all purposes consistent with the City's responsibilities as a municipality, any City By-law, policy,

practice, or procedure, and the City's obligations pursuant to the various Collective Agreements with the City's bargaining units.

Such purposes include but are not limited to employee safety, the protection and security of the City's resources, monitoring employee compliance with applicable policies and procedures, and complaint response.

Other purposes may include:

- Workforce management
- Operational auditing, monitoring, and reporting
- Health and safety monitoring
- WSIB or Ministry of Labour investigations
- Coaching and quality improvement
- Labour Relations-related investigations
- Privacy complaints, monitoring, and auditing
- Security incidents, including workplace violence, thefts, vandalism, and threats
- IT related investigations
- Data review and pattern monitoring
- Resolving technical issues
- As evidence for forensic investigations on behalf of the City or an authorized third party such as law enforcement agencies or other government bodies
- Responding to freedom of information requests, litigation-related requests, or otherwise as required by law.

Information obtained by the City through electronic monitoring shall be collected, maintained and dispersed in accordance with the City's responsibilities as a municipality, any City By-law, policy, practice, or procedure, and the City's obligations pursuant to the various Collective Agreements with the City's bargaining units.

Related By-laws, Policies, and Procedures

This Policy is to be read, implemented, and interpreted with other related By-laws, policies, and procedures, including but not limited to:

- AF-1-3 Video Surveillance
- AF-8-1 Communications
- AF-1-2 Purchasing/Credit Card Policy
- AF-4-3 Internal Audit Policy
- HR-2-06 Technology Usage Policy
- AF-6-2 Strategic Asset Management
- AF-7-1 Enterprise Risk Management
- AF-8-2 Social Media Policy
- HR-2-04 Vehicle Operation Policy
- HR-2-1 Employee Conduct Policy
- HR-2-07 Learning & Development
- HR-2-21 Emergency Hours of Work
- HR-02-23 Customer Service Standards



February 24, 2023

City Council Committee Report

TO: Kyle Attanasio, CAO

FR: Ryan Peterson, Water Treatment Plant Chief Operator

RE: 2022 Kenora Drinking Water System Summary Report

Recommendation:

That Council of the City of Kenora hereby receives the 2022 Kenora Drinking Water System Summary Report, for the period January 1st, 2022 to December 31st, 2022.

Background:

In accordance with the Safe Drinking Water Act, 2002 – O. Reg. 170/03 under Schedule 22, it is the responsibility of the Water & Wastewater Division to provide a summary report of the water system to the Municipal Council no later than March 31st of each year. The report must include the following:

- A summary of incidents of regulatory non-compliance and the corrective actions taken.
- A summary of the quantities and flow rates of water supplied, with a comparison to the rated capacity and approved flow rates of the system.

A Drinking Water System Inspection conducted by the Ministry of the Environment, Conservation and Parks took place on April 15th, 2022. The final inspection rating was 96.92%. Two non-compliances were identified in the Inspection Report. These non-compliances, as well as a summary events leading to the non-compliances and corrective actions taken are detailed in Section 5 of the attached report.

Flow data and comparisons to rated capacity are detailed in Section 6 of the attached report.


Budget: N/A

Risk Analysis: The two identified non-compliances were addressed and procedures were implemented to mitigate the risk of future occurrences. No further action is required by the MECP.

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

Strategic Plan or other Guiding Document:

Legislative requirement of the Safe Drinking Water Act, 2002 - O. Reg. 170/03.



KENORA AREA DRINKING WATER SYSTEM 2022 ANNUAL REPORT



Prepared by Ryan Peterson – ORO Water Treatment Plant

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1.0 Background

This report has been written to meet to requirements of both Section 11 and Schedule 22 of Ontario Regulation 170/03: Drinking Water Systems (O. Reg. 170/03), under the Safe Drinking Water Act 2002 (SDWA). The purpose is to inform the public and Municipal Council on pertinent information.

Section 11 requires the following information be provided to the public:

- A brief description of the drinking water system, including a list of water treatment chemicals used by the system.
- A summary of all adverse water quality incidents reported to the Ministry of the Environment, Conservation and Parks (MECP) and the corrective actions taken.
- A summary of results from tests required under O. Reg. 170/03.
- A summary of major expenses incurred to install, repair or replace required equipment.

Schedule 22 requires the following information be provided to Municipal Council:

- A summary of incidents of regulatory non-compliance and the corrective actions taken.
- A summary of the quantities and flow rates of water supplied, with a comparison to the rated capacity and approved flow rates of the system.

This report is available free of charge to anyone who requests a copy. An electronic copy is available on the City of Kenora website, and anyone wanting to be provided a paper copy can make arrangements to pick one up from the Water Treatment Plant. Staff at the Water Treatment Plant can be contacted to assist in the interpretation of this report if required.

2.0 System Information

2.1 System Description

The Kenora Area Drinking Water System (DWS # 220001423) services the Kenora area, as well as providing water to two subsystems. Subsystems are located on Rocky Heights Road, and on Wauzhushk Onigum Nation.

The Kenora Area DWS distribution system is designated as Class 2, and is comprised of five booster stations, three standpipes and approximately 136 kilometers of watermains.

The Kenora Water Treatment Plant (WTP) is located adjacent to Lake of the Woods, and has a rated capacity of 25,270 cubic meters per day. It is a conventional filtration plant with an upflow clarifier and dual media sand/anthracite filters. Raw water flows by gravity into the lowlift chamber, where it is pumped up to the clarifier by lowlift pumps. Coagulation and flocculation is achieved using aluminum sulfate as a coagulant and Solenis Norfloc 122 polyelectrolyte as a coagulant aid. After filtration, chlorine is added in the mixing chamber prior to the clearwell for primary disinfection. Fluoridation also occurs at this point. Once primary disinfection requirements have been met in the clearwell, the highlift pumps direct the water to the distribution system. Prior to entering the system, trim chlorine is added

to prepare the water for chloramination, sodium hydroxide is added for pH adjustment, and ammonium sulfate is added to produce chloramines as a secondary disinfectant.

2.2 Chemicals Used in Treatment

There were no changes to the chemicals used in treatment in 2022.

Chemical	Purpose
Chlorine Gas	Disinfection
Aluminum Sulfate	Coagulation
Solenis Norfloc 122 Polymer	Coagulant Aid
Sodium Hydroxide	pH, Alkalinity Adjustment
Sodium Silicofluoride	Fluoridation
Ammonium Sulfate	Chloramination

2.3 Summary of Significant Expenses Incurred

Project	Expense Type	Location	Value
WTP Backup Generator	Replacement	WTP	\$573,604
7 th Ave S from 6 th St S to 8 th St S - Watermain	Replacement	Distribution	\$400,290
2 nd St S from 6 th Ave S to 7 th Ave S - Watermain	Replacement	Distribution	\$341,505
2 nd Ave S from Mike Richards Way to 6 th St S - Watermain	Replacement	Distribution	\$301,735
2 nd St S from 5 th Ave S to 6 th Ave S - Watermain	Replacement	Distribution	\$294,970
Hwy 17 E - Watermain	Replacement	Distribution	\$122,270
WTP Transformer	Replacement	WTP	\$90,000
Backwash Pump Checkvalves	Replacement	WTP	\$28,289
Norman Booster Pump	Replacement	Distribution	\$23,354
Standpipe ROV Inspections	Inspection	Distribution	\$21,319
Second SCADA Computer	Installation	WTP	\$15,721
Distribution Chlorine Residual Analyzers	Installation	Distribution	\$14,858
PLC Programming Updates	Upgrade	WTP	\$13,409
Trim Chlorine Analyzer	Replacement	WTP	\$12,934
Clarifier pH Analyzer	Installation	WTP	\$7,362

3.0 Operational Parameters and Regulatory Sampling

3.1 Turbidity and Free Chlorine Monitoring for Primary Disinfection

Turbidity values and chlorine residuals used for the purpose of determining primary disinfection are continuously monitored with online analyzers. This data must be recorded at minimum intervals to satisfy the requirements of O. Reg. 170/03. Chlorine residual measurements must be recorded at least every five minutes, and turbidity values every fifteen minutes.

Filtrate turbidity values must not exceed 1 Nephelometric Turbidity Unit (NTU), and must remain below 0.3 NTU 95% of the time or greater. The free chlorine residual measured as it exits the clearwell must never drop to a point where CT is no longer being met.

There were no occurrences in 2022 where primary disinfection was inadequate. Filter turbidities did not exceed 1 NTU at any time, and periods over 0.3 NTU were negligible. The clearwell chlorine residual dropped below the low alarm setpoint of 0.60 mg/L on one occasion, and operators confirmed adequate primary disinfection using a calculation based on residual value, contact time, pH and temperature factors.

Table 3: Schedule 7 –Chlorine Residual Continuous Monitoring for Primary Disinfection			
Monitoring Location	Units	Minimum Value	Maximum Value
Clearwell Effluent	mg/L	0.52	1.93

Table 4: Schedule 7 – Filtrate Turbidity Continuous Monitoring for Primary Disinfection			
Monitoring Location	Units	Minimum Value	Maximum Value
Filter #1 Filtrate	NTU	0.019	0.153
Filter #2 Filtrate	NTU	0.016	0.158
Filter #3 Filtrate	NTU	0.018	0.259
Filter #4 Filtrate	NTU	0.020	0.314

3.2 Combined Chlorine Monitoring for Secondary Disinfection

Chlorine residuals are tested in the distribution system twice per week to ensure adequate secondary disinfection. Six samples are taken at the beginning of the week in conjunction with bacteriological samples, and three more samples are taken later in the week at least 48 hours after the first set, and at least 48 hours prior to the beginning of sampling the following week.

Chlorine residuals are also tested in the distribution system for non-routine occurrences such as watermain repairs, boil water advisories, and temporary or seasonal service lines.

A minimum of 0.25 mg/L of combined chlorine must be maintained at all points in the distribution system. Residuals must also remain under the 3.00 mg/L prescribed standard for chloramines. In 2022 there were no adverse events related to distribution chlorine levels.

Table 5: Schedule 7 - Distribution Chlorine Residual Sampling					
Sample Type	Samples Taken	Minimum Residual (mg/L)	Maximum Residual (mg/L)	Standard Limits (mg/L)	
Distribution	456	0.62	2.19	0.25	3.00
Dist. (non-routine)	133	0.41	2.19	0.25	3.00

3.3 Raw Water Monitoring

A raw water sample is collected weekly and tested for turbidity, pH and color. Changes in raw water quality can indicate to operators when adjustments to plant processes may be required.

Parameter	Samples Taken	Units	Minimum Value	Maximum Value
Turbidity	52	NTU	0.421	1.82
pH	52	N/A	6.78	8.44
Color	52	Units PtCo	3	41

3.4 Microbiological Sampling

Microbiological samples are taken weekly and are tested for E-coli and Total Coliform, as well as Heterotrophic Plate Count (HPC) in treated water and at least 25% of distribution samples. One sample is taken weekly from both the raw water entering the plant and the treated water leaving the plant, as well as six samples from the distribution system. Samples taken from the distribution system are spread out geographically so that they give an accurate representation of the entire system.

E-coli and Total Coliform should always be absent, and if they are present in any number this is reported to the MECP as an adverse event. In 2022, there were no incidences where total coliform or e-coli were detected in a distribution sample.

Sample Type	Samples Taken	Results Range E-coli (CFU/100 ml)		Results Range Total Coliform (CFU/100 ml)		HPC Samples Tested	Results Range HPC (CFU/1 ml)	
		0	4	0	365		0	4
Raw	52	0	4	0	365	N/A	N/A	
Treated	52	Absent		Absent		52	0	4
Distribution	312	Absent		Absent		108	0	2
Dist. (non-routine)	64	Absent		Absent		0	N/A	

3.5 Lead Sampling

Under Schedule 15.1 of O. Reg. 170/03 the City of Kenora meets the requirements for reduced sampling. Previous rounds of residential plumbing sampling indicated lead levels did not meet the threshold required for continued annual testing, so lead samples are currently taken from distribution locations every three years. Sampling requirements in 2022 were limited to alkalinity and pH, so no lead sampling data is available for this reporting period.

3.6 Organic Parameters

Sampling occurs annually for the organic parameters listed in Schedule 24 of O. Reg.170/03. Samples are collected from the treated water leaving the Water Treatment Plant. No organic parameters exceeded the prescribed standards in 2022.

Parameter	Sample Date	Units	Result	Standard Limit
Alachlor	Jan 24, 2022	µg/L	<0.10	5
Atrazine + N-dealkylated metabolites	Jan 24, 2022	µg/L	<0.20	5
Azinphos-methyl	Jan 24, 2022	µg/L	<0.10	20
Carbaryl	Jan 24, 2022	µg/L	<0.20	90
Carbofuran	Jan 24, 2022	µg/L	<0.20	90
Chlorpyrifos	Jan 24, 2022	µg/L	<0.10	90
Diazinon	Jan 24, 2022	µg/L	<0.10	20
2,4-Dichlorophenol	Jan 24, 2022	µg/L	<0.30	900
Diclofop-methyl	Jan 24, 2022	µg/L	<0.20	9
Dimethoate	Jan 24, 2022	µg/L	<0.10	20
Diquat	Jan 24, 2022	µg/L	<1.0	70
Diuron	Jan 24, 2022	µg/L	<1.0	150
Malathion	Jan 24, 2022	µg/L	<0.10	190
Metolachlor	Jan 24, 2022	µg/L	<0.10	50
Metribuzin	Jan 24, 2022	µg/L	<0.10	80
Paraquat	Jan 24, 2022	µg/L	<1.0	10
Pentachlorophenol	Jan 24, 2022	µg/L	<0.5	60
Phorate	Jan 24, 2022	µg/L	<0.10	2
Prometryne	Jan 24, 2022	µg/L	<0.10	1
Simazine	Jan 24, 2022	µg/L	<0.10	10
Terbufos	Jan 24, 2022	µg/L	<0.20	1
2,3,4,6-Tetrachlorophenol	Jan 24, 2022	µg/L	<0.50	100
Triallate	Jan 24, 2022	µg/L	<0.10	230
2,4,6-Trichlorophenol	Jan 24, 2022	µg/L	<0.50	5
Trifluralin	Jan 24, 2022	µg/L	<0.10	45

Parameter	Sample Date	Units	Result	Standard Limit
Bromoxynil	Jan 24, 2022	µg/L	<0.20	5
Dicamba	Jan 24, 2022	µg/L	<0.20	120
2,4-Dichlorophenoxyacetic acid (2,4-D)	Jan 24, 2022	µg/L	<0.20	100
Glyphosate	Jan 24, 2022	µg/L	<5.0	280
2-Methyl-4-chlorophenoxyacetic acid (MCPA)	Jan 24, 2022	µg/L	<0.20	100
Picloram	Jan 24, 2022	µg/L	<0.20	190

Parameter	Sample Date	Units	Result	Standard Limit
Benzene	Jan 24, 2022	µg/L	<0.50	1
Carbon Tetrachloride	Jan 24, 2022	µg/L	<0.20	2
1,2-Dichlorobenzene	Jan 24, 2022	µg/L	<0.50	200
1,4-Dichlorobenzene	Jan 24, 2022	µg/L	<0.50	5
1,2-Dichloroethane	Jan 24, 2022	µg/L	<0.50	5
1,1-Dichloroethylene (vinylidene chloride)	Jan 24, 2022	µg/L	<0.50	14
Dichloromethane	Jan 24, 2022	µg/L	<5.0	50
Monochlorobenzene	Jan 24, 2022	µg/L	<0.50	80
Tetrachloroethylene (perchloroethylene)	Jan 24, 2022	µg/L	<0.50	10
Trichloroethylene	Jan 24, 2022	µg/L	<0.50	5
Vinyl Chloride	Jan 24, 2022	µg/L	<0.20	1

Parameter	Parameter Type	Sample Date	Units	Result	Standard Limit
Benzo(a)pyrene	Polycyclic aromatic hydrocarbon	Jan 24, 2022	µg/L	<0.0050	0.01
Total PCBs	Polychlorinated biphenyl	Jan 24, 2022	µg/L	<0.035	3

3.7 Inorganic Parameters

Sampling occurs annually for the inorganic parameters listed in Schedule 23 of O. Reg.170/03. Samples are collected from the treated water leaving the Water Treatment Plant. No inorganic parameters exceeded the prescribed standards in 2022.

Parameter	Sample Date	Units	Result	Standard Limit
Antimony	Jan 24, 2022	µg/L	<0.60	6
Arsenic	Jan 24, 2022	µg/L	<1.0	10
Barium	Jan 24, 2022	µg/L	<10	1000
Boron	Jan 24, 2022	µg/L	<50	5000
Cadmium	Jan 24, 2022	µg/L	<0.10	5
Chromium	Jan 24, 2022	µg/L	<1.0	50
Mercury	Jan 24, 2022	µg/L	<0.10	1
Selenium	Jan 24, 2022	µg/L	<1.0	50
Sodium	Jan 11, 2021	mg/L	11.8	20
Uranium	Jan 24, 2022	µg/L	<2.0	20

3.8 Nitrate and Nitrite

Sampling occurs quarterly for nitrate and nitrite, and samples are collected from the treated water leaving the Water Treatment Plant. Nitrate and nitrite did not exceed the prescribed standards in 2022.

Parameter	Sample Date	Units	Result	Standard Limit
Nitrate	Jan 24, 2022	mg/L	0.177	10
	Apr 11, 2022	mg/L	0.192	10
	Jul 04, 2022	mg/L	<0.020	10
	Oct 03, 2022	mg/L	0.037	10
Nitrite	Jan 24, 2022	mg/L	<0.010	1
	Apr 11, 2022	mg/L	<0.010	1
	Jul 04, 2022	mg/L	<0.010	1
	Oct 03, 2022	mg/L	<0.010	1

3.9 Trihalomethanes

Sampling occurs quarterly for THMs, and samples are collected from the furthest point in the distribution system. THMs did not exceed the prescribed standard in 2022.

Sample Date	Units	Results	Quarterly Average	Running Annual Average	Standard Limit
Jan 24, 2022	µg/L	25.8	27.0	51.0	100
Mar 28, 2022	µg/L	28.2			
Apr 04, 2022	µg/L	34.1	46.3		
Apr 11, 2022	µg/L	33.6			
Apr 19, 2022	µg/L	34.7			
Apr 25, 2022	µg/L	43.9			
May 02, 2022	µg/L	45.5			
May 09, 2022	µg/L	53.6			
May 24, 2022	µg/L	55.1			
May 30, 2022	µg/L	53.5			
Jun 06, 2022	µg/L	54.3			
Jun 13, 2022	µg/L	54.8			
Jul 04, 2022	µg/L	62.5	62.5		
Oct 03, 2022	µg/L	68.1	68.1		

3.10 Haloacetic Acids

Sampling occurs quarterly for HAAs, and samples are collected from a mid-point in the distribution system. HAAs did not exceed the prescribed standard in 2022.

Sample Date	Units	Results	Quarterly Average	Running Annual Average	Standard Limit
Jan 24, 2022	µg/L	23.7	24.0	38.7	80
Jan 24, 2022	µg/L	24.2			
Apr 11, 2022	µg/L	34.7	34.7		
Jul 04, 2022	µg/L	42.1	42.1		
Oct 03, 2022	µg/L	53.8	53.8		

3.11 N-Nitrosodimethylamine (NDMA)

Sampling occurs quarterly for NDMA as required by the City of Kenora Municipal Drinking Water License (MDWL), and samples are collected from the furthest point in the distribution system. NDMA did not exceed the prescribed standard in 2022.

Sample Date	Units	Results	Standard Limit
Jan 24, 2022	ng/L	3.2	9
Apr 11, 2022	ng/L	<0.8	
Aug 08, 2022	ng/L	2.3	
Oct 13, 2022	ng/L	3.3	

4.0 Adverse Water Quality Incidents and Corrective Actions Taken

Schedule 16 of O. Reg. 170/03 requires that any adverse sample results or observations are reported to the MECP and the local Medical Officer of Health. The City of Kenora reported two Adverse Water Quality Incidents (AWQIs) in 2022. The first was a bacteriological sample which was present for total coliform, taken from an isolated temporary watermain not yet connected to consumers. It was later determined not to meet the criteria for an AWQI and wasn't required to be reported. The second was related to a watermain break at a construction site which led to a loss of pressure in the area.

4.1 AWQI #1

On July 22nd, a result from a bacteriological sample taken from a temporary watermain on July 20th was present for total coliform. The sample was taken as part of the commissioning process prior to connecting residences, so no consumers were impacted. The temporary main was flushed and superchlorinated a second time, and follow up samples taken July 25th and 26th were absent of total coliform or e-coli. A Notice of Resolution was submitted to the MECP on July 31st.

4.2 AWQI #2

On September 14th, a valve separated from a watermain on a construction site, leading to a distribution system pressure loss in the area. The leak was isolated and pressure was restored, and affected residents were placed on a Boil Water Advisory (BWA). Flushing was conducted at three locations in the affected area shortly after the separation, and chlorine residuals were taken to ensure an adequate disinfection residual was present. Five bacteriological samples were taken from locations representative of the affected area on Sept 14th and 15th. Prior to receiving results, the temporary service line was damaged by a vehicle overnight on September 16th. The section affected by this event was resampled on September 18th and 19th. Results for the original samples were received on September 20th, and the results for the resample were received September 21st. All samples were absent of total coliform and e-coli, and the BWA's were rescinded on September 20th and 21st. A Notice of Resolution was submitted to the MECP on September 21st.

5.0 Regulatory Compliance

An MECP Inspection of the DWS took place on April 15th, 2022. The final inspection rating was 96.92%. Two non-compliances were identified in the Inspection Report.

5.1 Non-Compliance #1

Non-Compliance: The Overall Responsible Operator (ORO) had not been designated for each subsystem. An ORO was designated at all times for the WTP; however, for a period of approximately six months, an ORO was not designated or identified in the logbooks for the distribution system. In accordance with O. Reg. 128/04, Condition 23. (1), "the owner or operating authority of a municipal residential subsystem shall designate as overall responsible operator of the subsystem an operator who holds a certificate for that type of subsystem and that is of the same class as or higher than that class of subsystem".

Summary of Events Leading to Non Compliance: A turnover in personnel led to a lack of awareness of the requirement to document ORO coverage in the logbook. Although it was not documented properly, the operational aspects of the role were being fulfilled.

Corrective Actions Taken: The distribution system immediately began documenting ORO coverage in the logbook. A letter was provided to the MECP on May 20th indicating that the Water and Wastewater Manager has been designated ORO, and procedure for temporary coverage in the absence of the Water and Wastewater Manager. This process was also included in the Personnel Coverage section of the City's Operational Plan. No further action is required.

5.2 Non-Compliance #2

Non-Compliance: Operators in Charge (OIC) had not been designated for all subsystems which comprise the DWS. An OIC was designated at all times for the WTP; however, on multiple occasions during the inspection review period, an OIC was not designated or identified in the logbooks for the distribution system. In accordance with O. Reg. 128/04, Condition 25. (1), “the owner or operating authority of a subsystem or a person authorized by the owner or operating authority shall designate one or more operators as operators in charge of the subsystem.

Summary of Events Leading to Non-Compliance: A turnover in personnel led to a lack of awareness of the requirement to document OIC coverage in the logbook. Although it was not documented properly, the operational aspects of the role were being fulfilled.

Corrective Actions Taken: The distribution system immediately began consistently documenting OIC coverage in the logbook. A letter was provided to the MECP on May 20th indicating a procedure for the delegation of OIC in the distribution system. This process was also included in the Personnel Coverage section of the City’s Operational Plan. No further action is required.

6.0 Flow Data

6.1 Effluent Flow Data

In 2022 the Kenora WTP pumped a total of 2,268,211 cubic meters (m³) of water to the distribution system. The highest daily flow took place in September, with a total of 9,061 m³ being pumped on the 19th. This is 36% of the plants rated capacity of 25,270 m³/day.

Month	Total Monthly Flow (m ³)	Average Daily Flow (m ³)	Maximum Daily Flow (m ³)
January	177,864	5,841	6,476
February	168,182	6,124	7,643
March	191,887	6,318	7,440
April	184,221	6,315	7,692
May	185,316	6,157	7,128
June	179,998	6,185	7,175
July	196,617	6,540	7,308
August	196,559	6,527	7,283
September	209,437	7,169	9,061
October	207,578	6,874	8,591
November	177,599	6,099	6,996
December	192,953	6,406	7,150

6.2 Influent Flow Data

In 2022 the Kenora WTP pumped a total of 2,512,469 m³ of raw water from Lake of the Woods. The highest daily flow took place in September, with a total of 10,070 m³ being pumped on the 30th. This is 39% of the plants water taking limit of 26,000 m³/day as set out in the Permit to Take Water (PTTW). The highest instantaneous rate at which water was taken from Lake of the Woods was 29,886 m³/day, which occurred on September 21st. This is 115% of the limit of 26,000 m³/day set out in the PTTW.

Month	Total Monthly Flow (m ³)	Average Daily Flow (m ³)	Maximum Daily Flow (m ³)
January	201,275	6,493	7,223
February	190,411	6,800	8,298
March	217,655	7,021	8,389
April	209,497	6,987	8,145
May	211,637	6,827	7,826
June	208,423	6,947	8,038
July	216,425	6,981	7,971
August	213,034	6,872	8,288
September	225,113	7,504	10,070
October	222,727	7,185	9,080
November	191,630	6,388	7,144
December	204,642	6,601	7,330

6.3 Historic Flow Data

Total effluent flow has remained relatively stable, with a slight decrease noticeable in 2016. There is no expectation of significant greater demand on the system in the near future.

Year	Total Effluent Flow (m ³)	Average Daily Flow (m ³)	Annual Change	2021 Comparison
2013	2,435,713	6,673	N/A	107%
2014	2,621,655	7,183	+7.6%	116%
2015	2,452,926	6,720	-6.4%	108%
2016	2,066,260	5,661	-15.8%	91%
2017	2,151,431	5,894	+4.1%	95%
2018	2,247,301	6,157	+4.5%	99%
2019	2,229,036	6,107	-0.8%	98%
2020	2,182,328	5,979	-2.1%	96%
2021	2,236,875	6,128	+2.5%	99%
2022	2,268,211	6,214	+1.4%	N/A



February 24, 2023

City Council Committee Report

TO: Kyle Attanasio, CAO

FR: Greg Breen, Director of Engineering and Infrastructure Services

RE: DWQMS Element 20 – Management Review Information Report to Council

Recommendation:

That Element 20 Management Review Information of the Drinking Water Quality Management Standard (DWQMS) requires that a Management Review be conducted once per year; and further

That this review be presented to Council as owners of the Drinking Water System; and further

That Council hereby receives this report to satisfy the requirements of Element 20 of the DWQMS.

Background:

Element 20 Management Review Information of the City's DWQMS Plan is to be conducted once per calendar year to assess and ensure the continuing suitability, adequacy, and effectiveness of the Quality Management System (QMS).

The review was conducted on November 28, 2022 chaired by the QMS Representative/WTP Chief Operator that included the Acting Director of Engineering & Infrastructure Services, Manager of Water & Wastewater and Distribution QMS Coordinator.

The confirmation of the Management Review being conducted, and its associated findings, are as per the attached minutes. There were sixteen discussion items on the meeting agenda with the minutes capturing the main discussions points accordingly. Also included in the attachments is a copy of Element 20 for reference.

Budget: No budget implications

Risk Analysis: There is a critical, positive risk associated with ensuring the annual Management Review required by Element 20 of the DWQMS is conducted to ensure the QMS related to the Plan is adequate and effective.

Communication Plan/Notice By-law Requirements: QMS Representative

Strategic Plan or other Guiding Document:
City DWQMS Plan

Element 20 – Management Review

A Management Review will be conducted at least once every calendar year with representatives from Top Management, the QMS Representative and the QMS Coordinators. The purpose of the Management Review is to evaluate and ensure the continued suitability, adequacy and effectiveness of the QMS.

Detailed Procedures for Conducting Management Reviews

1.0 Procedure Description

This procedure defines the process for the review of the effectiveness of the Quality Management System (QMS) by the Management Review Committee.

2.0 Reason for Procedure

Management reviews are conducted to assess and ensure the continuing suitability, adequacy, and effectiveness of the QMS.

3.0 Responsibility

Management reviews shall be conducted during a meeting of the following participants:

- QMS Representative.
- QMS Coordinators.
- General Manager of Utilities.
- General Manager of Engineering.
- Manager of Water and Wastewater.

The meeting is chaired by the QMS Representative.

4.0 Procedure

4.1 A Management Review will be conducted at least once every calendar year.

4.2 Prior to the Management Review Meeting, the QMS Representative shall provide a meeting agenda and summaries of the following information to the Management Review Committee:

- a) incidents of regulatory non-compliance
- b) incidents of adverse drinking-water tests
- c) deviations from critical control point limits and response actions
- d) the efficacy of the risk assessment process

- e) internal and third-party audits results
- f) results of emergency response testing
- g) operational performance
- h) raw water supply and drinking water quality trends
- i) follow-up on action-items from previous management reviews
- j) the status of management action items identified between reviews
- k) changes that could affect the Quality Management System
- l) customer feedback
- m) the resources needed to maintain the Quality Management System
- n) the results of the infrastructure review
- o) Operational Plan currency, content and updates, and
- p) staff suggestions

4.3 The Management Review Committee shall review and discuss all information presented. The Committee shall make recommendations and develop action items, as appropriate, to improve the content and implementation of the Operational Plan and related procedures, and to ensure the provision of adequate resources. The action items will detail the personnel responsible for completing tasks, and the proposed timelines for the implementation.

4.4 Minutes of management review meetings shall be maintained by the QMS Representative. The minutes shall document all new and outstanding action items as well as any decisions made by the Committee.

4.5 The QMS Representative shall be responsible for the communication of Management Review action items and follow up on their progress. The QMS Representative will provide the minutes of the Management Review to the Director of Engineering and Infrastructure Services, who will prepare a report to council detailing the results of the Management Review.

Management Review Meeting Minutes – November 28th, 2022

Attendees: Ryan Peterson – QMS Representative, WTP Chief Operator
Marco Vogrig – Acting Director of Engineering and Infrastructure Services
Mike Derouard – Manager of Underground Services
Dave King – Distribution QMS Coordinator, Distribution Operator

Meeting start: 10:00 am

Meeting end: 12:30 pm

*black text = agenda items

red text = meeting discussions

-Review previous minutes from last meeting, November 23rd, 2021

a) Incidents of regulatory non-compliance

- The 2022-2023 Inspection Report had two issues of non-compliance.
 - Non-compliance #1
 - MECP Observation: The overall responsible operator (ORO) had not been designated for each subsystem. An ORO was designated at all times for the WTP; however, for a period of approximately six months, an ORO was not designated or identified in the logbooks for the distribution system. In accordance with O. Reg. 128/04, Condition 23. (1), “the owner or operating authority of a municipal residential subsystem shall designate as overall responsible operator of the subsystem an operator who holds a certificate for that type of subsystem and that is of the same class as or higher than the class of that subsystem.”
 - MECP Required Action: On April 26, 2022, a formal Written Warning was issued to the City of Kenora, advising them of contraventions of O. Reg. 128/04, issued under the Safe Drinking Water Act, 2002 (See Appendix B). The purpose of the Written Warning was to formally record the matter, to bring it to the attention of the City of Kenora and to advise that the Ministry of the Environment, Conservation & Parks would consider referring any future contraventions of O. Reg. 128/04 to the ministry’s Environmental Investigations and Enforcement Branch. By May 20, 2022, the City of Kenora must provide a written procedure to the undersigned water inspector, describing how they intend to fulfill the requirement to designate an ORO at all times in the distribution system.
 - City of Kenora Response: A letter was provided to the Drinking Water Inspector on May 20th 2022 indicating that Mike Derouard had been designated ORO, and that in his absence he would designate another operator holding a Class 2 Distribution Certificate. This temporary delegation will be documented in writing. Element 11 of the Operational Plan was also revised, adding a reference to this procedure.

- Non-compliance #2

- MECP Observation: Operators-in-charge (OIC) had not been designated for all subsystems which comprise the DWS. An OIC was designated at all times for the WTP; however, on multiple occasions during the inspection review period, an OIC was not designated or identified in the logbooks for the distribution system. In accordance with O. Reg. 128/04, Condition 25. (1), “the owner or operating authority of a subsystem or a person authorized by the owner or operating authority shall designate one or more operators as operators-in-charge of the subsystem.”
 - MECP Required Action: On April 26, 2022, a formal Written Warning was issued to the City of Kenora, advising them of contraventions of O. Reg. 128/04, issued under the Safe Drinking Water Act, 2002 (See Appendix B). The purpose of the Written Warning was to formally record the matter, to bring it to the attention of the City of Kenora and to advise that the Ministry of the Environment, Conservation & Parks would consider referring any future contraventions of O. Reg. 128/04 to the ministry’s Environmental Investigations and Enforcement Branch. By May 20, 2022, the City of Kenora must provide a written procedure to the undersigned water inspector, describing how they intend to fulfill the requirement to designate an OIC at all times in the distribution system.
 - City of Kenora Response: A letter was provided to the Drinking Water Inspector on May 20th 2022 indicating that Mike Derouard had been designated OIC during daytime operations Monday to Friday, and that during evenings and weekends the on-call operator who holds a minimum Class 1 Distribution Certificate is delegated. In his absence during daytime hours he would designate another operator holding a minimum Class 1 Distribution Certificate. This temporary delegation will be documented in writing.
- Discussion took place as to whether the City was fulfilling the terms of their response letter to the MECP regarding the statement “this delegation of authority will be documented in writing” in regards to the transfer of ORO and OIC responsibilities when the Manager of Underground Services is absent. Although there are no gaps in coverage in the logbook and these signatures alone could be considered documentation, there may be an expectation that the transfer or responsibilities to others is better documented. Moving forward, the Manager of Underground Services will inform the Water and Wastewater Supervisor by email indicating that they are transferring ORO/OIC coverage to them, and for what duration.
 - Ryan suggested that regulatory training should be considered when selecting courses for CEU training. Mike will arrange for Walkerton Clean Water Center to provide the course “Safe Drinking Water Act and Associated Regulations” during the spring 2023 training session. This will provide senior staff with a refresher as to their regulatory responsibilities, and give operators a better understanding of their job requirements in terms of documentation, etc.

b) Incidents of adverse drinking-water tests

- AWQI 159986 – On September 13th 2022, a valve separated from the water main on a construction jobsite. The resulting loss of pressure in the neighborhood caused a drop or total

loss of water pressure to multiple blocks. Pressure was restored when a valve was closed. All affected residents were placed on a BWA. Flushing was conducted at three locations in the affected area to ensure an adequate disinfection residual was present. Five locations representative of the affected area were selected for bacteriological sampling. The BWA was rescinded after two consecutive sets of samples did not indicate the presence of total coliform or e-coli.

- Ryan suggested that in the future there could be more detail included in the 2A form used to report an adverse as it is helpful for both future inspections and internal record keeping to include all pertinent details of the adverse being reported.

c) Deviations from critical control point limits and response actions

- On October 11th 2022, an operator tested a residual of 0.41 mg/L when responding to a customer complaint of colored water. Further investigation determined that this residence, as well as two others nearby, were being affected by a temporary dead end on a 6" main due to construction. No hydrants were available to flush from this dead end, so a temporary bleeder was installed at the residence. A follow up sample taken later that day showed a residual of 1.45 mg/L, indicating the bleeder was effective. A second follow up sample taken on October 13th was 1.63 mg/L. The bleeder remained in place until construction was complete and the dead end was eliminated.
- Discussion ensued that better interdepartmental communication could have led to this being discovered earlier or prevented it from occurring. The WTP staff who provide the testing services for new construction projects (and any water quality complaints related to them) are not always made aware of which valves are closed in the area, which watermains are isolated, etc. Marco suggested that David could include WTP staff in the spring meeting where the Engineering Department goes over the details of construction projects planned for the summer with Water and Sewer staff.

d) The efficacy of the risk assessment process

- The 36 Month Risk Assessment was conducted on July 18th 2022 and September 20th 2022. Discuss effectiveness.
- The Team felt that our risk assessment process improved significantly this year, and that after our last External Audit we now have a better understanding of what is required by this element than we did in the past.

e) Internal and third-party audits results

- Internal Audit was conducted on March 7th 2022, and two non-conformances were found. All non-conformances were addressed by April 14th, 2022 and are detailed in Corrective Action Request Form's 07MAR22-1 and 07-MAR22-2. A clearance letter from the internal auditor was provided on April 19th, 2022. Four OFI's were identified, with details and responses documented in Continual Improvement Logs 1-4.

- CIL #2 identified an OFI to update the commitment and endorsement page, which was last signed in 2020. A majority of the roles are now filled by new people. Marco will present to Council for endorsement.
- External System Audit was conducted on May 4th 2022 by SAI Global, and no non-conformances were found. Ten opportunities for improvement were identified, with details and responses documented in Continual Improvement Logs 5-14.
- CIL #6 streamlined the CAO as being part of the Owner as opposed to Top Management. This will allow the CAO to be the representative of the Owner and to be a point of contact and sign off on anything required. Marco asked for more clarity on what needs to be sent upwards to the Owner. Ryan is able to provide detail on what items need to be communicated to the Owner, but is unsure of the format generally used for these communications or the timeline required. Ryan will reach out to QMS representatives from other municipalities for input.
- It was noted during discussion of CIL #13 that our Operational Plan indicates in Element 20 that the QMS representative will communicate the results of the Management Review to the CAO within three weeks. Marco noted that communication to the CAO should go through the Director, and questioned why there was a three week window for this to happen. Ryan indicated that this has been included in our Element 20 procedure for years, and it should be changed appropriately. Ryan will revise the Element 20 procedure to indicate the Director will communicate the results to the CAO, and remove the three week timeline as it is not a requirement of the Standard.
- External Recertification Audit was conducted on June 6th and 7th 2022 by SAI Global, and no non-conformances were found. Seven opportunities for improvement were identified, with details and responses documented in Continual Improvement Logs 15-21.
- CIL #18 indicated that minutes from meetings taken into consideration for the Infrastructure Review did not have adequate records. An OFI was identified to develop a template which will capture participants, date, and matters discussed with decision, responsibility for action items and timelines. Marco suggested Ryan provide this CIL form to David M, as he is currently working on a template for this.

f) Results of emergency response testing

- Emergency exercise for a response to an extended power failure was completed on November 15th 2022. Exercise and results will be presented at meeting.
- The Team walked through the Emergency Response Exercise minutes and went over all of the recommendations. WTP will purchase a small generator to have on hand for power failures at Zone 1 Standpipe. Mike suggested that Jerry Derouard be added to the Emergency Contact List as well as he could provide fuel for backup generators if supplier was unavailable.

g) Operational performance

- Clarifier and filter performance are still a concern. Carryover from the clarifiers is contributing to shorter filter runs. The City engaged with Stantec to conduct a clarifier assessment, which recommended lowering the polymer dosage and adding additional parameters to routine testing to assist with chemical dosage optimization. Operators now test raw and clarifier UV absorbance, pH and turbidity routinely.
- Filter media samples were sent for testing. Sieve analysis results indicated that the filter media is similar to the original specifications, and based on microscopic photos the anthracite and sand appear to be in good condition. Operators are considering the potential for chemical filter media cleaning.
- Marco suggested it might be better to continue concentrating on the clarifiers before considering any chemical cleaning of the filter media, and the filters may just foul again if the root cause isn't addressed first.
- All other processes within the plant are running smoothly.
- Distribution performance. Input from Mike/Dave. Discuss.
- The Team discussed how it becomes difficult to maintain adequate chlorine residual in the airport area when the mill shuts down for maintenance. During prolonged (week or more) shutdowns, flushing is often required to maintain residual. The new online chlorine analyzer at Zone 4 booster will assist in monitoring for this drop.

h) Raw water supply and drinking water quality trends

- Lake of the Woods had a high water/high flow year, and algae was present at lower levels compared with previous years. Microcystin was still detected in some raw water samples later in the season.
- Reinstating pre-chlorination led to an expected slight increase in THM and HAA levels, which are still well below regulatory limits. The return to pre-chlorination seems to have had a positive impact on the clarifier.
- Will continue with pre-chlorination for the time being while we continue to troubleshoot the clarifier.
- All other parameters remain consistent with previous years.

i) Follow-up on action-items from previous management reviews

- No action items were identified at the previous management review.

j) The status of management action items identified between reviews

Action Source	Action Item	Responsibility	Deadline	Status
QMS Meeting June 20 th 2022	Provide Ryan with a description of how the dist. call system works	Mike	July 15 th 2022	Complete
QMS Meeting June 20 th 2022	Amend standby section to include above information from Mike, as well as WTP operator availability to dist. operators after hours	Ryan	July 31 st , 2022	Complete
QMS Meeting June 20 th 2022	Post QMS Policy in WTP	Blair	July 15 th 2022	Complete
QMS Meeting June 20 th 2022	Post QMS Policy in Distribution Shop	Dave	July 15 th 2022	Complete
QMS Meeting June 20 th 2022	Coordinate and set date for Risk Assessment	Ryan	July 15 th 2022	Complete
QMS Meeting June 20 th 2022	Create an annual action list for important QMS events	Ryan	July 31 st , 2022	Complete
QMS Meeting Nov 21 st 2022	Develop a flowchart of important QMS items	Ryan	Dec 31 st , 2022	Complete
QMS Meeting Nov 21 st 2022	Schedule 2023 target dates for Infrastructure Review	Ryan	Dec 31 st , 2022	Complete
QMS Meeting Nov 21 st 2022	Revise Infrastructure Review Procedure	Ryan, Marco, David	Jan 31 st , 2023	In Progress

j) Changes that could affect the Quality Management System

- Discuss.
- **The Team discussed the turnover of staff in recent years leading to QMS roles being filled by people new to QMS, as well as roles that are currently vacant. In the future a new General Manager may assume a larger role in QMS.**

k) Customer feedback

- There were four customer complaints since the last management meeting, two of which were from the same residence.
 - A resident complained of a film on top of water when filling a pitcher. An operator attended the residence and was not able to observe a film at that time. Chlorine residual was 1.73 mg/L. Resident was told to contact staff again if it was noticed again.
 - A resident complained of colored water. An operator attended the residence and was not able to observe any color. Resident indicated that water left standing in a dish turned a rusty color, and that their steamer was turning fabrics a yellow color. Chlorine residual was 1.56 mg/L. Distribution crews flushed from a nearby hydrant as a precaution. Resident was told to contact staff again if problem persisted.
 - A resident complained of yellow/brown water. An operator attended the residence and was not able to observe any color. Chlorine residual was 0.56 mg/L. It was suggested that the resident flush their hot water tank, and contact staff again if the problem

persisted. Resident contacted staff again two weeks later reporting colored water. An operator attended the residence and tested a chlorine residual of 0.41 mg/L. Further investigation found that the house was being impacted by a temporary dead end created by construction nearby. A temporary bleeder was installed at the house, which eliminated the problem. The bleeder was left in place until construction was complete and the valve was re-opened.

- Mike suggested it would be worth returning to the address to ensure the residual is still acceptable now that the bleeder has been removed. Ryan will make arrangements.

l) The resources needed to maintain the Quality Management System

- Significant changes in participants since last Management Review Meeting.
 - Kevin Gannon is no longer with the City, and has been filled in the interim by Marco Vogrig until it is permanently filled.
 - Mike Emms is no longer with the City, and his role remains vacant and subject to restructuring.
 - Mike Derouard remains in his role with the new title Manager of Underground Services.
 - Ryan Peterson, Blair McCallum and Dave King remain in their roles with updated titles of QMS Representative, QMS Coordinator – WTP and QMS Coordinator Distribution.
- The Internal Auditor role is still vacant and needs to be filled. Do we fill this internally, approach Bruce Graham again, or look towards a consultant. Discuss.
- Marco will approach Bruce to determine if he is available to complete the 2023 Internal Audit. Ryan will contact Acclams Environmental to inquire costs and timelines to have Internal Audit completed by third party.

m) The results of the infrastructure review

- Infrastructure Review took place on November 21st, 2022. Discuss.
- The Team discussed how the results should be communicated to the Owner. As detailed in item e), Ryan will contact QMS Representatives from other Municipalities for input.

n) Operational Plan currency, content and updates

- Element 3 Endorsement needs to be updated presented to Council.
- As per OFI in item e), Marco will present to Council for endorsement.

o) Staff suggestions

- Meeting to discuss construction tenders. All parties present and opportunity to provide input.
- WTP staff would like the opportunity to look over the tender document and propose additions for sample tap requirements, notification for sampling, etc. David M will provide Ryan a copy of the tender document.
- SOP's need updating, and more need to be generated.
- It was discussed that some SOP's are in need of updating, and new ones may need to be generated for tasks that don't currently have them. A review of SOP's will be done to determine where shortcomings are, and to come up with a plan for updating and improving. Blair and Ryan will review the WTP SOP's, while Dave K and Mike review the distribution SOP's. A follow up meeting regarding SOP's will be scheduled in February.

Action items originating from meeting

Action Item	Responsibility	Deadline
Arrange WCWC course "Safe Drinking Water Act and Associated Regulations" for spring training session.	Mike	Jun 30 th , 2023
Include WTP representative in spring pre-construction info session.	David M	Jun 30 th , 2023
Reach out to contacts in other municipalities to inquire how they communicate results of the IR and Management Review to the Owner.	Ryan	Jan 31 st , 2023
Present Commitment and Endorsement to Council.	Marco	Mar 31 st , 2023
Revise Element 20 to reflect Director communicating to CAO.	Ryan	Jan 31 st , 2023
Provide David M the OFI and CIL for IR template.	Ryan	Dec 14 th , 2022
Purchase portable generator for backup power at Zone 1 Standpipe.	Ryan	Mar 31 st , 2023
Add Jerry Derouard to Emergency Contact List	Ryan	Jan 31 st , 2022
Make arrangements for chlorine residual test at residence that had a bleeder during construction period.	Ryan	Dec 9 th , 2022
Determine availability of Bruce Graham for Internal Audit.	Marco	Dec 31 st , 2022
Determine pricing and availability of Acclains Environmental for Internal Audit.	Ryan	Dec 31 st , 2022
Review Distribution SOP's for shortcomings and potential improvements.	Dave K, Mike	Jan 31 st , 2023
Review WTP SOP's for shortcomings and potential improvements.	Blair, Ryan	Jan 31 st , 2023
Schedule QMS Meeting to discuss required SOP improvements.	Ryan	Feb 28 th , 2023

Associated Documents

- 2022-2023 Inspection Report
- MECP Written Warning
- Response Letter to MECP
- Distribution Chlorine Residual Logs
- Risk Assessment Meeting Minutes – July 18th, 2022 and September 20th, 2022
- 2022 Internal Audit
- 2022 External Audit
- 2022 Infrastructure Review Minutes – November 21st, 2022
- Emergency Response Exercise – Extended Power Failure – November 15th, 2022
- QMS Meeting Minutes – June 20th, 2022 and November 21st, 2022
- Customer Complaint Log
- Operational Plan
- WTP SOP's
- Distribution SOP's



March 1, 2023

City Council Committee Report

TO: Kyle Attanasio, CAO

FR: Greg Breen, Director of Engineering and Infrastructure Services

RE: DWQMS Element 15 – Infrastructure Maintenance, Rehabilitation and Renewal Information Report to Council

Recommendation:

Whereas Element 15 Infrastructure Maintenance, Rehabilitation and Renewal of the Drinking Water Quality Management Standard (DWQMS) requires that an annual report be presented to Council as owners of the Drinking Water System, and Council hereby receives this report to satisfy the requirements of Element 15 of the DWQMS.

Background:

Element 15 Infrastructure Maintenance, Rehabilitation and Renewal of the City's DWQMS Plan requires a report to Council once per calendar year to summarize infrastructure maintenance, rehabilitation and renewal programs related to the potable water system and provide comment on the programs effectiveness.

In order to satisfy Element 15, the attached table provides a summary of the various work performed on the water system in 2022 related to maintenance, rehabilitation and renewal associated with distribution linear and plant treatment infrastructure. In addition the table provides commentary on the effectiveness of these programs.

Budget:

No budget implications

Risk Analysis: There is a critical, positive risk associated with ensuring the annual Infrastructure Maintenance, Rehabilitation and Renewal required by Element 15 of the DWQMS is reported to Council.

Communication Plan/Notice By-law Requirements:

Director of Engineering and Infrastructure Services, QMS Representative

Strategic Plan or other Guiding Document:

City DWQMS Plan

DWQMS Element 15 Reporting Table for 2022

Water Treatment Plant, Water Boosters & Standpipes

Scope of Work	Type of Project	Effectiveness/Outcome
Back-up Generator Replacement	Renewal	Replacement of the original back-up generator that was over 40 years old will provide assurance in a reliable back up power source
Installation of clearwell pH analyzer	Addition	Increased ability to monitor and troubleshoot process
Installation of online chlorine analyzer at zone 4 booster	Addition	Increased ability to monitor and troubleshoot process
Backwash pump check valve replacement	Renewal	Replacement of original check valves to ensure prevention of backflow.
Installation of fixed clarifier ladders	Renewal	Provide safe access to floor of clarifier for maintenance work.
Norman Booster pump and motor replacements	Renewal	Replacement of #1 and #3 pumps and motors which were original and unreliable.
Standpipe inspections	Maintenance	Verify the condition of the interior coatings via Remote Operated Vehicle.
Addition of second SCADA terminal.	Addition	Added redundancy to mitigate risk of data loss and controllability during computer failures.

Distribution System

Scope of Work	Type of Project	Effectiveness/Outcome
Watermain Replacement – Second St S from 5 th Ave S to 7 th Ave S	Renewal	Sections of the oldest water mains in the City have been replaced that has reduced on going repairs/maintenance and potential risk of future breaks, pontenail water quality issues and service interruptions.
Watermain Replacement – 2 nd Ave S from Mike Richards Way to 6 th St S	Renewal	Sections of the oldest water mains in the City have been replaced that has reduced on going repairs/maintenance and potential risk of future breaks, pontenail water quality issues, improved fire protection and service interruptions.
Watermain Replacement – 7 th Ave S from 6 th St S to 8 th St S	Renewal	This watermain experienced frequent catastrophic breaks over the last decade that did impact adjoining properites and the renewal will eliminate future repairs/maintenance and affection to property and water interruption.
Watermain Valve Turning	Maintenance	A dedicated valve turning program was not performed in 2022. However, various valves were exercised as part of daily repairs and maintenance activities. As part of the 2023 flushing program the City will be coordinating an extensive valve

		exercising program in conjunction with the flushing activity.
Watermain Flushing	Maintenance	The flushing program in 2022 did not materialize as a contractor could not be secured to perform this work. The program going forward into 2023 will be expanded such that all of the City's mains will be captured under a 3 year cycle. In addition, hydrant flow testing will be performed as part of the flushing program to provide data for both watermain condition/capacity and fire flow ratings of the hydrants.
Hydrant Inspections	Maintenance	Hydrants were inspected and drained as part of the fall winterization program. Hydrants are also repainted on a required basis during the summer months to prolong life and aesthetics of the hydrants.
Main and Service Repairs	Maintenance	In 2022 there were 10 digs to address watermain, valve and hydrant repairs and 25 digs associated with service connection issues.

For those scopes of work conducted in 2022 as noted in the above table, these performed activities have been effective in addressing the most important and critical activities to maintain the potable water system in a state of adequate operation.



February 27, 2023

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Kevan Sumner, City Planner

Re: NPC-300 Class 4 Designation for property owned by 1000059403 ON Inc

Recommendation:

That the unaddressed property owned by 1000059403 ON Inc located east of Ninth Avenue North and south of Brinkman Road, legally described as Lots 246-248, 253-271, and 243-252, Block 8, Registered Plan No. 88 (PIN 42169-0162) be hereby designated as a Class 4 Noise Area pursuant to the Ministry of the Environment, Conservation, and Parks' Noise Guideline NPC-300, conditional on the following:

- a) Submission of a detailed noise impact assessment and provision of any recommended noise control measures to the satisfaction of the City; and
- b) Completion of a related Site Plan Agreement, which shall include a requirement to provide notice to prospective purchasers and tenants that the dwellings are located in a Class 4 Noise Area and that agreements respecting noise mitigation may exist and if so, to be registered on title.

Background:

The purpose of this report is to designate the subject property, commonly referred to as the "Evergreen Property", as a Class 4 Noise Area pursuant to the Ministry of the Environment, Conservation, and Parks (MECP) Noise Guideline NPC-300 subject to certain pre-conditions.

1000059403 ON Inc (the Developer) is proposing to develop the subject lands east of Ninth Avenue North, south of Brinkman Road, and west of Evergreen School as a residential development. A Site Plan Control application has been submitted, indicating plans to develop 24 two-unit and three-unit residential dwellings on the property. The property is located immediately adjacent to the Canadian Pacific Railway railyard, with the closest dwelling being located 15m from the CPR property and 115m from the nearest rail line. The City of Kenora Official Plan requires that a noise study be completed when new development such as this is proposed within 300m of a rail line.

On February 10th, the developer submitted a preliminary Noise Impact Assessment, prepared by LBE Group Inc. The report assesses the impact of the noise sources originating from the rail yard on the proposed residential development. The impact of the development was evaluated using the MECP NPC-300 guideline for a Class 4 area, which means an area that is to be developed with new noise sensitive land use(s) that are not yet built, that is in proximity to existing, lawfully established stationary noise sources. The Class 4 designation requires formal confirmation from the land use planning authority (the City of Kenora). As Kenora has no established, formal process for considering a Class 4 designation, a resolution is required from Council.

The preliminary Noise Impact Assessment has been prepared without obtaining operations information specific to the Kenora rail yard from CPR. This information must be obtained and addressed in the assessment before it can be considered complete and accepted by the Planning Department. A copy of the preliminary assessment is attached to this report. Any recommendations in the final assessment for noise mitigation measures to meet the Class 4 designation will be reflected in the Site Plan Control Agreement for the property.

A Class 4 designation allows for higher daytime and night-time sound level limits than would otherwise be permitted in relation to noise sensitive land use such as residential dwellings and associated outdoor living areas. Noise levels are allowed to be 10 dBA louder than ordinarily permitted, at 60 dBA during the daytime and 55 dBA at night.

To meet the Class 4 standard, the preliminary assessment recommends that the following mitigation measures be implemented:

1. Mechanical cooling in all units to allow closed windows, to act as a noise barrier for indoor sound quality.
2. Incorporating building façade upgrades to provide a minimum STC (Sound Transmission Class) rating of 50 for exterior walls facing the rail yard and 35 for windows, combined with minimum Building Code requirements for bedroom and living room walls.
3. Inclusion of warning clauses in the offers to purchase and sale for dwellings where noise levels are excessive.

Budget: No impact.

Communication Plan/Notice By-law Requirements: None. We are recommending that all future purchasers and/or tenants of the subject property must be notified of the Class 4 designation and its implications, and that this requirement be incorporated in to the Site Plan Agreement.

Risk Analysis: None. The City has the right to designate an area as Class 4 and the obligation to implement appropriate noise mitigation measures rests with the developer.

Strategic Plan or other Guiding Document: N/A



March 1, 2023

City Council Committee Report

To: Kyle Attanasio, CAO

Fr: Kevan Sumner, City Planner

Re: New Site Plan Control Bylaw

Recommendation:

That Council hereby approves a new Site Plan Control Bylaw; and further

That bylaw number 105-2022 be hereby repealed; and further

That Council gives three readings to a bylaw for this purpose.

Background:

Bill 23 (More Homes Built Faster Act) received Royal Assent on November 28, 2022. Changes made to the *Planning Act* under Bill 23 require that municipalities exempt development of up to 10 residential units from Site Plan Control.

At this time, I am also recommending that the by-law be amended to remove the requirement for Site Plan Control approval for non-residential development outside of the Settlement Area, day care centres, and on municipally owned land on Tunnel Island, which the planning department is confident may be regulated without the need for Site Plan Control approval. For developments outside of the Settlement Area, Site Plan Control approval will still be required if a development is located on or adjacent to areas of environmental concern, including Black Sturgeon Lake.

The updated by-law proposes to remove responsibility for administration of the Site Plan Control by-law from the Chief Building Official, to reflect the current practice of the by-law being administered by the City Planner, Associate Planner, and/or Director of Development Services.

And finally, the updated by-law will give more discretion in calculation of financial securities, to give some flexibility in exceptional circumstances where it is determined that a lesser security is suitable to protect municipal interests.

Budget: N/A

Risk Analysis: There is a low risk associated with this proposed by-law amendment, as the amendment is required by changing regulations to remove one provision that is not allowed under provincial law, and others which have been deemed unnecessary.

Communication Plan/Notice By-law Requirements: None

Strategic Plan or other Guiding Document:

Strategic Plan Goal 4.1: Modernize City service provision to improve customer experiences.

The Corporation of the City of Kenora

By-Law Number ____ - 2023

A By-Law to Designate the Whole of the City of Kenora as a Site Plan Control Area, Pursuant to Section 41 of the Planning Act, R.S.O. 2001, Chapter P-13, as amended, and to Adopt Certain Procedures for the Processing of Site Plan Control Applications and to Exempt Certain Classes of Development from Approval of Plans and Drawings

Whereas Subsection 41(2) of The Planning Act, R.S.O., 2001, c.P.13 provides that a Council of a local municipality may, where in an official plan an area is shown or described as a proposed site plan control area, designate the whole or any part of such area as a site plan control area; and

Whereas the Official Plan for the City of Kenora describes the whole of the City of Kenora as an area subject to Site Plan Control; and

Whereas Bill 23, the More Homes Built Faster Act, received royal assent on November 28, 2022;

Now Therefore Be It Resolved That:- the Council of the Corporation of the City of Kenora enacts as follows:

All lands within the limits of the City of Kenora effective July 14, 2005 are subject to the provisions of this By-law, and of S.41(4) of the Planning Act, R.S.O. 2001 c.P-13, as amended.

12.0 GENERAL PROVISIONS

Subject to Section 3(a), Exemptions, the following residential, commercial, industrial and institutional developments shall be subject to Site Plan Control:

- 12.1 New non-residential developments or additions to existing non-residential developments in the Settlement Area, as designated in Schedule "A" of the Official Plan.
- 12.2 Any residential development containing ~~four (4)~~ten (10) or more dwelling units.
- 12.3 The development, redevelopment, alteration or expansion of any above ground broadcasting and communications buildings or structures.
- 12.4 The development, redevelopment, alteration or expansion to any above ground utilities infrastructure, including wind or water turbines.
- 12.5 Commercial Parking Lots and Commercial Parking Structures as defined in Section 14 of this By-law.
- ~~2.6 — Day Care Centre: Any facility which is constructed or converted for use as a Day Care Centre as defined in Section 14 of this By-law, unless included as part of a previously approved commercial development.~~
- 12.67 Any patio accessory to a commercial use and located outdoors on private property; this does not apply to industrial or institutional uses.

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~~12.78~~ Environmental Areas: Any development on or adjacent to lands designated environmental protection area, environmental resource area, environmental wetland area, area of natural or scientific interest or similar designation in an Official Plan, including Black Sturgeon Lake, or identified through reports required as a component of an application for development, made under the *Planning Act*. This section applies equally to the adjacent lands. For the purpose of this section, adjacent lands means those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area.

~~12.89~~ Harbourtown Centre: Any development located within the Harbourtown Centre.

~~12.940~~ Propane: Any propane transfer station.

~~2.11~~ Any development on property located on Tunnel Island, north of Lakeview Drive and owned or controlled by the City of Kenora.

~~12.102~~ Any new development of, or conversion to, a community based care facility, school, place of worship, private social facility, hospital, cultural facility or community centre.

~~12.113~~ Any new development of or conversion to community homes, residential care facilities, detoxification centres, recovery homes, crisis care shelters, corrections residences or community support houses as defined in Section 14 of this By-law.

~~12.124~~ Any development of real property designated under the Ontario Heritage Act where the addition or alteration has the effect of adding one or more dwelling units, adding more than 100 square metres of building area or altering site grading; and any development of new buildings or additions more than 100 square metres on lands abutting a real property designated under the Ontario Heritage Act.

~~12.135~~ Any development of a commercial outdoor recreational facility such as a campground, swimming pool or amusement park.

~~12.146~~ Any industrial development including, but not limited to, the lands known as the City of Kenora Industrial Park per Schedule B to this By-law.

23.0 EXEMPTIONS

The following classifications of development shall be exempt from Site Plan Control:

~~23.1~~ Developments which, upon preliminary review by the City of Kenora City Planner ~~and/or the Chief Building Official~~, or in their absence, or in conjunction with, the Associate Planner or Director of ~~Planning and Building Development~~ Services, determine that the development complies with Municipal By-laws and is beyond the intent of this By-law or the scope of Section 41 of The Planning Act, R.S.O. 2001, Chapter P-13.

2.2

Notwithstanding Section ~~2.8-7~~ and ~~2.98~~, regarding development near designated environmental areas and Harbourtown Centre, to the contrary, one or two or three unit dwellings shall be exempt from site plan control, unless site plan control has been made a condition of consent for severance, easement, lease, lot addition or of approval of a subdivision or condominium description;

~~3.2~~ 2.3

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Notwithstanding Section 2.8-7 and 2.98, regarding development near designated environmental areas and in the Harbourtown Centre area, to the contrary, a bed and breakfast with not more than 4 guest bedroom or building or structure accessory thereto;

3.3

3.4 Notwithstanding Section 2.8-7 and 2.98, regarding development near designated environmental areas and in the Harbourtown Centre area, to the contrary, a building or structure accessory to a non-residential use if the gross floor area of the accessory building or structure is less than 10 square metres;

2.4

23.54 Works which result from the requirements of the *Fire Marshall's Act* or an Order issued by the Corporation's Fire Department.

23.65 Where there is an approved Site Plan, any deviation from any dimension respecting the location of buildings and structures shown in the approved plans provided the deviation does not exceed 0.3 metre and, further, provided the deviation does not result in a violation of the requirements of any By-law enacted by the Corporation or other applicable law.

23.76 Interior building alterations which do not involve a change in major occupancy as defined by the Ontario Building Code.

23.87 Signs, which are not erected as part of a commercial development, and temporary construction buildings placed in accordance with any applicable By-law.

23.98 A utility installation having a gross floor area of less than 10 square metres.

23.109 Any change to the public parking area in a commercial parking lot necessary to provide handicapped parking or an authorized sign required by By-law, provided the change is accommodated within an area of the public parking area used for the parking of motor vehicles or vehicular access to an area used for the parking of motor vehicles,

23.110 Any change to the following developments:
(i) bed and breakfast with not more than 4 guest bedrooms,
(ii) group home that accommodates 10 or less people not including staff, within one building;
(iii) ~~one-unit dwelling,~~
(iv) ~~triplex dwelling,~~
(v) ~~two-unit dwelling, developments consisting of up to 10 total residential units;~~
(vi) involving a swimming pool, deck, landscaping, site works including driveways, or an outdoor recreational structure that serves the development.

34.0 DELEGATION OF AUTHORITY

34.1 The City of Kenora's City Planner ~~and the Chief Building Official~~, or in their absence, the Associate Planner or Director of Planning and Building Development Services, are hereby delegated as being appointed officers of the City to exercise Council's powers or authority under section 41 of the *Planning Act*, R.S.O. 2001, c.P.13, as amended, to approve plans and drawings, to impose conditions and to require agreements.

34.2 Except for the exemptions listed in Section 3 above, no persons shall undertake any development in the City of Kenora until the City of Kenora or the Ontario ~~Municipal~~

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~~Board~~Land Tribunal, in accordance with Section 41 of the Planning Act, has approved of the plans and any required Agreements have been entered into respecting matters set out in Section 41 of the Planning Act, R.S.O. 2001, Chapter P-13 as amended.

45.0 APPROVAL AUTHORITY

45.1 Council, at the time of consideration of an Application for Official Plan Amendment and/or Zone Change, may pass a resolution requesting that the development proposal be subject to Site Plan Control.

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56.0 AGREEMENTS

56.1 Council's authority under Section 41(7)(c) of the Planning Act to require an owner to enter into an agreement with The Corporation of the City of Kenora and the authority to approve the form of agreement is hereby delegated to the ~~Chief Building Official or City Planner, Associate Planner,~~ or the Director of Planning and Building Development Services~~Director~~ and they are hereby authorized to recommend execution of any agreement or amendments thereto which may be required pursuant to the provisions of this By-law.

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56.2 The Mayor or Clerk is hereby authorized to execute on behalf of The Corporation of the City of Kenora under corporate seal any agreement which may be required pursuant to the provisions of this By-law upon the written recommendation of the ~~Chief Building Official or City Planner, Associate Planner,~~ or the Director of Planning and Building Development Services~~Director~~, as the case may be.

56.3 Registration of Agreement: Any agreement or amendment thereto entered into in accordance with this By-law, shall be registered against the title of the land to which it applies.

56.4 Section 446(1) of the Municipal Act, R.S.O. 2001 Chapter M.45, applies to any requirements made under clauses 7(a) and (b) of Section 41 of the Planning Act and to any requirements made under an agreement entered into under Clause 7(c) of Section 41 of the Planning Act, so that, in default of anything being done pursuant to those sections and agreements by the person required to do it, it may be done at his expense and the expense may be recovered in like manner as municipal taxes.

67.0 EXECUTION OF AGREEMENTS

6.1 The Mayor and City Clerk of the City of Kenora are authorized to execute any agreement required pursuant to this by-law and affix the corporate seal.

78.0 LIENS

~~7.18.1~~ When the City of Kenora causes any work to be done pursuant to any approval provided for in this by-law, the City shall have a lien for any amount expended by or on behalf of the City and for an administrative fee of ten percent of any amount expended by or on

behalf of the City, and the certificate of the City Clerk as to the total amount expended shall be admissible in evidence as prima facie proof of the total amount expended and such total amount together with the administrative fee shall be deemed to be municipal real property taxes and shall be added to the collector's roll of taxes to be collected and shall be subject to the same penalty and interest charges as real property taxes and shall be collected in the same manner and with the same remedies as real property taxes.

78.2 Before the certificate of the City Clerk is issued under subsection 8(1), an interim certificate shall be delivered to the owner of the property that is subject to the lien, as well as to all prior mortgagees or other encumbrances and the affected owner, mortgagees or other encumbrances shall have two weeks from the date of receipt of the interim certificate to appeal the amount shown thereon to Council.

89.0 _PRIOR APPROVALS

8.1 Plans, drawings, agreements or other matters approved under Section 41 of the Planning Act by an old municipality shall hereafter be continued, enforced and deemed to have been approved or executed under this by-law.

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9.0 LETTERS OF UNDERTAKING

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9.1 In the case of a residential development, a letter of undertaking generally in the form shown at Schedule 1 may be provided as an alternative to an agreement where:

- (a) easements or conveyances are not required to be made to the City after issuance of the building permit,
- (b) special measures for the protection of existing private trees are not required,
- (c) the owner is not required to enter into other related development agreements with the City after the issuance of the building permit, and
- (d) special conditions have not been imposed that require an agreement for purposes of enforcement and notification of subsequent owners of the conditions.

9.2 In the case of non-residential development, a letter of undertaking generally in the form shown at Schedule 1 may be provided as an alternative to an agreement where:

- (a) easements or conveyances are not required to be made to the City after issuance of the building permit,
- (c) the owner is not required to enter into other related development agreements with the City after the issuance of the building permit,
- (d) special conditions have not been imposed that require an agreement for purposes of enforcement and notification of subsequent owners of the conditions, and
- (e) the total amount of securities to be provided to the City does not exceed \$5,000.

9.3 For small projects to which there is either no security required, or security that does not exceed \$5,000.00 in value, the City Planner, ~~Planning Associate-Associate Planner~~, or Director of ~~Planning and Building Development~~ Services has the authority to execute letters of undertaking as outlined.

10.0 _ADMINISTRATION

10.1 Issuance of Building Permits

(a) Notwithstanding any provisions of the Building By-law or any other By-law of the Corporation to the contrary, no building permit shall be issued until the plans and drawings and any such agreements required by the Municipality for such development have been approved by the appointed officers, or where a referral has been made to the Ontario Land Tribunal or so ordered by a Court of competent jurisdiction;

(b) Nothing in this By-law shall prevent development on any lands subject to this By-law where such development is proceeding in accordance with a valid building permit which was issued by the Corporation prior to the passing of this By-law.

10.2 Violations and Penalties

(a) Subject to Section 2, no person shall deviate from the plans approved pursuant to this By-law;

(b) Any person who contravenes any of the provisions of Section 41 of the *Planning Act*, or its successors thereto, or the provisions of this By-law is guilty of an offence and on conviction is liable to the penalties provided for in Section 67 (1) and (2) of the *Planning Act*, or its successors thereto, as follows:

i) Where a person is convicted, and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, the maximum penalty that may be imposed is:

a) on a first conviction, to a fine of not more than \$25,000; and

b) on a subsequent conviction, to a fine or not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.

ii) Where a corporation is convicted, the maximum penalty that may be imposed is:

a) on a first conviction, to a fine of not more than \$50,000; and

b) on a subsequent conviction, to a fine or not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

10.3 Validity

If any section, clause or provision of this By-law is, for any reason, declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part hereof other than the section, clause or provision so declared to be invalid. It is hereby declared to be the intention that the remaining sections, clauses and provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions hereof shall have been declared to be invalid.

10.4 Interpretation

For the purposes of this By-law, words used in the present tense also include the future; words in the singular also include the plural and words in the plural include the singular number; words in the neuter gender include the masculine and the feminine; and the word "shall" is mandatory.

10.5 Imperial Values

Only the values provided with metric units of measure which appear in the By-law are official.

10.6 Financial Securities

Where an agreement is required pursuant to Section 6. of this By-law, and said agreement requires the submission of financial securities to ensure the satisfactory completion/maintenance of the works required by the Agreement and approved plans listed therein, the amount of the financial security shall be calculated on the basis of the total value of construction, as follows:

- (a) 10% of the first \$500,000.00 of the total value of construction; plus
- (b) 1% of the balance of the value of construction in excess of \$500,000.00-; or
- (c) In exceptional circumstances where it is deemed that the full security as provided for under the above calculation is not required, an alternative amount as deemed appropriate by the Director of Planning and Building Development Services

The total value of construction shall include any proposed buildings, site grading, storm water management facilities, landscaping and paving works, sidewalks, fences, retaining walls, on-site lighting, accessory buildings, or similar required works as shown on the approved plans.

10.7 Costs

Unless otherwise negotiate payment of all fees/costs associated with the agreement, or the works required within the agreement, shall be the responsibility of the Applicant/property owner.

11.0 SCHEDULE

Schedule 1 and Schedule A forms part of this by-law.

12.0 REPEAL

By-law Number 78-2016 and 189-2010 is hereby repealed.

13.0 SHORT TITLE

This by-law may be cited as the Site Plan Control By-law, 2022.

14.0 DEFINITIONS

In this By-law, unless the context requires otherwise, the following definitions and interpretations shall apply:

- 14.1 **Building By-law** - means any By-law of the Corporation passed pursuant to the Building Code Act, as amended;
- 14.2 **Building Permit** - means a permit required by the Building By-law;
- 14.3 **Commercial Parking Lot** - means an open area, including any related aisles, parking spaces, ingress and egress lanes, other than a public street or public lane or parking

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structure, used **DEFINITIONS** for the temporary parking of five or more motor vehicles and available for the public and/or private use, whether or not for compensation or as an accommodation for tenants, employees, clients or customers, other than parking areas which are accessory to a permitted use on the same lot. A commercial parking lot shall have its principal access to a public street or public laneway and shall constitute the main use of the lot;

14.4 **Commercial Parking Structure** – means a partially open and/or enclosed area, including any related aisles, parking spaces, ingress and egress lanes, other than a public street or public lane, used for the temporary parking of five or more motor vehicles and available for public and/or private use, whether or not for compensation or as an accommodation for tenants, employees, clients or customers, other than parking areas which are accessory to a permitted use on the same lot. A commercial parking structure shall have its principal access to a public street or public laneway and shall constitute the main use of the lot;

14.6 **Corporation** - means The Corporation of the City of Kenora;

14.7 **Council** - means the Municipal Council of the Corporation of the City of Kenora;

14.8 **Community Home** - means a community-based group living arrangement, in a single housekeeping unit, for up to a maximum of seven (7) individuals, exclusive of staff and/or receiving family, who are receiving care consistent with their needs. A Community Home is licensed, funded or approved by the Province of Ontario. Community Homes may provide an eighth bed on an emergency basis which shall be occupied for a maximum of thirty (30) days;

14.9 **Community Support House**- means a community-based group living arrangement, in a single housekeeping unit, for persons from out of the City requiring primarily short term accommodation, which may include incidental counselling services. A Community Support House is intended to provide accommodation for the relatives and friends of persons who may be incarcerated in a local penal institution or who may be receiving treatment in a local medical facility. A Community Support House is licensed, funded or approved by the Province of Ontario;

14.10 **Corrections Residence**- means a group living arrangement, in a secure facility for persons who have been placed on probation, who have been released on parole, who are admitted to the facility for correctional or rehabilitation purposes or who are awaiting trial, and live together under responsible twenty-four (24) hour secure supervision consistent with the requirements of its residents and accepted standards for secure detention. A Corrections residence is licensed, funded or approved by the Province of Ontario or the Federal Government;

14.11 **Crisis Care Shelter** - means a group living arrangement, in a single housekeeping unit, for persons in a crisis situation requiring shelter, protection, assistance, counselling or support and in which it is intended that short term accommodation of a transient nature be provided. A Crisis Care Shelter is licensed, funded or approved by the Province of Ontario;

~~14.12 **Day Care Centres** — A premises as defined by the Day Nurseries Act, RSO, 2001, that receives more than five children primarily for the purpose of providing temporary care or guidance (or both) for a continuous period not exceeding 24 hours, and the children are:
a) under 10 years of age; or
b) under 18 years of age if the day nursery will be for children with a developmental disability.~~

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~~e) under ten years of age in all other cases.~~

14.123 **Development** – means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers or of sites for the construction, erection or location of three or more land lease community homes as defined in subsection 46 (1) of the *Planning Act* R.S.O. 2001, c. P.13, s. 41 (1); 1994, c. 4, s. 14; 2002, c. 17, Sched. B, s. 14 (1).

14.134 **Detoxification Centre**- means an institution or single housekeeping unit in which persons who are addicted to chemical substances and/or alcohol are admitted for withdrawal, treatment and/or rehabilitation and live together under responsible twenty-four hour supervision consistent with the requirements of its residents. A Detoxification Centre is licensed, funded or approved by the Province of Ontario and shall be registered with the City of Kenora;

14.145 **Drawing** - means a graphic rendering, bearing a drawing number, date or date of revision and drawn to scale, showing plan, elevation and cross-section views for each industrial and commercial building to be erected and for each residential building containing twenty-five or more dwelling units to be erected, which is sufficient to display:

- (a) the massing and conceptual design of the proposed building;
- (b) the relationship of the proposed building to adjacent buildings, streets and exterior areas to which members of the public have access; and
- (c) the provision of interior walkways, stairs and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings.

14.156 **Erect** - means the carrying out of any activity within the meaning of Development herein;

14.167 **Land** - includes lands, tenements, and hereditments, and any estate or interest therein, and any right or easement affecting them, and lands covered with water and any right or easement affecting them;

14.178 **Land Lease Community Home** - means any dwelling that is a permanent structure where the owner of the dwelling leases the land used or intended for use as the site for the dwelling, but does not include a mobile home;

~~14.19 **Mixed Commercial/Residential Development** - means a building or structure which is used for a mixture of commercial and residential uses, where the entire ground floor of such building or structure shall be used for commercial purposes;~~

14.1829 **Municipal Act** - means the *Municipal Act*, R.S.O. 2001, Chapter M.45, and any amendments thereto;

14.1924 **Person** - includes any association, firm, partnership, syndicate, company, Corporation, its agents or trustee, and the heirs, administrators, executors, assigns and other legal representatives of such person to whom the context may apply according to law;

14.202 **Plan** - means a formal drawing, bearing a drawing number, date or date of revision and author's registration stamp drawn to scale and showing;

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- (a) the location of all buildings and structures to be erected;
- (b) the location of all facilities and works to be provided in conjunction with (1) above; and
- (c) all facilities and works required by Council pursuant to Section 41 of the *Planning Act*, R.S.O. 2001, Chapter P-13 as amended;

14.213 **Planning Act** - means the *Planning Act*, R.S.O. 2001, Chapter P-13 as amended;

14.224 **Recovery Homes** - means a group living arrangement, in a single housekeeping unit that is developed for the treatment and education of persons with alcohol or drug related problems and/or dependencies. Recovery Homes provide a continuum of care through short-term or long-term residential programs offering a wide variety of therapies dealing with the individual's physical, social, psychological, occupational, spiritual and nutritional needs. Recovery Homes shall provide responsible twenty-four (24) hour supervision, consistent with the needs of the residents. A Recovery Home is licensed, funded or approved by the Province of Ontario;

14.235 **Residential Care Facilities** - means a community based group living arrangement, in a single housekeeping unit, for eight (8) or more individuals, exclusive of staff and/or receiving family, who are receiving care and/or supervision consistent with their needs. A Residential Care Facility is licensed, funded or approved by the Province of Ontario;

15.0 **PASSAGE**

That this By-law shall take effect and come into force upon third and final reading thereof.

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By-law read a First and Second Time this 19th day of July, 2022/2023

By-law read a Third and Final Time this 19th day of July, 2022/2023

The Corporation of the City of Kenora:-

.....
Andrew Poirier, Mayor

.....
Heather L. Pihulak, City Clerk