

The Corporation of the City of Kawartha Lakes**Council Report****Report Number PW2017-004**

Date: April 18, 2017
Time: 2:00 p.m.
Place: Council Chambers

Ward Community Identifier: All

Subject: Limited Service Agreements, Unassumed Roads

Author/Title: Bryan Robinson, Director of Public Works

Signature:

**Recommendation(s):**

RESOLVED THAT Report PW2017-004, **Limited Service Agreements – Unassumed Roads**, be received;

THAT the policy entitled Seasonal Level of Service Policy appended to Report PW2017-004 be adopted and numbered for inclusion in the City's Policy Manual;

THAT winter control services currently provided without an agreement to the "Antiquary Beach" cottage association and the "Fulsom Crescent & Mink Alley" associations be cancelled effective April 30, 2017; and

THAT all existing Limited Service Agreements for Unassumed Roads be cancelled effective April 30, 2017 and service be continued through the Seasonal Level of Service Policy.

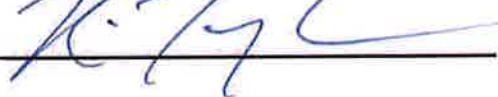
Department Head:



Corporate Services Director / Other:



Chief Administrative Officer:



Background:

As part of the City's Core Service Review, the Limited Service Agreement (LSA) program was reviewed by Public Works staff in consultation with the Office of Strategy Management.

The standard Limited Service Agreement includes two (2) gradings per year and up to 2 loads of gravel per road at no charge. There is also a provision for an additional load of gravel for every kilometer of road (or portion thereof) over one km in length. In order to qualify for an LSA the road must meet City established minimum standards for limited service and pass an inspection. The roads receiving this service typically do not meet (nor often have the ability to meet) municipal standards with respect to drainage, sight lines, brush clearing, road base and surface condition.

At the Council Meeting of March 21, 2017 two reports were presented – one for Limited Service Agreements on Private Roads, the other for Limited Service Agreements on Unassumed Roads.

Council adopted the following resolution regarding Limited Service Agreements on Private Roads:

CR2017-248

Moved By Councillor Elmslie

Seconded By Councillor Miller

RESOLVED THAT the City continue to provide Limited Service Agreements on Private Roads for any existing agreements including any renewals and pending applications;

THAT no new agreements be accepted for Limited Service Agreements on Private Roads; and

THAT staff be directed to include a program for consideration within the 2018 Operating Budget to determine ownership of unknown road segments.

CARRIED

Council elected to continue the Limited Service Agreement for Private Roads which in some cases includes snow plowing.

For unassumed roads, staff recommended replacing the Limited Service Agreement program with a Seasonal Level of Service policy. This would reduce the amount of administration involved and would allow staff to more easily schedule the work as part of their annual work plan.

Through the Council debate a concern was raised regarding unassumed roads with LSAs that receive snowplowing. By replacing the LSA program with the Seasonal Level of Service Policy, the issue of snowplowing was not clearly addressed. The intent of the recommended policy was to establish a consistent level of service policy for summer maintenance only which will replace the requirement for legal Limited Service Agreements.

Council adopted the following resolution for Unassumed Roads :

CR2017-250

Moved By Councillor Yeo

Seconded By Councillor Strangway

RESOLVED THAT the Director of Public Works forward an amended Seasonal Level of Service Policy including a grandfather clause relating to snow plowing for review; and

THAT the Director of Public Works be authorized to establish the service level for roads that are a combination of unassumed and/or private and/or assumed segments.

CARRIED

This report addresses this direction.

Rationale:

The direction from Council was to amend the Seasonal Level of Service Policy to include the grandfathering of winter control services.

As the proposed policy deals specifically with summer seasonal maintenance and there are only three (3) unassumed roads that currently receive winter control services, staff recommends addressing winter control services separately from the policy.

The draft Seasonal Level of Service policy is attached to this report and is recommended for approval. For additional rationale supporting the Seasonal Level of Service policy please see report PW2017-003 attached.

Staff has reviewed all current, expired and pending Limited Service Agreements to review the services being provided. A list of all roads with Limited Service Agreements that receive snowplowing services is attached.

For unassumed roads, none of the legal agreements include winter control service.

However, through field investigation, two (2) of the unassumed roads with LSAs receive winter control without an agreement and one is provided service on a fee-for-service basis. The "Antiquary Road" and "Fulsom Crescent & Mink Alley"

associations currently receive winter service without agreement and the “McGuire Beach Road” association has received winter service on a fee-for-service basis.

McGuire Beach Road has been invoiced for the snowplowing service they received from the City. The association was notified in the fall of 2016 that snowplowing services will no longer be offered starting the 2017/2018 winter season. This is a service the municipality should not be providing as it competes with local business and takes away resources required for municipally assumed roads.

Although Council directed staff to bring an amended policy which includes grandfathering winter control services, staff respectfully recommends discontinuing plowing services on Antiquary Road and Fulsom Crescent & Mink Alley as the service is not identified within the existing Limited Service Agreements. This will provide a consistent approach for winter control service on known unassumed roads.

Other Alternatives Considered:

Alternative 1

Council could choose to provide a notice period to April 30, 2020 for the discontinuation of winter control services for Antiquary Road and Fulsom Crescent & Mink Alley. This alternative is not recommended by staff but could be considered to provide the associations more time to procure alternate service providers. If this is the case, recommendations should be amended as follows:

Remove:

THAT winter control services currently provided without an agreement to the “Antiquary Beach” cottage association and the “Fulsom Crescent & Mink Alley” cottage association be cancelled effective April 30, 2017.

Add:

THAT staff be directed to issue notice to Antiquary Road and Fulsom Crescent & Mink Alley that winter control services will not be provided after April 30, 2020.

Alternative 2

Council could choose to maintain the service for Antiquary Road and Fulsom Crescent & Mink Alley. This alternative is not recommended by staff as it provides an inconsistent level of service. If this is the case, recommendations should be amended as follows:

Remove:

THAT winter control services currently provided without an agreement to the “Antiquary Beach” cottage association and the “Fulsom Crescent & Mink Alley” cottage association be cancelled effective April 30, 2017.

Add:

THAT staff be directed to continue snow plowing services for the areas currently serviced for Antiquary Road and Fulsom Crescent & Mink Alley.

Financial Considerations:

The current process is heavily administrative. Productivity gains and cost avoidance would be realized by the City should the recommended alternative be chosen. By adopting a policy that allocates service to roads that meet a minimum standard, Staff can incorporate this work into their annual work plans and drive efficiencies into our operations. Legal costs to create, review and renew the agreements will also be reduced.

Limited Service Agreements were designed for summer maintenance only and were never intended to include winter control services. If the precedent is set to provide winter control services to unassumed roads the financial impact would be exponential and unaffordable as there are 317 confirmed unassumed road segments in the municipality.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

The roads maintenance program aligns with the Strategic Enablers of “Efficient Infrastructure & Asset Management” and “Responsible Fiscal Resource Management”.

Review of Accessibility Implications of Any Development or Policy:

N/A

Servicing Comments:

N/A

Consultations:

Brenda Stonehouse, Strategy and Performance Specialist

Attachments:



Policy - Seasonal PW2017-003 Limited S
Level of Service.docx service Agreements - Ur



LSA Roads -
Snowplowing.pdf

Phone: 705-324-9411 ext. 1143

E-Mail: brobinson@city.kawarthalakes.on.ca

Department Head: Bryan Robinson, Director of Public Works

Department File:



Council Policy

Council Policy No.:	
Council Policy Name:	Seasonal Level of Service Policy
Date Approved by Council:	
Date revision approved by Council:	
Related SOP, Management Directive, Council Policy, Forms	

Policy Statement and Rationale:

This policy establishes the level of maintenance provided to city owned seasonal roads. The goal of this policy is:

- a) To define the term seasonal/summer road
- b) To establish a maintenance level of service
- c) To outline the criteria for a road to be declared a seasonal/summer road
- d) To establish duration for the level of service

Scope:

This policy shall apply *only* to unassumed city owned roads that have met the criteria to be declared a seasonal/summer road for maintenance.

Definitions

- a) "City" shall mean the Corporation of the City of Kawartha Lakes.
- b) "Council" shall mean the municipal Council of The Corporation of the City of Kawartha Lakes.
- c) "Group" shall mean a road association or a number of property owners.
- d) "Seasonal/Summer Roads" shall mean unassumed roads on which no winter maintenance is performed during the period from November 15 through to April 15.
- e) "Unassumed Road" shall mean roads that are owned by the municipality that are not maintained on a year round basis. This shall include unopened road allowances.



Council Policy

Policy:

Seasonal/Summer Roads

Seasonal/Summer roads are considered to be Class 6 Roads and are not subject to minimum maintenance standards under Ontario Regulation 239/02.

Seasonal/Summer Roads are unassumed roads that have been inspected by the Public Works supervisor and have met the criteria for limited seasonal maintenance.

Criteria

The criteria for a Seasonal/Summer road is attached as Appendix "A".

Minimum Maintenance

Seasonal/Summer roads shall be maintained on an 'as needed' basis at the discretion of the Public Works Supervisor. General Maintenance includes gravel application as determined by the Supervisor and a maximum of two (2) gradings annually.

Seasonal/Summer roads will not be patrolled.

Maintenance Period

All municipal maintenance that applies to seasonal/summer roads will cease November 15 through to April 15.

Road maintenance by individual or group

Any individual or group wishing to conduct maintenance to a Municipal seasonal/summer road must make written application for permission to the City of Kawartha Lakes Public Works Department one month prior to commencement of work. Work may include, but not be limited to: additional gravel applications; grading; brush/tree removal; culvert installation/repair; drainage improvements. A road occupancy permit issued by the Public Works Department shall be obtained prior to commencement of work.

Any individuals making application for permission will be made aware that they will be held responsible for any damages that occur on municipal property.

Winter use of Seasonal/Summer Roads

Any individual or group wishing to provide winter maintenance to a Municipal seasonal/summer road must make written application for permission to the City of Kawartha Lakes Public Works Department prior to September 1. Long-term agreements may be negotiated where applicable.



Council Policy

Any individuals making application for permission will be made aware that they will be held responsible for any damages that occur on municipal property because of the actions of private snow removal equipment.

Signage

Roads designated as Seasonal/Summer roads shall be signed by the municipality to indicate the status of the road and the duration of municipal maintenance services.

Revision History:

Proposed Date of Review:

Revision	Date	Description of changes	Requested By
1.0	March 21, 2017	Initial Release	



Council Policy

SCHEDULE 'A'

Criteria for Seasonal/Summer Road

Width of travelled road (edge to edge)	Minimum 4.0 metres throughout
Depth of gravel base	Minimum 5.0 cm of Granual 'A' throughout
Brush and tree overhang	Minimum 5.0 metres overhead clearance and 5.0 metres total horizontal clearance (i.e. 0.5 metres beyond the edge of the road on each side)
Turn-a-round location	There must be adequate space and location for a truck/grader to turn-around. Turning templates and specification will be provided upon request. The turn-a-round can be situated on private lands with permission from the land owner.
Drainage and culverts	Drainage must be sufficient to adequately manage typical rain events; culverts must be sized correctly and must be (and remain) structurally sound.

The Corporation of the City of Kawartha Lakes

Council Report

Report Number PW2017-003

Date: March 21, 2017

Time: 2:00 p.m.

Place: Council Chambers

Ward Community Identifier: All

Subject: Limited Service Agreements- Unassumed Roads

Author/Title: Rodney Porter, East Area Maintenance Manager

Signature:



Recommendation(s):

RESOLVED THAT Report PW2017-003, **Limited Service Agreements- Unassumed Roads**, be received;

THAT all existing Limited Service Agreements for unassumed roads be terminated as of April 15, 2017;

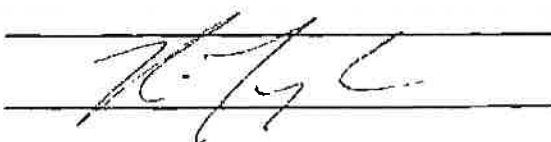
THAT the policy entitled Seasonal Level of Service Policy appended to Report PW2017-003 be adopted and numbered for inclusion in the City's Policy Manual; and

THAT the Director of Public Works be authorized to establish the service level for roads that are a combination of unassumed and/or private and/or assumed segments.

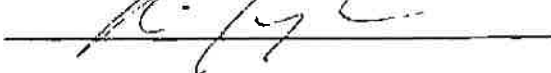
Department Head:



Corporate Services Director / Other:



Chief Administrative Officer:



Background:

As part of the City's Core Service Review, the Limited Service Agreement (LSA) program was reviewed by Public Works staff in consultation with the Office of Strategy Management.

A presentation was made to Council on August 12, 2015 outlining the program and possible options for consideration.

At the Council Meeting of January 26, 2016 Council adopted the following resolution:

**Moved by Councillor Strangway, seconded by Councillor Yeo,
RESOLVED THAT Report PW2016-002, Core Service Review -
Limited Service Agreements for Unassumed and Private Roads,
be received;
THAT staff develop a comprehensive strategy for Unassumed and
Private Roads including a Seasonal Roadway Level of Service policy
for review by Council to be presented prior to the end of 2016;
THAT no new Limited Service Agreement applications be accepted
until completion of the comprehensive strategy;
THAT the City of Kawartha Lakes continue providing service for
Unassumed Roads with Limited Service Agreements in place; and
THAT the City of Kawartha Lakes continue providing service for
Private Roads with Limited Service Agreements in place, until such
time as the comprehensive strategy is reviewed by Council.**
CARRIED CR2016-075

A presentation to provide and update was made on August 9, 2016.

Two Public Information Centres were held to gather feedback on future options for the Limited Service Agreement program. They were held on Wednesday, August 24, 2016 in Fenelon Falls and Saturday, September 24, 2016 in Omemee.

A presentation outlining the feedback received was made on November 29, 2016 which also included further alternatives for consideration.

There are two types of roads the City has entered into Limited Service Agreements for periodic maintenance at municipal expense: Privately owned roads; and Municipal highways exempted from the application of s.44 (i.e. those formed by original road allowances but unopened, or roads that have been dedicated to the City for road purposes which have not been assumed as publicly maintained highways).

The standard LSA service includes 2 gradings/year and up to 2 loads of gravel per road at no charge. There is also a provision for an additional load of gravel

for every kilometer of road (or portion thereof) over one km in length. In some instances winter snow plowing is also included as part of the Limited Service Agreement. In order to qualify for an LSA the road must meet City established minimum standards for limited service and pass an inspection. The roads included in this service are either private roads/laneways or unassumed municipally owned roads and typically do not meet municipal standards with respect to drainage, sight lines, brush clearing, road base and surface condition.

There are currently 35 active agreements on unassumed roads and 9 pending renewal agreements currently pending renewal. The majority of the agreements are in the northern area of the City.

Rationale:

Although the City has no legal obligation to provide maintenance on unassumed roads, there are a number of roads in the municipality that have received service through a Limited Service Agreement.

Through the comprehensive review it was confirmed that the Limited Service Agreement program is administratively heavy and service levels are inconsistent. Some unassumed roads received the benefit of winter maintenance while others did not. In some cases fees for winter service were charged.

Staff recommend the approval of a Seasonal Level of Service Policy (Policy) which will clearly outline a consistent service level for roads that are categorized as Seasonal/Summer roads by meeting the minimum standards identified within the Policy. This new Policy will replace the need for a Limited Service Agreement on unassumed roads that meet the criteria while maintaining service levels.

This Policy provides for gravel and grading at the Public Works Supervisor's discretion and eliminates all winter maintenance. This allows the Supervisor to schedule work within the depot's areas prioritized work plan therefore creating efficiencies.

The new Policy would replace existing Limited Service Agreements on unassumed roads for the 2017 summer season. For the few LSAs that currently include winter control services, discontinuation of existing agreements now would give road associations ample time to arrange for winter control services for the 2017/2018 season.

There are roads currently with a Limited Service Agreement that are a combination of unassumed and/or private and/or assumed segments. The Director of Public Works should be given the authority to establish the most appropriate level of service for these combination roads.

Groups that wish to have their roads assumed by the municipality can do so by following the requirements outlined in the Assumption of Private and Unassumed Roads Policy. Several groups expressed interest in this alternative during the public meetings. Although not a solution for every group, this alternative remains available for those interested.

Other Alternatives Considered:

Option: End LSA Program

Council could choose to terminate all maintenance services on unassumed roads. This is a viable decision for the following reasons:

1. There is no legal obligation to provide such services; and
2. Cancellation of LSAs on unassumed roads would enable additional funds to be allocated to improve open and maintained public roads within the City.

Although this is a viable option, Staff has heard from both Council and those benefitting from the LSAs during the public open houses that there is a desire to provide limited service to unassumed roads. With this recognition, Staff have supported the creation of the recommended Policy which will still provide basic services, but will also help reduce some of the administration costs currently borne by the City under the current practice.

Should Council opt to stop providing service on unassumed roads, the resolution would be "THAT the City of Kawartha Lakes not provide any maintenance on unassumed roads with the exception of roads under Subdivision Agreements."

Option: Status Quo

Council could opt to maintain status quo for unassumed roads. This would maintain the services provided to unassumed roads under existing agreements, with the option of renewal, and the addition of new unassumed roads as applications are approved under the program requirements. This option, being the current practice, is not supported by Staff however was considered as an option within the public meetings. It is being presented as an option for Council's consideration.

The resolution would be: "THAT the City of Kawartha Lakes shall continue to provide service on unassumed roads under the Limited Service Agreement program."

Financial Considerations:

The current process is heavily administrative. Productivity gains and cost avoidance would be realized by the City should the recommended alternative be chosen. By adopting a policy that allocates service to roads that meet a minimum standard, Staff can incorporate this work into their annual work plans

and drive efficiencies into our operations. Legal costs to create, review and renew the agreements will also be reduced.

Eliminating winter control services will provide a consistent level of service and will avoid incremental costs as additional seasonal/summer roads are added to the roads inventory.

Relationship of Recommendation(s) To The 2016-2019 Strategic Plan:

The roads maintenance program aligns with the Strategic Enablers of "Efficient Infrastructure & Asset Management" and "Responsible Fiscal Resource Management".

Review of Accessibility Implications of Any Development or Policy:

N/A

Servicing Comments:

N/A

Consultations:

Brenda Stonehouse, Strategy and Performance Specialist

Attachments:



Policy - Seasonal
Level of Service.docx

Phone: 705-324-9411 ext. 3587

E-Mail: rporter@city.kawarthalakes.on.ca

Department Head: Bryan Robinson, Director of Public Works

Department File:



Council Policy

Council Policy No.:	
Council Policy Name:	Seasonal Level of Service Policy
Date Approved by Council:	
Date revision approved by Council:	
Related SOP, Management Directive, Council Policy, Forms	

Policy Statement and Rationale:

This policy establishes the level of maintenance provided to city owned seasonal roads. The goal of this policy is:

- a) To define the term seasonal/summer road
- b) To establish a maintenance level of service
- c) To outline the criteria for a road to be declared a seasonal/summer road
- d) To establish duration for the level of service

Scope:

This policy shall apply *only* to unassumed city owned roads that have met the criteria to be declared a seasonal/summer road for maintenance. Roads must be kept at the minimum standard by the group in order to qualify under this policy.

Definitions

- a) "City" shall mean the Corporation of the City of Kawartha Lakes.
- b) "Council" shall mean the municipal Council of The Corporation of the City of Kawartha Lakes.
- c) "Group" shall mean a road association or a number of property owners.
- d) "Seasonal/Summer Roads" shall mean unassumed roads on which no winter maintenance is performed during the period from November 15 through to April 15.
- e) "Unassumed Road" shall mean roads that are owned by the municipality that are not maintained on a year round basis. This shall include unopened road allowances.



Council Policy

Policy:

Seasonal/Summer Roads

Seasonal/Summer roads are considered to be Class 6 Roads and are not subject to minimum maintenance standards under Ontario Regulation 239/02.

Seasonal/Summer Roads are unassumed roads that have been inspected by the Public Works supervisor and have met the criteria for limited seasonal maintenance.

Criteria

The criteria for a Seasonal/Summer road is attached as Appendix "A". Where a seasonal/summer road fails to meet the criteria upon inspection by City Staff, seasonal services shall be withheld until improvements are performed by the group to bring the road up to the required standard.

Minimum Maintenance

Seasonal/Summer roads shall be maintained on an 'as needed' basis at the discretion of the Public Works Supervisor. General maintenance includes gravel application as determined by the Supervisor and a maximum of two (2) gradings annually.

Seasonal/Summer roads will not be patrolled.

Maintenance Period

All municipal maintenance that applies to seasonal/summer roads will cease November 15 through to April 15.

Road maintenance by individual or group

Any individual or group wishing to conduct maintenance to a Municipal seasonal/summer road must make written application for permission to the City of Kawartha Lakes Public Works Department thirty (30 days) prior to commencement of work. Work may include, but not be limited to: additional gravel applications; grading; brush/tree removal; culvert installation/repair; drainage improvements. A road occupancy permit issued by the Public Works Department shall be obtained prior to commencement of work.

Any individuals making application for permission will be made aware that they will be held responsible for any damages that occur on municipal property.

Winter use of Seasonal/Summer Roads

Any individual or group wishing to provide winter maintenance to a Municipal seasonal/summer road must make written application for permission to the City of Kawartha Lakes Public Works Department prior to September 1. Long-term agreements may be negotiated where applicable.



Council Policy

Any individuals making application for permission will be made aware that they will be held responsible for any damages that occur on municipal property because of the actions of private snow removal equipment.

Signage

Roads designated as Seasonal/Summer roads shall be signed by the municipality to indicate the status of the road and the duration of municipal maintenance services.

Revision History:

Proposed Date of Review:

Revision	Date	Description of changes	Requested By
1.0	March 21, 2017	Initial Release	



Council Policy

APPENDIX 'A'

Criteria for Seasonal/Summer Road

Width of travelled road (edge to edge)	Minimum 4.0 metres throughout
Depth of gravel base	Minimum 5.0 cm of Granual 'A' throughout
Brush and tree overhang	Minimum 5.0 metres overhead clearance and 5.0 metres total horizontal clearance (i.e. 0.5 metres beyond the edge of the road on each side)
Turn-a-round location	There must be adequate space and location for a truck/grader to turn-around. Turning templates and specification will be provided upon request. The turn-a-round can utilize private lands with written permission from the land owner.
Drainage and culverts	Drainage must be sufficient to adequately manage typical rain events; culverts must be sized correctly and must be (and remain) structurally sound.

Road Name	# of Property Owners	Road Type	Agreement Status	Plowing in LSA?
Antiquary Road	66	Unassumed	Active	No
Fulsom Crescent & Mink Alley	64	Unassumed	Active	No
McGuire Beach Road	105	Unassumed	Active	No