



City of Kenora
Committee of the Whole
Minutes

Tuesday, May 11, 2021

9:05 a.m.

Virtual Attendance

Council met electronically as permitted by the City of Kenora Procedural bylaw. Citizens and our Media Partners are encouraged to view the public meeting via the Public Live Stream Event at: <https://video.isilive.ca/kenora/2021-05-11-COTW.html>

Present:

Mayor Daniel Reynard
Councillor Mort Goss
Councillor Rory McMillan
Councillor Andrew Poirier
Councillor Kirsi Ralko
Councillor Sharon Smith
Councillor Chris Van Walleggem

Staff: Kyle Attanasio, CAO, Heather Pihulak, Manager of Administration/City Clerk, Stace Gander, Community Services Manager/Acting Operations & Infrastructure Manager, Adam Smith, Development Services Manager, Charlotte Edie, Manager of Finance/Treasurer, Roberta Marsh, HR Manager, Jon Ranger, Deputy Treasurer, Josh Nelson, Tourism & Recreation Division Lead, Kevan Sumnar, City Planner

Blessing & Land Acknowledgment

Councillor Van Walleggem

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

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

A. Public Information Notices

As required under Notice By-law #144 -2007, the public is advised of Council's intention to adopt the following at its May 18, 2021 meeting:-

- Council intends to amend the 2021 Operating & Capital Budgets with the following amendments:
 - to consolidate the Sewer and Water reserve and the Depreciation (Water Treatment Plan) reserve funds

- \$13,876.80 plus HST to be funded through contingency reserves for a project to convert the current recreation operating platform to the ActiveNet platform
- 185,000 plus HST to be debt financed to purchase lands from CP Rail related to the Railway Street Reconstruction project
- \$395,000 plus HST of which \$305,000 plus HST is to be funded through the Sewer and Water Reserve and \$90,000 plus HST to be funded from the Storm Sewer Reserve to replace sewer, water and storm infrastructure at Central Park

B. Declaration of Pecuniary Interest & the General Nature Thereof

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

There were none declared.

C. Confirmation of Previous Committee Minutes

Resolution #1 - Moved by Councillor C. Van Walleghem, Seconded by R. McMillan & Carried:

That the Minutes from the last regular Committee of the Whole Meeting held April 13, 2021 be confirmed as written and filed.

D. Deputations/Presentations

Mary Ellen Zanette – Community Ideas

Ms. Zanette had several ideas she wanted to bring to Council's attention. She suggested a training facility for the trades in regards to learning how to build homes for the homeless, and build homeless villages. This training facility for the trades to be a place where homeless people who have no home can register for a training program where everything is set into a facility to be trained in a trades position such as a carpenter, plumbing, refrigeration and in turn they earn points in order to earn a house. This is how a mini village gets created.

She also suggested a new bowling alley for the community and a conservatory for plants under a roof. This could add birds to the area, and would promote the growth of fruit trees.

Mayor Reynard thanked Ms. Zanette for her information.

Allan Daoust - Impact of Laurentian University Cuts on Northern Communities

Mr. Daoust was before Council to speak about an issue that concerns anybody in Canada who cares about or depends on quality public services.

On February 1 of this year, Laurentian University in Sudbury announced that it was seeking protection from their creditors under the Companies' Creditors Arrangement Act or CCAA. To call this announcement unprecedented is no exaggeration. Since 1933 when it was passed into law by the House of Commons, CCAA had never been used by a publicly-supported and funded organization delivering a public service, with good reason: The CCAA was written specifically to govern the process for dealing with insolvent private, for-profit companies. It was never envisioned as a means for dealing with publicly-supported, not-for-profit organizations and entities facing insolvency.

For this reason, a number of organizations objected in court to Laurentian seeking CCAA protection, but a judge overruled these objections, deciding that Laurentian could move forward

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in this way, as could any incorporated entity carrying debt of \$5 million or more. This sets a very disturbing precedent that could cause deep and irreversible harm to any community in Canada, including yours.

CCAA is a tool that was never designed to be used on or by publicly-supported, not-for-profit entities. Rather, it was passed in 1933, while Canada remained in the grip of the great depression, to deal with insolvent private, for-profit corporations! The very first word in the name of the Act is 'companies.'

To use CCAA in a manner it wasn't intended for carries with a wide range of consequences that are far too dangerous for every community in Canada, including yours. It wrongly blurs the line between private, profit-seeking businesses and public goals, supported by public funds to achieve a public good. Not only is CCAA the wrong tool to deal with publicly-funded, not-for-profit entities, doing so prevents the public from holding governments accountable for the decisions they make which play a major role in the overall well-being of public services that Canadians have decided are priorities best not left to the marketplace. Governments can now shirk their responsibilities and claim that since the matter is before the Courts, there is nothing they can do.

Governments will take action on an issue when they hear the same thing from many of their constituents and other stakeholders. Mr. Daoust is asking Mayor and Council to urge the Federal government to amend its legislation accordingly and protect communities and the vital public services that help them thrive.

Mayor Reynard thanked Mr. Daoust for his presentation and a copy was left with the Clerk.

E. Reports:

1. Administration & Finance

1.1 2021 Q1 Contracts

Recommendation:

That Council hereby accepts the 2021 January – March Contracts & Expenditures Approved report.

1.2 March 2021 Financial Statements

Recommendation:

That Council hereby accepts the monthly Financial Statements of the Corporation of the City of Kenora at March 31, 2021.

Discussion: Revenues are down significantly especially in Recreation. Most expenses are comparable to 2020 at this time. The KDSB and Pinecrest are in line with budgeted amounts. Overall transportation spending is close to last year. We can control our expenditures but the revenues are out of our control with the ongoing pandemic challenges.

1.3 2021 BIZ Levy Request

Recommendation:

That Council hereby approves the Harbourtown Centre Business Improvement Board budget request in the amount of \$44,653.37 for 2021; and further

That Council gives three readings to a bylaw to adopt the estimates for funds to be raised for 2021 on behalf of the Harbourn Centre Business Improvement Board; and further

That in accordance with Notice Bylaw Number 144-2007, public notice is hereby given that Council intends to formally adopt the 2021 Business Improvement Board Levy at its May 18th meeting.

Discussion: The poll wrap initiative is to wrap all the downtown light standards which will be a decorative beautification project that are cobranded with BIZ and City of Kenora.

1.4 Budget Amendment – Consolidation of Sewer & Water Reserves

Recommendation:

That Council hereby approves the consolidation of the Sewer and Water reserve and the Depreciation (Water Treatment Plant) reserve fund; and further

That in accordance with By-law Number 144-2007, public notice is hereby given that Council intends to consolidate the Sewer and Water reserve and the Depreciation (Water Treatment Plan) reserve fund; and further

That Council give three readings to a By-law for this purpose.

Discussion: The goal is to look at all the reserve funds and develop a new policy to understand precisely what each reserve fund will be for with restrictions to identify what is restricted to those reserves.

1.5 Composition of Section 10 Police Services Board Recommendation

Recommendation:

Whereas the new Community Safety Policing Act, 2019 (CSPA), is forecasted to be proclaimed in early 2022; and

Whereas under the new CSPA, all municipalities receiving OPP policing services will have the opportunity to participate on an OPP detachment board and make recommendations to the Province on Board composition; and

Whereas prior to the June 7, 2021 deadline, municipalities will be required to submit one proposal indicating the recommended composition of their board; and

Whereas municipalities will not be required to identify the names of the individuals that will be participating on the detachment board but identify the number of seats each municipality will be allocated on the detachment board as well as the number of community representatives and provincial appointments; and

Whereas the Kenora OPP detachment services more than one municipality which includes the City of Kenora and the Township of Sioux Narrows-Nestor Falls; and

Whereas the CSPA allows an OPP detachment to establish one, or more than one, OPP detachment board; and

Whereas when detachments that are considering requesting more than one detachment board should consider factors such as geography, variations in population size, calls for service/service demands, the number of municipalities and First Nations within an OPP detachment; and

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Whereas the Kenora Police Services Board has assessed the options and needs of the Board moving forward;

Therefore be it Resolved that Council of the City of Kenora recommends that the new Kenora Police Services Board composition is a seven (7) person board which will include one member being of Indigenous decent; and further

That due to the physical distance, significant variation in needs of the municipalities, the Kenora and Sioux Narrows-Nestor Falls Police Services Boards remain separate and individual boards to meet the unique needs of this area; and further

That the selection of the community members for the new Kenora Police Services Board be in accordance with the City of Kenora Council Boards and Committees Appointment process.

1.6 2021 Council Meeting Agenda Amendment

Recommendation:

That Council hereby amends the 2021 Council meeting calendar to amend the June and August Council meeting dates to reflect staff and Council attendance at two virtual conferences; and further

That the June Regular Council meeting now be established as June 22, 2021 at 12:00 noon and the August Regular Council meeting now be established as August 24, 2021 at 12:00 p.m.; and further

That the June 15 and August 17 Council meetings be hereby removed.

2. Fire & Emergency Services

No Reports

3. Operations & Infrastructure

3.1 Budget Amendment – Railway Street CP Land Purchase

Recommendation:

That Council hereby approves a budget amendment in the amount of \$185,000 plus HST to be debt financed to purchase lands from CP Rail related to the Railway Street Reconstruction project that was not accounted for in the 2021 budget; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2021 Operating & Capital Budgets at its May 18, 2021 meeting for this purpose; and further

That Council give three readings to a By-law to amend the 2021 Operating & Capital budget for this purpose.

Discussion: This is good news to have this move forward and hoping this project can be completed in 2022. Instead of debt financing this purchase, do we have enough money in our land development reserve to fund this instead of debt financing. The debt was in our five year capital plan and decided to debt finance and the funding level was high of the eligible expenses debt financing was 83.33% in the five year capital plan and decided to debt finance so the

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project could proceed at that time. The ineligible expenses would have been the land purchase, the HST and the storm sewer works. We did not have enough reserves in storm sewer reserves to do the work. That was our thoughts behind debt financing this project specifically. That reserve could be used for the land purchase, but we try to use that reserve for economic development. The land purchase is a small part of the ineligible costs to the project and is the difference between what is eligible for funding and what we have to cover on our own. The storm sewer is the biggest part. This land purchase is just CP property solely.

When you talk about the five year capital plan, we have significant portion of the paving contract and special project budget. That money is going to get transferred to 2022 and we don't have time to spend all of these budget dollars in this project this year. Why not use some of that money this year and then we don't have to incur finance charges for one year. We are going to get a robust report in the next month or so looking at all long term financing and all options for debt financing and then we are better off to spend that capital financing this year and just pushes back those charges for one year. Our Treasurer confirmed that we don't issue the debt until the project is over and there won't be until the project is done and then we issue the debt. Any underspending in the municipal paving plan goes back into the roads reserves and it can be used to address future roads projects that we may need to do. It is an option to change that at a future date.

3.2 Budget Amendment – Sewer & Water Works at Central Community Centre Recommendation:

That Council hereby approves a budget amendment in the amount of \$395,000 plus HST of which \$305,000 plus HST is to be funded through the Sewer and Water Reserve and \$90,000 plus HST to be funded from the Storm Sewer Reserve to replace sewer, water and storm infrastructure at Central Park; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2021 Operating & Capital Budget at its May 18, 2021 meeting to withdraw funds from the identified Reserves for a total amount of \$395,000 plus HST to complete this work; and further

That Council give three readings to a By-law to amend the 2021 Operating & Capital Budget for this purpose.

Discussion: The concept of the report is understood which is to move money out of the reserve funds but does this project still need to be tendered. It was explained that there is no contractor on site now, the contractor that is using the property is working on the Second Street water and sewer project. Staff are in the process of refining the specifications for the project and final tender documents will be prepared.

There was funding available for this project which was \$800,000 to build a new building and the development will add life to the park for 12 months per year. This is the time to look at the underground infrastructure. Marco had test holes done along 8th to see if we could realign but the bedrock is there. This is proactive work and congrats to staff for doing this. We have a very aggressive timeline and anticipate it will be operational this winter. The pandemic makes it challenging to get materials.

4. Community Services

4.1 Amendment to Parking Lot Bylaw – New Parking Fees at Boat Launches

Recommendation:

That Council hereby approves an amendment to Schedule "A" to By-Law No. 082-2018 Regulate Parking Lots and Structures to amend "Lot A", "Lot C", "Lot K" and "Lot L" to reflect changes to the Anicinabe Park Boat Launch parking lot, the Keewatin Arena parking lot and the Kenora Recreation Centre front and rear parking lots; and further

That Council gives three readings to a by-law to amend By-Law Number 082-2018 for this purpose.

Discussion: It is free two hour parking at Keewatin Arena and four hour at Kenora Rec Centre. Keewatin has summer ice in it and we need to address vehicles that will park there to go into the arena. The parking in Keewatin will need to be closely monitored by bylaw as the Keewatin launch will be a challenge.

4.2 Amendment to Parking Lot Bylaw – Add Accessible Parking Stalls

Recommendation:

That Council hereby authorizes an amendment to the Parking and Traffic By-law Number 180-2015, Schedule "L" – Accessible Parking Spaces, to include the addition of two (2) accessible parking spaces at Anicinabe Park and two (2) accessible parking spaces at Norman Park; and further

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

4.3 Budget Amendment – Recreation Software

Recommendation:

That Council hereby approves a budget amendment in the amount of \$13,876.80 plus HST to be funded through contingency reserves for a project to convert the current recreation operating platform to the ActiveNet platform; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2021 Operating & Capital Budgets at its May 18, 2021 meeting for this purpose; and further

That Council give three readings to a By-law to amend the 2021 Operating & Capital budgets for this purpose.

5. Development Services

5.1 Crime Prevention & Community Wellbeing Advisory Committee

Recommendation:

That amendments to the Police Services Act require municipalities to develop and adopt a Community Safety and Well-Being Plan (CSWBP); and further

That the Act requires that each municipality appoint an Advisory Committee for the development and implementation of the Community Safety and Well-Being Plan; and further

That Council hereby establishes a new Crime Prevention and Community Well-being Advisory Committee to provide leadership and implementation of the Community Safety and Well-Being

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Plan; and further

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

5.2 Site Plan Agreement – 1001 Ninth Street North

Recommendation:

That the Mayor and Clerk be hereby authorized to execute a site plan agreement between the Corporation of the City of Kenora and Ontario Aboriginal Housing Services (OAHS), to support the development of a supportive housing facility, as shown on the site plans; and further

That the Mayor and Clerk also be authorized to execute a development agreement between the Corporation of the City of and OAHS; and further

That the appropriate bylaws be passed for this purpose.

Discussion: This project has been in the works for quite some time and the applicant is eager to start construction quickly. There was a lot of green space in this social housing development and lots of outdoor space provided as it is an institutional facility but an amenity area east of the property. There is a minimum requirement for this type of development regarding green space. Once the site plan is approved and they apply for a building permit there are still other agencies who have requirements including the developer but it is anticipated they have addressed all the other approvals required from other agencies.

5.3 Lease Agreement – LOW Brewing Company Patio

Recommendation:

That Council approves the request to occupy and improve Municipal property locally known as a portion of Park Street and legally described as a portion of Railway Street on Plan 3, for the use of an outdoor patio; and further

That Council hereby directs staff to enter into negotiations for a Lease Agreement with Lake of the Woods Brewing Company.

Discussion: Accessible parking space will it be adequate for larger vehicles and the ability to modify the latest accessibility regs when it comes to parking. The City loses nothing here and it is a good proposal to enhance a business and create opportunities.

12:00 p.m. –Temporary Use By-law Application - File #D14-21-02 Public Meeting

Temporary Use By-law, File Number D14-21-02

Recommendation:

That the Application for Temporary Use Bylaw, File No. D14-21-02, to permit the temporary use of a 25 acre portion of the property located at 129 Whitehead Road for the processing of products from raw materials (sawmill) and the outdoor storage of these products and materials for a period of up to three (3) years, in the "RU" Rural Zone be hereby approved; and further

That the approval be subject to the applicant entering in to a Conditional Agreement with the City of Kenora to:

- a) Restrict hours of operation to between 8:00 a.m. and 5:00 p.m.;
- b) Require that all mill operations be located at least 30m from the ordinary high water mark of the wetlands on the subject property;

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- c) Restrict heavy truck traffic associated with the proposed sawmill from utilizing Whitehead Road to access the property for deliveries or outgoing shipments; and
- d) Require that the applicant obtain an entrance permit for a private driveway on to Highway 17E, for a private road providing access to the proposed temporary use site.

F. Proclamations

Mayor Reynard then read the following proclamations:

- May 10th - Day of Action Against Anti-Asian Racism & May is Asian Heritage Month in Canada

G. Other

- Councillor Van Walleghem referenced the attendance at the NOMA conference and summarized the highlights of the various presentations.
- Councillor McMillan acknowledged this week is Nurses Week and hats off to all the nurses in the community for all their supports and appreciation.
- Councilor Smith recognized May 5 was National Day of Awareness for Missing and Murdered Indigenous Women and Girls – also called Red Dress Day. Although the day is passed, we can still honour missing and murdered women and girls by committing to read the Reclaiming Power and Place: The Final Report of the National Inquiry Into Missing and Murdered Indigenous Women and Girls. To honour MMIWG locally, we can support the Rotary Club of Kenora’s Peace Park which is being built in partnership with the City of Kenora and the Ontario MMIWGT2S+ Commemorative Monument Committee, symbolizing hope for all people and peace on earth. When the Douglas Family Art Centre is allowed to open to the public again, the Nadya Kwandibens: Red Chair Session exhibit will be on display.
- Mayor Reynard touched upon the vaccination clinics and our area is doing extremely well.

H. Next Meeting

- Tuesday, June 8, 2021

I. Adjourn to Closed

Resolution #2 - Moved by Councillor S. Smith, Seconded by M. Goss & Carried:

That Council now adjourn to a closed session at 10:21 a.m.; and further

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

- i) Educating & Training Members of Council (3 matters-Team Kenora update, Broadband Development update, MNR Clear Cutting Processes)
- ii) Labour Relations (2 matters- Pay Equity & Compensation Review, Vaccine Clinic staffing)
- iii) Disposition of Land (2 matters-Operations Lands Options, WNHAC Lease)
- iv) Personal Matters about an Identifiable Individual (1 matter-Sustainability Advisory Committee Appointment)

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J. Reconvene to Open Meeting

Council reconvened at 11:55 a.m. to hold the Public 12:00 p.m. meeting to hear the Temporary Use By-law Application - File #D14-21-02 Public Meeting. The closed session was held at 11:55 a.m. and returned to their closed session at 12:50 p.m.

Following the second portion of the Closed session, Council reconvened to open session at 2:19 p.m. with the following reports from its closed session:-

Sustainability Advisory Committee Appointment

Recommendation:

That Council hereby appoints Geneva Kejick to the Sustainability Advisory Committee for a term at the pleasure of Council no later than November 14, 2022.

K. Close Meeting

Meeting adjourned at 2:20 p.m.