



City of Kenora
Committee of the Whole
Minutes
Tuesday, February 9, 2016
9:00 a.m.
City Hall Council Chambers

Present: Councillor Rory McMillan, Acting Mayor
Councillor Dan Reynard
Councillor Louis Roussin
Councillor Sharon Smith
Councillor Colin Wasacase

Regrets: Mayor David Canfield
Councillor Mort Goss

Staff: Karen Brown, CAO, Heather Kasprick, Manager of Legislative Services/City Clerk, Lauren D'Argis, Corporate Services Manager, Colleen Neil, Recreation Services, Adam Smith, Special Projects & Research Officer.

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, February 16, 2016 meeting:-

- Give effect to new rates outlined in the revised Schedule "D" of the Tariff of Fees and Charges Bylaw for season docking spaces and mooring ball rentals
- Amend the 2015 Operating & Capital Budget to withdraw funds from the Contingency Reserve in the amount of \$600,000 with an appropriate reallocation from the Water and Sewer Reserves to offset the cost of the Cameron Bay servicing work

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 L. Roussin, Seconded by Councillor C. Wasacase & Carried:

That the Minutes from the last regular Committee of the Whole Meeting held January 12, 2016 and Special Committee of the Whole January 5, 2016 be confirmed as written and filed.

D. Deputations/Presentations

Teika Newton – Update on Energy East Pipeline Proposal

Pipelines have been a hot issue in Canada in 2016. Our country stands at a pivotal moment where economic challenges are meeting international climate change policy commitments. The conversation is rapidly shifting from talking about the inevitability of future oil sector investment, to talking about the inevitability of stranded fossil fuel assets and the imperative to transition our economy away from continued reliance on oil and gas and toward clean energy. As a result, the decisions around whether to approve new export pipeline capacity have become more complex, and recent policy directives from the federal government point to the need to add more nuance to the processes by which we evaluate pipeline proposals.

Teika came to provide an update on some of the recent pipeline review process changes that will impact the Energy East pipeline proposal, as well as to provide an update on the status of the project review.

As many of you know, Transition Initiative Kenora, the organization for which Teika is the Executive Director, has filed for intervenor status to participate in upcoming National Energy Board hearings on Energy East. They have retained legal counsel through EcoJustice, and with their lawyers, they are reviewing the project application and tracking regulatory process changes as they prepare for the hearings.

Energy East is not the only project currently before the NEB, but it is the biggest at 4,600 km, crossing six provinces, and with an expected price tag of at least \$15.7 billion. In our area, Energy East proposes retrofitting portions of two of the four existing natural gas pipelines to carry a mix of western Canadian crude oil products to tidewater in New Brunswick, where unrefined crude oil can be sold at world prices, not subject to North American price discounts for heavy oil sands product.

Energy East would carry mainly diluted bitumen (dilbit) from Alberta's Athabasca oil sands, but potentially also some quantity of synthetic crude oil, conventional crude, and hydraulically fractured shale oil out of the Bakken formation in Saskatchewan and neighbouring North Dakota. Dilbit is the main source of future growth in Alberta's oil resource.

From the terminal port on the Bay of Fundy, the majority of the Energy East product would be shipped to refineries elsewhere in the world – likely the U.S. East Coast and Gulf Coast – where refinery capacity exists to process bitumen. The Irving refinery lacks the multi-billion dollar coking plant necessary to be able to process bitumen, an extremely heavy grade of oil. It is expected some of the lighter oil products such as synthetic crude oil or shale oil may be processed at the Irving refinery in Saint John, subject to refinery capacity and the competitiveness of supply pricing from other sources.

On December 17, 2015, TransCanada filed substantial amendments to the Energy East project description. These were filed in two separate submissions.

One, Supplemental Report #5, was a response to the NEB's Information Request #5 and it includes dozens of documents that add additional information to virtually every section of the project application, from design, to economic benefits analysis, to environmental assessments, route considerations, and community engagement strategies. There is some

relevant information in Supplemental Report #5 for Northwestern Ontario regarding areas where environmental risk is higher due to slope instability, or where soil cover is poor and the pipeline is currently exposed through watercourses.

The other filing that happened on December 17, 2015 is a major project amendment, compelled by the removal of a proposed marine loading terminal at Cacouna, QC – removed because the site would have interfered with endangered beluga whales’ calving grounds in the St. Lawrence. This major project change triggered more than 700 route changes, mostly on the new build section through Québec and New Brunswick. It also necessitated filing plans for an expanded tanker terminal at Saint John. Across the entire length of the project, the company had to make many alterations to pumping station locations when the Cacouna terminal was cancelled. In our area, the location for the pumping station nearest Vermilion Bay got moved a bit to the west of its original location.

The National Energy Board is currently reviewing TransCanada’s latest submissions to determine if the project application is sufficiently complete to be able to begin a public hearing process.

Last week the NEB demanded TransCanada resubmit the project application in a format that is easier to read and navigate. The original project application, filed in October 2014, covered 68 volumes and more than 30,000 pages. Subsequent filings have added more than 5,000 pages and hundreds of changes to the original application. In its letter to TransCanada, the NEB said, “When considering the numerous supplemental reports, project updates, errata and amendments coupled with the sheer volume of information presented in the application, the board is of the view that the application, in its present form, is difficult even for experts to navigate. Trans Canada has until February 17 to file a new Table of Contents, but it could take several months for the company to re-file a cleaner version of the project application.

Upon receipt of this tidied up application, there will be no time limit for the NEB to make the completeness determination, but if / when they do, they will issue a Hearing Order that will describe the details of the review process, including how intervenors can participate, where and when hearings will take place, and what scope and types of evidence will be acceptable.

At the end of the public review, the NEB will submit a recommendation to Cabinet, and Cabinet then has three months in which to assess evidence presented and to make a determination whether to approve or reject the project proposal.

In 2012, as part of the omnibus budget bill C-38, the National Energy Board Act was changed to streamline the hearing process. Pipeline project application reviews were restricted to a timeline of 15-months, and oral hearings were removed, as was the ability to test evidence through cross-examination. Despite pipeline reviews being a so-called public process, the NEB was given authority to screen participants so that only those it deems to be “directly affected” may participate. Under the new NEBA, intervenors can submit information requests, but the legislation lacks the teeth to enforce the quality of responses to these requests. There has been a great deal of backlash against what is seen as a broken, unresponsive, closed process, and during the 2015 federal election campaign, Trudeau’s Liberals campaigned on promises to modernize the NEB and to reform the pipeline review processes.

In January, Minister of Natural Resources Jim Carr, and Minister of Environment and Climate Change Catherine McKenna jointly announced regulatory changes for pipeline projects currently being assessed by the NEB, which include the Energy East project. The National

Energy Board Act will not be amended for these reviews, however an additional nine months of extra processes will be added on to accommodate an upstream climate impacts analysis (i.e. how much extra carbon will be released to the atmosphere as a result of activities necessary to fill the pipeline), more comprehensive consultation with Indigenous communities, and potentially an extension of the NEB review itself that could result in accommodating procedural elements (e.g. oral hearings, testing evidence through cross examination) that had been removed following legislative changes in 2012.

At present, a handful of Northwestern Ontario groups including the IISD-Experimental Lakes Area, Transition Initiative Kenora, the Northwestern Ontario Municipal Association, Common Voice Northwest, and a number of Treaty 3 First Nations have applied to participate in the Energy East NEB review as intervenors. So far, only Indigenous intervenors have been apprised of their participation status. It is possible the NEB will reopen the application window one more time prior to issuing the hearing order. Information updates can be tracked through the NEB website. A copy of Mrs. Newton's presentation was left with the Clerk and Council thanked her for her presentation.

Lyn & Wayne Canfield – Animal Control Bylaw

Mr. & Mrs. Canfield recently submitted information to Council regarding the animal control bylaw and issues they are facing operating their business, Rabbit Lake Trailer Park. Upon purchasing the trailer park back in December 2008, it was and has been issues regarding the number of pet running at large and complaints from other tenants. They have had some serious issues with waste not cleaned up regularly. Due to the number of complaints they changed their regulations for the park regarding the number of animals to one per trailer back in May of 2014.

The Canfields are required by law from the Landlord and Tenant board to have rules and regulations in place for a mobile home park. When these regulations were changed they notified all tenants of the change. If current tenants had more than one, they did not have to get rid of them, just not replace them if a pet was lost. Not one tenant came forward to dispute what they had put in place. Now when approached by someone who wanted to move into the park their regulations in the lease agreement was questioned.

The current City bylaw states you can have 2 dogs, 2 cats, and 2 bunnies and this does not include small critters. The Canfields currently have 84 lots and 79 trailers plus their own home on the 10 acre property. If everyone who resides on the lots had the permitted number of animals from the City of Kenora bylaw in the trailer park that would be 340 animals. This does not include bunnies or critters. This is just too many animals on this property.

The Canfields are asking the City to add a section that pertains to a mobile home park that limits the number of animals to comfortably live without the reasonable enjoyment of every tenant that resides in our park as well be fair to animals that are confined to small quarters.

CAO, Karen Brown advised that a report will be coming forward to Council for consideration. Council thanked the Canfields for their deputation and a copy was left with the Clerk.

E. Reports:

1. Corporate Services & Strategic Initiatives

1.1 Kenora Baseball League Fundraising Event

Recommendation:

That Council of the City of Kenora hereby authorizes the use of the City of Kenora's Charitable Status by the Kenora Baseball League (KBL) to apply for a fundraising event through Ford Canada to be used specifically towards the improvements to the Jaffray Melick Ball Fields.

Recommendation Approved.

1.2 2015 Strategic Plan Progress Report

Recommendation:

That Council hereby accepts the 2015 Progress Report to highlight the successful activities by City departments and agencies in accordance with the City of Kenora's Strategic Plan – Our Vision is 20/20.

Recommendation Approved.

2. Fire & Emergency Services

2.1 Medical Emergency Response Agreement

Recommendation:

That Council gives three readings to a bylaw to authorize a Medical Emergency Response Agreement between the City of Kenora Fire and Emergency Services and the Kenora District Services Board for the provisions of delivering emergency medical response when necessary; and further

That By-Law Number 14-2002 be hereby repealed.

Recommendation Approved.

3. Operations & Infrastructure

No Reports

4. Community & Development Services

4.1 Central Community Club Building Replacement Funding

Recommendation:

That in order for Central Community Club to secure funding applications for the development and replacement of a new community club house, commitment is required from the City to invest a portion of the building costs; and further

That Council hereby approves an allocation of \$100,000.00 to be included in the 2016 budget for Central Community Club through the Community Club Reserve for the replacement of the existing Community Club Facility.

Recommendation Approved.

Discussion: Central Community Club delivered a deputation to Council at its December 2013 Committee of the Whole meeting about the clubs plans and progress for the replacement of the existing club house that is currently on site. The club requested and was granted assistance in the amount of \$10,520.51 from the City to cover the architectural drawings that

have been completed. At this time the Community Club would like to start securing plans and times lines to proceed with the new building. The Club has made several contacts in the community with both private donors and with business who have tentatively committed to supporting the project both financially and in-kind. The question that is consistently asked by donors is, "What has the City committed". This is a question that the Club would like to have an official answer to so that they can leverage other funding. The estimate on the final construction of the building is projected to be just over \$300,000.00. This is to replace the existing building with something very similar in structure and to be furnished to provide the exiting services that has in the past in a safe facility that meets all current codes. There is a structural concern with this building as the floor is heaving and structurally the building is not in good shape.

Council questioned if there is a long term plan for all of these facilities. Council is supportive of the outdoor rinks and the community clubs, but need to look at what we are placing in our reserves for the future needs of these clubs.

4.2 2016 Community Club Grants

Recommendation:

That Council of the City of Kenora receives the recommendation from the Recreation Team Leader and the Parks and Facilities Team Leader, approving the grant amount of \$8,000.00 each to Rideout, Central and Evergreen Community Clubs.

Discussion: Council recognizes that these grants are so important and how much work goes into these clubs by volunteers. The partnerships show the community pride in the ongoing operation of these facilities.

4.3 Seasonal Dock & Mooring Ball Rental Rates

Recommendation:

That Council gives three readings to a bylaw to authorize the increase to rental rates for our seasonal docking spaces and mooring ball rentals; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to give three readings to a new Tariff of Fees and Charges By-Law at its February 16, 2016 meeting to give effect to the new rates outlined in the revised Schedule "D"; and further

That By-law Number 2-2016 be hereby repealed.

Recommendation Approved.

Discussion: Council believes that docking fees should be user pay and docking rates should be at least at market value and should build up enough reserves to maintain regular maintenance on these docks.

Council consensus is to remove the gates from the boardwalk in Keewatin that were placed there last summer. Council also agreed to only rent a portion of the finger docks in Keewatin and leave the majority for public docking.

4.4 2015 Recreation Department Year End Report

Recommendation:

That Council receives the year-end report regarding the City of Kenora's Recreation Department's program and facilities.

Recommendation Approved.

Discussion: Council commended the staff and the facility for a fantastic complex and how busy the facility is in all aspects. Colleen Neil noted that the facility usage is probably conservative, especially on the walking track, as many patrons do not sign in when using the walking track. It is a great facility used by many citizens and visitors.

4.5 Kenora Rowing Club Facilities & Rabbit Lake Trail Funding Application

Recommendation:

That Council authorizes a funding application to NOHFC in the amount of \$440,000 for improvements to the Kenora Rowing Club facilities and access to the building via Rabbit Lake Trail; and further

That Mayor and Council consider the inclusion of the Kenora Rowing Club and Garrow Park paving requirements in the 2016 capital budget.

Recommendation Approved.

4.6 Path of the Paddle Trailhead Location

Recommendation:

That Mayor and Council accept the request by the Path of the Paddle Association to install trailheads at Anicinabe Park and Norman Park; and further

That all associated fees for the design, development, installation, and maintenance of the trailheads be the responsibility of the Path of the Paddle Association.

Recommendation Approved.

4.7 Trans Canada Trail Concept Plan

Recommendation:

That Council repeals the current registered TCT route and replaces it with the route as per the Trans Canada Concept Plan; and further

That Council hereby approves the development of the Great Lake of the Woods Trail.

Recommendation Approved.

F. Proclamations

Deputy Mayor McMillan then read the following proclamations:

- ✓ Action Against Poverty Week
- ✓ Rotary Week

G. Other

- 11:00 a.m. Public Zoning Amendment Hearing (Z01-16 Emergency Shelters)
- Councillor Smith commented on the KDMA Conference and it was very informative and our MP Bob Nault encouraged municipal Councils to take a regional approach to

many initiatives. The speakers were very effective and brought informative information to the delegates.

- Councillor Roussin commented on the KDMA Conference. He felt the time should have been spent with local issues facing local municipalities such as issues with housing, health, homelessness, regional economic development, infrastructure, and asset management plans. He believes it is time that the KDMA be more active in dealing with regional issues that includes all municipalities in our district. They have only had one meeting where everyone is in attendance and one teleconference and this is not representing the region well. He believes that the KDMA and RRDMA should merge as we would then have a stronger voice. He believes that this Council should make a resolution to the KDMA that future meetings be more specific to local issues.

H. Next Meeting

- Tuesday, March 1, 2016

Council adjourned at 10:40 a.m. to hold the public zoning amendment meeting at 11:00 a.m.

I. Adjourn to Closed

Resolution #2 - Moved by Councillor L. Roussin, Seconded by Councillor C. Wasacase & Carried:

That Council now adjourns to a closed session at 11:46 a.m.; and further

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

- i) **Proposed or Pending Acquisition or Disposition of Land (3 matters)**
- ii) **Personal Matter about an Identifiable Individual (2 matters)**
- iii) **Labour Relations (2 matters)**

J. Reconvene to Open Meeting

Council reconvenes to open session at 2:50 p.m. with the following reports from its closed session:-

Request to Purchase Municipal Property - Green

Recommendation:

That the Council of the City of Kenora hereby declares a portion of a lane abutting Plan M63 Lots 53 and 54 remainder Parcel 4270, as surplus to the needs of the municipality;

That the purchaser must make formal application to purchase the lands; and further

That it will be the responsibility of the applicant's solicitor to ensure that the legal description is valid and can be used to convey the lands; and that if a survey is required, the City of Kenora will issue instructions; and further

That in accordance with the Notice By-law arrangements be made to advertise the sale of the subject lands for a two week period; and further

That once the advertising process has been completed, Council give three readings to a by-

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law to authorize the sale of land to Owen Cleve Green, being the property owner, as a lot addition (consolidation via merger agreement) for a sum of \$1,000 or market value (established by Century 21 – Reynard Real Estate), whichever is more, plus survey and all other associated costs; and further

That if required in order to consolidate the entire subject property, a deeming by-law, to deem Lots 63 and 64 on Plan M63, to no longer be lots within the subdivision; all costs associated with the By-law to be borne by the Applicant.

Recommendation Approved.

Keewatin Non Profit Housing Appointment

Recommendation:

That Council of the City of Kenora hereby appoints William G. Norlen to the Keewatin Municipal Non Profit Housing Corporation for the term at the pleasure of Council.

Recommendation Approved.

Lake of the Woods Development Commission Appointment

Recommendation:

That Council of the City of Kenora hereby appoints Colt Manson to the Lake of the Woods Development Commission for the term at the pleasure of Council.

Recommendation Approved.

K. Close Meeting

Meeting adjourned at 2:52 p.m.