



MINUTES

**Of a Meeting of the Council of the City of Kenora
Tuesday, July 16, 2019 – City Council Chambers
12:00 p.m.**

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**With** Mayor D. Reynard in the Chair, Councillor M. Goss, Councillor R. McMillan Councillor A. Poirier, Councillor K. Ralko, Councillor S. Smith, Councillor C. Van Wallegem

**Staff:** Karen Brown, CAO, Heather Pihulak, City Clerk, Jeff Hawley, Manager of Operations & Infrastructure, Devon McCloskey, City Planner

## **Call to Order**

Mayor Reynard called the meeting to order and Councillor McMillan delivered a blessing.

## **Public Information Notices as per By-law Number 144-2007**

Mayor Reynard then read the following notices:-

As required under Notice By-law #144 -2007, Council hereby advises the public of its intention to adopt the following at today's meeting:-

- Authorize a total budget amendment in the amount of \$51,030 to be funded through the Library Roof Repair Budget in the amount of \$20,000, \$22,000 appropriated from the Library Building Fund Reserve and \$17,500 appropriated from the Library Capital Fund Reserve, as approved by the Kenora Public Library Board for an accessible entrance upgrade at the Kenora Public Library
- Amend its Rules and Regulations in relation to the Lake of the Woods Cemetery
- Amend 'Schedule B-Community Services' of the Tariff of Fees and Charges Bylaw to reflect an increase ice rental rates by 10% effective September 1<sup>st</sup>, 2019
- Amend 'Schedule B-Community Services' of the Tariff of Fees and Charges Bylaw to reflect increases to memberships at the Kenora Recreation Centre effective September 1<sup>st</sup>, 2019
- Adopt a Municipal Capital Facilities By-law For Municipal Housing Project Facilities
- Authorize a budget amendment not to exceed \$10,000.00, to be funded through the Roads Reserve for the purchase and installation of Radar Speed Signs
- Amend the 2018 Budget for 2018 budget amendments approved by the Treasurer or Deputy Treasurer

## **Declaration of Pecuniary Interest & General Nature Thereof**

Mayor Reynard then asked if any Member of Council had any Declarations of Pecuniary Interest and the General Nature Thereof pertaining to any items as follows:-

- i) On Today's Agenda or from a previous Meeting
- ii) From a Meeting at which a Member was not in Attendance

Councillor K. Ralko declared an indirect pecuniary interest related to the June 28, 2019 Special Council meeting in regards to the multi-unit water rate as it relates to her former employment with the Shewchuk Law Firm. Councillor Ralko was not present for this meeting.

### **Confirmation of Minutes**

#### **1. Moved by C. Van Walleggem, Seconded by M. Goss & Carried:-**

That the following Minutes of the Council of the City of Kenora be adopted as circulated:-

- Regular Council – June 18, 2019
- Special Council – June 28, 2019

### **Deputations**

#### **Lillian & George Zvonovec – Bed and Bale Opposition**

Lillian & George Zvonovec are present with concerns in regards to the Zoning Bylaw and Official Plan Amendments for 66 Cambrian Drive, Bed and Bale. This is their home and their intention is to keep their area and neighbourhood safe and sound. To keep the water quality safe for swimmers, rowers, kayakers, canoeists, paddle-boarders, dogs, fishermen and trail walkers.

Introducing horse manure and promoting horse swimming into this area is unsafe and the effects are unfixable. Ask any boater or home/cottage owner on Lake of the Woods their thoughts on algae bloom and it's likely if they could have taken action to prevent they would have but Hindsight is 20/20. Because they spend so much time around it, horse owners may not consider that horse manure contains pollutants and under the right circumstances can pose a threat to humans and the environment.

A source of nutrients such as nitrogen and phosphorus, horse manure may also contain pathogens (including E. coli) that can be hazardous to human health. Also, many horses have worms and if they are taking worm or another medication this medication remains in their manure directly affecting water quality. This can cause serious problems for children and adults that swim and use the lake. These medications also affect dogs as some dogs eat horse manure. The issue is manure entering surface waterways, including lakes, streams, ponds, drains, ditches and wetlands. Horse access to waterways should be controlled to prevent damage to stream banks and shorelines as hoof traffic compacts the soil, disturbs vegetation, and increases erosion and runoff.

Restricting access also reduces the opportunity for a "direct deposit event" into the water. Many worms are shed in feces if you have ever taken care of a horse, you know regular de-worming schedules are part of normal horse-care. Worms are very common in horses and around barns. The Types Of Worms Are: bloodworms, roundworms, pinworms and tapeworms. A 1,000 pound horse will defecate approximately four to thirteen times each day and produce approximately nine tons of manure per year. The 1,000 pound horse will produce, on the average, 37 pounds of feces and 2.4 gallons of urine daily, which totals about 50 pounds of raw waste per day in feces and urine combined. How will this raw waste be cleaned on the Rotary's walking trails on the beaches or by direct deposit? Would you want your child to swim on Rabbit Lake's beaches? Would you swim there?

When a large and sudden amount of organic matter enters surface water, it can cause sharp increases in biochemical oxygen demand. This means that when manure, bedding and/or horse feed enter a pond, lake or stream these scavenger bacteria multiply very rapidly to clean up the mess. Their need, or demand, for oxygen also increases rapidly, and suddenly the bacteria are competing with fish for oxygen. If the bacteria win, the result can be a quick and extensive fish kill. Imagine: Rowers, swimmers, paddle-boarders, fishermen, kayakers, canoeists, trail walkers coming across dead fish.

Horse manure contains nutrients and fecal pathogens. As rainwater flows through manure, it picks up these nutrients and pathogens and carries them along its path. Conditions such as low plant cover, concentrated areas of manure, sandy soil, and highly concentrated leachate can cause the fluid to reach and pollute groundwater. Nitrogen is highly mobile in soil and tends to dissolve and leach as nitrate, while phosphorus adsorbs strongly to soil particles (85% of phosphorus is attached to soil and organic particles) and is more likely to be lost by runoff erosion.

If the nutrient-laden runoff does not infiltrate (due to heavy rainfall and/or low soil infiltration capacity) and there is a sensitive area (surface water, wetland, well) downslope, it continues to travel over the surface and into the water body. The presence of excess nutrients in surface water can result in a process called algae bloom.

Taken from Miner and News article. Horse Motel may come to Kenora Bed 'n' Bale to accommodate 12 to 24 horses per day plus plans on developing small cabins on the property. Kenora Miner and News article stated they presently have four (4) horses of their own. How much use will this add to Rabbit Lake's density? Rabbit Lake is a very small lake, heavily populated, and heavily used by rowers, paddle boarders. Fishermen, canoeists, kayakers, and swimmers that enjoy its multiple beaches. It also hosts Rowing Regattas which bring people of many regions of North America.

In summary, first and foremost water quality, 12 spaces for horse owners = 12 to 24 horses swimming and some defecating in the water daily. Even one direct deposit is too much and chances of that happening are highly likely as every horse owner will take their horse to the water. It may be the sole reason they booked.

Questions that need to be asked and answered: Have the Northwestern Health Unit, Fisheries Canada (in the City of Kenora Master Plan 2015 ) it indicates that there is a Fish Spawning & Nursery Area adjacent to the shore where the pics show horses swim, and the Ministry of the Environment been contacted regarding the effect this change would have on the area.

Kenorabedandbale.com advertises the Rotary walking trails on their website as horse riding trails, and invites quads and fat bikes to use those trails. It also advertises horse swimming which directly affects water quality. Rabbit Lake residents' quality of life and water would definitely suffer if this is approved.

We have not had the time to knock on doors but ask that we be given the opportunity to ask others their opinions and input on this matter and have another meeting. We understand tourism as we owned and operated Houseboat Vacations on Lake of the Woods when our jobs were threatened with the mill shutting down. We get it, setting up

a business has challenges and hoops to go through but hundreds of Rabbit Lake homeowners' and lake users' should not pay the lifetime expense of one business.

Council thanked the Zvonovec's for their presentation and a copy was left with the Clerk.

### **Addition to the Agenda – Motion #1a**

#### **1a. Moved by M. Goss, Seconded by C. Van Walleghem & Carried:-**

That approval be hereby given for the following additional item to be added to today's agenda:-

1. Kenora Non Profit Housing Board Composition

### **All Nations Hospital Project Steering Committee Appointment**

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

That Council hereby appoints Councillor Rory McMillan to the All Nations Hospital Project Steering Committee for a term at the pleasure of Council.

### **Non Profit Housing Board Composition**

#### **2a. Moved by R. McMillan, Seconded by C. Van Walleghem & Carried:-**

Whereas the Province has provided direction to municipalities to review services and business models to identify areas where improvements could be made; and

Whereas the City of Kenora is effectively in a housing crisis, with an estimated shortfall in housing of roughly 10% of the City's existing housing stock; and

Whereas Council has determined that they wish to review opportunities to expand housing within the community; and

Whereas Council may be ultimately responsible for the current and significant housing portfolio managed by the Kenora Municipal Non Profit Housing Corporation; and

Whereas the legislative landscape in which the Kenora Municipal Non Profit Housing Corporation operates has changed significantly since it was first established in 1983; and

Whereas Council has determined that opportunities for enabling change may exist within the Kenora Municipal Non Profit Housing Corporation; and

Whereas the current appointees to the Kenora Municipal Non Profit Housing Corporation were appointed for a term at the pleasure of Council;

Now therefore, let it be resolved;

That Council hereby rescinds all current appointments to the Kenora Municipal Non Profit Housing Corporation Board effective immediately, with the exception of Councillor Andrew Poirier; and further

That the Members of Kenora City Council be hereby appointed as the Board Members to the Kenora Municipal Non Profit Housing Corporation, with a term at the pleasure of Council; and further

That Council hereby requests the Kenora District Services Board (KDSB), as the Service Manager responsible for Social Housing in Kenora, to perform a review of the Kenora Municipal Non Profit Housing Corporation based on such parameters as deemed appropriate by the KDSB.

**Councillor Poirier read a media release pertaining to the change to the Kenora Non Profit Housing Board Composition**

**2018 Annual Report**

**3. Moved by K. Ralko, Seconded by R. McMillan & Carried:-**

That Council approves the 2018 City of Kenora Annual Report including the 2018 audited financial statements for the City; and further

That a copy of this report be made available for public viewing.

**May 2019 Financial Statements**

**4. Moved by A. Poirier, Seconded by K. Ralko & Carried:-**

That Council hereby accepts the monthly Financial Statements of the Corporation of the City of Kenora at May 31, 2019.

**Kenora Water Tower Lease Agreement - Rogers**

**5. Moved by C. Van Wallegghem, Seconded by M. Goss & Carried:-**

That Council hereby authorizes an extended lease agreement for a five year term with Rogers for the use of property locally known as the Kenora Water Tower for communication purposes; and further

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

**Taxi License Bylaw Amendment**

**6. Moved by M. Goss, Seconded by C. Van Wallegghem & Carried:-**

That Council hereby authorizes the amendments to the Taxi License Bylaw number 13-2013, as amended, to reflect changes to driver's license requirements and the age of the vehicles; and further

That a new comprehensive taxi bylaw be hereby authorized including set fine application to the Ministry of Attorney General; and further

That bylaw number 13-2013, 45-2014, 28-2016 and 7-2018 be hereby repealed; and further

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

## **2019-2020 Kenora Wastewater System Inspection**

### **7. Moved by S. Smith, Seconded by M. Goss & Carried:-**

That Council hereby receives the 2019-2020 Inspection Report of the Waste Water Inspection Program, Kenora Water Pollution Control Plant – Inspection Number: 1-KYCQD, conducted on April 10, 2019.

## **Budget Amendment – Roads Speed Warning Device**

### **8. Moved by R. McMillan, Seconded by A. Poirier & Carried:-**

That Council hereby approves an additional allocation of funds not exceeding \$10,000.00, to be funded through the Roads Reserve for the purchase and installation of Radar Speed Signs; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2019 Operating Budget at its July 16, 2019 meeting to withdraw funds from the Roads Reserve up to \$10,000.00, to fund the purchase and installation of Radar Speed Signs; and further

That Council give three readings to a by-law to amend the 2019 budget for this purpose.

## **Cemetery Bylaw Amendments**

### **9. Moved by K. Ralko, Seconded by R. McMillan & Carried:-**

That Council hereby approves amendments to bylaw number 6-2017, a bylaw to regulate the rules and regulations in relation to the Lake of the Woods Cemetery; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its Rules and Regulations in relation to the Lake of the Woods Cemetery at its July 16, 2019 meeting; and further

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

## **Municipal Ice Rental Rate Increase**

### **10. Moved by A. Poirier, Seconded by R. McMillan & Carried:-**

That Council hereby approves an amendment to 'Schedule B-Community Services' of the Tariff of Fees and Charges Bylaw to reflect an increase ice rental rates by 10% effective September 1<sup>st</sup>, 2019; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its Tariff of Fees and Charges bylaw to reflect an increase to municipal ice rental rates at its July 16, 2019 meeting; and further

That By-law Number 31-2019 be hereby repealed.

## **Kenora Recreation Centre Membership Increase**

### **11. Moved by C. Van Wallegem, Seconded by R. McMillan & Carried:-**

That Council hereby approves an amendment to 'Schedule B-Community Services' of the Tariff of Fees and Charges Bylaw to reflect increases to memberships at the Kenora Recreation Centre effective September 1<sup>st</sup>, 2019; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend the Tariff of Fees and Charges bylaw to reflect an increase to membership rates at the Kenora Recreation Centre; and further

That By-law Number 31-2019 be hereby repealed.

### **NOHFC Funding Request Increase – Kenora SportsPlex**

#### **12. Moved by M. Goss, Seconded by C. Van Walleghem & Carried:-**

That Council hereby approves an amendment of the Phase 2 Northern Ontario Heritage Fund Corporation (NOHFC) funding application for the Kenora SportsPlex Phase II development to reflect the application amount of the NOHFC contribution of \$250,000; and further

That Council agrees to cover any project cost overruns related to this project.

### **Budget Amendment – Library Accessible Entrance Upgrade**

#### **13. Moved by S. Smith, Seconded by C. Van Walleghem & Carried:-**

That Council hereby authorizes a total budget amendment in the amount of \$51,030 to be funded through the Library Roof Repair Budget in the amount of \$20,000, \$22,000 appropriated from the Library Building Fund Reserve and \$17,500 appropriated from the Library Capital Fund Reserve, as approved by the Kenora Public Library Board for an accessible entrance upgrade at the Kenora Public Library; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2019 Capital Budget at its July 16th, 2019 meeting for this purpose; and further

That Council give three readings to a by-law to amend the 2019 capital budget for this purpose.

### **Five Year Corporate Energy Conservation & Demand Management Plan**

#### **14. Moved by R. McMillan, Seconded by A. Poirier & Carried:-**

That Council hereby approves the Five Year Corporate Energy Conservation and Demand Management Plan in accordance with Ontario Regulation 507/18.

### **Municipal Capital Facilities Bylaw**

#### **15. Moved by K. Ralko, Seconded by C. Van Walleghem & Carried:-**

That Council hereby approves a Municipal Capital Facilities By-law For Municipal Housing Project Facilities; 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 Municipal Capital Facilities By-law For Municipal Housing Project Facilities at its July 16, 2019 meeting which authorizes the City to enter into agreements for the provision of Municipal Housing Project Facilities; and further

That Council gives three readings to a by-law for this purpose.

### **Ayrie Developments Site Plan Agreement**

#### **16. Moved by A. Poirier, Seconded by C. Van Walleggem & Carried:-**

That the Mayor and Clerk of the City of Kenora be authorized to execute a site plan agreement between the City of Kenora and Ayrie Developments Inc., to allow for the development of driveways, internal roadways, parking areas, associated facilities for lighting, drainage, paving, and landscaping, to support the development of an 8 unit multiple attached dwelling (condominium), with outdoor parking, exclusive use amenity areas, and common areas, as shown on the site plans; and further

That the Mayor and Clerk of the City of Kenora also be authorized to execute a development agreement between the City of Kenora and Ayrie Developments Inc., to allow for the extension and upgrade of sewer and water services, and installation of a Fire Hydrant on City property; and further

That the appropriate bylaw be passed for this purpose.

### **D09-19-02 & D14-19-07 Bed & Bale Zoning Bylaw & Official Plan Amendment**

#### **17. Moved by C. Van Walleggem, Seconded by M. Goss**

That the application for Official Plan Amendment File No. D09-19-02 to change the Official Plan Designation from "Residential development Area" to "Rural Area" be hereby approved; and further

That the proposed site specific amendment to the zoning by-law would then be consistent with the Official Plan Designation; and further

That the application for a Zoning Bylaw Amendment File No. D14-19-07 be hereby approved; and further

That this amendment reflect adding site specific permitted uses under the RU zone provisions, including campground and resort which will enable use of the property as a small farm and small campground, offering people travelling with horses short term accommodation, and the potential for summer & year-round cabins in a future phase of development, not to exceed 25% of the total property area; and further

That three readings be given to two bylaws for this purpose.

#### **17a. Moved by R. McMillan, Seconded by S. Smith & Carried:-**

That Council hereby defers agenda item 17 related to Zoning Bylaw and Official Plan Amendment, Bed and Bale indefinitely.



**2018 Budget Amendments Approved by Treasurer or Deputy Treasurer  
18. Moved by M. Goss, Seconded by C. Van Walleghem & Carried:-**

That Council hereby approves an additional allocation of \$87,961 to the Surface Treatment project, to be funded through the Municipal Paving Program project; and further

That Council hereby approves an additional allocation of \$7,532 to the Grader Replacement capital purchase, to be funded through the Rock Hammer capital purchase; and further

That Council hereby approves an additional allocation of \$977 to the Sidewalk pickup capital purchase, to be funded through the budget for the Rock Hammer capital purchase; and further

That Council hereby approves an additional allocation of \$7,319 to the Plow Dump Truck capital purchase, to be funded through the Rock Hammer capital purchase; and further

That Council hereby approves an additional allocation of \$20,744 to the Veterans Drive Culvert project, to be funded through the Storm Sewer Program project; and further

That Council hereby approves an additional allocation of \$6,556 to the KRC Air Handling Unit project, to be funded through the Hot Tub Control Replacement project; and further

That Council hereby approves an additional allocation of \$4,145 to the KRC Lobby Flooring project, to be funded through the Hot Tub Control Replacement and Women's Shower Tile projects; and further

That Council hereby approves an additional allocation of \$20,224 to the KRC Referee Entrance Ramp project, to be funded through the Women's Shower Tile project; and further

That Council hereby approves an additional allocation of \$64,418 to the KMA Dressing Room Conversion project, to be funded through the KMA Asbestos Removal, the KMA Fire Alarm and KMA Lobby Floor projects; and further

That Council hereby approves an additional allocation of \$5,048 to the KMA Dressing Room Heater project, to be funded through the KMA CCTV project; and further

That in accordance with Notice By-law Number 144-2007 notice is hereby given that Council intends to amend its 2018 Budget at its July 16, 2019 meeting; and further

That Council hereby gives three readings to a by-law for this purpose.

**Various Committee Minutes**

**19. Moved by S. Smith, Seconded by K. Ralko & Carried:-**

That Council hereby adopts the following Minutes from various City of Kenora Committees:

- June 20, 2019 - Lake of the Woods Museum Board
- May 15, 2019 – Lake of the Woods Development Commission
- June 13, 2019 – Kenora Urban Trails Committee

That Council hereby receives the following Minutes from other various Committees:

- May 9, 2019 – Kenora District Services Board
- June 20, 2019 – Northwestern Health Unit; and further

That these Minutes be circulated and ordered filed.

### **May 2019 Water Wastewater Monthly Summary**

**20. Moved by R. McMillan, Seconded by A. Poirier & Carried:-**

That Council of the City of Kenora hereby accepts the May 2019 Kenora Water and Wastewater Systems Monthly Summary Report, as prepared by City administration.

### **Approval of By-laws**

**21. Moved by K. Ralko, Seconded by R. McMillan & Carried:-**

That the following By-laws be now read a First & Second Time, and approved in their present form and presented for Third & Final Reading:~

- #102-2019 - Confirmatory
- #103-2019 - Kenora Water Tower Lease Agreement – Rogers
- #104-2019 - Taxi License Bylaw Amendment
- #105-2019 - Budget Amendment – Roads Speed Warning Device
- #106-2019 - Cemetery Bylaw Amendments
- #107-2019 - Municipal Ice Rental Rate Increase & Kenora Recreation Centre Membership Increase
- #108-2019 - Budget Amendment – Library Accessible Entrance Upgrade
- #109-2019 - Municipal Capital Facilities Bylaw
- #110-2019 - Ayrie Developments Site Plan Agreement
- #113-2019 – Various Budget Amendments Approved by Treasurer or Deputy Treasurer

### **Approval of By-laws**

**22. Moved by A. Poirier, Seconded by R. McMillan**

That the following By-laws be now read a First & Second Time, and approved in their present form and presented for Third & Final Reading:~

- #111-2019 - D09-19-02 Bed and Bale – 66 Cambrian Drive Official Plan Amendment
- #112-2019 - D14-19-07 Bed and Bale – 66 Cambrian Drive Zoning Bylaw Amendment

**Deferred indefinitely by deferral of resolution #17**

### **Notices of Motion**

None

**Proclamations**

- National Drowning Prevention Week – July 21-27, 2019

**Announcements**

**The following was highlighted by Council:**

- 1. Councillor Van Wallegghem and McMillan attended the Habitat for Humanity opening on the weekend. They will be moving ahead with another house either in Kenora or Dryden. This is a great program and beneficial to those who are recipients of the home.
- 2. Councillor Smith noted the pickleball courts will be officially open this Saturday at Garrow Park. This is another exciting development for the community and encourage the community to come out and support this development.

**Adjourn to Closed Session**

**23. Moved by C. Van Wallegghem, Seconded by R. McMillan & Carried:-**

That pursuant to Section 239 of the Municipal Act, as amended, authorization is hereby given for Council to move into a Closed Session at 12:50 p.m. to discuss items pertaining to the following:-

- i) Education & Training Members of Council (2 matters – CAO & Mayor update)
- ii) Labour Relations (1 matter)

**Reconvene to Open Meeting**

Council reconvenes to open session at 2:50 p.m. with no reports from its closed session.

**Close of Meeting**

**24. Moved by M. Goss, Seconded by R. McMillan & Carried:-**

That this meeting be now declared closed at 2:50 p.m.

**The Corporation of the City of Kenora:**

**Confirmed As Written This .....Day**

**Of.....2019**

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**Mayor**

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**City Clerk**