

Minutes

*of a Meeting of the Council of the City of Kenora
held Tuesday, October 15, 2002 – City Chambers
at 5:00 p.m.*

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**WITH Acting Mayor R. McMillan in the Chair, Councillor D. McDougald, Councillor I. Parkes, Councillor T. Szajewski, Councillor C. Wasacase, Bill Preisenzanz, CAO, Joanne L. McMillin, City Clerk.**

**Absent: Mayor D. Canfield, Councillor R. Lunny**

**Acting Mayor McMillan called the meeting to order and Councillor McDougald read the Prayer.**

## **CONFIRMATION OF MINUTES**

**1.Moved by I. Parkes, Seconded by D. McDougald & Carried:-**

THAT the Minutes of the last Regular Meeting of Council of the City of Kenora held **September 23, 2002**, and of the Special Meeting of Council held **October 2, 2002** be confirmed as written and circulated.

**Acting Mayor McMillan then asked if any Member of Council had any Declarations of Interest with respect to any items on the Agenda. The following Declarations were made:- Councillor McDougald – Resolution No. 2 and No. 5.**

## **DEPUTATIONS:**

### **Marga Zacharias**

Ms Zacharias referred to a former matter, specifically under the OSTAR Program concerning sewer and water projects, and asked for an update on this program. It was explained the City is still waiting for the provincial and federal governments to respond, and at this time only water treatment and water clarity have been dealt with and nothing for new sewer and water connections.

Ms Zacharias referred to a property owner along Golf Course Road being able, at their expense, to connect to municipal sewer and water. She then questioned if Mascott Avenue residents could 'borrow the money' from the City and have the charges placed on the tax bill for re-payment, thus the City would realize the interest. Ms Zacharias explained the services are only two hundred feet away from the affected homes and she cannot understand why residents are not permitted to connect.

Acting Mayor McMillan indicated her suggestion would be referred to the Operations Committee for consideration, and Ms Zacharias noted Barb Pearson will act as the contact person for the residents.

### **Jeff Fortner**

Mr. Fortner referred to an article in the weekend paper whereby he was referred to as a "dock squatter" which he took exception to. He advised he has had an annual contract with the City and pays for his docking at the Bay Street Fire Road location and that he carries the liability for the dock.

Mr. Fortner explained that he has always paid this fee as docking at this site is a convenience to his home, located on the north side of the Beach Road. He explained that he keeps the grass cut and cleans up the garbage. He also explained that the Fire Road is available for the enjoyment of many residents, not just himself, to access the lake particularly in this area of the City (Beach Road). While he understands the docking will most likely not continue at this location, he explained he could dock at a marina for less cost. He also mentioned he would be interested in purchasing the property as the newspaper article mentions the City plans to sell it, however he is opposed to the selling of this property, and commented it should be sold on the basis of fair market value. He would be interested in knowing if and when this property becomes available, for how much it will sell for and to whom. Mr. Fortner was advised there is a legal process under the Municipal Act to follow should the City decide to sell these Fire Roads. However Councillor Szajewski explained that tonight's resolution that will be introduced addresses only the docking policy being withdrawn and not the selling of the property.

### **Cynthia Delaney**

Ms Delaney referred to the building located at 602 Ottawa Street, the site for the new Keewatin Neighbourhood Post Office and questioned why the property owner did not have to go through a re-zoning process to accommodate the proposed new use. Ms Delaney circulated copies of excerpts from the Keewatin Zoning By-law; specifically highlighting Section 3.6.1 on Non-Conforming Uses and Continuation of Existing Uses, setting out that "where the use ceases to exist for a period of six consecutive months, the use will be deemed to have been discontinued" and Ms Delaney believes this applies to the subject property.

Ms Delaney also referred to the parking requirements as set out in the by-law, suggesting the property cannot meet the requirement of one parking space for each 28 square metres of gross leasable floor area. In closing Ms Delaney commented that while she has a vested interest in this matter, her concern is that she hopes the City is treating everyone fairly and consistently and that all residents comply, without exception, with municipal by-laws.

### **Barry Sadler**

Mr. Sadler spoke to the awarding of the contract for the Studmill Bridge work, noting that Moncrief Construction is looking forward to working with the City on this project. He noted that traffic problems at this location are a concern for the large trucks prior to the traffic lights being put in place.

### **2. Moved by T. Szajewski, Seconded by C. Wasacase & Carried:-**

THAT the Report dated **September 24, 30, October 2, and 3, 2002** of the Finance and Administration Committee, submitting for approval and authorization for payment, invoices, accounts and payroll summaries, including transfers to Boards and Commissions for municipal and utility listings, attached hereto, totalling **\$4,387,995.62** be hereby authorized for approval.

### **ABSTENTION: Councillor McDougald**

### **ENDORSEMENT OF MACHIN RESOLUTION – TRANS CANADA HWY**

### **3. Moved by I. Parkes, Seconded by D. McDougald & Carried:-**

THAT the Council of the City of Kenora hereby supports and endorses Resolution No. 13, dated September 9, 2002 of the Municipality of Machin in petitioning the Provincial and Federal Governments to have the Trans Canada Highway upgraded to a four-lane highway thereby connecting all of Ontario,

and specifically the twinning of the Trans Canada between Kenora and Vermilion Bay, in order to prevent any further deaths on this stretch of highway; and

THAT the lack of sufficient rest stops between Thunder Bay and Winnipeg be addressed by ensuring that twinning or improvements to the Trans Canada Highway include proper egress and associated rest stops; and further

THAT a copy of this resolution be forwarded to the Provincial and Federal Ministers of Transportation, the Provincial and Federal Ministers of Northern Development, the Premier of Ontario, Howard Hampton, MPP and Robert D. Nault, MP.

**ATTENDANCE AT GREAT RENDEZVOUS CONFERENCE**

**4.Moved by T. Szajewski, Seconded by C. Wasacase & Carried:-**

THAT authorization be hereby given for four (4) Members of Council to attend the Great Rendezvous Conference taking place in Thunder Bay, November 19 and 20, 2002 with all eligible expenses hereby authorized.

**BAY STREET FIRE ROAD ALLOWANCES**

**5.Moved by C. Wasacase, Seconded by T. Szajewski & Carried:-**

THAT the City of Kenora support the recommendation of the Kenora Port Authority to discontinue private boat docking on the Bay Street Fire Road Allowances for the 2003 season; and

THAT the Keewatin Neighbourhood Municipal Waterfront Property Boat Docking Policy be withdrawn; and

THAT the current lessees be notified of this decision and be requested to remove their docks by the end of the 2002 boating season; and further

THAT the future use of the fire road allowances be referred to the Property and Planning Committee for review and recommendation.

**ABSTENTION: Councillor McDougald**

**REPEAL OF BY-LAW NUMBER 9-2000 - APPOINTMENTS**

**6.Moved by C. Wasacase, Seconded by T. Szajewski & Carried:-**

WHEREAS Council adopted By-law Number 9-2000 on January 4, 2000 as a result of amalgamation, appointing Non-Union staff to various positions; and

WHEREAS a number of these appointments have changed positions and the schedules to the by-law are outdated; and

WHEREAS it is deemed that this By-law is redundant and not required under the Municipal Act;

NOW THEREFORE the Council of the City of Kenora hereby gives three readings to a by-law to repeal By-law Number 9-2000 as it is not necessary for the identified positions to be appointed by by-law.

**PAYMENT TO COMMUNITY CLUBS FOR 2002**

**7.Moved by T. Szajewski, Seconded by C. Wasacase & Carried:-**

THAT Council approve the final payment to the Kenora Area Community Clubs for the 2002 operating season; and further

THAT the "Guidelines for Community Club Granting" be referred to the Leisure Service Committee for review and recommendation to Council.

**LEASE FOR DAIRY QUEEN OPERATION**

**8. Moved by C. Wasacase, Seconded by T. Szajewski & Carried:-**

That Council of the City of Kenora give three readings to a bylaw authorizing a lease with 876556 Ontario Inc. for a 10 year lease for the Dairy Queen property at 821 Lakeview Drive with the terms and conditions as set out in the report of B. Preisntanz dated October 7, 2002.

**NEGOTIATIONS FOR DEVELOPMENT OF PUBLIC WORKS YARD**

**9. Moved by D. McDougald, Seconded by I. Parkes & Carried:-**

THAT authorization be hereby given for the City of Kenora to enter into negotiations with First Professional Developers, Toronto, for the development of the Public Works Yard.

**RESURFACING OF JONES RD. RAILWAY CROSSING**

**10. Moved by T. Szajewski, Seconded by C. Wasacase & Carried:-**

THAT the City of Kenora agree to assume the costs associated with road materials and road and rail traffic protection, together with the supply and placement of the rubber rail seal estimated at \$27,200.00 to complete the resurfacing of the Jones Road Railway Crossing.

**SIDEWALK MODIFICATIONS TO OTTAWA STREET**

**11. Moved by D. McDougald, Seconded by I. Parkes & Carried:-**

THAT the City of Kenora agrees to permit Ludwik and Jenny Zubelewicz, or their assigns to modify the designated area of sidewalk providing a barrier free access fronting 602 Ottawa Street in accordance with the design drawing attached; and

THAT Ludwik and Jenny Zubelewicz, or their assigns be responsible for all expenses associated with the construction of the sidewalk modification, including the steel handrail; and

THAT Ludwik and Jenny Zubelewicz, or their assigns shall comply with all applicable by-laws in carrying out the work, and obtain all necessary permits; and

THAT all work on City property shall be done by City forces, or by such contractor and with such City supervision as the City approves; and further

THAT consideration to amend the traffic regulation therein providing for a Disabled Parking Space, as requested, be dealt with under separate bylaw.

**AGREEMENT FOR SEWER AND WATER CONNECTIONS**

**12. Moved by D. McDougald, Seconded by I. Parkes & Carried:-**

THAT the Agreement dated September 11, 2002, appended hereto, between the City of Kenora and Daniel and Denise Grosenick, providing for the installation and connection to the municipal water and sewer service be hereby approved; and further

THAT the Mayor and Clerk be hereby authorized to execute the said Agreement.

**PURCHASE OF RECYCLING TRUCK FROM N.O.R.A.****13.Moved by T. Szajewski, Seconded by C. Wasacase & Carried:-**

THAT the Council of the City of Kenora approve the purchase of the 2001 International Recycling truck from the Northwest Ontario Recycle Association at a cost of \$59,000 plus applicable taxes.

**TRAFFIC LIGHT INSTALLATION @ LAKEVIEW/NETHERCUTT DR.****14.Moved by I. Parkes, Seconded by D. McDougald & Carried:-**

THAT Council give three readings to a by-law to amend Schedule "A" to Traffic Regulation By-law Number 127-2001 to include the Traffic Lights installation at the intersection of Lakeview Drive and Nethercutt Drive, effective immediately.

***Councillor McDougald requested the Rules of Order be suspended to introduce the following items:***

**TAX INCENTIVE ZONES****14a.Moved by D. McDougald, Seconded by I. Parkes & Carried:-**

WHEREAS the communities of Northwestern Ontario represents a "community of interest" experiencing similar challenges such as population loss, unemployment, flat or declining property assessment bases and low educational attainment; and

WHEREAS tax incentive zones offer a tool by which job creation and investment in Northwestern Ontario can be fostered; and

WHEREAS the communities in Northwestern Ontario have a history of working together successfully to achieve the goals that unite all Northerners;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the City of Kenora hereby supports the Northwestern Ontario Municipal Association agreeing to apply, by way of a joint expression of interest to the Ministry of Municipal Affairs and Housing's pilot project tax incentive zone program, with a focus on resource-based value-added industry.

**PURCHASE OF LOADER/PACKER****14b.Moved by D. McDougald, Seconded by I. Parkes & Carried:-**

THAT the quotation received from CUBEX Limited, Winnipeg, Manitoba, for the purchase of a 2000 Freightliner cab and chassis (model FL-80) and a 2000 Labrie side load Packer (model Expert 2000) demo unit, as specified, at a cost of \$183,058.16, taxes extra, fob Kenora, is hereby accepted.

**APPOINTMENT OF C. BIRD TO OBOA BOARD OF DIRECTORS****14c.Moved by D. McDougald, Seconded by I. Parkes & Carried:-**

THAT Council endorse Colin Bird's re-election and appointment as a member to the Ontario Building Official's Association Board of Directors for a two year term ending October 2004 and therefore authorize payment of his normal wages for work absence on each of the meetings attended during the term of office; and further

THAT attendance at the OBOA Annual Meeting and Training Session during the said term on the OBOA Board of Directors, be also approved with payment of registration and travel costs authorized.

**STUDMILL BRIDGE REMOVAL AND REHABILITATION****14d. Moved by D. McDougald, Seconded by I. Parkes & Carried:-**

THAT the Highway 17 W Studmill bridge removal and road rehabilitation be awarded to Moncrief Construction Ltd. for the unit price contract in the amount of \$404,889.07 including taxes, with the approval of a total project expenditure of \$509,058.00 for 2002/2003 combined, based on the above noted listing and breakdown of works.

**ENDORSEMENT COUNTRY OF BRANT RESOLUTION****14e. Moved by D. McDougald, Seconded by I. Parkes & Carried:-**

THAT the resolution, appended hereto, received from the County of Brant, requesting a post secondary education curriculum and training opportunities towards certification of all levels of operators for water treatment and distribution systems be endorsed by the City of Kenora

**APPROVAL OF JM WASTE COLLECTION ROUTES****14f. Moved by D. McDougald, Seconded by I. Parkes & Carried:-**

THAT the new waste collection routes, appended to the report of W.D. Spencer dated October 11, 2002, for Jaffray & Melick be approved.

**ADOPTION OF MAIN STREET TRAFFIC PLAN****14g. Moved by D. McDougald, Seconded by I. Parkes & Carried:-**

THAT Council of the City of Kenora adopt the Main Street Traffic Plan on an experimental basis from Kenricia corner to City Hall incorporating the following changes to the existing traffic controls:-

1. single traffic lane travelling in a north and south direction
2. installation of a wide centre-line division
3. traffic storage zones and turning lanes at the Second Street, First Street and McClellan Street intersections
4. re-signalization of traffic lights at First Street intersection
5. synchronized re-programming of traffic lights at all light-controlled intersections
6. removal of affected parking meters to enable turning movements; and further

THAT amendments to Schedules B, G and K of the Traffic Regulation By-law be authorized upon the endorsement of this plan.

**SALE OF MUNICIPAL PROPERTY – SNOW DRIVE****15. Moved by C. Wasacase, Seconded by T. Szajewski & Carried:-**

THAT Block A Plan M712 (Snow Drive) be declared surplus to the needs of the City of Kenora, and be transferred to Laurel Snyder, as a lot addition to Lot 1, Plan M712, Parcel No. 35440A; and further

THAT the land be sold to Laurel Snyder at the appraised market value of \$25,000.00 (plus applicable taxes) and all associated costs.

**PROCLAMATION – GOOD NEIGHBOUR WEEK****16. Moved by I. Parkes, Seconded by D. McDougald & Carried:-**

THAT the Mayor be and is hereby authorized to proclaim the week of October 13 to 19, 2002 as "**Good Neighbour Week**" in and for the City of Kenora.

**PROCLAMATION – FOSTER FAMILY WEEK**

**17. Moved by C. Wasacase, Seconded by T. Szajewski & Carried:-**

THAT the Mayor be and is hereby authorized to proclaim the week of October 20 – 26, 2002 as “**Canadian Foster Family Week**” in and for the City of Kenora.

**PROCLAMATION – VETERANS WEEK**

**18. Moved by I. Parkes, Seconded by D. McDougald & Carried:-**

THAT the Mayor be and is hereby authorized to proclaim the week of November 5 to 11, 2002 as “**Veterans’ Week**” in and for the City of Kenora.

**ROOF REPAIRS – KENORA RECREATION CENTRE**

**19. Moved by T. Szajewski, Seconded by C. Wasacase & Carried:-**

THAT the Mayor & Council approve the award of the tender to L.M.D. Contracting in the amount of \$346,000.00 plus GST for the completion of roof repairs at the Kenora Recreation Centre as specified in the contract documents; and further

THAT the submitted alternate price (credit) for salvaged materials be addressed by change notice and change order upon award of contract.

**REPAIRS TO HVAC SYSTEM @ ENGINEERING/PLANNING OFFICE**

**20. Moved by C. Wasacase, Seconded by T. Szajewski & Carried:-**

THAT an upset allocation of \$18,000.00 be approved for the complete replacement and retrofit of a new heating and ventilation roof top system at the Engineering/Inspection/Planning building; and further

THAT the quotation received from KC Refrigeration to supply and install one centre-mount roof top HVAC unit, as specified at a cost of \$11,881.00 (taxes extra) be accepted.

**BY-LAWS – FIRST & SECOND READING**

**21. Moved by I. Parkes, Seconded by D. McDougald & Carried:-**

**THAT** the following **By-laws** be read a **FIRST & SECOND** Time:~

**#97-2002** – to confirm the proceedings of Council at its October 8 Committee Meeting;

**#98-2002** – to appoint Charlotte Edie to the position of Deputy Treasurer for the City of Kenora;

**#99-2002** – to repeal By-law Number 9-2000 being a by-law to appoint City Managers and other Non-Union personnel to various positions for the Corporation of the City of Kenora;

**#100-2002** – to establish an Addressing System for various Rural Areas within the City of Kenora;

**#101-2002** – to execute an agreement with Daniel and Denise Grosenick for the installation and connection to the municipal water and sewer service;

**#102-2002** – to sell land for the purpose of a lot addition to Laurel Snyder;

**#103-2002** – to appoint Zoning Administrators for the City of Kenora;

**#104-2002** – to authorize the execution of a lease with 876556 Ontario Inc. (Dairy Queen);

**#105-2002** – to amend By-law Number L45/94 of the former Town of Jaffray Melick with respect to the Round Lake Subdivision Agreement with Pre-Kay Enterprises Ltd.;

**#106-2002** – to amend Traffic By-law #127-2001 (Traffic Lights @ Nethercutt Drive);

**#107-2002** – to appoint Lottery Licensing Officers for the City of Kenora.

**BY-LAWS – THIRD & FINAL READING**

**22. Moved by I. Parkes, Seconded by D. McDougald & Carried:-**

**THAT** the following **By-laws** be now approved in their present form and be presented for **THIRD AND FINAL** Reading:-

**#97-2002** – to confirm the proceedings of Council at its October 8 Committee Meeting;

**#98-2002** – to appoint Charlotte Edie to the position of Deputy Treasurer for the City of Kenora;

**#99-2002** – to repeal By-law Number 9-2000 being a by-law to appoint City Managers and other Non-Union personnel to various positions for the Corporation of the City of Kenora;

**#100-2002** – to establish an Addressing System for various Rural Areas within the City of Kenora;

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**#106-2002** – to amend Traffic By-law #127-2001 (Traffic Lights @ Nethercutt Drive);

**#107-2002** – to appoint Lottery Licensing Officers for the City of Kenora.

**ADJOURNMENT**

**23. Moved by T. Szajewski, Seconded by C. Wasacase & Carried:-**

**THAT** this meeting be now declared closed at 6:02 p.m.

***THE CORPORATION OF THE CITY OF KENORA:***

**CONFIRMED AS WRITTEN THIS .....DAY OF**

**.....2002**

.....  
**MAYOR**

.....  
**CITY CLERK**



