

Minutes

*of a Meeting of the Council of the City of Kenora
held Monday, February 17, 2003 – City Chambers
at 5:00 p.m.*

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

**Absent: Councillor I. Parkes**

**Mayor Canfield called the meeting to order and Councillor Wasacase read the Prayer.**

## **CONFIRMATION OF MINUTES**

**1.Moved by C. Wasacase, Seconded by R. McMillan & Carried:-**

THAT the Minutes of the last Regular Meeting of Council of the City of Kenora held **January 27, 2003**, be confirmed as written and circulated.

**Mayor Canfield 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.**

## **DEPUTATIONS:**

### **• Anita Webb – Beach Road Fire Lanes**

On behalf of the Keewatin Area Cycling Association, as well as a concerned citizens group, Ms Webb expressed concern on the City considering disposing of the 'fire lanes' that exist in the former Town of Keewatin. Ms Webb explained the only access lanes remaining along the Beach Road (with their terminus being Lake of the Woods) exist at 4<sup>th</sup> Street, 5<sup>th</sup> Street and Bay Street. All other access lanes have been sold and that they were sold without the consent of the residents. She has attended tonight's meeting to implore Council to leave the lanes left open and preserve them as public green space as they also are essential to the development of our community as a tourist destination. As well they should be left open to anyone locally who wishes to use them for a variety of activities, some of which are not allowed at Keewatin Beach, i.e. cross country skiing; walking; boating; fishing; snow machining; launching a canoe, and also for emergency purposes as identified in the 1980's. In closing Ms Webb stressed the fact that once these areas are sold they are taken out of the public realm forever, and that the citizens group will continue to fight to save these areas as public resources.

### **• David Lewis – Rabbit Lake Road**

Mr. Lewis indicated he moved here a couple of years ago and specifically to the Rabbit Lake Road area and reviewed the City's plans a while back to upgrade and carry out a rehabilitation project on Rabbit Lake Road's 4.4 k/m roadway that remains in poor condition. He referred to recent information in the media concerning the upgrades and realignment and that the project was shelved due to higher priority items to be undertaken within the City. Mr.

Lewis expressed concern that this project will not be proceeding, and suggested that when this project takes priority that the City does the foundation of the job right so that the future works can be undertaken when funds become available. Mr. Lewis questioned Council about the money that had already been earmarked (\$1 million) for this project and that if interest is collecting on this reserve why are these funds not being utilized for the foundation work, at the very least.

• **Emily Tacknyk-Roulston – Interest and Reserves**

Ms Tacknyk-Roulston questioned what happens to the interest that is earned on the reserves such as the Rabbit Lake Road project, and what happens to these funds/reserves when the projects do not materialize? She referenced the increasing cost in gas prices, stating that citizens may have to resort to alternate forms of transportation should the gas prices continue to soar, along with the cost of living, as noted also in the media. She requested clarification on the status of interest earned on the Rabbit Lake Road project, and what is the policy, if any, on reserves when projects are not forthcoming?

• **Mary Louise Price – 801 6<sup>th</sup> Avenue South Re-zoning**

Ms Price spoke to the matter of the re-zoning application presently before Council at tonight's meeting for property she owns at 801 Sixth Avenue South. She referred to a letter sent to the vendor last October by Jeff Port, City Planner, setting out the permitted use for the property, and to the conditions set out in that correspondence. Ms Price explained she has gone to considerable expense to ensure that all conditions set down by the City were complied with. She believes it would be breach of a written commitment by the City as well as breach of the municipal by-law if the application does not proceed. Ms Price noted she personally contacted each citizen who originally signed the neighbourhood petition and their names have now been removed as they are satisfied with the zoning application and proposal for the property. She stated she has obtained the required building permit, satisfied the Building Code issues and is going through the re-zoning process but feels she is still being punished by the system that she is conforming to. She also referenced recent negative comments in the media over the publicity this re-zoning application has received. In closing she stated she has no problem with the by-law amendment capping the number of units to four (4).

**APPROVAL OF ACCOUNTS**

**2.Moved by R. McMillan, Seconded by C. Wasacase & Carried:-**

THAT the Report dated **January 31, and February 6, 2003** 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 **\$2,238,121.78** be hereby authorized for approval.

**ABSTENTION: Councillor McDougald**

**LAND AMBULANCE COST – UNINCORPORATED TERRITORIES**

**3.Moved by C. Wasacase, Seconded by R. McMillan & Carried:-**

WHEREAS the Ministry of Health and Long-Term Care (the Ministry) has failed to recognize that property taxes paid by property owners in the Unincorporated Territories (UT) include an amount applicable for land ambulance services costs for the years 2001 and 2002; and

WHEREAS the Ministry has claimed that the cost allocated as the UT share of land ambulance cost is part of the Ministry's share of funding and is therefore

not recognized by the Ministry as a local share prior to determining its share of land ambulance costs; and

WHEREAS the Ministry in not recognizing taxes from property taxpayers in the UT as a local share similar to municipal property taxpayers despite similar legislation pertaining to cost allocation methods, is a position not consistent with that of the Ministry's of Community, Family and Children's Services and Municipal Affairs and Housing who recognize such taxes as part of the local share for each of their respective programs; and

WHEREAS the Ministry's failure to recognize the property taxes of UT property owners as a local share will require municipalities to increase the property taxes to their property owners to cover the Ministry's share which represents 50% of the UT allocation;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Kenora hereby petitions the Minister of Health and Long-Term Care to recognize the property taxes of UT property owners as part of the local share of land ambulance costs prior to determining the Ministry's share; and

BE IT FURTHER RESOLVED THAT the Ministry forward payment of the under-funded amounts for 2001 and 2002 to those DSSAB's/Designated Delivery Agents who have responsibility for land ambulance services.

**PART II – PARKING TICKET ADMINISTRATION**

**4.Moved by R. McMillan, Seconded by T. Szajewski & Carried:-**

THAT the Council of the City of Kenora accept the recommendation from the Finance and Administration Committee that the Kenora Police Service maintain the processing and administration of Part II parking tickets for the Kenora Neighbourhood; and

THAT the Provincial Offences Office co-ordinate the processing and administration of Part II parking tickets for the Keewatin and Jaffray Melick Neighbourhoods of the City by the O.P.P.; and further

THAT this separation of duties be reviewed after a period of one (1) year to determine if any adjustments to this plan are required.

**FESTIVAL OF THE ARTS - DONATION**

**5.Moved by T. Szajewski, Seconded by R. McMillan & Carried:-**

THAT Council approve a donation to the Kenora District Festival of the Arts in the amount of \$545.00, based on the 2002 donation amount.

**EMPLOYEE COMPUTER PURCHASE PLAN**

**6.Moved by R. McMillan, Seconded by T. Szajewski & Carried:-**

THAT the City of Kenora approves the creation of the Employee Computer Purchase Plan; and further

THAT the above-mentioned plan be reviewed on a semi-annually basis to ensure the plan continues to provide a benefit to both the City of Kenora and its employees.

**"ON THE SHORES OF CHANGE" - CONFERENCE**

**7.Moved by D. McDougald, Seconded by R. Lunny & Carried:-**

THAT authorization be hereby given for two (2) Members of Council to attend "On the Shores of Change" Conference taking place in Kenora at the Lakeside Inn, February 21 and 22, 2003; and further  
THAT all eligible expenses in accordance with the Conference/Per Diem Policy be hereby authorized.

**KMTS NET CAPITAL BUDGET**

**8. Moved by R. Lunny, Seconded by D. McDougald & Carried:-**

THAT the Council of the City of Kenora approve the 2003 KMTS Net Capital Budget as submitted.

**KMTS MOBILITY CAPITAL BUDGET**

**9. Moved by R. Lunny, Seconded by D. McDougald & Carried:-**

THAT the Council of the City of Kenora approve the 2003 KMTS Mobility Capital Budget as submitted.

**KMTS CAPITAL BUDGET**

**10. Moved by R. Lunny, Seconded by D. McDougald & Carried:-**

THAT the Council of the City of Kenora approve the 2003 KMTS Capital Budget as submitted.

**KMTS NET RESOURCE POSITION**

**11. Moved by R. Lunny, Seconded by D. McDougald & Carried:-**

THAT Council approve the hiring of a resource position for KMTS Net on a contract basis for one year.

**CORE COMPLEMENT INCREASE POLICY**

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

THAT Council of the City of Kenora hereby approves a Policy on Core Complement Increase (Temporary) – Policy Number HR-8-01-02; and further

THAT this Policy be incorporated into the City Policy Manual.

**DONATION – OFSSA GIRLS VOLLEYBALL**

**13. Moved by R. Lunny, Seconded by D. McDougald & Carried:-**

THAT authorization be hereby given for the donation of 250 City Pins to the participants from various high schools throughout the Province participating in the 2003 OFSSA Girls Volleyball Tournament taking place at St. Thomas Aquinas High School, March 5 & 6.

**DONATION – ONTARIO COUNCIL OF HOSPITAL UNIONS**

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

THAT authorization be hereby given for 230 City Pins, together with six (6) door prizes be donated to welcome delegates attending the Ontario Council of Hospital Unions Conference taking place in Kenora, April 22 to 24, 2003.

**AUTHORIZE TEMPORARY ROAD CLOSURES BY-LAW**

**15. Moved by D. McDougald, Seconded by R. Lunny & Carried:-**

THAT Council give three readings to a by-law to authorize the temporary closing of certain municipal highways and to delegate the authority for these closings to certain departments of the City of Kenora.

**Councillor R. Lunny requested the Rules of Order be Suspended in order to introduce the following item:-**

**HYDRO BILL 210**

**15a Moved by , Seconded by & Carried:-**

WHEREAS Bill 210, the Electricity Pricing, Conservation and Supply Act (the EPCS Act), received Royal Assent on December 9, 2002; and

WHEREAS Bill 210, the EPCS Act, amongst other things, amended the Electricity Act by adding Section 159.1; and

WHEREAS Section 159.1 of the Electricity Act provides that a municipality which has an interest in a Local Distribution Company (LDC), as defined in Subsection 159.1(3), may within 90 days after section 159.1 comes into force, pass a resolution providing that the municipality affirms that the LDC should continue to be incorporated as provided in Subsection 142(1) of the Electricity Act; and

WHEREAS Section 159.1 of the Electricity Act provides that if the Minister of Energy does not receive a certificate certifying the passing of the resolution to continue to be incorporated as provided in Subsection 142(1) of the Electricity Act within 90 days of Section 159.1 coming into force, the consequences as laid out in subsections 159.1(5), (6) and (7) of the Electricity Act will follow; and

WHEREAS the City of Kenora, being the sole municipal shareholder of Kenora Hydro Electric Corporation Ltd., has resolved that the LDC should continue to be incorporated as provided in subsection 142(1) of the Electricity Act; and

WHEREAS the City of Kenora has resolved to direct an appropriate representative to file with the Minister of Energy a certificate as contemplated in Subsection 159.1(4) of the Electricity Act certifying the passing of the resolution to continue to be incorporated as provided in Subsection 142(1) of the Electricity Act; and

WHEREAS the City of Kenora wishes to protect the rights, privileges and enterprise value of its investment in the Kenora Hydro Electric Corporation Ltd.;

NOW THEREFORE, let it be resolved that the existing status of the Kenora Hydro Electric Corporation Ltd. as a For Profit LDC shall be maintained; and further

THAT the appropriate Officials and Staff be hereby authorized to execute the required certificate, and any other documents as required under Bill 210, the EPCS Act, to maintain the existing For Profit LDC status.

**CONCESSION TEAM LEADER – HOURLY INCREASE**

**16.Moved by T. Szajewski, Seconded by R. McMillan & Carried:-**

THAT Council authorize an increase of \$2.00 per hour for John Zilinski, Concession Team Leader, retroactive to October 27, 2002 for additional duties and responsibilities in operating the Kenora Recreation Centre Concession.

**POSTING OF EXHIBIT COORDINATOR POSITION @ MUSEUM****17. Moved by T. Szajewski, Seconded by C. Wasacase & Carried:-**

THAT authorization be hereby given for the posting and hiring of the Exhibit Coordinator position at the Lake of the Woods Museum to fill the current vacancy.

**ACCEPTANCE OF FORMER "HYDRO ROAD"****18. Moved by D. McDougald, Seconded by R. Lunny & Carried:-**

THAT the Council of the City of Kenora hereby accepts the former "Hydro Road" that provides access to the new Trus Joist Plant, Hydro substation and abutting private lands to the east, conditional upon the following:-

- a) THAT the proponent surveys out and transfers to the City of Kenora, a thirty (30) metre road allowance;
- b) THAT the proponent brings the existing turnaround up to municipal standards, based on the instruction from the City of Kenora Roads Supervisor;
- c) THAT the proponent brings the existing guard rail up to municipal standard, based on the instructions from the City of Kenora Roads Supervisor; and further
- d) THAT the proponent will be responsible for all legal, survey, transfer and any other costs, associated with the transfer of the property.

**ALLOCATION TO HYDRO ONE – TRANSMISSION LINE****19. Moved by D. McDougald, Seconded by R. Lunny & Carried:-**

THAT as recommended by the Special Committee of Council, Council authorize the allocation of \$30,000 payable to Hydro One for the new alignment of the 115,000-volt transmission line on Jones Road.

**2003 SURFACE TREATMENT PROGRAM****20. Moved by R. McMillan, Seconded by R. Lunny & Carried:-**

THAT the following roads be identified for inclusion in the Ministry of Transportation Surface Treatment Program (double application) for the year 2003:

|                                                                                      |             |
|--------------------------------------------------------------------------------------|-------------|
| ➤ Jones Road                                                                         |             |
| From Highway 17 East, northerly for 4.0 km.                                          | \$70,000.00 |
| ➤ Peterson Drive                                                                     |             |
| Entire Road, commencing at Darlington Drive, 750 m.                                  | \$40,000.00 |
| ➤ East Melick Road                                                                   |             |
| From 400 m North of Hwy. 17A (Bypass) northerly for 1.0 km.                          | \$40,000.00 |
| ➤ Essex Road                                                                         |             |
| From 1.5 km. North of Junction at East Melick and Essex Roads, northerly for 1.0 km. | \$50,000.00 |

**AMENDMENT TO TRAFFIC BY-LAW (VALLEY DR. AREA)****21. Moved by D. McDougald, Seconded by R. Lunny & Carried:-**

THAT Traffic Bylaw 127-2001 be amended as follows:  
Schedule "O" – Stop Signs at Intersections

**DELETE:**

Intersection **Facing Traffic**  
Valley Drive and Heenan Place/ west bound on Valley Drive  
Seegmillar Avenue

Valley Drive and Heenan Place/ east bound on Valley Drive  
Seegmillar Avenue

**ADD:**

Intersection **Facing Traffic**  
Valley Drive and Gunne Crescent west bound on Valley Drive

Valley Drive and Gunne Crescent east bound on Valley Drive

Valley Drive and Gunne Crescent south bound on Gunne Crescent; and

THAT First and Second Readings be given to a by-law for this purpose; and further

THAT this By-law shall come into effect upon its third and final passing and upon the installation of the necessary regulatory signs.

**AMENDMENT TO TRAFFIC BY-LAW (ANDY’S CAMP RD.)**

**22. Moved by R. Lunny, Seconded by D. McDougald & Carried:-**

THAT the Traffic Regulation Bylaw No. 127-2001 be amended as follows:  
Schedule O – Stop Signs at Intersections

**ADD:**

INTERSECTION **FACING TRAFFIC**  
Andy’s Camp Road and Villeneuve Road North East bound on Andy’s  
Camp Road

**MORATORIUM – FIRE LANES**

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

THAT Council authorize the City of Kenora to prepare an inventory of all “fire lanes”, as well as developing a water access policy for the said lands; and further

THAT the City of Kenora implement a moratorium on the disposal of such lands until such time as a policy is in place.

**EXECUTION OF AGREEMENT WITH FIRST PRO**

**24. Moved by C. Wasacase, Seconded by R. McMillan & Carried:-**

THAT Council give three readings to a by-law to authorize an agreement of Purchase and Sale with First Pro Shopping Centres for the current Public Works Yard.

**ZONING AMENDMENT – 104 GOVERNMENT ROAD**

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

THAT the application for amendment to Keewatin Zoning By-law Number 024-91 to rezone property located at 104 Government Road to C1-Neighbourhood Commercial be hereby approved; and further

THAT Council give three readings to a by-law for this purpose.

**ZONING AMENDMENT – 801 SIXTH AVENUE SOUTH**

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

THAT the application for an amendment to Kenora Zoning By-law Number 50-91 to rezone property at 801 Sixth Avenue South to R3 be hereby approved as 'site specific' with a maximum of four (4) units; and further

THAT Council give three readings to a by-law for this purpose.

**PROCLAMATION – “RED CROSS MONTH”**

**27. Moved by R. McMillan, Seconded by D. McDougald & Carried:-**

THAT the Mayor be and is hereby authorized to proclaim the month of March, 2003 as “Red Cross Month” in and for the City of Kenora.

**BY-LAW (1<sup>ST</sup> & 2<sup>ND</sup> READING) – AMEND TRAFFIC (VALLEY DR)**

**28. Moved by D. McDougald, Seconded by R. Lunny & Carried:-**

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

**#36-2003** – to amend By-law Number 127-2001 being a by-law to regulate traffic on the roads and highways of the City of Kenora (Stops Signs – Valley Drive area).

**BY-LAWS – FIRST AND SECOND READING**

**29. Moved by R. Lunny, Seconded by D. McDougald & Carried:-**

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

**#29-2003** – to confirm the proceedings of Council at its February 11 Committee;

**#30-2003** – to amend By-law Number 95-99 being a by-law to authorize the purchase of a debenture from Kenora Hydro Electric Corporation Ltd. on the terms and conditions contained therein;

**#31-2003** – to amend By-law Number 96-99 being a by-law to approve the operation of Kenora Hydro Electric Corporation Ltd. and to authorize the execution of an agreement between the Hydro Electric Commission of the Corporation of the Town of Kenora, now City of Kenora, the Corporation of the City of Kenora and Kenora Hydro Electric Corporation;

**#32-2003** – to authorize the temporary closing of certain municipal highways and to delegate the authority for these closings to certain departments of the City of Kenora;

**#33-2003** – to authorize voting by mail for the November 10, 2003 Municipal Election;

**#34-2003** – to amend Comprehensive Zoning By-law Number 024-01, as amended (104 Government Road);

**#35-2003** – to amend By-law Number 127-2001 being a by-law to regulate traffic on the roads and highways of the City of Kenora (stops signs @ Andy's Camp/Villeneuve Road North);

**#37-2003** – to amend Comprehensive Zoning By-law Number 50-91, as amended (801 Sixth Avenue South);



**#38-2003** – to authorize the execution of an agreement of purchase and sale between the Corporation of the City of Kenora and 1376273 Ontario Limited;

**#39-2003** - to execute an agreement between the Corporation of the City of Kenora and the Kenora Hydro Electric Corporation Ltd.

**BY-LAWS – THIRD AND FINAL READING**

**30. Moved by R. Lunny, 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:-

**#29-2003** – to confirm the proceedings of Council at its February 11 Committee;

**#30-2003** – to amend By-law Number 95-99 being a by-law to authorize the purchase of a debenture from kenora Hydro Electric Corporation Ltd. on the terms and conditions contained therein;

**#31-2003** – to amend By-law Number 96-99 being a by-law to approve the operation of Kenora Hydro Electric Corporation Ltd. and to authorize the execution of an agreement between the Hydro Electric Commission of the Corporation of the Town of Kenora, now City of Kenora, the Corporation of the City of Kenora and Kenora Hydro Electric Corporation;

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**#39-2003** - to execute an agreement between the Corporation of the City of Kenora and the Kenora Hydro Electric Corporation Ltd.

**ADJOURNMENT**

**31. Moved by C. Wasacase, Seconded by R. McMillan & Carried:-**

**THAT** this meeting be now declared closed at 5:55 p.m.

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

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

**.....2003**

.....  
**MAYOR**

.....  
**CITY CLERK**

