

Minutes

*of a Meeting of the Council of the City of Kenora
held Monday, June 16, 2003 – City Chambers
at 5:00 p.m.*

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

Absent: Councillor I. Parkes

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

CONFIRMATION OF MINUTES

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

THAT the Minutes of the last Regular Meeting of Council of the City of Kenora held **Monday, May 26**, be confirmed as written and circulated.

Declarations of Pecuniary Interest

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. 4 due to a family business.

PRESENTATION:

Mayor Canfield called upon Susan Evenden, former Pool Employee, and presented her with the Royal Life Saving Society's Rescue Award of Merit for her actions, skill and knowledge in successfully resuscitating an elderly gentlemen on June 16, 2002.

DEPUTATIONS:

Lydia Harlos

Ms Harlos advised she will be running for Council in this year's municipal election.

Ms Harlos questioned why the hydro and telephone bills cannot be included in the same envelope in order to save money. She also made an inquiry whether or not KMTS can tell as to who she is phoning locally?

In closing she indicated her house number is not correct and that the City should be checking house numbers, and asked how numbers are being established in the rural areas.

Emily Tacknyk-Roulston

Ms Tacknyk-Roulston advised that while she inquired about the Millership Swamp after a recent Council meeting and not in the public forum, she indicated she feels compelled to advise Council this evening that the Millership Swamp continues to flood and as of this morning there is a in that

problem in that area and that not much of the culvert can be seen. She explained she was advised by the Ministry of Municipal Affairs and Housing bring her concerns to Council and she is here looking for answers.

Councillor McDougald advised that seven beavers have been trapped in this area and the dams have been opened, however Ms Tacknyk-Roulston requested that the City take another look at the problem.

She also questioned if the province is taking half of the taxes directly from the ratepayers tax bills (education). Mayor Canfield advised it is just a re-distribution of funds.

Ms Tacknyk-Roulston stated that she believes the fees and rates at the Cemetery should not be increased and objects to such an increase, stating that more and more people will just scatter their ashes than use of the services at the Cemetery.

Gerry Bozzo

Mr. Bozzo referred to docking in Norman Park at the end of Pearson Street, indicating that the Condo owners were told that they could have docking but no one else could and this was done by way of letter from the City. He indicated that he has searched information on this property at Land Titles and that there is a strict covenant on the entire Norman Park. Mr. Bozzo advised that there have been incidents of harassment from some of the residents in this area to the neighbouring properties and police reports are on file to substantiate the problems. He believes that everyone should have free use of the park.

Mr. Bozzo described the details of the covenant on the property and indicated he believes the covenant connected various parts within the Park for a reason (Plan 12428 parts 1,2,3 and 4), not by mistake.

In closing he requested Council to ensure that all private docks are removed from the land because of the covenant and that it be left as it was intended for parkland use or re-forestation.

Ian Clarke

Mr. Clarke suggested that the residents in the Unincorporated Areas be asked if they are in favour of what is being proposed, or to have a vote on the proposed boundary expansion on Lake of the Woods. He questioned how the double-majority for the vote would work? Councillor McMillan advised that Council is only approving the Terms of Reference at tonight's meeting and that there will not be any voting by any groups for amalgamation in the immediate future.

Pearl Bannister

Mrs. Bannister circulated information to Council on pesticides on private property and questioned if all municipal Departments of the City are aware that they are not to be spraying on municipal property? She believes that chemical use on all private properties should also be banned.

Mrs. Bannister also referred to the cost of the signage on Main Street and suggested the money be spent on the roads and sidewalks that are in need of repair rather than on these signs.

Appointments to Kenora Accessibility Advisory Committee **2.Moved by C. Wasacase, Seconded by T. Szajewski & Carried:-**

That the Mayor and Council approve the list of submitted applications to form the City of Kenora Accessibility Advisory Committee:

Jon A. Sigurdson - Dianne Griffiths - Bernardine Kelly
Elizabeth Garrow - Annette Bergman - Diane Pelletier
Joe Kozak - Wayne Ficek - Donny Little
George Herbacz - Clifford Pyykka - Councilor Szajewski

Appointments of By-law Enforcement Officers (Summer)

3.Moved by R. Lunny, Seconded by R. McMillan & Carried:-

THAT Council give three readings to a by-law to appoint By-law Enforcement Officers for the City of Kenora from June 10, 2003 to September 07, 2003:

**Joseph Shouldice
Garrett Creed
Allan Gagnon**

Approval of Accounts

4.Moved by R. McMillan, Seconded by R. Lunny & Carried:-

THAT the Reports dated **May 29, 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 **\$741,144.06** be hereby authorized for approval.

Abstention: Councillor McDougald

Special Occasions Permit Policy

5.Moved by R. McMillan, Seconded by R. Lunny & Carried:-

THAT Council of the City of Kenora hereby delegates the City Clerk to grant approval to groups and organizations requesting a Special Occasions Permit for a liquor permit; and

THAT at the discretion of the City Clerk, any request may be brought forward for review by Council; and further

That Council approve Special Occasion Permits Policy AD-2-1.

Exemption to Municipal Alcohol Policy

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

THAT Council of the City of Kenora authorize an exemption to the Municipal Alcohol Policy under "Control" (Section 12, paragraph c), requiring the hiring of a minimum of two off-duty police officers for the 2003 KBI event.

Approval of Non-Union Salary Increase

7.Moved by R. McMillan, Seconded by R. Lunny & Carried:-

THAT Council of the City of Kenora hereby approved the City of Kenora Non-Union Salary Grid dated June 10, 2003 and the City of Kenora KMTS Salary Grid dated June 10, 2003 for Non-unionized staff reflecting a 3% salary increase effective January 01, 2003.

Approval of Request for City Pins

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

THAT Council approve the request from the Ontario Travel Information Centre for 1,000 pins for the purpose of giving to visitors into Kenora and area.

Approval of Transfer of Monies – KMTS Mobility**9. Moved by R. Lunny, Seconded by R. McMillan & Carried:-**

THAT Council approve the transfer of all monies relating to non-operating surplus, including any interest earned thereon, included in the KMTS Mobility operating surplus as at 01, January 2002 into a separate reserve on the KMTS Mobility statements; and further

THAT on a forward basis from 01, January 2002, all non-operating surplus funds, including any interest earned thereon, continue to accumulate into this separate reserve.

Provision of City Items – Tourist of the Week Promotion**10. Moved by D. McDougald, Seconded by R. McMillan & Carried:-**

THAT Council of the City of Kenora hereby supports the "Tourist of the Week" promotion from June 27 to August 29, 2003 by donating 10 City of Kenora T-Shirts as well as proclamation certificates to Tourism Kenora for this purpose.

Approval for attendance at Communities in Bloom Symposium**11. Moved by R. Lunny, Seconded by R. McMillan & Carried:-**

THAT authorization be hereby given for Councillor Ted Szajewski to attend the Communities in Bloom 2003 National Symposium on Parks and Grounds and Awards Celebrations taking place in Stratford, ON, September 27th, 2003; and further

THAT all eligible expenses in accordance with Council's Travel & Per Diem Policy be hereby authorized.

Approval for Harbourfront Parking Lot Closures**12. Moved by D. McDougald, Seconded by R. McMillan & Carried:-**

THAT authorization be hereby given for the following parking lot closures at the Harbourfront for various events and attractions during the summer months, subject to all necessary signage, advertising, notifications and clean-up being in place for each event:-

| <u>EVENT</u> | ORGANIZATION | DATES | CLOSURE SOUTH PARKING LOT | CLOSURE NORTH PARKING LOT |
|---------------------------------------|---|-----------------------|--|--|
| Canada Day Celebrations | Canada Day Committee | June 28 –29-30-July 1 | Thu. June 26 6:00 P.M. TO Thu. July 3 6:00 A.M. | Tue. July 1 6:00 A.M. TO Tue. July 1 6:00 P.M. |
| <i>Harbourfest</i> | Harbourfest Committee | August 1-2-3 | Wed. July 30 6:00 P.M. TO Tues. Aug. 5 6:00 A.M. | Sun. Aug. 3 6:00 A.M. To Sun. Aug. 3 6:00 P.M. |
| Bass International | Bass International Committee | August 8-9-10 | Tues. Aug. 5 6:00 A.M. TO Aug. 12 6:00 A.M. | |
| Aboriginal OPP Commencement Exercises | OPP Aboriginal Steering Committee Brian Rupert | Aug. 12 | Aug. 5 8:00 A.M. to 12:00 Midnight | |

Rate Increase – Lake of the Woods Cemetery

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

WHEREAS the Lake of the Woods Cemetery in the City of Kenora is owned by the Corporation of the City of Kenora; and

WHEREAS the Cemeteries Act, (Revised) R.S.O. 1990, Chapter C-4, Section 50 provides that an owner of a cemetery may make by-laws for regulating the operation of the cemetery;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Kenora hereby approves and gives three readings to a by-law to authorize the attached Schedule A setting out rate increases for the Lake of the Woods Cemetery; and further

THAT this by-law shall come into force and take effect upon approval of the Ministry of Consumer & Business Services for the Province of Ontario.

Rate Increase – Michael Smith Fitness Centre

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

That the Mayor and Council of the City of Kenora approve the following rates for the Michael Smith Fitness Centre Pool effective September 01, 2003:-

| | Proposed 5% Increase | |
|------------------------|-------------------------------|----------------------------------|
| Daily Admission | | |
| - Adult | | \$5.00 |
| - Student | | |
| - Senior (ODSP) | | \$3.15 |
| - Child/Youth | | \$3.15 |
| General Rentals | | |
| - Up to 25 people | Minor | \$40.95 +gst+ guards |
| - 26 – 75 people | Meets | \$47.25 +gst+ guards |
| - 76 – 150 people | Adult | \$54.60 +gst+ guards |
| | Meets | \$63.00 +gst+ guards |
| - Non residents | | |
| Swim Passes | 10 | 25 |
| - Adult | \$45.00 | \$93.75 |
| - Student | | |
| - Senior (ODSP) | \$28.35 | \$59.00 |
| - Child/Youth | \$28.35 | \$59.00 |
| - Family | | |
| | (Pass 10% or 25% less) | |
| Special Users | Minor | \$40.95 ++ |
| - School Boards | Meets | \$47.25 ++ |
| - KSS | Adult | \$54.60 ++ |
| - Other | Meets | \$63.00 ++ |
| Learn-to-Swim | | |
| - Levels 1 – 6 | | \$42.00 |
| - Levels 7 – 12 | | \$59.85 |
| | | Private rental |
| | | \$6/class + GST, text & exam fee |
| | | \$5.25 drop-in |
| | \$47.25 (10) | \$98.45 (25) |
| | | Pass 10% or 25% less |

Amendment to 2003 Capital Fund Budget-Community Services

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

That the 2003 Capital Fund Budget be amended to add the following additional capital expenditures:-

- The Kenora Library (Repairs to flooring) \$29,650 and (Front door and decking repairs) \$13,800
- Parks (Keewatin Beach) washroom construction \$37,912
- Urban Forestry Planning \$15,294; and

That the 2003 Capital Budget Fund be amended to add the appropriations from the Library, Keewatin Parks and Recreation Reserve and the Parks Reserve to offset the costs for the completion of capital projects listed; and further

That Council give three readings to a bylaw to amend the 2003 Municipal Budget and the requirements as set out in Notice Bylaw 14-2003 be met.

Authorization for Fortification of Land By-law

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

THAT Council give three readings to a by-law to regulate the Fortification of Land and to Prohibit Excessive Fortification of Land and to Prohibit the Application of Excessive Protective Elements to Land within the City of Kenora.

Amendment to Traffic By-law

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

THAT Schedules 'G' and 'O' of Traffic Regulation Bylaw 127-2001 be hereby amended in accordance with the W. Spencer's Memorandum dated June 4, 2003; and further

THAT the said amendments shall come into effect on the third and final passing of the by-law and upon the installation of the respective regulatory signage.

Sale of land to 1571210 Ontario Ltd.

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

THAT Council of the City of Kenora hereby declares property described as Part on Plan 10817, as surveyed by Ross M. Johnson in May of 2003 as surplus to the needs of the City of Kenora; and

THAT Council hereby approves the sale of said land to 1571210 Ontario Ltd. for \$29,000.00 + GST; and

THAT 1571210 Ontario Ltd. shall pay for all costs associated with the sale and transfer of these lands, including survey fees; and further

THAT once provisions of the Notice By-law have been met with respect to the City acquiring title to the subject lands, Council will give three readings to a by-law to assume, stop up, close and sell that part of Railway Street, in the City of Kenora, in the District of Kenora, designated as Part 1 on Plan 23R-10817 to 1571210 Ontario Ltd.

Sale of Surplus land to Strachan

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

THAT Council hereby declares that part of the road allowance in front Mining Location K-9 now Block H, Plan M-14 as surplus property to the needs of the City of Kenora; and further

THAT the necessary arrangements be made to sell the land to Stephen Strachan for \$1,000.00, plus applicable taxes and including all associated costs (survey, legal, transfer, advertising) in connection with this transaction.

Sale of Surplus land to Dahl

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

THAT Council hereby declares that part of the road allowance in front Mining Location K-9 now Block H, Plan M-14 as surplus property to the needs of the City of Kenora; and further

THAT the necessary arrangements be made to sell the land to John Dahl for \$1,000.00, plus applicable taxes and including all associated costs (survey, legal, transfer, advertising) in connection with this transaction.

Terms of Reference – LOW Municipal Restructuring

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

THAT Council of the City of Kenora hereby adopts the attached terms of reference – Lake of the Woods Municipal Restructuring – June 2003.

Amendment to By-law for Sale of P.Works Building

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

That Council of the City of Kenora hereby amend Bylaw No. 38-2003 by extending the Condition Date and assigning the agreement to 1286730 Ontario Ltd.

Proclamation – “Seniors Week”

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

THAT the Mayor be and is hereby authorized to proclaim the week of June 8 to 14, 2003 as “Seniors’ Week” in and for the City of Kenora.

Tender for flooring – Kenora Public Library

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

That Council of the City of Kenora receive the following tenders for the repairs to the flooring at the Kenora Library:

Jarnel Contracting \$ 50,594 plus GST
LMD Contracting \$41,005 plus GST

That the contract be awarded to LMD Contracting Kenora in the amount of \$41,005 plus GST; and

That there be a partial recovery of the flooring cost from Early Years in the amount of \$14,845; and

That an appropriation from the Kenora Library Reserve fund in the amount of \$29,650 be approved; and further

That Council give three readings to a bylaw to amend the 2003 Municipal Budget together with meeting the requirements of Notice Bylaw 14-2003 for this purpose.

Tender for Sidewalk Program

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

THAT the 2003 Sidewalk Tender be awarded to Don Hager Contracting Inc., to complete the nine (9) interlock brick paver rehabilitation locations, as specified and attached to W. Spencer's June 3 report, at the unit prices as tendered, to an upset cost limit of \$100,000.00 (GST included); and further

THAT the unit prices and extra work pricing tendered by Don Hager Contracting Inc. to complete the concrete sidewalk rehabilitation, conduit placement, and relocation of parking meters, as specified, to pre-authorized upset cost limits, be accepted.

Award of contract – Portage Bay Bridge Deck Overlay Project
26. Moved by R. Lunny, Seconded by D. McDougald & Carried:-

THAT the Portage Bay Bridge Deck Overlay Project be awarded to Di-Tech International Inc, Winnipeg, Manitoba, as specified, in the amount of \$72,990.00, plus GST for the vehicular deck, and \$22,525.00, plus GST for the sidewalk area; and

THAT a total project expenditure allocation in the amount of \$107,000.00 be approved; and

THAT following provisions of Notice By-law #14-2003, the Council of the City of Kenora give three readings to a by-law to appropriate the capital cost shortfall of \$36,390.00 from Road Reserves; and

THAT the Council of the City of Kenora gives three readings to a by-law to authorize the execution of an agreement with Di-Tech International for the deck overlay project; and further

THAT the senior government ministries be petitioned to assist in funding the Portage Bay Bridge decking replacement and deck overlay projects.

Phase 3 Environment Site Assessment Proposal – P.Works Yard
27. "PULLED"

That Council of the City of Kenora hereby accepts and approves the "Phase 3 Environmental Site Assessment" proposal from DST Consulting Engineers Inc. for \$76,500.00 + GST ; and further
 That the Mayor and Clerk be authorized to enter into an agreement with DST Consulting Engineers Inc.

By-laws – First & Second Reading

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

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

#88-2003 – to confirm the proceedings of Council at its Committee of the Whole Meeting held June 10, 2003;

#89-2003 – to amend Zoning By-Law L37/95 (Seitler);

#90-2003 – to amend Zoning By-Law No. L37/95 (Stubbs); **HOLD**

#91-2003 – to amend Zoning By-Law No. L37/95 (Dufresne);

#92-2003 – to execute an agreement with Di-Tech International Inc. for the Portage Bay Bridge Deck Overlay Project;

#93-2003 – to amend By-Law No. 127-2001 (Traffic By-Law);

#94-2003 – to establish a Schedule of Rates for Lake of the Woods Cemetery;

#95-2003 – to regulate the Fortification of Land and prohibit excessive Fortification of Land;

#96-2003 – to adopt amended estimates for Capital and Reserves for 2003 (Portage Bay Bridge);

- #97-2003 – to adopt amended estimates for Capital and Reserves for 2003 (Kenora Library, Keewatin Beach, and Urban Forestry Planning);
- #98-2003 – to appoint By-Law Enforcement Officers for summer 2003;
- #99-2003 – to amend By-Law No. 38-2003 being an Agreement of Purchase & Sale - Public Works Building;
- ~~#100-2003 – to authorize an Agreement with DST for Phase 3 Environmental Site Assessment - Public Works Yard;~~ **PULLED**

By-laws – Third & Final Reading

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

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

- #88-2003 – to confirm the proceedings of Council at its Committee of the Whole Meeting held June 10, 2003;
- #89-2003 – to amend Zoning By-Law L37/95 (Seitler);
- ~~#90-2003 – to amend Zoning By-Law No. L37/95 (Stubbs);~~ **HOLD**
- #91-2003 – to amend Zoning By-Law No. L37/95 (Dufresne);
- #92-2003 – to execute an agreement with Di-Tech International Inc. for the Portage Bay Bridge Deck Overlay Project;
- #93-2003 – to amend By-Law No. 127-2001 (Traffic By-Law);
- #94-2003 – to establish a Schedule of Rates for Lake of the Woods Cemetery;
- #95-2003 – to regulate the Fortification of Land and prohibit excessive Fortification of Land;
- #96-2003 – to adopt amended estimates for Capital and Reserves for 2003 (Portage Bay Bridge);
- #97-2003 – to adopt amended estimates for Capital and Reserves for 2003 (Kenora Library, Keewatin Beach, and Urban Forestry Planning);
- #98-2003 – to appoint By-Law Enforcement Officers for summer 2003;
- #99-2003 – to amend By-Law No. 38-2003 being an Agreement of Purchase & Sale-Public Works Building;
- ~~#100-2003 – to authorize an Agreement with DST for Phase 3 Environmental Site Assessment - Public Works Yard.~~ **PULLED**

Adjournment

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

THAT this meeting be now declared closed at 6:00 p.m.

THE CORPORATION OF THE CITY OF KENORA:

CONFIRMED AS WRITTEN THISDAY OF

.....2003

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MAYOR

.....
CITY CLERK

