

COMMITTEE OF THE WHOLE MINUTES

Held Tuesday, December 16, 2003
At 4:00 p.m. – City Council Chambers

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PRESENT:

David Canfield	-	Mayor
Len Compton	-	Councillor
Rory McMillan	-	Councillor
Ingrid Parkes	-	Councillor (arr'd @ 4:30)
Andrew Poirier	-	Councillor
Ted Szajewski	-	Councillor
Colin Wasacase	-	Councillor
B. Preisentanz	-	CAO
J. McMillin	-	Clerk
J. Port	-	Planner

A. Public Information NOTICES as per By-law No. 14-2003

Take Notice that as required under Notice By-law No. 14-2003, Council hereby advises the public of its intention to adopt the following resolutions and by-law at its December 22 meeting:-

- i) increase in hourly fee for flexible enrollment at the Castle of Learning and Discovery Children's Centre
- ii) increase in fees to After School Program at Castle of Learning and Discovery Children's Centre
- iii) to amend the 2003 Municipal Budget by appropriating funds from the Contingency Reserve in the amount of \$52,046.28 for payment of the Final NORA Debt.

B. RESOLUTIONS PREPARED FOR Monday, December 22/2003:-

- *Confirm Minutes*
- *Approval of Accounts*
- *Confirmatory By-law*
- *Adjournment*

C. DECLARATION OF PECUNIARY INTEREST

There were no Declarations.

D. REPORT OF COMMITTEES:-

FINANCE & ADMINISTRATION

1. Appointments to Handi Transit Board

RECOMMENDATION:-

THAT the following be appointed to the Handi Transit Board with a term to expire November 30, 2006:-

Councillor Colin Wasacase – Council Rep.
Councillor Ingrid Parkes – Council Alternate
James Tkachyk – Citizen Rep.
Donna Wiebe – Citizen Rep.
Barbara Pearson – Citizen Rep.
Lawrence Rosdobutko – Citizen Rep.

Robert Fairfield – Citizen Rep.
Margaret Maybank – Citizen Rep.
Vacancy – Citizen Rep.

Joanne

Recommendation approved.

It was noted that there still remains one (1) vacancy on the Board and it is hoped there will be a user or a family member of a user apply to serve on the Board.

2. 2004 Effective Municipal Councillor Program

RECOMMENDATION:

THAT authorization be hereby given for Mayor Canfield and Members of Council to attend the 2004 Effective Municipal Councillor Program taking place in Dryden on February 5, 2004; and further

THAT payment of expenses in accordance with the Council Travel & Per Diem Policy is hereby authorized for this purpose.

Recommendation approved (pending confirmation of location, as it may be held in Sioux Lookout in conjunction with KDMA).

Joanne/
Paulette

Attendance at KDMA

RECOMMENDATION:

THAT authorization be hereby given for a total combination of seven (7) Members of Council and Staff be authorized to attend the 2004 Annual General Meeting of the Kenora District Municipal Association taking place in Sioux Lookout, February 5 – 7, 2004; and further

THAT payment of expenses in accordance with the Council Travel & Per Diem Policy is hereby authorized for this purpose.

Recommendation approved

Joanne/
Paulette

It was noted there have been 7 rooms booked in Sioux Lookout for the Conference and names must be confirmed.

3. Establishment of a Business Improvement Area

RECOMMENDATION:

THAT Council of the City of Kenora hereby give three readings to Bylaw establishing a Business Improvement Area for the downtown area of the City of Kenora effective January 01, 2004.

Recommendation approved.

Joanne

4. Harbourtown Centre Committee

RECOMMENDATION:

THAT the following be appointed to the **Harbourtown Centre Committee**, with a term to expire November 30, 2006:-

Councillor Rory McMillan – Council Rep.
Councillor Len Compton – Council Rep.

Councillor Andrew Poirier – Council Alternate
Bill Preisentanz – City Staff
Jeff Port – City Staff
Pat Lunny – Chamber Rep.
Buck Matiowski – Special Events (LOWBIC)
Bill Richards – Marketing & Promotion (LOWBIC)
Constable Bob Bernie – KPS Rep.
Dean Brennan – Kenora Business Rep.
David Penner – Kenora Business Rep.
John Berringer – Kenora Business Rep.
Hugh Jensson – Kenora Shoppers’ Mall Rep.

THAT Resolution Number 11 dated December 1, 2003 be hereby repealed.

Recommendation approved.

Joanne

5. 2004 Meeting Schedule

RECOMMENDATION:

THAT the following meeting dates set out shall constitute the 2004 meeting schedule of Council with respect to Committee of the Whole and Council Meetings and that any changes to this schedule will be duly advertised:-

Tuesday, January 6 – 4:00 p.m. - COW
Monday, January 12 – 5:00 p.m. - Council
Tuesday, January 20 – 4:00 p.m. - COW
Monday, January 26 – 5:00 p.m. - Council
Tuesday, February 3 – 4:00 p.m. - COW
Monday, February 9 – 5:00 p.m. - Council
Tuesday, February 17 – 4:00 p.m. - COW
Monday, February 23 – 5:00 p.m. - Council
Tuesday, March 2 – 4:00 p.m. - COW
Monday, March 8 – 5:00 p.m. - Council
Tuesday, March 16 – 4:00 p.m. - COW
Monday, March 22 – 5:00 p.m. - Council
Tuesday, April 6 – 4:00 p.m. - COW
Tuesday, April 13 – 5:00 p.m. – Council (change due to Easter)
Tuesday, April 20 – 4:00 p.m. - COW
Monday, April 26 – 5:00 p.m. - Council
Tuesday, May 4 – 4:00 p.m. - COW
Monday, May 10 – 5:00 p.m. – Council
Tuesday, May 18 – 4:00 p.m. - COW
Tuesday, May 25 – 5:00 p.m. – Council (change due to Victoria Day)
Tuesday, June 1 – 4:00 p.m. – COW
Monday, June 7 – 5:00 p.m. – Council
Tuesday, June 15 – 4:00 p.m. – COW
Monday, June 21 – 5:00 p.m. - Council
Tuesday, July 6 – 4:00 p.m. – COW
Monday, July 12 – 5:00 p.m. – Council
Tuesday, August 3 – 4:00 p.m. – COW
Monday, August 9 – 5:00 p.m. – Council
Tuesday, September 7 – 4:00 p.m. - COW
Monday, September 13 – 5:00 p.m. - Council

Tuesday, September 21 – 4:00 p.m. - COW
Monday, September 27 - 5:00 p.m. - Council
Tuesday, October 5 – 4:00 p.m. - COW
Tuesday, October 12 - 5:00 p.m. – Council (change due to Thanksgiving)
Tuesday, October 19 – 4:00 p.m. – COW
Monday, October 25 - 5:00 p.m. – Council
Tuesday, November 2 – 4:00 p.m. - COW
Monday, November 8 – 5:00 p.m. – Council
Tuesday, November 16 – 4:00 p.m. - COW
Monday, November 22 – 5:00 p.m. - Council
Tuesday, December 7 – 4:00 p.m. - COW
Monday, December 13 – 5:00 p.m. – Council

Recommendation approved.

Joanne

6. One-third Remuneration – Tax Free Allowance

RECOMMENDATION:

WHEREAS Section 255(2) of The Municipal Act, 2001, came into effect on December 12, 2001; and

WHEREAS the Council of the City of Kenora’s Remuneration By-law makes reference that one-third of its remuneration shall be deemed as an expense allowance; and

WHEREAS the Council of the City of Kenora has agreed that the one-third tax-free expense allowance remains in effect;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Kenora hereby declares that one-third of the remuneration paid to elected Members of Council of the City of Kenora shall continue as expenses incident to the discharge of their duties as Members of the Council.

Recommendation approved.

Joanne

7. Allocation of Renewal Funds - Ontario Transit Renewal Prgm

RECOMMENDATION:

THAT Council of the City of Kenora hereby requests the Ministry of Transportation to provide an allocation of renewal funds in the Ontario Transit Renewal Program for the year 2003 in the amount of \$25,059 representing one third of the capital costs for the replacement of one Handi Transit bus (for physically disabled persons).

Recommendation approved.

Joanne

8. Audit Tender

RECOMMENDATION:

THAT Martin R. Nelson C.A. be appointed as the City’s external auditor for the five year period commencing January 1, 2003; and further

THAT the appropriate by-law be adopted for this purpose.

Recommendation approved (resolution and by-law).

Joanne

9. Municipal Engineer

RECOMMENDATION:

THAT Council of the City of Kenora approve the appointment of Marco Vogrig to the position of Municipal Engineer effective December 1, 2003.

Recommendation approved.

Joanne

10. Min. of Transportation Government Authorized Requester Agrmt

RECOMMENDATION:

THAT Council authorize the agreement with the Ministry of Transportation allowing access to the Ministry database for the purposes of Part I and Part III prosecution and enforcement under the Provincial Offences Act.

Recommendation approved (resolution and by-law).

Joanne

11. Amending Agreement with First Pro

RECOMMENDATION:

THAT Council give three readings to a by-law to authorize the execution of an Amending Agreement between the City of Kenora and 1286730 Ontario Limited with respect to municipal property located on Highway 17 East by extending the Condition Date to February 18, 2004.

HOLD FOR BAO to review and advise.

Recommendation approved (resolution and by-law).

Joanne

12. 2004 Municipal Insurance Program – City of Kenora

RECOMMENDATION:

THAT Council of the City of Kenora hereby renew its 2004 municipal insurance coverage with Frank Cowan Company Limited; and

THAT payment of \$415,637.00 be authorized; and further

THAT Frank Cowan Insurance Company be requested to include the City Community Clubs under the City's liability insurance coverage.

Recommendation approved.

Joanne

13. Proclamation – Alzheimer Awareness Month

RECOMMENDATION:

THAT the Mayor be and is hereby authorized to proclaim the month of January, 2004 as "Alzheimer Awareness Month" in and for the City of Kenora.

Recommendation approved.

Joanne

COMMUNITY SERVICES COMMITTEE

1. Wage Increase for Ontario Works Van Driver

RECOMMENDATION:

THAT Linda Percival, Ontario Works Van Driver be granted a 3% increase in salary effective January 1, 2004.

Recommendation approved.

Joanne

2. Community Services Office Closure for Holiday Season

RECOMMENDATION:

THAT the Mayor and Council support the Community Services Committee recommendation to approve the following closures and hours of office operations over the 2003 Christmas holidays:-

Christmas closure for the Lake of the Woods Museum be from noon December 24th 2003 until and including January 1, 2004; and

THAT the City of Kenora Public Libraries be approved to operate on shortened hours on December 22, 23, 29 and 30 from 10:00 am to 4:00 pm and closure at 1:00 pm on December 24 and 31, 2003. The Libraries will also be closed all day on December 27, 2003. Regular hours of operation will resume on January 2, 2004; and

THAT the Castle of Learning Day Care be closed for the two week period beginning December 24, 2003 and reopening on Monday January 5, 2004; and further

THAT the Ontario Works office be closed on Friday January 2, 2004

Joanne

Recommendation approved.

3. Contract Agreement for Al Tucker 2004

RECOMMENDATION:

THAT Mayor and Council approve the revised contract agreement between the City of Kenora and Allan Tucker (the Contractor) to operate and supervise the Harbourfront Parking Lot for the period of one (1) year commencing on January 01, 2004, and further that

The Contractor is paid an annual fee in the amount of \$32,960.00 payable on a bi-weekly basis; and further that Council give three readings to a by law to execute a contract for Allan Tucker and further that by law 19-2003 be repealed.

Recommendation approved.

Joanne

4. Accessibility Committee – New Committee Representative

RECOMMENDATION:

THAT Sallie Hunt be appointed the Kenora Accessibility Advisory Committee to fill an existing vacancy with a term to expire November 30, 2006.

Recommendation approved.

Joanne

5. Skate park Proposal for Support

RECOMMENDATION:

THAT the Mayor and Council support the Kenora Skate Park Committee proposal to utilize the City's charitable number to apply to the Moffatt Foundation; and further that

The City of Kenora would act as Administrator for the receipt of the grant and payment of costs on behalf of the Committee for this project.

It was advised that for the time being this will have to be removed from the agenda.

FILE

FILE

6. Increase in "hourly fee" for flexible enrolment children

RECOMMENDATION:

THAT the Mayor and Council support an increase in the "hourly rate" for families requiring care for flexible enrolment children from \$4.00 to \$5.00 per hour; and further

THAT parents be required to pay for the number of confirmed hours of service regardless of absenteeism. Hourly rates are not broken down to halves or quarters; and further

THAT Notice be hereby given in accordance with Bylaw No 14-2003 to increase the hourly rate from \$4.00 to \$5.00 per hour; and further that

This fee increase would be in effect starting January 1, 2004

Recommendation approved.

Joanne

7. Increase in fees to After School Program

RECOMMENDATION:

That the Mayor and Council support the increase for child care after school fees at the "Evergreen Kid's Club" from \$6.00 to \$7.00 daily. This fee increase would be in effect starting January 1, 2004; and further that

Notice be hereby given in accordance with Notice Bylaw No. 14-2003 to increase the after school fees from \$6.00 to \$7.00 daily.

Recommendation approved.

Joanne

8. Full-time Labourer for Parks Department

RECOMMENDATION:

THAT Council support the Community Services Committee recommendation to approve increased hours of a seasonal labourer to full time hours; and further

THAT this position will have no additional impact on the 2004 operating budget, as staffing allocations will accommodate this position with a decrease in current seasonal positions within the Department.

Moved to Closed Session to discuss an identifiable individual.

EMERGENCY SERVICES

1. Exemption to By-law 20-2001 – Keeping of Animals

RECOMMENDATION:

THAT as recommended by the Police Services Board, Council give three readings to a by-law to authorize an exemption to Section 6.1 of By-law 20-2001 being a by-law to Regulate the Keeping of Animals in the City of Kenora, as follows:-

6.1 (No more than two cats)

- 1. Ontario Society for the Prevention of Cruelty to Animals (OSPCA) at 802 Ottawa Street;**
- 2. Celynn Alcock at 106 Regina Avenue.**

Recommendation approved (resolution and by-law).

Joanne

While Committee agreed with the above intent, it was suggested and recommended that the by-law amendment not reflect specific names and addresses, but rather include a provision under Section 5, Exemptions, of the by-law and that the Police Services Board be given the authority to make the determination on exemptions as they relate to these particular types of operation.

OPERATIONS COMMITTEE

1. Attendance at ROMA/OGRA Conference

RECOMMENDATION:

THAT a total combination of four (4) Members of Council and Staff be authorized to attend the 2004 ROMA/OGRA Annual Conference taking place in Toronto, February 22 to 25:- and further

THAT payment of expenses in accordance with the Council Travel & Per Diem Policy is hereby authorized for this purpose.

Recommendation approved.

Joanne

It was requested that air travel be booked tomorrow, December 17 as this is the final date for the low return air fare to Toronto.

Joanne

2. Traffic Impact Study, KGS Group, November/03

RECOMMENDATION:

THAT the Council of the City of Kenora accepts the "Highway 17 Traffic Impact Study" as presented on November 4, 2003.

Recommendation approved.

Joanne

3. Hydro One Pole Line Agreement

RECOMMENDATION:

THAT the City of Kenora enters into an Agreement for Licensed Occupancy of Power Distribution Poles with Hydro One Networks Inc., as attached to R. Perchuk's December 9 report; and further

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

Recommendation approved (resolution and by-law), pending review by our Solicitor.

Joanne

4. M.O.E. Storm water Management Seminar

RECOMMENDATION:

THAT authorization be hereby given for Rick Perchuk, Manager of Operations, to attend the Ministry of the Environment Storm water Management Seminar scheduled for February 5, 2004 in Toronto, with all eligible expenditures authorized.

Recommendation approved.

Joanne

5. Highway 17 East Improvements

RECOMMENDATION:

THAT the following recommendation submitted by Bill Preisenz, be hereby accepted:-

THAT Council of the City of Kenora hereby investigate the feasibility of addressing long term utility and highway improvements on Highway 17 East from the Tourist Centre westerly to River Drive; and further

THAT the Consultant Terms of Reference to "Provide Engineering and Design Services for Highway, Drainage and Utility Improvements - Highway 17 East," be approved.

Recommendation approved.

Joanne

6. City of Dryden/NORA Final Debt Payment

RECOMMENDATION:

THAT Council of the City of Kenora authorize payment of \$52,046.28 as full and final payment being the City of Kenora's per capita share towards the Northwest Recycling accumulated debt; and

THAT authorization be provided for the withdrawal of \$52,046.28 from the Contingency Reserve; and further

THAT Council of the City of Kenora under provision of the Notice By-law give notice of its intention to amend the 2003 Municipal Budget to provide for this payment.

Recommendation approved (resolution and by-law).

Joanne

7. Award of Contract - To Provide Engineering and Design Services for Highway, Drainage & Utility Improvements-Hwy.17 RECOMMENDATION will follow before Monday's in conjunction with Engineering and Planning.

**Jeff Port/
Joanne**

PROPERTY & PLANNING

**1. Zoning By-Law Amendment Application - Ne-Chee
HOLD**

**2. Reminder of Public Meeting Zoning By-law Amendment
- Nawolski - 4:50 p.m. Monday, December 22**

**Council
Jeff
Joanne**

**3. Planning Advisory Committee - Policies
HOLD**

4. Sale of land to Patyn – Dufresne Island

RECOMMENDATION:

THAT Council give three readings to a by-law to stop up, close and sell part of Parcel 42924 being that part of First Street as shown on Registered Plan M.134 designated as Parts 1 and 2 Plan 23R-10852 and that part of the Road Allowance in front of Mining Location 298E, now in front of Lot 2 Plan M.134, designated as Parts 3 and 4 as shown on Plan 23R-10852, Town of Keewatin, now the City of Kenora in the District of Kenora.

Recommendation approved (resolution and by-law).

Joanne

5. LOWBIC Service Agreement – Third Quarter Report

RECOMMENDATION:

THAT Council of the City of Kenora hereby accepts the 2003 Third Quarter Report as submitted by LOWBIC on October 15, 2003.

Recommendation approved.

Joanne

6. Lease Agreement – Hing’s Restaurant

RECOMMENDATION:

THAT Council of the City of Kenora hereby give three readings to a by-law authorizing a three year lease agreement for a parcel of land being 4 feet x 8 feet with 446562 Ontario Ltd. (Gam Hing Choo) for purposes of placement of a garbage container.

Recommendation approved (resolution and by-law).

Joanne

7. Radcliffe Request to Purchase Property – Coney Island

RECOMMENDATION:

THAT Council hereby declares Lots 54, 55, 60 and 61, together with that part of road allowance adjacent to said lots on Coney Island on Plan M.13 as surplus municipal property to the needs of the City of Kenora; and further

THAT the necessary arrangements be made to sell the land to Catherine Radcliffe based on fair market value in the amount of \$15,000.00, plus all associated costs (survey, appraisal, legal, transfer, advertising) in connection with this transaction.

Jeff Port advised it is the City’s position that these lots shall be consolidated into Ms Radcliffe’s parcel of land and this would be a condition of the transfer.

The Clerk is to determine whether or not the family member who owns property along the laneway in question is willing to relinquish their right to a portion of the lane, by way of a letter.

Joanne

Councillor Compton questioned if the Planning Department has given any consideration to recommending the deregistering of certain undersized lots on various plans of subdivision. It was discussed this could be placed on an Agenda for the Property and

Planning Committee to consider. Further, it was asked if Ms Radcliffe is aware of the conditions of this sale regarding the consolidation, or "lot additions" to her property.

It was agreed that this item be placed on hold until such time as the Property and Planning Committee further review this matter and more information is acquired on how the transaction will proceed.

To Property and Planning Committee

HOLD

UTILITIES & COMMUNICATIONS COMMITTEE

No reports submitted.

OTHER BUSINESS

Motion required adjourning to Closed Meeting:

Moved by R. McMillan, Seconded by A. Poirier, and Carried:-

THAT this meeting be now declared closed at 5:20 p.m.; and further

THAT Council adjourn to a Closed Meeting to discuss the following:

- i) pending acquisition of land;

Council will consider the possibility of purchasing two separate parcels of land, following review of the processes and recommendations involved for both.

ACTION FROM CLOSED SESSION:

Full-time Labourer for Parks Department

RECOMMENDATION:

THAT Council support the Community Services Committee recommendation to approve increased hours of a seasonal labourer to full time hours; and further

THAT this position will have no additional impact on the 2004 operating budget, as staffing allocations will accommodate this position with a decrease in current seasonal positions within the Department

This item is to remain on HOLD for the time being.

HOLD

The meeting adjourned at 6:35 p.m.

