

# MINUTES

*of a Meeting of the Council of the City of Kenora  
held Monday, March 8, 2004 – City Chambers  
at 5:15 p.m.*

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WITH Mayor D. Canfield in the Chair, Councillor L. Compton, Councillor R. McMillan, Councillor I. Parkes, Councillor A. Poirier, Councillor T. Szajewski, Councillor C. Wasacase, Bill Preisentanz, CAO, Joanne L. McMillin, City Clerk.

## **Call to Order**

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

## **CONFIRMATION OF MINUTES**

**1.Moved by L. Compton, Seconded by R. McMillan & Carried:-**

THAT the Minutes of the last Regular Meeting of Council of the City of Kenora held **Monday, February 23, 2004** be confirmed as written and circulated.

## **DECLARATIONS OF PECUNIARY INTEREST**

Mayor Canfield then asked if any Member of Council had any Declarations of Pecuniary Interest with respect to any items on the Agenda.

**Councillor Compton made a Declaration of Pecuniary Interest with respect to Resolution Number 6 due to his being a Real Estate Agent and having a property listed that is ancillary to this matter.**

## **DEPUTATIONS:**

### **Cindy Christensen & Deeanne Wilwand – Friends of Keewatin Beach**

A group of citizens representing “Friends of Keewatin Beach” attended the meeting and spokespersons Cindy Christensen and Deeanne Wilwand circulated and read a prepared presentation to Council.

The group outlined the recreational benefits of the dock at Keewatin Beach for all age groups from babies and toddlers to adults and the elderly, including people with special needs. They advised the park, dock, and washrooms are all wheelchair accessible.

The following overall benefits of the dock were also cited: public beach open to everyone; easy access to swimming; provides an environment inclusive of wildlife and fish; weed control; visual boundary for boats; and that the dock is the primary attraction of the beach.

The group stated that liability insurance should not govern the decision-making, and that lifestyle should not be compromised over being afraid of risk. They believe there will always be risks, given our location.

In closing, the group respectfully requested Council’s consideration of their input tonight and to not vote to remove the dock. Further they indicated they will be submitting a Petition against this proposal prior to next week’s Committee of the Whole Meeting.

**John O’Flaherty – Removal of Docks - Coney Island & Keewatin Beach**

Mr. O’Flaherty circulated and read a prepared presentation to Council. Mr. O’Flaherty commented that Kenora is a tourist town, with boating and swimming its recreational base and the proposed removal of docks at Coney Island and Keewatin Beach should not be approved. He referred to Kenora having some docks since its inception over 100 years ago and questioned if the City is considering removing other docks such as those on Main Street, Matheson Street, Water Street and the Harbourfront? He indicated the old Argyle dock on Coney Island could probably warrant protection under the Heritage Act, possibly the Keewatin dock as well.

Mr. O’Flaherty questioned the City’s liability insurance and suggested there are other areas to review for liability issues other than the docks.

In closing, Mr. O’Flaherty advised he would be happy to volunteer on an ad hoc committee with City departments to seek solutions to this issue to avoid removal of the docks.

**Don Kinger – Removal of Dock from Keewatin Beach**

Mr. Kinger referred to his growing up in Keewatin and being at the beach every summer, specifically for the fun of jumping off the docks. He explained there would be very little for children to do during the summer if the docks are removed, and that the City might as well close up the beaches and parks completely. He also questioned the cost of liability insurance and was not convinced this is the real reason for such a proposal.

Mr. Kinger referred to the cost and disruption of pulling out crib docking in the areas identified, and said there would be a great expense to this exercise, as well as a cost to the environment from the disturbance.

In closing, he suggested Council take back the management of Anicinabe Park from private enterprise as there is revenue to be made that the City is missing out on.

**Gerry Bozzo - Docks**

Mr. Bozzo referred to events of September, 2000, and some history of the Norman Park area since his moving to Kenora, specifically in the Park area to enjoy the area and Lake of the Woods. He also advised he has researched the legal intent of the Norman Park use and believes it is being contravened.

Mr. Bozzo also gave a history of the establishment of the condominiums that were built at the end of Pearson Street and how they obtained access to the docking in front of their development. Further he explained a Building Permit was approved for a new dock to be built at the end of Pearson Street for the sole use of the Condo Corporation. He referred to public use of the park and that it was a gift from the province of Ontario, which included a titled covenant on the Parkland that prohibits certain uses and he believes there are a number of illegal infractions to the covenant. He believes there are also infractions against the fish habitat that exists at the end of Pearson Street as a direct result of the Condo docking system, as well as illegal dumping of ash, tires and rock with no regard to the environment.

Mr. Bozzo requested Council look at this matter, stating the City is not fair and consistent in how Kenora’s waterfront and docking are being managed.

**Peggy O'Flaherty – Removal of Docks at Coney Island**

On behalf of the Coney Island Ratepayers, Mrs. O'Flaherty advised she strongly supports all comments presented tonight, and advised Council that most residents are not asking for anything more, but to simply have everything left as it is for the enjoyment of our residents, and also for the people who want to return to live, or visit the Kenora area.

**Nora Baker-Lavoie – Removal of Dock at Keewatin Beach**

Ms Baker-Lavoie invited Members of Council and City representatives to visit Keewatin Beach during the six to eight months that the beach is in full swing and to witness the beautiful enjoyment by residents at the beach and park.

**Ches Scott – Docks**

Mr. Scott referred to liability insurance, noting this is partly where our tax dollars go, and it is for the reasons being discussed tonight that the City has this type of insurance. He spent 40 years in the insurance business and does not believe the City should be using the liability issue as a reason to take out the docks. Mr. Scott questioned when the last time was that the municipality has had to pay out on a liability claim. In closing Mr. Scott stated that the citizens have to be heard.

**Val Brown – Removal of Docks at Coney Island**

Mrs. Brown advised she is the Treasurer for Coney Island Ratepayers and her family has had a cottage on Coney Island for many years. She stated there are two large signs on the docks at Coney to welcome residents and tourists to Coney Island and to enjoy the park and the beach. She questioned once the docks come out where will these signs be posted? Mrs. Brown does not want to see the beach completely covered with boats as this will be a hazard to swimmers without the docks for boat use. She hopes that in future, many generations will be able to enjoy swimming off the docks at Coney Island beach, and that the City does not remove any of the docks.

**Grant Speight – Removal of Dock at Keewatin Beach**

Mr. Speight indicated that he spent every summer for 18 years swimming off the dock at Keewatin Beach. He also advised that he witnessed a rescue at the beach and that the person may not have been rescued if it wasn't for the dock. The person's "saver" was able to act fast when they saw someone in distress and ran down the dock to the water to save the person, stating it is quicker to run on the dock than to run through water.

**Vanessa Nieminen – Friends of Keewatin Beach**

Ms Nieminen explained to Council that Friends of Keewatin Beach were told that the dock at Keewatin Beach would be removed before spring (March 22 or 24) and that City staff were pushing for this date. It was for this reason the group has taken immediate action to approach Council and lodge their opposition.

**Chase Peloquin – Removal of Dock at Keewatin Beach**

Mr. Peloquin advised he lives up the road from Keewatin Beach and has been enjoying and swimming at the beach every summer for the last 19 years. It has given him somewhere to go and something to do, and he wants to see his nieces and nephews get to enjoy the dock at the beach as they grow up as well.

In response to the presentations and questions, Councillor Szajewski indicated the Community Services Committee was reviewing a recommendation on the matter of various dock removal and had requested garnering information from various groups prior to bringing the matter before Council.

Mayor Canfield advised this item will be reviewed with tonight's comments and concerns taken into consideration and a decision will be arrived at by Council on the matter at a future meeting.

**Carol Bruneau – Closure of Castle of Learning (Day Care) Centre**

Ms Bruneau advised she is a user of the Castle of Learning and Discovery Centre and that this Day Care Centre is the best day care available in the City. She applauded the earlier groups for their presentations and explained that unfortunately she was not given as much preparation time for a formal presentation, having just recently learned of the proposed closing last Friday.

Ms Bruneau referred to the excellent early childhood education that children receive at this grassroots level from being in the Kenora Day Care facility. She said there is no comparison to the quality of care at the Day Care Centre versus private home day care, or any other day care service in the area. She indicated home day care givers are typically not qualified and do not usually issue tax receipts.

On behalf of the many parents in attendance, Ms Bruneau emphasized how the parents want their Day Care Centre to remain open. It is a core service that has been here for the last 30 years and she indicated they have suggestions to help with cost cutting measures in other areas without having to close the doors. She assured Council the parents are here to help, and not to attack them. They want to present the many ideas they have to cover the small deficit, and to determine what can be implemented to help keep the facility open.

Ms Bruneau spoke highly of the day care program and the staff who care for their children during prime time and what a difference they have made in the children's lives.

In closing she explained in many instances there is over a one year's waiting list to obtain other day care, and she implored Council to delay the vote tonight and to hold a meeting with the parents to look at various options.

**Jocelyn Neill– Closure of Castle of Learning (Day Care) Centre**

Ms Neill advised she has two children who attend the Day Care Centre, and criticized Council for no advance warning that the Centre was going to close. She said there was absolutely no consideration given to the parents and questioned what happened to the open and transparent Council that was going to keep its citizens informed? She indicated she found out about the Centre closing by very distraught day care staff when she attended the facility on Friday morning.

She referred to unlicensed home day care operations in the area and is concerned about who regulates them? She indicated to Council she wants to continue taking her children to the Castle of Learning Centre and appealed to Council to keep the doors open.

**Theresa Stevenson– Closure of Castle of Learning (Day Care) Centre**

Ms Stevenson advised she has two children who attend the Day Care Centre on a full-time basis, and her and her husband depend on the day care as they work full-time, plus have their own business to run. They have no where to take their children, and do not want to use home day care, however if there were any available they would consider this option, but there are no openings in private day care in Kenora.

**Ramona Barclay– Closure of Castle of Learning (Day Care) Centre**

Ms Barclay advised the closing of the Day Care Centre does not have a direct affect on her needs as her children will now be in school full-time, however her children did attend the Castle of Learning and it is an extremely good facility because of the quality of care. She had the opportunity to take her children to the day care program at Cameron Bay where she is employed, and it would have been

more convenient for her, however she chose to take her children to the Kenora Day Care Centre, and that it was a positive experience for all of them.

She explained there was always an excellent rapport between the staff and the parents and the facility provides a safe environment. She indicated she would be willing to help provide solutions and asked Council to keep the Centre open as it is an invaluable service to the community.

**Barbara Marchant– Closure of Castle of Learning (Day Care) Centre**

Ms Marchant expressed how very convenient the Day Care Centre is as a service in Kenora and gave praise to the workers at the Centre. She feels the City is not looking after its children by taking this type of action and asked Council to please re-consider this proposal and not close the Day Care Centre.

**Michelle Doulis– Closure of Castle of Learning (Day Care) Centre**

Ms Doulis explained she has had an opportunity to work at the Day Care Centre and that her son attends on a part-time basis and loves going to the Castle of Learning. She explained her son has an incredible food allergy and the staff at the Centre is extremely conscientious to ensure he does not come in contact with food he cannot have and that he is safe there. She credits every worker who has assisted in raising her son through the municipal day care program, and that she too cannot access any other day care and will need something in place immediately. Ms Doulis suggested that while the enrolment might be low right now, there are many parents that depend on the facility and use it regularly. She believes it should be able to remain open and will be well used by many families.

**Grant Speight– Closure of Castle of Learning (Day Care) Centre**

Mr. Speight referred to the job aspect of closing the Day Care Centre, noting that his son had to leave Kenora as there was no meaningful work in this area. He asked Council to re-consider their decision and to avoid having to cut jobs, emphasizing we have to keep the youth of our community in the city.

**APPROVAL OF ACCOUNTS**

**2.Moved by R. McMillan, Seconded by L. Compton & Carried:-**

THAT the Reports dated **February 17, March 1 and 4, 2004** 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 **\$3,846,778.88** be hereby authorized for approval.

**STATEMENT OF REMUNERATION**

**3.Moved by R. McMillan, Seconded by L. Compton & Carried:-**

THAT Council receive the report submitted by Charlotte Edie, Municipal Accountant dated February 4, 2004, summarizing the Annual Statement of Remuneration and Expenditures in accordance with The Municipal Act, for Members of Council and various Boards and Commissions.

**L.O.W. REGIONAL COMMUNITY FOUNDATION**

**4.Moved by R. McMillan, Seconded by C. Wasacase:-**

THAT Council of the City of Kenora refer the request from Kenora and Lake of the Woods Regional Community Foundation to the Budget Committee to provide 50% funding for operating costs for one staff person and related office costs based on total annual costs of \$50,000.00 to manage and seek endowments for the Foundation for a two year period commencing July 1, 2004; and further

THAT the City's contribution to this project be conditional upon incorporating the Wellness Centre funding target of \$500,000.00.

**Councillor Compton requested that this motion be amended by deleting the last paragraph and replacing it with the following:**

“THAT THE best efforts will be made to reach the funding target of \$500,000.00.”

**L.O.W. REGIONAL COMMUNITY FOUNDATION – As Amended**

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

THAT Council of the City of Kenora refer the request from Kenora and Lake of the Woods Regional Community Foundation to the Budget Committee to provide 50% funding for operating costs for one staff person and related office costs based on total annual costs of \$50,000.00 to manage and seek endowments for the Foundation for a two year period commencing July 1, 2004; and further

THAT THE best efforts will be made to reach the funding target of \$500,000.00.

**LOWBIC AND THE STREET BRIGRADE PROGRAM**

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

THAT Council of the City of Kenora recognizing direct benefits and cost-savings associated with the Street Brigade Program authorize a one time payment to LOWBIC in the amount of \$23,000 representing 50% of the 2003 operating deficit.

**CLOSURE OF KENORA DAY CARE CENTRE**

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

THAT the Council of the City of Kenora accept the recommendation from the Community Services Committee to close the Castle of Learning and Discovery Children's Centre as of June 30, 2004.

**Councillor Parkes requested Motion #6 be amended while Councillor McMillan indicated the Motion be tabled until a meeting could be held with parents.**

**MOTION TO TABLE #6**

**Moved by I. Parkes, Seconded by A. Poirier & Carried:-**

THAT Motion Number 6 be hereby tabled for further review and meetings with both parents and staff to review possible options to keep the Kenora Day Care Centre open.

**ABSTENTION: Councillor L. Compton**

**6. CLOSURE OF KENORA DAY CARE CENTRE – MOTION TABLED**

THAT the Council of the City of Kenora accept the recommendation from the Community Services Committee to close the Castle of Learning and Discovery Children's Centre as of June 30, 2004.

“TABLED”

**REMEDICATION WORK – KEEWATIN BRANCH LIBRARY**

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

THAT Resolution #17 dated February 23, 2004 be amended as follows:

THAT the emergency repairs at the Keewatin Public Library in the amount of \$12,500 not be included in the 2004 municipal operating budget; and further

THAT Council authorize an appropriation from the Library Building Reserve equal to the actual emergency repair work incurred at the Keewatin Public Library as approved in Resolution #17 dated February 23, 2004.

**CONDITIONAL BUILDING PERMIT AGREEMENTS**

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

THAT Council give three readings to a by-law to delegate the authority of Council to the Chief Building Official to execute conditional permit agreements with applicants.

**OFF-ROAD VEHICLE ACCESS**

**9. Moved by A. Poirier, Seconded by L. Compton & Carried:-**

THAT the City of Kenora restrict Off-Road Vehicle access to include Tenth Street from Government Wharf to Ottawa Street, Rabbit Lake Road from the Community Safety Zone to Ritchie Road, Ritchie Road north of Rabbit Lake Road along with all roads north of Highway 17A within the City limits being allowed; and further

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

**JOHNSON LANDING COMMUNAL WATER SYSTEM**

**10. Moved by A. Poirier, Seconded by L. Compton & Carried:-**

THAT the Johnson Landing Communal Water System remain a private system, thereby, ensuring the City of Kenora is absolved of liability and responsibility associated with operation, maintenance and certification requirements.

**AMENDED AGREEMENT - WARDROP ENGINEERING**

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

THAT the Council of the Corporation of the City of Kenora hereby approves the amendment to the contract with Wardrop Engineering, in the amount of \$59,509.00 + GST; and

THAT the amendment to the contract be authorized in writing by the Municipal Engineer of the City of Kenora; and further

THAT three readings be given to a by-law for this purpose.

**ADOPTION OF NEW OFFICIAL PLAN**

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

THAT Council give three readings to a by-law to adopt an Official Plan for the City of Kenora; and further

THAT the Plan be submitted to Ministry of Municipal Affairs and Housing for final approval.

**PROCLAMATION – Elimination of Racial Discrimination Day**

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

THAT the Mayor be and is hereby authorized to proclaim Sunday, March 21, 2004 as "International Day for the Elimination of Racial Discrimination" in and for the City of Kenora.

**PROCLAMATION – Navy League Week**

**14.Moved by I. Parkes, Seconded by L. Compton & Carried:-**

THAT the Mayor be and is hereby authorized to proclaim the week of April 26 to May 3, 2004 as "Navy League Week" in and for the City of Kenora.

**TENDER – HYDRAULIC HOISTS**

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

THAT the City of Kenora enter into an agreement for the purchase and installation of One 15,000 lbs. Mohawk TP-15 two post hoist from Luvan Equipment for \$11,166.00 before taxes.; and further

THAT the City of Kenora enter into an agreement for the purchase and installation of two Stertil Koni hydraulic hoists; one ST 4175-9 four-post hoist rated at 38,500 lbs. with accessories for \$50,072 before taxes; and one ST 1072-2 Mobil hoist rated at 60,000 lbs. with accessories for \$35,445.00 before taxes.

**BY-LAWS – FIRST & SECOND READING**

**16.Moved by L. Compton, Seconded by R. McMillan & Carried:-**

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

**#18-2004-** to confirm proceedings of the March 2 Committee of the Whole Meeting;

**#19-2004-** to provide for conditional building permit agreements;

**#20-2004** – to adopt an Official Plan for the City of Kenora;

**#21-2004** – to authorize the execution of a contract between the Corporation of the City of Kenora and Wardrop Engineering Ltd.;

**#22-2004** – to authorize, regulate, govern and control off-road vehicle access to specific highways within the City of Kenora.

**BY-LAWS – THIRD & FINAL READING**

**17.Moved by L. Compton, Seconded by T. Szajewski & Carried:-**

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

**#18-2004-** to confirm proceedings of the March 2 Committee of the Whole Meeting;

**#19-2004-** to provide for conditional building permit agreements;

**#20-2004** – to adopt an Official Plan for the City of Kenora;

**#21-2004** – to authorize the execution of a contract between the Corporation of the City of Kenora and Wardrop Engineering Ltd.;

**#22-2004** – to authorize, regulate, govern and control off-road vehicle access to specific highways within the City of Kenora.

**ADJOURNMENT**

**18. Moved by I. Parkes, Seconded by L. Compton & Carried:-**

**THAT** this meeting be now declared closed at 6:57 p.m.

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

**CONFIRMED AS WRITTEN THIS .....DAY OF .....2004**

.....  
**MAYOR**

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**CITY CLERK**