

Minutes

*of a Meeting of the Council of the City of Kenora
held Tuesday, April 13, 2004 – City Chambers
at 5:00 p.m.*

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

**Regrets: Councillor I. Parkes, Councillor A. Poirier.**

## **Call to Order**

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

## **CONFIRMATION OF MINUTES**

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

THAT the Minutes of the last Regular Meeting of Council of the City of Kenora held **Monday, March 22, 2004** and of the Special Meeting held **Wednesday, March 31, 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 a property matter reviewed by Committee of the Whole during its Closed Session on April 6, 2004. Due to his being a Real Estate Agent and having a property listed that is associated to this item he advised he vacated the Council Chambers during the discussion.

## **DEPUTATIONS:**

### **Karen Spencer**

Ms Spencer advised she represents a number of residents who signed a petition with respect to the Local Commercial Zoning Amendment for the Log Cabin and questioned if the original application for the re-zoning amendment has been amended to remove the zoning from going right to Rabbit Lake? Ms Spencer was advised that the re-zoning of the volleyball court is not required and that Council will be adopting a by-law amendment tonight to address the new parking area only as the volleyball court is a legal non-conforming use that can continue. She commented she was under the impression the change was to have been made in writing, however it was explained that Council may make any changes or modifications to the proposed amendment as they deem necessary and in this case and on the advice of legal Counsel, the City has removed the need for the zoning change for the volleyball court.

Ms Spencer questioned why she had not received the information she had requested earlier pertaining to this application, and the Clerk responded that all information that she is entitled to receive had been provided to her from the Clerk's files.

**Brian Campbell**

Mr. Campbell requested Council not process the by-law amendment tonight in order to give the residents an opportunity to seek legal advice in response to the legal advice the City received regarding this matter. However, Mr. Campbell advised that should any amendment be adopted, the residents intend to appeal this decision to the Ontario Municipal Board for a Hearing.

**Pam Viinikka & Brian Heath**

Ms. Viinikka advised Council they are withdrawing that portion of their re-zoning application with respect to the volleyball court after seeking legal advice, and that the zoning amendment proceed for the additional new parking only. Mr. Heath commented it was never their intention to have the re-zoning go right to Rabbit Lake and this had been duly noted at a Planning Advisory Committee meeting.

**Don Kinger**

Mr. Kinger inquired as to why there is such a difference in the amount of the tax increases throughout the City, and feels there should be equal treatment for all residents.

Mr. Kinger questioned why some Telephone Department employees have their telephone service/equipment paid for by the City and he was advised that this is part of the Telephone Department's Collective Agreement for employees in specific circumstances, particularly for those who are required to be available on an "on-call" basis.

Mr. Kinger circulated copies of a picture taken in front of his residence of five foot snow banks and criticized the City for the way in which snow removal is done and suggesting there is lack supervision of the employees in the field doing this type of labour.

**Appointment to Northwestern Health Unit Board****2.Moved by L. Compton, Seconded by R. McMillan & Carried:-**

THAT the following be appointed to the Northwestern Health Unit Board of Directors with a term to expire April 23, 2004:-

**Councillor Colin Wasacase, Kenora Council Rep.**

**Mayor Jerry O'Leary, Kenora/Sioux Narrows-Nestor Falls Rep.;** and further

THAT Resolution Number 31 dated December 1, 2003 be hereby rescinded.

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

THAT the Reports dated **March 18 and 31, ,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 **\$5,416,997.59** be hereby authorized for approval.

**2004 Five Year Capital Plan****4.Moved by R. McMillan, Seconded by C. Wasacase & Carried:-**

THAT the City of Kenora 2004 Municipal Five Year Capital Plan as further reviewed and amended by the Budget Committee be approved; and further

THAT Resolution #9 dated 26 January 2004 be hereby rescinded.

**2004 Operating Budget****5. Moved by R. McMillan, Seconded by C. Wasacase & Carried:-**

THAT Council approve the 2004 operating budget as amended by the Budget Committee of Council.

**Approval of Tax Ratios and Tax Rate Reductions for 2004****6. Moved by R. McMillan, Seconded by C. Wasacase & Carried:-**

THAT Council give three readings to a by-law to set tax ratios and to set tax rate reductions for prescribed property classes and subclasses for municipal purposes for the year 2004.

**Approval to adopt the Estimates and all Sums Required for 2004****7. Moved by R. McMillan, Seconded by C. Wasacase & Carried:-**

THAT Council give three readings to a by-law to adopt the estimates for all sums required for the year, to establish rates to be levied for same and to provide for penalty and interest in default of payment thereof for 2004.

**Approval of Section 357 Tax Adjustments****8. Moved by T. Szajewski, Seconded by C. Wasacase & Carried:-**

THAT the Section 357 tax adjustments totalling \$5,526.55 with resulting refunds of \$5,526.55 be approved.

**Approval of BIA Budget****9. Moved by R. McMillan, Seconded by C. Wasacase & Carried:-**

THAT Council of the City of Kenora, in accordance with Section 205(2) of the Municipal Act, 2001, approve the 2004 budget as submitted by the Kenora Harbourfront Centre Business Improvement Zone in the amount of \$50,000; and further

THAT the City of Kenora, in accordance with Section 208(1) of the Municipal Act, 2001 raise the amount requested by special charge against the business property class properties as identified by Bylaw No. 166-2003.

**Rules of Order & Procedures for Council****10. Moved by R. McMillan, Seconded by C. Wasacase & Carried:-**

THAT Council give three readings to a by-law to establish Rules of Order and Procedures for the Council of the City of Kenora.

**Lease Agreement with Fisheries & Oceans (Docks)****11. Moved by T. Szajewski, Seconded by C. Wasacase & Carried:-**

THAT Council give three readings to a by-law authorizing the execution of a five-year lease between Her Majesty the Queen, represented by the Minister of Fisheries and Oceans (Small Craft Harbours Branch) and the Corporation of the City of Kenora.

**Support of Safe Grad 2004****12. Moved by T. Szajewski, Seconded by C. Wasacase & Carried:-**

THAT Council of the City of Kenora support Safe Grad 2004; and further

THAT a grant in the amount of \$1,700.00 be authorized for use of the Kenora Recreation Centre for this purpose.

**Approval of Utility Bill Stuffer – Arthritis Society****13.Moved by L. Compton, Seconded by R. McMillan & Carried:-**

THAT the request for a stuffer from the Arthritis Society be approved for inclusion in the City hydro/sewer/water bills; and further

THAT the \$.05 stuffer fee be applied in accordance with Council policy.

**Letter of Understanding with CUPE – Parks & Facilities****14.Moved by R. McMillan, Seconded by L. Compton & Carried:-**

THAT Council of the City of Kenora approve a Letter of Understanding with CUPE Local 191; and further

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

**Amending Agreement of Purchase & Sale (First Pro)****15.Moved by C. Wasacase, Seconded by R. McMillan & Carried:-**

THAT Council of the City of Kenora, subject to recommendation from the City Solicitor, authorize the extension of Conditions Date to April 27, 2004 as provided in the Agreement of Purchase and Sale with 1286730 Ontario Limited (First Pro); and

THAT the request from First Pro to commence site work on the Highway 17 East property on May 3, 2004 be denied; and further

THAT there be no authorization for a hold-back of 10% on proceeds from the sale of the property to address possible contaminated material found during construction.

**Attendance at 2004 AMO Conference****16.Moved by R. McMillan, Seconded by L. Compton & Carried:-**

THAT authorization be hereby given for a combination of four (4) Councillors and staff to attend the 2004 AMO Conference taking place August 22 to 25, 2004 in Ottawa, ON; and further

THAT all eligible expenses be hereby authorized.

**Attendance of Councillor Poirier at Module Two of Councillor Program****17.Moved by L. Compton, Seconded by R. McMillan & Carried:-**

THAT authorization be hereby given for Councillor Poirier to attend the April 14, 2004 Effective Municipal Councillor Program (Module Two) taking place in Thunder Bay, ON; and further

THAT all eligible expenses be hereby authorized.

**Kenora & District Dog Club Inc. – Request Denied****18. Moved by T. Szajewski, Seconded by C. Wasacase & Carried:-**

THAT Council deny the request from the Kenora & District Dog Club Inc. for a waiver of the rental fee of the Keewatin Arena for the 2004 Annual Championship Show.

**Donation of City Flag – Request Denied****19. Moved by R. McMillan, Seconded by L. Compton & Carried:-**

THAT Council acknowledge the great opportunity and thank those individuals for representing the City of Kenora as they attend the National Broomball Tournament being held in Australia April 18 – April 28<sup>th</sup>; and

THAT the previously donated items by the City represent Council's support for this event and regrettably no other donations can be made for this purpose; and further

THAT Council extends best wishes to the individuals at the Tournament in Australia.

**Extension of Wharf Agreement with Aulneau Adventure Tours**

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

THAT Council of the City of Kenora extend the agreement to manage the City Wharf Agreement for Public Docking for the 2004 operating season with the following conditions:

THAT the proposal from the Aulneau Adventure Tours based on a fee structure of 40% seasonal docking revenue and 50% of overnight docking revenue be accepted; and

THAT an agreement be presented to ratify this Wharf Management with Aulneau Adventure Tours; and further

THAT a long term plan for future management of the Wharf Agreement and the City Mooring Ball System be developed and implemented for the 2005 operating season.

**Establishment of Leisure Services Committee**

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

THAT as recommended by the Leisure Services Committee, previously known as the Parks & Facilities Committee, Council give three readings to a by-law to formally establish the Leisure Services Committee and to repeal existing By-law No. 23-2000; and further

THAT this by-law takes effect and comes into force upon third and final reading thereof.

**Hiring of Summer Students – Lake of the Woods Museum**

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

THAT Council of the City of Kenora approve the hiring of two summer students for the Lake of the Woods Museum for the months of July and August 2004; and further

THAT the Museum Director be authorized to fill the respective positions and to establish the employment terms of reference in consultation with the Human Resources Manager according to Municipal Hiring Practices and Regulations.

**Receipt of Petition – Laurenson Lake Residents**

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

THAT Council of the City of Kenora receive the Petition from the Laurenson Lake residents as presented to Council at its meeting held March 22, 2004 expressing their opposition to the storm sewer proposal being considered for Laurenson Lake in order to accommodate the Highway 17 East Development.

**Approval to enter contract with Dominion Construction****24. Moved by T. Szajewski, Seconded by R. McMillan & Carried:-**

THAT Council give three readings to a by-law to authorize the entering into of a contract with Dominion Construction for the design and construction of the Public Works/Operations building on Barsky's Hill for \$5,999,388.00, plus applicable taxes.

**City to provide Machin with Bldg. Inspection Svcs – Request Denied****25. Moved by R. McMillan, Seconded by L. Compton & Carried:-**

THAT the request from the Municipality of Machin for the City of Kenora to provide Building Inspection services to that municipality be denied at this time.

**Hiring of Summer Students – Operations Department****26. Moved by L. Compton, Seconded by R. McMillan & Carried:-**

THAT a combined total compliment of 9 summer students be allocated to the Engineering, Roadways, Solid Waste, Fleet, Water & Sewer Departments respectively of Operations for the year 2004; and further

THAT the Operations Manager be authorized to fill the respective positions and to establish the employment terms of reference and duration in consultation with Human Resources according to Municipal hiring practices and regulation.

***Councillor Szajewski requested the Rules of Order be Suspended in order to introduce the following item:-*****Tender – Hydro for new Public Works/Operation Centre****26a Moved by T. Szajewski, Seconded by R. McMillan & Carried:-**

THAT the City of Kenora hereby receive the following cost estimates to provide hydro electrical servicing to the new Public Works Yard on Mellick Avenue;

|              |                                                                                                   |
|--------------|---------------------------------------------------------------------------------------------------|
| Kenora Hydro | - \$ 37,420.00                                                                                    |
| Hydro One    | - \$33,513.00 plus blasting, trenching and conduit at an additional cost of \$94,000; and further |

THAT Council of the City of Kenora accept the costing estimate to provide hydro electric services to the proposed new Public Works building located on Barsky Hill from the Kenora Hydro Electric Corporation Ltd. based on a complete scope of work estimated at a cost of \$37,420.00 including all blasting, trenching and conduit costs.

**Development Agreement - Williams****27. Moved by C. Wasacase, Seconded by R. McMillan & Carried:-**

THAT the Council of the City of Kenora give three readings to a by-law for the purpose of entering into a development agreement with Dan and Loretta Williams for the upgrade of the Williams Road in order to meet the conditions of approval for the creation of a new lot on Black Sturgeon Lake.

**Acceptance of a portion of Beauty Bay Road****28. Moved by C. Wasacase, Seconded by R. McMillan & Carried:-**

THAT the Council of the Corporation of the City of Kenora accepts a portion of the Beauty Bay Road, more particularly described as Parts 2 and 3 of Plan 23R-4501, as a highway for public purposes; and

THAT Parts 4, 5 and 6 of Plan 23R-4501 are transferred together in order to ensure access to Part 2 of Plan 23R-4147; and further

THAT in keeping with policy, the City of Kenora will not be responsible for any costs associated with these transfers of property.

**Zoning Amendment – Log Cabin**

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

THAT Council gives three readings to a by-law to amend Comprehensive Zoning By-law Number L37/95 to provide for an extension of the “LC” Local Commercial Zone at 201 Rabbit Lake Road for the purpose of constructing a new parking area at the Log Cabin Tavern.

**Various Proclamations**

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

THAT the Mayor be and is hereby authorized to proclaim the following in and for the City of Kenora:

- the week of April 22 to 29 as “Earth Week”
- Wednesday, April 28 as “National Day of Mourning”
- the month of May as “Sexual Assault Awareness Month”
- the week of May 10 to 16 as “Nursing Week”

**Tender – Urban Street Line Painting**

**31. Moved by C. Wasacase, Seconded by L. Compton & Carried:-**

THAT the only tender received for the 2004 Urban Street Line Painting be awarded to Rite-Way Decorators in the amount of \$49,411.00 GST included) and an hourly rate for extra work in the amount of \$47.50 (plus GST).

**Tender – Highway Road Marking Painting**

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

THAT the following quotations for the 2004 Highway Road Marking Painting, be received:-

|                              |                     |
|------------------------------|---------------------|
| <b>Rite-Way Decorators</b>   | <b>\$ 34,702.88</b> |
| <b>Terrio Road Marking</b>   | <b>32,170.33</b>    |
| <b>North-West Lines Ltd.</b> | <b>31,759.64</b>    |

AND further that the quotation submitted by North-West Lines Ltd., in the amount of \$31,759.64 (taxes excluded), be hereby accepted.

**Design & Contract Administration – CPR Crossing @ Transmitter Rd.**

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

THAT the following quotations, for detailed engineering design and contract administration of the CPR crossing located at the Transmitter Road, be received:-

|                  |                    |
|------------------|--------------------|
| <b>ENL</b>       | <b>\$37,373.00</b> |
| <b>Wardrop</b>   | <b>41,840.00</b>   |
| <b>KGS Group</b> | <b>37,361.00</b>   |

AND further that the quotation submitted by KGS, in the amount of \$37,361.00 be hereby accepted.

**Purchase of Half Ton Truck**

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

THAT the following quotations, for a 1/2 Ton Pick-up for the Sewer and Water Department, be received:-

|                        |                     |
|------------------------|---------------------|
| <b>Dingwall Ford</b>   | <b>\$ 27,600.00</b> |
| <b>Derouard Motors</b> | <b>26,740.95</b>    |
| <b>Kantola Motors</b>  | <b>23,634.80</b>    |
| <b>Bayview Toyota</b>  | <b>27,578.73</b>    |

AND further that the quotation submitted by Kantola Motors, in the amount of \$23,634.80, be hereby accepted.

**Supply of Lifeline Retrieval System**

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

THAT the following quotations, for the supply of one Lifeline Retrieval System, be received:-

|                               |                   |
|-------------------------------|-------------------|
| <b>Acklands Grainger Inc.</b> | <b>\$3,209.92</b> |
| <b>Superior Safety</b>        | <b>3,718.19</b>   |

AND further that the quotation submitted by Acklands Grainger Inc., in the amount of \$3,209.92, be hereby accepted.

**By-laws – First & Second Reading**

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

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

# **7-2004** – to execute a lease amending agreement with 3734651 Manitoba Ltd. (Ontario Works office space);

#**30-2004**- to confirm proceedings of the April 6 Committee of the Whole Meeting;

#**31-2004** – to set tax ratios and to set tax rate reductions for prescribed property classes and subclasses for municipal purposes for the year 2004;

#**32-2004** – to adopt the estimates for all sums required for the year, to establish rates to be levied for same and to provide for penalty and interest in default of payment thereof for 2004;

#**33-2004** – to establish Rules of Order and Procedures for the Council of the City of Kenora;

#**34-2004** – to establish a Leisure Services Committee;

#**35-2004** – to authorize the execution of an agreement with Aulneau Adventure Tours for Wharf Management of public docking in the City of Kenora for the 2004 season;

#**36-2004** – to authorize a contract between the City of Kenora and Dominion Construction;

#**37-2004** – to execute a Management Agreement between the Minister of Fisheries and Oceans and the City of Kenora for the Harbourfront and Keewatin docks;

#**38-2004** – to authorize the execution of a Letter of Understanding with CUPE Local 191 concerning Parks and Facilities Employees;

#**39-2004** – to enter into a Development Agreement with Daniel and Loretta Williams;

#**40-2004** – to authorize the execution of an amending agreement of purchase and sale with 1286730 Ontario Limited (First Pro).

**By-laws – Third & Final Reading**

**37. Moved by C. Wasacase, Seconded by L. Compton & Carried:-**



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

- # 7-2004 – to execute a lease amending agreement with 3734651 Manitoba Ltd. (Ontario Works office space);
- #30-2004- to confirm proceedings of the April 6 Committee of the Whole Meeting;
- #31-2004 – to set tax ratios and to set tax rate reductions for prescribed property classes and subclasses for municipal purposes for the year 2004;
- #32-2004 – to adopt the estimates for all sums required for the year, to establish rates to be levied for same and to provide for penalty and interest in default of payment thereof for 2004;
- #33-2004 – to establish Rules of Order and Procedures for the Council of the City of Kenora;
- #34-2004 – to establish a Leisure Services Committee;
- #35-2004 – to authorize the execution of an agreement with Aulneau Adventure Tours for Wharf Management of public docking in the City of Kenora for the 2004 season;
- #36-2004 – to authorize a contract between the City of Kenora and Dominion Construction;
- #37-2004 – to execute a Management Agreement between the Minister of Fisheries and Oceans and the City of Kenora for the Harbourfront and Keewatin docks;
- #38-2004 – to authorize the execution of a Letter of Understanding with CUPE Local 191 concerning Parks and Facilities Employees;
- #39-2004 – to enter into a Development Agreement with Daniel and Loretta Williams;
- #40-2004 – to authorize the execution of an amending agreement of purchase and sale with 1286730 Ontario Limited (First Pro).

**First & Second Reading of By-law – Log Cabin Re-zoning**

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

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

- #41-2004 – to amend Comprehensive Zoning By-law No. L37/95, as amended (Log Cabin).

**Third & Final Reading of By-law – Log Cabin Re-zoning**

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

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

- #41-2004 – to amend Comprehensive Zoning By-law No. L37/95, as amended (Log Cabin).

**Adjournment**

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

THAT this meeting be now declared closed at 6:05 p.m.

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

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

**.....2004**

.....  
**MAYOR**

.....  
**CITY CLERK**