

Minutes

*of a Meeting of the Council of the City of Kenora
held Tuesday, May 25, 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 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 Compton read the Prayer.**

## **CONFIRMATION OF MINUTES**

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

THAT the Minutes of the last Regular Meeting of Council of the City of Kenora held **Monday, May 10, 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 with respect to Motion Number 6 due to his son's company being involved.**

**Councillor Szajewski made a Declaration with respect to Motion Number 4.**

## **DEPUTATIONS:**

### **Emily Tacknyk-Roulston**

Ms Tacknyk-Roulston inquired about a piece of equipment that was once in use in the former Town of Jaffray Melick that she has not seen in operation since amalgamation. She further questioned the sale price of the Castle of Learning Day Care Building and where the proceeds from the sale will be spent, and could it be used for road purposes? In closing, Ms Tacknyk-Roulston commented that she would like Council to consider establishing a Roads Board for the rural areas.

### **David Blake**

Mr. Blake again addressed Council on the traffic line painting on Main Street on behalf of a number of residents who have been calling him who are not in favour of the current design. He noted that approximately 77% on the poll on "gokenora.com" homepage have indicated they would prefer the traffic plan to return to the way it was previously.

Mr. Blake referred to the Traffic Study noting that while he is in favour of the downtown revitalization; he believes it will take a number of years and dollars to make it happen. Mr. Blake questioned how the current design of Main Street evolved and what, if any kind of input was requested from the public? He discussed that if it does not return to the original four lanes,

the City should consider making some changes to the turning lanes. He also questioned if there are any letters on record to support the current design, specifically input from the various Emergency Services, i.e. KPS, Fire, Ambulance? Mr. Blake does not believe the changes are justified. He again commented on changing the red light at the subway for eastbound traffic to an extended flashing which would permit vehicles to be released onto Main Street while others are turning left under the subway. In closing he encouraged residents to come forward and speak to Council about this matter.

**Don Kinger**

Mr. Kinger echoed the comments of David Blake and also referenced the recent poll on the "gokenora.com site." He explained that traffic is automatically being re-routed through residential areas unnecessarily which is not fair or safe for children playing in these areas.

Mr. Kinger referred to the revitalization of Main Street, noting that he believes every Member of Council who ran for and subsequently were elected to Council last fall spoke to making changes to the traffic plan during their campaigns.

The Internet Portal was also mentioned and he claims that no-one understands it. He indicated that small businesses cannot afford to advertise on this proposed site and questioned what the benefits will be? Mr. Kinger explained that with the cost of electricity and taxes increasing, there are no extra dollars for advertising. Mr. Kinger asked Council about the possibility of pre-selling advertising, and that it appears the City is gambling with taxpayers' money. In closing he asked Council what will happen to this Portal when there are no provincial dollars to cover the cost of this project?

**Wally Domareski**

Mr. Domareski commented on the Main Street line painting and asked what the reason was for the change? He referred to the three new parking stalls on McClellan Avenue, suggesting that traffic is backed up along this area for those wishing to make a right hand turn to go under the subway.

Mr. Domareski presented a number of suggestions to improve traffic flow, specifically by changing the way in which the line painting is done.

Mr. Domareski suggested there parking should be established along at least one side of Lakeview Drive between McLeod Park and the subway in order to alleviate parking problems in the downtown core and to showcase Lake of the Woods for the traveling public. He also referred to the red light problem at the subway that jams up the traffic when headed east onto Main Street. He believes Council has to re-consider the Main Street Traffic problem as the present system is not working, and requested Council try something different for this summer at least.

In closing Mr. Domareski commented on the condition of roads in Kenora and because there are so many pot holes they cannot be safely dodged by traffic.

**APPOINTMENT TO HANDI TRANSIT BOARD**

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

THAT Irma Green be hereby appointed to fill the vacancy on the Kenora Handi Transit Board with a term to expire November 30, 2006.

**APPROVAL OF ACCOUNTS**

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

THAT the Reports dated **May 13, 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 **\$2,263,693.55** be hereby authorized for approval.

**CONNECT ONTARIO PARTNERING**

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

THAT in accordance with Council direction as set out in the City’s approved IT Strategic Plan, Council support in principle the Connect Ontario Partnering for Smart Communities (COPSC) funding application, including accepting responsibility for the operational costs related to the portal in years three through five of the COPSC project; and

THAT City staff be authorized to negotiate and execute a legal agreement on behalf of the City, as reviewed by the City’s solicitor, between LOWBIC and the City with regards to the COPSC project; and

THAT Council recognize the importance of a Programmer/Developer position as a full time position with the City and approve this position as a full time staff position within the City following the completion of the implementation of the COPSC project; and further

THAT should City staff, in conjunction with LOWBIC, be unable to successfully negotiate a satisfactory legal agreement that fully protects the City’s rights and property with regards to the COPSC project, Council support, including ongoing payment of ongoing operational costs, shall be withdrawn.

**ABSTENTION: Councillor Szajewski**

**RECORDED VOTE:~**

| <b>COUNCIL</b>       | <b>AYE</b> | <b>NAY</b> | <b>Dec. of Interest</b> |
|----------------------|------------|------------|-------------------------|
| Councillor Compton   |            | <b>X</b>   |                         |
| Councillor McMillan  | <b>X</b>   |            |                         |
| Councillor Parkes    | <b>X</b>   |            |                         |
| Councillor Poirier   | <b>X</b>   |            |                         |
| Councillor Szajewski |            |            | <b>X</b>                |
| Councillor Wasacase  | <b>X</b>   |            |                         |
| Mayor Canfield       | <b>X</b>   |            |                         |

**RE-AMORTIZING DEBENTURE ISSUE – TJW PROJECT**

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

THAT Council give three readings to a by-law to amend By-law Number 129-2003 to re-amortize the debenture issue in accordance with the 2004 operating budget; and further

THAT the Manager of Finance & Administration be authorized to appropriate an amount from the tax write off reserve equal to the amount of the municipal share of the 2002 and 2003 tax write off reductions related to this development.

**HTE BILLINGS**

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

WHEREAS the City has discovered certain translation errors between the City's handheld system and the City's HTE billing system; and

WHEREAS these errors resulted in billing errors, specifically under-billings, to certain accounts with water meters of a size of two inch or greater; and

WHEREAS City policy dictates that the City shall back-bill these customers for a two year period to correct the billing errors; and

WHEREAS these organizations may not have been aware of the under-billing due to a potential long term billing problem; and

WHEREAS this back-billing could cause undue and unexpected hardship on these organizations;

NOW THEREFORE let it be resolved

THAT effective the first bill that is billed following April 1, 2004, for the entire billing period of that bill, these accounts will be corrected to reflect the actual consumption on these customers' accounts; and further

THAT these customers be advised both of this action and that the bills on these accounts will now reflect actual water consumption on a forward basis.

**ABSTENTION: Councillor Compton**

**2004 BIA TAX RATE**

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

THAT Council give three readings to a by-law to set the 2004 tax rate for the Harbourfront Centre Business Improvement Area (BIA) in accordance with the budget as approved by Council Resolution Number 9 dated 13 April 2004.

**ATTENDANCE AT EFFECTIVE MUNICIPAL COUNCILLOR PRGM**

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

THAT authorization be hereby given for the attendance of a maximum of three (3) Members of Council to attend A.M.O.'s Effective Municipal Councillor Program (Module #3) to be held in Thunder Bay on June 9<sup>th</sup> and 10<sup>th</sup>, 2004 at the Travelodge Airline; and further

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

**HIRING OF STUDENT – CASTLE OF LEARNING DAY CARE**

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

THAT Council of the City of Kenora approve one summer student for the Castle of Learning and Discovery Centre for the months of July and August 2004 in support of the summer camp program; and further

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

**QUADSON DEVELOPMENTS – ADDITIONAL RV CAMP SITES**

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

THAT Council hereby approves the request of Quadson Developments to develop seven (7) additional RV camp sites at Anicinabe Park; and

THAT Quadson Developments complete the capital improvements at no expense to the City of Kenora; and further

THAT all capital improvements shall become the property of the City.

**QUADSON DEVELOPMENTS – CHANGES TO SNACK SHACK**

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

THAT Council hereby approves the request of Quadson Developments to permit fried foods at the Snack Shack established at the Anicinabe Park beach (adjacent to the change house); and further

THAT Council hereby amends Resolution Number 14 dated April 10, 2000 by deleting the following paragraph:

**“AND FURTHER THAT fried foods not be permitted to be sold in this building.”**

**PURCHASE OF MODULAR WASHROOM UNITS**

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

THAT Council of the City of Kenora accept the recommendation from the Community Services Committee for the purchase of three modular concrete washrooms for Central and Beatty Parks from Leko Precast Ltd.; and

THAT Council waive the tendering policy FI-2-1 with respect for preparing tenders and approve the purchase of the specialty modular washrooms from Leko Precast Ltd; and further

THAT Council approves the purchase of the three modular units for the price of \$25,530, plus applicable taxes.

**AGREEMENT WITH HOUSEBOAT ADVENTURES – MAIN ST.DOCK**

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

THAT Council of the City of Kenora give three readings to a by-law to authorize the entering of a lease with Jeff Gordon c.o.b Houseboat Adventures for the use of the south end of the Main Street Dock for the 2004 Operating Season.

**TRILLIUM GRANT APPLICATION – SKATE PARK**

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

THAT Council hereby accepts the recommendation from the Leisure Services Committee to support the Trillium Grant Application by the Skate Park Committee naming the City of Kenora as the “applicant”.

**AMENDMENT TO TRAFFIC BY-LAW (VARIOUS SCHEDULES)**

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

THAT Schedules ‘B’, ‘C’, ‘E’, and ‘G’ to Traffic Regulation By-law 127-2001, approved by Resolution No. 8 on June 30, 2003 be hereby amended in accordance with the Memorandum appended to the report of W. Spencer’s June 19, 2003 report, with the exception of the 5<sup>th</sup> Street South changes until completion of the Wellness Centre construction period as earlier approved; and further

THAT Council give three readings to a by-law to amend Traffic By-law 127-2001 in accordance with the table attached to this report dated June 19, 2003.

**AMENDMENT TO TRAFFIC BY-LAW (WEST BAY INTERSECTION)**

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

THAT the City of Kenora Traffic Regulation By-law 127-2001 be amended to include the following changes to Schedule P "Yield Intersections" at First West Bay Road and Second West Bay Road:-

**Delete:**

**Column 1**

INTERSECTION  
First West Bay Road and Second West Bay Road

**Column 2**

FACING TRAFFIC  
East bound on First  
West Bay Road

**Add:**

**Column 1**

INTERSECTION  
First West Bay Road and Second West Bay Rd

**Column 2**

FACING TRAFFIC  
East bound on  
Second West Bay Rd

**APPROVAL FOR LoW AEROMODELERS TO USE LANDFILL SITE**

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

THAT the City of Kenora permit the Lake of the Woods Aeromodelers to store a Shipping Container, on an interim basis only, at the old Tri-Municipal Landfill Site on the remaining concrete footings, pending direction from the MOE on final usage of the lands.

**MOTION TO TABLE #18**

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

THAT Motion Number 18 regarding the Main Street traffic line painting be hereby tabled for further review by the Operations Committee.

**TRAFFIC LINE PAINTING – MAIN STREET SOUTH**

**18. MOTION TABLED**

THAT the Council of the City of Kenora hereby approves the traffic line painting layout on Main Street South as implemented in 2003.

**SERVICE DELIVERY AGRMT - SIOUX NARROWS-NESTOR FALLS**

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

THAT Council of the City of Kenora give three readings to a by-law to authorize the entering into of a Service Agreement for the provision of planning, engineering and building advisory services with Sioux Narrows–Nestor Falls for 2004.

**RECORDED VOTE:~**

| <b>COUNCIL</b>       | <b>AYE</b> | <b>NAY</b> | <b>Dec. of Interest</b> |
|----------------------|------------|------------|-------------------------|
| Councillor Compton   |            | <b>X</b>   |                         |
| Councillor McMillan  | <b>X</b>   |            |                         |
| Councillor Parkes    | <b>X</b>   |            |                         |
| Councillor Poirier   | <b>X</b>   |            |                         |
| Councillor Szajewski | <b>X</b>   |            |                         |
| Councillor Wasacase  | <b>X</b>   |            |                         |
| Mayor Canfield       | <b>X</b>   |            |                         |

**ADDITION OF PROPERTIES INTO MUNICIPAL INVENTORY****20. Moved by C. Wasacase, Seconded by T. Szajewski & Carried:-**

THAT the Council of the Corporation of the City of Kenora hereby accepts the recommendation of the Operations Manager to add the following properties to the municipal inventory:

(i) VACANT PROPERTY DESCRIBED AS LOTS 253, 254 & 255, BLOCK 8, PLAN 88, CITY OF KENORA, DISTRICT OF KENORA, AS DESCRIBED IN INSTRUMENT NO. 20467 LOCATED ON NINTH AVENUE NORTH

(ii) VACANT PROPERTY DESCRIBED AS PART OF PARCEL 22449, DISTRICT OF KENORA LOT 126, BLOCK L, PLAN M.39, CITY OF KENORA, BEING PART OF THE PARCEL, LOCATED ON TROJAN STREET

(iii) VACANT PROPERTY DESCRIBED AS PART OF PARCEL 22449, DISTRICT OF KENORA LOT 127, BLOCK L, PLAN M.39, CITY OF KENORA, BEING PART OF THE PARCEL, LOCATED ON TROJAN STREET; and further

THAT the Treasurer be directed to prepare and register, in the name of the City of Kenora, a notice of vesting, under section 379(5) of the Municipal Act, S.O. 2001.

**PROCLAMATION – “GROWING CIVIC PRIDE MONTH”****21. Moved by I. Parkes, Seconded by L. Compton & Carried:-**

THAT the Mayor be and is hereby authorized to proclaim the month of July, 2004 as “Growing Civic Pride Month” in and for the City of Kenora.

**PURCHASE OF SWING DIFFUSERS****22. Moved by L. Compton, Seconded by A. Poirier & Carried:-**

THAT the proposal received from Mequipco Ltd., Winnipeg, Manitoba (being the only supplier) for the material supply of 34 Swing Diffusers, as specified, at a cost of \$352,797.31, (taxes included) and which is based on a US exchange rate as of May 12, 2004, be accepted.

**BY-LAWS – FIRST & SECOND READING****23. Moved by R. McMillan, Seconded by A. Poirier:-**

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

**#61-2004-** to confirm proceedings of the May 18 Committee of the Whole Meeting;

**#62-2004** – to amend By-law Number 129-2003 being a by-law to authorize debenture financing in the amount of \$8,476,338.13 through the issuance of debt to KMTS Mobility to offset the costs of the TJW Development;

**#63-2004** – to adopt the estimates for funds to be raised for 2004 on behalf of the Harbourn Centre Business Improvement Board;

**#64-2004** – to amend By-law Number 127-2001 being a by-law to regulate traffic on the Roads and Highways of the City of Kenora;

**#65-2004** – to execute a lease agreement between the Corporation of the City of Kenora and Jeff Gordon c.o.b. as Houseboat Adventures for the Main Street Dock for the 2004 Operating Season;

**#66-2004** – to authorize the execution of an agreement between the Corporation of the City of Kenora and the Township of Sioux Narrows-Nestor Falls for Service Delivery by the City to the Township for 2004;

**#67-2004** – to amend Comprehensive Zoning By-law Number L37/95, as amended (Kirkpatrick);

**#68-2004** – to authorize the execution of an Amending Agreement of Purchase and Sale between the Corporation of the City of Kenora and 1286730 Ontario Limited.

***Councillor Compton requested Motion #23 be amended to remove By-law Number 66-2004 from all other by-laws:***

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

THAT Motion Number 23 be amended by removing By-law #66-2004 for First & Second Readings with all other by-laws.

**BY-LAWS – FIRST & SECOND READING AS AMENDED**

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

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

**#61-2004-** to confirm proceedings of the May 18 Committee of the Whole Meeting;

**#62-2004** – to amend By-law Number 129-2003 being a by-law to authorize debenture financing in the amount of \$8,476,338.13 through the issuance of debt to KMTS Mobility to offset the costs of the TJW Development;

**#63-2004** – to adopt the estimates for funds to be raised for 2004 on behalf of the Harbortown Centre Business Improvement Board;

**#64-2004** – to amend By-law Number 127-2001 being a by-law to regulate traffic on the Roads and Highways of the City of Kenora;

**#65-2004** – to execute a lease agreement between the Corporation of the City of Kenora and Jeff Gordon c.o.b. as Houseboat Adventures for the Main Street Dock for the 2004 Operating Season;

~~**#66-2004** – to authorize the execution of an agreement between the Corporation of the City of Kenora and the Township of Sioux Narrows-Nestor Falls for Service Delivery by the City to the Township for 2004;~~

**#67-2004** – to amend Comprehensive Zoning By-law Number L37/95, as amended (Kirkpatrick);

**#68-2004** – to authorize the execution of an Amending Agreement of Purchase and Sale between the Corporation of the City of Kenora and 1286730 Ontario Limited.

**BY-LAWS – THIRD & FINAL READING**

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

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



**#61-2004-** to confirm proceedings of the May 18 Committee of the Whole Meeting;

**#62-2004** – to amend By-law Number 129-2003 being a by-law to authorize debenture financing in the amount of \$8,476,338.13 through the issuance of debt to KMTS Mobility to offset the costs of the TJW Development;

**#63-2004** – to adopt the estimates for funds to be raised for 2004 on behalf of the Harbortown Centre Business Improvement Board;

**#64-2004** – to amend By-law Number 127-2001 being a by-law to regulate traffic on the Roads and Highways of the City of Kenora;

**#65-2004** – to execute a lease agreement between the Corporation of the City of Kenora and Jeff Gordon c.o.b. as Houseboat Adventures for the Main Street Dock for the 2004 Operating Season;

**#66-2004** – to authorize the execution of an agreement between the Corporation of the City of Kenora and the Township of Sioux Narrows-Nestor Falls for Service Delivery by the City to the Township for 2004;

**#67-2004** – to amend Comprehensive Zoning By-law Number L37/95, as amended (Kirkpatrick);

**#68-2004** – to authorize the execution of an Amending Agreement of Purchase and Sale between the Corporation of the City of Kenora and 1286730 Ontario Limited.

***Councillor Compton requested Motion #24 be amended to remove By-law Number 66-2004 from all other by-laws:***

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

THAT Motion Number 24 be amended by removing By-law #66-2004 for Third & Final Readings with all other by-laws.

**BY-LAWS – THIRD & FINAL READING AS AMENDED**

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

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

**#61-2004-** to confirm proceedings of the May 18 Committee of the Whole Meeting;

**#62-2004** – to amend By-law Number 129-2003 being a by-law to authorize debenture financing in the amount of \$8,476,338.13 through the issuance of debt to KMTS Mobility to offset the costs of the TJW Development;

**#63-2004** – to adopt the estimates for funds to be raised for 2004 on behalf of the Harbortown Centre Business Improvement Board;

**#64-2004** – to amend By-law Number 127-2001 being a by-law to regulate traffic on the Roads and Highways of the City of Kenora;

**#65-2004** – to execute a lease agreement between the Corporation of the City of Kenora and Jeff Gordon c.o.b. as Houseboat Adventures for the Main Street Dock for the 2004 Operating Season;

~~#66-2004~~ to authorize the execution of an agreement between the Corporation of the City of Kenora and the Township of Sioux Narrows-Nestor Falls for Service Delivery by the City to the Township for 2004;

#67-2004 – to amend Comprehensive Zoning By-law Number L37/95, as amended (Kirkpatrick);

#68-2004 – to authorize the execution of an Amending Agreement of Purchase and Sale between the Corporation of the City of Kenora and 1286730 Ontario Limited.

**24A Moved by I. Parkes, Seconded by A. Poirier & Carried:-**

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

#66-2004 – to authorize the execution of an agreement between the Corporation of the City of Kenora and the Township of Sioux Narrows-Nestor Falls for Service Delivery by the City to the Township for 2004.

**24B Moved by I. Parkes, Seconded by A. Poirier & Carried:-**

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

#66-2004 – to authorize the execution of an agreement between the Corporation of the City of Kenora and the Township of Sioux Narrows-Nestor Falls for Service Delivery by the City to the Township for 2004.

**ADJOURNEMENT**

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

**THAT** this meeting be now declared closed at 6:18 p.m.

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

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

**.....2004**

.....  
**MAYOR**

.....  
**CITY CLERK**