

# COMMITTEE OF THE WHOLE MINUTES

Held Tuesday, April 6, 2004  
At 4:00 p.m. – City Council Chambers

.....

**PRESENT:**

David Canfield	-	Mayor
Len Compton	-	Councillor
Rory McMillan	-	Councillor
Ingrid Parkes	-	Councillor
Andrew Poirier	-	Councillor
Ted Szajewski	-	Councillor
Colin Wasacase	-	Councillor
B. Preisntanz	-	CAO
J. McMillin	-	City Clerk
R. Perchuk	-	Operations Mgr.

## **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 by-law at its April 13 meeting:-

***To establish Rules of Order and Procedures  
for the Council of the City of Kenora.***

## **B. Resolutions prepared for TUESDAY, April 13/2004:-**

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

## **C. DECLARATION OF PECUNIARY INTEREST**

Councillor Compton made a Declaration of Pecuniary Interest with respect to a property matter that will be discussed this evening during the In-Camera Session.

## **D. REPORT OF COMMITTEES:-**

### **FINANCE & ADMINISTRATION**

#### **1. Council Governance Structure**

##### **RECOMMENDATION:**

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

**Recommendation approved** (resolution and by-law).

The Clerk is to circulate a copy of the Revised By-law with the new changes highlighted for Council's review prior to the by-law being adopted on April 13. In the meantime, the Committee agreed the entire matter of the Governance Process remain on the table as it is an issue to be reviewed

**Joanne**

**Joanne**

through the Strategic Plan on a forward basis.

**2. Tunnel Island Legacy Project-Resolution  
Liaison Committee Update**

Mayor Canfield mentioned the Abitibi Liaison Committee and that discussions and meetings are being held on an as-needed basis. Mayor Canfield advised there would be more information coming forward in the next short while.

**3. Kenora & District Dog Club Inc. – In-kind Contribution**

**RECOMMENDATION:**

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.

**Recommendation approved.**

It was suggested Council look at formulating a Policy with respect to these types of specific donation requests if they are not already addressed through a Grants Policy.

**4. Kenora Safe Grad – 2004**

**RECOMMENDATION:**

THAT Council for the City of Kenora consider the City's gift to a night to remember to be the use of the Kenora Recreation center and its associated resources at no cost or at the very least a grant to offset the costs associated to the rental of this complex.

**AMENDED RECOMMENDATION:**

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.

**Recommendation approved.**

**5. Interim Appointment – Northwestern Health Unit Rep.**

Councillor Parkes advised she will not be able to attend two of the next scheduled Board of Health meetings and she cannot cancel her previous commitment. It was noted that while alternates are not permitted, Council could rescind the December, 2003 resolution and appoint another Councillor in order for Kenora to have representation at these meetings, and re-appoint Councillor Parkes at a later date.

**RECOMMENDATION:**

THAT the following be appointed to the Northwestern Health Unit Board of Directors with a term to expire April 30, 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.

Joanne

Joanne

<p><b>Recommendation approved.</b></p> <p><b>6. Arthritis Society Joints in Motion – Stuffer</b>  <b>RECOMMENDATION:</b>          THAT the attached stuffer be approved for inclusion in the City hydro/sewer/water bills; and further</p> <p>THAT the \$.05 stuffer fee be applied in accordance with Council policy.</p>	<p><b>Joanne</b></p>
<p><b>Recommendation approved.</b></p> <p><b>7. Management Agreement – Harbourfront/Keewatin Docks</b>  <b>RECOMMENDATION:</b>          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.</p>	<p><b>Joanne</b></p>
<p><b>Recommendation approved</b> (resolution and by-law).</p> <p><b>8. Letter of Understanding – CUPE Local 191</b>  <b>RECOMMENDATION:</b>          THAT Council of the City of Kenora approve the attached Letter of Understanding; and further</p> <p>THAT three readings be given to a by-law for this purpose.</p>	<p><b>Joanne/ Paulette</b></p>
<p><b>Recommendation approved</b> (resolution and by-law).</p> <p><b>9. 2004 Levy – Business Improvement Area</b>  <b>RECOMMENDATION:</b>          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</p> <p>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.</p>	<p><b>Joanne/ Paulette</b></p>
<p><b>Recommendation approved.</b></p> <p><b>10. Section 357 – Cancellation and Refund of Taxes</b>  <b>RECOMMENDATION:</b>          THAT the Section 357 tax adjustments totalling \$5,526.55 with resulting refunds of \$5,526.55 be approved.</p>	<p><b>Joanne</b></p>
<p><b>Recommendation approved.</b></p> <p><b>11. 2004 Municipal Councillor Program – Module Two</b>  <b>RECOMMENDATION:</b>          THAT authorization be hereby given for Councillor Poirier to attend the April</p>	<p><b>Joanne</b></p>

14, 2004 Effective Municipal Councillor Program (Module Two) taking place in Thunder Bay, ON; and further

THAT all eligible expenses be hereby authorized.

**Recommendation approved.**

**Joanne**

**12. 2004 AMO Conference – Ottawa, ON**

**RECOMMENDATION:**

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.

**Recommendation approved.**

**Joanne**

**13. 2004 Budgets**

**RECOMMENDATIONS:**

**i)** 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.

**Recommendation approved.**

**Joanne**

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

**Recommendation approved.**

**Joanne**

**iii)** 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.

**Recommendation approved** (resolution and by-law).

**Joanne/  
Paulette**

**iv)** 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.

**Recommendation approved** (resolution and by-law).

**Joanne/  
Paulette**

Councillor McMillan read a Press Release with respect to the proposed adoption of the Municipal Budget on Tuesday evening. Further Council thanked and commended all staff involved in preparing information for Council during the budget process, specifically Karen Brown and her Finance staff.

**14. Various Proclamations:**

"Earth Week"; "National Day of Mourning"; "Sexual Assault Awareness

Month"; "Nursing Week"

**RECOMMENDATION:**

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"

**Recommendation approved.**

**Joanne**

**15. Request for City Flag – Broomball Tournament**

**RECOMMENDATION:**

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.

**Recommendation approved.**

**Joanne**

Councillor Wasacase advised he would personally be willing to purchase a flag for this purpose in order to have our flag flown in Australia.

Councillor McMillan made reference to the policy for these types of items, noting there should be more leeway for staff to handle these requests within the policy. The Clerk will review the policy and circulate same to Council for review.

**Joanne**

**16. Agreement of Purchase & Sale – First Pro**

**RECOMMENDATION:**

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.

**Recommendation approved** (resolution and by-law).

**Joanne/  
Paulette**

**COMMUNITY SERVICES COMMITTEE**

**1. Wellness Centre Information Report** **Ongoing**

**2. Summer Students/Museum**

**RECOMMENDATION:**

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.

**Recommendation approved.**

**Joanne**

**3. Extension of Agreement with Aulneau – Docking**

**RECOMMENDATION:**

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.

**Recommendation approved** (resolution and by-law).

**Joanne/  
Paulette**

**4. Kenora Market Square – By-law for Lease**

**RECOMMENDATION:**

THAT Council give three readings to a by-law to authorize a Lease Amending Agreement between 3734651 Manitoba Ltd. and the Corporation of the City of Kenora for the provision of office space for Ontario Works.

**Recommendation approved.**

**Joanne**

**5. By-law to establish a Leisure Services Committee**

**RECOMMENDATION:**

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.

**Recommendation approved** (resolution and by-law).

**Joanne/  
Paulette**

**EMERGENCY SERVICES**

No Reports.

**OPERATIONS COMMITTEE**

**1. Public Works Re-location Information Report**  
**Ongoing**

**2. Evergreen School Crossing Options**  
**HOLD-Awaiting recommendation from Operations Committee.**

**3. Traffic Amendment (#27/04)-Tow-away Zone 6<sup>th</sup> Ave.@ Park**  
**HOLD Tabled Motion**

**RECOMMENDATION:**

THAT the City of Kenora Traffic Regulation Bylaw 127-2001 be amended to include the following addition to Schedule "B" – No Parking Area – Tow Away Zone:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
Add: 6 <sup>th</sup> Ave. South	From Park Street southerly to the lane	East	Anytime

**4. Laurenson Lake Petition – Highway 17 East Development**

**RECOMMENDATION:**

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.

**Recommendation approved.**

**Joanne**

**5. Dominion Construction Contract**

**RECOMMENDATION:**

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.

**Recommendation approved** (resolution and by-law).

**Joanne/  
Paulette**

**6. Municipality of Machin – Building Inspection**

**RECOMMENDATION:**

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.

**Recommendation approved.**

**Joanne**

**7. Urban Street Line Painting Tender**

**RECOMMENDATION:**

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).

**Recommendation approved.**

**Joanne**

**8. Highway Road Marking Painting Tender**

**RECOMMENDATION:**

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.

**Recommendation approved.**

**Joanne**

**9. Summer Students**

**RECOMMENDATION:**

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.

**Recommendation approved.**

**Joanne**

**10. Lifeline Retrieval System**

**RECOMMENDATION:**

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.

**Recommendation approved.**

**Joanne**

**11. Transmitter Rd. Crossing – Engineer Services**

**RECOMMENDATION:**

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



**ENL \$37,373.00**  
**Wardrop \$41,840.00**  
**KGS Group \$37,361.00**

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

**Recommendation approved.**

**Joanne**

**12. Tender – Sewer and Water Pick-up Truck**

**RECOMMENDATION:**

THAT the following quotations, for a ½ Ton Pick-up for the Sewer and Water Department, be received:-

**Dingwall Ford \$27,600.00**  
**Derouard Motors \$26,740.95**  
**Kantola Motors \$23,634.80**  
**Bayview Toyota \$27,578.73**

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

**Recommendation approved.**

**Joanne**

**PROPERTY & PLANNING COMMITTEE**

**1. Sioux Narrows-Nestor Falls Service Agreement**

**HOLD**

**RECOMMENDATION:**

THAT the City of Kenora enters into a service agreement with the Township of Sioux Narrows-Nestor Falls for the provision of planning, engineering and building advisory services, for the year 2004.

**2. Application for Zoning Amendment – Log Cabin  
(and letters of support)**

Councillor Wasacase advised the Committee met and there were deputations at the meeting by both the residents and the applicants. The Planning Advisory Committee also reviewed this matter and presented the following recommendation:

“THAT in the matter of Application for Zoning By-law Amendment No. Z01/04 Log Cabin, the Kenora Planning Advisory Committee recommends the extension of the Local Commercial Zone to accommodate the proposed parking area and buffer area; and

THAT the addition of outdoor participant (non-motorized) recreation service is not recommended.”

Jeff Port advised of his recommendation as follows as a result of the various information and discussions that have taken place:

“THAT Application No. Z01/04 Log Cabin, for Amendment to Zoning By-law No. L37/95 at 201 Rabbit Lake Road, to extend the “LC” Local Commercial zone, per attachment “A”, and add the “outdoor participant recreation service” be approved,

conditional upon the Applicant constructing a solid fence along the westerly property line to the satisfaction of the City of Kenora.”

Councillor Compton indicated he had researched Case Law on similar matters which suggests in the Province of Ontario as of today the non-conforming use in question would not be lost, and the applicants may not have to proceed with the re-zoning application for the continued operation of the use. Councillor Compton cited several pertinent cases to support his research. His recommendation would be that the applicants review the Case Law with their Solicitor with a view to perhaps withdrawing their application if the research is correct and the application is not required.

Jeff Port was requested for his comments and he explained the Planning Department simply followed the rules set out in the JM Zoning By-law (#L37/95), noting that not only did the use lapse for more than six months, but the business had also been sold which indicates that the use was lost as it ceased to operate.

**Committee agreed that prior to approving a recommendation on this matter that the applicants and the City review this new information that has been presented with their respective Solicitors and the matter go forward to the April 13 Council meeting for consideration.**

Joanne

**3. Development Agreement: Dan & Loretta Williams**

**RECOMMENDATION:**

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.

**Recommendation approved** (resolution and by-law).

Joanne/  
Paulette

**4. Transfer of portion of Beauty Bay Road to City of Kenora**

**RECOMMENDATION:**

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.

**Recommendation approved.**

Joanne

**5. Sale of land to Radcliffe-**

**HOLD for completion of the required three week advertising period, with the by-law being presented on April 26.**

**UTILITIES & COMMUNICATIONS COMMITTEE**

**1. K.M.T.S. Information Report  
Ongoing**

**Motion required adjourning to Closed Meeting:**

**Moved by R. McMillan, Seconded by I. Parkes, and Carried:-**

THAT this meeting be now declared closed at 5:55 p.m.; and further

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

- Security of municipal property.

**NO ACTION REQUIRED FROM CLOSED MEETING**

The meeting adjourned at 6:45 p.m.