

# **COMMITTEE OF THE WHOLE MINUTES**

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

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**PRESENT:**

David Canfield	-	Mayor
Len Compton	-	Councillor
Rory McMillan	-	Councillor
Ingrid Parkes	-	Councillor
Andrew Poirier	-	Councillor (arr'd late)
Ted Szajewski	-	Councillor
B. Preisentanz	-	CAO
J. McMillin	-	City Clerk
R. Perchuk	-	Operations Manager

**REGRETS:** Councillor Wasacase

## **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-laws at its May 10 meeting:-

- To authorize the sale of 1304 Ninth Street North (Castle of Learning Day Care Centre) to Kenora Anishinaabe-Kweg Aboriginal Women's Organization;
- To amend the 2004 Capital Budget to provide for changes to include the Highway 17 East Improvements Project, and to remove the 7<sup>th</sup> Avenue South Bridge Project and the Bridge Inventory Studies to the 2006 Capital Budget with funding from the Kenora Roads Reserve Fund.

## **B. Resolutions prepared for May 10/2004:-**

- 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 Item #2 under Community Services regarding the sale of the Castle of Learning & Children's Discovery Centre due to his being a Realtor.

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

### **FINANCE & ADMINISTRATION COMMITTEE**

1. Tunnel Island Legacy Project-Resolution  
Liaison Committee Update

**2. Health Unit Representation**

**RECOMMENDATION:**

THAT a letter be sent to the Chief Medical Officer of Health of Ontario seeking clarification of and challenging the Board decision with regards to the City's authority to appoint a voting City representative to the Board, for a period of time as set by the City, regardless of the length of the appointment; and further

THAT a copy of this letter be sent to the Minister of Health, the Hon. Howard Hampton, MPP, Bill Moreau, MPP, and Board Chair Mayor Jerry O'Leary.

**Recommendation approved (letter only at this time).**

Joanne

**3. 1997 Health Unit Municipal Levy**

**RECOMMENDATION:**

THAT Council of the City of Kenora hereby give notice at the May 10<sup>th</sup> Council meeting of its intention to reconsider the outstanding 1997 Northwestern Health Unit levy at a subsequent meeting of Council.

**This matter was brought forward at the NOMA meeting last week and this is the reason it is being brought forward to Committee today.**

**Provisions of the Procedural By-law would have to prevail for this item under "Motion to Reconsider" as it had already been presented to Council last January, and subsequently defeated. In order to be brought forward to Council again, a Notice of Motion is required for May 10 with a view to considering another motion on this matter at the May 25 meeting.**

**It was agreed if the levy was not 'legally payable' according to our legal advice, it was the Committee's wish to not pursue this matter as it was given disposition in January. Further, a member on the prevailing side of the originally introduced motion would have to introduce the motion in order to have the item considered.**

**FILE**

FILE

**4. Request of First Pro – Waiving of Conditions/Development Agr.**

**RECOMMENDATION:**

THAT Council amend the agreement with First Pro Shopping Centres to extend the date for waiving of outstanding conditions from April 27, 2004 to May 13, 2004; and

THAT the appropriate By-law be passed to amend this agreement; and further

THAT a special meeting of Council be held on May 12, 2004 to consider the By-law to adopt the development agreement with First Pro Shopping Centres.

It was noted that at this time there is no need to hold a special meeting on May 12, but if and when one is necessary, 24 hours notice will be required.

**AMENDED RECOMMENDATION:**

THAT Council amend the agreement with First Pro Shopping Centres to extend the date for waiving of outstanding conditions from April 27, 2004 to May 13, 2004; and

THAT the appropriate By-law be passed to amend this agreement.

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

Joanne

**5. FCM – Municipal Rights-of-Way**

**RECOMMENDATION:**

THAT Council of the City of Kenora hereby supports the FCM position on municipal rights-of-way requiring municipal governments must have full authority to manage publicly owned property under their jurisdiction; and

THAT municipal governments should receive fair compensation for the use and occupancy of municipal property; and further

THAT municipal taxpayers should not be forced to subsidize private, for-profit companies.

It was suggested to include forwarding a copy of this motion to the Honourable R. D. Nault, MP.

**AMENDED RECOMMENDATION:**

THAT Council of the City of Kenora hereby supports the FCM position on municipal rights-of-way requiring municipal governments must have full authority to manage publicly owned property under their jurisdiction; and

THAT municipal governments should receive fair compensation for the use and occupancy of municipal property; and

THAT municipal taxpayers should not be forced to subsidize private, for-profit companies; and further

THAT a copy of this resolution be forward to the Honourable R. D. Nault, MP.

**Recommendation approved as amended.**

Joanne

**6. Hospital Foundation – Donation**

**RECOMMENDATION:**

THAT Council approve the donation of 52 bag tags for a total of \$104.00 to the Lake of the Woods District Hospital Foundation for their on-line auction June 3 – 14, 2004.

**Recommendation approved.**

Joanne

**7. Memorabilia Policy – Revised**

**RECOMMENDATION:**

THAT as recommended by the Finance & Administration Committee, Council hereby approves the revised Memorabilia Policy #CC-2-1 which now provides for dollar values for the distribution of items for various levels of requests; and further

THAT Resolution Number 3 dated February 9, 2004 be hereby rescinded.

**Recommendation approved.**

Joanne

**8. Annual General Meeting & Cottage Show**

**RECOMMENDATION:**

THAT approval be hereby given for Councillor Len Compton to attend the Annual General Meeting & Cottage Show taking place in Winnipeg, MB on Monday, May 3, 2004; and further

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

**Recommendation approved.**

Joanne

**9. Telephone Disconnection Policy**

**RECOMMENDATION:**

THAT the City Telephone Disconnection Policy be amended to reflect the changes as approved by the KMTS Commission at their meeting of April 20, 2004.

**Recommendation approved.**

Joanne

**10. Request for Street Closure – Rockin' Classic Street Party**

for: Main Street South and Second Street; Canadian Tire West Parking lot Entrance and Third Street South West Approach, June 25, 2004.

**RECOMMENDATION:**

THAT authorization be hereby given for the Clerk to make arrangements for the temporary street closure for the Rockin’ Classic Street party on Friday, June 25, 2004 between the hours of 5:00 p.m. and 10:00 p.m., in accordance with the requested area at the south-end of Main Street.

**Recommendation approved.**

Joanne

**A map of the exact area being requested for closure is to be obtained from the organizing group.**

Bill

**11. Request for Proclamations**

**RECOMMENDATION:**

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

- the week of June 5 to 12, 2004 as “Seniors’ Week”
- Monday, May 10, 2004 as “World Lupus Day”

- **Sunday, June 13, 2004 as "Rick Hansen Wheels in Motion Day"**

**Recommendation approved.**

Joanne

**OTHER BUSINESS:**

**Request from Community Services – Utility Bill Stuffer-Fee Waiver**

**RECOMMENDATION:**

THAT Council of the City of Kenora hereby authorizes the approval for the Castle of Learning and Discovery Children's Centre mail-out to be included as a Utility Bill Stuffer which sets out the 2004 Summer Day Camp and After School Program; and further

THAT Council waive the Utility Bill Stuffer fee for this purpose.

**Recommendation approved.**

Joanne

**Connect Ontario Project**

**Councillor McMillan advised this item will be coming forward for the May 18 Committee of the Whole meeting.**

**COMMUNITY SERVICES COMMITTEE**

**1. Wellness Centre Information Report**

**Ongoing. Councillor Szajewski will give his report on May 10.**

**2. Sale of Castle of Learning & Children's Discovery Centre**

**RECOMMENDATION:**

THAT Council hereby accepts an Offer of Purchase and Sale Agreement from Kenora Anishinaabe-Kweg Aboriginal Women's Organization for property located at 1304 Ninth Street North; and

THAT Council hereby declares the property described as Loc 16V, Pt. Des. 23R-9498, Part 1, Parcel 41031, together with a ROW Easement over Part 3, in the City of Kenora, District of Kenora as surplus municipal property to the needs of the City of Kenora; and

THAT public notice is hereby given that Council intends to sell the land municipally described as 1304 Ninth Street North, effective June 30, 2004; and further

THAT three readings be given to a by-law to authorize the execution of an Agreement of Purchase and Sale with Kenora Anishinaabe-Kweg Aboriginal Women's Organization for this purpose.

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

Joanne

**3. Presentation - Urban Forestry Plan – May 18 – 2:45-3:45 p.m. Reminder to Committee to attend the next C.O.W. meeting at 2:45 p.m. for this presentation.**

**HOLD**

**4. Appointment to Keewatin Non-Profit Housing Corporation**

**RECOMMENDATION:**

THAT Jerry Ortlieb be appointed to the Keewatin Non-Profit Housing Corporation to replace Len Tittlemier; and further

THAT Mr. Ortlieb be appointed to November 30, 2006.

**Recommendation approved.**

Joanne

**5. Appointment to Kenora Public Library Board**

**RECOMMENDATION:**

THAT Wendy Voth be appointed to the Kenora Public Library Board to replace Roland Turcotte; and further

THAT Ms Voth be appointed to November 30, 2006.

**Recommendation approved.**

Joanne

**6. Kenora Rowing Club Regattas and Dragon Boat Festival**

**RECOMMENDATION:**

THAT Council of the City of Kenora acknowledge the following Kenora Rowing Club’s summer regattas on Rabbit Lake:-

**Tops & Bottoms Sunday, August 1, 2004.**

**North West International Regatta on August 12, 13, and 14 2004**

**Dragon Boat Festival on Sunday August 8, 2004;** and further

THAT approvals be granted as outlined below in conjunction with the above-noted Special Event:-

1. Request to grant a variance for the boat motor size on Rabbit Lake, set by Jaffray Melick By-Law No. 833, passed 17 November 1981.
2. Permission to place course lanes in the water 2 – 3 days prior to the event & to remove in the following week.
3. Exclusive use of the Rabbit Lake/Garrow Park Tennis Courts on Saturday August 14<sup>th</sup> for the afternoon and evening for an awards and BBQ area.

**Recommendation approved.**

Joanne

**7. Tender – Parks/Facility Truck**

**RECOMMENDATION:**

THAT the following tenders for the purchase of a 2004 half ton truck for the Parks Department, as specified, be received:-

<u>Dealer</u>	<u>Trade Value</u>	<u>Price</u>
Dingwall Ford	\$ 0	\$27,600.00
Derouard Motors	\$ 100.00	\$26,740.95
Kantola Motors	\$ 500.00	\$23,634.80
Bayview Toyota	\$100.00	\$27,578.73

AND FURTHER THAT the tender received from Kantola Motors in the amount of \$23,634.80 including taxes, be hereby accepted.

**Recommendation approved.**

It was suggested in future perhaps rather than trading in a used vehicle of such little value that it be included in the City's annual auction.

**8. Public Wharf Management  
RECOMMENDATION:**

THAT Council give three readings to a by-law to amend By-Law #35-2004 authorizing the agreement with Aulneau Adventure Tours for Wharf Management for Public Docking in the City of Kenora to include the management of the Matheson Street Wharf for larger boats and crafts for the 2004 season.

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

**EMERGENCY SERVICES COMMITTEE**

No reports.

**The next meeting will take place at 11:00 a.m. on Friday, May 7, 2004.**

**OPERATIONS COMMITTEE**

**1. Public Works Re-location Information Report  
Ongoing. Councillor Poirier will give his report on May 10.**

**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**

**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 St	East	Anytime
		southerly to the lane		

**4. Highway 17 East Improvements  
RECOMMENDATION:**

THAT Council of the City of Kenora approve the scope of works for the Highway 17 East Improvements as outlined in the April 20, 2004 report from W.L. Wardrop and supported by the City Engineer in the amount of \$5,520,000.00 based on the following plan:-

1. That the scope of the works be structured to minimize the impact of construction on the affected businesses on Highway 17 East by

Joanne

Mike Mostow

Joanne

- 2. That the 2004 Capital Budget be amended by adding the Highway 17 East Improvements Project in the amount of \$5,520,000.00 with funding from the Kenora Roads Reserve, less funding from First Professional Development and senior levels of government including NOHFC;
- 3. That the 2004 Capital Budget be amended by deleting the 7<sup>th</sup> Avenue South Bridge project in the amount of \$800,000 and deleting the Bridge Inventory Studies in the amount of \$250,000, and transferring these projects to the 2006 Capital Budget with funding from the Kenora Roads Reserve Fund;
- 4. That application be made to NOHFC for cost-sharing of this Private-Public Partnership project in the amount of \$2,445,105.00 representing a 50:50 cost sharing with the City of the balance of the project cost after developer contributions.

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

Joanne

**PROPERTY & PLANNING COMMITTEE**

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

**HOLD for Solicitor Review**

**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. Reminder of Public Meeting – May 10 @ 4:45 p.m. (Burgess)  
Information only to attend May 10 meeting before 4:45 p.m. to accommodate this meeting in Chambers.**

Council

**3. Transfer of a portion of Beauty Bay Road to City of Kenora**

**RECOMMENDATION:**

THAT the Council of the Corporation of the City of Kenora assumes a portion of the Beauty Bay Road, more particularly described as Part of the remainder of parcel 16202, being Part of Lot One, Concession 1 of the Township of Melick, described as Parts 2 and 3, Plan 23R-4501, now the City of Kenora, District of Kenora; and further

- 1. THAT lands affected by the By-law were acquired by the City for the purposes of a highway;
- 2. THAT the road is hereby named Beauty Bay Road;
- 3. THAT the purchase price of the said road shall not exceed the sum of One Dollar (\$1.00);
- 4. THAT Council give three readings to a by-law for this purpose and the Mayor and Clerk be and are hereby authorized to execute any and all documents required to complete this transaction.



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

Joanne

**UTILITIES & COMMUNICATIONS COMMITTEE**

**1. K.M.T.S. Information Report (Ongoing)**  
**Councillor Compton will give his report on May 10.**

**2. K.M.T.S. 2004 Operating Budgets**

**RECOMMENDATION:**

THAT Council of the City of Kenora approve the 2004 KMTS Operating Budgets as submitted.

**Recommendation approved.**

**Motion required adjourning to Closed Meeting:**

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

THAT this meeting be now declared closed at 5:34 p.m.; and further

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

- **A proposed sale of land.**
- **A personal matter about an identifiable individual.**

**ACTION REQUIRED FROM CLOSED MEETING:**

**Proposed Sale of Land:**

- Offer to Purchase – 18<sup>th</sup> Avenue North – Vacant Lot

**RECOMMENDATION:**

THAT Council hereby receives an Offer of Purchase and Sale Agreement by Century 21 Reynard Real Estate Ltd., on behalf of Robert Burnell to purchase a municipal lot on 18<sup>th</sup> Avenue North; and

THAT subject to the City’s counter-offer being accepted by the Purchaser, Council hereby agrees to sell property located on 18<sup>th</sup> Avenue North to Robert Burnell; and

THAT Council hereby declares the property described as Plan M103, Lot 74 as surplus municipal property to the needs of the City of Kenora; and

THAT public notice be given that Council intends to sell the lot located on 18<sup>th</sup> Avenue North described as Plan M103, Lot 74, subject to final acceptance by the Purchaser; and further

THAT once said Offer is accepted and received, Council give three readings to a by-law to authorize the execution of an Agreement of Purchase and Sale with Robert Burnell.

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

**Personal Matter about an Identifiable Individual**

- KMTS Staff Increment

**RECOMMENDATION:**

THAT in accordance with the Salary Administration Policy, Council of the City of Kenora hereby approves the recommendation of Dennis McCaffrey, KMTS General Manager, approving a move on the Salary Grid for a KMTS Staff position, effective January 1, 2004.

**Recommendation approved.**

The meeting adjourned at 6:20 p.m.

Joanne

Joanne

Joanne

