



# Minutes

*of a Meeting of the Council of the City of Kenora  
Monday, March 7, 2005 – City Chambers  
5:00 p.m.*

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

**Regrets: Mayor D. Canfield**

**Call to Order**

A/Mayor Parkes called the meeting to order and Councillor McMillan 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 the Council of the City of Kenora held **Monday, February 21, 2005** be confirmed as written and circulated.

**Declarations of Pecuniary Interest**

A/Mayor Parkes then asked if any Member of Council had any Declarations of Pecuniary Interest with respect to any items on the Agenda. There were none declared.

**PRESENTATION:**

A/Mayor Parkes presented Fire Chief Warren Brinkman with his 20 Year Medal for Exemplary Service from the Governor General of Canada. A/Mayor Parkes congratulated and thanked him for his dedicated service over the years.

**DEPUTATIONS:**

**Emily Tacknyk-Roulston**

Ms Tacknyk-Roulston advised that she is still waiting for a response to her question asked earlier regarding a comment by Mayor Canfield about increasing taxes and a higher expectation of the taxpayer. She explained she has been waiting for the Mayor's return to answer this question, and she'd like a response from him as well as from Members of Council at the next meeting.

**Helene Dubenski**

On behalf of the Ukrainian Women's Association Mrs. Dubenski requested Council's consideration for a Ukrainian Monument to be erected on the Harbourfront. The purpose of the monument is a dedication to the early Ukrainian settlers who arrived in the Kenora District and made this area their home. Mrs. Dubenski is seeking an early reply to this request, and A/Mayor Parkes advised her request will be forwarded to Committee for review.

**Carmen Marginet & Walter Keejick**

Ms Marginet advised that she and Walter Keejick are Gambling Councillors and she circulated various information to Members of Council on Gambling



Prevention Month. She emphasized that gambling is an emerging social issue and requested that the month of March be proclaimed as Gambling Prevention Month in the City of Kenora. Ms Marginet indicated that various events will be taking place in the community during the month of March. Mr. Keejick advised that Treaty 3 has developed programs to alleviate the negative affects of gambling that includes prevention and awareness.

### **Cory Gabryluk**

Mr. Gabryluk advised Council he is not in favour of the re-zoning of 314 First Avenue South and explained that he is not against the business but is primarily dissatisfied on the whole approval process. He again expressed concern on not receiving a letter from the City advising of the proposed re-zoning and that he inadvertently saw the advertisement in the Miner and News. Mr. Gabryluk cannot understand why renovations to the residence could proceed to accommodate a business without proper approvals being in place. He further cited the change in zoning to be an invasion of his privacy with increased vehicular/pedestrian traffic and added congestion in the area including concern on inadequate parking.

### **Approval of Accounts**

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

THAT the Reports dated **February 18, 21, 22, 23, 28, March 3, and 4, 2005** 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, totalling **\$3,892,660.02** be hereby authorized for approval.

### **Kyle Street – Assume, Stop Up & Close**

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

THAT Council give three readings to a by-law to assume, stop up and close that part of Kyle Street and that part of a lane as shown on Plan M.63 designated as Parts 2 and 3 on Plan 23R-11092, Town of Kenora, now City of Kenora, District of Kenora.

### **Taxi By-law – Rate Increases**

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

THAT Council give third and final reading to a by-law to amend Schedule "A" (Rates and Fares) to By-law #94-2001 being a by-law to license, regulate and govern owners and drivers of cabs, motor and other vehicles used for hire.

### **Exemptions to Noise & Discharge of Firearms By-laws**

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

THAT Council give three readings to a by-law to authorize the following by-law exemptions on Saturday, March 26, 2005 for National Defence 116 Independent Field Battery to hold such activities within the City of Kenora:-

1. Under Noise By-law Number 40-2001 to allow a pyrotechnics demonstration;
2. Under Discharge of Firearms By-law Number 41-2001 to allow 105 mm Howitzer blank rounds of artillery; and further

THAT National Defence be required to publicly advertise these exemptions in a local newspaper, at least 10 days in advance of the date of its demonstration.



**AMCTO Zone 9 Donation**

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

THAT authorization be hereby given for a donation towards the cost of a dinner in the amount of \$1,000 to the AMCTO Zone 9 spring meeting taking place in Kenora on April 26 and 27, 2005 at the Lakeside Inn & Convention Centre.

**Volunteer Appreciation Day Luncheon**

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

THAT in recognition of Volunteer Appreciation Day, authorization be hereby given for the City of Kenora to support this event by way of a donation in the amount of \$2,500 towards the cost of the luncheon to honour the volunteers on Tuesday, April 19, 2005.

**Community-based Nursing Program Funding**

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

THAT Council of the City of Kenora support the request for one time funding of \$10,000 for the Community-based Nursing Program to ease the nursing shortage in the Kenora/Rainy River Districts.

**Personal Use of Office Equipment Policy**

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

THAT Council of the City of Kenora hereby approves the amended Personal Use of Office Equipment Policy #HR-2-6.

**Budget Review Meeting Dates**

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

THAT Council set a meeting date on March 16<sup>th</sup> and 17<sup>th</sup> at 4:00 p.m. for a municipal operating budget review meeting, with the intent of passing the final municipal budget at the first Open Council meeting in April 2005.

**Annual FCM Conference**

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

THAT authorization be hereby given for the attendance of two (2) Members of Council to attend the 2005 Annual Conference of the Federation of Canadian Municipalities taking place in St. John's Newfoundland, June 3 to 6, 2005; and further

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

**Handicap Boat Parking Stalls**

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

THAT Council of the City of Kenora accepts and approves the recommendation of the Kenora Accessibility Committee to establish Designated Handicap Boat parking stalls on the Main Street and Keewatin Wharfs.

**MNR – Agreement for Management of Bears**

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



THAT the Council of the City of Kenora give three readings to a by-law to authorize an agreement with the Ministry of Natural Resources (M.N.R.) with respect to management of bears within the City of Kenora to March 31, 2005; and further

THAT Council authorize the Mayor and Clerk to execute further agreements with the M.N.R. under the terms satisfactory to the Kenora Police Service for the 2005 season.

**Water Treatment Plant Engineering Services**

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

THAT the City of Kenora approve the revised budget of RAL Engineering at \$44,500 to provide engineering services at the Kenora Water Treatment Plant and that RAL Engineering provide two additional trips to Kenora for training and the MOE Engineers Report for the WTP at a fixed cost of \$10,324.

**Deeming By-law**

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

THAT Council give three readings to a by-law to deem certain lots not to be part of a subdivision as set out below:-

1. THAT all the lands contained within the boundaries of Lots 2,3,4,5,6 and 7, on Registered Plan of Subdivision M.248, in the City of Kenora, formerly the Town of Kenora, in the District of Kenora are hereby deemed not to be lands described in accordance with a registered plan of subdivision for the purposes of Section 50(4) of the Planning Act, RSO 1990;
2. THAT the Mayor and Clerk be and are hereby authorized to execute any and all documents required to complete this transaction; and further
3. THAT the following Section 118 Land Titles Act restrictive covenant be registered against the titles of Lots 1, 2, 3, 4, 5, 6, 7 on Plan M.248 and Parts 1 and 2 on Plan 23R-10835, in the Register for the District of Kenora that no transfer of the lands shall be made or charge created unless the written consent of The Corporation of the City of Kenora is obtained. The consent of The Corporation of the City of Kenora is not required in instances where all properties affected by the restriction are transferred or charged together to the same party. These covenants shall be binding upon and enure to the benefit of the respective heirs, administrators, successors and assigns of the parties."

**Zoning Amendment - Spicer**

**16. Moved by C. Wasacase, Seconded by A. Poirier & Carried:-**

THAT the Council of the City of Kenora give three readings to a by-law to amend Zoning By-law Number 160-2004 for the rezoning of 314 First Avenue South from R2- Residential Second Density to GC – General Commercial, with a permitted use of residential on the main floor; and

THAT a one time cash-in-lieu payment of \$15,000 be paid to the City of Kenora for the provision of three off street parking spaces in accordance with the City's Official Plan and Comprehensive Zoning By-law; and further



THAT this cash-in-lieu payment be a condition of occupancy for the proposed business.

**Letter of Support – NetCentral**

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

Whereas the development and deployment of Information and Communications Technology (ICT) is a critical requirement for the ongoing economic development and prosperity of Northern Ontario communities; and

Whereas a request has recently been submitted to the Northern Ontario Heritage Fund Corporation (NOHFC) to provide funding to undertake a needs assessment within the Northern Ontario Information and Communications sector;

Therefore be it resolved that the Corporation of the City of Kenora provide a letter of support to NOHFC for the proposed needs assessment of the ITC sector in Northern Ontario.

**Proclamation – “Problem Gambling Prevention Month”**

**18. Moved by A. Poirier, Seconded by C. Wasacase & Carried:-**

THAT Council of the City of Kenora hereby proclaims the month of March, 2005 as “Problem Gambling Prevention Month” in and for the City of Kenora.

**Tender – Chassis & Remount Service – Water Delivery Truck**

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

THAT the following tenders be received by the City of Kenora for a newer chassis and remount service for a water delivery truck;

|                             |                     |                         |
|-----------------------------|---------------------|-------------------------|
| <b>Maxim Truck</b>          | <b>1999 Chassis</b> | <b>\$29,000.00</b>      |
| <b>Fort Gary Industries</b> | <b>Remount</b>      | <b>\$18,000.00; and</b> |

THAT the quotation submitted by Maxim Truck, in the amount of \$29,000 (taxes extra), and the quotation submitted by Fort Gary Industries, in the amount of \$18,000 (taxes extra), be accepted; and further

THAT the Capital Budget be amended to reflect a transfer of allocation from 2006 to 2005 for the Water & Sewer Department.

**By-laws – First & Second Reading**

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

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

**#26-2005** – to confirm Committee of the Whole proceedings held March 1, 2005;

**#27-2005** – to assume, stop up and close that part of Kyle Street and that part of a lane as shown on Plan M.63 designated as Parts 2 and 3 on Plan 23R-11092, Town of Kenora, now City of Kenora, District of Kenora;

**#28-2005** – to deem a lot on a Registered Plan of Subdivision not to be a lot on a Registered Plan of Subdivision pursuant to the Planning Act;

**#29-2005** – to assume, stop up, close and sell that part of Streets “B” and “C” as shown on Plan M.31, Town of Kenora, now the City of Kenora, in the District of Kenora, designated as Part 2 on Plan 23R-11063;



**#30-2005** – to authorize exemptions to Noise By-law Number 40-2001 and Discharge of Firearms By-law Number 41-2001 for National Defence 116 Independent Field Battery activities in the City of Kenora;

**#31-2005** – to execute a Municipal Response Agreement between the Corporation of the City of Kenora and Her Majesty the Queen in Right of Ontario as represented by the Ministry of Natural Resources with respect to Human/Black Bear Conflict Management – The Fish and Wildlife Conservation Act, S.O., 1997, C.41, Section 31.

**By-laws – Third & Final Reading**

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

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

**#26-2005** – to confirm Committee of the Whole proceedings held March 1, 2005;

**#27-2005** – to assume, stop up and close that part of Kyle Street and that part of a lane as shown on Plan M.63 designated as Parts 2 and 3 on Plan 23R-11092, Town of Kenora, now City of Kenora, District of Kenora;

**#28-2005** – to deem a lot on a Registered Plan of Subdivision not to be a lot on a Registered Plan of Subdivision pursuant to the Planning Act;

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**#31-2005** – to execute a Municipal Response Agreement between the Corporation of the City of Kenora and Her Majesty the Queen in Right of Ontario as represented by the Ministry of Natural Resources with respect to Human/Black Bear Conflict Management – The Fish and Wildlife Conservation Act, S.O., 1997, C.41, Section 31.

**First & Second Reading – Re-zoning (Spicer)**

**22. Moved by A. Poirier, Seconded by C. Wasacase & Carried:-**

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

**#32-2005** – to amend Comprehensive Zoning By-law #160-2004, as amended.

**Third & Final Reading – Re-zoning (Spicer)**

**23. Moved by A. Poirier, Seconded by C. Wasacase & Carried:-**

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

**#32-2005** – to amend Comprehensive Zoning By-law #160-2004, as amended.

**Third & Final Reading – Taxi By-law Amendment**

**24. Moved by C. Wasacase, Seconded by A. Poirier & Carried:-**



**THAT** the following **by-law** be now approved in its present form & be presented for **THIRD & FINAL** Reading:-

**#22-2005** – to amend Schedule "A" Rates and Fares to By-law Number 94-2001 being a by-law to license, regulate and govern owners and drivers of cabs, motor and other vehicles used for hire.

**Adjournment**

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

THAT this meeting be now declared closed at 6:10 p.m.

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

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

**.....2005**

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**MAYOR**

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**CITY CLERK**