



# Minutes

*Of a Meeting of the Council of the City of Kenora  
Monday, June 27, 2005 – City Council Chambers  
5:00 p.m.*

~~~~~

WITH Mayor D. Canfield in the Chair, Councillor R. McMillan, Councillor I. Parkes, Councillor T. Szajewski, Councillor C. Wasacase, Bill Preisenzanz, CAO, Paulette Grouda, Deputy Clerk.

REGRETS: Councillor L. Compton, Councillor A. Poirier

**Call to Order**

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

**Public Information NOTICES as per By-law Number 14-2003**

Mayor Canfield then read the following notices:-

As required under Notice By-law No. 14-2003, Council hereby advises the public of its intention to adopt the following by-laws at tonight's meeting: -

- (1) to authorize an appropriation from the City Hall Reserve in the amount of \$12,051.19 for the purchase of three replacement air conditioning units for City Hall;
- (2) to authorize an appropriation from the Computer Reserve Fund in the amount of \$10,361.00 for the purchase of the Trend Micro anti-virus software;
- (3) to authorize an appropriation from the Contingency Reserve in the amount of \$14,000.00 for funding to the Triple P.L.A.Y. Program.

**Confirmation of Minutes**

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

THAT the Minutes of the last Regular Meeting of the Council of the City of Kenora held **Tuesday, June 13, 2005** 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. There were none declared.

**DEPUTATION:**

**Scott Compton**

Scott Compton appeared before Council regarding a Code of Conduct Complaint. Mr. Compton advised Council that the mechanism the City has in place for dealing with official complaints made against Employees who breach the City's Employee Code of Ethics does not work. Mr. Compton advised that it was almost a year since he had filed a Breach of Code of Ethics Complaint with Mr. Preisenzanz against a City Employee. During the course of administrating an Application for Consent to sever a lot from his property on the Beach Road, the City Employee in question breached Code of Ehtics Policy No. HR-2-1, 2.04 A Dealing with Integrity, Item No. 4 "to knowingly breach the law in the performance of his or her duties or to request others to



do so", Integrity No. 5, "To intentionally falsify any of the City's records", and Policy No. HR-2-1, 2-04B Dealing with Impartiality "Every municipal employee must perform his or her duties in an impartial manner".

Mr. Compton advised that he had sent 6 requests in to Bill Preisenzanz over the last 11 ½ months and his complaint has still not been resolved. Mr. Compton advised that Mr. Warren Spencer, former Operations Manager and Mr. John Fregeau, the lawyer who handled his consent application have yet to be interviewed by Mr. Randy Seller, a local lawyer retained to investigate his complaint.

Mr. Compton advised that he not only has a problem with the length of time this investigation is taking but also with the City's choice of Mr. Seller as investigator. Mr. Compton advised that under most circumstances Mr. Bruce Ormiston would have been called upon to advise as a suitable investigator. Mr. Ormiston did not involve himself because the firm Shewchuk, MacDonell, Ormiston, Richardt and Fregeau acts for him and his wife and Mr. Ormiston would have been in a position of Conflict. Mr. Randy Seller, the City's choice for investigator, is a partner with the firm Hook, Seller and Lundin who act for the employee in question. Mr. Compton questioned how Mr. Ormiston would be in a conflict and Mr. Seller not.

Mr. Compton advised that Mr. Seller has had since November 2004 to bring this complaint to resolution and has not done so. Mr. Compton advised that this deputation is his last recourse before he seeks an Order of Mandamus, a court order, which forces public officials to fulfill the duties of their office. Mr. Compton asked Council to choose an unbiased party from outside Kenora to investigate and resolve this matter in a timely fashion.

### **Approval of Accounts**

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

THAT the Reports dated **June 9, 16, 17, and 23, 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, attached hereto, totalling **\$2,047,502.87** be hereby authorized for approval.

### **2004 Audited Financial Statements**

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

THAT Council approve the 2004 City of Kenora Annual Report, including the 2004 City of Kenora audited financial statements; and further

THAT a copy of this report be made available for public viewing at City Hall and on the City's website.

### **Purchase of Trend Micro Anti-Virus Product**

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

THAT the City of Kenora approves the purchase of the Trend Micro anti-virus software, in the amount of \$10, 361 (plus applicable taxes); and

THAT in accordance with Notice By-law #14-2003, notice is hereby given of Council's intent to amend the 2005 Capital Budget to approve an appropriation from the Computer Reserve Fund for the purposes of this purchase; and further

THAT Council give three readings to a by-law for this capital budget accordingly.



**Purchase Air Conditioning Units**

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

THAT Council approve the quote of KC Refrigeration in the amount of \$12,051.19 plus GST for the purchase of three replacement air conditioning units for City Hall; and

THAT in accordance with Notice By-law #14-2003, notice is hereby given of Council's intent to authorize an appropriation from the City Hall Reserve in the amount of \$12,051.19 for the purpose of this purchase; and further

THAT the appropriate By-law be passed to amend By-law #40-2005 for this purchase.

**Triple P.L.A.Y. Funding through Contingency Reserves**

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

THAT the Council of the City of Kenora hereby approves the request for one-time funding for Triple Play (Positive Leisure Activities for Youth) programs for 2005 in the amount of \$14,000.00 through the Contingency Reserve; and

THAT in accordance with Notice By-law #14-2003, notice is hereby given of Council's intent to authorize an appropriation from the Contingency Reserve in the amount of \$14,000.00 for the purpose of providing this funding; and further

THAT Council give three readings to a by-law for this purpose.

**2005 Capping Options – Implementation Tools**

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

THAT Council approve the implementation of the following tools for the 2005 taxation year:

- Annualized Tax Limit of 10% for each of the commercial, industrial and multi-residential property classes.
- Prior Year's CVA Tax Limit of 5% for each of the commercial, industrial and multi-residential property classes.
- CVA Tax Threshold for Protected Properties related to increases in the amount of \$250 for each of the commercial, industrial and multi-residential property classes.
- CVA Tax Threshold for Clawed Back Properties related to decreases in the amount of \$250 for the commercial and industrial property classes; and further

THAT the appropriate By-law be approved for this purpose.

**New Construction & New to Class Properties**

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

THAT Council approve the implementation of the minimum tax level of 70% for new construction/new to class properties for 2005, and;

THAT the appropriate By-law be approved for this purpose.

**NOMA Per Capita Levy – Forest Industry**

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

Whereas the Forest Industry in Ontario is in crisis; and



Whereas each and every community in Northwestern Ontario will be negatively impacted if the crisis is not averted; and

Whereas the Minister's Council on Forest Sector Competitiveness was established to provide a set of recommendations that will act as a road map for the Government of Ontario and the Ministry of Natural Resources in particular, for the development of strategies to address the current challenges both immediately and over the long term; and

Whereas the production of the report was a collaborative effort between individuals representing the forest industry, labour, First Nations, the environmental community, municipalities, and also included independent experts; and

Whereas the formation of the Minister's Council is an explicit recognition on the part of the Ontario Government that change is needed to ensure the viability of the industry, and the report identifies the root causes of the industry's decline in Ontario and recommends a multi-pronged strategy to assist the province's forestry sector in regaining its competitive footing; and

Whereas NOMA has taken the lead in developing a strategy to convince the Government of Ontario to implement the Council's report; and

Whereas a key component of that strategy is the hiring of a major lobbying firm to develop and implement a government relations strategy; and

Whereas the Ontario Forest Industry Association and the Ontario Lumber Manufacturers Agreement have tentatively agreed to each pay one third of the cost of the contract; and

Whereas NOMA has agreed to raise up to \$83,000 as their share of the contract; and

Whereas, the Northwestern Ontario Associated Chambers of Commerce have agreed to contribute \$5,000 and the Northwestern Ontario Development Network \$1,500; and

Whereas the NOMA Board of Directors at their June 10, 2005 meeting adopted a motion that included the following clause: -

"That NOMA establish a special per capita levy of \$0.40 from (each of) its' Member Municipalities (50% immediately and 50% when required)"

Now Therefore be it resolved that the Municipality of the City of Kenora authorizes the expenditure of \$0.40 cents per capita in the amount indicated in the attached letter from the NOMA President.

**B.I.A. Levy**

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

THAT Council approve the Harbourtown Centre Business Improvement Board budget request in the amount of \$50,000 representing the 2005 Business Improvement Board levy; and further

THAT Council give three readings to a by-law to set the 2005 tax rate for the Harbourfront Centre Business Improvement Zone in accordance with the budget as approved by Council.

**Canada Day Celebrations**

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



THAT Council of the City of Kenora hereby authorizes payment of \$5,666.00 to Canada Day Celebrations Committee for the 2005 Canada Day celebrations; and further

THAT the Mayor and Council hereby proclaim Friday, July 01<sup>st</sup> as Canada Day in the City of Kenora and invite all citizens to attend the celebrations at the Harbourfront.

### **Doors Open Stuffer**

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

THAT Council approve waiving the stuffer fee for the inclusion of the 'Doors Open' program stuffer in the City bills, pending receipt of the related stuffer.

**Councillor Szajewski requested that the Rules of Order be Suspended for the introduction of a new item:-**

### **United Steelworkers' Union Strategy Workshop**

**12A. Moved by T. Szajewski, Seconded by C. Wasacase & Carried:-**

THAT authorization be hereby given for Councillor Rory McMillan to attend the United Steelworkers' Union Strategy Workshop, being hosted in Thunder Bay, with a confirmed date to be determined; and further

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

### **Lease Agreement with KPDSB & City (Castle of Learning)**

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

THAT the Council of the City of Kenora accepts the lease agreement between Keewatin Patricia School Board and the City of Kenora for occupancy of space to operate the Castle of Learning and Discovery Children's Centre in the King George VI school; and

THAT Council give three readings to a by-law to authorize the execution of an agreement between the City of Kenora and the Keewatin Patricia District School Board for the leased space to operate the Castle of Learning and discovery Children's Centre.

### **Lease Agreement - Kenora Kinsmen (Norman Community Club)**

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

THAT the Council of the City of Kenora accepts the lease agreement between The Kenora Kinsmen Club and the City of Kenora for occupancy of the Norman Community Club; and

THAT Council give three readings to a by-law to authorize the execution of an agreement between the City of Kenora and the Kenora Kinsmen for the operation and maintenance of the Norman Community Club.

### **Reject Tenders – Anicinabe Park Washroom & Shower Building**

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

THAT Council hereby rejects the tenders received for the construction of a washroom and shower building at Anicinabe Park at this time due to the limited response of tenders and the anticipated over-budget of the project; and further

THAT this matter be referred back to Committee for further review of the project design, with the possibility of re-tendering in the fall.



**K.P.S. By-law Enforcement Officers – Summer 2005**

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

THAT Council give three readings to a by-law to appoint K.P.S. By-law Enforcement Officers for the 2005 summer season.

**Northern Bulk Haulage Extension of Contract**

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

THAT as recommended by the Solid Waste Department, approval is hereby given to proceed with Option #3 whereby the City will continue to operate under the current format for the disposal of solid waste materials; and further

THAT Council hereby accepts the extension proposal from Northern Bulk Haulage and approves exercising the three year option by extending the contract between the City and Northern Bulk Haulage to November 30, 2009.

**Traffic By-law Amendment – Disabled Parking at Operations**

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

THAT the City of Kenora Traffic Regulation By-law #127-2001 be amended to include the following addition to Schedule "L" – Disabled Parking Spaces on Municipal or Private Property, 60 Fourteenth Street North: -

**SCHEDULE "L" DISABLED PARKING SPACES ON MUNICIPAL OR PRIVATE PROPERTY**

| <b><u>Column 1</u></b><br>Establishment | <b><u>Column 2</u></b><br>Street Address /<br>Location | <b><u>Column 3</u></b><br># Spaces |
|-----------------------------------------|--------------------------------------------------------|------------------------------------|
| <u>Add:</u> Operation Centre            | 60 Fourteenth St. No.                                  | 2                                  |

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

**Councillor Szajewski requested that the Rules of Order be Suspended for the introduction of a new item:-**

**New Building By-Law**

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

THAT Council give three readings to a bylaw respecting construction, demolition and change of use permits and inspections; and further

THAT this by-law comes into force and takes effect on July 1, 2005, thereby repealing By-law Number 11-2000 and its amending By-law 31-2002.

**Private Roads Agreement – Douglas Magnusson**

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

THAT authorization be hereby given for the City of Kenora to enter into a private roads agreement with Douglas Samuel Magnusson, as a condition of approval of application for consent no. B14/04; and further

THAT Council give three readings to a by-law for this purpose.

**Sale of Shore/Road Allowance – Delorme/Jackson**

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

THAT Council give three readings to a by-law to assume, stop up, close and sell that part of the road allowance in front of Broken Lot 2, Concession 7,





Township of Jaffray, now in the City of Kenora, in the District of Kenora, designated as Parts 1 and 2 on Plan 23R- 11129, to Mark Delorme and Hilary Jackson.

**Sale of Shore/Road Allowance – Marchant’s Island**

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

THAT the Council of the City of Kenora declares the road allowance property abutting property described as Parts 1 through 13, inclusive, on Plan 23R - 11112 as surplus to the needs of the municipality; and

THAT in accordance with Notice By-law #14-2003, arrangements be made to advertise the sale of the subject lands for a three-week period; and further

THAT once the advertising process has been completed, Council give three readings to a by-law to authorize the sale of the lands described as Parts 1,2,3,4,5,6,7,8,9,10,11, 12 and 13 of Plan 23R-11112 to Daniel and Karin Marchant at the price of \$2,000.00, as established by Century 21 – Reynard Real Estate, plus all associated costs.

**Reject Tenders on Colonization Road**

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

THAT the following tenders for the purchase of municipal property on Colonization Road be hereby rejected as not having met the City's reserved minimum bid-

- Mark Thiessen & Ron Loustel – Winnipeg - \$26,600**
- Kathleen O’Flaherty – Kenora - \$25,000**
- Brian Ingo – Kenora - \$20,400**
- Marc Bechard – Kenora - \$15,333**
- Alistair Nilson – Kenora - \$10,000**
- Neil Wise – Kenora - \$5,505; and further**

THAT no action be taken at this time and arrangements be made to return the deposit cheques to those that submitted a tender.

**Proclaim August 13 as National Marina Day**

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

WHEREAS we, the citizens of Ontario place a high value on our recreation time and our ability to access one of our province's greatest natural resources, its waterways; and

WHEREAS Ontario is home to thousands of recreational boating facilities that contribute substantially to local communities by providing safe, reliable gateways to boating for members and guests of the communities; and

WHEREAS Ontario's marinas also serve as stewards of the environment, actively seeking to protect their surrounding waterways not only for the enjoyment of this generation, but for generations to come; and

WHEREAS Ontario's marinas also provide their communities and visitors a place where friends and families, united by a passion for the water, can come together for recreation, rest, and relaxation; and

NOW THEREFORE BE IT RESOLVED that Ontario's marinas will continue to provide environmentally friendly gateways to boating for the citizens of, and the visitors to our great province;

BE IT FURTHER RESOLVED that August 13, 2005 be designated the first annual National Marina Day in order to honor Ontario's marinas for their many contributions to their local communities and to make citizens, policy



makers, elected officials, and employees more aware of the overall contributions marinas make to their well-being.

**Tender – U Body Gravel Truck**

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

THAT the following tenders be received by the City of Kenora to purchase a U Body Truck to outfit a new sand / gravel truck;

|                                                            |              |
|------------------------------------------------------------|--------------|
| Champion Road Machinery (International Truck, Viking Body) | \$139,875.00 |
| With Trade                                                 | \$138,875.00 |
| Freightliner Manitoba (Viking Body)                        | \$152,943.00 |
| With Trade                                                 | \$150,443.00 |
| Connexion Trucks (Sterling Truck, Tenco Body)              | \$141,329.00 |
| With Trade                                                 | \$139,329.00 |
| Maxim Trucks (International Truck, Viking Body)            | \$140,060.71 |
| With Trade                                                 | \$137,060.71 |
| Maxim Trucks (International Truck, Tenco Body)             | \$142,495.71 |
| With Trade                                                 | \$139,495.00 |

AND THAT the quotation submitted by Champion Road Machinery, in the amount of \$139,875 (taxes extra), without trade, be accepted; and

THAT in accordance with Notice By-law #14-2003, notice is hereby given of Council's intent to amend the 2005 Capital Budget to reflect a transfer of \$4,875.00 (taxes extra) from the Grader Capital project #05.393.01 to cover the tendered over budget; and further

THAT the City of Kenora sell the Old Chipper Truck by advertised sealed Tender, and apply the proceeds to the Grader Capital project #05.393.01.

**Tender – Household Hazardous Waste Days**

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

THAT Council hereby receives the one and only tender to host the 2005 Household Hazardous Waste Collection Days on Saturday, July 9<sup>th</sup>, 2005 and Sunday, July 10<sup>th</sup>, 2005 from Miller Environmental Corporation in the amount of \$34,150.00 (plus taxes) be hereby accepted.

**By-laws – First & Second Reading**

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

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

- #87-2005- to confirm the proceedings of Committee at its June 21 meeting;
- #88-2005- to amend Zoning By-law #160-2004, as amended (Therrien);
- #89-2005- to authorize a private roads agreement with Douglas S. Magnusson;
- #90-2005- to execute an agreement with the Ukrainian Women's Association;
- #91-2005- to assume, stop up, close and sell that part of the road allowance in front of Broken Lot 2, Concession 7, Township of Jaffray, now in the City of Kenora, designated as Parts 1 & 2 on Plan 23R-11129 (Delorme/Jackson);
- #92-2005- to appoint By-law Enforcement Officers for the City of Kenora;
- #93-2005- to amend Schedule "L" to Traffic By-law #127-2001 (Disabled Parking Spaces);
- #94-2005- to adopt optional tools for the purposes of administering limits for certain property classes;





- #95-2005- to adopt optional tools for the purposes of administering limits for eligible properties within the meaning of Section 331 (New Construction) for the Commercial, Industrial and Multi-Residential Property Classes;
- #96-2005- to adopt the estimates for funds to be raised for 2005 on behalf of the Harbourtown Centre Business Improvement Board;
- #97-2005- to adopt amended estimates for 2005 Reserve Funds from the City Hall Reserve;
- #98-2005- to adopt amended estimates for 2005 Reserve Funds from the Computer Reserve;
- #99-2005- to adopt amended estimates for 2005 Reserve Funds from the Contingency Reserve;
- #100-2005- to adopt a building by-law respecting construction, demolition and change of use permits and inspections.

### **By-laws – Third & Final Reading**

#### **27. Moved by I. Parkes, Seconded by C. Wasacase & Carried:-**

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

- #87-2005- to confirm the proceedings of Committee at its June 21 meeting;
- #88-2005- to amend Zoning By-law #160-2004, as amended (Therrien);
- #89-2005- to authorize a private roads agreement with Douglas S. Magnusson;
- #90-2005- to execute an agreement with the Ukrainian Women's Association;
- #91-2005- to assume, stop up, close and sell that part of the road allowance in front of Broken Lot 2, Concession 7, Township of Jaffray, now in the City of Kenora, designated as Parts 1 & 2 on Plan 23R-11129 (Delorme/Jackson);
- #92-2005- to appoint By-law Enforcement Officers for the City of Kenora;
- #93-2005- to amend Schedule "L" to Traffic By-law #127-2001 (Disabled Parking Spaces);
- #94-2005- to adopt optional tools for the purposes of administering limits for certain property classes;
- #95-2005- to adopt optional tools for the purposes of administering limits for eligible properties within the meaning of Section 331 (New Construction) for the Commercial, Industrial and Multi-Residential Property Classes;
- #96-2005- to adopt the estimates for funds to be raised for 2005 on behalf of the Harbourtown Centre Business Improvement Board;
- #97-2005- to adopt amended estimates for 2005 Reserve Funds from the City Hall Reserve;
- #98-2005- to adopt amended estimates for 2005 Reserve Funds from the Computer Reserve;
- #99-2005- to adopt amended estimates for 2005 Reserve Funds from the Contingency Reserve;
- #100-2005- to adopt a building by-law respecting construction, demolition and change of use permits and inspections.

**Councillor Szajewski requested that the Rules of Order be Suspended for the introduction of a new item:-**

### **By-Law First & Second Reading**

#### **27A. Moved by T. Szajewski, Seconded by C. Wasacase & Carried:-**

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

- #100 - 2005 – a by-law respecting construction, demolition and change of use permits and inspections.



Councillor Szajewski requested that the Rules of Order be Suspended for the introduction of a new item:-

**By-Law Third & Final Reading**

**27B. Moved by T. Szajewski, 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: -

**#100 - 2005** – a by-law respecting construction, demolition and change of use permits and inspections.

**Adjournment**

**28. Moved by I. Parkes, Seconded by T. Szajewski & Carried:-**

THAT this meeting be now declared closed at 5.57p.m.

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

**CONFIRMED AS WRITTEN THIS .....DAY OF .....2005.**

.....  
**MAYOR**

.....  
**CITY CLERK**