



# Minutes

*Of a Meeting of the Council of the City of Kenora  
Monday, July 18, 2005 – City Council Chambers  
5:00 p.m.*

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

**Regrets: Mayor D. Canfield**

### **Call to Order**

**A/Mayor McMillan called the meeting to order and Councillor Szajewski read the Prayer.**

### **Confirmation of Minutes**

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

THAT the Minutes of the last Regular Meeting of the Council of the City of Kenora held **Monday, June 27, 2005** be confirmed as written and circulated.

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

**A/Mayor McMillan 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:-

- to amend the 2005 Capital & Reserves Budget to appropriate funds from the "City Hall Reserve" in the amount of \$8,172.00 for additional funding for the Access Ramp.**

### **Declarations of Pecuniary Interest**

**A/Mayor McMillan then asked if any Member of Council had any Declarations of Pecuniary Interest with respect to any items on the Agenda.**

Councillor Parkes advised she has a Declaration of Pecuniary Interest with respect to motion numbers 19 and 20 as they relate to the adoption of By-law #105-2005.

Councillor Compton advised that at the July 12 Committee of the Whole In-Camera Session, he had a Conflict of Interest, vacated the Chambers and did not participate in the discussions regarding a Code of Conduct matter by his son against an identifiable individual.

### **DEPUTATIONS:**

#### **Marj Curtis-Poirier**

Ms Curtis-Poirier circulated copies of her presentation to Members of Council with respect to the budget cuts recently announced by the Ministry of Culture relating to Ontario Library Services. The cuts have affected library services across the province and have resulted in a direct impact on its communities. The Library Board appealed to Council to consider adopting a resolution requesting the Ministry immediately review this matter and reverse its decision.



Also there is an 'open letter' that Ms Curtis-Poirier will email to the Clerk that can be submitted by anyone from the City or community if they so choose.

**Councillor Szajewski then presented a motion to table as follows:-**

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

THAT Motion #2 on tonight's agenda be hereby tabled.

**Appointment to Hydro Board of Directors**

**2. Moved by T. Szajewski, Seconded by C. Wasacase:-**

THAT Council of the City of Kenora hereby appoints Don McDougald to the Board of Directors of the Kenora Hydro Electric Corporation Ltd. for a one year term or until the 2006 Annual General Meeting of the Kenora Hydro Electric Corporation.

**MOTION TABLED**

**Approval of Accounts**

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

THAT the Reports dated **July 4, 7, and 15, 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 **\$3,801,006.23** be hereby authorized for approval.

**Memorandum of Agreement – IBEW, Local 559 (Water Unit)**

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

THAT Council of the City of Kenora hereby approve the Memorandum Agreement between the Corporation of the City of Kenora and IBEW Local 559 Water Unit for the term January 1, 2004 to December 31, 2006.

**2005 Clawback Rates**

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

THAT Council give three readings to a by-law establishing the clawback rates on protected properties for 2005.

**Endorsation of Resolution – City of Kingston (Trail Systems)**

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

WHEREAS municipalities and various Trail Clubs throughout Ontario have invested substantial public funds in the development of trails; and

WHEREAS the public has made very significant use of trail systems for fitness and recreation to substantially improve their quality of life during all four (4) seasons; and

WHEREAS those using the trail systems have historically done so at their own risk; and

WHEREAS the cost to maintain and police trail systems would be so prohibitive as to require their closure if made mandatory, whether by case law or statute; and

WHEREAS various lawsuits have been filed claiming liability against municipalities and other trail owners; and

WHEREAS the cost of insurance for the use of trail systems has already proven so expensive to be prohibitive; and



WHEREAS the Ontario Government has introduced the "Active 2010" program as part of its Ontario Trails Strategy, encouraging Ontarians to become more physically active;

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Kenora requests that the Minister of Municipal Affairs and Housing, Honourable John Gerretsen, and the Minister of Tourism and Recreation, Honourable Jim Bradley, move to amend the Occupiers Liability Act so as to clearly establish that those using trail systems are deemed to do so at their own risks, so that owners and volunteer organizations will not be held liable in any way for any damages arising from the use of trails by the public; and further

THAT a copy of this resolution be forwarded to the City of Kingston, and Howard Hampton, MPP.

### **COMRIF Funding Agreement – Round 1**

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

THAT Council of the City of Kenora hereby give three readings to a by-law ratifying a Funding Agreement between Her Majesty the Queen in the Right of Ontario as represented by the Minister of Municipal Affairs & Housing, and the City of Kenora with respect to the COMRIF initiative for the renewal of sewer infrastructure; and further

THAT the Mayor and Clerk be hereby designated as the signing officers for purposes of this Agreement.

### **COMRIF Funding – Round 2**

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

THAT Council of the City of Kenora hereby ranks the Waterline Replacement (marine line from Court House to Keewatin) as the highest priority project for funding under Intake Two of the Canada-Ontario Municipal Rural Infrastructure Fund.

### **Re-location of Youth Drop-in Centre**

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

THAT Council of the City of Kenora support the move of the Kenora Drop In Centre to the Kenora Fellowship Centre basement until conditions to remediate the moisture issues in the current location are completed; and further

THAT Council provide financial assistance for leasing of the Fellowship Centre space for July and August from approved 2005 operational budgets.

### **Parking Lot Closures – Summer Events @ Harbourfront**

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

THAT authorization be hereby given for the following parking lot closures at the Harbourfront for various events and attractions during the 2005 summer months:-

- **South Parking Lot: Wed. July 27 to Mon. August 8, 2005 (6:00 p.m.- 6:00 p.m.)**
- **North Parking Lot: Fri. July 29 to Mon. August 1, 2005 (6:00 p.m.- 6:00 p.m.); and further**

THAT these approvals be subject to all necessary signage, advertising, notifications and clean-up being in place for each event.



**LOWISA – Use of Docks**

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

THAT Council approve the LOWISA 40 request to utilize the Harbourfront docks A & B for the LOWISA 40 regatta; and

THAT this approval provides for the closure of the public docks A & B for July 30, 2005; and further

THAT on August 6, 2005, the City provide docking on the north side of Harbourfront "B" dock only (slips 11 to 19, inclusive) to LOWISA.

**Emergency Central Dispatch**

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

WHEREAS the Kenora Police Services Board has identified a need to recruit additional staff to provide emergency dispatch service at the Kenora Police Station on a regional basis; and

WHEREAS options have been identified within this report intended to reduce the need for additional staff;

NOW THEREFORE Be It Resolved that Council of the City of Kenora request the Kenora Police Services Board review alternatives relating to staffing for the Emergency Central Dispatch as presented in the July 4, 2005 report of Bill Preisenzanz, CAO.

**Waiving of Fees – Family Safety Night**

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

THAT Council of the City of Kenora support "Family Safety Night" by approving the waiving of rental fees at the Kenora Recreation Centre Arena on Wednesday, September 7<sup>th</sup>, 2005.

**Property Transaction with Hulagrocki – Transmitter Road**

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

THAT in order to commence the City's planned improvements to the CP Rail crossing on Transmitter Road, the City acquire Part 1 of Plan 23R 11142 for the sum of \$9,000.00 and the transfer from Hulagrocki to the City, of Parts 1, 2 and 3 of Plan 23R 5741 for the sum of \$1, plus all legal and transfer costs associated with the purchase and transfer of these properties; and

THAT the attached executed agreement form part of the agreement of purchase and sale; and

THAT the Mayor and Clerk be authorized to enter into such an agreement of purchase and sale; and further

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

**Amendment to Zoning By-law (Duffus Road)**

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

THAT the City of Kenora Council give three readings to a by-law to amend Zoning By-law #160-2004 for the rezoning of property described in Schedule 'A' to a lot size of .4 hectares to bring the subject property into compliance with the by-law and further to specifically reduce the east side yard of proposed Lot 14 to 50 feet.



**Mold Investigation @ City Hall**

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

THAT Council accept the proposals from DST and Pinchin and approve award of the Mold Investigation to Pinchin Environmental in the amount of \$2000.00; and

THAT administration be authorized to proceed with the award of any tenders for any related remediation and restoration work, together with any related and required building, foundation and landscape/drainage repairs, in accordance with the provisions as set out in the City’s purchasing policy for budgeted expenditures; and further

THAT Council authorize an appropriation from the City Hall Reserve to offset the costs related to the investigation as well as all remediation and restoration work, together with any related and required building, foundation and landscape/drainage repairs.

**Tender – Access Ramp & Parking @ City Hall**

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

THAT Council hereby accepts the following tenders for the Access Ramp and Parking Project at City Hall:-

- Don Hager Construction - \$78,930.00 (plus GST)
- LMD Contracting - \$45,859.00 (plus GST); and

THAT the tender of LMD Contracting in the amount \$45,859.00 + GST be hereby accepted; and

THAT Council approve additional funding to the 2005 budget in the amount of \$8,172.00 for the City Hall Access Ramp and Parking project, to be funded through an incremental appropriation from the City Hall Reserve; and further

THAT in accordance with the provisions of the Notice By-law, notice has been given setting out Council’s intent to amend By-law #40-2005 to reflect the approved changes to the 2005 City of Kenora Capital Budget.

**Proposals – Rights to Supply Beverages @ Recreation Centre**

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

THAT the following request for proposals for the exclusive rights to supply beverages and service of beverage equipment for a 10 year period to the Kenora Recreation Centre be received:

| <b>Company/ Supplier Name</b> | <b>Amount for 10 year agreement</b> | <b>*Note</b>                        |
|-------------------------------|-------------------------------------|-------------------------------------|
| Pepsi Bottling Group          | \$284,944.00                        | \$183,444.00 (less equipment costs) |
| Coca-Cola Bottling Co.        | \$114,500.00                        |                                     |

AND FURTHER THAT the proposal from Pepsi Bottling Group be hereby accepted.

**By-laws – First & Second Reading**

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

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

- #101-2005 – to confirm the proceedings of Committee at its July 12 meeting;
- #102-2005 – to establish clawback rates for certain property classes for 2005;



- #103-2005 – to execute an addendum to agreement with Northern Bulk Hauling Ltd.;
- #104-2005 – to amend Comprehensive Zoning By-law #160-2004 (Duffus Road);
- #105-2005 – to amend Comprehensive Zoning By-law #160-2004 (Redditt Road);
- #106-2005 – to execute a funding agreement for infrastructure projects with the Ministry of Municipal Affairs & Housing;
- #107-2005 – to adopt amended estimates for Capital and Reserves for 2005;
- #108-2005 – to authorize the entering into of a purchase and sale agreement and to authorize the transfer of land from Stephen and Donna Hulagrocki;
- #109-2005 – to assume, stop up, close and sell the road allowance in front of Mining Location A26, designated as parts 1 to 13 inclusive on Plan 23R-11112;
- #110-2005 – to authorize the execution of a lease agreement with the Kenora Kinsmen Club;
- #111-2005 – to authorize the execution of a lease agreement with the Keewatin-Patricia District School Board;
- #112-2005 – to authorize the execution of a lease agreement with Dave Holland Sports Enterprises Ltd.

**ABSTENTION: Councillor Parkes**

**By-laws – Third & Final Reading**

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

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

- #101-2005 – to confirm the proceedings of Committee at its July 12 meeting;
- #102-2005 – to establish clawback rates for certain property classes for 2005;
- #103-2005 – to execute an addendum to agreement with Northern Bulk Hauling Ltd.;
- #104-2005 – to amend Comprehensive Zoning By-law #160-2004 (Duffus Road);
- #105-2005 – to amend Comprehensive Zoning By-law #160-2004 (Redditt Road);
- #106-2005 – to execute a funding agreement for infrastructure projects with the Ministry of Municipal Affairs & Housing;
- #107-2005 – to adopt amended estimates for Capital and Reserves for 2005;
- #108-2005 – to authorize the entering into of a purchase and sale agreement and to authorize the transfer of land from Stephen and Donna Hulagrocki;
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- #112-2005 – to authorize the execution of a lease agreement with Dave Holland Sports Enterprises Ltd.

**ABSTENTION: Councillor Parkes**

**Adjournment**

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

**THAT** this meeting be now declared closed at 5:47 p.m.

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

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

.....  
**MAYOR**

.....  
**CITY CLERK**