



Minutes

*Of a Meeting of the Council of the City of Kenora
Monday, December 12, 2005 – City Council Chambers
5:00 p.m.*



~~~~~

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

## Call to Order

Mayor Canfield called the meeting to order and Councillor McMillan 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: -

- To adopt a new Rules of Order and Procedure By-law for Council;
- To amend Comprehensive Sewer & Water By-law Number 168-2004 for the purpose of adjusting the bleeder rate for customers by providing a discount of 50% for the volumetric charge only;
- To amend the 2005 Capital Budget to provide for additional funding for the Kenora Recreation Centre Expansion;
- To amend the 2005 Capital Budget to authorize both an additional appropriation from the Recreation Facility Reserve and reserve funds and an increase to the authorized long term debt approved for purposes of financing the Kenora Recreation Centre Expansion;
- To amend the 2005 Capital Budget to authorize an additional appropriation from Contingency Reserve representing the City's share of legal costs associated with the McDougald Conflict of Interest case.

## 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, November 21, 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.

## DEPUTATIONS:

### Tony Bowen – Cubex Ltd. - Winnipeg

Mr. Bowen circulated copies of his "fleet" presentation to Council and the Clerk on behalf of his company Cubex Ltd. with respect to their selling municipal equipment



for the last 30 years in Winnipeg. He indicated Cubex would be pleased to assist the City with its equipment requirements in 2006, and he has already shared this information with the City's Fleet Supervisor.

#### Fred Ralko – Kenora Fire Fighters' Association

Mr. Ralko presented the Clerk with a copy of his Deputation with respect to the Revised Staffing Option for the Fire & Emergency Services Department. Mr. Ralko asked Council to approve the new revised staffing model that is before them this evening.

#### Bertha Sanna – 2006 Snowcross Races

Mrs. Sanna had earlier submitted a copy of her Deputation to Members of Council and the Clerk with respect to the proposed Snowcross Races. Mrs. Sanna is not in favour of the races taking place next year on the Recreation Centre grounds due to the noise factor, as well as the garbage and other mess that is evident in the spring from the races that is not cleaned up by the group.

#### Don Kinger – Lack of Winter Tourism

Mr. Kinger presented the Clerk with a copy of his Deputation regarding the lack of winter tourism due to the City's by-law regarding snowmobiles and trail permits. Mr. Kinger believes Council should rescind this by-law in order to better promote winter tourism in the area. He believes many sleds would come to the City especially from Manitoba, but they do not want to pay the high price of a permit just to take a drive here for lunch. Mr. Kinger also made reference to policing in Kenora and why is the City not charging Sunset Trail Riders for the extra cost to police the trails, and further, why are tax dollars being used for this purpose?

#### Jerry Derouard – 2006 Snowcross Races

Mr. Derouard had earlier submitted a copy of his Deputation to Members of Council and the Clerk on behalf of the Kenora Snowcross Association. Mr. Derouard explained to Council they would like to use the Recreation Centre grounds in 2006 for the races as it is an ideal location for this tourism event. Mr. Derouard has met with Barry Reynard and they feel they can address the City's concerns regarding use of the proper snow and clean-up concerns following the event.

#### Lydia Harlos – Past Issues/Police Outpost

Ms Harlos questioned how much money is in the City's surplus (Reserves), she would like this information and other answers to her questions sent to her in a letter format. Ms Harlos asked about sidewalks in her area of town in the 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup>, 8<sup>th</sup>, & 5<sup>th</sup> Street South areas. She mentioned kids constantly run across the roads in these areas and she feels there are safety issues without sidewalks. She questioned who paid for the sidewalk by A & W? She also asked how long does it take to grow a tree, since she had started growing a tree near her home and it was hit and ruined. Ms Harlos suggested the City erect telephone booths along the Harbourfront and Greenbelt which she had suggested a while ago, but hasn't seen any booths in these areas, and wants to see something for her tax dollar. She also referred to the O.P.P. station on the By-pass and doesn't believe this is in a very suitable location. She cited a problem with policing since amalgamation. She questioned why the City Police Force can't police certain areas; she suggested there should be police outposts near the east highway so children know who to contact. Ms Harlos referred to 2006 – 2007 as apparently being 'decision day' for policing in Kenora. She questioned how many police officers do we need to run the city? She would prefer the Kenora Police Service police the entire City and have the O.P.P. for highway patrol only. Ms Harlos was advised we have approximately 40 officers in total. She questioned if this enough officers for the entire area? In closing, Ms Harlos believes there should be more community policing in the city by the Kenora Police Service.

#### Appointments to the Heritage Committee

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

THAT in keeping with the Terms of Reference for the Heritage Committee, as approved by By-law Number 133-2005, the following be hereby appointed to the Heritage Committee with a term to expire November 30,2006:-

**City Councillor Rory McMillan  
Riley Sleeman, Member-at-large  
Shalene Rawluk, Member-at-large  
Ian Davidson Hunt, Member-at-large**



AND FURTHER THAT Resolution #18A dated October 24, 2005 be hereby rescinded.

**Appointments to the Audit Committee**

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

THAT Council re-appoint Kathleen O'Flaherty to the Audit Committee with a term to expire on 30 November 2005; and further

THAT a recommendation be brought forward to the new Council in 2006 to appoint the following citizen appointees to the City's Audit Committee:-

**Kathleen O'Flaherty, with a term to expire 31 December 2007;  
William Marr, with a term to expire 31 December 2008.**

**Approval of Accounts**

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

THAT the Reports dated **November 23, and December 8, 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 **\$3,960,603.52** be hereby authorized for approval.

**New Governance/Committee Structure**

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

THAT Council hereby adopts the 2006 Standing Committee & Council Meeting Schedule as attached to the City Clerk's November 23 report; and

THAT Council proceed with a Standing Committee Structure on a trial basis for the first four months of 2006; and further

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

**Re-scheduling of Committee Meetings**

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

THAT the following Committee Meetings scheduled for the month of December, 2005, be hereby cancelled:-

- Wed., December 14 & 28<sup>th</sup> - Finance and Administration, Community Services & Operations Committees
- Thurs., December 15 – Property & Planning Committee; and further

THAT in accordance with Notice By-Law Number 14-2003, public notice is hereby given that these meetings will reconvene as follows in accordance with Council's new Governance Model to take effect in the new year:-

- Tues., January 10 commencing at 3:30 p.m. - Finance and Administration, Community Services & Operations Committees
- Wed., January 11 at 10:00 a.m. – Property & Planning Committee
- Wed., January 25 at 8:30 a.m. - Emergency Services Committee

**Petitioning Province – O.M.P.F.**

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

WHEREAS the City of Kenora is currently facing anticipated losses of \$1.7 million in provincial funding annually by 2009 based on the provincial formulas for the new Ontario Municipal Partnership Fund (OMPF),



representing an anticipated impact on property taxes of 12.8% based on 2005 budget information; and

WHEREAS the City of Kenora is currently in receipt of \$1.1 million in provincial stabilization funding annually under the OMPF grant program for which the Province has advised there is no guarantee for continued receipt past 2008, representing a further significant impact on property taxes; and

WHEREAS the City of Kenora is currently facing an economic crisis through the current closure of one of its major employers and taxpayers, the full impacts of which remain undetermined, for the City directly, its taxpayers and the community;

NOW THEREFORE BE IT RESOLVED THAT the City petition the Minister of Finance directly to amend the City's Rural & Small Communities Measure (RSCM) to be equal to that of other, similarly sized Northwestern Ontario Municipalities, representing an RSCM of 100, effective for the 2005 OMPF entitlement.

**Petitioning Province – Dowloading of Programs**

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

THAT the Province of Ontario be requested to end its continued downloading of provincial programs and use of municipal property tax dollars for the subsidization of provincial health and social services programs; and

THAT the Provincial Government work with the Association of Municipalities of Ontario to develop a plan to begin the uploading of provincial program costs back to where they belong; and further

THAT a copy of this resolution be forwarded to AMO, and the Hon. H. Hampton, MPP.

**RFP Process for Investment Services**

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

THAT authorization be hereby given for the City of Kenora to contract with Martin R. Nelson, City's external auditor, to independently prepare and conduct the RFP process for investment services; and further

THAT the final recommendations from this process be forwarded to the City's Audit Committee for an independent review and final recommendation to Council.

*Councillor McMillan introduced the following motion:*

**Tabling of Motion #10**

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

THAT Motion #10 on tonight's agenda with respect to McDougald legal fees be hereby tabled.

**Amend Budget – Legal Fees (McDougald)**

**10. Moved by R. McMillan, Seconded by T. Szajewski**

THAT Council give three readings to a bylaw authorizing the withdrawal of \$91,803.24 from the Contingency Reserve representing the City's share of legal costs associated with the Alcock vs. McDougald conflict of interest case; and



THAT the funds be released upon confirmation from the City solicitor that all claims and appeals have been released or exhausted; and

THAT in accordance with By-Law #14-2003, public notice is hereby given that Council intends to amend the 2005 Capital budget at its December 12 meeting to authorize an additional appropriation from Contingency Reserve for this purpose.

**MOTION #10 TABLED**

**Amend Budget – Recreation Expansion Project**

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

THAT Council of the City of Kenora hereby amends the Kenora Recreation Centre Expansion Project budget to a project total of \$9,471,145; and

THAT Council authorize an appropriation from reserve of \$492,627 to offset the incremental costs relating to the Wellness Centre construction; and

THAT Council authorize an increase in the total long term debt to be issued on this project to \$2,100,000 to fund the remaining portion of the project expenditures; and

THAT in accordance with By-Law #14-2003, public notice is hereby given that Council intends to amend the Capital budget at its December 12, 2005 meeting to provide for additional funding for the Kenora Recreation Centre expansion: and further

THAT Council give three readings to a by-law to amend the Capital budget to authorize both an additional appropriation from the Recreation Facility Reserve and reserve funds in the amount of \$492,627 and an increase to the authorized long term debt approved for purposes of financing this project by \$230,000.

**Health & Wellness Discount Policy**

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

THAT Council of the City of Kenora approve the new Health & Wellness Discount Policy HR-2-16; and

THAT Council give three readings to a by-law to amend Tariff of Fees By-law #100-2003 for this purpose; and further

THAT By-law Number 139-2005 be hereby repealed.

**Contract with Pepsi Bottling Group**

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

THAT following Council's acceptance of the Pepsi Bottling Group beverage proposal on July 18, 2005, Council give three readings to a by-law to authorize the execution of an agreement between the City of Kenora and Pepsi Bottling Group (Canada) Co. for exclusive rights for the supply of beverages, and service of beverage equipment for a ten (10) year period to the Kenora Recreation Centre, effective July 25, 2005.

**Christmas Hours – Lake of the Woods Museum**

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

THAT Council of the City of Kenora hereby approves the Christmas closing of the Lake of the Woods Museum from December 24, 2005 through to January 3, 2006; and further



THAT museum staff be required to use three (3) vacation days to cover this period of closure.

**Contract Position – Facility Manager**

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

THAT as recommended by the Community Services Committee, authorization be hereby given for the hiring of a Facility Manager position on a contract basis; and

THAT this position be offered to Frank Bergman for the period January 1, 2006 to December 31, 2007 (subject to approval of operating budget).

**Staffing Plan – Emergency Services**

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

THAT Council hereby receives and approves the Staffing Plan report which provides a Fire Service Delivery model as set out in Chief Brinkman’s report dated December 5, 2005, providing for 12 Fire Fighters and a Fire Chief, as it achieves a level of targeted savings; and further

THAT a review of this proposed Staffing Plan be undertaken within two (2) calendar years from the date of its implementation.

**Resolution #17 - RECORDED VOTE:~**

| COUNCIL              | AYE | NAY | Dec. of Interest |
|----------------------|-----|-----|------------------|
| Councillor Compton   | X   |     |                  |
| Councillor McMillan  | X   |     |                  |
| Councillor Parkes    |     | X   |                  |
| Councillor Poirier   | X   |     |                  |
| Councillor Szajewski | X   |     |                  |
| Councillor Wasacase  | X   |     |                  |
| Mayor Canfield       | X   |     |                  |

**MOU with various Emergency Services Agencies**

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

THAT Council give three readings to a by-Law establishing a Memorandum of Understanding between the Kenora Police Service, the Ontario Provincial Police (Kenora Detachment), the Ministry of Community Safety and Correctional Services on behalf of the Office of the Fire Marshal and the Corporation of the City of Kenora as represented by the City of Kenora Fire and Emergency Services, for the purpose of defining agency roles and responsibilities, and to bring further clarity and common purpose to incidents involving fire, police, and the Office of the Fire Marshal.

**Contract with Lake of the Woods Electric**

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

THAT Council give three readings to a by-law required to authorize the entering into of a contract with Lake of the Woods Electric for the installation of emergency standby power at the Zone 2 water booster station (Brinkman Road) and sewage pumping station #950 (McLean Avenue) for \$100,212.18, including taxes.

**Amendment to Sewer & Water By-law (exemption clause)**

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

THAT Council give three readings to a by-law to amend By-law #168-2004, being a by-law to enact Rules and Regulations and to establish charges for



the Use, Operation and Maintenance of a System of Water Works and Sewage Works in the City of Kenora (general exemption clause).

**Boater Friendly Forum Results**

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

THAT the Council of the City of Kenora receive the report on the summary of the public forum entitled "Is Kenora a Boater Friendly Community?" and further

THAT the results be posted on the City Portal for the information of the public.

**Accept and assume certain Roads – Eagle Shore Subdivision**

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

THAT Council give three readings to a by-law to accept and assume Eagle Bay Road in the Eagle Shore Subdivision, and by so doing, declares that the Owner is not in default of any of the provisions of the Agreement; and further

THAT the City of Kenora hereby releases the Owner from any further obligations associated with the Agreement.

**Accept and assume certain Roads – Round Lake Subdivision**

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

THAT Council give three readings to a by-law to accept and assume Sunset Place and Sunrise Place in the Round Lake Ridge Subdivision, and by so doing, the City of Kenora declares that the Owner is not in default of any of the provisions of the Agreement; and further

THAT the City of Kenora hereby releases the Owner from any further obligations associated with the Agreement.

**Receipt of Reports – Economic Development**

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

THAT Council hereby accepts the Economic Development Status Report from the Economic Development Officer, and the Community Economic Development Planning Workshop Report as prepared by Walter De Silva.

***Councillor McMillan requested the Rules of Order be Suspended in order to present the following motion:-***

**Twin Eleven Investors Ltd. – Amend Development Agreement**

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

THAT Council give three readings to a by-law to amend By-law Number 19-2005 being a by-law to authorize the entering into of a development agreement with Twin Eleven Investors Ltd. for the purpose of permitting the development of 626 m<sup>2</sup> of commercial/retail space, and associated site works, as part of the Islandview Condominium Complex.

**Tender – Bedding and Garden Maintenance Contract**

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

THAT the following quotations be received for the supply and planting of 2,000 dozen bedding plants and the maintenance of City of Kenora shrub beds and gardens:



|                        |              |
|------------------------|--------------|
| Gould's Nursery        | \$452,400.00 |
| Debbie's Greenhouse    | 356,295.00   |
| Lori Gray Horticulture | 253,800.00   |
| Sunset Country Gardens | 249,950.00   |

AND FURTHER THAT the quotation from Lori Gray Horticulture in the amount of \$253,800.00, plus G.S.T. be hereby accepted for the 2006-2008 Garden & Shrub Bed Maintenance Contract.

**Tender – Downtown Revitalization Project**

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

THAT Council hereby receives the following proposals for the detailed design of the Downtown Revitalization Project: -

**KGS Group  
UMA/AECOM  
Engineering Northwest Ltd.  
Keewatin-Aski Ltd.  
Stantec; and**

THAT the proposal received from KGS Group at an upset limit cost of \$609,900 (GST included), be hereby accepted; and further

THAT three readings be given to a by-law to authorize the execution of the necessary contract for this purpose, once it has been received.

**By-laws – First & Second Reading**

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

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

**#157-2005** - to confirm the proceedings at the December 6 Committee meeting

**#158-2005** – to amend Comprehensive Zoning By-law #160-2004 (Whitta)

**#159-2005** – to amend By-law #168-2004 to establish sewer and water rates (bleeder rates)

**#160-2005** – to establish Rules of Order & Procedures for City Council

**#161-2005** – to amend Schedule "B" to Tariff of Fees & Charges By-law #100-2003

**#162-2005** – to execute a beverage contract with Pepsi Bottling Group (Canada) Co.

**#163-2005** – to adopt amended estimates for 2005 Capital & Reserves (Rec. Centre)

**#164-2005** – to execute a contract with Lori Gray Horticulture

**#165-2005** – to execute a Memorandum of Understanding with the Kenora Police Service, the Ontario Provincial Police (Kenora), and the Ministry of Community Safety and Correctional Services

**#166-2005** – to execute a contract with Lake of the Woods Electric (Kenora) Ltd.



**#167-2005** – to establish a road as a highway and to discharge obligations under a Subdivision Agreement between D.E.M.M. Holdings Inc. and the City of Kenora

**#168-2005** – to establish a road as a highway and to discharge obligations under a Subdivision Agreement between Pre-Kay Enterprises Ltd. and the City of Kenora

**#169-2005** – to amend By-law #168-2004 to establish sewer and water rates (exemption clause).

**By-laws – Third & Final Reading**

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

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

**#157-2005** - to confirm the proceedings at the December 6 Committee meeting

**#158-2005** – to amend Comprehensive Zoning By-law #160-2004 (Whitta)

**#159-2005** – to amend By-law #168-2004 to establish sewer and water rates (bleeder rates)

**#160-2005** – to establish Rules of Order & Procedures for City Council

**#161-2005** – to amend Schedule “B” to Tariff of Fees & Charges By-law #100-2003

**#162-2005** – to execute a beverage contract with Pepsi Bottling Group (Canada) Co.

**#163-2005** – to adopt amended estimates for 2005 Capital & Reserves (Rec. Centre)

**#164-2005** – to execute a contract with Lori Gray Horticulture

**#165-2005** – to execute a Memorandum of Understanding with the Kenora Police Service, the Ontario Provincial Police (Kenora), and the Ministry of Community Safety and Correctional Services

**#166-2005** – to execute a contract with Lake of the Woods Electric (Kenora) Ltd.

**#167-2005** – to establish a road as a highway and to discharge obligations under a Subdivision Agreement between D.E.M.M. Holdings Inc. and the City of Kenora

**#168-2005** – to establish a road as a highway and to discharge obligations under a Subdivision Agreement between Pre-Kay Enterprises Ltd. and the City of Kenora

**#169-2005** – to amend By-law #168-2004 to establish sewer and water rates (exemption clause).

***Councillor Szajewski requested the Rules of Order be Suspended in order to present the following motions:-***

**Amend Dev. Agreement (Twin Eleven)–First & Second Reading**

**27A Moved by T. Szajewski, Seconded by R. McMillan & Carried:-**



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

#171-2005 - to amend By-law Number 19-2005 being a by-law to enter into a Development Agreement between the Corporation of the City of Kenora and Twin Eleven Investors Ltd.

**Amend Dev. Agreement (Twin Eleven) - Third & Final Reading**

**27B Moved by T. Szajewski, Seconded by R. McMillan & Carried:-**

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

#171-2005 - to amend By-law Number 19-2005 being a by-law to enter into a Development Agreement between the Corporation of the City of Kenora and Twin Eleven Investors Ltd.

**Request for Letter of Invitation – Ministers Ramsay & Cansfield**

In response to Councillor McMillan’s recommendation that the City send formal invitations to Ministers Ramsay and Cansfield to come to Kenora in early January, Council concurred. The purpose of the invitation is to meet with the Ministers and discuss combined concerns pertaining to the forestry sector and energy issues. Councillor McMillan advised he would assist in preparing the wording for the invitations in conjunction with the Mayor’s office.

**Adjournment**

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

THAT this meeting be now declared closed at 6:15 p.m.

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

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

**.....2005**

.....  
**MAYOR**

.....  
**CITY CLERK**

