

# COMMITTEE OF THE WHOLE MINUTES

Held Tuesday, October 18, 2005  
At 4:00 p.m. – City Council Chambers

.....

**PRESENT:**

David Canfield	-	Mayor
Ingrid Parkes	-	Councillor
Andrew Poirier	-	Councillor
Ted Szajewski	-	Councillor
Colin Wasacase	-	Councillor
J. McMillin	-	City Clerk
R. Perchuk	-	Operations Mgr.
K. Brown	-	Fin. & Admin. Mgr.

**REGRETS:**

Councillor L. Compton  
Councillor R. McMillan

## A. PUBLIC INFORMATION NOTICES AS PER BY-LAW NUMBER 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-law at its **Monday, October 24 meeting:-**

- To Amend Council's Rules of Order & Procedures by-law to provide for changes to the "Deputations" process.

## B. DECLARATION OF PECUNIARY INTEREST

## C. REPORT OF COMMITTEES:-

### FINANCE & ADMINISTRATION

#### 1. City Hall Mold Investigation/Remediation HOLD FOR \$ - By-law

#### 2. Area Rating

##### **RECOMMENDATION:**

THAT Council of the City of Kenora address tax fairness through service delivery review of its municipal services as opposed to area rating; and further

THAT area rating as provided under Section 326 of the Municipal Act not be pursued as an option.

**Recommendation approved.**

**JMcMillin**

#### 3. RAFT – Freezing Property Assessment Proposal **RECOMMENDATION:**

WHEREAS the City has no legal authority to implement the type of residential property assessment freeze as proposed by the Ratepayers After Fair Taxation (RAFT); and

WHEREAS the implementation of this type of system would protect certain ratepayers, but also unfairly impact other ratepayers; and

WHEREAS the implementation of this type of system would only serve to further erode the City's tax base, and result in incremental costs, ultimately further driving up tax rates and / or reducing service levels;

WHEREAS the primary concern related to the loss of "family homes" resulting from escalating assessments may be addressed through a tax deferral program;

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

THAT Council neither implement nor support the Residential Assessment Freeze Proposal as set out by the Ratepayers After Fair Taxation; and

THAT City Administration be directed to review in detail options for implementing a Property Tax Deferral Program to help mitigate impacts related to significant increases in property tax assessment for those ratepayers who are unable to afford the related impacts on their property taxes.

**As requested by Councillor Poirier, Committee agreed this item be placed on hold until the Finance & Administration Committee has an opportunity to review the wording as it has changed as a result of a recent meeting with RAFT.**

**To F & A  
Committee**

#### **4. Proposed Change in Procedural By-law – Deputations**

##### **RECOMMENDATION:**

THAT in accordance with Section 238(4) of the Municipal Act, notice is hereby given of Council's intention to amend Part 5.6 and Part 9.1 of Procedural By-law #10-2005 to require that Deputations be submitted in writing to Council for a Deputation and be noted as such in the Minutes; and

THAT the amendment also provide for Council to reserve the right to suspend the rules to permit verbal deputations at its discretion; and further

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

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

**JMcMillin**

**Councillor Parkes suggested there be some mechanism in place to advise the public in advance of this requirement so they are prepared when they attend meetings to give a Deputation.**

The Clerk advised this information will be included as a notice on the Deputation Request Form, as well as advertised wherever possible, i.e. the website, Municipal Memo, etc.

JMcMillin

**5. Overtime Forecast 2005  
For Information.**

**6. AMO Alert – Private Member’s Bill 123 – Mun. Government  
RECOMMENDATION:**

**WHEREAS** the provincial Standing Committee on Regulations and Private Bills is currently debating Private Members Bill 123 the *Transparency in Public Matters Act*; and

**WHEREAS** the proposed legislation includes municipal council and committees; and

**WHEREAS** the proposed legislation adds requirements to notice provisions, open meetings, minutes, forms of meetings, among other matters all of which are addressed in the *Municipal Act*, which would create confusion for council, administration and the public; and

**WHEREAS** the *Municipal Act* is currently under review and is being informed by input from the municipal and private sectors among others; and

**WHEREAS** AMO and others have urged the Standing Committee to remove any reference to municipal councils or council committees from this legislation and allow transparency and accountability issues to continue to be regulated under the *Municipal Act*;

**THEREFORE BE IT RESOLVED** that the Council of the City of Kenora urges the Minister of Municipal Affairs and Housing to vote against the Bill if the reference to ‘municipal councils’ is not deleted in the Bill as reported by the Standing Committee; and further

THAT Howard Hampton, MPP and all provincial members of the legislature be advised of the lack of this council’s support for the inclusion of ‘municipal councils’ in Bill 123.

**Recommendation approved.**

JMcMillin

**7. AMO Building Code Statute Law Amendment Act  
RECOMMENDATION:**

THAT Council of the City of Kenora hereby recognizes the intent of Bill 124 to improve public safety and increase efficiency in the building code enforcement through a shared responsibility of all stakeholders and thereby strongly objects to the position of the architects and engineers for exemption; and

THAT the Building Advisory Council (BAC) be set up in January 2006 to address the following issues regarding liability recommended by BRAGG but omitted in Bill 124:

- i) Improved code knowledge for building/contractors
- ii) Provisions for builder liability insurance for non-residential builders
- iii) Longer liability insurance periods for designers; and further

THAT BAC review the other recommendations of BRAGG that were omitted in Bill 124 and intended to create a more equitable building regulatory system in Ontario.

**Recommendation approved.**

**JMcMillin**

**8. Northwestern Ontario Medical Education Award Fund**

**As suggested by Councillor Poirier, Committee recommended the Finance & Administration Committee bring forward a recommendation to Committee of the Whole for consideration on this matter. It was noted the Rainy River Municipal Association is also doing a similar request. Councillor Parkes read a list of supporters in the region, stating there really is no reference to the dollar values being made on a per capita basis from within the NOMA municipalities. In the case of the Rainy River Association, the Association has made its own donation while the member municipalities have also contributed on an individual basis.**

**Refer back to Finance & Administration Committee for consideration of a contribution.**

**To F & A Committee**

**9. Provincial Offences Prosecutor**

**RECOMMENDATION:**

THAT Council approve the attached contract between Rick Strain, POA Prosecutor and the City of Kenora for POA prosecution services to 31 December 2006; and further

THAT three readings be given to the By-law authorizing the contract between Rick Strain, POA Prosecutor and the City of Kenora.

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

**JMcMillin/  
PGrouda**

**10. Allocation of Renewal Funds in Ontario Transit Renewal Prgm**

**RECOMMENDATION:**

THAT Council of the City of Kenora hereby requests the Ministry of Transportation to provide an allocation of renewal funds in the Ontario Transit Renewal Program for the year 2005 in the amount of \$104,915.83 representing one third of the capital costs for the replacement of one conventional transit bus.

**Recommendation approved.**

**JMcMillin**

**11. Investment of Wellness – City Staff & Recreation Centre**

**RECOMMENDATION:**

THAT Council of the City of Kenora approve the recommendation from the Recreation Coordinator and Customer Services Coordinator, to have council authorize the Kenora Recreation Centre to reduce all memberships for full time City of Kenora employees by 30%; and

THAT Council, Managers and staff encourage and promote the health and wellness of its employees by encouraging staff to join the Kenora Recreation Centre; and

THAT any necessary by-law be presented to City Council for ratification; and further

THAT this By-law shall come into force and take effect on the date of third and final reading of the Municipal Council.

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

**JMcMillin/  
PGrouda**

## **12. City of Kenora Employee Assistance Program**

### **RECOMMENDATION:**

THAT Council of the City of Kenora authorizes the City's participation in the Employee Assistance Program as offered through Great West Life; and

THAT Council approve the amended City Employee Assistance Policy HR-2-2.

**Recommendation approved.**

**JMcMillin**

## **COMMUNITY SERVICES COMMITTEE**

### **1. Public Washroom Contract (2006-2008)**

#### **RECOMMENDATION:**

THAT the following quotations for the cleaning, garbage pick up, beach raking and open and closing of the listed public washrooms, be received:-

Cottage Country Home Service	\$69,000.00 + G.S.T.
Amazing Cleaning & Janitorial Services	\$69,113.51 + G.S.T.
MTO Janitorial Services	\$81,030.85 + G.S.T.

; and further

THAT the quotation from Cottage Country Home Services in the amount of \$69,000.00 + G.S.T. be accepted for the 2006-2008 Public Washrooms Contract.

**Recommendation approved.**

**JMcMillin**

### **2. Amendment to Lease Agreement – King Geo School**

#### **RECOMMENDATION:**

THAT Council give three readings to a by-law to amend By-law Number 111-2005 with respect to the lease agreement with the Keewatin-Patricia District School Board for the Castle of Learning and Discovery Children's Centre at King George School to include an addendum for the "Playground

Equipment Agreement.”

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

**JMcMillin/  
PGrouda**

**3. Budget Approval – Staff Increase @ KRC Pool**

**RECOMMENDATION:**

THAT authorization be hereby given for the proposed staffing increase for the Kenora Recreation Centre; and further

THAT Council approves the Recreation Coordinator to proceed immediately, in cooperation with the Human Resources Manager, with the staffing changes as set out within the related staffing report.

**Recommendation approved.**

**JMcMillin**

**4. Mount Evergreen Ski Club – JCP Application**

**RECOMMENDATION:**

WHEREAS the Board of Directors for Mount Evergreen Ski Club is desirous of carrying out infrastructure improvements and upgrades to its Club in order to meet health, safety, and accessibility standards, including an overall improvement to customer service through a Job Creation Partnership (JCP); and

WHEREAS the Board is seeing a variety of different users at its Club through a new partnership with the Kenora Nordic Trails Association which requires the infrastructure system to be upgraded to meet this new and evolving demand; and

WHEREAS the proposed modifications to the Mount Evergreen Ski Club will assist in the Club becoming a larger winter tourism destination for Kenora residents and tourists alike; and

WHEREAS children, youth and adults will be encouraged to participate in a healthy active lifestyle with an improved facility and revitalized ski area;

Now Therefore Be It Resolved that the Council of the City of Kenora hereby extends its full endorsement and support to the Board of Directors of Mount Evergreen Ski Club in its JCP funding application to Human Resources & Skills Development Canada for improvements to the Mount Evergreen Ski Club facility to promote winter tourism in Kenora and surrounding area.

**JMcMillin**

**Recommendation approved.**

**5. Lease Agreements – 243 Rabbit Lake Road**

**RECOMMENDATIONS:**

**(1)** THAT Council give three readings to a by-law to authorize the execution of a lease agreement between the City of Kenora and Creighton Youth Centre for office space located at 243 Rabbit Lake Road.

**(2)** THAT Council give three readings to a by-law to authorize the execution of a lease agreement between the City of Kenora and

Sunset Trail Riders for garage space located at 243 Rabbit Lake Road.

**Recommendation approved (resolutions and by-laws).**

**The Clerk will confirm the street address for the garage at this location.**

**EMERGENCY SERVICES**

**No reports.**

**OPERATIONS COMMITTEE**

**No reports.**

**PROPERTY & PLANNING COMMITTEE**

**1. Vision 2009–City of Kenora Strategic Plan–“Leading the Way”**

**RECOMMENDATION:**

THAT Vision – 2009 – “Leading the way”, the Strategic Plan for the City of Kenora be adopted by Council, and further;

THAT the Implementation Team undertake an annual review of the Strategic Plan in 2006.

**Recommendation approved.**

**It was mentioned there should be some changes to the Planning and Development Section under “actions” to reflect the new EDO position with the inclusion of “value added forestry opportunities” within this section.**

**Karen Brown will check with the Planning Department to have this section amended prior to adopting the new Plan.**

**2. Establishment of City of Kenora Heritage Committee**

**RECOMMENDATION:**

THAT Council give three readings to a by-law to establish a Heritage Committee in and for the City of Kenora.

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

**3. Adoption of Private Roads Policy**

**RECOMMENDATION:**

THAT the Council of the City of Kenora hereby adopts the “Private Roads/Dedication of Public Roads Policy” as a guideline for Council, staff and the public in matters pertaining to assumption of roads; and further

THAT this policy be included in the City’s Policy Manual.

**Recommendation approved.**

**JMcMillin/  
PGrouda**

**JMcMillin**

**KBrown**

**JMcMillin/  
TRickaby**

**JMcMillin**

#### 4. Subdivision Agreement – “Darlington Woods”

##### **RECOMMENDATION:**

THAT authorization be hereby given for the Council of the Corporation of the City of Kenora to enter into a subdivision agreement with 1629700 Ontario Inc. – Darlington Woods.

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

**JMcMillin/  
TRickaby**

##### **UTILITIES & COMMUNICATIONS COMMITTEE**

**No reports.**

##### **OTHER BUSINESS**

##### **Woodland Caribou Park**

Mayor Canfield advised there is a move afoot by private landowners to restrict access to this Park by closing it to the general public. The Mayor has received many concerns regarding this action and the consensus of complaints is if trappers and fishermen have to leave the Park then all resource harvesters should have to abide by this ruling. He further recommended Council show support that access rights not are denied by adopting a resolution which he will bring forward.

**Mayor  
Canfield**

**Committee recommended approval for a motion to be prepared for this purpose for Monday.**

**JMcMillin**

##### **“House in a Box” Concept – Habitat for Humanity**

Mayor Canfield explained we should be trying to secure a proponent to open a plant for the concept of ‘a house in a box’ which would help with the softwood lumber dispute and as an example could assist with re-building homes say in New Orleans.

##### **Motion required adjourning to Closed Meeting:**

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

THAT this meeting be now declared closed at 4:48 p.m.; and further

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

- **Potential Litigation Issue**
- **Personal Matter**

##### **Action as a result of Closed Meeting:-**

##### **McDougald – Legal fees, insurance, etc.**

##### **RECOMMENDATION:**

THAT in keeping with Council’s Indemnification By-law pertaining to the indemnity and defense of Council Members, former and present, authorization be hereby given for the City of Kenora to pay a portion of legal costs associated with the matter concerning former Councillor Don McDougald and the Municipal Conflict of Interest Act; and



THAT arrangements be made for the City to pay this portion upon confirmation of the contribution from the City's Insurer's, Cowan Insurance, upon all appeals being exhausted with respect to this matter, and in

accordance with Notice By-law #14-2003; and

THAT once the final costing to the City is confirmed, arrangements be made to provide the necessary notice for payment of the City's portion of legal fees out of Contingency Reserve; and further

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

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

**JMcMillin**

**Staffing Review Analysis – Fire & Emergency Services**

**RECOMMENDATION:**

THAT Council approve and implement the "modified Option D" staffing plan; and further

THAT Council review this Proposed Staffing Plan within one calendar year of its implementation.

**Recommendation approved.**

**JMcMillin**

It was agreed that Warren Brinkman, in conjunction with Councillor Parkes, will arrange an information exchange meeting with the Fire Fighters (full-time and volunteer), together with any Members of Council that wish to participate, to discuss the details of the recommended model prior to the Council meeting.

**WBrinkman**

The meeting adjourned at 6:00 p.m.