

COMMITTEE OF THE WHOLE MINUTES



Held Tuesday, December 6, 2005
At 4:00 p.m. – City Council Chambers



PRESENT:

David Canfield	-	Mayor
Len Compton	-	Councillor
Ingrid Parkes	-	Councillor
Andrew Poirier	-	Councillor
Rory McMillan	-	Councillor
Ted Szajewski	-	Councillor
Colin Wasacase	-	Councillor
B. Preisenzanz	-	CAO
J. McMillin	-	City Clerk
R. Perchuk	-	Operations Mgr.

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, December 12 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 in the amount 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.

B. DECLARATION OF PECUNIARY INTEREST

There was none declared.

C. REPORT OF COMMITTEES:-

FINANCE & ADMINISTRATION COMMITTEE

1. Governance Model – Standing Committee Structure/Schedule

RECOMMENDATION:

THAT Council hereby adopts the 2006 Standing Committee & Council Meeting Schedule attached hereto; 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.

RECOMMENDATION APPROVED (resolution and by-law).

2. December, 2005 Committee Meetings

RECOMMENDATION:

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

- Wed., December 14 & 28th - 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

RECOMMENDATION APPROVED

3. Endorsation of Resolution–Veterans’ Recognition Program

HOLD for further review by Kenora Police Services Board.

RECOMMENDATION:

THAT as recommended by the Kenora Police Services Board, Council give three readings to a by-law to amend Schedule “G” to Traffic By-law Number 127-2001, to provide an exemption to vehicles displaying an Ontario Veterans license plate from the provision of ‘penalties’ for expired time at a meter; and further

THAT Council give three readings to a by-law to amend Section 7 - “General Regulations” to Parking Lot By-law Number 18-2002 to provide for the same exemption in municipal parking lots where “automated pay stations” exist.

JMcMillin

JMcMillin

4. LOW Labour Action Centre – Funding Agreement

HOLD for Contract-By-law

5. Purchase of Property – Mount Evergreen

HOLD for closing

6. City Investments

RECOMMENDATION:

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.

RECOMMENDATION APPROVED.

JMcMillin

7. OMPF Funding

RECOMMENDATION:

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 LET IT BE RESOLVED THAT the City petition the Minister of Finance directly to amend the City’s RSCM to be equal to that of other, similarly sized Northwestern Ontario municipalities, representing an RSCM of 100, effective for the 2005 OMPF entitlement.

RECOMMENDATION APPROVED.

JMcMillin

8. Audit Committee Citizen Appointees

RECOMMENDATION:

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; and
William Marr, with a term to expire 31 December 2008.

RECOMMENDATION APPROVED (the new Council will re-confirm this appointment with all other appointments at next year's Inaugural meeting).

JMcMillin

9. Health & Wellness Discount Policy

RECOMMENDATION:

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.

RECOMMENDATION APPROVED (resolution and by-law).

**JMcMillin/
PGrouda**

10. Endorsation of Resolution – Provincial Downloading

RECOMMENDATION:

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.

RECOMMENDATION APPROVED.

JMcMillin

COMMUNITY SERVICES COMMITTEE

1. Amendment to Kenora Rec. Centre Expansion Budget

RECOMMENDATION:

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.

RECOMMENDATION APPROVED (resolution and by-law).

**JMcMillin/
PGrouda**

2. Lake of the Woods Museum – Christmas Hours

RECOMMENDATION:

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.

RECOMMENDATION APPROVED.

JMcMillin

3. Garden & Shrub Bed Maintenance Contract

RECOMMENDATION:

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.

RECOMMENDATION APPROVED (resolution and by-law).

**JMcMillin/
PGrouda**

4. By-law – Pepsi Bottling Group Beverage Agreement

RECOMMENDATION:

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.

RECOMMENDATION APPROVED (resolution and by-law).

**JMcMillin/
PGrouda**

5. Receipt of "Boater Friendly Results"

RECOMMENDATION:

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.

RECOMMENDATION APPROVED.

JMcMillin

EMERGENCY SERVICES COMMITTEE

1. Fire & Emergency Services Staffing Model

RECOMMENDATION:

THAT Council hereby accept the Staffing Plan report which provides a Fire Service Delivery model as set out on Chief Brinkman’s report, as it achieves a level of targeted savings; and further

THAT a review of this proposed Staffing Plan be undertaken within two calendar years of its implementation.

Councillor Parkes requested this item be deferred until a public forum could be held on the matter prior to adopting the plan. It was agreed by the majority of Committee that this item be introduced at Monday’s meeting, rather than waiting any longer.

JMcMillin

RECOMMENDATION APPROVED.

2. Fire Investigation Protocol/MOU

RECOMMENDATION:

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 further to bring clarity and common purpose to incidents involving fire, police, and the Office of the Fire Marshal.

RECOMMENDATION APPROVED (resolution and by-law).

**JMcMillin/
PGrouda**

OPERATIONS COMMITTEE

1. Public Works Re-location Information Report Ongoing

2. Amendment to Water & Sewer By-law (bleeder rates) By-law - Public Meeting @ 4:50 p.m. – December 12

3. Amendment - Water/Sewer By-law (exemption clause)

RECOMMENDATION:

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

**Council/
JMcMillin/
HKasprick**

Works in the City of Kenora (general exemption clause).

RECOMMENDATION APPROVED (resolution and by-law).

JMcMillin

**4. Snowmobile Corridor – 19th Avenue North
HOLD**

5. Downtown Revitalization

RECOMMENDATION:

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.

RECOMMENDATION APPROVED (resolution only at this time).

JMcMillin

6. Emergency Power Water Booster & Sewer Lift Station

RECOMMENDATION:

THAT Council give three readings to a by-law required to authorize the entering into 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.

RECOMMENDATION APPROVED (resolution and by-law).

**JMcMillin/
PGrouda**

PROPERTY & PLANNING COMMITTEE

1. Appointments to Heritage Committee

RECOMMENDATION:

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.

RECOMMENDATION APPROVED.

JMcMillin

2. DEMM Holdings Inc. – Assumption of Roads & Certificate of Release for Eagle Shore Subdivision

RECOMMENDATION:

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.

**JMcMillin/
TRickaby/
PGrouda**

RECOMMENDATION APPROVED (resolution and by-law).

3. Pre-Kay Enterprises – Assumption of Roads & Certificate of Release for Round Lake Ridge Subdivision

RECOMMENDATION:

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.

**JMcMillin/
TRickaby/
PGrouda**

RECOMMENDATION APPROVED (resolution and by-law).

4. Economic Development Program

RECOMMENDATION:

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.

RECOMMENDATION APPROVED.

JMcMillin

5. Reminder of 4:45 p.m. Public Zoning Meeting - Whitta Monday, December 12/05.

**Council/
JMcMillin/
TRickaby/
JPort**

UTILITIES & COMMUNICATIONS COMMITTEE

1. K.M.T.S. Information Report. Ongoing

OTHER BUSINESS – REGULAR AND/OR IN-CAMERA

McDougald Legal Fees

RECOMMENDATION:

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.

RECOMMENDATION APPROVED (resolution and by-law).

JMcMillin

MOTION REQUIRED ADJOURNING TO CLOSED MEETING:

Moved by R. McMillan, Seconded by I. Parkes, and Carried:-

THAT this meeting be now declared closed at 5:30 p.m.; and further

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

- **Proposed Acquisition of Property**
- **Personal Matter about an Identifiable Individual**

ACTION REQUIRED AS A RESULT OF CLOSED MEETING:

- **Personal Matter about an Identifiable Individual:-**

Facilities Management Contract – F. Bergman

RECOMMENDATION:

THAT Council of the City of Kenora accept the recommendation from the Community Services Committee for the hiring of a contract position facility manager; 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).

RECOMMENDATION APPROVED (resolution only at this time).

JMcMillin

The meeting adjourned at 6:30 p.m.

