



Minutes

Of a Meeting of the Council of the City of Kenora
Tuesday, November 13, 2007 – City Council Chambers
5:00 p.m.

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WITH Mayor L. Compton in the Chair, Councillor W. Cuthbert, Councillor D. McCann, Councillor R. McMillan, Councillor A. Poirier, Councillor C. Van Walleghem, Bill Preisenzanz, CAO, Joanne L. McMillin, City Clerk.

Regrets: Councillor C. Drinkwalter

### Call to Order

Mayor Compton called the meeting to order and Councillor McMillan read the Prayer.

### Confirmation of Minutes

1. Moved by A. Poirier, Seconded by D. McCann & Carried:-

THAT the Minutes of the last Regular Meeting of the Council of the City of Kenora held **Monday, October 22, 2007** be confirmed as written and circulated.

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

#### Mayor Compton then read the following notice:-

As required under Notice By-law #14-2003, Council hereby advises the public of its intention to adopt the following by-laws at tonight's meeting:-

- ~~To authorize the sale of KMTS-807 Networks to TBay-Tel.~~  
Mayor Compton advised this item will be tabled.

### Declarations of Pecuniary Interest

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

Councillor Cuthbert advised of a Conflict of Interest with respect to Motion #15 on tonight's agenda as her business is in direct competition with the business involved with the matter.

### DEPUTATIONS:

#### Dan Olscamp

Mr. Olscamp commented to Council it was about a year ago he attended to request the City adopt the Study with respect to Black Sturgeon Lake and he is attending tonight to simply thank Council for coming up with the funding for the Study and to adopt the Final Report. He indicated the citizens in that area are grateful to the City, noting there are many positive recommendations in the Study that they hope will be implemented.

#### Angela Treadway

Ms Treadway advised she is representing the Kenora Group of "Babies with Babies"; a world-wide group of guardians of children in Sub-Saharan Africa with an estimated 13 million orphaned by AIDS, and that over 100 'granny groups' have been established across Canada to raise awareness.



Ms Treadway advised she is seeking support in principle from Council and to introduce the group to the community. Ms Treadway presented a copy of her deputation to the Clerk for the public record.

**Anita Webb**

Ms Webb made a presentation to Council on the proposed changes to the Animal Control By-law to allow the OSPCA to be located in a light industrial zone, and referred to both the Municipal Councillor's Guide 2007 and Provincial Policy statements from 2005 as they relate to decisions made by councils on planning documents. Ms Webb presented a copy of her Deputation to the Clerk for the public record.

**Ted Weiss**

Mr. Weiss spoke to Council regarding the proposal of the City to close the organized user-pay snowmobile trail through Kenora, asking the question what can be gained from such action. Mr. Weiss indicated as President of the Sunset Trail Riders Club he finds himself in a conflict of interest position holding a seat on the Snowmobile Advisory Committee and that as of tonight has resigned from the Committee. Mr. Weiss provided a copy of his Deputation to the Clerk for the public record.

**Dave Schwartz**

Mr. Schwartz commended Council on the great amount of public participation they invited in the open and much appreciated budget process for 2008. Mr. Schwartz advised he is here this evening requesting the City to develop a comprehensive environmental policy which he feels is greatly needed. While Mr. Schwartz did not have a prepared presentation, he indicated he would contact the Clerk and Members of Council with the information as discussed.

**Approval of Accounts**

**2. Moved by R. McMillan, Seconded by C. Van Walleggem & Carried:-**

THAT the Reports dated **October 25, November 1 and 8, 2007** 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 **\$2,781,498.10** be hereby authorized for approval.

**Sale of KMTS 807 Networks**

**3. Moved by A. Poirier, Seconded by R. McMillan,**

THAT Council of the City of Kenora hereby approves the sale of the KMTS 807 assets to TBayTel. at a price of \$627,000.00; and further

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

**Motion Tabled**

***Councillor Poirier introduced the following Motion to table Motion #3:***

**Motion to Table #3**

**Moved by A. Poirier, Seconded by D. McCann & Carried:-**

THAT Motion #3 on tonight's agenda with respect to the sale of the KMTS 807 Assets be hereby tabled; and further

THAT adoption of By-law #135-2007 as set out on Motion #'s 19 and 20 be placed on hold at this time.



**OSPCA Facility**

**4. Moved by W. Cuthbert, Seconded by D. McCann,**

THAT Council of the City of Kenora hereby gives notice of its intent to amend the Animal Control Bylaw by allowing such uses as the Humane Society and OSPCA to operate in an area zoned light industrial to ensure compliance with the City's Zoning Bylaw No. 160-2004.

**Motion Tabled**

*Councillor McMillan introduced the following Motion to table Motion #4:*

**Motion to Table #4**

**Moved by R. McMillan, Seconded by D. McCann, & Carried:-**

THAT Motion #4 on tonight's agenda with respect to the Animal Control By-law and the OSPCA operation be hereby deferred to the next regular meeting of Council scheduled for Monday, November 26 in order that the following steps may be undertaken:-

1. To seek the services of a Mediator;
2. To obtain engineering services for a noise analysis;
3. To refer the matter of a zoning review to the Property Advisory Committee.

**Old Fort Island Lands**

**5. Moved by A. Poirier, Seconded by W. Cuthbert & Carried:-**

THAT Council give three readings to a by-law to authorize the execution of documents relating to the transaction with Abitibi Consolidated Inc. for the Old Fort Island lands.

**Tax Receipts – Abitibi Consolidated**

**6. Moved by D. McCann, Seconded by R. McMillan & Carried:-**

THAT further to the City of Kenora entering into a Memorandum of Understanding (#1) with Abitibi Consolidated with respect to acquisition of Tunnel Island, authorization is hereby given for the City to issue a receipt to Abitibi to be used for tax purposes in accordance with the independent appraisal from Hoffer Wilkinson & Associates Ltd.; and further

THAT once the City of Kenora has officially entered into a Memorandum of Understanding (#2) with Abitibi Consolidated with respect to acquisition of Old Fort Island and has acquired title, authorization is hereby given for the City to issue a receipt to Abitibi to be used for tax purposes in accordance with the independent appraisal from Hoffer Wilkinson & Associates Ltd.

**Amendment to Procedural By-law**

**7. Moved by R. McMillan, Seconded by D. McCann & Carried:-**

THAT Council give three readings to a by-law to amend Procedural By-law #100-2007 to provide for changes to Part 1 – Definitions and Part 3 – Public Notification and Schedule of Meetings, as set out below:

**Add:**

- **Definition - "Extraordinary Meeting of Council or Committee"** means a meeting (of urgency) called at the discretion of the Mayor or Clerk to deal with an immediate matter that cannot wait for the calling of a Special Meeting, and is permitted to be held in the absence of advance Notice;



- **3.10** – Notwithstanding any other provision of this by-law, an Extraordinary Meeting of the Council or its Committees may be held without written Notice to deal with an immediate or urgent situation, provided that an attempt has been made by the Clerk to notify the members about the meeting as soon as possible and in the most expedient manner available, including the posting of same on the Portal for the information of the public;

- **3.11** – No business except dealing directly with the extraordinary situation shall be transacted at the meeting;

- **3.12** – Lack of receipt of a Notice or of the Agenda by the members shall not affect the validity of the meeting or any action so taken.

**Harbourfront Concert Series – 2008 Tent Rental Costs**

**8. Moved by C. Van Wallegghem, Seconded by W. Cuthbert & Carried:-**

THAT Council of the City of Kenora hereby defers any decision on the request for assistance with the 2008 tent rental costs from the Harbourfront Concert Series pending review and recommendation from the Lake of the Woods Development Commission in light of the Tourism Sub-Committee focus on maintaining and generating events within the City.

**Attendance at 2008 OGRA/ROMA Conference**

**9. Moved by R. McMillan, Seconded by W. Cuthbert & Carried:-**

THAT authorization be hereby given for the following Members to attend the Ontario Good Roads Association/ROMA Annual Conference taking place in Toronto at the Fairmont Royal York, February 24 to 27, 2008:

Mayor Compton  
Councillor McCann  
Councillor Cuthbert  
Councillor Van Wallegghem; and further

THAT all eligible expenses in accordance with Council's Travel & Per Diem Policy, be hereby approved.

**Attendance of D. Essery at 'Path of the Voyageur' Meeting**

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

THAT the Council of the City of Kenora hereby approves the attendance of Dan Essery at the Atikokan Path of the Voyageur meeting on Thursday, November 8, 2007; and

THAT all costs be paid for by the Corporation of the City of Kenora; and further

THAT a summary report and/or recommendations arising from the meeting be brought back in writing to Council by December 31, 2007.

**Lease with D. Fairfield**

**11. Moved by C. Van Wallegghem, Seconded by D. McCann & Carried:-**

THAT Council hereby approves the renewal of the lease agreement at 1008 Ottawa Street with Deana Fairfield (Drivers & Licensing) for a further three (3) year term commencing January 1, 2008, with the inclusion of a 3% escalation fee; and

THAT for the remainder of 2007 the monthly rate remain at \$600.00, plus applicable taxes; and



THAT in addition Deana Fairfield will provide janitorial service to public space and washrooms as well as provisions listed in the lease document for this facility at their cost; and further

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

**Subdivision Agreement with Moncrief Construction**

**12. Moved by W. Cuthbert, Seconded by R. McMillan & Carried:-**

THAT Council give three readings a by-law to enter into a subdivision agreement with Moncrief Construction Limited for the purpose of meeting one of the conditions of draft approval for the development of a sixteen (16) lot subdivision on Bruckenberger Road; and further

THAT the Mayor and Clerk be authorized to execute the agreement on behalf of the City of Kenora.

**Subdivision Agreement with KB Contractors**

**13. Moved by W. Cuthbert, Seconded by R. McMillan & Carried:-**

THAT Council give three readings to a by-law to enter into a subdivision agreement with KB Contractors Ltd., new owners of lands for which draft approval and a subdivision agreement are in force under separate ownership, for the purpose of meeting one of the conditions of draft approval for the development of a fourteen (14) lot subdivision on Barkman Close; and further

THAT the Mayor and Clerk be authorized to execute the agreement on behalf of the City of Kenora.

**End of Lease with Bob Bell & Sons**

**14. Moved by W. Cuthbert, Seconded by D. McCann & Carried:-**

THAT Council of the City of Kenora hereby directs staff to advise Bob Bell & Sons Ltd. in writing, that the lease for greenspace adjacent to the Harbourfront will not be renewed for 2008.

**Street B – Declaration of Surplus Property**

**15. Moved by D. McCann, Seconded by R. McMillan & Carried:-**

THAT Council of the City of Kenora hereby declares a portion of the road allowance fronting property described Street B on Plan M31 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 land to the interested party(ies) at the appraised value as established by Century 21 – Reynard Real Estate, plus all associated costs.

**RECORDED VOTE #15**

| <b>COUNCIL</b>            | <b>AYE</b>    | <b>NAY</b> | <b>Dec. of Interest</b> |
|---------------------------|---------------|------------|-------------------------|
| Councillor Cuthbert       |               |            | <b>X</b>                |
| Councillor Drinkwalter    | <b>ABSENT</b> |            |                         |
| Councillor McCann         | <b>X</b>      |            |                         |
| Councillor McMillan       | <b>X</b>      |            |                         |
| Councillor Poirier        | <b>X</b>      |            |                         |
| Councillor Van Wallegghem | <b>X</b>      |            |                         |
| Mayor Compton             | <b>X</b>      |            |                         |

**ABSTENTION: Councillor Cuthbert**



**Johnson’s Landing Road – Declaration of Surplus Property**

**16. Moved by R. McMillan, Seconded by W. Cuthbert & Carried:-**

THAT Council of the City of Kenora hereby declares a portion of the road allowance fronting property described CON 7J N PT LOT 3;RP KR687 PART 1 PCL 28112;RP KR1425 PART 1 and CON 7J N PT LOT 3;RP KR1425 PART 1 PCL 29192 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

THAT once the advertising process has been completed, Council give three readings to a by-law to authorize the sale of land to Dennis Bretel, Thelma Bretel, Dwayne Cyr, Colleen Poschner, Nancy Goodridge, Doris Horne and Charles Reiach, as 1/7 tenants in common interest, subject to the restriction that the 1/7 interest is to be tied to each owner’s property, which has a dwelling upon it, pursuant to section 118 of the Land Titles Act, at the appraised value as established by Century 21 – Reynard Real Estate, plus all associated costs; and further

THAT the Municipal Solicitor be directed to include a waiver of liability within the agreement of purchase and sale.

**Receipt of Black Sturgeon Lake Management Plan Final Report**

**17. Moved by W. Cuthbert, Seconded by C. Van Wallegem & Carried:-**

THAT City Council receives the Black Sturgeon Lake Management Plan Final Report as submitted by Kelli Saunders/Gartner Lee; and further

THAT the Planning & Development Department continue to work closely with the Local Advisory Committee on the implementation of the recommendations set out in the study as resources permit.

**Tender – Granular “A”**

**18. Moved by D. McCann, Seconded by W. Cuthbert & Carried:-**

THAT the following quotations, for the supply and delivery of 2000 tonnes of Granular “A”, as specified, be received, and further;

|                                |                        |
|--------------------------------|------------------------|
| Pioneer Construction           | \$13.58 per tonne      |
| Hugh Munro Construction        | \$15.34 per tonne      |
| Lunam Drillers Ltd.            | \$17.00 per tonne      |
| Degagne Construction Materials | \$18.43 per tonne      |
| Joe Neniska and Sons Ltd.      | \$18.94 per tonne; and |

THAT the quotation submitted by Pioneer Construction, Kenora, Ontario, in the amount of \$13.58 per tonne (taxes included), pending approval of the proposed aggregate, be accepted.

**By-laws – First & Second Reading**

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

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

**#129-2007** – to confirm proceedings of Council at its Standing and Various Committee Meetings

**#130-2007** – to authorize the execution of a subdivision agreement between the City of Kenora and Moncrief Construction Limited



**#131-2007** – to authorize the execution of a subdivision agreement between the City of Kenora and KB Contractors Ltd.

**#132-2007** – to authorize the execution of a lease agreement between the City of Kenora and Deana Fairfield

**#133-2007** – to amend the Rules of Order & Procedures By-law #100-2007

**#134-2007** – to authorize the execution of documents relating to the transaction with Abitibi Consolidated Inc. for the Old Fort Island Lands

~~#135-2007 – to authorize the execution of an agreement between the City of Kenora and TBay Tel. for the purchase of the KMTS 807 Networks. **HOLD**~~

**By-laws – Third & Final Reading**

**20. Moved by D. McCann, Seconded by C. Van Wallegghem & Carried:-**

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

**#129-2007** – to confirm proceedings of Council at its Standing and Various Committee Meetings

**#130-2007** – to authorize the execution of a subdivision agreement between the City of Kenora and Moncrief Construction Limited

**#131-2007** – to authorize the execution of a subdivision agreement between the City of Kenora and KB Contractors Ltd.

**#132-2007** – to authorize the execution of a lease agreement between the City of Kenora and Deana Fairfield

**#133-2007** – to amend the Rules of Order & Procedures By-law #100-2007

**#134-2007** – to authorize the execution of documents relating to the transaction with Abitibi Consolidated Inc. for the Old Fort Island Lands

~~#135-2007 – to authorize the execution of an agreement between the City of Kenora and TBay Tel. for the purchase of the KMTS 807 Networks. **HOLD**~~

**Adjournment**

**21. Moved by C. Van Wallegghem, 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**

**.....2007**

.....  
**MAYOR**

.....  
**CITY CLERK**