



Minutes

*Of a Meeting of the Council of the City of Kenora
Monday, October 22, 2007 – City Council Chambers
5:00 p.m.*

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WITH Mayor L. Compton in the Chair, Councillor W. Cuthbert, Councillor C. Drinkwater, Councillor D. McCann, Councillor R. McMillan, Councillor A. Poirier, Councillor C. Van Walleghem, Bill Preisenzanz, CAO, Heather Kasprick, Deputy Clerk.

### Call to Order

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

### Confirmation of Minutes

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

THAT the Minutes of the last Regular Meeting of the Council of the City of Kenora held **Tuesday, October 9, 2007** be confirmed as written and circulated.

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

**Mayor Compton 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: -

*N/A*

***Mayor Compton announced that the matter of the sale of the 807 Network Assets has been tabled as they have not received the final legal documents.***

### 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.

None Declared.

### DEPUTATIONS:

#### Emily Tacknyk-Roulston

Ms. Roulston questioned city staff as to a specific position's working hours and duration of employment. She further requested Council to remind the other various levels of government of the generation who has paid taxes for numerous years. Ms. Roulston left a copy of her deputation with the Clerk for the record.

#### Keith Fisher

Mr. Fisher spoke regarding the zoning conflict with the OSPCA. He addressed the City of Kenora Comprehensive Zoning By-Law, 160-2004 with regards to certain provisions under that By-Law. Mr. Fisher questioned as to why City Council, management, OPP and Kenora Police Service continue to allow this organization to operate when it is clearly in contravention of the by-law. Mr. Fisher left a copy of his deputation with the Clerk for the record.

**Sherry Fisher**

Mrs. Fisher spoke in regards to the many stray dogs that are constantly gathering in her yard and the hardship that it is causing her family. She is concerned for her family's safety after reviewing numerous articles about stray dogs. Mrs. Fisher left a copy of his deputation with the Clerk for the record.

**Dennis Wallace, Chair of the Lake of the Woods Economic Development Commission**

Mr. Wallace spoke with regards to the Commission's key focus of tourism, particularly winter tourism. His organization believes that it is very important that the snowmobile access deliberations currently before Council not preclude a licensed trail through Kenora. Mr. Wallace recommends that the Snowmobiling Committee of the City of Kenora keep its options open. Blocking a legally recognized snowmobile corridor through Kenora could be a contributing factor taking away business revenues, jobs and economic security in our City and region. He further requested that Council might consider adding a review date to the recommendation tonight.

**Appointment to the Kenora Handi Transit Board****2. Moved by C. Van Walleggem, Seconded by R. McMillan & Carried:-**

THAT Council hereby appoints Renee Brady to the Kenora Handi-Transit Board with a term to expire November 30, 2010.

**Approval of Accounts****3. Moved by R. McMillan, Seconded by C. Van Walleggem & Carried:-**

THAT the Reports dated **October 1, and October 11, 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 **\$2,167,883.18** be hereby authorized for approval.

**Kenora Health Care Centre Property Taxes****4. Moved by R. McMillan, Seconded by W. Cuthbert & Carried:-**

THAT Council hereby amends Resolution #7 dated 25 September 2006 to amend the first point to: THAT the realty taxes for the Kenora Medical Centre be cancelled effective 1 January 2007 in accordance with Section 110 of the Municipal Act; and

THAT Council give three readings to a by-law to authorize execution of documents relating to the agreement between the Kenora Health Care Centre and the City of Kenora exempting the medical clinic from taxes effective 1 January 2007; and further

THAT the Clerk of the City provide notice in writing of the contents of this by-law upon final passing thereof to the Minister of Education, the Municipal Property Assessment Corporation and the Secretaries of the various School Boards with jurisdiction within the City of Kenora in accordance with the provisions of Section 110 (5) and (8) of the Municipal Act.

**Magnetic Support Ribbons****5. Moved by D. McCann, Seconded by R. McMillan & Carried:-**

THAT Council support the placing of 'Support our Troops' magnets to be placed on all City vehicles as a reminder from time to time of the sacrifices our troops are making as a simple gesture of gratitude; and further

THAT the Canadian Army Vets (CAV) will provide enough magnetic ribbons for each City vehicle at NO COST to the City.



**Property Taxes on Farmland, Managed Forests and Conservation Lands**

**6. Moved by C. Drinkwalter, Seconded by C. Van Walleghem & Carried:-**

WHEREAS Municipalities are legislated to tax Farmland, Managed Forest and Conservation Land at a rate of 25%

AND WHEREAS Municipalities no longer receive the 75% rebate from the Province

AND WHEREAS this increases the tax rate for all landowners in rural municipalities

AND WHEREAS all residents of Ontario should support maintenance of an agricultural land base and the environmental implications of these tax incentives

THEREFORE BE IT RESOLVED that the Province of Ontario must directly refund to the Municipalities the 75% Farmland, Managed Forest and Conservation Land Tax

ALSO BE IT RESOLVED if the Province of Ontario refuses to refund to Municipalities the 75% rebate, that the Province allows Municipalities to tax these lands at 100% and the Province funds 75% of the tax directly to individual landowners."

**Lake of The Woods District Hospital foundation Christmas Exhibit Support**

**7. Moved by C. Van Walleghem, Seconded by W. Cuthbert & Carried:-**

THAT the Mayor and Council provide permission to the Lake of the Woods District Hospital Foundation to display the lighted structures for the Annual Tree of Life campaign along the Harbourfront Greenbelt; and

THAT the City approve paying for the power to light the structures decorating the Harbourfront Greenbelt from November 24, 2007 to January 7, 2008, to assist the Lake of the Woods Hospital Foundation fundraising program.

**318 Mellick Avenue Laneway – Marciniak**

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

THAT authorization be hereby given to acquire certain lands from Bernard Joseph Marciniak and Theresa Helen Olejnikow for purposes of road access and municipal utility lines; and

THAT the Council of the Corporation of the City of Kenora hereby approves the form of draft by-law and Offer to Purchase Agreement of Purchase and Sale between the City of Kenora and Bernard Joseph Marciniak and Theresa Helen Olejnikow; attached hereto; and further

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

**Transit Service Agreement (2008-12)**

**9. Moved by D. McCann, Seconded by C. Drinkwalter & Carried:-**

THAT Council of the City of Kenora support the recommendation of the Kenora Transit Commission to accept the proposal of Excel Coach Lines to provide conventional transit services for a period of three years, January 01, 2008 to December 31, 2010 and a further 2 year option by mutual agreement to extend the service to December 31, 2012; and further



THAT three readings be given to a bylaw to ratify an agreement with Excel Coach Lines Ltd. in accordance with the terms and conditions contained within the proposal submitted.

**Support for the Sunset Trail Riders with respect to the Kenora Trails System**

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

THAT The City of Kenora continue to support the endeavors of the STR to incorporate trail fees into the Province of Ontario’s vehicle registration system and “lobby” the provincial government on their behalf and; further

The City of Kenora should work with the STR to ensure connecting trails to Kenora and that users of the trails outside of the City boundaries are aware their may be an O.F.S.C. permit requirement and; further

THAT a communication plan be developed to include the identification of restricted areas and; further

THAT an amendment to By-law 154-2001 to reflect the above noted recommendations and any other discrepancies identified, be reviewed by the Municipal Solicitor and brought forward for Council’s consideration at their regular meeting on November 13<sup>th</sup> and; further

THAT the Snowmobile Advisory Committee proceeds with necessary administrative tasks during the by-law review period.

**Discussion:**

Councillors Cuthbert, McCann and McMillan read prepared statements with regards to their positions on this matter, and filed this information with the Clerk for the public record. Councillor Van Wallegghem also spoke to his position.

A recorded vote was ordered by Councillor Cuthbert. The roll was called by the Clerk and the vote was as follows:

**RECORDED VOTE:~ MOTION # 10**

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

**Sale of a Certain Portion of a Road Allowance in the City of Kenora**

**11. Moved by W. Cuthbert, Seconded by C. Van Wallegghem**

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 further 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 joint owners, and such ownership to be tied to property which enjoys the benefit of the use of the well, at the appraised value as



established by Century 21 – Reynard Real Estate, plus all associated costs and;

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

**MOTION #11 POSTPONED**

*Councillor Cuthbert then introduced the following motion:*

**Motion to Postpone Motion #11**

**11A. Moved by W. Cuthbert, Seconded by D. McCann & Carried:-**

THAT further consideration of Motion #11 on tonight's agenda with respect to sale of a certain portion of a road allowance be referred back to the Property and Planning Committee.

**By-Laws – First & Second Reading**

**12. Moved by C. Drinkwalter, Seconded by R. McMillan & Carried:-**

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

**#125-2007** – to Confirm the Proceedings of Council at its Standing and Committee Meetings

**#126-2007** – to Authorize Execution of Documents Relating to the Agreement Between the Kenora Health Care Centre and the City of Kenora Exempting the Medical Clinic from Taxes

**#127-2007** – to Acquire certain Lands for the purposes of Road Access and Municipal Utility Lines

**#128-2007** – to Execute a Transit Agreement with Excel Coach Lines

**By-Laws – Third and Final Reading**

**13. Moved by C. Drinkwalter, Seconded by D. McCann & Carried:-**

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

**#125-2007** – to Confirm the Proceedings of Council at its Standing and Committee Meetings

**#126-2007** – to Authorize Execution of Documents Relating to the Agreement Between the Kenora Health Care Centre and the City of Kenora Exempting the Medical Clinic from Taxes

**#127-2007** – to Acquire certain Lands for the purposes of Road Access and Municipal Utility Lines

**#128-2007** – to Execute a Transit Agreement with Excel Coach Lines

**Adjournment**

**14. Moved by A. Poirier, Seconded by C. Drinkwalter & Carried:-**

THAT this meeting be now declared closed at 5:45 p.m.; and further

THAT Council adjourns to a closed meeting to discuss the following:

- **A potential Litigation matter.**

**No report as a result of the closed session**



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

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

**.....2007**

.....  
**MAYOR**

.....  
**CITY CLERK**