



Minutes

*Of a Meeting of the Council of the City of Kenora
Monday, August 11, 2008 – City Council Chambers
5:13 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, Councillor C. Drinkwalter**

**Staff: Bill Preisentanz, CAO, Karen Brown, Finance & Administration Manager, Sharen McDowall, HR Manager, Warren Brinkman, Fire & Emergency Services Manager, Colleen Neil, Recreation Services Manager, and Heather Kasprick, Deputy Clerk.**

**Call to Order**

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

**Public Information NOTICES as per By-law Number 144-2007**

**Mayor Compton then read the following notices:-**

As required under Notice By-law #144 -2007, Council hereby advises the public of its intention to adopt the following at tonight's meeting:-

- *To amend the 2008 Municipal Operating and Municipal Five Year Capital Plan for the purpose of Dog Pound improvements;*
- *To amend the Operating Budget to authorize an appropriation from the Kenora Fire Station Reserve*
- *To amend the 2008 Capital Budget to authorize an appropriation from the Downloaded Solid Waste Reserve Funds in the amount of \$5,000.00 for the purpose of funding a limited number of reusable cloth bags*
- *To amend the 2008 Municipal Operating and Municipal Five Year Capital Plan for the purpose of upgrading the washrooms at Coney Island.*
- *To assume a portion of the Jones Road*

**Confirmation of Minutes**

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

THAT the following Minutes of the last Regular Meetings of the Council of the City of Kenora and certain other Committees be confirmed as written and circulated:

- **Regular Council Meeting held July 14, 2008**
- **Special Council Meeting held August 6, 2008**

**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:**

**Harry Nederbock – Citizens a New Road**

Mr. Nederbock was before Council with a petition to hard surface the entire Essex Road. Has been told by the City for over 9 years that this would be surfaced and to date has not. They had considered bringing 200 people to the meeting, but has 352 signatures on the petition and requests Council to consider their request.

Mr. Nederbock presented a copy of his Deputation and the petition to the Clerk for the public record.

**Keric Funk – Kenora BIZ, Chamber of Commerce**

Mr. Funk presented Council with a slideshow of pictures of the downtown area and the condition of the garbage and its appearance. The Kenora BIZ group and the Chamber of Commerce are present to be part of the solution and to partner with the City in order to address the issues. They would like to sit down with the City and the other stakeholders to explore solutions and possible service sharing.

Mr. Funk presented a copy of his Deputation to the Clerk for the public record.

**Appointments to Audit Committee**

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

THAT Council accept the recommendation from the Audit Committee to appoint Cindy Gasparini to the Audit Committee for the term up to November 30, 2010.

**Appointments to Snowmobile/ATV Advisory Committee**

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

THAT the Council of the City of Kenora hereby appoints Michael Christensen to fill the vacancy on the Kenora Snowmobile/ATV Advisory Committee.

**IBEW Local 559, KPFFA Local 943, CUPE Local 191**

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

THAT Council of the City of Kenora give three readings to a by-law, authorizing an agreement between the Corporation of the City of Kenora and IBEW Local 559 – Water Plant Unit for the term January 1, 2007 to December 31, 2009; and

THAT Council of the City of Kenora give three readings to a by-law, authorizing an agreement between the Corporation of the City of Kenora and KPFFA Local 943 for the term January 1, 2008 to December 31, 2010; and

THAT Council of the City of Kenora give three readings to a by-law, authorizing an agreement between the Corporation of the City of Kenora and CUPE Local 191 for the term January 1, 2006 to December 31, 2008.

**2008 Council Meetings**

**5. Moved by R. McMillan, Seconded by C. Van Walleghem & Carried:-**

THAT in accordance with Section 3.14 of Council's Procedural By-law, authorization be hereby given to continue with one set of Standing Committee Meetings and one monthly Council Meeting, effective September, 2008; and

THAT public notice is hereby given of Council's intention to continue with monthly meetings on a forward basis; and

THAT Council hereby approves the attached meeting schedule to the end of 2008; and

THAT a review of Council's Procedural By-law be conducted for adoption for January, 2009, reflecting the revised schedule for meetings; and further

THAT Resolution #16 dated December 10, 2007 be and is hereby rescinded.

**Physician Shortage in Ontario**

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

WHEREAS there is a Physician shortage in Ontario.

AND WHEREAS this Physician shortage is particularly acute in rural and northern Ontario communities.

AND WHEREAS the Physician shortage is predicted to worsen as senior Ontario Doctors retire.

AND WHEREAS the Physician shortage threatens the operation of hospitals and emergency rooms in rural and northern Ontario.

AND WHEREAS there are hundreds of Internationally Trained Medical Doctors and Graduates residing in Ontario who have been denied the opportunity to practice medicine by cumbersome and antiquated medical licensing requirements.

AND WHEREAS these Internationally Trained Medical Doctors and Graduates could be a tremendous asset in providing Healthcare, reducing the number of orphan patients and insuring the provision of emergency room services in Ontario communities.

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the City of Kenora supports the recommendations contained in the Report on Removing Barriers for International Medical Doctors by Etobicke-Lakeshore M.P.P. Lauren Broten, Parliamentary Assistant to the Minister of Health and Long Term Care.

AND FURTHER we encourage the Ontario Legislature to support this important legislation once introduced by Minister of Health George Smitherman as per his June 6, 2008 announcement.

**Anti-Harassment Policy**

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

THAT Council of the City of Kenora give three readings to a by-law, authorizing the new City of Kenora Anti-Harassment Policy HR 1-4; and further

THAT the City of Kenora Discrimination Policy HR1-4 approved on the April 26th, 2004 Council Meeting be repealed.

**Reporting Relationship for certain KPS Positions**

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

THAT Council of the City of Kenora, conditional upon decision by OCCPS on the City's request to abolish the Kenora Police Services pursuant to Sections 5, 10, and 40 of the Police Services Act, hereby establish the following reporting relationship with respect to the delivery of animal control services, parking and traffic by-law enforcement, and municipal by-law enforcement services:

1. Animal control and municipal by-law enforcement – Operations Committee – Operations Department
2. Parking and traffic by-law enforcement – Finance & Administration Committee – Finance & Administration Department; and further

THAT the respective Administrative Departments submit 2009 municipal budgets in accordance with these assigned reporting relationships.

**Emergency Service Facility**

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

THAT Council of the City of Kenora engage Nelson Architecture Inc. to complete the detailed design of a New Fire Station for the City of Kenora; and

THAT this detailed design be available for tender distribution in January of 2009 with a view to the City of Kenora beginning construction on its new Fire Station located at Barsky's Hill in the spring of 2009; and

THAT Council engage in a public consultation process in regards to the construction of a new Fire Station; and

THAT Council authorize an offsetting appropriation from the Kenora Fire Station Reserve to fund the costs related to this detailed design analysis (i.e. the cost to complete documents that are ready to issue for tender) will be initially 6% of the current budgeted of \$4,588,710.00 or \$275, 322.00, not inclusive of applicable taxes and disbursements; and

THAT in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend the 2008 Budget for this purpose at its August 11<sup>th</sup> meeting; and further

THAT Council gives three readings to a By-Law to amend the Operating Budget to authorize an appropriation from the Kenora Fire Station Reserve for this purpose.

#### **9-1-1 CERB Services**

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

THAT Council contract the 9-1-1 CERB Service serving the existing 9-1-1 area which includes the City of Kenora, the unincorporated territories of Kirkup, and First Nations communities of Ochiichagwe'Babigo'ining Ojibway Nation and Waushushk Onigum First Nation with the Ontario Provincial Police 9-1-1 CERB Service based on a cost \$.561 per capita on an annual basis.

#### **Non Union Vacation Policy**

#### **11. Moved by C. Van Walleghem, Seconded by A. Poirier & Carried:-**

THAT Council of the City of Kenora give three readings to a by-law, authorizing the amended City of Kenora Non-Union Vacation Policy HR-3-2

#### **Reduced Load Restrictions**

#### **12. Moved by D. McCann, Seconded by R. McMillan:-**

THAT the Council amend By-law 57-2003 being a by-law to designate and regulate reduced load restrictions, to extend the period to May 31<sup>st</sup> inclusive in each and every year, and further;

THAT during times of extreme wet weather in the spring the period may be extended beyond May 31<sup>st</sup> at the discretion of the Road's Supervisor, and further;

THAT the Highway Traffic Act Set Fine Schedule for overweights be doubled.

**Councillor McCann then introduced an amendment to Motion # 12 as follows:**

**Motion to Amend Motion # 12**

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

THAT Motion #12 on tonight's agenda be hereby amended by removing the last line reading: "THAT the Highway Traffic Act Set Fine Schedule for overweights be doubled."

**Motion #12 as Amended**

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

THAT the Council amend By-law 57-2003 being a by-law to designate and regulate reduced load restrictions, to extend the period to May 31<sup>st</sup> inclusive in each and every year, and further;

THAT during times of extreme wet weather in the spring the period may be extended beyond May 31<sup>st</sup> at the discretion of the Road's Supervisor.

**All Terrain Vehicle By-Law**

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

THAT the Council of the Corporation of the City of Kenora adopts a by-law to govern and control the use of all terrain vehicles within the City of Kenora.

**Environmental Policy**

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

THAT the Council of the Corporation of the City of Kenora adopt the following Environmental Policy, as attached hereto; and further,

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

**Reusable Cloth Bags**

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

THAT a Deposit/Return program for single-use plastic shopping bags and paper bags for all retailers in Kenora be developed, and further;

THAT the Operations Department work in partnership with participating grocery retailers to raise awareness by distributing a onetime limited amount of free cloth bags, purchased by the city, containing the city logo, and further;

THAT Council give three readings to a by-law to amend the 2008 Capital Budget to authorize an appropriation from the Solid Waste Reserves in the amount of \$5,000.00 for the purpose of funding a limited number of reusable cloth bags with the city logo for distribution at participating grocery retail outlets.

**Acquire Portion of Jones Road**

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

THAT the lands affected by the By-law be acquired by the City for the purposes of a highway.

THAT the Corporation of the City of Kenora shall acquire from Peter Therrien the lands described as part of Mining Loc. 555P west of Hilly Lake and North of Indian Reserve 38B, designated as Part 3, KR472, Jaffray, now City of Kenora, District of Kenora, as a highway for public municipal purposes.

THAT the portion of road is hereby named Jones Road.

THAT the purchase price of the said property shall not exceed the sum of One Dollar (\$1.00).

THAT the Applicant has undertaken and agreed to pay all related costs including legal fees, survey fees (if required), and any other disbursements related to the transfer of the above-noted property.

THAT the Mayor and Clerk be and are hereby empowered to execute any and all documents required to complete this transaction.

**Lease Agreement with Days Inn**

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

THAT Council give three readings to a by-law to authorize a five year lease between the Corporation of the City of Kenora and 2539706 Manitoba Limited for the Days Inn Sign situated on Municipal Property, with a 3% escalation fee per annum.

**Surplus Property & Transfer Road Allowance**

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

THAT Council of the City of Kenora declares surplus the property abutting property described on the draft plan of subdivision, with the exception of the lands abutting lots 1 & 2 , and;

THAT Council of the City of Kenora declares lands abutting lots described as i) PT LOC D130 DES RP 23R9512;PART 1 PCL 41143; ii) PT LOC D130 DES RP 23R9512;PART 2 PCL 41144; iii) PT LOC D130 DES RP 23R9512; PART 3 PCL 41145; and iv) PT LOC D130 DES RP 23R9512; PART 4 PCL 41146;

THAT in accordance with the Notice By-law , 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 M & L Development or the current owner, as a lot addition (consolidation), at the appraised value as established by Century 21

– Reynard Real Estate, plus survey and all other associated costs; and THAT the Municipal Solicitor coordinates the transfers.

**Amendment to Development Agreement with Twin Eleven Investors**

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

That the Council give three readings to a By-Law being a by law to amend a development agreement with Twin Eleven Investors Ltd., and amending By-Law No. 19-2005, for the purpose of permitting the development of a generator building and deck on the subject property known as the Islandview Condominium, 5 Bay Road.

***Councillor Poirier requested that the Rules of Order be Suspended in order to introduce the following item, to which Council concurred:-***

**Adoption of Tourism Strategy**

**19A. Moved by A. Poirier, Seconded by W. Cuthbert & Carried:-**

THAT the Corporation of the City of Kenora accepts the Lake the Woods Development Commission Tourism Development Strategy (2008) as submitted by the Lake of Woods Development Commission Board of Directors.

**Repairs to the Kenora Dog Pound**

**20. Moved by C. Drinkwater, Seconded by C. Van Walleghem & Carried:-**

THAT Council hereby authorizes Vector Construction to complete the required repairs to the Kenora Dog Pound as per the Ministry of Agriculture Inspection Report dated May 3,2007, including the installation of the epoxy coating, at a cost not to exceed \$12,500.00 plus GST; and

THAT Council hereby authorizes this project to be funded through an offsetting appropriation from the City's Dog Pound Reserve; and

THAT Council hereby gives three readings to a by-law to amend the budget for this purpose; and further

THAT in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2008 Municipal Operating and Municipal Five Year Capital Plan by by-law at its August 11<sup>th</sup> meeting.

**Salted Sand Storage Building**

**21. Moved by D. McCann, Seconded by C. Van Walleghem & Carried:-**

THAT the following proposals, for the supply and construction of a covered salted-sand storage structure at the Operations Centre, 60 Fourteenth Street North, taxes extra, be received;



|                       |                              |                           |
|-----------------------|------------------------------|---------------------------|
| Power Building Sales: | Base Price                   | \$336,440.00              |
|                       | Tack Plates for Rub<br>Rails | <u>\$ 4,500.00</u>        |
|                       |                              | \$341,040.00              |
| Cover –All:           | Base Price                   | \$333,413.28              |
|                       | Tack Plates for Rub<br>Rails | <u>4,500.00</u>           |
|                       |                              | \$337,913.28; and further |

THAT the proposal submitted by Power Building Sales, in the amount of \$341,040.00 (taxes extra), be hereby accepted.

### **Upgrades to the Coney Island Washrooms**

#### **22. Moved by A. Poirier, Seconded by C. Van Walleggem & Carried:-**

THAT the only quotation, to complete the Coney Island Washroom upgrades as per specifications in quotation, submitted by Parkland Plumbing, in the amount of \$28,300, plus GST be received; and further,

THAT Council hereby authorizes this project to be funded through an offsetting appropriation from the Parks Reserve; and further

THAT Council hereby gives three readings to a by-law to amend the budget for this purpose; and further

THAT in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2008 Municipal Operating and Municipal Five Year Capital Plan by by-law at its August 11<sup>th</sup> meeting.

### **By-laws – First, Second, Third and Final Readings**

#### **23. Moved by R. McMillan, Seconded by W. Cuthbert,**

**THAT** the following **By-laws** be read a **FIRST, SECOND, THIRD AND FINAL** Time:~

**113-2008** – to designate a certain property under the Ontario Heritage Act (210 2<sup>nd</sup> Street South)

**114-2008** - to designate a certain property under the Ontario Heritage Act (1 7<sup>th</sup> Street South)

**115-2008** – to adopt a new All Terrain Vehicle by-Law

**116-2008** – to amend an agreement with Twin Eleven Investors Ltd.

**117-2008** – to assume a portion of the Jones Road

**118-2008** – to transfer property on Wharf Street

**119-2008** - To confirm proceedings of Council, its Standing & other Committees

**120-2008** – to ratify agreements with IBEW Local 559, CUPE Local 191, KPFFA Local 943

**121-2008** – to accept a new Anti-Harassment Policy

**122-2008** – to adopt an amended Non-Union Vacation Policy

- 123-2008** – to amend the budget to an offsetting appropriation for the City's Dog Pound Reserve
- 124-2008** – to amend the budget to an offsetting appropriation from the Kenora Fire Station Reserve
- 125-2008** – to amend by-law 57-2003 with regards to regulating reduced load restrictions
- 126-2008** – to adopt a new Environmental Policy
- 127-2008** – to amend the 2008 budget for the Parks Reserve (Coney Island Washroom upgrade)
- 128-2008** – to amend the budget for the Solid Waste Reserves (cloth bags)
- 129-2008** – to execute an agreement with the Days Inn

**Councillor McMillan then introduced an amendment to Motion #23 as follows:**

**Motion to Amend Motion #23**

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

**THAT** Resolution #23 be amended to remove CUPE Local 191, and KPFFA Local 943 from Bylaw No. 120-2008.

**Motion #23 as Amended**

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

**THAT** the following **By-laws** be read a **FIRST, SECOND, THIRD AND FINAL** Time:~

- 113-2008** – to designate a certain property under the Ontario Heritage Act (210 2<sup>nd</sup> Street South)
- 114-2008** – to designate a certain property under the Ontario Heritage Act (1 7<sup>th</sup> Street South)
- 115-2008** – to adopt a new All Terrain Vehicle by-Law
- 116-2008** – to amend an agreement with Twin Eleven Investors Ltd.
- 117-2008** – to assume a portion of the Jones Road
- 118-2008** – to transfer property on Wharf Street
- 119-2008** – To confirm proceedings of Council, its Standing & other Committees
- 120-2008** – to ratify agreements with IBEW Local 559
- 121-2008** – to accept a new Anti-Harassment Policy
- 122-2008** – to adopt an amended Non-Union Vacation Policy
- 123-2008** – to amend the budget to an offsetting appropriation for the City's Dog Pound Reserve
- 124-2008** – to amend the budget to an offsetting appropriation from the Kenora Fire Station Reserve
- 125-2008** – to amend by-law 57-2003 with regards to regulating reduced load restrictions
- 126-2008** – to adopt a new Environmental Policy
- 127-2008** – to amend the 2008 budget for the Parks Reserve (Coney Island Washroom upgrade)
- 128-2008** – to amend the budget for the Solid Waste Reserves (cloth bags)
- 129-2008** – to execute an agreement with the Days Inn

**Adjournment**

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

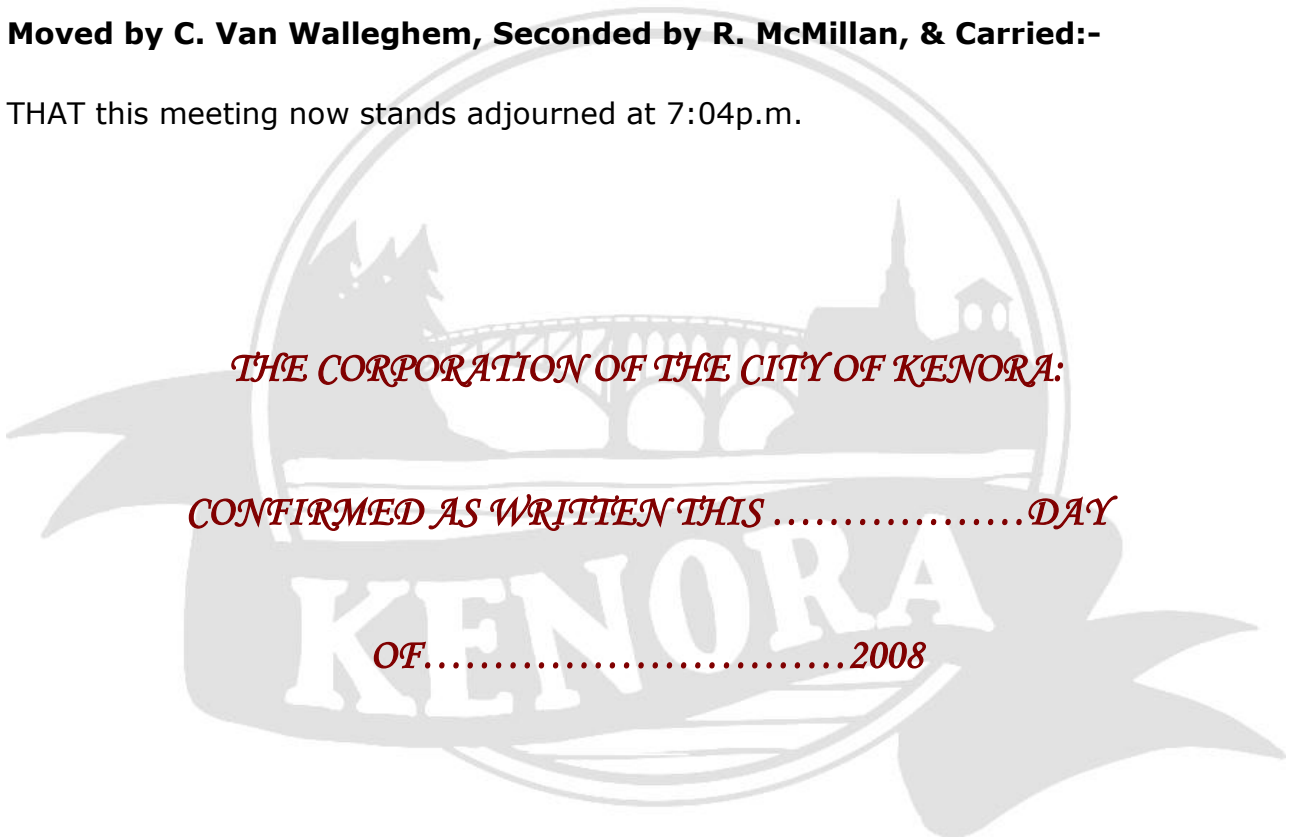
THAT pursuant to Section 239 of the Municipal Act, 2001, as amended, authorization is hereby given for Council to move into a Closed Session at 6:00 p.m.to discuss an item pertaining to the following:-

- Labour relations or employee negotiations

**At 7:04 p.m., Council reconvened to the Open Meeting with no report.**

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

THAT this meeting now stands adjourned at 7:04p.m.



*THE CORPORATION OF THE CITY OF KENORA:*

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

*OF.....2008*

.....  
*MAYOR*

.....  
*CITY CLERK*