



Minutes

*Of a Meeting of the Council of the City of Kenora
Monday, October 20, 2008 – City Council Chambers
5:00 p.m.*

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WITH Mayor L. Compton in the Chair, Councillor W. Cuthbert, Councillor C. Drinkwalter, Councillor D. McCann, Councillor R. McMillan, Councillor A. Poirier, Councillor C. Van Walleghem.

Staff: Bill Preisenz, CAO, Warren Brinkman, Fire & Emergency Services Manager, Colleen Neil, Recreation Services Manager, and Joanne L. McMillin, City Clerk.

## Call to Order

Mayor Compton called the meeting to order and Councillor Poirier 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 Capital Budget to authorize the following capital projects as funded by the Investing in Ontario funding allocation of \$1,444,065.00:-*
  - *Completion of Phase I – Downtown Revitalization - \$600,000*
  - *Recreation Centre Site Improvements - \$844,065*
- *To amend the 2008 Municipal Budget to withdraw \$12,250.00 from the Video Surveillance Reserve for acquisition of 3 new surveillance cameras and associated equipment*
- *To transfer municipal property to Sean Michael Rose*
- *To designate property known as the Kenora Fire Hall as a property of historical value or interest under Part IV of The Ontario Heritage Act*
  - *To assume parts of the Anderson Road*
  - *To transfer municipal property to Benoit.*

## Confirmation of Minutes

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

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

- **Committee of the Whole Meeting held September 15, 2008**
  - **Regular Council Meeting held September 15, 2008**

**DECLARATION OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**

Mayor Compton then asked if any Member of Council had any Declarations of Pecuniary Interest and the General Nature Thereof pertaining to any items as follows: -

- i) On Tonight's Agenda or from a previous Meeting
- ii) From a Meeting at which a Member was not in Attendance.

There were none declared.

**DEPUTATIONS:**

N/A

**Appointment to Accessibility Advisory Committee**

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

THAT Council hereby receives the application of interest submitted by Lisa Devlin to serve on the Accessibility Advisory Committee; and further

THAT Council hereby appoints Ms Devlin to the Accessibility Advisory Committee with a term to expire November 30, 2010.

**Appointment of Ad Hoc Committee (KAR Proposal)**

**3. Moved by C. Van Wallegghem, Seconded by A. Poirier & Carried:-**

THAT Council form an ad hoc committee to review the KAR proposal and the committee consist of two members of Council, Dennis Wallace and three (3) support staff; and further

THAT this Committee review the proposal and make a recommendation to Council on the service delivery of the Pavilion.

***Councillor Van Wallegghem then requested the Rules of Order be suspended to introduce the following new item, to which Council concurred:***

**Appointment to Kenora Port Authority**

**3A. Moved by C. Van Wallegghem, Seconded by R. McMillan & Carried:-**

THAT Council hereby appoints Don McDougald to the Kenora Port Authority to replace Connie Von Petzinger as the representative for the Lake of the Woods District Property Owners Association, with a term to expire November 30, 2010.

**Forgiveness of a Debt owed by the Keewatin Curling Club**

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

THAT Council hereby authorizes the forgiveness of the debt owed by the Keewatin Curling Club to the former Town of Keewatin in the amount of \$4,012.50; and further

THAT this forgiveness be conditional upon entering into an agreement between the Keewatin Curling Club and the City of Kenora, based on mutually acceptable terms, addressing issues related to the common wall between the Keewatin Curling Club and the Keewatin Arena, including cost sharing and related responsibilities by both parties.

**Amendment to 2008 Budget – Investing in Ontario Funding**

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

THAT Council of the City of Kenora hereby approves amending the 2008 City of Kenora capital budget to authorize the following capital projects as funded by the Investing in Ontario funding allocation of \$1,444,065.00:

1. Completion of Phase I – Downtown Revitalization - \$600,000
  2. Recreation Centre Site Improvements - \$844,065
- and;

THAT Council hereby gives three readings to a by-law to amend the 2008 capital 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 Five Year Capital Plan by by-law at its October 20<sup>th</sup> meeting.

***Councillor McMillan advised that Motion #6 below reflects an increase of \$1,000 from what was recommended at the Committee level on October 14 and this is due to the inclusion of the applicable software for the equipment.***

**Video Surveillance Equipment**

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

THAT Council of the City of Kenora hereby give notice of its intent to install additional video surveillance equipment overlooking the Main Street South and Harbourfront boardwalk areas of the City; and

THAT authorization be given to withdraw \$12,250.00 from the Video Surveillance Reserve for acquisition of 3 new surveillance cameras and associated equipment; and further

THAT in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend the 2008 Municipal Budget by by-law at its October 20<sup>th</sup> meeting for this purpose.

**Attendance at the 2008 Growing Forest Value Forum**

**7. Moved by C. Drinkwalter, Seconded by C. Van Walleggem & Carried:-**

THAT authorization be hereby given for Mayor Compton to attend the 2008 Growing Forest Value Forum taking place in Thunder Bay, October 15 & 16, 2008; and further

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

**Application to Lake of the Woods Community Foundation**

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

THAT Council hereby authorizes the City to submit an application to the Kenora and Lake of the Woods Community Foundation on behalf of the Mount Evergreen Ski Club for the following purposes related to the installation of snow making capacity at the Ski Hill:

- Electrical Shop;
- Sound System;
- Ski school; and

THAT this resolution, taken in conjunction with the written request dated October 3<sup>rd</sup>, 2008, from the Mount Evergreen Ski Club, represents the whole of the City's formal approval process in this matter; and further

THAT no formalized written partnership agreement be developed for this purpose.

**Amendment to City Debt Policy**

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

THAT Council hereby approves the amended City Debt Policy, FI-04-01; and

THAT Council hereby gives three readings to the appropriate By-law to approve the amendments to the City's policy manual.

**Amendment to City Investment Policy**

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

THAT Council hereby approves the amended City Investment Policy, FI-04-02; and

THAT Council hereby gives three readings to the appropriate By-law to approve the amendments to the City's policy manual.

**Approval of new Tangible Capital Asset Policy**

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

THAT Council hereby approves the new Tangible Capital Asset Policy, #FI-06-01; and

THAT Council hereby gives three readings to the appropriate By-law to authorize the addition of the Tangible Capital Asset Policy to the City's policy manual.

**Approval of Bear Wise Funding Agreement**

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

THAT Council give three readings to a by-law to authorize an agreement with the Ministry of Natural Resources under the Bear Wise Community Funding Program.

**OFSAA Sponsorship – Boys Volleyball**

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

THAT Council support the sponsorship of \$1,000.00 to the 2008 Boys 'A' Volleyball OFSAA Championships November 20, 21 and 22, 2008.

**Attendance at Kenora Send-Off for Fred & Nancy Hall**

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

THAT authorization is hereby given for Councillor Rory McMillan to attend the "Kenora Send-Off" for Fred & Nancy Hall held Wednesday, September 24, 2008 at the Super 8 Motel; and further

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

**Approval 2009 Meeting Schedule**

**15. Moved by A. Poirier, Seconded by C. Van Wallegghem & Carried:-**

THAT Council hereby adopts the Standing Committee & Council Meeting Schedule for 2009, as attached to the September 30, 2008 report of the City Clerk.

**Extension of Agreement with LOW Aero Modelers**

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

THAT Council of the City of Kenora hereby supports the extension of an agreement with the Lake of the Woods Aero Modelers for use of the Tri-Municipal Landfill Site for a 20 year period conditional upon support from the Ministry of Environment.

**Repeal of Traffic By-law Amendment (Four-way stop)**

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

THAT Council give three readings to a by-law to repeal By-law Number 96-2008, being a By-Law to regulate traffic on the roads and highways of the City of Kenora in order to provide approval to remove the stop signs currently in place at the intersection of Matheson Street North and Second Street North.

**Adoption of Revised Reduced Load Restriction By-law**

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

THAT Council hereby amends By-Law Number 125-2008, being a By-Law to Designate the date on which a Reduced Load Period shall start or end and the

Highways or Portions thereof to which the Designation applies, to reflect removing the following clause #2: -

“THAT the provisions of subsections 1, 2, 3 and 4 of Section 122 of the Highway Traffic Act apply to the highways named below on a permanent and ongoing basis each and every year:

- 1) Transmitter Road from Highway 17 East to Homestake Road
- 2) Homestake Road from Airport Road to Transmitter Road
- 3) Gould Road from Railway Street to Transmitter Road;” and further

THAT the Operations Department work with legal counsel to prepare a “Heavy Truck” by-law to be brought forth at a future meeting.

**Assumption of a Portion of Anderson Road**

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

THAT with respect to the assumption of parts of the Anderson Road, the Council of the City of Kenora gives three readings to a by-law for this purpose and hereby agrees to the following: -

- 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 has acquired from the owners, the lands designated as Parts 10, 11, 12, 13 and 14 of 23R-11541, now City of Kenora, District of Kenora, as a highway for public\municipal purposes;
- THAT the portion of road is hereby named Anderson 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.

**Final Report of Town Island Environmental Inventory**

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

THAT the Council of the City of Kenora accepts the Final Report of the Environmental Inventory and Impact Assessment for Town Island as submitted by Kelli Saunders and Ryan Haines.



**Amendment to FedNor Agreement – Regional Outreach Coordinator**

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

THAT Council hereby approves amending an agreement with FedNor for funding of an Intern in the position of Regional Outreach Coordinator; and

THAT Council gives three readings to a by-law for this purpose and authorizing the Mayor and Clerk to enter into the agreement on behalf of the City; and further

THAT Staff be directed to advertise the position according to the City's Hiring Policy.

**Amendment to Snow Vehicles By-law**

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

THAT Council hereby amends the City's Snowmobile By-law by adding the following provision: "2.1 – Areas Restricted by Time: No person shall operate a motorized snow vehicle at any time between 11:00 p.m. in the evening and 7:00 a.m., the following morning, within the area set out in the approved Schedule "B" of the by-law to be amended"; and further

THAT Council give three readings to a by-law to amend By-law Number 149-2007 for this purpose.

**Consolidation of All Terrain Vehicles (ATV) By-law**

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

THAT Council give three readings to a by-law to regulate and control the operation of all terrain vehicles within the boundaries of the City of Kenora; and

THAT the ATV By-law be consolidated incorporating the current by-law and the proposed changes to the restricted areas; and further

THAT By-law Number 115-2008 be and is hereby repealed.

**Sale of Land to Tella**

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

THAT the Council of the City of Kenora declares the property described as Block 5, West of East part of Lot 5 as surplus to the needs of the municipality; and

THAT the City of Kenora retain property from 3 metres west of the centre of the municipal storm drain on the property to ensure future access and maintenance for a municipal storm drain located on said lands; and

THAT Council give three readings to a by-law to authorize the sale of a portion of property to within 3 metres west of the centre of the municipal storm system to Ida Tella as a lot addition (consolidation), at the market value, as established by Century 21 – Reynard Real Estate, plus survey and all other associated costs; and further

THAT the easterly half of the subject property located in front of property described as Part of Block 5, extreme east end 2<sup>nd</sup> St. S Part 19 (831 Second St. S.) be offered to the owner of the same property as a lot addition (consolidation) at market value, as established by Century 21 – Reynard Real Estate, plus all associated costs.

**Approval for RFP - Signage**

**25. Moved by A. Poirier, Seconded by C. Van Wallegghem & Carried:-**

THAT the Council of the City of Kenora approves the release of a request for proposals from local businesses to provide advertising/wayfinding signage on municipal property, for snowmobile/ATV users; and further

THAT the RFP be distributed through the Economic Development/Tourism Officers.

**Approval of Deeming By-law (Minor)**

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

THAT Council give three readings to a by-law to deem certain lands not to be within a Registered Plan of Subdivision; and

THAT Council hereby agrees to the following: -

1. All the lands contained within the boundaries of Lots 115 and 116, on Registered Plan of Subdivision M. 39, Block L, Loc. X 21, in the City of Kenora, formerly the Town of Keewatin, in the District of Kenora are hereby deemed not to be lands described in accordance with a registered plan of subdivision for the purposes of Section 50(3) of the Planning Act, RSO 1990.
2. In accordance with the provisions of the Planning Act, the by-law shall come into force and take effect on the final passing thereof by the Council of the Corporation of the City of Kenora and upon registration of this by-law in the Land Titles Office for the District of Kenora.
3. THAT the Applicant shall be responsible for all costs associated with such registration.
4. THAT the Mayor and Clerk be and are hereby authorized to execute any and all documents required to complete this transaction.

**Adoption of By-laws**

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

**THAT** the following **By-laws** be now read a **FIRST & SECOND TIME**, and approved in their present form and presented for **THIRD & FINAL** Reading: ~

**#148-2008** – To confirm proceedings of Standing and other Committee Meetings of Council



- #149-2008** – To amend the 2008 Budget (Investing in Ontario funding)
- #150-2008** – To authorize a Municipal Response Agreement for Human/Black Bear Conflict Management
- #151-2008** – To amend the 2008 Budget (Video Surveillance Equipment)
- #152-2008** – To amend the Comprehensive Policy Manual (Tangible Assets Policy)
- #153-2008** – To amend the Comprehensive Policy Manual (City Debt Policy)
- #154-2008** – To amend the Comprehensive Policy Manual (City Investment Policy)
- #155-2008** – To designate the date on which a reduced load period shall start or end on Highways
- #156-2008** – To amend Comprehensive Traffic By-law #127-2001 (repeal of 4-way intersection)
- #157-2008** – To authorize the use of All Terrain Vehicles on highways and to regulate their use
- #158-2008** – To amend Motorized Snow Vehicles By-law #149-2007
- #159-2008** – To deem certain lands not to be within a Registered Plan of Subdivision
- #160-2008** – To designate a certain property under the Ontario Heritage Act
- #161-2008** – To authorize the execution of an amending agreement with the Ministry of Industry
- #162-2008** – To authorize the transfer of land to the City of Kenora (Anderson Road)
- #163-2008** – To assume, stop up, close and transfer part of Grey Street, Block 8, Plan 88, designated as Parts 2, 3 & 4, Plan 23R11607 in exchange for an easement to the City over Parts 1 & 2, Plan 23R11607.

***Councillor Cuthbert then requested the Rules of Order be suspended to introduce the following new item, to which Council concurred:***

**By-law – Sale of land to Benoit**

**27A Moved by W. Cuthbert, Seconded by R. McMillan & Carried:-**

**THAT** as recommended by the City Solicitor, Council hereby repeals By-law Number 118-2008, adopted August 11, 2008 with respect to the transfer of land on Wharf Street; and further

