

Minutes

Of a Meeting of the Council of the City of Kenora Monday, September 15, 2008 – City Council Chambers 5:00 p.m.

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 Preisentanz, CAO, Karen Brown, Finance & Administration Manager, Warren Brinkman, Fire & Emergency Services Manager, Colleen Neil, Recreation Services Manager, Rick Perchuk, Operations Manager and Joanne L. McMillin, City Clerk.

Call to Order

Mayor Compton called the meeting to order and Councillor McMillan 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 Five Year Capital Plan to increase the 2008 municipal paving budget allocation by \$463,040 for municipal paving purposes;
- To amend the 2008 Capital Budget to authorize an appropriation from the Parking Meter Reserves in the amount of \$8,700.00 to refurbish the parking meter bases;
 - To impose a Set Fine Schedule for a Ban on Feeding Wild Animals By-Law;
- To amend the 2008 Operating Budget to appropriate funds from the Kenora Fire Service Equipment Replacement Reserve to fund costs related to the acquisition of a wireless communications system;
- To designate property at 210 Second Street South as a property of historical value or interest under Part IV of The Ontario Heritage Act;
- To designate property at 1 Seventh Street South as a property of historical value or interest under Part IV of The Ontario Heritage Act;
- To authorize the purchase of certain lands at the corner of Second and Matheson Streets

 South

Confirmation of Minutes

1. Moved by A. Poirier, Seconded by D. McCann & 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 August 11, 2008
 - Regular Council Meeting held August 11, 2008
- Special Meeting of Council held August 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:

There were no deputations.

Appointment to Accessibility Advisory Committee

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

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

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

Report on Municipal Performance Measurement Program

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

THAT Council of the City of Kenora receive the August 2008 report on the Municipal Performance Measurement Program; and further

THAT the City of Kenora Municipal Performance Measurement Program – 2007 Results be provided to the Minister and circulated to the public in accordance with Section 299 of the Municipal Act.

<u>Agreement with FedNor – Broadband Funding</u>

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

THAT Council of the City of Kenora give three readings to a by-law to authorize an agreement between the City of Kenora and Industry Canada (FedNor) to provide broadband funding for Grassy Narrows First Nation; and further

THAT the Mayor and Clerk be authorized to sign related documents relating to this Agreement.

Approval of Collective Agreements - KPFFA and CUPE Local 191

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

THAT Council of the City of Kenora give three readings to two separate by-laws as follows:-

- 1) authorizing an agreement between the Corporation of the City of Kenora and the Kenora Professional Fire Fighters' Association (KPFFA) Local 943 for the term January 1, 2008 to December 31, 2010; and
- 2) authorizing an agreement between the Corporation of the City of Kenora and Canadian Union of Public Employees (CUPE) Local 191 for the term January 1, 2006 to December 31, 2008.

1,000 Officers Partnership Program

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

THAT Council give three readings to a by-law to authorize the execution of an agreement between the Minister of Community Safety & Correctional Services, the City of Kenora, and the Kenora Police Services Board with respect to the Safer Communities – 1,000 Officers Partnership Program.

Donation to NW Ontario Sports Hall of Fame Induction Dinner

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

THAT authorization be hereby given for an advertising donation in the amount of \$250.00 to the Northwestern Ontario Sports Hall of Fame in conjunction with its 27th Annual Induction Dinner taking place Saturday, September 27, 2008 in Thunder Bay.

Mayor Compton's attendance at Paterson Global Foods Anniversary

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

THAT Mayor Compton be hereby authorized to attend the 100th Anniversary of Paterson Global Foods taking place in Winnipeg, MB on October 9, 2008; and further

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

Attendance of Mayor Compton at Chamber of Commerce AGM

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

THAT Mayor Compton be hereby authorized to attend the Annual General Meeting of the Northwestern Ontario Associated Chambers of Commerce taking place in Kenora September 25 to 27, 2008; and further THAT all eligible expenses in accordance with Council's Travel & Per Diem Policy be hereby approved.

Support of PST Exemption to All Municipalities

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

WHEREAS municipalities in Ontario are faced with on-going financial pressures in order to provide reasonable levels of service in Ontario communities, and

WHEREAS local property taxes are the main source of funding for municipal budgets, and

WHEREAS the Federal Government has shown leadership in exempting municipalities from having to pay GST in recognition of one level of government taxing another;

THEREFORE BE IT HEREBY RESOLVED THAT the Council of the City of Kenora hereby supports the City of Owen Sound and requests that the Government of Ontario provide a full exemption of provincial sales tax on goods and services to all Ontario municipalities similar to the GST exemption, and further

THAT this resolution be forwarded to Premier Dalton McGuinty; The Honourable Dwight Duncan, Provincial Minister of Finance; the Association of Municipalities of Ontario; and Howard Hampton, M.P.P. seeking support for municipalities being exempt from provincial sales tax on goods and services.

Support of PST Exemption to Ontario Police Services

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

WHEREAS police services in Ontario are faced with on-going financial pressures to be able to provide reasonable levels of service to keep Ontario communities safe, and

WHEREAS local property taxes are the main source of funding for municipal and regional police services budgets, and

WHEREAS police services are faced with significant costs in paying for necessary specialty equipment, vehicles and buildings that are unique to ensure a safe Ontario, and

WHEREAS the Federal Government has shown leadership in exempting municipalities from having to pay GST in recognition of one level of government taxing another;

THEREFORE BE IT RESOLVED that the Council of the City of Kenora petition the Government of Ontario to provide a full exemption of provincial sales tax on goods and services for Ontario police services similar to the GST exemption.

Support of Deposit/Return System on Aluminum & Plastic Drink Containers 12. Moved by D. McCann, Seconded by W. Cuthbert & Carried:-

WHEREAS Aluminum Cans and Plastic Drink Containers create significant litter on our Roadways; and

WHEREAS the deposit/return system for alcoholic beverages has proved to be an effective deterrent to roadside littering; and

WHEREAS many of these Plastic Drink Containers contain water obtained by commercial operations with little or no positive benefit for local residents, and

WHEREAS large-scale water taking may adversely affect local water resources, and

WHEREAS commercial water tanker trucks create uncompensated wear to local roads; and

WHEREAS a deposit may encourage residents to use personal reusable containers reducing the demand for plastic bottled water;

THEREFORE BE IT RESOLVED THAT the Council of the City of Kenora endorses the Town of Milton's resolution requesting the Minister of the Environment consider placing a deposit/return system on aluminum and plastic drink containers; and further

THAT this resolution be forwarded to the Association of Municipalities of Ontario and Howard Hampton, MPP for information and support.

Updating of Ontario Mining Act

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

THAT the Council of the City of Kenora hereby supports and endorses the letter of support submitted by the Council of the Township of Atikokan with respect to unreasonable timeframes and minimal consultation with Northwestern Ontario communities in updating of the Ontario Mining Act; and further

THAT the City of Kenora submit a letter of support to Minister Gravelle's Office under the Mayor's signature regarding this matter, including reference to resource sharing and the long-term economic viability of these communities.

Amendment to Budget (Paving Allocation)

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

THAT Council hereby approves amending its 2008 capital budget to increase the 2008 municipal paving budget allocation by \$463,040 to a total of \$1,088,040, with funding to be provided through the Municipal Road and Bridge Infrastructure Investment Grant; and

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

THAT in accordance with Notice By-law Number 144-2007, public notice has been given that Council intends to amend its 2008 Municipal Five Year Capital Plan by by-law at its September 15th meeting.

Lease Agreement with Dave Holland Sports Enterprises Ltd.

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

THAT Council accepts and approves the proposal submitted by Dave Holland Sports Enterprises Ltd. for a three (3) year agreement of leased space in the Kenora Thistle Rink; and

THAT Council approves a lease agreement being entered into with Dave Holland Sports Enterprises Ltd. on the following basis for the occupied space:

\$250.00 plus applicable taxes, payable monthly during the first year of the Term

\$257.50 plus applicable taxes, payable monthly during the second year of the Term

\$265.22 plus applicable taxes, payable monthly during the third year of the Term; and further

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

Keewatin War Veterans Plague at Beatty Park

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

THAT Council of the City of Kenora hereby approves the addition of a bronze plaque citing the names of the Keewatin War Veterans at Beatty Park, Keewatin; and further

THAT there be no cost to the City of Kenora for this endeavour.

Councillor Van Walleghem then requested the Rules of Order be Suspended in order to introduce the following two items, to which Council agreed:-

Appointment of Emily Goss to Leisure Services Committee

16A Moved by C. Van Walleghem, Seconded by W. Cuthbert & Carried:-

THAT Council hereby appoints Emily Goss to replace Mike Shier on the Leisure Services Committee, with a term to expire November 30, 2010.

Recreation Supervisor Position – Job Description

16B Moved by C. Van Walleghem, Seconded by R. McMillan & Carried:-

THAT Council hereby approves the job description for the newly created Recreation Facility Supervisor position for the City of Kenora.

Wireless Communications System

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

THAT Council of the City of Kenora engages Bell Mobility Radio Division to design a wireless communications system to address the needs of the City of Kenora Fire and Emergency Services; and

THAT Council authorize an offsetting appropriation from the Kenora Fire Service Equipment Replacement Reserve to fund the costs related to the acquisition of this wireless communication system in an amount not to exceed \$192,000.00 taxes included; and

THAT in accordance with Notice By-law Number 144-2007, public notice has been given that Council intends to amend the 2008 Budget for this purpose at its September 15th 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 Service Equipment Replacement Reserve for this purpose.

By-law to Ban Feeding of Wild Animals

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

THAT Council hereby repeals By-Law Number 74-2008, being a By-Law to prohibit the feeding of wild animals within the boundaries of the City of Kenora in order to incorporate the following changes recommended by the City Solicitor into a new by-law:

- 1.a) Definitions "Wild Animals" to read:
- "all mammals other than domestic animals (some examples include, but are not exclusive to deer, bears, fox, squirrels, groundhogs, etc.)"
 - 1.b) Definitions "Feed" or "Feeding" to read:
- "means the deliberate act of furnishing, or otherwise making available, food or other substances which is likely to be consumed by wild animals"
 - 1. Add (e) to Definitions:
 - "Device" refers to feeding stands, salt blocks, bird feeders less than 8' eight feet) in height";
 - 2.c) Under Prohibitions of Feeding replace "materials" with "device".

Schedule "A" – Reduce the amounts in the Set Fine structure; and further

THAT following adoption of the new by-law, Administration make arrangements to establish and have approved, a Set Fine Schedule for this purpose as set out below:

BY-LAW SECTION #	SHORT FORM WORDING	SET FINE
Section 2. (a)	Intentional Feeding of wildlife	\$ 300.00
Section 2. (b)	Place or allow any device or material to attract wildlife Exception: Bird Feeders 8' (eight feet) or over	\$ 200.00
Section 2. (c)	Failure to remove materials	\$ 200.00
Section 2. (d)	Failure to modify or remove device	\$ 200.00

Exemption to By-law #153-2005 - Motor Size on Rabbit Lake

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

THAT the Council of the City of Kenora hereby approves an exemption to By-law #153-2005 being granted as outlined below in conjunction with the completion of a marine telephone cable project on Rabbit Lake:-

 A variance exemption for the motor size on Rabbit Lake in favour of Bell Canada and its contractors for the operation of a barge with a motor greater than 9.9 HP for the period September 15 to December 1, 2008 for installation of the marine cable.

Amendment to Budget - Refurbishing of Parking Meter Bases 20 Mayod by P. McMillon, Seconded by D. McCopp & Carried

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

THAT Council of the Corporation of the City of Kenora authorizes an appropriation of \$8,700 from the Parking Meter Reserves to be allocated to the payment of costs of refurbishing the parking meter bases located in the Main Street areas associated with the Downtown Revitalization; and further

THAT in accordance with Notice By-law #144-2007, notice has been given that Council intends to amend its 2008 Capital Budget for this purpose at its September 15 meeting.

Councillor McCann then requested the Rules of Order be Suspended in order to introduce the following item, to which Council agreed:-

<u>Approval of Job Description for Asset Manager Technician Position</u> 20A Moved by D. McCann, Seconded by R. McMillan & Carried:-

THAT Council hereby approves the job description for the newly created Asset Management Technician position for the City of Kenora.

Sale of Shoreline abutting Hilly Lake

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

THAT Council of the City of Kenora hereby declares property abutting property described as CON 3J PT ML 285P PCL 15122 abutting Hilly Lake as surplus to the needs of the municipality; and

THAT in accordance with the City of Kenora 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 and surveying process has been completed, Council give three readings to a by-law to authorize the sale of land to the interested parties, at the appraised value as established by Century 21 – Reynard Real Estate, plus all associated costs

Easements over lands known as Old Fort Island

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

THAT Council of the Corporation of the City of Kenora authorizes the Mayor and Clerk to undertake, on behalf of the City of Kenora, easements for the purposes of flooding and existing transmission lines over the lands known as Old Fort Island (Parcel 16); and further

THAT the City of Kenora will not be responsible for any costs associated with such easements.

Purchase of Property – 2nd and Matheson Streets South 23. Moved by W. Cuthbert, Seconded by R. McMillan & Carried:-

THAT Council of the Corporation of the City of Kenora authorizes the Mayor and Clerk to enter into an agreement of purchase and sale for 29 square metres of land located on the northeast corner of Second and Matheson Streets South, described as Parts 1 and 2 on Plan 23R 11609; and further

THAT the negotiated purchase price for said lands is \$15,000, plus applicable taxes and a maximum of \$2,500 for landscaping improvements, upon presentation of receipts for payment for such works.

Sale and Exchange of lands - Old Colonization Road

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

THAT the Council of the City of Kenora declares surplus the property described as Parts 2, 4, 5 and 6 on Plan 23R11606; and

THAT in accordance with the Notice By-law, notice has been given pertaining to the sale of the subject lands, in accordance with Notice By-law 144-2007; and

THAT Council give three readings to a by-law to authorize the sale of land to 1651056 ONTARIO INC., as a lot addition (consolidation) to property described as PT BULMER'S MILL LOC; DESN AS RP 23R8032 PARTS 1,2,3 PCL 38627, in exchange for lands described as Part 7 on Plan 23R11606; and

THAT the City of Kenora accepts transfer of Part 8 on Plan 23R11606; and

THAT Parts 7 and 8 on Plan 23R11606 be dedicated and assumed as municipal road allowance; and further

THAT the Municipal Solicitor will coordinate the transfers on behalf of the City.

Intention to designate Fire Hall under Ontario Heritage Act

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

WHEREAS the property at 350 Second Street South, known as Kenora Fire Hall, meets the criteria prescribed by the Province for designation under the Ontario Heritage Act; and

WHEREAS Heritage Kenora considered a staff report recommending designation of this property at its meeting of August 21, 2008 and recommended that the property be designated under the Ontario Heritage Act; and

WHEREAS these actions of the City of Kenora Council fulfill the requirement of the Ontario Heritage Act that Council consult with the Board before giving notice of its intention to designate a property; and

WHEREAS the staff report advises that the building meets the criteria for historical designation under the Act; and

WHEREAS extensive community consultation has made very clear the significance of the building as a historical, cultural and architectural anchor, helping to define the historical character of the neighbourhood; and

WHEREAS acting now to designate the property under the Ontario Heritage Act will protect the heritage of the downtown area and City of Kenora skyline;

NOW THEREFORE BE IT RESOLVED THAT Council of the City of Kenora gives notice of its intention to designate the portion of the property at 350 Second Street South, known as the *Kenora Fire Hall*, legally described as Plan 25, Blk 2, Lots 273 & 274, under Part IV of the *Ontario Heritage Act* for its cultural heritage value or interest; and further

THAT the Planning Department be authorized and directed to take the necessary action to give effect thereto.

Councillor Cuthbert then requested the Rules of Order be Suspended in order to introduce the following two items, to which Council agreed:-

<u>2007 Lake of the Woods Development Commission – Annual Report</u> 25A Moved by W. Cuthbert, Seconded by D. McCann & Carried:-

THAT the Council of the City of Kenora hereby accepts the 2007 Annual Report of the Lake of the Woods Development Commission.

<u>Amendment to Development Agreement with Twin Eleven Investments</u> 25B Moved by W. Cuthbert, Seconded by C. Van Walleghem & Carried:-

THAT approval be hereby given to amend the Development Agreement with Twin Eleven Investors Ltd.; and

THAT the Council give three readings to a by law to amend Schedule 'A' to By-law #116-2008 being a Development Agreement with Twin Eleven Investors Ltd., and to By-Law #19-2005, for the purpose of permitting the development of a generator building 10.934 metres from the property line adjacent to Minnesota Street, and a deck on the subject property known as the Islandview Condominium, 5 Bay Road; and

THAT the Municipal Solicitor be directed to register the By-law at the cost to the Developer; and further

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

#147-2008 – a by-law to amend a Development Agreement between the Corporation of the City of Kenora and Twin Eleven Investors Ltd.

<u>Proclamation – Child Abuse & Neglect Prevention Month</u> 26. Moved by R. McMillan, Seconded by D. McCann & Carried:-

THAT the Mayor be and is hereby authorized to proclaim the month of October, 2008 as "Child Abuse & Neglect Prevention Month" in and for the City of Kenora.

<u>Tender – Snow Ploughing</u>

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

THAT the following tenders for graders and loaders for snow ploughing of City roads and streets, taxes included, be received;

Grader	Hugh Munro Const.	\$187.43 / hr
Grader	Pioneer Construction	\$114.32 / hr
Grader	Joe Neniska and Sons	\$105.00 / hr
Grader	Lawrence F. Derouard	\$ 84.00 / hr
Loader	Ed's Landscaping	\$115.50 / hr
Loader	Dunit Contracting	\$ 94.50 / hr; and

THAT the three lowest tenders for graders received from Lawrence F. Derouard, in the amount of \$84.00/hour, Joe Neniska & Sons, in the amount of \$105.00/hour and Pioneer Construction, in the amount of \$114.32/hour, all prices including tax, be hereby accepted; and

THAT the tender received from Dunit Contracting, in the amount of \$94.50 / hour, taxes included, for loader service be hereby accepted; and further

THAT the following sole tender for 1 skid steer loader to perform snow removal services at the Kenora Parkade and Chipman Street parking lot be received and accepted:-

Dunit Contracting

\$ 57.75 /hr (taxes included).

Tender – Winter Sand

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

THAT the following quotations for the supply and delivery of 7,500 tonnes of treated winter sand, be received;

<u>Treated Sand</u> (includes tax)

Neniska and Sons Ltd \$15.80 per tonne Hugh Munro Construction \$20.73 per tonne;

and

THAT the quotation for the supply and delivery of 7,500 tonnes of treated winter sand from Joe Neniska and Sons Ltd., pending material successfully passing sieve analysis testing, be hereby accepted; and further

THAT the only quotation received for the supply of 500 tonnes of bulk de-icing salt from Sifto Canada Corp., be hereby accepted:-

Sifto Canada Corp (tax extra)

\$108.02 per tonne.

Adoption of By-laws

29. Moved by C. Drinkwalter, Seconded by D. McCann & 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: ~

#131-2008 – To confirm proceedings of Standing and other Committee Meetings of Council

#132-2008 – To amend the 2008 Municipal Budget (paving budget allocation)

#133-2008 – To execute a funding agreement under the Safer Communities Partnership Program

#134-2008 – To execute a Collective Agreement with the Kenora Professional Fire Fighters Association

#135-2008 – To execute a Collective Agreement with the Canadian Union of Public Employees and its Local 191

#136-2008 – To execute a Letter of Agreement with FEDNOR for broadband infrastructure funding

- #137-2008 To execute a lease agreement with Dave Holland Sports Enterprises Ltd.
- #138-2008 To amend the 2008 Municipal Budget (Parking Meter Reserves)
- #139-2008 To prohibit the feeding of wild animals in the City of Kenora
- #140-2008 To stop up, close and sell that part of Block 48, Plan 23M796, designated as Parts 1 & 2, Plan 23R-11592
- **#141-2008** To designate a certain property under the Ontario Heritage Act (210 2nd Street South)
- #142-2008 To designate a certain property under the Ontario Heritage Act (1 7th Street South)
- **#143-2008** To amend Comprehensive Zoning By-law #160-2004 (215 First Street South)
- #144-2008 To amend the 2008 Municipal Budget (Fire Service Equipment Reserves)
- #145-2008 To assume stop up, close and sell that part of the road allowance in front of Locations D104, D122, and D130, designated as Parts 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10, Plan 23R11560
- **#146-2008** To assume part of Old Colonization Road, designated as Parts 3, 4 & 5, P23R11606 and to transfer parts of Old Colonization Road and Bulmer's Mill Location designated as Parts 2, 4, 5 & 6, 23R11606 in exchange for part of Bulmer's Mill Location designated as Part 7, 23R11606.

<u>Adjournment</u>

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

THAT this meeting be and is hereby adjourned at 5:45 p.m.

THE CORPORATION OF THE CITY OF KENORA:

CONFIRMED AS WRITIEN THIS	$S \dots DAY OF \dots 2008$
•••••	•••••
MAYOR	CITY CLERK.