



Minutes

*Of a Meeting of the Council of the City of Kenora
Tuesday, April 14, 2009 – 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.**

**STAFF: Bill Preisenzanz, City CAO, Karen Brown, Finance & Administration Manager, Warren Brinkman, Fire & Emergency Services Manager, Colleen Neil, Recreation Services Manager, Sharen McDowall, HR 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**

**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:-

*The 2009 Municipal Operating & Capital Budgets, including the Water & Sewer Utility, and Solid Waste Utility Budgets;*

*Setting of the Tax Ratios and Tax Rates for 2009;*

*An amendment to the 2008 Municipal Operating Budget and Five Year Capital Plan to withdraw funds out of various Reserves with respect to the Kenora Recreation Complex;*

*A fee increase for daily rates for the School-age Day Camp at the Castle of Learning & Discovery Children's Centre, effective April 15, 2009;*

*A transfer of lands to Schadek-Parsons and Hoyland on Plan 23R-11669;*

*Accept and assume Darlington Trail and Duffus Road as highway for public/municipal purposes.*

**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:-

- **Regular Council Meeting held March 9, 2009**

**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.

Mayor Compton made a Declaration of Pecuniary Interest with respect to Resolution #'s 47 and 51 including By-law #55-2009 as his company rents office space to the successful firm regarding Real Estate services for the City.

**DEPUTATIONS:****Roger Cumberland**

Mr. Cumberland, Gang Intelligence Officer at the Kenora District Jail, advised that Acting Superintendent Walker requested he attend to give Council and the public an overview on the concern of graffiti in the community. Mr. Cumberland gave a brief history on his 20 year career at the District Jail, with 16 years being involved with gang related issues throughout Northwestern Ontario and the Manitoba corridor.

Mr. Cumberland provided a package to Members of Council, illustrating different types of graffiti from about a year ago around the community, and what the various graphics mean. He indicated much of it is difficult to read and in most cases is displayed for other taggers for the marking of territory. Of the different graffiti Mr. Cumberland indicated the most popular type in Kenora is 'hip hop' and 'gang' and he discussed the three rules of graffiti: read it, record it; remove it. Mr. Cumberland explained that graffiti should be removed as soon as possible; as not only is it an eyesore but by allowing graffiti to remain in the community is condoning the message that it contains, which can lead to turf battles, assaults and threats.

The District Jail is interested in formulating a strategy to clean up and remove the graffiti around the city especially since we are promoting Kenora as a tourist town. He noted that in the past representatives of the Jail have contacted both Police Services regarding this matter and they share information regarding these issues as it relates to various persons incarcerated at the jail. Ideally it would be good to have a program for incarcerated persons to clean the graffiti, but this has not been acted upon for a few reasons.

Mayor Compton thanked Mr. Cumberland for his presentation and noted Bill Preisenzanz; CAO will be in touch with him regarding this matter.

**Patrick Brett**

Mr. Brett, a Member of the Kenora Police Services Board, expressed concern on Council's proposal to reduce the size of the Board from five to three members.

Mr. Brett gave an overview of the workload of the Board, noting that while deceiving at times, there are many Board Member responsibilities. He questioned why Council has decided to reduce the size of the Board at this time.

He referred to the Town of Fort Frances and the Town of Atikokan which previously were policed under Section 31 of the Police Services Act, (a Municipal force) and are now under Section 10 (OPP force) and both have chosen to stay with a five member Board. Mr. Brett expressed concern on ensuring there is a quorum at meetings with a five member Board and that it will be even more of a concern with a three member Board.

He also referred to the length of time it takes for provincial appointments to be made, often up to a year. In closing, Mr. Brett highlighted the duties and responsibilities of a Section 10 Board and other work that goes unseen. Mr. Brett provided a CD to the Clerk regarding the duties of a Section 10 Police Services Board and requested consideration be given to this matter prior to voting on tonight's motion. Mr. Brett was thanked for his deputation.

### **Appointment to KDMA Executive**

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

THAT Council hereby appoints Councillor Chris Van Walleghem as Council's representative on the Kenora District Municipal Association (KDMA) Executive.

### **Appointments to LOW Development Commission**

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

THAT as recommended by the Lake of the Woods Development Commission, the Council of the City of Kenora hereby appoints Dwayne Yaremko of the Chamber of Commerce, and Glenn Morrison of the Kenora District Labour Council to the Lake of the Woods Development Corporation for the 2009 calendar year.

### **Appointment to Kenora Transit Authority**

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

THAT Tony Valenta, Handi Transit Representative, be hereby appointed to replace Margaret Maybank on the Kenora Transit Authority Board.

### **Appointments to Environmental Advisory Committee**

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

THAT Council hereby appoints the following to the City of Kenora Environmental Advisory Committee, with a term to expire November 30, 2010:-

Diane Clarke  
Kim Mowrey  
Diane Pelletier  
David Schwartz  
Erika Olson  
R. Cecil Burns  
Michael McLean

### **Appointment to the Kenora Accessibility Committee**

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

THAT Council hereby approves the application from Ruth Bowiec to fill a vacant position on the Kenora Accessibility Committee; and further

THAT Ruth Bowiec be appointed to the Committee with a term to expire November 30, 2010.

**Endorsation of Resolution – Presumptive Legislation Regulation**

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

Whereas Firefighters provide an invaluable service to the public and may risk their own personal safety in order to protect the lives of residents in the City of Kenora; and

Whereas studies have shown that Firefighters suffer from an incidence of some cancers and other diseases that is significantly greater than the normal population, and that this may be due to Firefighters' exposure to toxic chemicals and carcinogens during the course of fighting fires; and

Whereas in response to these studies, the Provinces of Manitoba, Alberta, Saskatchewan and Nova Scotia have amended their Workers Compensation legislation to include a presumption that, for identified types of cancer in Firefighters, the disease is attributable to work as a Firefighter; and

Whereas Council for the City of Kenora in April of 2007 supported the call for the Ontario Provincial Government to review Ontario's Workplace Safety and Insurance Act in order to ensure that Firefighters and their families receive fair and timely compensation for illness or disease that is attributable to their work as firefighters; and

Whereas the Council for Township of Otonabee-South Monaghan and the Council for the City of Ottawa have called on the Ontario Provincial Government to move as quickly as possible to ensure the Regulations contained in Bill 221 are extended to include Volunteer and Part Time Firefighters;

Therefore Be It Resolved that Council of the City of Kenora call on the Ontario Provincial Government to take action as quickly as possible to ensure that Bill 221 protection be extended to include the same level of coverage for Volunteer and Part Time Firefighters; and further

BE IT RESOLVED THAT this resolution be forwarded to the Honourable Dalton McGuinty, Premier of Ontario, Minister of Labour the Honourable P. Fonseca, Minister of Community Safety and Correctional Services the Honourable R. Bartolucci, Minister of Northern Development & Mines, the Honourable Michael Gravelle, the Honourable Howard Hampton, MPP, the Leader of the Progressive Conservative Party of Ontario, the Leader of the New Democratic Party, the Association of Municipalities of Ontario, the Fire Fighter's Association of Ontario and the Ontario Association of Fire Chiefs.

**New Construction/New to Class Properties for 2009**

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

THAT Council approve the implementation of the minimum tax level of 100% for new construction / new to class properties for 2009; and further

THAT By-law #41-2009, being a by-law to adopt optional tools for the purposes of administering limits for eligible properties within the meaning of Section 331 (new construction) for the commercial, industrial and multi-residential property classes be approved.

**2009 Operating and Capital Budgets**

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

THAT the City of Kenora 2009 Municipal Operating Budget and Five Year Capital Plan as reviewed and amended by the Budget Committee of Council be approved; and

THAT Council authorize City senior management to proceed with the implementation of all budget related decisions in accordance with those reflected within the amended budgets; and

THAT By-law #46-2009, a By-law to approve the 2009 Municipal Operating Budget and the Municipal Five Year Capital Plan be approved; and further

THAT in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to formally adopt the 2009 Municipal Operating and Municipal Five Year Capital Plan by by-law at its April 14 Council Meeting.

*Councillor McCann read a prepared statement with respect to the budget process and policing costs.*

*Councillor McMillan then read a Press Release highlighting various aspects of the 2009 budget process.*

**2009 Water & Sewer Utility Budget**

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

THAT in accordance with Notice By-Law Number 144-2007, public notice is hereby given that Council intends to adopt the 2009 Water & Sewer Utility Budget at its April 14 meeting; and

THAT Council hereby approves the 2009 Water & Sewer Operating Budget and Five Year Capital Plan, as amended; and further

THAT Council give three readings to By-Law Number 47-2009 – A By-Law to approve the 2009 Water & Sewer Utility Budget.

**2009 Solid Waste Utility Budget**

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

THAT in accordance with Notice By-Law Number 144-2007, public notice is hereby given that Council intends to adopt the 2009 Solid Waste Utility Budget at its April 14 meeting; and

THAT Council hereby approves the 2009 Solid Waste Operating Budget and Five Year Capital Plan, as amended; and further

THAT Council give three readings to By-Law Number 48-2009 – A By-Law to approve the 2009 Solid Waste Utility Budget.

**Tax Ratios and Tax Rate Reductions**

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

THAT Council hereby gives three readings to the following By-laws:

By-law #49-2009 – to set tax ratios and to set tax rate reductions for prescribed property classes and subclasses for municipal purposes for the year 2009; and

*By-law #50-2009 – to adopt the estimates for all sums required for the year, to establish rates to be levied for same and to provide for penalty and interest in default of payment thereof for 2009 and further*

THAT in accordance with Notice By-law #144-2007, public notice is hereby given of Council's intention to set tax ratios and tax rates for 2009 at its April 14 meeting.

***Councillor Poirier left the meeting at 5:40 p.m.***

**Various Tools for 2009 Taxation Year**

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

THAT Council hereby approves the implementation of the following tools for the 2009 taxation year:

- Annualized Tax Limit of 10% for each of the commercial, industrial and multi-residential property classes.
- Prior Year's CVA Tax Limit of 5% for each of the commercial, industrial and multi-residential property classes.
- CVA Tax Threshold for Protected Properties related to increases in the amount of \$250 for each of the commercial, industrial and multi-residential property classes.
- CVA Tax Threshold for Clawed Back Properties related to decreases in the amount of \$250 for each of the commercial, industrial and multi-residential property classes; and

THAT By-law #51-2009, a By-law to adopt optional tools for the purposes of administering limits for certain property classes be approved; and

THAT Council hereby approves the implementation of the following tools for the 2009 taxation year for the purposes of excluding certain properties from the capping process:

- CVA Tax in 2008
- Cross Over CVA Tax in 2009; and further

THAT the appropriate By-law authorizing the use of the tools for excluding certain properties from the capping process be developed and brought forward to Council for approval once the final Ontario Regulations are in place.

**Amendment to Agreement for Police Services**

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

THAT Council of the City of Kenora hereby gives three readings to a by-law to amend By-law Number 191-2008, authorizing the entering into of an agreement for police services for a five (5) year term in accordance with the original proposal submitted by the Ontario Provincial Police and modified as necessary to comply with the requirements of the decision of the Ontario Civilian Commission on Police Services to reflect the Kenora Police Service be disbanded effective on or before July 30<sup>th</sup>, 2009; and

THAT the Kenora Police Services Board be hereby directed to take all steps necessary to effect a smooth transition and comply with the directions of the Ontario Civilian Commission on Police Services; and further

THAT Resolution #1 dated December 22, 2008 be and is hereby rescinded.

**Upgrades to Kenora Police Station Building**

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

THAT Council of the City of Kenora hereby amend the 2009 municipal operating budget to authorize upgrades to the Kenora Police Station Building to an amount not to exceed \$182,000 in accordance with the improvements outlined by the City's Building Coordinator; and

THAT authorization be provided to withdraw the required funding from the Kenora Police Station Building Reserve; and further

THAT the Kenora Police Services Building on Highway 17 East be retained as the municipal detachment for a minimum of 5 years or until such time as a viable alternative is adopted by Council.

**Composition of Kenora Police Services Board**

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

THAT Council of the Corporation of the City of Kenora hereby authorizes a change to the composition of the Kenora Police Services Board in view of the City contracting with O.P.P. under Section 10 of the Police Services Act; and

THAT the Kenora Polices Services Board composition be reduced from five Members to three (3) Members; and further

THAT Council give three readings to a by-law for this purpose once an effective date has been determined.

**Appropriation from Reserves – Kenora Recreation Complex**

**17. Moved by C. Van Wallegem, Seconded by D. McCann & Carried:-**

THAT Council hereby approves an appropriation from Recreation Reserves totaling \$276,682.18 for the purposes of funding unfinanced capital outlay related to the expansion at the Kenora Recreation Complex, set out as follows:

- \$34,150.74 from the KRC Recreation Complex Reserve;
- \$84,650.00 from the Recreation Equipment Reserve;
- \$10,900.00 from the KRC External Facilities Reserve;
- \$146,981.44 from the KM Recreation Complex Reserve; and

THAT Council hereby gives three readings to a By-law to amend the 2008 Municipal Operating Budget and Five Year Capital Plan 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 Budget and Five Year Capital Plan by by-law at its April 14<sup>th</sup> meeting.

**Endorsation of Resolution – CBC Staff/Programming Reductions**

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

Whereas CBC Radio is an integral to the fabric of Canada and a National treasure that provides service to Regions within Canada; and

Whereas CBC Radio in Northwestern Ontario is the only broadcast medium that serves the entire region; and

Whereas CBC Thunder Bay reports on issues that are critically important to all of Northwestern Ontario; and

Whereas CBC Thunder Bay provides crucial "survival" information during significant road closures, severe weather and forest fire threats; and

Whereas CBC Thunder Bay promotes and exposes to the rest of Canada, the work of regional artists and other important elements of Northwestern Ontario's culture; and

Whereas CBC Thunder Bay provides a voice to communities and individuals who would not otherwise be heard;

THEREFORE BE IT RESOLVED, that the Council of the Corporation of the City of Kenora requests the President of the Canadian Broadcasting Corporation, Mr. Hubert T. Lacroix, to reconsider the proposed elimination of jobs at CBC Thunder Bay; and



THAT the Council of the City of Kenora hereby endorses the resolution recently adopted by the Council of the City of Thunder Bay with respect to the shortfall in funding for the Canadian Broadcasting Corporation (CBC) and recommending an increase of Federal funding for the CBC so the jobs involved in the delivery of CBC local and regional programming can be retained in Thunder Bay, the region and across Canada; and further

BE IT RESOLVED THAT a copy of this resolution be forwarded to Stephen Harper, the Right Honourable Prime Minister of Canada, the Minister of Canadian Heritage, the President of the CBC, the Honourable Michael Gravelle, Minister of Northern Development & Mines, Ogichidaa'kwe Diane Kelly Grand Council Treaty #3, the Honourable Greg Rickford, M.P., and the Honourable Howard Hampton, M.P.P., for their support and response.

**Attendance at Annual NOMA Conference**

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

THAT authorization be hereby given for Councillor Van Walleghem to attend the Annual Conference of the Northwestern Ontario Municipal Association taking place April 15 to 18, 2009 in Fort Frances, ON; and further

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

**Amended City Investment Policy**

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

THAT Council hereby approves the amended City Investment Policy, FI-4-2; and further

THAT Council adopt the appropriate by-law for this purpose.

**Section 357 Tax Adjustments**

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

THAT the Section 357 tax adjustments totaling \$184,997.51, (plus applicable penalty adjustment), with potential refunds of \$184,238.07 be approved.

**Write-off of Accounts**

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

THAT Council hereby approves the write-off of accounts totaling \$28,062.21; and further

THAT City staff be directed to continue collection efforts on these accounts.

**Execution of Investment Contracts**

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

THAT Council hereby authorizes the appropriate By-laws to execute the contracts with the Kenora Citizens' Prosperity Trust Fund, MFC Global for Investment Management Services and RBC Dexia for related Custodial Services; and further

THAT Council hereby authorizes the Mayor and the Clerk to execute any and all required documents as a result of these appointments.

**OPP 100<sup>th</sup> Anniversary Program Advertisement**

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

THAT in recognition of the O.P.P. 100<sup>th</sup> Anniversary Black & White Gala event taking place May 23, 2009 in Brampton, ON, Council hereby authorizes the purchase of a 'Business Card' Program Advertisement in the amount of \$500.00.

**Annual Statement of Remuneration and Expenditures**

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

THAT Council receive the reports prepared by Charlotte Edie, Deputy Treasurer dated March 2, 2009 as required under Section 284 of The Municipal Act, 2001, as amended, setting out the Annual Statement of Remuneration and Expenditures for Members of Council in accordance with Remuneration By-law #60-2005.

**Annual Statement of Remuneration and Expenditures (KDSB)**

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

THAT Council receive the report prepared by Charlotte Edie, Deputy Treasurer dated April 2, 2009 as required under Section 284 of The Municipal Act, 2001, as amended, setting out the Annual Statement of Remuneration and Expenditures for Members of Council with regards to remuneration paid by the Kenora District Services Board to City of Kenora representatives for 2008.

**Support of NOSDA Discussion Paper**

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

THAT the Council of the City of Kenora hereby endorses and supports the Northern Ontario Service Deliverers Association (NOSDA) Discussion Paper under date of March 27, 2009 with respect to a number of recommendations for improving the housing system in Northern Ontario in terms of structure, funding and management; and further

THAT a copy of this resolution be forwarded to the Honourable Jim Watson, Minister of Municipal Affairs and Housing, Gary Scripnick, Chair of the Northern Ontario Service Deliverers Association, and the Honourable Howard Hampton, M.P.P.

**Support of Private Members Bill C-309**

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

THAT the Council of the City of Kenora hereby receives a copy of the First Reading of Private Members' Bill C-309 to create a permanent Economic Development Agency for Northern Ontario; and

THAT Council hereby supports this important proposed legislation, recognizing the tremendous and positive impact that FedNor funding has in our region, and in Northern Ontario; and further

THAT a copy of this resolution of support for Private Members' Bill C-309 be forwarded to the Honourable Tony Clement, Federal Minister of Industry, the Honourable Anthony Rota, M.P. for Nipissing-Timiskaming, and the Honourable Greg Rickford, M.P., Kenora.

**Amendment to Labour Adjustment Advisory Agreement**

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

THAT Council give three readings to a by-law to amend By-law Number 73-2008 to extend the date of the Labour Adjustment Advisory Funding Agreement to October 31, 2009.

**Nomination for Senior of the Year**

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

THAT the Council of the City of Kenora hereby nominates Irma Milko for the 'Senior of the Year Award' for 2009; and further

THAT arrangements be made to forward the nominating information to the Ministry of Citizenship and Culture before April 30, 2009.

**South Harbourfront Parking Lot Closures**

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

THAT Council hereby authorizes the full closure of the South Parking Lot on the Harbourfront in conjunction with the following events planned for the summer of 2009:-

Lake of the Woods Canadian Armed Forces Day – June 5 from 6:00 p.m. to June 6 at 12:00 Midnight;

Street Festival (Midway) – June 18 at 6:00 p.m. to June 21 at 6:00 a.m.;

Welcome Back Visitors Weekend Festivities – June 30 at 6:00 p.m. to July 7 at 6:00 a.m.;

Harbourfest – July 27 at 6:00 p.m. to August 3 at 12:00 Midnight

Kenora Bass International – August 4 at 12:00 Midnight to August 11 at 6:00 a.m.

**Increase in School-Age Day Camp**

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

THAT Council hereby approves the fee increase for the daily rates for the Castle of Learning & Discovery Children's Centre for the School-Age Day Camp to \$29.00 per day effective April 15, 2009, and further

THAT notice is hereby given in accordance with Notice Bylaw #144-2007 to increase the daily rate fee for the Castle of Learning by giving three readings to a by-law to amend Table 10 (2) on Schedule 'B' to Tariff of Fees & Charges By-law #147-2007.

**Summer Student at LOW Museum**

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

THAT Council of the City of Kenora approve the hiring of one summer student for the Lake of the Woods Museum for the months of May through August 2009; and further

THAT the Museum Director be authorized to fill the respective position and to establish the employment terms of reference in consultation with the Human Resources Manager according to Municipal Hiring Practices and Regulations.

**Public Docking Policy**

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

THAT the Council of the City of Kenora hereby adopts Public Docking Policy #OP-6-1 for the purpose of offering public boat docking within the municipality at a variety of locations on a seasonal and daily basis, and for the monitoring and enforcement of such docking; and further

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

**Agreement with Kenora Trappers' Council**

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

THAT the Kenora Trappers' Council Agreement with the City of Kenora respecting nuisance beaver services for the period May 16 to September 15, 2009, inclusive, be accepted; and further

THAT upon acceptance by Council the agreement be signed by the Kenora District Manager of the Ontario Ministry of Natural Resources, authorizing the Kenora Trappers' Council to act as an agent under Section 31(2) of the Fish and Wildlife Conservation Act.

**Building Canada Fund Agreement**

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

THAT Council of the City of Kenora give three readings to a bylaw to execute an agreement with the Ministry of Agriculture, Food and Rural Affairs for the Building Canada Fund – Contribution Agreement in the amount of \$2 million representing federal and provincial contributions for the marine water line; and further

THAT the Mayor and Clerk be authorized to execute all related documents.

**Endorsation of Resolution – Municipality of Thames Centre**

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

THAT the Council of the City of Kenora hereby endorses the position of the Municipality of Thames Centre as set out in their March 2, 2009 letter to the Province, requesting immediate provincial support to municipalities and private sector partners to secure the long-term viability of waste diversion programs; and further

THAT a copy of Kenora's support be forwarded to the Honourable John Gerretsen, Minister of Environment, the Honourable Howard Hampton, M.P.P., and the Municipality of Thames Centre.

**Endorsation of Resolution – Sunset Country Travel Region**

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

WHEREAS in February of 2009, the Province of Ontario released The Sorbara Report – Discovering Ontario; A Report on the Future of Tourism, with four broad strategic proposals and 20 specific recommendations to revitalize and grow tourism in the Province; and

WHEREAS should the Province follow through on these recommendations, the investments in both the south and north of the Province, will benefit tourism; and

WHEREAS, the recommendation to eliminate and amalgamate the Sunset Country Travel region, leaving only one large organization to include Sault Ste. Marie to the Manitoba border, is an error; and

WHEREAS the visitor spending in the Sunset Country Travel region is vastly different than the two regions with which the Province proposes amalgamation; and

WHEREAS 43% of the tourism income in Northern Ontario is generated in Northwestern Ontario, with 66% generated in Sunset Country; and

WHEREAS given the difference in customer bases, there will not be effective marketing of Sunset Country within the new proposed regional structure; and

WHEREAS within the Kenora and Rainy River Districts, which are currently defined as the Sunset Country Travel Region, tourism supported directly, and indirectly 12,235 full-year jobs, \$451 million in economic activity; wages and salaries in excess of \$393 million, and \$185 million in Federal, Provincial and Municipal taxes; and

WHEREAS the destination brand "Sunset Country" has excellent equity and reputation within the region itself, and in-markets built over 35 years of marketing; and

WHEREAS the Ontario's Sunset Country Travel Association is recognized as the lead tourism marketing organization in Northwestern Ontario with effective marketing programs and established, successful marketing partnerships;

THEREFORE BE IT RESOLVED that the Council of the City of Kenora hereby lobbies the Province and Municipal Associations to support the addition of a twelfth region, or the Sunset Country Travel region be retained as a tourism area and that Sunset Country Travel Association is designated by the Province as the lead organization within the twelfth region once it is established.

**Endorsation of Resolution – Municipality of Grey Highlands**

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

THAT the Council of the City of Kenora hereby endorses the resolution received from the Municipality of Grey Highlands; and

THAT Council requests the Province to undertake a comprehensive review of the potential health and land use impacts (including property values), to the general public, associated with **all** renewable energy facilities; and

THAT the Province be requested to review the proposal in Bill 150, to remove local land use planning controls associated with any application made under the Planning Act, for the location of such renewable energy facilities; and further

THAT a copy of this resolution be forwarded to the Honourable Dalton McGuinty, Premier of Ontario, the Minister of Energy and Infrastructure, the Minister of Municipal Affairs and Housing, the Minister of Environment, the Minister of Natural Resources, the Association of Municipalities of Ontario, the Honourable Howard Hampton, M.P.P., and the Municipality of Grey Highlands.

**Lease Agreement – Loaf 'N Jug Food Mart Ltd.**

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

THAT the City of Kenora gives three readings to a by-law to enter into a lease agreement for a three (3) year period ending May 31, 2012 with Keith & Louise Myshkowsky of Loaf 'N Jug Food Mart Ltd. for the purpose of the use of a deck on a portion of municipal property adjacent to 1132 Ninth Street North; and further

THAT the Mayor and Clerk be authorized to enter into such agreement on behalf of the City of Kenora.

**Surplus Property along Laurenson Creek**

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

THAT Council of the City of Kenora hereby declares property described on the application to purchase, abutting Lots 23, 24 and 25 on Plan M33 (907/909/911 First Street S) and Laurenson Creek, and approximately .0844 ha in size, as surplus to the needs of the municipality; and

THAT the City of Kenora will maintain an easement 1.5 metres north of the centre of the sewer main line and 2.5 metres south of the centre of the sewer main line, and that the survey of the easement will be paid for by Vincenzo and Filomena Cianci; and

THAT in accordance with Notice By-law #144-2007, 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 Vincenzo and Filomena Cianci at the appraised value as established by Century 21-Reynard Real Estate, plus all associated costs; and further

THAT Resolution #30 dated December 15, 2008 be and is hereby rescinded.

**Amendment to Subdivision Agreement with 1703591 Ontario Inc.**

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

THAT Addendum Number 2, as amended, to the subdivision agreement with 1703591 Ontario Inc., be approved by Council; and

THAT three readings be given to a by-law for this purpose; and further

THAT the Municipal Solicitor will co-ordinate the matter on behalf of the City.

**Agreement with MNDM – Northwest Business Centre**

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

THAT the City of Kenora approve the Business Plan of the Northwest Business Centre as attached to the April 1, 2009 report of Jeffrey Port, City Planner; and further

THAT the Mayor and Clerk be authorized to execute an agreement to extend the agreement with the Ministry of Northern Development and Mines for the delivery of the Business Enterprise Centre program for the 2009/10 fiscal year.

**Sale of Land – Hoyland and Schadek-Parson**

**44. Moved by W. Cuthbert, Seconded by C. Drinkwalter & Carried:-**

THAT the Council of the City of Kenora gives three readings to a by-law to authorize the sale of the land described as Part 1 on Plan 23R-11669 to Michael and Patti Schadek-Parson, and land described as Part 2 on Plan 23R-11669 to Sheri and Lee Hoyland, at the appraised value as established by Century 21 – Reynard Real Estate, plus all associated costs; and further

THAT the Mayor and Clerk be authorized to enter into the agreement of purchase and sale.

**Duffus Road and Darlington Trail as Public Highways**

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

THAT Council give three readings to a by-law to accept and assume both Duffus Road, and Darlington Trail as public highways, for municipal purposes, as laid out on Plan of Subdivision 23M945.

**Lease Agreement with Ernest Whiting**

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

THAT Council gives three readings to a by-law to enter into a lease agreement for two seasons ending November 30, 2010 with Ernest John Whiting for use of a water lot designated as Part 1 on Plan 23R-6877.

**RFP – Real Estate Services**

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

THAT Council hereby receives the RFP’s for Real Estate Services for the City of Kenora from the following:-

- Kenora Home and Cottage Realty Inc.
- Century 21 Reynard Real Estate Ltd. and further

THAT three readings be given to a by-law to enter into a Real Estate Services contract with Century 21 Reynard Real Estate Ltd., for a three (3) year period.

**RECORDED VOTE:~**

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

**ABSTENTION: Mayor Compton**

**Tender – GIS Mapping Update**

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

THAT the following proposals be received by the City of Kenora for the 2009 GIS Mapping Update (GST Included):

| <b>Company</b>         | <b>Total Price</b>        |
|------------------------|---------------------------|
| AECOM Canada Ltd.      | \$ 99,792.00              |
| TDB Consultants Inc.   | \$ 80,679.06              |
| The ORTHOSHOP          | \$144,923.10              |
| First Base Solutions   | \$ 54,075.00              |
| MAPCON Mapping Ltd.    | \$ 55,085.10              |
| ATLIS Geomatics        | \$131,790.75              |
| Northway-Photomap Inc. | \$209,155.80; and further |

THAT the proposal submitted by First Base Solutions, in the amount \$54,075.00 (GST Included), be accepted.



**Tender – 2009 Urban Street & Highway Line Marking****49. Moved by D. McCann, Seconded by W. Cuthbert & Carried:-**

THAT the following tenders for the 2009 Urban Street and Highway Line Marking (GST included), be received:-

|                         | Line Marking | Hourly Rate (Extra Work) |
|-------------------------|--------------|--------------------------|
| Rite-Way Decorators Ltd | \$77,175.00  | \$65.00                  |
| North-West Lines Ltd    | \$82,845.00  | \$64.00                  |

AND FURTHER THAT the quotation submitted by Rite-Way Decorators Ltd., in the amount \$77,175.00 (GST included) with an hourly rate of \$65.00 (plus GST) for extra work, be accepted.

**Approval of By-laws****50. Moved by D. McCann, Seconded by C. Drinkwater & 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:~

**#40-2009** – To confirm proceedings of Council and other Committee Meetings

**#41-2009** – To adopt optional tools for the purposes of administering limits for eligible properties within the meaning of Section 331 of the Municipal Act (new construction) for the commercial, industrial and multi-residential property classes

**#42-2009** – To authorize the execution of an agreement between the Corporation of the City of Kenora, the Kenora Citizens' Prosperity Trust Fund and MFC Global Investment Management (Canada)

**#43-2009** – To authorize the execution of a Custodian Agreement between the Corporation of the City of Kenora, the Kenora Citizens' Prosperity Trust Fund and RBC Dexia Investor Services Trust

**#44-2009** – To adopt an amendment to the City of Kenora Official Plan

**#45-2009** – To amend Comprehensive Zoning By-law Number 160-2004

**#46-2009** – To approve the 2009 Municipal Operating Budget and the 2009 Municipal Five Year Capital Plan

**#47-2009** – To approve the 2009 Water & Sewer Utility Budget

**#48-2009** – To approve the 2009 Solid Waste Utility Budget

**#49-2009** – To set tax ratios and to set tax rate reductions for prescribed property classes and subclasses for municipal purposes for the year 2009

**#50-2009** – To adopt the estimates for all sums required for the year, to establish rates to be levied for same and to provide for penalty and interest in default of payment thereof for 2009

**#51-2009** – To adopt optional tools for the purposes of administering limits for certain property classes

**#52-2009** – To authorize the entering into of a Lease Agreement between the Corporation of the City of Kenora and Loan 'N Jug Food Mart Ltd.

**#53-2009** – To establish Darlington Trail and Duffus Road as Highways for public/municipal purposes

**#54-2009** – To authorize the extension of a contract between the Corporation of the City of Kenora and the Province of Ontario (Ministry of Northern Development and Mines) for delivery of services – Northwest Business Centre

**#55-2009 – Separate Motion**

**#56-2009** – To assume, stop up, close and sell that part of the road allowance in front of Mining Location 285P and 431P, Jaffray, now City of Kenora, District of Kenora

**#57-2009** - To amend By-law Number 148-2007 being the Comprehensive Policy Manual for the Corporation of the City of Kenora (Docking Policy)

**#58-2009** – To execute a funding agreement for the Building Canada Fund-Communities Component, Intake One Funding between her Majesty the Queen in Right of Canada as represented by the Minister of Agriculture, Food and Rural Affairs and the Corporation of the City of Kenora

**#59-2009** – To execute a funding agreement extension for an Adjustment Committee between Her Majesty the Queen in Right of Ontario as represented by the Minister of Training, Colleges and Universities Affairs and the Corporation of the City of Kenora

**#60-2009** – To amend By-law Number 191-2008 being a by-law to disband the Kenora Police Service and to contract for city-wide Policing with the Ontario Provincial Police

**#61-2009** – To amend By-law Number 148-2007 being the Comprehensive Policy Manual for the Corporation of the City of Kenora (Investment Policy)

**#62-2009** – To adopt amended estimates for Operating and Capital Reserves to be incorporated into the sums required for municipal purposes during the year, 2008

**#63-2009** – To authorize the execution of an agreement between Her Majesty the Queen in Right of Ontario as represented by the Minister of Community Safety and Correctional Services, the Corporation of the City of Kenora and the Kenora Police Services Board

**#64-2009** – To amend Schedule “B” to By-law Number 147-2007 being a by-law to establish a General Tariff of Fees & Charges for the City of Kenora

**#65-2009** – To amend By-law Number 56-2008 to authorize the execution of an Addendum to the Subdivision Agreement between the Corporation of the City of Kenora and 1703591 Ontario Inc.

**#66-2009** – To authorize the execution of a Lease Agreement with Ernest John Whiting for a water lot on Third Avenue South.

**Approval of By-law for Real Estate Services**

**51. Moved by C. Drinkwalter, Seconded by W. Cuthbert & Carried:-**

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

**#55-2009** – To authorize the execution of a contract between the Corporation of the City of Kenora and Century 21 Reynard Real Estate Ltd.

**RECORDED VOTE:~**

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

**ABSTENTION: Mayor Compton**

**Adjournment**

**52. Moved by R. McMillan, Seconded by C. Van Wallegghem & 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 6:24 p.m. to discuss an item pertaining to the following:-

- **Disposition of Land Matter**

**Council reconvened to Open Session at 7:45 p.m.**

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

THAT Council hereby reconvenes to Open Session with no report from its Closed Meeting, and the meeting stood adjourned.

*THE CORPORATION OF THE CITY OF KENORA:*

*CONFIRMED AS WRITTEN THIS .....DAY OF.....2009*



*MAYOR*

*CITY CLERK*