



# Minutes

*Of a Meeting of the Council of the City of Kenora  
Monday, August 10, 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 C. Van Wallegghem.**

**Staff: Bill Preisntanz, CAO, Karen Brown, Finance & Administration Manager, Warren Brinkman, Fire & Emergency Services Manager, and Heather Kasprick, Deputy Clerk.**

### **Call to Order**

**Mayor Compton called the meeting to order and Councillor Drinkwater 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 Schedule "A" to the Tariff of Fees by-law to include bagging of meters.*
- *To amend Schedule "B" to the Tariff of Fees by-law to increase the daycare and after school care rates at the Castle of Learning and Discovery Centre*
- *Amend the contract under By-Law #88-2008 for Marine Water Main Replacement.*

### **Confirmation of Minutes**

**1. Moved by C. Drinkwater, Seconded by C. Van Wallegghem & Carried:-**

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

- **Regular Council Meeting held July 13, 2009**
- **Special Council Meeting held July 29, 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.

There were None Declared.

**DEPUTATIONS:**

**None present**

**Heritage Kenora- Committee Membership**

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

That the City of Kenora hereby appoints Barbara King and Tim Davidson, as members at large, to the Heritage Committee, for a term concurrent with this term of Council.

**NWHU Youth Action Alliance Program**

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

THAT Council of the City of Kenora support the North Western Health Unit's Board of Health Resolution No. 80-2009, June 26, 2009 for the Ministry of Health to delay the termination of the YAA program until such time as the new Youth Engagement Strategy is ready to roll out.

**Council Vacancy – Selection Process**

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

THAT on July 13, 2009, Council declared Andrew Poirier's Councilor's seat 'vacant' as at July 31, 2009; and

THAT in order to conduct the filling of this vacancy in the most fair, transparent and effective manner possible, Council hereby directs the City Clerk to prepare an advertisement calling for interested persons who meet the necessary qualifications, to allow their name to stand for appointment to complete the term of office to November 30, 2010; and

THAT Council reserves the right to include other eligible persons for consideration, including former Members of Council with those received through the advertising process; and

THAT the selection process will be determined based on the number of names received for consideration for appointment; and further

THAT in keeping with legislative timeframes, an appointment to fill the vacant seat on Council will take place at a meeting of Council to be held before September 28, 2009.

**New Autumn Event****5. Moved by R. McMillan, Seconded by W. Cuthbert;**

THAT the Council of the City of Kenora approve the creation of the Redneck Regionals event as a new event for 2009, and further

THAT the City of Kenora allocate \$20,000 towards the Redneck Regionals event to cover prizes, infrastructure and program costs.

**Discussion:** Councillor McMillan requested that this event be put on hold as he is opposed to the term "redneck". Councillor Van Wallegghem had a difficult time with the amount of funds requested. More information requested from staff and clarification from service club partnerships.

**HOLD – Table****By-Law Enforcement Tariff of Fees****6. Moved by R. McMillan, Seconded by C. Van Wallegghem & Carried:-**

THAT an addition to Schedule "A" to By-law 147-2007 to include:

| DEPARTMENTAL SECTION   | FEE DESCRIPTION           | FEE                                                   |
|------------------------|---------------------------|-------------------------------------------------------|
| 21. By-Law Enforcement | Bagging of Parking Meters | \$ 15.00/day/double meter<br>\$ 8.25/day/single meter |

; and further

THAT in accordance with Public Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend the General Tariff of Fees and Charges By-Law 147-2007 at its August 10th meeting.

THAT Council give three readings to a by-law to Amend Schedule "A" to Tariff of Fees & Charges By-law #147-2007, adding number 21, By-Law Enforcement, Bagging of Parking Meters.

**Request for Special Occasions Permit****7. Moved by R, McMillan, Seconded by C. Drinkwalter & Carried:-**

THAT approval be hereby given for the Alcohol and Gaming Commission to issue a Special Occasions Permit to Chad Gropp in conjunction with a wedding taking place at Coney Island Park as noted:-

Friday, August 14, 2009 between the hours of 4:00 p.m. to 1:00 a.m.; and further

THAT the caterer Chad Gropp be provided with a copy of the Municipal Alcohol Policy for completion prior to the above event.

**Funding Agreement with Phase II redevelopment**

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

That Council of the City of Kenora give three readings to a bylaw authorizing the Mayor and Clerk to execute an agreement with Industry Canada/FedNor for funding in the amount of \$2,000,000 for Phase II redevelopment of the Harbourfront known as Project No. 842-504008.

**JM Judo Club grant Application**

**9. Moved by C. Van Wallegem , Seconded by C. Drinkwalter & Carried:-**

THAT Council agrees to support the JM Judo Club's Application to Hydro One's Power Play grant naming the City of Kenora as a lead applicant.

**Increase of Daycare and After-School fees**

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

THAT the Council of the City of Kenora approve the fee increase for the daily rates for the Castle of Learning & Discovery Children's Centre for Toddlers to \$34.00 per day, Pre-school to \$31.00 per day, Before School to \$4.00 and After School to \$8.00 per day.

THAT in accordance with Notice By-Law Number 144-2007, public notice is hereby given that Council intend to amend the Tariff of Fees By-Law at its August 10<sup>th</sup>, 2009 meeting; and

THAT Council give three readings to a by-law to amend Schedule "B" to Tariff of Fees and Charges By-Law Number 147-2007; and

THAT this increase is becomes effective September 01, 2009.

**Marine Water Main Replacement – Amend Contract**

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

THAT Council approve the additional cost in the amount of \$76,500.00 to accommodate the request by AECOM, formerly UMA, to increase the Marine Water Main Replacement Project to a seven (7) day operation, which includes additional inspection and commissioning with funding to be covered under the approved 2009 Capital allocation for the project; and further,

THAT Section 1.23.1 Preparation of Estimate of Fees, Schedule etc. in the contract, forming part of By-Law #88-2008, be amended to reflect these changes; and further

THAT in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2009 Municipal Five Year Capital Plan at its August 10<sup>th</sup> meeting.

**By-Laws under By-Law Enforcement**

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

THAT "By-Law Enforcement Officer" short form wording be added to By-Laws #181-2008 - Solid Waste and Recycle Material Management System; By-Law #50-2004 - Regulate Signs and other Advertising Devices and By-Law #160-2004 - Regulate the Use of Lands and the Character, Location and Use of Buildings or Structures in the City of Kenora, as amended, in order to identify responsibility for enforcement; and further

THAT "By-Law Enforcement Officer" replace the short form wording "Peace Officer" in By-Law #94-2006 - Regulation, Erection and Maintenance of Fence in order to reassign responsibility for enforcement; and further

THAT "By-Law Enforcement Officer" replace "Chief Building Official" in By-Law #76-2005 - Respecting Litter, Yard Waste and Property Maintenance in order to reassign responsibility for enforcement; and further

THAT that the Operations Department proceed with the development of Short Form Wording for a Set Fine Schedule for By-Law #76-2005 and brought forward to Committee for review.

**Marine Water Line Replacement**

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

THAT Council authorizes the City of Kenora to enter into a contract with Galcon Marine Ltd. to perform works associated with the Replacement of the Marine Water Line; and further

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

**Zoning By-law Amendment Z02/09 Queen**

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

THAT Council approves the application to rezone property described as Parts 1, 2 and 3 on Registered Plan 23R-9072, from RR – Rural Residential to HC – Highway Commercial(H), with the following conditions:

1. That the City of Kenora will implement site plan control on the subject lands with a minimum of:

(i) a visual barrier, being a fence or line of trees (compatible with the City's approved species list) be located to provide a buffer for the residence to the east of the consolidated property, and to the west of the consolidated property, and a drainage and stormwater management plan prepared by an accredited professional engineer and approved by the City Engineer;

(ii) that a clearance letter will be provided, considering the property as it is consolidated, from the Northwestern Health Unit, for private services;

And a Phase I Environmental Assessment report.

**Deeming By-Law Request**

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

THAT

1. All the lands contained within the boundaries of Lots 14 and 15, on Registered Plan of Subdivision M. 904, in the City of Kenora, formerly the Town of Jaffray Melick 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, this 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.

**Immigration Web Portal**

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

THAT the City of Kenora support the Northwestern Ontario immigration web portal project being led by the City of Thunder Bay; and

THAT the Economic Development Officer participates in the project working group; and

THAT the Mayor and Clerk be authorized to enter into any required agreement.

**Amending Agreement with Rogers Communications Inc.**

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

That Council of the City of Kenora hereby gives three readings to a bylaw ratifying an amending Agreement between the City of Kenora and Rogers Communications Inc. for lease of an equipment storage building adjacent to the Valley Drive communication tower.

**Surplus Lands**

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

THAT the Council of the City of Kenora declares property described as PLAN 18 BLK 7 LOT 8 as surplus to its needs; and

THAT Bill Scribilo, of Century 21 Reynard Real Estate Ltd. be authorized to market the subject lands; and

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



**Transfer of Property****19. Moved by D. McCann, Seconded by C. Drinkwalter & Carried:-**

THAT Council of the City of Kenora hereby direct administration to commence discussions with the Ministry of Natural Resources to investigate the potential transfer of Town Island to the Ministry in exchange for Crown land of equal value within or adjacent to the City boundaries for municipal purposes, as well as residential and recreational land development; and further

THAT in the event a successful exchange of property is negotiated, it is understood that MNR would add Town Island to the Lake of the Woods Conservation Reserve to ensure its long term protection.

**Councilor Dave McCann spoke to this Resolution:**

With this resolution before us this evening Council will direct administration to commence discussions with the Ministry of Natural Resources to investigate the potential transfer of Town Island to the Ministry in exchange for Crown land of equal value within or adjacent to the City boundaries for municipal purposes, as well as residential and recreational land development.

Town Island, which has been owned by the City since 1895, is a significant property given its prominent place on Lake of the Woods as one of the last undeveloped and accessible islands that falls outside of the city limits. During this past century, the use of Town Island has been limited to a summer camp site operated by B'nai Brith and a remote beach site. Town Island has generated many discussions with previous Councils as to how to achieve value for the taxpayers of the City of Kenora; while respecting the water quality of the Lake of the Woods, addressing the issue of excessive development on the Lake of the Woods, and how to keep this island as a green space that can be enjoyed by all our citizens and visitors.

We, being the City of Kenora and the Ministry of Natural Resources, feel that we have come up with a solution that is without a doubt a "win-win" for all stakeholders.

The Ministry of Natural Resources (MNR) is a very significant owner of property, adjacent and within the limits of the City of Kenora. Property, that if it was exchanged for Town Island, and owned by the City of Kenora could be developed for municipal purposes or residential and cottage purposes, and would increase the assessment base of the City of Kenora. Property that could also be sold at market value that the City could benefit from. Presently, as the owner of Town Island, if the island were to be developed, the City would not receive any taxes through assessment as Town Island falls outside the City Limits.

If Town Island is exchanged and the MNR would be the registered owner, the property would be de-patented and the MNR would add Town Island to the Lake of the Woods Conservation Reserve to ensure its long term protection. Adding Town Island to the Lake of The Woods Conservation Reserve would guarantee the future of Town Island as a green space for all our residents and visitors while still providing B'nai Brith with an opportunity to operate its summer camp. The Province of Ontario has declared the water quality of the Lake of the Woods as a provincial priority and this

would be a step in the right direction to preserving and improving the water quality on the Lake of the Woods.

I will speak briefly as to how this will take place. The City of Kenora will obtain a market value appraisal of Town Island. The MNR will obtain a market value appraisal of a number of properties that they own within city limits. Discussions will take place between local MNR officials, CAO Mr. Bill Priesantanz, City Solicitor Mr. Bruce Ormiston. I will represent Council at these discussions. Any exchange of properties would be on the basis of an equal value exchange.

At this point, MNR is in the process of completing environmental scans of potential properties that will be made available to the City so we are not able to disclose what properties are under consideration. Before any transfer of properties takes place, however, the public will be advised through the MNR public consultation process, and correspondingly, City Council must, by way of public process pass a bylaw to acquire any lands.

**Concession RFP's for the Recreation Centres**

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

THAT the following request for proposals for the Kenora Recreation Concession and Keewatin Memorial Arena Concession be received:

| <u>Company/Supplier Name</u> | <u>Monthly Lease Amount</u> | <u>Note</u>                   |
|------------------------------|-----------------------------|-------------------------------|
| Donna Alders                 | \$ 620.00                   | Keewatin Memorial Arena only  |
| Jennifer Schott              | \$ 900.00                   | Kenora Recreation Centre only |
| Chad Gropp's Catering        | \$ 900.00                   | Kenora Recreation Centre only |

And;

THAT the proposal from Donna Alders, in the amount of \$620.00 per month, be hereby accepted for Food and Beverage Services at the Keewatin Memorial Arena Concession; and further

THAT the RFP submitted by Jennifer Schott was withdrawn on August 5, 2009; and further

THAT the awarding of the Kenora Recreation Centre Concession Tender be placed on hold.

**Discussion:** Council discussed that the RFP provided by Chad Gropp did not meet the requirements that were set out in the RFP and therefore must be looked at again.



**School Crossing Guard Tender**

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

THAT the only tender to provide School Crossing Guard Service for the 2009 – 2010 school year and the 2010 – 2011 school year, including tax, be received:

|                               |                          |
|-------------------------------|--------------------------|
| Alpine Janitorial Kenora Inc. |                          |
| 2009 - 2010                   | \$50,929.20              |
| 2010 – 2011                   | \$52,113.60; and further |

THAT the tender received from Alpine Janitorial Kenora Inc., in the amount of \$103,042.80, including tax, be hereby accepted.

**By-Laws**

**22. Moved by C. Van Wallegem, Seconded by W. Cuthbert & 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:~

**#115 - 2009** ~ Confirm proceedings of Council and other Committee Meetings

**#116 - 2009** ~ Amend the Tariff of Fees & Charges by-law with respect to the bagging of meters

**#117 - 2009** ~ Amend the Tariff of Fees & Charges by-law with respect to the fee increase at the Castle of Learning and Discovery Centre

**#118 - 2009** ~ Amend the 5 year capital budget with respect to additional costs for the marine water main replacement project

**#119 - 2009** ~ Amend various by-law short form wordings with regards to by-law enforcement

**#120 - 2009** ~ Execute an agreement with Galcon Marine Ltd.

**#121 - 2009** ~ Execute an amending agreement with Rogers Communications Inc.

**#122 - 2009** ~ Deeming particular property as surplus

**#123 - 2009** ~ Agreement with Industry Canada/Fednor for funding

**Announcements**

Councillor R. McMillan thanked all the volunteers, including City staff, for volunteering their time at a variety of events in the City this summer, which leads to the success of these events.

Councillor D. McCann noted that with the next phase of funding announcements, tenders will go out immediately for the completion of the underground works at First Street plaza.

**Adjournment**

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

THAT this meeting be now declared closed at 5:32 p.m.

*THE CORPORATION OF THE CITY OF KENORA:*

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

*OF.....2009*

.....  
*MAYOR*

.....  
*CITY CLERK*

The logo for the City of Kenora is centered on the page. It features a circular emblem with a bridge and buildings inside. Below the emblem is a banner with the word "KENORA" written in large, bold, white capital letters. The entire logo is rendered in a light gray color.

**KENORA**