

# Minutes

Of a Meeting of the Council of the City of Kenora Monday, July 13, 2009 – 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, 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 Cuthbert read the Prayer.

# Public Information NOTICES as per By-law Number 144-2007 Mayor Compton then read the following notices:-

Take Notice that as required under Notice By-law #144-2007 Council intends to adopt the following at this meeting of Council:

- Amend Schedule 'B' to Tariff of Fees and Charges By-law Number 147-2007, regarding increases to Recreation Facility Rates to take effect September 1, 2009;
  - Amend the 2009 Operating & Capital Budget to withdraw funds from the Kenora Recreation Centre Complex Reserve for the RInC funding program in the amount of \$59,299;
  - Amend the 2009 Operating & Capital Budget to withdraw funds from the Keewatin Memorial Arena Reserve for repairs to the Keewatin Memorial Arena in the amount of \$31,179;
  - Amend the 2009 Solid Waste Budget to withdraw funds from the City's Solid Waste Reserve Fund in the amount of \$8,492.00, including tax, for the purchase of a Wheel Loader;
- Amend Schedule 'B' to Tariff of Fees and Charges By-law Number 147-2007 by creating a business rate under the Recreation Facility Rates.

## **Confirmation of Minutes**

## 1. Moved by A. Poirier, Seconded by C. Van Walleghem & 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 June 15, 2009
- Special Council Meeting held June 24, 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.

Councillor Poirier made a Declaration of Interest with respect to Item #6 & Item #7 on today's agenda with respect to his resignation from Council, and the subsequent declaration of the vacant seat.

#### **DEPUTATIONS:**

N/A

# **Appointment to Environmental Committee**

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

THAT Council hereby appoints Rosie Robertson to fill the vacancy on the Environmental Advisory Committee representing the Lake of the Woods Property Owners' Association (LOWPOA), with a term to expire November 30, 2010.

#### <u>Application to NOHFC & FedNor - Emergency Service Facility</u>

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

THAT Council of the City of Kenora hereby supports the submission to Northern Ontario Heritage Fund Corporation (NOHFC) and FedNor for funds to offset the construction costs associated with the City's Emergency Service Facility.

## Contract with Nelson Architecture - Emergency Service Facility

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

THAT Council of the City of Kenora engage Nelson Architecture Inc. to issue for tender the detailed design documents for the new Emergency Service Facility for the City of Kenora; and

THAT this detailed design be available for tender distribution by 20 July 2009; and

THAT Council engage Nelson Architecture to evaluate all bids received; and further

THAT Council engage Nelson Architecture to recommend to the City, the General Contractor to construct the new Emergency Service Facility based on their bid evaluation.

#### **Adoption of Comprehensive Emergency Plan**

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

THAT the Council of the City of Kenora hereby adopts the revised Emergency Plan dated April 2009; and

THAT Council gives three readings to a By-Law to Establish an Emergency Management Program for the Protection of Public Safety, Public Health, the Environment, the Critical Infrastructure and Property, and to Promote Economic Stability and a Disaster-resilient Community; and further

THAT this by-law shall take effect and come into force on July 13, 2009 at which time By-Law #112-2004 will be hereby repealed.

#### Councillor Poirier's Resignation from Council

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

THAT the Council of the City of Kenora hereby receives, with regret, the letter of resignation dated June 15, 2009 from Councillor Andrew Poirier to City Clerk Joanne McMillin, advising of his decision to resign from City Council, effective July 31, 2009.

#### **RECORDED VOTE Motion #6:~**

COUNCIL	AYE	NAY	Dec. of Interest	ABSENT
Councillor Cuthbert	V			
Councillor Drinkwalter			I Y COTA V	
Councillor McCann			700	
Councillor McMillan	<b>/</b>			
Councillor Poirier				
Councillor Van Walleghem	<b>V</b>			
Mayor Compton	<b>\</b>			

#### **Abstention: Councillor Poirier**

#### **Declaration of Vacant Council Seat**

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

THAT further to Councillor Poirier's resignation from Council, and in keeping with Section 259(1)(d) of The Municipal Act 2001, as amended, Council hereby declares the seat of Councillor Poirier to be vacant as of July 31, 2009; and further

THAT the City Clerk prepare a report to the August 4, 2009 Finance & Administration Committee meeting, outlining the various options and processes to fill the vacant seat on Council.

#### **RECORDED VOTE Motion #7:~**

COUNCIL	AYE	NAY	Dec. of Interest	ABSENT
Councillor Cuthbert	<b>\</b>			
Councillor Drinkwalter	<b>√</b>			
Councillor McCann	<b>√</b>			
Councillor McMillan	<b>√</b>			
Councillor Poirier			<b>✓</b>	
Councillor Van Walleghem	<b>√</b>			
Mayor Compton	<b>√</b>			

## **Abstention: Councillor Poirier**

#### **2008 Annual Report & Audited Financial Statements**

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

THAT Council approve the 2008 City of Kenora Annual Report, including the 2008 audited financial statements for the City; and further

THAT a copy of this report be made available for public viewing on the City's Portal, as well as at the front desk at City Hall.

# <u>Agreement with Ministry of Transportation - Ontario Bus Replacement</u> 9. 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 Her Majesty the Queen in right of Ontario represented by the Minister of Transportation with respect to the Ontario Bus Replacement Program.

# <u>Amend Terms of Reference – Environmental Advisory Committee</u>

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

THAT Council give three readings to a by-law to amend Section 3.0 under Committee Memberships to By-law Number 16-2009 being a by-law to establish the Terms of Reference for the City of Kenora Environmental Advisory Committee.

# Family Day 2010 - Kenora Recreation Centre

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

THAT approval be given for the Kenora Recreation Centre to remain open from 8:00 am to 4:00 pm February 15, 2010 for families and individuals to recreate on the Family Day Statutory Holiday; and further

THAT this item be conditional upon approval of the 2010 municipal operating budget.

#### **Non-Contracted Instructors Policy**

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

THAT Council of the City of Kenora receive the recommendation from the Leisure Services Committee to approve a Non-Contracted Instructors Policy for the City of Kenora; and

THAT Council hereby approves the Non-Contracted Instructors Policy No. CS-3-1; and further

THAT Council hereby adopts the appropriate by-law for this purpose.

#### **External Personal Trainers Policy**

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

THAT Council of the City of Kenora receive the recommendation from the Leisure Services Committee to approve the Personal Trainer Policy for City of Kenora; and

THAT Council hereby approves the External Personal Trainer Policy No. CS 3-2; and

THAT the business rate of \$1,200.00 for this policy be included in Schedule "B" to Tariff of Fees By-law #147-2007 under Community Services; and further

THAT Council give three readings to the appropriate amending by-laws to adopt this new policy and to approve the associated facility rate.

#### <u>Amendment to Tariff of Fees – Facility Rates</u>

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

THAT as recommended by the Leisure Services Committee, Council hereby approves the new facility rates outlined in the June 30, 2009 report of the Recreation Services Manager, effective September 1, 2009; and

THAT in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend the Tariff of Fees and Charges By-Law at its July 13, 2009 meeting to give effect to these rates; 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 future rates and fees be set at a rate of 65% cost recovery for adults, 55% cost recovery for children and youth and 100% cost recovery for Non-Resident rates; and further

THAT no annual increase be greater than 5% per year for children and youth rates and 10% for adult and non-resident rates until desired rate of percentage of cost recovery is reached.

#### JM Judo Club's application – Healthy Communities Fund

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

THAT Council of the City of Kenora supports the JM Judo Club's Application for the Healthy Communities Fund through the Ministry of Health Promotion naming the City of Kenora as a lead applicant.

# <u>Amendment to Traffic By-law – Seitler Drive @ Barkman Close</u>

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

THAT Council give three readings to a by-law to amend Traffic Regulation By-law #127-2001 to include the following changes to Schedule O "Stop Signs at Intersections" for Seitler Drive at Barkman Close intersection:-

#### Add:

<u>Column 1</u>	<u>Column 2</u>
<u>INTERSECTION</u>	FACING TRAFFIC
Seitler Drive and Barkman Close	North bound on Seitler Drive

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

#### Lease Agreements with Lake Navigation (Kenora) Ltd.

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

THAT Council authorizes the City of Kenora to enter into a Lease Agreement with Lake Navigation (Kenora) Ltd. for the dock area and storage building on the Harbourfront for a 5 year term effective May 1, 2005, with a subsequent 5 year renewal provision based on terms agreeable to both parties; and further

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

# Rowing Club Approval - Tops & Bottoms Regatta

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

THAT the Council of the City of Kenora hereby acknowledges the Kenora Rowing Club's Tops and Bottoms Regatta to be held July 25, 2009 on Rabbit Lake; and

THAT the following approvals be granted as outlined below in conjunction with this event:

- 1. A variance be granted for the motor size on Rabbit Lake as set out by By-law No. 153-2005 (as there is a need to operate 25-30 h.p. motors to keep up to the racing boats to ensure their safety on the water for the event).
- 2. The event buoys to be placed in the water two to three (2–3) days prior to the event, and to be removed the following week by the Kenora Rowing Club.

#### Removal of Parking Meters - Water Street

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

THAT the Council of the City of Kenora hereby gives authorization for the removal of parking meters located directly in front of the O.P.P. Station on Water Street; and further

THAT this area be designated as "Police Parking Only."

#### **New Communication Towers Policy**

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

THAT Council hereby authorizes the City of Kenora Tower Policy PP-1-1 to be amended to include Sections 6 – Exclusions and 7 – General Requirements of the Industry Canada CPC-2-0-03 – Radio Communication and Broadcasting Antenna Systems (effective January 1, 2008); and further

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

# Agreement with NOHFC - Port Kenora Tourism Attraction Project

#### 21. Moved by W. Cuthbert, Seconded by A. Poirier & Carried:-

THAT Council hereby authorizes the Mayor and Clerk to enter into an agreement, on behalf of the City, with the Northern Ontario Heritage Fund Corporation, with respect to NOHFC Project No. 950397 Port Kenora Tourism Attraction; and further

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

#### **Contract with Nelson Architecture - LOW Discovery Centre**

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

THAT Council hereby authorizes the entering into of a contractual agreement with Nelson Architecture to complete the design, tendering and contract administration for the Lake of the Woods Discovery Centre at a cost of \$159,490 (plus GST) as set out in their proposal dated July 3, 2009; and further

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

#### Authorize Sale of land Process (Smith)

#### 23. Moved by W. Cuthbert, Seconded by A. Poirier & Carried:-

THAT Council gives three readings to a by-law to authorize the sale of approximately 60 square metres of land, being part of PLAN 3 Block 3 Part of LOT 62 and Part of LOT 63 to Toni Margeurite Smith, at the appraised value as established by Century 21 – Reynard Real Estate, plus all associated costs; and further

THAT once the applicable by-law is prepared for this purpose, the Mayor and Clerk be authorized to enter into the agreement of purchase and sale.

#### <u>Development Agreement - Qualico Headwaters (Ontario) Inc.</u>

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

THAT the Council gives three readings to a by-law to authorize the entering into a development agreement with Qualico Headwaters (Ontario) Inc. for works associated with a condominium development on property described as Part of Tunnel Island designated as Registered Plan 23R11404 PART 1.

#### **Tender – Wheel Loader**

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

THAT the following tenders for the purchase of a Wheel Loader, be received:-

Toromont	omont 930H Cat	
Nortrax	Nortrax 544k John Deere	
Hytrac	621E Case	\$205,211.88
B&B Rentals	200 Doosan (2008)	\$223,053.40
	200 Doosan (2009)	\$250,149.60
	250 Doosan (2008)	\$291,822.48
Strongco	L70F Volvo	\$244,620.00
SMS Equipment PA250PZ Komatsu		\$183,492.00

AND THAT the quotation submitted by SMS Equipment, for the purchase of a PA250PZ Wheel Loader, in the amount of \$183,492.00, GST extra, be accepted; and

THAT Council hereby authorizes an additional allocation in the amount of \$8,492.00 to be funded through an offsetting appropriation from the Solid Waste Reserve Fund; and

THAT Council gives three readings to a by-law to amend the 2009 Solid Waste Utility Budget for this purpose; and further

THAT in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend the 2009 Solid Waste Budget at its July 13, 2009 meeting.

#### **Tender – Winter Sand and De-icing Salt**

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

THAT the following quotations for the supply and delivery of 11,000 tonnes of treated winter sand (tax included) be received:-

Hugh Munro Construction \$20.99 per tonne Joe Neniska & Sons Ltd. \$15.80 per tonne

AND THAT the quotation for the supply and delivery of 11,000 tonnes of treated winter sand from Joe Neniska and Sons Ltd., pending material successfully passing sieve analysis testing, be hereby accepted; and

THAT the following quotations for the supply of 500 tonnes of bulk de-icing salt, (tax extra) be received:-

Sifto Canada Corp. \$114.93 per tonne NSC Minerals \$109.34 per tonne

AND FURTHER THAT the quotation for the supply of 500 tonnes of bulk de-icing salt from, NSC Minerals, in the amount of \$109.34 per tonne, be hereby accepted.

#### RFP - Repairs to Keewatin Ice Plant

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

THAT the following RFP's for repairs to the ice plant at the Keewatin Memorial Arena, be received:-

Company/ Supplier Name	<u>e Amount</u>	*Note
Gateway Mechanical	\$ 2,032.00 + GST	Ammonia Detection Upgrade
** Cimco Refrigeration	\$ 4,937.00 + GST	Ammonia Detection Upgrade & Detector Calibration
Gateway Mechanical	\$15,612.00 + GST	Brine pump, valves, thermo-store tank replacement.
** Cimco Refrigeration	\$16,049.00 + GST	Brine pump, valves, thermo-stor tank replacement.
** Cimco Refrigeration	\$1,168.00 + GST	Discharge Thermometer and Water Pump repair.
** Cimco Refrigeration	\$ 6,598.00 + GST	Repair to Evaporative Condenser.
** Cimco Refrigeration	\$ 2,427.00 + GST	Brine Chiller feed end head inspection.

AND THAT the following from Cimco Refrigeration for the amounts indicated below for the necessary works be here accepted:-

Cimco Refrigeration	\$ 4,937.00 + GST	Ammonia Detection Upgrade & Detector Calibration
Cimco Refrigeration	\$16,049.00 + GST	Brine pump, valves, thermo-store tank replacement.
Cimco Refrigeration	\$ 1,168.00 + GST	Discharge Thermometer and Water Pump repair.
Cimco Refrigeration	\$ 6,598.00 + GST	Evaporative Condenser repair from Water Leaks.
Cimco Refrigeration	\$ 2,427.00 + GST	Brine Chiller feed end head inspection.

AND THAT in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend the 2009 Operating & Capital Budget at its July 13 meeting, to withdraw funds from the Keewatin Memorial Arena Reserve with respect to these works in the amount of \$31,179; and further

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

#### **RFP - Recreational Facility & Analysis**

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

THAT the following RFP's for a Recreational Facility & Services Analysis, be received:

Company/ Supplier Name	<u>Amount</u>	*Note
Canlan Ice Sports Corp.	\$ 32,500.00 plus GST	Only phase 1 was submitted in this request
Scatliff + Miller+ Murray Inc and jharper and associates.		
\$ 50,000.00 plus GST; <b>and further</b>		

THAT the proposal from Scatliff + Miller + Murray Inc and Jharper and Associates, in the amount of \$50,000.00 (plus GST) be hereby accepted.

#### RFP - Ice Plant Upgrades - Kenora Thistle Rink

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

THAT the following RFP's for the necessary works at the Kenora Thistle Rink be received:-

<u>Company/ Supplier Name</u> <u>Amount</u> \*Note

**Cimco Refrigeration Council Minutes	\$ 13,715+GST -	Brine Pump & Brine Balance Tank 10 - 13 Jul	fy 2009
Gateway Mechanical  ** Cimco Refrigeration  ** Energy Tech Services	\$ 14,799 + GST \$ 7,967 + GST \$12,867 + GST \$ 7,658 + GST \$ 2,060 + GST \$117,344 + GST \$ 16,286 + GST	Brine Pump & Brine Balance Tank Modify Cooling Jacket System Evaporative Condenser Upgrades Condenser fan failures and cycling problet Control of Ice Plant Compressors Heat Recovery System Instantaneous Hot Water Heaters	ms

<sup>\*\*</sup> Electrical work for the project will be an added expense and tendered separately.

AND THAT the proposals from Cimco Refrigeration as well as Energy Tech Services for the amounts indicated for the necessary works for the Kenora Thistle Rink be hereby accepted; and

THAT in accordance with Notice By-law Number 144-2007, public notice has been given that Council intends to amend the 2009 Operating & Capital Budget at its July 13 meeting, to withdraw funds from the Kenora Recreation Centre Complex Reserve with respect to offsetting costs of these works in the amount of \$59,299; and further

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

# RFP - Review & Update City's Official Plan & Zoning By-law 30. Moved by W. Cuthbert, Seconded by R. McMillan & Carried:-

THAT the following Proposals for a review and update of the City's Official Plan and Comprehensive Zoning By-law, be received:-

Edward Hoshizaki Development Consulting \$ 41,200.00 FoTenn Consultants Inc. \$ 40,120.00 Meridian Planning Consultants Inc. \$ 44,212.00; and

THAT the Proposal of FoTenn Consultants Inc. in the amount of \$40,120.00 excluding GST be accepted; and further

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

#### **Adoption of By-laws**

31. Moved by A. Poirier, 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:~

**#96-2009** ~ Confirm proceedings of Council and other Committee Meetings

**#97-2009** ~ Amend the Terms of Reference for the Environmental Advisory Committee

**#98-2009** ~ Enter into an agreement with the Ministry of Transportation (Bus Replacement Program)

 $\#99-2009 \sim \text{Execute}$  an agreement with NOHFC regarding Port Kenora Tourism Attraction

- **#100-2009** ~ Establish an Emergency Management Program for the protection of public safety, health, the environment, the critical infrastructure and property, and to promote economic stability and a disaster-resilient community;
- **#101-2009** ~ Amend the Tariff of Fees & Charges By-law with respect to Facility Rates
- **#102-2009** ~ Adopt a Policy regarding Non-contracted Instructors at the Kenora Recreation Centre
- **#103-2009** ~ Adopt a Policy regarding External Personal Trainers at the Kenora Recreation Centre
- **#104-2009** ~ Amend the 2009 Solid Waste Utility Budget to withdraw funds from Reserve
- $#105-2009 \sim \text{Amend Traffic By-law } #127-2001, Schedule "O" for stop signs at intersections$
- $\pmb{\#106\text{-}2009} \sim \text{Execute leases}$  with Lake Navigation (Kenora) Ltd., regarding the MS Kenora operation
- #107-2009 ~ Adopt a revised Communication Towers Policy
- #108-2009 ~ Enter into a Development Agreement with Qualico Headwaters (Ontario) Inc.
- **#109-2009** ~ Enter into an agreement with Nelson Architecture for the Lk of the Wds Discovery Centre
- **#110-2009** ~ Amend the 2009 Budget with respect to upgrading of facilities at the Recreation Centre
- $\#111-2009 \sim \text{Amend the 2009 Budget with respect to ice plant repairs at the Keewatin Memorial Arena$
- **#112-2009** ~ Amend the Tariff of Fees & Charges By-law with respect to a business facility rate for External Personal Trainers.
- **#113-2009** ~ Execute a contract with FoTenn Consultants to review and update the Official Plan and Zoning By-law for the City of Kenora.

#### **Announcements**

Members of Council and Administration extended best wishes to Councillor Poirier and his family as he steps down from Council on July 31 after almost six years, and thanked him for his dedication and commitment as an elected official. Councillor Poirier responded with heartfelt thanks and appreciation to his wife Marj, the Kenora public, City Administration, and colleagues on Council for their support, and also for the friendships he has developed over the years.

He noted that while it was not an easy decision to resign, he is looking forward to spending time with his family, and possibly some volunteering with the city in the future.

#### **Adjournment**

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

THAT this meeting be now declared closed at 5:55 p.m.

	THE CORPORATION OF	THE CITY OF KENORA:
	CONFIRMED AS WRITTE.	N THIS DAY
	<i>OF.</i>	2009
••••		
	MAYOR,	CITY CLERK