



Minutes

*Of a Meeting of the Council of the City of Kenora
Tuesday, May 19, 2009 – City Council Chambers
5:00 p.m.*

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

**Staff: Bill Preisentanz, CAO, Karen Brown, Finance & Administration Manager, Warren Brinkman, Emergency Services Manager, Colleen Neil, Recreation Services Manager, and Joanne L. McMillin, City Clerk.**

**Call to Order**

**Mayor Compton called the meeting to order and Councillor Drinkwalter 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:-**

- *An amendment to the 2009 Operating Budget to withdraw funds from the Kenora Police Service Building Reserve for improvements to the KPS building;*
- *Adoption of the 2009 Business Improvement Board Levy;*
- *An amendment to Water and Sewer By-Law 168-2004 amending By-Law 168-2004 Schedule "D", Table (i) – rate increase.*

**Confirmation of Minutes**

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

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

- **Regular Council Meeting held April 14, 2009**
- **Special Council Meeting held April 30, 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:**

**N/A**

**Appointment to Home for the Aged Board of Governance**

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

THAT Committee hereby appoints Stephen L. Mitchell to fill a vacancy created by Penny Lucas as the Area 1 representative on the District of Kenora Home for the Aged Board of Governance, with a term to expire November 30, 2010.

**Appointment to Landfill Liaison Committee**

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

THAT Bert Alcock be appointed, as representative from the general public, to the Landfill Liaison Committee, effective May 19, 2009, with a term to expire November 30, 2010.

**Attendances at NWO Regional Conference**

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

THAT authorization be hereby given for up to four (4) Council Members to attend the NWO Regional Conference in Thunder Bay, October 1 and 2, 2009; and further

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

**Harbourfest – Special Occasions Permit**

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

THAT approval be hereby given for the Alcohol and Gaming Commission to issue a Special Occasions Permit to Harbourfest 2009 for events taking place at the Harbourfront in conjunction with its Community Festival, as noted below:-

- July 31, 2009 between the hours of 4:00 p.m. and 1:00 a.m.
- August 1, 2009 between the hours of 12:00 p.m. and 1:00 a.m.
- August 2, 2009 between the hours of 12:00 p.m. and 1:00 a.m.; and

THAT the City of Kenora hereby designates this event as a "Community Festival" in and for the City of Kenora; and further

THAT Harbourfest 2009 be provided with a copy of the Municipal Alcohol Policy by the Community Events Coordinator for completion prior to the holding of the above event.

**Proposal to include Family Day to Tourism Exemption By-law**

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

THAT Council hereby receives the request from the Kenora & District Chamber of Commerce dated March 25, 2009, making application to Council to include "Family Day" in the list of exemptions under its maintenance and development of tourism By-law Number 15-99, (confirmed under By-law Number 122-2004); and

THAT Council hereby confirms the following Holidays currently in the Tourism Exemption By-law:

- New Year's Day
- Victoria Day
- Canada Day
- Labour Day
- Thanksgiving Day; and

THAT Council hereby gives public notice that it intends to include "Family Day" in the list of current exemptions to permit retail business establishments to be open for the maintenance and development of Tourism by adopting a new Comprehensive By-law for this purpose; and further

THAT in accordance with the Retail Business Holidays Act, Council shall hold one public meeting before passing a new Tourism Exemption by-law, with thirty days' advance notice of such public meeting.

**Receipt of Kenora Community Strategy Report**

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

THAT the Council of the City of Kenora hereby receives the "Kenora Community Strategy" report as prepared by Dovetail Resources, dated April, 2009.

**Re-payable Loan to Mount Evergreen Ski Club**

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

THAT Council hereby authorizes a repayable loan in the amount of \$25,000 to the Mount Evergreen Ski Club under the condition that the amount be repaid in full on or before December 31, 2009; and further

THAT upon default in repayment, interest shall commence and accrue at the rate of prime plus 2% per annum until collected.

**Approval of Budget Request – BIZ Levy**

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

THAT Council hereby approves the Harbourtown Centre Business Improvement Board budget request in the amount of \$46,465 representing the 2009 Business Improvement Board levy; and

THAT Council give three readings to By-law #68-2009 to adopt the estimates for funds to be raised for 2009 on behalf of the Harbourtown Centre Business Improvement Board; 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 Business Improvement Board Levy at its May 19<sup>th</sup> meeting.

**Claw Back rates for Certain Property Classes**

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

THAT Council hereby gives three readings to a by-law to establish the claw back rates for certain property classes within the Corporation of the City of Kenora for 2009.

**Optional Tools for Exempting Eligible Properties from Capping**

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

THAT in accordance with Resolution #13 adopted April 14, 2009, Council hereby gives three readings to a by-law to adopt optional tools for exempting eligible properties from capping for certain property classes.

**2008 Overtime Report**

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

THAT Council of the City of Kenora hereby receives the 2008 Overtime Analysis Report.

**Agreement - Dedicated Gas Tax Funds**

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

THAT Council gives three readings to a by-law to authorize the City of Kenora to enter into the letter of agreement with the Ministry of Transportation with respect to the Dedicated Gas Tax Funds for Public Transportation Program for 2008-2009.

**Extension of Option to Purchase Agreement (Hwy. 17 East)**

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

THAT the Council of the City of Kenora hereby give three readings to a by-law to amend By-Law 130-2008 for the purpose of authorizing the extension of the Option to Purchase between the Corporation of the City of Kenora and 5443335 Manitoba Ltd. to August 15, 2010.

**2007 Annual Report & Financial Statements**

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

THAT Council hereby approves the 2007 City of Kenora Annual Report, including the 2007 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 City Hall Reception.

**Terms of Reference – Recreational Facility & Services Analysis**

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

THAT Council hereby accepts the City of Kenora Recreational Facility & Services Analysis Terms of Reference as presented and amended at the May 11, 2009 Community Services Committee Meeting; and further

THAT arrangements be made by the Recreation Services Manager to advertise the Request for Proposal for this purpose.

**Support of KAR – Use of South Harbourfront Parking Lot**

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

THAT Council of the City of Kenora hereby support KAR in their request to utilize the south parking lot on the Harbourfront from July to mid-October to facilitate the erection of the large tent during that period and provide parking under the following conditions:-

1. Vehicle parking for permanent, seasonal and monthly parking continue to be provided under the large tent except during special events
2. Royal Bank parking continue to be accommodated at the south parking lot
3. During the weekly Farmers Market event, parking passes be issued to seasonal and monthly users for parking areas outside the south parking lot
4. During the weekly Farmers Market event, permanent parking users and the Royal Bank be accommodated within the south parking lot each Wednesday during Farmers Market
5. During major special events on the Harbourfront, accommodation for permanent, seasonal, monthly and the Royal Bank parking be provided in parking areas outside the south parking lot
6. The tent will be removed from the south parking lot should the City determine it is not in the best interests to keep the tent erected during this period.

**ICROSS National Honour Ride - Approvals**

**18. Moved by C. Drinkwalter, Seconded by C. Van Wallegghem & Carried:-**

THAT Council of the City of Kenora acknowledge the 3<sup>rd</sup> Annual Lewis Mackenzie Order of Canada ICROSS National Honour Ride to be held July 31<sup>st</sup>, August 1<sup>st</sup> & 2<sup>nd</sup>, 2009; and

THAT approvals be granted as outlined below in conjunction with the above noted Special event:



#1. THAT authorization be granted for the participation of Mayor & Council during the Flag Raising Ceremony at O.P.P. Headquarters at 10:00 a.m. on Saturday August 1st.;

#2. THAT authorization be granted for the use of part of the Keewatin Wharf along the brick wall for parking for the memorial service at Beatty Park from 10:30 a.m. to 12:00 Noon on Saturday, August, 1<sup>st</sup>;

#3. THAT authorization be granted for free use of Beatty Park for the Memorial Service from 10:30 a.m. – 12:00 Noon on Saturday, August 1st, 2009.

**Policy – Coney Island Walk Bridge**

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

WHEREAS on December 10, 2007 Council adopted By-Law 148-2007, adopting the Comprehensive Policy Manual and approving it as the Official Policy Manual for the City of Kenora; and

WHEREAS the Council now deems it necessary and expedient to adopt the Official Municipal Policy Manual by bylaw, recognizing that from time to time amendments will be required as policies are added, removed and amended; and

WHEREAS it is deemed necessary and expedient to amend the Municipal Policy Manual by bylaw to meet changing requirements with respect to a Coney Island Walk Bridge Policy; and

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Kenora enacts as follows:

1. THAT the Coney Island Walk Bridge Policy is hereby adopted by by-law; and
2. THAT this By-law shall take effect and come into force upon final reading thereof.

**Policy – Turf Maintenance**

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

WHEREAS on December 10, 2007 Council adopted By-Law 148-2007, adopting the Comprehensive Policy Manual and approving it as the Official Policy Manual for the City of Kenora; and

WHEREAS the Council now deems it necessary and expedient to adopt the Official Municipal Policy Manual by bylaw, recognizing that from time to time amendments will be required as policies are added, removed and amended; and

WHEREAS it is deemed necessary and expedient to amend the Municipal Policy Manual by bylaw to meet changing requirements with respect to a Turf Maintenance Policy; and

NOW THEREFORE BE IT RESOLVED THAT the Council of the City of Kenora enacts as follows:

1. THAT the Turf Maintenance Policy is hereby adopted by by-law; and
2. THAT this By-law shall take effect and come into force upon final reading thereof.

**Agreement with Two Bears Marina**

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

THAT Council gives three readings to a by-law to authorize the execution of a Partnership Agreement between the Corporation of the City of Kenora and Two Bears Marina Inc. for the 2009 Season.

**Amendment to Schedule "D" – By-law #168-2004**

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

THAT following approval of By-Law 47-2009, being a By-Law to approve the 2009 Water and Sewer Utility Budget, Council hereby gives three readings to amend Schedule "D", Table (i) to By-Law 168-2004, being a By-Law to establish water and sewer rates, to incorporate a 2.1% rate increase, effective July 1, 2009; and further

THAT in accordance with Notice By-law #144-2007, public notice is hereby given of Council's intention to adopt an amending by-law at its May 19, 2009 meeting.

**Funding Agreement – Celebrate Ontario 2009 Program**

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

THAT the Council of the City of Kenora hereby enters into a funding agreement with the Province of Ontario, Ministry of Tourism for the Celebrate Ontario 2009 program which will provide funds for "Movies under the Stars"; and further

THAT once the necessary agreement is received, three readings be given to a by-law to authorize the Mayor and Clerk to enter into the agreement on behalf of the City of Kenora.

**Lease Agreement – LOW Adjustment Centre**

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

THAT Council give three readings to a by-law authorizing the Mayor and Clerk to execute a Lease Agreement with #3734661 Manitoba Limited for the Lake of the Woods Adjustment Centre, for the period June 1 to October 31, 2009, with an option for early possession prior to June 1, 2009, at a cost of \$34.17 per day.

**Fence Variance – 18<sup>th</sup> Avenue North**

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

THAT a variance be granted under Section 4.1 of By-law Number 94-2006, being the Fence By-law, for property located at 637 Eighteenth Avenue North, PLAN M103 LOT 74 PCL 29529, to permit the erection of a fence not more than .9 metres in height to the front lot line.

**Tender – Class 2 Aggregate**

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

THAT the following quotations, for the supply of 2,500 tonnes of Class 2 Aggregate, as specified, be received:-

|                         |                                 |
|-------------------------|---------------------------------|
| Hugh Munro Construction | \$ 17.52 per tonne              |
| Joe Neniska & Sons Ltd. | \$ 20.90 per tonne; and further |

THAT the quotation submitted by Hugh Munro Construction, Kenora, ON., in the amount of \$17.52 per tonne (taxes included), be accepted, pending approval of the proposed aggregate.

**Tender – Brick & Sidewalk Maintenance Program**

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

THAT the following tenders for the 2009 Interlocking Brick & Concrete Sidewalk Maintenance be received:-

|                            |                            |
|----------------------------|----------------------------|
| Don Hagar Contracting Inc. | \$ 249,929.40              |
| Prime Construction         | \$ 279,680.10; and further |

THAT the quotation submitted by Don Hagar Contracting Inc., in the amount of \$249,929.40 (tax included), be accepted.

**Tender – Granular "A"**

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

THAT the following quotations, for the supply and delivery of 7,500 tonnes of Granular "A", Part A, including tax, be received;

|                         |                        |
|-------------------------|------------------------|
| Joe Neniska and Sons    | \$18.00 per tonne      |
| Hugh Munro Construction | \$19.07 per tonne      |
| Pioneer Construction    | \$15.50 per tonne, and |

THAT the quotation submitted by Pioneer Construction, Kenora, ON., in the amount of \$15.50 per tonne (including tax), pending approval of the proposed aggregate, be accepted; and further

THAT the ranking list attached to the April 27, 2009 report of Richard Perchuk, Operations Manager, for the supply only of Granular "A" material from private pits, Part B, as specified, be hereby accepted.



**Adoption of By-laws**

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

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

**#67-2009** – To confirm proceedings of Council and other Committee Meetings

**#68-2009** – To adopt the estimates for funds to be raised for 2009 on behalf of the Harbourtown Centre Business Improvement Board

**#69-2009** – To authorize the entering into of a lease agreement between the Corporation of the City of Kenora (on behalf of the Lake of the Woods Labour Adjustment Centre) and 3734661 Manitoba Limited

**#70-2009** – To amend Schedule "D" to By-law Number 168-2004 to establish water & sewer rates

**#71-2009** – To amend By-law Number 148-2007 being The Comprehensive Policy Manual for the Corporation of the City of Kenora (Coney Island Walk Bridge)

**#72-2009** – To amend By-law Number 148-2007 being The Comprehensive Policy Manual for the Corporation of the City of Kenora (Turf Maintenance)

**#73-2009** – To adopt Amended estimates for Operating and Reserves to be incorporated into the sums required for municipal purposes, during the year 2009

**#74-2009** – To establish the claw back rates for certain property classes within the Corporation of the City of Kenora for 2009

**#75-2009** – To adopt optional tools for exempting eligible properties from capping for certain property classes

**#76-2009** – To authorize the execution of a Letter of Agreement between the Corporation of the City of Kenora and Her Majesty the Queen in Right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario

**#77-2009** – To amend By-law Number 130-2008, being a by-law to authorize execution of documents relating to an Option to Purchase Agreement between 5443335 Manitoba Ltd. and the Corporation of the City of Kenora

**#78-2009** – To execute a Partnership Agreement between the Corporation of the City of Kenora and Two Bears Marina Inc., for the 2009 Season.

***Councillor Cuthbert then requested two new items be added to tonight's agenda as follows:-***

**Additional Items to Agenda**

**29A Moved by W. Cuthbert, Seconded by C. Van Walleggem & Carried:-**

THAT approval be hereby given for the following additional items to be added to tonight's agenda:-

- i) An appointment to the Kenora Snowmobile/ATV Advisory Committee;
- ii) The appointment of a By-law Enforcement Officer for the City of Kenora.

**Appointment to Snowmobile/ATV Committee**

**29B Moved by W. Cuthbert, Seconded by C. Van Wallegem & Carried:-**

THAT Council of the City of Kenora hereby appoints Marc Bissonnette to the Kenora Snowmobile/ATV Advisory Committee to November 30, 2010 to fill a vacancy created by the resignation of Penny Lucas.

**Appointment of a By-law Enforcement Officer**

**29C Moved by W. Cuthbert, Seconded by R. McMillan & 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:~

**#79-2009** – To appoint Jeff Simpson as a By-law Enforcement Officer for the City of Kenora.

**Adjournment**

**30. Moved by C. Drinkwater, Seconded by C. Van Wallegem & Carried:-**

THAT this meeting be now declared closed at 5:35 p.m.

*THE CORPORATION OF THE CITY OF KENORA:*

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

*OF.....2009*

.....

*MAYOR*

.....

*CITY CLERK*