



Minutes

*Of a Meeting of the Council of the City of Kenora
Monday, November 16, 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 J. Parson, Councillor C. Van Walleghem.**

**Staff: Bill Preisntanz, CAO, Karen Brown, Finance & Administration Manager, Sharen McDowall, HR Manager, and Joanne L. McMillin, City Clerk.**

## **Call to Order**

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

- *An appropriation from the City Hall Reserve to offset costs associated with replacement of the City Hall HVAC control system in the amount of \$16,815.00;*
- *An appropriation from the Contingency Reserve to offset increased costs for the City related to the KDSB levy increase for 2009 in the amount of \$217,400.*

## **Confirmation of Minutes**

**1. Moved by J. Parson, Seconded by C. Van Walleghem & Carried:-**

THAT the following Minutes of the last Meeting of the Council of the City of Kenora and other meetings, be confirmed as written and circulated:-

- **October 19, 2009 - Committee of the Whole and Regular Council Meeting**
- **October 30, 2009 – Committee of the Whole Meeting**
  - **November 4, 2009 – Special Meeting of Council.**

## **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.

## **Deputations:**

### **Reverend Gord Day-Janz – First Baptist Church**

Reverend Day-Janz, on behalf of a group of people proud to be citizens of Kenora, advised they have attended today's meeting to recognize that all too often we fail to say thank you to those who work hard to make Kenora a better place to live.

Reverend Day-Janz provided an expression of appreciation to Council Members for their work on behalf of the city of Kenora and acknowledged that each Member of Council gives freely of their time and abilities to make Kenora a better place while at the same time making many sacrifices to take on the responsibilities at the local level.

In closing, Reverend Day-Janz presented a small gift to each Member of Council as a token of appreciation for all that Council does for Kenora, and provided the Clerk with a copy of his Deputation.

Reverend Day-Janz and those who attended along with him were thanked for the kind words and the much appreciated gift.

### **Appointment to Snowmobile/ATV Advisory Committee**

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

That the Council hereby appoints Tina Brookes, representing the Tourism Committee of the Lake of the Woods Development Commission, to fill the vacancy on the Kenora Snowmobile/ATV Advisory Committee, with a term to expire November 30, 2010.

#### **Councillor Cuthbert introduced a motion to add an item to tonight's agenda:**

### **Request for Additional Agenda Item**

#### **2A Moved by W. Cuthbert, Seconded by D. McCann & Carried:-**

**That** approval be hereby given for the following additional item to be added to tonight's agenda:-

1. A matter pertaining to an appointment of the Animal Welfare Advisory Committee.

### **Appointment change to Animal Welfare Advisory Committee**

#### **2B Moved by W. Cuthbert, Seconded by R. McMillan & Carried:-**

**That** as a result of the resignation of Chris Rodgers as the Rescue North representative on the Animal Welfare Advisory Committee, authorization is hereby given for Gloria Alcock to replace Chris Rodgers as the Rescue North representative on the Committee, with a term to expire November 30, 2010.

#### **Councillor McMillan introduced a motion to add an item to tonight's agenda:**

**Request for Additional Agenda Item**

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

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

1. A matter pertaining to an appointment to the Review Committee for the Keewatin-Patricia District School Board.

**City Appointment to KPSB Accommodation Committee**

**2D Moved by R. McMillan, Seconded by C. Van Wallegghem & Carried:-**

**That** Council hereby appoints Tara Rickaby, Assistant Planner, as the City's Municipal (non-voting) Nominee on the Accommodation Review Committee for the Keewatin-Patricia District School Board.

**Receipt and Approval of Various Committee Minutes**

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

**That** Council hereby adopts the following Minutes from various City of Kenora Committees:

- October 6, 2009 – Landfill Liaison Committee
- November 4, 2009 – Snowmobile/ATV Advisory Committee
- October 13, 2009 – Council Budget Committee
- October 27, 2009 – Lake of the Woods Museum Board; and

**That** Council hereby receives the following Minutes from other various Committees:

- August 27, 2009 – Kenora District Services Board
- August 28, 2009 – NW Health Unit – Board of Health
- September 8, 2009 – Harbourtown BIZ
- September 15, 2009 - Planning Advisory Committee
- September 30, 2009 - District of Kenora Home for the Aged
- October 22, 2009 - Kenora Public Library Board; and further

**That** these Minutes be circulated and ordered filed.

**Receipt of Monthly Financial Statements**

**4. Moved by J. Parson, Seconded by R. McMillan & Carried:-**

**That** Council hereby receives the monthly Financial Statements of the Corporation of the City of Kenora, as at September 30, 2009.

**Lakehead University 'Fellow Award' Nomination**

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

**That** Council hereby nominates Don Parfitt for the Lakehead University "Fellow Award" and subject to Mr. Parfitt's acceptance, the City process the required Nomination Application for this purpose.

**Funding of Tourism Development Officer**

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

**That** Council of the City of Kenora commit to funding the Tourism Development Officer position for 2010.

**Recruitment Policy**

**7. Moved by J. Parson, Seconded by C. Drinkwalter & Carried:-**

**That** Council give three readings to a by-law authorizing a revised City of Kenora Recruitment Policy to replace the Non-union Recruitment Policy HR1-1 in the City's Policy Manual.

**Terms of Reference – Audit Committee**

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

**That** Council give three readings to a by-law to formally adopt the Terms of Reference for the City of Kenora Audit Committee.

**Position Description – C.A.O.**

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

**That** Council hereby approves the position description for the Chief Administrative Officer for the City of Kenora.

**Budget Amendment – HVAC Control System at City Hall**

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

**That** Council hereby approves the quote from BSD Building Solutions for the replacement of the City Hall building HVAC control system for a total cost of \$16,815.00 plus GST, including labour and material; and

**That** Council hereby authorizes an appropriation from the City Hall Reserve to offset costs related to this replacement; and

**That** in accordance with the Notice By-law #144-2007, public notice is hereby given that Council intends to amend its 2009 Operating Budget at its November 16<sup>th</sup> meeting; and further

**That** Council hereby gives three readings to a by-law to amend the 2009 budget for this purpose.

**Budget Amendment –KDSB Levy**

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

**That** Council hereby receives the amended levy from the Kenora District Services Board in the amount of \$2,672,304 for 2009; and

**That** Council hereby authorizes an appropriation from the Contingency Reserve in the amount of \$217,400 to offset increased costs for the City related to this levy increase for 2009; and

**That** in accordance with the Notice By-law #144-2007, public notice is hereby given that Council intends to amend its 2009 Operating Budget at its November 16<sup>th</sup> meeting to authorize an appropriation from the Contingency Reserves; and further

**That** Council hereby gives three readings to a by-law to amend the 2009 budget for this purpose.

**RECORDED VOTE #11:~**

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

**Attendance at ROMA/OGRA Annual Conference**

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

**That** authorization be hereby given for the following Members of Council to attend the 2010 ROMA/Ontario Good Roads Association Combined Conference taking place in Toronto at the Fairmont Royal York Hotel, February 21 to 24, 2010:-

Mayor Compton  
Councillor Cuthbert  
Councillor McCann  
Councillor Parson; and further

**That** all eligible expenses in accordance with Council’s Travel & Per Diem Policy, be hereby authorized.

**Approval of Section 357 Tax Adjustments**

**13. Moved by J. Parson, Seconded by R. McMillan & Carried:-**

**That** the Section 357 tax adjustments totaling \$325,052.78, (plus applicable penalty adjustment), with potential refunds of \$8,842.49, be approved.

**Endorsation of Resolution – SNNF – Underserviced Area Program**

**14. Moved by R. McMillan, Seconded by J. Parson & Carried:-**

**Whereas** the Ministry of Health and Long Term Care is looking to change the Underserviced Area Program (UAP) which assists communities in recruiting physicians; and

**Whereas** the proposed changes through a sliding scale would offer higher incentives to more rural and northern communities where the need is greatest; and

**Whereas** the new program would recognize the difficulty that rural and northern communities have in competing for physicians with urban and southern communities;

**Now Therefore Be it resolved that** in response to a request from the Township of Sioux Narrows-Nestor Falls, the Council of the City of Kenora fully supports the redesign of Ontario's Underserviced Area Program; and further

**That** a copy of this resolution be forwarded to the Minister of Health and Long Term Care, Howard Hampton, MPP Kenora-Rainy River Riding and the Northwestern Ontario Municipal Association (NOMA).

### **Tourism Exemption By-law Approval**

#### **15. Moved by C. Van Wallegghem, Seconded by J. Parson & Carried:-**

**That** Council give three readings to a by-law to authorize the execution of a by-law under the Retail Business Holidays Act for the maintenance or development of tourism; and further

**That** By-law Numbers 15-99 and 122-2004 are hereby repealed upon the new by-law coming into force on December 17, 2009.

### **Support of KAR – 2010 Season**

#### **16. Moved by C. Van Wallegghem, Seconded by D. McCann & 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 2010 season to facilitate the erection of the large tent during that period under the following conditions:-

1. That there be no public parking under the large tent during the 2010 season
2. That parking spaces continue to be available at the south parking lot for the permanent users, Royal Bank and MS Kenora for the 2010 season
3. That during major special events on the Harbourfront, accommodation for permanent, Royal Bank and MS Kenora parking be provided in parking areas outside the south parking lot
4. That 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; and further

**That** Administration be directed to develop long term parking options/strategies in the Greenbelt area adjacent to Lakeview Drive and present a report to Council at the December, 2009 Committee Meeting.

**Amendment to Sewer and Water By-law - Connections**

**17. Moved by D. McCann, Seconded by J. Parson & Carried:-**

**That** Council give three readings to a by-law to amend By-law #168-2004, being a by-law to enact Rules and Regulations and to Establish charges for the Use, Operation and Maintenance of a System of Water Works and Sewage Works in the City of Kenora, by adding the following clauses, thereby adjusting the numbering of the by-law:-

**Item #5 – Sewage Connections**

**5.2:** Where a property is the subject of an application made under The Planning Act for land development, division or rezoning, and has municipal sewage service available, such property owner shall be required to service each lot.

**Item #6 – Water Connections**

**6.2:** Where a property is the subject of an application made under The Planning Act for land development, division or rezoning, and has municipal water service available, such property owner shall be required to service each lot.

**Agreement – Black Bear Conflict Management**

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

**That** Council hereby authorizes the City of Kenora to enter into a Generic Municipal Response Agreement between the Corporation of the City of Kenora and Her Majesty the Queen in Right of Ontario as represented by the Minister of Natural Resources with respect to Human-Black Bear conflict management activities; and further

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

**Approval of Zoning By-law Amendment - Queen**

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

**That** Council hereby approves application #Z02/09 (Queen); and further

**That** no building permit shall be issued until such time as the developer enters into a Site Plan Agreement with the City of Kenora, to the satisfaction of the City Planner and City Engineer.

**Refund of Zoning Amendment Fee - Thorburn**

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

**That** Council hereby authorizes a refund in the amount of \$700 to Kirby Thorburn, with respect to Zoning Amendment Application #Z03/09, as notice of the application was not advertised and the Applicant withdrew said application.

**Acceptance/Assumption of part of Essex Road and Beauty Bay Road  
21. Moved by W. Cuthbert, Seconded by R. McMillan & Carried:-**

**That** Council of the Corporation of the City of Kenora, by the passing of a by-law, accepts and assumes part of the Essex Road, being Part 2 on Plan 23R- 11797, and part of the Beauty Bay Road, being Parts 4 and 9 on Plan 23R-11797, as public highways for municipal purposes.

**Support for amendment to Motorized Snow Vehicle Act – Trail Permits  
22. Moved by W. Cuthbert, Seconded by D. McCann Carried:-**

**That** Council of the City of Kenora hereby supports the proposal of the Snowmobile/ATV Advisory Committee to various Provincial Ministries, requesting an amendment to the Motorized Snow Vehicle Act to authorize the Ministry of Transportation of Ontario to collect trail permit fees through a registration fee for owners of snowmobiles in District 17.

**Tenders – Snow Ploughing Equipment**

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

**That** the following tenders for graders and loaders for snow ploughing of City roads and streets, taxes included, be received:-

|         |                    |                         |
|---------|--------------------|-------------------------|
| Grader: | Hugh Munro Const.  | \$187.43 / hr           |
| Grader: | Moncrief Const.    | \$141.75 #1 Grader / hr |
| Grader: | Pioneer Constr.    | \$114.32 / hr           |
| Grader: | Moncrief Const.    | \$110.25 #2 Grader /hr  |
| Grader: | Joe Neniska & Sons | \$105.00 / hr           |
| Loader: | Dunit Contracting  | \$ 99.75 / hr           |
| Loader: | Ed’s Landscaping   | \$105.00 / hr; and      |

**That** the three lowest tenders for graders received from Pioneer Construction, in the amount of \$114.32/hour, Moncrief Construction, in the amount of \$110.25/ hour and Joe Neniska & Sons, in the amount of \$105.00 / hour, all prices including tax, be hereby accepted; and

**That** the only two tenders received from Dunit Contracting, in the amount of \$99.75/hour and Ed’s Landscaping, in the amount of \$105.00/hour for loader service, be hereby accepted; and

**That** the following tenders for 1 skid steer loader to perform snow removal services at the Kenora Parkade and Chipman Parking Lot, taxes included, be received:-

|                     |                            |
|---------------------|----------------------------|
| Dunit Contracting   | \$ 63.00 / hr              |
| Debbie’s Greenhouse | \$ 89.25 / hr; and further |

**That** the lowest tender from Dunit Contracting in the amount of \$63.00/hour, taxes included, be hereby accepted.



**Approval of By-laws**

**24. Moved by C. Drinkwalter, 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:~

**#164-2009~** To confirm proceedings of Council and other Committee Meetings

**#165-2009~** To authorize the transfer of land to the City of Kenora

**#166-2009~** To allow retail business establishments to be open on Holidays for the maintenance or development of tourism

**#167-2009~** To amend Comprehensive Zoning By-law Number 160-2004, as amended

**#168-2009~** To authorize a new Recruitment Policy

**#169-2009~** To adopt the Terms of Reference for the Audit Committee

**#170-2009~** To amend the 2009 budget to withdraw funds from the City Hall Reserve

**#171-2009~** To amend the 2009 budget to withdraw funds from the Contingency Reserve

**#172-2009~** To authorize an agreement with MNR regarding Black Bear Conflict Management

**#173-2009~** To amend the Sewer & Water By-law with respect to service connections.

**Adjournment**

**25. Moved by C. Van Wallegghem, Seconded by J. Parson & Carried:-**

THAT this meeting be now declared closed at 5:38 p.m.

**THE CORPORATION OF THE CITY OF KENORA:**

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

**OF.....2009**

.....

**MAYOR**

.....

**CITY CLERK**