



Minutes

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

**Staff: Karen Brown, Finance & Administration Manager, Warren Brinkman, Fire & Emergency Services Manager, Sharen McDowall, Human Resources Manager, Colleen Neil, Recreation Services 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:-**

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 its 2009 Operating and Capital Budget to withdraw funds in the amount of \$20,000.00 from the Insurance Reserve to undertake a Risk Management Project;**
- An amendment to its 2009 Operating & Capital Budget to withdraw \$250,000.00 from Recreation Reserves to offset the cost of the capital RInC project;**
- An amendment to its 2009 Operating & Capital Budget to withdraw a maximum of \$55,000 from the Operations Centre Building Reserve for lease development works**
  - To transfer lands described as Lot 8, Block 7, Plan 18**
  - To transfer lands described as Lot 45, Plan M63**
- To transfer lands described as that part of Lots 62 and 63, Block 3, Plan 3, Designated as Part 1, Plan 23R-11775.**

**Confirmation of Minutes**

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

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

- **Regular Council Meeting held September 21, 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 advised he had a Conflict of Interest with respect to a Closed Meeting Item (#7) discussed at the October 14, 2009 Closed Meeting of the Property & Planning Committee. He noted that he vacated the meeting room when the item was discussed as it related to a family member.

**Presentations:**

Mayor Compton called upon Lori Burton and Charlie Strachan to come forward to be presented with awards in recognition of their assistance with the lifesaving efforts they were involved in on July 4, 2007.

Ms Burton was presented with a Royal Canadian Humane Association Certificate for her courageous and meritorious attempts in saving a life. Mayor Compton then presented Charlie Strachan with a Royal Canadian Humane Association Certificate together with a Bronze Medal from the Association recognizing his courageous and meritorious attempts in saving a life.

Mayor Compton then asked Councillor Van Walleghem, Chair of Community Services, to make a presentation to Andrea Ronnebeck. Councillor Van Walleghem presented Ms Ronnebeck with a Sports Recognition Award for her involvement in coaching curling, both in Kenora as well as her participation in world class coaching.

**Deputations:**

**N/A**

**Appointment to Animal Welfare Committee**

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

**That** in response to an advertisement for applications to serve on the newly formed Animal Welfare Committee, Crystal Friesen be hereby appointed as the public representative on the Committee with a term to expire November 30, 2010.

**Appointment to Lake of the Woods Development Commission**

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

**That** Council of the City of Kenora hereby appoints Donald Denver to the Board of Directors of the Lake of the Woods Development Commission (LOWDC) with a term to expire November 30, 2010.

**Contract with Jarnel – Fire & Emergency Services Facility**

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

**That** Council gives three readings to a by-law to authorize the execution of a contract with Jarnel Contracting Ltd. for the construction of a Fire and Emergency Services Facility for the City of Kenora.

**Receipt of Various Minutes**

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

**That** Council hereby receives and orders filed the following Minutes from external Committees:

- September 30, 2009 -Board of Management of the District of Kenora Home for the Aged.

**Receipt of Financial Statements**

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

**That** Council hereby receives the monthly Financial Statements of the Corporation of the City of Kenora, as at August 31, 2009.

**Hydro Priority Agreement**

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

**That** Council hereby authorizes the execution of a priority agreement between the Ontario Infrastructure Projects Corporation, the Kenora Hydro Electric Corporation Ltd. and the Corporation of the City of Kenora; and further

**That** the appropriate by-law be adopted for this purpose.

**Hydro Service Agreement**

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

**That** Council hereby approves the amended Service Agreement between the Kenora Hydro Electric Corporation Ltd. and the Corporation of the City of Kenora, including the transfer of billing related functions for both hydro, water/sewer services to Kenora Hydro; and further

**That** the appropriate by-law be adopted for this purpose.

**Donations for Kenora Golf and Country Club**

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

**That** Council hereby approves the use of donations received for the purposes of capital improvements to the Kenora Golf Club up to a maximum of \$10,000 or the balance of donations received for this purpose, whichever is less, for the purpose of hiring an architect to determine potential improvements to the putting green and ninth hole.

**Agreement with CUPE Local 191**

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

**That** the Council of the City of Kenora give three readings to a by-law authorizing the execution of an agreement between the Corporation of the City of Kenora and CUPE Local 191 for the term January 1, 2009 to December 31, 2012.

**Public Consultation Policy**

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

**That** Council give three readings to a by-law to amend the Public Consultation Policy #FI-2-1 with respect to the Municipal Budget public survey to reflect the process as a discretionary item rather than a mandatory one.

**Procurement Policy**

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

**That** Council hereby authorizes approval of an amended City Procurement By-law under Policy #FI-1-1; and further

**That** the appropriate by-law be approved for this purpose.

**Contract with POA Prosecutor**

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

**That** Council approve a contract between Rick Strain, POA Prosecutor and the City of Kenora for POA prosecution services to May 31, 2010; and further

**That** three readings be given to a by-law authorizing the contract between Rick Strain, POA Prosecutor and the City of Kenora.

**Risk Management Project**

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

**That** the Council of the City of Kenora retain the services of Robert Harder Consulting Inc., to complete a Risk Management Project as outlined in the proposal provided to the City by Mr. Harder; and

**That** in accordance with Notice Bylaw 144-2007, public notice is hereby given that Council intends to amend its 2009 Operating & Capital Budget at its October 19, 2009

meeting authorizing the withdrawal of \$20,000.00 from the Insurance Reserve to offset this project cost; and further

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

**LOW District Hospital - Retreat**

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

**That** authorization is hereby given for Councillor McMillan and Councillor Parson to attend the Lake of the Woods District Hospital Retreat taking place October 23, and 24, 2009 in Kenora; and further

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

**Recreational Infrastructure Canada (RInC) Program**

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

**That** Council of the City of Kenora give three readings to a by-law to ratify an agreement with the Sports, Culture, and Tourism Partnership Secretariat of the Office of the Ministry of Tourism for the City of Kenora's approved project(s) under the Recreational Infrastructure Canada (RInC) Program; and

**That** Council give three readings to a by-law to authorize the Mayor and City Clerk to execute the Contribution Agreement; and

**That** in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2009 Operating & Capital Budget at its October 19, 2009 meeting to withdraw \$250,000.00 from Recreation Reserves to offset the cost of this capital project; and further

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

**Revised Terms of Reference/Appointments to LLC Committee**

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

**That** Council give three readings to a by-law to amend By-Law #56-2003, a By-Law to establish Terms of Reference for the Landfill Liaison Committee, to reduce the membership composition from eight (8) to six (6) voting members as per the requirements set out in the Fenco MacLaren Report; and

**That** the following be appointed to the Landfill Liaison Committee with a term to expire November 30, 2010:

- David McCann - Operations Committee Rep
- Wendy Cuthbert - Council Rep
- Ray Boivin - Ministry of the Environment (MOE)
- Kevin Keith - Ministry of Natural Resources (MNR)
- Peter Boulton - Citizen Rep

|              |                                                                                         |
|--------------|-----------------------------------------------------------------------------------------|
| Bert Alcock  | - Citizen Rep                                                                           |
| Val Macins   | - Wilderness Heritage and Community Keepers<br>Organization (WHACKO; non-voting member) |
| Marco Vogrig | - Staff Resource (non-voting member)                                                    |
| Mike Mostow  | - Staff Resource (non-voting member); and further                                       |

**That** Resolution #29 dated December 4, 2006 and Resolution #3 dated May 19, 2009, be hereby rescinded.

### **Coney Island Walk Bridge Installation**

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

**That** Council hereby authorizes the amended Coney Island Walk Bridge Installation & Removal Policy #OP-7-1 to replace the existing Policy; and further

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

### **Lease Agreement with Ontario Power Generation**

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

**That** Council give three readings to a by-law ratifying a Lease Agreement between the City of Kenora and Ontario Power Generation for lease of office and parking space at the Operations Centre at 60 Fourteenth Street North; and further

**That** By-law Number 142-2009 be and is hereby repealed.

### **Amendment to Twin Eleven Investors Ltd Development Agreement**

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

**That** Council give three readings to a by-Law to amend By-law #19-2005 being a by-law to authorize the execution of a development agreement with Twin Eleven Investors Ltd., for the purpose of replacing the pool area with a deck, railing and retaining wall on the subject property known as the Islandview Condominium, 5 Bay Road, conditional upon receiving a letter from the Condominium Corporation indicating they have no objections to the amendment.

### **Municipal Cultural Planning Process**

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

**That** Council hereby authorizes the undertaking of the Municipal Cultural Planning process for the City of Kenora; and further

**That** Administration is hereby directed to apply to the Creative Communities Prosperity Fund for this purpose.

### **Atikokan Path of the Voyageur Project**

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

**That** authorization is hereby given for the City of Kenora through the Lake of the Woods Development Commission to provide \$2,000.00 to the Atikokan Path of the Voyageur Project to enable that project to hire a Youth Intern; and further

**That** next year, after a review of the Intern's work, a determination will be made as to whether further investments should be made in this project by Kenora.

**Temporary Street Closure - Main Street South**

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

**That** the Council of the City of Kenora hereby supports the efforts of the downtown merchants to encourage residents to "shop locally", by endorsing the merchants' request to close Main Street to traffic between 1st and 2nd Streets from 5:00 p.m. to 9:00 p.m. on Thursday, November 12, 2009 conditional upon: 1) The proponent being responsible for provision and removal of required signage and 2) that no burning barrels be permitted.

**Councillor Cuthbert then introduced the following motion to introduce a new item:**

**Addition of New Item**

**23A Moved by W. Cuthbert, Seconded by R. McMillan & Carried:-**

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

**1. A matter pertaining to Zoning File #Z03/09 Queen.**

**Zoning File #Z03/09 Queen**

**23B Moved by W. Cuthbert, Seconded by D. McCann & Carried:-**

**That** the drainage report and associated drawings with respect to Zoning File #Z03/09 Queen, be revised and resubmitted for review; and further

**That** the scope of the report be expanded to take into consideration flows and or contaminates that may compromise or impact the drainage course through the three downstream properties to the east, and as to what if any mitigating measures the development would need to have implemented should there be proven or substantiated impacts downstream.

**Proclamation – Local Government Week**

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

**That** the Mayor be and is hereby authorized to proclaim the week of October 18<sup>th</sup> to October 24, 2009 as "Local Government Week" in and for the City of Kenora; and further

**That** City Administration promote Local Government Week in Kenora by bringing more public awareness to the role municipal government's play in the community.

**Tender – Operations Building Lease Development****25. Moved by D. McCann, Seconded by R. McMillan & Carried:-**

**That** Council of the City of Kenora receive the following tenders for the Operations Building lease development:

- Sierra Construction - \$214,850.00 plus taxes
- LMD Construction - \$204,748.10 plus taxes; and

**That** the tender received from LMD Construction in the amount of \$204,748.10 plus taxes be accepted; and

**That** in accordance with Notice Bylaw 144-2007, public notice is hereby given that Council intends to amend its 2009 Operating & Capital Budget at its October 19, 2009 meeting by authorizing the withdrawal to a maximum of \$55,000.00 from the Operations Centre Building Reserve for lease development works; and

**That** the balance of the costs be recovered from Ontario Power Generation over a 10 year period at 5% interest; and further

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

**Adoption of By-laws****26. Moved by J. Parson, 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:~

**#144-2009** ~To confirm proceedings of Council and other Committee Meetings

**#145-2009** ~ To execute a contract with Jarnel Contracting Ltd.

**#146-2009** ~To execute a Priority Agreement with Ontario Infrastructure Projects Corporation and the Kenora Hydro Electric Corporation Ltd.

**#147-2009** ~ To execute a Service Agreement with Kenora Hydro Electric Corporation Ltd.

**#148-2009** ~ To authorize a contract with Rick Strain, POA Prosecutor

**#149-2009** ~ To authorize a revised Procurement Policy for the City of Kenora

**#150-2009** ~ To ratify a lease agreement with Ontario Power Generation

**#151-2009** ~ To authorize an agreement with C.U.P.E. Local 191

**#152-2009** ~ To amend the 2009 Budget to withdraw funds out of the Insurance Reserves



- #153-2009** ~ To authorize a revised Public Consultation Policy
- #154-2009** ~ To amend By-law #56-2003 with respect to the Landfill Liaison Committee
- #155-2009** ~ To authorize a revised Coney Island Walk Bridge Policy
- #156-2009** ~ To execute an agreement with Sports, Culture and Tourism Partnership Secretariat Office of the Ministry of Tourism
- #157-2009** ~ To amend the 2009 Budget to withdraw funds from the Recreation Reserves
- #158-2009** ~ To amend By-law #19-2005 with respect to the Site Plan Agreement with Twin Eleven Investors Ltd.
- #159-2009** ~ To stop up, close and sell to R. Halverson, Lot 8, Block 7, Plan 18, in the City of Kenora
- #160-2009** ~ To stop up, close and sell to H & V Carvalho and C & J Marek, Lot 45, Plan M63 in the City of Kenora
- #161-2009** ~ To stop up, close and sell to T. Smith, that part of Lots 62 and 63, Block 3, Plan 3, Designated as Part 1, Plan 23R-11775 in the City of Kenora
- #162-2009** ~ To amend the 2009 Budget to withdraw funds from the Operations Centre Building Reserve.

### **Announcements**

Councillor McMillan read a Press Release prepared with respect to the 2010 Municipal Operating Budget process. He noted a public input session has been scheduled for Monday November 16, and will be held 15 minutes following the adjournment of the Council meeting that day.

Deputations are welcome and requests are to be made through the City Clerk's office with the standard Deputation Request Form.

### **Adjournment to Closed Session**

**27. Moved by J. Parson, Seconded by W. Cuthbert & 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 5:38 p.m. this date to discuss an item relating to the following:-

- **Labour Relations Matter**

**At 6:09 p.m. Council reconvened to the Open Meeting with the following direction:-**

- Direction was given to the Manager of Finance & Administration to make the necessary arrangements as discussed regarding an internal Labour Relations Matter.

The meeting adjourned at 6:10 p.m.

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

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

**OF.....2009**

.....  
**MAYOR**

.....  
**CITY CLERK**