

Minutes

Of a Meeting of the Council of the City of Kenora Monday, August 9, 2010 – 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 J. Parson, Councillor C. Van Walleghem.

Staff: Karen Brown, CAO, Sharen McDowall, Manager of Human Resources, Rick Perchuk, Manager of Operations, Warren Brinkman, Fire & Emergency Services Manager and Heather Kasprick, Deputy Clerk

Call to Order

Mayor Compton called the meeting to order and Councillor McCann 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:-

- Amend the 2010 Municipal Operating and Municipal Five Year Capital Plan from the Video Reserves in the amount of \$12,500.00 to acquire and install Point to Point wireless video surveillance system for the CP Pedestrian Walkway
- Amend its 2010 Municipal Operating and Municipal Five Year Capital Plan and 2010
 Solid Waste Budgets to reflect transfers of various City funds
- Amend the 2010 solid waste budgets for the purchase of a transport truck to reflect funding through the Continuous Improvement Fund of \$80,000, representing a total budgeted purchase cost of \$160,000
 - Amend its 2010 Solid Waste Budget in the amount of \$5,000 for the purpose of reinstalling the hook system for a new roll out truck new chassis
- Amend its 2010 Municipal Operating and Municipal Five Year Capital Plan in the amount of \$79,000 for upgrades to the Anicinabe Washrooms

Confirmation of Minutes

1. Moved by C. Drinkwalter, 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 Meeting ~ July 5, 2010
- Special Meeting ~ July 22, 2010
- Special Committee of the Whole Meeting ~ July 26, 2010

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.

None declared.

Deputations:

None requested.

Township of Ear Fall Resolution support

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

That Council endorse and support Township of Ear Falls' Fire Chief Gary Gazankas' letter of 16 June 2010 to Kenora District Municipal Association President Garry Parkes regarding Fire Department Capital and Operational Funding; and further

That Council endorse and support the Township of Ear Falls' Resolution No. 276-10 requesting all member municipalities of the Kenora District Municipal Association to petition the Ontario Government for an increase to capital grants to assist Fire Departments in the North.

Change in Committee Structure

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

That as recommended by the City Clerk, Council hereby amends its present Governance Model from a Standing Committee structure to a Committee of the Whole structure, with the exception of the Property & Planning Standing Committee; and

That Council gives direction to the City Clerk to prepare the applicable revised by-law to establish Rules of Order and Procedures for the Council of the City of Kenora, to reflect the governance modification throughout the by-law; and

That this by-law be presented prior to the end of this term of Council with the by-law taking effect and coming into force in December, 2010; and further

That By-law Number 29 -2009 be and is hereby repealed.

IBEW Negotiations – Water Plant

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

That Council of the City of Kenora give three readings to a by-law, authorizing an agreement between the Corporation of the City of Kenora and IBEW Local 559 – Water Plant Unit for the term January 1, 2010 to December 31, 2012.

Establishment of Audit Committee for the 2010 Election

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

That as recommended by the City Clerk in accordance with the Municipal Elections Act, 1996, as amended, the Council of the Corporation of the City of Kenora hereby approves the following actions as they relate to the legislative requirement of appointing a Compliance Audit Committee for the 2010 Municipal Election, with a term to expire November 30, 2014:

- 1. The City Clerk work with other interested area municipalities to recruit applicants for a Joint Compliance Audit Committee;
- 2. The City Clerk prepare a Terms of Reference in conjunction with those area municipalities that will participate in the Joint Compliance Audit Committee, following which same shall be adopted by by-law prior to October 1, 2010, together with a resolution appointing the Members of the Joint Committee;
- 3. Should a Joint Compliance Audit Committee not come to fruition amongst the area municipalities, the City Clerk be authorized to proceed on the basis of establishing a Compliance Audit Committee for the City of Kenora.

Lake of the Woods Development Commission Council Representation

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

That Council of the City of Kenora hereby indicate the level of Council involvement on the Board of Directors of the Lake of the Woods Development Commission; and further

That Councillor Wendy Cuthbert remain on the Development Commission Board of Directors as the Council representative; and further

That the resignation of Mayor Len Compton and Councillor Rory McMillan from the Board of Directors of the Lake of the Woods Development Commission be acknowledged.

Various Committee Minutes

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

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

- May 26, 2010 - Kenora Police Services Board; and

That these Minutes be circulated and ordered filed.

Tangible Capital Asset Policy Amendment

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

That Council hereby approves a revised Tangible Capital Asset Policy #FI-6-1; and further

That Council give three readings to a by-law to amend the Comprehensive Policy Manual for this purpose.

Video Surveillance-CP Pedestrian Bridge

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

That Council of the City of Kenora hereby authorize withdrawal from the Video Reserve in the amount of \$12,500.00 to acquire and install Point to Point wireless video surveillance system for the CP Pedestrian Walkway; and

That in accordance with Notice Bylaw Number 144-2007, public notice is hereby given that Council intends to amend its 2010 Municipal Operating and Municipal Five Year Capital Plan by by-law at its August 09th meeting; and further

That Council hereby give three readings to a by-law to amend the 2010 budget for this purpose.

Procurement & Use of City supplied Cellular Phone Policy

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

That Council hereby approves a Employee Cell Phone Policy #HR-2-22; and further

That Council give three readings to a by-law to amend the Comprehensive Policy Manual for this purpose.

Emergency Hours of Work Policy

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

That Council hereby approves an Emergency Hours of Work Policy #HR-2-21; and further

That Council give three readings to a by-law to amend the Comprehensive Policy Manual for this purpose.

Budget Amendments

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

That Council hereby approves amending its 2010 capital and solid waste budgets to transfer \$3,995 from the Recycling Collection Depots and \$3,995 from the Solid Waste Collection Depots to the Waste / Recycling Truck, these projects belonging within the Solid Waste and Recycling departments as appropriate; and

That Council hereby approves amending its 2010 capital budget to transfer \$10,000 from the Operations Facility Compressor project and \$10,000 from the Operations Facility Fencing Project and \$2,621 from the Garage & Shop Tools & Equipment to the Tandem Axle Plow Truck, these projects belonging within the Operations department; and

That Council hereby approves amending its 2010 capital budget to transfer \$1,817 from the Parks Riding Mower to the Coney Island Band Stand Project, these projects belonging within the Parks department; and

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2010 Municipal Operating and Municipal Five Year Capital Plan and 2010 Solid Waste Budgets by by-law at its August 9th meeting; and further

That Council hereby gives three readings to a by-law to amend the 2010 budget for this purpose.

Designation of Authority to CAO- Lame Duck Council

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

Whereas under Section 275 of the Municipal Act, Kenora City Council will be subject to various restrictions under the Restricted Acts After Nomination Day provision; and

Whereas the City CAO has the authority to hire or dismiss any City employee that is not considered an officer of the municipality;

Now therefore, let it hereby be resolved as follows:

That the City CAO be delegated the following authorities effective 10 September 2010:

- The appointment or removal from office of any officer of the municipality;
- The hiring or dismissal of any officer of the municipality; and

That this delegation of authority remains in effect until the swearing in of the new City of Kenora Council, following the 2010 municipal election; and

That the appropriate by-law be passed for this purposes.

Procurement Policy Update

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

That Council hereby approves a revised Procurement Policy #FI-1-1; and further

That Council give three readings to a by-law to amend the Comprehensive Policy Manual for this purpose.

Monthly Financial Statements

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

That Council hereby accepts the monthly Financial Statements of the Corporation of the City of Kenora as at June 30, 2010.

Litter, Yard Waste & Property Maintenance By-law Amendment

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

That Council of the City of Kenora hereby approves the amendment to the Litter, Yard Waste and Property Maintenance by-law; and further

That Council give three readings to a by-law to adopt this amendment.

Recreation Centre Department Second Quarter Report

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

THAT Council accept the July, 2010 Second Quarter Report for the Recreation Department.

NW International Rowing Association Regatta - 2010

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

That Council of the City of Kenora acknowledge the Northwest International Rowing Association Regatta held by the Kenora Rowing Club on August 13 & 14 2010 on Rabbit Lake; and

That approvals be granted as outlined below in conjunction with the above-noted Special Event;

- 1. A variance be granted for the motor size on Rabbit Lake as set out by By-law No. 153-2005; need to operate 25-50 h.p. motors to keep up to the racing boats to ensure their safety on the water for the date above.
- 2. The event buoys to be placed in the water 2-3 (two to three) days Prior to the event, to be removed the following week by the Kenora Rowing Club.

Kenora Tennis Application to the LOW Regional Community Foundation

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

That Council agrees to support Kenora Tennis in their application to the Lake of the Woods and Regional Community Foundation naming the City of Kenora as a lead applicant.

Discharge of Firearms by-law Amendment

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

That Council give three readings to amend By-Law No. 126-2010 a By-law to Regulate the Discharge of Firearms, Air-Guns, Spring-Guns, Cross-Bows, Long-Bows or Any Class or Type Thereof to include the addition of trained Bear Wise personnel as follows:

2. Definition / Interpretation

(e) "Officer" means a Police Officer of the Ontario Provincial Police Service and includes a constable with the Royal Canadian Mounted Police, a Municipal Law Enforcement Officer and a By-Law Enforcement Officer for the City of Kenora, a Conservation Officer or a Deputy Conservation Officer of the Ministry of Natural

Resources, and any other person authorized to enforce the Ontario *Fish and Wildlife Conservation Act*, *R.S.O.* 1997, or the *Firearms Act*, *R.S.C.* 1995, c.39, including trained & authorized Bear Wise personnel.

Highway Tractor-By-Law#130-2010 Amendment

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

That Council hereby approves an amendment to By-law #130-2010 for the purchase of a transport truck to reflect funding through the Continuous Improvement Fund of \$80,000, representing a total budgeted purchase cost of \$160,000; and

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2010 Solid Waste Budgets by by-law at its August 9th meeting; and further

That Council hereby gives three readings to a by-law to amend the 2010 Solid Waste Budgets for this purpose.

Animal Control By-Law

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

That Council hereby approves amending By-Law No. 20-2001 "A By-Law to Regulate the Keeping of Animals within the City of Kenora" to provide a consistent, effective and enforceable document; and

That by-law number 20-2001, as amended, is hereby repealed; and further

That Council give three readings to a By-Law for this purpose.

Agreement with Jarnel Contracting Ltd.

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

Whereas the Council of the Corporation of the City of Kenora accepted the tender of Jarnel Contracting Ltd. to provide the construction of Lake of the Woods Plaza/Festival Area for the Downtown Revitalization Contract 400,

Now Therefore the Council of The Corporation of the City of Kenora enacts as follows:

- 1. **That** the Mayor and Clerk of The Corporation of the City of Kenora are hereby authorized to execute an Agreement between The Corporation of the City of Kenora and Jarnel Contracting Ltd., in accordance with the terms and conditions therein and affix the Seal of the Corporation thereto.
- 2. **That** this by-law shall come into force and be in effect from and after the final passing thereof.

Agreement with Solid Construction

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

Whereas the Council of the Corporation of the City of Kenora accepted the tender of Solid Construction to provide the construction of Discovery Centre,

Now Therefore the Council of The Corporation of the City of Kenora enacts as follows:

- That the Mayor and Clerk of The Corporation of the City of Kenora are hereby authorized to execute an Agreement between The Corporation of the City of Kenora and Solid Construction, in accordance with the terms and conditions therein and affix the Seal of the Corporation thereto.
- 2. **That** this by-law shall come into force and be in effect from and after the final passing thereof.

Rehabilitation of the Winnipeg River West Branch and Keewatin Channel Bridges

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

Whereas the Council of the Corporation of the City of Kenora accepted the proposal of Stantec Consulting Ltd. to provide the pre-design, design and contract administration services for the Rehabilitation of the Keewatin Channel and Winnipeg River West Branch Bridges,

Now Therefore the Council of The Corporation of the City of Kenora enacts as follows:

- 1. **That** the Mayor and Clerk of The Corporation of the City of Kenora are hereby authorized to execute an Agreement between The Corporation of the City of Kenora and Stantec Consulting Ltd., in accordance with the terms and conditions therein and affix the Seal of the Corporation thereto.
- 2. **That** this by-law shall come into force and be in effect from and after the final passing thereof.

Traffic Amendment - No Parking zone

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

That the City of Kenora Traffic Regulation By-law 127-2001 be amended to include the following addition to Schedule "B" – No Parking Area – Tow Away Zone – Tenth Street; and

Add:

Column 2	Column 3	<u>Column 4</u>
LOCATION	SIDE	TIME
From Ottawa Street	East	Anytime
	LOCATION	LOCATION SIDE From Ottawa Street East

That the City of Kenora Traffic Regulation By-law 127-2001 be amended to include the following amendment to Schedule "C" – Limited / Restricted Parking – Tenth Street.

Amend:

Column 1Column 2Column 3Column 4STREET/HIGHWAYLOCATIONSIDETIME

Tenth Street From Ottawa Street East 2 hours

northerly to Front Street 8:00 a.m. to 6:00 p.m.

Monday to Saturday (Holidays Excepted)

To Read:

Column 1Column 2Column 3Column 4STREET/HIGHWAYLOCATIONSIDETIME

Tenth Street From 62 metres north East 2 hours

of Ottawa Street northerly 8:00 a.m. to 6:00 p.m. To Front Street Monday to Saturday

Monday to Saturday (Holidays Excepted)

Downtown Traffic

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

THAT City of Kenora Traffic Bylaw 127 – 2001 be amended to include the following addition to Schedule "N:

Schedule "N" Prohibited Turning Movements

Add:

<u>HIGHWAY/FACING TRAFFIC</u> <u>TURN PROHIBITED</u> <u>TIMES/DAYS</u>

Main Street South, South bound LEFT Between onto First Street South 9:00 a.m. and 6:00 p.m.

Roll Off Truck

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

That Council hereby authorizes the purchase of a new 2011 International Model 7500 truck chassis from Maxim Trucks in the amount of \$60,778, net of trade in, plus taxes; and

That Council hereby authorizes an additional \$5,000 budget for the purpose of reinstalling the hook system on the new chassis; and

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2010 Solid Waste Budget by by-law at its August 9th meeting; and further

That Council hereby gives three readings to a by-law to amend the 2010 solid waste budget for this purpose.

Gateway Signage

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

That the City of Kenora accept the proposal of Mike Newton Design for the construction of Gateway Signage at the east and west entrances to the City of Kenora; and further

That Council give three readings to a by-law to authorize the execution of an agreement between the City of Kenora and Mike Newton Design with respect to the construction of Gateway Signage.

Official Plan/Zoning By-law Review Process

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

That the Planning and Property Committee recommends that Council:

- 1. Approves the Draft Ministerial Modifications and City-initiated Modifications to the City of Kenora Official Plan (May 25, 2010) now under review by the Ministry of Municipal Affairs; and
- 2. That this document be submitted to the Ministry of Municipal Affairs and Housing, to be considered as part of the original document (City of Kenora Official Plan May 25, 2010).

LOW Development Commission Monthly Report

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

That Council accept the July 2010 Monthly Report from the Lake of the Woods Development Commission.

Sale of Land to Martin Poirier

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

That Council of the City Kenora of give three readings to a by-law to authorize the sale of land described as Part 5 on Plan 23R 11861, to Martin Poirier at the appraised value of \$.28 per square foot at 1363 square feet for a total of \$383.04, as established by Century 21 – Reynard Real Estate, plus all associated costs; and

That in accordance with Notice By-law #144-2007, arrangements be made to advertise the sale of the subject lands for a three-week period; and further

That the Mayor and Clerk are authorized to enter into the agreement of purchase/sale.

Anicinabe Park Washrooms

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

That Council hereby authorizes an additional budget request in the amount of \$79,000.00 to replace the shower and washroom facilities at Anicinabe Park; and

That Council hereby authorizes the additional request to be funded through the reallocation of \$10,000 from the SUV, \$16,000 from the Riding Lawn Mower, \$25,000 from the Keewatin Beach Rock Wall approved under the 2010 Parks Capital Budget and \$28,000 from the Ice Candle Reserves; and

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2010 Capital Budget at its August 9, 2010 meeting; and

That Council hereby gives three readings to a by-law to amend the budgets for this purpose; and

That the following tenders, for the Anicinabe Park Shower and Washroom Facility replacement, (HST extra), be received; and further

LMD Contracting	\$475,000.00
LMD Contracting (revised bid)	\$400,000.00
Sierra Construction	\$497,000.00

That the bid submitted by LMD Contracting, Kenora, Ontario, in the amount of \$400,000.00 (HST extra) be accepted.

Comprehensive Zoning By-law

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

That Council hereby adopts by-law Number 160-2010, being the Comprehensive Zoning By-Law for the City of Kenora, including all text and associated schedules (maps); and further

That Zoning By-law Number 160-2004, as amended, be and is hereby repealed.

Keewatin Medical Centre Lease

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

That Council of the City of Kenora hereby support a lease with Drs. J. Kroeker, T. Wehner, and S. Wiebe for the Keewatin Medical Clinic located at 904 Ottawa Street for a 10 year lease; and further

That the City solicitor be requested to develop a lease for the Keewatin Medical Clinic incorporating the following new terms and conditions:

- ~ 10 year lease
- ~ Annual COLA clause provision
- ~ Include a provision to allow both parties, by mutual consent, to

Amend conditions of the lease within its term

~ And any other terms or conditions that the City Solicitor deem Necessary

Lame Duck Provisions - Land Matters

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

Whereas under Section 275 of the Municipal Act, Kenora City Council will be subject to various restrictions under the Restricted Acts After Nomination Day provision;

Now therefore, let it hereby be resolved as follows:

That staff be directed to prepare a bylaw authorizing the CAO to perform certain land matters under the Restricted Acts After Nomination Day provision.

By-Law Passing

37. Moved by C. Van Walleghem, Seconded by J. Parson & 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: ~

#138-2010 - To confirm proceedings of Council and other Committee Meetings

#139-2010 - To authorize an agreement with IBEW-Water Plant

#140-2010 - To amend the Tangible Capital Asset Policy

#141-2010 - To amend the 2010 Municipal budget (video surveillance)

#142-2010 - To adopt a Procurement & Use of City supplied Cellular phone policy

#143-2010 – To adopt an Emergency Hours of Work policy

#144-2010 – to amend the 2010 Municipal budget (various amendments)

#145-2010 - Designate authority to the CAO during Council lame duck provisions

#146-2010 - To amend the Procurement Policy

#147-2010 - To amend the Litter, Yard Waste & Property Maintenance by-law

#148-2010 - To amend the Discharge of Firearms by-law

#149-2010 – To amend the 2010 Municipal budget (transport truck)

#150-2010 - To adopt an Animal Control by-law

#151-2010 – To authorize an agreement with Jarnel Contracting Ltd.

#152-2010 – To authorize an agreement with Solid Construction

#153-2010 - To authorize an agreement with Stantec Consulting Ltd.

#154-2010 - To authorize a traffic amendment (Schedule B) no parking 10th St.

#155-2010 - To authorize a traffic amendment (Schedule N) no left turn Main St

#156-2010 - To amend the 2010 Municipal budget (roll off truck)

#157-2010 - To authorize an agreement with Mike Newton Design

#158-2010 - To authorize the sale of land to Martin Poirier

#159-2010 – To amend the 2010 Municipal budget (Anicinabe Park washrooms)

#160-2010 – To adopt a Comprehensive Zoning Bylaw

#161-2010 – To authorize a lease agreement with the Keewatin Medical Centre

New Item Added:

Support for acquisition of Canwest Global Communications Corp

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

That Council of the City of Kenora support the acquisition of the conventional and specialty television business of Canwest Global Communications Corp. (Canwest); and further

That this acquisition will ensure that Canwest emerges from bankruptcy protection and bring stability to 1,700 employees and their families while strengthening the Canadian broadcasting system and economy; and further

That the CRTC approve this transaction without imposing any undue financial burdens or requiring any unnecessary structural changes that will only serve to weaken Canwest; and further

That the combination of our second largest private television network and Canada's leading broadcasting distributor will ensure continued broadcasting competition and a modernization of broadcasting infrastructure to sustain a vibrant industry into the future; and further

That Shaw institute a regular local news segment for the Kenora area as part of this acquisition.

Adjournment

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

That this meeting be now declared closed at 5:41p.m

CONFIRMED AS WRITTEN	N THISDAY
OF	2010
MAYOR	CITY CLERK

THE CORPORATION OF THE CITY OF KENORA: