



# Minutes

*Of a Meeting of the Council of the City of Kenora  
Tuesday, February 16, 2010 – 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 J. Parson, Councillor C. Van Walleghem.**

**Regrets: Councillor R. McMillan.**

**Staff:** Bill Preisntanz, CAO, Warren Brinkman, Fire & Emergency Services Manager, Karen Brown, Manager of Finance & Administration, Colleen Neil, Recreation Services Manager, Rick Perchuk, Operations Manager, Sharen McDowall, HR 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 Municipal Operating and Municipal Five Year Capital Plan to transfer \$11,431 from the fencing for the Public Works Yard project to the Outdoor Storage Building project;*
- *Adoption of a by-law establishing Council remuneration in accordance with the requirements within The Municipal Act, 2001;*
- *An amendment to the 2009 Municipal Operating and Municipal Five Year Capital Plan to increase the budget allocation to the Kenora Public Library from \$508,241 to \$513,515;*
- *An amendment to Schedule "B" to Tariff of Fees and Charges By-Law #147-2007 to incorporate Vendor Permit rates;*
- *An amendment to the contract with Ryan Haines Consulting for further water testing on Black Sturgeon Lake;*
- *Authorization to transfer a portion of road allowance to Ronald Douglas Bell and Joy Ellen Bell.*

**Confirmation of Minutes**

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

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

- **January 18, 2010 – Regular Council Meeting**
- **February 8, 2010 - Special Council Meeting**

**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:**

**Ron Brown – Proposed Ambulance Site – Railway Street**

Mr. Brown expressed concern on the proposed location of the Ambulance site on Railway Street and outlined four main reasons for this observation in a summary which he provided to Members of Council and the Clerk. 1) Two CPR main-line crossings could potentially block the way of the ambulance getting to certain locations in a timely manner; 2) Railway Street is very narrow and windy and potentially slippery with its sharp curves; 3) Ambulance must travel through the centre of Kenora to service both Norman and Keewatin unless another ambulance is to be located at the communication centre in Norman; 4) Additional costs involved in operating from the Railway site; the fuel cost alone of driving the extra distance.

Mr. Brown believes the best site would be in the area of the Clinic which is in close proximity to the hospital and would be less expensive to operate. In closing he urged Council to review this matter and address these concerns with the District Services Board. Mr. Brown was thanked for his deputation.

**Fire Agreement with MNR**

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

**That** Council of the City of Kenora give three readings to a by-law to authorize the entering into of a further Municipal Forest Fire Management Agreement with the Ministry of Natural Resources for the period 1 April 2010 through to 31 March 2013, and further

**That** Council for the City of Kenora repeals By-Law #37-2007.

**Safe Grad**

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

**That** Council of the City of Kenora supports the work of the Kenora Safe Grad Committee towards an all-inclusive, drug/alcohol free, safe celebration of graduation from high school; and further

**That** a grant in the amount for \$3,000.00 be authorized for the use of the Kenora Recreation Centre for this purpose.

**Various Minutes**

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

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

- November 17, 2009 – Planning Advisory Committee
- January 13, 2010 – Accessibility Advisory Committee
- January 14 and January 21, 2010 – Conventional Transit Authority
- January 19, 2010 – Leisure Services Committee
- January 20, 2010 – Audit Committee
- January 21, 2010 – Kenora Animal Welfare Advisory Committee
- January 26, 2010 – Lake of the Woods Museum Board; and

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

- November 27, 2009 – Northwestern Health Unit Board of Health
- December 3, 2009 – Kenora District Services Board
- December 18, 2009 & January 13, 2010 – Kenora Police Services Board
- January 6, 2010 – Kenora Public Library Board; and further

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

**Financial Statements**

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

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

**Attendance at N.O.M.A.**

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

**That** authorization be hereby given for Councillors Parson and Van Wallegghem to attend the 2010 Annual Conference of the Northwestern Ontario Municipal Association taking place April 21 to 24, in Marathon, ON; and further

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

**LOW Community Foundation – Kenora Baseball League**

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

**That** Council adopt a resolution supporting the Kenora Baseball League’s request to name the City of Kenora as a sponsor in their application for funds from the Kenora and Lake of the Woods Regional Community Foundation for equipment purchases.

**Amendment to 2009 Budget – Public Works Project**

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

**That** Council hereby approves amending its 2009 capital budget to transfer \$11,431 from the fencing for the Public Works Yard project to the Outdoor Storage Building project, both projects belonging within the Operations Facility department; and

**That** in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2009 Municipal Operating and Municipal Five Year Capital Plan by by-law at its February 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.

**Remuneration By-law**

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

**Whereas** the Council of the City of Kenora’s Remuneration By-law makes reference that one-third of its remuneration shall be deemed as an expense allowance in accordance with Section 283 (5) of The Municipal Act 2001; and

**Whereas** Section 283 (7) of The Municipal Act 2001 requires that a council shall review a by-law under subsection (5) at a public meeting at least once during the four-year period corresponding to the term of office of its members; and

**Whereas** Council has reviewed the annual remuneration and per diems as set out in By-law #60-2005 in conjunction with the 2010 budget process and has determined that no change shall be made to the amounts as set out in that by-law for the remainder of the term of the current Council;

**Now Therefore Be It Resolved That** in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to pass a By-law establishing Council remuneration at its February 16<sup>th</sup> meeting in accordance with the requirements within The Municipal Act, 2001; and

**That** the Council of the City of Kenora hereby declares that one-third of the remuneration paid to elected Members of Council of the City of Kenora shall continue as expenses incident to the discharge of their duties as Members of Council; and further

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

**Amendment to Labour Adjustment Committee**

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

**That** Council give three readings to a by-law to authorize the execution of a Funding Agreement extension (#4) for an Adjustment Committee between Her Majesty the Queen in Right of Ontario as represented by the Minister of Training, Colleges and Universities Affairs and the Corporation of the City of Kenora.

**LOW Community Foundation – Kenora Aerialettes**

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

**That** Council adopt a resolution supporting the Kenora Aerialettes' request to name the City of Kenora as a sponsor in their application for funds from the Kenora and Lake of the Woods Regional Community Foundation in the amount of \$5,350.00 for gymnastics bars plus shipping (\$4500) as well as the cost of sending 2 coaches for training (\$500) plus accommodations, transportation, etc. (\$350).

**Amendment to 2009 Budget – Kenora Library**

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

**That** Council hereby approves an increase to its 2009 budget allocation to the Kenora Public Library from \$508,241 to \$513,515; and

**That** in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2009 Municipal Operating and Municipal Five Year Capital Plan by by-law at its February 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.

**Procurement Policy**

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

**That** Council hereby authorizes an amended City Procurement By-law – Policy #FI-01-01; and

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

**Special Occasions Permit – Ham `N Egger Tourney**

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

**That** approval be hereby granted for the Alcohol & Gaming Commission of Ontario to issue a Special Occasions Permit to the 16<sup>th</sup> Annual Larry Bowen Ham N' Egger Classic Hockey Tournament taking place at the Keewatin Memorial Arena Community Hall, in accordance with the Municipal Alcohol Policy and Liquor Control Regulations, as follows:-

Friday, March 19, 2010 - between the hours of 6:00 p.m. and 1:00 a.m.  
Saturday, March 20, 2010 - between the hours of 11:00 a.m. and 1:00 a.m.

Sunday, March 21, 2010 -between the hours of 12:00 p.m. and 11:00 p.m.;

**And Further that** Council hereby recognizes and dedicates this event as a "Community Festival" in and for the City of Kenora.

**Minimum Wage Increase – Recreation Department**

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

**That** Council of the City of Kenora authorizes the following increase and implementation of the wage step level plan for the minimum wage staff in Recreation Department, effective March, 31, 2010:

| <b>Concession</b>         | <b>Step 1 - Start</b>   | <b>Step 2 - Experience</b> |
|---------------------------|-------------------------|----------------------------|
| Student -17 yrs & under   | \$9.60 (Ont. min. wage) | \$10.00                    |
| Adult -18 yrs & over      | \$10.25(Ont. min. wage) | \$10.65                    |
| <b>Rink Attendants</b>    | <b>Step 1 - Start</b>   | <b>Step 2 - Experience</b> |
| Students- 17 yrs & under  | \$9.60(Ont. min. wage)  | \$10.00                    |
| Students – 18 yrs & over  | \$10.25(Ont. min. wage) | \$10.65                    |
| <b>Desk Attendants</b>    | <b>Step 1 - Start</b>   | <b>Step 2 - Experience</b> |
| Students - 17 yrs & under | \$9.60 (Ont. min. wage) | \$10.00                    |
| Students – 18 yrs & over  | \$10.25(Ont. min. wage) | \$10.65                    |

**And further that** the graduation to Step 2 is pending satisfactory performance, and all Concession and Rink Attendant staff remain strictly seasonal with interested staff being required to reapply annually.

**Wage Increase to Aquatic Staff**

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

**That** Council of the City of Kenora hereby authorizes the following increase and implementation of the wage step level plan for the student aquatic staff in the Recreation Department:

| <b>Description</b>                | <b>Effective March 31, 2010</b> |                                                                     |                                                                      |
|-----------------------------------|---------------------------------|---------------------------------------------------------------------|----------------------------------------------------------------------|
|                                   | <b>Start Rate</b>               | <b>Step 1</b><br>(After 1 year of service & acceptable performance) | <b>Step 2</b><br>(After 2 years of service & acceptable performance) |
| <b>Pool Attendant</b>             | minimum wage                    | minimum wage                                                        | minimum wage                                                         |
| <b>In-service and/or Meeting</b>  | minimum wage                    | minimum wage                                                        | minimum wage                                                         |
| <b>Assistant Instructor</b>       | 10.25                           | 10.65                                                               | 11.05                                                                |
| <b>Assistant Guard</b>            | 10.25                           | 10.65                                                               | 11.05                                                                |
| <b>Lifeguard</b>                  | 10.75                           | 11.15                                                               | 11.55                                                                |
| <b>Instructor</b>                 | 10.75                           | 11.15                                                               | 11.55                                                                |
| <b>Lifeguard &amp; Instructor</b> | 11.50                           | 11.90                                                               | 12.30                                                                |

**And further that** these changes take effect March 31, 2010.

**Amendment to Tariff of Fees By-law - Vendors Fees**

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

**That** Council hereby approves the daily and event rates outlined in the January 22, 2010 report of Colleen Neil, Recreation Services Manager, effective February 16, 2010; 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 #147-2007 at its February 16, 2010 meeting to give effect to these rates; and further

**That** Council give three readings to a by-law to amend Schedule "B" to Tariff of Fees and Charges By-Law Number 147-2007 to include the Vendor Permit rates.

**Receipt of Recreation Department Post Amalgamation Report**

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

**That** Council of the City of Kenora hereby receives the Kenora Recreation Centre Post Amalgamation Financial Report.

**Receipt of Recreation Department 2009 Year-end Report**

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

**That** Council of the City of Kenora hereby receives the Kenora Recreation Centre Department (Quarterly) Year-end report for 2009.

**Lakeview Drive Parking Plan**

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

**That** Council hereby authorizes construction of an additional eight (8) parking stalls at the Lakeview Parking Lot; and

**That** Administration make arrangements to lease out these parking stalls on a monthly basis following completion of the required construction and signage; and further

**That** Council give three readings to a by-law to amend Lot "F" of Parking Lot By-law Number 66-2006 at a future meeting.

**Contract with KGS Group – Downtown Revitalization**

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

**That** Council of the City of Kenora give three readings to a by-law to authorize the entering into of an agreement with KGS Group to provide final design and contract administration services for the first part of the Downtown Revitalization Phase 2 Project.

**Adoption of Graffiti By-law - Tabled**

**22. Moved by D. McCann, Seconded by W. Cuthbert,**

**That** Council hereby authorizes a by-law to control graffiti within the City of Kenora; and

**That** following adoption of the by-law, arrangements be made to forward the by-law and Set Fine Schedule to the City Solicitor for processing; and further

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

**Motion Tabled.**

**Motion #22 - Tabled**

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

**That** Motion Numbers 22 and 31 on tonight's agenda with respect to a graffiti by-law for the City of Kenora be hereby tabled.

**Agreements for Purchase of Transit Vehicles**

**23. Moved by J. Parson, Seconded by W. Cuthbert & Carried:-**

**That** Council of the City of Kenora hereby authorize a Governance Agreement for the Joint Procurement of one conventional transit bus and one specialized transit bus on an exclusive basis pursuant to a process and on terms and conditions set out in the RFP with Metrolinx; and

**That** Mike Mostow, Fleet Supervisor be authorized to perform any action and provide any required recommendations, instructions and approvals to complete the Procurement within the scope of this Agreement, and Rick Perchuk be appointed as Alternate to perform the above in the absence of the Fleet Supervisor; and

**That** the appointed members be authorized to exercise Council's rights of early termination in accordance with Section 37 (Termination without cause by a Purchaser) of the Agreement; and further

**That** the Mayor and City Clerk be authorized to sign Schedules E, F, G and I of the Agreement.

**KMTS Sign Location**

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

**That** the Council of the Corporation of the City of Kenora denies the request by KMTS to re-locate a sign to its former location west of City Hall as that area is integral to the Downtown Revitalization project; and

**That** the location of commercial signs on public property be addressed in the sign by-law currently under review.



**Amended Contract with Ryan Haines Contracting**

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

**That** the Council of the City of Kenora gives three readings to a by-law to authorize an amendment to the contract with Ryan Haines Consulting to provide additional water quality testing of Black Sturgeon Lakes in 2010 which will provide benchmark results for comparative analysis in the future; and further

**That** the Mayor and Clerk be authorized to execute the amendment.

**Approval of Vanasse Zoning Application**

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

**That** Application Z01/10 Vanasse to amend Zoning By-law 160-2004 specifically on property described as Lot 74 and 75 Plan 3, Block 3, from I – Institutional to LC – Local Commercial with two residential units permitted in each of the two existing structures on the subject lands be approved as there is no new development, and there have been no objections over the past six years in which the uses have been in existence; and further

**That** Council gives three readings to a by-law to amend Zoning By-law Number 160-2004, as amended for this purpose.

**Extension to Boat Slips – Changes in Latitude Marina**

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

**That** the Council of the Corporation of the City of Kenora hereby directs notification to the Ontario Ministry of Natural Resources and the Coast Guard that there is no objection to the extension by eight (8) feet, of five (5) boat slips (as per submitted plan) to the existing dock system operated by Bruce Krawicki Limited as Changes in Latitude Marina.

**Sale of land to Bell**

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

**That** the Council of the Corporation of the City of Kenora gives three readings to a by-law to authorize the sale of the land described as Part 1, Plan 23R-9638 to Ronald Douglas Bell and Joy Ellen Bell, at the appraised value as established by Century 21 – Reynard Real Estate, plus all costs associated with the land transfer; and

**That** the Mayor and Clerk be authorized to enter into the agreement of purchase and sale.

**Proclamation – Kinsmen and Kinettes Day/Week**

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

That the Mayor be and is hereby authorized to proclaim Saturday, February 20, 2010 as "Kinsmen and Kinettes Day", and the week of February 14 to 20, 2010 as

"Kinsmen and Kinettes Week – A Celebration of Kinsmen and Kinettes in Canada", in and for the City of Kenora.

**Adoption of By-laws**

**30. Moved by J. Parson, Seconded by W. Cuthbert & 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:~

- #22-2010 - To confirm proceedings of Council and other Committee Meetings
- #23-2010 - To execute a Municipal Fire Agreement with M.N.R.
- #24-2010 - To amend the 2009 Municipal Budget & Five-year Capital Plan
- #25-2010 - To provide for annual remuneration to the Mayor and Members of Council
- #26-2010 - To amend the agreement for the Labour Adjustment Committee
- #27-2010 - To amend the 2009 Municipal Budget & Five-year Capital Plan
- #28-2010 - To adopt an amended Procurement Policy
- #29-2010 - To amend Schedule "B" to the Tariff of Fees & Charges By-law
- #30-2010 - To execute a contract with KGS Group
- #31-2010 - To execute an agreement with Metrolinx for a conventional transit bus
- #32-2010 - To execute an agreement with Metrolinx for a specialized transit bus
- #33-2010 - To authorize the sale of that part of a road allowance in front of location 121P, to Ronald and Joy Bell
- #34-2010 - To authorize an amended contract with Ryan Haines Consulting
- #35-2010 - To authorize an additional lease agreement with KC Refrigeration Ltd.
- #36-2010 - To amend Comprehensive Zoning By-law Number 160-2004, as amended.

**Graffiti By-law - TABLED**

**31. Moved by D. McCann, Seconded by C. Van Walleghem,**

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

- #37-2010 – To Control Graffiti within the City of Kenora.

**Motion Tabled.**

**Adjournment**

**32. Moved by J. Parson, Seconded by C. Drinkwater & Carried:-**

**That** this meeting be now declared closed at 5:38 p.m.; and further

**That** pursuant to Section 239 of the Municipal Act, 2001, as amended, authorization is hereby given for Council to move into a Closed Session to discuss items pertaining to the following:-

- i) **Disposition of Land Matter**
- ii) **Personal Matter about an Identifiable Individual.**

At 6:38 p.m., Council reconvened to open session with no report.

The meeting closed at 6:39 p.m.

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

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

**OF.....2010**

.....

**MAYOR**

.....

**CITY CLERK**