



**MINUTES  
of the  
Property and Planning Committee  
of Council**

**Held Tuesday, January 12, 2010  
City Council Chambers 9 a.m.**

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**PRESENT:** Councillor W. Cuthbert, Chair  
Bill Priesentanz, CAO  
Mayor L. Compton  
Councillor R. McMillan  
Councillor J. Parson  
Councillor D. McCann  
Councillor C. Drinkwalter  
Rick Perchuk, Operations Manager  
Tara Rickaby, Planning Administrator  
**REGRETS:** Councillor Van Walleghem, Art Mior, Planning Advisory Chair  
**GUEST:** Ryan Haines, Ryan Haines Consulting

**A. PUBLIC INFORMATION NOTICES AS PER BY-LAW NUMBER 144-2007**

**Take Notice that Council intends to approve the following at its next meeting:**

- A By-law to amend the contract with Ryan Haines Consulting
- A By-law to amend the contract with FoTenn Consulting
- A By-law to accept and assume a portion of Peterson Drive and to release and discharge obligation of M & L Development
- A By-law to accept and assume a portion of Bruckenberger Road and to release and discharge obligation of Moncrief Construction Limited

**B. DECLARATION OF PECUNIARY INTEREST & GENERAL NATURE THEREOF:**

- a) On today's agenda - **None**
- b) From a meeting at which a Member was not in attendance - **None**

**C. STANDING COMMITTEE DEPUTATIONS:**

**Gerry Cariou, Ontario Sunset Country** – Mr. Cariou introduced himself as the Executive Director of Ontario Sunset Country Travel Association and explained that the Province has instituted a major change in tourism promotion by implementing one new "Regional Tourism Organization" (RTO) for all of Northern Ontario. He went on to state that there is not anticipated to be any direct impact on Ontario's Sunset Country Travel Association – the association entrenched and established. The OSSCTA will continue to operate independently with no changes. This region of Ontario will still be marketed by "Ontario's Sunset Country" – how the new RTO will promote the area as is something that is not yet determined. If the new organization does not acknowledge the association's existing Destination brand "Sunset Country" – they will be in for a rough ride from most tourism industry businesses in the region and from OSSCTA. Mr. Cariou indicated that the new RTO will perform three main functions: 1) Tourism marketing (hopefully in conjunction with existing partners) 2) product Development e.g. identify and fund new tourism "products across the North for example hiking trails and 3) Training – the new RTO will identify tourism industry training needs and coordinate courses and programs. He stated that the three sub-regions on the map of Northern Ontario (13A, 13B and 13C) are essentially meaningless – they are lines on a map but no context was provided as to what the sub-regions mean to the new RTO – perhaps they will get representation on their Board from each region we don't know. The Ministry of Tourism has stated they want to work with existing organizations – that the new RTO is there to "help". Sunset Country currently has a business services agreement with Ontario Tourism Marketing Partnership – this is valued at \$100,000.00 annually – OSSCTA is to provide marketing services for an agreed upon fee – it is not known whether this will continue past March 2010. The new RTO may fund some of the marketing projects – how it will all work is still not known. There is currently a "working group" (including City of Kenora reps) to work on a proposal as to how this RTO should operate. Sunset Country also has representation on this working group. The proposal

will be presented to MTR for their "approval" – at this point Sunset Country is only participating on the group – we do not approve or disapprove of the proposal that will be developed. Once the final product is presented, a decision will be made as to whether or not the association "support" it.

Mr. Cariou reiterated that the Provincial announcement has no impact on whether or not Sunset Country will continue to exist. Over 70% of their revenues are generated from membership and project revenues and less than 30% comes from Provincial Government sources. The association could survive a cut in funds from the Province if that occurred but he emphasized that there is no indication yet that this will happen.

One of the most difficult things is the lack of information coming from the Province with respect to the project; it is still a work in progress.

Councillor McMillan asked Mr. Cariou if he was optimistic that OSSCTA will have a voice at the table. Mr. Cariou responded by explaining that the north will have 5 of the 15 seats at the table so there is still a concern that votes could be lost on matters which have more of an impact on the north than the more southern/eastern areas.

Bill Presentanz asked whether or not the Kenora Hospitality Association will be affected. Mr. Cariou's opinion is that the KHA's current program of collecting \$1 per night per room will not survive and that their marketing plan will be severely affected. He explained that they could still collect the fee, however would be required to send it to the Province for re-allocation. Discussion took place with respect to the impact of the HST on the tourism industry.

Mr. Cariou thanked the Committee for their time and left the meeting at 9:15.

**Amanda Boucha – Beaver Creek Ranch** – Ms. Boucha described her business and explained that, throughout the year, she offers fundraising opportunities for non-profit agencies. She indicated that the removal of the CPR fence as an advertising opportunity has had a negative effect on the attendance of these events. Ms. Boucha stated that the signs she located on the fence were manufactured by local professionals. Ms. Boucha indicated that she is not opposed to purchasing space but requests that Council gives thought to providing a signage opportunity for non-profit events in another high traffic area.

Ms. Boucha thanked the Committee for their consideration of the matter and said that she would stay for the portion of the meeting when the Sign By-law was discussed.

**D. ADDITION TO AGENDA :       None**

#### **E. CONFIRMATION OF MINUTES**

**Moved by: Charito Drinkwater       Seconded by: Dave McCann       & Carried:**

THAT the Minutes from the last regular meeting of Committee held December 8, 2009 be confirmed as written and ordered filed.

**CARRIED**

**Ryan Haines**, of Ryan Haines Consulting described the process of collection of water samples in lower Black Sturgeon Lake and presented his findings.

Mr. Haines indicated that the 2009 water quality data on Lower Black Sturgeon Lake does not show any indications of a decline in water quality when compared with previous data collected on the lake and that the water quality data collected during 2009 were within the Provincial Water Quality objectives.

With respect to phosphorus, specifically, turnover concentrations are all below the provincial water quality objective and below the Lake Partner Program mean. There were higher phosphorous concentrations at upstream location (site #3) when compared to downstream location (site #2). Nutrient loading is occurring at both sites, but for a much longer time period at site #3. Site #3 nutrient loading may be the result of high levels of phosphorous from inlet or may be a product of the bathymetry of the area.

With respect to algae, both sites tested have Palmer Genera Index values of less than 15 – indication of absence of organic pollution. Mr. Haines pointed out that algal species present can vary from day to day during the summer. Algal analysis, while not comprehensive, does provide an additional indicator at a reasonable cost.

Mr. Haines explained that while there are not currently any provincial water quality objectives for Chlorophyll and the lake partner program does not collect data on Chlorophyll a, the 2009 seasonal averages of 3.9 µg/L (site #2) and 3.7 µg/L (site #3) will provide important baseline data to draw upon for future comparisons .

Mr. Haines recommends that an additional site be added at Upper Black Sturgeon Lake to help identify potential phosphorous sources and that the contract be amended to reduce the sampling for phosphorus to one/site in order to offset costs of additional site. In addition it he

recommends that reducing the number of sampling sessions from 10 to 8 will not be detrimental. He said that by reducing the sampling sessions and replicate phosphorous samples, additional site may be added within the original budget for 2010.

Councillor McCann asked whether or not Provincial ministries would be interested in the data. Mr. Haines stated that it is the City's decision on whether or not to share the information but that certainly the Ministry of Environment, and perhaps the Ministry of Natural Resources would be interested in the findings.

The location of the proposed new testing area was discussed.

Mayor Compton asked whether or not the Northwestern Health Unit would find the data helpful. Mr. Haines indicated that the health unit deals with coliform and e coli counts with respect to human health; phosphorus from septic tanks has become less of an issue since the removal of phosphorus from cleaning products.

Discussion took place with respect to naturally occurring changes in phosphorus and how flooding and rain events impact levels.

Councillor Cuthbert thanked Mr. Haines for his presentation at 9:57 a.m

**F. REPORTS:-**

The Committee agreed to bring item no. 4 Amendment to contract with Ryan Haines forward for discussion as the first item.

**1. Amendment to contract with Ryan Haines Consulting for further water testing – Black Sturgeon Lake**

Karen Brown acknowledged that there was a budget allocation for this item, however it will require review as the budgeted amount is not the same as this request.

Discussion took place with respect to the benefit of having the results from the additional testing site for future reference.

**RECOMMENDATION:**

**That** the Council of the Corporation of the City of Kenora authorizes the amendment of a 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

**That** in accordance with Notice By-law #144-2007, public notice is hereby given that Council intends to approve an expenditure in its 2010 Operating Budget at its January 18, 2010 meeting, to allocate funds from the Operations/Planning Budget for contracted services, in the amount of \$16,469 (+ GST) to offset the cost of the amendment to the contract with Ryan Haines Consulting for the provision of water quality testing in Black Sturgeon Lakes; and further

**That** Council authorizes the Mayor and Clerk to amend the agreement.

**Hold for budget review**

**Hold**

**2. Signage – a) Amendments to Sign By-Law**

Councillor Cuthbert explained that during the review by the Municipal Solicitor, issues with respect to the document being "user friendly" were identified. The By-law is being redrafted from scratch. There will be another public meeting held for the review of the by-law when it is ready.

Councillor Cuthbert referred to the presentation by Ms. Boucha, earlier, as an example of how important input from the public is for issue identification.

**Hold**

**b) Themed signage – for municipal purposes – Nothing to report**

**c) Posters on municipal utility poles/light standards**

**Information Only**

**d) Billboard Signs on Lakeview Drive – Nothing to report.**

**3. Rest stop**

**HOLD**

**4. Official Plan/Zoning By-law Review – Update**

Tara Rickaby explained that the Official Plan has been sent to the Ministry of Municipal Affairs and Housing for the One Window review. In addition, the City is accepting comments until January 15, 2010. There are additional meetings anticipated with the Dalles and possibly Rat

Portage to review the Official Plan.  
Work is progressing on the mapping and review of the Zoning By-law. The draft, for internal review, is expected early in February.

**Information Only**

**5. Amendment to contract with FoTenn Consulting**

As a result of the resignation of the City Planner, a review of the work plan and schedule for the Official Plan and Zoning By-law Review was conducted. The original proposal did not include a separate meeting for public review of the draft changes to the Zoning By-law. In order to provide the same level of planning expertise for a public meeting which will likely draw more public interest than those held regarding the Official Plan, a request was made to FoTenn for a quote for preparation and attendance at a meeting to review the draft Zoning By-law.

It is anticipated that the public meeting will be held in March or April. Tara Rickaby indicated that the original contract was for less than the budgeted amount; the difference between the amount budgeted and the addition of this component will be approximately \$2,000.

**RECOMMENDATION:**

**That** Council of the City of Kenora give three readings to a by-law to amend By-law Number 113-2009 being a by-law to authorize a contract with FoTenn Consulting Inc., to provide the services of a land use planner to prepare for, and conduct, a public open house to review the draft changes to Kenora's Zoning By-law; and further

**That** this expenditure be referred to the 2010 Operating Budget for the purpose of allocating funds in the amount of \$4,450.00 + taxes to offset the associated cost to the FoTenn Consulting Inc. contract.

**Recommendation to Council**

**Planning/Clerk  
Finance**

**6. Assumption of portion of Peterson Drive and Certificate of Release and discharge of obligations – M & L Development**

The City of Kenora entered into a subdivision agreement with M & L Development Ltd. on July 16, 2007.

In November, 2009, the Operations Manager recommended that the extension of Peterson Drive be accepted and assumed.

The City is in receipt of a statement by the Owner's solicitor which confirms that there are no liens or encumbrances on title.

A review of City records indicates that the requirements of sections 38 Requirements for Release of Maintenance Guarantee and 39 Requirements for Certificate of Release, of the subdivision agreement, have been met. Rick Perchuk indicated that there are no outstanding issues in this matter.

**RECOMMENDATION:**

**That** the Council of the Corporation of the City of Kenora by the passing of a by-law, the City of Kenora declares that the Owner is not in default of any of the provisions of the Agreement; and

**THAT** the City of Kenora accepts and assumes a portion of Peterson Drive, for municipal purposes, identified on Plan of Subdivision 23M953; and

**THAT** the City of Kenora, by passing of said by-law, releases the Owner from any further obligations associated with the Agreement.

**RECOMMENDATION TO COUNCIL**

**Planning/Ops  
Clerk/M.  
Solicitor**

**7. Assumption of portion of Bruckenberg Road and Certificate of Release and discharge of obligations – Bruckenberg Road**

The City of Kenora entered into a subdivision agreement with Moncrief Construction Limited, for the extension of Bruckenberg Road, in November of 2007.

In November, 2009, the Operations Manager recommended that the extension of Bruckenberg Road be accepted and assumed.

The City is in receipt of a statement by the Owner's solicitor, which confirms that there are no liens or encumbrances on title.

A review of City records indicates that the requirements of sections 38 Requirements for Release of Maintenance Guarantee and 39 Requirements for Certificate of Release, of the subdivision

agreement, have been met. Rick Perchuk indicated there are no outstanding issues with this matter.

**RECOMMENDATION:**

**That** the Council of the Corporation of the City of Kenora by the passing of a by-law, the City of Kenora declares that the Owner is not in default of any of the provisions of the Agreement; and

That the City of Kenora accepts and assumes Bruckenberger Road, for municipal purposes, identified on Plan of Subdivision 23M 949 and the Subdivision Agreement(s) entered into; and

**That** the City of Kenora, by passing of said by-law, releases the Owner from any further obligations associated with the Agreement.

**Recommendation to Council**

**Planning/Ops  
Clerk/M.  
Solicitor**

**8. Northern Tourism Marketing Committee**

Councillor Cuthbert summarized the earlier presentation by Ontario Sunset Country and told the Committee that there is a recommendation by the Province that a proposal by Algoma Tourism is a model being considered for implementation.

Discussion took place with respect to the anticipated impact to the Kenora Hospitality Alliance. Staff will contact both OSSC and KHA to see if there is a message they would like Council to bring to the Minister at the Ontario Good Roads conference.

**Action item**

**Ec. Dev. Mgr/  
Clerk**

**9. Town Island – Declaration as surplus to needs of the municipality**

Bill Preisenzant reminded the Committee that the Province is proceeding with their public process for surplus lands. He suggested that it makes sense to also declare Town Island surplus at this time; this timing will also provide an opportunity for cost-sharing for appraisals.

**RECOMMENDATION:**

**That** Council of the City of Kenora hereby declares property described as Parcel 948, Island D72 unsurveyed territory situated in Lake of the Woods south of Devils Gap, more commonly known as Town Island, to be surplus to its needs; and

That funding for appraisal services for the planned exchange of MNR lands and Town Island be included in the 2010 budget; and further

That the appraisal costs be cost-shared on an equal basis with MNR.

**RECOMMENDATION TO COUNCIL**

**CAO/Clerk**

**Motion required adjourning to Closed Meeting: (10:19 a.m.)**

**Moved by: Rory McMillan Seconded by: Dave McCann and Carried:-**

THAT this meeting be now declared closed at a.m.; and further

THAT Council adjourns to a Closed Meeting to discuss the following:

- Disposition and Security of Property Matters

**Reconvene to Open Session ( 11:20 a.m.)**

**RECOMMENDATIONS FROM CLOSED SESSION: None**

**Moved by: Dave McCann Seconded by: Rory McMillan**

**THAT the January 12, 2010 meeting of the Property and Planning Committee be adjourned at 11:21 a.m.**