



Minutes

**Of a Meeting of the Council of the City of Kenora
Monday, April 18, 2011 – City Council Chambers
5:00 p.m.**

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**WITH Mayor D. Canfield, Councillor C. Drinkwalter, Councillor R. Lunny,  
Councillor R. McKay, Councillor R. McMillan, Councillor L. Roussin,  
Councillor S. Smith.**

**Staff:** Karen Brown, CAO, Warren Brinkman, Fire & Emergency Services Manager, Rick Perchuk, Operations Manager, Colleen Neil, Recreation Services Manager, Sharen McDowall, HR Manager, and Joanne L. McMillin, City Clerk.

## **Call to Order**

**Mayor Canfield called the meeting to order and Councillor Drinkwalter read the Prayer.**

## **Public Information Notices as per By-law Number 144-2007**

### **Mayor Canfield 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:-

The 2011 Municipal Operating and Municipal Five Year Capital Plan;

The 2011 Solid Waste Utility Budget;

The 2011 Water & Sewer Utility Budget;

An increase to the City's Water and Sewer Rates  
**effective July 1, 2011;**

The setting of tax ratios and tax rates for 2011;

Declaring municipal lane property (adjacent to Currie Road) and described as Part 2 on Plan KR 523 abutting Plan M283 Lot 77, Pcl 19594, as surplus to the needs of the municipality.

## **Confirmation of Minutes**

**1. Moved by R. McMillan, Seconded by L. Roussin & Carried:-**

That the following Minutes of the Council and Committee Meetings of the Council of the City of Kenora, be confirmed as written and circulated:-

- Regular Council Meeting held March 21, 2011
- Special Council Meeting held April 1, 2011

### **Declaration of Pecuniary Interest & General Nature Thereof**

Mayor Canfield 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.

Councillor McMillan made a Declaration of Pecuniary Interest on tonight's agenda under Item #12 and #29 as they relate to the Municipal Budget which refers to remuneration for the Kenora Police Services Board and his spouse is a Member of the Board.

Councillor McKay made a Declaration of Pecuniary Interest on tonight's agenda under Item #7 and #28 regarding the Sunset Trail Riders Lease Agreement, and while he was a Member of STR, he has recently resigned. He made a further Declaration on Item #18 on tonight's agenda concerning an increase in the industrial tax rates.

Councillor Roussin made a Declaration of Pecuniary Interest on tonight's agenda under Item #12 and #29 as the Municipal Budget relates to the Public Library and his spouse works for the Library.

Councillor Smith made a Declaration of Pecuniary Interest on tonight's agenda under Item #20 with respect to the Keewatin Homecoming request as she declared when the item was discussed at last week's Committee of the Whole meeting.

## **Deputations**

### **Emile and Bernice DeGagne**

Mr. and Mrs. DeGagne provided a copy of their Deputation which the Clerk circulated to Members of Council prior to the meeting. Mr. DeGagne advised the matter is regarding 812 Fifth Street (Keewatin), property they purchased in 2004 and at the time they were made aware of a minor encroachment of the house onto the registered (not travelled) portion of the lane. After providing a brief history, he explained they are attending tonight to appeal to Council as they cannot sell their home as it sits with the encroachment issue. He indicated they did not require the assistance of a mortgage at the time of purchase, nor did they make arrangements for a survey then as they were paying cash for the subject property.

Mr. DeGagne is looking for a fair, equitable and timely resolution to the matter which has been ongoing for the last six months as he noted it has come to light that the minor encroachment is actually a matter of 16 feet rather than 3 or 4 feet. Mr. DeGagne explained they are disappointed and frustrated since the potential purchaser

for their home is still interested in acquiring the property and the offer expires June 1, 2011, and that this matter has to be resolved.

In closing Mr. DeGagne requested Council to allow them to purchase that part of the lane affecting their property so that it can be registered on title to form part of the deed on a forward basis.

Mayor Canfield thanked Mr. & Mrs. DeGagne and they left the meeting.

## **Presentations**

### **Inspector D. Lucas, OPP D/Commander & OPP Cst. R. Bernie**

Inspector Lucas addressed Council regarding the work of the Substance Abuse & Mental Health Task Force that has been two years in the making, and he and Cst. Bernie provided a Power Point presentation on the Kenora Drug Strategy, copies of which were circulated to Members of Council. He noted they have been in full operation now for the last year, and various Members of the Task Force made presentations on the Four Pillar Approach comprised of: Prevention, Harm Reduction, Treatment, and Enforcement. Inspector Lucas also reviewed their Vision, Mission, and Goals with respect to the Task Force.

Inspector Lucas advised he is proud of everyone and those agencies involved with and who have worked on this Task Force, including the various Community Partners. He extended an open invitation to the public to join in and participate as they could use everyone's help, and he referred to the website page on the City of Kenora Portal under Law Enforcement for further information/resources regarding the Task Force. He indicated they have made many good initiatives over the last year and they will be providing a year-end report on their strategies.

Inspector Lucas advised of the Media Campaign kick-off last week and that it's important to raise awareness in the community to make people aware of what's going on and that there is help within our community.

In closing, the Task Force requests City Council to approve and endorse the Drug Strategy document.

Mayor Canfield thanked the OPP and representatives of the Task Force for their good work and that we look forward to the results coming out of the Task Force as a result of their efforts.

## **Additions to the Agenda**

### **1A Moved by S. Smith, Seconded by R. McMillan & Carried:-**

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

1. An appeal to NOHFC regarding funding for the Harbourfront tent.

## **Appeal to NOHFC – Tent Funding**

### **1B Moved by S. Smith, Seconded by R. McMillan & Carried:-**

That the Council of the City of Kenora Council hereby supports the appeal to Northern Ontario Heritage Fund (NOHFC) for 50% funding for the Harbourfront Tent.

## **Funding of Public Libraries**

### **2. Moved by C. Drinkwater, Seconded by R. McMillan & Carried:-**

Whereas the Federation of Ontario Public Libraries (Federation) has submitted a funding proposal to both the Ministry of Tourism & Culture and the Ministry of Finance for public libraries; and

Whereas Ontario's public libraries need sustainable ongoing funding in order to properly plan and deliver services that support the priorities of the provincial government; and

Whereas public libraries must rely increasingly on municipal funding to support their operations resulting in significant variation in service levels across the Province; and

Whereas efforts to narrow the gap between provincial and local funding would help mitigate the effects of location as well as fulfill the mandate of the Public Libraries Act; and

Whereas the funding model proposed by the Federation uses a consistent per capita rate plus some fixed supplements for rural and northern libraries;

Now therefore be it resolved that the Council City of Kenora hereby calls on the Provincial government to implement the funding model as proposed by the Federation for funding public libraries; and further

Be it resolved that a copy of this resolution be forwarded to the Honourable Michael Chan, Minister of Tourism and Culture, the Honourable Dwight Duncan, Minister of Finance, the Honourable Rick Bartolucci, Minister of Municipal Affairs and Housing, Deputy Minister Steven Davidson, Ministry of Tourism & Culture, Greg Rickford, MP (Kenora), Howard Hampton, MPP (Kenora–Rainy River), the Federation of Ontario Public Libraries, Association of Municipalities of Ontario and the Northwestern Ontario Municipal Association.

## **Closed Meeting Investigator**

### **3. Moved by R. McMillan, Seconded by L. Roussin & Carried:-**

That Council of the City of Kenora hereby continues with the services of Paul S. Heayn as Closed Meeting Investigator, effective January 1, 2011 under the same terms and conditions set out in By-law Number 14-2008; and further

That once the new service agreement has been received, Council give three readings to a by-law authorizing the entering into of an agreement with Paul S. Heayn for Closed Meeting Investigator services.

## **Receipt of LOW Annual International Water Quality Forum Report**

### **4. Moved by L. Roussin, Seconded by R. McMillan & Carried:-**

That Council hereby receives the report on attendance at the Lake of the Woods 8<sup>th</sup> Annual International Water Quality Forum held March 9<sup>th</sup> through 10<sup>th</sup>, 2011, and the Citizens Advisory Group Notes from that group's conference call held February 22, 2011, as provided by Len Compton in his role as Community Liaison on the non-municipal Stakeholders Advisory Group for the Lake of the Woods Water Sustainability Foundation; and

That Council hereby receives the Interim Report of the International Lake of the Woods and Rainy River Watershed Task Force.

## **Amended Occupational Health & Safety Policy Statement**

### **5. Moved by L. Roussin, Seconded by R. McMillan & Carried:-**

That Mayor and Council review, approve, and sign the amended City of Kenora Occupational Health and Safety Policy Statement.

## **Senior of the Year Nomination**

### **6. Moved by R. McMillan, Seconded by L. Roussin & Carried:-**

That the Council of the City of Kenora hereby nominates Len "Kroppy" Kropioski for the 'Senior of the Year Award' for 2011; and further

That arrangements be made to forward the nominating information to the Ministry of Citizenship and Culture before the April 30, 2011 deadline.

## **Lease Agreement with Sunset Trail Riders**

### **7. Moved by C. Drinkwalter, Seconded by S. Smith & Carried:-**

That further to Council's September 13, 2010 meeting at which time authorization was given to lease the City's Fire Station #3 to Sunset Trail Riders Snowmobile Club Inc., Council hereby gives three readings to a by-law to formally authorize the lease agreement with Sunset Trail Riders Snowmobile Club Inc., on a month to month basis for property located at 241 Rabbit Lake Road.

**Abstention: Councillor McKay**

## **Various Minutes from Boards & Committees**

### **8. Moved by R. McMillan, Seconded by R. McKay & Carried:-**

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

- January 18 & February 16, 2011 – Environmental Advisory Committee
- February 14, 2011 – Committee of the Whole
- February 15, 2011 – Property & Planning Committee

- March 8, 2011 – Audit Committee
- March 17 & 22, 2011 – Budget Committee

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

- March 29, 2011 – LOW Museum Board
- January 13, 27 & February 17, 2011 – Kenora District Services Board
- February 8, 2011 – Conventional Transit Authority Commission
- March 4, 2011 – District of Kenora Home for the Aged
- March 14, 2011 – Common Ground Research Forum

That these Minutes be circulated and ordered filed.

### **Attendances at Canadian Municipal Aboriginal Gathering**

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

That authorization be hereby given for Cuyler Cotton and Adolphus Cameron, Members of the Rat Portage Common Ground Conservation Organization, to attend the Canadian Municipal Aboriginal Gathering in Thunder Bay, May 24 to 27, 2011; and further

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

### **Celebrate Ontario Funding Agreement**

#### **10. Moved by R. McMillan, Seconded by S. Smith & Carried:-**

That Council gives three readings to a by-law to authorize execution of the Celebrate Ontario Funding agreement in the amount of \$40,000; and further

That Council hereby authorizes the Mayor and Clerk to execute the Celebrate Ontario Funding agreement in the amount of \$40,000.

### **TREE Canada Funding Agreement**

#### **11. Moved by S. Smith, Seconded by C. Drinkwalter & Carried:-**

That Council gives three readings to a by-law to authorize execution of the Tree Canada agreement in the amount of \$15,000, and further

That Council hereby authorizes the Mayor and Clerk to execute the Tree Canada funding agreement in the amount of \$15,000.

### **Approval of 2011 Municipal Operating/Capital Budget**

#### **12. Moved by R. Lunny, Seconded by S. Smith & Carried:-**

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to formally adopt the 2011 Municipal Operating and Municipal Five Year Capital Plan by by-law at the April 18 Council Meeting; and

That Council hereby approves the City of Kenora 2011 Municipal Operating Budget and Five Year Capital Plan as amended; and

That Council hereby authorizes City administration to proceed with the implementation of all budget related decisions in accordance with those reflected within the amended budgets; and further

That Council hereby gives three readings to a by-law to approve the 2011 Municipal Operating Budget and the 2011 Municipal Five Year Capital Plan.

**Abstention: Councillor McMillan and Councillor Roussin**

**Approval of 2011 Solid Waste Operating/Capital Budget**

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

That in accordance with Notice By-Law Number 144-2007, public notice is hereby given that Council intends to formally adopt the 2011 Solid Waste Utility Budget at the April 18th Council Meeting; and

That Council hereby approves the 2011 Solid Waste Operating Budget and Five Year Capital Plan, as amended; and further

That Council give three readings to a by-Law to approve the 2011 Solid Waste Utility Budget.

**2011 Water & Sewer Operating/Capital Budget**

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

That in accordance with Notice By-Law Number 144-2007, public notice is hereby given that Council intends to formally adopt the 2011 Water & Sewer Utility Budget at the April 18th Council Meeting; and

That Council hereby approves the 2011 Water & Sewer Operating Budget and Five Year Capital Plan, as amended; and further

That Council give three readings to a By-Law to approve the 2011 Water & Sewer Utility Budget.

**Approval of 2011 Sewer & Water Rate Increase**

**15. Moved by R. Lunny, Seconded by R. McMillan & Carried:-**

Whereas at the budget meeting held on March 22, 2011, Council recommended a rate increase of 5% on water and sewer rates effective July 1, 2011;

Now therefore be resolved that following approval of a by-law to approve the 2011 Water & Sewer Utility Budget, Council hereby gives three readings to a By-law to amend Schedule "D", Table (i) to By-Law 168-2004, being a By-Law to establish water and sewer rates, to incorporate a 5% rate increase effective July 1, 2011; and further

Be it resolved that in accordance with Notice By-Law Number 144-2007, public notice is hereby given that Council intends to amend the City's water and sewer rates at the April 18<sup>th</sup> Special Council Meeting.

### **Implementation of Various Tools related to Capping Process**

#### **16. Moved by R. Lunny, Seconded by C. Drinkwalter & Carried:-**

That Council hereby approves the implementation of the following tools related to the capping process for the 2011 taxation year:

- Annualized Tax Limit of 10% for each of the commercial, industrial and multi-residential property classes
- Prior Year's CVA Tax Limit of 5% for each of the commercial, industrial and multi-residential property classes
- CVA Tax Threshold for Protected Properties related to increases in the amount of \$250 for each of the commercial, industrial and multi-residential property classes
- CVA Tax Threshold for Clawed Back Properties related to decreases in the amount of \$250 for each of the commercial, industrial and multi-residential property classes
- CVA Tax in 2010
- Cross Over CVA Tax in 2011; and further

That Council hereby gives three readings to a by-law to adopt optional tools for the purposes of both administering limits for certain property classes and excluding certain properties from the capping process.

### **2011 New Construction/New to Class Properties**

#### **17. Moved by R. McKay, Seconded by L. Roussin & Carried:-**

That Council hereby approves the implementation of the minimum tax level of 100% for new construction/new to class properties for 2011; and further

That Council hereby gives three readings to a by-law to adopt optional tools for the purposes of administering limits for eligible properties within the meaning of Section 331 (new construction) for the commercial, industrial and multi-residential property classes for 2011.

### **Setting of Tax Ratios and Rates Reductions for 2011**

#### **18. Moved by R. Lunny, Seconded by R. McMillan & Carried:-**

That Council hereby provides three readings to the following By-laws:

A By-law to set tax ratios and to set tax rate reductions for prescribed property classes and subclasses for municipal purposes for the year 2011; and

A By-law to adopt the estimates for all sums required for the year, to establish rates to be levied for same and to provide for penalty and interest in default of payment thereof for 2011; and further



That in accordance with Notice By-law #144-2007, public notice is hereby given of Council's intention to set tax ratios and tax rates for 2011 at its April 18 meeting.

**Abstention: Councillor McKay**

### **Heads & Beds Levy**

**19. Moved by S. Smith, Seconded by C. Drinkwalter & Carried:-**

Whereas Ontario municipalities with post-secondary institutions and hospitals receive transfer payments from the provincial government in lieu of property taxes; and

Whereas the payments are transferred to the municipalities based on the number of heads (students) in post-secondary institution campuses and the number of beds in their local hospitals and jails (also known as the Heads and Beds payment in lieu of taxes); and

Whereas the current amount of \$75 per head/ bed has not been increased since 1987 when it was adjusted from \$50; and

Whereas it is our position that the current Heads and Beds rate does not reflect a fair compensation for providing the local resources necessary to support these provincial services; and

Whereas this rate, if indexed to inflation, would be approximately \$135 per head/bed;

Therefore be it resolved that the Council of the City of Kenora hereby requests that the provincial government of Ontario increase the Heads and Beds levy to at least the current rate of inflation and build in an automatic annual adjustment for inflation for future years; and further

Be it resolved that a copy of this resolution be forwarded to the Honourable Dwight Duncan, Minister of Finance, Howard Hampton, MPP (Kenora-Rainy River) and the City of Kingston.

### **Keewatin Homecoming/Heritage Committee Funding Application**

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

That Council hereby supports the Keewatin Homecoming/Heritage Committee's request to name the City of Kenora as a sponsor in their application for funds from the Lake of the Woods regional Community Foundation for Keewatin Summer Splash 2011.

**Abstention: Councillor Smith**

### **Notice of Government Agencies – Bill 151**

**21. Moved by L. Roussin, Seconded by C. Drinkwalter & Carried:-**

That Council hereby authorizes the Mayor to send a letter to the Chairman and Committee Members of the Standing Committee on General Government with regards

to Bill 151 advising of the lost opportunities of not holding consultations on this legislation in the Northwest; and

That the letter also outline the City's concerns on that proposed legislation with regards to Local Forest Management Corporations (LFMCs), the number of pilots, the time limits for evaluating the LFMCs and the increased government authority as outlined within that Bill; and

That a copy of that letter be sent to the Honourable Michael Gravelle, Minister of Northern Development, Forestry and Mines and the Honourable Linda Jeffries, the Minister of Natural Resources; and further

That a copy of that letter be sent to the Association of Municipalities of Ontario and the Northwestern Ontario Municipal Association and all Ontario municipalities with a request for their support on this matter.

### **Various Approvals for 5<sup>th</sup> Annual ICROSS Honour Ride**

#### **22. Moved by R. McMillan, Seconded by R. Lunny & Carried:-**

That Council of the City of Kenora acknowledge the 5th Annual Lewis Mackenzie Order of Canada ICROSS National Honour Ride to be held July 29<sup>th</sup>, July 30<sup>th</sup> & July 31<sup>st</sup>, 2011; and

That approvals be granted as outlined below in conjunction with the above noted Special event:

That authorization be granted for the Canadian Veteran Motorcycle Units (CAV) to hold a Flag Raising Ceremony at City Hall at 10:00 a.m. on Saturday July 30<sup>th</sup>, 2011; and

That approval be granted for parking of the motorcycles during the flag raising ceremony in the City Hall parking lot and the metered parking spots in front of City Hall from 9:30 a.m. – 10:30 a.m.; and

That authorization be granted for the Canadian Veteran Motorcycle Units (CAV) to hold a Memorial Service at the Lake of the Woods Cemetery on Saturday, July 30<sup>th</sup> at 11 a.m.; and further

That general vehicular traffic be prohibited in the Cemetery from 10:30 a.m.– 12:30 p.m. on Saturday, July 30<sup>th</sup>, 2011, during the Memorial Service.

### **Approval for Lease Agreement Keewatin PW Garage (Unit A)**

#### **23. Moved by R. McKay, Seconded by R. McMillan & Carried:-**

That Council of the Corporation of the City of Kenora give three readings to a by-law to authorize a lease extension of the agreement between the City of Kenora and KC Refrigeration as provided for in By-law Number 182-2009, for land described as Keewatin Public Works Garage Part 1, PLC126 Plan 23RR6726, 23R4158, Unit A.

### **Negotiating Lease Agreement Keewatin PW Garage (Unit B)**

**24. Moved by C. Drinkwalter, Seconded by R. Lunny & Carried:-**

That Council of the Corporation of the City of Kenora hereby gives direction to the Facilities Coordinator to continue to negotiate a lease agreement between the City of Kenora and Ferometalcraft Ltd. for land described as Keewatin Public Works Garage Part 1, PLC126 Plan 23RR6726, 23R4158; Unit B.

### **Approval for Lease Agreement Keewatin PW Garage (Unit C)**

**25. Moved by R. McKay, Seconded by R. McMillan & Carried:-**

That Council of the Corporation of the City of Kenora give three readings to a by-law to authorize a lease extension of the agreement between the City of Kenora and K C Refrigeration as provided for in By-law Number 35-2010 for land described as Keewatin Public Works Garage Part 1, PLC126 Plan 23RR6726,23R4158; Unit C.

### **Execution of Contract with KMA Contracting – Harbourfront Tent**

**26. Moved by S. Smith, Seconded by R. McMillan & Carried:-**

That Council give three readings to a by-law to authorize the entering into a contract with KMA Contracting Inc., to supply and erect the Tensile Fabric Structure at the Harbourfront, under the Downtown Revitalization Contract 500.

### **Declaration of Surplus Property**

**27. Moved by L. Roussin, Seconded by R. McMillan & Carried:-**

That the Council of the City of Kenora declares surplus the municipal lane property described as Part 2 on Plan KR 523 and which abuts property described as PLAN M283 LOT 77 PCL 19594; 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

That once the advertising process has been completed, Council give three readings to a by-law to authorize the sale of land to Bertha Zrobok (or current owner/agent), as a lot addition (consolidation), at the appraised value as established by Century 21 – Reynard Real Estate, plus survey and all other associated costs; and further

That the Municipal Solicitor coordinates the transfers.

### **Approval of By-laws**

**28. Moved by R. Lunny, Seconded by S. Smith & 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:~

#33-2011 –To confirm proceedings of Council

- #34-2011 -To execute a lease agreement with Sunset Trail Riders
- #35-2011 -To execute a funding agreement with Celebrate Ontario
- #36-2011 -To execute a funding agreement with TD Canada Green Streets
- #37-2011 -To execute a lease agreement with KC Refrigeration Lease (Unit A)
- #38-2011 -To execute a lease agreement with KC Refrigeration Lease (Unit C)
- #39-2011 -To execute an agreement with KMA Contracting for the Harbourfront Tent  
(#40-2011 and #43-2011 – under separate motions)
- #41-2011 -To approve the 2011 Solid Waste Utility Budget
- #42-2011 -To approve the 2011 Water & Sewer Utility Budget
- #44-2011 -To adopt Optional Tools for administering limits for eligible properties  
(New Construction) for the Commercial, Industrial and Multi-residential Property  
Classes for 2011
- #45-2011 -To approve the 2011 Tax Ratios
- #46-2011 -To approve the 2011 Tax Rates
- #47-2011 -To amend By-law Number 168-2004 to provide for a Water & Sewer Rate  
Increase, effective July 1, 2011.

**Abstention: Councillor McKay**

**Approval of Budget By-law**

**29. Moved by R. Lunny, Seconded by C. Drinkwalter & Carried:-**

**That** the following **By-law** be now read a **First & Second Time**, and approved in its present form and presented for **Third & Final** Reading:~

#40-2011 -To approve the 2011 Municipal Operating Budget and Five Year Capital Plan, as amended.

**Abstention: Councillor McMillan and Councillor L. Roussin**

**Approval of Optional Tools By-law**

**30. Moved by C. Drinkwalter, Seconded by S. Smith & Carried:-**

**That** the following **By-law** be now read a **First & Second Time**, and approved in its present form and presented for **Third & Final** Reading:~

#43-2011 -To adopt optional tools for the purposes of administering limits for certain property classes and excluding certain properties from the capping process.

**Adjournment**

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

**That** this meeting be now declared closed at 6:24 p.m.

**The Corporation of the City of Kenora:**

**Confirmed As Written This .....Day**

**Of.....2011**

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**Mayor**

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**City Clerk**