



# Minutes

**Of a Meeting of the Council of the City of Kenora  
Monday, August 15, 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  
N/A**

## **Confirmation of Minutes**

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

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

- Regular Council Meeting held July 18, 2011
- Special Council Meeting held July 28, 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.

**There were none declared.**

## **Deputations**

### **Gregary Potvin – Members of Council and the Provincial Election**

Greg Potvin expressed concern on two Members of Council allowing their name to stand as MPP for the Kenora-Rainy River Riding in the upcoming provincial election and believes they should have to vacate their seat as it is a conflict of interest. He further indicated the City should have a by-law or policy in place to cover these types of scenarios as there is a lack of rules surrounding running for office at the provincial level while serving as a current Member on City Council.

### **Brian Finck – Houseboats**

Brian Finck addressed Council regarding the requirement for houseboat owners having to move their boats from the north east side of Coney Island after some 30 years or more of being able to moor houseboats in that location. He explained there is an eyesore in that Bay but it's not from the houseboats; he explained that residents of Coney have tied up old docks and pieces of foam and left it on an anchor to rot and pollute the lake, and while none of the garbage is from his houseboat he has felt compelled to clean it up. Mr. Finck indicated he bought his houseboat from a prominent business owner in Kenora and he had the mooring put in by a resident on the island who claimed he owned the bay.

Mr. Finck referred to federal marine laws as they relate to crown property, as well as referring to grandfathering that dictates it is far too late to change the situation without the federal government having the final say. He stated there are other more important issues the City should be dealing with rather than forcing houseboats to find an alternate location. He explained they have never caused a problem in the bay, they spend their money at the Coney store, keep the shoreline clean and spend their vacation time in Kenora and that the 'houseboat bay' is a bit of a landmark in the area.

In closing Mr. Finck questioned when the City acquired the water lot and how much in taxes does the City pay to the Federal government every year. He further stated that if he has to move that he been given more time and with the City's help to find another permanent solution that will not cause them to lose their vessel.

### **Wendy Capri – Houseboats**

Wendy Capri referred to navigational rights being protected under Canada's constitution which assigns them to parliament and are controlled by the Federal government. She indicated that all navigable waters are under the Federal domain and that anchoring is considered a crucial part of navigation, and that their vessel is not transient and that they are almost always engaged in navigation with protective rights that includes anchoring. She stated the only eyesore in the bay is the floating garbage pile. Ms Capri explained her family enjoys staying in Kenora for their holiday but could easily be at their cottage in Grand Beach where their business is appreciated, but they prefer to stay and support the local economy with buying their gas, food and supplies. She explained they want to stay here and can't understand why Kenora is such a difficult place to live.

Mayor Canfield thanked both Mr. Finck and Ms Capri for their presentations.

## **Additions to the Agenda**

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

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

1. A request from the Kenora Golf & Country Club with respect to dock replacement.

## **Keewatin Concession Lease**

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

That Council of the City of Kenora give three readings to a by-law authorizing an agreement between the City of Kenora and Wendy Brolly Andersen for the purpose of Food and Beverages Services at the Keewatin Memorial Arena for the term September 1, 2011 to August 31, 2014; and further

That the Mayor and Clerk be hereby authorized to execute the agreement.

## **Receipt of Various Minutes**

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

That Council hereby adopts the following 2011 Minutes from various City of Kenora Committees:

- June 21 - Committee of Adjustment & Planning Advisory Committee
- July 11 - Audit Committee
- July 11 - Committee of the Whole
- July 12 - Property & Planning Committee
- July 19 - Committee of Adjustment & Planning Advisory Committee
- July 21 - Lake of the Woods Development Commission
- July 21 - Lake of the Woods Development Commission AGM; and

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

- June 24 - District of Kenora Home for the Aged Board of Management; and further

That these Minutes be circulated and ordered filed.

## **WSIB Workwell Audit**

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

That Council receives the results of the recent Workplace Safety and Insurance Board (WSIB) First Workwell Audit of the City's Health and Safety Program as presented.

## **Notice to Houseboat Owners**

### **6. Moved by R. McMillan, Seconded by R. Lunny,**

That Council hereby directs Administration to work with the Ontario Provincial Police and the Ministry of Natural Resources to provide notice to the registered owners of the various houseboats currently parked either on or in front of the City's water lot on the North East side of Coney Island to remove their houseboat by September 30, 2011; and further

That Council further directs Administration to have the related houseboats removed should the registered owners not comply with the City's direction as provided, with additional consideration being given to proceed with the applicable trespassing charges as appropriate through the Ontario Provincial Police.

## **M O T I O N   D E F E R R E D**

### **Motion to Defer - Houseboat Owners**

**6A Moved by C. Drinkwalter, Seconded by S. Smith and Carried:-**

That Motion #6 on tonight's agenda be hereby deferred.

### **Canada Summer Jobs Program**

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

That Council hereby approves the Canada Summer Jobs Program Agreement between Her Majesty the Queen in Right of Canada, as represented by the Minister of Human Resources and Skills Development and the City of Kenora; and further

That Council give three readings to a by-law for this purpose authorizing the Mayor and Clerk to execute the said Agreements.

### **Northwest Business Centre Agreement**

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

That Council hereby approves the updated Agreement between the Ministry of Northern Development, Mines & Forestry and the City of Kenora regarding the Northwest Business Centre; and further

That three readings be given to a by-law for this purpose authorizing the Mayor and Clerk to execute the said Agreements.

### **LOWDC Summer Student Report**

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

That Council hereby accepts the Summer Student Report under date of July 28, 2011 from the Lake of the Woods Development Commission.

### **Councillor Roussin - Notion of Motion – Organizational Structure**

**10. Moved by L. Roussin, Seconded by S. Smith,**

That the City of Kenora perform an organizational structure and operational audit leading to incorporating the concept/policy of a zero-based budgeting policy.

## MOTION DEFEATED

### **Revised Terms of Reference – Audit Committee**

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

That Council give three readings to a by-law to authorize a revised Terms of Reference for the City of Kenora Audit Committee to address the term of appointment for elected officials and the number of meetings to be held each year; and further

That By-law Number 169-2009 be and is hereby repealed.

### **Kenora Fellowship Centre Request for Grant**

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

That Council deny the request from the Kenora Fellowship Centre for a grant in the amount of \$12,000 to offset operating costs; and further

That the Kenora Fellowship Centre seek possible partnership opportunities with the Kenora Assembly of Resources for long term solutions for the services provided by the Fellowship Centre.

### **Monthly Financial Statements**

#### **13. Moved by R. Lunny, 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, 2011.

### **External Financing - KHCC**

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

Whereas Kenora City Council provided financing to the Kenora Health Care Centre for the purchase, rehabilitation and expansion of the Kenora Medical Clinic with the intent of establishing a state of the art medical facility in the City of Kenora; and

Whereas that goal has now been achieved; and

Whereas it was resolved that the Kenora Health Care Centre was requested to pursue external financing options to pay out the loan balance to the City; and

Whereas the City is required to provide a guarantee in order to assist the Kenora Health Care Centre in securing the external financing;

Now therefore, let it be resolved that the City of Kenora guarantee the external financing of the Kenora Health Care Centre (KHCC) up to a maximum of \$7.6 million.

### **Donation to Town of Slave Lake**

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

That Council of the City of Kenora hereby supports the position of the Townships of Carling and North Stormont, and the Municipality of Meaford, and authorize a donation of \$100 to the Town of Slave Lake to help compensate them in their recent fire; and further

That a copy of this resolution be sent to each of the Township of Carling, the Township of North Stormont and the Municipality of Meaford.

### **Sunset Trail Riders Donation Receipt**

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

That Council hereby approves the issuance of a donation receipt for the donation of a Bombi groomer based on the year, model and condition of the equipment following the receipt of the donated groomer and subject to the conditions as outlined below; and

That the City require the Sunset Trail Riders to submit an appropriate proposal for the acceptance of a new groomer, including the long-term responsibility for that groomer, as well as how that new groomer would be used to expand the Sunset Trail Riders grooming abilities, enhancing snowmobiling in and around the City of Kenora and ultimately promoting winter snow machine related tourism to the Kenora area; and

That approval of this proposal be dependent upon Council review and consideration; and

That if approved, the City will not be responsible for any costs incurred as a result of and related to the donation of this groomer; and

That the donated groomer, as well as the ongoing responsibility for the groomer, including all ongoing upkeep, maintenance, expenditures, liability and all other related operations, would be the sole property/responsibility of the Sunset Trail Riders; and further

That if the proposal from the Sunset Trail Riders is not approved by Council, the City would not issue any donation receipt related to this equipment.

### **Additional Item - Kenora Golf & Country Club Dock Replacement**

#### **16A Moved by R. Lunny, Seconded by R. McMillan & Carried:-**

That Council hereby approves the use of donations received for the purposes of capital improvements to the Kenora Golf and Country Club up to a maximum of \$5,000 or the balance of donations received for this purpose, whichever is less, for the purpose of replacing the existing floating dock.

### **Bicycle Committee On-Road Cycling Facilities**

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

That Council of the City of Kenora approves the mandate of the Bicycle Committee, a Sub-Committee of the Kenora Urban Trail's Committee, to enhance a network of on-road cycling facilities, trails and routes; and

That approval be granted for the proposed Kenora Community Bicycle Routes as set out in the report of the Parks Supervisor dated August 4, 2011; and further

That approval be hereby granted for the 2011 Bicycle Project which includes share-the-road signage and bicycle stencils from the Keewatin Bridge to the Roundabout.

### **Municipal Hazardous or Special Waste Collection Event**

#### **18. Moved by R. McKay, Seconded by C. Drinkwalter & Carried:-**

That Council of the City of Kenora give three readings to a by-law to execute an agreement with Stewardship Ontario for funding for the Municipal Hazardous or Special Waste collection event for Phase 1 materials; and further

That the Mayor and Clerk be authorized to execute all related documents.

### **Off-Lease Dog Park**

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

That Council of the City of Kenora approves the mandate of the Dog Park Committee which includes upgrading the current Off-Leash Dog Park at Kenora Central Rink (seasonal); and further

That approval be granted for the Committee to investigate and promote the development of future off-leash dog parks within the City of Kenora.

### **Second Street Wharf Remedial Work**

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

That Council authorize the entering into of an agreement with Dominion Divers (2003) Ltd., for the Second Street Wharf Remedial Work; and further

That three readings be given to a by-law for this purpose.

### **Open Space Recycling Funding Agreement**

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

That Council of the City of Kenora give three readings to a bylaw to execute an agreement with Waste Diversion Ontario (WDO) and Stewardship Ontario for funding under the Continuous Improvement Fund in the amount of \$48,864, including HST, representing provincial contributions under the Blue Box Program Plan for implementing open space recycling in the downtown waterfront areas of the City of Kenora; and further

That the Mayor and Clerk be authorized to execute all related documents.

### **Traffic By-law Amendment – Rate of Speed**

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

That Council hereby authorizes the City of Kenora Traffic Regulation By-law 127-2001 be amended to include the following addition to Schedule T "Rate of Speed" from Mike Richard's Way to Seventh Street South:-

**Schedule "T" - Rate of Speed - 40 Kilometres per Hour Zone**

**Add:**

| Column 1<br><b>Street</b> | Column 2<br><b>Location</b>                        | Column 3<br><b>Maximum Speed</b> |
|---------------------------|----------------------------------------------------|----------------------------------|
| First Avenue South        | From Mike Richard's Way<br>to Seventh Street South | 40 kilometres per hour           |

**Screened Winter Sand Tender**

**23. Moved by R. McKay, Seconded by S. Smith & Carried:-**

That the following and only tender for the 2011 Supply and Delivery of 8,000 tonnes of Screened Winter Sand be received:

Joe Neniska & Sons                      \$15.40 per tonne, plus HST; and further

That the tender submitted by Joe Neniska & Sons, in the amount \$15.40, plus HST, per tonne, be accepted.

**Approval of By-laws**

**24. Moved by C. Drinkwater, Seconded by R. McMillan & 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:~

#89-2011 – To confirm proceedings of Council

#90-2011 – To authorize revised Terms of Reference for the City of Kenora Audit Committee

#91-2011 – To authorize a lease agreement with Wendy Brolly Anderson

#92-2011 – To authorize an amendment to Traffic By-law #127-2001 relating to 'rate of speed'

#93-2011 – To authorize an agreement with Waste Diversion Ontario and Stewardship Ontario for funding under the Continuous Improvement Fund

#94-2011 – To authorize an agreement with Stewardship Ontario for the Hazardous/Special Waste Services event

#95-2011 – To authorize an agreement with Dominion Divers Ltd. for the 2<sup>nd</sup> Street Wharf remedial work

#96-2011 – To authorize the Canada Summer Jobs Program Agreement



#97-2011 – To authorize an updated provincial agreement with respect to the Northwest Business Centre.

**Adjournment**

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

That this meeting be now declared closed at 6:25 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**