



Minutes

**Of a Meeting of the Council of the City of Kenora
Monday, December 19, 2011 – City Council Chambers
5:00 p.m.**

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

**Staff:** Karen Brown, CAO, Rick Perchuk, Operations Manager, Colleen Neil, Recreation Services Manager, Tara Rickaby, Planning Administrator and Heather Kasprick, Deputy Clerk.

### **Call to Order**

**Mayor Canfield called the meeting to order and Councillor McMillan 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:-

- To amend "Schedule D" to By-Law #168-2004 to increase water and sewer rates effective January 1, 2012
  - A By-law to enter into an agreement of purchase and sale with LOW Brewing
  - A By-law to enter into an agreement of purchase and sale with Kenora Catholic District School Board
- Amendment to the Tariff of Fees By-Law to include a fee for appeals of orders to comply
  - A by-law for a zoning amendment for New Beginnings (Z02/11)

### **Presentations:**

None Requested.

### **Confirmation of Minutes**

**1. Moved by S. Smith, Seconded by R. McMillan & 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 November 21, 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 Roussin declared a pecuniary interest pertaining to item Number 2 on tonight's agenda pertaining to the Kenora Public Library Board Appointment as his spouse is an employee of the Library.

## **Deputations**

### **Charles King -**

Mr. King is a resident of 7<sup>th</sup> Avenue South and is requesting a change to the Noise By-law number 27-2007 to either include or exclude the use of a chainsaw for the purpose of making lumber in a residential area. Mr. King as well as numerous neighbours have had numerous occasions of excessive noise from a neighbour who runs his chainsaw in excess of 14 hours a day. Council thanked Mr. King for his deputation and a copy of his deputation was left with the Clerk.

## **Proclamations**

National Alzheimer's Awareness Month – January 2012.

## **Kenora Public Library Board Appointments**

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

That the following be hereby appointed to the Kenora Public Library Board with a term to expire November 30, 2014:-

Councillor Rory McMillan

Councillor Rod McKay, Alternate

Maureen Wasacase

Shannon Bailey

Wendy Voth

Marj Poirier

Rita Boutette

Brad Edie

Christine Moorley

Lisa Gate-Villa; and further

That Resolution #24 dated December 6, 2010 be and is hereby rescinded.

## **Kenora Recreation Centre Fire Route**

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

That Council hereby supports City administration in enforcement related to ensuring any fire route for a City facility, including the fire route at the Kenora Recreation Centre, is kept free and clear at all times; and further

That this enforcement shall include towing of any unauthorized vehicles located on or within a signed fire route for any City facility.

### **Additions to the Agenda**

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

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

1. JM Arena

### **JM Arena**

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

That Council approves the recommendation to keep JM Arena off-line for the 2011-2012 ice season for the purpose of addressing building deficiencies as outlined in the KNH structural engineer report.

### **Attendance at 2012 KDMA Conference – Sioux Lookout**

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

That authorization be hereby given for a total of four (4) Members of Council to attend the 71<sup>st</sup> Annual KDMA Conference taking place in Sioux Lookout, ON, February 2, 3 and 4, 2012; and further

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

### **Attendance 2012 ROMA/OGRA Conference-Toronto**

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

That authorization be hereby given for the following Members of Council to attend the ROMA/OGRA 2012 Annual Conference taking place February 26 to 29, 2012, in Toronto, ON:-

Mayor Canfield, Councillor McKay, Councillor Drinkwalter and Councillor Roussin; and further

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

### **Council Policy – Annual Council Remuneration**

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

That Council gives three readings to a by-law authorizing the adoption of Council Policy #CC-15-1 being a Policy with respect to Annual Council Remuneration; and further

That this Policy be incorporated into the City's Comprehensive Policy Manual.

### **Atikokan Generating Station**

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

That the Council of the City of Kenora hereby endorses the following resolution circulated by the Northwestern Ontario Municipal Association:

Where the operation of the Atikokan Generating Station (AGS) of Ontario Power Generation (OPG) has been and continues to be very critical to the economy of the Town of Atikokan; and

Whereas the jobs which exist at the AGS are vital to the workers at the station, their families and the community of Atikokan; and

Whereas the proposed conversion of AGS to burn biomass as a fuel source to replace coal would achieve significant environmental benefits, would

create opportunities in the forest industry, and would maintain AGS jobs vital to our local community and economy; and

Whereas the Ontario Power Authority has been directed to negotiate an Energy Supply Agreement for Atikokan Biomass Power with OPG;

Therefore Be It Resolved That Kenora supports the Northwestern Ontario Municipal Association in strongly supporting the Province of Ontario in the repowering of the AGS as quickly as possible to meet the 2014 deadline.

### **Council Year Review of Projects**

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

That a copy of the report reviewing the achievements for the first year of Council be posted on the City's portal and made available to the media.

### **Attendance at Lake of the Woods Water Quality Forum**

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

That authorization be hereby given for Councillor Ron Lunny to attend the 2012 Lake of the Woods Water Quality Forum taking place in International Falls, MN, March 7 and 8, 2012; and further

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

### **Change in May, 2012 Meeting Schedule**

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

That authorization be hereby given to approve an amended meeting schedule for May, 2012 as follows:

Committee of the Whole – Monday, May 14  
Property & Planning Committee – Tuesday, May 15  
Council – Tuesday, May 22 (due to Victoria Day); and further

That these dates replace the previous May, 2012 meeting schedule as approved by Resolution #12 dated November 21, 2011.

### **Various Committee Minutes**

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

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

- November 1 – Special Committee of the Whole
- November 8 – Kenora Urban Trails Committee
- November 8 – Environmental Advisory Committee
- November 14 – Committee of the Whole
- November 15 – Property & Planning Committee
- November 28 – Special Committee of the Whole
- November 22 – Kenora Community Policing Committee
- November 22 – Lake of the Woods Museum Board; and

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

- November 16 – Lake of the Woods Development Commission
- October 31 - District of Kenora Home for the Aged; and further

That these Minutes be circulated and ordered filed.

### **NCIR Funding Applications**

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

Whereas the Ministry of Northern Development and Mines has grant funding available through the Northern Communities Investment Readiness Program (NCIR); and

Whereas our Economic Development Officer has identified three essential projects that would fit under this funding program; and

Whereas Project Number One is identified as an In-Bound Site Visit with a potential investor with NCIR funds requested in the amount of \$6,780.18 with a contribution from the City in the amount of \$2,260.06 for total project financing of \$9,040.24; and

Whereas Project Number Two is identified as a Value Added Forestry Profile with NCIR funds requested in the amount of \$7,500 with a contribution from the City in the amount of \$2,500 for a total project financing of \$10,000; and

Whereas Project Number Three is identified as a Community Profile with NCIR funds requested in the amount of \$7,500 with a contribution from the City in the amount of \$2,500 for a total project financing of \$10,000;

Now therefore, let it be resolved that authorization be given for the Corporation of the City of Kenora to apply for funding under the Northern Communities Investment Readiness (NCIR) Program intended for these three programs.

### **KAR Agreement 2012**

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

That Council hereby approves a by-law authorizing a contract between the Kenora Assembly of Resources and the City of Kenora for provision of services at the Harbourfront and related areas for the period January 1, 2012 through December 31, 2012.

### **Marine Water Line Debenture**

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

That Council approve a by-law for the issuance of long term debt financing in the amount of \$800,476.48 effective December 31, 2011 to finance the net municipal costs related to the Marine Water Line, budgeted to be financed through a \$2,000,000 subsidy from the Building Canada Fund and the issuance of long term debt.

### **October Financial Statements**

#### **15. 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 October 31, 2011.

### **Water and Sewer Rate Increase**

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

That as recommended by BMA Management Consulting Inc. in the Water and Wastewater Long Range Financial Plan Forecast approved by Council resolution on November 21, 2011, the 2012 water and sewer rates be increased by an additional 5% over the 5% already included as a budgeted increase for the 2012 year; and

That in accordance with Notice By-Law Number 144-2007, public notice is hereby given that Council intends to amend "Schedule D" to By-Law #168-2004 to increase water and sewer rates as set out on the attached "Schedule D"; and

That Council give three readings to a by-law for this purpose; and further

That this by-law shall take effect and come into force on January 1, 2012.

### **Amendment to Animal Control By-law #150-2010**

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

That Council hereby approves amending By-Law Number 150-2010, being a by-law to regulate the keeping of animals within the City of Kenora, to permit changes to the following sections as set out below:-

Section 4. "Dogs at Large" is amended to read:

**4.7 "Sundays and Statutory holidays" be deleted**

**and replaced with:**

"Statutory and municipal civic holidays".

**4.7.2 The following sentence be deleted:**

"Once the dog is deemed to be abandoned by the owner, pursuant to Section 4.7 above, the By-law Enforcement Officer shall arrange to have it disposed of accordingly"; and

**and replaced with:**

"Once the dog is deemed to be abandoned by the owner, pursuant to Section 4.7 above, the By-law Enforcement Officer may arrange to have it disposed of accordingly"; and

Section 6. "Keeping of Cats" is amended to read:

**6.6 "Sundays and statutory holidays" be deleted and replaced with "statutory and municipal civic holidays".**

**6.6.2 The following sentence be deleted:**

"Once the cat is deemed to be abandoned by the owner, pursuant to Section 6.6 above, the By-law Enforcement Officer **shall** arrange to have it disposed of accordingly"; and

**and replaced with:**

"Once the cat is deemed to be abandoned by the owner, pursuant to Section 6.6 above, the By-law Enforcement Officer **may** arrange to have it disposed of accordingly"; and further

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

**Coney Island Park Contract – 2011 Year End Report**

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

That Council of the City of Kenora hereby receives the 2011 Annual Coney Island Contract Report, as prepared by Barbara Manson, Parks Supervisor, for the year 2011.

**Garden & Shrub Bed Contract – 2011 Year End Report**

**19. Moved by R. McKay, Seconded by C. Drinkwater & Carried:-**

That Council of the City of Kenora hereby receives the 2011 Annual Bedding Contract Report, as prepared by Barbara Manson, Parks Supervisor, for the year 2011.

**Traffic By-law Amendment – Second Avenue East Signage**

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

That the City of Kenora Traffic Regulation By-law 127-2001 be amended to include the following addition to Schedule "P" – Yield Intersections for Second Avenue East at Fourth Street South:

**Add:**

**Column 1**

Intersection:

Second Avenue East  
Rocky Heights Road and  
Fourth Street South

; and further

**Column 2**

Facing Traffic:

North bound on Second Ave E

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

**Water Meter Reading General Labourer**

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

That Council hereby approves the hiring of a general labourer for the water and sewer department to complete meter reading duties.

**Lake of the Woods Brewing Company – Agreement of Purchase and Sale**

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

Whereas the City of Kenora entered into an agreement of purchase and sale on December 20, 2010 with the Lake of the Woods Brewing Company Inc., with a closing date of November 30, 2011; and

Whereas the agreement was signed by Karen Brown, CAO, as authorized by By-law No. 161-2010 on December 6, 2011;

Now Therefore the Council of the City of Kenora approves the sale of property locally known as the Second Street Fire Hall and described as Lot 273, Plan 25 and Part of Lot 274, Plan 25 to Lake of the Woods Brewing Company Inc.; and further;

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

**Transfer of Lands – Pinecrest Rink to KCDS Board**

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

That the City of Kenora declares surplus lands described as PIN 42173-0192 Parcel 23358, Block E, Plan M23 excepting therefrom Part 1 Plan 23R 6451 and Part 1 on a plan to be deposited and registered, as an easement in favour of Kenora Hydro; and further

That the Mayor and Clerk be authorized to enter into the agreement of purchase and sale; and further

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

**Adoption of a Revised Snow Vehicle By-Law**

**24. Moved by L. Roussin, Seconded by R. Lunny & Carried:-**



That further to Council approving an acceptable through town route for a snowmobile corridor following consultation with the public on September 26, 2011, Council give three readings to a by-law to regulate, govern and control Motorized Snow Vehicles in the City of Kenora; and further

That arrangements be made to enter into the applicable agreement with Sunset Trail Riders (STR) regarding the identified snowmobile corridor.

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

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

That Council of the City of Kenora authorize the execution of an agreement between the Corporation of the City of Kenora and Sunset Trail Riders for the purpose of establishing an acceptable Ontario Federation of Snowmobile Clubs (OFSC) snowmobile corridor through the city of Kenora in accordance with the conditions approved by Council Resolution #18 on October 17, 2011; and further

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

### **Amendment to Tariff of Fees and Charges By-Law**

#### **26. Moved by L. Roussin, Seconded by R. Lunny & Carried:-**

That Council give three readings to a by-law to amend the Tariff of Fees & Charges By-law Number 120-2011 to provide for a \$375 fee for an appeal of order issued under the Property Standards By-law and Ontario Building code for the Planning Department; and further

That public notice is hereby given that Council intends to adopt the amending by-law at its December 19, 2011 meeting at which time the applicable fee will come into effect on a forward basis.

### **Bell Canada Lease Agreement**

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

That Council hereby authorizes the ten year lease extension agreement with Bell Canada; and further

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

### **Zoning By-Law Amendment – Z02/11 New Beginnings**

#### **28. Moved by R. Lunny, Seconded by R. McKay & Carried:-**

That Council approves Application Z02/11 New Beginnings, to amend the Zoning By-law No. 160-2010 specifically for property described as, 701 First Street South, Kenora, Plan 3, Block 4, Part Lot 21, from R2-Residential, Second Density to I[20]-Institutional [20] to require six parking stalls on site, two on the west side to be parallel stalls and to require that a lease agreement be entered into between the City of Kenora and New Beginnings Church for the use of municipal property for parking purposes; and further

That the setbacks and lot coverage are acceptable legal non-conformances; and further

That there is abundant parking provided along First Street South and on the Central Park property to accommodate parking during the use of the church and the lease agreement will give the City adequate controls for the use of the property; and further

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

**2012 Hourly Equipment Ranking List**

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

That the tenders be received for the Hourly Rental of Equipment and Trucks for 2012, and further

That the Ranking Lists attached to the Municipal Engineer's November 28 report for Hourly Rental of Equipment and Trucks for 2012 be accepted and adopted for the purposes of hiring non-owned equipment and Trucks during the period of January 1 through to December 31, 2012.

**Tender- Cemetery Columbaria**

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

That the following tenders for the supply, delivery and install of one and/or two columbaria, HST extra, be received:-

|                                          | One Columbarium | Two Columbaria |
|------------------------------------------|-----------------|----------------|
| Carrier Mausoleums Construction Inc.     | 36,505.00       | 61,740.00      |
| M.C. DeLandes Monuments & Memorials Inc. | 37,000.00       | 73,500.00      |
| Sunset Memorial & Stone Ltd.             | 38,116.00       | 71,932.00      |
| Rock of Ages                             | 46,620.67       | 93,241.34      |

;and further

That the tender submitted by Carrier Mausoleums, in the amount of \$61,740.00, HST extra, for two columbaria, be hereby accepted.

**Tender – Coney Island Park Contract (2012-2014)**

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

That the only tender for the operation and maintenance of Coney Island Park and Store for 2012, 2013 and 2014, be received:

Jennifer Schott \$36,000.00 + HST  
(representing \$12,000 for each year + HST)

And further that the tender submitted by Jennifer Schott, in the amount of \$36,000.00 + HST for the three year period be hereby accepted, pending 2012 Operational Budget approval.

## **Tender-Garden & Shrub Bed Contract (2012-2014)**

### **32. Moved by R. Lunny, Seconded by C. Drinkwater & Carried:-**

That the following tenders for the supply, delivery and planting of 2,000 dozen bedding plants, garden maintenance and shrub maintenance for the City of Kenora be received:

|                                                               |                     |
|---------------------------------------------------------------|---------------------|
| Debbie's Greenhouse<br>(\$118,085.00 per year)                | \$313,500.00 + HST  |
| Lori Gray Horticulture<br>(\$98,005.00 per year) ;and further | \$266,500.00 + HST; |

That the tender submitted by Lori Gray Horticulture, in the amount of \$266,500.00, plus HST, be hereby accepted for the Garden & Shrub Bed Maintenance Contract for the years 2012, 2013 and 2014 (\$98,005.00 per year), pending overall 2012 Operational Budget approval.

## **Public Washroom Contract (2012-2014)**

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

That the following tenders for the supply and delivery of the cleaning, garbage pick-up, beach raking and opening and closing of the listed 8 public washrooms, be received:

|                                       |                       |
|---------------------------------------|-----------------------|
| Stover Services (Mid Canada Cleaning) | \$ 71,292.00 + H.S.T. |
| Cottage Country                       | 73,000.00 + H.S.T.    |
| MTO Janitorial Services               | 91,983.20 + H.S.T.    |
| Kevin & Gayle Cahill                  | 225,000.00 + H.S.T.,  |

;and further

That the tender received from Stover Services (Mid Canada Cleaning), for the years 2012, 2013 and 2014, in the amount of \$71,292.00 + HST, be hereby accepted.

## **Approval of By-laws**

### **34. Moved by S. Smith, Seconded by R. McKay & 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:~

#132-2011 - Confirm the proceedings of Council

#133-2011 - Adoption of an Annual Council Remuneration Policy

#134-2011 - Authorize a contract with the Kenora Assembly of Resources

#135-2011 - Approve the issuance of long term debt financing for the marine water line

#136-2011 - Authorize a water and sewer rate increase for 2012

#137-2011 - Authorize an amendment to the Keeping of Animals by-law

#138-2011 - Amend the Traffic by-law, Schedule P, for Second Avenue East signage

- #139-2011 - Authorize the sale of the Second Street Fire Hall
- #140-2011 - Authorize the sale of the Pinecrest Rink
- #143-2011 - Amend the Tariff of Fees by-law for an appeal of order issued fee
- #144-2011 - Authorize a lease extension with Bell Canada
- #145-2011 - Approve a zoning by-law amendment for 701 First Street South

**Approval of By-law – Motorized Snow Vehicle**  
**35. Moved by S. Smith, Seconded by R. McKay & 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:~

#141-2011 - Adoption of a Motorized Snow Vehicle bylaw

**Approval of By-law – Agreement with Sunset Trail Riders**  
**36. Moved by S. Smith, Seconded by C. Drinkwalter & 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:~

#142-2011 - Authorize an agreement with the Sunset Trail Riders for through corridor

**Adjournment of Meeting**  
**37. Moved by C. Drinkwalter, Seconded by & Carried:-**

That this meeting be now declared closed at 6:00 p.m.

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

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

**Of.....2012**

.....  
**Mayor**

.....  
**City Clerk**