



# Minutes

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



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

**Regrets: Councillor L. Roussin**

**Staff:** Karen Brown, CAO, Charlotte Edie, Municipal Treasurer, Warren Brinkman, Fire & Emergency Services Manager, Colleen Neil, Recreation Services Manager, Sharen McDowall, HR Manager, Jennifer Findlay, Economic Development Officer and Heather L. Kasprick, Deputy Clerk.

### **Call to Order**

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

- Transfer of Municipal lands to Bowman

### **Presentations:**

None Requested.

### **Confirmation of Minutes**

**1. Moved by C. Drinkwalter, 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:-

- Special Council Meeting held May 30, 2011
- Regular Council Meeting held June 20, 2011
- Special Council Meeting held June 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**

None requested.

### **Appointment to the Environmental Advisory Committee**

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

That Jeff Struth, Environment Coordinator for the Lake of the Woods District Property Owners' Association (LOWDPOA) be hereby appointed as the LOWDPOA representative on the Environmental Advisory Committee to fill the current vacancy; and further

That in keeping with the other Committee appointments, this term shall be in effect until November 30, 2012.

### **Terms of Reference for the Kenora Library Board**

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

Whereas the Kenora Public Library Board requested Council to provide additional funding to the Library in 2011 to address an operating shortfall; and

Whereas the Library Board advised Council that they would be engaging in an operational review in 2011; and

Whereas Council approved an additional funding allocation to the Kenora Public Library in 2011 based on the Library Board's request, as well as additional funding to jointly eliminate the Library Board accumulated deficit at the end of 2010; and

Whereas this additional funding was conditional on a number of terms, including Council approval of a terms of reference for the operational review of the Library; and

Whereas the Library Board has now provided Council with a proposed terms of reference for the operational review, which encompasses the areas of: Governance / Internal Staff Structure; Service Delivery Model and Service Levels; and Financial Review;

Now therefore, let it be resolved that Council hereby approves the Terms of Reference addressing the Operational Review of the Kenora Public Library as submitted by the Library Board.

## **POA Write Off's**

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

That Council of the City of Kenora approve the write off receivables list from the Provincial Offences department for the period of January 1, 2004 to December 31, 2004 in the amount of \$524,284.09.

## **Various Committee Minutes**

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

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

- June 2 – Special Committee of the Whole Meeting
- June 13 – Committee of the Whole Meeting
- June 14 – Property & Planning Committee Meeting
- June 14 – Environmental Advisory Committee
- June 21 – Committee of Adjustment & Planning Advisory Committee
- June 28 – Lake of the Woods Museum Board; and

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

- May 25 – Kenora Police Services Board
- May 27 - Northwestern Health Unit Board of Health; and further

That these Minutes be circulated and ordered filed.

## **2010 Annual Report and Audited Financial Statements**

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

That Council approve the 2010 City of Kenora Annual Report, including the 2010 audited financial statements for the City; and further

That a copy of this report be made available for public viewing on the City's portal, as well as the front desk at City Hall.

## **Financial Statements – May, 2011**

### **7. 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 May 31, 2011.

## **Addition to Agenda**

### **7a. Moved by S. Smith, Seconded by R. Lunny & Carried:-**

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

1. Keewatin Figure Skating Club request for support

**Keewatin Figure Skating Club request for Support**

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

That Council supports the Keewatin Figure Skating Club request to name the City of Kenora as a sponsor in their application for funds from the Dufresne Foundation in the amount of \$2,500.00 for speakers and a sound system for the Keewatin Arena; and further

That this sponsorship has no financial implications to the City and is in support of a funding application only.

**Keewatin Standpipe-Repaint Project - Agreement**

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

That Council give three readings to a by-law to authorize the entering into an agreement with Jacques Daoust Coatings Management Inc. (JDCMI), for the re-painting of the interior and exterior of the Keewatin Standpipe.

**One Call – Call Before you Dig System**

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

That authorization be hereby given for the Corporation of the City of Kenora to join the Ontario One Call system; and further

That the Council of the City of Kenora hereby supports and endorses a provincial initiative.

**Traffic Amendment – Bernier Drive – Schedule B**

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

That the City of Kenora amending By-law 172-2008, to Traffic Regulation By-law No. 127-2001 be amended to include the following change to Schedule “B” No Parking Areas – Tow Away Zone – Bernier Drive;

**Amend:**

<u>Column 1</u> STREET/HIGHWAY	<u>Column 2</u> LOCATION	<u>Column 3</u> SIDE	<u>Column 4</u> TIME
Bernier Drive	From 2 <sup>nd</sup> Street South northerly for 53 metres	West	Anytime

**To Read:**

<u>Column 1</u> STREET/HIGHWAY	<u>Column 2</u> LOCATION	<u>Column 3</u> SIDE	<u>Column 4</u> TIME
Bernier Drive	From 44 metres north of 2 <sup>nd</sup> Street South northerly for 9 metres	West	Anytime

## **Traffic Amendment – Water Street – Schedule B**

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

**That** the City of Kenora Traffic Regulation By-law 127-2001 be amended to include the following change to Schedule "B" – No Parking Area – Tow Away Zone – Water Street.

#### **Amend:**

<u>Column 1</u> STREET/HIGHWAY	<u>Column 2</u> LOCATION	<u>Column 3</u> SIDE	<u>Column 4</u> TIME
Water Street	From 106 metres south of 2 <sup>nd</sup> Street South, southerly for 35 metres	West	Anytime

#### **To Read:**

<u>Column 1</u> STREET/HIGHWAY	<u>Column 2</u> LOCATION	<u>Column 3</u> SIDE	<u>Column 4</u> TIME
Water Street	From 106 metres south of 2 <sup>nd</sup> Street South, southerly for 25 metres	West	Anytime

#### **Amend:**

<u>Column 1</u> STREET/HIGHWAY	<u>Column 2</u> LOCATION	<u>Column 3</u> SIDE	<u>Column 4</u> TIME
Water Street	From 153 metres south of 2 <sup>nd</sup> Street South, southerly for 23 metres	West	Anytime

#### **To Read:**

<u>Column 1</u> STREET/HIGHWAY	<u>Column 2</u> LOCATION	<u>Column 3</u> SIDE	<u>Column 4</u> TIME
Water Street	From 157 metres south of 2 <sup>nd</sup> Street South, southerly for 18 metres	West	Anytime

## **Heritage Kenora Budget Request**

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

That the Council of the City of Kenora hereby authorizes the allocation of a budget of \$4,200 from the Operations Operating Budget to Heritage Kenora for the purposes in the report of Tara Rickaby and Lori Nelson.

### **Application for Variance to Sign By-law – NW Stump Removal**

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

That Council of the City of Kenora rejects the variance request of Ron Williams, Northwest Stump Removal, to locate a sign on municipal property located across Mellick Avenue, from the Waste Transfer Station because;

- There is no special circumstance or unusual hardship for the applicant;
- The sign will alter the essential character of the general area or premises in which the sign is proposed to be located, erected or displayed.

### **Request for use of Municipal Property for Community Garden**

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

That the Council of the City of Kenora approves use of a portion of the municipal road allowance (Sixth Street South and Third Avenue South), by letter of comfort and subject to the provision of a certificate of insurance and any other requirements recommended by the Risk Management and Loss Prevention Officer; and further

That before proceeding with the construction of the retaining wall an inspection of the proposed works will be conducted by the Engineering Department; and further

That KACL undertakes to maintain the municipal lands during and/or after the garden's existence.

### **DeGagne Lane allowance Encroachment – Execution of Documents**

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

That direction be hereby given to the CAO to execute the related agreements between the parties upon completion.

### **Request to Purchase Municipal Property - Poole**

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

That Council of the City of Kenora hereby declares property abutting 23M 832 LOT 1 PARCEL 35418 and the Winnipeg River, as surplus to the needs of the municipality; and further

That before the transfer of the lands the applicant provides a legal survey of the subject lands to be transferred, which will establish the location and extent of the 1039 foot contour to the satisfaction of the City of Kenora and Ontario Power Generation; and that prior to transfer to the applicant, the City of Kenora will grant to OPG a registered flooding easement over the subject lands up to the 1039 foot contour, at the cost of the Applicant; and further

That before the transfer of the lands, the applicant provides a legal survey of the subject lands indicating the location of the existing structure(s) on the property; and further

That in accordance with Notice By-law #140-2007, arrangements be made to advertise the sale of the subject lands for a two week period; and further

That once the advertising process has been completed Council give three readings to a by-law to authorize the sale of land to Robert Edward Poole, subject to the conditions above, at the appraised value, as established by Century 21 – Reynard Real Estate, plus all associated costs, including survey, legal, transfer costs of the subject lands and associated flood easement.

### **Request to Purchase Municipal Property – Hack/Corbett**

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

That Council of the City of Kenora hereby declares property abutting 181 Hilly Lake Road PLAN M668 LOT 15 PCL 30873 and Hilly Lake, as surplus to the needs of the municipality; and further

That the applicants submit an application to purchase with the required fee; and further

That in accordance with Notice By-law #140-2007, arrangements be made to advertise the sale of the subject lands for a two week period; and further

That once the advertising process has been completed, Council give three readings to a by-law to authorize the sale of land to Donald Kenneth Hack and Kristine Corbett, subject to the condition that a minimum 3 metre natural vegetation area will be required adjacent to the shoreline to minimize the impact of development on water quality of Hilly Lake, at the appraised value, as established by Century 21 – Reynard Real Estate, plus all associated costs.

### **Extension Agreement – LOW Brewing Company**

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

Whereas the City of Kenora entered into an agreement of purchase and sale with the Lake of the Woods Brewing Company Inc., with a closing date of July 29, 2011 and

Whereas, in order to complete the due diligence required for the building and the liquor licensing process, the Lake of the Woods Brewing Company Inc. has requested an extension of the closing date;

Now Therefore the Council of the City of Kenora approves the extension of the agreement of purchase and sale with the Lake of the Woods Brewing Company Inc., to transfer Fire Hall No. 1 (350 Second Street South), subject to the agreement being revised by the Municipal Solicitor; and further

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

### **Surplus Property – Proposal to sell vacant serviced lot**

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

That Council of the City of Kenora hereby declares property described as 138 Mascott Avenue, PLAN M39 LOT 10 BLK L LOC X21, as surplus to the needs of the municipality; and further

That the details of the property be sent to Bill Scribilo, of Century 21 Reynard Real Estate; and further

That Bill Scribilo, of Century 21 Reynard Real Estate be directed to market the subject property, with proceeds of the sale (price agreed to by City/prospective owner less legal, transfer/real estate fees) to be allocated as directed by Council.

### **School Crossing Guard – Two Year Contract**

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

That the only tender to provide School Crossing Guard Service for the 2011-2012 school year and the 2012-2013 school year, excluding HST, be received:

Alpine Janitorial (Kenora) Inc.	
Year 2011 – 2012	\$49,914 + HST
Year 2012 – 2013	\$52,170 + HST

That the tender received from Alpine Janitorial (Kenora) Inc., in the amount of \$102,084.00, excluding HST, be hereby accepted.

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

#### **21. Moved by S. Smith, 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:~

#82-2011 – To confirm proceedings of Council

#83-2011 – Agreement with Jacques Daoust Coatings for standpipe repainting

#84-2011 – Traffic amendment – Schedule B- Bernier Drive

#85-2011 – Traffic amendment – Schedule B – Water Street

#86-2011 – Transfer of lands to Bowman

#87- 2011 – Extension Agreement with Lake of the Woods Brewing Company

### **Adjourn to Closed Meeting**

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

That this meeting be now declared closed at 5:30 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 the following:-



**i) Personal Matter about an Identifiable Individual**

**Council reconvened to the Open Meeting at 6:02 p.m.**

As there was no report from the Closed Session, the meeting was declared closed at 6:02 p.m.

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

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

**Of.....2011**

.....

**Mayor**

.....

**City Clerk**