



# Minutes

**Of a Meeting of the Council of the City of Kenora  
Monday, May 16, 2011 – City Council Chambers  
5:00 p.m.**

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

**Regrets: Councillor C. Drinkwater**

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

## **Call to Order**

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

An amendment to Taxi By-law Number 88-2009 to provide for a fee for non-  
mandatory sealing of meters to Taxi Companies to take effect and come into force on  
June 1, 2011;

An amendment to the 2011 Capital Budget to appropriate \$100,000.00 from  
Contingency Reserve related to the increase cost of the Harbourfront Tent structure  
from \$1.5 million to \$1.6 million;

The 2011 Business Improvement Board Levy;

An amendment to the 2011 Solid Waste Budget to increase the total cost for a loader  
from the original \$112,500 allocation to \$225,000;

To assume Sunnyside Road as a highway for Municipal Purposes.

## **Confirmation of Minutes**

**1. Moved by S. Smith, 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 April 11, 2011
- Special Council Meeting held May 4, 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 made a Declaration of Pecuniary Interest with respect to Motion #14 on tonight's agenda relating to the Non-Union pay adjustments as his wife works for the Kenora Public Library.

## **Deputations**

### **Vince Cianci – Unpaid Sewer/Water Bills by Tenant**

Mr. Cianci addressed Council on the matter of unpaid sewer and water accounts by tenants being applied to the tax bills of landlords, and in particular the letters he has received from City Staff regarding same. Mr. Cianci stated it is not fair to bill someone for something that does not have a prior agreement and believes this action is wrong. Mr. Cianci was thanked for his presentation and filed a copy of his letter with the Clerk.

### **Heather Rogers – Petition – Artificial Ice Plant for JM Arena**

Ms Rogers attended the meeting to provide Council with a Petition requesting the City of Kenora to put an artificial ice plant in the Jaffray Melick arena. She indicated there is a great deal of interest with having obtained 500 signatures for artificial ice to be installed at JM. She explained that Kenora's hockey community will be devastated with the loss of the arena as indicated in the media. Ms Rogers was thanked for her presentation and she filed the Petition with the Clerk.

### **Vince & Debbie Schatkowsky – Deer Population**

Vince and Debbie Schatkowsky attended the meeting to provide Council with a Petition requesting the City to work in co-operation with the Ministry of Natural Resources to effectively remove the White-tail Deer population from within the No-Hunting boundaries of the City. Mr. Schatkowsky advised that in the past five days they have obtained over 150 signatures from residents who are upset with neighbours feeding the deer and that those residents cannot enjoy gardening and as their vegetable and flower gardens are being destroyed. Mr. Schatkowsky stated he does not believe the by-law prohibiting the feeding of deer is working and that other measures need to be addressed, i.e. opening up urban areas for bow hunting deer noting there are effective methods to address this concern in other municipalities. Mr. and Mrs. Schatkowsky were thanked for their presentation and they filed the Petition with Clerk.

## **Additions to the Agenda**

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

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

1. A nomination for a Cultural Heritage Award.

### **Nomination for Cultural Heritage Award**

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

That the Council of the City of Kenora supports the recommendation of Heritage Kenora to nominate Ancestor Seekers of Kenora (A.S.K.) for an Ontario Heritage Trust "Cultural Heritage Award" for two heritage projects they have implemented; 1) the digitizing of information included on headstones in the Lake of the Woods Cemetery and 2) the digitizing of archived newspapers from as early as 1891; and further

That Council of the City of Kenora recognizes these projects as important in identifying, preserving, protecting and promoting Kenora's heritage.

### **Appointment to Heritage Kenora**

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

That Council hereby appoints Nancy Tulloch as the Ex-officio representative of the Provincial Government (Ministry of Culture) to Heritage Kenora, the term of which is at the pleasure of Council.

### **Appointment to Harbourtown Centre Committee**

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

That Council hereby appoints Mort Goss, as the Tourism representative, of the Lake of the Woods Development Commission, to the Harbourtown Centre Committee, the term of which is at the pleasure of Council.

### **City of Kenora Recreation Department Report**

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

That Council hereby accepts the 2011 First Quarter Report for the City of Kenora Recreation Department.

### **Lakeside Baptist Church Request – Waiving of Rental Fees**

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

That Council of the City of Kenora denies the Lakeside Baptist Church request to waive the fees for rental of the Kenora Recreation Centre facilities; and

That the Lakeside Baptist Church be encouraged to seek support from the Lake of the Woods Regional Community Foundation; and further

That Council hereby extends best wishes and every success to the Thirty Hour Famine Group for Lakeside Baptist Church in their noble effort to support World Vision's quest to raise awareness for under privileged children around the world.

## **Various Committee/Board Minutes**

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

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

- February 15 & March 29 - Committee of Adjustment and Planning Advisory Committee
- March 31 - Heritage Kenora
- April 1 - Budget Committee of Council
- April 7 - Environmental Committee
- April 7 - Harbourtown Centre Committee
- April 7 - Conventional Transit Authority Commission
- April 11 - Committee of the Whole
- April 12 - Property & Planning Committee
- April 19 - Community Policing Committee
- April 26 - Lake of the Woods Museum Board; and

That Council hereby receives the following Minutes from other Boards:

- March 4 & April 8 - District of Kenora Home for the Aged Board of Management
- February 25 & March 31 - Northwestern Health Unit Board of Health
- February 23 & March 30 - Kenora Police Services Board; and further

That these Minutes be circulated and ordered filed.

## **Rat Portage Common Ground Conservation Board Meeting**

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

That Council hereby supports Mayor Canfield in sending a request to Ogichidaa'kwe Diane Kelly, Grand Council Treaty #3 in order that they, Mayor Canfield and Ogichidaa'kwe Diane Kelly may jointly call a Board meeting of the Rat Portage Common Ground Conservation Organization for the purposes of presenting and passing By-law #1 in order to formalize this corporation; and

That copies of this request be sent to our Common Ground partners, represented by the neighbouring communities of Wauzhusk Onigum, Ochiichagwe'Babigo'Ining and Obashkaandagaang Bay; and further

That Council hereby authorizes the City appointees to this Organization to approve By-law #1 and that consensus be the initial method of decision making.

## **Rural Economic Development Program Agreement**

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

Whereas the City of Kenora entered into the Rural Economic Development Program agreement with the Minister of Agriculture, Food and Rural Affairs effective December 14, 2009; and

Whereas effective July 1, 2010 the harmonized sales tax (HST) came into effect and includes all taxable purchases, property and services provided to the Minister under the Agreement; and

Whereas the introduction of the HST requires an amendment to the original Agreement pursuant to section 28.2 of the Agreement;

Now therefore, let it be resolved that authorization be given for the Corporation of the City of Kenora and the Harbourtown Centre Business Improvement Zone (BIZ) to enter into an amending agreement with Her Majesty the Queen in Right of Ontario as represented by the Minister of Agriculture, Food and Rural Affairs; and

That the Mayor, Clerk and Chairman of the Harbourtown Centre Business Improvement Zone be hereby authorized to execute the amended Agreement; and further

That Council give three readings to a by-law for this purpose, thereby repealing By-law Number 117-2010.

### **Amendment to Taxi By-law**

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

That Council give three readings to a by-law to amend By-Law Number 88-2009 being a By-law to Licence and Regulate Taxi Cabs/Limousines and Drays operating within and from the City of Kenora with respect to the meter tolerance, and a fee for non-mandatory sealing of meters; and further

That notice is hereby given of the fee for non-mandatory sealing of meters to Taxi Companies that will take effect and come into force on June 1, 2011.

### **Shoal Lake #40 – Freedom Road**

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

Whereas Shoal Lake #40 First Nation currently does not have secure, all weather road access to their community; and

Whereas travel to this community can be dangerous, costly and/or time consuming, depending on season and weather; and

Whereas, despite potential opportunities, this community is experiencing economic depression and the loss of its band members moving away from their homes because of the lack of secure road access; and

Whereas Shoal Lake #40 First Nation has developed a plan that would enable the construction of this year round all weather road access in partnership with various levels of government;

Now therefore, let it be resolved that Council hereby supports Shoal Lake #40 First Nation in their efforts to construct "Freedom Road" to provide secure, all weather access from the Trans Canada highway to their community; and further

That a letter of support, accompanied by this resolution, be sent to Shoal Lake #40 First Nations, with copies to be sent to Prime Minister Stephen Harper, Premier Dalton McGuinty (Ontario), Premier Greg Selinger (Manitoba), Greg Rickford, MP (Kenora, Ontario), Vic Toews, MP (Provencher, Manitoba), Minister Kathleen Wynne (Transportation, Ontario), Minister Steve Ashton (Transportation, Manitoba), Mayor Sam Katz (Winnipeg, Manitoba) and Reeve David Turchyn (Reynolds, Manitoba).

### **KAR Service Agreement**

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

That Council hereby approves the recommendations as set out within the report dated May 4, 2011, entitled "KAR, LOWDC and Special Events Recommendations;" and further

That the appropriate by-law be passed to approve the KAR service contract for the delivery of community social programs for 2011.

### **2011 BIZ Levy**

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

That Council hereby approves the Harbourtown Centre Business Improvement Board budget request in the amount of \$50,000 representing the 2011 Business Improvement Board levy; and

That Council hereby gives three readings to a By-law to adopt the estimates for funds to be raised for 2011 on behalf of the Harbourtown Centre Business Improvement Board; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to formally adopt the 2011 Business Improvement Board Levy at its May 16<sup>th</sup> meeting.

### **Claw Back Rates**

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

That Council hereby gives three readings to a By-law to establish the claw back rates for certain property classes within the Corporation of the City of Kenora for 2011.

### **Non-Union Economic/Grid Adjustments**

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

That Council hereby approves an economic adjustment of 2.7% to the City's Non-Union pay grid effective 1 January 2011; and further

That Council hereby approves grid movement for non-union staff in 2011 in accordance with the provisions as set out in City policy HR-3-1.

**Abstention: Councillor Roussin**

## **Section 357 Tax Adjustments**

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

That Council of the City of Kenora hereby approves the Section 357 tax adjustments totaling \$1,811.23, (plus applicable penalty adjustment), with potential refunds of \$311.70.

## **Contract with Sierra Construction**

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

That Council give three readings to a by-law to authorize the entering into of an agreement with Sierra Construction for the Thistle Pavilion washroom and accessibility upgrade.

## **Amendment to 2011 Solid Waste Budget - Loader**

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

That Council hereby approves amending its 2011 Solid Waste Capital Budget to increase the total cost for the loader to \$225,000 from the original \$112,500 allocation, which was based on the costs for half a loader, originally intended to be used 50% for solid waste and 50% for recycling; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2011 Solid Waste Budget by by-law at its May 16<sup>th</sup> meeting.

## **Coney Island Shuttle**

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

That Council give three readings to a by-law to authorize a contract extension between the City of Kenora and John O'Flaherty to provide the Coney Island Shuttle Service for the 2011 – 2012 seasons; and

That approval be given to reduce the amount of the municipal grant from \$7,500 to \$5,000 for the Shuttle Service for the 2011 season and that a review take place of the 2011 season to determine the funding requirements for the 2012 season; and further

That the Mayor and Clerk be authorized to execute the agreement on behalf of the City of Kenora.

## **Lease Renewal – Abundance**

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

That Council give three readings to a by-law to authorize the execution of a lease renewal agreement with 1544227 Ontario Inc. for municipal property located at 224 Main Street South (Museum Annex).

### **Lease Renewal – Whiting**

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

That Council give three readings to a by-law to authorize the execution of a three year lease renewal agreement with Ernest John Whiting for use of a waterlot location in front of the southerly portion of Third Avenue South.

### **Lease Renewal – Kenora Condominium Corp. No. 2**

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

That Council give three readings to a by-law to authorize the execution of a lease renewal agreement with Kenora Condominium Corporation No. 2 for use of a portion of the Colonization Road allowance for parking purposes.

### **Lease Renewal – Kenora Physiotherapy & Sports Injury Clinic**

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

That Council give three readings to a by-law to authorize the execution of a three year lease renewal agreement with Janet Delorme, Linda Alvestad and Dan Morwood c.o.b. as "Kenora Physiotherapy and Sports Injury Clinic" for office space located at the Kenora Recreation Centre.

### **Lease Renewal – Canadian Red Cross**

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

That Council give three readings to a by-law to authorize the execution of a one year lease renewal agreement with the Canadian Red Cross for municipal property located 1008 Ottawa Street (Unit A).

### **Amendment to Traffic By-law (Stop Signs @ Intersections)**

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

That Council give three readings to a by-law to amend Traffic Regulation By-law 127-2001 to include the following addition to Schedule "O" – Stop Signs at Intersections – Autumnwood Drive:-

#### **Add:**

| <b><u>Column 1</u></b>                | <b><u>Column 2</u></b>          |
|---------------------------------------|---------------------------------|
| <b>Intersection</b>                   | <b>Facing Traffic</b>           |
| Autumnwood Drive and Pine Ridge Drive | East bound on Pine Ridge Drive  |
| Woodfield Drive and Autumnwood Drive  | North bound on Autumnwood Drive |

### **Amendment to Traffic By-law (Temporary Parking)**

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



That Council hereby approves an amendment to the Traffic Regulation By-law to allow parking along the south side of Lakeview Drive on the paved shoulder along the greenbelt from 190 metres west of the Roundabout, westerly for 160 metres on Wednesdays only for the period from June 22<sup>nd</sup>, 2011 through to September 28<sup>th</sup>, 2011; and

That the City of Kenora Traffic Regulation By-law 127-2001 be amended to include the following changes to Schedule "B" – No Parking Areas – Tow Away Zone and to Schedule "C" – Limited /Restricted Parking – Lakeview Drive:-

**Schedule "B" No Parking Areas – Tow Away Zone**

| <u>Column 1</u><br>STREET/HIGHWAY | <u>Column 2</u><br>LOCATION                                             | <u>Column 3</u><br>SIDE | <u>Column 4</u><br>TIME             |
|-----------------------------------|-------------------------------------------------------------------------|-------------------------|-------------------------------------|
| <b>Delete:</b>                    |                                                                         |                         |                                     |
| Lakeview Drive                    | From Main Street South<br><b>to 14<sup>th</sup> Street</b>              | Both                    | Anytime                             |
| <b>Add:</b>                       |                                                                         |                         |                                     |
| Lakeview Drive                    | From the Roundabout<br>to 14 <sup>th</sup> Street                       | North                   | Anytime                             |
| Lakeview Drive                    | From the Roundabout<br>to 190 metres westerly                           | South                   | Anytime                             |
| Lakeview Drive                    | From 190 metres west<br>of the Roundabout<br>westerly for 160 metres    | South                   | Sunday-Tuesday<br>Thursday-Saturday |
| Lakeview Drive                    | From 350 metres west<br>of the Roundabout to<br>14 <sup>th</sup> Street | South                   | Anytime                             |

**Schedule "C" Limited /Restricted Parking**

| <u>Column 1</u><br>STREET | <u>Column 2</u><br>LOCATION                                          | <u>Column 3</u><br>SIDE | <u>Column 4</u><br>RESTRICTION     |
|---------------------------|----------------------------------------------------------------------|-------------------------|------------------------------------|
| <b>Add:</b>               |                                                                      |                         |                                    |
| Lakeview Drive            | From 190 metres west<br>of the Roundabout<br>westerly for 160 metres | South                   | 2 hours<br>Wednesdays; and further |

That this amendment be implemented on "a temporary basis only" for the period starting June 22<sup>nd</sup>, 2011 up to and including September 28<sup>th</sup>, 2011.

**Accept/Assume Sunnyside Road as a Public Highway**

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

That the Council of the Corporation of the City of Kenora accepts and assumes Sunnyside Road, identified on Reference Plan 23R 11914, as a public highway for municipal purposes

**Temporary Signage Approval**

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

That authority be delegated to the Commissioner of Signs, Licensing Clerk and Planning Administrator for the approval of Temporary (30 days) Community Special Event or Non-Profit Organization Signage, subject to:

- In sequence each position would have the authority in the absence of the other.
- Location of signs on Municipal property would be limited to those preapproved by Council.
- Location/type and size of signs on private property would be subject to the Sign By-law #115-2010 and property owner approval.
- At the discretion of the aforementioned staff members the matter is referred to committee.
- The applicant requests the matter be referred to committee, as a variance application.

### **Adoption of By-laws**

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

#48-2011 – To confirm proceedings of Council

#49-2011 – To amend the 2011 Municipal Operating & Capital Budget

#50-2011 – To execute a Rural Economic Development Program agreement with the Minister of Agriculture, Food & Rural Affairs

#51-2011 – To amend Taxi By-law Number 88-2009

#52-2011 - To adopt the 2011 Business Improvement Board Levy

#53-2011 – To establish the claw back rates for certain property classes for 2011

#54-2011 – To execute a contract with Sierra Construction

#55-2011 – To amend the 2011 Solid Waste Utility Budget

#56-2011 – To authorize a lease agreement with 1544227 Ontario Inc.

#57-2011 – To authorize a lease agreement with Ernest John Whiting

#58-2011 – To authorize a lease agreement with Kenora Condominium Corporation No. 2

- #59-2011 – To authorize a lease agreement with Kenora Physiotherapy and Sports Injury Clinic
- #60-2011 – To authorize a lease agreement with the Canadian Red Cross
- #61-2011 – To amend Comprehensive Traffic By-law #127-2001 (Stop Signs at Intersections)
- #62-2011 – To amend Comprehensive Traffic By-law #127-2001 (Temporary Parking)
- #63-2011 – To execute a Service Agreement with the Kenora Assembly of Resources (KAR)
- #64-2011 - To establish Sunnyside Road as a public highway for municipal purposes.

**Adjourn to Closed Meeting**

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

That this meeting be now declared closed at 5:45; 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) A Labour Relations Matter.**

**Council reconvened to the Open Meeting at 6:24 p.m.**

As there was no report from the Closed Session, the meeting was 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**