

# Minutes

Of a Meeting of the Council of the City of Kenora Monday, November 21, 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 L. Roussin, Councillor S. Smith.

**Staff:** Karen Brown, CAO, Colleen Neil, Recreation Services Manager, Sharen McDowall, HR Manager, Charlotte Edie, Treasurer, Jennifer Findlay, Economic Development Officer, and Joanne L. McMillin, City Clerk.

#### Call to Order

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

# Public Information Notices as per By-law Number 144-2007 Mayor Canfield 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:-

- Amendment to the 2011 Municipal Budget for the purpose of funding the CUPE Pay Equity Plan from the City's Contingency Reserve;
  - > Adoption of a Consolidated Tariff of Fees & Charges By-law;
    - > Adoption of a Remuneration By-law for Council;
  - Establish a road as a highway and to Discharge Obligations under a Subdivision Agreement;
- > Amendment to the 2011 Capital Budget for the purchase of lots on Scramble Avenue.

#### **Confirmation of Minutes**

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

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

• Regular Council Meeting held October 17, 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.

# **Presentations**

#### **Certificate of Merit**

Mayor Canfield and Councillor Smith presented Shane Brydges, on behalf of his mother Faith and brother Evan, with a City of Kenora Certificate of Merit posthumously to his father Tory Brydges in recognition of the significant contributions he gave to the Kenora community and surrounding area for twenty plus years. Tory put the needs of individuals and organizations ahead of himself and he was a great supporter and dedicated volunteer in making Kenora a stronger community.

# **Special Olympics Award**

Mayor Canfield presented and congratulated Helen Oneschuk on being nominated for and receiving the Special Olympics Ontario Volunteer of the Year Award for 2011. The Award was formally presented in October to Mrs. Oneschuk in Markham, Ontario and Mayor Canfield took the opportunity to recognize and congratulate her on behalf of the City for her 30 years of dedicated service with the Special Olympics.

## Dennis Wallace - LOWDC - Q3 Report (July to September, 2011)

Dennis referred to the Q3 report to Council and highlighted those items which included:

- The September 2 Grand Opening for the Lake of the Woods Discovery Centre
- NOHFC funding towards the Harbourfront Tent
- Grants for Summer Students working in tourism and business development
- Presentation to KPDSB for the Lakewood School Redevelopment Project
- The Grand Opening of the Harbourfront Tent
- Declaration of the Matiowski Farmer's Market in honour of Buck Matiowski
- Tourism Kenora, top 3 finalist in Ontario Tourism Marketing Awards
- Announcement that MS Kenora will continue operations in Kenora
- Site visits by 3 value added forestry companies interested in Kenora.

Mr. Wallace thanked Council and advised the 4<sup>th</sup> Quarter Report will be submitted early in the New Year. Mayor Canfield congratulated the Commission on the work they have carried out this year and that Council looks forward to continued success in 2012 and thanked the Commission Members for their hard work.

# **Deputations**

# **Brad Maluorno - Rideout Community Club**

Mr. Maluorno attended to present a Petition to Council from residents in support of the use of the Community Club as it was intended to be used for: socials, weddings, daycare, recreational activities, and rentals for private function. He referred to the fact there is a continual complaint made to the OPP regarding the noise and mentioned that a neighbour to the Community Club submitted a petition to have the noise exemption revoked. Mr. Maluorno would like Council to re-instate the Noise Bylaw exemption to be effective between 4:00 p.m. and 9:00 p.m. on Wednesdays and Fridays which would allow live entertainment to continue on those days on a forward basis.

#### Kristen Bullmer, Mitchell Frennette & Jarrod MacLean - NWHU

Ms Bullmer thanked Council for supporting the Youth Group in Kenora with the establishment of a Terms of Reference for a Youth Council. Mitchell Frennette also gave a presentation to Council thanking the City for listening to the youth and supporting their vision by agreeing to develop a Volunteer Youth Council in the City of Kenora. As a token of their appreciation, the youth group provided "We Talk Fearlessly" sweatshirts to Members of Council and Administration.

# **Additions to the Agenda**

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

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

1. Approval to extend a term on the District of Kenora Home for the Aged Board to November 30, 2013.

# Appointments to District of Kenora Home for the Aged 2A Moved by R. McMillan, Seconded by L. Roussin & Carried:-

That as a result of a resignation from the District of Kenora Home for the Aged Board approval be hereby given to extend Jim Blight's term of office on the Board from November 30, 2011 to November 30, 2013; and further

That arrangements be made to advertise the vacancy for a third representative on the Board to represent Area 1, comprised of Kenora and Sioux Narrows Nestor Falls.

# Memorandum of Understanding – Canadian Red Cross Society 3. Moved by C. Drinkwalter, Seconded by R. Lunny

Councillor Drinkwalter introduced a motion to defer Motion #3:

# **Defer Motion Number 3 - Red Cross MOU 3A. Moved by C. Drinkwalter, Seconded by R. McMillan & Carried:**

That Motion #3 on tonight's agenda with respect to entering into a Memorandum of Understanding with the Canadian Red Cross Society, together with the adoption of By-law Number 132-2011 for this purpose be hereby deferred.

# **Memorandum of Understanding – Canadian Red Cross Society Moved by C. Drinkwalter, Seconded by R. Lunny**

That Council of the City of Kenora enters into a Memorandum of Agreement with the Canadian Red Cross Society for the purposes of Registration and Inquiry, Emergency Lodging, Emergency Food, Personal Services and Health Care, and Emergency Clothing; and further

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

#### MOTION DEFERRED

# **Statement of Completion – Emergency Management Ontario**

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

That Council of the City of Kenora receives and accepts the legislated requirement of Emergency Management Ontario that the City of Kenora has completed all the necessary requirements of the Emergency Management and Civil Protection Act RSO 1990 and Ontario Regulation 380/04 for the calendar year of 2011.

# Statement of Completion - Fire Protection & Prevention Act

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

That Council of the City of Kenora receives and accepts the legislated requirement of clause 2(1)(a) of the Fire Protection and Prevention Act, 1997 that the City of Kenora has completed all the necessary requirements of the Fire Protection and Prevention Act, 1997 for the calendar year of 2011.

# **Hockey Kids for Cancer Research**

# 6. Moved by C. Drinkwalter, Seconded by L. Roussin & Carried:-

That Council of the City of Kenora denies the sponsorship request from the Kenora Hockey Kids for Cancer Research 4<sup>th</sup> Annual fundraising tournament; and

That the Kenora Hockey Kids for Cancer Research be encouraged to seek support from the Lake of the Woods Regional Community Foundation; and further

That Council wishes the Kenora Kids for Cancer Research every success in their noble efforts to raise awareness and funds for cancer research.

#### **New Year's Eve - Kenora Recreation Centre**

#### 7. Moved by C. Drinkwalter, Seconded by L. Roussin & Carried:-

That approval be given for the Kenora Recreation Centre to remain open from 4:00 p.m. to 8:00 p.m. December 31<sup>st</sup>, 2011 for families and individuals to participate in recreation on the New Year's Eve Statutory Holiday; and

That the City of Kenora will cover the cost of the facility rentals; and further

That all staffing and additional costs for this event be covered by the Kenora Rotary Club.

#### **Volunteer Youth Council**

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

That further to Council's October 17 request for development of a Terms of Reference for establishment of a Volunteer Youth Council, Council hereby gives three readings to a by-law to establish a Terms of Reference for a City of Kenora Volunteer Youth Council; and further

That following adoption of the by-law, arrangements be made by Administration to advertise for applications with a view to having the Youth Council established in January, 2012 for the start-up term.

# Lake of the Woods Museum - Museums Assistance Program

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

That Council of the City of Kenora approve the application and act as applicant on behalf of the Lake of the Woods Museum for an Exhibition Circulation Fund grant through the Museums Assistance Program (MAP) of Canadian Heritage for the exhibit Voices of the Town: Vaudeville in Canada.

# **CUPE Pay Equity Plan**

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

That Council of the City of Kenora hereby approve the CUPE Pay Equity Plan between the Corporation of the City of Kenora and CUPE Local 191; and

That in accordance with Notice By-law #144-2007, Council hereby provides notice that it intends to amend its 2011 operating budget at its November  $21^{st}$  meeting; and further

That Council hereby gives three readings to a by-law to amend the 2011 budget for this purpose with funding to be appropriated from the City's Contingency Reserve.

# **Letter of Understanding – CUPE Agreement (Tourism)**

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

That Council of the City of Kenora hereby approves the Letter of Understanding with respect to hours of operation for the Tourism Department that will form part of the current Collective Agreement between the Corporation of the City of Kenora and CUPE Local 191; and further

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

# **2012 Council Meeting Schedule**

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

That Council hereby approves the 2012 Schedule of Committee and Council Meetings as attached to the October 20 report of the City Clerk in accordance with Council's Rules of Order and Procedure.

#### **Council Remuneration**

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

That Council hereby approves an amendment to Council Remuneration to reflect the following rates effective January 1, 2012:

Annual Remuneration: Mayor - \$29,526.00 Council - \$14,763.00

Per Diem: Mayor and Council - \$162.00; and

That staff be directed to develop a policy that will ensure that Council will receive an annual adjustment that is the same annual percentage increase as received by the Non-Union Group commencing in 2013, with the 2013 adjustment being equal to the combined 2012 and 2013 economic adjustments, and thereafter based on the actual annual percentage adjustment given; and

That public notice is hereby given that Council intends to adopt a revised Remuneration By-law at its November 21 meeting; and further

That the appropriate by-laws with respect to the municipal policies which are affected by the new by-law be so adopted.

Recorded Vote - #13

COUNCIL	AYE	NAY	Dec. of Interest
Councillor Drinkwalter	X		
Councillor Lunny	X		
Councillor McKay	X		
Councillor McMillan	X		
Councillor Roussin	x		
Councillor Smith		х	
Mayor Canfield	x		

# **Civil Marriage Services Contracts**

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

That Council give three readings to a by-law to authorize the execution of Marriage Commissioner Contracts with Jane Van Toen and Jan Fletcher, under the same terms and conditions for the provision of Civil Marriage Solemnization Services for the period commencing January 1, 2012 to December 31, 2014.

# **Consolidated Tariff of Fees & Charges By-law**

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

That Council give three readings to a by-law to authorize a consolidated Tariff of Fees & Charges for the City of Kenora in keeping with the number of amendments made to-date; and

That public notice is hereby given that Council intends to adopt the new by-law at its November 21, 2011 meeting; and further

That this by-law shall take effect and come into force upon third and final reading, thereby repealing By-law Number 147-2007, as amended.

# **Fees and Charges - POA Fines**

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

Whereas the Provincial Offences Act provides authority for a municipality to collect fines levied in respect of proceedings under Parts I, II and III, including costs and fees of the Provincial Offences Act and to enforce their payment; and

Whereas the Provincial Offences Act provides the ability of a municipality to collect any other charge as permitted with written consent of the Attorney General when obtained in advance; and

Whereas the Municipal Act provides authority for a municipality, if it uses a registered collection agency to recover debt, including the collection agency's reasonable costs of collection of the said debt; and

Whereas the Municipal Act provides authority for a municipality to pass by-laws to impose fees or charges on any class of persons, for costs payable by it for services or activities provided, or done by, or on behalf, of any municipality or local board;

Now therefore be it resolved that Council gives three readings to a by-law to establish fees and charges for the costs of collection of Provincial Offences fines that are due and unpaid; and further

That these collection agency recovery costs be set at a range between 10 and 20 percent.

#### **Extension of POA Prosecution Contract**

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

That Council approves the extension of Contract between Al Farrer, POA Prosecutor and the City of Kenora for POA prosecution services to December 31, 2012 under the same terms and conditions as the existing contract.

#### **Various Committee Minutes**

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

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

- August 25 & September 20 Planning Advisory Committee
- October 11 Committee of the Whole
- October 12 & October 31 Kenora Transit Commission
- October 18 Kenora Community Policing Committee

- October 25 Lake of the Woods Museum Board
- October 27 Heritage Kenora

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

- > September 14 Kenora Police Services Board
- > September 16- Northwestern Health Unit Board of Health
- September 29 District of Kenora Home for the Aged; and further

That these Minutes be circulated and ordered filed.

# **Transfer Payment Agreement - NOHFC**

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

That Council give three readings to a by-law to authorize the execution of the Transfer Payment Agreement between Northern Ontario Heritage Fund Corporation (NOHFC) and City of Kenora; and further

That the Mayor and Clerk be authorized to execute said Agreement.

#### Section 357 - AbiBow Canada Inc.

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

That based on the application details and property circumstances as known to the City as of this date, the Section 357 Application from AbiBow Canada Inc. for buildings deemed "Damaged and Substantially Unusable", effective January  $1^{\rm st}$  2010 to December  $31^{\rm st}$ , 2010, be denied; and

That Council allow the applicant, if they so choose, to make representation in respect of this application during the open meeting of Council to be held November 21, 2011 through the deputation process; and further

That Council may consider any further details which come forward during such representation or by other means in making its' final determination.

# **Final Report - Kenora Police Service Disbandment**

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

That Council of the City of Kenora hereby receives the Final Report on the Kenora Police Service (KPS) Disbandment as prepared by Charlotte Edie and Lisa Oakes.

# One-time Funding – Kenora Handi Transit

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

That Council consider the request by the Handi Transit Board to provide one time funding to be applied to the accumulated deficit of \$25,658 of the Kenora Handi Transit at December 31, 2009; further

That the recommended contribution be one half of the accumulated deficit at December 31, 2009 or \$12,829 subject to the restriction of future surpluses being transferred to the City held bus replacement reserve.

# **Financing Guarantee - Kenora Health Care Centre**

23. 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 it was resolved that the Kenora Health Care Centre was directed 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; and

Whereas that goal has now been achieved;

Now therefore be it 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 with a maximum term of 10 years and amortized over 30 years, provided the City receives security for the said guarantee in the form of a first collateral charge/mortgage on the land, enforceable in the event that the guarantee is called; and

That the Corporation of the City of Kenora be authorized to discharge the current Debentures on title to the property owned by the Kenora Health Care Centre; and further

That Council give three readings to a by-law for this purpose thereby authorizing the Mayor and Clerk to execute any and all documents required to complete this transaction.

#### **Miscellaneous Travel Expenses - Council**

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

That authorization be hereby given for the following travel/meeting attendances for Members of Council:-

- Councillor McKay October 13, 2011 travel to Dryden to attend the Standard of Care Safe Drinking Water Act training
- ➤ **Mayor Canfield** November 3, 2011 travel to Ottawa to attend a Woodworks Award Banquet; and further

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

# Report on Citizens' Prosperity Trust Fund

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

That Council hereby accepts the November 9<sup>th</sup> Report submitted by the Municipal Treasurer with respect to the Kenora Citizens' Prosperity Trust Fund.

# **Section 357 Tax Adjustments**

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

That the Section 357 tax adjustments totaling \$2,641.11, (plus applicable penalty adjustment), with potential refunds of \$1,399.36, be approved.

# **September 30 Financial Statements**

27. Moved by R. Lunny, Seconded by S. Smith & Carried:-

That Council hereby accepts the monthly Financial Statements of the Corporation of the City of Kenora as at September 30, 2011.

## **Kenora Transit Routes/Contract Extension**

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

That Council approve the proposed improvements to the current Kenora Transit routes recommended by the Kenora Transit Authority Committee as of January 1, 2012; and

That Council approves the amended and new route maps which are attachments to By-Law 128-2007; and further

That Council hereby gives three readings to a by-law to amend By-law #128-2007 to extend the term of the contract to December 31, 2012 in accordance with the terms of that by-law, as well as amend Schedules A and B to that By-law to reflect the amended routes.

# Water & Wastewater Long Range Financial Plan

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

That Council hereby approves the Water and Wastewater Long Range Financial Plan Forecast attached to the November 8<sup>th</sup> report of Charlotte Edie, as required under the Safe Drinking Water Act and Ontario Regulation 453/07.

# **2011 Annual Washroom Contract Report**

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

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

# **Amendment to Traffic Regulation By-law (Bernier Drive)**

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

That Council hereby approves an amendment to the Comprehensive Traffic Regulation By-law #127-2001 to include amendments to Schedule "B" – No Parking Areas –Tow Away Zone, Schedule "D" - 45° Angle Parking Areas, Schedule "G" – Parking Meter Zones and Schedule "K" - Disabled Parking on Streets and Highways for Bernier Drive as described in the November 9 report of the Municipal Engineer; and further

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

# Request for Sign Variance - Highway 17 East

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

That Council of the City of Kenora refuses the request for a variance from Sign By-law 115-2010 to permit a trailer mounted sign (Train of Lights) at property at 1010 Highway 17 East for the following reasons:

- Creates a driver distraction for motorists on approach to the intersection of Highway 17 East and Fifth Street South;
- The location of a temporary sign does not protect and enhance the aesthetic qualities and visual character of the City.

### **Accept and Assume Extension of Williams Road**

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

That the City of Kenora issues a Certificate of Release of the Maintenance Guarantee(s) in the amount of \$43,807.69; and further

That the City of Kenora accepts and assumes the extension of the Williams Road, as Block 20 and Williams Road on Plan 23M 954, into the City's road inventory as all the requirements of the subdivision agreement between 1703591 Ontario Inc. and the City of Kenora, authorized by By-law 56-2008 have been met.

# **Request to Extend Sewer Mainline**

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

That Council of the City of Kenora denies a request from Aamikkowiish Non-Profit Housing for the City to pay the costs to extend a sewer main line to potential building lots at an estimated value of \$12,000 to \$15,000 as there is no funding in the capital budget for this project.

#### **Purchase of Lots on Scramble Avenue**

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

That Council of the City of Kenora authorizes the purchase of property described as PIN 42170119 PLAN M30 PT PCL 18532 BLK J (19 Scramble Avenue) and PIN 421710120 PLAN M30 PCL 15483 BLK J LOC X21 (17 Scramble Avenue) for future cemetery purposes; and

That the additional budget request in the amount of \$120,000 + disbursements, be funded through the Cemetery Reserve Fund in the amount \$23,140 and re-allocated from the contingency fund, in the amount of \$96,860 + disbursements; and

That in accordance with Notice By-law No. 144-2007, public notice is hereby given that Council intends to amend its 2011 Capital Budget at its meeting on November 21<sup>st</sup>, 2011; and further

That Council gives three readings to a by-law to amend the 2011 capital budget and authorize the purchase of these lands.

## **Quotation for Graders - Snowplowing of Streets**

36. Moved by R. McKay, Seconded by C. Drinkwalter & Carried:-

That the following quotations for graders for Snow Plowing of Municipal Streets, be received:-

Grader Pioneer Construction \$160.00/hr. HST extra
Grader Hugh Munro Construction \$178.50/hr. HST extra; and

That the quotation from Pioneer Construction in the amount of \$160.00/hr, and the quotation from Hugh Munro Construction in the amount of \$178.50/hr, HST extra, be hereby accepted.

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

## 37. 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:~

- #116-2011- To confirm the proceedings of Council
- #117-2011- To authorize a loan guarantee on behalf of Kenora Health Care Centre
- #118-2011 To amend Traffic Regulation By-law Number 127-2001
- #119-2011- To amend the Transit Agreement approved by By-law Number 128-2007
- #120-2011- To authorize a consolidated Tariff of Fees and Charges
- #121-2011- To establish a Terms of Reference for a Volunteer Youth Council
- #122-2011- To enter into contracts for the provision of Civil Marriage Services
- #123-2011- To establish fees for Collection of Provincial Offences Act Fines
- #124-2011- To authorize a letter of understanding with CUPE Local 191
- #125-2011- To establish Remuneration for City Council

#126-2011- To authorize a revised Conference & Per Diem Policy for City Council
#127-2011- To amend the 2011 Budget to provide for the CUPE Pay Equity Plan
#128-2011- To execute a Transfer Payment Agreement with NOHFC
#129-2011- To assume and extend Williams Road
#130-2011- To authorize the purchase of property on Scramble Avenue
#131-2011- To amend the 2011 Budget to provide for the purchase of property
#132-2011- To authorize the execution of a Memorandum of Understanding with the Canadian Red Cross Society Deferred.

Adjournment
38. Moved by S. Smith, Seconded by R. McMillan & Carried:That this meeting be now declared closed at 6:30 p.m.

# The Corporation of the City of Kenora:

Confirmed As Written	ThisDay
Of	2011
	City Clerk