



# Minutes

Monday, May 9, 2011

3:30 p.m.

City Council Chambers

**Action**

**Present:** Mayor D. Canfield  
Councillor R. Lunny  
Councillor R. McKay  
Councillor R. McMillan  
Councillor L. Roussin  
Councillor S. Smith  
K. Brown, CAO  
S. McDowall, HR Manager  
C. Neil, Recreation Services Manager  
M. Vogrig, Municipal Engineer  
J. Nabb, Building Inspector/Facilities  
J. McMillin, City Clerk

**Regrets:** Councillor C. Drinkwalter

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## **A. Public information Notices**

**As required under Notice By-law #144 -2007, the public is advised of Council's intention to adopt the following at its May 16 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.

## **B. Declaration of Pecuniary Interest & the General Nature Thereof**

### **1) On Today's Agenda**

### **2) From a Meeting at which a Member was not in Attendance**

Councillor Roussin made a Declaration of Pecuniary Interest with respect to today's Item #4 under Finance pertaining to the Non-Union pay grid as his wife is an employee of the Kenora Public Library.

### **C. Confirmation of Previous Committee Minutes**

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

That the Minutes from the last regular Committee of the Whole Meeting held April 11, 2011 be confirmed as written and filed.

### **D. Deputations**

**3:30 p.m. – Duane Harris – Union Gas & Luke Skaarup**

Duane Harris and Luke Skaarup of Union Gas attended and provided Committee with a Power Point presentation regarding the "One Call – Call Before you Dig" system, noting that second reading has been given to the Private Member's Bill regarding this matter. Their plea was one of safety, for both the public and the worker as there are potentially serious and significant risks when buried utility lines are struck or damaged by contractors and/or homeowners. They explained that with a single, mandatory one call system by all asset owners excavators could be provided with one simple telephone number they can use to obtain the location of all utility lines before digging. The legislation would mandate a maximum of five days to provide excavators with the location of the lines; this would avoid damage to the infrastructure, and aside from gas lines could include telephone, cable, hydro or sewer mains. They explained there is a one-time set up fee to become a member of \$1,000+tax, which includes 4 hours of mapping. It was asked if there would be any consequences if you failed to call-in and it was noted you may be charged but the penalty is fairly small.

Union Gas is requesting the City of Kenora to join the existing one call system and support the call for a provincial initiative. It was noted the benefits of a single one call system has four key benefits: reduces risks; is cost-effective; is business-friendly and it works.

The gentlemen were thanked for attending and left the meeting at 4:00 p.m.

**3:45 p.m. – Lake of the Woods Development Commission**

Dennis Wallace, Commission Chair, provided Committee with the Commission's First Quarter Report, and Jennifer circulated copies of the revised report. Dennis advised of the Commission's three main goals which remain constant: job creation, increased assessment, and population growth.

He further commented on the first quarter highlights which included: completion of the purchase of former Abitibi mill site and other lands; regional winter marketing campaign and winter carnival; and initiation of the Lake of the Woods Centre Business Plan. Dennis also reviewed a number of their activities such as the LOW Training Centre Business Plan; partnerships with 4 local training delivery agents; discussions with two universities, and partnerships with First Nation Education Authorities. Dennis indicated the Commission is on track and on target for the quarter and that their annual report will be presented at the Commission's AGM, scheduled for early summer. The Commission was thanked for attending.

### **E. Reports:**

## **Community & Protective Services**

**Councillor McMillan, Vice-Chair, reviewed the Committee reports:-**

### **1. Recreation Department First Quarter Report**

#### **Recommendation:**

That Council accepts the 2011 First Quarter Report for the Recreation Department.

**Recommendation approved.**

**JMcMillin**

### **2. Thirty Hour Famine Request**

#### **Recommendation:**

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.

**Recommendation approved.**

**JMcMillin**

## **Corporate Services**

**Councillor McMillan, Chair, reviewed the Committee reports:-**

### **1. K.D.S.B. Report from Councillor Roussin**

Councillor Roussin advised the Board's new CAO has started his duties and is in the second week of cross training with the outgoing CAO. The Board has also hired a new EMS Director, Andrew Tickner hired from within and his first day is today. Councillor Roussin referred to other points about uploading costs and unincorporated areas; uploading and under levies as well as over levy matters, and provided some stats on budgets. He noted that he will be able to provide a further report in June as the Board's next meeting is this Thursday.

### **2. Common Ground Direction**

#### **Recommendation:**

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.

**Recommendation approved.**

**JMcMillin**

A discussion ensued on whether or not a 'dispute resolution' clause is needed within the agreement.

**3. Amended Agreement – Rural Economic Development**

**Recommendation:**

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 further

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.

**Recommendation approved (resolution and by-law).**

**JMcMillin**

**4. Taxi By-law Amendment**

**Recommendation:**

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.

**Recommendation approved** (resolution and by-law).

**JMcMillin**

## **5. Various Committee Minutes**

### **Recommendation:**

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

- February 15 & March 29 - Committee of Adjustment & 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

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

- 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.

**Recommendation approved.**

**JMcMillin**

## **Economic Development**

**Councillor Smith, Chair, reviewed the Committee reports:-**

### **1. KAR/LOWDC & Special Events**

#### **Recommendation:**

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

- Central coordination of special events throughout the City through the Lake of the Woods Development Commission (the Commission);
- Commission consideration be made to use the Kenora Assembly of Resources (KAR) on an incremental cost recovery basis for the set up and take down of the big tent on the South parking lot of the Harbourfront for 2011;

- Commission moves forward with special events in accordance with the plans they have set in place for 2011;
- Commission makes use of KAR on an incremental cost recovery basis to help with the set up and take down of special events throughout the City but outside of the Harbourfront area, provided the cost for doing so is competitive;
- KAR completes special events for which it has already coordinated that occur prior to May 31, 2011 and keeps any revenues generated as a result of those events;
- KAR provides a listing of special events for which they have been actively working on with event organizers to the Commission by May 20, 2011, for any activities that will occur on or after June 1, 2011, as well as contact information for those events and that any event organizers contacting KAR on a forward basis be redirected to the Commission special events staff;
- Special events equipment currently stored by KAR, including the City tents, to be transferred from KAR to the Commission effective May 31, 2011 and KAR be instructed to deliver that equipment to the related City storage facility, and be reimbursed for this transfer on an incremental cost recovery basis by the City;
- City to arrange and pay costs for separated storage to house the new Harbourfest equipment and the transferred special events equipment separately;
- Commission will be responsible for coordinating and renting the special events equipment effective June 1, 2011, including retaining the revenues therefrom unless otherwise provided under the Commission's agreement with Harbourfest;
- KAR will be provided with free access to the big tent and transferred special events equipment on the Harbourfront for the purposes of the Farmers' Market in 2011 and be responsible for all set up and take down related costs, equipment transfers, market jockeys and other related costs;
- KAR will maintain the Farmers' Market on the Harbourfront for 2011;
- KAR will facilitate accommodating parking requirements for South Harbourfront parking patrons as required based on specific and incremental impacts resulting from the Farmers' Market;
- Commission and KAR work together to ensure a successful transition of the Farmers' Market to special events in 2012;

- Tourism Development Officer, the Parks Supervisor and the KAR Harbourfront Services Coordinator meet as a group to work out the operating details related to implementing these final 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.

**Recommendation approved** (resolution and by-law).

**JMcMillin**

## Finance

**Councillor Lunny, Chair reviewed the Committee reports:-**

### 1. Appropriation from Contingency Reserve - Harbourfront Tent.

By-law only as per May 4, 2011 Special Council Meeting.

**JMcMillin**

### 2. BIZ Levy

#### Recommendation:

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.

**Recommendation approved** (resolution and by-law).

**JMcMillin**

### 3. 2011 Claw Back Rates

#### Recommendation:

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.

**Recommendation approved** (resolution and by-law).

**JMcMillin**

### 4. Non-Union Pay Grid

#### Recommendation:

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.

**Recommendation approved.**

**JMcMillin**

**5. Section 357 Write Offs**

**Recommendation:**

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.

**Recommendation approved.**

**JMcMillin**

**Operations Committee**

**Councillor McKay, Chair reviewed the Committee reports:-**

**1. Thistle Pavilion Tender Agreement**

**Recommendation:**

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.

**Recommendation approved** (resolution and by-law).

**JMcMillin**

**2. Solid Waste Loader**

**Recommendation:**

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.

**Recommendation approved** (resolution and by-law).

**JMcMillin**

**3. Coney Island Shuttle**

**Recommendation:**

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.

**Discussion:**

It was asked what the Shuttle ridership numbers have been and Councillor



McMillan explained that when the Shuttle started a couple years ago it was to enhance Coney Island and to attract tourism since it had been under-used over the years. It was discussed if the ridership can't be justified then it isn't working and the City shouldn't be subsidizing its operation. John Nabb explained he reviewed a copy of their financial statement and it appears the ridership is getting better every year and we are suggesting a reduction in the grant for 2011 and a further review next year. John explained the Shuttle experienced a significant impact last year with the Harbourfront construction that affected the ridership compared to 2009 and there are concerns this year as there could be similar impacts this year with continued construction at the Harbourfront.

Committee requested John Nabb to provide information on ridership numbers prior to Council making a decision at Monday's meeting.

**John Nabb**

**Recommendation → to Council for consideration, pending information on ridership.**

**JMcMillin**

**4. Lease Renewal – Abundance - Museum Annex**

**Recommendation:**

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

**Recommendation approved** (resolution and by-law).

**JMcMillin**

**5. Lease Renewal – E. Whiting – 3<sup>rd</sup> Avenue South**

**Recommendation:**

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.

**Recommendation approved** (resolution and by-law).

**JMcMillin**

**6. Lease Renewal – Kenora Condominium Corp. - Parking**

**Recommendation:**

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.

**Recommendation approved** (resolution and by-law).

**JMcMillin**

**7. Lease Renewal – Kenora Physiotherapy – Recreation Centre**

**Recommendation:**

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.

**Recommendation approved** (resolution and by-law).

JMcMillin

**8. Lease Renewal – Canadian Red Cross – 1008 Ottawa Street**

**Recommendation:**

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).

**Recommendation approved** (resolution and by-law).

JMcMillin

**9. Traffic By-law Amendment – South Park**

**Recommendation:**

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:**

<u>Column 1</u> <b>Intersection</b>	<u>Column 2</u> <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

**Recommendation approved** (resolution and by-law).

JMcMillin

**10. Parking on Lakeview Drive – Farmers' Market**

**Recommendation:**

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

Lakeview Drive	From 350 metres west of the Roundabout to 14 <sup>th</sup> Street	South	Anytime
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**Schedule "C" Limited /Restricted Parking**

<u>Column 1</u> STREET	<u>Column 2</u> LOCATION	<u>Column 3</u> SIDE	<u>Column 4</u> RESTRICTION
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**Add:**

Lakeview Drive	From 190 metres west of the Roundabout westerly for 160 metres	South	2 hours Wednesdays ;and further
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**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.

**Recommendation approved** (resolution and by-law).

**JMcMillin**

It was mentioned that signage is key for this change and it was noted that through-access will be made available for emergency services vehicles. It was discussed this is a good test-case for 'Wednesdays only' to monitor how this parking arrangement will work. There will be sufficient public notice and accessibility parking would remain at the Harbourfront area and not along Lakeview Drive.

**Other COW Business:**

**Municipal Docking**

Councillor Lunny indicated that the work done on the Matheson Street dock is excellent however he is concerned with issues around abuse for overnight and other docking infractions and who is going to police the docks, similarly to those at Coney Island as they are already filling up with houseboats. Bush Island was also referred to and the houseboats in the bay. It was noted with the disbandment of the Port Authority and the decision made for the City to take back administration of the docks, there is a need for a comprehensive by-law.

John Nabb advised that By-law Enforcement is reviewing the Docking Policy with a view to creating a management by-law for all the docks and wharfs including a Set Fine Schedule and this by-law will likely be coming forward to Committee in June.

**Recreation Report Analysis**

Councillor McMillan made a suggestion that through the Community and Protective Services Committee discussions take place with Colleen and Maryanne to look at the Recreation Report and prioritize and bring back recommendations.

**CNeil**

**May 9 to 15 – National Nursing Week**

Councillor McMillan gave a brief history on Nursing Week in Canada, noting it is currently being recognized this week.

### **Shoal Lake 40 – Request for Support**

Mayor Canfield requested Committee to consider a resolution at Monday's meeting to support Shoal Lake 40 regarding completion of their winter road to Highway 17. It was mentioned that the Rural Municipality of Reynolds has offered support on the Manitoba side and Kenora should extend similar support. Among various provincial ministries, it was suggested a copy of our resolution also be sent to the Mayor of Winnipeg.

**Committee recommended this item go forward to Council for support.**

**KBrown/  
JMcMillin**

### **Beach Signage Meeting**

It was noted there was a very good meeting held between municipal and Health Unit representatives regarding a process for identifying when beaches cannot be used during summer months. The signage will eliminate the need of carrying out public announcements as they will be posted as required at the specific beaches for the information of the public.

### **Tariff of Fees – Contaminated Materials - Landfill Cover**

Mayor Canfield commented on the rate in the Tariff of Fees By-law regarding contaminated soil and it was suggested Operations determine what other municipalities are charging as our rate structure should be reviewed. It was noted that clarification is required on the rates in the by-law (Item 21) as it is difficult to interpret. The Clerk noted a Comprehensive Tariff of Fees By-law is under review and perhaps Operations could include this item in their updates.

**RPerchuk/  
MMostow**

### **South Park Drive - Lighting**

Councillor Roussin expressed concern on the amount of vandalism in this particular area of South Park Drive and questioned why the lighting program has not been completed. He noted that recently there had been some serious vandalism to a homeowner's garage and O.P.P. is investigating and recommending that lighting be put in place in this area. Councillor Roussin further noted there has been extensive damage at the Kenora Golf Course as well. He asked if the City can arrange two (2) additional street lights in the South Park Drive area; it was noted Phase 1 of the South Park subdivision was turned over to the City so it is likely our responsibility. Karen advised she will forward this request to Rick Perchuk for a report.

**KBrown/  
RPerchuk**

### **Next Meeting:**

- Monday, June 13, 2011 at 3:30 p.m.

### **Close Meeting**

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

That this meeting be now declared closed at 5:20 p.m.