



# Minutes

**Of a Meeting of the Council of the City of Kenora  
Monday, December 17, 2012  
City Council Chambers  
5:00 p.m.**



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

**Staff:** Karen Brown, CAO, Warren Brinkman, Manager of Fire & Emergency Services, Heather Kasprick, Deputy Clerk.

### **Call to Order**

**Mayor Canfield called the meeting to order and Councillor Drinkwater read the Prayer. A moment of silence was held in remembrance of the victims lost in the tragic events in Conneticut.**

### **Public Information Notices as per By-law Number 144-2007**

**Mayor Canfield then read the following notices:-**

As required under Notice By-law #144 -2007, Council hereby advises the public of its intention to adopt the following at tonight's meeting:-

- To amend "Schedule D" to By-Law #168-2004 to increase water and sewer rates effective January 1, 2013
- enter into a subdivision agreement with Jack Coker for the development of a thirteen (13) lot subdivision located on Black Sturgeon Lake
  - zoning amendment for Bilton Z08/12 322 First Avenue South
  - Zoning amendment for LOW Brewing Company Z10/12 350 2<sup>nd</sup> St S
  - Zoning amendment City initiated Z11/12 – various amendments

### **Confirmation of Minutes**

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

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

- Regular Council Meeting held November 19, 2012

### **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 McMillan made a Declaration with respect to Resolution #12 (Minutes) as they make reference to the Police Services Board and his spouse is a Member of the Board.

### **Deputations**

None Requested

### **Addition to Agenda**

#### **1a. Moved by R. McMillan, Seconded by L. Roussin & Carried:-**

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

1. A bylaw to authorize the procurement document for conventional and handi transit buses

### **Appointment to the Heritage Committee**

#### **2. Moved by S. Smith, Seconded by L. Roussin & Carried:-**

That Council hereby appoints Lisa Moncrief as a member at-large on the Heritage Kenora Committee to fill the vacancy created by the resignation of Charmaine Romaniuk with a term at the pleasure of Council but not beyond November 30, 2014.

### **Non-Union Overtime Policy**

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

That Council hereby approves the City of Kenora Overtime-Non-Union Policy #HR 3-5; and further

That Council give three readings to a by-law to amend the Comprehensive Policy Manual for this purpose.

### **ROMA/OGRA Conference Attendance**

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

That authorization be hereby given for the following Members of Council to attend the ROMA/OGRA 2013 Annual Conference taking place February 24 to 27, 2013, in Toronto, ON:-

Dave Canfield, Rod McKay, Charito Drinkwalter, Louis Roussin;  
and further

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

### **Accounts Receivables Write-Offs**

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

That Council hereby approves the write off of accounts receivables for the year 2010 totalling \$55,727.51 including applicable taxes; and further

That City staff be directed to continue collection efforts on these accounts.

### **Council Term – Year in Review**

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

That a copy of the report reviewing the achievements for the 2012 year of Council be posted on the City's portal and made available to the media.

### **Customer Service Standards Policy**

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

That Council hereby approves the City of Kenora Customer Service Standards policy; and further

That Council hereby gives three reading to a by-law to amend the Comprehensive Policy Manual for this purpose.

**Councillor McMillan introduced a press release regarding the Customer Service Standards.**

### **Discontinuation of Overnight Camping**

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

That as requested by the Township of Sioux Narrows-Nestor Falls, the Council of the City of Kenora hereby supports and endorses the following resolution:

Whereas the Ministry of Natural Resources has announced the end of overnight camping in ten provincial parks in Northern Ontario, including Caliper Lake Provincial Park in the Township of Sioux Narrows - Nestor Falls, Fushimi Lake, Greenwater, Ivanhoe Lake, Mississauga, Obatanga, Rene Brunelle, Springwater, The Shoals and Tidewater; and

Whereas the decision will result in job losses for Northern Ontarians and negatively impact tourism and Northern Ontario's way of life; and

Whereas local stakeholders and municipalities have not been consulted on these closures and have been denied the opportunity to make these parks more sustainable;

Now therefore be it resolved that the Council of the Corporation of the City of Kenora hereby petitions the Legislative Assembly of Ontario to immediately suspend plans to cancel overnight camping at the ten provincial parks named above; and further

That Kenora Council supports Sioux Narrows-Nestor Falls in its efforts to consult with various stakeholders and regional economic development organizations regarding the long-term viability of preserving Northern Ontario's provincial parks.

### **Logo Adoption**

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

That Council endorses the adoption of the new brand logo for the City of Kenora; and further

That the former corporate City logo along with the former branded Kenora tree logo be eliminated through a transition phase; and further

That all City departments move towards integrating the new branded logo in a "phase in process" as logo items require replenishing or replacing; and further

That the Branding Logo Policy #PP-4-1 is hereby repealed; and further

That Council hereby approves the amended Logo Policy #CU-1-1; and further

That Council gives three readings to a bylaw to amend the Comprehensive Policy Manual for this purpose.

### **Municipal Infrastructure Investment Initiative Funding**

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

That Council of the City of Kenora hereby commits to completing a Municipal Asset Management Plan by the end of 2013 as required under the Municipal Infrastructure Investment Initiative (MIII) Funding; and further

That a copy of this resolution be submitted to the Municipal Infrastructure Investment Initiative Secretariat indicating the City's commitment to complete its Asset Management Plan.

### **Regional Decision Making**

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

That Council of the City of Kenora express its support for increased regional decision making for Northern Ontario on issues currently under Provincial jurisdiction, including natural resources, energy, infrastructure and land use planning; and further

That Council calls on the leaders and candidates for leadership of the three elected Provincial political parties to outline their support or non-support of providing increased regional decision making powers to Northern Ontario; and further

That the Northern Policy Institute be asked to develop a proposal that outlines options and processes that would enable increased regional decision making in Northern Ontario.

## **Various Committee Minutes**

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

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

- October 23 & November 20 – Community Policing Committee
- October 25 – Budget Committee
- November 13 – Committee of the Whole
- November 14 – Property & Planning
- November 19 – Special Committee of the Whole
- November 21 – Environmental Advisory Committee

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

- September 26 – Kenora Police Services Board
- October 24 – District of Kenora Home for the Aged
- October 31 – Lake of the Woods Development Commission; and further

That these Minutes be circulated and ordered filed.

### **Abstention: Councillor McMillan**

## **2013 Water & Sewer Rate Increase**

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

That as recommended by BMA Management Consulting Inc. in the Water and Wastewater Long Range Financial Plan Forecast approved by Council resolution on November 21, 2011, the 2013 water and sewer rates be increased by 10% over the 2012 rates; and

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

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

That this by-law shall take effect and come into force on January 1, 2013.

## **Street Food Vendors**

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

That as recommended by the Lake of the Woods Development Commission Council hereby approves the continuation of the Street Food Vendor Program in 2013; and

That the revised Request for Proposal (RFP) for the Street Food Vendor Program is hereby approved; and further

That the RFP include the operating dates for the 2013 season as May long weekend to September long weekend.

### **Phase III DTR Capital Project – Fednor & NOHFC**

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

That administration be directed to develop and submit Phase I (FedNor) and Stage 1 (NOHFC) applications for funding for the Phase III Downtown Revitalization Capital Project.

### **Phase III DTR Capital Project - MIII**

#### **16. Moved by R. Lunny, Seconded by C. Drinkwalter**

That administration be directed to develop and submit an Expression of Interest to the Municipal Infrastructure Investment Initiative (MIII) Capital Program for funding for the Phase III Downtown Revitalization Capital Project.

#### **Councillor Lunny then introduced an amendment to Motion #16 as follows:**

### **Amendment to Motion Number 16**

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

That Motion #16 on tonight's agenda with respect to the MIII Capital Project funding be hereby amended to reflect the project scope as the municipality is only entitled to submit one expression of interest for this funding program and as such, the municipality deems that that priority must be the emergency bridge repairs of the Winnipeg River West Branch Bridge.

### **Motion #16 as amended (MIII Funding)**

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

Whereas the Ministry has approved a new funding program referred to as the Municipal Infrastructure Investment Initiative (MIII) Capital Program to help municipalities address infrastructure deficit priorities based on need; and

Whereas the City has, through its mandatory Bridge Inventory Audits, identified the Winnipeg River West Branch Bridge as the number one infrastructure priority item for the City of Kenora; and

Whereas the Ministry of Transportation has reviewed the condition and repair strategy for the Winnipeg River West Branch Bridge; and

Whereas the Ministry of Transportation Engineering Department have advised in a memorandum dated September 25, 2012 that "The Winnipeg West Branch appears to require some fairly urgent steel corrosion repairs to the arch"; and

Whereas that memorandum further notes that "Some concrete repairs and structural steel coating have also been recommended", although indicates that these works can be separated from the more urgent steel repair work; and

Whereas the MIII Funding program has a cap of \$2 million for project; and

Whereas each municipality is only entitled to submit one expression of interest for this funding program and intake; and

Whereas the anticipated costs for the combined rehabilitation of the Winnipeg River West Branch Bridge are approximately \$5.6 million; and

Whereas the incremental costs for separating the required works into two separate projects are anticipated to be significantly more than the cost of performing all the required works in one project;

Now therefore, let it be resolved:-

That Council of the City of Kenora hereby directs Administration to develop and submit an Expression of Interest to the Municipal Infrastructure Investment Initiative Capital Program for funding for the required rehabilitation works to the Winnipeg River West Branch Bridge; and further

That Council hereby directs Administration to include, as part of that Expression of Interest, a request to the Province to consider funding for this project based on a total project cost equal to the anticipated costs for the entire scope of works required for the overall rehabilitation of the Winnipeg River West Branch Bridge under the MIII Program, regardless of the funding cap, explaining the potential savings for both the Province and the City that could be achieved through performing the entire rehabilitation at the same time.

### **Renewal of 911 Central Emergency Reporting Agreement**

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

That Council authorizes a renewal of the 9-1-1 CERB Service contract with the Ontario Provincial Police for the City of Kenora's residential population at a cost of \$8,610.23; and further

That this costing remains constant for the 5-year term of this CERB agreement; and further

That Council gives three readings to a by-law to authorize the execution of an agreement between the Corporation of the City of Kenora and the Ontario Provincial Police for a five year term commencing on February 17, 2013 and expiring on February 16, 2018.

### **Acquisition of Transit Buses – Conventional & Handi Transit**

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

That Council of the City of Kenora hereby authorize the Procurement of one conventional transit bus and one specialized transit bus on an exclusive basis pursuant to a process and on terms and conditions set out in the RFP with Metrolinx; and

That Mike Mostow, Fleet Manager be authorized to perform any action and provide any required recommendations, instructions and approvals to complete the Procurement within the scope of this; and further

That the Mayor and City Clerk be authorized to sign the attached Schedules E, F, G and H of this Agreement.

## **2012 Water & Wastewater Monthly Summary - October**

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

That Council of the City of Kenora hereby accepts the October 2012 Kenora Water and Wastewater Systems Monthly Summary Report, as prepared by Biman Paudel, Water and Sewer Supervisor, Jim Campbell, Water Treatment Plant Operator and David Nachuk, Wastewater Treatment Plant Operator.

### **Coker Subdivision**

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

That Council give three readings a by-law to enter into a subdivision agreement with Jack Coker for the purpose of meeting one of the conditions of draft approval for the development of a thirteen (13) lot subdivision located on Black Sturgeon Lake, accessed via East Melick Road and serviced by two roads; and further

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

### **Assumption of Silver Ghost Drive and Wraith Close**

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

That Council give three readings to a by-law to accept and assume Silver Ghost Drive and Wraith Close, as indicated on plan of subdivision 23M-834 and establish them as highways for municipal purposes; and further

That upon acknowledgement by the Municipal Solicitor that there are no liens or other encumbrances which would affect the City, and acknowledgement that the developers will pay all legal and transfer costs associated with the assumption, Council releases the developers, Ben Ratuski and Neil Walsten, of any further obligations associated with the subdivision agreement approved in 1980.

### **Heritage Kenora Committee Terms of Reference**

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

That Council give three readings to a by-law to adopt an amended Terms of Reference for Heritage Kenora; and further

That By-law Number 76-2011 be hereby repealed.

### **Heritage Act Designation – LOW Brewing Company**

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

That Council approves the items described specifically of the interior porcelain brickwork under the Heritage Act described in the November 27, 2012 report of the Planning Administrator for the Lake of the Woods Brewing Company; and further

That the Council gives three readings to a by-law to amend By-law No. 160-2008, being a by-law to designate property under the Ontario Heritage Act, in the name of the Lake of Woods Brewing Company located at 350 Second Street South.



## **Zoning Amendment – Z08/12 Bilton**

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

That the zoning by-law amendment Z08/12 Bilton, to amend the Zoning By-law 160-2010, for the property described as Plan M11, Lot 41 and north part of 40, 322 First Avenue South, City of Kenora, District of Kenora to add office as a use to the R2-Residential, Second Density zone as the application is consistent with the Provincial Policy Statement (2005), and meets the purpose and intent of both the City of Kenora Official Plan (2010) and Zoning By-law No. 160-2010, as amended for the reasons outlined in the planning report; and further

That the Zoning By-law No. 160-2010 be amended as follows:

That notwithstanding other provisions as set out in Comprehensive Zoning By-law 160-2010, at the property described on Schedule "A" and specifically described as Plan M11, Lot 41 and north part of 40, 322 First Avenue South be rezoned to R2[28] "Notwithstanding any other provisions of this By-law, on the property described as Plan M11, Lot 41 and north part of 40, 322 First Avenue South the property may include an office use as an additional permitted use in the R2 – Residential, Second Density zoning of the property."

Note to approval: Approval by Council of the amendment of Zoning By-law Number 160-2010, as amended, does not preclude the property owner from obtaining the required change of use permit or any other permit required by municipal by-law or Provincial or Federal legislation.

## **Zoning Amendment – Z10/12 Lake of the Woods Brewing Company**

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

That Council hereby approves the zoning by-law amendment Z10/12 LOW Brewing, to amend the Zoning By-law 160-2010, for the property described as 350 Second Street South, PLAN 25 LOT 273 TO 274, City of Kenora, District of Kenora to add brewing of beer, in conjunction with restaurant/food service and to include retail and wholesale production/sale to the GC – General Commercial zoning of the property, and to add a definition of "micro-brewery" under "Definitions" as the application is consistent with the Provincial Policy Statement (2005), and meets the purpose and intent of both the City of Kenora Official Plan (2010) and Zoning By-law No. 160-2010, as amended for the reasons outlined in the planning report; and further that the Zoning By-law No. 160-2010 be amended as follows:

That notwithstanding other provisions as set out in Comprehensive Zoning By-law 160-2010, at the property described on Schedule "A" and specifically described as 350 Second Street South, PLAN 25 LOT 273 TO 274 GC[27] Notwithstanding any other provisions of this By-law, on the property described as 350 Second Street South, PLAN 25 LOT 273 TO 274 the property may include a micro-brewery in conjunction with restaurant/food service and to include retail and wholesale production/sale to the GC – General Commercial zoning of the property, and to add a definition of "micro-brewery" under "Definitions".

Note to approval: Approval by Council of the amendment of Zoning By-law Number 160-2010, as amended, does not preclude the property owner from obtaining the required change of use permit or any other permit required by municipal by-law or Provincial or Federal legislation.

### **Zoning Amendment – Z11/12 City Initiated Amendments**

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

That the Council hereby authorizes the recommended City initiated amendments to the City of Kenora Zoning By-law Number 160-2010, as amended; and further

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

### **2013 Hourly Equipment & Truck Rental Tender**

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

That the tenders be received for the Hourly Rental of Equipment and Trucks for 2013; and further

That the attached ranking lists for Hourly Rental of Equipment and Trucks for 2013 be accepted and adopted for the purposes of hiring non-owned equipment and Trucks during the period of January 1 through to December 31, 2013.

### **Transit Bus Service Tender**

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

That the only tender for the provision of transit and accessible transit services received from First Canada ULC under contract to the City of Kenora, in the amount of \$1,106,073 (plus HST), be hereby received and accepted; and further

That Council gives three readings to a bylaw to authorize an agreement between First Canada ULC and the City of Kenora for the provision of Conventional Transit Services.

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

#### **29. Moved by R. McKay, 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:~

- #124-2012 - Confirm the proceedings of Council
- #125-2012 - Authorize a Non-Union Overtime policy
- #126-2012 - Authorize a Customer Service Policy
- #127-2012 - Amend Logo Policy #CU-1-1 and repeal Branding logo policy #PP-4-1
- #128-2012 - Authorize amended sewer & water rates effective January 1, 2013
- #129-2012 - Authorize a 911 central emergency agreement
- #130-2012 - Authorize a transit bus service tender
- #131-2012 - Authorize a subdivision agreement
- #132-2012 - Authorize assumption of Silver Ghost Drive and Wraith Close
- #133-2012 - Amend the Terms of Reference for Heritage Kenora Committee
- #134-2012 - Designate property under the Ontario Heritage Act

- #135-2012 - Authorize a zoning amendment for Z08/12 Bilton – 322 1<sup>st</sup> Ave S
- #136-2012 - Authorize a zoning amendment for Z10/12 LOW Brewing Co–350 2<sup>nd</sup> St S
- #137-2012 - Authorize a zoning amendment for Z11/12 City initiated amendments

**Approval of By-law (Addition to the Agenda-1a)**

**29a. Moved by R. McKay, 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:~

#138-2012 – Authorize a procurement document for conventional and handi transit buses

**Adjournment of Meeting**

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

That this meeting be now declared closed at 5:50 p.m.

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

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

**Of.....2013**

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**Mayor**

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**City Clerk**