



Minutes

**Of a Meeting of the Council of the City of Kenora
Monday, October 22, 2012 – 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. Drinkwalter**

**Staff:** Karen Brown, CAO, Warren Brinkman, Emergency Services Manager, Colleen Neil, Recreation Services Manager, Sharen McDowall, HR Manager, 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 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:-

- A by-law to authorize a rate increase for tank truck water delivery effective January, 2013;
- A by-law to assume Minnesota and Ontario Streets and certain laneway(s);
  - A by-law to amend Zoning By-law #160-2010 (Z07/12 Derouard).

### **Confirmation of Minutes**

**1. Moved by R. Lunny, 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 September 17, 2012;
- Special Council Meeting held September 25, 2012;
  - Special Council Meeting held October 4, 2012;
  - Special Council Meeting held October 15, 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 #7 (Minutes) and Resolution #17 (Financial statements) as they make reference to the Police Services Board and his spouse is a Member of the Board.

### **Presentations**

Mayor Canfield called upon Colin Wasacase and presented him with a Certificate of Appreciation for his receiving a Senior Achievement Award by the Province of Ontario as a result of Council's recently nominating him for the Award. Mayor Canfield thanked him for his many years of many volunteer commitments to the community.

### **Deputations**

N/A

### **Appointment of Mayor for the Day**

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

That in conjunction with Local Government Week and the related high school essay contest for "Mayor for the Day" Council hereby appoints St. Thomas Aquinas Student Maya Boivin to serve as Mayor for the Day, on a date to be mutually determined.

### **Appointments to BIZ**

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

That the following be hereby appointed to the Business Improvement Area Board (or BIZ as it is commonly referred to) at the pleasure of Council for a term not to exceed November 30, 2014:

Councillor Ron Lunny  
Lisa Lyle  
Rob Dokuchie  
Mort Goss  
Audrey Manzie; and further

That Resolution Number 6 dated December 6, 2010 be and is hereby rescinded.

### **Terms of Reference – Event Centre Committee**

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

That further to Council approving the establishment of an Event Centre Committee at its September 17, 2012 meeting, approval is hereby given to give three readings to a

by-law to authorize a Terms of Reference for the City of Kenora Event Centre Committee.

### **Preliminary Wildfire Report**

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

That Council of the City of Kenora hereby accepts the preliminary report outlining the activities and costs associated with suppressing an out of control wildfire located in an forested urban area near the Valley Drive Water Tower and Ninth Street North, known as Kenora 109.

### **Agreement with Kenora Soccer Association**

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

Whereas the Council of the City of Kenora previously approved entering into a three (3) year agreement with the Kenora Soccer Association for the re-development and use of the Jaffray Melick Recreation Complex for the purpose of an indoor soccer and sports training facility; and

Whereas it has been determined that in order for the City to be eligible for the Trillium funding, agreements must be a minimum of five (5) years;

Now therefore be it resolved that the Council of the City of Kenora hereby approves entering into a five (5) year agreement with the Kenora Soccer Association for the re-development and use of the Jaffray Melick Recreation Complex for the purpose of an indoor soccer and sports training facility; and further

That this agreement be initiated once the funding is received for the necessary facility refurbishments (flooring) and the facility is approved for occupancy.

### **Various Board and Committee Minutes**

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

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

- September 7 – Heritage Kenora
- September 10 – Committee of the Whole
- September 11 – Property & Planning
- September 11 – Kenora Urban Trails
- September 18 – Kenora Community Policing Committee
- September 18 – Special Committee of the Whole
- September 27 – Lake of the Woods Museum Board; and

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

- June 27 – Kenora Police Services Board
- August 9 – Kenora District Services Board
- August 10 – Northwestern Health Unit Board of Health

- August 21 – Committee of Adjustment & Planning Advisory
- August 29 & September 20 – District of Kenora Home for the Aged; and further

That these Minutes be circulated and ordered filed.

**Abstention: Councillor McMillan**

**Establishment of Homelessness Task Force**

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

Whereas Council approved the establishment of a Task Force on Homelessness at its July, 2012 Council Meeting to develop a community strategy to address homelessness and related issues in Kenora; and

Whereas it is recommended that the term homelessness be expanded to address related behavioural issues within Kenora; and

Whereas the City has now identified the members of this Task Force;

Now therefore, let it be resolved that Council hereby establishes an ad hoc Task Force on Homelessness and Behavioural Issues in Kenora; and

That Council hereby approves the appointment of the following individuals to this Task Force for a term not to extend beyond November 30, 2014:

1. Councillor Louis Roussin, Council Lead, Alternate, Councillor Rory McMillan
2. Detachment Commander Dave Lucas
3. Joan Schelske
4. Treaty 3 Representative
5. Jack Martin
6. Rob Dokuchie
7. Randy Seller; and

That the City CAO be appointed as a staff resource to this Task Force; and further

That Council hereby directs the Task Force on Homelessness and Behavioural Issues to develop a draft Terms of Reference to be brought back to Council for final approval.

**Interest Arbitration Reform**

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

Whereas the Council of the City of Kenora is pleased that both the Liberal government and the PC party have kept the issue of interest arbitration reform at the forefront of major policy discussions; and

Whereas the City of Kenora supports the overall intention of interest arbitration reform; and

Whereas a preliminary review indicates that there appears to be room for improvement in both pieces of draft legislation before the legislature; and

Whereas the City of Kenora trusts that through further consultation these issues can be resolved; and

Whereas the City of Kenora is aware that AMO and the Emergency Services Steering Committee are reviewing these issues and look forward to further discussion and input;

Now Therefore the Council of the City of Kenora hereby requests that the legislature work collectively in the best interests of Ontario municipalities and Ontario taxpayers on this important issue of interest arbitration reform.

### **Changes to Governance Structure**

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

That Council hereby approves an amendment to Part 11 of the City's Procedural By-law to reflect the following:

- The use of Standing Committees of the Committee of the Whole shall be eliminated and replaced with a Portfolio structure within the Committee of the Whole;
- Each Portfolio shall be comprised of all Members of Council, with one Lead appointed to oversee the mandate of the Committee Portfolio, together with one Alternate;
- A realignment of the new Portfolio Structure as of December 1, 2012 to reflect the following Portfolios:
  - Business Administration;
  - Community Services;
  - Economic Development;
  - Emergency Services;
  - Operations;
  - Property & Planning; and

That the following Members of Council be hereby appointed as Lead and Alternate for these Portfolios for the period December 1, 2012 to November 30, 2014:

| <b>Portfolio:</b>       | <b>Lead:</b>   | <b>Alternate:</b> |
|-------------------------|----------------|-------------------|
| Business Administration | R. Lunny       | R. McMillan       |
| Community Services      | R. McMillan    | R. Lunny          |
| Economic Development    | S. Smith       | L. Roussin        |
| Emergency Services      | C. Drinkwalter | R. McKay          |
| Operations              | R. McKay       | C. Drinkwalter    |
| Property & Planning     | L. Roussin     | S. Smith          |

and;

That Council hereby approves an amendment to Part 12.2 of the by-law to reflect that reports will be made available to the public, at the latest, on the business day immediately preceding the applicable Committee or Council meeting; and further

That Council hereby directs the Clerk to prepare these amendments to the City's new Procedural By-law, together with other identified housekeeping changes in a separate report, to be brought forward for Council approval and which will take effect and come into force on December 1, 2012.

### **LOW Water Quality Forum**

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

That authorization be and is hereby given for Councillor Lunny to attend the International Lake of the Woods Water Quality Forum in International Falls, MN, taking place March 13 and 14, 2013 at the Rainy River Community College; and further

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

### **Terms of Reference – Non-Profit Housing Review Committee**

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

That Council hereby approves a Terms of Reference for the newly established Non-Profit Housing Review Committee as attached to the report of the CAO dated October 5, 2012; and further

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

### **Non-Union Benefit Policy**

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

That Council hereby approves a City of Kenora Non-Union Benefit Policy #HR-3-6; and further

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

### **Contract with Kenora Assembly of Resources (KAR) - 2013**

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

That Council hereby approves a by-law authorizing a contract between the Kenora Assembly of Resources and the City of Kenora for provision of services at the Harbourfront and related areas for the period January 1, 2013 through December 31, 2013.

### **Special Events Coordinator Position**

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

That Council hereby approves the one-year trial Special Events Coordinator position to become a permanent, full-time position effective November 1, 2012.

### **Dissolution of Audit Committee**

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

That Council of the City of Kenora hereby dissolves the City's Audit Committee, effective November 30, 2012; and

That Council give three readings to a by-law to repeal Terms of Reference By-law Number 60-2012, effective November 30, 2012; and

That all current appointments to the City's Audit Committee will be rescinded as of November 30, 2012; and further

That Council expresses sincere thanks and appreciation to the Members of the Audit Committee for their time and commitment over the years while serving on the Committee.

### **August, 2012 Financial Statements**

#### **17. 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 August 31, 2012.

**Abstention: Councillor McMillan**

### **Heads and Beds Levy**

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

Whereas post-secondary institutions, hospitals and provincial institutions are exempt from paying property taxes to municipalities under provincial law and instead pay a fixed amount set by the provincial government; and

Whereas the amount of the "heads and beds" payment is \$75 per head or bed and this amount has not been changed by the province since 1987; and

Whereas Council of the City of Kenora passed a motion on April 18, 2011 with respect to the "heads and beds" payments; and

Whereas communities across Ontario have come together to advocate for this important provincial policy change and efforts to have the provincial government review the "heads and beds" amount have not been met with a positive response to date;

Now therefore be it resolved that the Council of the City of Kenora hereby authorize staff to:

- Pursue changes to the heads and beds legislation with coordination determined by the group of Mayors, and
- Collaborate with other interested municipalities on a legal perspective, around the "heads and beds" payment amount; and further

That a copy of this resolution be circulated to all municipalities in Ontario that have universities, colleges, hospitals and provincial correctional facilities requesting their Councils to show their support for this important policy change.

### **OGRA Nomination – Northern Zone**

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

That further to a call for Nominations for a Member to be elected to represent one of the vacant position for the Northern Zone on the Board of Directors for the Ontario Good Roads Association (OGRA), Council of the City of Kenora hereby submits the Nomination of Councillor Rod McKay, to the Ontario Good Roads Association for the term 2013 to 2014; and

That a copy of the City's Nomination together with a copy of the required Candidate's Consent Form also be forwarded to the Ontario Good Roads Association in support of this Nomination; and further

That payment of the per diem in accordance with Council's Travel & Per Diem Policy be hereby authorized as all other travel expenses are 100% paid by the Association.

### **Re-structuring of Operations Department**

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

That Council hereby approves the restructuring of the current Operations Department into two separate departments as follows:

- Operations & Infrastructure
- Property & Planning; and

That Council hereby approves the creation of the new position of Manager of Property & Planning; and further

That Council hereby directs administration to proceed with the recruitment for this new position.

### **Water Delivery Increase for 2013**

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

That following approval at the regular meeting of Council held September 17, 2012 approving an annual rate increase over a three year period for tank truck water delivery, Council hereby gives three readings to amend Schedule "D", Table (ii) to By-law Number 168-2004, being a By-Law to establish Water and Sewer Rates, to incorporate the following rate increase effective January 1, 2013:-



Water Delivery – 0.1 to 2.27 cubic meters \$40.00 same day delivery  
Water Delivery – 2.27 to 4.54 cubic meters \$45.00 same day delivery  
Water Delivery – 4.54 to 6.81 cubic meters \$50.00 same day delivery; and further

That notice is hereby given in accordance with Notice By-law #144-2007 that Council intends to adopt an amending by-law at its October 22, 2012 meeting for purpose.

### **August, 2012 Water and Wastewater Monthly Report**

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

That Council of the City of Kenora hereby accepts the August, 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.

### **Dissolution of Harbourtown Centre Committee**

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

That Council of the City of Kenora hereby dissolves the Harbourtown Centre Committee, effective November 30, 2012; and

That Council give three readings to a by-law to repeal Terms of Reference By-law Number 18-2011, effective November 30, 2012; and

That all current appointments to the Harbourtown Centre Committee will be rescinded as of November 30, 2012; and further

That Council expresses sincere thanks and appreciation to the current and former Members of the Harbourtown Centre Committee for their time, commitment and efforts over the years while serving on the Committee which has resulted in a better Harbourtown Centre and community in general, for residents and visitors alike.

### **Norman Park**

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

Whereas if, in the future, there is a proposed change of use in Norman Park, the public would have an opportunity to provide input, comment and appeal any decision regarding the particular change of use, per the Ontario Planning Act;

Now therefore be it resolved that the Council of the City of Kenora not proceed with an amendment of the City of Kenora Official Plan (2010) or the City of Kenora Zoning By-law Number 160-2010, as amended, as the current use of the subject lands is not anticipated to change and therefore no amendment to either document is required.

### **Assumption of Minnesota and Ontario Streets & Laneways**

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

That Council of the City of Kenora gives three readings to a by-Law for assuming Minnesota Street, Plan M248, Ontario Street, Plan M248, Lane lying south of Minnesota Street and Lane lying south of Lot 11, Plan M248, City of Kenora, in the District of Kenora, described as follows:

Minnesota Street, Plan M248, Ontario Street, Plan M248, Lane lying south of Minnesota Street and Lane lying south of Lot 11, Plan M248, City of Kenora, in the District of Kenora; and further

That in keeping with Notice By-law #144-2007, prior public notice was provided for a two week consecutive period that Council intends to pass a by-law for this purpose.

**Municipal Property located at 1210 Highway 17 East  
26. Moved by L. Roussin, Seconded by R. McKay & Carried:-**

That Council of the City of Kenora not declare property located at 1210 Highway 17 East as surplus to the needs of the municipality; and further

That Council directs the Planning Administrator to advise the applicant and any interested party that this property will not be declared surplus at this time.

**Declaration of Surplus Property abutting 501 Old Chalet Lane  
27. Moved by L. Roussin, Seconded by R. McKay & Carried:-**

That the Council of the City of Kenora hereby declares a portion of property abutting PLAN M56 LOT 95 PCL 32743, 501 Old Chalet Lane, as surplus to the needs of the municipality excluding the shore allowance and all the unopened Fifth Avenue South road allowance; and

That the property owner shall complete the application form, including the sketch and associated fee and submit it to the City of Kenora; and

That before the transfer of the lands, the applicant shall provide a legal survey of the subject lands to be transferred with instructions to be given by the City of Kenora, at the cost of the Applicant; and

That before the transfer of the lands, the applicant shall provide a legal survey of the subject lands indicating the location of the existing structure(s) associated with the property upon which final survey instructions for the transfer of lands will be provided to the surveyor, by the City of Kenora; and

That in accordance with Notice By-law #144-2007, as amended, arrangements be made to advertise the sale of the subject lands for a two week period; and

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

That this declaration is conditional upon the City completing a title search of the subject property to ensure it is free and clear of encumbrances or any restrictions prior to transferring.

### **Survey for Golf Course Road Area**

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

That the Council of the City of Kenora hereby approves the undertaking of a survey for a portion of road locally known as Golf Course Road and portions of the applicable roads to Devil's Gap Marina (to the northeast boundary of the bridge/causeway) and to Wauzhushk Onigum (to the boundary of the First Nations lands); and

That the roads, once surveyed and described will be assumed as highways for municipal purposes; and further

That the City of Kenora will assume the associated costs in return for the transfer of the roads.

### **Amendment to Zoning By-law #160-2010 (Derouard)**

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

That the application for Zoning By-law Amendment Z07/12 Derouard, to amend the Zoning By-law 160-2010, as amended, for the property described as 431 P PARCEL 16336 & Easement over PTS 3&6 KR 476 LESS 23R9713 PT 1 - 5 and PT CON 3J ML 284P PT 1 23R5977 PCL 35080, City of Kenora, District of Kenora from RU and RR to RR – Rural Residential be and is hereby approved 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.

### **Tender – Backhoe Excavator**

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

That the following six (6) tenders for the supply and delivery of a new mini backhoe excavator (HST extra), be received;

|                                    |                          |
|------------------------------------|--------------------------|
| Strongco                           | \$52,250.00              |
| Nortrax                            | \$56,029.50              |
| Nortrax                            | \$45,989.50              |
| Hitrac (includes Steel Trailer)    | \$44,062.00              |
| Hitrac (includes Aluminum Trailer) | \$46,630.00              |
| Stratton Equipment                 | \$43,438.02; and further |

That the quotation for the supply and delivery of a new mini backhoe excavator received from Hitrac, which includes an aluminum trailer in the amount of \$46,630.00, HST extra, be hereby accepted.

## **Approval of By-laws**

### **31. 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:~

#106-2012- To confirm the proceedings of Council

#107-2012- To Amend Zoning By-law Number 160-2010, as amended (Derouard)

#108-2012- To establish a Terms of Reference for an Event Centre Committee

#109-2012- To establish a Terms of Reference for the Non-Profit Housing Review Committee

#110-2012- To authorize an agreement with Kenora Assembly for Resources for 2013

#111-2012- To dissolve the City of Kenora Audit Committee and its Terms of Reference

#112-2012- To amend the Sewer & Water Rates By-law Number 168-2004, as amended

#113-2012- To dissolve the Harbourtown Centre Committee and its Terms of Reference

#114-2012- To Assume Minnesota Street, Plan M248, Ontario Street, Plan M248, Lane Lying South of Minnesota Street & Lane Lying South Of Lot 11, Plan M248

#115-2012- To authorize the sale of land to Bergman

#116-2012- To amend the agreement with the Lake of the Woods Brewing Company Inc.

#117-2012- To amend the Comprehensive Policy Manual (Non-Union Benefit Policy)

## **Adjournment to Closed Session**

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

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

That pursuant to Section 239 of the Municipal Act, 2001, as amended, authorization is hereby given for Council to move into a Closed Session to discuss an item pertaining to the following:-

- i) A Labour Relations Matter (1 item).**

**Reconvene to Open Session**

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

That Council hereby reconvenes to the Open Meeting at 6:45 p.m. with no direction or report from its Closed Session.

The meeting adjourned at 6:46 p.m.

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

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

**Of.....2012**

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**Mayor**

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**City Clerk**