



MINUTES

**Of a Meeting of the Council of the City of Kenora
Monday, March 18, 2013 – 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: Richard Perchuk, Operations Manager, Warren Brinkman, Fire & 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:-

- The 2013 Municipal Operating Budget and Municipal Five Year Capital Plan
 - The 2013 Water & Sewer Utility Budget
 - The 2013 Solid Waste Utility Budget
- An amendment to Schedule "B" to Tariff of Fees and Charges By-law Number 120-2011 to repeal Day Care Fees.

Confirmation of Minutes

1. Moved by C. Drinkwalter, 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 February 19, 2013
- Special Council Meeting held March 4, 2013

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 the following Declarations on tonight's agenda as they relate to the Kenora Police Services Board:

Resolution#6, 2013 Municipal Operating Budget and Five Year Capital Plan; Resolution #9, Receipt of various Remuneration reports; Resolution #13, Approval of various Minutes from Boards and Committees; and Resolution #24, Approval of the by-law for the 2013 Municipal Operating Budget and Five Year Capital Plan. Councillor McMillan's spouse is a member of the Kenora Police Services Board and receives remuneration.

Deputations

Peter Kirby – ELA Support Group

Mr. Kirby thanked Mayor Canfield for the time he took earlier today to meet with him and Dave Schwartz. He further thanked Council for declaring March 5 as Save ELA Day in the City of Kenora, and also noted that March 22 is World Water Day and there is information in his handouts regarding same, together with some 'Save the ELA' buttons for Members of Council. Mr. Kirby advised since the Federal government will be pulling out of the ELA entirely the Provincial government has to step in and take its place, and the ELA Support Group has sent a letter to Premier Kathleen Wynne, copies of which he provided to the Clerk for Council's reference. The support group wants to continue discussions with Council regarding this matter and has not given up keeping the ELA alive. In closing Mr. Kirby stated that ELA science is too important to lose, but once closed, it stops, and once stopped, it will be gone.

Mr. Kirby was thanked for attending and left the meeting at 5:07 p.m.

Additions to the Agenda – Canada Day Fireworks

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

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

1. A motion for the issuance of tax receipts for donations towards July 1st fireworks.

Canada Day Fireworks – Tax Receipts

1B Moved by S. Smith, Seconded by C. Drinkwalter & Carried:-

That Council of the City of Kenora hereby authorizes the issuance of tax receipts for any donation of \$100 or greater made to the City of Kenora between March 18, 2013 and July 1, 2013 to be used specifically towards the 2013 Up, Up & Away Festival (July 1st) fireworks display; and

That the City will pay the invoice(s) for the actual purchase of fireworks, including any specifically related expenditure, direct to the appropriate supplier(s) for the 2013 fireworks display to a maximum of the actual donation amounts received; and further

That the issuance of tax receipts for donations for fireworks be restricted specifically to the 2013 fireworks display in recognition of the tourism impact the event has to the City of Kenora.

Appointments to Kenora Library Board

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

That Council hereby appoints Joseph Fregeau to fill the vacancy created on the Kenora Public Library Board by the recent resignation of Shannon Creedon-Bailey, with a term to expire at the pleasure of Council but not to exceed November 30, 2014.

Attendances at AMO

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

That authorization is hereby given for the following Members of Council to attend the 2013 Annual Conference of the Association of Municipalities of Ontario (AMO) taking place in Ottawa, August 18-21, 2013:-

Mayor Canfield
Councillor Lunny
Councillor McMillan
Councillor Smith; and further

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

Attendances at NOMA

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

That authorization is hereby given for four (4) Members of Council to attend the 2013 Northwestern Ontario Municipal Association (NOMA) Annual General Meeting taking place in Thunder Bay April 24, 25 and 26, 2013; and further

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

Amendment to Docking By-law - Parking

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

That in keeping with the intent of the new parking strategy where the shift of longer term parking is moved away from the downtown core, Council hereby directs the Harbourfront boat docking parking (not applicable to Mooring Buoys), currently included in the monthly rental fee as authorized by By-law Number 100-2011, as amended, be limited to the Lakeview Drive and McLeod Park parking lots only; and

That parking in the McClellan Avenue Parking Lot as previously approved by amending By-law Number 32-2012 is no longer included in the monthly docking fee; and

That Council give three readings to a by-law to amend By-law Number 100-2011 for this purpose; and further

That By-law Number 32-2012 be hereby repealed.

Approval of the 2013 Municipal Budget & Capital Plan

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

That the City of Kenora 2013 Municipal Operating Budget and Five Year Capital Plan as reviewed and amended by Council be approved; and

That Council authorize City administration to proceed with the implementation of all budget related decisions in accordance with those reflected within the amended budgets; and

That By-law #22-2013, a By-law to approve the 2013 Municipal Operating Budget and the Municipal Five Year Capital Plan be approved; and

That in accordance with Notice By-law Number 144-2007, public notice was previously given that Council intends to formally adopt the 2013 Municipal Operating Budget and Municipal Five Year Capital Plan by by-law at its March 18th Council Meeting.

Abstention: Councillor McMillan

Approval of the 2013 Water and Sewer Utility Budget

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

That in accordance with Notice By-Law Number 144-2007, public notice was previously given that Council intends to formally adopt the 2013 Water & Sewer Utility Budget at the March 18th Council Meeting; and

That Council hereby approves the 2013 Water & Sewer Operating Budget and Five Year Capital Plan; and further

That Council hereby gives three readings to By-Law Number 23-2013 – A By-Law to approve the 2013 Water & Sewer Utility Budget.

Approval of the 2013 Solid Waste Utility Budget

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

That in accordance with Notice By-Law Number 144-2007, public notice was previously given that Council intends to formally adopt the 2013 Solid Waste Utility Budget at the March 18th Council Meeting; and

That Council hereby approves the 2013 Solid Waste Operating Budget and Five Year Capital Plan; and further

That Council hereby gives three readings to By-Law Number 24-2013 – A By-Law to approve the 2013 Solid Waste Utility Budget.

Remuneration Reports

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

That Council receive the reports prepared by Charlotte Edie, Treasurer dated March 4, 2013 as required under Section 284 of The Municipal Act, 2001, as amended, setting out the Annual Statement of Remuneration and Expenditures for Members of Council in accordance with Remuneration By-law Number 6-2012.

Abstention: Councillor McMillan

NOHFC Agreement – Phase III DTR

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

That Council authorizes the Mayor and Clerk to execute an agreement with the Northern Ontario Heritage Fund (NOHFC) for the Phase III Downtown Revitalization Design Project; and further

That the appropriate bylaw be passed for this purpose.

Health and Safety Statements

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

That Mayor and Council review, approve, and sign accordingly the attached documents:

The City of Kenora Occupational Health and Safety Policy Statement;
The City of Kenora Workplace Harassment Policy;
The City of Kenora Workplace Violence Prevention Policy; and,
The Drinking Water Quality Management System Commitment and Endorsement Page.

Procurement Policy

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

That the Council of the City of Kenora review and approve the amendments to the City of Kenora Procurement Policy as attached to the March 5, 2013 report of Bruce Graham, Risk Management and Loss Prevention Officer; and further

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

Various Minutes from Boards & Committees

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

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

- December 18, 2012 & January 22, 2013 – Committee of Adjustment/Planning Advisory Committee
- January 24 & February 7 – Heritage Kenora
- January 29 – Non-Profit Housing Review Committee

- January 29 & February 13 – Homelessness & Behavioural Issues Task Force
- February 4 - Lake of the Woods Development Commission
- February 4 – Kenora Transit Commission
- February 9 - Kenora Event Centre Committee
- February 11 – Committee of the Whole
- February 12 – Property & Planning
- February 13 – Accessibility Advisory Committee
- February 20 – Community Policing Committee
- February 28 – Lake of the Woods Museum Board

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

- December 4, 2012 – Kenora Police Services Board
- January 17 – Kenora District Services Board
- January 18 – Board of Health
- December 20, 2012 & January 24 – District of Kenora Home for the Aged; and further

That these Minutes be circulated and ordered filed.

Abstention: Councillor McMillan

Hiring of Museum Summer Students

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

That Council of the City of Kenora approve the hiring of three (3) summer students for the Lake of the Woods Museum – two students for 15 weeks and one student for 7 weeks – during the 2013 summer season; and

That these positions are conditional upon Council approval of the 2013 City Operational Budgets; and further

That the Museum Director be authorized to fill the respective positions and to establish the employment terms of reference in consultation with the Human Resources Manager according to Municipal Hiring Practices and Regulations.

Amendment to Tariff of Fees – Day Care Rates Repealed

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

That Council hereby amends Schedule “B” to City of Kenora Tariff of Fees and Charges By-law Number 120-2011 by deleting various rates and fees associated with the Castle of Learning Day Care which are no longer required; and

That in accordance with Notice By-law Number 144-2007, public notice was previously given that Council intends to adopt a by-law for this purpose at its March 18, 2013 meeting; and further

THAT Council give three readings to a by-law to amend Schedule "B" to Tariff of Fees and Charges By-law Number 120-2011.

Hiring of Tourism Kenora Summer Students

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

That Council of the City of Kenora approve the hiring of seven (7) summer students for Tourism Kenora (for 16 weeks each for a total of 112 weeks) from May 18, 2013 to September 6, 2013 and further

That all positions approved are conditional upon Council approval of the 2013 Tourism Operational Budget.

Participation in PCP Program

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

That the Council of the City of Kenora hereby supports the Corporation of the City of Kenora becoming a member of the Partners for Climate Protection Program (PCP); and

That the Council of the City of Kenora hereby approves the adoption of the following resolution as required by the Federation of Canadian Municipalities (FCM) and ICLEI-Local Governments for Sustainability to become a member in the Partners for Climate Protection Program (PCP):-

Whereas the International Panel on Climate Change (IPCC) concludes in its 2007 Fourth Assessment Report that "there is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities"; and

Whereas the IPCC concludes that human influences on the climate have likely contributed to a rise in the sea level during the latter half of the 20th century, changed wind and temperature patterns, and likely increased the risk of heat waves, the area of land affected by drought since the 1970s, and the frequency of heavy precipitation; and

Whereas the IPCC Special Report on Emission Scenarios (SRES, 2000) projects an increase in global greenhouse gas (GHG) emissions of 25 to 90 per cent between 2000 and 2030; and

Whereas the IPCC observes that warming resulting from human influences could lead to some abrupt or irreversible impacts, depending on the rate and magnitude of climate change; and

Whereas the IPCC anticipates the following impacts from climate change over the next century for North America:

- Decreased snow pack, more winter flooding, and reduced summer flows resulting from warming in western mountains, exacerbating competition for over-allocated water resources;
- Increased aggregate yields of rain-fed agriculture by five to 20 per cent, but with important variability among regions; and major challenges for crops that are grown close to their highest suitable temperature or that depend on highly used water resources;
- Increased number, intensity and duration of heat waves for cities that currently experience them, creating potential for adverse health impacts; and
- Increased stress on coastal communities and habitats as a result of the interaction of climate change impacts and development and pollution; and

Whereas GHGs (e.g. carbon dioxide, methane, nitrous oxide), released from burning coal, oil and natural gas and from cutting trees and clearing land for agriculture and development, are the primary cause of climate change; and

Whereas the World Mayors and Municipal Leaders Declaration on Climate Change 2005 asserts the need for joint authority and global action on climate change; and

Whereas municipal investments in building retrofits, community energy systems, water conservation, renewable energy technologies, waste reduction, landfill gas capture, fleet management, public transit and other sustainable measures reduce operating costs, help maintain community services, protect public health and contribute to sustainable community development while cutting GHG emissions contributing to climate change; and

Whereas the Federation of Canadian Municipalities (FCM) and ICLEI–Local Governments for Sustainability have established the Partners for Climate Protection (PCP) program to provide a forum for municipal governments to share their knowledge and experience with other municipal governments on how to reduce GHG emissions; and

Whereas over 200 municipal governments across Canada representing more than 75 per cent of the population have already committed to reducing corporate and community GHG emissions through the PCP program; and

Whereas PCP participants commit to working toward reducing GHG emissions in municipal operations by a suggested target of 20 per cent below 2000 levels, and a suggested target of six per cent below 2000 levels in the community within 10 years of joining the PCP program; and

Whereas the PCP program is based on a five-milestone framework that involves completing a GHG inventory and forecast, setting a GHG reduction target and vision, developing a local action plan, implementing the plan, and monitoring progress and reporting results;

Be It Resolved that the Corporation of the City of Kenora communicate to FCM its participation in the PCP program and its commitment to achieve the milestones set in the PCP five-milestone framework; and

Be It Further Resolved that the Council of the Corporation of the City of Kenora hereby appoints the Operations Manager as the Corporate Staff Person and the Mayor as the Elected Official to oversee implementation of the PCP milestones and be the points of contact for the PCP program within the municipality.

2012 Drinking Water Summary Report

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

That the Council of the City of Kenora hereby receives the 2012 Kenora Drinking Water System Summary Report, for the period January 1st, 2012 to December 31st, 2012, as prepared by Biman Paudel, Water and Sewer Supervisor.

Safe Drinking Water Act Report – Council Roles & Responsibilities

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

That the Council of the City of Kenora hereby receives the Report “Roles and Responsibilities of Councillor's under the Safe Drinking Water Act, 2002” (SDWA), as prepared by Biman Paudel, Water and Sewer Supervisor; and further

That training with regard to the “Safe Drinking Water Act – Statutory Standard of Care” be included in the orientation package for new Council Members to explain Council’s role and responsibilities under Section 19, SDWA 2002.

January, 2013 Water and Wastewater Report

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

That Council of the City of Kenora hereby accepts the January 2013 Kenora Water and Wastewater Systems Monthly Summary Report, as prepared by Biman Paudel, Water and Sewer Supervisor, Ryan Peterson, Water Treatment Plant Operator and David Nachuk, Wastewater Treatment Plant Operator.

Deeming of Lots (Chambers)

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

That the Council of the Corporation of the City of Kenora gives three readings to a by-law to deem certain lots described on Plan M31 not to be lots within a plan of subdivision in accordance with the following:

1. All the lands contained within the boundaries of Lots 12 to 16 (inclusive), on Registered Plan of Subdivision M.31, in the City of Kenora, formerly the Town of Kenora, in the District of Kenora are hereby deemed not to be lands described in accordance with a registered plan of subdivision for the purposes of Section 50(3) of the Planning Act, RSO 1990.

2. In accordance with the provisions of the Planning Act, the by-law shall come into force and take effect on the final passing thereof by the Council of the Corporation of the City of Kenora and upon registration of this by-law in the Land Titles office for the District of Kenora.
3. The Applicant shall be responsible for all costs associated with such registration; and

That the Mayor and Clerk be and are hereby authorized to execute any and all documents required to complete this transaction; and further

That the Municipal Solicitor is to coordinate this process.

City Hall Roof Replacement

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

That Council hereby awards a contract to Empire Restoration Inc. for the full replacement of all roof surfaces at City Hall, in the total bid sum amount of \$565,000 plus HST; and further

That John Nabb, Facilities Supervisor be directed to seek approval from the Ontario Heritage Trust for the proposed works to City Hall.

Approval of By-laws

23. Moved by R. McMillan, Seconded by C. Drinkwater & 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:~

#21-2013 – To confirm proceedings of Council

#22-2013 – (separate motion)

#23-2013 – To approve the 2013 Water & Sewer Utility Budget

#24-2013 – To approve the 2013 Solid Waste Utility Budget

#25-2013 – To authorize an agreement with the Northern Ontario Heritage Fund Corporation

#26-2013 – To adopt a Procurement Policy for the City of Kenora

#27-2013 – To amend Schedule "B" to Tariff of Fees & Charges By-law #120-2011

#28-2013 – To deem certain lands not to be within a registered Plan of Subdivision

#29-2013 – To authorize entering into an agreement of purchase and sale and to authorize the transfer of land to Hermanson/Chambers

#30-2013 – To amend Municipal Docks and Anchorages By-law #100-2011.

Approval of Budget By-law

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

That the following By-law be now read a First & Second Time, and approved in its present form and presented for Third & Final Reading:~

#22-2013 – To approve the 2013 Municipal Operating Budget and the 2013 Municipal Five Year Capital Plan.

Abstention: Councillor McMillan

Close of Meeting

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

That this meeting be now declared closed at 5:45 p.m.

The Corporation of the City of Kenora:

Confirmed As Written ThisDay

Of.....2013

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Mayor

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City Clerk