



MINUTES

**Of a Meeting of the Council of the City of Kenora
Tuesday, August 12, 2014 – City Council Chambers
12:00 p.m.**

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**WITH Mayor D. Canfield, Councillor R. McKay, Councillor R. Lunny, Councillor  
L. Roussin, Councillor S. Smith, Councillor R. McMillan**

**Regrets: Councillor C. Gallivan**

**Staff:** Karen Brown, CAO, Rick Perchuk, Operations Manager, Lauren D’Argis, Corporate Services Manager, Charlotte Caron, Property & Planning Manager, Heather Kasprick, Legislative Services Manager, Warren Brinkman, Emergency Services Manager (arrived at 12:13 p.m.), and Heather Lajeunesse, Deputy Clerk.

## **Call to Order**

**Mayor Canfield called the meeting to order and Councillor McMillan 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 today’s meeting:-

-Council will amend its 2014 Operating and Capital Budget to withdraw funds from the LOWDC Reserve in the amount of \$43,500 to offset the cost of Special Events, Tourism and Economic Development projects

## **Confirmation of Minutes**

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

That the following Minutes of the Council of the City of Kenora be adopted as circulated:-

- Regular Council Meeting held July 15, 2014

### **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 Today’s Agenda or from a previous Meeting
- ii) From a Meeting at which a Member was not in Attendance.

**There were none declared.**

## **Presentations**

There were no presentations.

## **Deputations**

There were no deputations.

## **Port Authority Advisory Committee Appointments**

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

That Council hereby appoints David J. Murray and Robert Bulman to the Port Authority Advisory Committee for a term ending November 30, 2014; and further

That the Committee structure of two OPP Officers and two members of the public will remain as passed in By-law Number 121-2014.

## **2014 Ke-Ondaatziying Conference Attendance**

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

That authorization is hereby given for Members of Council to attend the 2014 Ke-Ondaatziying Conference – “How We Will Sustain Ourselves” taking place in Sioux Lookout and Lac Seul First Nation, September 16 to 18, 2014; and further

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

## **FedNor Agreement – DTR Phase III Funding**

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

That Council gives three readings to a by-law to authorize the execution of an agreement between the Minister of Industry (FedNor) and the Corporation of the City of Kenora for funding related to the Downtown Revitalization Phase III Project; and further

That the Mayor and CAO be authorized to execute this agreement.

## **FedNor Agreement – Strategic Plan Funding**

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

That Council gives three readings to a by-law to authorize the execution of an agreement between the Minister of Industry (FedNor) and the Corporation of the City of Kenora for funding related to the City of Kenora Strategic Plan; and further

That the Mayor and CAO be authorized to execute this agreement.

## **June 2014 Financial Statements**

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

That Council hereby accepts the monthly Financial Statements of the Corporation of the City of Kenora as June 30, 2014.

## **MNR Proposed Fees for Seniors**

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

Whereas Ontarians benefit from healthy fish and wildlife resources through recreation, employment, tourism and enhanced biodiversity; and

Whereas recreational fishing and hunting license sales contribute approximately 94 percent of the revenues to the annual Ministry of Natural Resources budget; and

Whereas the Ministry of Natural Resources costs to deliver the programs under their mandate continue to increase, revenues continue to decrease; and

Whereas Ontario's current fish and wildlife funding model relies heavily on license fees paid by recreational anglers and hunters which limits the province's ability to maintain current levels of management while responding to external factors; and

Whereas a Discussion Paper presented in April 2014 proposes to charge a fee for an Ontario fishing license for persons over the age of 65 which currently is no charge to our senior citizens; and

Whereas successful, healthy and active aging requires a combination of social and environmental factors that work together to support the best possible experience for seniors and everyone; and

Whereas this Discussion Paper requested public feedback to the proposed changes for a Sustainability Plan for the Fish and Wildlife Special Purpose Account;

Therefore be it resolved that the City of Kenora hereby requests that the portion of the Discussion Paper relating to the implementation of a fee for seniors for their Ontario Fishing license be removed; and further

That seniors continue to receive these licenses at no charge to assist them with enjoying the health and social benefits that fishing in our Province brings to their lives.

## **Municipal Performance Measurement Program 2013**

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

That Council hereby accepts the Municipal Performance Measurement Program (MPMP) 2013 results for the Corporation of the City of Kenora.

## **Power Dam Special Payment Program**

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

Whereas in December 2000, the Province of Ontario passed the Continued Protection for Property Taxpayers Act, (Bill 140); and

Whereas the Continued Protection for Property Taxpayers Act, among other matters, exempted certain hydro-electric stations and poles and wires from municipal taxation as of January 1, 2001; and

Whereas the Continued Protection for Property Taxpayers Act removed the right and authority of affected municipalities across the Province to levy property tax notices to hydro-electric stations, poles & wires, representing significant taxable property assessment; and

Whereas the Province of Ontario replaced the above noted rights and authority to tax hydro-electric stations, poles & wires with a compensatory payment, known as the Power Dam Special Payment Program, equivalent to the taxes levied on the subject structures in 2000; and

Whereas the amount of payments under the Power Dam Special Payment Program were adjusted for the Consumer Price Index in some but not all years, and adjustment which did not keep pace with either changes in municipal taxation rates or costs; and

Whereas the above noted changes resulted in an unfair shift in taxation to the remaining property assessment base, more specifically to residents and businesses alike; and

Whereas upon exempting from municipal property taxation, hydro-electric stations, poles & wires that had been subject such taxation, the Province of Ontario amended the Electricity Act, 1998 requiring the owners of the subject structures to then pay to the Province of Ontario a Gross Revenue Charge (GRC) of three components:

- A property tax component payable to the Minister of Finance
- A property tax component payable to the Ontario Electricity Financial Corporation
- A water rental component payable to the Minister of Finance

Whereas in July 2014, the Province of Ontario introduced Bill 14, Building Opportunity and Securing Our Future Act (Budget Measures) which phases down or decreases the Power Dam Special Payment Program for hydro-electric stations, poles & wires by 23.53% by 2017, starting in 2015; and

Whereas the reduction in the Power Dam Special Payment Program will result in a reduction of annual revenues for affected municipalities by 2017; and

Whereas District Social Services Administration Boards (DSSAB's) that use the proceeds of the Power Dam Special Payment Program as part of their funding formula will also be directly affected, thereby affecting municipalities who do not participate in the Power Dam Special Payment Program; and

Whereas many municipalities are already struggling as a result of accelerated cuts to the Ontario Municipal Partnership Fund (OMPF), the unknown aspects of a new OPP billing model, the elimination of the Connecting Link Program and other cuts; and

Whereas as a result of reductions in the Power Dam Special Payment Program, affected municipalities may not be able to meet their fiduciary obligations; and

Whereas the reduction in the Power Dam Special Payment Program is punitive in nature; and

Whereas the Power Dam Special Payment Program is very small when compared to the multi-billion dollar annual budget of the Province of Ontario yet the impact of the decreased funding is devastating for affected municipalities; and

Whereas affected municipalities will have to increase property tax rates to the remaining property assessment base (assessment in some cases which is decreasing) to compensate for the loss of revenue or be forced to significantly compromise municipal services;

Therefore Be It Resolved That the City of Kenora request that the Government of the Province of Ontario reverse the decision to decrease funding to the Power Dam Special Payment Program; and

That the Province of Ontario also be requested to annually increase the amount of funding by the amount of any change in the Consumer Price Index (CPI) to compensate for the increase in municipal costs; and further

That a copy of this resolution be sent to the Premier of the Province of Ontario, the Minister of Finance, the Minister of Municipal Affairs & Housing, the Minister of Northern Development & Mines, the Minister of Natural Resources, Sarah Campbell, MPP, the KDSB, FONOM, NOMA and AMO.

### **Provincial Offences Write Offs**

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

That Council of the City of Kenora hereby approves the write off receivables list from the Provincial Offences department for the period of January 1, 2007 to December 31, 2007 in the amount of \$14,576.08.

### **Various Committee Minutes**

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

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

- June 18 – Environmental Advisory Committee
- June 19 & July 17 – Heritage Kenora
- July 8 – Event Centre Committee
- July 8 – Committee of the Whole; and

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

- April 30 (as amended) & June 27 – Northwestern Health Unit Board of Health
- June 17 – Planning Advisory Committee
- June 26 – District of Kenora Home for the Aged Board of Management; and further

That these Minutes be circulated and ordered filed.

### **Event Centre Fundraising Event – Tax Receipt Request**

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

That the Council of the City of Kenora hereby authorizes the request of the Event Centre Committee, for the City of Kenora to issue tax receipts of \$75.00 for every \$100.00 event ticket sold, and sponsorships or donations over \$100.00 made to the City of Kenora for the purpose of an Event Centre Fundraising Dinner; and

That the City will pay the invoice(s) for the expenses, direct to the appropriate supplier(s) for the fundraising event; and further

That the proceeds of this event will be put in reserve to fund expenses related to the Event Centre Project.

### **Tunnel Island Common Ground Project – Consulting Agreement**

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

That Council hereby authorizes the Mayor and Clerk to enter into an agreement between the Corporation of the City of Kenora and Black Dog Management and Consulting, effective August 1, 2014 for the Tunnel Island Common Ground Project; and further

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

### **Tunnel Island Common Ground Project – Service Agreement**

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

That Council hereby authorizes the Mayor and Clerk to enter into an agreement between the Corporation of the City of Kenora and the University of Manitoba for the Tunnel Island Common Ground Project; and further

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

**Discussion:** Councillor Smith clarified that this is a service agreement with the University of Manitoba and not a funding agreement as was titled at the Committee of the Whole meeting and on the Council agenda.

### **Parkade Rehabilitation Agreement**

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

That further to administration accepting the tender of Western Construction Services Inc. related to the 2014 Matheson Street Parkade Rehabilitation, authorization be and is hereby given for the Mayor and Clerk to execute an agreement between the Corporation of the City of Kenora and Western Construction Services Inc.; and further

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

### **Water Wastewater Systems Monthly Summary Report June 2014**

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

That Council of the City of Kenora hereby accepts the June 2014 Kenora Water and Wastewater Systems Monthly Summary Report, as prepared by Biman Paudel, Water and Sewer Supervisor, Ryan Peterson, Water Treatment Plant Operator and Gord St. Denis, Wastewater Treatment Plant Operator.

**Discussion:** Councillor Roussin inquired about an issue where the sewage plant readings for weekly final effluent bacti samples came in at higher than technical levels. Rick confirmed that a sample was taken where the levels were over, although an overage is allowed. To address this, the sewage plant has increased the percentage of operation of UV to a longer time to increase the kill rate. Since then the levels have been within standards and this has been passed back on to the Ministry of Environment.

### **LOWDC Budget Amendment Request**

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

That Council hereby approves an additional allocation of \$43,500 to be funded through the LOWDC Reserve for special events, tourism and economic development projects; and

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2014 Operating & Capital Budget at its August 12, 2014 meeting to withdraw funds from the LOWDC Reserve in the amount of \$43,500 to offset the cost of these projects; and further

That Council gives three readings to a by-law to amend the 2014 budget for this purpose.

## **Lease Agreement Renewal – Rogers Communications**

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

That Council hereby authorizes the Mayor and Clerk to execute a renewal of license (lease) agreement with Rogers Communications Inc., for use of the Kenora Water Tower (PT LOC 16V DES PT1 23R4334 PCL 31515 + PLAN M423 PT BLK G DES PT 1 23R4253 PCL 31394); and further

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

## **Subdivision Agreement – Wm. Lougheed Trucking**

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

That Council give three readings a by-law to enter into a subdivision agreement with Wm. Lougheed Trucking Ltd. for the purpose of meeting one of the conditions of draft approval for the development of a ten (10) lot subdivision (S02/11) located on the Winnipeg River, accessed via Sunnyside Road and serviced by one road; and further

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

## **Repeal By-law #48-2014 – Boreal Paddle/Green Machine**

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

That Council of the City of Kenora hereby repeal By-law Number 48-2014 authorizing an agreement between the City of Kenora and Boreal Paddle – Green Machine for the operation of a Food Vendor Truck at the Lake of the Woods Discovery Centre.

## **Deer Hunting Season 2014 – Discharge of Firearms**

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

That Council hereby approves an amendment to the Discharge of Firearms By-law #148-2010 to authorize an extension to the areas in which deer hunting is allowed within City limits for 2014 for the period September 1, 2014 up to and including 15 December, 2014, with the following restrictions:

- Hunting shall be restricted to hunting of deer only south of Highway 17A (the By-pass);
- Firearms authorized to be used for hunting within City limits south of the by-pass shall be restricted to archery equipment as defined per the rules and regulations of the Fish and Wildlife Conservation Act;
- Hunters eligible to hunt within City limits south of Highway 17A (the By-pass) shall be restricted to those eligible to hunt under the Resident – Open Season, as defined within the Ontario hunting regulations;
- Hunters shall have all required licenses and courses and comply with the rules and regulations as set out in the Fish and Wildlife Conservation Act and adhere to all related Provincial and Federal statutes;



- Hunting shall only be permitted on parcels of land of an area of five (5) acres (metric equivalent is 2.023428 hectares) or greater;
- Hunting shall be prohibited on all city owned land;
- Hunting shall only take place on either crown land or private property which lies within the designated hunting areas and related size restrictions;
- Hunters must obtain written permission to hunt on private land from the property owner and display written permission at request of a law or by-law enforcement officer;
- Discharging a bow and arrow within 75 metres of an occupied dwelling or roadway is prohibited;
- No bow and arrow shall be discharged in the direction of any human, roadway, structure or domestic animal within reasonable range of the weapon at an angle which might allow the projectile to strike at, or dangerously near these objects;
- Field dressing shall be done in accordance with the wishes of the property owner and remains shall not be disposed of on City property; and further

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

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

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

- #122-2014** - To confirm the proceedings of Council
- #123-2014** - To enter into a funding agreement with FedNor (DTR Phase III)
- #124-2014** - To enter into a funding agreement with FedNor (Strategic Plan)
- #125-2014** - To enter into an agreement with Black Dog Management & Consulting
- #126-2014** - To enter into an agreement with the University of Manitoba
- #127-2014** - To enter into an agreement with Western Construction Services Ltd.
- #128-2014** - To amend the 2014 Operating and Capital Budget (LOWDC)
- #129-2014** - To execute a lease agreement renewal with Rogers Communications
- #130-2014** - To enter into a subdivision agreement with Wm Lougheed Trucking Ltd.
- #131-2014** - To amend Discharge of Firearms By-law #148-2010 (2014 deer hunt)

### **Announcements**

Mayor Canfield read out the following Proclamation recognized for:

- **October 20-26: "Waste Reduction Week"**

The following was highlighted by Council:

- Appreciation was expressed for all communications sent out regarding Downtown Revitalization, this has been most helpful for Council when asked questions. It was also noted that the patience of the affected business owners during the construction is appreciated.
- Volunteers were acknowledged for all their hard work for summer events that have taken place. It was recognized that events have also taken place outside of the downtown core (eg. rowing regatta on Rabbit Lake) which largely contribute to hotels and local businesses

- KBI took place August 7-9 and was once again an outstanding success
- The International Joint Commission (IJC) is hosting a public meeting August 13 from 2:30-4:00 p.m. at the Lakeside Inn to review their draft study plan for LOW
- The LOW Control Board will be hosting a public open house August 13 from 7:00-9:00 p.m. at the Super 8 Motel to discuss the current high water situation
- It was reported that 276 vehicles participated in Household Hazardous Waste Day at the Transfer Station on August 10<sup>th</sup>
- The Canada Cares Tour stopped in Kenora this morning, it was suggested that Kenora be nominated for their Caring Communities Award. Nominations close September 15<sup>th</sup>.

**Adjourn to Closed**

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

That this meeting now be adjourned at 12:45 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 items pertaining to the following matters:-

**i) Personal Matter about an Identifiable Individual (1 item)**

**Council reconvened to Open Meeting at 1:53 p.m.**

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

That Council reconvenes to the Open Meeting with the following from its Closed Session:

-direction to the HR Manager concerning a staff matter

**Close of Meeting**

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

That this meeting be now declared closed at 1:54 p.m.

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

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

**Of.....2014**

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**Mayor**

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**City Clerk**