



MINUTES

**Of a Meeting of the Council of the City of Kenora
Tuesday, July 15, 2014 – City Council Chambers
12:00 p.m.**



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

Staff: Karen Brown, CAO, Sharen McDowall, HR Manager, Rick Perchuk, Operations Manager, Warren Brinkman, Emergency Services Manager, Colleen Neil, Recreation Services Manager, Lauren D'Argis, Corporate Services Manager, Charlotte Caron, Property & Planning Manager, Heather Kasprick, Legislative Services Manager and Heather Lajeunesse, Deputy Clerk.

Call to Order

**Mayor Canfield called the meeting to order.
Councillor McKay read the Prayer and a Moment of Silence was held in
Honour and Memory of Buck Matiewski.**

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 the 2014 Operating Budget to withdraw funds from the Canada Day Reserve in the amount of \$3,000 for the 2014 Canada Day Festivities

-Council will amend the 2014 Operating Budget to authorize \$100,000 additional allocation for the purposes of the Organization Review to be funded from the City's Contingency Reserve

-Council will amend the 2014 Operating Budget to withdraw funds to a maximum of \$80,000 from the Recreation Reserve for the purposes of the Event Centre Business Case

Confirmation of Minutes

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

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

- Regular Meeting held June 24, 2014
- Special Meeting held June 30, 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.

Councillor McMillan made a Declaration referring to Motion Number(s) 6, 7 and 8 on today's agenda as it pertains to the Kenora Police Services Board, to which his spouse is a Member, and receives remuneration.

Deputations

1. Bill Cameron – on behalf of Cameron Narrows Residents

Bill Cameron, a resident of Cameron Narrows, made a deputation to Council on behalf of Cameron Narrows residents. The group is requesting that Council pass a by-law limiting the speed of boats in Cameron Narrows to 9km/h and/or establish a No Wake Zone from Cameron Narrows to the northeast point of Coney Island, and the mainland to the east opposite that point.

Mr. Cameron indicated that he is representing ten families on the City side of the narrows and eight families on the Coney side. The Coney people are especially at risk as they have to cross the narrows at ninety degrees through the fast traffic in small open tin boats to get to their properties. He mentioned a letter he had previously sent to Council members which provided examples of dangerous driving and accidents that have occurred there, most resulting from speed.

The main reason for the residents' request is safety, although with the effects of this year's high water levels, damages have occurred to docks and there has been flooding of properties. Bill provided specifics on where the residents feel the 9km/hr and No Wake Zone signs should go, and suggested that the police will then have the ability to enforce them during high traffic times. It was questioned how speed limits posted on other areas of the lake are regulated and enforced. In closing Mr. Cameron thanked Council for their consideration and indicated that ensuring there are safe waters to boat on should be part of the City's priority in being a boating destination.

Mayor Canfield thanked Mr. Cameron for his deputation and a copy was left with the Clerk.

2. Clint Thorsteinson – on behalf of Gunne Crescent Residents

Clint Thorsteinson, a resident of Gunne Crescent, made a deputation to Council on behalf of several Gunne Crescent residents. Residents are concerned that they will have major water issues at their properties in the future as a result of permits issued for Kenora Catholic District School Board's expansion project. Mr. Thorsteinson explained that the storm water system is designed so that the water will drain right onto Gunne Crescent. He questioned why the storm sewers cannot be directed to run into the swamp behind the school instead. Residents are afraid of what will happen to their homes from the drainage into the sewers and ditches, even if the storm sewer is replaced on Gunne Crescent. Clint indicated that a meeting was held with school board representatives and no responsibility will be taken if properties are flooded.

Mayor Canfield thanked Mr. Thorsteinson for his deputation and photos were left with the Clerk.

Addition to the Agenda

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

That approval be hereby given for the following items to be added to today's agenda:-

1. Authorize Sewer and Water Main and Storm Sewer repair works
2. Authorize a By-law and adopt Terms of Reference to establish a Port Authority Advisory Committee

Sewer, Water and Storm Repair Works – Gunne Crescent

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

That Council hereby authorizes the sewer, water and storm repair works for the west leg of Gunne Crescent; and

That the estimated cost of repairs for the following lengths, are as follows (HST extra):-

92m – 250mm	Sewer Main	\$109,496.88
92m – 150mm	Water Main	\$126,426.88
95.5m – 450mm	Storm Sewer	\$ 60,285.00; and

That the funding for the works be through the approved allocations under the 2014 Capital Budget; Sanitary Sewer Program, Water Main Program and Storm Sewer Program; and

That the Unit Price Quotation received from Titan Contracting, being the Contractor available to complete the works within the identified time frame, be received; and further

That the Summary of Proposed Works and Unit Price Quotation, prepared by the Engineering Department, as attached to Richard Perchuk's Report dated July 11, 2014, be accepted.

Establishment of a Port Authority Advisory Committee

1C. Moved by R. Lunny, Seconded by C. Gallivan & Carried:-

That Council gives three readings to a by-law to establish a Port Authority Advisory Committee for the City of Kenora and to adopt a Terms of Reference for this committee; and further

That members appointed to this Committee will have a term to expire November 30, 2014.

Discussion: Heather Kasprick provided the background on the report, the intent is to establish an advisory committee to identify safety and enforcement issues relating to boat, airplane and snowmobile traffic on the waterways in the City and bring recommendations back to Council.

Councillor Smith expressed concerns regarding the establishment of a Port Authority Committee, indicating the City has had one in the past and the Cameron Narrows issue wasn't addressed by the past authority. If the City moves forward with the committee it will take at least five weeks before things move forward and nothing will be addressed this year. Councillor Smith suggested that the issue falls under the mandate of the

current Community Policing Committee, who have the capacity to form ad hoc committees in a timely manner to deal with this, as they are to address community concerns regarding safety in the City. Councillor Smith urged Council not to accept this motion as the issue is time sensitive and the community should not wait any longer. She indicated that there is a process and if the municipality wishes to impose a restriction they can, and suggested immediately moving forward with a public meeting.

Councillor Roussin shared support for Councillor Smith's research and comments, adding that there is a safety issue, and now wakes are damaging properties with the high water levels this year. Councillor Roussin shared that under the Municipal Act the municipality has the mandate to provide a safe and healthy environment, and has authority to protect the property of tax payers. He indicated that the City already has the authority and right to do something about the safety issue, and should do something immediately, while noting liability as another concern.

Council agreed that there is a safety issue, and it was suggested that the speed issue in Cameron Narrows could be addressed by the City installing speed limit signs on land in the area (9km/h-no wake zone), as was suggested in the deputation just received. The authority to do so and the ability to enforce the restrictions was questioned. It was also mentioned that establishing the speed limit could make problems worse elsewhere, such as Devil's Gap. Several members of Council indicated their support for the establishment of a Port Authority Committee as there are many other issues around the area that may or may not be on Lake of the Woods. The Committee will be responsible for gathering all the facts so that there are no assumptions made.

It was suggested to consider the two issues at hand separately. It was discussed that it will take some time and research to be able to put a by-law in place but in the meantime the City will consider placing signs, in addition to putting out some public safety messages. It is anticipated that most boaters will obey the signs and therefore this would improve the situation at a reasonable cost. In the meantime moving forward with the establishment of a Port Authority Advisory Committee will allow for research and consultation to clarify what can be done for issues brought forward on the Lake and on other local bodies of water.

It was asked of the OPP Marine Unit their opinion on the situation. OPP Officer Mike Barclay was present and spoke to the concerns. He indicated that attempts can be made to address the issue in several ways. He informed that the narrows has to be wider than 100 meters before the 10km law speed restriction from the shoreline can be enforced so this cannot be applied. He indicated that Transport Canada are the only ones that can put enforceable restrictions in place and it may take some time and work to make that happen. He added that if signs are placed, the OPP can attempt to address the issues, although they cannot situate themselves at the location all the time as there are many issues of concern all around the Lake this year. OPP have been reviewing damages that have occurred due to the high water levels and believe there is a value in establishing the Port Authority Committee in order to address safety and damages on all navigable waters in the area.

N.O.M.A. Fall Regional Conference

2. Moved by C. Gallivan, Seconded by S. Smith & Carried:-

That authorization is hereby given for Members of Council to attend the 2014 Northwestern Ontario Municipal Association (NOMA) Fall Regional Conference taking place in Thunder Bay, September 25 & 26, 2014; and further

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

Canada Day Reserve Appropriation

3. Moved by R. Lunny, Seconded by C. Gallivan & Carried:-

That Council hereby approves an additional allocation of \$3,000 to be funded through the Canada Day Reserve for the 2014 Canada Day festivities; 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 July 15, 2014 meeting to withdraw funds from the Canada Day Reserve in the amount of \$3,000 for the 2014 Canada Day festivities; and further

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

Organizational Review RFP – Appointment of Consultant

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

That Council give three readings to a by-law to approve an amendment to the 2014 Operating Budget to provide a budget allocation of \$100,000 for the purposes of performing a comprehensive organizational review to be funded from the City's contingency reserve; and

That Council hereby approves the award for the Organizational Review to BMA Management Consulting Inc.; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2014 Operating Budget by by-law at its July 15th meeting.

Kenora Strategic Plan – Our Vision is 20/20

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

Whereas Council has directed that the City perform a comprehensive strategic planning exercise to recognize the many changes that have occurred within the City since the last comprehensive exercise was done following amalgamation; and

Whereas the City has, through the assistance of urbanMetrics Inc., performed a wide-ranging consultation process garnering input from residents, businesses, staff, partners

and stakeholders on the identification of municipal priorities as part of the strategic planning exercise; and

Whereas the input received has informed the priorities and goals as identified within the new strategic plan, together with establishing the ranking of those priorities; and

Whereas the new strategic plan has provided the City with corporate actions to assist the City on moving forward on the identified goals and priorities;

Therefore Be It Resolved that Council hereby adopts the new City of Kenora Strategic Plan – Our Vision is 20/20; and further

That Council hereby directs City Administration and Staff to actively work towards the goals and actions as outlined within the new strategic plan, commencing with a communications strategy for communicating the new strategic plan, together with the development of work plans for each department in accordance with the goals and corporate actions as outlined within the strategic plan.

Councillor Lunny read today's media release "Kenora Leads with a 20/20 Vision" attached hereto and forming part of the minutes.

Various Committee Minutes

6. Moved by S. Smith, Seconded by L. Roussin & Carried:-

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

- May 14 & June 18 – Accessibility Advisory Committee
- May 22 – Heritage Kenora
- June 10 – Event Centre Committee
- June 17 – Committee of the Whole
- June 26 – Lake of the Woods Museum Board; and

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

- April 30 – Kenora Police Services Board
- May 1 – Kenora District Services Board
- May 20 – Planning Advisory Committee
- May 29 – Northwestern Health Unit Board of Health
- May 29 – District of Kenora Home for the Aged Board of Management; and further

That these Minutes be circulated and ordered filed.

ABSTENTION: Councillor McMillan

May 2014 Financial Statements

7. 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 May 31, 2014.

ABSTENTION: Councillor McMillan

2013 Annual Report

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

That Council approve the 2013 City of Kenora Annual Report, including the 2013 audited financial statements for the City; and

That a copy of this report be made available for public viewing on the City's portal, as well as the front desk at City Hall.

ABSTENTION: Councillor McMillan

Event Centre Business Case – Terms of Reference

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

That Council give three readings to a by-law to approve the Terms of Reference for completion of a Business Case for the potential Event Centre; and

That Council gives direction to proceed with funding applications for this purpose; and

That the City of Kenora's financial share of the business case project shall not exceed fifty percent of the total amount of the final cost; and

That Council hereby approves an amendment to the City's capital budget in the amount of \$160,000, contingent on receipt of a minimum of 50% external funding, for the purposes of the development of a business case, with a maximum of \$80,000 City share of this project to be taken from the City's Recreation reserves; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2014 Operating Budget by by-law at its July 15th meeting.

Councillor McMillan read today's media release "Event Centre Committee Moves to Next Steps" attached hereto and forming part of the minutes.

Kenora Recreation Centre Concession Agreement Amendment

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

That further to Council authorizing By-law Number 95-2014 at its June 24 meeting to enter into a lease agreement for the purpose of Food and Beverage Services at the Kenora Recreation Centre for the term of October 1, 2014 to April 30, 2017,

authorization is hereby given to reflect an earlier start date of August 1, 2014, with all other aspects of the lease as approved by By-law Number 95-2014 remaining in effect; and

That Council gives three readings to a by-law to enter into a lease agreement with Kyla Garrow for the purpose of Food and Beverage Services at the Kenora Recreation Centre for the term of August 1, 2014 to April 30, 2017; and further

That By-law Number 95-2014 be hereby repealed.

Traffic By-law Amendment–Temporary Accessible Parking Space-Main St S 11. Moved by R. McKay, Seconded by R. McMillan & Carried:-

That Council give three readings to a by-law to amend City of Kenora Traffic Regulation By-law 127-2001 to include the following amendments to Schedule "K" - Disabled Parking Spaces on Streets and Highways – Main Street South:-

Column 1 STREET	Column 2 LOCATION	Column 3 SIDE	Column4 TYPE OF PARKING	Column 5 # OF SPACES
ADD				
Main Street South	From 40.8 metres north of McClellan Avenue, northerly for 7.3 metres; and further	East	Parallel	1

That this amendment be implemented on "a temporary basis only" for the period starting October 20, 2014 to and including October 27, 2014 to cover the duration of the Municipal Election.

**Water Wastewater Systems Monthly Summary May 2014
12. Moved by R. McKay, Seconded by R. McMillan & Carried:-**

That Council of the City of Kenora hereby accepts the May 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.

**Deeming of Lots – Plan M39
13. Moved by L. Roussin, Seconded R. McMillan by & Carried:-**

That all the lands contained within the boundaries of Lots 273, 274 and 275, on Registered Plan of Subdivision M39, in the City of Kenora, be deemed not to be lands described in accordance with a registered plan of subdivision for the purposes of Section 50(4) of the Planning Act, RSO 1990; and

That in accordance with the provisions of the Planning Act, Council give three readings to a by-law for this purpose to take effect and come into force 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; and

That the Applicant shall be responsible for all costs associated with such registration; and further

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

Delegation of Authority – Merger Agreements

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

That Council of the City of Kenora hereby delegates authority to the Manager of Property and Planning to execute merger agreements on behalf of the City of Kenora; and

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

That By-law Number 99-2013 be hereby repealed.

Exempt Property from Part Lot Control

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

Whereas the Council of the Corporation of the City of Kenora deems it necessary to designate certain lands on a registered plan not subject to Part Lot Control in the City of Kenora; and

Whereas authority is given to Council by s.50(7) of the Planning Act, R.S.O. 1990. c.P13, as amended, to pass by-laws to exempt certain lands from lot control;

Therefore Be It Resolved that Council give three readings to a by-law to enact the following:

1. Subsection 50(5) of the Planning Act, R.S.O. 1990, c.P13, as amended, shall not apply to the lands described as part of Lot 14, Con 6, Jaffray, now City of Kenora, District of Kenora, designated as Parts 1-5, Plan 23R12279, for the purpose of making Parts 1-5, Plan 23R12279 not subject to part lot control but any further division of any part of the property will be subject to the Planning Act.

Kenora Affordable Housing Report

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

That Council of the City of Kenora accepts the Kenora Affordable Housing Report (2014) and considers the recommendations within the report.

**OPP Lease of Former Kenora Police Service Building – 1125 Hwy 17 E
17. Moved by S. Smith, Seconded by L. Roussin & Carried:-**

That further to Council entering into an agreement under authority of By-law Number 10-2013 on the 19th day February 2013 with the Minister of Infrastructure, authorization is hereby given for the Corporation of the City of Kenora to enter into a license extension and amending agreement with the Minister of Infrastructure for municipal property located at 1125 Highway 17 East under the terms and conditions set out in the license extension agreement dated February 18, 2014, being an amendment to the original license; and

That this license agreement be hereby extended for a further term of five (5) years commencing July 17, 2014 and ending on July 16, 2019; and further

That Council give three readings to a by-law to amend By-law Number 10-2013 to authorize the execution of a license extension and amending agreement with the Minister of Infrastructure for this purpose.

**2014 Food Vendor Contract Harbourfront - Revised
18. Moved by S. Smith, Seconded by C. Gallivan & Carried:-**

That further to a call for proposals for the City's 2014 Mobile Food Program by the Property & Planning Department, Council of the City of Kenora hereby receives the following request submitted for the Kenora Harbourfront:

- Serendipity Hawaiian Shaved Ice; and

That in accordance with the Request for Proposal, Council hereby accepts the above food vendor to operate at the Kenora Harbourfront for the 2014 season; and

That three readings be given to a by-law authorizing the Mayor and Clerk to execute the required contract for the vendor; and further

That By-law Number 30-2014 be hereby repealed.

**Zoning By-law Amendment – Zylstra-Moore
19. Moved by R. McMillan, Seconded by L. Roussin & Carried:-**

That Council of the City of Kenora give three readings to a by-law to approve an amendment to Zoning By-law 160-2010 specifically on property described as 1808 Highway 17 West, PT ML 233 PLAN PCL 26309 to rezone from RU - Rural to TR- Tourist Recreation [30] /EP – Environmental Protection. Notwithstanding any other provisions of the By-law, on lands noted by [30] on the Schedules to the By-law the lands shall be zoned to permit a campground/tourist resort, including limited agricultural uses, with accommodations limited to tents and cabins, an outdoor recreation facility, with a maximum of one accessory dwelling unit, and uses and structures normally incidental

to the foregoing. The effect of approval would be to permit the use of the property for low-impact vacations, a private residence, organic gardening, small- scale agricultural use in a manner which is consistent with the Provincial Policy Statement (2014) and the City of Kenora Official Plan (2010).

Discussion: There was discussion of the public zoning meeting which took place on July 8, in which some of the neighbouring residents brought forward their concerns regarding the owner's proposed plans for the property. It was acknowledged that the neighbours concerns were taken into consideration by the owners and they have agreed as part of their rezoning application to add an Environmental Protection area as a buffer between the properties. In addition, with regards to best practices, the owners have agreed to post guidelines for responsible wildlife viewing, as well as mention the significance of the importance of the wetland area to their visitors. They will also consider limiting the number of watercraft permitted on Mink Bay at one time.

Charlotte Caron clarified that if the business project is not successful and the proponents end up selling the land in the future, the zoning will remain applied to the land. If future owners wish to change the zoning they would have to go through the same zoning by-law amendment process.

Approval of By-laws

20. Moved by C. Gallivan, Seconded by S. Smith & 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:~

- #109-2014** - To confirm the proceedings of Council
- #110-2014** - To amend the 2014 Operating Budget (Canada Day festivities)
- #111-2014** - To amend the 2014 Operating Budget (Organizational Review)
- #112-2014** - To amend the 2014 Operating Budget (Event Centre business case)
- #113-2014** - To enter into a lease agreement for Kenora Rec Centre concession
- #114-2014** - To amend Traffic By-law #127-2001 (Temporary Disabled Parking)
- #115-2014** - To approve Deeming of Lands – Plan M39
- #116-2014** - To Delegate Authority for execution of Merger Agreements
- #117-2014** - To Exempt Property from Part Lot Control
- #118-2014** - To enter into a lease agreement (OPP lease of former KPS building)
- #119-2014** - To enter into a Food Vendor agreement for Harbourfront (Serendipity)
- #120-2014** - To amend Zoning By-law #160-2010 (Zylstra-Moore)

Addition of By-law

20A. Moved by C. Gallivan, Seconded by L. Roussin & Carried:-

That a by-law to adopt a Terms of Reference to establish a Port Authority Advisory Committee be hereby added.

Approval of By-law

20B. Moved by C. Gallivan, 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:~

- #121-2014** - To adopt Terms of Reference for a Port Authority Advisory Committee

Announcements

The following was highlighted:

Upcoming Events:

~2014 Harbourfest - August 1st to 3rd

~2014 Kenora Bass International – August 7th to 9th

~Lake of the Woods Museum will be hosting a free fish fry at Memorial Park tomorrow July 16th, as part of their 50th Anniversary celebrations.

~Kenora Arts Fest was acknowledged as a success, which took place June 27th to July 6th

Close of Meeting

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

That this meeting be now declared closed at 1:18 p.m.

The Corporation of the City of Kenora:

Confirmed As Written ThisDay

Of.....2014

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Mayor

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City Clerk