

TOWN OF FORT FRANCES

MINUTES

SESSION NO. 034

February 24, 2020

The meeting of Council of the Town of Fort Frances was held in the Council Chambers , Civic Centre on February 24, 2020 from 6:40 p.m. to 7:18 p.m.

PRESENT: Mayor J. Caul, Chairperson; Councillors M. Behan, W. Brunetta, A. Hallikas, D. Judson and R. Wiedenhoeft.

ALSO PRESENT: D. Brown, CAO, E. Slomke, Clerk, D. Galusha, Treasurer, T. Rob, Manager of Operations & Facilities, A. Bisson, Recreation & Culture Manager

1. COUNCIL MEETING

(Session No. 034)

1.1 Call to Order at 6:40 p.m.

1.2 ~~Prayer~~ Moment of Meditation

1.3 Non-agenda items identified to be considered later in this meeting - None.

1.4 Disclosure of pecuniary interest and the general nature thereof.
Councillor Judson disclosed an interest in Item 8.1 from the Committee of the Whole agenda as this item is related to his per diem claim for attendance at the January meeting of the RRDMA.

2. Delegations/Deputations:

2.1 A presentation was received by the Fort Frances Community Garden representatives Elaine Fischer, Chris Ducharme and Carey Basaraba re: water source (7:00 p.m.)

337 Wiedenhoeft - Hallikas: THAT the presentation from E. Fischer, C. Ducharme and C. Basaraba representing Fort Frances Community Garden re: water source be referred to the Operations & Facilities Executive Committee for recommendation.

CARRIED

2.2 Public Meeting re: 357/358 Application for Tax Adjustment re: 279 Scott Street (September 27 - December 31, 2019)
- approval of this report will agree to the recommendation of the Administration and Finance Committee to approve the adjustment of taxes under Section 357/358 of *The Municipal Act* for property located at 279 Scott Street resulting from a classification change.

-no one was in attendance to speak to this matter when called upon by Mayor Caul.

338 Hallikas - Wiedenhoeft: THAT the report dated February 18, 2020 from D. Galusha, Treasurer re: Public Meeting re: 357/358 Application for Tax Adjustment re: 279 Scott Street (September 27 - December 31, 2019) be approved to agree with the recommendation of the Administration and Finance Committee to approve the adjustment of taxes under Section 357/358 of *The Municipal Act* for property located at 279 Scott Street resulting from a classification change.

CARRIED

2.3 Public Meeting re: 357/358 Applications for Tax Adjustment re: 130 Fifth Street East (August 1, 2018 - December 31, 2019)
- approval of this report will agree to the recommendation of the Administration and

Finance Executive Committee to approve the adjustment of 2018 and 2019 taxes under Section 357/358 of *The Municipal Act* for property located at 130 Fifth Street East resulting from an unfinished structure allowance and updating structure date.

-no one was in attendance to speak when called upon by Mayor Caul

- 339 Wiedenhoeft - Hallikas: THAT the report dated February 18, 2020 from D. Galusha, Treasurer re: Public Meeting re: 357/358 Applications for Tax Adjustment re: 130 Fifth Street East (August 1, 2018 - December 31, 2019) be approved to agree with the recommendation of the Administration and Finance Executive Committee to approve the adjustment of 2018 and 2019 taxes under Section 357/358 of *The Municipal Act* for property located at 130 Fifth Street East resulting from an unfinished structure allowance and updating structure date.

CARRIED

3. Consent Agenda:

3.1 Items Referred from Committee of the Whole

- 340 Hallikas - Wiedenhoeft: THAT the following Consent items be approved:
- 1) Committee of the Whole Consent items # 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, ~~7.8~~, 7.9, 7.10, 7.11 and ~~7.12~~.
 - 2) Council Consent items # 3.2, 3.3, 3.4 and 3.5

CARRIED

- 3.2 Fort Frances Royal Canadian Legion Ladies Aux. Br. #29 Sponsorship Request - PJ'S & Pearls Gala - April 4, 2020.
- will be referred to Administration and Finance Executive Committee for recommendation.
- 3.3 Letter from Fort Frances Girls Women's Hockey Association re: Review of Town of Fort Frances Policy Number 2.5 (ice cancellation).
- will be referred to the Community Services Executive Committee for recommendation.
- 3.4 Letter from Fort Frances Minor Hockey Association re: Damage in Dressing Room#3
- will be referred to the Operations & Facilities Executive Committee for recommendation.
- 3.5 Resignation from BIA from J. Horton

4. Approval of Council Minutes: *

- 4.1 Session Nos. 032 and 033 dated February 10 and February 18, 2020

- 341 Hallikas - Wiedenhoeft: THAT the minutes of the Council meetings being Session Nos. 032 and 033 dated February 10, 2020 and February 18, 2020 having been typed and distributed be approved.

CARRIED

5. Approval of Committee of the Whole Minutes: *

- 5.1 Session Nos. 034 and 035 dated February 10 and February 18, 2020

- 342 Wiedenhoeft - Hallikas: THAT the reports of the Committee of the Whole of Council meetings being Session Nos. 034 and 035 dated February 10, 2020 and February 18, 2020 having been typed and distributed be approved.

CARRIED

6. **Resolutions from tonight's Committee meeting**

6.1 Council considered the following resolutions:

Councillor Judson disclosed an interest in Item 8.1 from resolution 346 below as this item is related to his per diem claim for attendance at the January meeting of the RRDMA.

- 343 Brunetta - Behan: THAT the report dated February 20, 2020 from E. Slomke, Municipal Clerk re: Request to Purchase a portion of 5th Street West property be received and further that Council direct the Clerk to proceed with a letter of acknowledgement outlining the conditions of sale.

CARRIED

- 344 Behan - Brunetta: THAT the report dated February 19, 2020 from T. Rob, Manager of Operations & Facilities re: On Street Parking Ban - Winter Weather Events be approved to agree with the recommendation of the Operations & Facilities Executive Committee to amend the Traffic Control By-law to include a provision banning on street parking throughout the Town of Fort Frances, except for the downtown core, for the duration of a declared Significant Weather Event per the Minimum Maintenance Standards, O. Reg 239/02 between the hours of 7:30pm and 7:30am.

CARRIED

- 345 Brunetta - Behan: THAT the report dated February 23, 2020 from A. Bisson, Recreation & Culture Manager re: Bus Transportation Request 2020 be approved to agree with the recommendation of the Community Services Executive Committee to continue with our current public transportation options and continue to lobby the Provincial and Federal Governments for expanded regional bus service for our District.

CARRIED

- 346 Brunetta - Behan: THAT the report dated February 18, 2020 from D. Galusha, Treasurer re: Councillor Douglas Judson - RRDMA Annual General Meeting Per Diem be approved to agree with the recommendation of the Administration and Finance Executive Committee to approve Schedule "F" Travel Statement Mayor/Council Honorarium per diem claim in the total amount of \$160.00 as submitted by Councillor Douglas Judson for his attendance at the RRDMA Annual General Meeting on January 25, 2020 held in Devlin.

CARRIED

- 347 Brunetta - Behan: THAT the report dated February 23, 2020 from A. Bisson, Recreation & Culture Manager re: Fort Frances Senior Centre Building Committee Recommendation 2020 be approved to agree with the recommendation of the Fort Frances Senior Centre Board (Sister Kennedy Centre) to move forward with pursuing funding for a renovation at the current Senior Centre location.

CARRIED

348 Behan - Brunetta: **WHEREAS:**

1. A rail line operated and maintained by Canadian National Railway ("CN") bisects the Town of Fort Frances (the "**Town**"), as depicted in the diagram contained at **Schedule "A"**;
2. These railroad tracks:
 - a. run westward to the City of Baudette, Minnesota, cutting through the municipalities of Alberton, LaVallee, Emo, Chapple, Morley, Dawson, and Rainy River, and the community of Rainy River First Nations, and
 - b. run eastward to a split, towards the City of Ranier, Minnesota, in one direction, and cutting through Couchiching First Nation towards the City of Thunder Bay in the other;
3. The twenty-fifth edition of *Rail Trends*, a publication of the Rail Association of Canada, states that there has been an increase in rail traffic over the past 10 years;
4. This increase in traffic has been observed in the Town as both an increase in the number of trains and their length;

5. In 2014, CN constructed an extension of their rail siding in the Town, resulting in trains idling in the middle of the community for lengthy periods of time;
6. The Town receives complaints from local residents on a regular basis as a result of long wait times at railway crossings and noise pollution caused by idling trains, high levels of rail traffic, and the coupling and uncoupling of train cars;
7. Information from CN shows:
 - a. that an average of 11,315 trains per year (or 31 trains per day) travel through the Town, and
 - b. that each train carries approximately 7,560 tonnes of material – meaning that approximately 85.5 million tonnes of material passes through the Town each year;
8. Many of the trains which travel through the Town and across the Rainy River District on this route consist of tank cars;
9. On February 18, 2020, a CN train derailed south of the Township of Emo, cutting off access to Highway 602 (the “**Emo Derailment**”);
10. Local residents within an 800 metre radius of the incident were evacuated, and the local school was closed the following day;
11. CBC reported on February 19, 2020 that over 30 cars were derailed, and that 5 cars carrying crude oil were leaking;[\[1\]](#)
12. The Emo Derailment is at least the sixth derailment along the rail corridor from Fort Frances to Chapple since 2013, as set out in the table contained at **Schedule “B”**;
13. Since 2000, the Transportation Safety Board of Canada’s database has listed 59 rail transportation occurrences in the Rainy River District which have been classified as derailments or collisions, the data from which is abbreviated in **Schedule “C”** hereto;
14. The 2013 disaster in Lac Mégantic, Quebec and the February 6, 2020 derailment and fire near Guernsey, Saskatchewan have made the public wary of the safety and environmental risks of rail traffic in or near their community;
15. Community members are increasingly concerned about the number of derailments in the Rainy River District;
16. An estimated 80 percent of the Town’s residents live within 800 metres of the railroad through the Town;[\[2\]](#)
17. The Town passed a resolution on January 9, 2017 (the “**2017 Resolution**”), attached hereto as **Schedule “D”**, calling on the previous provincial government to address inequities in the manner in which railroad properties are taxed by municipalities;
18. Railway right-of-ways in Ontario are taxed per acre, with a rate set by the province, whereas other provincial governments allow for taxation on a tonne-kilometre basis;
19. The tonne-kilometre concept provides a more equitable form of taxation that takes into account usage volume, noise pollution levels, inconvenience to residents resulting from higher usage, and captures the enhanced risk from such increased traffic;
20. Forty-three municipalities provided support for the 2017 Resolution;
21. Representatives of the Town met with Ontario’s Minister of Finance in August 2019 on the matter of railway taxation; and
22. The Town, like many municipalities, faces ~~operating budget~~ financial challenges that could be moderated by more equitable sources of rail tax revenue modelled on best practices from other jurisdictions;
THEREFORE, BE IT RESOLVED THAT the Council of the Town:
 23. Expresses its appreciation to all of those who have responded to the Emo Derailment and cooperated with local officials and work crews during this disruption;
 24. Is concerned by the number of rail derailment incidents which occurred in the Rainy River District and the prospect that more may occur as rail traffic increases;
 25. Requests that, as part of their inquiries related to the Emo Derailment, provincial and federal officials investigate the frequency of derailments in the approximate 40-kilometre span from Fort Frances to Chapple;
 26. Reaffirms the concerns and principles expressed in the 2017 Resolution and requests further consideration of railway taxation by the Ontario government;
 27. Directs the Town Administration to request that CN officials appear at Council and/or engage in local public communications or forums in the Rainy River District to address community concerns about train derailment, hazardous material spills and remediation, and the safety of railway operations in or near their communities; and
 28. Directs the Town Clerk to forward a copy of this resolution, together with its schedules and a covering letter, to:
 - a. CN’s President and CEO, Jean-Jacques Ruest, and Chairman, Robert Pace,
 - b. The Honourable Greg Rickford, MPP for Kenora—Rainy River,
 - c. Marcus Powlowski, MP for Thunder Bay—Rainy River,
 - d. The Honourable Rod Phillips, Minister of Finance,

- e. The Honourable Caroline Mulroney, Minister of Transportation (Ontario),
- f. The Honourable Jeff Yurek, Ontario's Minister of Environment, Conservation and Parks,
- g. The Honourable Marc Garneau, Minister of Transportation (federal),
- h. The Rainy River District Municipal Association,
- i. The municipalities of Alberton, LaVallee, Emo, Chapple, Morley, Dawson, Rainy River, and Atikokan and
- j. Couchiching First Nation and Rainy River First Nations.

[1] Tweet from @CBCAlerts, dated February 19, 2020 at 06:51.

[2] Estimate provided by the Town's Operations & Facilities Division on February 19, 2020.

CARRIED

7. By-Laws:

- 7.1 By-law 16/20 being a by-law to authorize entering into an agreement with Fort Frances Community Clinic with respect to the sale of certain lands.

349 Hallikas - Wiedenhoeft: THAT by-law 16/20 being a by-law to authorize entering into an agreement with Fort Frances Community Clinic with respect to the sale of certain lands be introduced and read a first, second and third time, be finally passed, signed by the Mayor and Clerk, sealed with the Corporate Seal and become law forthwith.

CARRIED

8. Information Correspondence:

The following four items were received.

- 8.1 Email request from J. Tupker, Chair, Thunder Bay Health Coalition and Member Ontario Health Coalition - Support of a resolution to stop cuts of Health Care.
- Council requested that this resolution of support be considered at the next meeting.
- 8.2 New Gold Press Release dated February 13, 2020
- 8.3 Association of Municipalities of Ontario (AMO) Communications
- AMO Response to Public Health and Emergency Health Services Consultation and Cannabis Consultations Underway
- Employment Services Prototype Service Managers: No Municipal Applicants Selected
- AMO Watchfile February 20, 2020
- 8.4 Email from Ministry of Natural Resources and Forestry re: Aggregate Resources

9. Minutes:

The following three items were received.

- 9.1 Administration and Finance Executive Committee dated February 4, 2020.
- 9.2 Operations & Facilities Executive Committee dated February 5, 2020
- 9.3 Community Services Executive Committee dated February 3, 2020

10. Non-agenda Items - None.

11. ADJOURNMENT

- 11.1 The meeting adjourned at 7:18 p.m.

350 Wiedenhoeft - Hallikas: THAT this meeting of the Council of the Town of Fort Frances

CARRIED

J. Caul, Mayor

E. Slomke, Clerk