

## TOWN OF FORT FRANCES

### MINUTES

### SESSION NO. 068

June 14, 2021

The meeting of Council of the Town of Fort Frances was held virtually on June 14, 2021 from 5:58 p.m. to 9:03 p.m.

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

REGRETS: Councillor M. Behan

ALSO PRESENT: J. Forbes, Acting CAO / Human Resources Manager, E. Slomke, Clerk, D. Galusha, Treasurer, A. Bisson, Recreation & Culture Manager, J. Hughes, Information Technology Manager, C. Vangel, CBO / Municipal Planner

### **1. COUNCIL MEETING**

(Session No. 068) to immediately follow the Committee of the Whole

1.1 Call to Order at 5:58 p.m.

1.2 Territorial Acknowledgement

1.3 Moment of Meditation

1.4 Disclosure of pecuniary interest and the general nature thereof.  
Councillor Judson disclosed an interest item 6.8 from this agenda as he has a conflict arising out of his legal practice. He also disclosed an interest in item 6.1 from tonight's Committee of the Whole meeting as this is his per diem claim related to his attendance at the annual general meeting of the Northwestern Ontario Municipal Association.

### **2. Consent Agenda:**

2.1 Items Referred from Committee of the Whole

699 Brunetta - Hallikas: THAT the following Consent items be approved:

1. Committee of the Whole Consent items # 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, ~~5.9, 5.10~~, 5.11, 5.12, 5.13 and 5.14.
2. Council Consent items # 2.2, 2.3, 2.4, 2.5, 2.6 and 2.7.

CARRIED

2.2 Email received June 3, 2021 from P. Howie, Borderland Pride re: Flag Raising Request  
- will be coordinated with Mayor's office.

2.3 Email received June 3, 2021 from B. Hubbard, Military Service Recognition Book re: Advertising Opportunity  
- will be referred to the Administration & Finance Executive Committee for recommendation.

2.4 Letter dated June 3, 2021 from G. Cridland and J. Beazley, Riverfront Condominiums re: Front Street Truck Traffic  
- will be referred to the Operations & Facilities Executive Committee for recommendation with input from the Planning & Development Executive Committee.

2.5 Letter dated June 4, 2021 from G. Friesen, Newfort Developments re: Building Project at 814 Scott St.  
- will be referred to the Planning & Development Executive Committee for recommendation.

- 2.6 Letter dated June 8, 2021 from J. Neurinski, Fort Frances Resident re: Summer Day Camp  
- will be referred to the Community Services Executive Committee for recommendation.

- 2.7 Letter dated June 10, 2021 from W. Allen, Co-Chair, Fort Frances Canadian Bass Championship re: Temporary Fencing  
- will be referred to the Planning & Development Executive Committee for recommendation.

**3. Approval of Council Minutes: \***

- 3.1 Session No. 066 and 067 dated May 18 and May 25, 2021 respectively.

- 700 Judson - Wiedenhoeft: THAT the minutes of the Council meeting being Session No. 066 and 067 dated May 18 and May 25, 2021, respectively, having been typed and distributed be approved.

CARRIED

**4. Approval of Committee of the Whole Minutes: \***

- 4.1 Session No. 068 dated May 25, 2021.

- 701 McTaggart - Brunetta: THAT the report of the Committee of the Whole of Council meeting being Session Nos. 068 dated May 25, 2021, having been typed and distributed be approved.

CARRIED

**5. Resolutions from tonight's Committee of the Whole meeting**

- 5.1 Council considered the following resolutions:

Councillor Judson disclosed an interest in resolution 704 below as this is his per diem claim related to his attendance at the annual general meeting of the Northwestern Ontario Municipal Association. He did not vote on the matter.

- 702 Judson - McTaggart: THAT the report dated June 9, 2021 from T. Rob, Manager of Operations & Facilities re: Request from Belluz Concrete for Waste Fill be approved to agree with the recommendation of the Operations & Facilities Executive Committee to not sell any fill to the private sector at this time.

CARRIED

- 703 Hallikas - Judson: THAT the report dated June 9, 2021 from T. Rob, Manager of Operations & Facilities re: Request from Fort Frances Sportsman's Club for Waste Fill be approved to agree with the recommendation of the Operations & Facilities Executive Committee to not sell any fill to the private sector at this time.

CARRIED

- 704 Albanese-Wiedenhoeft: THAT the report dated June 8, 2021 from D. Galusha, Treasurer re: Councillor Judson - NOMA AGM and Conference Per Diem be approved to agree with the recommendation of the Administration & Finance Executive Committee to approve the per diem claim in the amount of \$320.00 as submitted by Councillor Judson for his attendance at the NOMA AGM and Conference held virtually April 28-30, 2021.

CARRIED

**6. By-Laws:**

- 6.1 By-law 23/21-A Being a by-law to amend by-law 23/21 to authorize the entering into of a lease agreement at the Sorting Gap Marina.

705 Wiedenhoeft - Hallikas: THAT the following by-laws 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:

- 23/21-A Being a by-law to amend by-law 23/21 to authorize the entering into of a lease agreement at the Sorting Gap Marina.
- 28/21 being a by-law to approve a Professional Consulting Services Agreement with Computational Hydraulics awarded through the request for proposal process.
- 29/21 being a by-law to authorize entering into an agreement with Revco Carpet Centre Ltd. with respect to the sale of certain lands.
- 30/21 being a by-law to approve an agreement with KGS Group for the delivery of environmental professional services re: Shevlin Woodyard - Phase One & Two Environmental Site Assessment and Associated Works.
- 31/21 being a by-law to authorize the entering into of a renewal lease agreement with Enterprise Rent-A-Car Canada Limited at the Fort Frances Municipal Airport.
- 32/21 being a by-law to authorize a Data Sharing Agreement for purposes of utilization of the Town's geospatial data with Computational Hydraulics Inc.
- 33/21 being a by-law to authorize a Data Sharing Agreement for purposes of utilization of the Town's geospatial data with TBT Engineering.
- ~~34/21 being a by-law to approve an agreement with Tom Jones Corporation awarded through the tender process (21-OF-06).~~

CARRIED

- 6.2 By-law 28/21 being a by-law to approve a Professional Consulting Services Agreement with Computational Hydraulics awarded through the request for proposal process.
- 6.3 By-law 29/21 being a by-law to authorize entering into an agreement with Revco Carpet Centre Ltd. with respect to the sale of certain lands.
- 6.4 By-law 30/21 being a by-law to approve an agreement with KGS Group for the delivery of environmental professional services re: Shevlin Woodyard - Phase One & Two Environmental Site Assessment and Associated Works.
- 6.5 By-law 31/21 being a by-law to authorize the entering into of a renewal lease agreement with Enterprise Rent-A-Car Canada Limited at the Fort Frances Municipal Airport.
- 6.6 By-law 32/21 being a by-law to authorize a Data Sharing Agreement for purposes of utilization of the Town's geospatial data with Computational Hydraulics Inc.
- 6.7 By-law 33/21 being a by-law to authorize a Data Sharing Agreement for purposes of utilization of the Town's geospatial data with TBT Engineering.
- 6.8 By-law 34/21 being a by-law to approve an agreement with Tom Jones Corporation awarded through the tender process (21-OF-06).

Councillor Judson disclosed an interest in this item as he has a conflict arising out of his legal practice. He did not speak to the matter nor vote on it.

706 McTaggart - Brunetta: THAT by-law 34/21 being a by-law to approve an agreement with Tom Jones Corporation awarded through the tender process (21-OF-06) 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

## 7. New Items:

7.1 Resolution for Consideration re: Fort-Falls International Bridge

707 Judson - McTaggart: WHEREAS:

1. The Fort Frances—International Falls International Bridge [“International Bridge”] is a critical economic and community link connecting the Town of Fort Frances, Ontario and the City of International Falls, Minnesota;
  2. The International Bridge sees more than 800,000 vehicle crossings annually, including:
    - a. tourists destined throughout Northwestern Ontario,
    - b. local trips for employment, business, recreational, educational, medical, emergency response, and family reasons,
    - c. commercial traffic serving the resource-based economy west of Thunder Bay, and
    - d. the importing of goods used in the mining, agricultural, and forestry sectors;
  3. The International Bridge has been privately owned by the operators of local paper mills since it was built in 1908, and is currently owned, through subsidiaries, by the Packaging Corporation of America and Resolute Forest Products [“Resolute”], which is required by the Customs Act to provide the Canada Border Services Agency with facilities on the Canadian side of the International Bridge;
  4. In Ontario, tolls on international bridges are authorized by the provincial Minister of Transportation under the Toll Bridges Act, but the bridge owners have placed their toll collection on the Minnesota side;
  5. These tolls have become a growing concern for the citizens of Fort Frances and the surrounding communities, and deter American locals and visitors from crossing into Canada to support local businesses;
  6. The only other privately-owned toll bridge connecting Canada and the United States is the Ambassador Bridge between Detroit and Windsor, which is 7,500 feet in length and charges less per crossing;
  7. A January 31, 2006 public meeting revealed that one span of the International Bridge had only 15 to 20 years left in its lifespan before it needed to be replaced, at a then-estimated cost of \$8 million (USD);
  8. Since 2006, it has been understood that high tolls were being charged by the bridge owners in order to rehabilitate the bridge in the 2020s, but Resolute now indicates that it wishes to divest itself from ownership, after collecting these high tolls for many years;
  9. Council adopted resolutions in 2005 and 2006 calling on the Government of Canada and the Government of Ontario to acquire the International Bridge and make it a public asset without tolls, but those calls went unanswered;
  10. The Town of Fort Frances and its neighbouring communities are concerned that new private ownership of the International Bridge will result in even higher tolls or that public access to the bridge will be compromised for safety or financial reasons;
  11. Ontario’s Toll Bridges Act permits the Government of Ontario to enter into agreements with any Canadian or foreign authority for “the joint financing, construction or operation of any international bridge or tunnel and for any matter incidental thereto”, as reflected in the provincial and state governments’ \$30 million investment to replace the Rainy River—Baudette Bridge, which continues to operate without tolls;
  12. Access to the International Bridge facilitates treaty obligations, including under the Jay Treaty of 1794, which allows Indigenous people from Canada to live and work freely in the United States, and allows access to traditional territories in northern Minnesota; and
  13. The Town of Fort Frances’ strategic plan recognizes that the community is in a period of economic transition, with a renewed focus on tourism, forestry, and mining sectors, and that its prosperity requires improved border access and transportation links;
- THEREFORE IT IS RESOLVED that Council of the Town of Fort Frances:
14. Calls on the Government of Canada and the Government of Ontario:

- a. to immediately intervene in the sale of the International Bridge and make all necessary efforts to acquire the International Bridge with their American counterparts, operate it as a public asset, and remove tolls, and
- b. to meet with Council and administration of the municipality to brief it on their efforts and plans to protect this vital economic and community link;
- 15. Directs that a copy of this resolution be sent to:
  - a. Marcus Powlowski, MP (Thunder Bay—Rainy River),
  - b. Eric Melillo, MP (Kenora),
  - c. The Hon. Greg Rickford, MPP (Kenora—Rainy River),
  - d. Sol Mamakwa, MPP (Kiiwetinoong),
  - e. Judith Monteith-Farrell, MPP (Thunder Bay—Atikokan),
  - f. The Hon. Doug Ford, Premier of Ontario,
  - g. The Hon. Caroline Mulroney, Minister of Transportation (Ontario),
  - h. The Hon. Omar Alghabra, Minister of Transport (Canada), and
  - i. The Hon. Bill Blair, Minister of Public Safety;
- 16. Directs that a copy of this resolution be forwarded to the below governments, organizations, and stakeholders, with a covering letter requesting that they issue a supporting resolution or letter to the individuals listed in the previous paragraph:
  - a. All municipal councils and First Nation councils located in the Rainy River and Kenora districts,
  - b. The district municipal associations for the Rainy River and Kenora districts and the Northwestern Ontario Municipal Association,
  - c. All chambers of commerce serving the Rainy River and Kenora districts,
  - d. Grand Council Treaty #3,
  - e. The Sunset Country Métis Community, and
  - f. The Sunset Country Travel Association; and
- 17. Directs that a copy of this resolution be forwarded to the Mayor and Council of the City of International Falls and the Mayor and Council of the City of Ranier, with a covering letter requesting that they adopt a similar resolution and bring both resolutions to the attention of their state and federal officials and representatives.

CARRIED

**8. Information Correspondence:**

The following seven items were received.

- 8.1 Town of Perth letter to Premier Ford re: Hospital Funding
- 8.2 Township of The Archipelago re: Bill 228 Banning unencapsulated Polystyrene Foam
- 8.3 Township of The Archipelago re: Bill 279 Environmental Protection Amendment Act (Microplastics Filters for Washing Machines)
- 8.4 Town of Fort Erie letter to Prime Minister Trudeau and Premier Ford re: Capital Gains Tax on Primary Residence
- 8.5 Email from L. Hansen, Sr. Negotiator, Ministry of Indigenous Affairs re: Rainy Lake Flooding Claims
- 8.6 Township of Rideau Lakes re: Resolution Cemetery Funding
- 8.7 Municipality of Calvin re: Resolution Dead End Roads

**9. Minutes of Local Boards / Committees:**

The following seven items were received.

- 9.1 Committee of Adjustment - April 14, 2021

- 9.2 Community Services Executive Committee - April 19, 2021
- 9.3 Police Services Board - April 23, 2021
- 9.4 Economic Development Executive Committee - May 5, 2021
- 9.5 Planning & Development Executive Committee - May 17, 2021
- 9.6 Administration & Finance Executive Committee - May 18, 2021
- 9.7 Operations & Facilities Executive Committee - May 19, 2021

**10. In-Camera at 6:27 p.m.**

We encountered issues getting the first speaker to connect.

- 10.1 Personal matters about an identifiable individual, including municipal or local board employees: Licensing Matter (6:41-7:30 p.m.)
  - D. Kircher (6:41-7:03 p.m.), J. Forbes, E. Slomke and C. Vangel were connected virtually with Council for this matter. Councillor Judson opposed this matter being discussed in camera. Mayor Caul explained her rationale and validation. Council continued with the in-camera discussion.

Mr. Kircher provided a verbal summary of points. Members of Council had opportunity to ask questions and obtain further clarification. Council supported Mayor Caul to move forward as directed.

- 708 Brunetta - Hallikas: THAT Council now meet in-camera in order to address a matter pertaining to:
  - personal matters about an identifiable individual, including municipal or local board employees; more specifically Item 10.1 Licensing Matter and Item 10.2 Operations Recommendations and Item 10.4 Appointment Recommendation
  - advice that is subject to solicitor/client privilege, including communications necessary for that purpose; more specifically Item 10.5 Shareholder Meeting Procedure/Format
  - a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board; more specifically Item 10.3 Project Team Update

CARRIED

- 10.2 Personal matters about an identifiable individual, including municipal or local board employees: Operational Recommendations (7:32-7:43 p.m.)
  - J. Forbes, E. Slomke and A. Bisson were connected virtually with Council for this matter. Direction was provided.
- 10.3 A position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board: Project Team Update (7:47-8:00 p.m.)
  - J. Forbes, J. Ruppenstein, D. Babaie, G. Cousineau, A. Matheson, E. Slomke and C. Vangel were connected virtually with Council for this matter. A verbal summary was provided by J. Forbes, with additional input provided by J. Ruppenstein and D. Babaie. Members of Council were provided opportunity to ask questions and obtain additional clarification.
- 10.4 Personal matters about an identifiable individual, including municipal or local board employees: Appointment Recommendation (8:21-8:56 p.m.)
  - J. Forbes, J. Ruppenstein, G. Cousineau and E. Slomke were connected virtually with Council for this matter. A verbal summary was provided by J. Ruppenstein. A lengthy discussion took place. Direction was provided and resolutions will be considered subsequent to tonight's in-camera portion of this meeting.

- 10.5 Advice that is subject to solicitor/client privilege, including communications necessary for that purpose: Shareholder Meeting Procedure/Format (8:03-8:20 p.m.)  
J. Forbes, J. Ruppenstein, G. Cousineau and E. Slomke were connected virtually with Council for this matter. Councillor Judson opposed this matter being discussed in camera. It was noted that the Closed Meeting Investigator was consulted and agreed with the matter being closed. Council continued with the in-camera discussion.  
A verbal summary was provided by A. Matheson. A lengthy discussion took place. Direction was provided and a resolution will be considered subsequent to tonight's in-camera portion of this meeting.

**11. Public Session Resumes at 8:56 p.m.**

**12. Resolutions Required as a result of In-Camera discussions:**

- 12.1 Council considered the following items:

A recorded vote was requested by Councillor Judson for resolution 713 with the following results:

Behan - Absent Brunetta - YEA Caul - YEA  
Hallikas - YEA Judson - NAY McTaggart - YEA  
Wiedenhoeft - YEA

- 709 McTaggart - Brunetta: THAT the report dated June 7, 2021 from A. Bisson, Recreation & Culture Manager re: Fuel Sales at the Sorting Gap Marina 2021 be approved to proceed as directed.

CARRIED

- 710 Wiedenhoeft - Judson: THAT the report dated June 10, 2021 from J. Forbes, Human Resources Manager re: Update from Project Team be approved as outlined in the report.

CARRIED

- 711 Judson - Wiedenhoeft: THAT Council, hereby appoints Andrew Hallikas (Deputy Mayor) as proxyholder to vote according to the municipality's instructions for purposes of the June 16, 2021 Fort Frances Power Corporation AGM.

CARRIED

- 712 Judson - Hallikas: THAT Council directs that future shareholder meetings of Fort Frances Power Corporation will be conducted by written resolutions of the Corporation which are adopted by Council resolution with the business of shareholder meeting's conducted thru Council business (effective June 17, 2021).

CARRIED

- 713 Brunetta - Hallikas: THAT the report dated June 9, 2021 from A. Matheson on behalf of the FFPC Director Nomination Committee be approved to agree with their recommendation to reappoint Mr. Robert L. Cousineau to the Fort Frances Power Corporation's Board of Directors, to hold office for an expressly stated term of 3 years, subject to the provisions of the Corporation's by-laws.

CARRIED

**13. ADJOURNMENT**

- 13.1 The meeting adjourned at 9:03 p.m.

- 714 Judson - McTaggart: THAT this meeting of the Council of the Town of Fort Frances be now closed.

J. Caul, Mayor

E. Slomke, Clerk