

CITY OF YELLOWKNIFE

Council Agenda

Monday, February 13, 2012 at 7:00 p.m.

Welcome to the

REGULAR MEETING OF COUNCIL

**Council Chamber
City Hall
4807 - 52nd Street
Yellowknife**

All presentations pertaining to items on the Agenda for the meeting shall be heard under the “Delegations Pertaining to Items on the Agenda,” portion of the Order of Business. All presentations pertaining to items not on the Agenda shall be heard under the “Delegations Pertaining to Items Not on the Agenda” portion of the Order of Business.

The following procedures apply to all delegations before Council:

- a. all delegations shall address their remarks directly to the Presiding Officer and shall not pose questions to individual Members or Administration;
- b. each presenter shall be afforded five minutes to make their presentation;
- c. the time allowed to each presenter may be extended beyond five minutes by a resolution of Council;
- d. after a person has spoken, any Member may, through the Presiding Officer, ask that person or the City Administrator relevant questions; and
- e. no debate shall be permitted on any delegation to Council either between Members or with an individual making a presentation.

Please refer to By-law No. 4250, the Council Procedures By-law, for the rules respecting the procedures of Council.

COUNCIL:

Mayor Gordon Van Tighem

Councillor Lydia Bardak
Councillor Bob Brooks
Councillor Paul Falvo
Councillor Mark Heyck

Councillor Amanda Mallon
Councillor Shelagh Montgomery
Councillor Cory Vanthuyne
Councillor David Wind

The City of Yellowknife is transitioning toward paperless agendas. All annexes to this agenda may be viewed on the City's website www.yellowknife.ca or by contacting the City Clerk's Office at 920-5602.



COUNCIL AGENDA

Monday, February 13, 2012 at 7:00 p.m.

Page 3

Item No. **Page No.** **Description**

MEMBER STATEMENTS

- 10. A request to proclaim week of February 20 – 25, 2012 as “Winter Walk to Work Week” in the City of Yellowknife.
- 11. Are there any Member statements from the floor?

INTRODUCTION AND CONSIDERATION OF COMMITTEE REPORTS

Councillor Brooks will introduce the following reports:

- 12. Municipal Services Committee Report for January 23, 2012.
- 13. Councillor Brooks moves,
Councillor _____ seconds,

That the Mayor and Members of Council attend the following conferences in 2012.

<u>Conference</u>	<u>Location</u>	<u># Attendees</u>
Federation of Canadian Municipalities, AGM	Saskatoon	up to 5
NWT Association of Communities	Norman Wells, NT	up to 4
FCM Sustainable Communities Conference	Ottawa, ON	1
Canadian Capital Cities Conference	Unknown	1

Unanimous	In Favour	Opposed	Carried / Defeated
-----------	-----------	---------	--------------------

- 14. Councillor Brooks moves,
Councillor _____ seconds,

That Council appoint Mr. Mark Cronk, a Professional Engineer, to serve on the City of Yellowknife Audit Committee for three year term commencing February 14, 2012 and ending February 13, 2015.

Unanimous	In Favour	Opposed	Carried / Defeated
-----------	-----------	---------	--------------------



COUNCIL AGENDA

Monday, February 13, 2012 at 7:00 p.m.

Page 4

Item No. **Page No.** **Description**

15. Councillor Brooks moves,
Councillor _____ seconds,

That Council appoint Mr. Francis Yakimchuk and Ms. Kristin Prendergast, Members as Large, to serve on the Yellowknife Area Policing Advisory Committee for a two year term commencing February 14, 2012 and ending February 13, 2014.

Unanimous	In Favour	Opposed	Carried / Defeated
-----------	-----------	---------	--------------------

16. Municipal Services Committee Report for February 6, 2012.

17. Councillor Brooks moves,
Councillor _____ seconds,

That Council approve the City of Yellowknife Heritage Committee’s recommendation to present the 2011 Heritage Award to Mr. Randy Freeman.

Unanimous	In Favour	Opposed	Carried / Defeated
-----------	-----------	---------	--------------------

ENACTMENT OF BY-LAWS

18. By-law No. 4661 - A by-law authorizing the City to dispose of a fee simple interest in Lot 3, Block 501, Plan 1779 (Coronation Drive), is presented for Third Reading.

19. Councillor Falvo moves,
Councillor _____ seconds,

Third Reading of By-law No. 4661.

Unanimous	In Favour	Opposed	Carried / Defeated
-----------	-----------	---------	--------------------



COUNCIL AGENDA

Monday, February 13, 2012 at 7:00 p.m.

Page 5

- | <u>Item No.</u> | <u>Page No.</u> | <u>Description</u> |
|-----------------|-----------------|--|
| 20. | | By-law No. 4662 - A by-law to enter into an easement agreement with Northland Utilities (Yellowknife) Limited for the purpose of electrical easements located on Lot 3, Block 501, Plan 1779 (along Coronation Drive in Kam Lake), is presented for Third Reading. |

21. Councillor Falvo moves,
Councillor _____ seconds,

Third Reading of By-law No. 4662.

Unanimous	In Favour	Opposed	Carried / Defeated
-----------	-----------	---------	--------------------

DEFERRED BUSINESS AND TABLED ITEMS

22. There was no deferred business and there were no tabled items for the agenda.
23. Is there any deferred business or are there any tabled items from the floor?

OLD BUSINESS

24. There was no old business for the agenda.
25. Is there any old business from the floor?

NOTICES OF MOTION

26. There were no notices of motion for the agenda.
27. Are there any notices of motion from the floor?

DELEGATIONS PERTAINING TO ITEMS NOT ON THE AGENDA

28. There were no delegations pertaining to items not on the agenda.

NEW BUSINESS

29. There was no new business for the agenda.



COUNCIL AGENDA

Monday, February 13, 2012 at 7:00 p.m.

Page 6

<u>Item No.</u>	<u>Page No.</u>	<u>Description</u>
30.		Is there any new business from the floor?
		<u>ADMINISTRATIVE ENQUIRIES</u>
31.		There were no administrative enquiries for the agenda.
32.		Are there any administrative enquiries from the floor?
		<u>ADJOURNMENT</u>

Press Release/ Public Service Announcement

Winter Walk to Work Week! 2012

The 6th annual Walk to Work Week, brought to you by Ecology North and the Transportation Issues Committee, happens this month: February 20 to 25.

Walk to Work? in Winter!? Why?! ... Why NOT?

1. Have you noticed the price of gas? Do you have a pocketful of coins for parking every day? And did you know you can pay less for car insurance when you don't use it to commute every day? Walk to work and save money!
2. Healthy living resolutions for the new year? Worried about your child's couch potato tendencies? Feeling a little SAD from lack of sun exposure? Walking outdoors has enormous mental and physical health pay-offs.
3. Have you heard of "peak oil"? Climate change and greenhouse gasses? Do you worry about oil spills like the Gulf of Mexico blow-out and the Exxon Valdez tanker run aground? Do you wonder what you can do about any of this?

Answer: Reduce your use of oil! Increase your physical exercise and winter sun exposure. Save money. Leave the truck parked. Walk to Work! Yes, even in winter! Some might say, ESPECIALLY in winter.

Encourage the kids to Walk to School, too! Some Yellowknife schools are supporting active and sustainable transport to school, coinciding this same week (eg. Wm McD, Yk1). So it's the perfect time to leave the car happily frozen at home, and get the whole family trekking out every morning! February sunrise light is magical!

Wednesday morning, between 8:00 and 9:00 a.m., Ecology North will be serving hot chocolate to winter walkers who arrive downtown (exact location (Greenstone Building?) to be confirmed).

Ecology North encourages all workers and students to challenge their colleagues, track their walking time, and start a good habit: walk to work in all seasons!

For more information, the challenge registration sheet, or media questions, contact Dawn Tremblay admin@ecologynorth.ca or phone: 873-6019.

MUNICIPAL SERVICES COMMITTEE REPORT
Monday, January 23, 2012 at 12:05 p.m.

Page 1

Report of a meeting held on Monday, January 23, 2012 at 12:05 p.m. in the City Hall Council Chamber. The following Committee members were in attendance:

Chairman: Mayor G. Van Tighem,
Councillor L. Bardak,
Councillor B. Brooks,
Councillor P. Falvo,
Councillor S. Montgomery,
Councillor C. Vanthuyne, and
Councillor D. Wind.

The following members of Administration staff were in attendance:

R. Long,
C. Bird,
D. M. Gillard,
D. Kefalas,
D. Marchiori,
N. Naidoo,
K. Penney,
G. White, and
S. Jovic.

<u>Item</u>	<u>Description</u>
1.	(For Information Only) Committee agreed unanimously to amend the agenda by moving Item No. 4, a memorandum regarding Administration's response to Motion #0279-11 and Motion #0286-11 with regard to Northlands Condominium Corporation #8's infrastructure, after Item No. 2 to accommodate members of the public that were present at the meeting.
2.	(For Information Only) There were no disclosures of pecuniary interest.
3.	(For Information Only) Committee accepted, for information, a memorandum regarding Administration's response to Motion #0279-11 and Motion #0286-11 with regard to Northlands Condominium Corporation #8's infrastructure. Committee noted that while informally meeting on a weekly basis since 2004; in 2006 the Northlands Condominium Corporation #8 Infrastructure Committee (the "Committee") was formed to address the water and sewer infrastructure challenges in the Northlands Mobile Home Park. The Committee consists of selected

MUNICIPAL SERVICES COMMITTEE REPORT
Monday, January 23, 2012 at 12:05 p.m.

Page 2

members of City staff and the Condominium Corporation ("Northlands"). In 2007 the Committee facilitated a study conducted by Dillon Consulting Ltd. to determine the options available to the Condominium Corporation to deal with the aging infrastructure and to make recommendations on the best course of action. The study provided the Condominium Corporation and its members with a variety of options to address the current situation, including the option to maintain 'status quo'. Based upon the information provided, the Board of Directors determined that an upgrade to the infrastructure is necessary and is now prepared to take the necessary steps to ensure that the process of replacing the aging infrastructure can commence. A letter dated September 9, 2009 was received from the Condominium Corporation formally requesting that, in addition to other related requests, the City provide assistance for the upgrade of water and sewer infrastructure to City standards. On September 14, 2009 a Memorandum was presented to the Priorities, Policies and Budget Committee regarding the following recommendations:

1. That Council authorize Administration to proceed with providing assistance and technical support to Yellowknife Condominium Corporation #8 for the purpose of developing plans to upgrade water, sewer and transportation infrastructure in the Northlands Mobile Home Park to municipal standards; and
2. That Council authorize Administration to undertake a review of potential financing options that may be accessed by the City on behalf of Yellowknife Condominium Corporation #8 for the purpose of covering expenses related to the upgrade of water, sewer and transportation infrastructure to municipal standards in the Northlands Mobile Home Park.

In 2009 the City of Yellowknife, in partnership with Northlands, prepared an RFP for the design, engineering and costing of the entire project. However, the RFP did indicate that the City or Northlands would not be spending any money until there was actual commitment of funding either through other levels of government, FCM or a Local Improvement Charge. The City only received one response to the RFP and based on an evaluation of the proposal the evaluation team felt that the proponent had underestimated the scope dramatically so the City did not proceed. Based on further discussions with potential consultants, the main reason there was only one bidder is that there was a lack of confidence that there would be any funds to pay for the

MUNICIPAL SERVICES COMMITTEE REPORT
Monday, January 23, 2012 at 12:05 p.m.

Page 3

work since the City was not going to pay for it but would manage the contract on behalf of Northlands. In April 2010 the City of Yellowknife drafted letters on behalf of Northlands to the Territorial and Federal Governments requesting financial assistance for water and sewer infrastructure replacement for the mobile home park. In this letter the City identified what has been done to-date, and these actions are summarized below:

1. Using FCM funding, Northlands retained Dillon Consulting Limited (DCL) to study and prepare recommendations regarding infrastructure.
2. DCL concluded that the entire infrastructure needed to be replaced.
3. The preferred replacement option is replacement of the water and sewer infrastructure to City standard (piped).
4. Total cost of the project could be as high as \$18 million (\$80,000 per lot).
5. DCL reports were accepted by the Northlands Board and presented to members.
6. Northlands, by Motion, requested that the City continue to support the work of the Infrastructure Committee and continue to authorize City Administration's time and resources toward the project, City Council agreed unanimously.
7. In 2010 Northlands formally brought forward a Motion to City Council to consider the following:
 - a) Having the intention of replacing its failing infrastructure, Northlands requested the assistance of the City to manage the replacement project on Northlands behalf. This assistance will include design, engineering, installation and commissioning of a new water and sewer infrastructure system in Northlands;
 - b) Financing the project, on behalf of Northlands, through a combination of grants from other orders of government and long-term debt raised by the City of Yellowknife with such long-term debt to be

recovered from the residents of Northlands by means of a Local Improvement Charge as allowed in the *Cities, Towns and Villages Act*; and

- c) Upon completion of the project the City and Northlands will enter into any necessary agreements to transfer the infrastructure to the City which will then assume responsibility for the infrastructure in the same manner as other residential infrastructure in Yellowknife.

The proposal was formally brought forward to the City in February 2010 at which time City Council referred a motion to Administration that would have the City lead the project and arrange any available financial assistance possible to reduce the ultimate cost of the project to the owners in Northlands. Requests were made to different levels of government in 2010 for financial assistance to replace the aging water and sewer infrastructure in the Northlands Mobile Home Park. The City requested that the GNWT consider available funding support within existing GNWT programs, in particular within the Affordable Housing programs managed by the NWT Housing Corporation. As well, the City requested that the GNWT assist the City in accessing Federal Programs that may be available to the GNWT for projects of this nature through federal departments such as Can Nor and INAC. At the time, the City highlighted that the most immediate need would be to enter into a contract for design and engineering of the infrastructure. The City estimates that this part of the project would cost approximately \$1,750,000 over the entire project. This would cover both the design costs and the cost of site inspection during the project and a final inspection at the end of the project. The City reiterated that once a complete design was done, there will be a firmer idea of what the cost of the project will be. On February 22, 2010 Council passed the following Motion #0050-10:

1. That the following resolution be referred back to Administration and that Administration be directed to bring forward a memorandum to committee regarding this matter:
2. WHEREAS the Yellowknife Condominium Corporation #8 is experiencing severe water, sewer and road infrastructure failure on a current and frequent basis; and

MUNICIPAL SERVICES COMMITTEE REPORT
Monday, January 23, 2012 at 12:05 p.m.

Page 5

3. WHEREAS the Yellowknife Condominium Corporation #8's water and sewer infrastructure is now more than 15 years older than its projected lifespan, and is now in dire need of immediate replacement; and
4. WHEREAS recently a severe failure/break in the Northlands sewer system occurred that forced the Yellowknife Condominium Corporation to put in place an immediate emergency, temporary solution until a more permanent way of dealing with this situation can be found; and
5. WHEREAS preliminary estimates for the entire water, sewer, roads and sidewalks replacement project is estimated to cost in a range between \$12,000,000 and \$18,000,000; and
6. WHEREAS the Yellowknife Condominium Corporation #8 does not have an Infrastructure Replacement Fund that would be able to cover those infrastructure replacement costs; and
7. WHEREAS the City of Yellowknife has the means and the legislative ability to recover any long-term debt from the replacement of the Northlands infrastructure from the residents of Northlands by means of a Local Improvement Charge, as allowed in the *Cities, Towns and Villages Act*;
8. NOW THEREFORE BE IT RESOLVED that:
 1. That the City of Yellowknife assist the Yellowknife Condominium Corporation #8 in the replacement of their water, sewer, roads and sidewalks infrastructure in cooperation with the Yellowknife Condominium Corporation #8, to bring that infrastructure up to City of Yellowknife codes and standards; and
 2. That the City of Yellowknife help solicit on behalf of, and in cooperation with, the Yellowknife Condominium Corporation #8, funding from various sources that would help to cover the costs of the Northlands water, sewer, roads and sidewalks infrastructure replacement; and
 3. That the City of Yellowknife will consider a debenture vote for the remaining funds required; and

MUNICIPAL SERVICES COMMITTEE REPORT
Monday, January 23, 2012 at 12:05 p.m.

Page 6

4. That the City of Yellowknife work in cooperation with the Yellowknife Condominium Corporation #8, to establish some type of payback schedule for the residents of Northlands that is as affordable to the Northlands residents as possible; and
5. Upon bringing the water, sewer, roads and sidewalks infrastructure up to City of Yellowknife codes and standards, complete with the "new installation warranty", the City of Yellowknife consider assuming responsibility for that infrastructure, in the same manner as with other residential infrastructure in Yellowknife.

The Northlands Board, at the time of the drafting of the Local Improvement Charge ("LIC") Petition, was not ready to proceed with membership approval for the LIC. Therefore, Motion #0050-10 did not progress to the stage of a Memorandum from Administration. Due to this lack of support, there was little commitment to advance on the remaining items in Motion #0050-10. A consistent theme at meetings between Northlands and the City was that the membership could not afford to pay what it would cost to complete the project at the City's borrowing rate and at the estimated cost of \$18 million. In addition to the cost concern, at the time Northlands was not willing to make any commitments until the group had heard from the Federal and Territorial Governments regarding funding requests. To date no funding commitment has been made by either level of government. On September 12, 2011 Motion #0279-11 was adopted by Council:

WHEREAS Northlands is a residential district within Yellowknife with 258 units housing approximately 1100 residents; and

WHEREAS Northlands constitutes the single largest location for affordable housing in Yellowknife; and

WHEREAS CMHC has withdrawn residential mortgage guarantees for all homes situated in Northlands making it next to impossible for those homes to be resold; and

WHEREAS the water and sewer infrastructure in Northlands has exceeded its useful life by over 60% and is subject to frequent failures and service interruptions to the point where the integrity of the entire infrastructure can no longer be assured; and

MUNICIPAL SERVICES COMMITTEE REPORT
Monday, January 23, 2012 at 12:05 p.m.

Page 7

WHEREAS catastrophic failure of the water and sewer infrastructure resulting in a prolonged, widespread disruption in service and severe environmental contamination of the Northlands site as well as the adjacent lakeshore, is becoming increasingly likely; and

WHEREAS alternate housing to sustain a prolonged evacuation of 1100 residents as a consequence of a catastrophic failure of the water and sewer infrastructure is not available within Yellowknife; and

WHEREAS an Engineering evaluation of the water and sewer infrastructure within Northlands has determined that the infrastructure has deteriorated to the point where complete replacement is an urgent necessity; and

WHEREAS Condominium Association No. 8, which owns and operates the infrastructure in Northlands, is struggling just to repair the water and sewer line breaks and restore service in reasonable time frames; and

WHEREAS approaches by the City on behalf of residents living in Northlands to secure funding for an infrastructure replacement initiative as directed by Council in Motion 5010, passed February 22, 2010, have as yet, not been successful; and

WHEREAS replacement of the aging infrastructure is beyond the capability of Condominium Association No. 8 to organize and finance and that the expertise and financial capacity of the City will be required in any event to affect a solution.

NOW BE IT RESOLVED that:

1. This Council directs that the steps necessary to replace the water and sewer infrastructure in Northlands be identified including appropriate timelines for any necessary approvals from Northland residents, and/or voters; and
2. That the timelines and project schedule be based on a construction start date no later June 1, 2013 and water and sewer infrastructure replacement completion date no later than December 31, 2015; and
3. That the City continue with its initiatives to secure funding for the infrastructure replacement from other orders of government; and

MUNICIPAL SERVICES COMMITTEE REPORT
Monday, January 23, 2012 at 12:05 p.m.

Page 8

4. That the analysis and project plan contemplated in parts 1, 2 and 3 be presented to Council for final approval on or before January 31, 2012.

On September 26, 2011, Motion #0279-11 was amended (# 0286-11):

WHEREAS Northlands is a residential district within Yellowknife with 258 units housing approximately 1100 residents; and

WHEREAS Northlands constitutes the single largest location for affordable housing in Yellowknife; and

WHEREAS CMHC has withdrawn residential mortgage guarantees for all homes situated in Northlands making it next to impossible for those homes to be resold; and

WHEREAS the water and sewer infrastructure in Northlands has exceeded its useful life by over 60% and is subject to frequent failures and service interruptions to the point where the integrity of the entire infrastructure can no longer be assured; and

WHEREAS catastrophic failure of the water and sewer infrastructure resulting in a prolonged, widespread disruption in service and severe environmental contamination of the Northlands site as well as the adjacent lakeshore, is becoming increasingly likely; and

WHEREAS alternate housing to sustain a prolonged evacuation of 1100 residents as a consequence of a catastrophic failure of the water and sewer infrastructure is not available within Yellowknife; and

WHEREAS an Engineering evaluation of the water and sewer infrastructure within Northlands has determined that the infrastructure has deteriorated to the point where complete replacement is an urgent necessity; and

WHEREAS Condominium Association No. 8, which owns and operates the infrastructure in Northlands, is struggling just to repair the water and sewer line breaks and restore service in reasonable time frames; and

WHEREAS approaches by the City on behalf of residents living in Northlands to secure funding for an infrastructure replacement initiative as directed by

MUNICIPAL SERVICES COMMITTEE REPORT
Monday, January 23, 2012 at 12:05 p.m.

Page 9

Council in Motion 0050-10, passed February 22, 2010, have as yet, not been successful; and

WHEREAS replacement of the aging infrastructure is beyond the capability of Condominium Association No. 8 to organize and finance and that the expertise and financial capacity of the City will be required in any event to affect a solution.

NOW BE IT RESOLVED that:

1. This Council directs that the steps necessary to replace the water and sewer infrastructure in Northlands be identified including appropriate timelines for all major steps and any necessary approvals from Northland residents, and/or voters; and
2. That the City continue with its initiatives to secure funding for the infrastructure replacement from other orders of government; and
3. That the analysis and project plan contemplated in parts 1 and 2 be presented to Council for final approval on or before January 31, 2012.

Council Goal #1 states: "Affordability". Goal #2 states: "Enhancing our Built Environment". Goal #4 states: "Continuous Improvement." Applicable legislation include *Condominium Act*, R.S.N.W.T 1988, C-15; *Planning Act*, R.S.N.W.T. 1988, c.P-7; *Cities, Towns and Villages Act* S.N.W.T. 2003, c.22; Zoning By-law No. 4404, as amended; Technology Design Development Report (June 2008) by Dillon Consulting; and Implementation Strategies and Financing Report (June 2008) by Dillon Consulting. There are essentially three main steps to be considered by City Council regarding the replacement of water and sewer infrastructure in Northlands. Firstly, Condominium Corporation No. 8 must grant the City the authority to enter upon Northlands property to replace the aging infrastructure. Secondly, if the City is granted the authority to enter upon the property to do the work, determination as to how the project will be financed must be made. Thirdly, if the City has attained the authority and financing to proceed with the project, the work to replace the infrastructure must be commenced. Each of these steps will be discussed in more detail in the following paragraphs. In order for the City to perform the necessary work, Condominium Corporation No. 8 must first grant the City the authority to enter upon its property. The decision to proceed with replacement of the infrastructure with assistance from the City must be done

by the Corporation itself and due to the unknown date upon which the Corporation will grant the necessary consent, estimation of timelines for completion are difficult to finalize. The applicable legislation is as follows:

(i) Condominium Act

Pursuant to Section 7 of the *Condominium Act*, the common interests of a condominium corporation are real property for all purposes and as such may be transferred, leased or mortgaged. The condominium corporation is responsible for maintenance of the common property and unit owners are responsible for maintaining their individual units. The owners have an interest in the common elements as tenants-in-common which means that individual unit owners share the expense and responsibility for the repair and maintenance of this property with other unit owners. It is the responsibility of the Corporation to manage the property of the owners and any assets of the Corporation as set out in Section 12(4) of the *Condominium Act*. The City does not have authority to enter upon the privately owned property and therefore cannot take possession of or make substantial alterations to the property located within Condominium Corporation #8 unless it is approved by the owners as outlined in the following paragraphs.

(ii) Planning Act

Pursuant to Section 6(5) of the *Condominium Act*, a plan cannot be registered unless it has been approved by the Minister responsible for the *Planning Act*. There is no legislative requirement for obtaining City approval prior to registration of a condominium plan.

(iii) Zoning By-law No. 4404

Pursuant to Part Four of City of Yellowknife Zoning By-law No. 4404, the City is given an opportunity to comment on any proposed condominium if the application is forwarded to the City by the Department of Municipal and Community Affairs of the GNWT. At that time the City can express the City's unconditional or conditional support of such a project and can recommend such conditions that the City would like to see included. However, the GNWT is not required to either forward such applications to the City for comment or to include any conditions suggested by the City. Therefore, the City does not currently have the authority to enter upon the property and perform the necessary work or have any legislative authority to enforce any conditions on a condominium corporation. The City must be granted the authority to enter upon the property by the property owners (i.e. members of Condominium Corporation

No. 8). Such authority may be granted by the property owners as follows:

- (a) The corporation, by by-law, can grant an easement or license to the City over the necessary portions of the common elements for installation of the infrastructure. The requirements for passing of the by-law would be outlined in the declaration and by-laws of Condominium Corporation No. 8 (Section 13.1 of the *Condominium Act*) ; or
- (b) Condominium Corporation No. 8 could hold a vote of persons who hold 66 2/3% of the common elements, or a greater percentage if specified in the by-laws, pursuant to section 21 of the *Condominium Act* to make a "substantial addition, alteration or improvement to or renovation of the common elements". The Corporation would then have the authority to request and allow the City to enter upon the property. The cost of such work is deemed to be common expenses. However, if an owner dissents then Condominium Corporation No. 8 would be required to purchase that owners unit and common interest; or
- (c) Section 21(1) of the Act states that the Corporation may make a substantial addition, alteration or improvement to or renovation of the common elements or may make a substantial change in the assets of the corporation if it is approved by a majority of the persons who own 66 2/3% of the common elements, or such greater percent as may be specified in the corporation's by-laws; or
- (d) Condominium Corporation No. 8 could sell any part of the common elements to the City if the sale is authorized by a vote of persons owning 80% of the common elements (unless a greater percentage is specified in the by-laws) and the consent of persons with registered claims consent to such sale.

The most viable option would be for Condominium Corporation No. 8 to grant the City a temporary easement over the necessary portions of the common elements so that the work can be performed. This could be done fairly quickly if the Corporation is able to meet the requirements of its declaration to pass such a by-law. If Condominium Corporation No. 8 is able to obtain approval for the project to proceed and grants the City an easement to enter upon the property to perform the work, the next issue to be

addressed is the appropriate way in which to finance the project. The rough estimate of the cost of completing the upgrade to the infrastructure of Condominium Corporation No. 8 is between \$12 and \$20 million dollars. Condominium Corporation No. 8 has indicated that it will not be able to generate the required capital by itself at the start of the project to complete the necessary work. And, as Condominium Corporation No. 8 does not have adequate capital funds in reserve it will require some level of financing to proceed. There are various factors that must be considered in determining the most acceptable mode of financing. The ultimate determinate will likely be the final cost that will be assessed to each property owner within Condominium Corporation No. 8. The following options are available for financing the project:

(i) Financial Institutions

As a corporate entity Condominium Corporation No. 8 could take out a loan with a bank or other lending institute for the required capital funds. Each individual unit holder would then be responsible to the Corporation for an equal share of the repayment in accordance with the *Condominium Act* and declarations and by-laws. The corporation would then be responsible for enforcing the obligations of the unit owners. Non payment or default of the loan would likely result in foreclosure and the lending institute placing the corporation into receivership. An alternative to the Corporation taking the lead on the financing with a lending institution would be for the individual unit owners to finance their own share of the cost. This option would require each and every unit holder to obtain financing from a lending institute. The collective funding would then be placed in a capital reserve and used to fund the infrastructure project. This option would allow individual units to choose how to finance their portion of the infrastructure project cost. However, for this option to succeed every unit holder would have to apply and qualify for their required share of the cost at approximately the same time.

(ii) Local Improvement Charge

The *Cities, Towns and Villages Act* dictates the methods by which a municipality can finance projects. A municipal corporation can only borrow for a municipal purpose. And, even if borrowed for a municipal purpose, the City cannot exceed its long-term borrowing limits as set out in the Debt Regulations. Specifically, the *CTV Act* provides for the ability of the City to undertake a local improvement if it is authorized by a by-law. However, prior to third

reading of a local improvement by-law the City must obtain written consent to the making of such a by-law from at least sixty percent (60%) of the persons who would be required to pay the local improvement charges. And, such consent is only valid if the those persons represent at least fifty percent (50%) of the assessed value of all real property in respect of which the local improvement charges will be levied. The local improvement by-law must set out the proportion of the costs that will be financed by the local improvement charge levied against the real property that will benefit directly from the local improvement, the general revenue of the City and any short-term and long-term debt. If the City creates long-term debt for the purposes of financing a local improvement, it will require approval from the Minister unless the costs are totally financed by local improvement charges and the by-law received the appropriate consent from the affected persons as outlined above. Therefore, there should be no affect on the remaining ratepayers in the City for the cost of such borrowing. However, any amount borrowed will be used in the calculation regarding the City's debt limits pursuant to the CTV Act.

(iii) Other Levels of Government

To offset some of the borrowing requirements and reduce the impact of the cost on the affected ratepayers, the City and the Condominium Corporation have approached other levels of government to provide financial assistance with this project. Specifically, most recently, the following letters were sent making requests for financial assistance:

- a) April 6, 2010 - Letter to Nancy Kearnan, Deputy Surveyor General NWT/NU, from Carl Bird, Director of Corporate Services requesting financial assistance to replace the aging infrastructure in the Northlands Mobile Home Park;
- b) April 6, 2010 - Letter to Mike Aumond, Deputy Minister of MACA, from Carl Bird, Director of Corporate Services requesting financial assistance to replace the aging infrastructure in the Northlands Mobile Park;
- c) May 17, 2010 - Letter from Mayor Gordon Van Tighem to Minister Robert McLeod requesting assistance in accessing federal funding under the Green Infrastructure Program to assist the City of Yellowknife in replacing the sewer infrastructure in Northlands;

MUNICIPAL SERVICES COMMITTEE REPORT
Monday, January 23, 2012 at 12:05 p.m.

Page 14

- d) July 15, 2010 - Letter from Mayor Gordon Van Tighem to the Honourable John Baird, P.C., M.P., Minister of Transport, Infrastructure and Communities, indicating the City's interest in applying for funding under the Green Infrastructure Fund for the Northland's infrastructure replacement;
- e) July 21, 2011 - Letter from Dennis Bevington, MP Western Arctic, to Minister Denis Lebel requesting support for the Northlands project; and
- f) October 19, 2011 - Letter from Mayor Gordon Van Tighem was sent to Minister Robert McLeod making a formal request for a "No Interest Loan" that would be used by the City to finance the local improvements.

To date neither the City nor Northlands has received a definitive answer from the territorial government regarding the requests made for financial assistance. The City did receive a response in January 2012 from the federal government and the request for financial assistance was denied.

(iv) Sale of Common Property

Sale of common property by the Corporation could be a potential revenue source for the project. However, as indicated above, any such sale must be authorized by a vote of persons owning 80% of the common elements (unless a greater percentage is specified in the by-laws) and the consent of persons with registered claims consent to such sale.

(v) Individual Assistance to Low Income Owners

Assistance to individuals with demonstrated need may be available through CMHC or NWT Housing Corporation programs. In particular support may be available for upgrading work that helps to maintain or increase affordable housing options. CMHC considers affordable housing to be housing that costs less than 30% of the household income. This type of assistance would be more readily available to individual owners rather than the Corporation as a whole. The most viable financing option would be for Condominium Corporation No. 8 to submit a proper petition for an LIC to the City so that construction can commence.

Prior to commencing replacement of the infrastructure, the project must be designed by a professional engineering firm. Design time for a project of this size could range

from several months to a year. If the construction work is to go to public tender once the design is complete, a bidding period of at least one month to six weeks will be required. Engineering fees are typically about fifteen percent (15%) of the construction costs of a project. Therefore, in accordance with the cost estimates to date, the engineering costs of this project would be about \$1.8 to \$3 million dollars. The capacity of the local construction industry to complete underground work in Yellowknife has historically been \$3 to \$4 million per year. The City of Yellowknife has been undertaking approximately that level of infrastructure renewal over the past two decades on an annual basis. Therefore, a conservative strategy would be to phase the construction over a four year period to ensure that the local construction industry could successfully complete the work. Once construction is completed, certain tasks, including warranty, operation and possibly a transfer of ownership, will need to be addressed. Time is also usually required to correct deficiencies once the work is substantially complete. This stage of the project will take at least one year, and possibly more. If Condominium Corporation No. 8 does not grant the City the authority to enter upon the property the City will not be able to take any further action as it is privately owned property. The timeline indicated in Table 1, below, is based on the assumption that Condo #8 proceeds with the most viable options as outlined in the preceding paragraphs.

MUNICIPAL SERVICES COMMITTEE REPORT
Monday, January 23, 2012 at 12:05 p.m.

TABLE 1: SUMMARY TIMELINE TABLE

Steps	Timeline	Responsible Party	Cost to City
1. City and Condo #8 enter into an MOU to address issues such as: - Long term responsibility for infrastructure - Long term development options	Immediately	Both	\$0
2. Community Engagement Strategy	Immediately	Both	\$0
3. Northlands adopts a by-law for entering into an Easement Agreement	Depends on Board	Condo #8	\$0
4. City of Yellowknife adopts by-law for entering into an Easement Agreement	Within one month of Step #3 completed	City of Yellowknife	\$0
5. Enter into an Easement Agreement	Immediately following Step #3 and #4	Both parties	\$0
6. Registration of Agreement	Immediately following Step #5	City of Yellowknife	\$20
7. Condo #8 to determine preferred financing option	Depends on Board	Condo #8	\$0
8. If LIC is the preferred financing option, then Northlands membership approval required for LIC	Depends on Board and membership	Condo #8	\$0 (Costs of Borrowing will be included in LIC)
9. City of Yellowknife adopts by-law for approving the LIC	Immediately following Step #6	City of Yellowknife	\$0
10. Review of available funding opportunities for the purpose of reducing the total capital investment	Immediately	Both	\$0
11. Engineering design (City Standard)	Immediately following Step #6 and #10	City of Yellowknife	\$1.8 to \$3 million
12. Prepare tender documents	Immediately following Step #11	City of Yellowknife	Included in Step 11
13. Project Award	Within 2 months of Step #12	City of Yellowknife	Included in Step 11
14. Adopt a project schedule	Can't occur until all previous Steps are complete	Both	\$12-18 Million construction award*
15. Adopt second LIC by-law to assess and levy charge	Once improvements are accepted	City of Yellowknife	\$0

Please note that the City will incur the costs of engineering and construction only until such time as the Local Improvement Charge is assessed and levied as outlined in Step 15 of this Table and as such the entire costs of this project will be recovered

The aging infrastructure in the Northlands Mobile Home Park is at or nearing its useful life. Based upon the results of the study conducted by Dillon Consulting Ltd. in 2007 and the various options provided, the Condominium Corporation has recommended to its members to proceed with the installation of underground infrastructure to the City standard. Each individual owner of Condominium Corporation No. 8 is required to make regular contributions to the Corporation's common expenses, operating and capital reserve funds, often referred to as condominium fees (Section 19.9). These condominium fees are the main source of income for the condominium corporation. Condominium Corporation No. 8 is also required to maintain a capital reserve fund to pay for long-term repairs or replacement of capital property (for example, re-roofing the condominium or replacing mechanical equipment such as boilers) (Section 19.10). Each owner is required to contribute to this fund either as a portion of their condominium fees (Section 19.13) or as a separate fee. If the corporation does not have enough money in the fund to cover significant repairs or incurs other large unexpected expenses, the board may collect funds from each condominium owner through a special assessment to cover the costs. Northlands cannot afford to replace the infrastructure without a significant capital investment from each owner. It is anticipated that the total cost to replace the infrastructure could be as high as \$20 million dollars. The average assessed value of a single residential unit in the Northlands Mobile Home Park is approximately \$90,000 on a total assessment of \$23.5 million. Therefore the average contribution each individual unit holder would be required to make to replace the aging infrastructure would be approximately \$78,000. This amount would be unaffordable for most unit holders unless it could be financed over a long period of time. Therefore, the City would likely assist the Condominium Corporation by securing low interest financing and then charging the cost of such financing back against the affected properties as a local improvement charge. Northlands and the City will need to take steps to obtain support from unit holders and residents, respectively, to proceed with the process to replace the infrastructure. If Northlands does not replace the existing infrastructure, there is an increasing risk that the system will fail, leaving approximately 1,100 city residents without safe and sanitary water and sewer services. In the immediate future, residents will continue to experience extreme levels of water wastage and will continue to face high costs attributed to breaks that occur regularly throughout the year.

MUNICIPAL SERVICES COMMITTEE REPORT
Monday, January 23, 2012 at 12:05 p.m.

Page 18

Committee heard a presentation from Mr. Wade Friesen, a representative of Condominium Corporation #8 (Northlands Trailer Park). Mr. Friesen stated that Condominium Corporation No. 8 is working on a petition for the local improvement charge. Mr. Friesen further stated that in order to propose the petition to the property owners they require an answer from the City of Yellowknife and GNWT.

Committee noted that the Federal Government will not support this project and that to date no funding commitment has been made by the Territorial Government. Committee noted that a Local Improvement Charge is the preferred financing option. Committee requested that the City and Condo #8 enter into negotiations for an MOU to address issues such as long term responsibility for infrastructure and long term development options. Committee further requested that Administration provide a financial analysis of the impact of increased revenue due to any increase in assessment; whether to accept the new infrastructure without paving and sidewalks to reduce the cost of this project and that the City consider a subsidy toward this project.

(For Information Only)

4. Committee heard a presentation from Insp. David Elliott regarding RCMP monthly statistics.

5. **Committee read a memorandum regarding whether to authorize the Mayor and Members of Council to attend various conferences in 2012.** Committee noted that in 2011, Members of Council attended the following conferences:

Federation of Canadian Municipalities, AGM	Halifax, NS	1 / 4
NWT Association of Communities	Yellowknife, NT	4 / 5
FCM Sustainable Communities Conference	Victoria, BC	1

Council Policy 260-T1 is a policy to outline the procedures for authorizing members of Council to travel for City related business. Motion #0373-02 states it is the policy of the City of Yellowknife that: 2) (a) Where a Travel Advance Has Been Issued (i) In accordance with Financial Administration By-law No. 4206, where a Member of Council has received a money advance, no later than 14 days after the completion of City sponsored travel, the person who received the advance shall submit a written accounting of the money and return the unused money, if any, together

MUNICIPAL SERVICES COMMITTEE REPORT
Monday, January 23, 2012 at 12:05 p.m.

Page 19

with a daily diary of activities while on city sponsored travel; (ii) If, after two weeks from the completion of City sponsored travel, a travel advance has not been accounted for, the Mayor's Office shall advise the City Clerk, who will requisition that the debt be pursued through the normal collection procedures of the City of Yellowknife, and add the debt as an action item for the next regular Committee agenda; (b) Where No Travel Advance Has Been Issued; (i) Where a Member of Council has not received a money advance, no later than 21 days after the completion of City sponsored travel, the person shall submit a written travel expense claim together with a daily diary of activities while on City sponsored travel; (ii) If, after three weeks, such claim and/or report are not received, the Mayor's Office shall advise the Councillor in writing, with a copy provided to the City Clerk; (iii) If a claim and/or report is outstanding more than four weeks, notice will be provided to the City Clerk so that the Claimant's name can be added as an action item for the next regular Committee agenda; (c) Travel reports and claims are to be audited by the Mayors' Executive Assistant and provided to the City Clerk for review by the appropriate Committee of Council; (d) Travel claims and/or reports that remain outstanding in excess of six weeks will result in a suspension of future travel on behalf of the City until such time as the travel claim and/or report is tabled. Applicable legislation, by-laws, studies and plans include Council Remuneration By-law No. 4278, and Financial Administration By-law No. 4206, as amended. Attendance at the various conferences will promote Yellowknife and enhance its economic development through tourism and business promotion. \$50,000 has been budgeted for Council travel in 2012.

Federation of Canadian Municipalities (FCM) A.G.M., (Saskatoon, Sk) June 1 - 4, 2012:

Registration	\$ 719.00	(Members 'Early Bird' Fee)
Accommodation	\$ 800.00	
(\$160 per night x 5 nights)		
Airfare	\$ 600.00	(return flight)
Honorarium	\$1,560.00	(\$260 per day x 6 days)
Meals and Incidentals	\$ 571.20	(\$95.20 per day x 6 days)
Approximate cost per member:	\$4,250.20	X 4

Total cost for four (4) members to attend: \$ 17,000.80

MUNICIPAL SERVICES COMMITTEE REPORT
Monday, January 23, 2012 at 12:05 p.m.

Page 20

NWT Association of Communities AGM (Norman Wells, NT) May
10 - 13, 2012

Registration	\$ 250.00
Accommodation	\$ 700.00 (\$245 per night x 4 nights)
Airfare	\$1,090.00
Honorarium	\$1,300.00 (\$260 per day x 5 days)
Meals and Incidentals	\$ 460.75 (\$95.20 per day x 5 days)
Approximate cost per member:	\$ 3,800.75 <u>x 5</u>
Total cost for five (5) members to attend:	\$19,003.75

FCM - Building Sustainable Communities (Ottawa, ON)
February 8 - 10, 2011

Registration	\$ 735.00
Accommodation	\$ 640.00 (\$229 per night x 4 nights)
Airfare	\$1,290.00 (return flight)
Honorarium	\$1,300.00 (\$260 per day x 5 days)
Meals and Incidentals	\$ 460.75 (\$95.20 per day x 5 days)
Approximate cost per member:	\$ 4,425.75

Councillor Heyck will be presenting at this conference so most of his expenses are covered by FCM, however some will need to be paid by the City of Yellowknife.

Registration	\$ 440.00 (reduced)
Accommodation	\$ 640.00 (\$229 per night x 4 nights)
Airfare	paid by FCM
Honorarium	\$ 1,300.00 (\$260 per day x 5 days)
Meals and Incidentals	\$ 460.75 (95.20 per day x 5 days)
Approximate cost	\$ 2,840.75

Canadian Capital Cities Conference

Registration	\$ 00.00
Accommodation	\$ 687.00 (\$229 per night x 3 nights)
Airfare	\$1,290.00 (return flight)
Honorarium	\$ 780.00 (\$260 per day x 3 days)
Meals and Incidentals	\$ 277.50 (\$95.20 per day x 3 days)
Approximate cost per member:	\$ 3,034.50

TOTAL \$ 41,704.43

Administrative time will be reduced by approving within one motion travel to conferences that Council attends on an annual basis. Council may be able to distribute travel amongst its Members more evenly knowing in advance which conferences it will attend.

MUNICIPAL SERVICES COMMITTEE REPORT
Monday, January 23, 2012 at 12:05 p.m.

Page 21

Committee recommended that the Mayor and Members of Council be authorized to attend the following conferences in 2012:

<u>Conference</u>	<u>Location</u>	<u>Number of Attendees</u>
Federation of Canadian Municipalities, AGM	Saskatoon, SK	up to 5
NWT Association of Communities FCM Sustainable Communities Conference	Norman Wells, NT	up to 4
Canadian Capital Cities Conference	Ottawa, ON	1
	Unknown	1

MOVE APPROVAL

- (For Information Only)
6. Committee discussed the 2012 Outstanding Volunteer Award Program.
- (For Information Only)
7. Committee discussed NWTAC Calls for 2nd Annual Community Builder Nominations.
- (For Information Only)
8. Committee read a memorandum regarding whether to appoint Gregory Austin Brown as a By-law Officer for the City of Yellowknife. Committee noted that Ms. Heather Noseworthy is no longer employed by the City of Yellowknife as a By-law Officer and Mr. Gregory Brown has been hired to replace her. The *Cities, Towns and Villages Act* states that Council may appoint By-law Officers to enforce any or all of its by-laws. Council Goal #4 is "Continuous Improvement" and Council Action 4(c) is to "Become a Preferred Employer". Applicable legislation, by-laws, studies and plans include the *Cities, Towns and Villages Act*. Pursuant to the *Cities, Towns and Villages Act*, By-law Officers must be appointed by Council. The timely appointment of By-law Officers helps ensure that proper levels of staffing and enforcement are achieved. The timely appointment of By-law Officers helps ensure that proper levels of staffing and enforcement are achieved.

Committee recommended that Council:

1. Appoint Gregory Austin Brown as a By-law Officer for the City of Yellowknife to assume the rank of Constable Pursuant to s. 137 of the *Cities, Towns and Villages Act*, S.N.W.T. 2003, c.22,; and

MUNICIPAL SERVICES COMMITTEE REPORT
Monday, January 23, 2012 at 12:05 p.m.

Page 22

2. The term of appointment shall expire upon termination of employment with the City of Yellowknife as a By-law Officer.

Committee noted that this matter will be discussed at tomorrow's evening Council meeting.

(For Information Only)

9. Committee read a memorandum regarding whether to award the Communications Infrastructure Upgrade Phase II contract, RFP # 11-045 to Tait Communications for \$1,439,926.32 (plus GST). Committee noted that proposals for the above project were received up to 3:00 pm on Friday, September 30, 2011. Two (2) proposals were received; one did not meet all of the requirements specified in the proposal documents. The proposal received from Tait Communications (based in New Zealand, with offices in Houston & Toronto) was reviewed in detail by City staff and by the consultant retained by the City (Planetworks Consultants) who have been working with the City since the inception of this project. The City requested clarifications and additional information as appropriate, and is confident that the resultant proposal meets the City's requirements. The total cost of the contract, including support and warranty for three years, is \$1,439,926.32. Council Goal #1 Affordability Objectives emphasize fairness and transparency in financial decisions, program delivery and land assembly. Council Goal #4 Continuous Improvement Objectives 4.4 is to be a leader in innovation. Council Actions 4(b) is to lead in innovation and Best Practices. Applicable legislation, by-laws, studies and plans include the *City of Yellowknife Radio Replacement Study Final Report*. The City's radio system support voice radio communications for the Public Safety, Public Works, and Community Services departments. This contract is for the design, supply, implementation, commissioning, and support of two major improvements to the City's communications infrastructure: an upgrade of the existing VHF radio system infrastructure and the implementation of a fault-tolerant microwave backhaul system that can still operate in the event of any emergency (power-outage, loss of a communications tower, etc). This initiative is funded from the multi-year Communications Infrastructure capital budget project. It arose out of the Radio Replacement Study, budgeted for 2007. As the study was not completed until 2008, the original funding was carried over to that year. The study incurred a slight cost overrun, which was carried forward and covered by the 2009 funding for the Communications Infrastructure project.

MUNICIPAL SERVICES COMMITTEE REPORT
Monday, January 23, 2012 at 12:05 p.m.

Year	Budget	Carry Forward	Available	Actuals	Balance
2007	\$50,000		\$50,000	\$0	\$50,000
2008	\$0	\$50,000	\$50,000	\$55,339	-\$5,339

Initial work on the Communications Infrastructure project did not proceed as quickly as projected due to the unexpected reliance on outside contractors. Therefore \$1,323,083 was carried forward to 2010 and subsequently \$1,645,059 was carried forward to 2011. Revised plans to complete the most expensive portion of the project - the construction of the redundant backhaul infrastructure - have been further delayed in 2011 due to major vendor strategy changes and uncertainties surrounding product availability. Therefore, it is anticipated that there will be another significant carryover to facilitate project completion in 2012.

Year	Budget	Carry Forward	Available	Projected Expenses	Balance
2009	\$1,363,000	-\$5,339	\$1,357,661	\$34,578	\$1,323,083
2010	\$492,000	\$1,323,083	\$1,815,083	\$170,024	\$1,645,059
2011	\$481,000	\$1,645,059	\$2,126,059	\$308,730	\$1,817,329
2012	\$150,000	\$1,817,329	\$1,967,329	\$1,967,329	\$0

In 2007, the City initiated a review of its current radio communications system to establish its effectiveness, determine user acceptability, and recognize deficiencies with current capabilities vis-à-vis industry practices and standards. This study identified several issues, including: The existing infrastructure provided limited to poor coverage in certain areas of the city, particularly for portable radios and within building structures; The existing radio channel resources were not compliant with key National Fire Prevention Association (NFPA) requirements; The dispatch location and operation do not meet key NFPA standards for system reliability and monitoring; and much of the equipment was obsolete (no replacement parts available), and many of the radios were at the end of their operational life and in need of replacement. The study presented a three-step initiative to rectify these deficiencies and develop a robust and reliable communications system that will protect the City's employees, citizens, and property. The first phase left the existing system generally intact but remedied critical

inadequacies by providing high-tier portables for the Fire Division, re-engineering antenna filtering, upgrading the Fire Division channels and dispatch consoles, and purchasing equipment maintenance agreements. The second phase took a longer-term approach to establish a solid foundation that better adheres to applicable NFPA standards and will be accomplished by the current contract. This contract will provide expanded channels, overlapping zones of radio coverage, new repeater / voter sites, a communications backhaul system, and an upgraded Emergency Operations Centre communications system. In 2012, mobile data capacity will be added to the infrastructure to support a wide range of potential applications including automatic vehicle location to monitor fleet vehicles and help protect staff working alone or in dangerous situations and to provide information for enhanced service delivery. This new system will also allow for the implementation of the following; automated water meter reading to improve reading accuracy, frequency, and processing; remote access to centrally stored data to boost the efficiency and effectiveness of staff working in the field; and remote monitoring of the City's water and sewer controls (SCADA) to provide more timely feedback and response.

Committee recommended that Council authorize the Mayor and City Administrator to enter into a contract with Tait Communications for the design, supply, implementation, commissioning and comprehensive support of the City's Communications Infrastructure System.

Committee noted that this matter will be discussed at tomorrow's evening Council meeting.

(For Information Only)

10. Councillor Brooks left the meeting at 1:39 p.m.

(For Information Only)

11. Mayor Van Tighem provided Committee with a report of his weekly activities.

MUNICIPAL SERVICES COMMITTEE REPORT
Monday, January 23, 2012 at 12:05 p.m.

Page 25

- (For Information Only)
12. Councillor Vanthuyne moved,
Councillor Bardak seconded,

That Committee move in camera at 1:55 p.m. to discuss a memorandum regarding whether to appoint someone to serve on the Audit Committee and a memorandum regarding whether to appoint someone to serve on the Yellowknife Area Policing Advisory Committee and that it is in the public interest to do so.

MOTION CARRIED UNANIMOUSLY

- (For Information Only)
13. Committee discussed a memorandum regarding whether to appoint someone to fill a vacant position on the Audit Committee.

- (For Information Only)
14. Committee discussed a memorandum regarding whether to appoint someone to serve on the Yellowknife Area Policing Advisory Committee

- (For Information Only)
15. Councillor Montgomery moved,
Councillor Bardak seconded,

That Committee return to an open meeting at 1:59 p.m.

MOTION CARRIED UNANIMOUSLY

Business Arising from In Camera Session

16. **Committee discussed a memorandum regarding whether to appoint someone to serve on the Audit Committee.** Committee noted the term of office for Mr. Brian George, a Professional Engineer, expired on October 26, 2011. It is the practice of the City to advertise all committee vacancies. The City advertised the vacancies, specifying that a professional engineer is required, in the City's newsletter and on the City's website. The City also contacted the professional organizations to request that a notice be sent to their memberships. The City received one (1) application for an engineer. Council Goal #3 is "Building Social Capital (Community Engagement)". Council Goal #4 is "Continuous Improvement". Council Motion #0459-96 states: "The following policy be adopted with respect to appointments to municipal boards and committees: (i) The maximum consecutive years that an individual may serve on any one board or committee is six; (ii) Individuals

who have served the maximum six-year period on one municipal board or committee shall be eligible to be appointed to another board or committee; (iii) No individual shall be precluded from serving concurrent terms on more than one municipal board or committee; (iv) Notwithstanding that an individual appointee has served less than six years on a particular board or committee, Council may, after the expiration of the first or subsequent terms of that appointee, advertise for applicants to fill a vacancy on that board or committee; (v) Notwithstanding clause (i.) of this policy, should the City receive no applications to fill a vacancy on any particular board or committee, the six year maximum limitation may, at the discretion of City Council, be waived..." Applicable legislation, by-laws, studies and plans include the *Cities, Towns and Villages Act*, and Audit Committee By-law No. 4127. The Audit Committee has recommended staggered terms for Committee members. Audit Committee By-law No. 4127 requires outside members to reside in Yellowknife and be independent from City Council, management, auditors, legal counsel and major contractors. Section 4.a.ii(3) states that the currently vacant position must be filled by a Professional Engineer. The Audit Committee helps to enhance the auditor's real and perceived independence by providing an intermediary link between the auditor and Council. The Audit Committee limits the reliance Council must place on the technical expertise of the independent auditor. The Audit Committee is intended to function with a full complement of six members. Having the term of a new member expire in three years will conform to the staggered term recommendation.

Committee recommends that Council appoint Mr. Mark Cronk, a Professional Engineer, to serve on the City of Yellowknife Audit Committee for three year term commencing February 14, 2012 and ending February 13, 2015.

MOVE APPROVAL

17. **Committee read a memorandum regarding whether to appoint someone to serve on the Yellowknife Area Policing Advisory Committee.** Committee noted that Mr. Eric Kiekan resigned from the Yellowknife Area Policing Advisory Committee which resulted in the vacated position for a Member at Large. Term of office for Mr. Francis Yakimchuk on the Yellowknife Area Policing Advisory Committee will expire on January 25, 2012. Mr. Yakimchuk has expressed an interest in being re-appointed to the Yellowknife Area Policing Advisory Committee. The City has advertised vacancies for the

Yellowknife Area Policing Advisory Committee in the Capital Update and on the City's website and received two (2) applications. Council Goal #3 is "Building Social Capital (Engagement)". Council Motion #0459-96, as amended by #0460-96, #0462-96 and #0273-09 states: "The following policy be adopted with respect to appointments to municipal boards and committees: (i) The maximum consecutive years that an individual may serve on any one board or committee is six; (ii) Individuals who have served the maximum six-year period on one municipal board or committee shall be eligible to be appointed to another board or committee. No individual shall be precluded from serving concurrent terms on more than one municipal board or committee. Notwithstanding that an individual appointee has served less than six years on a particular board or committee, Council may, after the expiration of the first or subsequent terms of that appointee, advertise for applicants to fill a vacancy on that board or committee. Notwithstanding clause (i.) of this policy, should the City receive no applications to fill a vacancy on any particular board or committee, the six year maximum limitation may, at the discretion of City Council, be waived. Should the City receive no applications to fill a vacancy on any particular board or committee, City Council may appoint a member of the public at their discretion. Applicable legislation, by-laws, studies and plans include the *Cities, Towns & Villages Act*; and Council Procedures By-law No. 4250, as amended. In accordance with the Terms of Reference, Council may by resolution appoint persons to fill vacancies on this Committee. The appointment of a new representative will ensure that the Yellowknife Area Policing Advisory Committee has a full compliment of members. A full compliment of Board Members will ensure that all members of the community are represented.

Committee recommends that Council appoint members to serve on the Yellowknife Area Policing Advisory Committee for a two year term commencing February 14, 2012 and ending February 13, 2014.

MOVE APPROVAL

18. The meeting adjourned at 2:00 p.m.

MUNICIPAL SERVICES COMMITTEE REPORT
Monday, February 6, 2012 at 12:05 p.m.

Page 1

Report of a meeting held on Monday, February 6, 2012 at 12:05 p.m. in the City Hall Council Chamber. The following Committee members were in attendance:

Chairman: Mayor G. Van Tighem,
Councillor L. Bardak,
Councillor P. Falvo,
Councillor A. Mallon,
Councillor S. Montgomery,
Councillor C. Vanthuyne, and
Councillor D. Wind.

The following members of Administration staff were in attendance:

D. Kefalas,
C. Bird,
D. M. Gillard,
J. Humble,
D. Marchiori,
G. White, and
S. Jovic.

Item Description

- (For Information Only)
1. There were no disclosures of pecuniary interest.

 2. **Committee read a memorandum regarding whether to approve the City of Yellowknife Heritage Committee's recommendation for the annual Heritage Award for 2011.** Committee noted that a call for nominations for the fifteenth annual Yellowknife Heritage Award was advertised in the Capital Update newsletter and website during the months of November and December 2011. The closing date for nominations was January 6, 2012. There were no submissions made by the submission deadline, however, three Heritage Committee members, at their January 11, 2012 meeting, nominated Mr. Randy Freeman for the writing of his book DownNorth Tales - Stories From Yellowknife. DownNorth Tales - Stories From Yellowknife, is a unique narrative of our city's history. The book conveys stories of the pioneering spirit that thrived during our first 40 years, and also of the criminal elements, quirky characters and tragic events that have become part of Yellowknife's history. A vote was placed subsequent to this submission with all available members voting in support of the submission. Council Motion #0516-98 states that the City of Yellowknife Heritage Committee's

proposed Heritage Award Program Guidelines be approved. The 'Guidelines for Heritage Award' state that nominations for the Heritage Award must be signed by at least three individuals who are unrelated to the nominee. The nomination was reviewed by the Heritage Committee, and the Heritage Committee voted that, Randy Freeman should be presented with the 2011 Heritage Award. The attached nomination for Mr. Randy Freeman details his contribution to Heritage preservation in our community, specifically with respect to his publication of the book DownNorth Tales - Stories From Yellowknife. The 2011 Heritage Award will be presented at a gathering hosted by the Heritage Committee during Heritage Week 2012. Randy Freeman is an historical geographer, archaeologist, heritage consultant, author and broadcaster living in Yellowknife. It was in 1985, after completing a Master's degree at the University of Alberta, that he moved 'down north' to work for the Government of the Northwest Territories. As the Territorial Toponymist it was his job to undertake research into the origins of northern place names. Through that work he began to uncover hundreds of exciting, unusual and often unbelievable stories from northern Canada's past. In April of 1996 Randy began telling these stories on CBC North radio. These popular weekly broadcasts lead, in March of 1999, to Randy becoming a columnist for Up Here, National Magazine Awards' 2010 Magazine of the Year (www.uphere.ca). His Looking Back columns provide insight into the history of the Northwest Territories, Yukon and Nunavut, a history that had largely been forgotten, a history that both surprises and entertains. The concept of putting these stories into a series of books began to take shape in late 2009. Taking hundreds of stories, arranging them geographically, then whittling the lists down, resulted, after several years of planning and procrastination, in the launch of the DownNorth Tales series. (Author information cited from http://www.downnorth.ca/iWeb_site/Authors_Bio_Contact.html) As per the selection criteria for the Heritage Award, Randy Freeman has made a significant contribution to the promotion and preservation of the heritage of Yellowknife.

Committee recommended that Council approve the City of Yellowknife Heritage Committee's recommendation to present the 2011 Heritage Award to Mr. Randy Freeman.

MOVE APPROVAL

(For Information Only)

3. Committee accepted, for information, minutes of the Heritage Committee meeting of January 11, 2012.

MUNICIPAL SERVICES COMMITTEE REPORT
Monday, February 6, 2012 at 12:05 p.m.

Page 3

- (For Information Only)
4. Committee accepted, for information, minutes of the Smart Growth Implementation Committee meeting of January 11, 2012.
- (For Information Only)
5. Committee accepted, for information, minutes of the Grant Review Committee meeting of January 25, 2012.
- (For Information Only)
6. Mayor Van Tighem provided Committee with a report of his weekly activities.
7. The meeting adjourned at 12:21 p.m.

**CITY OF YELLOWKNIFE
BY-LAW NO. 4661**

A BY-LAW of the Council of the Municipal Corporation of the City of Yellowknife authorizing the Municipal Corporation of the City of Yellowknife to dispose of a freehold interest in land for the Municipal Corporation of the City of Yellowknife, in the Northwest Territories.

PURSUANT to Section 54 of the *Cities, Towns and Villages Act*, S.N.W.T., 2003, C.22;

WHEREAS the said parcel of land is not required for municipal purposes by the Municipal Corporation of the City of Yellowknife;

NOW THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE, in regular session duly assembled, hereby enacts as follows:

APPLICATION

1. THAT the Municipal Corporation of the City of Yellowknife is hereby authorized to dispose of a freehold interest in the following parcel of land:


Lot 3
Block 501
Plan 1779

2. THAT the Mayor and City Administrator of the Municipal Corporation of the City of Yellowknife, or lawful deputy of either of them, are hereby authorized in the name and on the behalf of the Municipal Corporation of the City of Yellowknife, to execute all such forms of application, deeds, indentures, and other documents as may be necessary to give effect to this by-law and to affix thereto the corporate seal of the Municipal Corporation of the City of Yellowknife as the act and deed thereof, subscribing their names in attestation of such execution.

EFFECT

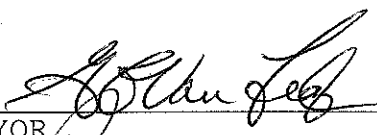
3. THAT this by-law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 75 of the *Cities, Towns and Villages Act*.

READ a First time this 24 day of JANUARY, A.D. 2012.


MAYOR


CITY ADMINISTRATOR

READ a Second time this 24 day of JANUARY, A.D. 2012.


MAYOR


CITY ADMINISTRATOR

READ a Third time and Finally Passed this ___ day of _____, A.D. 2012.

MAYOR

CITY ADMINISTRATOR

I hereby certify that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the by-laws of the Municipal Corporation of the City of Yellowknife.

CITY ADMINISTRATOR

**CITY OF YELLOWKNIFE
BY-LAW NO. 4662**

A by-law of the Council of the Municipal Corporation of the City of Yellowknife authorizing the Municipal Corporation of the City of Yellowknife, in the Northwest Territories to enter into an Easement Agreement(s).

PURSUANT to Section 54 of the *Cities, Towns and Villages Act*, S.N.W.T., 2003, c.22;

WHEREAS Northland Utilities Yellowknife Ltd. is desirous of entering into an Easement Agreement with the City of Yellowknife for Lot 3, Block 501, Plan 1779;

NOW THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE, in regular session duly assembled, hereby enacts as follows:

APPLICATION

1. That the Municipal Corporation of the City of Yellowknife is hereby authorized to enter into an Easement Agreement with Northland Utilities Yellowknife Ltd. for an electrical utility easement across municipal lands more particularly described as:

A portion of Lot 3, Block 501, Plan 1779

as shown on Schedule "A", attached hereto and forming part of this by-law.

2. THAT the Mayor and City Administrator of the Municipal Corporation of the City of Yellowknife, or lawful deputy of either of them, are hereby authorized in the name and on the behalf of the Municipal Corporation of the City of Yellowknife, to execute all such forms of application, deeds, indentures, and other documents as may be necessary to give effect to this by-law and to affix thereto the corporate seal of the Municipal Corporation of the City of Yellowknife as the act and deed thereof, subscribing their names in attestation of such execution.

EFFECT

3. That this by-law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 75 of the *Cities, Towns and Villages Act*.

READ a First time this 24 day of JANUARY, A.D. 2012.


MAYOR


CITY ADMINISTRATOR

READ a Second time this 24 day of JANUARY, A.D. 2012.


MAYOR


CITY ADMINISTRATOR

READ a Third time and Finally Passed this ___ day of _____, A.D. 2012.

MAYOR

CITY ADMINISTRATOR

I hereby certify that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the by-laws of the Municipal Corporation of the City of Yellowknife.

CITY ADMINISTRATOR



LEGEND / NOTES

Lands dealt by this plan bounded by this

- EASEMENT
- LOT LINES

By-Law 4662
Schedule "A"

DESCRIPTION	DATE m-d-y	BY	CHWD
EASEMENT REQUIREMENTS	01-DEC-2011	LME	MAW

FILE FOR EASEMENT

TIME & LOCATION:
EASEMENT REQUIREMENT
LOT 3, BLK 501, LTO 1779
YELLOWKNIFE, NT

Customer responsible for the Electrical Distribution System unless Stated/Indicated on plan.

PREPARED BY:	LME
CHECKED BY:	MAW
SCALE:	1:1000
DATE DESIGNED TO BE:	DECEMBER 1, 2011
DRAWING NUMBER:	1 OF 1
PROJECT NUMBER:	K05095
REVISION NUMBER:	0