



COUNCIL MINUTES – December 16th, 2019

The Regular Meeting of Council was held on Monday, December 16th, 2019 at 6:30pm in the Council Chambers.

Present: Mayor Jameson, Deputy Mayor Bouchard, Councilors Duford, Anderson, Chambers, Dohey, Chambers, Groenewegen & Willows

Staff: Senior Administrative Officer – Judy Goucher, Assistant Administrative Officer – Glenn Smith, Director of Public Works – Mike Auge, Director of Protective Services – Ross Potter, , Director of Recreation – Stephane Millette & Council Administrator – Stacey Barnes

1. CALL TO ORDER:

This Meeting was called to order at 6:30pm with Mayor Jameson presiding.

2. ADOPTION OF AGENDA

#19-391

MOVED BY: CLLR WILLOWS

SECONDED BY: CLLR CHAMBERS

CARRIED

3. DECLARATION OF INTEREST

There were no Declarations of Interest for the Regular Meeting of Council, Monday, December 16th, 2019.

4. ANNOUNCEMENTS, AWARDS, CEREMONIES & PRESENTATIONS

Mayor Jameson – Congratulations to winners of the Twinkle Tour;

- Marshi & Chris Earle – Best Use of Lights
- Janine & Dan Kipling – Best Traditional Lights
- Fred Planindin & Elaine Bolt – Best Yard Display
- Ptarmigan Inn – Best Corporate Display

Cllr Duford – Congratulations to all athletes that tried out for the Arctic Winter Games on the weekend
Cllr Dohey – We are proud of all our youth athletes that tried out in ladies hockey, midget hockey and futsal.

Cllr Groenewegen – I would like to recognize the youth, coaches & volunteers that tried out for Biathlon this pas weekend as well.

5. ADOPTION OF MINUTES FROM PREVIOUS MEETING(S)



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a) December 9th – Regular Meeting of Council

#19-392

**MOVED BY: CLLR WILLIAMS
SECONDED BY: CLLR DUFORD**

CARRIED

b) December 11th – Special Meeting of Council

#19-393

**MOVED BY: CLLR CHAMBERS
SECONDED BY: GROENEWEGEN**

CARRIED

6. ADMINISTRATIVE ENQUIRIES

Director of Protective Services – Ross Potter

- Had meetings regarding the new dispatch system, the equipment is on the way. Hoping to go live mid-February.

Director of Recreation – Stephane Millette

- Had the Arctic Winter Games Trials this past weekend
- Huge turnout for Skate with Santa
- Cooler weather has been causing issues with the pool, it is back up and running now
- Cooler weather also effecting the maintenance of the outdoor rink building
- Christmas activities are listed for the break during the holidays including free sponsored swims, skates and shinny
- Festival at the Forks – December 31st starting at 8pm

Director of Public Works – Mike Auge

- Winter activities in public works are ongoing include snow removal and sanding of roads
- Reached out to the GNWT regarding the lights by the hospital
- Water License responses were sent in last week
- Ongoing zoning issues being dealt with

Assistant Senior Administrative Officer – Glenn Smith

- Trail system signage is in production this week for the Rotary Trail
- Working on contribution reporting to CANNOR
- Arctic Winter Games surplus jackets and printers went south once the local schools received a few. Thank you to Super A for the transportation
- Reviewing the IT contract that expired this year

Senior Administrative Officer – Judy Goucher

- There will be a survey coming out for Council to complete regarding the Council Procedures Bylaw
- This will be the last meeting till the new year – January 13th



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Deputy Mayor Bouchard – Will the dispatch contractor have training with area and mapping?
DPS Potter – Working with them. They do have the GNWT GIS mapping
Cllr Duford – Does the IT Contract go out the RFP?
ASAO Smith - Yes

7. DELEGATIONS

- Fortune Minerals by telephone with Glen E. Koropchuk
- NWT Housing Presentation with Randy Cleveland

8. NEW BUSINESS

- a. Sale of Lands – NWT Housing Corporation

RECOMMENDATION:

#19-394 **MOVED BY: CLLR ANDERSON**
 SECONDED BY: CLLR WILLOWS

That the COUNCIL OF THE TOWN OF HAY RIVER approves the sale of Lots 1833, 1834, 1835 and 1836 Plan 3925 to the NWT Housing Corporation for the purpose of constructing RCMP housing and agrees to replace the term “single family dwelling” with “residential development” to allow for the construction of semi-detached and/or duplex housing.

And,

That the COUNCIL OF THE TOWN OF HAY RIVER approves an extension to the development of the RCMP housing on Lots 1833, 1834, 1835 and 1836 Plan 3925 in accordance with the timelines presented in the proposal for RCMP housing in Hay River presentation.

And,

That the COUNCIL OF THE TOWN OF HAY RIVER declines the request from NWT HC to refund the deposit on 5 properties that NWT HC will no longer be purchasing.

CARRIED

BACKGROUND:

At the request of NWT HC, on November 26, 2018 Council approved Motion #18-147 to replace the term “single family dwelling” with “residential development” to allow semi-detached and duplex housing for Lots 1833, 1834, 1835, 1836, 1840, 1841 and 1842 Plan 3925. These lots had previously been approved for sale to NWT HC through sale of land bylaws. Council Motion #18-147 also indicated that these lots could not be used for RCMP housing.

NWT HC has been working on options for RCMP housing and developed a plan that was presented on November 20, 2019 to the Mayor, Councillor Anderson and representatives from Administration. Based on the revised RCMP housing plan, Administration is recommending the following:



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- Confirmation that lots 1833, 1834, 1835 and 1836 Plan 3925 may proceed with permitting to construct RCMP housing.
- Council agree to waive the one-year development rule and allow development to proceed along the planned timelines as per the presentation (attached).
- Council approve a repeal bylaw releasing NWT Housing from the sale of 5 lots which include lots 1840, 1841, 1842 Plan 3925 and lots 2147 and 2148 Plan 4552. These lots may not be returned to inventory and sold on a first come first served basis.
- NWTHC has requested that the deposits on the 5 lots (\$21,840.77) they will no longer be purchasing be applied against the purchase price of the 4 lots that they are retaining for RCMP housing. Administration does not support this request as:
 - Town policy is that down payments are non-refundable
 - The balance on these 9 lots was unpaid as of November 5, 2019
 - These lots were removed from inventory at a time when our community is experiencing a land shortage and were not developed within the permitted timeframe
 - Administration is accommodating NWTHC by recommending that the timeline for development be extended for the 4 lots that NWTHC are retaining.

A separate agenda item addresses the application to combine and re-subdivide the 4 lots into 3 to create larger lots to accommodate the duplex housing for RCMP.

COUNCIL POLICY / STRATEGY OR GOAL:

N/A

APPLICABLE LEGISLATION, BYLAWS, STUDIES, PLANS:

Land Administration Bylaw

FINANCIAL IMPLICATIONS:

N/A

ALTERNATIVES TO RECOMMENDATIONS:

N/A

ATTACHMENTS:

NWTHC RCMP Housing Plan

Prepared by: Judy Goucher
SAO
December 12, 2019



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- b. Amalgamate, Subdivide and Resurvey of Lots – GNWT Housing

RECOMMENDATION:

#19-395

**MOVED BY: CLLR ANDERSON
SECONDED BY: CLLR CHAMBERS**

THAT THE COUNCIL OF THE TOWN OF HAY RIVER approves the Amalgamation, Sub-division and Resurvey of Lots 1833, 1834, 1835, and 1836, Plan 3925, subject to the following conditions:

- a) **That all requirements of the Zoning and Building Bylaw are met.**
- b) **That the Landowners will be responsible for all costs related to the sub-division and registration.**

CARRIED

BACKGROUND:

The Town has received an application from the Northwest Territories Housing Corporation requesting authorization to amalgamate the 4 lots listed above and sub-divide into three larger lots to construct three 2-story Duplexes. All minimum requirements as per the Zoning and Building Bylaw 1812 will be met.

Included in this package is the Development Permit Application and the preliminary plan of survey from Northwest Territories Housing Corporation.

The proposal will be submitted to MACA for approval and a new plan of survey submitted to the Town to ensure compliance. The land owners are responsible for all costs involved with the sub-division and registration.

COUNCIL POLICY / STRATEGY OR GOAL:

N/A

APPLICABLE LEGISLATION, BYLAWS, STUDIES, PLANS:

Planning Act R.S.N.W.T. 1988, c.P-7
Zoning & Building Bylaw No. 1812
General Plan Bylaw No. 1811

FINANCIAL IMPLICATIONS:

N/A

ALTERNATIVES TO RECOMMENDATIONS:

N/A



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ATTACHMENTS:

- 1) Development Permit Application from Northwest Territories Housing Corporation
- 2) Preliminary sketch showing legal survey required for Lots 1833, 1834, 1835 and 1836, Plan 3925.

Prepared by:

Randy Froese
Development Officer

Reviewed by:

Mike Auge
Director of Public Works

Date: December 10, 2019

Date: December 10, 2019

- c. Subdivide and Resurvey of Lots 1767, 1768 & portion of 1769

RECOMMENDATION:

#19-396

**MOVED BY: CLLR DOHEY
SECONDED BY: CLLR WILLOWS**

THAT THE COUNCIL OF THE TOWN OF HAY RIVER Review and Approve at their discretion Development Permit No. D19-102, to Sub-Divide and Re-Survey Lots 1767, 1768 and a portion of 1769 into three R1A – Single Family Residential (Class A) Lots at 61.5 feet in width as per our Zoning and Building Bylaw 1812.

- . **That all Requirements of the Zoning and Building 1812 are met.**
- . **That the Landowner pays all costs related to the sub-division, re-survey and registration**

CARRIED

BACKGROUND:

The Town of Hay River has received a Development Permit Application # D19-102, along with a Letter requesting Mayor and Council allow a variance on the 61.5 lot width, reducing them to approximately 60 feet in width for each of the three new proposed lots.

The site is R1A Single Family Residential (Class A) 18.5 m (61.5 ft.) is the required lot width in this Zone.

The owner is asking to sub-divide, lots 1767 and 1768 which are 24.35 m (79.88 ft.) and 30.48 (100.00 ft.) in width totaling 179.88 feet in width, divided by three would give 59.96 feet wide for each new lot, falling short of the lot width by approximately 1.5 feet per lot.

The owner confirmed in her Letter to Council that she is the owner of the adjoining Lot 1769 and if the first request is not possible, she could take the 4.5 feet from Lot 1769 to make up the shortfall.

Bylaw 1812 does not allow relaxation of the minimum width of lots unless the lot was legally registered and existing at the date of commencement of the bylaw. As such, the addition land from Lot 1769 is required in order to comply with the bylaw.



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Lot 1769 does have a building on it, when surveyed the owner would have to comply with the required side yard set-back on this property once the 4 to 4.5 foot is used to make up the difference for the proposed three lots.

The Development does meet the General purpose of the appropriate zone and the Policies of the General Plan.

3.8 Relaxation of Regulations

- 1) The Development Officer may approve a development application notwithstanding that the proposed use does not comply with the provisions of this bylaw, if the non-compliance is minor and where in the opinion of the Development Officer, denial of the application would cause the applicant unnecessary hardship unique to this use.
- 2) The Development Officer may relax Front Yard Set Backs 10%, Side Yard Set Backs 20% and Rear Yard Set Backs 10 %. Any other set back relaxation greater the above, shall only be granted by Council.
- 3) The Development Officer may permit a development in any zone on a lot which is substandard with respect to width, depth, or area provided that:
 - a) such lot was legally registered and existing at the date of commencement of this bylaw; and
 - b) that the zone is otherwise in accordance with the regulatory requirements of the zone.
- 4) In approving an application for a development permit, pursuant to subsections 1, 2 and 3 above, the Development Officer or Council shall adhere to the following:
 - a) A relaxation shall be considered only in cases of unnecessary hardship or practical difficulties unique to the use, character, or situation of land or building, which are not generally common to other land in the same zone;
 - b) There shall be no deviation from building height, floor area ratio, density regulations and parking requirements unless otherwise stated in this bylaw;
 - c) The General Purpose of the appropriate zone; and
 - d) The policies of the General Plan.

COUNCIL POLICY / STRATEGY OR GOAL:

N/A

APPLICABLE LEGISLATION, BYLAWS, STUDIES, PLANS:

General Plan By-law, By-law No. 1811.
Zoning and Building By-law, By-law No. 1812.

FINANCIAL IMPLICATIONS:

N/A.



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ALTERNATIVES TO RECOMMENDATIONS:

N/A

ATTACHMENTS:

Development Permit D19-102, additional letter and preliminary survey sketch from the owner (3 pages).
Town of Hay River sketch showing the three new lots using a portion of 1769 in order to meet the minimum width requirements.

Prepared by:
Randy Froese
Development Officer
December 11, 2019

Reviewed by:
Mike Auge
Director of Public Works
December 11, 2019

- d. Proposed Amendment to Bylaw 1786

RECOMMENDATION:

#19-397 **MOVED BY: CLLR GROENEWEGEN**
SECONDED BY: CLLR DUFORD

THAT THE COUNCIL OF THE TOWN OF HAY RIVER supports amending Bylaw 1786 – Water and Sewer to include under Section C 5), users residing in Rural Resource zones.

CARRIED

BACKGROUND:

The Town of Hay River received a request to review trucked water delivery rates for a property that was approved to operate as a tourism business within municipal boundaries in an area that is zoned Rural Resource. The last amendment to Bylaw 1786 – Water and Sewer Bylaw was in 2016, prior to the permitting of this tourism operation.

The only rate within the current Bylaw 1786 that applies to this operation is the trucked water commercial rate at \$146.24 per one thousand gallons for all consumption. In contrast, if the same operation were in the Corridor, the trucked water rate would be \$36.04 per one thousand gallons for all consumption.

The GNWT's Water and Sewer Services Funding Policy identifies the following principles for supporting community governments with the provision of water and sewer services:

1 Principles

The Department of Municipal and Community Affairs will adhere to the principles of the Government of the Northwest Territories' *Community Government Funding Policy* and the following principles when implementing this policy:



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- (1) Residents of the Northwest Territories (NWT) are entitled to basic water and sewer services to safeguard their health.
- (2) Community governments should exercise full authority and responsibility for the provision of water and sewer services in their communities.
- (3) Community governments should be accountable to consumers for the quality and cost of water and sewer services.
- (4) Water and sewer services should be provided by community governments in the most equitable, efficient and economical manner possible.
- (5) The cost of water and sewer services should reflect local conditions and local decisions.
- (6) Water should be used conservatively.
- (7) Community governments should plan for the development of their communities to assess their needs and set priorities for community public infrastructure including water and sewer infrastructure.
- (8) Community governments should develop financial plans to finance their needs and priorities for community public infrastructure to provide water and sewer services.

The tourism operation is commercial but is a low volume consumer of water as the operation consists of small cabins with few appliances that use water. Accessing lower water rates through high consumption is unlikely in the foreseeable future. At the current rate, the operator has indicated that the cost of trucked water service is not economic and is significantly impacting the sustainability of his business.

The Town of Hay River's Policy Committee has identified Bylaw 1786- Water and Sewer Services as a priority Bylaw and will be updated in 2020. A detailed study of all water and sewer rates will inform the rate setting in the updated Bylaw 1786.

In the interim and given that the current Bylaw did not contemplate the tourism business that was permitted to operate in the Rural Resource zone, Administration is recommending an amendment to Bylaw 1786/Util/16 Section C 5) to include the Rural Resource zone. This amendment would apply to very few properties as most developed properties zoned Rural Resource are in the Corridor area and already receive the Corridor rate per Section C 5). The financial impact is expected to be minimal.

The proposed amendment would read as follows:

- 5) Users residing in the Corridor and Rural Resource Areas shall be charged at a rate of Thirty-Six Dollars and Four Cents (\$36.04) per One Thousand gallons for all consumption. (Re: Rate= 90% of Town Rate of \$40.04)



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12. ADJOURNMENT

#19-408

MOVED BY: CLLR WILLOWS

That the Regular Meeting of Council be adjourned at 8:53pm.

CARRIED

Certified Correct as Recorded on the 16th day of December 2019.

These minutes were accepted by motion # 20-002.

A handwritten signature in black ink, appearing to read "K. Amason", written over a horizontal line.

Mayor

A handwritten signature in black ink, appearing to read "Judy Smith", written over a horizontal line.

Senior Administrative Officer