The Special Meeting of Council was held on December 30th, 2009 at 12:00 NOON in the Council Chambers.

Present: Mayor Schofield, Deputy Mayor Maher, Councillors Kruger, Cassidy, Wallington, Langille, O'Brien, Dueck, and Latour.

Staff: Terry Molenkamp – Senior Administrative Officer, Ross deBoer – Director of Recreation, Michael Richardson – Director of Public Works, May-Britt Hetesi – Assistant Senior Administrative Officer, and Jaimi Carter – Recording Secretary.

Other: Paul Bickford – News North.

1. CALL TO ORDER:

This Meeting was called to order at 12:05 PM with Mayor Schofield presiding.

2. ADOPTION OF AGENDA

#09-366 MOVED BY: CLLR LATOUR
SECONDED BY: CLLR WALLINGTON

That the Council of the Town of Hay River accepts the Agenda for the December 30th, 2009 Special Meeting of Council.

CARRIED

3. DECLARATION OF INTEREST

Councillor Cassidy declared an interest in #4.a) Mediation Agreement – Stewart Drive Roadwork, because, Mr. Auge is close and longtime family friend.

4. NEW BUSINESS

a) Mediation Agreement – Stewart Drive Roadwork

In 2009 Rowe's Construction was contracted to complete the Stewart Drive Roadwork project for $1,616,274.95. FSC Architects and Engineers was hired as the Project Engineer to handle the technical and administrative details of the work. During the project, FSC made three progress payment recommendations to the Town based on work completed by Rowe's. Rowe's Construction is disputing the dollar value of those recommendations.

The value of the current dispute is the difference between the recommendation of FSC ($1,475,619.21) and the claim by Rowe's ($1,616,274.95) or $140,655.70. The disagreement stems from work related to: sidewalk subgrade preparation, roadway base preparation, and hydroseeding, among other disputed work. Both parties have agreed to resolve this matter by means of a Referee as specified in the contract.

An experienced and available Referee is Mr. Joe Auge, P. Eng. Mr. Auge has significant experience in contract management for similar projects and served to resolve disputes for other contracts in recent years in this market. FSC has recommended that Mr. Auge be

appointed as the Referee to review the details of the project and implement a final binding decision.

Mr. Auge has indicated that his services will carry a maximum total cost of $5,000, half of which will be borne by each party.

The Town of Hay River administration believes that Mr. Auge's is a suitable candidate for referee and that he will quickly deliver a fair resolution to the dispute.

#09-367 MOVED BY: DEPUTY MAYOR MAHER
SECONDED BY: CLLR O'BRIEN

That the Council of the Town of Hay River enter into a contract with Mr. Joe Auge for referee services for the 2009 Stewart Drive Roadwork for an amount not exceeding $2,500.

CARRIED

Let it be noted that Councillor Cassidy departed the Chamber for #4.a)

b) Approval of 2010 Recommended Budget

Administration respectfully presents the 2010 Recommended Budget for consideration and approval.

#09-368 MOVED BY: CLLR LATOUR
SECONDED BY: CLLR LANGILLE

That the Council of the Town of Hay River approves the 2010 Recommended Budgets for the General Operating Fund, the Utility Operating Fund and the Land Development Fund as presented.

CARRIED

5. ADJOURNMENT

#09-369 MOVED BY: CLLR O'BRIEN

That the Special Meeting of Council be adjourned at 12:10 pm.

CARRIED

Certified Correct as Recorded on the 30th day of December 2009.

There minutes were accepted by motion #09-378 .

Mayor

Senior Administrative Officer