The Regular Meeting of Council was held on Monday, July 20, 2009 at 7:30 PM in Council Chambers.

Present: Mayor Miltenberger, Deputy Mayor Maher, Councillors McKay, Lester, Burnstad and Wallington.

Staff: Terry Molenkamp – Senior Administrative Officer, May-Britt Hetesi – Assistant to the Senior Administrative Officer, Gerry Maloney – Director of Finance, Ross deBoer – Director of Recreation and Jaimi Carter – Recording Secretary.

Absent: Councillors O'Brien and Latour.

Others: Shawn Carter and Diana Yeager – The Hub.

1. CALL TO ORDER

The meeting was called to order at 7:30 PM with Mayor Miltenberger presiding.

2. ANNOUNCEMENTS

a) Councillor Burnstad sends many thanks to Marilyn Barnes, Sandra Lester and Patterson's for all their hard work in planting and caring for flowers all throughout town, especially our new flower tree, donated by the hay River Lion's Club. Note to council that the Yards in Bloom Contest deadline is Friday, July 24th, 2009, with juding to take place the following week.

b) Mayor Miltenberger announced the Royal Canadian Legion's 60th Anniversary Celebration on Saturday, July 25th, 2009 which will include a presentation of a cheque for $60,000.00 to the Hay River Soup Kitchen to mark the Legion's 60 years in Hay River. If council is able to attend and able to give some remarks on behalf of the town, let Jaimi know.

c) Mayor Miltenberger sends compliments to all who have taken part in planting and caring for the flowers throughout town.

3. ADOPTION OF AGENDA

#09-180 MOVED BY: DEPUTY MAYOR MAHER
SECONDED BY: CLLR BURNSTAD

That the Council of the Town of Hay River accepts the Agenda for the July 20, 2009 Regular Meeting of Council as presented.

CARRIED

Let it be noted that there was an addition to the Agenda – 9.c) Excused Absence for Councillors O'Brien and Latour.

4. DECLARATION OF INTEREST

Mayor Miltenberger Declared an Interest on Item 8.b) Development and Building Permit Report Dev No. D09-070 Stittco Utilities - to replace propane filling station, and Dev No. B09-019 Bassett Petroleum - to extend parts and coffee rooms.

5. DELEGATION

6. MINUTES

a) Minutes of the Regular Meeting of Council, June 29th, 2009.

#09-181 MOVED BY: DEPUTY MAYOR MAHER
SECONDED BY: CLLR LESTER

That the Council of the Town of Hay River accepts the Minutes of the Regular Meeting of Council, June 29th, 2009 as presented.

CARRIED

b) Minutes of the Special Meeting of Council, July 2nd, 2009.

#09-182 MOVED BY: CLLR BURNSTAD
SECONDED BY: CLLR LESTER

That the Council of the Town of Hay River accepts the Minutes of the Special Meeting of Council, July 2nd, 2009 as presented.

CARRIED

7. BUSINESS ARISING FROM THE MINUTES

There was no Business Arising from the Minutes of the Regular Meeting of Council, June 29th, 2009 and the Special Meeting of Council, July 2nd, 2009.

8. COMMITTEE REPORTS

a) Excused Absence

Mayor Miltenberger and Deputy Mayor Maher have requested to be excused from the Special Committee of the Whole Meeting, July 9, 2009.

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#09-183 MOVED BY: CLLR WALLINGTON
SECONDED BY: CLLR BURNSTAD

That the Council of the Town of Hay River excuse Mayor Miltenberger and Deputy Mayor Maher from the Special Committee of the Whole Meeting, July 9, 2009.

CARRIED

b) Development and Building Permit Report

NAME	DATE	DEV #	CIVIC ADDRESS	DESC. OF WORK
Whittles Contracting	June 1/09	D09-049	35 John Mapes	Single family residence
Remi Carriere	June 2/09	B09-011	5 Cedar Road	New Roof
Krystal Cook	June 3/09	DH09-050	43 McBryan Drive	Creative Ends (Nail salon & beauty supply)
Shawn Demarcke	June 8/09	D09-051	50 Cranberry Crescent	New rear 6' fence
Hay River Chamber of Commerce	June 8/09	D09-052	Chamber Park	New Picnic Tables, benches and fence
Tin Hinz	June 8/09	D09-053	48 Cranberry Crescent	New rear 6' fence
Jessica King	June 8/09	D09-054	22 Elm Crescent	New rear 6' fence
Maureen Patterson	June 9/09	D09-055	44D Patterson Road	Move house from lot 1026 and turn into garage
Taylor & Jennifer Webb	June 9/09	D09-056	3 Woodland Drive	New deck and garage
Otto McKay	June 8/09	D09-057	33 Cranberry Crescent	New rear 6' fence, 12'X16' shed, Pave driveway
Pat Williams	June10/09	D09-058	40005 Mackenzie Highway	6'X30' front fence
Graham and Jackoline Milne	June 12/09	D09-059	11 Dean Drive	Driveway, parking, 6' fence, 2 greenhouses and workshop
David Vokey	June 16/09	D09-060	32-104th. Street	Re-build addition, deck and wood fence
Simone Lepage	June 16/09	D09-061	25 Cranberry Crescent	Single storey house with full basement

				apartement
Dean Hendrickson	June 17/09	D09-062	6 Beaver Crescent	New front deck
Dwayne Buhler	June 17/09	D09-063	6-15th. Street	New garage
Mark Robillard	June 19/09	D09-064	40023 Mackenzie Highway	Front and side additions to existing house
Tyler Hawkins	June 19/09	D09-065	30 Miron Drive	Attached garage, fence and deck extensions
Cindy Wasylyshyn	June 19/09	D09-066	12 Wright Crescent	New garage in rear yard
Gary Vizniowski	June 23/09	DH09-067	14 Pine Crescent	Birds of Nature Photography
Klassen Homes	June 24/09	D09-068	7-104th. Street	New 16'X76' Mobile Home
Carter Industries	June 25/09	D09-069	23 Dean Drive	Re-setup of Paving plant
Stittco Utilities	June 29/09	D09-070	921 Mackenzie Highway	Replace Propane filling station
Bassett Petroleum	June 29/09	B09-019	44 Studney Drive	Extend parts and coffee rooms

#09-184 MOVED BY: CLLR WALLINGTON
SECONDED BY: CLLR LESTER

That the council of the Town of Hay River accepts the Development and Building Permit Report for the month of June as presented.

CARRIED

Let it be noted that Deputy Mayor Maher took the chair and Mayor Miltenberger left the chambers.

c) Recreation Department Monthly Activity Report

Community Hall

June 3rd– Track & Field Billeting
June 4th – Track & Field Billeting
June 5th – Bingo
June 18th– Chamber of Commerce Meeting
June 19th– Bingo
June 20th – Persons with Disabilities Dance
June 25th– After Grad
June 26th – After Grad

Doug Wieterman Hall

June 3rd – Track & Field Billeting
June 4th– Track & Field Billeting
June 9th – Housing Corporation
June 12th– Housing Corporation
June 13th – Private Rental
June 18th– Youth Soccer Meeting
June 24th– Chamber of Commerce Meeting
June 24th– Youth Soccer Meeting

Summer Ice Surface Rentals

June 3rd– Track & Field Opening Ceremony

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June 11th– Growing Together
June 18th– Growing Together
June 24th-27th– After Grad

Public Summer Ice Use
Activities
Ball Hockey
Junior Shinny- Monday & Thursday
12:00-1:00pm
Senior Shinny
Tuesday 7:30-9:00pm
Wednesday & Friday 12:00-1:00pm

Drop in Soccer- Tuesday 12:00-1:00pm

Aquatic Centre Programs
Aquasize
Tuesday & Thursday
1:00-1:45pm & 6:30-7:15pm
Parents & Tots
Saturday 10:30-11:00am
Swim Lessons
Youth Lessons:
Tues/Wed/Thurs/Fri
3:45-6:15pm
Saturday
10:00-12:45am

Adult Lessons:
Tuesday & Thursday
8:00-8:45pm
Swim Club
Monday- Thursday 4:30-6:30pm
Friday 5:00-6:00pm
Junior Lifeguarding Club
Tues/Thurs/Fri
4:30-6:00pm
Other Programs/Activities
Teen Night Fridays 8:00-9:30pm
Adult Swimming Mon-Thurs 8:00-9:30pm

Other Events
June 20th– Summer Heat's Pre-Summer Meet
June 22nd– Minor Slo-Pitch Tournament

#09-185 MOVED BY: CLLR BURNSTAD
SECONDED BY: CLLR WALLINGTON

That the Council of the Town of Hay River accepts the Recreation Department Monthly Activity Report for the month of June as presented.

CARRIED

d) 2008 Financial Statements
The annual audit has been completed for the year-end and the Town's Auditor, Ashton Chartered Accountants and Business Advisors have submitted the financial statements.

#09-186 MOVED BY: CLLR LESTER
SECONDED BY: CLLR WALLINGTON

That the Council of the Town of Hay River accepts the Audited Financial Statements prepared by Ashton Chartered Accountants and Business Advisors for the year ending December 31, 2008 as presented.

CARRIED

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e) Asphalt Patching

At the request of Administration the Town Foreman prepared a list of locations that require asphalt patching due to utility repairs and upgrades since 2007, no asphalt patching work was carried out in 2008. The patching list identifies disturbed areas that have been allowed to settle for over one year and areas of high use. The total quantity of patching for all of the areas in the list is estimated at 26,158 square feet.

Proposed List of Locations and Estimated Areas for Asphalt Patching

Location	Area ft^2	Location	Area ft^2
1 McBryan Drive/Mackenzie Hwy	616	12 Woodland Drive/Riverview Drive	1,400
2 Woodland Drive/McBryan Drive	800	13 Riverview Drive/near DJSS	975
3 Woodland Drive/near Hirst's	600	14 Caribou Crescent	384
4 Woodland Drive/near Northmart	1,200	15 Caribou Crescent	88
5 Woodland Drive/near Northmart	2,275	16 Commercial Road/near Hi-rise	1,320
6 Woodland Drive/near Arena	2,040	17 Gaetz Drive	320
7 Woodland Drive/Robin Crescent	780	18 Walking Path/Tri Service Park	500
8 Woodland Drive/Malcolm Crescent	4,050	19 Elm Crescent	180
9 Sibbeston Road	5,040	20 Fir Crescent	80
10 Woodland Drive/Cameron Crescent N	1,840	21 Cedar Road/Balsam Drive	60
11 Woodland Drive/Cameron Crescent S	1,610		

The list of locations and patching areas was then provided to a local contractor, Carter Industries Ltd. for quotation to determine a cost to repair all of the areas identified because they own an asphalt plant and are capable of completing this work and possess a valid Business Licence. Their quote to asphalt patch all of the locations totals $235,422.00 plus GST. The quotation is for 3" patch thickness and includes saw cutting and base work, but does not include valve and manhole adjustments.

The quotation was solicited to get an idea of the current cost that contractors charge for asphalt patching services because the 2009 Approved Budget for asphalt repair and patching is $100,000.00. Based on the cost quoted by Carter Industries Ltd. the Town would only be able to patch 42.47% of the area indentified in the list for the budgeted amount.

TH GM

In addition to the quotation received from the local contractor Council may take into consideration that an asphalt sub-contractor will be providing paving services for the Stewart Drive Roadwork 2009 capital project and that this contractor may be interested in an opportunity to provide pricing for asphalt.

However, at this time there is only one qualified tenderer available to bid on an Asphalt Patching Tender for the Town of Hay River. The definition of "qualified tender" is:

"means a tenderer is considered qualified, if his/her tender meets the required specifications, has the financial and technical resources to complete the work and/or supply the goods when required, holds a valid Town of Hay River Business Licence."

#09-187 MOVED BY: CLLR LESTER
SECONDED BY: CLLR BURNSTAD

That the Council of the Town of Hay River approve a transfer from the Reserve for Infrastructure Capital in the amount of $135,422.00 for the purpose of asphalt patching as proposed for the 21 locations identified by the Town Foreman and that the work be awarded to Carter Industries Ltd. in the amount of $235,422.00 plus GST.

CARRIED

f) Development Permit Application No. D09-059
Graham and Jackoline Milne have made application to the Town of Hay River for authorization to establish a new business at 11 Dean Drive; to establish a green house and gardening operation, the proposed development is not directly listed as a permitted or discretionary use in the M 1 Restricted Industrial Zone.

Some of the Permitted Uses listed in the M1 Restricted Industrial zone that may be considered similar to the proposed use of this property are:

b) Workshops

c) Warehousing/ Storage

d) Receiving and Distributing Depots

The General Purpose of the M1 Restricted Industrial zone is: To establish a Zone for industrial uses where there will be minimal nuisance

TG CM

and such that the Zone is compatible with any adjacent non-industrial Zone.

In 2002 Council approved a similar application for development to establish a garden centre and gift shop at 16 Studney Drive, "The Woodshed". A copy of the 2002 Regular Meeting of council Minutes for March 12, 2002 are attached for reference.

#09-188 MOVED BY: CLLR WALLINGTON
SECONDED BY: CLLR BURNSTAD

That the Council of the Town of Hay River approve Development Permit No. D09-059, to establish a 20'X36' Heated Greenhouse, 18'X36' Utilityand Maintenance Workshop and a movable seasonal Hoop Greenhouse complete with 6' Fence and Driveway with Parking Area at, # 11 Dean Drive, Lot 1887, Plan 4046, M1 Restricted Industrial.

CARRIED

g) Development Permit Application D09-028

The Town received an application from the GNWT, Public Works and Services for the installation of a wood-pellet biomass boiler plant on the North East corner of the Government of the Northwest Territories, Department of Transportation Highways Maintenance Shop located on Lots 879, 880 and 881, Plan 506 in the industrial area.

The unit will be installed in a sea-can container and will have metal cladding to meet as close as possible to colour and aesthetics of the existing buildings and pellet storage silos powder coated in off white placed beside the sea-can container as shown in the attached drawings.

#09-189 MOVED BY: CLLR WALLINGTON
SECONDED BY: CLLR BURNSTAD

That the Council of the Town of Hay River approves Development Permit No. D09-028 to establish an Accessory Building for the Purpose of Installing a Wood Pellet Boiler at the Government of the Northwest Territories, Department of Transportation Highways Maintenance Shop located on Lots 879, 880 and 881, Plan 506 subject to:

1. **All work must be inspected by a Certified Mechanical Engineer registered to practice in the NWT, Fire Marshall and Electrical Inspector and submitted to the Town; and**

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2. **All work such as roads, fences and aesthetics must be in place and complete before units will receive final inspections for use; and**
3. **The Boiler shall be certified by a certified body, accredited by the Standards Council of Canada and must have proper CSA approval.**

CARRIED

Respectfully submitted by;
Randy Froese, Development Officer

h) Development Permit Application D09-029

The Town received an application from the GNWT, Public Works and Services for the installation of a wood-pellet biomass boiler plant on the North East corner of the Harry Camsell School property located on Lot 1926, Plan 1485.

The unit will be installed in the pellet boiler sea-can container and will have metal cladding to meet as close as possible to colour and aesthetics of the existing buildings and the pellet storage silos will be powder coated in off white and placed beside the sea-can container as shown in the attached drawings.

The application also proposes:

1. That the boiler in addition to servicing Harry Camsell School will provide service to Princess Alexandra School, École Boréale School and Diamond Jenness Secondary School by an underground piped system. To extend the service to Diamond Jenness Secondary School the piping is proposed to be installed under Riverview Drive.
2. The construction of a private road to access the storage silo and boiler from the Woodland Manor access road.

Approval of the underground piping must be subject to:

1. Engineered drawings prepared by a qualified engineer that specifically address how the Government of the Northwest Territories proposes to proceed with the underground installation in particular under Riverview Drive.
2. The Government of the Northwest Territories must enter into an agreement to repair reinstate or pay for the repair or reinstatement, to original condition of Riverview Drive and the existing underground infrastructure.

3. Enter into a lease or easement agreement with the Town that establishes both parties rights and responsibilities for the section of road that is required for the underground pipeline.

The private road access:

1. Written confirmation from the Department of the Government of the Northwest Territories responsible for Lot 1486, Plan 1926 on which Woodland Manor is located that they have no objection to the proposed access road.

#09-190 MOVED BY: CLLR LESTER
SECONDED BY: CLLR WALLINGTON

That the Council of the Town of Hay River approves Development Permit No. D09-029 to establish an Accessory Building for the Purpose of Installing a Wood Pellet Boiler at the Harry Camsell School site located on Lot 1485, Plan 1926 subject to the following:

1. **Accessory Building and Wood Pellet Boiler**
   a. **All work must be inspected by a Certified Mechanical Engineer registered to practice in the NWT, Fire Marshall and Electrical Inspector and submitted to the Town; and**
   b. **All work such as roads, fences and aesthetics must be in place and complete before units will receive final inspections for use; and**
   c. **The Boiler shall be certified by a certified body, accredited by the Standards Council of Canada and must have proper CSA approval.**

2. **Underground Piped System**
   a. **Engineered drawings prepared by a qualified engineer that specifically address how the Government of the Northwest Territories proposes to proceed with the underground installation in particular under Riverview Drive; and**
   b. **The Government of the Northwest Territories must enter into an agreement to repair reinstate or pay for the repair or reinstatement, to original condition of Riverview Drive, any street furniture and the existing underground infrastructure; and**
   c. **Enter into a lease or easement agreement with the Town that establishes both parties rights and responsibilities for the section of road that is required for the underground pipeline.**

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3. **Private Access Road**
   a. **Written confirmation from the Department of the Government of the Northwest Territories responsible for Lot 1486, Plan 1926 on which Woodland Manor is located that they have no objection to the proposed access road.**

4. **That all costs incurred by the Town to undertake any of the work that is required to be done under Development Permit D09-029 will be the responsibility of the Government of the Northwest Territories.**

CARRIED

Respectfully submitted by;
Randy Froese, Development Officer

i) Integrated Community Sustainability Plan Draft Strategic Plan Items
On June 6, 2009 FSC Engineers & Architects facilitated a Strategic Planning Session with the Town. A Strategic Plan is a required component of the Integrated Sustainability Plan, a Gas Tax Funding requirement.

From the information that was gathered at the June 6th meeting and submissions from those who were not in attendance FSC developed a draft Strategic Plan Mission Statement and Values for Council's review and comment prior to being presented for adoption by Council at the Regular Meeting of Council on July 20th.

FOR THE INFORMATION OF COUNCIL

j) Community Energy Plan Committee Minutes
A Community Energy Plan (CEP) Committee was struck June 25, 2009, according the wishes of Council, Motion #09-012 at the Regular Meeting of Council January 19, 2009, as part of the requirements for the Town of Hay River's Integrated Community Sustainability Plan (ICSP).

#09-191 MOVED BY: CLLR WALLINGTON
SECONDED BY: CLLR BURNSTAD

That the Council of the Town of Hay River accepts the Community Energy Plan Committee Meeting Minutes of June 5 and June 25, 2009 as presented.

CARRIED

9. NEW BUSINESS

a) Community Recreation & Sport Contribution Agreement

The Town applies annually and receives funding from the Government of the Northwest Territories for the purpose of delivering a broad base of recreation, sport, youth and volunteer opportunities.

This year's application for funding included two projects: funding to complete the replacement and installation of playground equipment and our New Years Eve Fireworks Celebration. The annual allocation received for this year is $29,000.00.

#09-192 MOVED BY: CLLR LESTER
SECONDED BY: CLLR BURNSTAD

That the Council of the Town of Hay River executes the Sport, Recreation and Youth Contribution Agreement from the Government of the Northwest Territories to receive funding in the amount of $29,000.00 to assist with the cost of installing playground equipment and our annual New Years Eve Fireworks Celebration.

CARRIED

b) Municipal and Rural Infrastructure Fund - Contribution Agreements

The Town applied for funding under the Municipal Rural Infrastructure Fund to complete the heat reclamation project for the recreation centre and received approval for funding in the amount of $200,933.00.

#09-193 MOVED BY: CLLR WALLINGTON
SECONDED BY: CLLR MCKAY

That the Council of the Town of Hay River executes the Municipal Rural Infrastructure Contribution Agreement from the Government of the Northwest Territories to receive funding in the amount of $200,933.00 to assist with the Heat Reclamation Project.

CARRIED

c) Excused Absence

Councillors O'Brien and Latour have requested to be excused from the Regular Meeting of Council, July 20, 2009.

#09-194 MOVED BY: DEPUTY MAYOR MAHER
SECONDED BY: CLLR BURNSTAD

That the Council of the Town of Hay River excuse Councillors O'Brien and Latour from the Regular Meeting of Council, July 20, 2009.

CARRIED

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10. BY-LAWS

a) By-Law No. 2176/LND/09 – Sale of LOT 1958, Plan 4174 to Mountain Aven Enterprises – Third and Final Reading

#09-195 MOVED BY: CLLR MCKAY
SECONDED BY: DEPUTY MAYOR MAHER

That the Council of the Town of Hay River give Third and Final Reading to By-Law No. 2176/LND/09 – Sale of LOT 1958, Plan 4174 to Mountain Aven Enterprises.

CARRIED

b) By-Law No. 2099B/GEN/08 – Amendment to the Financial Administration By-law – Third and Final Reading

#09-196 MOVED BY: DEPUTY MAYOR MAHER
SECONDED BY: CLLR BURNSTAD

That the Council of the Town of Hay River give Third and Final Reading to By-Law No. 2099B/Gen/08 – Amendment to the Financial Administration By-law.

CARRIED

c) By-Law No. 2177/GEN/01 – Trade and Tourism By-law – Third and Final Reading

#09-197 MOVED BY: CLLR MCKAY
SECONDED BY: DEPUTY MAYOR MAHER

That the Council of the Town of Hay River give Third and Final Reading to By-Law No. 2177/GEN/01 – Trade and Tourism By-law.

CARRIED

d) By-Law No. 2178 – Land Administration By-law – Second Reading

#09-198 MOVED BY: CLLR MCKAY
SECONDED BY: DEPUTY MAYOR MAHER

That the Council of the Town of Hay River give Second Reading to By-Law No. 2178 – Land Administration By-law.

CARRIED

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e) By-Law No. 2179 – Sale of LOT 1649, Plan 2421 to Greenway Holdings – First and Second Reading

#09-199 MOVED BY: DEPUTY MAYOR MAHER
SECONDED BY: CLLR MCKAY

That the Council of the Town of Hay River give First Reading to By-Law No. 2179 – Sale of LOT 1649, Plan 2421 to Greenway Holdings.

CARRIED

#09-200 MOVED BY: DEPUTY MAYOR MAHER
SECONDED BY: CLLR MCKAY

That the Council of the Town of Hay River give Second Reading to By-Law No. 2179 – Sale of LOT 16498, Plan 2421 to Greenway Holdings.

CARRIED

f) By-Law No. 2180/LND/09 – Sale of LOT 1846, Plan 3925 to Jason and Sarah Froese – First and Second Reading.

#09-201 MOVED BY: CLLR MCKAY
SECONDED BY: CLLR LESTER

That the Council of the Town of Hay River give First Reading to By-Law No. 2180/LND/09 – Sale of LOT 1846, Plan 3925 to Jason and Sarah Froese.

CARRIED

#09-202 MOVED BY: CLLR WALLINGTON
SECONDED BY: CLLR BURNSTAD

That the Council of the Town of Hay River give Second Reading to By-Law No. 2180/LND/09 – Sale of LOT 1846, Plan 3925 to Jason and Sarah Froese.

CARRIED

11. ITEMS LISTED FOR THE INFORMATION OF COUNCIL

#09-203 MOVED BY: CLLR MCKAY
SECONDED BY: CLLR BURNSTAD

That the Council of the Town of Hay River accepts the Information Listed as presented.

CARRIED

12. NOTICE OF MOTION

13. ADJOURNMENT

#09-204 MOVED BY: CLLR BURNSTAD

That the Regular Meeting of Council of July 20, 2009 be adjourned at 7:52 pm.

CARRIED

Certified correct as recorded on the 20th day of July, 2009.

These minutes were accepted by motion #09-215.

Mayor

Senior Administrative Officer