



CITY OF YELLOWKNIFE

## **Council Agenda**

**Tuesday, November 14, 2017 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.

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**COUNCIL:**

Mayor Mark Heyck

Councillor Rebecca Alty  
Councillor Adrian Bell  
Councillor Linda Bussey  
Councillor Niels Konge

Councillor Shauna Morgan  
Councillor Julian Morse  
Councillor Steve Payne  
Councillor Rommel Silverio

All annexes to this agenda may be viewed on the City’s website [www.yellowknife.ca](http://www.yellowknife.ca)  
or by contacting the City Clerk’s Office at 920-5602.



**Item No.**

**Description**

**OPENING PRAYER/MEDITATION**

1. Councillor Morse will read the Opening Prayer/Meditation.

**We are grateful for our city, for our homes, for our neighbours, and for our freedom. We are grateful for the opportunity we have to meet here and to serve our fellow citizens.**

**May we bring both the strength of our convictions, and the willingness to listen and learn, to our discussions. May we consider the needs and aspirations of all our fellow citizens in our decisions. And may we always represent our constituents with dignity, integrity, and honesty.**

**AWARDS, CEREMONIES AND PRESENTATIONS**

2. There were no awards, ceremonies or presentations for the agenda.

**ADOPTION OF MINUTES FROM PREVIOUS MEETING(S)**

Previously  
Distributed

3. Minutes of Council for the regular meeting of Monday, October 23, 2017 are presented for adoption.

4. Councillor Morse moves,  
Councillor \_\_\_\_\_ seconds,

**That Minutes of Council for the regular meeting of Monday, October 23, 2017 be presented for adoption.**

Unanimous	In Favour	Opposed	Carried / Defeated
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**DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

5. Does any Member have a pecuniary interest in any matter before Council tonight?

**CORRESPONDENCE & PETITIONS**

6. There was no correspondence nor were there any petitions for the agenda.



**Item No.**

**Description**

**STATUTORY PUBLIC HEARINGS**

7. There were no Statutory Public Hearings for the agenda.

**DELEGATIONS PERTAINING TO ITEMS ON THE AGENDA**

8. A presentation from Tiarella Hanna regarding relocation of the Dog Trotters.

**MEMBER STATEMENTS**

9. There were no statements for the agenda.
10. Are there any Member statements from the floor?

**INTRODUCTION AND CONSIDERATION OF COMMITTEE REPORTS**

Councillor Morse will introduce the following reports:

11. Municipal Services Committee Report for October 23, 2017.
12. Councillor Morse moves,  
Councillor \_\_\_\_\_ seconds,

**That that Council direct Administration to:**

1. **Authorize continued lease of Lot 1, Block 503 to the Yellowknife Dog Trotters Association, pursuant to the Administrative authority provided in Land Administration By-law No. 4596, as amended, until the Engle Business District Phase 2 lots are ready for disposal;**
2. **Include, in the marketing plan for the Engle Business District Phase 2, a relocation strategy for the Yellowknife Dog Trotters Association including incentives, for Council's endorsement; and**
3. **Include, in the proposed General Plan review, land for the purpose of kennels and growth for the required land use in Yellowknife.**

Unanimous	In Favour	Opposed	Carried / Defeated
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**Item No.**

**Description**

13. Municipal Services Committee Report for November 6, 2017.

14. Councillor Morse moves,  
Councillor \_\_\_\_\_ seconds,

**That:**

1. Pursuant to s. 137 of the *Cities, Towns and Villages Act*, S.N.W.T. 2003, c.22, Mitchell Josiah Roland be appointed as a By-law Officer II for the City of Yellowknife with the rank of Constable; and
2. That the term of such appointment shall expire upon termination of employment with the City of Yellowknife as a By-law Officer.

Unanimous	In Favour	Opposed	Carried / Defeated
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**ENACTMENT OF BY-LAWS**

15. There were no By-laws for the agenda.

**DEFERRED BUSINESS AND TABLED ITEMS**

16. There was no deferred business and there were no tabled items for the agenda.

17. Is there any deferred business or are there any tabled items from the floor?

**OLD BUSINESS**

18. There was no old business for the agenda.

19. Is there any old business from the floor?

**NOTICES OF MOTION**

20. There were no notices of motion for the agenda.

21. Are there any notices of motion from the floor?

**DELEGATIONS PERTAINING TO ITEMS NOT ON THE AGENDA**

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



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**Item No.**

**Description**

**NEW BUSINESS**

23. There was no new business for the agenda.
24. Is there any new business from the floor?

**ADMINISTRATIVE ENQUIRIES**

25. There were no administrative enquiries for the agenda.
26. Are there any administrative enquiries from the floor?

**ADJOURNMENT**



CITY OF YELLOWKNIFE

## MUNICIPAL SERVICES COMMITTEE REPORT

Monday, October 23, 2017 at 12:05 p.m.

Report of a meeting held on Monday, October 23, 2017 at 12:05 p.m. in the City Hall Council Chamber.  
The following Committee members were in attendance:

Chairman: Mayor M. Heyck,  
Councillor A. Bell,  
Councillor N. Konge,  
Councillor S. Morgan,  
Councillor J. Morse,  
Councillor S. Payne, (12:21 p.m.) and  
Councillor R. Silverio.

The following members of Administration staff were in attendance:

S. Bassi-Kellett,  
D. M. Gillard,  
D. Kefalas,  
D. Marchiori,  
N. Naidoo,  
K. Penney,  
G. White,  
S. Woodward, and  
S. Jovic.

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<u>Item</u>	<u>Description</u>
1.	(For Information Only) There were no disclosures of pecuniary interest.
2.	(For Information Only) Committee heard a report from the RCMP regarding monthly statistics.
3.	(For Information Only) Committee heard a presentation from Natalie Plato and Aaron Braumberger, representatives of AANDC, regarding Giant Mine Remediation – Socio-Economic outlook. Committee requested that a copy of the 2016 Labour Study be provided to Council. Committee further requested that when the Main Construction Management (MCM) has



been appointed the proponent provide a presentation to Council regarding its housing plan.

4. **Committee read a memorandum regarding whether to confirm strategy and timing for relocation of the Yellowknife Dog Trotters Association from Kam Lake to the Engle Business District.** Committee noted that The Yellowknife Dog Trotters Association (“Association”) has leased 191 Curry Drive, also referred to as Lot 1, Block 503, Plan 1239 (the “subject lands”) since 1984. Pursuant to Motion #0229-15 the City of Yellowknife has advised the Association of: termination of the agreement; zoning restrictions related to kennels in Kam Lake; and restrictions related to caretaker suites within the Engle Business District.

In August of 2017, the Association expressed interest to remain on the lot and met with Administration to advise of their future growth as a recreational group, which they see being intertwined with tourism initiatives of the City. Further to this, the Association is proposing the development of an interpretive centre for public use in partnership with future tourism initiatives. Looking into the future, the Association would like to better accommodate additional requests from out-of-town dog mushers and need to expand the services to other areas of Yellowknife.

The current lease between the Association and the City of Yellowknife expires on November 30, 2017. Council has given direction and with various efforts made by Administration, there is yet to be a relocation strategy that is agreeable to the Association. On October 11, 2017 Administration met with the Association during which Council Motion #0229-15 to “terminate the lease with the Dog Trotters for Lot 1, Block 503 effective November of 2017” was discussed. The current lease states that the City and the Association agree to discuss lease renewal options two (2) years prior to this lease expiring and that the Association is required to vacate the Lands by November 30, 2017 if no renewal has been established.

In addition to providing information on strategies for the relocation identified in Council Motion #0330-15 regarding the proposed Kennel Zone, this memorandum is in keeping with Council Motion #0232-15, which includes details regarding what incentives are offered elsewhere in the community.

Committee noted that Council’s policies, resolutions or goals include:

- |                         |  |
|-------------------------|--|
| Council Goal #1         | Better Engagement with Stakeholders  |
| Council Goal #3         | Strengthening and Diversify Economy  |
| Council Goal #5         | Stronger Internal Working Relationships and Accountability   |
| Council Motion #0229-15 | That Council direct Administration to terminate the lease with the Dog Trotters for Lot 1, Block 503 effective November of 2017.   |
| Council Motion #0330-15 | That Council seek input regarding the relocation strategy to the proposed Kennel Zone based on consideration of the following: <ol style="list-style-type: none"><li>1. Tax incentives for relocation (i.e. 5 to ten years);</li><li>2. Payment plan for land purchase (i.e. 5 to ten years);</li><li>3. Reduced sale price for relocation (i.e. maximum</li></ol> |



- percentage up to 25%);
4. Acceptance of \$10,000 deposit (currently at \$8,000) for site remediation of existing site with City bearing balance of costs;
  5. City covering a portion of general site preparation of the designated lot (i.e. blasting and grading); and
  6. Provisions for caretaker suites for kennel operators at the new site.
- Council Motion #0232-15 That the motion be referred back to Administration and that Administration be requested to provide information to Council regarding what incentives are offered elsewhere in the community.
- Council Motion #0079-17 That By-law No. 4931 be amended by removing 4b. from Schedule 1 and the Kennel Zone from the map.

Committee noted that applicable legislation, by-laws, studies or plans include:

1. N.W.T. Community Planning and Development Act;
2. General Plan By-law No. 4656, as amended;
3. By-law No. 4931, Engle Business District Phase 2 Area Development Plan;
4. Zoning By-law No. 4404, as amended;
5. Development Incentive By-law No. 4534, as amended; and
6. Land Administration By-law No. 4596, as amended.

Committee noted that:

#### Legislative

The City of Yellowknife is granted the authority to control land uses under the *NWT Community Planning and Development Act*.

#### General Plan By-law No. 4656, as amended

The Lot 1 Block 503 is located within the Kam Lam Designation as identified in Section 3.11 of the General Plan. With unique characteristics, current uses are primarily light industrial uses, but with a significant amount of commercial and accessory residential uses. Furthermore, Kam Lake area is identified as lands eligible for development incentives to relocate industrial uses to the Engle Business District, under the City's Development Incentive Program By-law. Over time, this area could transition from a focus on land-intensive light industrial uses, to more compact commercial and business park type uses, with increased residential. However, a very real limitation to further growth in this area is the lack of piped services.

#### Future of Lot 1 Block 503

Lot 1, Block 503 is located along Kam Lake and is city-owned waterfront property. The lot is zoned Industrial and within the Kam Lake Overlay. The Yellowknife Harbour Plan does not refer to this lot as a future development area, or makes any reference to the use of this lot as an access point to Kam Lake. However, notwithstanding this omission, Lot 1 may be viewed as a viable community access point to Kam Lake. The Harbour Plan study area





encompassed the entirety of Yellowknife Bay only. The City’s General Plan identifies the importance of incorporating dog mushing trails within the city, but does not specify a particular future land use for this public lot. At this time, a formalized water access plan for all water bodies in Yellowknife has not been undertaken.

Engle Business District Phase 2 Area Development Plan, By-law No. 4931

The current Engle Business District Phase 2 Area Development Plan includes 5 lots zoned GI – General Industrial. In this zone Kennels are a conditionally permitted use in that zone. This specific area is at the outer perimeter of the Engle Business District and in closer proximity to trails than the other GI lots are. The availability of all Phase 2 lots is subject to the marketing plan, expected to be presenting to the Municipal Services Committee by the first quarter of 2018.

On November 14, 2016 (Motion #0271-16) Council approved the following price incentives for Engle Business District Phase 2 lands:

- Up to five years to pay the balance of the purchase price;
- The timeline to obtain an approved development permit be extended from one year to two years (from the possession date); and
- Up to four years to complete construction (from the possession date).

As identified in a Memorandum to MSC on March 27, 2017 the proposed lots to accommodate kennels should be “somewhat isolated from other land uses in order to avoid conflicts, be located on well-drained ground, be sheltered from prevailing north-east winter winds, and have direct access to the summer and winter trail networks”. At that time it was also stated that “the supporting caretaker suites are not permitted due to the proximity of existing tank farms and the potential for additional bulk fuel storage under the General Industrial zoning”. At the time it was anticipated that stakeholder engagement will help inform any future kennel-specific zoning that is considered.

Available incentives relating to relocation

The following table identifies all currently available incentives to any intended purchaser in Engle Phase 2 or to any business relocating from Kam Lake to Engle. This list also includes any provisions for not-for-profit associations. Committee was provided with a complete list of all available incentives in Yellowknife.

Sources	Incentive
(Motion #0271-16) for Engle Business District Phase 2 lands:	<ul style="list-style-type: none"> <li>• Up to five years to pay the balance of the purchase price;</li> <li>• The timeline to obtain an approved development permit be extended from one year to two years (from the possession date); and</li> <li>• Up to four years to complete construction (from the possession date)</li> </ul>



Development Incentive By-law	<ul style="list-style-type: none"> <li>• This incentive offers declining 7 year property tax abatement to encourage businesses to relocate to the Engle Business District                         <ul style="list-style-type: none"> <li>○ Year 1: 100%</li> <li>○ Year 2: 90%</li> <li>○ Year 3: 80%</li> <li>○ Year 4: 70%</li> <li>○ Year 5: 50%</li> <li>○ Year 6: 50%</li> <li>○ Year 7: 40%</li> </ul> </li> </ul>
Land Administration By-law	<ul style="list-style-type: none"> <li>• Council may authorize the sale or lease of property at less than appraised value where the recipient is a society registered in accordance with the provisions of the <i>N.W.T. Societies Act</i>.</li> </ul>

Review of Incentives proposed pursuant to Motion #0330-15

While City Administration has started work on some of the considerations for the relocation strategy and the creation of a new Kennel Zone, further work, as well as input from the Association is required on the following:

**Relocation Incentive**

To date no incentives specific to the Association have been proposed. Should the Association relocate from Kam Lake to the Engle Business District they would be eligible for the Industrial Relocation incentive offered through the Development Incentive Program By-law No. 4534, as amended. It should also be noted that only after the marketing plan for the Phase 2 is complete that Administration can evaluate how incentives might assist the Association in their relocation to the Engle Business District.

**Payment Plan**

The City has approved price incentives for all lands in Engle Business District Phase 2. These price incentives include extending timelines for: the payment of lands, development permits and construction.

To date no additional payment plans have been considered specific to the Association. In addition to these price incentives, the City may consider enhanced incentives, such as:

- City contribution to development costs;
- Extended payment plan for land purchase (beyond 4 years);
- City covering portion of development permit fees; and
- City covering a portion of perimeter fencing costs.

**Reduced Sale Price**

To date, Council has not been provided with any evaluation or options for reduced land sale pricing which can be used as part of the relocation strategy to the proposed Kennel Zone. This evaluation will be presented to Council at the same time at the marketing plan.



### **Budget Preparation**

At present the 2018 draft budget does not consider any costs relating to any portion of general site preparation for future lands to be used or occupied by the Association. The lots within Engle Business District Phase 2 are not ready for development and would require blasting and grading as part of the site preparation. Once the marketing plan for the Engle Business District Phase 2 is completed Administration will calculate various options and related costs for Council to consider with respect to the City covering portions of site preparation of the designated lot(s).

### **Caretaker Suites**

Caretaker suites are not permitted in the Engle Business District (either Phase 1 or 2).

### **Consultation**

Upon completion of the marketing plan for Engle Business District Phase 2, Administration will be able to evaluate: reduced sale price for relocation, and whether a portion of general site preparation can be covered by the City. Further engagement with the Association and stakeholder consultation is needed to understand if the proposed kennel-specific zone identified in Engle Business District Phase 2 will be suitable to meet the needs of this land use type.

Committee noted that notwithstanding these incentives, Administration is aware that the Association has not expressed interest in relocation at this time. While the Engle Business District Phase 2 lots will not be ready for sale until 2018, the Association has been provided with termination notice regarding the lease on Lot 1, Block 503, as directed by Council. In the fall of 2017 the Association met with the City of Yellowknife and advised Administration that the Engle Business District Phase 2 will not currently satisfy the land requirement needs stated by the Association.

The motion considered by Council regarding incentives for relocation was not approved; rather, it was referred back to Administration for further review. This memorandum serves to satisfy Council's request to outline the incentives currently available. To clarify, currently there are no specific incentives, beyond what is currently in place, related to:

- Tax incentives for relocation;
- Payment plan for land purchase;
- Reduced sale price for relocation;
- Portion of costs being paid by the City for general site preparation; and
- Provision for caretaker suites for kennel operators.

The Council Motion also directed Administration to seek input on the proposed relocation strategy to the proposed Kennel Zone within the Engle Business District Development Area. While there have been meetings and discussions between Administration and the Association about this motion, general community consultation on details regarding the above matter has not occurred.



At this time, the recommendations herein are focused on obtaining direction on continued lease of the lot to the Association, providing a relocation strategy and incentive package for Council review along with the marketing plan for the Engle Business District Phase 2 in the first quarter of 2018, and whether to include, in the proposed General Plan review, land for the purpose of kennels and growth for the required land use in Yellowknife.

Committee heard a presentation from Jordee Reid, Scott McQueen, Angela James, Trevor Lizotte and Ernie Campbell, representatives of the Yellowknife Dog Trotters Association (YKDTA). They noted that based on the past 40 years occupancy of YKDTA has invested a lot consisting of property development, knowledge assets, and tourism contributions. They further noted that the existing YKDTA members would like to live next to their sled dogs; mushers would like to re-locate to Yellowknife with their sled dogs; and newcomers would like to enter into the dog sledding sport. They stated that the YKDTA would like to purchase and get title to the dog lot they currently occupy at Lot 1, Block 503, Plan 1239 for the fee of \$1.00 and to expand onto Lots 6 and 7. They further stated that this lot expansion would allow the following: caretaker residences with ownership titles; lots that suit individual dog owners' preferences; more room for sled dogs to run off chain and socialize; direct lake access to established trail networks.

Committee heard a presentation from Peter Curran, adjacent property owner, in opposition to granting an extension to the Yellowknife Dog Trotters Association lease at #192 Curry Drive. Mr. Curran noted that he has lived in Kam Lake since 1987, in close proximity to the kennels. Mr. Curran further noted that the current dog lot in Kam Lake houses approximately 200 dogs. Mr. Curran stated that there are concerns with the level of noise, smell, affect on businesses, quality of life, environmental impact on the lake and land use pressures for the Kam Lake Industrial Area. Mr. Curran further stated he participated in the Kam Lake Community Engagement which reflects that that Kam Lake is no longer the place for future kennels and stated that the City owned dog lot needs to be relocated. Mr. Curran noted that the vision was to include kennels within the Engle Business District.

(For Information Only)

5. Committee recessed at 1:55 p.m. and reconvened at 2:05 p.m.

Committee noted that caretaker suites are not permitted in the Engle Business District due to the proximity of the bulk fuel and propane tanks. Committee requested that Administration measure the distance between the tanks and the proposed kennel lots and advise Committee of the required buffer and the actual distance.

**Committee recommends that Council direct Administration to:**

- 1. Authorize continued lease of Lot 1, Block 503 to the Yellowknife Dog Trotters Association, pursuant to the Administrative authority provided in Land Administration By-law No. 4596, as amended, until the Engle Business District Phase 2 lots are ready for disposal;**



2. Include, in the marketing plan for the Engle Business District Phase 2, a relocation strategy for the Yellowknife Dog Trotters Association including incentives, for Council's endorsement; and
3. Include, in the proposed General Plan review, land for the purpose of kennels and growth for the required land use in Yellowknife.

### MOVE APPROVAL

(For Information Only)

6. Committee read a memorandum regarding whether to permit a Booster Juice, classified as a type of "Food Services" as a Conditionally Permitted Use in the Commercial Service (CS) zone within the Zoning By-law No. 4404, as amended, at Lot 8, Block 162 (419 Byrne Road).

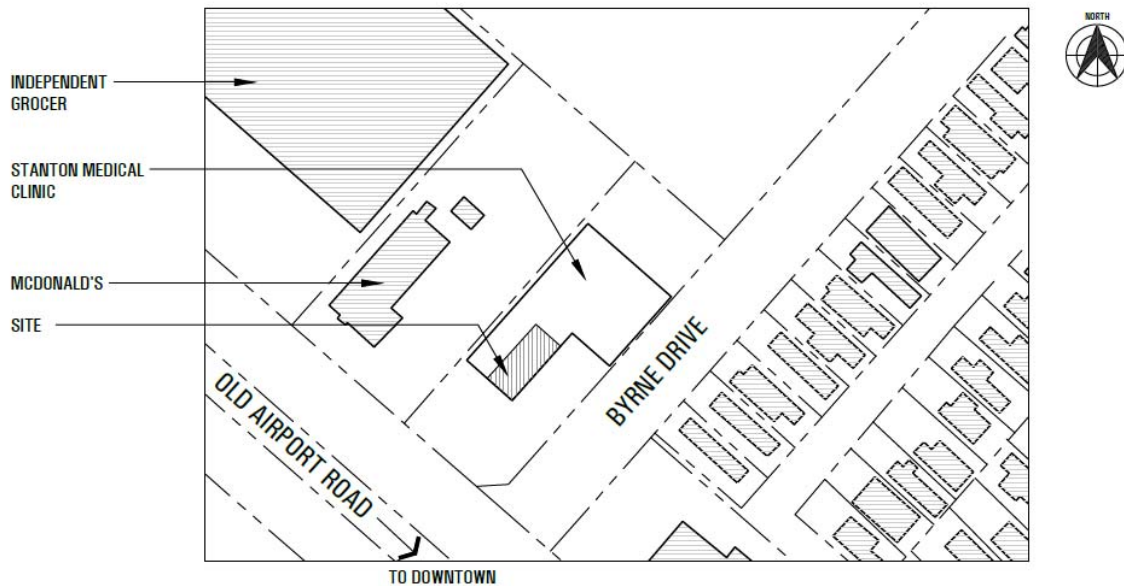
Committee noted that:

#### Property History

In 1995, Development Permits (#95-294 and #95-540) were approved for: retail store(s), medical/dental clinic(s), and a fascia sign on the property. The Development Officer required 22 parking stalls onsite to accommodate the mix of uses on the subject property. Following the issuance of these development permits, the building was constructed onsite in 1995. In 1996, there was an amendment to allow a second access onto Byrne Road as an "entrance only" and incorporate a landscaping plan.

#### Current Situation

In August 2017, the City received a Development Permit Application to re-develop a portion of an existing commercial building at 419 Byrne Road into a Booster Juice (see Figure 1). The existing building previously had two tenants, including a medical/dental clinic (which still remains) and a retail store (no longer operating). The proposed development divides the vacant space previously occupied by the retail space into two tenancies, one space for the proposed Booster Juice and one space for a third tenancy (to be occupied at a later date). No significant changes to the existing building exterior are proposed, except the closure of one exit door at the front of the property. The application also requests two fascia signs for the Booster Juice.



2 LOCATION PLAN  
100 Scale: NTS

7. Figure 1: Location of proposed Booster Juice at 419 Byrne Road, provided by applicant.

A recent site visit confirmed minor changes to the site, including: the second access on Byrne Road is currently being used as an entrance and exit, and that barriers have been placed along the property line between the subject property and the McDonald's restaurant, on the adjacent property.

Committee noted that Council's policies, resolutions or goals include:

- Council Goal #3 Strengthen and diversify the economy
- Council Goal #4 Community sustainability

Committee noted that applicable legislation, by-laws, studies or plans include:

1. NWT *Community Planning and Development Act*;
2. Smart Growth Development Plan (2010);
3. City of Yellowknife General Plan By-law No. 4656 (2011), as amended; and
4. Zoning By-law No. 4404, as amended.

Committee noted that:

Legislative

The City of Yellowknife is granted the authority to control land uses by way of a Zoning By-law under Section 13 of the *NWT Community Planning and Development Act*.

Smart Growth Development Plan

The application for a Booster Juice at 419 Byrne Road is consistent with the Smart Growth Development Plan, which encourages mixed-use development in the commercial corridor.



The proposed development aligns with smart growth principles by revitalizing a built-up area through the redevelopment of an existing building. The proposed Booster Juice would also contribute to economic development and diversification for a sustainable community.

City of Yellowknife General Plan By-law No. 4656, as amended (2011)

Pursuant to policies in the 2011 General Plan (Sec 4.2.3), Old Airport Road has been identified as a character area with a vision for redevelopment to incorporate greater density and diversity of use. The proposed development helps support a compact urban form by prompting density and diversity of use within an existing building along Old Airport Road.

Zoning By-law No. 4404, as amended

The subject property is zoned Commercial Service (CS) with “Food Services” listed as a Conditionally Permitted Use (Section 10.17(b)). Should Council approve the application to proceed, there are still requirements to: complete the Development Permit process, and obtain the appropriate Building Permits, along with any other municipal, territorial and federal requirements.

Section 2.4(1)(a) of Zoning By-law states that Council shall, “make decisions and state any terms and conditions for development permit applications for those uses listed as Conditionally Permitted Uses.” In considering such applications Council may:

- Approve the application, if the proposed development meets the requirements of Zoning By-law, with or without conditions, based on the merits of the application, the *Community Planning and Development Act*, by-law or approved plan or policy affecting the site, or;
- Refuse the application even though it meets the requirements of the Zoning By-law, or;
- Refuse the application if the proposed development does not conform to the Zoning By-law, unless a variance has been granted.

The City has authority to revoke a development permit if it is not being carried out or completed as approved. Additionally, the City may issue a penalty if the owner does not comply with the conditions of the development permit. These authorities are outlined in the Zoning By-law.

Site Plan Development

The subject property is located in a mixed-use neighbourhood. Pursuant to the City’s regulatory documents, there are no identified land use concerns with the proposed use. The analysis identifies that the proposed use does not unduly interfere with the amenities of the neighbourhood, nor does it materially affect the use or enjoyment of neighbouring properties. The proposed Booster Juice is compatible with the surrounding area. The Development Officer has reviewed the proposed site plans and will ensure the final submissions comply with the Zoning By-law requirements.



### Development Permit Conditions

During inter-departmental consultation, questions were raised regarding access and garbage facilities. The applicant has provided an updated site plan identifying the dimension and traffic flow of the current access and included garbage facilities with a compost bin. The parking on the property meets the By-law requirements for “Food Services” and the landscaping will remain the same.

### Neighbourhood Notification

The *Community Planning and Development Act* and the Zoning By-law (Section 3.7(2)) specify that when an application for a Conditionally Permitted Use is received, a neighbourhood notification is generated and sent to the Applicant to distribute to neighbouring properties.

The Zoning By-law does not prescribe the time required for comments. In this instance, a one-week commenting period (commencing October 3, 2017 until 4:30pm on October 11, 2017) was provided for all neighbours. Recognizing that the proposed use is compatible with the neighbourhood and in alignment with the General Plan, Smart Growth Plan, and Zoning By-law, the prescribed minimum distance of 30 metres around the subject property was used. Each owner and leasee received a letter prepared by staff advising of the proposed development. There were no concerns received from the neighbours for the proposed development during the notification period.

Committee noted that the Zoning By-law allows for Food Services as a Conditionally Permitted use in the Commercial Service (CS) zone. Allowing the redevelopment of 419 Byrne Road is aligned with Smart Growth Plan principles to revitalize the built-up area through the redevelopment of an existing building. The redevelopment also aligns with the vision for the Old Airport Road character area to create greater diversity of use, outlined in the General Plan. Approving this development would support Council’s goals for economic diversification and community sustainability.

The change of use in the existing building will alter parking and landscaping requirements, while the change of access over time requires departmental review. The applicant has provided an updated site plan that demonstrates the current access, parking, and landscaping. The Development Officer will ensure the property meets all requirements of the Zoning By-law prior to issuing the development permit.

Administration supports the proposed development because it will provide diversity of use on Old Airport Road. Further, the proposed change of use does not unduly affect the surrounding area. Conditions of the Development Permit will ensure minimal impact on the existing neighbourhood.

Committee recommended that Council approve Development Permit PL-2017-0335 for a proposed Booster Juice (a type of “Food Services”) as a Conditionally Permitted Use at Lot 8, Block 162 (419 Byrne Road).





Committee noted that this matter will be dealt with under New Business that evening.

(For Information Only)

6. Committee read a memorandum to provide an update to Council on Winter Emergency Preparedness. Committee noted that the City of Yellowknife provides essential services to our residents, including water and sewage, road construction and maintenance, arenas, library services and emergency services with the Fire Division and Municipal Enforcement Division. The City also has a larger mandate for emergency preparedness that is legislated through the Government of the Northwest Territories, *Civil Emergency Measures Act* and the *Cities, Towns and Villages Act*. Pursuant to this legislation, the City of Yellowknife has adopted the Emergency Measures By-law No. 4156.

#### Emergency Plan

The City of Yellowknife, in accordance with our Emergency Measures By-law, has an approved Emergency Plan. Further information can be found on our website, under Public Safety – Emergency Plan and Preparedness. The City will coordinate responses to all major emergencies within our community boundary or an emergency that may affect our residents that comes from outside of our community (wildland fires). The City's role will differ depending on the type of emergency, as every emergency situation may require a differing response.

Over the years, the City has only had to utilize our Emergency Plan when the City has been chosen as a reception centre for other NWT community residents or international passengers. In 1994, 1995, and 2011, the City operated a reception centre for NWT residents evacuated from their home communities due to forest fire risks and in 2001 operated a reception centre for an international flight grounded at the airport (due to the 9/11 attacks in New York and Washington DC).

#### Risk Assessment and Mitigation

The City has conducted a risk analysis which determined that the most probable emergencies that we must prepare for or attempt to mitigate the risks for our residents. The City has looked to mitigate risk for forest fires and for a winter time power outage. Both of these possibilities are covered with an appendix under our City Emergency Plan.

#### Winter Power Outages

While the frequency and duration of power outages has decreased in recent years due to improvements in the system, it is still a risk for our community. The City has worked with our partner agencies, Northland Utilities and the Northwest Territories Power Corporation to provide public information recommending items that residents should consider before, during and after a prolonged power outage (available on our website). These include:

- Flashlights and radios that use batteries are both useful, the radio will allow you to receive further information from our various local radio sources;
- Residents with woodstoves can use them for heat during longer power outages;
- Those residents with pellet stoves can use a battery back-up power source, available at various retailers across within the city;



- Turn off all your lights except one, this makes it easier when the system is re-energized as the increased load may cause issues when power is restored;
- Check your refrigerator and freezer to make sure they have power, dedicated circuit breakers for larger appliances may trip when the power goes out or when power is restored;
- Never use a BBQ, propane or kerosene heater indoors, the odourless carbon monoxide gas could seriously harm you and others; and
- Residents can also use a back-up battery unit for their homes water circulation pump, to keep water flowing between the main line and their home. The Water-line Freeze Protection brochure also explains other methods to keep water flowing and prevent freezing.

*City Infrastructure:*

The City has also mitigated some of the risks with winter power outages by installing back-up power to pump houses and lift stations to limit the effect of freezing on water and sewer infrastructure. All City facilities also have back-up power generation, as do many public and commercial facilities within our community so that in the event of an emergency, these City facilities can be used as required.

*Electrical/Power Providers:*

The City often meets with the power producers/distributors in the fall/early winter to discuss the coming winter season and any changes to personnel or services. This is also an opportunity for both Northland Utilities and the NWT Power Corporation to discuss any upgrades or mitigation they have completed on their systems over the summer months.

*City Assistance for Residents:*

When reviewing the need for reception or warming centres during prolonged power outages, the City has developed a guideline table, as every emergency can present different factors or considerations. For example, at minus forty (-40) Celsius for periods greater than 4 hours, it may necessitate a centre opening for residents. The City would start using our facilities first and then, as required, look at other public venues such as school gyms. Each area of the City would have a designated warming centre as required.

The location of the reception centre is communicated through the radio, social media or going door to door to affected areas as required. The City would then coordinate fuel delivery to ensure the continued operation of the back-up generation.

The City also reminds residents that we should all try to be personally prepared for 72 hours with food, water and other provisions for ourselves and our families. In being prepared, residents then allow emergency response workers to deal with those neighbourhood area(s) and residents that may be the most severely impacted by an emergency.

Committee noted that Council's policies, resolutions or goals include:

Council Goal #5                      Stronger Internal Working Relationships and Accountability



Committee noted that applicable legislation, by-laws, studies, or plans include:

1. *Cities, Towns and Villages Act*, R.S.N.W.T. 1998;
2. *Civil Emergency Measures Act*, R.S.N.W.T. 1988; and
3. Emergency Measures By-law No. 4156.

(For Information Only)

7. Committee discussed setting a date for the 2018 Community Barbeque and June 14, 2018 was chosen.

(For Information Only)

8. Committee read a memorandum regarding whether to adopt a Whistleblower Policy. Committee noted that at the April 11, 2016, Council meeting Council passed a motion directing Administration to develop a Whistleblower Policy whereby complaints can be made anonymously or otherwise about employees and/or members of Council.

Committee noted that Council's policies, resolutions or goals include:

Council Goal #5 Stronger Internal Working Relationships and Accountability

Council Motion #0079-16 That Administration be directed to develop a separate whistleblowing policy that includes a procedure whereby complaints can be made anonymously, or otherwise, about employees and/or members of Council to an independent third party reporting system, for employees only to report other employees or members of Council and with all complaints being reviewed through the Human Resources Division for appropriate action.

Committee noted applicable legislations, by-laws, studies or plans:

1. *Cities, Towns and Villages Act*, S.N.W.T. 2003

Committee noted that:

Legislation

Section 45 of the *Cities, Towns and Villages Act* states that, subject to the direction of council, the senior administrative officer shall supervise and direct the affairs of the municipal corporation and employees.

Anonymous Reporting

Concerns were raised with Administration with respect to an anonymous reporting mechanism for complaints as it could potentially lead to people frivolously or maliciously filing complaints that lack merit. The proposed Policy has been drafted to address these concerns. The Policy and reporting mechanisms will be reviewed after one year following implementation and the findings will be reported back to Council.

Committee noted that this Policy is brought forward in accordance with Council Motion #0079-16, dated April 11, 2016.



Committee noted the policy should provide more information regarding the procedure that takes place following a complaint regarding City employees and Members of Council and investigation process, given Council's existing Code of Conduct and provisions therein.

Committee recommended that Council adopt Whistleblower Policy 1000.14 effective November 1, 2017.

Committee noted that this matter will be dealt with under New Business that evening.

(For Information Only)

5. Councillor Bell moved,  
Councillor Morse seconded,

That, pursuant to Council Procedures By-law No. 4250, as amended, the meeting be extended beyond three (3) hours.

MOTION CARRIED UNANIMOUSLY

6. Councillor Bell moved,  
Councillor Morse seconded,

That Committee move in camera at 2:56 p.m. to discuss a land matter.

MOTION CARRIED UNANIMOUSLY

(For Information Only)

7. Committee discussed a land matter.

(For Information Only)

8. Councillor Bell moved,  
Councillor Morse seconded,

That Committee return to an open meeting at 3:12 p.m.

MOTION CARRIED UNANIMOUSLY

(For Information Only)

9. There was no business arising from the in camera session.
10. The meeting adjourned at 3:12 p.m.



CITY OF YELLOWKNIFE

## MUNICIPAL SERVICES COMMITTEE REPORT

**Monday, November 6, 2017 at 12:05 p.m.**

Report of a meeting held on Monday, November 6, 2017 at 12:05 p.m. in the City Hall Council Chamber. The following Committee members were in attendance:

Chairman: Mayor M. Heyck,  
Councillor A. Bell,  
Councillor L. Bussey,  
Councillor N. Konge,  
Councillor S. Morgan,  
Councillor J. Morse, and  
Councillor R. Silverio.

The following members of Administration staff were in attendance:

S. Bassi-Kellett,  
D. M. Gillard,  
D. Kefalas,  
D. Marchiori,  
N. Naidoo,  
K. Penney,  
G. White,  
S. Woodward, and  
S. Jovic.

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<u>Item</u>	<u>Description</u>
	(For Information Only)
1.	There were no disclosures of pecuniary interest.
	(For Information Only)
2.	Committee heard a presentation from Administration regarding the Draft Budget. Committee noted that the 2018 Budget will be released today to the Public.



(For Information Only)

3. Committee accepted for information a memorandum regarding the Third Quarter Forecast and Variance Report. Committee noted that the September 2017 Forecast and Variance Report identifies revenues and expenditures that are expected to be above or below the 2017 budgeted amounts.

Total revenues are expected to be \$2,141,000 lower than budget. A decrease in expected user charges as a result of lower land sales, community service fees, and permitting revenue and tax penalties is the primary reason for a decrease in revenue. Total expenditures are expected to be \$1,413,000 lower than budget. Savings in staff salaries, power and fuel costs and land expenses are the primary reasons for reduced expenditures.

Although the annual projected deficit has increased from \$4,978,000 to \$5,414,000, the closing balance of all funds is expected to be \$6,398,000 which is \$123,000 higher than budget. This is due to the opening balance of the funds being higher than what was anticipated in 2016.

The Report is projecting a \$157,000 annual surplus in the General Fund, compared to a \$1,000 surplus in the 2017 budget, due to larger-than-anticipated savings in salaries and fuel. The Water & Sewer Fund is forecasted to have an annual surplus of \$335,000, compared to a budgeted deficit of \$17,000, mostly because of higher piped water user charges and savings in salaries and power costs. The Report is also projecting a \$270,000 annual surplus in the Service Connection Failure Assistance Fund, which was budgeted to break-even, as a result of not completing as many repairs as was anticipated.

The Capital Fund closing balance is now anticipated to be \$670,000 higher than budgeted; however, when 2017 projected carryforwards are included, the capital fund is \$748,000 lower than expected. The \$748,000 overage is a result of a \$597,000 emergency reservoir repair approved by Council in March 2017, an unbudgeted expense of \$111,000 for final payment for the Water Treatment Plant, and cost overruns of \$55,000 and \$42,000 for City Hall and Frame Lake Trail upgrades respectively. The overage is offset by a reduction in 2016 carryforwards of \$57,000 as funds no longer needed to purchase parking meters.

The Land Fund closing balance is expected to be \$894,000 lower than budgeted because the land sales forecast has been lowered from \$4,900,000 to \$2,273,000 to reflect slow land sales, especially in Grace Lake South.

The attached report provides more detailed variance information and includes the City of Yellowknife's consolidated results up to September 30, 2017 as well as a detailed statement for each of the City's Funds.

Committee noted that Council's policies, resolutions, or goals include:

Council Goal #5 Stronger Internal Working Relationships and Accountability.



4. **Committee read a memorandum regarding whether to appoint Mitchell Josiah Roland as a By-law Officer II for the City of Yellowknife.** Committee noted that Mr. Mitchell Roland has been hired as a By-law Officer II for the City of Yellowknife. The *Cities, Towns and Villages Act* states that Council may appoint By-law Officers to enforce any or all of its by-laws.

Committee noted that Council's policies, resolutions, or goals include:

Council Goal #5 Stronger Internal Working Relationships and Accountability.

Committee noted that applicable legislation, by-laws, studies or plans include:

*Cities, Towns and Villages Act*

Committee noted that:

Legislation

Pursuant to the *Cities, Towns and Villages Act*, By-law Officers must be appointed by Council. This appointment grants the authority to enforce the by-laws of the municipal corporation.

Public Safety

The timely appointment of By-law Officers helps ensure that proper levels of staffing and enforcement are achieved.

Committee noted that the timely appointment of By-law Officers helps ensure that proper levels of staffing and enforcement are achieved.

**Committee recommends that:**

- 1. Pursuant to s. 137 of the *Cities, Towns and Villages Act*, S.N.W.T. 2003, c.22, Mitchell Josiah Roland be appointed as a By-law Officer II for the City of Yellowknife with the rank of Constable; and**
- 2. That the term of such appointment shall expire upon termination of employment with the City of Yellowknife as a By-law Officer.**

**MOVE APPROVAL**

(For Information Only)

5. Committee accepted for information a memorandum regarding the Minutes of the Community Advisory Board on Homelessness Meeting for June 29, 2017.

(For Information Only)

6. Committee discussed parking in the Downtown. Committee noted that there are taxi stands located in front of retail businesses where customer parking should be prioritized, loading zones out front of buildings with back alley delivery entrances, two-hour meters located on streets with no retail businesses but lots of office workers (who would prefer nearby nine-hour meters), new meters are under-utilized, downtown residents have inadequate free



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parking for themselves and their guests, triplexes and four-plexes have more vehicles than they have parking spaces and parking requirements make residential infill challenging unless multiple lots are consolidated. Committee further noted that the City does not evaluate parking usage and measure it against a set of principles and objectives. Committee requested that Administration develop a comprehensive parking strategy (various strategies) to meet the need of downtown workers, businesses and residents and provide information regarding electronic ticketing. Administration noted that parking is part of the Downtown Revitalization Vision and that the Implementation Plan will provide short and long term solutions.

7. The meeting adjourned at 1:27 p.m.