



CITY OF YELLOWKNIFE

## GOVERNANCE AND PRIORITIES COMMITTEE REPORT

**Monday, September 26, 2022 at 12:05 p.m.**

Report of a meeting held on Monday, September 26, 2022 at 12:05 p.m. in the City Hall Council Chamber. The following Committee members were in attendance:

Chair: Mayor R. Alty,  
Councillor S. Morgan,  
Councillor C. Mufandaedza,  
Councillor S. Payne,  
Councillor R. Silverio,  
Councillor S. Smith, and  
Councillor R. Williams (12:06 p.m.).

The following members of Administration staff were in attendance:

K. Thistle,  
C. Greencorn,  
C. MacLean,  
C. White,  
G. White,  
S. Woodward, and  
S. Jovic.

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| <u>Item</u> | <u>Description</u>  |
|-------------|---|
| 1.          | (For Information Only)<br>Mayor Alty read the Opening Statement.  |
| 2.          | (For Information Only)<br>Councillor Morgan declared a conflict of interest with respect to Items #4 and #5 on the agenda and excused herself from the meeting at 12:10 p.m.  |
| 3.          | (For Information Only)<br>Committee heard a presentation from Wendy Lahey, Chloe Dragon Smith, Cailey Mercredi and Noni Paulette and Donovan Boucher, representatives from Bushkids regarding a memorandum whether to dispose of a leasehold interest in a portion of Lot 3, Block 500, Plan 4224 (adjacent to the Fieldhouse). |



(For Information Only)

4. Committee read a memorandum regarding whether to dispose of a leasehold interest in a portion of Lot 3, Block 500, Plan 4224 (adjacent to the Fieldhouse).

Committee noted the City of Yellowknife (the “City”) received a Land Application from Lahey Consulting to lease approximate 3,500 m<sup>2</sup> portion of Lot 3, Block 500, Plan 4224 (the “Subject Land”) as outlined on Figure 1, located adjacent to the Arctic Indigenous Wellness Foundation (“AIWF”) Camp Site. Lahey Consulting is seeking to lease the Subject Land for five (5) years with the option to renew. The purpose of the lease request is to support a seasonal business for on-the-land learning programs, which has been operating at the site for a number of seasons.

The City is the owner of the Subject Land. The Lands are to the rear/south of the Multiplex and Fieldhouse in an area also identified by the City as an off leash dog area. There is an existing Memorandum of Understanding (MOU) between AIWF and the City for adjacent lands. The AIWF portion of the land is presently being used for the purpose of an interim Urban Healing Camp (the "Camp") as outlined on Figure 1. Providing traditional indigenous health services to citizens of Yellowknife, the Northwest Territories and Nunavut; including counseling, cultural skills workshops, wellness workshops and traditional healing since 2018. The current AIWF MOU was renewed in 2022 and expires in 2027.

The applicant was provided with the terms of proceeding with the application and they understood that the recommendation may have additional requirements. The applicant was also provided the option of withdrawing the application or selecting other property within the City. Lahey Consulting opted to move forward with the application to Council, pursuant to the Land Administration By-law. A Development Permit will be required to allow the use of “Commercial Recreation” to be permitted as a Discretionary Use in the Public Service Zone. The applicant has indicated that they will be entirely responsible for transporting or/and disposing of water and sewage.



Figure 1: Proposed Lease Land – Portion of Lot 3, Block 500, Plan 4224



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

Goal #1: Delivering efficient and accountable government

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

1. *Cities, Towns and Villages Act S.N.W.T. 2003;*
2. Land Administration By-law No. 4596, as amended;
3. Zoning By-law No. 5045;
4. Water and Sewer Services By-law No. 4663, as amended;
5. Fees and Charges By-law No. 4436, as amended; and
6. Tax Administration By-law No. 4207, as amended.

#### Legislative

Pursuant to Sections 53, 54 and 73 of the *Cities, Towns and Villages Act*, disposal of land must be authorized by a by-law specific to the subject land. Pursuant to Section 3(b)(i) of the Land Administration By-law, disposal of land in leasehold interest for a time period greater than three (3) years must be authorized by by-law.



The Land Administration By-law provides regulatory guidance regarding the review of land applications. Upon receipt of an application for land, the Planning Administrator shall review the request for compliance with this By-law and any other applicable by-law or legislation and shall:

- i. approve the use of a Lease Agreement, without a by-law if the request for a lease is for less than 3 years or a month-to-month tenancy, with certain exceptions (waterfront);
- ii. refer the request to Council if the type of application or form of disposal would require approval of Council, or if the Planning Administrator otherwise deems the approval of Council to be desirable; and
- iii. Notwithstanding Section 3(b)(i), refer all waterfront lease requests to Council.

The By-law does not provide Administrative authority to refuse land applications. Therefore, due to regulatory process indicated above, this recommendation is being presented to Council for consideration.

#### Zoning By-law

The subject land is zoned PS – Public Service. The purpose of the Public Service zone is to provide land dedicated for major Institutional services and Recreation Facilities that are public or quasi-public in nature. Commercial recreation services that support the public or quasi-public services may also be considered; they are Discretionary Uses in this zone.

#### Next Steps:

- a Development Permit application will be required;
- Decision by Council on the Discretionary Use in the PS Zone prior to the lease being finalized; and
- Lease Agreement for the approved Discretionary Use solely by Bush Kids for the purpose of an on-the-land education program, at this location.

Site development factors to be considered for the Subject Land include site access/egress, utility servicing, emergency service access and parking as part of the Development Permit:

#### *1) Access/Egress*

The Subject Land does not have direct access onto an acceptable public roadway and requires access through the adjacent City-owned Multiplex/Fieldhouse property (Lot 2, Block 500) and AIWF Camp Site.



Figure 2: Proposed Access to Lease Land – Portion of Lot 3, Block 500, Plan 4224



2) *Utility Servicing*

Pursuant to Section 707. (4) of the Water and Sewer Services By-law No. 4663, as amended, the applicant is responsible to produce and service honey bags as the means of sewage disposal. They must use appropriate bags or containers and are solely responsible for transporting and disposing of such waste at the designated location at the City's Solid Waste Facility. The applicant has mentioned that the water will be carried in each day.



### 3) *Parking/Loading*

The proposed lease area is anticipated to be up to 3,500 m<sup>2</sup> in total area where less than 100 m<sup>2</sup> will be occupied by structures. Based on the Zoning By-law regulations, the use would require three (3) parking spaces. There is sufficient space within the proposed parking area to accommodate the required parking and loading spaces. No accessible parking spaces are required, however will be encouraged through the Development Permit process.

### Financial Considerations

Approving a leasehold interest for the Subject Land the lease fees will be established pursuant to Part 9 of the Fees and Charges By-law 4436, as amended, and the annual fee will be 5% of the assessed value of the Subject Land. The estimated assessed value for the Subject Land is \$41,000.00, equating to an annual fee for 2022 of \$2,000.00. An environmental security deposit to address any land-use concerns will also be retained by the City for the duration of the lease. The Tenant will be responsible for minor maintenance and all utilities, snow removal and grounds keeping.

### Lease Agreement

Subject to Council approval of the disposal by-law, Administration will finalize the five (5) year lease agreement with Lahey Consulting.

Key considerations for a lease agreement, pursuant to Land Administration By-law No. 4596, Fees and Charges By-law No. 4436, Building By-law No. 5058 and the City's Real Property Acquisition and Disposal Policy, include:

- Term: a 5-year lease was requested;
- Area: a portion of Lot 3, Block 500 was requested, with a land area of approx. 3,500 m<sup>2</sup> (see Figure 1);
- Annual lease fee: 5% of the assessed value unless the Senior Administrative Officer has waived the fee in whole or in part. The annual lease fee based on the assessed value of the requested site area is \$2,000;
- Environmental security deposit: \$10,000;
- Insurance: for public liability at a minimum of \$2,000,000 with the City included as additionally insured;
- Property taxes: subject to the Tax Administration By-law;
- Building Permit: in accordance with the Building By-law for all structures on site; and
- Easement or Access needs to be addressed: Land access through Lot 2, Block 500.

Committee noted the City has received a lease application to run a seasonal business for on-the-Land learning programs. The Land Administration By-law requires Council approval of land applications for leasehold interests longer than three years.

The use of municipal land by a third party must be authorized. The Subject Land is not required for municipal purposes for the foreseeable duration of the lease. Granting the lease with Lahey Consulting will provide a source of revenue to the City. Should the Subject



Land need to be reclaimed by the City for future development purposes, the City will exercise that option in accordance with the terms and conditions of the Lease Agreement.

Committee recommended that By-law No. 5063, a by-law authorizing the City of Yellowknife to dispose of the portion of Lot 3, Block 500, Plan 4224 through a lease agreement for a term of five (5) years, with an option to renew for a further five (5) years, be presented for adoption.

(For Information Only)

5. Councillor Morgan returned to the meeting at 12:39 p.m.

(For Information Only)

6. Councillor Williams left the meeting at 12:39 p.m.

7. **Committee read a memorandum regarding whether to recommend/endorse a development option for the Yellowknife Airport Development 20-Year Master Plan.**

Committee noted that Dillon Consulting, representing the Government of the Northwest Territories (GNWT), held two (2) Yellowknife Airport stakeholder sessions on February 1 and 2, 2022. Five (5) development scenarios were presented to participants for comments and discussion. The City Manager, Director of Planning and Development and Director of Economic Development and Strategy attended and participated. A presentation was made to Council on June 6, 2022 highlighting two selected options.

The City of Yellowknife is supportive of the re-development of the Yellowknife Airport. Yellowknife Airport is essential to the city, and the territory, in many ways; logistical, economic, social, medical, tourism, etc. The Airport is the primary airport facility for passengers and cargo. Owned by the GNWT Department of Infrastructure; the City of Yellowknife has no zoning authority over the airport lands.

In March 2008, the GNWT created the Yellowknife Airport Development Plan ([https://www.inf.gov.nt.ca/sites/inf/files/resources/yellowknife\\_airport\\_development\\_plan\\_2008.pdf](https://www.inf.gov.nt.ca/sites/inf/files/resources/yellowknife_airport_development_plan_2008.pdf)). Airport development has direct and indirect impacts on land use adjacent to and throughout the city. As one of the largest employment centres in Yellowknife, it generates significant economic benefit. The City wishes to support and promote collaboration as the airport focuses their future planning and development objectives outlined in the Airport Development 20-Year Master Plan (2022).

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

- |          |   |
|----------|---|
| Goal #1: | Growing and diversifying our economy                                  |
| Goal #2: | Delivering efficient and accountable government                       |
| Goal #3: | Ensuring a high quality of life for all, including future generations |
| Goal #4: | Driving strategic land development and growth opportunities           |



Motion #114-22 That Administration be directed to bring forward a Memorandum to Committee recommending a development option for Yellowknife Airport that would serve the City of Yellowknife and residents' best interest.

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

1. *Cities, Towns and Villages Act S.N.W.T. 2003;*
2. *Community Planning and Development Act, S.N.W.T. 2011;*
3. Community Plan By-law (2020) No. 5007;
4. City of Yellowknife 2020-2024 Economic Development Strategy;
5. City of Yellowknife and YKDFN Joint Economic Development Strategy (2021);
6. Tourism Strategy (2014);
7. Retail Revitalization Strategy;
8. City of Yellowknife Vision for Downtown Revitalization;
9. Urban Design Initiative (2010);
10. 2010 Smart Growth Development Plan; and
11. City of Yellowknife Visitor Services Strategy.

#### Financial Considerations

Financial impacts of new development at the Airport considered by the City of Yellowknife include taxation, utilities, infrastructure and lost revenue opportunities. The City of Yellowknife should request a formal contribution agreement be entered into to address third party leases of Airport lands, associated taxes and servicing accounts. At present the City of Yellowknife is unable to ensure the fair contribution through the payment of taxes as the lands leased are owned by the Airport. Where land leased is not used for directly related airport activities, they are not currently covered through the GNWT Grants in Lieu of Property Taxes policy. This requires the City to seek payment from a leaseholder, where the GNWT is the actual property holder. Past experience with these situations have proven difficult for the City when a leaseholder does not pay taxes or a utility account. The solution is that the GNWT and the City enter into an agreement which outlines that the City is paid taxes due for third party lease lots and for services accounts, by the GNWT as the land owner. Alternatively, the GNWT could update their policy to include this situation in their approved grant in lieu of taxes formula. The City requests that before new lots are created and leased at the airport to third party businesses this matter be addressed in fairness to the City and its taxpayers.

The development designs presented will require upgrades to municipal infrastructure, specifically roads, water and sewer. The City does not current have plans or funding available to upgrade existing roads nor to extend municipal services to the airport. The GNWT is asked to include as part of their development plans and budget, considerations to cover the cost of upgrades and extensions to service their proposed new facility development.

Careful consideration and consultation with the City regarding the land uses permitted on developed Airport lands are encouraged. The City has numerous initiatives in progress





related to downtown development, support of the tourism industry, smart growth development and design and is in the process of significant land transfers from the GNWT for development purposes within the city proper. The development at the Airport should not contradict or compete with these initiatives. Development at the Airport should not mean lost development from other areas of the City. These lost opportunity costs to the City and taxpayer have potentially significant financial impact to the city, its businesses and its residents.

### Economic Development

The City of Yellowknife has completed numerous studies related to economic development, tourism, growth and development within the city. It is important for the goals and objectives of these plans to be supported through future development at the Airport. Collaboration with the City, the Chambers of Commerce and areas businesses will result in net overall benefit for all. These studies should be reviewed and referenced in development planning exercises related to the Airport to ensure symmetry. At minimum the following studies are directly related:

- a) City of Yellowknife 2020-2024 Economic Development Strategy;
- b) City of Yellowknife and YKDFN Joint Economic Development Strategy (2021)
- c) Tourism Strategy (2014);
- d) Retail Revitalization Strategy;
- e) City of Yellowknife Vision for Downtown Revitalization;
- f) Urban Design Initiative (2010);
- g) 2010 Smart Growth Development Plan; and
- h) City of Yellowknife Visitor Services Strategy.

### Public Infrastructure

The City of Yellowknife requests the opportunity to discuss infrastructure needs with the Airport in advance of final decisions being made regarding future lands use development. Municipal Services, including roads, sewer, and water, need to be reviewed to ensure adequate infrastructure is planned for and costs are included in development estimates. Specifically, direction, timelines, costs related to municipal service extensions and upgrades in capacity within existing infrastructure, need to be provided for by the GNWT. At present the City does not have service expansion plans nor existing capacity to service development at the Airport.

### Planning Considerations

Land use planning initiatives undertaken by the City in the vicinity of the Airport consider the long-term operation and economic benefit provided through its operation. Past and present City development decisions aim to separate sensitive land uses (residential, institutional) from Airport lands. Land use compatibility between major infrastructure facilities and sensitive lands uses are planned to avoid, minimize or mitigate potential adverse effects from odour, noise and other contaminants produced. This is done to minimize risk to public health, facilitate public safety and to ensure the long-term operational and economic viability of the Airport.



Airport development options presented to Council included new land uses proposed toward the direction of existing residential development. Consultation on mitigating impacts are encouraged with both the City and area residents. It is preferable that alternative locations for the proposed expansion be given thorough evaluation before a final determination is made. The City will be considerate of confirmed future planned development areas and update our land use planning documents to discourage land uses, especially sensitive ones, from locating where potential hazards, conflict or safety hazards are identified.

Committee noted that an Airport is among the largest investments the GNWT makes within the City of Yellowknife. The success of the Airport affects the economic growth and development within the City and the region. Good Airport services are an important factor in continuing to support our growing economy and providing consistent cargo and travel options for residents and visitor alike. The City has no authority over land use planning upon Airport lands. The City seeks to build upon existing relationships, to create formal agreements with the Airport authority to ensure continued and/or extended provision of services, for a fair price, with a measurable benefit to both the City and the Airport.

**Committee recommends that Council:**

- 1. Not endorse a specific option for Yellowknife Airport; and**
- 2. Direct Administration to write a letter to the Government of the Northwest Territories outlining the City interests and considerations related to any 'Future Yellowknife Airport Development 20-Year Master Plan' options.**

**MOVE APPROVAL**

(For Information Only)

8. Committee read a memorandum regarding whether to appoint Paul Parker as an Adjudicator pursuant to Administrative Monetary Penalty By-law No. 5054 for the City of Yellowknife.

Committee noted that the City of Yellowknife recently adopted Administrative Monetary Penalty By-law No. 5054 which outlines the process for resolution of disputed parking tickets. Administrative Monetary Penalty By-law No. 5054 requires the appointment of an Adjudicator to conduct hearings to review disputed penalty notices that are not resolved through the City's internal screening process. An Adjudicator is an independent and impartial individual that will adjudicate penalty notices that are filed in accordance with the by-law.

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

- Goal #2: Delivery efficient and accountable government.

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

1. Administrative Monetary Penalty By-law No. 5054;
2. Parking By-law No. 5053; and
3. *Summary Convictions Procedures Act* RSNWT 1988, c.S-15



### Legislation

Section 1.1 of the *Summary Convictions Procedures Act* states that the Act doesn't apply to contravention of municipal parking tickets if Council has established an administrative monetary penalty regime. On September 1, 2022 the City implemented the Administrative Monetary Penalty System (AMPS) that was approved through Administrative Monetary Penalty By-law No. 5054.

Committee noted that the role of the Adjudicator is prescribed within Administrative Monetary Penalty By-law No. 5054 including, but not limited to:

- (i) conduct hearings in accordance with the by-law and any policies or procedures established by the City;
- (ii) give the parties to the adjudication an opportunity to be heard and to ensure all parties have been provided with the opportunity to examine and make copies of any information has been submitted for the purpose of the adjudication;
- (iii) render a decision, based on the evidence provided, to confirm, reduce or cancel the penalty notice; and
- (iv) provide written decisions with reasons to be provided to the person(s) who requested the adjudication and to the City.

The appointment of an Adjudicator is required pursuant to Administrative Monetary Penalty By-law No. 5054.

Committee recommended that pursuant to s.17 of Administrative Monetary Penalty By-law No. 5054 Paul Parker be appointed for a two (2) year term as an Adjudicator for the City of Yellowknife.

Committee noted that this matter will be discussed under New Business at this evening Council Meeting.

(For Information Only)

9. Committee read a memorandum regarding whether to authorize the Mayor to travel to Victoria, B.C. from October 3 - 4, 2022 to attend the Livable Cities Forum.

Committee noted that invitees to the panel at the Livable Cities Forum include the Honourable Steven Guilbeault, Minister of Environment and Climate Change, Mayor Kate Rogers, City of Fredericton and Mayor Rebecca Alty, Mayor of Yellowknife.

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

- |               |  |
|---------------|--|
| Policy 260-T1 | A policy to outline the procedures for authorizing members of Council to travel for City related business. |
|---------------|--|



Motion #0373-02 It is the policy of the City of Yellowknife that Members of Council submit a written travel expense claim together with a daily diary of activities while on City sponsored travel upon their return.

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

1. Council Remuneration By-law No. 4982, and
2. Financial Administration By-law No. 4206, as amended.

#### Budget

For 2022, \$16,000 has been allocated for Mayor and Council travel of which \$0 has been spent.

Travel authorization should be prioritized based on Council priorities and emerging opportunities, and should be approved by Council on a case-by-case basis in advance of each conference.

The cost estimate for attendance at the 2022 Livable Cities Forum is as follows:

#### Livable Cities Forum (Victoria, B.C.) October 3 - 4, 2022

|                       |                  |                               |
|-----------------------|------------------|-------------------------------|
| Registration          | \$ 199.00        | (Speaker Rate)                |
| Accommodation         | \$ 558.00        | (\$279.00 per day X 2 nights) |
| Flights               | \$ 1,615.00      | (Return Flight)               |
| Meals and Incidentals | <u>\$ 409.50</u> | (\$136.50 per day x 3 day)    |
| Approximate cost:     | \$ 2,781.50      |                               |

Committee noted that the Livable Cities Forum provides an ideal opportunity to engage with Canadian and international experts on leading edge climate adaptation and mitigation practices that are central to the future prosperity and well-being of communities. The forum will look at efforts to address social vulnerabilities exposed through the COVID-19 pandemic, and efforts to increase climate resilience and achieve net-zero in communities across Canada through an equity lens.

Committee recommended that the Mayor be authorized to travel to Victoria, B.C. from October 3 - 4, 2022 to attend the Livable Cities Forum.

Committee noted that this matter will be discussed under New Business at this evening Council Meeting.

(For Information Only)

10. Committee read a memorandum regarding whether to approve the recommendations of the City of Yellowknife Community Advisory Board on Homelessness to allocate Incremental Reaching Home funding for the 2022/2023 fiscal year.

Committee noted Reaching Home – Canada’s Strategy to End Homelessness is a federal program aimed at preventing and reducing homelessness by providing direct support and



funding to designated communities (urban centres), Indigenous communities, territorial communities and rural and remote communities across Canada.

As a Community Entity for this program the City of Yellowknife holds a 5-year funding agreement with Employment and Social Development Canada and has received the following amounts in base funding in the prior three years of this agreement:

|           |             |
|-----------|-------------|
| 2019-2020 | \$1,216,770 |
| 2020-2021 | \$1,206,770 |
| 2021-2022 | \$1,206,770 |
| 2022-2023 | \$1,202,270 |

The City of Yellowknife will receive \$1,388,373 in Incremental Reaching Home funding for the 2022-2023 fiscal year, of which \$102,000 is allocated to the City of Yellowknife for administrative costs and funds the Homelessness Resource Coordinator position and fifty percent of the Homelessness Specialist position. Additionally, \$56,680 of these funds will be directed towards supporting Coordinated Access as per Reaching Home directives.

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

|               |  |
|---------------|--|
| Goal #3       | Ensuring a high quality of life for all, including future generations.   |
| Objective 3.3 | Work with partners to address pressing social issues.  |
| Action 3.3.2  | Focus on bringing partners and funding to support the implementation of the City's 10 Year Plan to End Homelessness. |

Committee noted that applicable legislation, by-laws, studies or plans include:  
Everyone is Home – Yellowknife's 10 Year Plan to End Homelessness.

#### Existing Programs/Services

Under Reaching Home: Canada's Strategy to End Homelessness, the City of Yellowknife has allocated funding to the three services identified above over the previous three years of the five-year funding agreement.

Committee noted that supporting the motion of the CAB to utilize the Reaching Home funding for individuals and families experiencing homelessness and at imminent risk of homelessness to keep those that are currently housed from entering homelessness and those that are homeless, providing a safe temporary shelter.

Committee recommended that Council approve the recommendation from the City of Yellowknife Community Advisory Board on Homelessness (CAB) to allocate a portion of \$1,388,373 of the Incremental 2022-2023 Reaching Home - Canada's Strategy to End Homelessness funding as follows:

|                                 |           |
|---------------------------------|-----------|
| Housing First for Adults:       | \$14,000  |
| Housing First for Families:     | \$26,000  |
| Prevention & Shelter Diversion: | \$146,000 |



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Direct staff to work with Canadian Mortgage Housing Corporation (CMHC) on transferring Aspen Apartments to an organization for non-market housing.

That CAB reconvene at the beginning of November 2022, at the latest, to evaluate progress and determine next steps with the funding.

Committee noted that this matter will be discussed under New Business at this evening Council Meeting.

11. The meeting adjourned at 12:54 p.m.