



CITY OF CORNER BROOK

Dear Sir\Madam:

I have been directed by His Worship the Mayor to summon you to a Regular Meeting of the Corner Brook City Council, to be held on Monday, August 17, 2020 @ 12:30 p.m. via Video Conference

CITY CLERK

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**MINUTES OF A REGULAR MEETING OF
THE COUNCIL OF THE CITY OF CORNER BROOK
VIDEO CONFERENCE
MONDAY, 20 JULY, 2020 AT 12:30 PM**

PRESENT:

Mayor	J. Parsons	D. Park, Director of Finance & Administration
Deputy Mayor	B. Griffin	D. Charters, Director of Community Engineering Development and Planning
Councillors:	T. Buckle	D. Burden, Director of Public Works, Water and Waste Water Services
	J. Carey	M. Redmond, City Clerk
	L. Chaisson	
	V. Granter	
	B. Staeben	

Absent with Regrets: R. Cumby, City Manager and T. Flynn, Director of Protective Services

The meeting was called to order at 12:30 p.m.

20-91 Approval of Agenda

On motion by Councillor V. Granter, seconded by Councillor J. Carey, it is **RESOLVED** to approve the agenda as circulated. **MOTION CARRIED.**

20-92 Approval of Minutes

On motion by Deputy Mayor B. Griffin, seconded by Councillor B. Staeben, it is **RESOLVED** to approve the Minutes of the Regular Council Meeting of June 22, 2020 as presented. **MOTION CARRIED.**

20-93 Confirmation of Minutes

In accordance with Section 41(3) of the City of Corner Brook Act, the following motions were brought forward for ratification:

- CC18-007 - Bear Head Road Slope Stabilization and Reconstruction - Additional Work(**Buckle/Staeben**)
- CC19-027 - Approval of Agenda(**Buckle/Griffin**)
- CC19-028 - Conflict of Interest (**Buckle/Staeben**)
- CC19-030 - Prime Consultant Agreement - Independent Review of Slope Assessment and Construction, Bear Head Road(**Buckle/Staeben**)
- CC19-069 - ICP Project Submission List (**Buckle/Griffin**)
- CC19-100 - Borrowing Approval - Corner Brook Port Corporation(**Buckle/Carey**)
- CC20-001 - Approval of Agenda (**Buckle/Staeben**)
- CC20-003 - Land Sale 51 Lundrigan Drive(**Buckle/Griffin**)
- CC20-004 - Memorandum of Understanding- Recreation Center(**Buckle/Staeben**)
- CC20-005 - Geological Study to Support Aspiring Geo-Park(**Buckle/Granter**)
- COW20-18 - Approval of Agenda(**Buckle/Griffin**)

- CC20-031 - Approval of Agenda(**Buckle/Granter**)
 CC20-034 - RFP - Hilliard's Road & O'Connell Drive(**Buckle/Griffin**)
 CC20-035 - RFP - Corporal Pinksen Memorial Drive & Grenfell Drive(**Buckle/Granter**)
 CC20-036 - RFP - Old Humber Road(**Buckle/Staeben**)
 CC20-037 - Interest Relief Request(**Buckle/Griffin**)
 CC20-039 - RFD Salto's Rent Relief Request(**Buckle/Griffin**)

20-94 Business Arising From Minutes

At the request of Councillor Chaisson the follow update was provided on the paving program

- The Director of PWWW reported 75% of the waterline cuts have been completed. The remaining cuts should be completed within the next ten days.
- The Director of CEDP reported regular paving program is scheduled to commence on July 21, 2020

At the request of Councillor Chaisson the following update was provided on the recreation center:

- The Director of CEDP reported a draft Request for Proposal (RFP) has been finalized and is currently being reviewed. The RFP is expected to be issued August 3, 2020.
- Mayor Parsons reported a meeting of the Governance Committee is being scheduled. He further commented that reports on the status of the Recreation Center will be placed as a standing item on the agenda for briefing items.

20-95 Corner Brook Transit Operation

On motion by Councillor J. Carey, seconded by Councillor B. Staeben, it is **RESOLVED** to postpone a vote on the resolution to the next Public Council Meeting. **MOTION CARRIED.**

20-96 Auctioneer Services

On motion by Councillor V. Granter, seconded by Councillor T. Buckle, it is **RESOLVED** to accept the quotations from Ritchie Brothers for Auctioneer Services as 9% of total sold + \$65 per item for lien check for the period of July, 2020 — July, 2022 on an as needed basis. **MOTION CARRIED.**

20-97 2019 Financial Statements

On motion by Councillor B. Staeben, seconded by Councillor J. Carey, it is **RESOLVED** that the Council of the City of Corner Brook approve the 2019 audited financial statements of the City of Corner Brook as attached. **MOTION CARRIED.**

20-98 Youth Advisory Committee- Signs of Hope

Councillor Chaisson reported that the Youth Advisory Committee has commenced a campaign called "Signs Of Hope" for the month of July. The campaign includes a contest for residents whereby residents are encouraged to find the 5 different signs of hope, posted throughout the City. Residents can post photos of the signs with the social media hashtag "#CBKindness" and they get a chance to win a \$25 gift card from a local Corner Brook business.

20-99 Discretionary Use - Home Base Business 51 West Valley Rd

On motion by Councillor J. Carey, seconded by Councillor L. Chaisson, it is **RESOLVED** to approve the application to operate a home based business (What's Underneath) from the dwelling located at 51 West Valley Road in accordance with Regulation 11 - Discretionary Powers of Authority. **MOTION CARRIED.**

ADJOURNMENT

The meeting adjourned at 1:08 p.m.

 City Clerk

 Mayor

	City of Corner Brook Request for Decision (RFD)
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Subject Matter: Ratification of Decisions	
Report Information	
Department: City Manager	Attachments:
Prepared By: Jessica Smith, Legislative Assistant	Council Meeting Date: August 17, 2020

Issue: Ratification of Minutes from previous Council in Committee and Committee of the Whole meetings

Background: In accordance with section 41 (3) of the City of Corner Brook Act, "Where a decision is made by the councilors at a privileged meeting, the decision, in order to be valid, shall be ratified at a public meeting of the council."

Council in Committee Meeting – August 3, 2020
It is RESOLVED to ratify minute CC20-040 – Approval of Agenda:
<i>It is RESOLVED to approve the agenda as circulated with the exception of the Corner Brook Transit Operation item being removed from the agenda.</i>
It is RESOLVED to ratify minute CC20-043 – DUDAP Phase I:
<i>It is RESOLVED to support the continuation of the DUDAP Phase I project and the expenditures presented.</i>

Council in Committee Meeting – August 10, 2020
It is RESOLVED to ratify minute CC20-044 – Approval of Agenda:
<i>It is RESOLVED to approve the agenda as circulated.</i>
It is RESOLVED to ratify minute CC20-046 – RFP – Corporal Pinksen Memorial & Grenfell Drive:
<i>It is RESOLVED to approve the execution of the purchase and sale agreement with 83910 Newfoundland and Labrador Limited for the sale of City land issued under the Corporal Pinksen Memorial Drive & Grenfell Drive Request for Proposals.</i>

	City of Corner Brook Request for Decision (RFD)
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It is RESOLVED to ratify minute CC20-048 – Lease Agreement – YMCA:
<i>It is RESOLVED to approve the lease agreement with the YMCA of Western NL Inc. f or the Corner Brook Curling Club from August 17 to August 28, 2020.</i>
It is RESOLVED to ratify minute CC20-049 – Corner Brook Transit Operation:
<i>It is RESOLVED to award the transit tender – Contract 2020-18 Operation of Corner Brook Transit – to Murphy Brothers Ltd. For the tender price of \$468,774.50 (HST included).</i>
It is RESOLVED to ratify minute CC20-050 – Margaret Bowater Cleaning Contract July 3 – Aug 16:
<i>It is RESOLVED to approve the execution of the maintenance agreement between the City of Corner Brook and the Humber Valley Community Employment Corporation for supplying maintenance services at the Margaret Bowater Park building for the amount of \$9375.00 HST inc. as per the attached item.</i>
It is RESOLVED to ratify minute C20-051 – Margaret Bowater Cleaning Contract Aug 17 – Sep 7:
<i>It is RESOLVED to approve the execution of the maintenance agreement between the City of Corner Brook and the Humber Valley Community Employment Corporation for supplying maintenance services at the Margaret Bowater Park building for the amount of \$4583.26 HST inc. as per the attached terms with the possibility of extension at the cost of \$208.33 per day until seasonal facility closure.</i>

Legal Review: N/A

Governance Implications: Motions approved in a privileged meeting must be ratified in a public meeting of Council to become valid

Budget/Financial Implications: N/A

Environmental Implications: N/A

 <p>CORNERBROOK</p>	<p>City of Corner Brook Request for Decision (RFD)</p>
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<p>Prepared by: Jessica Smith, Legislative Assistant</p>
<p>Supervisor: Marina Redmond, City Clerk</p>
<p>City Manager: Rodney Cumby</p>
<p>Date:</p>

Additional Comments by City Manager:

	City of Corner Brook Information Report (IR)
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Subject Matter: Proclamations	
Report Information	
Department: City Manager	Attachments: Proclamations
Prepared By: Jessica Smith	Council Meeting Date: Aug 17, 2020

Topic: *Proclamations*

Background: The City of Corner Brook have received requests to sign proclamations in recognition of the following events:

- The PKD Foundation of Canada is requesting to declare **SEPTEMBER 4, 2020** to be **NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS DAY** in the City of Corner Brook; and
- FasdNL is requesting to declare the week of **SEPTEMBER 7-11, 2020** to be **FETAL ALCOHOL SPECTRUM DISORDER (FASD) AWARENESS WEEK** in the City of Corner Brook.

Prepared by: Jessica Smith, Legislative Assistant
Supervisor: Marina Redmond, City Clerk
City Manager: Rodney Cumby
Date: August 14, 2020



NATIONAL POLYCYSTIC KIDNEY DISEASE AWARENESS DAY

September 4, 2020

WHEREAS, Polycystic kidney disease (PKD) causes abnormal cysts to develop and grow in the kidneys and the enlargement of cysts causes kidney function to decline. It equally affects men, women and children – regardless of geography or ethnic origin; and

WHEREAS, the PKD Foundation of Canada is the only national charitable organization dedicated to fighting PKD, a progressive, life-threatening genetic disease, through programs of research, advocacy, education, support and awareness in order to discover vital treatments and a cure for PKD and improve the lives of all it affects; and

WHEREAS, on Sunday, September 27th, a virtual Walk to END PKD will take place nationwide to honour PKD patients and their friends & families fundraising for clinical research and fellowships, which will benefit all PKD patients, including many Corner Brook residents; and

THEREFORE, I, Jim Parsons, Mayor of the City of Corner Brook, do hereby proclaim **September 4, 2020 National Polycystic Kidney Disease Awareness Day** in Corner Brook.

Proclamation

**Fetal Alcohol Spectrum Disorder (FASD) Awareness Week
September 7 – 11, 2020**

WHEREAS: Fetal Alcohol Spectrum Disorder (FASD) is a diagnostic term used to describe impacts on the brain and body of individuals prenatally exposed to alcohol. FASD is a lifelong disability. Individuals with FASD will experience some degree of challenges in their daily living, and need support with motor skills, physical health, learning, memory, attention, communication, emotional regulation, and social skills to reach their full potential. Each individual with FASD is unique and has areas of both strengths and challenges.

WHEREAS: fasdNL is a pan-provincial organization that educates, provides supports and resources, and raises awareness about fetal alcohol spectrum disorder (FASD) in Newfoundland and Labrador.; and

WHEREAS: *Move for FASD* is held across the province to mark FASD Awareness Week; and

WHEREAS: FASD Awareness week is devoted to raising awareness of fetal alcohol spectrum disorder (FASD) to improve prevention of FASD and diagnosis and support for individuals with FASD.

THEREFORE: I, Mayor Jim Parsons, do hereby proclaim September 7-11, 2020 as Fetal Alcohol Spectrum Disorder (FASD) Awareness Week in the City of Corner Brook.

Signed at City Hall, City of Corner Brook on this ___ day of _____, 2020

Jim Parsons, Mayor

30 Bartle Place • Grand Falls-Windsor • NL • A2A 2J7
contact@fasdnl.ca 709-704-4244
www.fasdnl.ca



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**City of Corner Brook
Request for Decision (RFD)**

Subject Matter: RFD 2020-21 Supply of Hanging Flower Baskets

Report Information

Department: Public Works, Water and Wastewater

Attachments:

Prepared By: D. Burden

Council Meeting Date: August 17, 2020

Issue: The current contract for hanging flower baskets has expired.

Background: Public Works, Water, and Wastewater issued a tender for the annual supply of 105 hanging flower baskets for a three year period commencing June 2021. The tender closed on August 7, 2020, and all compliant bids are listed below (HST included):

K&D Commercial Maintenance Ltd. \$5,554.50

Thistle's Limited \$5,796.00

Proposed Resolution: Be it **RESOLVED** that Corner Brook City Council award the three year contract to K&D Commercial Maintenance Ltd. for the amount of \$5,554.50 per year (taxes included) for the supply of hanging flower baskets.

Recommendation: It is the recommendation of staff to award the three year contract to K&D Commercial Maintenance Ltd. for the amount of \$5,554.50 (taxes included) for the supply of hanging flower baskets.

Options:

1. Accept staff's recommendation to purchase hanging flower baskets for the 2021 – 2023 summer seasons.
2. Reject staff's recommendation to purchase hanging flower baskets for the 2021 – 2023 summer seasons. This option will have a negative impact on the aesthetics of downtown.

Legal Review: *Legal was not required*

Governance Implications: No policy/bylaw implications. No additional bylaws required.

Budget/Financial Implications: \$5,554.50 annually for three years (HST included).

Environmental Implications: There are no environmental implications.

	<p style="text-align: center;">City of Corner Brook Request for Decision (RFD)</p>
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Prepared by: D. Burden	
Director: D. Burden	
City Manager: Rodney Cumby	
Date: August 11, 2020	

Additional Comments by City Manager:

	<p>City of Corner Brook Request for Decision (RFD)</p>
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<p>Subject Matter: 2019 Tax Recovery Plan</p>	
<p>Report Information</p>	
<p>Department: Finance & Admin</p>	<p>Attachments: 2019 Tax Recovery Plan; Annex A Tax Receivable Summary</p>
<p>Prepared By: Dale Park</p>	<p>Council Meeting Date: August 17, 2020</p>

Recommendation:

It is staff's recommendation to approve the 2019 Tax Recovery Plan as attached.

Be it RESOLVED that the Council of the City of Corner Brook approve the 2019 Tax Recovery Plan as attached.

Issue:

As per the requirements from Municipal Affairs and Environment, the City of Corner Brook is required to prepare and approve an annual tax recovery plan.

Background:

The provincial Department of Municipal Affairs and Environment requires all municipalities to prepare and approve an annual tax recovery plan. The tax recovery plan outlines the tax balances that are outstanding at the end of each year and the methods that the City will use for collections.

At the end of 2019 there was \$2.397 million outstanding from 1,100 different properties. This is down from \$2.761 million and 1,219 properties at the end of 2018. While 2020 has been a challenging year for both businesses and residents due to COVID-19, the City will continue its collection tools for properties that are in arrears. The City is willing to work with property and business owners to set up reasonable payment plans. If suitable payment plans are not in place the City will exercise its various collection tools including water shut-offs, rental seizures, tax sales or legal action.

Options:

1. That the Council of the City of Corner Brook approve the 2019 Tax Recovery Plan as attached.
2. That the Council of the City of Corner Brook not approve the 2019 Tax Recovery Plan and make amendments as they deem necessary.

Legal Review:

N/A



Governance Implications:

Required to be completed by MAE for continued funding from the Province.

Budget/Financial Implications:

Required to be completed by MAE for continued funding from the Province.

Environmental Implications:

None

Prepared by: Dale Park	
Director: Dale Park	[REDACTED]
City Manager: Rodney Cumby	[REDACTED]
Date: August 11, 2020	

Additional Comments by City Manager:

City of Corner Brook

Tax Recovery Plan Dated Ended December 31, 2019

Tax Recovery Actions and Plans for the Municipal Fiscal Year 2020

Date Created: August 10, 2020

Date Amended: _____

- Taxes are considered in arrears after March 31, 2020
- Tax Recovery Plan begins January 1, 2020

City of Corner Brook
TAX RECEIVABLE SUMMARY - OPTION 1
Year End December 31, 2019

Summary of Taxes Receivable as of December 31, 2019					
		Total Receivable		Accounts With Payment Plan	
		Tax Payers	Amount	Tax Payers	Amount
		#	\$	#	\$
Taxes Receivable					
A	Owed for current tax year (2019)	680	\$536,977.62	136	\$115,448.82
B	Owed for preceding tax year (2018)	211	\$695,722.00	50	\$231,741.44
C	Owed for two years preceding (2017)	103	\$481,687.99	19	\$130,082.56
D	Owed for three years preceding (2016)	106	\$683,574.67	16	\$123,222.69
E	Owed for Four years preceding (2015)				
F	Owed for over four years (2014 and older)				
Total Taxes Receivable (Dec 31) (A + B + C + D + E + F)		1100	\$2,397,962.28	221	\$600,495.51
Allowance for Doubtful Accounts for Taxes Receivable			\$484,472.76		

2761493.8 \$900,509.17 32.6%

	City of Corner Brook Information Report (IR)
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Subject Matter: Youth Advisory Committee Report	
Report Information	
Department: City Manager	Attachments:
Prepared By: Jessica Smith	Council Meeting Date: Aug 17, 2020

Topic: Youth Advisory Committee Report

Background: The Youth Advisory Committee held a virtual meeting on August 13, 2020. Outlined below is an overview of some topics that were discussed:

1. **Project Update** - The committee provided an update on current and completed projects that they have been working on:
 - **Signs of Positivity** – The committee had received a federal grant from Rising Youth for \$1500 and collaborated on designs for signs that they could post throughout the City to promote positivity. The signs were made by Speedpro signs and City workers placed them throughout the City. They held a contest through social media using the “#CBKindness” and 4 winners were picked and were each given a \$25 gift card to a local business. The project received a lot of response from residents and was a great success;
 - **Community Gardens** – The committee applied for and received a plot in the Community Gardens through Western Environment. They planted some produce in June and members have assisted to maintain it. On August 10th, the Committee did their first harvest of sugar snap peas and donated them to the Xavier House – who were extremely grateful;
 - Both projects brought a lot of positivity to the City, received media attention and also helped to establish the Committee’s presence in the City. Despite the hardships brought on by COVID, the Committee has been busy doing great work in the Community.
2. **Future Plans**
 - The Committee will be doing more harvests of the Community garden and are currently looking for other organizations or businesses in the City that they could donate their next harvest to.
3. **New Ideas**
 - The Committee wanted to get the community involved in cleanup of litter and garbage in the City by holding a contest through social media, where residents could collect garbage with the goal of possibly make art or a recycled product;



**City of Corner Brook
Information Report (IR)**

- The Committee suggested investigating options to relocate positivity signs in the fall inside of public buildings. The Committee is going to deliberate on the best places to put them so they will still be visible and determine from those businesses whether they will be permitted to do so;
- The Committee discussed the idea of setting up mini-libraries throughout the City & getting donated books or donating their own books to put in there so that people can access books;
- The Committee discussed asking businesses in the City if they need volunteers for holiday decorating, such as Halloween. They also discussed the idea of holding social media contests based on a Halloween theme including pumpkin carving, best decorations, ect., as well as doing some pumpkin carving themselves;
- The Committee discussed the idea of volunteering with the Western Environment Centre. Suggested programs included doing a program that they normally run every fall where they pick fruit off trees that people permit them to pick and donate it to organizations in the City;
- The Committee is in the process of applying for another grant that they would like to use to develop 2 garden plots at a local organization and work with the organization to plant and maintain the plot;
- The Committee discussed establishing a page on the Corner Brook Website dedicated to the Committee and showcasing what they are about, what they do, what projects their working on and have completed and some pictures as well;
- The Committee discussed the possibility of putting out an application for new members to try and expand on their numbers, especially now that more people know more about the Committee;
- The Committee discussed trying to volunteer for the food drive that is normally held through the Food Bank each year or establishing their own food drive.

Prepared by: Jessica Smith, Legislative Assistant

Supervisor: Marina Redmond, City Clerk

City Manager: Rodney Cumby

Date:

 <p>The logo for the City of Corner Brook features a stylized sun with rays in yellow and orange, positioned above two green curved lines that resemble hills or a rising sun. Below these elements, the words "CORNERBROOK" are written in a blue, serif font.</p>	<p>City of Corner Brook Information Report (IR)</p>
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 CORNER BROOK	City of Corner Brook Request for Decision (RFD)
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Subject Matter: Discretionary Use (Tattoo Business, 24 Union Street)	
Report Information	
Department: CEDP	Attachments: memo & attachments 1
Prepared By: Darryl Skinner	Council Meeting Date: August 17, 2020

Issue: The City of Corner Brook has received an application requesting permission to operate a Tattoo Business from the existing building located 24 Union Street, Corner Brook, NL. The building is located in a Light Industrial Zone where the proposed use, "Personal Service" is considered a "Discretionary Use" of the City of Corner Brook's Development Regulations.

Background: This application was advertised, giving the general public a chance to express any concerns that they may have with this development. The city did not receive any objections regarding the proposed development.

Proposed Resolution: Be it **RESOLVED** upon consideration that Council in its Authority approve the application for the proposed use, "Tattoo Business" for the existing building located at 24 Union Street, Corner Brook, NL.

Recommendation: It is recommended that the authority approve the application for the proposed use, "Tattoo Business" for the existing building located at 24 Union Street, Corner Brook, NL.

Options: N/A

Legal Review: N/A

Governance Implications: Section 11 City of Corner Brook Development Regulations

Budget/Financial Implications: N/A

Environmental Implications: N/A

Prepared by: Darryl Skinner	
Director: Darren Charters	
City Manager: Rodney Cumby	
Date: July 22, 2020	

Community Services Department

Memo

To: Deon Rumbolt, Manager of Development and Planning

From: Darryl Skinner, Development Inspector III

Date: July 22, 2020

Re: Discretionary Use (Tattoo Business), 24 Union Street (**Lower Level**)

The City of Corner Brook has received an application requesting permission to operate a Tattoo Business from the existing building located 24 Union Street, Corner Brook, NL. The building is located in a Light Industrial Zone where the proposed use, “Personal Service” is considered a “**Discretionary Use**” of the City of Corner Brook’s Development Regulations.

This application was advertised, giving the general public a chance to express any concerns that they may have with this development. The city did not receive any objections regarding the proposed development.

After reviewing the proposed application and location, staff does not feel that a Tattoo Business at this location will have any negative effects on the surrounding area. Therefore it is recommended that Council approve the application for the proposed Tattoo Business use from the building located at 24 Union Street, Corner Brook, NL.

Sincerely,



Darryl Skinner
Development Inspector III

Attachments: 1. Picture of building
2. RFD

24 Union Street (Proposed Tattoo Business) / Attachment #1



	City of Corner Brook Request for Decision (RFD)
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Subject Matter: Discretionary Use – 25 Poplar Road, Corner Brook, NL	
Report Information	
Department: Community, Engineering, Development & Planning	Attachments: Public Notice, memo
Prepared By: Charlotte Patterson	Council Meeting Date: Aug. 17, 2020

Issue: This is in reference to an application the City received on July 22, 2020 requesting permission to add a “4 unit apartment complex” on the second floor above the approved Veterinary Clinic on the property located at 25 Poplar Road, Corner Brook, NL.

This “Apartment Building” use is a discretionary use in the Residential Medium Density zone of the City’s development regulations. Therefore, the discretionary use required an advertisement and Council approval under **Section 11** of the City’s Development Regulations (Discretionary Powers of Authority).

Background: On September 16th, 2019, Council approved the Veterinary Clinic use for this location. This new application for an apartment building use would add a discretionary use to this property and in turn, make it more conforming to the RMD zone.

Recommendation: Staff Recommends Option 1 and that the following motion be supported:

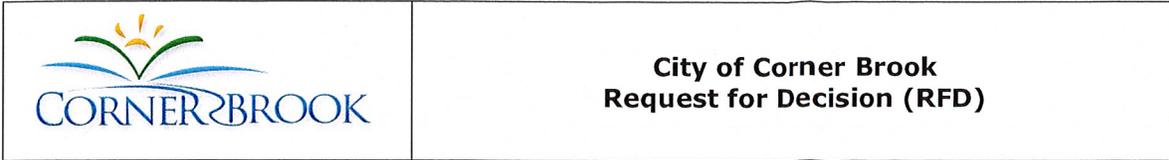
Be it RESOLVED that the Council of the City of Corner Brook, pursuant to Section 11 of the City of Corner Brook 2012 Development Regulations, approve the application for the proposed “apartment building” use at the property located at 25 Poplar Road.

Options:

1. That Council approves the discretionary use application at the above location.
2. That Council refuses the discretionary use application at the above location.
3. That Council gives other direction to City staff.

Legislative Authority: City of Corner Brook’s Development Regulations 2012, **Section 11**

Communication Strategy: The advertisement was posted on the City website and the deadline for comments was July 31st, 2020. There were no comments received regarding this advertisement.



Prepared by: Charlotte Patterson		
Director: Darren Charters		<i>2020/08/07.</i>
City Manager: Rodney Cumby		
Date: August 6 th , 2020		

Additional Comments by City Manager:

**Community
Development &
Planning**

Memo

To: Deon Rumbolt, Supervisor of Development and Inspection
From: Charlotte Patterson, Development Inspector III
Date: August 6th, 2020
Re: **Discretionary Use – 25 Poplar Road, Corner Brook, NL**

This is in reference to an application the City received on July 22, 2020 requesting permission to have a “4 unit apartment complex” on the second floor above the approved Veterinary Clinic on the property located at 25 Poplar Road, Corner Brook, NL.

The “Apartment Building” classification of use is a discretionary use in the Residential Medium Density (RMD) zone of the City’s development regulations. Therefore, the discretionary use required an advertisement and Council approval under **Section 11** of the City’s Development Regulations (Discretionary Powers of Authority).

The advertisement was posted on the City website and the deadline for comments was July 31st, 2020. There were no comments received regarding this advertisement.

On September 16th, 2019, Council approved the Veterinary Clinic use for this location to replace the former building supplies store/warehouse. Although both of these uses are non-conforming to the Residential Medium Density Zone, the veterinary clinic was considered a less intrusive non-conforming use and was approved to replace the former use. This new application for an apartment building use would add a discretionary use to this property and therefore making it more conforming to the zone.

It is recommended that this discretionary use be approved at this location. Should you have any questions or require further clarification, please contact the undersigned at your convenience at 637-1525.



Development Inspector III

July 23, 2020

PUBLIC NOTICE

The City of Corner Brook has received an application to have a “4 unit Apartment complex” on the second floor of the approved Veterinary Clinic on the property located at 25 Poplar Road, Corner Brook, NL.

This property is located in a Residential Medium Density Zone where the “Apartment Building” use classification is a “Discretionary Use” of the City of Corner Brook’s Development Regulations.

Should you wish to provide comment about the proposed development, please contact the Development & Planning Office at 637-1525 or 637-1554 or comments can be emailed to planning@cornerbrook.com or forwarded to: City of Corner Brook, P.O. Box 1080, Corner Brook, NL, A2H 6E1; Fax: 637-1514 prior to 4:30 p.m. July 31st, 2020.

	City of Corner Brook Request for Decision (RFD)
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Subject Matter: Discretionary Use (Home Based Child Care) – 26 Dunbar Avenue	
Report Information	
Department: CEDP	Attachments: Memo, map
Prepared By: J. King	Council Meeting Date: August 17, 2020

Issue:

The City of Corner Brook has received an application requesting permission to operate a home based child care from the dwelling located at 26 Dunbar Avenue which is located in a Residential Medium Density Zone.

Background:

A notice was delivered to the residents in the immediate area of 26 Dunbar Avenue indicating the proposed home based child care. As a result of this notice, no submissions were received. Parking has been reviewed and sufficient parking is present. After review of the application and the results of the notice to the residents, the Development & Planning Department is recommending that approval be granted for the requested home based child care.

Recommendation:

Staff recommends Option 1 and the following motion be supported:

Be it RESOLVED that the Council of the City of Corner Brook approve the application to operate a home based child care from the dwelling located at 26 Dunbar Avenue in accordance with Regulation 11 - Discretionary Powers of Authority.

Options:

1. That Council approve the application to operate a home based child care from the dwelling located at 26 Dunbar Avenue in accordance with Regulation 11 - Discretionary Powers of Authority.
2. That Council not approve the application to operate a home based child care from the dwelling located at 26 Dunbar Avenue in accordance with Regulation 11 - Discretionary Powers of Authority.
3. That the Council of the City of Corner Brook provides other direction to staff.

Legal Review: N/A

Governance Implications: N/A

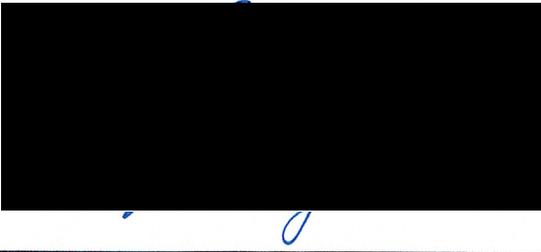
Budget/Financial Implications: N/A

	City of Corner Brook Request for Decision (RFD)
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Environmental Implications: N/A

Communication Strategy:

Notice of the proposed home based child care was delivered to residents in the immediate area of 26 Dunbar Avenue and posted online on the City of Corner Brook website.

Prepared by: James King	
Director: Darren Charters	
City Manager: Rodney Cumby	
Date: August 7, 2020	

2020/08/07

Additional Comments by City Manager:

MEMO

To: Manager of Development & Planning
Fr: Development Inspector I
Subject: 26 Dunbar Avenue- Home Based Child Care
Date: August 7, 2020

The City of Corner Brook has received an application to operate a home based child care from the dwelling located at 26 Dunbar Avenue which is located in a Residential Medium Density Zone.

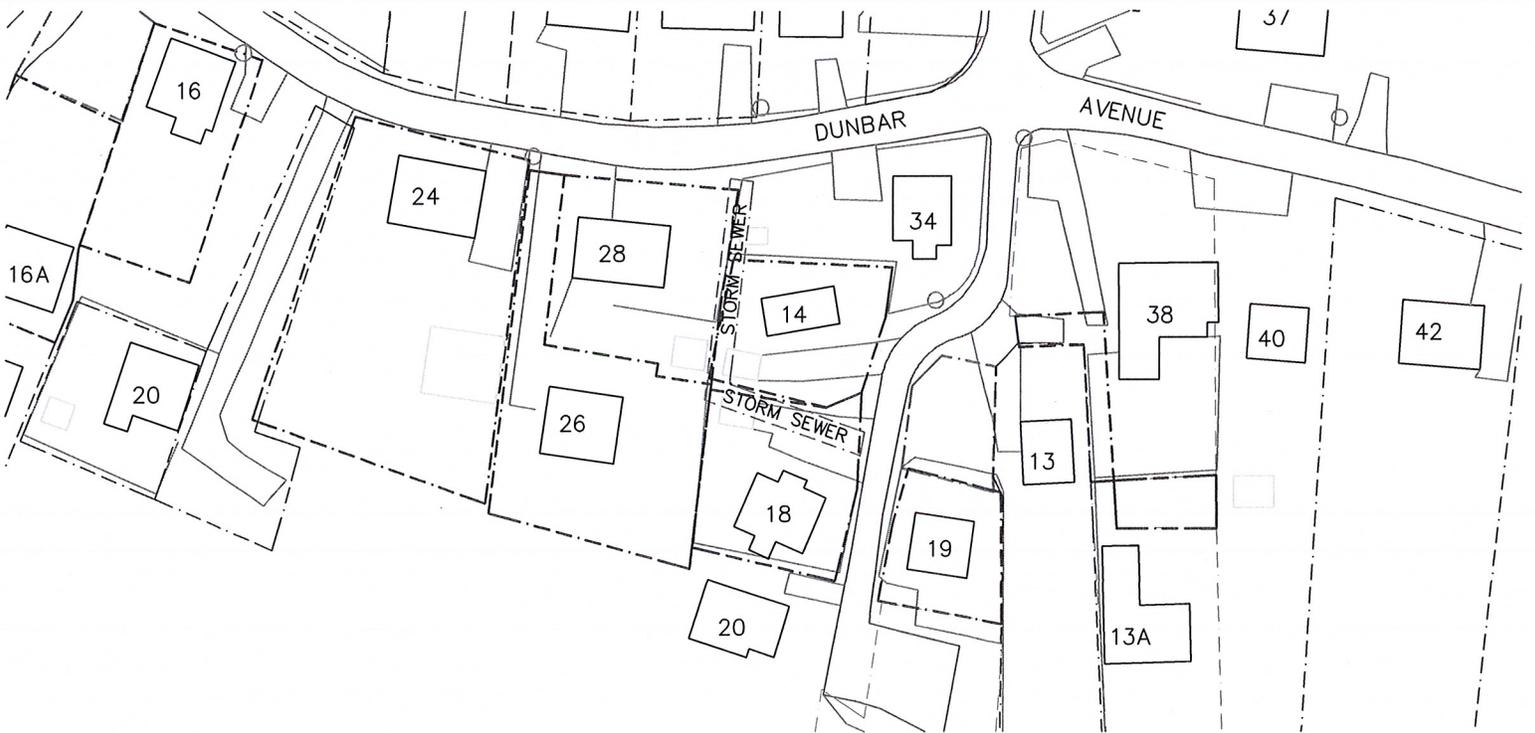
A home based child care is a "Discretionary Use" of the City of Corner Brook Development Regulations for this zone. A notice was delivered to the residents in the immediate area of 26 Dunbar Avenue indicating the above mentioned request. As a result of this notice, the City did not receive any correspondence.

A site inspection by City staff has revealed that there is sufficient parking at this location for both the existing single dwelling unit and the proposed home based child care.

After review of the application, it appears that there is no impediment for this development to commence.

Should you require further information, please contact me at your convenience.


James King, CET, CPI
Development Inspector I



	City of Corner Brook Request for Decision (RFD)
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Subject Matter: Transit Design Study	
Report Information	
Department: CEDP	Attachments:
Prepared By: Rodney Cumby	Council Meeting Date: August 17, 2020

Issue: Future transit needs for The City of Corner Brook

Background: In order to provide a transit system that meets the medium and long term needs of the residents of Corner Brook, the City is committing to complete a Transit Design study by January 2021. The study will examine the best service delivery options that will be both cost effective and will meet the future needs of the City.

Proposed Resolution: Be it **RESOLVED** that Council of the City of Corner Brook direct staff to develop a RFP that will outline possible design options for transit operations in the City.

Options:

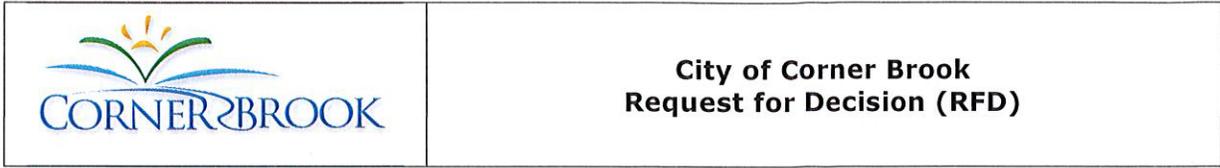
1. That Council instruct staff to move forward to investigate the procurement method a design for the City's transit system that meets the City's needs.
2. Continue with our current Transit Model
3. Have staff bring back more information

Legal Review: N/A

Governance Implications: N/A

Budget/Financial Implications: TBD

Environmental Implications: N/A



Prepared by: Rodney Cumby, City Manager
Director: Darren Charters, Director of Community, Engineering, Development & Planning
City Manager: Rodney Cumby 
Date: August 14, 2020 

Additional Comments by City Manager:

	City of Corner Brook Request for Decision (RFD)
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Subject Matter: Approval and execution of agreement – 2017-2020 Multi Year Capital Works Program	
Report Information	
Department: CEDP	Attachments: Letter from Department of Municipal Affairs and Environment; Municipal Infrastructure Agreement 2017-2020 Amendment #1
Prepared By: Dale Park	Council Meeting Date: August 17, 2020

Recommendation:

Staff recommend Council approve the ratification and signing of the Municipal Infrastructure Agreement 2017-2020 Amendment #1.

It is **RESOLVED** to accept cost-shared funding as outlined in the Municipal Affairs and Environment project approval letter dated May 13, 2020 to complete projects under the 2017-2020 Municipal Infrastructure Agreement Amendment #1. The Corner Brook City Council authorizes the Mayor and City Manager to sign the 2017-2020 Municipal Infrastructure Agreement Amendment #1 with the Department of Municipal Affairs and Environment on behalf of the City of Corner Brook.

Issue:

The City and the Department of Municipal Affairs have agreed to amend the current funding agreement for the 2017-2020 Multi-Year Capital to reflect the revised amounts for the listed projects.

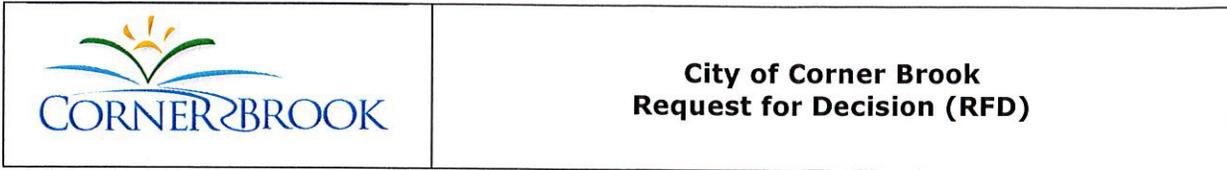
Background:

In 2017 the City and the Department of Municipal Affairs agreed upon projects and expected costs to be included in the 2017-2020 MYC funding agreement. Since that time many of the projects have been completed and the actual costs in some cases are different than the amounts originally anticipated. In order to fully utilize the funding and to receive maximum funding on the MYC projects, a reallocation of the funds by project is required. As a result of this reallocation, there is no change in the total amount of funding from Municipal Affairs, the amount of funding required from the City, or the projects to be funded. The only change is the amount of funding allocated to the specified projects.

Options:

1. Approve the agreement as attached
2. Deny the agreement as attached

Legal Review: N/a



Governance Implications: Council approval for the execution of this agreement is required.

Budget/Financial Implications:

The funding for the City’s portion of the 2017-2020 has already been anticipated in the City’s budgetary plan.

Environmental Implications: n/a

Prepared by:	[Redacted]
Director: Dale Park	[Redacted]
City Manager: Rodney Cumby	[Redacted]
Date: August 13, 2020	[Redacted]

Additional Comments by City Manager:



Government of Newfoundland and Labrador
Department of Municipal Affairs and Environment
 Municipal Infrastructure and Support Branch

May 13, 2020

COR/2020/01148-01

Mayor Jim Parsons
 City of Corner Brook
 5 Park Street
 Corner Brook, NL A2H 6E1

Dear Mayor Parsons:

Re: 2017-202 Multi Year Capital Works Program (MYCW)

I refer to Council's recent emails with an MAE official, requesting authorization to reallocate funding within its existing MYCW allocation. I am pleased to advise that your request has been approved per the revised attached Schedule A.

Enclosed please find in duplicate, Amendment #1 between the Department of Municipal Affairs and Environment and the City of Corner Brook, with respect to this project. Upon reviewing the Amendment, please arrange to have the two copies signed by the Mayor and Clerk, witnessed, and affixed with the seal of the Town. Council is also requested to provide the date whereby the Mayor and Clerk were authorized by a resolution in the Minute of Council to enter into this Amendment on behalf of Council. A copy of the Minute of Council is to be attached to each Amendment, and marked as Appendix "A". These documents are to be returned to my office, whereby they will be signed, witnessed, and affixed with the seal of the Department. A signed copy will be forwarded to Council for its records.

Should you have any other questions regarding the above, please contact Mr. Chris Power, P. Eng., Regional Engineer for the Western Region, telephone 709-637-2491. Thank you for your co-operation.

Sincerely,



Bren Hanlon, CPA, CMA, MBA
 ADM of Municipal Infrastructure and Support
 Department of Municipal Affairs and Environment

/jl

cc: Hon. Gerry Byrne, MHA
 Hon. Scott Reid, MHA
 Mr. Eddie Joyce, MHA
 Ms. K. Kieley, P. Eng., FEC, Director (A)
 Ms. H Scott-Walsh, Regional Manager
 Mr. C. Power, P. Eng., Regional Engineer

Mr. H. Khan, P. Eng.
 Ms. C. Johnson
 Mr. J. O'Leary
 Ms. M. Madden
 Ms. T. Mundon

P.O. Box 8700, St. John's, NL, Canada A1B 4J6 ☎ 709 729 3052 📠 709 729 0943 www.gov.nl.ca

**City of Corner Brook
2017-2020 Multi Year**

Schedule A Revised May 2020

Project	Project #	Original Funding	As Per Schedule A May 2020	GST/PST Rebate	Net Funding	Provincial Share	Municipal Share
Dear Head Road Section Rebuild	17-MYCW-18-00015	150,000	150,000	13,975	136,025	95,218	40,808
East Valley / Central Street Storm Sewer Replacement	17-MYCW-18-00018	600,000	600,000	55,899	544,101	380,871	163,230
St Mary's Brook / Curling Street, Concrete Culvert Replacement	17-MYCW-18-00019	170,000	170,000	15,838	154,162	107,913	46,249
Bayview Heights Substandard Waterline Replacement	17-MYCW-18-00026	220,000	220,000	20,496	199,504	139,653	59,851
East Valley Road Waterline Looping & Replacement	17-MYCW-18-00027	750,000	750,000	69,874	680,126	476,088	204,038
Georgetown Road Water Lateral Replacement	17-MYCW-18-00028	620,000	620,000	57,762	562,238	393,567	168,671
Dunbar Avenue Substandard Waterline Replacement	17-MYCW-18-00022	140,000	67,809	6,318	61,491	43,044	18,447
Hardy's Road Waterline Looping / Quality Improvements	17-MYCW-18-00025	800,000	509,955	47,510	462,445	323,712	138,734
Retaining Walls Replacement	17-MYCW-18-00014	84,026	123,426	11,499	111,927	55,964	55,964
Georgetown Road at Burton's Road Culvert Replacement	17-MYCW-18-00016	600,000	608,300	56,672	551,628	386,140	165,488
Regional Aquatic Centre Feasibility Study	17-MYCW-18-00017	110,000	155,200	14,459	140,741	98,519	42,222
O'Connell Drive at Woodman's Avenue, Culvert Upgrade	17-MYCW-18-00020	420,000	1,170,000	109,003	1,060,997	742,698	318,299
Pressure Reducing Valve Stations Upgrades	17-MYCW-18-00021	1,000,000	1,065,500	99,268	966,232	676,362	289,870
Elizabeth Street Water Quality Improvements	17-MYCW-18-00023	390,000	446,600	41,608	404,992	283,494	121,498
Gale/Cochrane Streets Substandard Waterline Replacement	17-MYCW-18-00024	495,000	545,000	50,775	494,225	345,958	148,268
UNALLOCATED		670,354	28,848	2,688	26,160	18,312	7,848
TOTAL		7,219,380	7,230,637	673,643	6,556,994	4,567,513	1,989,485

MUNICIPAL INFRASTRUCTURE AGREEMENT

2017-2020
Amendment #1

This Agreement made this day of , 2020

BETWEEN

HER MAJESTY THE QUEEN IN RIGHT OF NEWFOUNDLAND, as represented by the Minister of Municipal Affairs and Environment (hereinafter referred to as the “Minister”)

OF THE FIRST PART,

AND

THE CITY OF CORNER BROOK
(hereinafter referred to as the “Council”)

OF THE SECOND PART

WHEREAS The Minister and the Council have agreed to enter into a multi-year capital works agreement for the financing of the project(s) outlined in schedule A and the letter dated the day of A.D., , hereinafter referred to as the “works”, and have agreed to cost not in excess of \$7,230,637 which amounts to \$6,556,994 after the GST/HST rebate calculation;

AND WHEREAS the Minister of Municipal Affairs and Environment has been authorized to negotiate an Agreement on behalf of the Province of Newfoundland and Labrador;

AND WHEREAS the Mayor and Clerk of the Council have been authorized by a Resolution in the Minutes of Council dated the day of A.D., (copy of which is attached hereto as Appendix “A” and forms part of this Agreement) to enter into this Agreement on behalf of the Council;

THIS AGREEMENT WITNESSETH that for and in consideration of the mutual covenants and conditions contained herein, and other good and valuable consideration, and the sum of One

Dollar (\$1.00) now paid by each party hereto, one to the other, (the receipt and sufficiency of which are hereby acknowledged by the parties hereto), the Minister and the Council hereby agree as follows:

OBLIGATIONS OF THE MINISTER:

1. To make payment to the municipality \$4,567,513 of the eligible costs of the project as these costs are incurred and upon receipt of the required documentation

OBLIGATIONS OF THE COUNCIL:

1. To arrange financing of \$1,989,485 for the municipal share of the project through a bank or financial institution on the basis of an Approval to Borrow.
2. To ensure that a cumulative cost of projects included in Schedule A does not exceed the authorized funding of \$7,230,637. All costs in excess of the approved funding will be one hundred percentum (100%) responsibility of the Council for payment. The costs to be covered by this funding, includes but is not limited to capital, HST and engineering.
3. To have the work completed in accordance with the *Municipalities Act*, 1999, c.M24, as amended, or any successor legislation, and the *Public Tender Act*, 1990 c.P45, as amended, or any successor legislation.
4. To indemnify and save harmless the Minister from and against all claims, demands, losses, damages, costs of any kind based upon any injury or death of a person or damage to or loss of property arising from any willful or negligent act, omission or delay on the part of the Council or its servants or agents in carrying out the project.
5. To have all work on the project concluded and final invoices submitted to the Department not later than March 31, 2021.

THE PARTIES FURTHER AGREE:

1. Subject to the prior written approval of the Minister, the works may be amended or substituted, provided the amendment or substitution does not exceed the approved funding set forth in this agreement.
2. Council will consent to a public announcement of the project by the Province. After official announcement of the project by the Province or 14 days after the Agreement has been signed by both parties, whichever is earlier, the project will be considered to be in the public domain.

3. Time shall be of the essence with respect to all matters in this Agreement.
4. This Agreement is executed in duplicate originals and each duplicate shall be deemed an original copy for all purposes.
5. The validity, interpretation and performance of this Agreement shall be governed by the laws in force in the Province of Newfoundland & Labrador.
6. This Agreement shall ensure to the benefit of and be binding upon the parties and their respective successors and assigns.
7. Any provision of this Agreement which is prohibited or unenforceable will be effective only to the extent of such prohibition or unenforceability without invalidating the remaining provisions hereof.
8. This Agreement together with the letter of approval, and the Municipal Infrastructure Project Guidelines attached hereto constitutes the entire Agreement between the parties with respect to the matters dealt with herein. This Agreement may not be amended or modified in any respect except by written instrument signed by the parties hereto.
9. Neither this Agreement nor any of the rights, benefits, duties and liabilities contained herein may be assigned by either party without the prior written consent of the other party.
10. Funding beyond the current fiscal year is subject to availability of budgetary appropriations in future years.

This Agreement has been executed on behalf of the Province by the Minister responsible for the Department of Municipal Affairs and Environment and by the Mayor and Clerk of the City of Corner Brook, the day and year first before written.

SIGNED AND SEALED by the
Minister of Municipal Affairs and Environment and the Seal of the Department
was hereunto affixed in the presence of:

WITNESS

MINISTER OF MUNICIPAL AFFAIRS AND
ENVIRONMENT

SIGNED AND SEALED by the
Mayor and Clerk of the
City of Corner Brook
and the Seal of the
City of Corner Brook
was hereunto affixed in the presence of:

WITNESS

MAYOR

WITNESS

CLERK

APPENDIX “A”

DEPARTMENT OF MUNICIPAL AFFAIRS AND ENVIRONMENT MUNICIPAL INFRASTRUCTURE PROJECT GUIDELINES

It is essential for the municipality and also the municipal engineer or prime consultant to comply with the following guidelines in order for the project to be efficiently implemented, and to ensure that satisfactory cost controls are maintained.

STATEMENT OF INTENT

- 1.0 The Department’s municipal infrastructure programs are focused on projects in areas of existing development that address problems with existing infrastructure; facilitate scheduled upgrades/replacements; and make efficient use of municipal infrastructure funding. Funding will generally not be available for projects that are directly or indirectly intended to open up land for new developments (residential, commercial, industrial or municipal).

FINANCIAL

- 1.1. Project delivery timelines have been established for each stage of the capital works notification and implementation process (see table below). If a timeline target is expected to exceed this policy, Council must immediately notify the Director of Municipal Infrastructure. Projects will be **cancelled** if timeline targets are exceeded – unless prior approval to extend timelines has been provided by the Director of Municipal Infrastructure. The Director may provide an amended timeline based on the following considerations:

- 1.1.1. Scope and complexity of project
- 1.1.2. Unanticipated environmental considerations
- 1.1.3. Extenuating circumstances that preclude the availability of key resources

To provide strong incentive to municipalities/LSD’s to actively deliver projects in the shortest time possible, the Department has established timelines for project delivery associated with its infrastructure programs.

Project Delivery Timelines	
Date of Council notification to Date signed Agreement received at Headquarters days	60
Date of Council notification to Date when all contracts for project are awarded months	24-36

Date of Council Notification to project completion months	36-48
For routine projects that would normally be completed within one construction season following contract award, i.e., water and sewer, pumphouse upgrades and road paving/repair projects, communities will be given a period of 24 months from the date of approval of the project to have all contracts associated with that project awarded. Communities will be given an additional 12 months to conclude work on those projects and have final invoices submitted to the Department. Specific project completion timelines will be identified in funding approval letters and funding Agreements.	
For more complex projects that are typically considered multi-year or phased projects; such as, major municipal/recreational buildings, water and wastewater treatment plants, communities will be given a period of 36 months to have all contracts associated with that project awarded, with an additional 12 months to conclude work on those projects and have final invoices submitted to the Department. Specific project completion timelines will be identified in funding approval letters and funding Agreements.	

- 1.2. Funding will be provided based on Council's assurance to this Department of its ability to meet its share of the cost. The Municipality must meet its share of the project costs, and this Department will not, under any circumstances contribute by way of special grants or otherwise, any amount in excess of the approved project costs. If Council's financial position has changed so that it cannot meet its share, then Council should immediately notify the Minister and this project will be required to be cancelled.
- 1.3. Eligible project costs include construction costs, associated land acquisition costs, engineering and other professional fees. The Department will not be incurring any interim interest charges during construction.
- 1.4. Ineligible costs include any costs associated with the initial development of previously undeveloped areas (i.e. greenfield sites), including land acquisition, leasing, or resale; real estate or legal fees; surveys, site selection, and preparation; and financing charges and loan interest payments.
- 1.5. In addition to the ineligible costs outlined in 1.4, the Department also reserves the right to withhold approval for any project applications, funding allocation or reallocation requests, or payments related to activities that are not reasonably consistent with the program's Statement of Intent.
- 1.6. The Provincial payment may be advanced based on projected cash flows when project costs are committed through a contract award. Final project payment will be based on the costs indicated in the status report and job control sheet.
- 1.7. Project funding has been reduced by the amount of GST/PST (HST where applicable) rebate due to the municipality if the full project costs are expended. The municipality is required to apply for the appropriate rebates. The GST/PST rebate is to be used by the municipality as part of the project funding. **Interim financing of the GST/PST rebate will be the responsibility of the municipality.**
- 1.8. The municipality may not charge more than a nominal fee sufficient to cover royalties and

reasonable equipment rental rates if council equipment is used for loading material supplied from a municipality owned borrow pit for use on the project. This applies regardless of whether the material is supplied directly to the project or to the contractor for incorporation in the project. Approval of the Regional Engineer is required before any costs can be charged relating to this clause.

- 1.9. A separate capital chequing account (using pre-numbered cheque book) must be established by Council at its bank to be used solely for this project.
- 1.10. If requested by the Department, Council must submit an itemized list of all cheques issued including cheque number, date, payee and amount, together with a copy of the cancelled cheques.

ENGINEERING & CONSTRUCTION

- 2.1 Minister's approval is required before Council can engage or change a consulting engineering / architectural firm in relation to this project.
- 2.2 The Department will require a Request for Proposals (RFP) for professional services for municipal infrastructure projects that have a high potential of increasing the value of public funds. The Department will determine at its sole discretion whether or not a professional service RFP will be required. **When the Department has determined that a professional service RFP is required, the project funding approval will be conditional upon the municipality issuing an RFP for professional services.** This requirement will be identified in the funding approval letter and in the funding agreement. A public RFP will introduce a process whereby the consultant is selected by a municipality based on the best fit from a technical and cost perspective. Selection considerations which use cost as an evaluation factor will assist in obtaining the most cost effective service. An RFP will also aid in ensuring that appropriate expertise is employed, past performance is recognized and a competitive process is obtained.
- 2.3 No engineering/architectural work is to be undertaken until the Prime Consultant Agreement has been approved by the Regional Office and signed by the municipality and prime consultant. This agreement must indicate the services to be provided, the rates to be charged and a completion schedule. Rates charged are to be in line with the service rendered not necessarily the seniority of the engineering staff involved.
- 2.4 To obtain approval, the consultant must forward a copy of the proposed Prime Consultant Agreement to the appropriate Regional Engineer. After signing, the consultant must forward copies of the signed Prime Consultant Agreement to the Municipality and the Regional Engineer. Municipalities are not to pay any engineering fees unless a signed Prime Consultant Agreement is in place. In this regard the Department will not advance any funds until they have a copy of this agreement. **Engineering fees in excess of the amount approved in the Prime Consultant Agreement will not be eligible for funding unless agreed to and requested by the municipality and approved by the Regional Engineer.**

- 2.5 The municipal engineer or prime consultant must liaise with the Regional Office on all aspects of the project.
- 2.6 The municipal engineer or prime consultant must complete the special form which the Department of Municipal Affairs and Environment requires when applying for a Permit. The Regional Engineer requires a copy of this form at the time of submission of plans and specifications for approval to tender. The municipal engineer or prime consultant's attention is drawn to the Department of Municipal Affairs and Environment's requirement for pre-registration of certain categories of projects.
- 2.7 Before construction can commence or tenders can be called; plans, specifications and a current detailed cost estimate must be submitted to the appropriate Regional Engineer. In accordance with the *Municipalities Act, 1999* tenders cannot be called or contracts be awarded for any or all of this project without the approval of the Minister. The municipal engineer or prime consultant must also submit, prior to tender calls, a copy of the plans and specifications to the municipality and all Government departments and agencies such as, Fire Commissioner's Office, Department of Transportation & Works, and other agencies that might have jurisdiction for approval.
- 2.8 A copy of the signed contract documents for the construction of the project must be forwarded within one week of signing to the appropriate Regional Engineer. Contracts should be signed at the earliest opportunity. The prime consultant must notify the Regional Office of the time and location of pre-design, design, preconstruction and construction meetings in a timely manner to allow a representative of the Regional Office an opportunity to attend.
- 2.9 It is the responsibility of the Council and its prime consultants to ensure that all easements and rights-of-way are acquired before the contract is awarded. Rights-of-way and easements, as they apply to Councils, are covered under Sections 167 inclusively in the *Municipalities Act, 1999* and amendments.
- 2.10 Authority and process for the issuance of change orders are as follows; All Change orders are required to be pre-approved by the Regional Office. The municipality should specifically note that all costs in excess of the approved amount indicated on the "Approval to Award" letter will be 100% responsibility of the municipality unless written approval of the Regional Engineer is obtained prior to the expenditure of the funds.
- 2.11 The municipal engineer or prime consultant must submit copies of the as-built drawings within two months of substantial completion of the project, the preparation of which is to be included as one of the engineering services in the engineering contract. Copies must be submitted to the municipality and the Regional Engineer. As-built drawings and related Municipal Information System (MIMS) data must be submitted on CD in AutoCad format (Version 2000 or newer) and comply with the current version of the Department's MIMS data standards document. The Municipality shall not delete the requirement for as-built drawings. Funds must be allocated for this vital engineering service. Tenders will not be authorized until the as-builts for the previous phase have been submitted.
- 2.12 Where applicable, the prime consultant must produce a system operation and maintenance manual and submit it to the municipality.

2.13 Road reconstruction eligibility is described further in these guidelines.

GENERAL ADMINISTRATION

- 3.1 Any extensions to a construction contract, if necessary, require the written approval of the Minister. Unless exceptional circumstances apply, extensions will not normally be approved. In the event a project is completed below the estimated amount, the savings may not be available to the municipality to be used otherwise. The Department will deal with reallocations on a province-wide basis.
- 3.2 Council will be responsible for all overruns or funding commitments that exceed the approved project funding.
- 3.3 The municipal engineer or prime consultant must submit status reports within 10 days of the end of each month to the Department's Regional Engineer and the municipality/LSD. These reports must span from the date of appointment of the consultant to the date of final completion of the project. The final status report must be marked as such. Copies of all engineering invoices, change orders, substantial performance certificates and contractor's progress payments associated with the project must also be submitted with the monthly status report. The municipality/LSD shall not pay engineering invoices unless the status report has been received and also shall not pay the final engineering invoice until the as-builts are received.
- 3.4 Project signs must be prominently displayed near the works within the municipality. The signs must conform to the approved design for Municipal Infrastructure projects. Signs must be installed before construction commences and must be removed when the project is completed. The prime consultant must certify that the project signs are in place before any progress claim is paid.
- 3.5 Projects will normally be undertaken through a public tender and contract award basis, and not on a "Project Management" basis. "Project Management" is defined as construction with council forces for the purposes of these guidelines. Only in exceptional cases will projects be authorized to proceed on a "Project Management" basis.
- 3.6 Those projects that have been selected to proceed through a Request for Proposal process which incorporates life cycle analysis as criteria for infrastructure selection will be required to follow specific guidelines prepared by the Department relating to the implementation process for the particular type of infrastructure that is to be constructed.
- 3.7 For any new building construction that is within the limits of the project and is started after the contract has been awarded, the installation of the service laterals from the main to the building will be the responsibility of the owner. The exception is where a permit has been given and the foundation of the new building has been installed, before the water and/or sewer mains have been installed in front of the building lot, the service lateral may be installed under the contract.

- 3.8 **Please use the Department's project number on all correspondence, status reports, etc., relating to this project.**

Schedule 1 Eligible Costs	Schedule 2 Ineligible Costs
<ol style="list-style-type: none"> 1. Engineering Costs 2. Road widening and horizontal and vertical re-alignment of existing roads 3. Re-capping of existing roads including preparatory patching 4. New pavement on existing roads 5. New road construction including if deemed necessary by the Department 6. Paving or upgrading of municipal owned parking lots 7. Construction of new retaining walls relating to road construction 8. Construction or upgrading of concrete curb and gutter, concrete curb, combined concrete curb and sidewalk and sidewalks of concrete, asphalt, or other approved materials if and when undertaken as part of an overall street or road construction or reconstruction program 9. New storm drainage system relating to road improvements - storm sewers, manholes, catch basins, open ditches. 10. Raising to grade - manholes, valves, catch basins, etc. 11. Relocation of public utilities affected by road construction (poles, water and sewer lines, etc.) 12. Installation of guardrails 	<ol style="list-style-type: none"> 1. Sidewalks on all roads, except as in Item 8, Schedule 1 2. Patching - except where recapping of the whole area is to be done as part of the overall project. Example: <ul style="list-style-type: none"> • patching depressions and potholes • repairs to edges of pavement • repairs to pavement as a result of cuts to permit installation of water and sewer services • repairs to broken or badly placed pavement 3. General Maintenance Work: <ul style="list-style-type: none"> • repairs to roads - washouts, filling potholes, etc. • extensions on existing culverts where no other work on the road is planned • replacement of existing culverts - where existing culvert was originally installed improperly, or was damaged or made inoperable due to improper maintenance • cleaning out ditches • repairs to sidewalks • repairs to curb and gutter • scarifying and reshaping where no granulars or other surfacing is being applied 4. (a) Private roads to and within private subdivision <ul style="list-style-type: none"> (b) Private roads in or leading to subdivision, will not be eligible for cost shared funding after takeover by the municipality, unless, at the time of takeover, the standard of that road is equal to or greater than the highest standard of existing roads under the municipality's jurisdiction

<p>13. Reinstatement of affected property caused by road construction under the Program (lawns, fences, etc.)</p> <p>14. Turn-a-rounds (cul-des-sacs)</p> <p>15. New bridge construction, overpass construction, underpass construction including handrails and walkways</p> <p>16. Driveway culverts, where part of overall road upgrading program</p> <p>17. Replacement of existing culverts in order to increase capacity</p> <p>18. Property acquisition, where approved by the Department</p> <p>19. Traffic lights and traffic markings where approved by the Department</p> <p>20. Pavement management program</p> <p>Note: It is understood that all construction will be to acceptable Engineering Standards and conform to the Municipal Water & Sewer and Roads Master Specifications.</p>	<p>5. Landscaping, except as is provided for in Item 13, Schedule 1</p> <p>6. Snow plowing, including sanding and salting of streets</p>
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Municipal Infrastructure Agreement Checklist

Please complete the checklist below and have a representative of the City/Town/LSD/ICG sign and date the checklist on the applicable line. There is no need to return the Guidelines or the funding approval letter.

Please ensure that all items noted below are returned:

- Municipal Infrastructure Agreement Checklist (this document)
- Funding agreement (1 original copy)
- Minute of Council/Committee accepting the funding (1 original copy)

Item	Community	MAE
Date received stamp is present on the first page of the Agreement	N/A	<input type="checkbox"/>
Resolution to accept funding supported by Minutes of Council/Committee <ul style="list-style-type: none"> Resolution to contain the project name, project number and project value Each copy of the Agreement is to include a copy of the Minutes of Council/Committee Include only the portion of the meeting minutes pertaining to the discussion and resolution of Council/Committee 	<input type="checkbox"/>	<input type="checkbox"/>
Date entered in the second "AND WHEREAS" clause of the Agreement (p. 1) <ul style="list-style-type: none"> Once the Minister signs, MAE will complete the first line of the Agreement. 	<input type="checkbox"/>	<input type="checkbox"/>
Agreement signed by Designated Official and witnesses	<input type="checkbox"/>	<input type="checkbox"/>
Agreement signed by Minister (or delegate) and witnesses	N/A	<input type="checkbox"/>

To be completed by community representative:

 Signature Title Date

To be completed by MAE representative

 Signature Title Date



Sample Council/Committee/ICG Resolution

The sample motion below is intended to be used for illustrative purposes only and communities can edit or change as required.

At the Meeting of Council/Committee/ICG on DATE, Council/Committee/ICG passed the following motion as it relates to the PROJECT NAME project (PROJECT NUMBER)

Motion # XXXXXX

Moved by NAME/TITLE and seconded by NAME/TITLE

BE IT RESOLVED to accept cost-shared funding as outlined in the Municipal Affairs and Environment project approval letter dated DATE to complete PROJECT NAME (PROJECT NUMBER) for PROJECT VALUE. COMMUNITY NAME agrees to provide MUNICIPAL SHARE VALUE in funding for this project and authorizes the Mayor/Chairperson/AngajukKâk and Town Clerk/Secretary to enter into a funding agreement with the Department of Municipal Affairs and Environment on behalf of COMMUNITY NAME.

Motion Adopted / Defeated

In Favor – XX

Opposed – XX

Abstained or declared conflict of interest – XX

GOVERNMENT OF NEWFOUNDLAND AND LABRADOR
DEPARTMENT OF MUNICIPAL AFFAIRS AND ENVIRONMENT
INFRASTRUCTURE PROJECT GUIDELINES

5th Edition

Effective April 2019

STATEMENT OF INTENT

1. It is essential for the Ultimate Recipient, their consultant and contractors to comply with the following Guidelines in order for the Project to be efficiently implemented, and to ensure that satisfactory cost controls are maintained.
2. The Department's infrastructure programs focus on projects in areas of existing development that address problems with existing infrastructure; facilitate scheduled upgrades or replacements; and make efficient use of infrastructure funding.
3. Funding will generally not be available for projects that are directly or indirectly intended to provide services to land for new developments (residential, commercial, industrial or municipal).

ADMINISTRATION

1. The Department's Project number shall be used on all correspondence, documents, status reports, etc., relating to this Project.
2. The primary point of contact is the Regional Office and specifically the Project Representative once identified.

TIMELINES

1. The Project delivery timelines are outlined in these Guideline for each stage of the capital works notification and implementation process. If the Ultimate Recipient expects to exceed any of these timelines, they must immediately submit a request to the Regional Office addressed to the Regional Engineer in writing, indicating the new anticipated dates as well as the cause of delay.
2. This request will be sent to the Director of Infrastructure for consideration. A decision will be communicated to the Ultimate Recipient in writing. The Director may provide an amended timeline based on the following considerations:
 - Scope and complexity of Project
 - Unanticipated environmental considerations
 - Extenuating circumstances that preclude the availability of key resources
3. Projects shall be cancelled if timelines are exceeded without approval by the Director.
4. Timelines

	Milestone	Routine Projects	Complex Projects
1	Acknowledgement from Ultimate Recipient of Offer of funding	2 weeks from notification of Project approval issued by the Minister	2 weeks from notification of Project approval issued by the Minister
2	Funding Agreement signed and returned to MAE Headquarters	60 Days from notification of Project approval issued by the Minister	60 Days from notification of Project approval issued by the Minister
3	All Contracts Awarded	24 Months from notification of Project approval issued by the Minister	36 Months from notification of Project approval issued by the Minister
4	Project Completion and final invoices submitted to MAE	36 Months from notification of Project approval issued by the Minister	48 Months from notification of Project approval issued by the Minister

Routine Projects - normally be completed within one construction season following contract award such as, water and sewer, pumphouse upgrades and road paving/repair projects

Complex Projects - projects that are typically considered multi-year construction or phased projects; such as, major municipal/recreational buildings, water and wastewater treatment plants

PROJECT KICK-OFF

1. The Ultimate Recipient shall not commence work until a Project initiation meeting has been held with the Regional Office of the Department. This meeting should be held within 30 days of signing the funding agreement. It is the responsibility of the Ultimate Recipient to make the arrangement for this meeting. Virtual meeting spaces are acceptable (skype, link, teleconference, etc.).
2. Agenda shall include but not limited to:
 - Funding agreement and guidelines, Department requirements
 - Project Scope
 - Specific Safety concerns
 - Time line
 - Procurement process, Public Procurement Act
 - The Department Guidelines
 - Federal funding terms and conditions (for federally funded projects)
 - Eligible expenses or projects costs
 - Commissioning

Project Closeout and Turnover

Build Better Building Policy and LEED

FINANCIAL

1. Funding is provided based on the Ultimate Recipient's assurance (bank letter, etc.) to this Department of its ability to meet its share of the cost as identified in the Agreement.
2. Approval to Borrow from the Department must be in place prior to start of work.
3. The Ultimate Recipient must meet its share of the Project costs, and the Department will not, under any circumstances, contribute by way of special grants or otherwise, any amount in excess of the approved Project costs.
4. If the Ultimate Recipient's financial position has changed since application and approval of the Project, so that it cannot meet its share, then the Regional Office shall be notified immediately in writing, and this Project will be cancelled.
5. In the event that a project is completed below the approved amount, the savings will not be available to the Ultimate Recipient to be used for any work outside the original scope. This does not apply to projects approved under the Multi-year Capital Works program.
6. The Department will NOT incur any interim interest charges during the Project.
7. Project funding has been reduced by the amount of GST/HST rebate. The Ultimate Recipient is required to apply for the appropriate rebates. The GST/HST rebate is to be used by the Ultimate Recipient as part of the project funding. Interim financing of the GST/HST rebate will be the responsibility of the Ultimate Recipient.
8. The Ultimate Recipient may not charge more than a nominal fee sufficient to cover royalties and reasonable equipment rental rates, including operator, if Ultimate Recipient equipment is used. Approval of the rates by the Regional Engineer is required before any costs can be incurred relating to the use of Ultimate Recipient equipment.
9. If requested by the Department, the Ultimate Recipient must submit an itemized list of all cheques issued including cheque number, date, payee and amount, together with a copy of the cancelled cheques.
10. The Ultimate Recipient will be responsible for all overruns or funding commitments that exceed the approved Project funding.

ENGINEERING SERVICES

1. The Regional Engineer's approval is required before the Ultimate Recipient can engage, or change a consulting (engineering, architectural, etc.) firm in relation to the Project.
2. Procurement of consulting and professional services must comply with the *Public Procurement Act*.
3. No consulting or professional services work is to be performed until the Prime Consultant

Agreement (PCA) has been approved by the Regional Office and signed by the Ultimate Recipient and Consultant.

4. The PCA must indicate the scope of work, the services, the deliverables, the fees and expenses to be charged, and a Project schedule. Rates charged are to be in line with the service rendered not necessarily the seniority of the professional staff involved.
5. Expenses of the Consultant are to be charged within the allowances set by the Government of Newfoundland and Labrador, HST is not an eligible expense for these expenses
 - Mileage -
https://www.exec.gov.nl.ca/exec/hrs/working_with_us/auto_reimbursement.html
 - Meal Rate Policy / Per Diem
https://www.exec.gov.nl.ca/exec/hrs/working_with_us/meal_rates.html
 - Transportation Policy
https://www.exec.gov.nl.ca/exec/hrs/working_with_us/transportation.html
6. Prior to signing the PCA the Consultant must forward a copy to the Regional Engineer for review and comment.
7. Once the PCA is acceptable to the Regional Engineer, the Consultant shall sign and forward 3 copies of the PCA to the Ultimate Recipient. The Ultimate Recipient will then sign all copies and forward one to the Regional Engineer, the Consultant and retain one copy for their own purposes.
8. The Consultant and any other agents of the Ultimate Recipient must liaise with the Regional Office on all aspects of the Project.
9. The prime Consultant and any other agents of the Ultimate Recipient must complete all applicable applications and forms required to obtain all relevant Permits to design and construct. The Regional Engineer requires a copy of these documents at the time of submission of plans and specifications for approval to tender.
10. Prior to tendering, the plans, specifications and a current detailed pre-tender cost estimate must be submitted to the Regional Engineer. Tenders cannot be called or contracts be awarded for the Project or any part of it without the approval of the Department.
11. The consultant must also submit, prior to tender call, a copy of the plans and specifications to the Ultimate Recipient and all relevant Government departments and agencies such as, Service NL, the Fire Commissioner's Office, Department of Transportation and Works, and other agencies that might have jurisdiction for approval.
12. Where applicable, the Consultant must produce a system operation and maintenance manual and submit it to the Ultimate Recipient. This will be reviewed by the Regional Engineer prior to final acceptance.
13. The Consultant must submit copies of the as-built drawings within two months of substantial completion of the Project, the preparation of which is to be included as one of the

professional services in the Consultant contract. Copies must be submitted to the Ultimate Recipient and the Regional Engineer.

CONSTRUCTION CONTRACT

1. A copy of the signed contract documents for the construction of the Project must be forwarded within one week of signing to the appropriate Regional Engineer. Contracts should be signed at the earliest opportunity. The Consultant must notify the Regional Office of the time and location of pre-design, design, preconstruction and construction meetings in a timely manner to allow a representative of the Regional Office an opportunity to attend.

EASEMENT AND RIGHTS-OF-WAY

1. It is the responsibility of the Ultimate Recipient and its prime consultants to ensure that all easements and rights-of-way are acquired before the contract is awarded.

CHANGE ORDERS (CONSULTANT AND CONTRACTOR)

1. All Change Orders are required to be pre-approved by the Regional Office.
2. The Ultimate Recipient should specifically note that all costs in excess of the approved funding amount indicated on the "Approval to Award" letter will be 100% responsibility of the Ultimate Recipient unless written approval of the Regional Engineer is obtained prior to the expenditure of the funds.

CONTRACT EXTENSION

1. Any extensions to a construction contract, if necessary, require the written approval of the Department. Unless exceptional circumstances apply, extensions will not normally be approved.

STATUS REPORTS

1. The Consultant must submit status reports within 10 business days of the end of each month to the Department's Regional Engineer and the Ultimate Recipient.
2. These reports must span from the date of appointment of the Consultant to the date of final completion of the Project.
3. The final status report must be marked as such.
4. Copies of all engineering invoices, change orders, substantial performance certificates and

contractor's progress payments associated with the Project must also be submitted with the monthly status report.

5. The Ultimate Recipient shall not pay engineering invoices unless the status report has been received and also shall not pay the final professional services invoice until the as-builts are received.

COMMUNICATIONS

JOINT COMMUNICATIONS

1. The Province, the Ultimate Recipient, and applicable funding agencies/partners may have Joint Communications about the Project's funding.
2. Joint Communications under these Guidelines should not occur without the prior knowledge and agreement of the Province.
3. All Joint Communications material will be approved by the Province prior to release, and will recognize the funding of all Parties.
4. Each of the Parties or the Ultimate Recipient may request Joint Communications to communicate progress or completion of the Project. The requestor shall provide at least 15 business days' notice to the other Parties or the Ultimate Recipient. If the Communications Activity is an event, it will take place at a mutually agreed date and location.
5. The requestor of the Joint Communications will provide an equal opportunity for the other Parties or the Ultimate Recipient to participate and choose their own designated representative (in the case of an event).
6. The conduct of all Joint Communications will follow the *Table of Precedence for Canada*.

INDIVIDUAL COMMUNICATIONS

1. Notwithstanding section 12.1 - Joint Communications, the Province and applicable funding agencies/partners retain the right to meet their obligations to communicate information about the Agreement and the use of funds through their own Communications Activities.
2. The Parties may each include general program messaging and examples of funded projects in their own Communications Activities. The authoring Party will not unreasonably restrict the use of such products or messaging by the other Parties, and if web or social-media based, from linking to it.
3. The Parties may issue digital communications to communicate progress of the Project.
4. The Ultimate Recipient will be required to send a minimum of one photograph of the construction in progress, or of the completed project, for use in social media and other digital individual communications activities. Sending the photos will constitute permission to use

and transfer of copyright. Photographs are to be sent to the Regional Office, along with project name, date and location.

SIGNAGE

1. Signage should be installed in a prominent and visible location that takes into consideration pedestrian and traffic safety and visibility.
2. Digital signage may also be used in addition or in place of a physical sign in cases where a physical sign would not be appropriate due to project type, scope, location or duration.
3. Signage must conform to the applicable federal and/or provincial signage guidelines.
4. Signs must be installed before construction commences and must be removed when the project is completed.
5. The prime Consultant must certify (via dated photograph) that the Project signs are in place before any progress claim is paid, photographs are to be submitted with first progress claim in MSIS.

PROJECTS CARRIED OUT ON A PROJECT MANAGEMENT BASIS - USING ULTIMATE RECIPIENT'S FORCES

1. Only in exceptional cases will projects be authorized to proceed with construction using own forces for the purposes of these Guidelines. Prior approval is required before proceeding on this basis, and must follow the Project management Guidelines.

ELIGIBLE COSTS

1. All costs considered by the Province to be direct and necessary for the successful implementation of an eligible project.
2. The incremental costs of employees of an Ultimate Recipient may be included as Eligible Expenditures for a Project under the following conditions:
 - The Ultimate Recipient is able to demonstrate that it is not economically feasible to tender a Contract; and
 - The arrangement is approved in advance and in writing by the Province.
3. Costs will only be eligible as of Project approval.

INELIGIBLE COSTS

1. Costs incurred before Project approval and any and all expenditures related to contracts signed prior to Project approval.
2. Costs Incurred for cancelled Projects
3. Leasing land, buildings and other facilities; leasing equipment other than equipment directly related to the construction of the Project; real estate fees and related costs.
4. Financing charges, legal fees, and loan interest payments.
5. Any goods and services costs which are received through donations or in kind.
6. Provincial sales tax, goods and services tax, or harmonized sales tax for which the Ultimate Recipient is eligible for a rebate, and any other costs eligible for rebates.
7. General maintenance and operational costs, except where such costs are direct and necessary as part of the overall Project.
8. Cost related to furnishings and non-fixed assets.
9. Costs related to new Sidewalks for any roads, except as approved by the Department.
10. Modification, upgrade or replacement of privately-owned infrastructure except when direct and necessary as part of the overall Project.
11. Infrastructure constructed by private developers and subsequently transferred to the Ultimate Recipients that did not meet current design and construction standards at the time of construction.
12. Landscaping, except to reinstate areas damaged as a result of the Project.
13. Legal fees.
14. Land surveys.
15. Media costs related to the project (e.g. Radio ads, newspaper, social media, etc.)
16. Cost of temporary facilities related to continuance of the Ultimate Recipient business for the duration of the Project.
17. Administration costs.
18. Construction Materials and Ultimate Recipient Labour (i.e. pipes, clamps) unless for a projects that has been pre-approved for Project management.
19. Costs to purchase digital Sign and mobile traffic control lights.
20. Vehicle rental/lease/purchase.

COSTS FOR ICIP PROJECTS

1. Eligible Project costs for Investing in Canada Infrastructure Plan (ICIP) are outlined in the Integrated Bilateral Agreement, can be copied here for references purposes only. The Agreement found at the following location governs this document.

- a. <https://www.infrastructure.gc.ca/prog/agreements-ententes/2018/2018-nl-eng.html#a.1>

ELIGIBLE EXPENDITURES

1. All costs considered by Canada to be direct and necessary for the successful implementation of an eligible Project, which may include capital costs, design and planning, and costs related to meeting specific Program requirements, including completing climate lens and creating community employment benefit plans;
2. Costs will only be eligible as of Project approval, except for costs associated with completing climate lens assessments, which are eligible before Project approval, but can only be paid if and when a Project is approved by Canada.

INELIGIBLE EXPENDITURES

1. Costs Incurred before Project approval and any and all expenditures related to Contracts signed prior to Project approval, except for expenditures associated with completing climate lens assessments as required;
2. Costs Incurred for cancelled Projects;
3. Land acquisition;
4. Leasing land, buildings and other facilities; leasing equipment other than equipment directly related to the construction of the Project; real estate fees and related costs;
5. Any overhead costs, including salaries and other employment benefits of any employees of the Ultimate Recipient, any direct or indirect operating or administrative costs of Ultimate Recipients, and more specifically any costs related to planning, engineering, architecture, supervision, management and other activities normally carried out by the Ultimate Recipient's staff.
6. Financing charges, legal fees, and loan interest payments, including those related to easements (e.g. surveys);
7. Any goods and services costs which are received through donations or in kind;
8. Provincial sales tax, goods and services tax, or harmonized sales tax for which the Ultimate Recipient is eligible for a rebate, and any other costs eligible for rebates;
9. Costs associated with operating expenses and regularly scheduled maintenance work;
10. Cost related to furnishing and non-fixed assets which are not essential for the operation of the Asset/Project; and
11. All capital costs, including site preparation and construction costs, until Canada has confirmed that environmental assessment and Aboriginal consultation obligations as required under sections 11 (Environmental Assessment) and 12 (Aboriginal Consultation) have been met and continue to be met.